

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 255**

**Representatives Brinkman, Hagan**

**Cosponsors: Representatives Hood, Vitale, Zeltwanger, Becker, McColley,  
Blessing, Romanchuk, Kraus, Koehler, Hill, Antani, Roegner, Ruhl, Retherford,  
Pelanda, LaTourette**

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**A BILL**

To amend sections 109.572, 2919.123, 2953.25, 1  
4729.291, 4731.22, and 4731.223; to amend, for 2  
the purpose of adopting a new section number as 3  
indicated in parentheses, section 2919.123 4  
(2919.201); and to enact sections 2919.20, 5  
2919.202, 2919.203, 2919.204, 2919.205, 6  
2919.206, 2919.207, and 2919.208 of the Revised 7  
Code to expand the regulation of inducing an 8  
abortion with certain drugs. 9

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

**Section 1.** That sections 109.572, 2919.123, 2953.25, 10  
4729.291, 4731.22, and 4731.223 be amended; section 2919.123 11  
(2919.201) be amended for the purpose of adopting a new section 12  
number as shown in parentheses; and sections 2919.20, 2919.202, 13  
2919.203, 2919.204, 2919.205, 2919.206, 2919.207, and 2919.208 14  
of the Revised Code be enacted to read as follows: 15

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 16  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 17

Code, a completed form prescribed pursuant to division (C)(1) of 18  
this section, and a set of fingerprint impressions obtained in 19  
the manner described in division (C)(2) of this section, the 20  
superintendent of the bureau of criminal identification and 21  
investigation shall conduct a criminal records check in the 22  
manner described in division (B) of this section to determine 23  
whether any information exists that indicates that the person 24  
who is the subject of the request previously has been convicted 25  
of or pleaded guilty to any of the following: 26

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

(b) A violation of an existing or former law of this 43  
state, any other state, or the United States that is 44  
substantially equivalent to any of the offenses listed in 45  
division (A)(1)(a) of this section; 46

(c) If the request is made pursuant to section 3319.39 of 47

the Revised Code for an applicant who is a teacher, any offense 48  
specified in section 3319.31 of the Revised Code. 49

(2) On receipt of a request pursuant to section 3712.09 or 50  
3721.121 of the Revised Code, a completed form prescribed 51  
pursuant to division (C)(1) of this section, and a set of 52  
fingerprint impressions obtained in the manner described in 53  
division (C)(2) of this section, the superintendent of the 54  
bureau of criminal identification and investigation shall 55  
conduct a criminal records check with respect to any person who 56  
has applied for employment in a position for which a criminal 57  
records check is required by those sections. The superintendent 58  
shall conduct the criminal records check in the manner described 59  
in division (B) of this section to determine whether any 60  
information exists that indicates that the person who is the 61  
subject of the request previously has been convicted of or 62  
pleaded guilty to any of the following: 63

(a) A violation of section 2903.01, 2903.02, 2903.03, 64  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 65  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 66  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 67  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 68  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 69  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 70  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 71  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 72

(b) An existing or former law of this state, any other 73  
state, or the United States that is substantially equivalent to 74  
any of the offenses listed in division (A)(2)(a) of this 75  
section. 76

(3) On receipt of a request pursuant to section 173.27, 77

173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 78  
5123.081, or 5123.169 of the Revised Code, a completed form 79  
prescribed pursuant to division (C)(1) of this section, and a 80  
set of fingerprint impressions obtained in the manner described 81  
in division (C)(2) of this section, the superintendent of the 82  
bureau of criminal identification and investigation shall 83  
conduct a criminal records check of the person for whom the 84  
request is made. The superintendent shall conduct the criminal 85  
records check in the manner described in division (B) of this 86  
section to determine whether any information exists that 87  
indicates that the person who is the subject of the request 88  
previously has been convicted of, has pleaded guilty to, or 89  
(except in the case of a request pursuant to section 5164.34, 90  
5164.341, or 5164.342 of the Revised Code) has been found 91  
eligible for intervention in lieu of conviction for any of the 92  
following, regardless of the date of the conviction, the date of 93  
entry of the guilty plea, or (except in the case of a request 94  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 95  
Revised Code) the date the person was found eligible for 96  
intervention in lieu of conviction: 97

(a) A violation of section 959.13, 959.131, 2903.01, 98  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 99  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 100  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 101  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 102  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 103  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 104  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 105  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 106  
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 107  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 108

2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	109
2919.121, <del>2919.123</del> 2919.201, 2919.202, 2919.203, 2919.204,	110
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12,	111
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35,	112
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13,	113
2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03,	114
2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13,	115
2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55,	116
2925.56, 2927.12, or 3716.11 of the Revised Code;	117
(b) Felonious sexual penetration in violation of former	118
section 2907.12 of the Revised Code;	119
(c) A violation of section 2905.04 of the Revised Code as	120
it existed prior to July 1, 1996;	121
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	122
the Revised Code when the underlying offense that is the object	123
of the conspiracy, attempt, or complicity is one of the offenses	124
listed in divisions (A) (3) (a) to (c) of this section;	125
(e) A violation of an existing or former municipal	126
ordinance or law of this state, any other state, or the United	127
States that is substantially equivalent to any of the offenses	128
listed in divisions (A) (3) (a) to (d) of this section.	129
(4) On receipt of a request pursuant to section 2151.86 of	130
the Revised Code, a completed form prescribed pursuant to	131
division (C) (1) of this section, and a set of fingerprint	132
impressions obtained in the manner described in division (C) (2)	133
of this section, the superintendent of the bureau of criminal	134
identification and investigation shall conduct a criminal	135
records check in the manner described in division (B) of this	136
section to determine whether any information exists that	137

indicates that the person who is the subject of the request 138  
previously has been convicted of or pleaded guilty to any of the 139  
following: 140

(a) A violation of section 959.13, 2903.01, 2903.02, 141  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 142  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 143  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 144  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 145  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 146  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 147  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 148  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 149  
2927.12, or 3716.11 of the Revised Code, a violation of section 150  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 151  
a violation of section 2919.23 of the Revised Code that would 152  
have been a violation of section 2905.04 of the Revised Code as 153  
it existed prior to July 1, 1996, had the violation been 154  
committed prior to that date, a violation of section 2925.11 of 155  
the Revised Code that is not a minor drug possession offense, 156  
two or more OVI or OVUAC violations committed within the three 157  
years immediately preceding the submission of the application or 158  
petition that is the basis of the request, or felonious sexual 159  
penetration in violation of former section 2907.12 of the 160  
Revised Code; 161

(b) A violation of an existing or former law of this 162  
state, any other state, or the United States that is 163  
substantially equivalent to any of the offenses listed in 164  
division (A) (4) (a) of this section. 165

(5) Upon receipt of a request pursuant to section 5104.012 166  
or 5104.013 of the Revised Code, a completed form prescribed 167

pursuant to division (C)(1) of this section, and a set of 168  
fingerprint impressions obtained in the manner described in 169  
division (C)(2) of this section, the superintendent of the 170  
bureau of criminal identification and investigation shall 171  
conduct a criminal records check in the manner described in 172  
division (B) of this section to determine whether any 173  
information exists that indicates that the person who is the 174  
subject of the request has been convicted of or pleaded guilty 175  
to any of the following: 176

(a) A violation of section 2903.01, 2903.02, 2903.03, 177  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 178  
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 179  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 180  
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 181  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 182  
2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 183  
2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 184  
2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 185  
2919.12, 2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 186  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 187  
2925.06, or 3716.11 of the Revised Code, felonious sexual 188  
penetration in violation of former section 2907.12 of the 189  
Revised Code, a violation of section 2905.04 of the Revised Code 190  
as it existed prior to July 1, 1996, a violation of section 191  
2919.23 of the Revised Code that would have been a violation of 192  
section 2905.04 of the Revised Code as it existed prior to July 193  
1, 1996, had the violation been committed prior to that date, a 194  
violation of section 2925.11 of the Revised Code that is not a 195  
minor drug possession offense, a violation of section 2923.02 or 196  
2923.03 of the Revised Code that relates to a crime specified in 197  
this division, or a second violation of section 4511.19 of the 198

Revised Code within five years of the date of application for licensure or certification. 199  
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(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (A) (5) (a) of this section. 201  
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(6) Upon receipt of a request pursuant to section 5153.111 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: 205  
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(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as 216  
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it existed prior to July 1, 1996, had the violation been 229  
committed prior to that date, or a violation of section 2925.11 230  
of the Revised Code that is not a minor drug possession offense; 231

(b) A violation of an existing or former law of this 232  
state, any other state, or the United States that is 233  
substantially equivalent to any of the offenses listed in 234  
division (A)(6)(a) of this section. 235

(7) On receipt of a request for a criminal records check 236  
from an individual pursuant to section 4749.03 or 4749.06 of the 237  
Revised Code, accompanied by a completed copy of the form 238  
prescribed in division (C)(1) of this section and a set of 239  
fingerprint impressions obtained in a manner described in 240  
division (C)(2) of this section, the superintendent of the 241  
bureau of criminal identification and investigation shall 242  
conduct a criminal records check in the manner described in 243  
division (B) of this section to determine whether any 244  
information exists indicating that the person who is the subject 245  
of the request has been convicted of or pleaded guilty to a 246  
felony in this state or in any other state. If the individual 247  
indicates that a firearm will be carried in the course of 248  
business, the superintendent shall require information from the 249  
federal bureau of investigation as described in division (B)(2) 250  
of this section. Subject to division (F) of this section, the 251  
superintendent shall report the findings of the criminal records 252  
check and any information the federal bureau of investigation 253  
provides to the director of public safety. 254

(8) On receipt of a request pursuant to section 1321.37, 255  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 256  
Code, a completed form prescribed pursuant to division (C)(1) of 257  
this section, and a set of fingerprint impressions obtained in 258

the manner described in division (C) (2) of this section, the 259  
superintendent of the bureau of criminal identification and 260  
investigation shall conduct a criminal records check with 261  
respect to any person who has applied for a license, permit, or 262  
certification from the department of commerce or a division in 263  
the department. The superintendent shall conduct the criminal 264  
records check in the manner described in division (B) of this 265  
section to determine whether any information exists that 266  
indicates that the person who is the subject of the request 267  
previously has been convicted of or pleaded guilty to any of the 268  
following: a violation of section 2913.02, 2913.11, 2913.31, 269  
2913.51, or 2925.03 of the Revised Code; any other criminal 270  
offense involving theft, receiving stolen property, 271  
embezzlement, forgery, fraud, passing bad checks, money 272  
laundering, or drug trafficking, or any criminal offense 273  
involving money or securities, as set forth in Chapters 2909., 274  
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 275  
Code; or any existing or former law of this state, any other 276  
state, or the United States that is substantially equivalent to 277  
those offenses. 278

