

As Passed by the House

134th General Assembly

Regular Session

2021-2022

Sub. H. B. No. 176

Representatives Carfagna, Hall

Cosponsors: Representatives Abrams, Riedel, Miller, J., Seitz, Gross, Troy, Young, T., White, Bird, LaRe, Stephens, Swearingen, Fraizer, Lipps, Russo, Cutrona, Ginter, Plummer, West, Baldrige, Brown, Carruthers, Click, Crawley, Creech, Cross, Crossman, Ghanbari, Householder, Jarrells, John, Johnson, Jones, Kick, Lanese, Lightbody, Loychik, O'Brien, Oelslager, Patton, Ray, Roemer, Sheehy, Sobecki, Stein, Weinstein, Wiggam

A BILL

To amend sections 4731.22, 4755.60, 4755.62, and 1
4755.64 and to enact sections 4755.621, 2
4755.622, and 4755.623 of the Revised Code to 3
revise the law governing the practice of 4
athletic training and to amend the versions of 5
sections 4731.22, 4755.62, and 4755.64 of the 6
Revised Code that are scheduled to take effect 7
on October 9, 2021, to continue the changes to 8
those sections on and after that date. 9

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

Section 1. That sections 4731.22, 4755.60, 4755.62, and 10
4755.64 be amended and sections 4755.621, 4755.622, and 4755.623 11
of the Revised Code be enacted to read as follows: 12

Sec. 4731.22. (A) The state medical board, by an 13
affirmative vote of not fewer than six of its members, may 14
limit, revoke, or suspend a license or certificate to practice 15

or certificate to recommend, refuse to grant a license or 16
certificate, refuse to renew a license or certificate, refuse to 17
reinstate a license or certificate, or reprimand or place on 18
probation the holder of a license or certificate if the 19
individual applying for or holding the license or certificate is 20
found by the board to have committed fraud during the 21
administration of the examination for a license or certificate 22
to practice or to have committed fraud, misrepresentation, or 23
deception in applying for, renewing, or securing any license or 24
certificate to practice or certificate to recommend issued by 25
the board. 26

(B) The board, by an affirmative vote of not fewer than 27
six members, shall, to the extent permitted by law, limit, 28
revoke, or suspend a license or certificate to practice or 29
certificate to recommend, refuse to issue a license or 30
certificate, refuse to renew a license or certificate, refuse to 31
reinstate a license or certificate, or reprimand or place on 32
probation the holder of a license or certificate for one or more 33
of the following reasons: 34

(1) Permitting one's name or one's license or certificate 35
to practice to be used by a person, group, or corporation when 36
the individual concerned is not actually directing the treatment 37
given; 38

(2) Failure to maintain minimal standards applicable to 39
the selection or administration of drugs, or failure to employ 40
acceptable scientific methods in the selection of drugs or other 41
modalities for treatment of disease; 42

(3) Except as provided in section 4731.97 of the Revised 43
Code, selling, giving away, personally furnishing, prescribing, 44
or administering drugs for other than legal and legitimate 45

therapeutic purposes or a plea of guilty to, a judicial finding 46
of guilt of, or a judicial finding of eligibility for 47
intervention in lieu of conviction of, a violation of any 48
federal or state law regulating the possession, distribution, or 49
use of any drug; 50

(4) Willfully betraying a professional confidence. 51

For purposes of this division, "willfully betraying a 52
professional confidence" does not include providing any 53
information, documents, or reports under sections 307.621 to 54
307.629 of the Revised Code to a child fatality review board; 55
does not include providing any information, documents, or 56
reports to the director of health pursuant to guidelines 57
established under section 3701.70 of the Revised Code; does not 58
include written notice to a mental health professional under 59
section 4731.62 of the Revised Code; and does not include the 60
making of a report of an employee's use of a drug of abuse, or a 61
report of a condition of an employee other than one involving 62
the use of a drug of abuse, to the employer of the employee as 63
described in division (B) of section 2305.33 of the Revised 64
Code. Nothing in this division affects the immunity from civil 65
liability conferred by section 2305.33 or 4731.62 of the Revised 66
Code upon a physician who makes a report in accordance with 67
section 2305.33 or notifies a mental health professional in 68
accordance with section 4731.62 of the Revised Code. As used in 69
this division, "employee," "employer," and "physician" have the 70
same meanings as in section 2305.33 of the Revised Code. 71

(5) Making a false, fraudulent, deceptive, or misleading 72
statement in the solicitation of or advertising for patients; in 73
relation to the practice of medicine and surgery, osteopathic 74
medicine and surgery, podiatric medicine and surgery, or a 75

limited branch of medicine; or in securing or attempting to 76
secure any license or certificate to practice issued by the 77
board. 78

As used in this division, "false, fraudulent, deceptive, 79
or misleading statement" means a statement that includes a 80
misrepresentation of fact, is likely to mislead or deceive 81
because of a failure to disclose material facts, is intended or 82
is likely to create false or unjustified expectations of 83
favorable results, or includes representations or implications 84
that in reasonable probability will cause an ordinarily prudent 85
person to misunderstand or be deceived. 86

(6) A departure from, or the failure to conform to, 87
minimal standards of care of similar practitioners under the 88
same or similar circumstances, whether or not actual injury to a 89
patient is established; 90

(7) Representing, with the purpose of obtaining 91
compensation or other advantage as personal gain or for any 92
other person, that an incurable disease or injury, or other 93
incurable condition, can be permanently cured; 94

(8) The obtaining of, or attempting to obtain, money or 95
anything of value by fraudulent misrepresentations in the course 96
of practice; 97

(9) A plea of guilty to, a judicial finding of guilt of, 98
or a judicial finding of eligibility for intervention in lieu of 99
conviction for, a felony; 100

(10) Commission of an act that constitutes a felony in 101
this state, regardless of the jurisdiction in which the act was 102
committed; 103

(11) A plea of guilty to, a judicial finding of guilt of, 104

or a judicial finding of eligibility for intervention in lieu of 105
conviction for, a misdemeanor committed in the course of 106
practice; 107

(12) Commission of an act in the course of practice that 108
constitutes a misdemeanor in this state, regardless of the 109
jurisdiction in which the act was committed; 110

(13) A plea of guilty to, a judicial finding of guilt of, 111
or a judicial finding of eligibility for intervention in lieu of 112
conviction for, a misdemeanor involving moral turpitude; 113

(14) Commission of an act involving moral turpitude that 114
constitutes a misdemeanor in this state, regardless of the 115
jurisdiction in which the act was committed; 116

(15) Violation of the conditions of limitation placed by 117
the board upon a license or certificate to practice; 118

(16) Failure to pay license renewal fees specified in this 119
chapter; 120

(17) Except as authorized in section 4731.31 of the 121
Revised Code, engaging in the division of fees for referral of 122
patients, or the receiving of a thing of value in return for a 123
specific referral of a patient to utilize a particular service 124
or business; 125

(18) Subject to section 4731.226 of the Revised Code, 126
violation of any provision of a code of ethics of the American 127
medical association, the American osteopathic association, the 128
American podiatric medical association, or any other national 129
professional organizations that the board specifies by rule. The 130
state medical board shall obtain and keep on file current copies 131
of the codes of ethics of the various national professional 132
organizations. The individual whose license or certificate is 133

being suspended or revoked shall not be found to have violated 134
any provision of a code of ethics of an organization not 135
appropriate to the individual's profession. 136

For purposes of this division, a "provision of a code of 137
ethics of a national professional organization" does not include 138
any provision that would preclude the making of a report by a 139
physician of an employee's use of a drug of abuse, or of a 140
condition of an employee other than one involving the use of a 141
drug of abuse, to the employer of the employee as described in 142
division (B) of section 2305.33 of the Revised Code. Nothing in 143
this division affects the immunity from civil liability 144
conferred by that section upon a physician who makes either type 145
of report in accordance with division (B) of that section. As 146
used in this division, "employee," "employer," and "physician" 147
have the same meanings as in section 2305.33 of the Revised 148
Code. 149

(19) Inability to practice according to acceptable and 150
prevailing standards of care by reason of mental illness or 151
physical illness, including, but not limited to, physical 152
deterioration that adversely affects cognitive, motor, or 153
perceptive skills. 154

In enforcing this division, the board, upon a showing of a 155
possible violation, may compel any individual authorized to 156
practice by this chapter or who has submitted an application 157
pursuant to this chapter to submit to a mental examination, 158
physical examination, including an HIV test, or both a mental 159
and a physical examination. The expense of the examination is 160
the responsibility of the individual compelled to be examined. 161
Failure to submit to a mental or physical examination or consent 162
to an HIV test ordered by the board constitutes an admission of 163

the allegations against the individual unless the failure is due 164
to circumstances beyond the individual's control, and a default 165
and final order may be entered without the taking of testimony 166
or presentation of evidence. If the board finds an individual 167
unable to practice because of the reasons set forth in this 168
division, the board shall require the individual to submit to 169
care, counseling, or treatment by physicians approved or 170
designated by the board, as a condition for initial, continued, 171
reinstated, or renewed authority to practice. An individual 172
affected under this division shall be afforded an opportunity to 173
demonstrate to the board the ability to resume practice in 174
compliance with acceptable and prevailing standards under the 175
provisions of the individual's license or certificate. For the 176
purpose of this division, any individual who applies for or 177
receives a license or certificate to practice under this chapter 178
accepts the privilege of practicing in this state and, by so 179
doing, shall be deemed to have given consent to submit to a 180
mental or physical examination when directed to do so in writing 181
by the board, and to have waived all objections to the 182
admissibility of testimony or examination reports that 183
constitute a privileged communication. 184

(20) Except as provided in division (F)(1)(b) of section 185
4731.282 of the Revised Code or when civil penalties are imposed 186
under section 4731.225 of the Revised Code, and subject to 187
section 4731.226 of the Revised Code, violating or attempting to 188
violate, directly or indirectly, or assisting in or abetting the 189
violation of, or conspiring to violate, any provisions of this 190
chapter or any rule promulgated by the board. 191

This division does not apply to a violation or attempted 192
violation of, assisting in or abetting the violation of, or a 193
conspiracy to violate, any provision of this chapter or any rule 194

adopted by the board that would preclude the making of a report 195
by a physician of an employee's use of a drug of abuse, or of a 196
condition of an employee other than one involving the use of a 197
drug of abuse, to the employer of the employee as described in 198
division (B) of section 2305.33 of the Revised Code. Nothing in 199
this division affects the immunity from civil liability 200
conferred by that section upon a physician who makes either type 201
of report in accordance with division (B) of that section. As 202
used in this division, "employee," "employer," and "physician" 203
have the same meanings as in section 2305.33 of the Revised 204
Code. 205

(21) The violation of section 3701.79 of the Revised Code 206
or of any abortion rule adopted by the director of health 207
pursuant to section 3701.341 of the Revised Code; 208

(22) Any of the following actions taken by an agency 209
responsible for authorizing, certifying, or regulating an 210
individual to practice a health care occupation or provide 211
health care services in this state or another jurisdiction, for 212
any reason other than the nonpayment of fees: the limitation, 213
revocation, or suspension of an individual's license to 214
practice; acceptance of an individual's license surrender; 215
denial of a license; refusal to renew or reinstate a license; 216
imposition of probation; or issuance of an order of censure or 217
other reprimand; 218

(23) The violation of section 2919.12 of the Revised Code 219
or the performance or inducement of an abortion upon a pregnant 220
woman with actual knowledge that the conditions specified in 221
division (B) of section 2317.56 of the Revised Code have not 222
been satisfied or with a heedless indifference as to whether 223
those conditions have been satisfied, unless an affirmative 224

defense as specified in division (H) (2) of that section would 225
apply in a civil action authorized by division (H) (1) of that 226
section; 227

