

As Introduced

**131st General Assembly
Regular Session
2015-2016**

S. B. No. 292

Senator Lehner

Cosponsors: Senators Coley, Seitz, Brown, Yuko

A BILL

To amend sections 2305.234, 2305.2341, and 3701.071 1
and to enact sections 3701.074 and 4745.04 of 2
the Revised Code to modify the qualified 3
immunity from civil liability for volunteer 4
health care services provided to indigent and 5
uninsured persons and to permit health care 6
professionals to earn continuing education 7
credit by providing volunteer health care 8
services to indigent and uninsured persons. 9

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

Section 1. That sections 2305.234, 2305.2341, and 3701.071 10
be amended and sections 3701.074 and 4745.04 of the Revised Code 11
be enacted to read as follows: 12

Sec. 2305.234. (A) As used in this section: 13

(1) "Chiropractic claim," "dental claim," "medical claim," 14
and "optometric claim" have the same meanings as in section 15
2305.113 of the Revised Code. 16

(2) "~~Dental claim~~" ~~has the same meaning as in section~~ 17
~~2305.113 of the Revised Code, except that it does not include~~ 18

~~any claim arising out of a dental operation or any derivative
claim for relief that arises out of a dental operation.~~ 19
20

~~(3)~~ "Governmental health care program" has the same 21
meaning as in section 4731.65 of the Revised Code. 22

(3) "Health care service" means any type of medical,
dental, or other health-related diagnosis, care, or treatment
provided to a person. "Health care service" includes, as the
case may be, providing samples of medicine or other medical
products, performing any operation, or delivering a baby. 23
24
25
26
27

(4) "Health care facility or location" means a hospital, 28
clinic, ambulatory surgical facility, office of a health care 29
professional or associated group of health care professionals, 30
training institution for health care professionals, a free 31
clinic or other nonprofit shelter or health care facility as 32
those terms are defined in section 3701.071 of the Revised Code, 33
or any other place where ~~medical, dental, or other health-~~ 34
~~related diagnosis, care, or treatment~~ a health care service is 35
provided to a person. 36

(5) "Health care professional" means any of the following 37
who provide ~~medical, dental, or other health-related diagnosis,
care, or treatment~~ health care services: 38
39

(a) Physicians authorized under Chapter 4731. of the 40
Revised Code to practice medicine and surgery or osteopathic 41
medicine and surgery; 42

(b) Registered nurses and licensed practical nurses 43
licensed under Chapter 4723. of the Revised Code and individuals 44
who hold a certificate of authority issued under that chapter 45
that authorizes the practice of nursing as a certified 46
registered nurse anesthetist, clinical nurse specialist, 47

certified nurse-midwife, or certified nurse practitioner;	48
(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	49 50
(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	51 52
(e) Physical therapists, physical therapist assistants, occupational therapists, occupational therapy assistants, and athletic trainers licensed under Chapter 4755. of the Revised Code;	53 54 55 56
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	57 58
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	59 60
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	61 62
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	63 64
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	65 66
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	67 68 69
(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;	70 71
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code;	72 73
(n) Licensed professional clinical counselors, licensed	74

professional counselors, independent social workers, social 75
workers, independent marriage and family therapists, and 76
marriage and family therapists, licensed under Chapter 4757. of 77
the Revised Code; 78

(o) Psychologists licensed under Chapter 4732. of the 79
Revised Code; 80

(p) Individuals licensed or certified under Chapter 4758. 81
of the Revised Code who are acting within the scope of their 82
license or certificate as members of the profession of chemical 83
dependency counseling or alcohol and other drug prevention 84
services. 85

(6) "Health care worker" means a person other than a 86
health care professional who provides medical, dental, or other 87
health-related care or treatment under the direction of a health 88
care professional with the authority to direct that individual's 89
activities, including medical technicians, medical assistants, 90
dental assistants, orderlies, aides, students enrolled in health 91
care professional education programs, and individuals acting in 92
similar capacities. 93

(7) "Indigent and uninsured person" means a person who 94
meets both of the following requirements: 95

