

As Introduced

131st General Assembly

Regular Session

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H. B. No. 373

Representatives LaTourette, Huffman

Cosponsors: Representatives Koehler, Johnson, T., Grossman, Rezabek

A BILL

To amend sections 109.572, 4731.051, 4731.07, 1
4731.071, 4731.224, 4731.24, 4731.25, 4776.01, 2
and 4776.20 and to enact sections 4785.01, 3
4785.02, 4785.03, 4785.04, 4785.05, 4785.06, 4
4785.07, 4785.08, 4785.09, 4785.10, 4785.11, 5
4785.111, 4785.12, 4785.13, 4785.14, 4785.15, 6
4785.16, 4785.17, 4785.18, 4785.19, 4785.20, and 7
4785.99 of the Revised Code to regulate the 8
practice of surgical technologists. 9

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

Section 1. That sections 109.572, 4731.051, 4731.07, 10
4731.071, 4731.224, 4731.24, 4731.25, 4776.01, and 4776.20 be 11
amended and sections 4785.01, 4785.02, 4785.03, 4785.04, 12
4785.05, 4785.06, 4785.07, 4785.08, 4785.09, 4785.10, 4785.11, 13
4785.111, 4785.12, 4785.13, 4785.14, 4785.15, 4785.16, 4785.17, 14
4785.18, 4785.19, 4785.20, and 4785.99 of the Revised Code be 15
enacted to read as follows: 16

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 17
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 18

Code, a completed form prescribed pursuant to division (C)(1) of 19
this section, and a set of fingerprint impressions obtained in 20
the manner described in division (C)(2) of this section, the 21
superintendent of the bureau of criminal identification and 22
investigation shall conduct a criminal records check in the 23
manner described in division (B) of this section to determine 24
whether any information exists that indicates that the person 25
who is the subject of the request previously has been convicted 26
of or pleaded guilty to any of the following: 27

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

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

(c) If the request is made pursuant to section 3319.39 of 48

the Revised Code for an applicant who is a teacher, any offense 49
specified in section 3319.31 of the Revised Code. 50

(2) On receipt of a request pursuant to section 3712.09 or 51
3721.121 of the Revised Code, a completed form prescribed 52
pursuant to division (C)(1) of this section, and a set of 53
fingerprint impressions obtained in the manner described in 54
division (C)(2) of this section, the superintendent of the 55
bureau of criminal identification and investigation shall 56
conduct a criminal records check with respect to any person who 57
has applied for employment in a position for which a criminal 58
records check is required by those sections. The superintendent 59
shall conduct the criminal records check in the manner described 60
in division (B) of this section to determine whether any 61
information exists that indicates that the person who is the 62
subject of the request previously has been convicted of or 63
pleaded guilty to any of the following: 64

(a) A violation of section 2903.01, 2903.02, 2903.03, 65
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 66
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 67
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 68
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 69
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 70
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 71
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 72
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 73

(b) An existing or former law of this state, any other 74
state, or the United States that is substantially equivalent to 75
any of the offenses listed in division (A)(2)(a) of this 76
section. 77

(3) On receipt of a request pursuant to section 173.27, 78

173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 79
5123.081, or 5123.169 of the Revised Code, a completed form 80
prescribed pursuant to division (C)(1) of this section, and a 81
set of fingerprint impressions obtained in the manner described 82
in division (C)(2) of this section, the superintendent of the 83
bureau of criminal identification and investigation shall 84
conduct a criminal records check of the person for whom the 85
request is made. The superintendent shall conduct the criminal 86
records check in the manner described in division (B) of this 87
section to determine whether any information exists that 88
indicates that the person who is the subject of the request 89
previously has been convicted of, has pleaded guilty to, or 90
(except in the case of a request pursuant to section 5164.34, 91
5164.341, or 5164.342 of the Revised Code) has been found 92
eligible for intervention in lieu of conviction for any of the 93
following, regardless of the date of the conviction, the date of 94
entry of the guilty plea, or (except in the case of a request 95
pursuant to section 5164.34, 5164.341, or 5164.342 of the 96
Revised Code) the date the person was found eligible for 97
intervention in lieu of conviction: 98

(a) A violation of section 959.13, 959.131, 2903.01, 99
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 100
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 101
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 102
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 103
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 104
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 105
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 106
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 107
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 108
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 109

2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	110
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,	111
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	112
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	113
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	114
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,	115
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	116
2925.55, 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 5104.013 166
of the Revised Code, a completed form prescribed pursuant to 167
division (C) (1) of this section, and a set of fingerprint 168

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

(a) A violation of section 2151.421, 2903.01, 2903.02, 176
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 177
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 178
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 179
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 180
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 181
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 182
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 183
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 184
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 185
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 186
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 187
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 188
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 189
3716.11 of the Revised Code, felonious sexual penetration in 190
violation of former section 2907.12 of the Revised Code, a 191
violation of section 2905.04 of the Revised Code as it existed 192
prior to July 1, 1996, a violation of section 2919.23 of the 193
Revised Code that would have been a violation of section 2905.04 194
of the Revised Code as it existed prior to July 1, 1996, had the 195
violation been committed prior to that date, a violation of 196
section 2925.11 of the Revised Code that is not a minor drug 197
possession offense, a violation of section 2923.02 or 2923.03 of 198
the Revised Code that relates to a crime specified in this 199

division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

(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.

(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:

(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 230
it existed prior to July 1, 1996, had the violation been 231
committed prior to that date, or a violation of section 2925.11 232
of the Revised Code that is not a minor drug possession offense; 233

(b) A violation of an existing or former law of this 234
state, any other state, or the United States that is 235
substantially equivalent to any of the offenses listed in 236
division (A) (6) (a) of this section. 237

(7) On receipt of a request for a criminal records check 238
from an individual pursuant to section 4749.03 or 4749.06 of the 239
Revised Code, accompanied by a completed copy of the form 240
prescribed in division (C) (1) of this section and a set of 241
fingerprint impressions obtained in a manner described in 242
division (C) (2) of this section, the superintendent of the 243
bureau of criminal identification and investigation shall 244
conduct a criminal records check in the manner described in 245
division (B) of this section to determine whether any 246
information exists indicating that the person who is the subject 247
of the request has been convicted of or pleaded guilty to a 248
felony in this state or in any other state. If the individual 249
indicates that a firearm will be carried in the course of 250
business, the superintendent shall require information from the 251
federal bureau of investigation as described in division (B) (2) 252
of this section. Subject to division (F) of this section, the 253
superintendent shall report the findings of the criminal records 254
check and any information the federal bureau of investigation 255
provides to the director of public safety. 256

(8) On receipt of a request pursuant to section 1321.37, 257
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 258
Code, a completed form prescribed pursuant to division (C) (1) of 259

this section, and a set of fingerprint impressions obtained in 260
the manner described in division (C) (2) of this section, the 261
superintendent of the bureau of criminal identification and 262
investigation shall conduct a criminal records check with 263
respect to any person who has applied for a license, permit, or 264
certification from the department of commerce or a division in 265
the department. The superintendent shall conduct the criminal 266
records check in the manner described in division (B) of this 267
section to determine whether any information exists that 268
indicates that the person who is the subject of the request 269
previously has been convicted of or pleaded guilty to any of the 270
following: a violation of section 2913.02, 2913.11, 2913.31, 271
2913.51, or 2925.03 of the Revised Code; any other criminal 272
offense involving theft, receiving stolen property, 273
embezzlement, forgery, fraud, passing bad checks, money 274
laundering, or drug trafficking, or any criminal offense 275
involving money or securities, as set forth in Chapters 2909., 276
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 277
Code; or any existing or former law of this state, any other 278
state, or the United States that is substantially equivalent to 279
those offenses. 280

(9) On receipt of a request for a criminal records check 281
from the treasurer of state under section 113.041 of the Revised 282
Code or from an individual under section 4701.08, 4715.101, 283
4717.061, 4725.121, 4725.46, 4729.071, 4730.101, 4730.14, 284
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 285
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 286
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 287
4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 288
4778.06, 4779.091, ~~or~~ 4783.04, 4785.04, or 4785.07 of the 289
Revised Code, accompanied by a completed form prescribed under 290

division (C) (1) of this section and a set of fingerprint 291
impressions obtained in the manner described in division (C) (2) 292
of this section, the superintendent of the bureau of criminal 293
identification and investigation shall conduct a criminal 294
records check in the manner described in division (B) of this 295
section to determine whether any information exists that 296
indicates that the person who is the subject of the request has 297
been convicted of or pleaded guilty to any criminal offense in 298
this state or any other state. Subject to division (F) of this 299
section, the superintendent shall send the results of a check 300
requested under section 113.041 of the Revised Code to the 301
treasurer of state and shall send the results of a check 302
requested under any of the other listed sections to the 303
licensing board specified by the individual in the request. 304

(10) On receipt of a request pursuant to section 1121.23, 305
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 306
Code, a completed form prescribed pursuant to division (C) (1) of 307
this section, and a set of fingerprint impressions obtained in 308
the manner described in division (C) (2) of this section, the 309
superintendent of the bureau of criminal identification and 310
investigation shall conduct a criminal records check in the 311
manner described in division (B) of this section to determine 312
whether any information exists that indicates that the person 313
who is the subject of the request previously has been convicted 314
of or pleaded guilty to any criminal offense under any existing 315
or former law of this state, any other state, or the United 316
States. 317