(24) The revocation, suspension, restriction, reduction, 228
or termination of clinical privileges by the United States 229
department of defense or department of veterans affairs or the 230
termination or suspension of a certificate of registration to 231
prescribe drugs by the drug enforcement administration of the 232
United States department of justice; 233

(25) Termination or suspension from participation in the 234
medicare or medicaid programs by the department of health and 235
human services or other responsible agency; 236

(26) Impairment of ability to practice according to 237
acceptable and prevailing standards of care because of habitual 238
or excessive use or abuse of drugs, alcohol, or other substances 239
that impair ability to practice. 240

For the purposes of this division, any individual 241
authorized to practice by this chapter accepts the privilege of 242
practicing in this state subject to supervision by the board. By 243
filing an application for or holding a license or certificate to 244
practice under this chapter, an individual shall be deemed to 245
have given consent to submit to a mental or physical examination 246
when ordered to do so by the board in writing, and to have 247
waived all objections to the admissibility of testimony or 248
examination reports that constitute privileged communications. 249

If it has reason to believe that any individual authorized 250
to practice by this chapter or any applicant for licensure or 251
certification to practice suffers such impairment, the board may 252
compel the individual to submit to a mental or physical 253

examination, or both. The expense of the examination is the 254
responsibility of the individual compelled to be examined. Any 255
mental or physical examination required under this division 256
shall be undertaken by a treatment provider or physician who is 257
qualified to conduct the examination and who is chosen by the 258
board. 259

Failure to submit to a mental or physical examination 260
ordered by the board constitutes an admission of the allegations 261
against the individual unless the failure is due to 262
circumstances beyond the individual's control, and a default and 263
final order may be entered without the taking of testimony or 264
presentation of evidence. If the board determines that the 265
individual's ability to practice is impaired, the board shall 266
suspend the individual's license or certificate or deny the 267
individual's application and shall require the individual, as a 268
condition for initial, continued, reinstated, or renewed 269
licensure or certification to practice, to submit to treatment. 270

Before being eligible to apply for reinstatement of a 271
license or certificate suspended under this division, the 272
impaired practitioner shall demonstrate to the board the ability 273
to resume practice in compliance with acceptable and prevailing 274
standards of care under the provisions of the practitioner's 275
license or certificate. The demonstration shall include, but 276
shall not be limited to, the following: 277

(a) Certification from a treatment provider approved under 278
section 4731.25 of the Revised Code that the individual has 279
successfully completed any required inpatient treatment; 280

(b) Evidence of continuing full compliance with an 281
aftercare contract or consent agreement; 282

(c) Two written reports indicating that the individual's 283
ability to practice has been assessed and that the individual 284
has been found capable of practicing according to acceptable and 285
prevailing standards of care. The reports shall be made by 286
individuals or providers approved by the board for making the 287
assessments and shall describe the basis for their 288
determination. 289

The board may reinstate a license or certificate suspended 290
under this division after that demonstration and after the 291
individual has entered into a written consent agreement. 292

When the impaired practitioner resumes practice, the board 293
shall require continued monitoring of the individual. The 294
monitoring shall include, but not be limited to, compliance with 295
the written consent agreement entered into before reinstatement 296
or with conditions imposed by board order after a hearing, and, 297
upon termination of the consent agreement, submission to the 298
board for at least two years of annual written progress reports 299
made under penalty of perjury stating whether the individual has 300
maintained sobriety. 301

(27) A second or subsequent violation of section 4731.66 302
or 4731.69 of the Revised Code; 303

(28) Except as provided in division (N) of this section: 304

(a) Waiving the payment of all or any part of a deductible 305
or copayment that a patient, pursuant to a health insurance or 306
health care policy, contract, or plan that covers the 307
individual's services, otherwise would be required to pay if the 308
waiver is used as an enticement to a patient or group of 309
patients to receive health care services from that individual; 310

(b) Advertising that the individual will waive the payment 311

of all or any part of a deductible or copayment that a patient, 312
pursuant to a health insurance or health care policy, contract, 313
or plan that covers the individual's services, otherwise would 314
be required to pay. 315

(29) Failure to use universal blood and body fluid 316
precautions established by rules adopted under section 4731.051 317
of the Revised Code; 318

(30) Failure to provide notice to, and receive 319
acknowledgment of the notice from, a patient when required by 320
section 4731.143 of the Revised Code prior to providing 321
nonemergency professional services, or failure to maintain that 322
notice in the patient's medical record; 323

(31) Failure of a physician supervising a physician 324
assistant to maintain supervision in accordance with the 325
requirements of Chapter 4730. of the Revised Code and the rules 326
adopted under that chapter; 327

(32) Failure of a physician or podiatrist to enter into a 328
standard care arrangement with a clinical nurse specialist, 329
certified nurse-midwife, or certified nurse practitioner with 330
whom the physician or podiatrist is in collaboration pursuant to 331
section 4731.27 of the Revised Code or failure to fulfill the 332
responsibilities of collaboration after entering into a standard 333
care arrangement; 334

(33) Failure to comply with the terms of a consult 335
agreement entered into with a pharmacist pursuant to section 336
4729.39 of the Revised Code; 337

(34) Failure to cooperate in an investigation conducted by 338
the board under division (F) of this section, including failure 339
to comply with a subpoena or order issued by the board or 340

failure to answer truthfully a question presented by the board	341
in an investigative interview, an investigative office	342
conference, at a deposition, or in written interrogatories,	343
except that failure to cooperate with an investigation shall not	344
constitute grounds for discipline under this section if a court	345
of competent jurisdiction has issued an order that either	346
quashes a subpoena or permits the individual to withhold the	347
testimony or evidence in issue;	348
(35) Failure to supervise an acupuncturist in accordance	349
with Chapter 4762. of the Revised Code and the board's rules for	350
providing that supervision;	351
(36) Failure to supervise an anesthesiologist assistant in	352
accordance with Chapter 4760. of the Revised Code and the	353
board's rules for supervision of an anesthesiologist assistant;	354
(37) Assisting suicide, as defined in section 3795.01 of	355
the Revised Code;	356
(38) Failure to comply with the requirements of section	357
2317.561 of the Revised Code;	358
(39) Failure to supervise a radiologist assistant in	359
accordance with Chapter 4774. of the Revised Code and the	360
board's rules for supervision of radiologist assistants;	361
(40) Performing or inducing an abortion at an office or	362
facility with knowledge that the office or facility fails to	363
post the notice required under section 3701.791 of the Revised	364
Code;	365
(41) Failure to comply with the standards and procedures	366
established in rules under section 4731.054 of the Revised Code	367
for the operation of or the provision of care at a pain	368
management clinic;	369

(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	370 371 372 373
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	374 375 376 377
(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;	378 379 380 381 382
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	383 384 385 386 387
(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	388 389 390 391
(47) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code;	392 393 394 395 396
(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a	397 398

prescription for an opioid analgesic, as defined in section	399
3719.01 of the Revised Code;	400
(49) Failure to comply with the requirements of section	401
4731.30 of the Revised Code or rules adopted under section	402
4731.301 of the Revised Code when recommending treatment with	403
medical marijuana;	404
(50) Practicing at a facility, clinic, or other location	405
that is subject to licensure as a category III terminal	406
distributor of dangerous drugs with an office-based opioid	407
treatment classification unless the person operating that place	408
has obtained and maintains the license with the classification;	409
(51) Owning a facility, clinic, or other location that is	410
subject to licensure as a category III terminal distributor of	411
dangerous drugs with an office-based opioid treatment	412
classification unless that place is licensed with the	413
classification;	414
(52) A pattern of continuous or repeated violations of	415
division (E) (2) or (3) of section 3963.02 of the Revised Code;	416
<u>(53) Failure to fulfill the responsibilities of a</u>	417
<u>collaboration agreement entered into with an athletic trainer as</u>	418
<u>described in section 4755.621 of the Revised Code.</u>	419
(C) Disciplinary actions taken by the board under	420
divisions (A) and (B) of this section shall be taken pursuant to	421
an adjudication under Chapter 119. of the Revised Code, except	422
that in lieu of an adjudication, the board may enter into a	423
consent agreement with an individual to resolve an allegation of	424
a violation of this chapter or any rule adopted under it. A	425
consent agreement, when ratified by an affirmative vote of not	426
fewer than six members of the board, shall constitute the	427

findings and order of the board with respect to the matter 428
addressed in the agreement. If the board refuses to ratify a 429
consent agreement, the admissions and findings contained in the 430
consent agreement shall be of no force or effect. 431

A telephone conference call may be utilized for 432
ratification of a consent agreement that revokes or suspends an 433
individual's license or certificate to practice or certificate 434
to recommend. The telephone conference call shall be considered 435
a special meeting under division (F) of section 121.22 of the 436
Revised Code. 437

If the board takes disciplinary action against an 438
individual under division (B) of this section for a second or 439
subsequent plea of guilty to, or judicial finding of guilt of, a 440
violation of section 2919.123 or 2919.124 of the Revised Code, 441
the disciplinary action shall consist of a suspension of the 442
individual's license or certificate to practice for a period of 443
at least one year or, if determined appropriate by the board, a 444
more serious sanction involving the individual's license or 445
certificate to practice. Any consent agreement entered into 446
under this division with an individual that pertains to a second 447
or subsequent plea of guilty to, or judicial finding of guilt 448
of, a violation of that section shall provide for a suspension 449
of the individual's license or certificate to practice for a 450
period of at least one year or, if determined appropriate by the 451
board, a more serious sanction involving the individual's 452
license or certificate to practice. 453

(D) For purposes of divisions (B) (10), (12), and (14) of 454
this section, the commission of the act may be established by a 455
finding by the board, pursuant to an adjudication under Chapter 456
119. of the Revised Code, that the individual committed the act. 457

The board does not have jurisdiction under those divisions if 458
the trial court renders a final judgment in the individual's 459
favor and that judgment is based upon an adjudication on the 460
merits. The board has jurisdiction under those divisions if the 461
trial court issues an order of dismissal upon technical or 462
procedural grounds. 463

(E) The sealing of conviction records by any court shall 464
have no effect upon a prior board order entered under this 465
section or upon the board's jurisdiction to take action under 466
this section if, based upon a plea of guilty, a judicial finding 467
of guilt, or a judicial finding of eligibility for intervention 468
in lieu of conviction, the board issued a notice of opportunity 469
for a hearing prior to the court's order to seal the records. 470
The board shall not be required to seal, destroy, redact, or 471
otherwise modify its records to reflect the court's sealing of 472
conviction records. 473

(F) (1) The board shall investigate evidence that appears 474
to show that a person has violated any provision of this chapter 475
or any rule adopted under it. Any person may report to the board 476
in a signed writing any information that the person may have 477
that appears to show a violation of any provision of this 478
chapter or any rule adopted under it. In the absence of bad 479
faith, any person who reports information of that nature or who 480
testifies before the board in any adjudication conducted under 481
Chapter 119. of the Revised Code shall not be liable in damages 482
in a civil action as a result of the report or testimony. Each 483
complaint or allegation of a violation received by the board 484
shall be assigned a case number and shall be recorded by the 485
board. 486

(2) Investigations of alleged violations of this chapter 487

or any rule adopted under it shall be supervised by the 488
supervising member elected by the board in accordance with 489
section 4731.02 of the Revised Code and by the secretary as 490
provided in section 4731.39 of the Revised Code. The president 491
may designate another member of the board to supervise the 492
investigation in place of the supervising member. No member of 493
the board who supervises the investigation of a case shall 494
participate in further adjudication of the case. 495