(a) Relative to being indigent, the person's income is not 96
greater than two hundred per cent of the federal poverty line, 97
as defined by the United States office of management and budget 98
and revised in accordance with section 673(2) of the "Omnibus 99
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 100
9902, as amended, except in any case in which division (A) (7) (b) 101
(iii) of this section includes a person whose income is greater 102
than two hundred per cent of the federal poverty line. 103

(b) Relative to being uninsured, one of the following applies:	104 105
(i) The person is not a policyholder, certificate holder, insured, contract holder, subscriber, enrollee, member, beneficiary, or other covered individual under a health insurance or health care policy, contract, or plan.	106 107 108 109
(ii) The person is a policyholder, certificate holder, insured, contract holder, subscriber, enrollee, member, beneficiary, or other covered individual under a health insurance or health care policy, contract, or plan, but the insurer, policy, contract, or plan denies coverage or is the subject of insolvency or bankruptcy proceedings in any jurisdiction.	110 111 112 113 114 115 116
(iii) Until June 30, 2019, the The person is eligible for the medicaid program or is a medicaid recipient.	117 118
(iv) Except as provided in division (A) (7) (b) (iii) of this section, the person is not eligible for or a recipient, enrollee, or beneficiary of any governmental health care program.	119 120 121 122
(8) "Nonprofit health care referral organization" means an entity that is not operated for profit and refers patients to, or arranges for the provision of, health-related diagnosis, care, or treatment <u>health care services</u> by a health care professional or health care worker.	123 124 125 126 127
(9) "Operation" means any procedure that involves cutting or otherwise infiltrating human tissue by mechanical means, including surgery, laser surgery, ionizing radiation, therapeutic ultrasound, or the removal of intraocular foreign bodies. "Operation" does not include the administration of	128 129 130 131 132

~~medication by injection, unless the injection is administered in- 133
conjunction with a procedure infiltrating human tissue by- 134
mechanical means other than the administration of medicine by- 135
injection. "Operation" does not include routine dental- 136
restorative procedures, the scaling of teeth, or extractions of- 137
teeth that are not impacted. 138~~

(10) "Tort action" means a civil action for damages for 139
injury, death, or loss to person or property other than a civil 140
action for damages for a breach of contract or another agreement 141
between persons or government entities. 142

(11) "Volunteer" means an individual who provides any 143
~~medical, dental, or other health care related diagnosis, care, 144
or treatment~~ health care service without the expectation of 145
receiving and without receipt of any compensation or other form 146
of remuneration from an indigent and uninsured person, another 147
person on behalf of an indigent and uninsured person, any health 148
care facility or location, any nonprofit health care referral 149
organization, or any other person or government entity. 150

(12) "Community control sanction" has the same meaning as 151
in section 2929.01 of the Revised Code. 152

~~(13) "Deep sedation" means a drug-induced depression of- 153
consciousness during which a patient cannot be easily aroused- 154
but responds purposefully following repeated or painful- 155
stimulation, a patient's ability to independently maintain- 156
ventilatory function may be impaired, a patient may require- 157
assistance in maintaining a patent airway and spontaneous- 158
ventilation may be inadequate, and cardiovascular function is- 159
usually maintained.- 160~~

~~(14) "General anesthesia" means a drug-induced loss of- 161~~

~~consciousness during which a patient is not arousable, even by~~ 162
~~painful stimulation, the ability to independently maintain~~ 163
~~ventilatory function is often impaired, a patient often requires~~ 164
~~assistance in maintaining a patent airway, positive pressure~~ 165
~~ventilation may be required because of depressed spontaneous~~ 166
~~ventilation or drug-induced depression of neuromuscular~~ 167
~~function, and cardiovascular function may be impaired.~~ 168

(B) (1) Subject to divisions (F) and (G) (3) of this 169
section, a health care professional who is a volunteer and 170
complies with division (B) (2) of this section is not liable in 171
damages to any person or government entity in a tort or other 172
civil action, including an action on a medical, dental, 173
chiropractic, optometric, or other health-related claim, for 174
injury, death, or loss to person or property that allegedly 175
arises from an action or omission of the volunteer in the 176
provision to an indigent and uninsured person of ~~medical,~~ 177
~~dental, or other health-related diagnosis, care, or treatment,~~ 178
~~including the provision of samples of medicine and other medical~~ 179
~~products~~ a health care service, unless the action or omission 180
constitutes willful or wanton misconduct. 181