(11) On receipt of a request for a criminal records check 318
from an appointing or licensing authority under section 3772.07 319
of the Revised Code, a completed form prescribed under division 320
(C) (1) of this section, and a set of fingerprint impressions 321

obtained in the manner prescribed in division (C)(2) of this 322
section, the superintendent of the bureau of criminal 323
identification and investigation shall conduct a criminal 324
records check in the manner described in division (B) of this 325
section to determine whether any information exists that 326
indicates that the person who is the subject of the request 327
previously has been convicted of or pleaded guilty or no contest 328
to any offense under any existing or former law of this state, 329
any other state, or the United States that is a disqualifying 330
offense as defined in section 3772.07 of the Revised Code or 331
substantially equivalent to such an offense. 332

(12) On receipt of a request pursuant to section 2151.33 333
or 2151.412 of the Revised Code, a completed form prescribed 334
pursuant to division (C)(1) of this section, and a set of 335
fingerprint impressions obtained in the manner described in 336
division (C)(2) of this section, the superintendent of the 337
bureau of criminal identification and investigation shall 338
conduct a criminal records check with respect to any person for 339
whom a criminal records check is required by that section. The 340
superintendent shall conduct the criminal records check in the 341
manner described in division (B) of this section to determine 342
whether any information exists that indicates that the person 343
who is the subject of the request previously has been convicted 344
of or pleaded guilty to any of the following: 345

(a) A violation of section 2903.01, 2903.02, 2903.03, 346
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 347
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 348
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 349
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 350
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 351
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 352

2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 353
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 354

(b) An existing or former law of this state, any other 355
state, or the United States that is substantially equivalent to 356
any of the offenses listed in division (A)(12)(a) of this 357
section. 358

(B) Subject to division (F) of this section, the 359
superintendent shall conduct any criminal records check to be 360
conducted under this section as follows: 361

(1) The superintendent shall review or cause to be 362
reviewed any relevant information gathered and compiled by the 363
bureau under division (A) of section 109.57 of the Revised Code 364
that relates to the person who is the subject of the criminal 365
records check, including, if the criminal records check was 366
requested under section 113.041, 121.08, 173.27, 173.38, 367
173.381, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 368
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 369
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 370
4749.03, 4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 371
5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, 372
any relevant information contained in records that have been 373
sealed under section 2953.32 of the Revised Code; 374

(2) If the request received by the superintendent asks for 375
information from the federal bureau of investigation, the 376
superintendent shall request from the federal bureau of 377
investigation any information it has with respect to the person 378
who is the subject of the criminal records check, including 379
fingerprint-based checks of national crime information databases 380
as described in 42 U.S.C. 671 if the request is made pursuant to 381
section 2151.86 or 5104.013 of the Revised Code or if any other 382

Revised Code section requires fingerprint-based checks of that 383
nature, and shall review or cause to be reviewed any information 384
the superintendent receives from that bureau. If a request under 385
section 3319.39 of the Revised Code asks only for information 386
from the federal bureau of investigation, the superintendent 387
shall not conduct the review prescribed by division (B) (1) of 388
this section. 389

(3) The superintendent or the superintendent's designee 390
may request criminal history records from other states or the 391
federal government pursuant to the national crime prevention and 392
privacy compact set forth in section 109.571 of the Revised 393
Code. 394

(4) The superintendent shall include in the results of the 395
criminal records check a list or description of the offenses 396
listed or described in division (A) (1), (2), (3), (4), (5), (6), 397
(7), (8), (9), (10), (11), or (12) of this section, whichever 398
division requires the superintendent to conduct the criminal 399
records check. The superintendent shall exclude from the results 400
any information the dissemination of which is prohibited by 401
federal law. 402

(5) The superintendent shall send the results of the 403
criminal records check to the person to whom it is to be sent 404
not later than the following number of days after the date the 405
superintendent receives the request for the criminal records 406
check, the completed form prescribed under division (C) (1) of 407
this section, and the set of fingerprint impressions obtained in 408
the manner described in division (C) (2) of this section: 409

(a) If the superintendent is required by division (A) of 410
this section (other than division (A) (3) of this section) to 411
conduct the criminal records check, thirty; 412

(b) If the superintendent is required by division (A) (3) 413
of this section to conduct the criminal records check, sixty. 414

(C) (1) The superintendent shall prescribe a form to obtain 415
the information necessary to conduct a criminal records check 416
from any person for whom a criminal records check is to be 417
conducted under this section. The form that the superintendent 418
prescribes pursuant to this division may be in a tangible 419
format, in an electronic format, or in both tangible and 420
electronic formats. 421

(2) The superintendent shall prescribe standard impression 422
sheets to obtain the fingerprint impressions of any person for 423
whom a criminal records check is to be conducted under this 424
section. Any person for whom a records check is to be conducted 425
under this section shall obtain the fingerprint impressions at a 426
county sheriff's office, municipal police department, or any 427
other entity with the ability to make fingerprint impressions on 428
the standard impression sheets prescribed by the superintendent. 429
The office, department, or entity may charge the person a 430
reasonable fee for making the impressions. The standard 431
impression sheets the superintendent prescribes pursuant to this 432
division may be in a tangible format, in an electronic format, 433
or in both tangible and electronic formats. 434

(3) Subject to division (D) of this section, the 435
superintendent shall prescribe and charge a reasonable fee for 436
providing a criminal records check under this section. The 437
person requesting the criminal records check shall pay the fee 438
prescribed pursuant to this division. In the case of a request 439
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 440
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 441
fee shall be paid in the manner specified in that section. 442

(4) The superintendent of the bureau of criminal 443
identification and investigation may prescribe methods of 444
forwarding fingerprint impressions and information necessary to 445
conduct a criminal records check, which methods shall include, 446
but not be limited to, an electronic method. 447

(D) The results of a criminal records check conducted 448
under this section, other than a criminal records check 449
specified in division (A) (7) of this section, are valid for the 450
person who is the subject of the criminal records check for a 451
period of one year from the date upon which the superintendent 452
completes the criminal records check. If during that period the 453
superintendent receives another request for a criminal records 454
check to be conducted under this section for that person, the 455
superintendent shall provide the results from the previous 456
criminal records check of the person at a lower fee than the fee 457
prescribed for the initial criminal records check. 458

(E) When the superintendent receives a request for 459
information from a registered private provider, the 460
superintendent shall proceed as if the request was received from 461
a school district board of education under section 3319.39 of 462
the Revised Code. The superintendent shall apply division (A) (1) 463
(c) of this section to any such request for an applicant who is 464
a teacher. 465

(F) (1) All information regarding the results of a criminal 466
records check conducted under this section that the 467
superintendent reports or sends under division (A) (7) or (9) of 468
this section to the director of public safety, the treasurer of 469
state, or the person, board, or entity that made the request for 470
the criminal records check shall relate to the conviction of the 471
subject person, or the subject person's plea of guilty to, a 472

criminal offense. 473

(2) Division (F)(1) of this section does not limit, 474
restrict, or preclude the superintendent's release of 475
information that relates to the arrest of a person who is 476
eighteen years of age or older, to an adjudication of a child as 477
a delinquent child, or to a criminal conviction of a person 478
under eighteen years of age in circumstances in which a release 479
of that nature is authorized under division (E)(2), (3), or (4) 480
of section 109.57 of the Revised Code pursuant to a rule adopted 481
under division (E)(1) of that section. 482

(G) As used in this section: 483

(1) "Criminal records check" means any criminal records 484
check conducted by the superintendent of the bureau of criminal 485
identification and investigation in accordance with division (B) 486
of this section. 487

(2) "Minor drug possession offense" has the same meaning 488
as in section 2925.01 of the Revised Code. 489

(3) "OVI or OVUAC violation" means a violation of section 490
4511.19 of the Revised Code or a violation of an existing or 491
former law of this state, any other state, or the United States 492
that is substantially equivalent to section 4511.19 of the 493
Revised Code. 494

(4) "Registered private provider" means a nonpublic school 495
or entity registered with the superintendent of public 496
instruction under section 3310.41 of the Revised Code to 497
participate in the autism scholarship program or section 3310.58 498
of the Revised Code to participate in the Jon Peterson special 499
needs scholarship program. 500

Sec. 4731.051. The state medical board shall adopt rules 501

in accordance with Chapter 119. of the Revised Code establishing 502
universal blood and body fluid precautions that shall be used by 503
each person who performs exposure prone invasive procedures and 504
is authorized to practice by this chapter or Chapter 4730., 505
4760., 4762., ~~or 4774.~~ or 4785. of the Revised Code. The rules 506
shall define and establish requirements for universal blood and 507
body fluid precautions that include the following: 508

(A) Appropriate use of hand washing; 509

(B) Disinfection and sterilization of equipment; 510

(C) Handling and disposal of needles and other sharp 511
instruments; 512

(D) Wearing and disposal of gloves and other protective 513
garments and devices. 514

Sec. 4731.07. (A) The state medical board shall keep a 515
record of its proceedings. The minutes of a meeting of the board 516
shall, on approval by the board, constitute an official record 517
of its proceedings. 518

(B) The board shall keep a register of applicants for 519
certificates to practice issued under this chapter and Chapters 520
4760., 4762., and 4774. of the Revised Code and licenses issued 521
under Chapters 4730. ~~and~~ 4778. and 4785. of the Revised Code. 522
The register shall show the name of the applicant and whether 523
the applicant was granted or refused a certificate or license. 524
With respect to applicants to practice medicine and surgery or 525
osteopathic medicine and surgery, the register shall show the 526
name of the institution that granted the applicant the degree of 527
doctor of medicine or osteopathic medicine. The books and 528
records of the board shall be prima-facie evidence of matters 529
therein contained. 530

