

As Introduced

**136th General Assembly
Regular Session
2025-2026**

S. B. No. 385

Senator Johnson

To amend sections 109.572, 4731.07, 4731.071, 1
4731.224, 4731.2210, 4731.24, 4731.25, 4731.251, 2
4776.01, and 4776.20 and to enact sections 3
4789.02, 4789.03, 4789.04, 4789.05, 4789.06, 4
4789.07, 4789.08, 4789.09, 4789.10, 4789.11, 5
4789.12, and 4789.99 of the Revised Code to 6
license and regulate the practice of 7
naturopathic medicine. 8

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

Section 1. That sections 109.572, 4731.07, 4731.071, 9
4731.224, 4731.2210, 4731.24, 4731.25, 4731.251, 4776.01, and 10
4776.20 be amended and sections 4789.02, 4789.03, 4789.04, 11
4789.05, 4789.06, 4789.07, 4789.08, 4789.09, 4789.10, 4789.11, 12
4789.12, and 4789.99 of the Revised Code be enacted to read as 13
follows: 14

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 15
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 16
Code, a completed form prescribed pursuant to division (C) (1) of 17
this section, and a set of fingerprint impressions obtained in 18
the manner described in division (C) (2) of this section, the 19
superintendent of the bureau of criminal identification and 20
investigation shall conduct a criminal records check in the 21

manner described in division (B) of this section to determine 22
whether any information exists that indicates that the person 23
who is the subject of the request previously has been convicted 24
of or pleaded guilty to any of the following: 25

(a) A violation of section 2903.01, 2903.02, 2903.03, 26
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 27
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 28
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 29
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 30
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 31
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 32
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 33
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 34
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 35
of the Revised Code, felonious sexual penetration in violation 36
of former section 2907.12 of the Revised Code, a violation of 37
section 2905.04 of the Revised Code as it existed prior to July 38
1, 1996, a violation of section 2919.23 of the Revised Code that 39
would have been a violation of section 2905.04 of the Revised 40
Code as it existed prior to July 1, 1996, had the violation been 41
committed prior to that date, or a violation of section 2925.11 42
of the Revised Code that is not a minor drug possession offense; 43

(b) A violation of an existing or former law of this 44
state, any other state, or the United States that is 45
substantially equivalent to any of the offenses listed in 46
division (A) (1) (a) of this section; 47

(c) If the request is made pursuant to section 3319.39 of 48
the Revised Code for an applicant who is a teacher, any offense 49
specified under section 9.79 of the Revised Code or in section 50
3319.31 of the Revised Code. 51

(2) On receipt of a request pursuant to section 3712.09 or 52
3721.121 of the Revised Code, a completed form prescribed 53
pursuant to division (C)(1) of this section, and a set of 54
fingerprint impressions obtained in the manner described in 55
division (C)(2) of this section, the superintendent of the 56
bureau of criminal identification and investigation shall 57
conduct a criminal records check with respect to any person who 58
has applied for employment in a position for which a criminal 59
records check is required by those sections. The superintendent 60
shall conduct the criminal records check in the manner described 61
in division (B) of this section to determine whether any 62
information exists that indicates that the person who is the 63
subject of the request previously has been convicted of or 64
pleaded guilty to any of the following: 65

(a) A violation of section 2903.01, 2903.02, 2903.03, 66
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 67
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 68
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 69
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 70
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 71
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 72
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 73
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 74

(b) An existing or former law of this state, any other 75
state, or the United States that is substantially equivalent to 76
any of the offenses listed in division (A)(2)(a) of this 77
section. 78

(3) On receipt of a request pursuant to section 173.27, 79
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 80
5123.081, or 5123.169 of the Revised Code, a completed form 81

prescribed pursuant to division (C) (1) of this section, and a 82
set of fingerprint impressions obtained in the manner described 83
in division (C) (2) of this section, the superintendent of the 84
bureau of criminal identification and investigation shall 85
conduct a criminal records check of the person for whom the 86
request is made. The superintendent shall conduct the criminal 87
records check in the manner described in division (B) of this 88
section to determine whether any information exists that 89
indicates that the person who is the subject of the request 90
previously has been convicted of, has pleaded guilty to, or 91
(except in the case of a request pursuant to section 5164.34,
5164.341, or 5164.342 of the Revised Code) has been found 92
eligible for intervention in lieu of conviction for any of the 93
following, regardless of the date of the conviction, the date of 94
entry of the guilty plea, or (except in the case of a request 95
pursuant to section 5164.34, 5164.341, or 5164.342 of the 96
Revised Code) the date the person was found eligible for 97
intervention in lieu of conviction: 98
99

(a) A violation of section 959.13, 959.131, 2903.01, 100
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 101
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 102
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 103
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 104
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 105
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 106
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 107
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 108
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 109
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 110
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 111
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 112

2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24,	113
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,	114
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21,	115
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05,	116
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23,	117
2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the	118
Revised Code;	119
(b) Felonious sexual penetration in violation of former	120
section 2907.12 of the Revised Code;	121
(c) A violation of section 2905.04 of the Revised Code as	122
it existed prior to July 1, 1996;	123
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	124
the Revised Code when the underlying offense that is the object	125
of the conspiracy, attempt, or complicity is one of the offenses	126
listed in divisions (A) (3) (a) to (c) of this section;	127
(e) A violation of an existing or former municipal	128
ordinance or law of this state, any other state, or the United	129
States that is substantially equivalent to any of the offenses	130
listed in divisions (A) (3) (a) to (d) of this section.	131
(4) On receipt of a request pursuant to section 2151.86,	132
2151.904, or 5103.053 of the Revised Code, a completed form	133
prescribed pursuant to division (C) (1) of this section, and a	134
set of fingerprint impressions obtained in the manner described	135
in division (C) (2) of this section, the superintendent of the	136
bureau of criminal identification and investigation shall	137
conduct a criminal records check in the manner described in	138
division (B) of this section to determine whether any	139
information exists that indicates that the person who is the	140
subject of the request previously has been convicted of or	141

pleaded guilty to any of the following:	142
(a) A violation of section 959.13, 2151.421, 2903.01,	143
2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11,	144
2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22,	145
2903.32, 2903.34, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02,	146
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09,	147
2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32,	148
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22,	149
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49,	150
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12,	151
2923.13, 2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04,	152
2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24,	153
2925.31, 2925.32, 2925.36, 2925.37, 2927.12, or 3716.11 of the	154
Revised Code, a violation of section 2905.04 of the Revised Code	155
as it existed prior to July 1, 1996, a violation of section	156
2919.23 of the Revised Code that would have been a violation of	157
section 2905.04 of the Revised Code as it existed prior to July	158
1, 1996, had the violation been committed prior to that date, a	159
violation of section 2925.11 of the Revised Code that is not a	160
minor drug possession offense, two or more OVI or OVUAC	161
violations committed within the three years immediately	162
preceding the submission of the application or petition that is	163
the basis of the request, or felonious sexual penetration in	164
violation of former section 2907.12 of the Revised Code, or a	165
violation of Chapter 2919. of the Revised Code that is a felony;	166
(b) A violation of an existing or former law of this	167
state, any other state, or the United States that is	168
substantially equivalent to any of the offenses listed in	169
division (A) (4) (a) of this section.	170
(5) Upon receipt of a request pursuant to section 5104.013	171

of the Revised Code, a completed form prescribed pursuant to 172
division (C)(1) of this section, and a set of fingerprint 173
impressions obtained in the manner described in division (C)(2) 174
of this section, the superintendent of the bureau of criminal 175
identification and investigation shall conduct a criminal 176
records check in the manner described in division (B) of this 177
section to determine whether any information exists that 178
indicates that the person who is the subject of the request has 179
been convicted of or pleaded guilty to any of the following: 180

(a) A violation of section 2151.421, 2903.01, 2903.02, 181
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 182
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 183
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 184
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 185
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 186
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 187
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 188
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 189
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 190
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 191
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 192
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 193
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 194
3716.11 of the Revised Code, felonious sexual penetration in 195
violation of former section 2907.12 of the Revised Code, a 196
violation of section 2905.04 of the Revised Code as it existed 197
prior to July 1, 1996, a violation of section 2919.23 of the 198
Revised Code that would have been a violation of section 2905.04 199
of the Revised Code as it existed prior to July 1, 1996, had the 200
violation been committed prior to that date, a violation of 201
section 2925.11 of the Revised Code that is not a minor drug 202

possession offense, a violation of section 2923.02 or 2923.03 of 203
the Revised Code that relates to a crime specified in this 204
division, or a second violation of section 4511.19 of the 205
Revised Code within five years of the date of application for 206
licensure or certification. 207

(b) A violation of an existing or former law of this 208
state, any other state, or the United States that is 209
substantially equivalent to any of the offenses or violations 210
described in division (A) (5) (a) of this section. 211

(6) Upon receipt of a request pursuant to section 5153.111 212
of the Revised Code, a completed form prescribed pursuant to 213
division (C) (1) of this section, and a set of fingerprint 214
impressions obtained in the manner described in division (C) (2) 215
of this section, the superintendent of the bureau of criminal 216
identification and investigation shall conduct a criminal 217
records check in the manner described in division (B) of this 218
section to determine whether any information exists that 219
indicates that the person who is the subject of the request 220
previously has been convicted of or pleaded guilty to any of the 221
following: 222

(a) A violation of section 2903.01, 2903.02, 2903.03, 223
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 224
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 225
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 226
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 227
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 228
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 229
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 230
Code, felonious sexual penetration in violation of former 231
section 2907.12 of the Revised Code, a violation of section 232

2905.04 of the Revised Code as it existed prior to July 1, 1996, 233
a violation of section 2919.23 of the Revised Code that would 234
have been a violation of section 2905.04 of the Revised Code as 235
it existed prior to July 1, 1996, had the violation been 236
committed prior to that date, or a violation of section 2925.11 237
of the Revised Code that is not a minor drug possession offense; 238

(b) A violation of an existing or former law of this 239
state, any other state, or the United States that is 240
substantially equivalent to any of the offenses listed in 241
division (A) (6) (a) of this section. 242

(7) On receipt of a request for a criminal records check 243
from an individual pursuant to section 4749.03 or 4749.06 of the 244
Revised Code, accompanied by a completed copy of the form 245
prescribed in division (C) (1) of this section and a set of 246
fingerprint impressions obtained in a manner described in 247
division (C) (2) of this section, the superintendent of the 248
bureau of criminal identification and investigation shall 249
conduct a criminal records check in the manner described in 250
division (B) of this section to determine whether any 251
information exists indicating that the person who is the subject 252
of the request has been convicted of or pleaded guilty to any 253
criminal offense in this state or in any other state. If the 254
individual indicates that a firearm will be carried in the 255
course of business, the superintendent shall require information 256
from the federal bureau of investigation as described in 257
division (B) (2) of this section. Subject to division (F) of this 258
section, the superintendent shall report the findings of the 259
criminal records check and any information the federal bureau of 260
investigation provides to the director of public safety. 261

(8) On receipt of a request pursuant to section 1321.37, 262

1321.53, or 4763.05 of the Revised Code, a completed form 263
prescribed pursuant to division (C)(1) of this section, and a 264
set of fingerprint impressions obtained in the manner described 265
in division (C)(2) of this section, the superintendent of the 266
bureau of criminal identification and investigation shall 267
conduct a criminal records check with respect to any person who 268
has applied for a license, permit, or certification from the 269
department of commerce or a division in the department. The 270
superintendent shall conduct the criminal records check in the 271
manner described in division (B) of this section to determine 272
whether any information exists that indicates that the person 273
who is the subject of the request previously has been convicted 274
of or pleaded guilty to any criminal offense in this state, any 275
other state, or the United States. 276