(9) On receipt of a request for a criminal records check 279  
from the treasurer of state under section 113.041 of the Revised 280  
Code or from an individual under section 4701.08, 4715.101, 281  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 282  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 283  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 284  
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 285  
4762.031, 4762.06, 4776.021, 4779.091, or 4783.04 of the Revised 286  
Code, accompanied by a completed form prescribed under division 287  
(C) (1) of this section and a set of fingerprint impressions 288  
obtained in the manner described in division (C) (2) of this 289

section, the superintendent of the bureau of criminal 290  
identification and investigation shall conduct a criminal 291  
records check in the manner described in division (B) of this 292  
section to determine whether any information exists that 293  
indicates that the person who is the subject of the request has 294  
been convicted of or pleaded guilty to any criminal offense in 295  
this state or any other state. Subject to division (F) of this 296  
section, the superintendent shall send the results of a check 297  
requested under section 113.041 of the Revised Code to the 298  
treasurer of state and shall send the results of a check 299  
requested under any of the other listed sections to the 300  
licensing board specified by the individual in the request. 301

(10) On receipt of a request pursuant to section 1121.23, 302  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 303  
Code, a completed form prescribed pursuant to division (C)(1) of 304  
this section, and a set of fingerprint impressions obtained in 305  
the manner described in division (C)(2) of this section, the 306  
superintendent of the bureau of criminal identification and 307  
investigation shall conduct a criminal records check in the 308  
manner described in division (B) of this section to determine 309  
whether any information exists that indicates that the person 310  
who is the subject of the request previously has been convicted 311  
of or pleaded guilty to any criminal offense under any existing 312  
or former law of this state, any other state, or the United 313  
States. 314

(11) On receipt of a request for a criminal records check 315  
from an appointing or licensing authority under section 3772.07 316  
of the Revised Code, a completed form prescribed under division 317  
(C)(1) of this section, and a set of fingerprint impressions 318  
obtained in the manner prescribed in division (C)(2) of this 319  
section, the superintendent of the bureau of criminal 320

identification and investigation shall conduct a criminal 321  
records check in the manner described in division (B) of this 322  
section to determine whether any information exists that 323  
indicates that the person who is the subject of the request 324  
previously has been convicted of or pleaded guilty or no contest 325  
to any offense under any existing or former law of this state, 326  
any other state, or the United States that is a disqualifying 327  
offense as defined in section 3772.07 of the Revised Code or 328  
substantially equivalent to such an offense. 329

(12) On receipt of a request pursuant to section 2151.33 330  
or 2151.412 of the Revised Code, a completed form prescribed 331  
pursuant to division (C)(1) of this section, and a set of 332  
fingerprint impressions obtained in the manner described in 333  
division (C)(2) of this section, the superintendent of the 334  
bureau of criminal identification and investigation shall 335  
conduct a criminal records check with respect to any person for 336  
whom a criminal records check is required by that section. The 337  
superintendent shall conduct the criminal records check in the 338  
manner described in division (B) of this section to determine 339  
whether any information exists that indicates that the person 340  
who is the subject of the request previously has been convicted 341  
of or pleaded guilty to any of the following: 342

(a) A violation of section 2903.01, 2903.02, 2903.03, 343  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 344  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 345  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 346  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 347  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 348  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 349  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 350  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 351

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(12)(a) of this section.

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

(1) The superintendent shall review or cause to be reviewed any relevant information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the criminal records check, including, if the criminal records check was requested under section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;

(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 if the request is made pursuant to section 2151.86, 5104.012, or 5104.013 of the Revised Code or if any other Revised Code section requires fingerprint-based checks of that nature, and shall review or cause to be reviewed any

information the superintendent receives from that bureau. If a 382  
request under section 3319.39 of the Revised Code asks only for 383  
information from the federal bureau of investigation, the 384  
superintendent shall not conduct the review prescribed by 385  
division (B)(1) of this section. 386

(3) The superintendent or the superintendent's designee 387  
may request criminal history records from other states or the 388  
federal government pursuant to the national crime prevention and 389  
privacy compact set forth in section 109.571 of the Revised 390  
Code. 391

(4) The superintendent shall include in the results of the 392  
criminal records check a list or description of the offenses 393  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 394  
(7), (8), (9), (10), (11), or (12) of this section, whichever 395  
division requires the superintendent to conduct the criminal 396  
records check. The superintendent shall exclude from the results 397  
any information the dissemination of which is prohibited by 398  
federal law. 399

(5) The superintendent shall send the results of the 400  
criminal records check to the person to whom it is to be sent 401  
not later than the following number of days after the date the 402  
superintendent receives the request for the criminal records 403  
check, the completed form prescribed under division (C)(1) of 404  
this section, and the set of fingerprint impressions obtained in 405  
the manner described in division (C)(2) of this section: 406

(a) If the superintendent is required by division (A) of 407  
this section (other than division (A)(3) of this section) to 408  
conduct the criminal records check, thirty; 409

(b) If the superintendent is required by division (A)(3) 410

of this section to conduct the criminal records check, sixty. 411

(C) (1) The superintendent shall prescribe a form to obtain 412  
the information necessary to conduct a criminal records check 413  
from any person for whom a criminal records check is to be 414  
conducted under this section. The form that the superintendent 415  
prescribes pursuant to this division may be in a tangible 416  
format, in an electronic format, or in both tangible and 417  
electronic formats. 418

(2) The superintendent shall prescribe standard impression 419  
sheets to obtain the fingerprint impressions of any person for 420  
whom a criminal records check is to be conducted under this 421  
section. Any person for whom a records check is to be conducted 422  
under this section shall obtain the fingerprint impressions at a 423  
county sheriff's office, municipal police department, or any 424  
other entity with the ability to make fingerprint impressions on 425  
the standard impression sheets prescribed by the superintendent. 426  
The office, department, or entity may charge the person a 427  
reasonable fee for making the impressions. The standard 428  
impression sheets the superintendent prescribes pursuant to this 429  
division may be in a tangible format, in an electronic format, 430  
or in both tangible and electronic formats. 431

(3) Subject to division (D) of this section, the 432  
superintendent shall prescribe and charge a reasonable fee for 433  
providing a criminal records check under this section. The 434  
person requesting the criminal records check shall pay the fee 435  
prescribed pursuant to this division. In the case of a request 436  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 437  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 438  
fee shall be paid in the manner specified in that section. 439

(4) The superintendent of the bureau of criminal 440

identification and investigation may prescribe methods of 441  
forwarding fingerprint impressions and information necessary to 442  
conduct a criminal records check, which methods shall include, 443  
but not be limited to, an electronic method. 444

(D) The results of a criminal records check conducted 445  
under this section, other than a criminal records check 446  
specified in division (A) (7) of this section, are valid for the 447  
person who is the subject of the criminal records check for a 448  
period of one year from the date upon which the superintendent 449  
completes the criminal records check. If during that period the 450  
superintendent receives another request for a criminal records 451  
check to be conducted under this section for that person, the 452  
superintendent shall provide the results from the previous 453  
criminal records check of the person at a lower fee than the fee 454  
prescribed for the initial criminal records check. 455

(E) When the superintendent receives a request for 456  
information from a registered private provider, the 457  
superintendent shall proceed as if the request was received from 458  
a school district board of education under section 3319.39 of 459  
the Revised Code. The superintendent shall apply division (A) (1) 460  
(c) of this section to any such request for an applicant who is 461  
a teacher. 462

(F) (1) All information regarding the results of a criminal 463  
records check conducted under this section that the 464  
superintendent reports or sends under division (A) (7) or (9) of 465  
this section to the director of public safety, the treasurer of 466  
state, or the person, board, or entity that made the request for 467  
the criminal records check shall relate to the conviction of the 468  
subject person, or the subject person's plea of guilty to, a 469  
criminal offense. 470



(2) Division (F) (1) of this section does not limit, 471  
restrict, or preclude the superintendent's release of 472  
information that relates to the arrest of a person who is 473  
eighteen years of age or older, to an adjudication of a child as 474  
a delinquent child, or to a criminal conviction of a person 475  
under eighteen years of age in circumstances in which a release 476  
of that nature is authorized under division (E) (2), (3), or (4) 477  
of section 109.57 of the Revised Code pursuant to a rule adopted 478  
under division (E) (1) of that section. 479

(G) As used in this section: 480

(1) "Criminal records check" means any criminal records 481  
check conducted by the superintendent of the bureau of criminal 482  
identification and investigation in accordance with division (B) 483  
of this section. 484

(2) "Minor drug possession offense" has the same meaning 485  
as in section 2925.01 of the Revised Code. 486

(3) "OVI or OVUAC violation" means a violation of section 487  
4511.19 of the Revised Code or a violation of an existing or 488  
former law of this state, any other state, or the United States 489  
that is substantially equivalent to section 4511.19 of the 490  
Revised Code. 491

(4) "Registered private provider" means a nonpublic school 492  
or entity registered with the superintendent of public 493  
instruction under section 3310.41 of the Revised Code to 494  
participate in the autism scholarship program or section 3310.58 495  
of the Revised Code to participate in the Jon Peterson special 496  
needs scholarship program. 497

Sec. 2919.20. As used in sections 2919.20 to 2919.207 of 498  
the Revised Code: 499

(A) "Abortion-inducing drug" means a drug or regimen of drugs that causes the termination of a clinically diagnosable pregnancy, including RU-486 (mifepristone) and the mifeprex regimen. 500  
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(B) "Federal law" means any law, rule, or regulation of the United States or any drug approval letter of the F.D.A. that governs or regulates the use of an abortion-inducing drug for the purpose of inducing abortions. 504  
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For the purposes of RU-486 (mifepristone) or the mifeprex regimen, federal law includes the mifepristone treatment protocols articulated by the Ohio Supreme Court in *Cordray v. Planned Parenthood Cincinnati Region*, 122 Ohio St.3d 361 (2009). 508  
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(C) "F.D.A." means the United States food and drug administration. 512  
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(D) "Final printed labeling" means the F.D.A.-approved informational document for an abortion-inducing drug which outlines the protocol authorized by the F.D.A. and is agreed upon by the drug company applying for F.D.A. authorization of that drug. 514  
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(E) "Mifeprex regimen" means the abortion-inducing drug regimen approved by the F.D.A. that consists of administering mifepristone and misoprostol. 519  
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(F) "Personal identifying information" has the same meaning as in section 2913.49 of the Revised Code. 522  
523

(G) "Physician" has the same meaning as in section 2305.113 of the Revised Code. 524  
525

(H) "Professionally licensed person" has the same meaning as in section 2925.01 of the Revised Code. 526  
527

**Sec. ~~2919.123~~ 2919.201.** (A) No person shall knowingly 528  
give, sell, dispense, administer, otherwise provide, or 529  
prescribe ~~RU-486 (mifepristone)~~ an abortion-inducing drug to 530  
another for the purpose of inducing an abortion in any person or 531  
enabling the other person to induce an abortion in any person, 532  
unless the person who gives, sells, dispenses, administers, or 533  
otherwise provides or prescribes the ~~RU-486 (mifepristone)~~ 534  
abortion-inducing drug is a physician, the physician satisfies 535  
the requirements of this section and all the criteria 536  
established by federal law that a physician must satisfy in 537  
order to provide ~~RU-486 (mifepristone)~~ the abortion-inducing 538  
drug for inducing abortions, and the physician provides the ~~RU-~~ 539  
~~486 (mifepristone)~~ abortion-inducing drug to the other person 540  
for the purpose of inducing an abortion in accordance with all 541  
provisions of federal law that govern the use of ~~RU-486-~~ 542  
~~(mifepristone)~~ abortion-inducing drugs for inducing abortions. 543