Sec. 4731.071. The state medical board shall develop and 531
publish on its internet web site a directory containing the 532
names of, and contact information for, all persons who hold 533
current, valid certificates or licenses issued by the board 534
under this chapter or Chapter 4730., 4760., 4762., 4774., ~~or~~ 535
4778., or 4785. of the Revised Code. Except as provided in 536
section 4731.10 of the Revised Code, the directory shall be the 537
sole source for verifying that a person holds a current, valid 538
certificate or license issued by the board. 539

Sec. 4731.224. (A) Within sixty days after the imposition 540
of any formal disciplinary action taken by any health care 541
facility, including a hospital, health care facility operated by 542
a health insuring corporation, ambulatory surgical center, or 543
similar facility, against any individual holding a valid 544
certificate to practice issued pursuant to this chapter, the 545
chief administrator or executive officer of the facility shall 546
report to the state medical board the name of the individual, 547
the action taken by the facility, and a summary of the 548
underlying facts leading to the action taken. Upon request, the 549
board shall be provided certified copies of the patient records 550
that were the basis for the facility's action. Prior to release 551
to the board, the summary shall be approved by the peer review 552
committee that reviewed the case or by the governing board of 553
the facility. As used in this division, "formal disciplinary 554
action" means any action resulting in the revocation, 555
restriction, reduction, or termination of clinical privileges 556
for violations of professional ethics, or for reasons of medical 557
incompetence, medical malpractice, or drug or alcohol abuse. 558
"Formal disciplinary action" includes a summary action, an 559
action that takes effect notwithstanding any appeal rights that 560
may exist, and an action that results in an individual 561

surrendering clinical privileges while under investigation and 562
during proceedings regarding the action being taken or in return 563
for not being investigated or having proceedings held. "Formal 564
disciplinary action" does not include any action taken for the 565
sole reason of failure to maintain records on a timely basis or 566
failure to attend staff or section meetings. 567

The filing or nonfiling of a report with the board, 568
investigation by the board, or any disciplinary action taken by 569
the board, shall not preclude any action by a health care 570
facility to suspend, restrict, or revoke the individual's 571
clinical privileges. 572

In the absence of fraud or bad faith, no individual or 573
entity that provides patient records to the board shall be 574
liable in damages to any person as a result of providing the 575
records. 576

(B) If any individual authorized to practice under this 577
chapter or any professional association or society of such 578
individuals believes that a violation of any provision of this 579
chapter, Chapter 4730., 4760., 4762., 4774., ~~or 4778.~~, or 4785. 580
of the Revised Code, or any rule of the board has occurred, the 581
individual, association, or society shall report to the board 582
the information upon which the belief is based. This division 583
does not require any treatment provider approved by the board 584
under section 4731.25 of the Revised Code or any employee, 585
agent, or representative of such a provider to make reports with 586
respect to an impaired practitioner participating in treatment 587
or aftercare for substance abuse as long as the practitioner 588
maintains participation in accordance with the requirements of 589
section 4731.25 of the Revised Code, and as long as the 590
treatment provider or employee, agent, or representative of the 591

provider has no reason to believe that the practitioner has 592
violated any provision of this chapter or any rule adopted under 593
it, other than the provisions of division (B) (26) of section 594
4731.22 of the Revised Code. This division does not require 595
reporting by any member of an impaired practitioner committee 596
established by a health care facility or by any representative 597
or agent of a committee or program sponsored by a professional 598
association or society of individuals authorized to practice 599
under this chapter to provide peer assistance to practitioners 600
with substance abuse problems with respect to a practitioner who 601
has been referred for examination to a treatment program 602
approved by the board under section 4731.25 of the Revised Code 603
if the practitioner cooperates with the referral for examination 604
and with any determination that the practitioner should enter 605
treatment and as long as the committee member, representative, 606
or agent has no reason to believe that the practitioner has 607
ceased to participate in the treatment program in accordance 608
with section 4731.25 of the Revised Code or has violated any 609
provision of this chapter or any rule adopted under it, other 610
than the provisions of division (B) (26) of section 4731.22 of 611
the Revised Code. 612

(C) Any professional association or society composed 613
primarily of doctors of medicine and surgery, doctors of 614
osteopathic medicine and surgery, doctors of podiatric medicine 615
and surgery, or practitioners of limited branches of medicine 616
that suspends or revokes an individual's membership for 617
violations of professional ethics, or for reasons of 618
professional incompetence or professional malpractice, within 619
sixty days after a final decision shall report to the board, on 620
forms prescribed and provided by the board, the name of the 621
individual, the action taken by the professional organization, 622

and a summary of the underlying facts leading to the action 623
taken. 624

The filing of a report with the board or decision not to 625
file a report, investigation by the board, or any disciplinary 626
action taken by the board, does not preclude a professional 627
organization from taking disciplinary action against an 628
individual. 629

(D) Any insurer providing professional liability insurance 630
to an individual authorized to practice under this chapter, or 631
any other entity that seeks to indemnify the professional 632
liability of such an individual, shall notify the board within 633
thirty days after the final disposition of any written claim for 634
damages where such disposition results in a payment exceeding 635
twenty-five thousand dollars. The notice shall contain the 636
following information: 637

(1) The name and address of the person submitting the 638
notification; 639

(2) The name and address of the insured who is the subject 640
of the claim; 641

(3) The name of the person filing the written claim; 642

(4) The date of final disposition; 643

(5) If applicable, the identity of the court in which the 644
final disposition of the claim took place. 645

(E) The board may investigate possible violations of this 646
chapter or the rules adopted under it that are brought to its 647
attention as a result of the reporting requirements of this 648
section, except that the board shall conduct an investigation if 649
a possible violation involves repeated malpractice. As used in 650

this division, "repeated malpractice" means three or more claims 651
for medical malpractice within the previous five-year period, 652
each resulting in a judgment or settlement in excess of twenty- 653
five thousand dollars in favor of the claimant, and each 654
involving negligent conduct by the practicing individual. 655

(F) All summaries, reports, and records received and 656
maintained by the board pursuant to this section shall be held 657
in confidence and shall not be subject to discovery or 658
introduction in evidence in any federal or state civil action 659
involving a health care professional or facility arising out of 660
matters that are the subject of the reporting required by this 661
section. The board may use the information obtained only as the 662
basis for an investigation, as evidence in a disciplinary 663
hearing against an individual whose practice is regulated under 664
this chapter, or in any subsequent trial or appeal of a board 665
action or order. 666

The board may disclose the summaries and reports it 667
receives under this section only to health care facility 668
committees within or outside this state that are involved in 669
credentialing or recredentialing the individual or in reviewing 670
the individual's clinical privileges. The board shall indicate 671
whether or not the information has been verified. Information 672
transmitted by the board shall be subject to the same 673
confidentiality provisions as when maintained by the board. 674

(G) Except for reports filed by an individual pursuant to 675
division (B) of this section, the board shall send a copy of any 676
reports or summaries it receives pursuant to this section to the 677
individual who is the subject of the reports or summaries. The 678
individual shall have the right to file a statement with the 679
board concerning the correctness or relevance of the 680

information. The statement shall at all times accompany that 681
part of the record in contention. 682

(H) An individual or entity that, pursuant to this 683
section, reports to the board or refers an impaired practitioner 684
to a treatment provider approved by the board under section 685
4731.25 of the Revised Code shall not be subject to suit for 686
civil damages as a result of the report, referral, or provision 687
of the information. 688

(I) In the absence of fraud or bad faith, no professional 689
association or society of individuals authorized to practice 690
under this chapter that sponsors a committee or program to 691
provide peer assistance to practitioners with substance abuse 692
problems, no representative or agent of such a committee or 693
program, and no member of the state medical board shall be held 694
liable in damages to any person by reason of actions taken to 695
refer a practitioner to a treatment provider approved under 696
section 4731.25 of the Revised Code for examination or 697
treatment. 698

Sec. 4731.24. Except as provided in sections 4731.281 and 699
4731.40 of the Revised Code, all receipts of the state medical 700
board, from any source, shall be deposited in the state 701
treasury. The funds shall be deposited to the credit of the 702
state medical board operating fund, which is hereby created. 703
Except as provided in sections 4730.252, 4731.225, 4731.24, 704
4760.133, 4762.133, 4774.133, ~~and 4778.141,~~ and 4785.111 of the 705
Revised Code, all funds deposited into the state treasury under 706
this section shall be used solely for the administration and 707
enforcement of this chapter and Chapters 4730., 4760., 4762., 708
4774., ~~and 4778.,~~ and 4785. of the Revised Code by the board. 709

Sec. 4731.25. The state medical board, in accordance with 710

Chapter 119. of the Revised Code, shall adopt and may amend and 711
rescind rules establishing standards for approval of physicians 712
and facilities as treatment providers for impaired practitioners 713
who are regulated under this chapter or Chapter 4730., 4760., 714
4762., 4774., ~~or 4778.~~, or 4785. of the Revised Code. The rules 715
shall include standards for both inpatient and outpatient 716
treatment. The rules shall provide that in order to be approved, 717
a treatment provider must have the capability of making an 718
initial examination to determine what type of treatment an 719
impaired practitioner requires. Subject to the rules, the board 720
shall review and approve treatment providers on a regular basis. 721
The board, at its discretion, may withdraw or deny approval 722
subject to the rules. 723

An approved impaired practitioner treatment provider 724
shall: 725

(A) Report to the board the name of any practitioner 726
suffering or showing evidence of suffering impairment as 727
described in division (B) (5) of section 4730.25 of the Revised 728
Code, division (B) (26) of section 4731.22 of the Revised Code, 729
division (B) (6) of section 4760.13 of the Revised Code, division 730
(B) (6) of section 4762.13 of the Revised Code, division (B) (6) 731
of section 4774.13 of the Revised Code, ~~or~~ division (B) (6) of 732
section 4778.14 of the Revised Code, or division (B) (6) of 733
section 4785.11 of the Revised Code who fails to comply within 734
one week with a referral for examination; 735