(9) On receipt of a request for a criminal records check 277
from the treasurer of state under section 113.041 of the Revised 278
Code or from an individual under section 928.03, 4701.08, 279
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 280
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 281
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 282
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.21, 283
4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 284
4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 285
4778.04, 4778.07, 4779.091, ~~or~~ 4783.04, 4789.04, or 4789.07 of 286
the Revised Code, accompanied by a completed form prescribed 287
under division (C)(1) of this section and a set of fingerprint 288
impressions obtained in the manner described in division (C)(2) 289
of this section, the superintendent of the bureau of criminal 290
identification and investigation shall conduct a criminal 291
records check in the manner described in division (B) of this 292
section to determine whether any information exists that 293

indicates that the person who is the subject of the request has 294
been convicted of or pleaded guilty to any criminal offense in 295
this state or any other state. Subject to division (F) of this 296
section, the superintendent shall send the results of a check 297
requested under section 113.041 of the Revised Code to the 298
treasurer of state and shall send the results of a check 299
requested under any of the other listed sections to the 300
licensing board specified by the individual in the request. 301

(10) On receipt of a request pursuant to section 124.74, 302
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 303
Code, a completed form prescribed pursuant to division (C) (1) of 304
this section, and a set of fingerprint impressions obtained in 305
the manner described in division (C) (2) of this section, the 306
superintendent of the bureau of criminal identification and 307
investigation shall conduct a criminal records check in the 308
manner described in division (B) of this section to determine 309
whether any information exists that indicates that the person 310
who is the subject of the request previously has been convicted 311
of or pleaded guilty to any criminal offense under any existing 312
or former law of this state, any other state, or the United 313
States. 314

(11) On receipt of a request for a criminal records check 315
from an appointing or licensing authority under section 3772.07 316
of the Revised Code, a completed form prescribed under division 317
(C) (1) of this section, and a set of fingerprint impressions 318
obtained in the manner prescribed in division (C) (2) of this 319
section, the superintendent of the bureau of criminal 320
identification and investigation shall conduct a criminal 321
records check in the manner described in division (B) of this 322
section to determine whether any information exists that 323
indicates that the person who is the subject of the request 324

previously has been convicted of or pleaded guilty or no contest 325
to any offense under any existing or former law of this state, 326
any other state, or the United States that makes the person 327
ineligible for appointment or retention under section 3772.07 of 328
the Revised Code or that is a disqualifying offense as defined 329
in that section or substantially equivalent to a disqualifying 330
offense, as applicable. 331

(12) On receipt of a request pursuant to section 2151.33 332
or 2151.412 of the Revised Code, a completed form prescribed 333
pursuant to division (C)(1) of this section, and a set of 334
fingerprint impressions obtained in the manner described in 335
division (C)(2) of this section, the superintendent of the 336
bureau of criminal identification and investigation shall 337
conduct a criminal records check with respect to any person for 338
whom a criminal records check is required under that section. 339
The superintendent shall conduct the criminal records check in 340
the manner described in division (B) of this section to 341
determine whether any information exists that indicates that the 342
person who is the subject of the request previously has been 343
convicted of or pleaded guilty to any of the following: 344

(a) A violation of section 2903.01, 2903.02, 2903.03, 345
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 346
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 347
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 348
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 349
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 350
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 351
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 352
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 353

(b) An existing or former law of this state, any other 354

state, or the United States that is substantially equivalent to 355
any of the offenses listed in division (A) (12) (a) of this 356
section. 357

(13) On receipt of a request pursuant to section 3796.12 358
of the Revised Code, a completed form prescribed pursuant to 359
division (C) (1) of this section, and a set of fingerprint 360
impressions obtained in a manner described in division (C) (2) of 361
this section, the superintendent of the bureau of criminal 362
identification and investigation shall conduct a criminal 363
records check in the manner described in division (B) of this 364
section to determine whether any information exists that 365
indicates that the person who is the subject of the request 366
previously has been convicted of or pleaded guilty to a 367
disqualifying offense as specified in rules adopted under 368
division (B) (2) (b) of section 3796.03 of the Revised Code if the 369
person who is the subject of the request is an administrator or 370
other person responsible for the daily operation of, or an owner 371
or prospective owner, officer or prospective officer, or board 372
member or prospective board member of, an entity seeking a 373
license from the department of commerce under Chapter 3796. of 374
the Revised Code. 375

(14) On receipt of a request required by section 3796.13 376
of the Revised Code, a completed form prescribed pursuant to 377
division (C) (1) of this section, and a set of fingerprint 378
impressions obtained in a manner described in division (C) (2) of 379
this section, the superintendent of the bureau of criminal 380
identification and investigation shall conduct a criminal 381
records check in the manner described in division (B) of this 382
section to determine whether any information exists that 383
indicates that the person who is the subject of the request 384
previously has been convicted of or pleaded guilty to a 385

disqualifying offense as specified in rules adopted under 386
section 9.79 and division (B) of section 3796.03 of the Revised 387
Code if the person who is the subject of the request is seeking 388
employment with an entity licensed by the department of commerce 389
under Chapter 3796. of the Revised Code. 390

(15) On receipt of a request pursuant to section 4768.06 391
of the Revised Code, a completed form prescribed under division 392
(C) (1) of this section, and a set of fingerprint impressions 393
obtained in the manner described in division (C) (2) of this 394
section, the superintendent of the bureau of criminal 395
identification and investigation shall conduct a criminal 396
records check in the manner described in division (B) of this 397
section to determine whether any information exists indicating 398
that the person who is the subject of the request has been 399
convicted of or pleaded guilty to any criminal offense in this 400
state or in any other state. 401

(16) On receipt of a request pursuant to division (B) of 402
section 4764.07 or division (A) of section 4735.143 of the 403
Revised Code, a completed form prescribed under division (C) (1) 404
of this section, and a set of fingerprint impressions obtained 405
in the manner described in division (C) (2) of this section, the 406
superintendent of the bureau of criminal identification and 407
investigation shall conduct a criminal records check in the 408
manner described in division (B) of this section to determine 409
whether any information exists indicating that the person who is 410
the subject of the request has been convicted of or pleaded 411
guilty to any criminal offense in any state or the United 412
States. 413

(17) On receipt of a request for a criminal records check 414
under section 147.022 of the Revised Code, a completed form 415

prescribed under division (C) (1) of this section, and a set of 416
fingerprint impressions obtained in the manner prescribed in 417
division (C) (2) of this section, the superintendent of the 418
bureau of criminal identification and investigation shall 419
conduct a criminal records check in the manner described in 420
division (B) of this section to determine whether any 421
information exists that indicates that the person who is the 422
subject of the request previously has been convicted of or 423
pleaded guilty or no contest to any criminal offense under any 424
existing or former law of this state, any other state, or the 425
United States. 426

(18) Upon receipt of a request pursuant to division (F) of 427
section 2915.081 or division (E) of section 2915.082 of the 428
Revised Code, a completed form prescribed under division (C) (1) 429
of this section, and a set of fingerprint impressions obtained 430
in the manner described in division (C) (2) of this section, the 431
superintendent of the bureau of criminal identification and 432
investigation shall conduct a criminal records check in the 433
manner described in division (B) of this section to determine 434
whether any information exists indicating that the person who is 435
the subject of the request has been convicted of or pleaded 436
guilty or no contest to any offense that is a violation of 437
Chapter 2915. of the Revised Code or to any offense under any 438
existing or former law of this state, any other state, or the 439
United States that is substantially equivalent to such an 440
offense. 441

(19) On receipt of a request pursuant to section 3775.03 442
of the Revised Code, a completed form prescribed under division 443
(C) (1) of this section, and a set of fingerprint impressions 444
obtained in the manner described in division (C) (2) of this 445
section, the superintendent of the bureau of criminal 446

identification and investigation shall conduct a criminal 447
records check in the manner described in division (B) of this 448
section and shall request information from the federal bureau of 449
investigation to determine whether any information exists 450
indicating that the person who is the subject of the request has 451
been convicted of any offense under any existing or former law 452
of this state, any other state, or the United States that is a 453
disqualifying offense as defined in section 3772.07 of the 454
Revised Code. 455

(B) Subject to division (F) of this section, the 456
superintendent shall conduct any criminal records check to be 457
conducted under this section as follows: 458

(1) The superintendent shall review or cause to be 459
reviewed any relevant information gathered and compiled by the 460
bureau under division (A) of section 109.57 of the Revised Code 461
that relates to the person who is the subject of the criminal 462
records check, including, if the criminal records check was 463
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 464
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 465
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 466
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 467
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 468
4768.06, 5103.053, 5104.013, 5164.34, 5164.341, 5164.342, 469
5123.081, 5123.169, or 5153.111 of the Revised Code, any 470
relevant information contained in records that have been sealed 471
under section 2953.32 of the Revised Code; 472

(2) If the request received by the superintendent asks for 473
information from the federal bureau of investigation, the 474
superintendent shall request from the federal bureau of 475
investigation any information it has with respect to the person 476

who is the subject of the criminal records check, including 477
fingerprint-based checks of national crime information databases 478
as described in 42 U.S.C. 671 if the request is made pursuant to 479
section 2151.86, 5103.053, or 5104.013 of the Revised Code or if 480
any other Revised Code section requires fingerprint-based checks 481
of that nature, and shall review or cause to be reviewed any 482
information the superintendent receives from that bureau. If a 483
request under section 3319.39 of the Revised Code asks only for 484
information from the federal bureau of investigation, the 485
superintendent shall not conduct the review prescribed by 486
division (B)(1) of this section. 487

(3) The superintendent or the superintendent's designee 488
may request criminal history records from other states or the 489
federal government pursuant to the national crime prevention and 490
privacy compact set forth in section 109.571 of the Revised 491
Code. 492

(4) The superintendent shall include in the results of the 493
criminal records check a list or description of the offenses 494
listed or described in the relevant provision of division (A) of 495
this section. The superintendent shall exclude from the results 496
any information the dissemination of which is prohibited by 497
federal law. 498

(5) The superintendent shall send the results of the 499
criminal records check to the person to whom it is to be sent 500
not later than the following number of days after the date the 501
superintendent receives the request for the criminal records 502
check, the completed form prescribed under division (C)(1) of 503
this section, and the set of fingerprint impressions obtained in 504
the manner described in division (C)(2) of this section: 505

(a) If the superintendent is required by division (A) of 506

this section (other than division (A) (3) of this section) to 507
conduct the criminal records check, thirty; 508

(b) If the superintendent is required by division (A) (3) 509
of this section to conduct the criminal records check, sixty. 510

(C) (1) The superintendent shall prescribe a form to obtain 511
the information necessary to conduct a criminal records check 512
from any person for whom a criminal records check is to be 513
conducted under this section. The form that the superintendent 514
prescribes pursuant to this division may be in a tangible 515
format, in an electronic format, or in both tangible and 516
electronic formats. 517

(2) The superintendent shall prescribe standard impression 518
sheets to obtain the fingerprint impressions of any person for 519
whom a criminal records check is to be conducted under this 520
section. Any person for whom a records check is to be conducted 521
under this section shall obtain the fingerprint impressions at a 522
county sheriff's office, municipal police department, or any 523
other entity with the ability to make fingerprint impressions on 524
the standard impression sheets prescribed by the superintendent. 525
The office, department, or entity may charge the person a 526
reasonable fee for making the impressions. The standard 527
impression sheets the superintendent prescribes pursuant to this 528
division may be in a tangible format, in an electronic format, 529
or in both tangible and electronic formats. 530