A person who gives, sells, dispenses, administers, 544  
otherwise provides, or prescribes ~~RU-486 (mifepristone)~~ an 545  
abortion-inducing drug to another as described in ~~division-~~ 546  
divisions (A) and (B) of this section shall not be prosecuted 547  
based on a violation of the criteria contained in ~~this division-~~ 548  
those divisions unless the person knows that the person is not a 549  
physician, knows that the person did not satisfy all the 550  
requirements of this section or the specified criteria 551  
established by federal law, or knows that the person did not 552  
provide the ~~RU-486 (mifepristone)~~ abortion-inducing drug in 553  
accordance with the specified provisions of federal law, 554  
whichever is applicable. 555

(B) (1) A physician who intends to use an abortion-inducing 556  
drug to induce an abortion on a pregnant woman shall do all of 557  
the following prior to providing the drug: 558

(a) (i) Personally examine the pregnant woman to determine 559  
whether the fetus is attached to the placenta within the woman's 560  
uterus; 561

(ii) Record the estimated gestational age of the fetus in 562  
the woman's medical file; 563

(iii) Provide the pregnant woman with a copy of the 564  
abortion-inducing drug's label; 565

(iv) Provide the pregnant woman with a copy of the name 566  
and telephone number for the physician who has agreed to provide 567  
emergency care under section 2919.202 of the Revised Code. 568

(b) Have the pregnant woman sign a form, certifying that 569  
the physician has met all of the requirements under division (B) 570  
(1)(a)(i), (iii), and (iv) of this section. 571

The physician shall maintain a copy of the form described 572  
in this division in the physician's own records for at least 573  
seven years after placing a copy of this form in the pregnant 574  
woman's medical records. 575

(2) A physician may provide an abortion-inducing drug to a 576  
pregnant woman only in accordance with the protocol authorized 577  
by the F.D.A. 578

(C) No physician who provides ~~RU-486 (mifepristone)~~ an 579  
abortion-inducing drug to another for the purpose of inducing an 580  
abortion as authorized under ~~division~~ divisions (A) and (B) of 581  
this section shall knowingly fail to comply with the applicable 582  
requirements of any federal law that pertain to follow-up 583  
examinations or care for persons to whom or for whom ~~RU-486~~ 584  
~~(mifepristone)~~ the abortion-inducing drug is provided for the 585  
purpose of inducing an abortion. 586

~~(C) (1) If a physician provides RU-486 (mifepristone) to another for the purpose of inducing an abortion as authorized under division (A) of this section and if the physician knows that the person who uses the RU-486 (mifepristone) for the purpose of inducing an abortion experiences during or after the use an incomplete abortion, severe bleeding, or an adverse reaction to the RU-486 (mifepristone) or is hospitalized, receives a transfusion, or experiences any other serious event, the physician promptly must provide a written report of the incomplete abortion, severe bleeding, adverse reaction, hospitalization, transfusion, or serious event to the state medical board. The board shall compile and retain all reports it receives under this division. Except as otherwise provided in this division, all reports the board receives under this division are public records open to inspection under section 149.43 of the Revised Code. In no case shall the board release to any person the name or any other personal identifying information regarding a person who uses RU-486 (mifepristone) for the purpose of inducing an abortion and who is the subject of a report the board receives under this division.~~

~~(2) No physician who provides RU-486 (mifepristone) to another for the purpose of inducing an abortion as authorized under division (A) of this section shall knowingly fail to file a report required under division (C) (1) of this section.~~

~~(D) Division (A) of this section does not apply to any of the following:~~

~~(1) A pregnant woman who obtains or possesses RU-486 (mifepristone) for the purpose of inducing an abortion to terminate her own pregnancy;~~

~~(2) The legal transport of RU-486 (mifepristone) by any~~

~~person or entity and the legal delivery of the RU 486  
(mifepristone) by any person to the recipient, provided that  
this division does not apply regarding any conduct related to  
the RU 486 (mifepristone) other than its transport and delivery  
to the recipient;~~ 617  
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~~(3) The distribution, provision, or sale of RU 486  
(mifepristone) by any legal manufacturer or distributor of RU  
486 (mifepristone), provided the manufacturer or distributor  
made a good faith effort to comply with any applicable  
requirements of federal law regarding the distribution,  
provision, or sale.~~ 622  
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~~(E) Whoever violates this section is guilty of unlawful  
distribution of an abortion-inducing drug, a felony of the  
fourth degree. If the offender previously has been convicted of  
or pleaded guilty to a violation of this section or of section  
2919.12, 2919.121, 2919.13, 2919.14, 2919.151, 2919.17, or  
2919.18 of the Revised Code, unlawful distribution of an  
abortion-inducing drug is a felony of the third degree.~~ 628  
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~~If the offender is a professionally licensed person, in  
addition to any other sanction imposed by law for the offense,  
the offender is subject to sanctioning as provided by law by the  
regulatory or licensing board or agency that has the  
administrative authority to suspend or revoke the offender's  
professional license, including the sanctioning provided in  
section 4731.22 of the Revised Code for offenders who have a  
certificate to practice or certificate of registration issued  
under that chapter.~~ 635  
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~~(F) As used in this section:~~ 644

~~(1) "Federal law" means any law, rule, or regulation of~~ 645

~~the United States or any drug approval letter of the food and  
drug administration of the United States that governs or  
regulates the use of RU-486 (mifepristone) for the purpose of  
inducing abortions.~~

~~(2) "Personal identifying information" has the same  
meaning as in section 2913.49 of the Revised Code.~~

~~(3) "Physician" has the same meaning as in section  
2305.113 of the Revised Code.~~

~~(4) "Professionally licensed person" has the same meaning  
as in section 2925.01 of the Revised Code.~~

**Sec. 2919.202.** (A) As used in this section, "qualified  
hospital" means a hospital that may lawfully enter into a  
written transfer agreement under section 3702.303 of the Revised  
Code.

(B) A physician who uses an abortion-inducing drug to  
induce an abortion shall do either of the following:

(1) Maintain admitting privileges and gynecological and  
surgical privileges at a local qualified hospital equipped to  
care for emergency complications associated with abortion-  
inducing drugs;

(2) Have a signed contract with a physician who agrees to  
provide care during emergency complications. The physician who  
provides emergency care must have active admitting privileges  
and gynecological and surgical privileges at a local qualified  
hospital equipped to care for emergencies associated with an  
abortion-inducing drug.

Upon request, the physician who induces such abortions  
shall provide proof of admitting privileges or a copy of the

contract to a patient or the state medical board. 674

(C) No physician who provides an abortion-inducing drug to 675  
another for the purpose of inducing an abortion shall knowingly 676  
fail to comply with division (B) of this section. 677

**Sec. 2919.203.** (A) If a physician provides an abortion- 678  
inducing drug to another for the purpose of inducing an abortion 679  
as authorized in section 2919.201 of the Revised Code and knows 680  
that the person who uses the drug for the purpose of inducing an 681  
abortion experiences during or after the use an incomplete 682  
abortion, severe bleeding, or an adverse reaction to the drug or 683  
is hospitalized, receives a transfusion, or experiences any 684  
other serious event, the physician promptly must provide a 685  
written report of the incomplete abortion, severe bleeding, 686  
adverse reaction, hospitalization, transfusion, or serious event 687  
to the state medical board and the F.D.A. under 21 C.F.R. Part 688  
803. 689

The board shall compile and retain all reports it receives 690  
under this division. Except as otherwise provided in this 691  
division, all reports the board receives under this section are 692  
public records open to inspection under section 149.43 of the 693  
Revised Code. In no case shall the board release to any person 694  
the name or any other personal identifying information regarding 695  
a person who uses an abortion-inducing drug for the purpose of 696  
inducing an abortion and who is the subject of a report the 697  
board receives under this division. 698

(B) No physician who provides an abortion-inducing drug to 699  
another for the purpose of inducing an abortion shall knowingly 700  
fail to file a report required under division (A) of this 701  
section. 702



Sec. 2919.204. Whoever violates sections 2919.201 to 2919.203 of the Revised Code is guilty of unlawful distribution of an abortion-inducing drug, a felony of the fourth degree. If the offender previously has been convicted of or pleaded guilty to a violation of section 2919.12, 2919.121, 2919.13, 2919.14, 2919.151, 2919.17, 2919.18, or 2919.201 to 2919.203 of the Revised Code, unlawful distribution of an abortion-inducing drug is a felony of the third degree.

If the offender is a professionally licensed person, in addition to any other sanction imposed by law for the offense, the offender is subject to sanctioning as provided by law by the regulatory or licensing board or agency that has the administrative authority to suspend or revoke the offender's professional license, including the sanctioning provided in section 4731.22 of the Revised Code for offenders who have a certificate to practice or certificate of registration issued under that chapter.

Sec. 2919.205. (A) In addition to other remedies that may be available, performing an abortion upon a woman in violation of sections 2919.201 to 2919.204 of the Revised Code shall provide a basis for both of the following:

(1) A civil action for actual and punitive or exemplary damages;

(2) An action for wrongful death if the woman dies.