(B) Report to the board the name of any impaired 736
practitioner who fails to enter treatment within forty-eight 737
hours following the provider's determination that the 738
practitioner needs treatment; 739

(C) Require every practitioner who enters treatment to 740

agree to a treatment contract establishing the terms of 741
treatment and aftercare, including any required supervision or 742
restrictions of practice during treatment or aftercare; 743

(D) Require a practitioner to suspend practice upon entry 744
into any required inpatient treatment; 745

(E) Report to the board any failure by an impaired 746
practitioner to comply with the terms of the treatment contract 747
during inpatient or outpatient treatment or aftercare; 748

(F) Report to the board the resumption of practice of any 749
impaired practitioner before the treatment provider has made a 750
clear determination that the practitioner is capable of 751
practicing according to acceptable and prevailing standards of 752
care; 753

(G) Require a practitioner who resumes practice after 754
completion of treatment to comply with an aftercare contract 755
that meets the requirements of rules adopted by the board for 756
approval of treatment providers; 757

(H) Report the identity of any practitioner practicing 758
under the terms of an aftercare contract to hospital 759
administrators, medical chiefs of staff, and chairpersons of 760
impaired practitioner committees of all health care institutions 761
at which the practitioner holds clinical privileges or otherwise 762
practices. If the practitioner does not hold clinical privileges 763
at any health care institution, the treatment provider shall 764
report the practitioner's identity to the impaired practitioner 765
committee of the county medical society, osteopathic academy, or 766
podiatric medical association in every county in which the 767
practitioner practices. If there are no impaired practitioner 768
committees in the county, the treatment provider shall report 769

the practitioner's identity to the president or other designated 770
member of the county medical society, osteopathic academy, or 771
podiatric medical association. 772

(I) Report to the board the identity of any practitioner 773
who suffers a relapse at any time during or following aftercare. 774

Any individual authorized to practice under this chapter 775
who enters into treatment by an approved treatment provider 776
shall be deemed to have waived any confidentiality requirements 777
that would otherwise prevent the treatment provider from making 778
reports required under this section. 779

In the absence of fraud or bad faith, no person or 780
organization that conducts an approved impaired practitioner 781
treatment program, no member of such an organization, and no 782
employee, representative, or agent of the treatment provider 783
shall be held liable in damages to any person by reason of 784
actions taken or recommendations made by the treatment provider 785
or its employees, representatives, or agents. 786

Sec. 4776.01. As used in this chapter: 787

(A) "License" means an authorization evidenced by a 788
license, certificate, registration, permit, card, or other 789
authority that is issued or conferred by a licensing agency to a 790
licensee or to an applicant for an initial license by which the 791
licensee or initial license applicant has or claims the 792
privilege to engage in a profession, occupation, or occupational 793
activity, or, except in the case of the state dental board, to 794
have control of and operate certain specific equipment, 795
machinery, or premises, over which the licensing agency has 796
jurisdiction. 797

(B) Except as provided in section 4776.20 of the Revised 798

Code, "licensee" means the person to whom the license is issued 799
by a licensing agency. 800

(C) Except as provided in section 4776.20 of the Revised 801
Code, "licensing agency" means any of the following: 802

(1) The board authorized by Chapters 4701., 4717., 4725., 803
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 804
4759., 4760., 4761., 4762., 4774., 4778., 4779., and ~~4783., and~~ 805
4785. of the Revised Code to issue a license to engage in a 806
specific profession, occupation, or occupational activity, or to 807
have charge of and operate certain specified equipment, 808
machinery, or premises. 809

(2) The state dental board, relative to its authority to 810
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 811
or 4715.27 of the Revised Code. 812

(D) "Applicant for an initial license" includes persons 813
seeking a license for the first time and persons seeking a 814
license by reciprocity, endorsement, or similar manner of a 815
license issued in another state. 816

(E) "Applicant for a restored license" includes persons 817
seeking restoration of a ~~certificate~~ license under section 818
4730.14, 4731.281, 4760.06, ~~or~~ 4762.06, 4774.06, 4778.06, or 819
4785.07 of the Revised Code. 820

(F) "Criminal records check" has the same meaning as in 821
section 109.572 of the Revised Code. 822

Sec. 4776.20. (A) As used in this section: 823

(1) "Licensing agency" means, in addition to each board 824
identified in division (C) of section 4776.01 of the Revised 825
Code, the board or other government entity authorized to issue a 826

license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 827
4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 828
4742., 4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 829
4765., 4766., 4771., 4773., ~~4774., 4778.~~ and 4781. of the 830
Revised Code. "Licensing agency" includes an administrative 831
officer that has authority to issue a license. 832

(2) "Licensee" means, in addition to a licensee as 833
described in division (B) of section 4776.01 of the Revised 834
Code, the person to whom a license is issued by the board or 835
other government entity authorized to issue a license under 836
Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 837
4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 838
4749., 4751., 4752., 4753., 4758., 4759., 4763., 4765., 4766., 839
4771., 4773., ~~4774., 4778.~~ and 4781. of the Revised Code. 840

(3) "Prosecutor" has the same meaning as in section 841
2935.01 of the Revised Code. 842

(B) On a licensee's conviction of, plea of guilty to, 843
judicial finding of guilt of, or judicial finding of guilt 844
resulting from a plea of no contest to the offense of 845
trafficking in persons in violation of section 2905.32 of the 846
Revised Code, the prosecutor in the case shall promptly notify 847
the licensing agency of the conviction, plea, or finding and 848
provide the licensee's name and residential address. On receipt 849
of this notification, the licensing agency shall immediately 850
suspend the licensee's license. 851

(C) If there is a conviction of, plea of guilty to, 852
judicial finding of guilt of, or judicial finding of guilt 853
resulting from a plea of no contest to the offense of 854
trafficking in persons in violation of section 2905.32 of the 855
Revised Code and all or part of the violation occurred on the 856

premises of a facility that is licensed by a licensing agency, 857
the prosecutor in the case shall promptly notify the licensing 858
agency of the conviction, plea, or finding and provide the 859
facility's name and address and the offender's name and 860
residential address. On receipt of this notification, the 861
licensing agency shall immediately suspend the facility's 862
license. 863

(D) Notwithstanding any provision of the Revised Code to 864
the contrary, the suspension of a license under division (B) or 865
(C) of this section shall be implemented by a licensing agency 866
without a prior hearing. After the suspension, the licensing 867
agency shall give written notice to the subject of the 868
suspension of the right to request a hearing under Chapter 119. 869
of the Revised Code. After a hearing is held, the licensing 870
agency shall either revoke or permanently revoke the ~~license~~ 871
license of the subject of the suspension, unless it determines 872
that the license holder has not been convicted of, pleaded 873
guilty to, been found guilty of, or been found guilty based on a 874
plea of no contest to the offense of trafficking in persons in 875
violation of section 2905.32 of the Revised Code. 876

Sec. 4785.01. As used in this chapter: 877

(A) "Accredited educational program for surgical 878
technology" means an educational program for surgical technology 879
accredited by either of the following: 880

(1) The commission on accreditation of allied health 881
education programs, its successor organization, or an equivalent 882
organization recognized by the state medical board; 883

(2) The accrediting bureau of health education schools, 884
its successor organization, or an equivalent organization 885

recognized by the state medical board. 886

(B) "National board of surgical technology and surgical
assisting" means the organization known by that name, its
successor organization, or an equivalent organization recognized
by the state medical board. 887
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(C) "Surgical technologist" means an individual, other
than a licensed health professional, who assists in a surgical
procedure by engaging in any of the activities authorized under
section 4785.09 of the Revised Code. 891
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Sec. 4785.02. (A) (1) Except as provided in division (B) of
this section, no person shall knowingly practice as a surgical
technologist unless the person holds a current, valid license to
practice as a surgical technologist issued under this chapter. 895
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(2) No person shall knowingly use the title "surgical
technologist," or otherwise hold the person out as a surgical
technologist, unless the person holds a current, valid license
to practice as a surgical technologist issued under this
chapter. 899
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(B) Division (A) (1) of this section does not apply to any
of the following: 904
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(1) A physician authorized under Chapter 4731. of the
Revised Code to practice medicine and surgery, osteopathic
medicine and surgery, or podiatric medicine and surgery; 906
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(2) A physician assistant authorized under Chapter 4730.
of the Revised Code to practice as a physician assistant; 909
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(3) A registered nurse or licensed practical nurse
authorized under Chapter 4723. of the Revised Code to practice
nursing as a registered nurse or licensed practical nurse. 911
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Sec. 4785.03. (A) An individual seeking a license to 914
practice as a surgical technologist shall file with the state 915
medical board an application in a manner prescribed by the 916
board. The application shall include all the information the 917
board considers necessary to process the application, including 918
evidence satisfactory to the board that the applicant meets the 919
requirements specified in division (B) of this section. 920

At the time an application is submitted, the applicant 921
shall pay the board an application fee of one hundred fifty 922
dollars. No part of the fee shall be returned to the applicant 923
or transferred for purposes of another application. 924

(B) (1) To be eligible to receive a license to practice as 925
a surgical technologist, an applicant shall demonstrate to the 926
board that the applicant meets all of the following 927
requirements: 928