(3) Subject to division (D) of this section, the 531
superintendent shall prescribe and charge a reasonable fee for 532
providing a criminal records check under this section. The 533
person requesting the criminal records check shall pay the fee 534
prescribed pursuant to this division. In the case of a request 535
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 536

1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 537
fee shall be paid in the manner specified in that section. 538

(4) The superintendent of the bureau of criminal 539
identification and investigation may prescribe methods of 540
forwarding fingerprint impressions and information necessary to 541
conduct a criminal records check, which methods shall include, 542
but not be limited to, an electronic method. 543

(D) The results of a criminal records check conducted 544
under this section, other than a criminal records check 545
specified in division (A)(7) of this section, are valid for the 546
person who is the subject of the criminal records check for a 547
period of one year from the date upon which the superintendent 548
completes the criminal records check. If during that period the 549
superintendent receives another request for a criminal records 550
check to be conducted under this section for that person, the 551
superintendent shall provide the results from the previous 552
criminal records check of the person at a lower fee than the fee 553
prescribed for the initial criminal records check. 554

(E) When the superintendent receives a request for 555
information from a registered private provider, the 556
superintendent shall proceed as if the request was received from 557
a school district board of education under section 3319.39 of 558
the Revised Code. The superintendent shall apply division (A)(1) 559
(c) of this section to any such request for an applicant who is 560
a teacher. 561

(F)(1) Subject to division (F)(2) of this section, all 562
information regarding the results of a criminal records check 563
conducted under this section that the superintendent reports or 564
sends under division (A)(7) or (9) of this section to the 565
director of public safety, the treasurer of state, or the 566

person, board, or entity that made the request for the criminal 567
records check shall relate to the conviction of the subject 568
person, or the subject person's plea of guilty to, a criminal 569
offense. 570

(2) Division (F)(1) of this section does not limit, 571
restrict, or preclude the superintendent's release of 572
information that relates to the arrest of a person who is 573
eighteen years of age or older, to an adjudication of a child as 574
a delinquent child, or to a criminal conviction of a person 575
under eighteen years of age in circumstances in which a release 576
of that nature is authorized under division (E)(2), (3), or (4) 577
of section 109.57 of the Revised Code pursuant to a rule adopted 578
under division (E)(1) of that section. 579

(G) As used in this section: 580

(1) "Criminal records check" means any criminal records 581
check conducted by the superintendent of the bureau of criminal 582
identification and investigation in accordance with division (B) 583
of this section. 584

(2) "Minor drug possession offense" has the same meaning 585
as in section 2925.01 of the Revised Code. 586

(3) "OVI or OVUAC violation" means a violation of section 587
4511.19 of the Revised Code or a violation of an existing or 588
former law of this state, any other state, or the United States 589
that is substantially equivalent to section 4511.19 of the 590
Revised Code. 591

(4) "Registered private provider" means a nonpublic school 592
or entity registered with the department of education and 593
workforce under section 3310.41 of the Revised Code to 594
participate in the autism scholarship program or section 3310.58 595

of the Revised Code to participate in the Jon Peterson special 596
needs scholarship program. 597

Sec. 4731.07. (A) The state medical board shall keep a 598
record of its proceedings. The minutes of a meeting of the board 599
shall, on approval by the board, constitute an official record 600
of its proceedings. 601

(B) The board shall keep a register of applicants for 602
licenses and certificates issued under this chapter; licenses 603
issued under Chapters 4730., 4760., 4762., 4772., 4774., ~~and~~ 604
4778., and 4789.; and licenses and limited permits issued under 605
Chapters 4759. and 4761. of the Revised Code. The register shall 606
show the name of the applicant and whether the applicant was 607
granted or refused the license, certificate, or limited permit 608
being sought. 609

With respect to applicants to practice medicine and 610
surgery or osteopathic medicine and surgery, the register shall 611
show the name of the institution that granted the applicant the 612
degree of doctor of medicine or osteopathic medicine. With 613
respect to applicants to practice respiratory care, the register 614
shall show the ~~addresses~~ address of the person's last known 615
place of business, the effective date and identification number 616
of the license or limited permit, and, if applicable, the name 617
and location of the institution that granted the person's degree 618
or certificate of completion of respiratory care educational 619
requirements and the date the degree or certificate of 620
completion was issued. 621

(C) The books and records of the board shall be prima- 622
facie evidence of matters therein contained. 623

Sec. 4731.071. The state medical board shall develop and 624

publish on its internet web site a directory containing the 625
names of, and business address for, all persons who hold 626
current, valid certificates or licenses issued by the board 627
under this chapter or Chapter 4730., 4759., 4760., 4761., 4762., 628
4772., 4774., ~~or 4778.~~, or 4789. of the Revised Code. Except as 629
provided in section 4731.10 of the Revised Code, the directory 630
shall be the sole source for verifying that a person holds a 631
current, valid certificate or license issued by the board. 632

Sec. 4731.224. (A) As used in this section: 633

(1) "Criminal conduct" means any conduct that would 634
constitute a felony, a misdemeanor committed in the course of 635
medical practice, an offense of violence, or a sexually oriented 636
offense, as defined in section 2950.01 of the Revised Code, 637
regardless of whether a criminal charge has been filed or the 638
location in this state where the conduct occurred. 639

(2) "Sexual misconduct" means conduct that exploits the 640
licensee-patient relationship in a sexual way, whether verbal or 641
physical, and may include the expression of thoughts, feelings, 642
or gestures that are sexual or that reasonably may be construed 643
by a patient as sexual. Sexual misconduct includes sexual 644
impropriety, sexual contact, and sexual interaction as defined 645
by the state medical board in rules adopted in accordance with 646
Chapter 119. of the Revised Code. 647

(B) (1) Within thirty days after the imposition of any 648
formal disciplinary action taken by any health care facility, 649
including a hospital, health care facility operated by a health 650
insuring corporation, ambulatory surgical center, or similar 651
facility, against any individual holding a valid license or 652
certificate to practice issued pursuant to this chapter, the 653
chief administrator or executive officer of the facility shall 654

report to the state medical board the name of the individual, 655
the action taken by the facility, and a summary of the 656
underlying facts leading to the action taken. Upon request, the 657
board shall be provided certified copies of the patient records 658
that were the basis for the facility's action. Prior to release 659
to the board, the summary shall be approved by the peer review 660
committee that reviewed the case or by the governing board of 661
the facility. As used in this division, "formal disciplinary 662
action" means any action resulting in the revocation, 663
restriction, reduction, or termination of clinical privileges 664
for violations of professional ethics, or for reasons of medical 665
incompetence or medical malpractice. "Formal disciplinary 666
action" includes a summary action, an action that takes effect 667
notwithstanding any appeal rights that may exist, and an action 668
that results in an individual surrendering clinical privileges 669
while under investigation and during proceedings regarding the 670
action being taken or in return for not being investigated or 671
having proceedings held. "Formal disciplinary action" does not 672
include any action taken for the sole reason of failure to 673
maintain records on a timely basis or failure to attend staff or 674
section meetings. 675

The filing or nonfiling of a report with the board, 676
investigation by the board, or any disciplinary action taken by 677
the board, shall not preclude any action by a health care 678
facility to suspend, restrict, or revoke the individual's 679
clinical privileges. 680

In the absence of fraud or bad faith, no individual or 681
entity that provides patient records to the board shall be 682
liable in damages to any person as a result of providing the 683
records. 684

(2) Within thirty days after commencing an investigation 685
regarding criminal conduct or sexual misconduct against any 686
individual holding a valid license or certificate to practice 687
issued pursuant to this chapter, a health care facility, 688
including a hospital, health care facility operated by a health 689
insuring corporation, ambulatory surgical center, or similar 690
facility, shall report to the board the name of the individual 691
and a summary of the underlying facts related to the 692
investigation being commenced. 693

(C) (1) Except as provided in division (C) (2) of this 694
section and subject to division (C) (3) of this section, if any 695
individual authorized to practice under this chapter or any 696
professional association or society of such individuals believes 697
that a violation of any provision of this chapter, Chapter 698
4730., 4759., 4760., 4761., 4762., 4772., 4774., ~~or 4778.~~, or 699
4789. of the Revised Code, or any rule of the board has 700
occurred, the individual, association, or society shall report 701
to the board the information upon which the belief is based. 702

(2) If any individual authorized to practice under this 703
chapter or any professional association or society of such 704
individuals believes that a violation of division (B) (19) or 705
(26) of section 4731.22 of the Revised Code has occurred, the 706
individual, association, or society shall report the information 707
upon which the belief is based to the monitoring organization 708
conducting the ~~confidential monitoring~~ program established by 709
the board under section 4731.25 of the Revised Code. If any such 710
report is made to the board, it shall be referred to the 711
monitoring organization unless the board is aware that the 712
individual who is the subject of the report does not meet the 713
program eligibility requirements of section 4731.252 of the 714
Revised Code. 715

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

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

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

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

professional incompetence or professional malpractice, within 746
thirty days after a final decision shall report to the board, on 747
forms prescribed and provided by the board, the name of the 748
individual, the action taken by the professional organization, 749
and a summary of the underlying facts leading to the action 750
taken. 751

The filing of a report with the board or decision not to 752
file a report, investigation by the board, or any disciplinary 753
action taken by the board, does not preclude a professional 754
organization from taking disciplinary action against an 755
individual. 756

(E) Any insurer providing professional liability insurance 757
to an individual authorized to practice under this chapter, or 758
any other entity that seeks to indemnify the professional 759
liability of such an individual, shall notify the board within 760
thirty days after the final disposition of any written claim for 761
damages where such disposition results in a payment exceeding 762
twenty-five thousand dollars. The notice shall contain the 763
following information: 764

(1) The name and address of the person submitting the 765
notification; 766

(2) The name and address of the insured who is the subject 767
of the claim; 768

(3) The name of the person filing the written claim; 769

(4) The date of final disposition; 770

(5) If applicable, the identity of the court in which the 771
final disposition of the claim took place. 772

(F) The board may investigate possible violations of this 773

chapter or the rules adopted under it that are brought to its 774
attention as a result of the reporting requirements of this 775
section, except that the board shall conduct an investigation if 776
a possible violation involves repeated malpractice. As used in 777
this division, "repeated malpractice" means three or more claims 778
for medical malpractice within the previous five-year period, 779
each resulting in a judgment or settlement in excess of twenty- 780
five thousand dollars in favor of the claimant, and each 781
involving negligent conduct by the practicing individual. 782

(G) All summaries, reports, and records received and 783
maintained by the board pursuant to this section shall be 784
confidential pursuant to division (F) (5) of section 4731.22 of 785
the Revised Code. 786

(H) Except for reports filed by an individual pursuant to 787
division (B) (2) or (C) of this section, the board shall send a 788
copy of any reports or summaries it receives pursuant to this 789
section to the individual who is the subject of the reports or 790
summaries. The individual shall have the right to file a 791
statement with the board concerning the correctness or relevance 792
of the information. The statement shall at all times accompany 793
that part of the record in contention. 794

(I) An individual or entity that, pursuant to this 795
section, reports to the board, reports to the monitoring 796
organization described in section 4731.25 of the Revised Code, 797
or refers an impaired practitioner to a treatment provider 798
~~approved by the board~~ under section 4731.251 of the Revised Code 799
shall not be subject to suit for civil damages as a result of 800
the report, referral, or provision of the information. 801

(J) In the absence of fraud or bad faith, no professional 802
association or society of individuals authorized to practice 803

under this chapter that sponsors a committee or program to 804
provide peer assistance to practitioners with substance abuse 805
problems, no representative or agent of such a committee or 806
program, no representative or agent of the monitoring 807
organization described in section 4731.25 of the Revised Code, 808
and no member of the state medical board shall be held liable in 809
damages to any person by reason of actions taken to refer a 810
practitioner to a treatment provider approved under section 811
4731.251 of the Revised Code for examination or treatment. 812