(B) When requested in an action commenced under division (A) of this section, a court shall do both of the following:

(1) Permit a plaintiff to proceed using solely the woman's initials or a pseudonym;

(2) Close any proceedings in the case and enter other

protective orders to preserve the privacy of the woman upon whom 732  
the abortion was performed. 733

(C) The court shall award court costs and reasonable 734  
attorney's fees to a person who prevails in an action filed 735  
under division (A) of this section. 736

(D) The court shall award reasonable attorney's fees to a 737  
defendant who prevails in an action filed under division (A) of 738  
this section if the commencement of the action constitutes 739  
frivolous conduct, as defined in section 2323.51 of the Revised 740  
Code. 741

**Sec. 2919.206.** Sections 2919.201 to 2919.205 of the 742  
Revised Code do not apply to any of the following: 743

(A) A pregnant woman who obtains or possesses an abortion- 744  
inducing drug for the purpose of inducing an abortion to 745  
terminate her own pregnancy; 746

(B) The legal transport of an abortion-inducing drug by 747  
any person or entity and the legal delivery of the abortion- 748  
inducing drug by any person to the recipient, provided that this 749  
division does not apply regarding any conduct related to the 750  
abortion-inducing drug other than its transport and delivery to 751  
the recipient; 752

(C) The distribution, provision, or sale of an abortion- 753  
inducing drug by any legal manufacturer or distributor of an 754  
abortion-inducing drug, provided the manufacturer or distributor 755  
made a good faith effort to comply with any applicable 756  
requirements of federal law regarding the distribution, 757  
provision, or sale. 758

**Sec. 2919.207.** Except as provided in division (D) of 759  
section 2919.205 of the Revised Code, a woman upon whom an 760

abortion is performed with an abortion-inducing drug is not 761  
subject to criminal, civil, or professional liability under 762  
sections 2919.201 to 2919.205 of the Revised Code. 763

**Sec. 2919.208.** Nothing in sections 2919.20 to 2918.208 of 764  
the Revised Code shall be construed as creating or recognizing a 765  
right to abortion or the lawfulness of an abortion that would 766  
otherwise be unlawful. 767

**Sec. 2953.25.** (A) As used in this section: 768

(1) "Collateral sanction" means a penalty, disability, or 769  
disadvantage that is related to employment or occupational 770  
licensing, however denominated, as a result of the individual's 771  
conviction of or plea of guilty to an offense and that applies 772  
by operation of law in this state whether or not the penalty, 773  
disability, or disadvantage is included in the sentence or 774  
judgment imposed. 775

"Collateral sanction" does not include imprisonment, 776  
probation, parole, supervised release, forfeiture, restitution, 777  
fine, assessment, or costs of prosecution. 778

(2) "Decision-maker" includes, but is not limited to, the 779  
state acting through a department, agency, board, commission, or 780  
instrumentality established by the law of this state for the 781  
exercise of any function of government, a political subdivision, 782  
an educational institution, or a government contractor or 783  
subcontractor made subject to this section by contract, law, or 784  
ordinance. 785

(3) "Department-funded program" means a residential or 786  
nonresidential program that is not a term in a state 787  
correctional institution, that is funded in whole or part by the 788  
department of rehabilitation and correction, and that is imposed 789

as a sanction for an offense, as part of a sanction that is 790  
imposed for an offense, or as a term or condition of any 791  
sanction that is imposed for an offense. 792

(4) "Designee" means the person designated by the deputy 793  
director of the division of parole and community services to 794  
perform the duties designated in division (B) of this section. 795

(5) "Division of parole and community services" means the 796  
division of parole and community services of the department of 797  
rehabilitation and correction. 798

(6) "Offense" means any felony or misdemeanor under the 799  
laws of this state. 800

(7) "Political subdivision" has the same meaning as in 801  
section 2969.21 of the Revised Code. 802

(B) (1) After the provisions of this division become 803  
operative as described in division (J) of this section, an 804  
individual who is subject to one or more collateral sanctions as 805  
a result of being convicted of or pleading guilty to an offense 806  
and who either has served a term in a state correctional 807  
institution for any offense or has spent time in a department- 808  
funded program for any offense may file a petition with the 809  
designee of the deputy director of the division of parole and 810  
community services for a certificate of qualification for 811  
employment. 812

(2) After the provisions of this division become operative 813  
as described in division (J) of this section, an individual who 814  
is subject to one or more collateral sanctions as a result of 815  
being convicted of or pleading guilty to an offense and who is 816  
not in a category described in division (B) (1) of this section 817  
may file a petition with the court of common pleas of the county 818

in which the person resides or with the designee of the deputy 819  
director of the division of parole and community services for a 820  
certificate of qualification for employment. 821

(3) A petition under division (B)(1) or (2) of this 822  
section shall be made on a copy of the form prescribed by the 823  
division of parole and community services under division (J) of 824  
this section and shall contain all of the information described 825  
in division (F) of this section. 826

(4) An individual may file a petition under division (B) 827  
(1) or (2) of this section at any time after the expiration of 828  
whichever of the following is applicable: 829

(a) If the offense that resulted in the collateral 830  
sanction from which the individual seeks relief is a felony, at 831  
any time after the expiration of one year from the date of 832  
release of the individual from any period of incarceration in a 833  
state or local correctional facility that was imposed for that 834  
offense and all periods of supervision imposed after release 835  
from the period of incarceration or, if the individual was not 836  
incarcerated for that offense, at any time after the expiration 837  
of one year from the date of the individual's final release from 838  
all other sanctions imposed for that offense. 839

(b) If the offense that resulted in the collateral 840  
sanction from which the individual seeks relief is a 841  
misdemeanor, at any time after the expiration of six months from 842  
the date of release of the individual from any period of 843  
incarceration in a local correctional facility that was imposed 844  
for that offense and all periods of supervision imposed after 845  
release from the period of incarceration or, if the individual 846  
was not incarcerated for that offense, at any time after the 847  
expiration of six months from the date of the final release of 848

the individual from all sanctions imposed for that offense 849  
including any period of supervision. 850

(5) (a) A designee that receives a petition for a 851  
certification of qualification for employment from an individual 852  
under division (B) (1) or (2) of this section shall review the 853  
petition to determine whether it is complete. If the petition is 854  
complete, the designee shall forward the petition, and any other 855  
information the designee possesses that relates to the petition, 856  
to the court of common pleas of the county in which the 857  
individual resides. 858

(b) A court of common pleas that receives a petition for a 859  
certificate of qualification for employment from an individual 860  
under division (B) (2) of this section, or that is forwarded a 861  
petition for such a certificate under division (B) (5) (a) of this 862  
section, shall attempt to determine all other courts in this 863  
state in which the individual was convicted of or pleaded guilty 864  
to an offense other than the offense from which the individual 865  
is seeking relief. The court that receives or is forwarded the 866  
petition shall notify all other courts in this state that it 867  
determines under this division were courts in which the 868  
individual was convicted of or pleaded guilty to an offense 869  
other than the offense from which the individual is seeking 870  
relief that the individual has filed the petition and that the 871  
court may send comments regarding the possible issuance of the 872  
certificate. 873

A court of common pleas that receives a petition for a 874  
certificate of qualification for employment under division (B) 875  
(2) of this section shall notify the prosecuting attorney of the 876  
county in which the individual resides that the individual has 877  
filed the petition. 878

A court of common pleas that receives a petition for a certificate of qualification for employment under division (B) (2) of this section, or that is forwarded a petition for qualification under division (B) (5) (a) of this section may direct the clerk of court to process and record all notices required in or under this section.

(C) (1) Upon receiving a petition for a certificate of qualification for employment filed by an individual under division (B) (2) of this section or being forwarded a petition for such a certificate under division (B) (5) (a) of this section, the court shall review the individual's petition, the individual's criminal history, all filings submitted by the prosecutor or by the victim in accordance with rules adopted by the division of parole and community services, and all other relevant evidence. The court may order any report, investigation, or disclosure by the individual that the court believes is necessary for the court to reach a decision on whether to approve the individual's petition for a certificate of qualification for employment.

(2) Upon receiving a petition for a certificate of qualification for employment filed by an individual under division (B) (2) of this section or being forwarded a petition for such a certificate under division (B) (5) (a) of this section, except as otherwise provided in this division, the court shall decide whether to issue the certificate within sixty days after the court receives or is forwarded the completed petition and all information requested for the court to make that decision. Upon request of the individual who filed the petition, the court may extend the sixty-day period specified in this division.

(3) Subject to division (C) (5) of this section, a court

that receives an individual's petition for a certificate of 909  
qualification for employment under division (B) (2) of this 910  
section or that is forwarded a petition for such a certificate 911  
under division (B) (5) (a) of this section may issue a certificate 912  
of qualification for employment, at the court's discretion, if 913  
the court finds that the individual has established all of the 914  
following by a preponderance of the evidence: 915

(a) Granting the petition will materially assist the 916  
individual in obtaining employment or occupational licensing. 917

(b) The individual has a substantial need for the relief 918  
requested in order to live a law-abiding life. 919

(c) Granting the petition would not pose an unreasonable 920  
risk to the safety of the public or any individual. 921

(4) The submission of an incomplete petition by an 922  
individual shall not be grounds for the designee or court to 923  
deny the petition. 924

(5) A court that receives an individual's petition for a 925  
certificate of qualification for employment under division (B) 926  
(2) of this section or that is forwarded a petition for such a 927  
certificate under division (B) (5) (a) of this section shall not 928  
issue a certificate of qualification for employment that grants 929  
the individual relief from any of the following collateral 930  
sanctions: 931

(a) Requirements imposed by Chapter 2950. of the Revised 932  
Code and rules adopted under sections 2950.13 and 2950.132 of 933  
the Revised Code; 934

(b) A driver's license, commercial driver's license, or 935  
probationary license suspension, cancellation, or revocation 936  
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of 937



the Revised Code if the relief sought is available pursuant to 938  
section 4510.021 or division (B) of section 4510.13 of the 939  
Revised Code; 940

(c) Restrictions on employment as a prosecutor or law 941  
enforcement officer; 942

(d) The denial, ineligibility, or automatic suspension of 943  
a license that is imposed upon an individual applying for or 944  
holding a license as a health care professional under Title 945  
XLVII of the Revised Code if the individual is convicted of, 946  
pleads guilty to, is subject to a judicial finding of 947  
eligibility for intervention in lieu of conviction in this state 948  
under section 2951.041 of the Revised Code, or is subject to 949  
treatment or intervention in lieu of conviction for a violation 950  
of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 951  
2907.03, 2907.05, 2909.02, 2911.01, 2911.11, or ~~2919.123~~ 952  
2919.201 to 2919.204 of the Revised Code; 953

(e) The immediate suspension of a license, certificate, or 954  
evidence of registration that is imposed upon an individual 955  
holding a license as a health care professional under Title 956  
XLVII of the Revised Code pursuant to division (C) of section 957  
3719.121 of the Revised Code; 958

(f) The denial or ineligibility for employment in a pain 959  
clinic under division (B) (4) of section 4729.552 of the Revised 960  
Code; 961

(g) The mandatory suspension of a license that is imposed 962  
on an individual applying for or holding a license as a health 963  
care professional under Title XLVII of the Revised Code pursuant 964  
to section 3123.43 of the Revised Code. 965

(6) If a court that receives an individual's petition for 966

a certificate of qualification for employment under division (B) 967  
(2) of this section or that is forwarded a petition for such a 968  
certificate under division (B) (5) (a) of this section denies the 969  
petition, the court shall provide written notice to the 970  
individual of the court's denial. The court may place conditions 971  
on the individual regarding the individual's filing of any 972  
subsequent petition for a certificate of qualification for 973  
employment. The written notice must notify the individual of any 974  
conditions placed on the individual's filing of a subsequent 975  
petition for a certificate of qualification for employment. 976

If a court of common pleas that receives an individual's 977  
petition for a certificate of qualification for employment under 978  
division (B) (2) of this section or that is forwarded a petition 979  
for such a certificate under division (B) (5) (a) of this section 980  
denies the petition, the individual may appeal the decision to 981  
the court of appeals only if the individual alleges that the 982  
denial was an abuse of discretion on the part of the court of 983  
common pleas. 984

(D) A certificate of qualification for employment issued 985  
to an individual lifts the automatic bar of a collateral 986  
sanction, and a decision-maker shall consider on a case-by-case 987  
basis whether to grant or deny the issuance or restoration of an 988  
occupational license or an employment opportunity, 989  
notwithstanding the individual's possession of the certificate, 990  
without, however, reconsidering or rejecting any finding made by 991  
a designee or court under division (C) (3) of this section. 992