(a) Is at least eighteen years of age and of good moral 929
character; 930

(b) Has attained a high school degree or equivalent; 931

(c) Except as provided in division (B) (2) of this section, 932
holds current certification as a surgical technologist from the 933
national board of surgical technology and surgical assisting and 934
has attained the certification by meeting the standard 935
certification requirements established by that board, including 936
graduation from an accredited educational program for surgical 937
technology and passing the national certifying examination for 938
surgical technologists offered by that board. 939

(2) In the case of an applicant who meets all eligibility 940
requirements other than the requirement specified in division 941
(B) (1) (c) of this section, the applicant is eligible for a 942

license to practice as a surgical technologist if any of the 943
following apply: 944

(a) The applicant practiced as a surgical technologist at 945
a hospital registered under section 3701.07 of the Revised Code 946
or an ambulatory surgical facility as defined in section 3702.30 947
of the Revised Code during any part of the six months that 948
preceded the effective date of this section. 949

(b) The applicant successfully completed an educational 950
program for surgical technology operated by either a branch of 951
the United States armed forces or the United States public 952
health service. 953

(c) The applicant is employed as a surgical technologist 954
by the United States government and performs the duties of a 955
surgical technologist during the course of that employment. 956

(C) The board shall review all applications received under 957
this section. Not later than sixty days after receiving an 958
application it considers complete, the board shall determine 959
whether the applicant meets the requirements for a license to 960
practice as a surgical technologist. The affirmative vote of not 961
fewer than six members of the board is required to determine 962
that the applicant meets the requirements for the license. 963

Sec. 4785.04. In addition to any other eligibility 964
requirement set forth in this chapter, each applicant for a 965
license to practice as a surgical technologist shall comply with 966
sections 4776.01 to 4776.04 of the Revised Code. The state 967
medical board shall not grant to an applicant a license to 968
practice as a surgical technologist unless the board, in its 969
discretion, decides that the results of the criminal records 970
check do not make the applicant ineligible for a license issued 971

pursuant to section 4785.05 of the Revised Code. 972

Sec. 4785.05. If the state medical board determines under 973
section 4785.03 of the Revised Code that an applicant meets the 974
requirements for a license to practice as a surgical 975
technologist, the secretary of the board shall issue the license 976
to the applicant. The license shall expire biennially and may be 977
renewed in accordance with section 4785.06 of the Revised Code. 978

Sec. 4785.06. (A) An individual seeking to renew a license 979
to practice as a surgical technologist shall, on or before the 980
thirty-first day of January of each even-numbered year, apply 981
for renewal of the license. The state medical board shall 982
provide renewal notices at least one month prior to the 983
expiration date. 984

Renewal applications shall be submitted to the board in a 985
manner prescribed by the board. Each application shall be 986
accompanied by a biennial renewal fee of one hundred dollars. 987

The applicant shall report any criminal offense to which 988
the applicant has pleaded guilty, of which the applicant has 989
been found guilty, or for which the applicant has been found 990
eligible for intervention in lieu of conviction, since last 991
signing an application for a license to practice as a surgical 992
technologist. 993

(B) To be eligible for renewal, a surgical technologist 994
shall certify to the board that the technologist has done both 995
of the following: 996

(1) Maintained the technologist's status as a certified 997
surgical technologist, unless the technologist meets the 998
eligibility requirements described in division (B) (2) of section 999
4785.03 of the Revised Code; 1000

(2) Completed at least thirty hours of continuing 1001
education in surgical technology that has been approved by the 1002
national board of surgical technology and surgical assisting. 1003

(C) If an applicant submits a renewal application that the 1004
board considers to be complete and qualifies for renewal 1005
pursuant to division (B) of this section, the board shall issue 1006
to the applicant a renewed license to practice as a surgical 1007
technologist. 1008

(D) The board may require a random sample of surgical 1009
technologists to submit materials documenting that their status 1010
as certified surgical technologists has been maintained and that 1011
the number of hours of continuing education required under 1012
division (B) (2) of this section has been completed. 1013

If a surgical technologist certifies that the surgical 1014
technologist has completed the number of hours and type of 1015
continuing education required for renewal of a license, and the 1016
board finds through the random sample or any other means that 1017
the surgical technologist did not complete the requisite 1018
continuing education, the board may impose a civil penalty of 1019
not more than five thousand dollars. The board's finding shall 1020
be made pursuant to an adjudication under Chapter 119. of the 1021
Revised Code and by an affirmative vote of not fewer than six 1022
members. A civil penalty imposed under this division may be in 1023
addition to or in lieu of any other action the board may take 1024
under section 4785.11 of the Revised Code. 1025

Sec. 4785.07. (A) A license to practice as a surgical 1026
technologist issued under section 4785.07 of the Revised Code 1027
that is not renewed on or before its expiration date is 1028
automatically suspended on its expiration date. Continued 1029
practice after suspension shall be considered as practicing in 1030

violation of section 4785.02 of the Revised Code. 1031

(B) If a license has been suspended pursuant to this 1032
section for two years or less, the board shall reinstate the 1033
license upon an applicant's submission of a complete renewal 1034
application, the biennial renewal fee, and a monetary penalty of 1035
twenty-five dollars. 1036

(C) If a license has been suspended pursuant to this 1037
section for more than two years, it may be restored upon an 1038
applicant's submission of a complete restoration application, 1039
the biennial renewal fee, and a monetary penalty of fifty 1040
dollars and compliance with sections 4776.01 to 4776.04 of the 1041
Revised Code. The board shall not restore a license unless the 1042
board, in its discretion, decides that the results of the 1043
criminal records check do not make the applicant ineligible for 1044
a license issued pursuant to section 4785.03 of the Revised 1045
Code. 1046

Sec. 4785.08. On application by the holder of a license to 1047
practice as a surgical technologist, the state medical board 1048
shall issue a duplicate license to replace one that is missing 1049
or damaged, to reflect a name change, or for any other 1050
reasonable cause. The fee for a duplicate license is thirty-five 1051
dollars. 1052

Sec. 4785.09. An individual who holds a current, valid 1053
license to practice as a surgical technologist may engage in all 1054
of the following activities: 1055

(A) Preparing the operating room, including the sterile 1056
field, for surgical procedures by doing one or both of the 1057
following: 1058

(1) Ensuring that surgical equipment is functioning 1059

<u>properly and safely;</u>	1060
<u>(2) Handling sterile supplies, equipment, and instruments</u>	1061
<u>using sterile technique.</u>	1062
<u>(B) Performing one or more of the following tasks within</u>	1063
<u>the sterile field:</u>	1064
<u>(1) Passing supplies, equipment, and instruments;</u>	1065
<u>(2) Sponging or suctioning of the patient's operative site</u>	1066
<u>or performing both activities;</u>	1067
<u>(3) Preparing and cutting suture material;</u>	1068
<u>(4) Transferring fluids and irrigating with fluids;</u>	1069
<u>(5) Transferring, but not administering, drugs;</u>	1070
<u>(6) Handling specimens;</u>	1071
<u>(7) Holding retractors;</u>	1072
<u>(8) Assisting a nurse performing circulatory duties in</u>	1073
<u>counting sponges, needles, and other supplies and instruments.</u>	1074
<u>(C) Anticipating and fulfilling the needs of the surgical</u>	1075
<u>team by applying knowledge of human anatomy and pathophysiology.</u>	1076
<u>Sec. 4785.10. The state medical board shall adopt rules in</u>	1077
<u>accordance with Chapter 119. of the Revised Code to implement</u>	1078
<u>and administer this chapter. The rules shall include the</u>	1079
<u>following:</u>	1080
<u>(A) Any standards and procedures not addressed in this</u>	1081
<u>chapter that the board considers necessary for issuing and</u>	1082
<u>renewing licenses under this chapter;</u>	1083
<u>(B) Any standards and procedures the board considers</u>	1084
<u>necessary to govern the practice of surgical technologists;</u>	1085

(C) Any other standards and procedures the board considers 1086
necessary for the administration and enforcement of this 1087
chapter. 1088

Sec. 4785.11. (A) The state medical board, by an 1089
affirmative vote of not fewer than six members, may revoke, 1090
refuse to grant, or refuse to renew a license to practice as a 1091
surgical technologist to an individual found by the board to 1092
have committed fraud, misrepresentation, or deception in 1093
applying for, renewing, or securing the license. 1094

(B) The board, by an affirmative vote of not fewer than 1095
six members, shall, to the extent permitted by law, limit, 1096
revoke, or suspend an individual's license to practice as a 1097
surgical technologist, refuse to issue a license to an 1098
applicant, refuse to renew a license, refuse to reinstate a 1099
license, or reprimand or place on probation the holder of a 1100
license for any of the following reasons: 1101

(1) Permitting the holder's name or license to be used by 1102
another person; 1103

(2) Failure to comply with the requirements of this 1104
chapter, Chapter 4731. of the Revised Code, or any rules adopted 1105
by the board; 1106

(3) Violating or attempting to violate, directly or 1107
indirectly, or assisting in or abetting the violation of, or 1108
conspiring to violate, any provision of this chapter, Chapter 1109
4731. of the Revised Code, or the rules adopted by the board; 1110

(4) A departure from, or failure to conform to, minimal 1111
standards of care of similar practitioners under the same or 1112
similar circumstances whether or not actual injury to the 1113
patient is established; 1114

(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills; 1115
1116

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice; 1119
1120
1121
1122

(7) Willfully betraying a professional confidence; 1123

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a surgical technologist. 1124
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As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 1127
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(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice; 1135
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(10) 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; 1138
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(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 1141
1142
1143

(12) A plea of guilty to, a judicial finding of guilt of, 1144
or a judicial finding of eligibility for intervention in lieu of 1145
conviction for, a misdemeanor committed in the course of 1146
practice; 1147