Sec. 4731.2210. (A) As used in this section: 813

(1) "Key third party" means an individual closely involved 814
in a patient's decision-making regarding health care services, 815
including a patient's spouse or partner, parents, children, 816
siblings, or guardians. An individual's status as a key third 817
party ceases upon termination of a practitioner-patient 818
relationship or termination of the relationship between a 819
patient and the individual. 820

(2) "Practitioner" means any of the following: 821

(a) An individual authorized under this chapter to 822
practice medicine and surgery, osteopathic medicine and surgery, 823
podiatric medicine and surgery, or a limited branch of medicine; 824

(b) An individual licensed under Chapter 4730. of the 825
Revised Code to practice as a physician assistant; 826

(c) An individual authorized under Chapter 4759. of the 827
Revised Code to practice as a dietitian; 828

(d) An individual authorized under Chapter 4760. of the 829
Revised Code to practice as an anesthesiologist assistant; 830

(e) An individual authorized under Chapter 4761. of the 831

Revised Code to practice respiratory care;	832
(f) An individual authorized under Chapter 4762. of the	833
Revised Code to practice as an acupuncturist;	834
(g) An individual authorized under Chapter 4772. of the	835
Revised Code to practice as a certified mental health assistant;	836
(h) An individual authorized under Chapter 4774. of the	837
Revised Code to practice as a radiologist assistant;	838
(i) An individual licensed under Chapter 4778. of the	839
Revised Code to practice as a genetic counselor;	840
<u>(j) An individual licensed under Chapter 4789. of the</u>	841
<u>Revised Code to practice naturopathic medicine.</u>	842
(3) "Sexual misconduct" has the same meaning as in section	843
4731.224 of the Revised Code.	844
(B) Except as provided in division (D) of this section,	845
the state medical board may require a practitioner that is	846
subject to a probationary order of the board that involves a	847
circumstance described in division (C) of this section, to	848
provide to each patient, or to the patient's guardian or a key	849
third party, a written disclosure signed by the practitioner	850
that includes all of the following:	851
(1) The practitioner's probation status;	852
(2) The total length of the probation;	853
(3) The probation end date;	854
(4) Practice restrictions placed on the practitioner by	855
the board;	856
(5) The board's telephone number;	857

(6) An explanation of how the patient can find additional 858
information regarding the probation on the practitioner's 859
profile page on the board's internet web site. 860

The written disclosure, if required by the board, shall be 861
provided before the patient's first visit following the 862
probationary order of the board. The practitioner shall obtain a 863
copy of the disclosure signed by the patient, or the patient's 864
guardian or a key third party, and maintain the signed copy in 865
the patient's medical record. The signed copy shall be made 866
available to the board immediately upon request. 867

(C) The written disclosure described in division (B) of 868
this section applies in both of the following circumstances: 869

(1) Issuance by the board of a final order, final 870
adjudicative order under Chapter 119. of the Revised Code, or a 871
consent agreement that is ratified by an affirmative vote of not 872
fewer than six members of the board establishing any of the 873
following: 874

(a) Commission of any act of sexual misconduct with a 875
patient or key third party; 876

(b) Drug or alcohol abuse directly resulting in patient 877
harm, or that impairs the ability of the practitioner to 878
practice safely; 879

(c) Criminal conviction directly resulting in harm to 880
patient health; 881

(d) Inappropriate prescribing directly resulting in 882
patient harm. 883

(2) A statement of issues alleged that the practitioner 884
committed any of the acts described in divisions (C) (1) (a) 885

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

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

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

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

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

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

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

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

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

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

Sec. 4731.24. Except as provided in sections 4731.281 and 914
4731.40 of the Revised Code, all receipts of the state medical 915
board, from any source, shall be deposited in the state 916
treasury. The funds shall be deposited to the credit of the 917
state medical board operating fund, which is hereby created. 918
Except as provided in sections 4730.252, 4731.225, 919
~~4731.24~~4731.241, 4759.071, 4760.133, 4761.091, 4762.133, 920
4772.203, 4774.133, and 4778.141 of the Revised Code, all funds 921
deposited into the state treasury under this section shall be 922
used solely for the administration and enforcement of this 923
chapter and Chapters 4730., 4759., 4760., 4761., 4762., 4772., 924
4774., ~~and 4778.~~, and 4789. of the Revised Code by the board. 925

Sec. 4731.25. (A) As used in this section and in sections 926
4731.251 to 4731.255 of the Revised Code: 927

(1) "Applicant" means an individual who has applied under 928
Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4772., 4774., 929
~~or 4778.~~, or 4789. of the Revised Code for a license, training 930
or other certificate, limited permit, or other authority to 931
practice as any one of the following practitioners: a physician 932
assistant, physician, podiatrist, limited branch of medicine 933
practitioner, dietitian, anesthesiologist assistant, respiratory 934
care professional, acupuncturist, certified mental health 935
assistant, radiologist assistant, ~~or genetic counselor,~~ or 936
naturopath. "Applicant" may include an individual who has been 937
granted authority by the state medical board to practice as one 938
type of practitioner, but has applied for authority to practice 939
as another type of practitioner. 940

(2) "Impaired" or "impairment" means either or both of the 941
following: 942

(a) Impairment of ability to practice as described in 943

division (B) (5) of section 4730.25, division (B) (26) of section 944
4731.22, division (A) (18) of section 4759.07, division (B) (6) of 945
section 4760.13, division (A) (18) of section 4761.09, division 946
(B) (6) of section 4762.13, division (B) (6) of section 4772.20, 947
division (B) (6) of section 4774.13, ~~or~~ division (B) (6) of 948
section 4778.14, or division (B) (19) of section 4789.10 of the 949
Revised Code; 950

(b) Inability to practice as described in division (B) (4) 951
of section 4730.25, division (B) (19) of section 4731.22, 952
division (A) (14) of section 4759.07, division (B) (5) of section 953
4760.13, division (A) (14) of section 4761.09, division (B) (5) of 954
section 4762.13, division (B) (5) of section 4774.13, ~~or~~ division 955
(B) (5) of section 4778.14, or division (B) (18) of section 956
4789.10 of the Revised Code. 957

(3) "Practitioner" means any of the following: 958

(a) An individual authorized under this chapter to 959
practice medicine and surgery, osteopathic medicine and surgery, 960
podiatric medicine and surgery, or a limited branch of medicine; 961

(b) An individual licensed under Chapter 4730. of the 962
Revised Code to practice as a physician assistant; 963

(c) An individual authorized under Chapter 4759. of the 964
Revised Code to practice as a dietitian; 965

(d) An individual authorized under Chapter 4760. of the 966
Revised Code to practice as an anesthesiologist assistant; 967

(e) An individual authorized under Chapter 4761. of the 968
Revised Code to practice respiratory care; 969

(f) An individual licensed under Chapter 4762. of the 970
Revised Code to practice as an acupuncturist; 971

(g) An individual licensed under Chapter 4772. of the Revised Code to practice as a certified mental health assistant;	972 973
(h) An individual licensed under Chapter 4774. of the Revised Code to practice as a radiologist assistant;	974 975
(i) An individual licensed under Chapter 4778. of the Revised Code to practice as a genetic counselor;	976 977
<u>(j) An individual licensed under Chapter 4789. of the Revised Code to practice naturopathic medicine.</u>	978 979
(B) The state medical board shall establish a confidential, nondisciplinary program for the evaluation and treatment of practitioners and applicants who are, or may be, impaired and also meet the eligibility conditions described in section 4731.252 or 4731.253 of the Revised Code. The program shall be known as the confidential monitoring program.	980 981 982 983 984 985
The board shall contract with a monitoring organization to conduct the program and perform monitoring services. To be qualified to contract with the board, an organization shall meet all of the following requirements:	986 987 988 989
(1) Be a professionals health program sponsored by one or more professional associations or societies of practitioners;	990 991
(2) Be organized as a not-for-profit entity and exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code;	992 993 994
(3) Contract with or employ a medical director who is authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery and specializes or has training and expertise in addiction medicine;	995 996 997 998
(4) Contract with or employ licensed health care	999

professionals necessary for the organization's operation.	1000
(C) The monitoring organization shall do all of the	1001
following pursuant to the contract:	1002
(1) Receive from the board a referral regarding an	1003
applicant or receive any report of suspected practitioner	1004
impairment from any source, including from the board;	1005
(2) Notify a practitioner who is the subject of a report	1006
received under division (C)(1) of this section that the report	1007
has been made and that the practitioner may be eligible to	1008
participate in the program conducted under this section;	1009
(3) Provide a practitioner who is the subject of a report	1010
received under division (C)(1) of this section with the list of	1011
approved evaluators and treatment providers prepared and updated	1012
as described in section 4731.251 of the Revised Code;	1013
(4) Determine whether a practitioner reported or applicant	1014
referred to the monitoring organization is eligible to	1015
participate in the program, which in the case of an applicant	1016
may include evaluating records as described in division (E)(1)	1017
(d) of this section, and notify the practitioner or applicant of	1018
the determination;	1019
(5) In the case of a practitioner reported by a treatment	1020
provider, notify the treatment provider of the eligibility	1021
determination;	1022
(6) Report to the board any practitioner or applicant who	1023
is determined ineligible to participate in the program;	1024
(7) Refer an eligible practitioner who chooses to	1025
participate in the program for evaluation by an evaluator	1026
approved by the monitoring organization, unless the report	1027

received by the monitoring organization was made by an approved	1028
evaluator and the practitioner has already been evaluated;	1029
(8) Monitor the evaluation of an eligible practitioner;	1030
(9) Refer an eligible practitioner who chooses to	1031
participate in the program to a treatment provider approved by	1032
the monitoring organization;	1033
(10) Establish, in consultation with the treatment	1034
provider to which a practitioner is referred, the terms and	1035
conditions with which the practitioner must comply for continued	1036
participation in and successful completion of the program;	1037
(11) Report to the board any practitioner who does not	1038
complete evaluation or treatment or does not comply with any of	1039
the terms and conditions established by the monitoring	1040
organization and the treatment provider;	1041
(12) Perform any other activities specified in the	1042
contract with the board or that the monitoring organization	1043
considers necessary to comply with this section and sections	1044
4731.251 to 4731.255 of the Revised Code.	1045
(D) The monitoring organization shall not disclose to the	1046
board the name of a practitioner or applicant or any records	1047
relating to a practitioner or applicant, unless any of the	1048
following occurs:	1049
(1) The practitioner or applicant is determined to be	1050
ineligible to participate in the program.	1051
(2) The practitioner or applicant requests the disclosure.	1052
(3) The practitioner or applicant is unwilling or unable	1053
to complete or comply with any part of the program, including	1054
evaluation, treatment, or monitoring.	1055

(4) The practitioner or applicant presents an imminent danger to oneself or the public, as a result of the practitioner's or applicant's impairment.	1056 1057 1058
(5) The practitioner's impairment has not been substantially alleviated by participation in the program.	1059 1060
(E) (1) The monitoring organization shall develop procedures governing each of the following:	1061 1062
(a) Receiving reports of practitioner impairment;	1063
(b) Notifying practitioners of reports and eligibility determinations;	1064 1065
(c) Receiving applicant referrals as described in section 4731.253 of the Revised Code;	1066 1067
(d) Evaluating records of referred applicants, in particular records from other jurisdictions regarding prior treatment for impairment or current or continued monitoring;	1068 1069 1070
(e) Notifying applicants of eligibility determinations;	1071
(f) Referring eligible practitioners for evaluation or treatment;	1072 1073
(g) Establishing individualized treatment plans for eligible practitioners, as recommended by treatment providers;	1074 1075
(h) Establishing individualized terms and conditions with which eligible practitioners or applicants must comply for continued participation in and successful completion of the program.	1076 1077 1078 1079
(2) The monitoring organization, in consultation with the board, shall develop procedures governing each of the following:	1080 1081
(a) Providing reports to the board on a periodic basis on	1082

the total number of practitioners or applicants participating in 1083
the program, without disclosing the names or records of any 1084
program participants other than those about whom reports are 1085
required by this section; 1086