(3) In investigating a possible violation of this chapter 496
or any rule adopted under this chapter, or in conducting an 497
inspection under division (E) of section 4731.054 of the Revised 498
Code, the board may question witnesses, conduct interviews, 499
administer oaths, order the taking of depositions, inspect and 500
copy any books, accounts, papers, records, or documents, issue 501
subpoenas, and compel the attendance of witnesses and production 502
of books, accounts, papers, records, documents, and testimony, 503
except that a subpoena for patient record information shall not 504
be issued without consultation with the attorney general's 505
office and approval of the secretary and supervising member of 506
the board. 507

(a) Before issuance of a subpoena for patient record 508
information, the secretary and supervising member shall 509
determine whether there is probable cause to believe that the 510
complaint filed alleges a violation of this chapter or any rule 511
adopted under it and that the records sought are relevant to the 512
alleged violation and material to the investigation. The 513
subpoena may apply only to records that cover a reasonable 514
period of time surrounding the alleged violation. 515

(b) On failure to comply with any subpoena issued by the 516
board and after reasonable notice to the person being 517

subpoenaed, the board may move for an order compelling the 518
production of persons or records pursuant to the Rules of Civil 519
Procedure. 520

(c) A subpoena issued by the board may be served by a 521
sheriff, the sheriff's deputy, or a board employee or agent 522
designated by the board. Service of a subpoena issued by the 523
board may be made by delivering a copy of the subpoena to the 524
person named therein, reading it to the person, or leaving it at 525
the person's usual place of residence, usual place of business, 526
or address on file with the board. When serving a subpoena to an 527
applicant for or the holder of a license or certificate issued 528
under this chapter, service of the subpoena may be made by 529
certified mail, return receipt requested, and the subpoena shall 530
be deemed served on the date delivery is made or the date the 531
person refuses to accept delivery. If the person being served 532
refuses to accept the subpoena or is not located, service may be 533
made to an attorney who notifies the board that the attorney is 534
representing the person. 535

(d) A sheriff's deputy who serves a subpoena shall receive 536
the same fees as a sheriff. Each witness who appears before the 537
board in obedience to a subpoena shall receive the fees and 538
mileage provided for under section 119.094 of the Revised Code. 539

(4) All hearings, investigations, and inspections of the 540
board shall be considered civil actions for the purposes of 541
section 2305.252 of the Revised Code. 542

(5) A report required to be submitted to the board under 543
this chapter, a complaint, or information received by the board 544
pursuant to an investigation or pursuant to an inspection under 545
division (E) of section 4731.054 of the Revised Code is 546
confidential and not subject to discovery in any civil action. 547

The board shall conduct all investigations or inspections 548
and proceedings in a manner that protects the confidentiality of 549
patients and persons who file complaints with the board. The 550
board shall not make public the names or any other identifying 551
information about patients or complainants unless proper consent 552
is given or, in the case of a patient, a waiver of the patient 553
privilege exists under division (B) of section 2317.02 of the 554
Revised Code, except that consent or a waiver of that nature is 555
not required if the board possesses reliable and substantial 556
evidence that no bona fide physician-patient relationship 557
exists. 558

The board may share any information it receives pursuant 559
to an investigation or inspection, including patient records and 560
patient record information, with law enforcement agencies, other 561
licensing boards, and other governmental agencies that are 562
prosecuting, adjudicating, or investigating alleged violations 563
of statutes or administrative rules. An agency or board that 564
receives the information shall comply with the same requirements 565
regarding confidentiality as those with which the state medical 566
board must comply, notwithstanding any conflicting provision of 567
the Revised Code or procedure of the agency or board that 568
applies when it is dealing with other information in its 569
possession. In a judicial proceeding, the information may be 570
admitted into evidence only in accordance with the Rules of 571
Evidence, but the court shall require that appropriate measures 572
are taken to ensure that confidentiality is maintained with 573
respect to any part of the information that contains names or 574
other identifying information about patients or complainants 575
whose confidentiality was protected by the state medical board 576
when the information was in the board's possession. Measures to 577
ensure confidentiality that may be taken by the court include 578

sealing its records or deleting specific information from its records.	579 580
(6) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:	581 582 583 584
(a) The case number assigned to the complaint or alleged violation;	585 586
(b) The type of license or certificate to practice, if any, held by the individual against whom the complaint is directed;	587 588 589
(c) A description of the allegations contained in the complaint;	590 591
(d) The disposition of the case.	592
The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.	593 594 595 596
(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license or certificate to practice or certificate to recommend without a prior hearing:	597 598 599 600
(1) That there is clear and convincing evidence that an individual has violated division (B) of this section;	601 602
(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.	603 604
Written allegations shall be prepared for consideration by	605

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

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B) (9), (11), or (13) of this section and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the

order may be filed with the board along with appropriate court 636
documents. Upon receipt of a petition of that nature and 637
supporting court documents, the board shall reinstate the 638
individual's license or certificate to practice. The board may 639
then hold an adjudication under Chapter 119. of the Revised Code 640
to determine whether the individual committed the act in 641
question. Notice of an opportunity for a hearing shall be given 642
in accordance with Chapter 119. of the Revised Code. If the 643
board finds, pursuant to an adjudication held under this 644
division, that the individual committed the act or if no hearing 645
is requested, the board may order any of the sanctions 646
identified under division (B) of this section. 647

(I) The license or certificate to practice issued to an 648
individual under this chapter and the individual's practice in 649
this state are automatically suspended as of the date of the 650
individual's second or subsequent plea of guilty to, or judicial 651
finding of guilt of, a violation of section 2919.123 or 2919.124 652
of the Revised Code. In addition, the license or certificate to 653
practice or certificate to recommend issued to an individual 654
under this chapter and the individual's practice in this state 655
are automatically suspended as of the date the individual pleads 656
guilty to, is found by a judge or jury to be guilty of, or is 657
subject to a judicial finding of eligibility for intervention in 658
lieu of conviction in this state or treatment or intervention in 659
lieu of conviction in another jurisdiction for any of the 660
following criminal offenses in this state or a substantially 661
equivalent criminal offense in another jurisdiction: aggravated 662
murder, murder, voluntary manslaughter, felonious assault, 663
kidnapping, rape, sexual battery, gross sexual imposition, 664
aggravated arson, aggravated robbery, or aggravated burglary. 665
Continued practice after suspension shall be considered 666

practicing without a license or certificate. 667

The board shall notify the individual subject to the 668
suspension by certified mail or in person in accordance with 669
section 119.07 of the Revised Code. If an individual whose 670
license or certificate is automatically suspended under this 671
division fails to make a timely request for an adjudication 672
under Chapter 119. of the Revised Code, the board shall do 673
whichever of the following is applicable: 674

(1) If the automatic suspension under this division is for 675
a second or subsequent plea of guilty to, or judicial finding of 676
guilt of, a violation of section 2919.123 or 2919.124 of the 677
Revised Code, the board shall enter an order suspending the 678
individual's license or certificate to practice for a period of 679
at least one year or, if determined appropriate by the board, 680
imposing a more serious sanction involving the individual's 681
license or certificate to practice. 682

(2) In all circumstances in which division (I)(1) of this 683
section does not apply, enter a final order permanently revoking 684
the individual's license or certificate to practice. 685

(J) If the board is required by Chapter 119. of the 686
Revised Code to give notice of an opportunity for a hearing and 687
if the individual subject to the notice does not timely request 688
a hearing in accordance with section 119.07 of the Revised Code, 689
the board is not required to hold a hearing, but may adopt, by 690
an affirmative vote of not fewer than six of its members, a 691
final order that contains the board's findings. In that final 692
order, the board may order any of the sanctions identified under 693
division (A) or (B) of this section. 694

(K) Any action taken by the board under division (B) of 695

this section resulting in a suspension from practice shall be 696
accompanied by a written statement of the conditions under which 697
the individual's license or certificate to practice may be 698
reinstated. The board shall adopt rules governing conditions to 699
be imposed for reinstatement. Reinstatement of a license or 700
certificate suspended pursuant to division (B) of this section 701
requires an affirmative vote of not fewer than six members of 702
the board. 703

(L) When the board refuses to grant or issue a license or 704
certificate to practice to an applicant, revokes an individual's 705
license or certificate to practice, refuses to renew an 706
individual's license or certificate to practice, or refuses to 707
reinstatement an individual's license or certificate to practice, 708
the board may specify that its action is permanent. An 709
individual subject to a permanent action taken by the board is 710
forever thereafter ineligible to hold a license or certificate 711
to practice and the board shall not accept an application for 712
reinstatement of the license or certificate or for issuance of a 713
new license or certificate. 714

(M) Notwithstanding any other provision of the Revised 715
Code, all of the following apply: 716

(1) The surrender of a license or certificate issued under 717
this chapter shall not be effective unless or until accepted by 718
the board. A telephone conference call may be utilized for 719
acceptance of the surrender of an individual's license or 720
certificate to practice. The telephone conference call shall be 721
considered a special meeting under division (F) of section 722
121.22 of the Revised Code. Reinstatement of a license or 723
certificate surrendered to the board requires an affirmative 724
vote of not fewer than six members of the board. 725

(2) An application for a license or certificate made under 726
the provisions of this chapter may not be withdrawn without 727
approval of the board. 728

(3) Failure by an individual to renew a license or 729
certificate to practice in accordance with this chapter or a 730
certificate to recommend in accordance with rules adopted under 731
section 4731.301 of the Revised Code shall not remove or limit 732
the board's jurisdiction to take any disciplinary action under 733
this section against the individual. 734

(4) At the request of the board, a license or certificate 735
holder shall immediately surrender to the board a license or 736
certificate that the board has suspended, revoked, or 737
permanently revoked. 738

(N) Sanctions shall not be imposed under division (B) (28) 739
of this section against any person who waives deductibles and 740
copayments as follows: 741

(1) In compliance with the health benefit plan that 742
expressly allows such a practice. Waiver of the deductibles or 743
copayments shall be made only with the full knowledge and 744
consent of the plan purchaser, payer, and third-party 745
administrator. Documentation of the consent shall be made 746
available to the board upon request. 747

(2) For professional services rendered to any other person 748
authorized to practice pursuant to this chapter, to the extent 749
allowed by this chapter and rules adopted by the board. 750

(O) Under the board's investigative duties described in 751
this section and subject to division (F) of this section, the 752
board shall develop and implement a quality intervention program 753
designed to improve through remedial education the clinical and 754

communication skills of individuals authorized under this 755
chapter to practice medicine and surgery, osteopathic medicine 756
and surgery, and podiatric medicine and surgery. In developing 757
and implementing the quality intervention program, the board may 758
do all of the following: 759

(1) Offer in appropriate cases as determined by the board 760
an educational and assessment program pursuant to an 761
investigation the board conducts under this section; 762

(2) Select providers of educational and assessment 763
services, including a quality intervention program panel of case 764
reviewers; 765

(3) Make referrals to educational and assessment service 766
providers and approve individual educational programs 767
recommended by those providers. The board shall monitor the 768
progress of each individual undertaking a recommended individual 769
educational program. 770

(4) Determine what constitutes successful completion of an 771
individual educational program and require further monitoring of 772
the individual who completed the program or other action that 773
the board determines to be appropriate; 774

(5) Adopt rules in accordance with Chapter 119. of the 775
Revised Code to further implement the quality intervention 776
program. 777

An individual who participates in an individual 778
educational program pursuant to this division shall pay the 779
financial obligations arising from that educational program. 780

Sec. 4755.60. As used in sections 4755.60 to 4755.65 and 781
4755.99 of the Revised Code: 782