(2) To qualify for the immunity described in division (B) 182
(1) of this section, a health care professional shall do all of 183
the following prior to providing ~~diagnosis, care, or treatment~~ a 184
health care service: 185

(a) Determine, in good faith, that the indigent and 186
uninsured person is mentally capable of giving informed consent 187
to the provision of the ~~diagnosis, care, or treatment~~ health 188
care service and is not subject to duress or under undue 189
influence; 190

(b) Inform the person of the provisions of this section, 191

including notifying the person that, by giving informed consent 192
to the provision of the ~~diagnosis, care, or treatment~~ health 193
care service, the person cannot hold the health care 194
professional liable for damages in a tort or other civil action, 195
including an action on a medical, dental, chiropractic, 196
optometric, or other health-related claim, unless the action or 197
omission of the health care professional constitutes willful or 198
wanton misconduct; 199

(c) Obtain the informed consent of the person and a 200
written waiver, signed by the person or by another individual on 201
behalf of and in the presence of the person, that states that 202
the person is mentally competent to give informed consent and, 203
without being subject to duress or under undue influence, gives 204
informed consent to the provision of the ~~diagnosis, care, or~~ 205
~~treatment~~ health care service subject to the provisions of this 206
section. A written waiver under division (B) (2) (c) of this 207
section shall state clearly and in conspicuous type that the 208
person or other individual who signs the waiver is signing it 209
with full knowledge that, by giving informed consent to the 210
provision of the ~~diagnosis, care, or treatment~~ health care 211
service, the person cannot bring a tort or other civil action, 212
including an action on a medical, dental, chiropractic, 213
optometric, or other health-related claim, against the health 214
care professional unless the action or omission of the health 215
care professional constitutes willful or wanton misconduct. 216

(3) A physician or podiatrist who is not covered by 217
medical malpractice insurance, but complies with division (B) (2) 218
of this section, is not required to comply with division (A) of 219
section 4731.143 of the Revised Code. 220

(C) Subject to divisions (F) and (G) (3) of this section, 221

health care workers who are volunteers are not liable in damages 222
to any person or government entity in a tort or other civil 223
action, including an action upon a medical, dental, 224
chiropractic, optometric, or other health-related claim, for 225
injury, death, or loss to person or property that allegedly 226
arises from an action or omission of the health care worker in 227
the provision to an indigent and uninsured person of ~~medical,~~ 228
~~dental, or other health related diagnosis, care, or treatment~~ a 229
health care service, unless the action or omission constitutes 230
willful or wanton misconduct. 231

(D) Subject to divisions (F) and (G) (3) of this section, a 232
nonprofit health care referral organization is not liable in 233
damages to any person or government entity in a tort or other 234
civil action, including an action on a medical, dental, 235
chiropractic, optometric, or other health-related claim, for 236
injury, death, or loss to person or property that allegedly 237
arises from an action or omission of the nonprofit health care 238
referral organization in referring indigent and uninsured 239
persons to, or arranging for the provision of, ~~medical, dental,~~ 240
~~or other health related diagnosis, care, or treatment~~ a health 241
care service by a health care professional described in division 242
(B) (1) of this section or a health care worker described in 243
division (C) of this section, unless the action or omission 244
constitutes willful or wanton misconduct. 245

(E) Subject to divisions (F) and (G) (3) of this section 246
and to the extent that the registration requirements of section 247
3701.071 of the Revised Code apply, a health care facility or 248
location associated with a health care professional described in 249
division (B) (1) of this section, a health care worker described 250
in division (C) of this section, or a nonprofit health care 251
referral organization described in division (D) of this section 252

is not liable in damages to any person or government entity in a 253
tort or other civil action, including an action on a medical, 254
dental, chiropractic, optometric, or other health-related claim, 255
for injury, death, or loss to person or property that allegedly 256
arises from an action or omission of the health care 257
professional or worker or nonprofit health care referral 258
organization relative to the ~~medical, dental, or other health-~~ 259
~~related diagnosis, care, or treatment~~ health care service 260
provided to an indigent and uninsured person on behalf of or at 261
the health care facility or location, unless the action or 262
omission constitutes willful or wanton misconduct. 263