(b) Reporting to the board any practitioner or applicant 1087
who due to impairment presents an imminent danger to oneself or 1088
the public; 1089

(c) Reporting to the board any practitioner or applicant 1090
who is unwilling or unable to complete or comply with any part 1091
of the program, including evaluation, treatment, or monitoring; 1092

(d) Reporting to the board any practitioner or applicant 1093
whose impairment was not substantially alleviated by 1094
participation in the program. 1095

Sec. 4731.251. (A) In addition to the duties described in 1096
section 4731.25 of the Revised Code, the monitoring organization 1097
shall conduct a review of individuals and entities providing 1098
impairment evaluation and treatment services to determine which 1099
should be approved as evaluators and treatment providers by the 1100
organization. The individuals and entities may include those 1101
with experience providing evaluation and treatment services as 1102
part of a professionals health program sponsored by one or more 1103
professional associations or societies of practitioners. The 1104
monitoring organization shall conduct its review in accordance 1105
with criteria developed under this section. 1106

Following its review, the monitoring organization shall 1107
grant or deny approval to evaluators and treatment providers, 1108
which may include physicians and facilities. The monitoring 1109
organization shall prepare a list of evaluators approved to 1110
serve under the program and a list of treatment providers 1111

approved to serve under the program or as described in division 1112
(B) (5) of section 4730.25, division (B) (26) of section 4731.22, 1113
division (A) (18) of section 4759.07, division (B) (6) of section 1114
4760.13, division (A) (18) of section 4761.09, division (B) (6) of 1115
section 4762.13, division (B) (6) of section 4772.20, division 1116
(B) (6) of section 4774.13, ~~or~~ division (B) (6) of section 1117
4778.14, or division (B) (19) of section 4789.10 of the Revised 1118
Code. 1119

In accordance with criteria developed under this section, 1120
the monitoring organization shall periodically review and update 1121
the list of approved evaluators and treatment providers, 1122
including by examining evaluator and treatment provider outcomes 1123
and operations. As part of its periodic review, the organization 1124
may approve additional evaluators or treatment providers and add 1125
them to the list. The organization also may withdraw approval 1126
for evaluators and treatment providers. Such additions and 1127
withdrawals shall be reflected in the list. 1128

(B) The monitoring organization and state medical board 1129
together shall develop criteria and procedures for the review 1130
and approval of impairment evaluators and treatment providers. 1131
The criteria and procedures shall address reviews conducted on a 1132
periodic basis, including the examination of approved evaluator 1133
and treatment provider outcomes and operations. 1134

(C) Separate from the confidential monitoring program 1135
established under section 4731.25 of the Revised Code, the board 1136
may contract with the monitoring organization to assist the 1137
board in monitoring impaired practitioners who are subject to 1138
formal disciplinary action by the board. 1139

(D) Any practitioner who is evaluated or treated as part 1140
of the confidential monitoring program, who enters into a 1141

participation agreement with the monitoring organization, or who 1142
is treated by an approved treatment provider shall be deemed to 1143
have waived any confidentiality requirements that would 1144
otherwise prevent the monitoring organization or treatment 1145
provider from making reports required under sections 4731.25 to 1146
4731.255 of the Revised Code. 1147

Sec. 4776.01. As used in this chapter: 1148

(A) "License" means an authorization evidenced by a 1149
license, certificate, registration, permit, card, or other 1150
authority that is issued or conferred by a licensing agency to a 1151
licensee or to an applicant for an initial license by which the 1152
licensee or initial license applicant has or claims the 1153
privilege to engage in a profession, occupation, or occupational 1154
activity, or, except in the case of the state dental board, to 1155
have control of and operate certain specific equipment, 1156
machinery, or premises, over which the licensing agency has 1157
jurisdiction. 1158

(B) Except as provided in section 4776.20 of the Revised 1159
Code, "licensee" means the person to whom the license is issued 1160
by a licensing agency. "Licensee" includes a person who, for 1161
purposes of section 3796.13 of the Revised Code, has complied 1162
with sections 4776.01 to 4776.04 of the Revised Code and has 1163
been determined by the division of cannabis control, as the 1164
applicable licensing agency, to meet the requirements for 1165
employment. 1166

(C) Except as provided in section 4776.20 of the Revised 1167
Code, "licensing agency" means any of the following: 1168

(1) The board authorized by Chapters 4701., 4717., 4725., 1169
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 1170

4753., 4755., 4757., 4759., 4760., 4761., 4762., 4772., 4774., 1171
4778., 4779., ~~and 4783.~~, and 4789. of the Revised Code to issue 1172
a license to engage in a specific profession, occupation, or 1173
occupational activity, or to have charge of and operate certain 1174
specific equipment, machinery, or premises. 1175

(2) The state dental board, relative to its authority to 1176
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 1177
or 4715.27 of the Revised Code; 1178

(3) The division of marijuana control, relative to its 1179
authority under Chapter 3796. of the Revised Code and any rules 1180
adopted under that chapter with respect to a person who is 1181
subject to section 3796.13 of the Revised Code; 1182

(4) The director of agriculture, relative to the 1183
director's authority to issue licenses under Chapter 928. of the 1184
Revised Code. 1185

(D) "Applicant for an initial license" includes persons 1186
seeking a license for the first time and persons seeking a 1187
license by reciprocity, endorsement, or similar manner of a 1188
license issued in another state. "Applicant for an initial 1189
license" also includes a person who, for purposes of section 1190
3796.13 of the Revised Code, is required to comply with sections 1191
4776.01 to 4776.04 of the Revised Code. 1192

(E) "Applicant for a restored license" includes persons 1193
seeking restoration of a license under section 4730.14, 4730.28, 1194
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 1195
4761.06, 4761.061, 4762.06, 4762.061, 4772.08, 4772.082, 1196
4774.06, 4774.061, 4778.07, ~~or 4778.071,~~ 4789.07, or 4789.08 of 1197
the Revised Code. "Applicant for a restored license" does not 1198
include a person seeking restoration of a license under section 1199

4751.33 of the Revised Code. 1200

(F) "Criminal records check" has the same meaning as in 1201
section 109.572 of the Revised Code. 1202

Sec. 4776.20. (A) As used in this section: 1203

(1) "Licensing agency" means, in addition to each board or 1204
other government entity identified in division (C) of section 1205
4776.01 of the Revised Code, the board or other government 1206
entity authorized to issue a license under Chapters 3776., 1207
4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 1208
4733., 4735., 4737., 4738., ~~4740., 4747.,~~ 4749., 4752., ~~4753.,~~ 1209
4758., ~~4759.,~~ 4763., 4764., 4765., 4766., 4771., 4773., ~~and~~ 1210
4781., and 4789. of the Revised Code. "Licensing agency" 1211
includes an administrative officer that has authority to issue a 1212
license. 1213

(2) "Licensee" means, in addition to a licensee as 1214
described in division (B) of section 4776.01 of the Revised 1215
Code, the person to whom a license is issued by the board or 1216
other government entity authorized to issue a license under 1217
Chapters 3776., 4703., 4707., 4709., 4712., 4713., 4719., 4723., 1218
4727., 4728., 4733., 4735., 4737., 4738., ~~4740., 4747.,~~ 4749., 1219
~~4751.,~~ 4752., ~~4753.,~~ 4758., ~~4759.,~~ 4763., 4764., 4765., 4766., 1220
4771., 4773., ~~and~~ 4781., and 4789. of the Revised Code. 1221

(3) "Prosecutor" has the same meaning as in section 1222
2935.01 of the Revised Code. 1223

(B) On a licensee's conviction of, plea of guilty to, 1224
judicial finding of guilt of, or judicial finding of guilt 1225
resulting from a plea of no contest to the offense of 1226
trafficking in persons in violation of section 2905.32 of the 1227
Revised Code, the prosecutor in the case shall promptly notify 1228

the licensing agency of the conviction, plea, or finding and 1229
provide the licensee's name and residential address. On receipt 1230
of this notification, the licensing agency shall immediately 1231
suspend the licensee's license. 1232

(C) If there is a conviction of, plea of guilty to, 1233
judicial finding of guilt of, or judicial finding of guilt 1234
resulting from a plea of no contest to the offense of 1235
trafficking in persons in violation of section 2905.32 of the 1236
Revised Code and all or part of the violation occurred on the 1237
premises of a facility that is licensed by a licensing agency, 1238
the prosecutor in the case shall promptly notify the licensing 1239
agency of the conviction, plea, or finding and provide the 1240
facility's name and address and the offender's name and 1241
residential address. On receipt of this notification, the 1242
licensing agency shall immediately suspend the facility's 1243
license. 1244

(D) Notwithstanding any provision of the Revised Code to 1245
the contrary, the suspension of a license under division (B) or 1246
(C) of this section shall be implemented by a licensing agency 1247
without a prior hearing. After the suspension, the licensing 1248
agency shall give written notice to the subject of the 1249
suspension of the right to request a hearing under Chapter 119. 1250
of the Revised Code. After a hearing is held, the licensing 1251
agency shall either revoke or permanently revoke the license of 1252
the subject of the suspension, unless it determines that the 1253
license holder has not been convicted of, pleaded guilty to, 1254
been found guilty of, or been found guilty based on a plea of no 1255
contest to the offense of trafficking in persons in violation of 1256
section 2905.32 of the Revised Code. 1257

Sec. 4789.02. (A) (1) Except as provided in division (A) (2) 1258

of this section, no individual shall knowingly practice 1259
naturopathic medicine unless the individual holds a current, 1260
valid license issued under this chapter. 1261

(2) Division (A)(1) of this section does not apply to any 1262
of the following: 1263

(a) An individual authorized under Chapter 4731. of the 1264
Revised Code to practice medicine and surgery, osteopathic 1265
medicine and surgery, or podiatric medicine and surgery; 1266

(b) A physician assistant licensed under Chapter 4730. of 1267
the Revised Code; 1268

(c) A registered nurse licensed under Chapter 4723. of the 1269
Revised Code, including an advanced practice registered nurse 1270
licensed under that chapter; 1271

(d) A dietitian licensed under Chapter 4759. of the 1272
Revised Code. 1273

(B) No individual shall knowingly represent the 1274
individual's self as any of the following unless the individual 1275
holds a current, valid license issued under this chapter: 1276

(1) A naturopathic physician; 1277

(2) A naturopathic doctor; 1278

(3) A naturopath; 1279

(4) A doctor of naturopathic medicine or naturopathy; 1280

(5) An "N.D." or "ND"; 1281

(6) A practitioner or provider of naturopathic medicine, 1282
naturopathic health care, or naturopathy. 1283