(E) A certificate of qualification for employment does not 993  
grant the individual to whom the certificate was issued relief 994  
from the mandatory civil impacts identified in division (A) (1) 995  
of section 2961.01 or division (B) of section 2961.02 of the 996

Revised Code.	997
(F) A petition for a certificate of qualification for employment filed by an individual under division (B)(1) or (2) of this section shall include all of the following:	998 999 1000
(1) The individual's name, date of birth, and social security number;	1001 1002
(2) All aliases of the individual and all social security numbers associated with those aliases;	1003 1004
(3) The individual's residence address, including the city, county, and state of residence and zip code;	1005 1006
(4) The length of time that the individual has been a resident of this state, expressed in years and months of residence;	1007 1008 1009
(5) The name or type of each collateral sanction from which the individual is requesting a certificate of qualification for employment;	1010 1011 1012
(6) A summary of the individual's criminal history with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses;	1013 1014 1015 1016 1017
(7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer;	1018 1019 1020
(8) Verifiable references and endorsements;	1021
(9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a	1022 1023

close relationship, who support the individual's reentry plan; 1024

(10) A summary of the reason the individual believes the 1025  
certificate of qualification for employment should be granted; 1026

(11) Any other information required by rule by the 1027  
department of rehabilitation and correction. 1028

(G) (1) In a judicial or administrative proceeding alleging 1029  
negligence or other fault, a certificate of qualification for 1030  
employment issued to an individual under this section may be 1031  
introduced as evidence of a person's due care in hiring, 1032  
retaining, licensing, leasing to, admitting to a school or 1033  
program, or otherwise transacting business or engaging in 1034  
activity with the individual to whom the certificate of 1035  
qualification for employment was issued if the person knew of 1036  
the certificate at the time of the alleged negligence or other 1037  
fault. 1038

(2) In any proceeding on a claim against an employer for 1039  
negligent hiring, a certificate of qualification for employment 1040  
issued to an individual under this section shall provide 1041  
immunity for the employer as to the claim if the employer knew 1042  
of the certificate at the time of the alleged negligence. 1043

(3) If an employer hires an individual who has been issued 1044  
a certificate of qualification for employment under this 1045  
section, if the individual, after being hired, subsequently 1046  
demonstrates dangerousness or is convicted of or pleads guilty 1047  
to a felony, and if the employer retains the individual as an 1048  
employee after the demonstration of dangerousness or the 1049  
conviction or guilty plea, the employer may be held liable in a 1050  
civil action that is based on or relates to the retention of the 1051  
individual as an employee only if it is proved by a 1052

preponderance of the evidence that the person having hiring and 1053  
firing responsibility for the employer had actual knowledge that 1054  
the employee was dangerous or had been convicted of or pleaded 1055  
guilty to the felony and was willful in retaining the individual 1056  
as an employee after the demonstration of dangerousness or the 1057  
conviction or guilty plea of which the person has actual 1058  
knowledge. 1059

(H) A certificate of qualification for employment issued 1060  
under this section shall be presumptively revoked if the 1061  
individual to whom the certificate of qualification for 1062  
employment was issued is convicted of or pleads guilty to a 1063  
felony offense committed subsequent to the issuance of the 1064  
certificate of qualification for employment. 1065

(I) A designee's forwarding, or failure to forward, a 1066  
petition for a certificate of qualification for employment to a 1067  
court or a court's issuance, or failure to issue, a petition for 1068  
a certificate of qualification for employment to an individual 1069  
under division (B) of this section does not give rise to a claim 1070  
for damages against the department of rehabilitation and 1071  
correction or court. 1072

(J) Not later than ninety days after September 28, 2012, 1073  
the division of parole and community services shall adopt rules 1074  
in accordance with Chapter 119. of the Revised Code for the 1075  
implementation and administration of this section and shall 1076  
prescribe the form for the petition to be used under division 1077  
(B) (1) or (2) of this section. The form for the petition shall 1078  
include places for all of the information specified in division 1079  
(F) of this section. Upon the adoption of the rules, the 1080  
provisions of divisions (A) to (I) of this section become 1081  
operative. 1082

(K) The department of rehabilitation and correction shall 1083  
conduct a study to determine the manner for transferring the 1084  
mechanism for the issuance of a certificate of qualification for 1085  
employment created by this section to an electronic database 1086  
established and maintained by the department. The database to 1087  
which the mechanism is to be transferred shall include granted 1088  
certificates and revoked certificates and shall be designed to 1089  
track the number of certificates granted and revoked, the 1090  
industries, occupations, and professions with respect to which 1091  
the certificates have been most applicable, the types of 1092  
employers that have accepted the certificates, and the 1093  
recidivism rates of individuals who have been issued the 1094  
certificates. Not later than the date that is one year after 1095  
September 28, 2012, the department of rehabilitation and 1096  
correction shall submit to the general assembly and the governor 1097  
a report that contains the results of the study and 1098  
recommendations for transferring the mechanism for the issuance 1099  
of certificate of qualification for employment created by this 1100  
section to an electronic database established and maintained by 1101  
the department. 1102

(L) The department of rehabilitation and correction, in 1103  
conjunction with the Ohio judicial conference, shall conduct a 1104  
study to determine whether the application process for 1105  
certificates of qualification for employment created by this 1106  
section is feasible based upon the caseload capacity of the 1107  
department and the courts of common pleas. Not later than the 1108  
date that is one year after September 28, 2012, the department 1109  
shall submit to the general assembly a report that contains the 1110  
results of the study and any recommendations for improvement of 1111  
the application process. 1112

**Sec. 4729.291.** (A) When a licensed health professional 1113

authorized to prescribe drugs personally furnishes drugs to a 1114  
patient pursuant to division (B) of section 4729.29 of the 1115  
Revised Code, the prescriber shall ensure that the drugs are 1116  
labeled and packaged in accordance with state and federal drug 1117  
laws and any rules and regulations adopted pursuant to those 1118  
laws. Records of purchase and disposition of all drugs 1119  
personally furnished to patients shall be maintained by the 1120  
prescriber in accordance with state and federal drug statutes 1121  
and any rules adopted pursuant to those statutes. 1122

(B) When personally furnishing to a patient ~~RU-486-~~ 1123  
~~(mifepristone)~~an abortion-inducing drug as defined in section 1124  
2919.20 of the Revised Code, a prescriber is subject to ~~section-~~ 1125  
~~2919.123~~ sections 2919.201 to 2919.204 of the Revised Code. A 1126  
prescription for ~~RU-486 (mifepristone)~~an abortion-inducing drug 1127  
shall be in writing and in accordance with ~~section 2919.123-~~ 1128  
sections 2919.201 to 2919.204 of the Revised Code. 1129

(C) (1) Except as provided in division (D) of this section, 1130  
no prescriber shall do either of the following: 1131

(a) In any thirty-day period, personally furnish to or for 1132  
patients, taken as a whole, controlled substances in an amount 1133  
that exceeds a total of two thousand five hundred dosage units; 1134

(b) In any seventy-two-hour period, personally furnish to 1135  
or for a patient an amount of a controlled substance that 1136  
exceeds the amount necessary for the patient's use in a seventy- 1137  
two-hour period. 1138

(2) The state board of pharmacy may impose a fine of not 1139  
more than five thousand dollars on a prescriber who fails to 1140  
comply with the limits established under division (C) (1) of this 1141  
section. A separate fine may be imposed for each instance of 1142

failing to comply with the limits. In imposing the fine, the 1143  
board's actions shall be taken in accordance with Chapter 119. 1144  
of the Revised Code. 1145

(D) (1) None of the following shall be counted in 1146  
determining whether the amounts specified in division (C) (1) of 1147  
this section have been exceeded: 1148

(a) Methadone provided to patients for the purpose of 1149  
treating drug dependence or addiction, if the prescriber meets 1150  
the conditions specified in 21 C.F.R. 1306.07; 1151

(b) Buprenorphine provided to patients for the purpose of 1152  
treating drug dependence or addiction as part of an opioid 1153  
treatment program that is the subject of a current, valid 1154  
certification from the substance abuse and mental health 1155  
services administration of the United States department of 1156  
health and human services pursuant to 42 C.F.R. 8.11 and 1157  
distributes both buprenorphine and methadone; 1158

(c) Controlled substances provided to research subjects by 1159  
a facility conducting clinical research in studies approved by a 1160  
hospital-based institutional review board or an institutional 1161  
review board accredited by the association for the accreditation 1162  
of human research protection programs. 1163

(2) Division (C) (1) of this section does not apply to a 1164  
prescriber who is a veterinarian. 1165

**Sec. 4731.22.** (A) The state medical board, by an 1166  
affirmative vote of not fewer than six of its members, may 1167  
limit, revoke, or suspend an individual's certificate to 1168  
practice, refuse to grant a certificate to an individual, refuse 1169  
to register an individual, refuse to reinstate a certificate, or 1170  
reprimand or place on probation the holder of a certificate if 1171



the individual or certificate holder is found by the board to 1172  
have committed fraud during the administration of the 1173  
examination for a certificate to practice or to have committed 1174  
fraud, misrepresentation, or deception in applying for or 1175  
securing any certificate to practice or certificate of 1176  
registration issued by the board. 1177

(B) The board, by an affirmative vote of not fewer than 1178  
six members, shall, to the extent permitted by law, limit, 1179  
revoke, or suspend an individual's certificate to practice, 1180  
refuse to register an individual, refuse to reinstate a 1181  
certificate, or reprimand or place on probation the holder of a 1182  
certificate for one or more of the following reasons: 1183

(1) Permitting one's name or one's certificate to practice 1184  
or certificate of registration to be used by a person, group, or 1185  
corporation when the individual concerned is not actually 1186  
directing the treatment given; 1187

(2) Failure to maintain minimal standards applicable to 1188  
the selection or administration of drugs, or failure to employ 1189  
acceptable scientific methods in the selection of drugs or other 1190  
modalities for treatment of disease; 1191

(3) Selling, giving away, personally furnishing, 1192  
prescribing, or administering drugs for other than legal and 1193  
legitimate therapeutic purposes or a plea of guilty to, a 1194  
judicial finding of guilt of, or a judicial finding of 1195  
eligibility for intervention in lieu of conviction of, a 1196  
violation of any federal or state law regulating the possession, 1197  
distribution, or use of any drug; 1198

(4) Willfully betraying a professional confidence. 1199

For purposes of this division, "willfully betraying a 1200

professional confidence" does not include providing any 1201  
information, documents, or reports to a child fatality review 1202  
board under sections 307.621 to 307.629 of the Revised Code and 1203  
does not include the making of a report of an employee's use of 1204  
a drug of abuse, or a report of a condition of an employee other 1205  
than one involving the use of a drug of abuse, to the employer 1206  
of the employee as described in division (B) of section 2305.33 1207  
of the Revised Code. Nothing in this division affects the 1208  
immunity from civil liability conferred by that section upon a 1209  
physician who makes either type of report in accordance with 1210  
division (B) of that section. As used in this division, 1211  
"employee," "employer," and "physician" have the same meanings 1212  
as in section 2305.33 of the Revised Code. 1213