(F) (1) Except as provided in division (F) (2) of this 264
section, the immunities provided by divisions (B), (C), (D), and 265
(E) of this section are not available to a health care 266
professional, health care worker, nonprofit health care referral 267
organization, or health care facility or location if, at the 268
time of an alleged injury, death, or loss to person or property, 269
the health care professionals or health care workers involved 270
are providing ~~one~~ either of the following: 271

(a) ~~Any medical, dental, or other health-related~~ 272
~~diagnosis, care, or treatment~~ A health care service pursuant to 273
a community service work order entered by a court under division 274
(B) of section 2951.02 of the Revised Code or imposed by a court 275
as a community control sanction; 276

(b) ~~Performance of an operation to which any one of the~~ 277
~~following applies:-~~ 278

~~(i) The operation requires the administration of deep~~ 279
~~sedation or general anesthesia.~~ 280

~~(ii) The operation is a procedure that is not typically~~ 281

performed in an office.	282
(iii) The individual involved is a health care	283
professional, and the operation is beyond the scope of practice	284
or the education, training, and competence, as applicable, of	285
the health care professional.	286
(c) Delivery of a baby or any other <u>The purposeful</u>	287
termination of a human pregnancy <u>other than by delivery of a</u>	288
<u>baby.</u>	289
(2) Division (F) (1) of this section does not apply when a	290
health care professional or health care worker provides medical,	291
dental, or other health-related diagnosis, care, or treatment <u>a</u>	292
<u>health care service</u> that is necessary to preserve the life of a	293
person in a medical emergency.	294
(G) (1) This section does not create a new cause of action	295
or substantive legal right against a health care professional,	296
health care worker, nonprofit health care referral organization,	297
or health care facility or location.	298
(2) This section does not affect any immunities from civil	299
liability or defenses established by another section of the	300
Revised Code or available at common law to which a health care	301
professional, health care worker, nonprofit health care referral	302
organization, or health care facility or location may be	303
entitled in connection with the provision of emergency or other	304
medical, dental, or other health-related diagnosis, care, or	305
treatment <u>health care services.</u>	306
(3) This section does not grant an immunity from tort or	307
other civil liability to a health care professional, health care	308
worker, nonprofit health care referral organization, or health	309
care facility or location for actions that are outside the scope	310

of authority of health care professionals or health care workers. 311
312

~~In the case of the diagnosis, care, or treatment of an indigent and uninsured person who is eligible for the medicaid program or is a medicaid recipient, this section grants an immunity from tort or other civil liability only if the person's diagnosis, care, or treatment is provided in a free clinic, as defined in section 3701.071 of the Revised Code.~~ 313
314
315
316
317
318

(4) This section does not affect any legal responsibility of a health care professional, health care worker, or nonprofit health care referral organization to comply with any applicable law of this state or rule of an agency of this state. 319
320
321
322

(5) This section does not affect any legal responsibility of a health care facility or location to comply with any applicable law of this state, rule of an agency of this state, or local code, ordinance, or regulation that pertains to or regulates building, housing, air pollution, water pollution, sanitation, health, fire, zoning, or safety. 323
324
325
326
327
328

Sec. 2305.2341. (A) The medical liability insurance reimbursement program is hereby established. Free clinics and federally qualified health center look-alikes, including the clinics' and centers' staff and volunteer health care professionals and volunteer health care workers, may participate in the medical liability insurance reimbursement program established by this section. The coverage provided under the program shall be limited to claims that arise out of the ~~diagnosis, treatment, and care of~~ health care services provided to patients of free clinics and centers, as defined in division (D) of this section. 329
330
331
332
333
334
335
336
337
338
339

(B) A free clinic or federally qualified health center 340
look-alike is eligible to receive reimbursement under the 341
medical liability insurance reimbursement program for the 342
premiums that the clinic or center pays for medical liability 343
insurance coverage for the clinic or center, its staff, and 344
volunteer health care professionals and health care workers. 345
Free clinics and federally qualified health center look-alikes 346
shall register with the department of health by the thirty-first 347
day of January of each year in order to participate in and to 348
obtain reimbursement under the program. Clinics that register 349
with the department in accordance with this division shall 350
receive priority over centers that register for reimbursement. 351