Sec. 4789.03. (A) The state medical board shall 1284

<u>implement and administer this chapter.</u>	1285
<u>(B) (1) Except as provided in division (B) (2) of this</u>	1286
<u>section, the board may adopt any rules necessary to govern the</u>	1287
<u>practice of naturopathic medicine and the administration and</u>	1288
<u>enforcement of this chapter. Rules adopted under this section</u>	1289
<u>shall be adopted in accordance with Chapter 119. of the Revised</u>	1290
<u>Code.</u>	1291
<u>(2) In adopting rules under this section, the board shall</u>	1292
<u>not limit the naturopathic devices, substances, and therapies</u>	1293
<u>that the holder of a license to practice naturopathic medicine</u>	1294
<u>issued under this chapter may administer, furnish, order,</u>	1295
<u>perform, or prescribe as described in division (A) of section</u>	1296
<u>4789.09 of the Revised Code.</u>	1297
<u>Sec. 4789.04.</u> (A) <u>An individual seeking a license to</u>	1298
<u>practice naturopathic medicine shall submit to the state medical</u>	1299
<u>board an application in a manner prescribed by the board. The</u>	1300
<u>application shall include all the information the board</u>	1301
<u>considers necessary to process the application, including</u>	1302
<u>evidence satisfactory to the board that the applicant meets the</u>	1303
<u>requirements specified in division (B) of this section.</u>	1304
<u>At the time an application is submitted, the applicant</u>	1305
<u>shall pay the board an application fee of three hundred five</u>	1306
<u>dollars. No part of the fee shall be returned to the applicant</u>	1307
<u>or transferred for purposes of another application.</u>	1308
<u>(B) To be eligible to receive a license to practice as</u>	1309
<u>naturopathic medicine, an applicant shall demonstrate to the</u>	1310
<u>board that the applicant meets all of the following</u>	1311
<u>requirements:</u>	1312
<u>(1) The applicant is at least eighteen years of age.</u>	1313

(2) The applicant meets the educational requirements of 1314
division (A) or (B) of section 4789.05 of the Revised Code. 1315

(3) The applicant passed a competency-based national 1316
naturopathic licensing examination administered by the north 1317
American board of naturopathic examiners or a successor 1318
organization recognized by the state medical board. 1319

(4) Notwithstanding section 9.79 of the Revised Code, the 1320
applicant demonstrates to the satisfaction of the board that the 1321
applicant has a good, ethical, and professional reputation. 1322

(5) The applicant has not had a license to practice 1323
naturopathic medicine or other health care license, certificate, 1324
or registration refused, revoked, or suspended by any other 1325
jurisdiction for reasons that relate to the applicant's ability 1326
to skillfully and safely practice naturopathic medicine unless 1327
that license, certificate, or registration has been restored to 1328
good standing by that jurisdiction. 1329

(6) The applicant complies with sections 4776.01 to 1330
4776.04 of the Revised Code. 1331

(C) Except as provided in division (D) of this section, 1332
the board shall review all applications received under this 1333
section. After receiving an application it considers complete, 1334
the board shall determine whether the applicant meets the 1335
requirements for a license to practice naturopathic medicine. If 1336
the board determines that an applicant meets the requirements 1337
for a license to practice naturopathic medicine, the secretary 1338
of the board shall issue the license to the applicant. The 1339
license shall be valid for a two-year period unless revoked or 1340
suspended, shall expire on the date that is two years after the 1341
date of issuance, and may be renewed for additional two-year 1342

periods in accordance with section 4789.06 of the Revised Code. 1343

(D) The board shall issue a license to practice 1344
naturopathic medicine in accordance with Chapter 4796. of the 1345
Revised Code to an applicant if either of the following applies: 1346

(1) The applicant holds a license in another state. 1347

(2) The applicant has satisfactory work experience, a 1348
government certification, or a private certification as 1349
described in that chapter to practice naturopathic medicine in a 1350
state that does not issue a license to practice naturopathic 1351
medicine. 1352

Sec. 4789.05. To be eligible for a license to practice 1353
naturopathic medicine under this chapter, an applicant shall 1354
meet one of the following educational requirements: 1355

(A) Hold a doctoral degree of naturopathy or naturopathic 1356
medicine from a naturopathic medical education program in the 1357
United States, or a degree-equivalent diploma from a 1358
naturopathic medical education program offered by a college or 1359
university in Canada, provided that the program meets all of the 1360
following requirements at the time the degree or diploma was 1361
conferred: 1362

(1) The program offered graduate-level full-time didactic 1363
and supervised clinical training. 1364

(2) The program was accredited, or reached candidacy 1365
status for accreditation, by the council on naturopathic medical 1366
education. 1367

(3) If the program is in the United States, the program 1368
was, or was part of, a college or university that was 1369
accredited, or reached candidacy status for accreditation, by a 1370

regional or national institutional accrediting agency recognized 1371
by the United States secretary of education. 1372

(4) If the program is in Canada, the program had 1373
provincial approval for participation in government-funded 1374
student aid programs. 1375

(B) Hold a doctoral naturopathic medical degree or degree- 1376
equivalent diploma from a college or university that was 1377
conferred to the applicant before the existence of the council 1378
on naturopathic medical education, provided that the program 1379
meets all of the following requirements: 1380

(1) At the time the degree or diploma was conferred, the 1381
program offered a full-time structured curriculum in basic 1382
sciences and supervised patient care. 1383

(2) At the time the degree or diploma was conferred, the 1384
program was at least one hundred thirty-two weeks in duration 1385
and required completion of the program within a period of not 1386
less than thirty-five months. 1387

(3) At the time the degree or diploma was conferred, the 1388
program was, or was part of a college of naturopathic medicine, 1389
or college of liberal arts and naturopathic medicine, that was 1390
reputable and in good standing in the state medical board's 1391
judgment. 1392

(4) If the program still exists, the program is accredited 1393
by the council on naturopathic medical education at the time the 1394
applicant applies for a license under this chapter. 1395

(5) If the program still exists and was, or was part of, a 1396
college or university in Canada, the program has provincial 1397
approval for participation in government-funded student aid 1398
programs at the time the applicant applies for a license under 1399

this chapter. 1400

Sec. 4789.06. (A) An individual seeking to renew a license 1401
to practice naturopathic medicine shall, on or before the 1402
license's expiration date, apply to the state medical board for 1403
renewal. The board shall provide renewal notices to license 1404
holders at least one month prior to the expiration date. 1405

Renewal applications shall be submitted to the board in a 1406
manner prescribed by the board. Each application shall be 1407
accompanied by a renewal fee of three hundred five dollars. 1408

The applicant shall report any criminal offense to which 1409
the applicant has pleaded guilty, of which the applicant has 1410
been found guilty, or for which the applicant has been found 1411
eligible for intervention in lieu of conviction, since last 1412
signing an application for a license to practice naturopathic 1413
medicine. 1414

(B) To be eligible for renewal, a naturopath shall certify 1415
to the board that the naturopath has completed continuing 1416
education requirements that, as established by the board, are 1417
equivalent to the continuing education requirements applicable 1418
to an individual holding a license to practice medicine and 1419
surgery or osteopathic medicine and surgery issued under Chapter 1420
4731. of the Revised Code. 1421

(C) If an applicant submits a renewal application that the 1422
board considers to be complete and qualifies for renewal 1423
pursuant to division (B) of this section, the board shall issue 1424
to the applicant a renewed license to practice naturopathic 1425
medicine. 1426

(D) The board may require a random sample of naturopaths 1427
to submit materials documenting compliance with division (B) of 1428

this section. This division does not limit the board's authority 1429
to conduct investigations pursuant to section 4787.10 of the 1430
Revised Code. 1431

(E) (1) If, through a random sample conducted under 1432
division (D) of this section or through any other means, the 1433
board finds that an individual who certified completion of the 1434
continuing education required to renew, reinstate, restore, or 1435
reactivate a license to practice did not complete the requisite 1436
continuing education, the board may do either of the following: 1437

(a) Take disciplinary action against the individual under 1438
section 4787.10 of the Revised Code, impose a civil penalty, or 1439
both; 1440

(b) Permit the individual to agree in writing to complete 1441
the continuing education and pay a civil penalty. 1442

(2) The board's finding in any disciplinary action taken 1443
under division (E) (1) (a) of this section shall be made pursuant 1444
to an adjudication under Chapter 119. of the Revised Code and by 1445
an affirmative vote of not fewer than six of its members. 1446

(3) A civil penalty imposed under division (E) (1) (a) of 1447
this section or paid under division (E) (1) (b) of this section 1448
shall be in an amount specified by the board of not more than 1449
five thousand dollars. The board shall deposit civil penalties 1450
in accordance with section 4731.24 of the Revised Code. 1451

Sec. 4789.07. (A) A license to practice naturopathic 1452
medicine that is not renewed on or before its expiration date is 1453
automatically suspended on its expiration date. Continued 1454
practice after suspension shall be considered as practicing in 1455
violation of section 4789.02 of the Revised Code. 1456

(B) If a license has been suspended pursuant to division 1457

(A) of this section for two years or less, it may be reinstated. 1458
The state medical board shall reinstate the license upon the 1459
applicant's submission of a complete renewal application and 1460
payment of a reinstatement fee of four hundred five dollars. 1461

(C) If a license has been suspended pursuant to division 1462
(A) of this section for more than two years, it may be restored. 1463
Subject to section 4789.08 of the Revised Code, the board may 1464
restore the license upon an applicant's submission of a complete 1465
restoration application and a restoration fee of five hundred 1466
five dollars and compliance with sections 4776.01 to 4776.04 of 1467
the Revised Code. The board shall not restore a license unless 1468
the board, in its discretion, decides that the results of the 1469
criminal records check do not make the applicant ineligible for 1470
a license issued pursuant to section 4789.04 of the Revised 1471
Code. 1472

Sec. 4789.08. (A) This section applies to both of the 1473
following: 1474

(1) An applicant seeking restoration of a license issued 1475
under this chapter that has been in a suspended or inactive 1476
state for any cause for more than two years; 1477

(2) An applicant seeking issuance of a license pursuant to 1478
this chapter who for more than two years has not been engaged in 1479
the practice of naturopathic medicine. 1480

(B) Before issuing a license to an applicant subject to 1481
this section, or before restoring a license to good standing for 1482
an applicant subject to this section, the state medical board 1483
may impose terms and conditions including any one or more of the 1484
following: 1485

(1) Requiring the applicant to pass an oral or written 1486

<u>examination, or both, to determine the applicant's present</u>	1487
<u>fitness to resume practice;</u>	1488
<u>(2) Requiring the applicant to obtain additional training</u>	1489
<u>and to pass an examination upon completion of such training;</u>	1490
<u>(3) Requiring an assessment of the applicant's physical</u>	1491
<u>skills for purposes of determining whether the applicant's</u>	1492
<u>coordination, fine motor skills, and dexterity are sufficient</u>	1493
<u>for performing evaluations and procedures in a manner that meets</u>	1494
<u>the minimal standards of care;</u>	1495
<u>(4) Requiring an assessment of the applicant's skills in</u>	1496
<u>recognizing and understanding diseases and conditions;</u>	1497
<u>(5) Requiring the applicant to undergo a comprehensive</u>	1498
<u>physical examination, which may include an assessment of</u>	1499
<u>physical abilities, evaluation of sensory capabilities, or</u>	1500
<u>screening for the presence of neurological disorders;</u>	1501
<u>(6) Restricting or limiting the extent, scope, or type of</u>	1502
<u>practice of the applicant.</u>	1503
<u>The board shall consider the moral background and the</u>	1504
<u>activities of the applicant during the period of suspension,</u>	1505
<u>inactivity, or retirement. The board shall not issue, restore,</u>	1506
<u>or reactivate a license under this section unless the applicant</u>	1507
<u>complies with sections 4776.01 to 4776.04 of the Revised Code.</u>	1508
<u>Sec. 4789.09.</u> (A) <u>The holder of a license to practice</u>	1509
<u>naturopathic medicine issued under this chapter may do any of</u>	1510
<u>the following:</u>	1511
<u>(1) Order and perform physical and laboratory examinations</u>	1512
<u>for diagnostic purposes, including phlebotomy, clinical</u>	1513
<u>laboratory tests, orificial examinations, and physiological</u>	1514