(5) Making a false, fraudulent, deceptive, or misleading 1214  
statement in the solicitation of or advertising for patients; in 1215  
relation to the practice of medicine and surgery, osteopathic 1216  
medicine and surgery, podiatric medicine and surgery, or a 1217  
limited branch of medicine; or in securing or attempting to 1218  
secure any certificate to practice or certificate of 1219  
registration issued by the board. 1220

As used in this division, "false, fraudulent, deceptive, 1221  
or misleading statement" means a statement that includes a 1222  
misrepresentation of fact, is likely to mislead or deceive 1223  
because of a failure to disclose material facts, is intended or 1224  
is likely to create false or unjustified expectations of 1225  
favorable results, or includes representations or implications 1226  
that in reasonable probability will cause an ordinarily prudent 1227  
person to misunderstand or be deceived. 1228

(6) A departure from, or the failure to conform to, 1229  
minimal standards of care of similar practitioners under the 1230

same or similar circumstances, whether or not actual injury to a patient is established; 1231  
1232

(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured; 1233  
1234  
1235  
1236

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 1237  
1238  
1239

(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 1240  
1241  
1242

(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 1243  
1244  
1245

(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 1246  
1247  
1248  
1249

(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 1250  
1251  
1252

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 1253  
1254  
1255

(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 1256  
1257  
1258

(15) Violation of the conditions of limitation placed by	1259
the board upon a certificate to practice;	1260
(16) Failure to pay license renewal fees specified in this	1261
chapter;	1262
(17) Except as authorized in section 4731.31 of the	1263
Revised Code, engaging in the division of fees for referral of	1264
patients, or the receiving of a thing of value in return for a	1265
specific referral of a patient to utilize a particular service	1266
or business;	1267
(18) Subject to section 4731.226 of the Revised Code,	1268
violation of any provision of a code of ethics of the American	1269
medical association, the American osteopathic association, the	1270
American podiatric medical association, or any other national	1271
professional organizations that the board specifies by rule. The	1272
state medical board shall obtain and keep on file current copies	1273
of the codes of ethics of the various national professional	1274
organizations. The individual whose certificate is being	1275
suspended or revoked shall not be found to have violated any	1276
provision of a code of ethics of an organization not appropriate	1277
to the individual's profession.	1278
For purposes of this division, a "provision of a code of	1279
ethics of a national professional organization" does not include	1280
any provision that would preclude the making of a report by a	1281
physician of an employee's use of a drug of abuse, or of a	1282
condition of an employee other than one involving the use of a	1283
drug of abuse, to the employer of the employee as described in	1284
division (B) of section 2305.33 of the Revised Code. Nothing in	1285
this division affects the immunity from civil liability	1286
conferred by that section upon a physician who makes either type	1287
of report in accordance with division (B) of that section. As	1288

used in this division, "employee," "employer," and "physician" 1289  
have the same meanings as in section 2305.33 of the Revised 1290  
Code. 1291

(19) Inability to practice according to acceptable and 1292  
prevailing standards of care by reason of mental illness or 1293  
physical illness, including, but not limited to, physical 1294  
deterioration that adversely affects cognitive, motor, or 1295  
perceptive skills. 1296

In enforcing this division, the board, upon a showing of a 1297  
possible violation, may compel any individual authorized to 1298  
practice by this chapter or who has submitted an application 1299  
pursuant to this chapter to submit to a mental examination, 1300  
physical examination, including an HIV test, or both a mental 1301  
and a physical examination. The expense of the examination is 1302  
the responsibility of the individual compelled to be examined. 1303  
Failure to submit to a mental or physical examination or consent 1304  
to an HIV test ordered by the board constitutes an admission of 1305  
the allegations against the individual unless the failure is due 1306  
to circumstances beyond the individual's control, and a default 1307  
and final order may be entered without the taking of testimony 1308  
or presentation of evidence. If the board finds an individual 1309  
unable to practice because of the reasons set forth in this 1310  
division, the board shall require the individual to submit to 1311  
care, counseling, or treatment by physicians approved or 1312  
designated by the board, as a condition for initial, continued, 1313  
reinstated, or renewed authority to practice. An individual 1314  
affected under this division shall be afforded an opportunity to 1315  
demonstrate to the board the ability to resume practice in 1316  
compliance with acceptable and prevailing standards under the 1317  
provisions of the individual's certificate. For the purpose of 1318  
this division, any individual who applies for or receives a 1319

certificate to practice under this chapter accepts the privilege 1320  
of practicing in this state and, by so doing, shall be deemed to 1321  
have given consent to submit to a mental or physical examination 1322  
when directed to do so in writing by the board, and to have 1323  
waived all objections to the admissibility of testimony or 1324  
examination reports that constitute a privileged communication. 1325

(20) Except when civil penalties are imposed under section 1326  
4731.225 or 4731.281 of the Revised Code, and subject to section 1327  
4731.226 of the Revised Code, violating or attempting to 1328  
violate, directly or indirectly, or assisting in or abetting the 1329  
violation of, or conspiring to violate, any provisions of this 1330  
chapter or any rule promulgated by the board. 1331

This division does not apply to a violation or attempted 1332  
violation of, assisting in or abetting the violation of, or a 1333  
conspiracy to violate, any provision of this chapter or any rule 1334  
adopted by the board that would preclude the making of a report 1335  
by a physician of an employee's use of a drug of abuse, or of a 1336  
condition of an employee other than one involving the use of a 1337  
drug of abuse, to the employer of the employee as described in 1338  
division (B) of section 2305.33 of the Revised Code. Nothing in 1339  
this division affects the immunity from civil liability 1340  
conferred by that section upon a physician who makes either type 1341  
of report in accordance with division (B) of that section. As 1342  
used in this division, "employee," "employer," and "physician" 1343  
have the same meanings as in section 2305.33 of the Revised 1344  
Code. 1345

(21) The violation of section 3701.79 of the Revised Code 1346  
or of any abortion rule adopted by the public health council 1347  
pursuant to section 3701.341 of the Revised Code; 1348

(22) Any of the following actions taken by an agency 1349

responsible for authorizing, certifying, or regulating an 1350  
individual to practice a health care occupation or provide 1351  
health care services in this state or another jurisdiction, for 1352  
any reason other than the nonpayment of fees: the limitation, 1353  
revocation, or suspension of an individual's license to 1354  
practice; acceptance of an individual's license surrender; 1355  
denial of a license; refusal to renew or reinstate a license; 1356  
imposition of probation; or issuance of an order of censure or 1357  
other reprimand; 1358

(23) The violation of section 2919.12 of the Revised Code 1359  
or the performance or inducement of an abortion upon a pregnant 1360  
woman with actual knowledge that the conditions specified in 1361  
division (B) of section 2317.56 of the Revised Code have not 1362  
been satisfied or with a heedless indifference as to whether 1363  
those conditions have been satisfied, unless an affirmative 1364  
defense as specified in division (H) (2) of that section would 1365  
apply in a civil action authorized by division (H) (1) of that 1366  
section; 1367

(24) The revocation, suspension, restriction, reduction, 1368  
or termination of clinical privileges by the United States 1369  
department of defense or department of veterans affairs or the 1370  
termination or suspension of a certificate of registration to 1371  
prescribe drugs by the drug enforcement administration of the 1372  
United States department of justice; 1373

(25) Termination or suspension from participation in the 1374  
medicare or medicaid programs by the department of health and 1375  
human services or other responsible agency for any act or acts 1376  
that also would constitute a violation of division (B) (2), (3), 1377  
(6), (8), or (19) of this section; 1378

(26) Impairment of ability to practice according to 1379

acceptable and prevailing standards of care because of habitual 1380  
or excessive use or abuse of drugs, alcohol, or other substances 1381  
that impair ability to practice. 1382

For the purposes of this division, any individual 1383  
authorized to practice by this chapter accepts the privilege of 1384  
practicing in this state subject to supervision by the board. By 1385  
filing an application for or holding a certificate to practice 1386  
under this chapter, an individual shall be deemed to have given 1387  
consent to submit to a mental or physical examination when 1388  
ordered to do so by the board in writing, and to have waived all 1389  
objections to the admissibility of testimony or examination 1390  
reports that constitute privileged communications. 1391

If it has reason to believe that any individual authorized 1392  
to practice by this chapter or any applicant for certification 1393  
to practice suffers such impairment, the board may compel the 1394  
individual to submit to a mental or physical examination, or 1395  
both. The expense of the examination is the responsibility of 1396  
the individual compelled to be examined. Any mental or physical 1397  
examination required under this division shall be undertaken by 1398  
a treatment provider or physician who is qualified to conduct 1399  
the examination and who is chosen by the board. 1400

Failure to submit to a mental or physical examination 1401  
ordered by the board constitutes an admission of the allegations 1402  
against the individual unless the failure is due to 1403  
circumstances beyond the individual's control, and a default and 1404  
final order may be entered without the taking of testimony or 1405  
presentation of evidence. If the board determines that the 1406  
individual's ability to practice is impaired, the board shall 1407  
suspend the individual's certificate or deny the individual's 1408  
application and shall require the individual, as a condition for 1409



initial, continued, reinstated, or renewed certification to 1410  
practice, to submit to treatment. 1411

Before being eligible to apply for reinstatement of a 1412  
certificate suspended under this division, the impaired 1413  
practitioner shall demonstrate to the board the ability to 1414  
resume practice in compliance with acceptable and prevailing 1415  
standards of care under the provisions of the practitioner's 1416  
certificate. The demonstration shall include, but shall not be 1417  
limited to, the following: 1418

(a) Certification from a treatment provider approved under 1419  
section 4731.25 of the Revised Code that the individual has 1420  
successfully completed any required inpatient treatment; 1421

(b) Evidence of continuing full compliance with an 1422  
aftercare contract or consent agreement; 1423

(c) Two written reports indicating that the individual's 1424  
ability to practice has been assessed and that the individual 1425  
has been found capable of practicing according to acceptable and 1426  
prevailing standards of care. The reports shall be made by 1427  
individuals or providers approved by the board for making the 1428  
assessments and shall describe the basis for their 1429  
determination. 1430

The board may reinstate a certificate suspended under this 1431  
division after that demonstration and after the individual has 1432  
entered into a written consent agreement. 1433

When the impaired practitioner resumes practice, the board 1434  
shall require continued monitoring of the individual. The 1435  
monitoring shall include, but not be limited to, compliance with 1436  
the written consent agreement entered into before reinstatement 1437  
or with conditions imposed by board order after a hearing, and, 1438

upon termination of the consent agreement, submission to the 1439  
board for at least two years of annual written progress reports 1440  
made under penalty of perjury stating whether the individual has 1441  
maintained sobriety. 1442

(27) A second or subsequent violation of section 4731.66 1443  
or 4731.69 of the Revised Code; 1444