Free clinics and federally qualified health center look- 352
alikes shall provide all of the following to the department of 353
health at the time of registration: 354

(1) A statement of the number of volunteer and paid health 355
care professionals and health care workers providing health care 356
services at the free clinic or federally qualified health center 357
look-alike at that time; 358

(2) A statement of the number of health care services 359
rendered by the free clinic or federally qualified health center 360
look-alike during the previous fiscal year; 361

(3) A signed form acknowledging that the free clinic or 362
federally qualified health center look-alike agrees to follow 363
its medical liability insurer's risk management and loss 364
prevention policies; 365

(4) A copy of the medical liability insurance policy 366
purchased by the free clinic or federally qualified health 367
center look-alike, or the policy's declaration page, and 368

documentation of the premiums paid by the clinic or center. 369

(C) The department of health shall reimburse free clinics 370
and federally qualified health center look-alikes participating 371
in the professional liability insurance reimbursement program 372
for up to eighty per cent of the premiums that the clinic or 373
center pays for medical liability insurance coverage up to 374
twenty thousand dollars. Appropriations to the department of 375
health may be made from the general fund of the state for this 376
purpose. 377

(D) As used in this section: 378

(1) "Deep sedation" means a drug-induced depression of 379
consciousness during which a patient cannot be easily aroused 380
but responds purposefully following repeated or painful 381
stimulation, a patient's ability to independently maintain 382
ventilatory function may be impaired, a patient may require 383
assistance in maintaining a patent airway and spontaneous 384
ventilation may be inadequate, and cardiovascular function is 385
usually maintained. 386

(2) "Federally qualified health center look-alike" means a 387
public or not-for-profit health center that meets the 388
eligibility requirements to receive a federal public health 389
services grant under the "Public Health Services Act," 117 Stat. 390
2020, 42 U.S.C. 254b, as amended, but does not receive grant 391
funding. 392

~~(2)~~ (3) "Free clinic" means a nonprofit organization 393
exempt from federal income taxation under section 501(c)(3) of 394
the "Internal Revenue Code of 1986," as amended, or a program 395
component of a nonprofit organization, whose primary mission is 396
to provide health care services for free or for a minimal 397

administrative fee to individuals with limited resources. A free 398
clinic facilitates the delivery of health care services through 399
the use of volunteer health care professionals and voluntary 400
care networks. For this purpose, a free clinic shall comply with 401
all of the following: 402

(a) If a free clinic does request a minimal administrative 403
fee, a free clinic shall not deny an individual access to its 404
health care services based on an individual's ability to pay the 405
fee. 406

(b) A free clinic shall not bill a patient for health care 407
services rendered. 408

(c) Free clinics shall not perform ~~operations, as defined~~ 409
~~by divisions (A) (9) and (F) (1) (b) of section 2305.234 of the~~ 410
~~Revised Code~~ an operation to which any of the following applies: 411

(i) The operation requires the administration of deep 412
sedation or general anesthesia. 413

(ii) The operation is a procedure that is not typically 414
performed in an office. 415

(iii) The operation is beyond the education, training, 416
competence, or authority, as applicable, of the health care 417
professional involved in the operation. 418

A clinic is not a free clinic if the clinic bills 419
medicaid, medicare, or other third-party payers for health care 420
services rendered at the clinic, and receives twenty-five per 421
cent or more of the clinic's annual revenue from the third-party 422
payments. 423

~~(3)~~ (4) "General anesthesia" means a drug-induced loss of 424
consciousness during which a patient is not arousable, even by 425

painful stimulation, the ability to independently maintain 426
ventilatory function is often impaired, a patient often requires 427
assistance in maintaining a patent airway, positive pressure 428
ventilation may be required because of depressed spontaneous 429
ventilation or drug-induced depression of neuromuscular 430
function, and cardiovascular function may be impaired. 431