(A) ~~"Athletic training" means the practice of prevention, recognition, and assessment of an athletic injury and the complete management, treatment, disposition, and reconditioning of acute athletic injuries upon the referral of an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry, a dentist licensed under Chapter 4715. of the Revised Code, a physical therapist licensed under this chapter, or a chiropractor licensed under Chapter 4734. of the Revised Code. Athletic training includes the administration of topical drugs that have been prescribed by a licensed health professional authorized to prescribe drugs, as defined in section 4729.01 of the Revised Code. Athletic training also includes the organization and administration of educational programs and athletic facilities, and the education of and consulting with the public as it pertains to athletic training.~~ 783
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~~(B) "Athletic trainer" means a person who meets the qualifications of this chapter for licensure and who is employed by an educational institution, professional or amateur organization, athletic facility, or health care facility to practice athletic training authorized to engage in the activities described in section 4755.621 or 4755.622 of the Revised Code.~~ 799
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~~(C) "The national athletic trainers association, inc." means the national professional organization of athletic trainers that provides direction and leadership for quality athletic training practice, education, and research.~~ 805
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~~(D) "Athletic injury" means any injury sustained by an individual that affects the individual's participation or performance in sports, games, recreation, exercise, or other activity that requires physical strength, agility, flexibility,~~ 809
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~~speed, stamina, or range of motion~~(B) "Licensed health professional authorized to prescribe drugs" or "prescriber" has the same meaning as in section 4729.01 of the Revised Code. 813
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(C) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. 816
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Sec. 4755.62. (A) No person shall claim to the public to be an athletic trainer or imply by words, actions, or letters that the person is an athletic trainer, or otherwise engage in the practice of athletic training, unless the person is licensed as an athletic trainer pursuant to this chapter. 820
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(B) Except as otherwise provided in division (B) of section 4755.65 of the Revised Code, no educational institution, partnership, association, or corporation shall advertise or otherwise offer to provide or convey the impression that it is providing athletic training unless an individual licensed as an athletic trainer pursuant to this chapter is employed by, or under contract to, the educational institution, partnership, association, or corporation and will be performing the athletic training services to which reference is made. 825
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(C) To qualify for an athletic trainers license, a person shall: 834
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(1) Have satisfactorily completed an application for licensure in accordance with rules adopted by the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board under section 4755.61 of the Revised Code; 836
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(2) Have paid the examination fee required under this 841

section; 842

(3) Be of good moral character; 843

(4) Have shown, to the satisfaction of the athletic 844
trainers section, that the applicant has received a 845
baccalaureate or higher degree from an institution of higher 846
education, approved by the athletic trainers section of the 847
board and the federal regional accreditation agency and 848
recognized by the council on postsecondary accreditation, and 849
has satisfactorily completed the educational course work 850
requirements established by rule of the athletic trainers 851
section under section 4755.61 of the Revised Code. 852

(5) In addition to educational course work requirements, 853
have obtained supervised clinical experience that meets the 854
requirements established in rules adopted by the athletic 855
trainers section under section 4755.61 of the Revised Code; 856

(6) Have passed an examination adopted by the athletic 857
trainers section under division (A) (8) of section 4755.61 of the 858
Revised Code. Each applicant for licensure shall pay, at the 859
time of application, the nonrefundable examination fee set by 860
the athletic trainers section. 861

(D) The section may waive the requirements of division (C) 862
of this section for any applicant who presents proof of current 863
licensure in another state whose standards for licensure, as 864
determined by the section, are equal to or greater than those in 865
effect in this state on the date of application. 866

(E) The section shall issue a license to every applicant 867
who complies with the requirements of division (C) of this 868
section, files the required application form, and pays the fees 869
required by section 4755.61 of the Revised Code. ~~A~~ Each licensee 870

shall display the licensee's license in a conspicuous place at 871
the licensee's principal place of employment. 872

A license issued under this section entitles the holder to 873
engage in the practice of athletic training, to claim to the 874
public to be an athletic trainer, or to imply by words or 875
letters that the licensee is an athletic trainer. ~~Each licensee~~ 876
~~shall display the licensee's license in a conspicuous place at~~ 877
~~the licensee's principal place of employment.~~ 878
A license issued 879
under this section does not entitle the holder to provide, offer 880
to provide, or represent that the holder is qualified to provide 881
any care or services for which the holder lacks the education, 882
training, or experience to provide or is prohibited by law from 883
providing.

Sec. 4755.621. (A) As used in this section, "athletic 884
training diagnosis" means the judgment made after examining, 885
evaluating, assessing, or interpreting symptoms presented by a 886
patient to establish the cause and nature of the patient's 887
injury, emergent condition, or functional impairment and the 888
plan of care for that injury, emergent condition, or functional 889
impairment within the scope of athletic training. "Athletic 890
training diagnosis" does not include a medical diagnosis. 891

(B) A person licensed as an athletic trainer pursuant to 892
this chapter may enter into a collaboration agreement with one 893
or more physicians. 894

The agreement shall be in writing and signed by the 895
athletic trainer and each physician with whom the athletic 896
trainer collaborates. A copy of the agreement shall be 897
maintained in the records of the athletic trainer and each 898
collaborating physician. 899

<u>The agreement shall address all of the following:</u>	900
<u>(1) The duties and responsibilities to be fulfilled by the athletic trainer when engaging in the activities described in division (C) of this section;</u>	901 902 903
<u>(2) Any limitations on the athletic trainer's performance of the activities described in division (C) of this section;</u>	904 905
<u>(3) A plan of care for patients treated by the athletic trainer.</u>	906 907
<u>(C) Subject to division (B) of this section and section 4755.623 of the Revised Code, a person licensed as an athletic trainer pursuant to this chapter who enters into a collaboration agreement is authorized to engage in all of the following activities:</u>	908 909 910 911 912
<u>(1) The prevention, examination, and athletic training diagnosis of injuries or emergent conditions resulting from physical activities that require physical skill and utilize strength, power, endurance, speed, flexibility, range of motion, or agility;</u>	913 914 915 916 917
<u>(2) The complete management, treatment, disposition, and reconditioning of injuries or emergent conditions resulting from physical activities;</u>	918 919 920
<u>(3) The provision of emergent care, therapeutic interventions, and rehabilitation for injuries or emergent conditions resulting from physical activities;</u>	921 922 923
<u>(4) The promotion of and education about wellness;</u>	924
<u>(5) The administration of drugs, including topical drugs, that have been prescribed by a licensed health professional authorized to prescribe drugs and are administered under the</u>	925 926 927

<u>direction of the prescriber;</u>	928
<u>(6) The performance of athletic training research;</u>	929
<u>(7) The organization and administration of educational programs and athletic training facilities;</u>	930 931
<u>(8) The education of and consulting with the public as it pertains to athletic training.</u>	932 933
Sec. 4755.622. (A) <u>As used in this section, "athletic injury" means any injury sustained by an individual that affects the individual's participation or performance in sports, games, recreation, exercise, or other activity that requires physical strength, agility, flexibility, speed, stamina, or range of motion.</u>	934 935 936 937 938 939
(B) <u>Subject to section 4755.623 of the Revised Code, in the event a person licensed as an athletic trainer pursuant to this chapter does not enter into a collaboration agreement with one or more physicians as described in division (B) of section 4755.621 of the Revised Code, the person is authorized to engage only in the following activities:</u>	940 941 942 943 944 945
<u>(1) The practice of prevention, recognition, and assessment of an athletic injury;</u>	946 947
<u>(2) The complete management, treatment, disposition, and reconditioning of acute athletic injuries;</u>	948 949
<u>(3) The administration of topical drugs that have been prescribed by a licensed health professional authorized to prescribe drugs;</u>	950 951 952
<u>(4) The organization and administration of educational programs and athletic facilities;</u>	953 954

(5) The education of and consulting with the public as it 955
pertains to athletic training. 956

Sec. 4755.623. (A) A person licensed as an athletic 957
trainer pursuant to this chapter shall engage in the activities 958
described in section 4755.621 or 4755.622 only if the person 959
acts upon the referral of one or more of the following: 960

(1) A physician; 961

(2) A dentist licensed under Chapter 4715. of the Revised 962
Code; 963

(3) A physical therapist licensed under this chapter; 964

(4) A chiropractor licensed under Chapter 4734. of the 965
Revised Code; 966

(5) Subject to division (B) of this section, an athletic 967
trainer licensed under this chapter; 968

(6) A physician assistant licensed under Chapter 4730. of 969
the Revised Code; 970

(7) A certified nurse practitioner licensed under Chapter 971
4723. of the Revised Code. 972

(B) A person licensed as an athletic trainer pursuant to 973
this chapter may practice upon the referral of an athletic 974
trainer described in division (A) of this section only if 975
athletic training has already been recommended and referred by a 976
health care provider described in division (A) of this section 977
who is not an athletic trainer. 978

Sec. 4755.64. (A) In accordance with Chapter 119. of the 979
Revised Code, the athletic trainers section of the Ohio 980
occupational therapy, physical therapy, and athletic trainers 981

board may suspend, revoke, or refuse to issue or renew an	982
athletic trainers license, or reprimand, fine, or place a	983
licensee on probation, for any of the following:	984
(1) Conviction of a felony or offense involving moral	985
turpitude, regardless of the state or country in which the	986
conviction occurred;	987
(2) Violation of sections 4755.61 to 4755.65 of the	988
Revised Code or any order issued or rule adopted thereunder;	989
(3) Obtaining a license through fraud, false or misleading	990
representation, or concealment of material facts;	991
(4) Negligence or gross misconduct in the practice of	992
athletic training;	993
(5) Violating the standards of ethical conduct in the	994
practice of athletic training as adopted by the athletic	995
trainers section under section 4755.61 of the Revised Code;	996
(6) Using any controlled substance or alcohol to the	997
extent that the ability to practice athletic training at a level	998
of competency is impaired;	999
(7) Practicing in an area of athletic training for which	1000
the individual is untrained, <u>or</u> incompetent, or practicing	1001
without the referral of a practitioner licensed under Chapter	1002
4731. of the Revised Code, a dentist licensed under Chapter	1003
4715. of the Revised Code, a chiropractor licensed under Chapter	1004
4734. of the Revised Code, or a physical therapist licensed	1005
under this chapter described in division (A) of section 4755.623	1006
<u>of the Revised Code;</u>	1007
(8) Employing, directing, or supervising a person in the	1008
performance of athletic training procedures who is not	1009

authorized to practice as a licensed athletic trainer under this chapter; 1010
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(9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice; 1012
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(10) Failing the licensing examination; 1016

(11) Aiding or abetting the unlicensed practice of athletic training; 1017
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(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including athletic training, for any reason other than a failure to renew, in Ohio or another state or jurisdiction; 1019
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(13) In the case of an athletic trainer who has entered into a collaboration agreement as described in section 4755.621 of the Revised Code, failing to practice in accordance with the agreement. 1023
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(B) If the athletic trainers section places a licensee on probation under division (A) of this section, the section's order for placement on probation shall be accompanied by a written statement of the conditions under which the person may be removed from probation and restored to unrestricted practice. 1027
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(C) A licensee whose license has been revoked under division (A) of this section may apply to the athletic trainers section for reinstatement of the license one year following the date of revocation. The athletic trainers section may accept or deny the application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement. 1032
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(D) On receipt of a complaint that a person licensed by 1038
the athletic trainers section has committed any of the 1039
prohibited actions listed in division (A) of this section, the 1040
section may immediately suspend the license of a licensed 1041
athletic trainer prior to holding a hearing in accordance with 1042
Chapter 119. of the Revised Code if it determines, based on the 1043
complaint, that the licensee poses an immediate threat to the 1044
public. The section may review the allegations and vote on the 1045
suspension by telephone conference call. If the section votes to 1046
suspend a license under this division, the section shall issue a 1047
written order of summary suspension to the licensed athletic 1048
trainer in accordance with section 119.07 of the Revised Code. 1049
If the individual whose license is suspended fails to make a 1050
timely request for an adjudication under Chapter 119. of the 1051
Revised Code, the section shall enter a final order permanently 1052
revoking the individual's license. Notwithstanding section 1053
119.12 of the Revised Code, a court of common pleas shall not 1054
grant a suspension of the section's order of summary suspension 1055
pending the determination of an appeal filed under that section. 1056
Any order of summary suspension issued under this division shall 1057
remain in effect, unless reversed on appeal, until a final 1058
adjudication order issued by the section pursuant to division 1059
(A) of this section becomes effective. The section shall issue 1060
its final adjudication order regarding an order of summary 1061
suspension issued under this division not later than ninety days 1062
after completion of its hearing. Failure to issue the order 1063
within ninety days shall result in immediate dissolution of the 1064
suspension order, but shall not invalidate any subsequent, final 1065
adjudication order. 1066