<u>function tests;</u>	1515
<u>(2) Order diagnostic imaging studies;</u>	1516
<u>(3) Administer, furnish, order, perform, or prescribe</u>	1517
<u>naturopathic devices, substances, and therapies, including those</u>	1518
<u>in any of the following categories:</u>	1519
<u>(a) Food and food extracts;</u>	1520
<u>(b) Nutraceuticals;</u>	1521
<u>(c) Vitamins;</u>	1522
<u>(d) Amino acids;</u>	1523
<u>(e) Minerals;</u>	1524
<u>(f) Enzymes;</u>	1525
<u>(g) Botanicals and botanical extracts;</u>	1526
<u>(h) Botanical medicines;</u>	1527
<u>(i) Homeopathic medicines;</u>	1528
<u>(j) Dietary supplements, as defined by the "Federal Food,</u>	1529
<u>Drug, and Cosmetic Act," 21 U.S.C. 301, et seq., and dietary</u>	1530
<u>substances;</u>	1531
<u>(k) Nonprescription drugs and over-the-counter</u>	1532
<u>preparations;</u>	1533
<u>(l) Hot or cold hydrotherapy;</u>	1534
<u>(m) Naturopathic physical medicine;</u>	1535
<u>(n) Electromagnetic therapy;</u>	1536
<u>(o) Therapeutic exercise;</u>	1537
<u>(p) Devices, including therapeutic devices, barrier</u>	1538

<u>contraception, and durable medical equipment;</u>	1539
<u>(q) Health education and health counseling;</u>	1540
<u>(r) Repair and care incidental to superficial lacerations</u> <u>and abrasions;</u>	1541 1542
<u>(s) Removal of foreign bodies located in superficial</u> <u>tissue;</u>	1543 1544
<u>(t) Musculoskeletal manipulation;</u>	1545
<u>(u) Any other therapies approved by the state medical</u> <u>board.</u>	1546 1547
<u>(4) When administering a device, substance, or therapy as</u> <u>described in division (A) (3) of this section, utilize routes of</u> <u>administration that include oral, nasal, auricular, ocular,</u> <u>rectal, vaginal, transdermal, intradermal, subcutaneous,</u> <u>intravenous, or intramuscular routes.</u>	1548 1549 1550 1551 1552
<u>(B) A license issued under this chapter does not authorize</u> <u>its holder to do any of the following:</u>	1553 1554
<u>(1) Prescribe, furnish, or administer prescription drugs</u> <u>or devices;</u>	1555 1556
<u>(2) Perform surgical procedures, except for methods of</u> <u>repair and care incidental to superficial lacerations and</u> <u>abrasions, superficial lesions, or the removal of foreign bodies</u> <u>located in superficial tissue;</u>	1557 1558 1559 1560
<u>(3) Practice or claim to practice as a medical doctor,</u> <u>osteopath, dentist, podiatrist, optometrist, psychologist,</u> <u>advanced practice registered nurse, physician assistant,</u> <u>dietitian, chiropractor, physical therapist, acupuncturist, or</u> <u>any other health care professional;</u>	1561 1562 1563 1564 1565

<u>(4) Use topical and local anesthetics for pain relief or</u>	1566
<u>for the repair of superficial lacerations;</u>	1567
<u>(5) Administer ionizing radioactive substances for</u>	1568
<u>therapeutic purposes;</u>	1569
<u>(6) Perform surgical procedures using a laser device;</u>	1570
<u>(7) Perform surgical procedures involving the eye, ear,</u>	1571
<u>tendons, nerves, veins, or arteries extending beyond superficial</u>	1572
<u>tissue;</u>	1573
<u>(8) Perform chiropractic adjustments or musculoskeletal</u>	1574
<u>manipulation;</u>	1575
<u>(9) Perform acupuncture.</u>	1576
Sec. 4789.10. <u>(A) The state medical board, by an</u>	1577
<u>affirmative vote of not fewer than six members, may refuse to</u>	1578
<u>grant a license to practice naturopathic medicine to, or may</u>	1579
<u>revoke the license held by, an individual found by the board to</u>	1580
<u>have committed fraud during the administration of the</u>	1581
<u>examination to be licensed as a naturopath or to have committed</u>	1582
<u>fraud, misrepresentation, or deception in applying for or</u>	1583
<u>securing the license.</u>	1584
<u>(B) Except as provided in division (C) of this section,</u>	1585
<u>the board, by an affirmative vote of not fewer than six members,</u>	1586
<u>shall, to the extent permitted by law, limit, revoke, or suspend</u>	1587
<u>an individual's license to practice naturopathic medicine,</u>	1588
<u>refuse to issue a license to an applicant, refuse to renew a</u>	1589
<u>license, refuse to reinstate a license, or reprimand or place on</u>	1590
<u>probation the holder of a license for any of the following</u>	1591
<u>reasons:</u>	1592
<u>(1) Failure to comply with the requirements of this</u>	1593

<u>chapter;</u>	1594
<u>(2) Permitting the holder's name or license to be used by another individual;</u>	1595 1596
<u>(3) Failure to employ acceptable scientific methods in the selection of modalities for treatment provided under a license to practice naturopathic medicine;</u>	1597 1598 1599
<u>(4) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for a violation of any federal or state law regulating the possession, distribution, or use of any drug;</u>	1600 1601 1602 1603
<u>(5) Willfully betraying a professional confidence;</u>	1604
<u>(6) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients, in relation to the practice of naturopathic medicine, or in securing or attempting to secure any license to practice issued by the board;</u>	1605 1606 1607 1608 1609
<u>(7) 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;</u>	1610 1611 1612 1613
<u>(8) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other individual, that an incurable disease or injury, or other incurable condition, can be permanently cured;</u>	1614 1615 1616 1617
<u>(9) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of the practice of naturopathic medicine;</u>	1618 1619 1620
<u>(10) A plea of guilty to, a judicial finding of guilt of,</u>	1621

<u>or a judicial finding of eligibility for intervention in lieu of</u>	1622
<u>conviction for a felony;</u>	1623
<u>(11) Commission of an act that constitutes a felony in</u>	1624
<u>this state, regardless of the jurisdiction in which the act was</u>	1625
<u>committed;</u>	1626
<u>(12) A plea of guilty to, a judicial finding of guilt of,</u>	1627
<u>or a judicial finding of eligibility for intervention in lieu of</u>	1628
<u>conviction for a misdemeanor committed in the course of the</u>	1629
<u>practice of naturopathic medicine;</u>	1630
<u>(13) Commission of an act in the course of the practice of</u>	1631
<u>naturopathic medicine that constitutes a misdemeanor in this</u>	1632
<u>state, regardless of the jurisdiction in which the act was</u>	1633
<u>committed;</u>	1634
<u>(14) A plea of guilty to, a judicial finding of guilt of,</u>	1635
<u>or a judicial finding of eligibility for intervention in lieu of</u>	1636
<u>conviction for a misdemeanor involving moral turpitude;</u>	1637
<u>(15) Commission of an act involving moral turpitude that</u>	1638
<u>constitutes a misdemeanor in this state, regardless of the</u>	1639
<u>jurisdiction in which the act was committed;</u>	1640
<u>(16) Violation of the conditions of limitation placed by</u>	1641
<u>the board on a license to practice naturopathic medicine;</u>	1642
<u>(17) Failure to pay license renewal fees required by this</u>	1643
<u>chapter;</u>	1644
<u>(18) Inability to practice naturopathic medicine according</u>	1645
<u>to acceptable and prevailing standards of care by reason of</u>	1646
<u>mental illness or physical illness, including physical</u>	1647
<u>deterioration that adversely affects cognitive, motor, or</u>	1648
<u>perceptive skills;</u>	1649

(19) Impairment of ability to practice naturopathic 1650
medicine according to acceptable and prevailing standards of 1651
care because of habitual or excessive use or abuse of drugs, 1652
alcohol, or other substances that impair the ability to 1653
practice; 1654

(20) Failure to maintain the confidentiality of privileged 1655
communications without the written consent of a patient or a 1656
patient's parent or guardian, as applicable, unless otherwise 1657
required by law, court order, or necessity to protect public 1658
health and safety; 1659

(21) Failure to comply with the continuing education 1660
requirements necessary to renew a license to practice 1661
naturopathic medicine; 1662

(22) Failure to comply with any standards for the ethical 1663
practice of naturopathic medicine that the board adopts; 1664

(23) Failure to cooperate in an investigation conducted by 1665
the board under division (E) of this section, including failure 1666
to comply with a subpoena or order issued by the board or 1667
failure to answer truthfully a question presented by the board 1668
in an investigative interview. 1669

(C) The board shall not refuse to issue a license to an 1670
applicant because of a plea of guilty to, a judicial finding of 1671
guilt of, or a judicial finding of eligibility for intervention 1672
in lieu of conviction for an offense unless the refusal is in 1673
accordance with section 9.79 of the Revised Code. 1674

(D) Disciplinary actions taken by the board under 1675
divisions (A) and (B) of this section shall be taken pursuant to 1676
an adjudication under Chapter 119. of the Revised Code, except 1677
that in lieu of an adjudication, the board may enter into a 1678

consent agreement with a naturopath or applicant to resolve an 1679
allegation of a violation of this chapter or any rule adopted 1680
under it. A consent agreement, when ratified by an affirmative 1681
vote of not fewer than six members of the board, shall 1682
constitute the findings and order of the board with respect to 1683
the matter addressed in the agreement. If the board refuses to 1684
ratify a consent agreement, the admissions and findings 1685
contained in the consent agreement shall be of no force or 1686
effect. 1687

A telephone conference call may be utilized for 1688
ratification of a consent agreement that revokes or suspends an 1689
individual's license. The telephone conference call shall be 1690
considered a special meeting under division (F) of section 1691
121.22 of the Revised Code. 1692

(E) For purposes of divisions (B) (11), (13), and (15) of 1693
this section, the commission of the act may be established by a 1694
finding by the board, pursuant to an adjudication under Chapter 1695
119. of the Revised Code, that the applicant or license holder 1696
committed the act in question. The board does not have 1697
jurisdiction under those divisions if the trial court renders a 1698
final judgment in the license holder's favor and that judgment 1699
is based upon an adjudication on the merits. The board has 1700
jurisdiction under those divisions if the trial court issues an 1701
order of dismissal on technical or procedural grounds. 1702

(F) The sealing or expungement of conviction records by 1703
any court shall have no effect on a prior board order entered 1704
under the provisions of this section or on the board's 1705
jurisdiction to take action under the provisions of this section 1706
if, based upon a plea of guilty, a judicial finding of guilt, or 1707
a judicial finding of eligibility for intervention in lieu of 1708

conviction, the board issued a notice of opportunity for a 1709
hearing or took other formal action under Chapter 119. of the 1710
Revised Code prior to the court's order to seal or expunge the 1711
records. The board shall not be required to seal, destroy, 1712
redact, or otherwise modify its records to reflect the court's 1713
sealing or expungement of conviction records. 1714

(G) For purposes of this division, any individual who 1715
holds a license to practice naturopathic medicine, or applies 1716
for a license, shall be deemed to have given consent to submit 1717
to a mental or physical examination when directed to do so in 1718
writing by the board and to have waived all objections to the 1719
admissibility of testimony or examination reports that 1720
constitute a privileged communication. 1721