(5) "Health care professional," and "health care service," 432
"health care worker," and "operation" have the same meanings as 433
in section 2305.234 of the Revised Code. 434

Sec. 3701.071. (A) As used in this section: 435

(1) "Free clinic" means a nonprofit organization exempt 436
from federal income taxation under section 501(c)(3) of the 437
"Internal Revenue Code of 1986," as amended, or a program 438
component of a nonprofit organization, to which both of the 439
following apply: 440

(a) Its primary mission is to provide health care services 441
for free or for a minimal administrative fee to individuals with 442
limited resources. 443

(b) It facilitates the delivery of health care services 444
through the use of volunteer health care professionals and 445
voluntary care networks. 446

(2) "Health care service" and "Indigent-indigent and 447
uninsured person" has have the same meaning-meanings as in 448
section 2305.234 of the Revised Code. 449

(3) "Nonprofit shelter or health care facility" means a 450
charitable nonprofit corporation organized and operated pursuant 451
to Chapter 1702. of the Revised Code, or any charitable 452
organization not organized and not operated for profit, that 453
provides shelter, health care services, or shelter and health 454

care services to indigent and uninsured persons. "Nonprofit 455
shelter or health care facility" includes any such shelter or 456
facility that is operated as or includes a free clinic. 457
"Nonprofit shelter or health care facility" does not include a 458
hospital, as defined in section 3727.01 of the Revised Code, a 459
facility licensed under Chapter 3721. of the Revised Code, or a 460
medical facility that is operated for profit. 461

(B) A nonprofit shelter or health care facility operating 462
in this state shall register on the first day of January each 463
year with the department of health. ~~The~~ 464

The immunity provided by division (E) of section 2305.234 465
of the Revised Code is not available to a nonprofit shelter or 466
health care facility until the shelter or facility registers 467
with the department in accordance with this section. During the 468
period in which a nonprofit shelter or health care facility is 469
registered, the immunity that is available to the shelter or 470
facility extends to any alternate or temporary location that is 471
used by the shelter or facility to facilitate the provision of 472
health care services, including any type of vehicle or other 473
unit used as part of a mobile health care program. 474

(C) A nonprofit shelter or health care facility operating 475
in this state shall keep records of all patients who receive 476
~~medical, dental, or other health-related diagnosis, care, or 477
treatment~~ health care services at the shelter or facility. The 478
department of health shall monitor the quality of care provided 479
to patients at nonprofit shelters or health care facilities. The 480
monitoring program may be conducted by contracting with another 481
entity or through any other method authorized by law. The 482
department may solicit and accept funds from private sources to 483
fund the monitoring program. 484

(D) A free clinic operating in this state shall compile 485
information on medicaid eligibility and application requirements 486
and procedures and display copies of that information in a 487
prominent location for the benefit of persons who seek or 488
receive health care services from the clinic. 489

Sec. 3701.074. As used in this section, "health care 490
facility or location," "health care professional," "health care 491
service," "health care worker," "indigent and uninsured person," 492
"nonprofit health care referral organization," and "volunteer" 493
have the same meanings as in section 2305.234 of the Revised 494
Code. 495

The department of health shall prepare an annual report 496
regarding the provision to indigent and uninsured persons of 497
health care services by volunteers in this state. The report 498
shall include information regarding the efficacy of access and 499
treatment outcomes of the health care services provided. The 500
department shall annually submit a copy of the report to the 501
general assembly in accordance with section 101.68 of the 502
Revised Code. 503

All persons designated by the department shall submit to 504
the department information requested by the department to 505
prepare the report. All health care facilities or locations, 506
health care professionals, health care workers, and nonprofit 507
health care referral organizations shall grant to the department 508
access to all records related to health care services provided 509
to indigent and uninsured persons by volunteers. 510

In the absence of willful or wanton misconduct, a person 511
who furnishes information to the department under this section 512
with respect to any patient the person examined or treated is 513
not liable in damages to any person for furnishing the 514

information and is not subject to professional disciplinary 515
action for betrayal of a professional confidence for furnishing 516
the information. The information is not subject to introduction 517
into evidence in any civil action against the provider. A person 518
who furnishes information to the department under this section 519
is not liable for the misuse or improper release of the 520
information by the department or by any person. 521