Section 2. That existing sections 4731.22, 4755.60, 1067
4755.62, and 4755.64 of the Revised Code are hereby repealed. 1068

Section 3. That versions of sections 4731.22, 4755.62, and 1069
4755.64 of the Revised Code that are scheduled to take effect 1070
October 9, 2021, be amended to read as follows: 1071

Sec. 4731.22. (A) The state medical board, by an 1072
affirmative vote of not fewer than six of its members, may 1073
limit, revoke, or suspend a license or certificate to practice 1074
or certificate to recommend, refuse to grant a license or 1075
certificate, refuse to renew a license or certificate, refuse to 1076
reinstate a license or certificate, or reprimand or place on 1077
probation the holder of a license or certificate if the 1078
individual applying for or holding the license or certificate is 1079
found by the board to have committed fraud during the 1080
administration of the examination for a license or certificate 1081
to practice or to have committed fraud, misrepresentation, or 1082
deception in applying for, renewing, or securing any license or 1083
certificate to practice or certificate to recommend issued by 1084
the board. 1085

(B) Except as provided in division (P) of this section, 1086
the board, by an affirmative vote of not fewer than six members, 1087
shall, to the extent permitted by law, limit, revoke, or suspend 1088
a license or certificate to practice or certificate to 1089
recommend, refuse to issue a license or certificate, refuse to 1090
renew a license or certificate, refuse to reinstate a license or 1091
certificate, or reprimand or place on probation the holder of a 1092
license or certificate for one or more of the following reasons: 1093

(1) Permitting one's name or one's license or certificate 1094
to practice to be used by a person, group, or corporation when 1095
the individual concerned is not actually directing the treatment 1096
given; 1097

(2) Failure to maintain minimal standards applicable to 1098

the selection or administration of drugs, or failure to employ 1099
acceptable scientific methods in the selection of drugs or other 1100
modalities for treatment of disease; 1101

(3) Except as provided in section 4731.97 of the Revised 1102
Code, selling, giving away, personally furnishing, prescribing, 1103
or administering drugs for other than legal and legitimate 1104
therapeutic purposes or a plea of guilty to, a judicial finding 1105
of guilt of, or a judicial finding of eligibility for 1106
intervention in lieu of conviction of, a violation of any 1107
federal or state law regulating the possession, distribution, or 1108
use of any drug; 1109

(4) Willfully betraying a professional confidence. 1110

For purposes of this division, "willfully betraying a 1111
professional confidence" does not include providing any 1112
information, documents, or reports under sections 307.621 to 1113
307.629 of the Revised Code to a child fatality review board; 1114
does not include providing any information, documents, or 1115
reports to the director of health pursuant to guidelines 1116
established under section 3701.70 of the Revised Code; does not 1117
include written notice to a mental health professional under 1118
section 4731.62 of the Revised Code; and does not include the 1119
making of a report of an employee's use of a drug of abuse, or a 1120
report of a condition of an employee other than one involving 1121
the use of a drug of abuse, to the employer of the employee as 1122
described in division (B) of section 2305.33 of the Revised 1123
Code. Nothing in this division affects the immunity from civil 1124
liability conferred by section 2305.33 or 4731.62 of the Revised 1125
Code upon a physician who makes a report in accordance with 1126
section 2305.33 or notifies a mental health professional in 1127
accordance with section 4731.62 of the Revised Code. As used in 1128

this division, "employee," "employer," and "physician" have the 1129
same meanings as in section 2305.33 of the Revised Code. 1130

(5) Making a false, fraudulent, deceptive, or misleading 1131
statement in the solicitation of or advertising for patients; in 1132
relation to the practice of medicine and surgery, osteopathic 1133
medicine and surgery, podiatric medicine and surgery, or a 1134
limited branch of medicine; or in securing or attempting to 1135
secure any license or certificate to practice issued by the 1136
board. 1137

As used in this division, "false, fraudulent, deceptive, 1138
or misleading statement" means a statement that includes a 1139
misrepresentation of fact, is likely to mislead or deceive 1140
because of a failure to disclose material facts, is intended or 1141
is likely to create false or unjustified expectations of 1142
favorable results, or includes representations or implications 1143
that in reasonable probability will cause an ordinarily prudent 1144
person to misunderstand or be deceived. 1145

(6) A departure from, or the failure to conform to, 1146
minimal standards of care of similar practitioners under the 1147
same or similar circumstances, whether or not actual injury to a 1148
patient is established; 1149

(7) Representing, with the purpose of obtaining 1150
compensation or other advantage as personal gain or for any 1151
other person, that an incurable disease or injury, or other 1152
incurable condition, can be permanently cured; 1153

(8) The obtaining of, or attempting to obtain, money or 1154
anything of value by fraudulent misrepresentations in the course 1155
of practice; 1156

(9) A plea of guilty to, a judicial finding of guilt of, 1157

or a judicial finding of eligibility for intervention in lieu of 1158
conviction for, a felony; 1159

(10) Commission of an act that constitutes a felony in 1160
this state, regardless of the jurisdiction in which the act was 1161
committed; 1162

(11) A plea of guilty to, a judicial finding of guilt of, 1163
or a judicial finding of eligibility for intervention in lieu of 1164
conviction for, a misdemeanor committed in the course of 1165
practice; 1166

(12) Commission of an act in the course of practice that 1167
constitutes a misdemeanor in this state, regardless of the 1168
jurisdiction in which the act was committed; 1169

(13) A plea of guilty to, a judicial finding of guilt of, 1170
or a judicial finding of eligibility for intervention in lieu of 1171
conviction for, a misdemeanor involving moral turpitude; 1172

(14) Commission of an act involving moral turpitude that 1173
constitutes a misdemeanor in this state, regardless of the 1174
jurisdiction in which the act was committed; 1175

(15) Violation of the conditions of limitation placed by 1176
the board upon a license or certificate to practice; 1177

(16) Failure to pay license renewal fees specified in this 1178
chapter; 1179

(17) Except as authorized in section 4731.31 of the 1180
Revised Code, engaging in the division of fees for referral of 1181
patients, or the receiving of a thing of value in return for a 1182
specific referral of a patient to utilize a particular service 1183
or business; 1184

(18) Subject to section 4731.226 of the Revised Code, 1185

violation of any provision of a code of ethics of the American 1186
medical association, the American osteopathic association, the 1187
American podiatric medical association, or any other national 1188
professional organizations that the board specifies by rule. The 1189
state medical board shall obtain and keep on file current copies 1190
of the codes of ethics of the various national professional 1191
organizations. The individual whose license or certificate is 1192
being suspended or revoked shall not be found to have violated 1193
any provision of a code of ethics of an organization not 1194
appropriate to the individual's profession. 1195

For purposes of this division, a "provision of a code of 1196
ethics of a national professional organization" does not include 1197
any provision that would preclude the making of a report by a 1198
physician of an employee's use of a drug of abuse, or of a 1199
condition of an employee other than one involving the use of a 1200
drug of abuse, to the employer of the employee as described in 1201
division (B) of section 2305.33 of the Revised Code. Nothing in 1202
this division affects the immunity from civil liability 1203
conferred by that section upon a physician who makes either type 1204
of report in accordance with division (B) of that section. As 1205
used in this division, "employee," "employer," and "physician" 1206
have the same meanings as in section 2305.33 of the Revised 1207
Code. 1208

(19) Inability to practice according to acceptable and 1209
prevailing standards of care by reason of mental illness or 1210
physical illness, including, but not limited to, physical 1211
deterioration that adversely affects cognitive, motor, or 1212
perceptive skills. 1213

In enforcing this division, the board, upon a showing of a 1214
possible violation, may compel any individual authorized to 1215

practice by this chapter or who has submitted an application 1216
pursuant to this chapter to submit to a mental examination, 1217
physical examination, including an HIV test, or both a mental 1218
and a physical examination. The expense of the examination is 1219
the responsibility of the individual compelled to be examined. 1220
Failure to submit to a mental or physical examination or consent 1221
to an HIV test ordered by the board constitutes an admission of 1222
the allegations against the individual unless the failure is due 1223
to circumstances beyond the individual's control, and a default 1224
and final order may be entered without the taking of testimony 1225
or presentation of evidence. If the board finds an individual 1226
unable to practice because of the reasons set forth in this 1227
division, the board shall require the individual to submit to 1228
care, counseling, or treatment by physicians approved or 1229
designated by the board, as a condition for initial, continued, 1230
reinstated, or renewed authority to practice. An individual 1231
affected under this division shall be afforded an opportunity to 1232
demonstrate to the board the ability to resume practice in 1233
compliance with acceptable and prevailing standards under the 1234
provisions of the individual's license or certificate. For the 1235
purpose of this division, any individual who applies for or 1236
receives a license or certificate to practice under this chapter 1237
accepts the privilege of practicing in this state and, by so 1238
doing, shall be deemed to have given consent to submit to a 1239
mental or physical examination when directed to do so in writing 1240
by the board, and to have waived all objections to the 1241
admissibility of testimony or examination reports that 1242
constitute a privileged communication. 1243

(20) Except as provided in division (F)(1)(b) of section 1244
4731.282 of the Revised Code or when civil penalties are imposed 1245
under section 4731.225 of the Revised Code, and subject to 1246

section 4731.226 of the Revised Code, violating or attempting to 1247
violate, directly or indirectly, or assisting in or abetting the 1248
violation of, or conspiring to violate, any provisions of this 1249
chapter or any rule promulgated by the board. 1250

This division does not apply to a violation or attempted 1251
violation of, assisting in or abetting the violation of, or a 1252
conspiracy to violate, any provision of this chapter or any rule 1253
adopted by the board that would preclude the making of a report 1254
by a physician of an employee's use of a drug of abuse, or of a 1255
condition of an employee other than one involving the use of a 1256
drug of abuse, to the employer of the employee as described in 1257
division (B) of section 2305.33 of the Revised Code. Nothing in 1258
this division affects the immunity from civil liability 1259
conferred by that section upon a physician who makes either type 1260
of report in accordance with division (B) of that section. As 1261
used in this division, "employee," "employer," and "physician" 1262
have the same meanings as in section 2305.33 of the Revised 1263
Code. 1264

(21) The violation of section 3701.79 of the Revised Code 1265
or of any abortion rule adopted by the director of health 1266
pursuant to section 3701.341 of the Revised Code; 1267

(22) Any of the following actions taken by an agency 1268
responsible for authorizing, certifying, or regulating an 1269
individual to practice a health care occupation or provide 1270
health care services in this state or another jurisdiction, for 1271
any reason other than the nonpayment of fees: the limitation, 1272
revocation, or suspension of an individual's license to 1273
practice; acceptance of an individual's license surrender; 1274
denial of a license; refusal to renew or reinstate a license; 1275
imposition of probation; or issuance of an order of censure or 1276

other reprimand; 1277

(23) The violation of section 2919.12 of the Revised Code 1278
or the performance or inducement of an abortion upon a pregnant 1279
woman with actual knowledge that the conditions specified in 1280
division (B) of section 2317.56 of the Revised Code have not 1281
been satisfied or with a heedless indifference as to whether 1282
those conditions have been satisfied, unless an affirmative 1283
defense as specified in division (H) (2) of that section would 1284
apply in a civil action authorized by division (H) (1) of that 1285
section; 1286