(28) Except as provided in division (N) of this section: 1445

(a) Waiving the payment of all or any part of a deductible 1446  
or copayment that a patient, pursuant to a health insurance or 1447  
health care policy, contract, or plan that covers the 1448  
individual's services, otherwise would be required to pay if the 1449  
waiver is used as an enticement to a patient or group of 1450  
patients to receive health care services from that individual; 1451

(b) Advertising that the individual will waive the payment 1452  
of all or any part of a deductible or copayment that a patient, 1453  
pursuant to a health insurance or health care policy, contract, 1454  
or plan that covers the individual's services, otherwise would 1455  
be required to pay. 1456

(29) Failure to use universal blood and body fluid 1457  
precautions established by rules adopted under section 4731.051 1458  
of the Revised Code; 1459

(30) Failure to provide notice to, and receive 1460  
acknowledgment of the notice from, a patient when required by 1461  
section 4731.143 of the Revised Code prior to providing 1462  
nonemergency professional services, or failure to maintain that 1463  
notice in the patient's file; 1464

(31) Failure of a physician supervising a physician 1465  
assistant to maintain supervision in accordance with the 1466  
requirements of Chapter 4730. of the Revised Code and the rules 1467

adopted under that chapter;	1468
(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;	1469 1470 1471 1472 1473 1474 1475
(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;	1476 1477 1478
(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	1479 1480 1481 1482 1483 1484 1485 1486 1487 1488 1489
(35) Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	1490 1491 1492 1493
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	1494 1495 1496

(37) Assisting suicide as defined in section 3795.01 of the Revised Code;	1497 1498
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	1499 1500
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	1501 1502 1503
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	1504 1505 1506 1507
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	1508 1509 1510 1511
(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;	1512 1513 1514 1515
(43) Failure to comply with the requirements of section 4729.79 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;	1516 1517 1518 1519
(44) Failure to comply with the requirements of section 2919.171 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 of the Revised Code;	1520 1521 1522 1523
(45) Practicing at a facility that is subject to licensure	1524

as a category III terminal distributor of dangerous drugs with a 1525  
pain management clinic classification unless the person 1526  
operating the facility has obtained and maintains the license 1527  
with the classification; 1528

(46) Owning a facility that is subject to licensure as a 1529  
category III terminal distributor of dangerous drugs with a pain 1530  
management clinic classification unless the facility is licensed 1531  
with the classification; 1532

(47) Failure to comply with the requirement regarding 1533  
maintaining notes described in division (B) of section 2919.191 1534  
of the Revised Code or failure to satisfy the requirements of 1535  
section 2919.191 of the Revised Code prior to performing or 1536  
inducing an abortion upon a pregnant woman; 1537

(48) Failure to comply with the requirements in section 1538  
3719.061 of the Revised Code before issuing for a minor a 1539  
prescription for an opioid analgesic, as defined in section 1540  
3719.01 of the Revised Code. 1541

(C) Disciplinary actions taken by the board under 1542  
divisions (A) and (B) of this section shall be taken pursuant to 1543  
an adjudication under Chapter 119. of the Revised Code, except 1544  
that in lieu of an adjudication, the board may enter into a 1545  
consent agreement with an individual to resolve an allegation of 1546  
a violation of this chapter or any rule adopted under it. A 1547  
consent agreement, when ratified by an affirmative vote of not 1548  
fewer than six members of the board, shall constitute the 1549  
findings and order of the board with respect to the matter 1550  
addressed in the agreement. If the board refuses to ratify a 1551  
consent agreement, the admissions and findings contained in the 1552  
consent agreement shall be of no force or effect. 1553

A telephone conference call may be utilized for 1554  
ratification of a consent agreement that revokes or suspends an 1555  
individual's certificate to practice. The telephone conference 1556  
call shall be considered a special meeting under division (F) of 1557  
section 121.22 of the Revised Code. 1558

If the board takes disciplinary action against an 1559  
individual under division (B) of this section for a second or 1560  
subsequent plea of guilty to, or judicial finding of guilt of, a 1561  
violation of ~~section 2919.123~~ sections 2919.201 to 2919.204 of 1562  
the Revised Code, the disciplinary action shall consist of a 1563  
suspension of the individual's certificate to practice for a 1564  
period of at least one year or, if determined appropriate by the 1565  
board, a more serious sanction involving the individual's 1566  
certificate to practice. Any consent agreement entered into 1567  
under this division with an individual that pertains to a second 1568  
or subsequent plea of guilty to, or judicial finding of guilt 1569  
of, a violation of that section shall provide for a suspension 1570  
of the individual's certificate to practice for a period of at 1571  
least one year or, if determined appropriate by the board, a 1572  
more serious sanction involving the individual's certificate to 1573  
practice. 1574

(D) For purposes of divisions (B) (10), (12), and (14) of 1575  
this section, the commission of the act may be established by a 1576  
finding by the board, pursuant to an adjudication under Chapter 1577  
119. of the Revised Code, that the individual committed the act. 1578  
The board does not have jurisdiction under those divisions if 1579  
the trial court renders a final judgment in the individual's 1580  
favor and that judgment is based upon an adjudication on the 1581  
merits. The board has jurisdiction under those divisions if the 1582  
trial court issues an order of dismissal upon technical or 1583  
procedural grounds. 1584

(E) The sealing of conviction records by any court shall 1585  
have no effect upon a prior board order entered under this 1586  
section or upon the board's jurisdiction to take action under 1587  
this section if, based upon a plea of guilty, a judicial finding 1588  
of guilt, or a judicial finding of eligibility for intervention 1589  
in lieu of conviction, the board issued a notice of opportunity 1590  
for a hearing prior to the court's order to seal the records. 1591  
The board shall not be required to seal, destroy, redact, or 1592  
otherwise modify its records to reflect the court's sealing of 1593  
conviction records. 1594

(F) (1) The board shall investigate evidence that appears 1595  
to show that a person has violated any provision of this chapter 1596  
or any rule adopted under it. Any person may report to the board 1597  
in a signed writing any information that the person may have 1598  
that appears to show a violation of any provision of this 1599  
chapter or any rule adopted under it. In the absence of bad 1600  
faith, any person who reports information of that nature or who 1601  
testifies before the board in any adjudication conducted under 1602  
Chapter 119. of the Revised Code shall not be liable in damages 1603  
in a civil action as a result of the report or testimony. Each 1604  
complaint or allegation of a violation received by the board 1605  
shall be assigned a case number and shall be recorded by the 1606  
board. 1607

(2) Investigations of alleged violations of this chapter 1608  
or any rule adopted under it shall be supervised by the 1609  
supervising member elected by the board in accordance with 1610  
section 4731.02 of the Revised Code and by the secretary as 1611  
provided in section 4731.39 of the Revised Code. The president 1612  
may designate another member of the board to supervise the 1613  
investigation in place of the supervising member. No member of 1614  
the board who supervises the investigation of a case shall 1615

participate in further adjudication of the case. 1616

(3) In investigating a possible violation of this chapter 1617  
or any rule adopted under this chapter, or in conducting an 1618  
inspection under division (E) of section 4731.054 of the Revised 1619  
Code, the board may question witnesses, conduct interviews, 1620  
administer oaths, order the taking of depositions, inspect and 1621  
copy any books, accounts, papers, records, or documents, issue 1622  
subpoenas, and compel the attendance of witnesses and production 1623  
of books, accounts, papers, records, documents, and testimony, 1624  
except that a subpoena for patient record information shall not 1625  
be issued without consultation with the attorney general's 1626  
office and approval of the secretary and supervising member of 1627  
the board. 1628

(a) Before issuance of a subpoena for patient record 1629  
information, the secretary and supervising member shall 1630  
determine whether there is probable cause to believe that the 1631  
complaint filed alleges a violation of this chapter or any rule 1632  
adopted under it and that the records sought are relevant to the 1633  
alleged violation and material to the investigation. The 1634  
subpoena may apply only to records that cover a reasonable 1635  
period of time surrounding the alleged violation. 1636

(b) On failure to comply with any subpoena issued by the 1637  
board and after reasonable notice to the person being 1638  
subpoenaed, the board may move for an order compelling the 1639  
production of persons or records pursuant to the Rules of Civil 1640  
Procedure. 1641

(c) A subpoena issued by the board may be served by a 1642  
sheriff, the sheriff's deputy, or a board employee designated by 1643  
the board. Service of a subpoena issued by the board may be made 1644  
by delivering a copy of the subpoena to the person named 1645



therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a certificate issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

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

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

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

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given or, in the case of a patient, a waiver of the patient privilege exists under division (B) of section 2317.02 of the

Revised Code, except that consent or a waiver of that nature is 1676  
not required if the board possesses reliable and substantial 1677  
evidence that no bona fide physician-patient relationship 1678  
exists. 1679

The board may share any information it receives pursuant 1680  
to an investigation or inspection, including patient records and 1681  
patient record information, with law enforcement agencies, other 1682  
licensing boards, and other governmental agencies that are 1683  
prosecuting, adjudicating, or investigating alleged violations 1684  
of statutes or administrative rules. An agency or board that 1685  
receives the information shall comply with the same requirements 1686  
regarding confidentiality as those with which the state medical 1687  
board must comply, notwithstanding any conflicting provision of 1688  
the Revised Code or procedure of the agency or board that 1689  
applies when it is dealing with other information in its 1690  
possession. In a judicial proceeding, the information may be 1691  
admitted into evidence only in accordance with the Rules of 1692  
Evidence, but the court shall require that appropriate measures 1693  
are taken to ensure that confidentiality is maintained with 1694  
respect to any part of the information that contains names or 1695  
other identifying information about patients or complainants 1696  
whose confidentiality was protected by the state medical board 1697  
when the information was in the board's possession. Measures to 1698  
ensure confidentiality that may be taken by the court include 1699  
sealing its records or deleting specific information from its 1700  
records. 1701

(6) On a quarterly basis, the board shall prepare a report 1702  
that documents the disposition of all cases during the preceding 1703  
three months. The report shall contain the following information 1704  
for each case with which the board has completed its activities: 1705

(a) The case number assigned to the complaint or alleged violation; 1706  
1707

(b) The type of certificate to practice, if any, held by the individual against whom the complaint is directed; 1708  
1709

(c) A description of the allegations contained in the complaint; 1710  
1711

(d) The disposition of the case. 1712

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. 1713  
1714  
1715  
1716

(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's certificate to practice without a prior hearing: 1717  
1718  
1719

(1) That there is clear and convincing evidence that an individual has violated division (B) of this section; 1720  
1721

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public. 1722  
1723

Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension. 1724  
1725  
1726  
1727  
1728  
1729  
1730

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 1731  
1732  
1733

by the court during pendency of any appeal filed under section 1734  
119.12 of the Revised Code. If the individual subject to the 1735  
summary suspension requests an adjudicatory hearing by the 1736  
board, the date set for the hearing shall be within fifteen 1737  
days, but not earlier than seven days, after the individual 1738  
requests the hearing, unless otherwise agreed to by both the 1739  
board and the individual. 1740