Information reported under this section that is protected 522
health information pursuant to section 3701.17 of the Revised 523
Code shall be released only in accordance with that section. 524
Information that does not identify an individual may be released 525
in summary, statistical, or aggregate form. 526

The director of health shall adopt rules as necessary to 527
carry out the purposes of this section. The rules shall be 528
adopted in accordance with Chapter 119. of the Revised Code and 529
establish standards and procedures for submitting to the 530
department information concerning health care services provided 531
to indigent and uninsured persons by volunteers. 532

Sec. 4745.04. (A) As used in this section: 533

(1) "Indigent and uninsured person" and "volunteer" have 534
the same meanings as in section 2305.234 of the Revised Code. 535

(2) "Licensing agency that licenses health care 536
professionals" means all of the following: 537

(a) The state dental board established under Chapter 4715. 538
of the Revised Code; 539

(b) The board of nursing established under Chapter 4723. 540
of the Revised Code; 541

(c) The state board of optometry established under Chapter 542

<u>4725. of the Revised Code;</u>	543
<u>(d) The Ohio optical dispensers board established under Chapter 4725. of the Revised Code;</u>	544
<u>(e) The state board of pharmacy established under Chapter 4729. of the Revised Code;</u>	546
<u>(f) The state medical board established under Chapter 4731. of the Revised Code;</u>	548
<u>(g) The state board of psychology established under Chapter 4732. of the Revised Code;</u>	550
<u>(h) The state chiropractic board established under Chapter 4734. of the Revised Code;</u>	552
<u>(i) The hearing aid dealers and fitters licensing board established under Chapter 4747. of the Revised Code;</u>	554
<u>(j) The board of speech-language pathology and audiology established under Chapter 4753. of the Revised Code;</u>	556
<u>(k) The Ohio occupational therapy, physical therapy, and athletic trainers board established under Chapter 4755. of the Revised Code;</u>	558
<u>(l) The counselor, social worker, and marriage and family therapist board established under Chapter 4757. of the Revised Code;</u>	561
<u>(m) The chemical dependency professionals board established under Chapter 4758. of the Revised Code;</u>	564
<u>(n) The Ohio board of dietetics established under Chapter 4759. of the Revised Code;</u>	566
<u>(o) The Ohio respiratory care board established under Chapter 4761. of the Revised Code;</u>	568

(p) The state board of emergency medical services 570
established under Chapter 4765. of the Revised Code; 571

(q) The state board of orthotics, prosthetics, and 572
pedorthics established under Chapter 4779. of the Revised Code; 573

(r) Any other licensing agency that considers its 574
licensees to be health care professionals. 575

(B) Notwithstanding any provision of the Revised Code to 576
the contrary, a licensing agency that licenses health care 577
professionals shall apply toward the satisfaction of a portion 578
of a licensee's continuing education requirement the provision 579
to an indigent and uninsured person of health care services if 580
all of the following apply: 581

(1) The licensing agency that licenses health care 582
professionals requires a licensee to complete continuing 583
education as a condition of having a license renewed by the 584
agency. 585

(2) The licensee provides the health services to an 586
indigent and uninsured person. 587

(3) The licensee provides the health services as a 588
volunteer. 589

(4) The licensee satisfies the requirements of section 590
2305.234 of the Revised Code to qualify for the immunity from 591
liability granted under that section. 592

(5) The health services provided are within the scope of 593
authority of the licensee renewing the license. 594

(C) A licensing agency that licenses health care 595
professionals shall permit a licensee to satisfy up to one-third 596
of the licensee's continuing education requirement by providing 597

health services as a volunteer. A licensing agency that licenses 598
health care professionals shall permit a licensee to earn 599
continuing education credits at the rate of one credit hour for 600
each sixty minutes spent providing health services as a 601
volunteer. 602

(D) A licensing agency that licenses health care 603
professionals shall adopt rules as necessary to implement this 604
section. The rules shall be adopted in accordance with Chapter 605
119. of the Revised Code. 606

Section 2. That existing sections 2305.234, 2305.2341, and 607
3701.071 of the Revised Code are hereby repealed. 608