(24) The revocation, suspension, restriction, reduction, 1287
or termination of clinical privileges by the United States 1288
department of defense or department of veterans affairs or the 1289
termination or suspension of a certificate of registration to 1290
prescribe drugs by the drug enforcement administration of the 1291
United States department of justice; 1292

(25) Termination or suspension from participation in the 1293
medicare or medicaid programs by the department of health and 1294
human services or other responsible agency; 1295

(26) Impairment of ability to practice according to 1296
acceptable and prevailing standards of care because of habitual 1297
or excessive use or abuse of drugs, alcohol, or other substances 1298
that impair ability to practice. 1299

For the purposes of this division, any individual 1300
authorized to practice by this chapter accepts the privilege of 1301
practicing in this state subject to supervision by the board. By 1302
filing an application for or holding a license or certificate to 1303
practice under this chapter, an individual shall be deemed to 1304
have given consent to submit to a mental or physical examination 1305

when ordered to do so by the board in writing, and to have 1306
waived all objections to the admissibility of testimony or 1307
examination reports that constitute privileged communications. 1308

If it has reason to believe that any individual authorized 1309
to practice by this chapter or any applicant for licensure or 1310
certification to practice suffers such impairment, the board may 1311
compel the individual to submit to a mental or physical 1312
examination, or both. The expense of the examination is the 1313
responsibility of the individual compelled to be examined. Any 1314
mental or physical examination required under this division 1315
shall be undertaken by a treatment provider or physician who is 1316
qualified to conduct the examination and who is chosen by the 1317
board. 1318

Failure to submit to a mental or physical examination 1319
ordered by the board constitutes an admission of the allegations 1320
against the individual unless the failure is due to 1321
circumstances beyond the individual's control, and a default and 1322
final order may be entered without the taking of testimony or 1323
presentation of evidence. If the board determines that the 1324
individual's ability to practice is impaired, the board shall 1325
suspend the individual's license or certificate or deny the 1326
individual's application and shall require the individual, as a 1327
condition for initial, continued, reinstated, or renewed 1328
licensure or certification to practice, to submit to treatment. 1329

Before being eligible to apply for reinstatement of a 1330
license or certificate suspended under this division, the 1331
impaired practitioner shall demonstrate to the board the ability 1332
to resume practice in compliance with acceptable and prevailing 1333
standards of care under the provisions of the practitioner's 1334
license or certificate. The demonstration shall include, but 1335

shall not be limited to, the following: 1336

(a) Certification from a treatment provider approved under 1337
section 4731.25 of the Revised Code that the individual has 1338
successfully completed any required inpatient treatment; 1339

(b) Evidence of continuing full compliance with an 1340
aftercare contract or consent agreement; 1341

(c) Two written reports indicating that the individual's 1342
ability to practice has been assessed and that the individual 1343
has been found capable of practicing according to acceptable and 1344
prevailing standards of care. The reports shall be made by 1345
individuals or providers approved by the board for making the 1346
assessments and shall describe the basis for their 1347
determination. 1348

The board may reinstate a license or certificate suspended 1349
under this division after that demonstration and after the 1350
individual has entered into a written consent agreement. 1351

When the impaired practitioner resumes practice, the board 1352
shall require continued monitoring of the individual. The 1353
monitoring shall include, but not be limited to, compliance with 1354
the written consent agreement entered into before reinstatement 1355
or with conditions imposed by board order after a hearing, and, 1356
upon termination of the consent agreement, submission to the 1357
board for at least two years of annual written progress reports 1358
made under penalty of perjury stating whether the individual has 1359
maintained sobriety. 1360

(27) A second or subsequent violation of section 4731.66 1361
or 4731.69 of the Revised Code; 1362

(28) Except as provided in division (N) of this section: 1363

(a) Waiving the payment of all or any part of a deductible 1364
or copayment that a patient, pursuant to a health insurance or 1365
health care policy, contract, or plan that covers the 1366
individual's services, otherwise would be required to pay if the 1367
waiver is used as an enticement to a patient or group of 1368
patients to receive health care services from that individual; 1369

(b) Advertising that the individual will waive the payment 1370
of all or any part of a deductible or copayment that a patient, 1371
pursuant to a health insurance or health care policy, contract, 1372
or plan that covers the individual's services, otherwise would 1373
be required to pay. 1374

(29) Failure to use universal blood and body fluid 1375
precautions established by rules adopted under section 4731.051 1376
of the Revised Code; 1377

(30) Failure to provide notice to, and receive 1378
acknowledgment of the notice from, a patient when required by 1379
section 4731.143 of the Revised Code prior to providing 1380
nonemergency professional services, or failure to maintain that 1381
notice in the patient's medical record; 1382

(31) Failure of a physician supervising a physician 1383
assistant to maintain supervision in accordance with the 1384
requirements of Chapter 4730. of the Revised Code and the rules 1385
adopted under that chapter; 1386

(32) Failure of a physician or podiatrist to enter into a 1387
standard care arrangement with a clinical nurse specialist, 1388
certified nurse-midwife, or certified nurse practitioner with 1389
whom the physician or podiatrist is in collaboration pursuant to 1390
section 4731.27 of the Revised Code or failure to fulfill the 1391
responsibilities of collaboration after entering into a standard 1392

care arrangement;	1393
(33) Failure to comply with the terms of a consult	1394
agreement entered into with a pharmacist pursuant to section	1395
4729.39 of the Revised Code;	1396
(34) Failure to cooperate in an investigation conducted by	1397
the board under division (F) of this section, including failure	1398
to comply with a subpoena or order issued by the board or	1399
failure to answer truthfully a question presented by the board	1400
in an investigative interview, an investigative office	1401
conference, at a deposition, or in written interrogatories,	1402
except that failure to cooperate with an investigation shall not	1403
constitute grounds for discipline under this section if a court	1404
of competent jurisdiction has issued an order that either	1405
quashes a subpoena or permits the individual to withhold the	1406
testimony or evidence in issue;	1407
(35) Failure to supervise an acupuncturist in accordance	1408
with Chapter 4762. of the Revised Code and the board's rules for	1409
providing that supervision;	1410
(36) Failure to supervise an anesthesiologist assistant in	1411
accordance with Chapter 4760. of the Revised Code and the	1412
board's rules for supervision of an anesthesiologist assistant;	1413
(37) Assisting suicide, as defined in section 3795.01 of	1414
the Revised Code;	1415
(38) Failure to comply with the requirements of section	1416
2317.561 of the Revised Code;	1417
(39) Failure to supervise a radiologist assistant in	1418
accordance with Chapter 4774. of the Revised Code and the	1419
board's rules for supervision of radiologist assistants;	1420

(40) Performing or inducing an abortion at an office or	1421
facility with knowledge that the office or facility fails to	1422
post the notice required under section 3701.791 of the Revised	1423
Code;	1424
(41) Failure to comply with the standards and procedures	1425
established in rules under section 4731.054 of the Revised Code	1426
for the operation of or the provision of care at a pain	1427
management clinic;	1428
(42) Failure to comply with the standards and procedures	1429
established in rules under section 4731.054 of the Revised Code	1430
for providing supervision, direction, and control of individuals	1431
at a pain management clinic;	1432
(43) Failure to comply with the requirements of section	1433
4729.79 or 4731.055 of the Revised Code, unless the state board	1434
of pharmacy no longer maintains a drug database pursuant to	1435
section 4729.75 of the Revised Code;	1436
(44) Failure to comply with the requirements of section	1437
2919.171, 2919.202, or 2919.203 of the Revised Code or failure	1438
to submit to the department of health in accordance with a court	1439
order a complete report as described in section 2919.171 or	1440
2919.202 of the Revised Code;	1441
(45) Practicing at a facility that is subject to licensure	1442
as a category III terminal distributor of dangerous drugs with a	1443
pain management clinic classification unless the person	1444
operating the facility has obtained and maintains the license	1445
with the classification;	1446
(46) Owning a facility that is subject to licensure as a	1447
category III terminal distributor of dangerous drugs with a pain	1448
management clinic classification unless the facility is licensed	1449

with the classification;	1450
(47) Failure to comply with any of the requirements	1451
regarding making or maintaining medical records or documents	1452
described in division (A) of section 2919.192, division (C) of	1453
section 2919.193, division (B) of section 2919.195, or division	1454
(A) of section 2919.196 of the Revised Code;	1455
(48) Failure to comply with the requirements in section	1456
3719.061 of the Revised Code before issuing for a minor a	1457
prescription for an opioid analgesic, as defined in section	1458
3719.01 of the Revised Code;	1459
(49) Failure to comply with the requirements of section	1460
4731.30 of the Revised Code or rules adopted under section	1461
4731.301 of the Revised Code when recommending treatment with	1462
medical marijuana;	1463
(50) Practicing at a facility, clinic, or other location	1464
that is subject to licensure as a category III terminal	1465
distributor of dangerous drugs with an office-based opioid	1466
treatment classification unless the person operating that place	1467
has obtained and maintains the license with the classification;	1468
(51) Owning a facility, clinic, or other location that is	1469
subject to licensure as a category III terminal distributor of	1470
dangerous drugs with an office-based opioid treatment	1471
classification unless that place is licensed with the	1472
classification;	1473
(52) A pattern of continuous or repeated violations of	1474
division (E) (2) or (3) of section 3963.02 of the Revised Code;	1475
<u>(53) Failure to fulfill the responsibilities of a</u>	1476
<u>collaboration agreement entered into with an athletic trainer as</u>	1477
<u>described in section 4755.621 of the Revised Code.</u>	1478

(C) Disciplinary actions taken by the board under 1479
divisions (A) and (B) of this section shall be taken pursuant to 1480
an adjudication under Chapter 119. of the Revised Code, except 1481
that in lieu of an adjudication, the board may enter into a 1482
consent agreement with an individual to resolve an allegation of 1483
a violation of this chapter or any rule adopted under it. A 1484
consent agreement, when ratified by an affirmative vote of not 1485
fewer than six members of the board, shall constitute the 1486
findings and order of the board with respect to the matter 1487
addressed in the agreement. If the board refuses to ratify a 1488
consent agreement, the admissions and findings contained in the 1489
consent agreement shall be of no force or effect. 1490

A telephone conference call may be utilized for 1491
ratification of a consent agreement that revokes or suspends an 1492
individual's license or certificate to practice or certificate 1493
to recommend. The telephone conference call shall be considered 1494
a special meeting under division (F) of section 121.22 of the 1495
Revised Code. 1496

If the board takes disciplinary action against an 1497
individual under division (B) of this section for a second or 1498
subsequent plea of guilty to, or judicial finding of guilt of, a 1499
violation of section 2919.123 or 2919.124 of the Revised Code, 1500
the disciplinary action shall consist of a suspension of the 1501
individual's license or certificate to practice for a period of 1502
at least one year or, if determined appropriate by the board, a 1503
more serious sanction involving the individual's license or 1504
certificate to practice. Any consent agreement entered into 1505
under this division with an individual that pertains to a second 1506
or subsequent plea of guilty to, or judicial finding of guilt 1507
of, a violation of that section shall provide for a suspension 1508
of the individual's license or certificate to practice for a 1509

period of at least one year or, if determined appropriate by the 1510
board, a more serious sanction involving the individual's 1511
license or certificate to practice. 1512