(13) A plea of guilty to, a judicial finding of guilt of, 1148
or a judicial finding of eligibility for intervention in lieu of 1149
conviction for, a misdemeanor involving moral turpitude; 1150

(14) Commission of an act in the course of practice that 1151
constitutes a misdemeanor in this state, regardless of the 1152
jurisdiction in which the act was committed; 1153

(15) Commission of an act involving moral turpitude that 1154
constitutes a misdemeanor in this state, regardless of the 1155
jurisdiction in which the act was committed; 1156

(16) A plea of guilty to, a judicial finding of guilt of, 1157
or a judicial finding of eligibility for intervention in lieu of 1158
conviction for violating any state or federal law regulating the 1159
possession, distribution, or use of any drug, including 1160
trafficking in drugs; 1161

(17) Any of the following actions taken by an agency 1162
responsible for licensing, otherwise authorizing, or regulating 1163
an individual to practice a health care occupation or provide 1164
health care services in this state or in another jurisdiction, 1165
for any reason other than the nonpayment of fees: the 1166
limitation, revocation, or suspension of the individual's 1167
license or other authority to practice; acceptance of the 1168
surrender of the individual's license or other authority to 1169
practice; denial of a license or other authority to practice; 1170
refusal to renew or reinstate a license or other authority to 1171
practice; imposition of probation; or issuance of an order of 1172

<u>censure or other reprimand;</u>	1173
<u>(18) Violation of the conditions placed by the board on a license to practice as a surgical technologist;</u>	1174
	1175
<u>(19) Failure to cooperate in an investigation conducted by the board under section 4785.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board 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;</u>	1176
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<u>(20) Failure to maintain the individual's status as a certified surgical technologist, unless the technologist meets the eligibility requirements described in division (B)(2) of section 4785.03 of the Revised Code;</u>	1186
	1187
	1188
	1189
<u>(21) Failure to comply with a code of ethics established by the national board of surgical technology and surgical assisting;</u>	1190
	1191
	1192
<u>(22) Failure to use universal blood and bodily fluid precautions established by rules adopted under section 4731.051 of the Revised Code.</u>	1193
	1194
	1195
<u>(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a surgical technologist or applicant to resolve an allegation of a violation of this chapter or any rule</u>	1196
	1197
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adopted under it. A consent agreement, when ratified by an 1202
affirmative vote of not fewer than six members of the board, 1203
shall constitute the findings and order of the board with 1204
respect to the matter addressed in the agreement. If the board 1205
refuses to ratify a consent agreement, the admissions and 1206
findings contained in the consent agreement shall be of no force 1207
or effect. 1208

A telephone conference call may be utilized for 1209
ratification of a consent agreement that revokes or suspends an 1210
individual's license. The telephone conference call shall be 1211
considered a special meeting under division (F) of section 1212
121.22 of the Revised Code. 1213

(D) For purposes of divisions (B) (11), (14), and (15) of 1214
this section, the commission of the act may be established by a 1215
finding by the board, pursuant to an adjudication under Chapter 1216
119. of the Revised Code, that the applicant or license holder 1217
committed the act in question. The board shall have no 1218
jurisdiction under these divisions in cases where the trial 1219
court renders a final judgment in the license holder's favor and 1220
that judgment is based upon an adjudication on the merits. The 1221
board shall have jurisdiction under these divisions in cases 1222
where the trial court issues an order of dismissal on technical 1223
or procedural grounds. 1224

(E) The sealing of conviction records by any court shall 1225
have no effect on a prior board order entered under the 1226
provisions of this section or on the board's jurisdiction to 1227
take action under the provisions of this section if, based upon 1228
a plea of guilty, a judicial finding of guilt, or a judicial 1229
finding of eligibility for intervention in lieu of conviction, 1230
the board issued a notice of opportunity for a hearing or took 1231

other formal action under Chapter 119. of the Revised Code prior 1232
to the court's order to seal the records. The board shall not be 1233
required to seal, destroy, redact, or otherwise modify its 1234
records to reflect the court's sealing of conviction records. 1235

(F) For purposes of this division, any individual who 1236
holds a license to practice as a surgical technologist, or 1237
applies for a license, shall be deemed to have given consent to 1238
submit to a mental or physical examination when directed to do 1239
so in writing by the board and to have waived all objections to 1240
the admissibility of testimony or examination reports that 1241
constitute a privileged communication. 1242

(1) In enforcing division (B) (5) of this section, the 1243
board, on a showing of a possible violation, may compel any 1244
individual who holds a license to practice as a surgical 1245
technologist or who has applied for a license to practice as a 1246
surgical technologist to submit to a mental or physical 1247
examination, or both. A physical examination may include an HIV 1248
test. The expense of the examination is the responsibility of 1249
the individual compelled to be examined. Failure to submit to a 1250
mental or physical examination or consent to an HIV test ordered 1251
by the board constitutes an admission of the allegations against 1252
the individual unless the failure is due to circumstances beyond 1253
the individual's control, and a default and final order may be 1254
entered without the taking of testimony or presentation of 1255
evidence. If the board finds a surgical technologist unable to 1256
practice because of the reasons set forth in division (B) (5) of 1257
this section, the board shall require the surgical technologist 1258
to submit to care, counseling, or treatment by physicians 1259
approved or designated by the board, as a condition for an 1260
initial, continued, reinstated, or renewed license. An 1261
individual affected by this division shall be afforded an 1262

opportunity to demonstrate to the board the ability to resume 1263
practicing in compliance with acceptable and prevailing 1264
standards of care. 1265

(2) For purposes of division (B)(6) of this section, if 1266
the board has reason to believe that any individual who holds a 1267
license to practice as a surgical technologist or any applicant 1268
for a license suffers such impairment, the board may compel the 1269
individual to submit to a mental or physical examination, or 1270
both. The expense of the examination is the responsibility of 1271
the individual compelled to be examined. Any mental or physical 1272
examination required under this division shall be undertaken by 1273
a treatment provider or physician qualified to conduct such 1274
examination and chosen by the board. 1275

Failure to submit to a mental or physical examination 1276
ordered by the board constitutes an admission of the allegations 1277
against the individual unless the failure is due to 1278
circumstances beyond the individual's control, and a default and 1279
final order may be entered without the taking of testimony or 1280
presentation of evidence. If the board determines that the 1281
individual's ability to practice is impaired, the board shall 1282
suspend the individual's license or deny the individual's 1283
application and shall require the individual, as a condition for 1284
an initial, continued, reinstated, or renewed license, to submit 1285
to treatment. 1286

Before being eligible to apply for reinstatement of a 1287
license suspended under this division, the surgical technologist 1288
shall demonstrate to the board the ability to resume practice in 1289
compliance with acceptable and prevailing standards of care. The 1290
demonstration shall include the following: 1291

(a) Certification from a treatment provider approved under 1292

section 4731.25 of the Revised Code that the individual has 1293
successfully completed any required inpatient treatment; 1294

(b) Evidence of continuing full compliance with an 1295
aftercare contract or consent agreement; 1296

(c) Two written reports indicating that the individual's 1297
ability to practice has been assessed and that the individual 1298
has been found capable of practicing according to acceptable and 1299
prevailing standards of care. The reports shall be made by 1300
individuals or providers approved by the board for making such 1301
assessments and shall describe the basis for their 1302
determination. 1303

The board may reinstate a license suspended under this 1304
division after such demonstration and after the individual has 1305
entered into a written consent agreement. 1306

When the impaired surgical technologist resumes practice, 1307
the board shall require continued monitoring of the surgical 1308
technologist. The monitoring shall include monitoring of 1309
compliance with the written consent agreement entered into 1310
before reinstatement or with conditions imposed by board order 1311
after a hearing, and, on termination of the consent agreement, 1312
submission to the board for at least two years of annual written 1313
progress reports made under penalty of falsification stating 1314
whether the surgical technologist has maintained sobriety. 1315

(G) If the secretary and supervising member determine both 1316
of the following, they may recommend that the board suspend an 1317
individual's license without a prior hearing: 1318

(1) That there is clear and convincing evidence that a 1319
surgical technologist has violated division (B) of this section; 1320

(2) That the individual's continued practice presents a 1321

danger of immediate and serious harm to the public. 1322

Written allegations shall be prepared for consideration by 1323
the board. The board, on review of the allegations and by an 1324
affirmative vote of not fewer than six of its members, excluding 1325
the secretary and supervising member, may suspend a license 1326
without a prior hearing. A telephone conference call may be 1327
utilized for reviewing the allegations and taking the vote on 1328
the summary suspension. 1329

The board shall issue a written order of suspension by 1330
certified mail or in person in accordance with section 119.07 of 1331
the Revised Code. The order shall not be subject to suspension 1332
by the court during pendency of any appeal filed under section 1333
119.12 of the Revised Code. If the surgical technologist 1334
requests an adjudicatory hearing by the board, the date set for 1335
the hearing shall be within fifteen days, but not earlier than 1336
seven days, after the surgical technologist requests the 1337
hearing, unless otherwise agreed to by both the board and the 1338
surgical technologist. 1339

A summary suspension imposed under this division shall 1340
remain in effect, unless reversed on appeal, until a final 1341
adjudicative order issued by the board pursuant to this section 1342
and Chapter 119. of the Revised Code becomes effective. The 1343
board shall issue its final adjudicative order within sixty days 1344
after completion of its hearing. Failure to issue the order 1345
within sixty days shall result in dissolution of the summary 1346
suspension order, but shall not invalidate any subsequent, final 1347
adjudicative order. 1348