Any summary suspension imposed under this division shall 1741  
remain in effect, unless reversed on appeal, until a final 1742  
adjudicative order issued by the board pursuant to this section 1743  
and Chapter 119. of the Revised Code becomes effective. The 1744  
board shall issue its final adjudicative order within seventy- 1745  
five days after completion of its hearing. A failure to issue 1746  
the order within seventy-five days shall result in dissolution 1747  
of the summary suspension order but shall not invalidate any 1748  
subsequent, final adjudicative order. 1749

(H) If the board takes action under division (B) (9), (11), 1750  
or (13) of this section and the judicial finding of guilt, 1751  
guilty plea, or judicial finding of eligibility for intervention 1752  
in lieu of conviction is overturned on appeal, upon exhaustion 1753  
of the criminal appeal, a petition for reconsideration of the 1754  
order may be filed with the board along with appropriate court 1755  
documents. Upon receipt of a petition of that nature and 1756  
supporting court documents, the board shall reinstate the 1757  
individual's certificate to practice. The board may then hold an 1758  
adjudication under Chapter 119. of the Revised Code to determine 1759  
whether the individual committed the act in question. Notice of 1760  
an opportunity for a hearing shall be given in accordance with 1761  
Chapter 119. of the Revised Code. If the board finds, pursuant 1762  
to an adjudication held under this division, that the individual 1763  
committed the act or if no hearing is requested, the board may 1764

order any of the sanctions identified under division (B) of this section. 1765  
1766

(I) The certificate to practice issued to an individual 1767  
under this chapter and the individual's practice in this state 1768  
are automatically suspended as of the date of the individual's 1769  
second or subsequent plea of guilty to, or judicial finding of 1770  
guilt of, a violation of ~~section 2919.123~~ sections 2919.201 to 1771  
2919.204 of the Revised Code, or the date the individual pleads 1772  
guilty to, is found by a judge or jury to be guilty of, or is 1773  
subject to a judicial finding of eligibility for intervention in 1774  
lieu of conviction in this state or treatment or intervention in 1775  
lieu of conviction in another jurisdiction for any of the 1776  
following criminal offenses in this state or a substantially 1777  
equivalent criminal offense in another jurisdiction: aggravated 1778  
murder, murder, voluntary manslaughter, felonious assault, 1779  
kidnapping, rape, sexual battery, gross sexual imposition, 1780  
aggravated arson, aggravated robbery, or aggravated burglary. 1781  
Continued practice after suspension shall be considered 1782  
practicing without a certificate. 1783

The board shall notify the individual subject to the 1784  
suspension by certified mail or in person in accordance with 1785  
section 119.07 of the Revised Code. If an individual whose 1786  
certificate is automatically suspended under this division fails 1787  
to make a timely request for an adjudication under Chapter 119. 1788  
of the Revised Code, the board shall do whichever of the 1789  
following is applicable: 1790

(1) If the automatic suspension under this division is for 1791  
a second or subsequent plea of guilty to, or judicial finding of 1792  
guilt of, a violation of ~~section 2919.123~~ sections 2919.201 to 1793  
2919.204 of the Revised Code, the board shall enter an order 1794

suspending the individual's certificate to practice for a period 1795  
of at least one year or, if determined appropriate by the board, 1796  
imposing a more serious sanction involving the individual's 1797  
certificate to practice. 1798

(2) In all circumstances in which division (I)(1) of this 1799  
section does not apply, enter a final order permanently revoking 1800  
the individual's certificate to practice. 1801

(J) If the board is required by Chapter 119. of the 1802  
Revised Code to give notice of an opportunity for a hearing and 1803  
if the individual subject to the notice does not timely request 1804  
a hearing in accordance with section 119.07 of the Revised Code, 1805  
the board is not required to hold a hearing, but may adopt, by 1806  
an affirmative vote of not fewer than six of its members, a 1807  
final order that contains the board's findings. In that final 1808  
order, the board may order any of the sanctions identified under 1809  
division (A) or (B) of this section. 1810

(K) Any action taken by the board under division (B) of 1811  
this section resulting in a suspension from practice shall be 1812  
accompanied by a written statement of the conditions under which 1813  
the individual's certificate to practice may be reinstated. The 1814  
board shall adopt rules governing conditions to be imposed for 1815  
reinstatement. Reinstatement of a certificate suspended pursuant 1816  
to division (B) of this section requires an affirmative vote of 1817  
not fewer than six members of the board. 1818

(L) When the board refuses to grant a certificate to an 1819  
applicant, revokes an individual's certificate to practice, 1820  
refuses to register an applicant, or refuses to reinstate an 1821  
individual's certificate to practice, the board may specify that 1822  
its action is permanent. An individual subject to a permanent 1823  
action taken by the board is forever thereafter ineligible to 1824

hold a certificate to practice and the board shall not accept an 1825  
application for reinstatement of the certificate or for issuance 1826  
of a new certificate. 1827

(M) Notwithstanding any other provision of the Revised 1828  
Code, all of the following apply: 1829

(1) The surrender of a certificate issued under this 1830  
chapter shall not be effective unless or until accepted by the 1831  
board. A telephone conference call may be utilized for 1832  
acceptance of the surrender of an individual's certificate to 1833  
practice. The telephone conference call shall be considered a 1834  
special meeting under division (F) of section 121.22 of the 1835  
Revised Code. Reinstatement of a certificate surrendered to the 1836  
board requires an affirmative vote of not fewer than six members 1837  
of the board. 1838

(2) An application for a certificate made under the 1839  
provisions of this chapter may not be withdrawn without approval 1840  
of the board. 1841

(3) Failure by an individual to renew a certificate of 1842  
registration in accordance with this chapter shall not remove or 1843  
limit the board's jurisdiction to take any disciplinary action 1844  
under this section against the individual. 1845

(4) At the request of the board, a certificate holder 1846  
shall immediately surrender to the board a certificate that the 1847  
board has suspended, revoked, or permanently revoked. 1848

(N) Sanctions shall not be imposed under division (B) (28) 1849  
of this section against any person who waives deductibles and 1850  
copayments as follows: 1851

(1) In compliance with the health benefit plan that 1852  
expressly allows such a practice. Waiver of the deductibles or 1853

copayments shall be made only with the full knowledge and 1854  
consent of the plan purchaser, payer, and third-party 1855  
administrator. Documentation of the consent shall be made 1856  
available to the board upon request. 1857

(2) For professional services rendered to any other person 1858  
authorized to practice pursuant to this chapter, to the extent 1859  
allowed by this chapter and rules adopted by the board. 1860

(0) Under the board's investigative duties described in 1861  
this section and subject to division (F) of this section, the 1862  
board shall develop and implement a quality intervention program 1863  
designed to improve through remedial education the clinical and 1864  
communication skills of individuals authorized under this 1865  
chapter to practice medicine and surgery, osteopathic medicine 1866  
and surgery, and podiatric medicine and surgery. In developing 1867  
and implementing the quality intervention program, the board may 1868  
do all of the following: 1869

(1) Offer in appropriate cases as determined by the board 1870  
an educational and assessment program pursuant to an 1871  
investigation the board conducts under this section; 1872

(2) Select providers of educational and assessment 1873  
services, including a quality intervention program panel of case 1874  
reviewers; 1875

(3) Make referrals to educational and assessment service 1876  
providers and approve individual educational programs 1877  
recommended by those providers. The board shall monitor the 1878  
progress of each individual undertaking a recommended individual 1879  
educational program. 1880

(4) Determine what constitutes successful completion of an 1881  
individual educational program and require further monitoring of 1882



the individual who completed the program or other action that 1883  
the board determines to be appropriate; 1884

(5) Adopt rules in accordance with Chapter 119. of the 1885  
Revised Code to further implement the quality intervention 1886  
program. 1887

An individual who participates in an individual 1888  
educational program pursuant to this division shall pay the 1889  
financial obligations arising from that educational program. 1890

**Sec. 4731.223.** (A) As used in this section, "prosecutor" 1891  
has the same meaning as in section 2935.01 of the Revised Code. 1892

(B) Whenever any person holding a valid certificate issued 1893  
pursuant to this chapter pleads guilty to, is subject to a 1894  
judicial finding of guilt of, or is subject to a judicial 1895  
finding of eligibility for intervention in lieu of conviction 1896  
for a violation of Chapter 2907., 2925., or 3719. of the Revised 1897  
Code or of any substantively comparable ordinance of a municipal 1898  
corporation in connection with the person's practice, or for a 1899  
second or subsequent time pleads guilty to, or is subject to a 1900  
judicial finding of guilt of, a violation of ~~section 2919.123-~~ 1901  
sections 2919.201 to 2919.204 of the Revised Code, the 1902  
prosecutor in the case, on forms prescribed and provided by the 1903  
state medical board, shall promptly notify the board of the 1904  
conviction or guilty plea. Within thirty days of receipt of that 1905  
information, the board shall initiate action in accordance with 1906  
Chapter 119. of the Revised Code to determine whether to suspend 1907  
or revoke the certificate under section 4731.22 of the Revised 1908  
Code. 1909

(C) The prosecutor in any case against any person holding 1910  
a valid certificate issued pursuant to this chapter, on forms 1911

prescribed and provided by the state medical board, shall notify 1912  
the board of any of the following: 1913

(1) A plea of guilty to, a finding of guilt by a jury or 1914  
court of, or judicial finding of eligibility for intervention in 1915  
lieu of conviction for a felony, or a case in which the trial 1916  
court issues an order of dismissal upon technical or procedural 1917  
grounds of a felony charge; 1918

(2) A plea of guilty to, a finding of guilt by a jury or 1919  
court of, or judicial finding of eligibility for intervention in 1920  
lieu of conviction for a misdemeanor committed in the course of 1921  
practice, or a case in which the trial court issues an order of 1922  
dismissal upon technical or procedural grounds of a charge of a 1923  
misdemeanor, if the alleged act was committed in the course of 1924  
practice; 1925

(3) A plea of guilty to, a finding of guilt by a jury or 1926  
court of, or judicial finding of eligibility for intervention in 1927  
lieu of conviction for a misdemeanor involving moral turpitude, 1928  
or a case in which the trial court issues an order of dismissal 1929  
upon technical or procedural grounds of a charge of a 1930  
misdemeanor involving moral turpitude. 1931

The report shall include the name and address of the 1932  
certificate holder, the nature of the offense for which the 1933  
action was taken, and the certified court documents recording 1934  
the action. 1935

**Section 2.** That existing sections 109.572, 2919.123, 1936  
2953.25, 4729.291, 4731.22, and 4731.223 of the Revised Code are 1937  
hereby repealed. 1938

**Section 3.** Section 109.572 of the Revised Code is 1939  
presented in this act as a composite of the section as amended 1940

by both Am. Sub. H.B. 483 and Am. Sub. S.B. 143 of the 130th	1941
General Assembly. The General Assembly, applying the principle	1942
stated in division (B) of section 1.52 of the Revised Code that	1943
amendments are to be harmonized if reasonably capable of	1944
simultaneous operation, finds that the composite is the	1945
resulting version of the section in effect prior to the	1946
effective date of the section as presented in this act.	1947