(D) For purposes of divisions (B) (10), (12), and (14) of 1513
this section, the commission of the act may be established by a 1514
finding by the board, pursuant to an adjudication under Chapter 1515
119. of the Revised Code, that the individual committed the act. 1516
The board does not have jurisdiction under those divisions if 1517
the trial court renders a final judgment in the individual's 1518
favor and that judgment is based upon an adjudication on the 1519
merits. The board has jurisdiction under those divisions if the 1520
trial court issues an order of dismissal upon technical or 1521
procedural grounds. 1522

(E) The sealing of conviction records by any court shall 1523
have no effect upon a prior board order entered under this 1524
section or upon the board's jurisdiction to take action under 1525
this section if, based upon a plea of guilty, a judicial finding 1526
of guilt, or a judicial finding of eligibility for intervention 1527
in lieu of conviction, the board issued a notice of opportunity 1528
for a hearing prior to the court's order to seal the records. 1529
The board shall not be required to seal, destroy, redact, or 1530
otherwise modify its records to reflect the court's sealing of 1531
conviction records. 1532

(F) (1) The board shall investigate evidence that appears 1533
to show that a person has violated any provision of this chapter 1534
or any rule adopted under it. Any person may report to the board 1535
in a signed writing any information that the person may have 1536
that appears to show a violation of any provision of this 1537
chapter or any rule adopted under it. In the absence of bad 1538
faith, any person who reports information of that nature or who 1539

testifies before the board in any adjudication conducted under 1540
Chapter 119. of the Revised Code shall not be liable in damages 1541
in a civil action as a result of the report or testimony. Each 1542
complaint or allegation of a violation received by the board 1543
shall be assigned a case number and shall be recorded by the 1544
board. 1545

(2) Investigations of alleged violations of this chapter 1546
or any rule adopted under it shall be supervised by the 1547
supervising member elected by the board in accordance with 1548
section 4731.02 of the Revised Code and by the secretary as 1549
provided in section 4731.39 of the Revised Code. The president 1550
may designate another member of the board to supervise the 1551
investigation in place of the supervising member. No member of 1552
the board who supervises the investigation of a case shall 1553
participate in further adjudication of the case. 1554

(3) In investigating a possible violation of this chapter 1555
or any rule adopted under this chapter, or in conducting an 1556
inspection under division (E) of section 4731.054 of the Revised 1557
Code, the board may question witnesses, conduct interviews, 1558
administer oaths, order the taking of depositions, inspect and 1559
copy any books, accounts, papers, records, or documents, issue 1560
subpoenas, and compel the attendance of witnesses and production 1561
of books, accounts, papers, records, documents, and testimony, 1562
except that a subpoena for patient record information shall not 1563
be issued without consultation with the attorney general's 1564
office and approval of the secretary and supervising member of 1565
the board. 1566

(a) Before issuance of a subpoena for patient record 1567
information, the secretary and supervising member shall 1568
determine whether there is probable cause to believe that the 1569

complaint filed alleges a violation of this chapter or any rule 1570
adopted under it and that the records sought are relevant to the 1571
alleged violation and material to the investigation. The 1572
subpoena may apply only to records that cover a reasonable 1573
period of time surrounding the alleged violation. 1574

(b) On failure to comply with any subpoena issued by the 1575
board and after reasonable notice to the person being 1576
subpoenaed, the board may move for an order compelling the 1577
production of persons or records pursuant to the Rules of Civil 1578
Procedure. 1579

(c) A subpoena issued by the board may be served by a 1580
sheriff, the sheriff's deputy, or a board employee or agent 1581
designated by the board. Service of a subpoena issued by the 1582
board may be made by delivering a copy of the subpoena to the 1583
person named therein, reading it to the person, or leaving it at 1584
the person's usual place of residence, usual place of business, 1585
or address on file with the board. When serving a subpoena to an 1586
applicant for or the holder of a license or certificate issued 1587
under this chapter, service of the subpoena may be made by 1588
certified mail, return receipt requested, and the subpoena shall 1589
be deemed served on the date delivery is made or the date the 1590
person refuses to accept delivery. If the person being served 1591
refuses to accept the subpoena or is not located, service may be 1592
made to an attorney who notifies the board that the attorney is 1593
representing the person. 1594

(d) A sheriff's deputy who serves a subpoena shall receive 1595
the same fees as a sheriff. Each witness who appears before the 1596
board in obedience to a subpoena shall receive the fees and 1597
mileage provided for under section 119.094 of the Revised Code. 1598

(4) All hearings, investigations, and inspections of the 1599

board shall be considered civil actions for the purposes of 1600
section 2305.252 of the Revised Code. 1601

(5) A report required to be submitted to the board under 1602
this chapter, a complaint, or information received by the board 1603
pursuant to an investigation or pursuant to an inspection under 1604
division (E) of section 4731.054 of the Revised Code is 1605
confidential and not subject to discovery in any civil action. 1606

The board shall conduct all investigations or inspections 1607
and proceedings in a manner that protects the confidentiality of 1608
patients and persons who file complaints with the board. The 1609
board shall not make public the names or any other identifying 1610
information about patients or complainants unless proper consent 1611
is given or, in the case of a patient, a waiver of the patient 1612
privilege exists under division (B) of section 2317.02 of the 1613
Revised Code, except that consent or a waiver of that nature is 1614
not required if the board possesses reliable and substantial 1615
evidence that no bona fide physician-patient relationship 1616
exists. 1617

The board may share any information it receives pursuant 1618
to an investigation or inspection, including patient records and 1619
patient record information, with law enforcement agencies, other 1620
licensing boards, and other governmental agencies that are 1621
prosecuting, adjudicating, or investigating alleged violations 1622
of statutes or administrative rules. An agency or board that 1623
receives the information shall comply with the same requirements 1624
regarding confidentiality as those with which the state medical 1625
board must comply, notwithstanding any conflicting provision of 1626
the Revised Code or procedure of the agency or board that 1627
applies when it is dealing with other information in its 1628
possession. In a judicial proceeding, the information may be 1629

admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

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

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

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

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

(d) The disposition of the case.

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

(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license or certificate to practice or certificate

to recommend without a prior hearing: 1659

(1) That there is clear and convincing evidence that an 1660
individual has violated division (B) of this section; 1661

(2) That the individual's continued practice presents a 1662
danger of immediate and serious harm to the public. 1663

Written allegations shall be prepared for consideration by 1664
the board. The board, upon review of those allegations and by an 1665
affirmative vote of not fewer than six of its members, excluding 1666
the secretary and supervising member, may suspend a license or 1667
certificate without a prior hearing. A telephone conference call 1668
may be utilized for reviewing the allegations and taking the 1669
vote on the summary suspension. 1670

The board shall issue a written order of suspension by 1671
certified mail or in person in accordance with section 119.07 of 1672
the Revised Code. The order shall not be subject to suspension 1673
by the court during pendency of any appeal filed under section 1674
119.12 of the Revised Code. If the individual subject to the 1675
summary suspension requests an adjudicatory hearing by the 1676
board, the date set for the hearing shall be within fifteen 1677
days, but not earlier than seven days, after the individual 1678
requests the hearing, unless otherwise agreed to by both the 1679
board and the individual. 1680

Any summary suspension imposed under this division shall 1681
remain in effect, unless reversed on appeal, until a final 1682
adjudicative order issued by the board pursuant to this section 1683
and Chapter 119. of the Revised Code becomes effective. The 1684
board shall issue its final adjudicative order within seventy- 1685
five days after completion of its hearing. A failure to issue 1686
the order within seventy-five days shall result in dissolution 1687

of the summary suspension order but shall not invalidate any 1688
subsequent, final adjudicative order. 1689

(H) If the board takes action under division (B) (9), (11), 1690
or (13) of this section and the judicial finding of guilt, 1691
guilty plea, or judicial finding of eligibility for intervention 1692
in lieu of conviction is overturned on appeal, upon exhaustion 1693
of the criminal appeal, a petition for reconsideration of the 1694
order may be filed with the board along with appropriate court 1695
documents. Upon receipt of a petition of that nature and 1696
supporting court documents, the board shall reinstate the 1697
individual's license or certificate to practice. The board may 1698
then hold an adjudication under Chapter 119. of the Revised Code 1699
to determine whether the individual committed the act in 1700
question. Notice of an opportunity for a hearing shall be given 1701
in accordance with Chapter 119. of the Revised Code. If the 1702
board finds, pursuant to an adjudication held under this 1703
division, that the individual committed the act or if no hearing 1704
is requested, the board may order any of the sanctions 1705
identified under division (B) of this section. 1706

(I) The license or certificate to practice issued to an 1707
individual under this chapter and the individual's practice in 1708
this state are automatically suspended as of the date of the 1709
individual's second or subsequent plea of guilty to, or judicial 1710
finding of guilt of, a violation of section 2919.123 or 2919.124 1711
of the Revised Code. In addition, the license or certificate to 1712
practice or certificate to recommend issued to an individual 1713
under this chapter and the individual's practice in this state 1714
are automatically suspended as of the date the individual pleads 1715
guilty to, is found by a judge or jury to be guilty of, or is 1716
subject to a judicial finding of eligibility for intervention in 1717
lieu of conviction in this state or treatment or intervention in 1718

lieu of conviction in another jurisdiction for any of the 1719
following criminal offenses in this state or a substantially 1720
equivalent criminal offense in another jurisdiction: aggravated 1721
murder, murder, voluntary manslaughter, felonious assault, 1722
kidnapping, rape, sexual battery, gross sexual imposition, 1723
aggravated arson, aggravated robbery, or aggravated burglary. 1724
Continued practice after suspension shall be considered 1725
practicing without a license or certificate. 1726

The board shall notify the individual subject to the 1727
suspension by certified mail or in person in accordance with 1728
section 119.07 of the Revised Code. If an individual whose 1729
license or certificate is automatically suspended under this 1730
division fails to make a timely request for an adjudication 1731
under Chapter 119. of the Revised Code, the board shall do 1732
whichever of the following is applicable: 1733

(1) If the automatic suspension under this division is for 1734
a second or subsequent plea of guilty to, or judicial finding of 1735
guilt of, a violation of section 2919.123 or 2919.124 of the 1736
Revised Code, the board shall enter an order suspending the 1737
individual's license or certificate to practice for a period of 1738
at least one year or, if determined appropriate by the board, 1739
imposing a more serious sanction involving the individual's 1740
license or certificate to practice. 1741

(2) In all circumstances in which division (I)(1) of this 1742
section does not apply, enter a final order permanently revoking 1743
the individual's license or certificate to practice. 1744

(J) If the board is required by Chapter 119. of the 1745
Revised Code to give notice of an opportunity for a hearing and 1746
if the individual subject to the notice does not timely request 1747
a hearing in accordance with section 119.07 of the Revised Code, 1748

the board is not required to hold a hearing, but may adopt, by 1749
an affirmative vote of not fewer than six of its members, a 1750
final order that contains the board's findings. In that final 1751
order, the board may order any of the sanctions identified under 1752
division (A) or (B) of this section. 1753

(K) Any action taken by the board under division (B) of 1754
this section resulting in a suspension from practice shall be 1755
accompanied by a written statement of the conditions under which 1756
the individual's license or certificate to practice may be 1757
reinstated. The board shall adopt rules governing conditions to 1758
be imposed for reinstatement. Reinstatement of a license or 1759
certificate suspended pursuant to division (B) of this section 1760
requires an affirmative vote of not fewer than six members of 1761
the board. 1762

(L) When the board refuses to grant or issue a license or 1763
certificate to practice to an applicant, revokes an individual's 1764
license or certificate to practice, refuses to renew an 1765
individual's license or certificate to practice, or refuses to 1766
reinstatement an individual's license or certificate to practice, 1767
the board may specify that its action is permanent. An 1768
individual subject to a permanent action taken by the board is 1769
forever thereafter ineligible to hold a license or certificate 1770
to practice and the board shall not accept an application for 1771
reinstatement of the license or certificate or for issuance of a 1772
new license or certificate. 1773