(H) If the board takes action under division (B) (10), 1349
(12), or (13) of this section, and the judicial finding of 1350
guilt, guilty plea, or judicial finding of eligibility for 1351

intervention in lieu of conviction is overturned on appeal, on 1352
exhaustion of the criminal appeal, a petition for 1353
reconsideration of the order may be filed with the board along 1354
with appropriate court documents. On receipt of a petition and 1355
supporting court documents, the board shall reinstate the 1356
license to practice as a surgical technologist. The board may 1357
then hold an adjudication under Chapter 119. of the Revised Code 1358
to determine whether the individual committed the act in 1359
question. Notice of opportunity for hearing shall be given in 1360
accordance with Chapter 119. of the Revised Code. If the board 1361
finds, pursuant to an adjudication held under this division, 1362
that the individual committed the act, or if no hearing is 1363
requested, it may order any of the sanctions specified in 1364
division (B) of this section. 1365

(I) The license to practice as a surgical technologist and 1366
the technologist's practice in this state are automatically 1367
suspended as of the date the surgical technologist pleads guilty 1368
to, is found by a judge or jury to be guilty of, or is subject 1369
to a judicial finding of eligibility for intervention in lieu of 1370
conviction in this state or treatment of intervention in lieu of 1371
conviction in another jurisdiction for any of the following 1372
criminal offenses in this state or a substantially equivalent 1373
criminal offense in another jurisdiction: aggravated murder, 1374
murder, voluntary manslaughter, felonious assault, kidnapping, 1375
rape, sexual battery, gross sexual imposition, aggravated arson, 1376
aggravated robbery, or aggravated burglary. Continued practice 1377
after the suspension shall be considered practicing without a 1378
license. 1379

The board shall notify the individual subject to the 1380
suspension by certified mail or in person in accordance with 1381
section 119.07 of the Revised Code. If an individual whose 1382

license is suspended under this division fails to make a timely 1383
request for an adjudication under Chapter 119. of the Revised 1384
Code, the board shall enter a final order permanently revoking 1385
the individual's license. 1386

(J) In any instance in which the board is required by 1387
Chapter 119. of the Revised Code to give notice of opportunity 1388
for hearing and the individual subject to the notice does not 1389
timely request a hearing in accordance with section 119.07 of 1390
the Revised Code, the board is not required to hold a hearing, 1391
but may adopt, by an affirmative vote of not fewer than six of 1392
its members, a final order that contains the board's findings. 1393
In the final order, the board may order any of the sanctions 1394
identified under division (A) or (B) of this section. 1395

(K) Any action taken by the board under division (B) of 1396
this section resulting in a suspension shall be accompanied by a 1397
written statement of the conditions under which the license of 1398
the surgical technologist may be reinstated. The board shall 1399
adopt rules in accordance with Chapter 119. of the Revised Code 1400
governing conditions to be imposed for reinstatement. 1401
Reinstatement of a license suspended pursuant to division (B) of 1402
this section requires an affirmative vote of not fewer than six 1403
members of the board. 1404

(L) When the board refuses to grant a license to practice 1405
as a surgical technologist to an applicant, revokes an 1406
individual's license, refuses to renew a license, or refuses to 1407
reinstate an individual's license, the board may specify that 1408
its action is permanent. An individual subject to a permanent 1409
action taken by the board is forever thereafter ineligible to 1410
hold a license to practice as a surgical technologist and the 1411
board shall not accept an application for reinstatement of the 1412

license or for issuance of a new license. 1413

(M) Notwithstanding any other provision of the Revised 1414
Code, all of the following apply: 1415

(1) The surrender of a license to practice as a surgical 1416
technologist is not effective unless or until accepted by the 1417
board. A telephone conference call may be utilized for 1418
acceptance of the surrender of an individual's license. The 1419
telephone conference call shall be considered a special meeting 1420
under division (F) of section 121.22 of the Revised Code. 1421
Reinstatement of a license surrendered to the board requires an 1422
affirmative vote of not fewer than six members of the board. 1423

(2) An application made under this chapter for a license 1424
may not be withdrawn without approval of the board. 1425

(3) Failure by an individual to renew a license in 1426
accordance with section 4785.06 of the Revised Code shall not 1427
remove or limit the board's jurisdiction to take disciplinary 1428
action under this section against the individual. 1429

Sec. 4785.111. (A) (1) If the holder of a license issued 1430
under this chapter violates any section of this chapter other 1431
than section 4785.06 of the Revised Code or violates any rule 1432
adopted under this chapter, the state medical board may, 1433
pursuant to an adjudication under Chapter 119. of the Revised 1434
Code and an affirmative vote of not fewer than six of its 1435
members, impose a civil penalty. The amount of the civil penalty 1436
shall be determined by the board in accordance with the 1437
guidelines adopted under division (A) (2) of this section. The 1438
civil penalty may be in addition to any other action the board 1439
may take under section 4785.11 of the Revised Code. 1440

(2) The board shall adopt and may amend guidelines 1441

regarding the amounts of civil penalties to be imposed under 1442
this section. Adoption or amendment of the guidelines requires 1443
the approval of not fewer than six board members. 1444

Under the guidelines, no civil penalty amount shall exceed 1445
twenty thousand dollars. 1446

(B) Amounts received from payment of civil penalties 1447
imposed under this section shall be deposited by the board in 1448
accordance with section 4731.24 of the Revised Code. Amounts 1449
received from payment of civil penalties imposed for violations 1450
of division (B) (6) of section 4785.11 of the Revised Code shall 1451
be used by the board solely for investigations, enforcement, and 1452
compliance monitoring. 1453

Sec. 4785.12. On receipt of a notice pursuant to section 1454
3123.43 of the Revised Code, the state medical board shall 1455
comply with sections 3123.41 to 3123.50 of the Revised Code and 1456
any applicable rules adopted under section 3123.63 of the 1457
Revised Code with respect to a license issued under this 1458
chapter. 1459

Sec. 4785.13. If the state medical board has reason to 1460
believe that any person who has been granted a license to 1461
practice as a surgical technologist under this chapter is 1462
mentally ill or mentally incompetent, it may file in the probate 1463
court of the county in which the person has a legal residence an 1464
affidavit in the form prescribed in section 5122.11 of the 1465
Revised Code and signed by the board secretary or a member of 1466
the board secretary's staff, whereupon the same proceedings 1467
shall be had as provided in Chapter 5122. of the Revised Code. 1468
The attorney general may represent the board in any proceeding 1469
commenced under this section. 1470

If any person who has been granted a license is adjudged 1471
by a probate court to be mentally ill or mentally incompetent, 1472
the person's license shall be automatically suspended until the 1473
person has filed with the state medical board a certified copy 1474
of an adjudication by a probate court of the person's subsequent 1475
restoration to competency or has submitted to the board proof, 1476
satisfactory to the board, that the person has been discharged 1477
as having a restoration to competency in the manner and form 1478
provided in section 5122.38 of the Revised Code. The judge of 1479
the probate court shall forthwith notify the state medical board 1480
of an adjudication of mental illness or mental incompetence, and 1481
shall note any suspension of a license in the margin of the 1482
court's record of such license. 1483

Sec. 4785.14. (A) The state medical board shall 1484
investigate evidence that appears to show that any individual 1485
has violated this chapter or the rules adopted under it. Any 1486
person may report to the board in a signed writing any 1487
information the person has that appears to show a violation of 1488
this chapter or rules adopted under it. In the absence of bad 1489
faith, a person who reports such information or testifies before 1490
the board in an adjudication conducted under Chapter 119. of the 1491
Revised Code shall not be liable for civil damages as a result 1492
of reporting the information or providing testimony. Each 1493
complaint or allegation of a violation received by the board 1494
shall be assigned a case number and be recorded by the board. 1495

(B) Investigations of alleged violations of this chapter 1496
or rules adopted under it shall be supervised by the supervising 1497
member elected by the board in accordance with section 4731.02 1498
of the Revised Code and by the board's secretary, pursuant to 1499
section 4785.16 of the Revised Code. The board's president may 1500
designate another member of the board to supervise the 1501

investigation in place of the supervising member. A member of 1502
the board who supervises the investigation of a case shall not 1503
participate in further adjudication of the case. 1504

(C) In investigating a possible violation of this chapter 1505
or the rules adopted under it, the board may administer oaths, 1506
order the taking of depositions, inspect and copy any books, 1507
accounts, papers, records, or documents, issue subpoenas, and 1508
compel the attendance of witnesses and production of books, 1509
accounts, papers, records, documents, and testimony, except that 1510
a subpoena for patient record information shall not be issued 1511
without consultation with the attorney general's office and 1512
approval of the secretary and supervising member of the board. 1513
Before issuance of a subpoena for patient record information, 1514
the secretary and supervising member shall determine whether 1515
there is probable cause to believe that the complaint filed 1516
alleges a violation of this chapter or the rules adopted under 1517
it and that the records sought are relevant to the alleged 1518
violation and material to the investigation. The subpoena may 1519
apply only to records that cover a reasonable period of time 1520
surrounding the alleged violation. 1521

On failure to comply with any subpoena issued by the board 1522
and after reasonable notice to the person being subpoenaed, the 1523
board may move for an order compelling the production of persons 1524
or records pursuant to the Rules of Civil Procedure. 1525

A subpoena issued by the board may be served by a sheriff, 1526
the sheriff's deputy, or a board employee designated by the 1527
board. Service of a subpoena issued by the board may be made by 1528
delivering a copy of the subpoena to the person named therein, 1529
reading it to the person, or leaving it at the person's usual 1530
place of residence. When the person being served is a surgical 1531

technologist, service of the subpoena may be made by certified 1532
mail, restricted delivery, return receipt requested, and the 1533
subpoena shall be deemed served on the date delivery is made or 1534
the date the person refuses to accept delivery. 1535