(1) In enforcing division (B) (5) of this section, the 1722
board, on a showing of a possible violation, shall refer any 1723
individual who holds, or has applied for, a license issued under 1724
this chapter to the monitoring organization that conducts the 1725
program established by the board under section 4731.25 of the 1726
Revised Code. The board also may compel the individual to submit 1727
to a mental or physical examination, or both. A physical 1728
examination may include an HIV test. The expense of the 1729
examination is the responsibility of the individual compelled to 1730
be examined. Failure to submit to a mental or physical 1731
examination or consent to an HIV test ordered by the board 1732
constitutes an admission of the allegations against the 1733
individual unless the failure is due to circumstances beyond the 1734
individual's control, and a default and final order may be 1735
entered without the taking of testimony or presentation of 1736
evidence. If the board finds a naturopath unable to practice 1737
because of the reasons set forth in division (B) (5) of this 1738
section, the board shall require the naturopath to submit to 1739

care, counseling, or treatment by physicians approved or 1740
designated by the board, as a condition for an initial, 1741
continued, reinstated, or renewed license to practice. An 1742
individual affected by this division shall be afforded an 1743
opportunity to demonstrate to the board the ability to resume 1744
practicing in compliance with acceptable and prevailing 1745
standards of care. 1746

(2) For purposes of division (B)(19) of this section, if 1747
the board has reason to believe that any individual who holds a 1748
license to practice naturopathic medicine or any applicant for a 1749
license suffers such impairment, the board shall refer the 1750
individual to the monitoring organization that conducts the 1751
program established by the board under section 4731.25 of the 1752
Revised Code. The board also may compel the individual to submit 1753
to a mental or physical examination, or both. The expense of the 1754
examination is the responsibility of the individual compelled to 1755
be examined. Any mental or physical examination required under 1756
this division shall be undertaken by a treatment provider or 1757
physician qualified to conduct such examination and approved 1758
under section 4731.251 of the Revised Code. 1759

Failure to submit to a mental or physical examination 1760
ordered by the board constitutes an admission of the allegations 1761
against the individual unless the failure is due to 1762
circumstances beyond the individual's control, and a default and 1763
final order may be entered without the taking of testimony or 1764
presentation of evidence. If the board determines that the 1765
individual's ability to practice is impaired, the board shall 1766
suspend the individual's license or deny the individual's 1767
application and shall require the individual, as a condition for 1768
an initial, continued, reinstated, or renewed license, to submit 1769
to treatment. 1770

Before being eligible to apply for reinstatement of a 1771
license suspended under this division, the naturopath shall 1772
demonstrate to the board the ability to resume practice in 1773
compliance with acceptable and prevailing standards of care. The 1774
demonstration shall include the following: 1775

(a) Certification from a treatment provider approved under 1776
section 4731.251 of the Revised Code that the individual has 1777
successfully completed any required inpatient treatment; 1778

(b) Evidence of continuing full compliance with an 1779
aftercare contract or consent agreement; 1780

(c) Two written reports indicating that the individual's 1781
ability to practice has been assessed and that the individual 1782
has been found capable of practicing according to acceptable and 1783
prevailing standards of care. The reports shall be made by 1784
individuals or providers approved by the board for making such 1785
assessments and shall describe the basis for their 1786
determination. 1787

The board may reinstate a license suspended under this 1788
division after such demonstration and after the individual has 1789
entered into a written consent agreement. 1790

When the impaired naturopath resumes practice, the board 1791
shall require continued monitoring of the naturopath. The 1792
monitoring shall include monitoring of compliance with the 1793
written consent agreement entered into before reinstatement or 1794
with conditions imposed by board order after a hearing, and, on 1795
termination of the consent agreement, submission to the board 1796
for at least two years of annual written progress reports made 1797
under penalty of falsification stating whether the naturopath 1798
has maintained sobriety. 1799

(H) (1) If either of the following circumstances occur, the 1800
secretary and supervising member may recommend that the board 1801
suspend an individual's license to practice without a prior 1802
hearing: 1803

(a) The secretary and supervising member determine both of 1804
the following: 1805

(i) That there is clear and convincing evidence that a 1806
naturopath has violated division (B) of this section; 1807

(ii) That the individual's continued practice presents a 1808
danger of immediate and serious harm to the public. 1809

(b) The board receives verifiable information that a 1810
license holder has been charged in any state or federal court 1811
for a crime classified as a felony under the charging court's 1812
law and the conduct charged constitutes a violation of division 1813
(B) of this section. 1814

(2) If a recommendation is made to suspend without a prior 1815
hearing pursuant to division (H) (1) of this section, written 1816
allegations shall be prepared for consideration by the board. 1817

The board, on review of the allegations and by an 1818
affirmative vote of not fewer than six of its members, excluding 1819
the secretary and supervising member, may suspend a license 1820
without a prior hearing. A telephone conference call may be 1821
utilized for reviewing the allegations and taking the vote on 1822
the summary suspension. 1823

The board shall serve a written order of suspension in 1824
accordance with sections 119.05 and 119.07 of the Revised Code. 1825
If the naturopath requests an adjudicatory hearing by the board, 1826
the date set for the hearing shall be within fifteen days, but 1827
not earlier than seven days, after the naturopath requests the 1828

hearing, unless otherwise agreed to by both the board and the 1829
naturopath. 1830

(3) Any summary suspension imposed under division (H) (2) 1831
of this section is not a final appealable order and is not an 1832
adjudication that may be appealed under section 119.12 of the 1833
Revised Code. The summary suspension shall remain in effect 1834
until a final adjudicative order issued by the board pursuant to 1835
this section and Chapter 119. of the Revised Code becomes 1836
effective. Once a final adjudicative order has been issued by 1837
the board, any party adversely affected by it may file an appeal 1838
in accordance with the requirements of Chapter 119. of the 1839
Revised Code. 1840

The board shall issue its final adjudicative order within 1841
seventy-five days after completion of its hearing. Failure to 1842
issue the order within seventy-five days shall result in 1843
dissolution of the summary suspension order, but shall not 1844
invalidate any subsequent, final adjudicative order. 1845

(I) If the board takes action under division (B) (10), 1846
(12), or (14) of this section, and the judicial finding of 1847
guilt, guilty plea, or judicial finding of eligibility for 1848
intervention in lieu of conviction is overturned on appeal, on 1849
exhaustion of the criminal appeal, a petition for 1850
reconsideration of the order may be filed with the board along 1851
with appropriate court documents. On receipt of a petition and 1852
supporting court documents, the board shall reinstate the 1853
license to practice naturopathic medicine. The board may then 1854
hold an adjudication under Chapter 119. of the Revised Code to 1855
determine whether the individual committed the act in question. 1856
Notice of opportunity for hearing shall be given in accordance 1857
with Chapter 119. of the Revised Code. If the board finds, 1858

pursuant to an adjudication held under this division, that the 1859
individual committed the act, or if no hearing is requested, it 1860
may order any of the sanctions specified in division (B) of this 1861
section. 1862

(J) The license to practice naturopathic medicine and the 1863
naturopath's practice in this state are automatically suspended 1864
as of the date the naturopath pleads guilty to, is found by a 1865
judge or jury to be guilty of, or is subject to a judicial 1866
finding of eligibility for intervention in lieu of conviction in 1867
this state or treatment or intervention in lieu of conviction in 1868
another jurisdiction for any of the following criminal offenses 1869
in this state or a substantially equivalent criminal offense in 1870
another jurisdiction: aggravated murder, murder, voluntary 1871
manslaughter, felonious assault, trafficking in persons, 1872
kidnapping, rape, sexual battery, gross sexual imposition, 1873
aggravated arson, aggravated robbery, or aggravated burglary. 1874
Continued practice after the suspension shall be considered 1875
practicing without a license. 1876

The board shall serve the individual subject to the 1877
suspension in accordance with sections 119.05 and 119.07 of the 1878
Revised Code. If an individual whose license is suspended under 1879
this division fails to make a timely request for an adjudication 1880
under Chapter 119. of the Revised Code, the board shall enter a 1881
final order permanently revoking the individual's license to 1882
practice. 1883

(K) In any instance in which the board is required by 1884
Chapter 119. of the Revised Code to give notice of opportunity 1885
for hearing and the individual subject to the notice does not 1886
timely request a hearing in accordance with section 119.07 of 1887
the Revised Code, the board is not required to hold a hearing, 1888

but may adopt, by an affirmative vote of not fewer than six of 1889
its members, a final order that contains the board's findings. 1890
In the final order, the board may order any of the sanctions 1891
identified under division (A) or (B) of this section. 1892

(L) Any action taken by the board under division (B) of 1893
this section resulting in a suspension shall be accompanied by a 1894
written statement of the conditions under which the license of 1895
the naturopath may be reinstated. The board shall adopt rules in 1896
accordance with Chapter 119. of the Revised Code governing 1897
conditions to be imposed for reinstatement. Reinstatement of a 1898
license suspended pursuant to division (B) of this section 1899
requires an affirmative vote of not fewer than six members of 1900
the board. 1901

(M) When the board refuses to grant or issue a license to 1902
practice naturopathic medicine to an applicant, revokes an 1903
individual's license, refuses to renew an individual's license, 1904
or refuses to reinstate an individual's license, the board may 1905
specify that its action is permanent. An individual subject to a 1906
permanent action taken by the board is forever thereafter 1907
ineligible to hold a license to practice naturopathic medicine, 1908
and the board shall not accept an application for reinstatement 1909
of the license or for issuance of a new license. 1910

(N) Notwithstanding any other provision of the Revised 1911
Code, all of the following apply: 1912

(1) The surrender of a license to practice naturopathic 1913
medicine is not effective unless or until accepted by the board. 1914
A telephone conference call may be utilized for acceptance of 1915
the surrender of an individual's license. The telephone 1916
conference call shall be considered a special meeting under 1917
division (F) of section 121.22 of the Revised Code. 1918

Reinstatement of a license surrendered to the board requires an 1919
affirmative vote of not fewer than six members of the board. 1920

(2) An application made under this chapter for a license 1921
to practice may not be withdrawn without approval of the board. 1922

(3) Failure by an individual to renew a license in 1923
accordance with section 4787.06 of the Revised Code does not 1924
remove or limit the board's jurisdiction to take disciplinary 1925
action under this section against the individual. 1926

(4) At the request of the board, a license holder shall 1927
immediately surrender to the board a license that the board has 1928
suspended, revoked, or permanently revoked. 1929

Sec. 4789.11. On receipt of a notice pursuant to section 1930
3123.43 of the Revised Code, the state medical board shall 1931
comply with sections 3123.41 to 3123.50 of the Revised Code and 1932
any applicable rules adopted under section 3123.63 of the 1933
Revised Code with respect to a license to practice naturopathic 1934
medicine issued under this chapter. 1935

Sec. 4789.12. The state medical board shall comply with 1936
section 4776.20 of the Revised Code. 1937

Sec. 4789.99. Whoever violates division (A) or (B) of 1938
section 4789.02 of the Revised Code is guilty of a felony of the 1939
fifth degree on a first offense and a felony of the fourth 1940
degree on each subsequent offense. 1941

Section 2. That existing sections 109.572, 4731.07, 1942
4731.071, 4731.224, 4731.2210, 4731.24, 4731.25, 4731.251, 1943
4776.01, and 4776.20 of the Revised Code are hereby repealed. 1944

Section 3. Section 4731.224 of the Revised Code is 1945
presented in this act as a composite of the section as amended 1946

by both S.B. 95 and S.B. 109 of the 135th General Assembly. The 1947
General Assembly, applying the principle stated in division (B) 1948
of section 1.52 of the Revised Code that amendments are to be 1949
harmonized if reasonably capable of simultaneous operation, 1950
finds that the composite is the resulting version of the section 1951
in effect prior to the effective date of the section as 1952
presented in this act. 1953