

Sub. H. B. No. 193
As Passed by the House

_____ moved to amend as follows:

In line 1 of the title, delete "and" and insert ","; after "3719.06" insert ", and 4731.36"

In line 3 of the title, delete "and" and insert ","; after "substances" insert ", and out-of-state physician consultations"

In line 4, delete "and" and insert ","; after "3719.06" insert ", and 4731.36"

After line 134, insert:

"Sec. 4731.36. (A) Sections 4731.01 to 4731.47 of the Revised Code shall not prohibit service in case of emergency, domestic administration of family remedies, or provision of assistance to another individual who is self-administering drugs.

Sections 4731.01 to 4731.47 of the Revised Code shall not apply to any of the following:

(1) A commissioned medical officer of the armed forces of the United States or an employee of the veterans administration



of the United States or the United States public health service 17
in the discharge of the officer's or employee's professional 18
duties; 19

(2) A dentist authorized under Chapter 4715. of the 20
Revised Code to practice dentistry when engaged exclusively in 21
the practice of dentistry or when administering anesthetics in 22
the practice of dentistry; 23

(3) A physician or surgeon in another state or territory 24
who is a legal practitioner of medicine or surgery therein when 25
providing consultation to an individual holding a license to 26
practice issued under this chapter who ~~is responsible for the~~ 27
~~examination, diagnosis, and treatment of~~ has an established 28
physician-patient relationship with the patient who is the 29
subject of the consultation, if one of the following applies: 30

(a) The physician or surgeon does not provide consultation 31
in this state on a regular or frequent basis. 32

(b) The physician or surgeon provides the consultation 33
without compensation of any kind, direct or indirect, for the 34
consultation. 35

(c) The consultation is part of the curriculum of a 36
medical school or osteopathic medical school of this state or a 37
program described in division (A) (2) of section 4731.291 of the 38
Revised Code. 39

(4) A physician or surgeon in another state or territory 40
who is a legal practitioner of medicine or surgery therein and 41
provided services to a patient in that state or territory, when 42
providing, not later than one year after the last date services 43
were provided in another state or territory, follow-up services 44
in person or through the use of any communication, including 45

oral, written, or electronic communication, in this state to the 46
patient for the same condition; 47

(5) A physician or surgeon residing on the border of a 48
contiguous state and authorized under the laws thereof to 49
practice medicine and surgery therein, whose practice extends 50
within the limits of this state. Such practitioner shall not 51
either in person or through the use of any communication, 52
including oral, written, or electronic communication, open an 53
office or appoint a place to see patients or receive calls 54
within the limits of this state. 55

(6) A board, committee, or corporation engaged in the 56
conduct described in division (A) of section 2305.251 of the 57
Revised Code when acting within the scope of the functions of 58
the board, committee, or corporation; 59

(7) The conduct of an independent review organization 60
accredited by the superintendent of insurance under section 61
3922.13 of the Revised Code for the purpose of external reviews 62
conducted under Chapter 3922. of the Revised Code. 63

As used in division (A)(1) of this section, "armed forces 64
of the United States" means the army, air force, navy, marine 65
corps, coast guard, and any other military service branch that 66
is designated by congress as a part of the armed forces of the 67
United States. 68

(B)(1) Subject to division (B)(2) of this section, this 69
chapter does not apply to a person who holds a current, 70
unrestricted license to practice medicine and surgery or 71
osteopathic medicine and surgery in another state when the 72
person, pursuant to a written agreement with an athletic team 73
located in the state in which the person holds the license, 74

provides medical services to any of the following while the team 75
is traveling to or from or participating in a sporting event in 76
this state: 77

(a) A member of the athletic team; 78

(b) A member of the athletic team's coaching, 79
communications, equipment, or sports medicine staff; 80

(c) A member of a band or cheerleading squad accompanying 81
the athletic team; 82

(d) The athletic team's mascot. 83

(2) In providing medical services pursuant to division (B) 84
(1) of this section, the person shall not provide medical 85
services at a health care facility, including a hospital, an 86
ambulatory surgical facility, or any other facility in which 87
medical care, diagnosis, or treatment is provided on an 88
inpatient or outpatient basis. 89

(C) Sections 4731.51 to 4731.61 of the Revised Code do not 90
apply to any graduate of a podiatric school or college while 91
performing those acts that may be prescribed by or incidental to 92
participation in an accredited podiatric internship, residency, 93
or fellowship program situated in this state approved by the 94
state medical board. 95

(D) This chapter does not apply to an individual engaged 96
in the practice of oriental medicine , or to an acupuncturist 97
who complies with Chapter 4762. of the Revised Code. 98

(E) This chapter does not prohibit the administration of 99
drugs by any of the following: 100

(1) An individual who is licensed or otherwise 101
specifically authorized by the Revised Code to administer drugs; 102

(2) An individual who is not licensed or otherwise 103
specifically authorized by the Revised Code to administer drugs, 104
but is acting pursuant to the rules for delegation of medical 105
tasks adopted under section 4731.053 of the Revised Code; 106

(3) An individual specifically authorized to administer 107
drugs pursuant to a rule adopted under the Revised Code that is 108
in effect on April 10, 2001, as long as the rule remains in 109
effect, specifically authorizing an individual to administer 110
drugs. 111

(F) The exemptions described in divisions (A) (3), (4), and 112
(5) of this section do not apply to a physician or surgeon whose 113
license to practice issued under this chapter is under 114
suspension or has been revoked or permanently revoked by action 115
of the state medical board." 116

In line 135, delete "and" and insert ","; after "3719.06" insert ", 117
and 4731.36" 118

The motion was _____ agreed to.

SYNOPSIS 119

Out-of-state physician consultation with Ohio physicians 120

R.C. 4731.36 121

Modifies a provision of existing law, which allows a 122
physician licensed in another state or territory, but unlicensed 123
in Ohio, to provide consultation to a physician licensed in 124
Ohio, by requiring that the Ohio-licensed physician who receives 125
the consultation from the out-of-state physician must have an 126

established physician-patient relationship with the patient who	127
is the subject of the consultation (instead of current law that	128
requires the Ohio-licensed physician to be responsible for the	129
examination, diagnosis, and treatment of the patient who is the	130
subject of the consultation).	131