A sheriff's deputy who serves a subpoena shall receive the 1536
same fees as a sheriff. Each witness who appears before the 1537
board in obedience to a subpoena shall receive the fees and 1538
mileage provided for witnesses in civil cases in the courts of 1539
common pleas. 1540

(D) All hearings and investigations of the board shall be 1541
considered civil actions for the purposes of section 2305.252 of 1542
the Revised Code. 1543

(E) Information received by the board pursuant to an 1544
investigation is confidential and not subject to discovery in 1545
any civil action. 1546

The board shall conduct all investigations and proceedings 1547
in a manner that protects the confidentiality of patients and 1548
persons who file complaints with the board. The board shall not 1549
make public the names or any other identifying information about 1550
patients or complainants unless proper consent is given. 1551

The board may share any information it receives pursuant 1552
to an investigation, including patient records and patient 1553
record information, with law enforcement agencies, other 1554
licensing boards, and other governmental agencies that are 1555
prosecuting, adjudicating, or investigating alleged violations 1556
of statutes or administrative rules. An agency or board that 1557
receives the information shall comply with the same requirements 1558
regarding confidentiality as those with which the state medical 1559
board must comply, notwithstanding any conflicting provision of 1560

the Revised Code or procedure of the agency or board that 1561
applies when it is dealing with other information in its 1562
possession. In a judicial proceeding, the information may be 1563
admitted into evidence only in accordance with the Rules of 1564
Evidence, but the court shall require that appropriate measures 1565
are taken to ensure that confidentiality is maintained with 1566
respect to any part of the information that contains names or 1567
other identifying information about patients or complainants 1568
whose confidentiality was protected by the state medical board 1569
when the information was in the board's possession. Measures to 1570
ensure confidentiality that may be taken by the court include 1571
sealing its records or deleting specific information from its 1572
records. 1573

(F) The board shall develop requirements for and provide 1574
appropriate initial training and continuing education for 1575
investigators employed by the board to carry out its duties 1576
under this chapter. The training and continuing education may 1577
include enrollment in courses operated or approved by the Ohio 1578
peace officer training commission that the board considers 1579
appropriate under conditions set forth in section 109.79 of the 1580
Revised Code. 1581

(G) On a quarterly basis, the board shall prepare a report 1582
that documents the disposition of all cases during the preceding 1583
three months. The report shall contain the following information 1584
for each case with which the board has completed its activities: 1585

(1) The case number assigned to the complaint or alleged 1586
violation; 1587

(2) The type of license, if any, held by the individual 1588
against whom the complaint is directed; 1589

(3) A description of the allegations contained in the 1590
complaint; 1591

(4) The disposition of the case. 1592

The report shall state how many cases are still pending, 1593
and shall be prepared in a manner that protects the identity of 1594
each individual involved in each case. The report is a public 1595
record for purposes of section 149.43 of the Revised Code. 1596

Sec. 4785.15. (A) As used in this section, "prosecutor" 1597
has the same meaning as in section 2935.01 of the Revised Code. 1598

(B) Whenever any individual holding a valid license to 1599
practice as a surgical technologist pleads guilty to, is subject 1600
to a judicial finding of guilt of, or is subject to a judicial 1601
finding of eligibility for intervention in lieu of conviction 1602
for a violation of Chapter 2907., 2925., or 3719. of the Revised 1603
Code or of any substantively comparable ordinance of a municipal 1604
corporation in connection with the person's practice, the 1605
prosecutor in the case, on forms prescribed and provided by the 1606
state medical board, shall promptly notify the board of the 1607
conviction. Within thirty days of receipt of that information, 1608
the board shall initiate action in accordance with Chapter 119. 1609
of the Revised Code to determine whether to suspend or revoke 1610
the license under section 4785.13 of the Revised Code. 1611

(C) The prosecutor in any case against any person holding 1612
a valid license to practice as a surgical technologist, on forms 1613
prescribed and provided by the state medical board, shall notify 1614
the board of any of the following: 1615

(1) A plea of guilty to, a finding of guilt by a jury or 1616
court of, or judicial finding of eligibility for intervention in 1617
lieu of conviction for a felony, or a case in which the trial 1618

court issues an order of dismissal upon technical or procedural 1619
grounds of a felony charge; 1620

(2) A plea of guilty to, a finding of guilt by a jury or 1621
court of, or judicial finding of eligibility for intervention in 1622
lieu of conviction for a misdemeanor committed in the course of 1623
practice, or a case in which the trial court issues an order of 1624
dismissal upon technical or procedural grounds of a charge of a 1625
misdemeanor, if the alleged act was committed in the course of 1626
practice; 1627

(3) A plea of guilty to, a finding of guilt by a jury or 1628
court of, or judicial finding of eligibility for intervention in 1629
lieu of conviction for a misdemeanor involving moral turpitude, 1630
or a case in which the trial court issues an order of dismissal 1631
upon technical or procedural grounds of a charge of a 1632
misdemeanor involving moral turpitude. 1633

The report shall include the name and address of the 1634
license holder, the nature of the offense for which the action 1635
was taken, and the certified court documents recording the 1636
action. 1637

Sec. 4785.16. The secretary of the state medical board 1638
shall enforce the laws relating to the practice of surgical 1639
technologists. If the secretary has knowledge or notice of a 1640
violation of this chapter or the rules adopted under it, the 1641
secretary shall investigate the matter, and, upon probable cause 1642
appearing, file a complaint and prosecute the offender. When 1643
requested by the secretary, the prosecuting attorney of the 1644
proper county shall take charge of and conduct the prosecution. 1645

Sec. 4785.17. The attorney general, the prosecuting 1646
attorney of any county in which the offense was committed or the 1647

offender resides, the state medical board, or any other person 1648
having knowledge of a person engaged either directly or by 1649
complicity in practicing as a surgical technologist without 1650
having first obtained under this chapter a license to practice 1651
as a surgical technologist, may, in accordance with provisions 1652
of the Revised Code governing injunctions, maintain an action in 1653
the name of the state to enjoin any person from engaging either 1654
directly or by complicity in unlawfully practicing as a surgical 1655
technologist by applying for an injunction in any court of 1656
competent jurisdiction. 1657

Prior to application for an injunction, the secretary of 1658
the state medical board shall notify the individual allegedly 1659
engaged either directly or by complicity in the unlawful 1660
practice by registered mail that the secretary has received 1661
information indicating that this individual is so engaged. The 1662
individual shall answer the secretary within thirty days showing 1663
that the individual is either properly authorized for the stated 1664
activity or that the individual is not in violation of this 1665
chapter. If the answer is not forthcoming within thirty days 1666
after notice by the secretary, the secretary shall request that 1667
the attorney general, the prosecuting attorney of the county in 1668
which the offense was committed or the offender resides, or the 1669
state medical board proceed as authorized in this section. 1670

Upon the filing of a verified petition in court, the court 1671
shall conduct a hearing on the petition and shall give the same 1672
preference to this proceeding as is given all proceedings under 1673
Chapter 119. of the Revised Code, irrespective of the position 1674
of the proceeding on the calendar of the court. 1675

Injunction proceedings shall be in addition to, and not in 1676
lieu of, all penalties and other remedies provided in this 1677

chapter. 1678

Sec. 4785.18. All fees, penalties, and other funds 1679
received by the state medical board under this chapter shall be 1680
deposited in accordance with section 4731.24 of the Revised 1681
Code. 1682

Sec. 4785.19. In the absence of fraud or bad faith, the 1683
state medical board, a current or former board member, an agent 1684
of the board, a person formally requested by the board to be the 1685
board's representative, or an employee of the board shall not be 1686
held liable in damages to any person as the result of any act, 1687
omission, proceeding, conduct, or decision related to official 1688
duties undertaken or performed pursuant to this chapter. If any 1689
such person asks to be defended by the state against any claim 1690
or action arising out of any act, omission, proceeding, conduct, 1691
or decision related to the person's official duties, and if the 1692
request is made in writing at a reasonable time before trial and 1693
the person requesting defense cooperates in good faith in the 1694
defense of the claim or action, the state shall provide and pay 1695
for the person's defense and shall pay any resulting judgment, 1696
compromise, or settlement. At no time shall the state pay any 1697
part of a claim or judgment that is for punitive or exemplary 1698
damages. 1699

Sec. 4785.20. The state medical board shall comply with 1700
section 4776.20 of the Revised Code. 1701

Sec. 4785.99. Whoever violates section 4785.02 of the 1702
Revised Code is guilty of a misdemeanor of the first degree on a 1703
first offense and felony of the fifth degree on each subsequent 1704
offense. 1705

Section 2. That existing sections 109.572, 4731.051, 1706

4731.07, 4731.071, 4731.224, 4731.24, 4731.25, 4776.01, and 1707
4776.20 of the Revised Code are hereby repealed. 1708

Section 3. Section 4785.02 of the Revised Code takes 1709
effect two years after the effective date of this act. 1710

Section 4. Section 4731.07 of the Revised Code is 1711
presented in this act as a composite of the section as amended 1712
by both Am. Sub. H.B. 64 and Sub. S.B. 110 of the 131st General 1713
Assembly. The General Assembly, applying the principle stated in 1714
division (B) of section 1.52 of the Revised Code that amendments 1715
are to be harmonized if reasonably capable of simultaneous 1716
operation, finds that the composite is the resulting version of 1717
the section in effect prior to the effective date of the section 1718
as presented in this act. 1719