(M) Notwithstanding any other provision of the Revised 1774
Code, all of the following apply: 1775

(1) The surrender of a license or certificate issued under 1776
this chapter shall not be effective unless or until accepted by 1777
the board. A telephone conference call may be utilized for 1778

acceptance of the surrender of an individual's license or 1779
certificate to practice. The telephone conference call shall be 1780
considered a special meeting under division (F) of section 1781
121.22 of the Revised Code. Reinstatement of a license or 1782
certificate surrendered to the board requires an affirmative 1783
vote of not fewer than six members of the board. 1784

(2) An application for a license or certificate made under 1785
the provisions of this chapter may not be withdrawn without 1786
approval of the board. 1787

(3) Failure by an individual to renew a license or 1788
certificate to practice in accordance with this chapter or a 1789
certificate to recommend in accordance with rules adopted under 1790
section 4731.301 of the Revised Code shall not remove or limit 1791
the board's jurisdiction to take any disciplinary action under 1792
this section against the individual. 1793

(4) At the request of the board, a license or certificate 1794
holder shall immediately surrender to the board a license or 1795
certificate that the board has suspended, revoked, or 1796
permanently revoked. 1797

(N) Sanctions shall not be imposed under division (B) (28) 1798
of this section against any person who waives deductibles and 1799
copayments as follows: 1800

(1) In compliance with the health benefit plan that 1801
expressly allows such a practice. Waiver of the deductibles or 1802
copayments shall be made only with the full knowledge and 1803
consent of the plan purchaser, payer, and third-party 1804
administrator. Documentation of the consent shall be made 1805
available to the board upon request. 1806

(2) For professional services rendered to any other person 1807

authorized to practice pursuant to this chapter, to the extent 1808
allowed by this chapter and rules adopted by the board. 1809

(O) Under the board's investigative duties described in 1810
this section and subject to division (F) of this section, the 1811
board shall develop and implement a quality intervention program 1812
designed to improve through remedial education the clinical and 1813
communication skills of individuals authorized under this 1814
chapter to practice medicine and surgery, osteopathic medicine 1815
and surgery, and podiatric medicine and surgery. In developing 1816
and implementing the quality intervention program, the board may 1817
do all of the following: 1818

(1) Offer in appropriate cases as determined by the board 1819
an educational and assessment program pursuant to an 1820
investigation the board conducts under this section; 1821

(2) Select providers of educational and assessment 1822
services, including a quality intervention program panel of case 1823
reviewers; 1824

(3) Make referrals to educational and assessment service 1825
providers and approve individual educational programs 1826
recommended by those providers. The board shall monitor the 1827
progress of each individual undertaking a recommended individual 1828
educational program. 1829

(4) Determine what constitutes successful completion of an 1830
individual educational program and require further monitoring of 1831
the individual who completed the program or other action that 1832
the board determines to be appropriate; 1833

(5) Adopt rules in accordance with Chapter 119. of the 1834
Revised Code to further implement the quality intervention 1835
program. 1836

An individual who participates in an individual 1837
educational program pursuant to this division shall pay the 1838
financial obligations arising from that educational program. 1839

(P) The board shall not refuse to issue a license to an 1840
applicant because of a conviction, plea of guilty, judicial 1841
finding of guilt, judicial finding of eligibility for 1842
intervention in lieu of conviction, or the commission of an act 1843
that constitutes a criminal offense, unless the refusal is in 1844
accordance with section 9.79 of the Revised Code. 1845

Sec. 4755.62. (A) No person shall claim to the public to 1846
be an athletic trainer or imply by words, actions, or letters 1847
that the person is an athletic trainer, or otherwise engage in 1848
the practice of athletic training, unless the person is licensed 1849
as an athletic trainer pursuant to this chapter. 1850

(B) Except as otherwise provided in division (B) of 1851
section 4755.65 of the Revised Code, no educational institution, 1852
partnership, association, or corporation shall advertise or 1853
otherwise offer to provide or convey the impression that it is 1854
providing athletic training unless an individual licensed as an 1855
athletic trainer pursuant to this chapter is employed by, or 1856
under contract to, the educational institution, partnership, 1857
association, or corporation and will be performing the athletic 1858
training services to which reference is made. 1859

(C) To qualify for an athletic trainers license, a person 1860
shall: 1861

(1) Have satisfactorily completed an application for 1862
licensure in accordance with rules adopted by the athletic 1863
trainers section of the Ohio occupational therapy, physical 1864
therapy, and athletic trainers board under section 4755.61 of 1865

the Revised Code; 1866

(2) Have paid the examination fee required under this 1867
section; 1868

(3) Have shown, to the satisfaction of the athletic 1869
trainers section, that the applicant has received a 1870
baccalaureate or higher degree from an institution of higher 1871
education, approved by the athletic trainers section of the 1872
board and the federal regional accreditation agency and 1873
recognized by the council on postsecondary accreditation, and 1874
has satisfactorily completed the educational course work 1875
requirements established by rule of the athletic trainers 1876
section under section 4755.61 of the Revised Code. 1877

(4) In addition to educational course work requirements, 1878
have obtained supervised clinical experience that meets the 1879
requirements established in rules adopted by the athletic 1880
trainers section under section 4755.61 of the Revised Code; 1881

(5) Have passed an examination adopted by the athletic 1882
trainers section under division (A) (8) of section 4755.61 of the 1883
Revised Code. Each applicant for licensure shall pay, at the 1884
time of application, the nonrefundable examination fee set by 1885
the athletic trainers section. 1886

(D) The section may waive the requirements of division (C) 1887
of this section for any applicant who presents proof of current 1888
licensure in another state whose standards for licensure, as 1889
determined by the section, are equal to or greater than those in 1890
effect in this state on the date of application. 1891

(E) The section shall issue a license to every applicant 1892
who complies with the requirements of division (C) of this 1893
section, files the required application form, and pays the fees 1894

required by section 4755.61 of the Revised Code. ~~A Each licensee~~ 1895
~~shall display the licensee's license in a conspicuous place at~~ 1896
~~the licensee's principal place of employment.~~ 1897

A license issued under this section entitles the holder to 1898
engage in the practice of athletic training, to claim to the 1899
public to be an athletic trainer, or to imply by words or 1900
letters that the licensee is an athletic trainer. ~~Each licensee~~ 1901
~~shall display the licensee's license in a conspicuous place at~~ 1902
~~the licensee's principal place of employment.~~A license issued 1903
under this section does not entitle the holder to provide, offer 1904
to provide, or represent that the holder is qualified to provide 1905
any care or services for which the holder lacks the education, 1906
training, or experience to provide or is prohibited by law from 1907
providing. 1908

Sec. 4755.64. (A) In accordance with Chapter 119. of the 1909
Revised Code, the athletic trainers section of the Ohio 1910
occupational therapy, physical therapy, and athletic trainers 1911
board may suspend, revoke, or, except as provided in division 1912
(B) of this section, refuse to issue or renew an athletic 1913
trainers license, or reprimand, fine, or place a licensee on 1914
probation, for any of the following: 1915

(1) Conviction of a felony or offense involving moral 1916
turpitude, regardless of the state or country in which the 1917
conviction occurred; 1918

(2) Violation of sections 4755.61 to 4755.65 of the 1919
Revised Code or any order issued or rule adopted thereunder; 1920

(3) Obtaining a license through fraud, false or misleading 1921
representation, or concealment of material facts; 1922

(4) Negligence or gross misconduct in the practice of 1923

athletic training;	1924
(5) Violating the standards of ethical conduct in the practice of athletic training as adopted by the athletic trainers section under section 4755.61 of the Revised Code;	1925 1926 1927
(6) Using any controlled substance or alcohol to the extent that the ability to practice athletic training at a level of competency is impaired;	1928 1929 1930
(7) Practicing in an area of athletic training for which the individual is untrained, <u>or incompetent</u> , or practicing without the referral of a practitioner licensed under Chapter 4731. of the Revised Code, a dentist licensed under Chapter 4715. of the Revised Code, a chiropractor licensed under Chapter 4734. of the Revised Code, or a physical therapist licensed under this chapter <u>described in division (A) of section 4755.623 of the Revised Code;</u>	1931 1932 1933 1934 1935 1936 1937 1938
(8) Employing, directing, or supervising a person in the performance of athletic training procedures who is not authorized to practice as a licensed athletic trainer under this chapter;	1939 1940 1941 1942
(9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice;	1943 1944 1945 1946
(10) Failing the licensing examination;	1947
(11) Aiding or abetting the unlicensed practice of athletic training;	1948 1949
(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including	1950 1951

athletic training, for any reason other than a failure to renew, 1952
in Ohio or another state or jurisdiction; 1953

(13) In the case of an athletic trainer who has entered 1954
into a collaboration agreement as described in section 4755.621 1955
of the Revised Code, failing to practice in accordance with the 1956
agreement. 1957

(B) The athletic trainers section shall not refuse to 1958
issue a license to an applicant because of a criminal conviction 1959
unless the refusal is in accordance with section 9.79 of the 1960
Revised Code. 1961

(C) If the athletic trainers section places a licensee on 1962
probation under division (A) of this section, the section's 1963
order for placement on probation shall be accompanied by a 1964
written statement of the conditions under which the person may 1965
be removed from probation and restored to unrestricted practice. 1966

(D) A licensee whose license has been revoked under 1967
division (A) of this section may apply to the athletic trainers 1968
section for reinstatement of the license one year following the 1969
date of revocation. The athletic trainers section may accept or 1970
deny the application for reinstatement and may require that the 1971
applicant pass an examination as a condition for reinstatement. 1972

(E) On receipt of a complaint that a person licensed by 1973
the athletic trainers section has committed any of the 1974
prohibited actions listed in division (A) of this section, the 1975
section may immediately suspend the license of a licensed 1976
athletic trainer prior to holding a hearing in accordance with 1977
Chapter 119. of the Revised Code if it determines, based on the 1978
complaint, that the licensee poses an immediate threat to the 1979
public. The section may review the allegations and vote on the 1980

suspension by telephone conference call. If the section votes to suspend a license under this division, the section shall issue a written order of summary suspension to the licensed athletic trainer in accordance with section 119.07 of the Revised Code. If the individual whose license is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the section shall enter a final order permanently revoking the individual's license. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the section's order of summary suspension pending the determination of an appeal filed under that section. Any order of summary suspension issued under this division shall remain in effect, unless reversed on appeal, until a final adjudication order issued by the section pursuant to division (A) of this section becomes effective. The section shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than ninety days after completion of its hearing. Failure to issue the order within ninety days shall result in immediate dissolution of the suspension order, but shall not invalidate any subsequent, final adjudication order.

Section 4. That the existing versions of sections 4731.22, 4755.62, and 4755.64 of the Revised Code that are scheduled to take effect October 9, 2021, are hereby repealed.

Section 5. Sections 3 and 4 of this act take effect October 9, 2021.

Section 6. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections,

presented in this act as composites of the sections as amended 2011
by the acts indicated, are the resulting versions of the 2012
sections in effect prior to the effective date of the sections 2013
as presented in this act: 2014

Section 4731.22 of the Revised Code, the version effective 2015
until October 9, 2021, as amended by both H.B. 442 and S.B. 260 2016
of the 133rd General Assembly; 2017

Section 4731.22 of the Revised Code, the version effective 2018
beginning October 9, 2021, as amended by H.B. 263, H.B. 442, and 2019
S.B. 260, all of the 133rd General Assembly. 2020