

As Introduced

132nd General Assembly

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H. B. No. 273

Representative Gavarone

Cosponsor: Representative Johnson

A BILL

To amend sections 3702.30, 3727.05, 4731.14, 1
4731.281, 4731.29, 4731.56, and 4731.57 and to 2
enact sections 3727.061, 3901.89, and 5164.302 3
of the Revised Code to prohibit a physician from 4
being required to secure a maintenance of 5
certification as a condition of obtaining 6
licensure, reimbursement, or employment or 7
obtaining admitting privileges or surgical 8
privileges at a hospital or health care 9
facility. 10

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

Section 1. That sections 3702.30, 3727.05, 4731.14, 11
4731.281, 4731.29, 4731.56, and 4731.57 be amended and sections 12
3727.061, 3901.89, and 5164.302 of the Revised Code be enacted 13
to read as follows: 14

Sec. 3702.30. (A) As used in this section: 15

(1) "Ambulatory surgical facility" means a facility, 16
whether or not part of the same organization as a hospital, that 17
is located in a building distinct from another in which 18

inpatient care is provided, and to which any of the following 19
apply: 20

(a) Outpatient surgery is routinely performed in the 21
facility, and the facility functions separately from a 22
hospital's inpatient surgical service and from the offices of 23
private physicians, podiatrists, and dentists. 24

(b) Anesthesia is administered in the facility by an 25
anesthesiologist or certified registered nurse anesthetist, and 26
the facility functions separately from a hospital's inpatient 27
surgical service and from the offices of private physicians, 28
podiatrists, and dentists. 29

(c) The facility applies to be certified by the United 30
States centers for medicare and medicaid services as an 31
ambulatory surgical center for purposes of reimbursement under 32
Part B of the medicare program, Part B of Title XVIII of the 33
"Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as 34
amended. 35

(d) The facility applies to be certified by a national 36
accrediting body approved by the centers for medicare and 37
medicaid services for purposes of deemed compliance with the 38
conditions for participating in the medicare program as an 39
ambulatory surgical center. 40

(e) The facility bills or receives from any third-party 41
payer, governmental health care program, or other person or 42
government entity any ambulatory surgical facility fee that is 43
billed or paid in addition to any fee for professional services. 44

(f) The facility is held out to any person or government 45
entity as an ambulatory surgical facility or similar facility by 46
means of signage, advertising, or other promotional efforts. 47

"Ambulatory surgical facility" does not include a hospital emergency department. 48
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(2) "Ambulatory surgical facility fee" means a fee for certain overhead costs associated with providing surgical services in an outpatient setting. A fee is an ambulatory surgical facility fee only if it directly or indirectly pays for costs associated with any of the following: 50
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(a) Use of operating and recovery rooms, preparation areas, and waiting rooms and lounges for patients and relatives; 55
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(b) Administrative functions, record keeping, housekeeping, utilities, and rent; 57
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(c) Services provided by nurses, orderlies, technical personnel, and others involved in patient care related to providing surgery. 59
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"Ambulatory surgical facility fee" does not include any additional payment in excess of a professional fee that is provided to encourage physicians, podiatrists, and dentists to perform certain surgical procedures in their office or their group practice's office rather than a health care facility, if the purpose of the additional fee is to compensate for additional cost incurred in performing office-based surgery. 62
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(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code. 69
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(4) "Health care facility" means any of the following: 71

(a) An ambulatory surgical facility; 72

(b) A freestanding dialysis center; 73

(c) A freestanding inpatient rehabilitation facility; 74

(d) A freestanding birthing center;	75
(e) A freestanding radiation therapy center;	76
(f) A freestanding or mobile diagnostic imaging center.	77
(5) <u>"Maintenance of certification" has the same meaning as in section 3727.061 of the Revised Code.</u>	78 79
(6) <u>"Physician" means an individual authorized by Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.</u>	80 81 82 83
(7) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code.	84 85
(B) By rule adopted in accordance with sections 3702.12 and 3702.13 of the Revised Code, the director of health shall establish quality standards for health care facilities. The standards may incorporate accreditation standards or other quality standards established by any entity recognized by the director.	86 87 88 89 90 91
In the case of an ambulatory surgical facility, the standards shall require the ambulatory surgical facility to maintain an infection control program. The purposes of the program are to minimize infections and communicable diseases and facilitate a functional and sanitary environment consistent with standards of professional practice. To achieve these purposes, ambulatory surgical facility staff managing the program shall create and administer a plan designed to prevent, identify, and manage infections and communicable diseases; ensure that the program is directed by a qualified professional trained in infection control; ensure that the program is an integral part of the ambulatory surgical facility's quality assessment and	92 93 94 95 96 97 98 99 100 101 102 103

performance improvement program; and implement in an expeditious 104
manner corrective and preventive measures that result in 105
improvement. 106

(C) Every ambulatory surgical facility shall require that 107
each physician who practices at the facility comply with all 108
relevant provisions in the Revised Code that relate to the 109
obtaining of informed consent from a patient. 110

(D) The director shall issue a license to each health care 111
facility that makes application for a license and demonstrates 112
to the director that it meets the quality standards established 113
by the rules adopted under division (B) of this section and 114
satisfies the informed consent compliance requirements specified 115
in division (C) of this section. 116

(E)(1) Except as provided in division (H) of this section 117
and in section 3702.301 of the Revised Code, no health care 118
facility shall operate without a license issued under this 119
section. 120

(2) If the department of health finds that a physician who 121
practices at a health care facility is not complying with any 122
provision of the Revised Code related to the obtaining of 123
informed consent from a patient, the department shall report its 124
finding to the state medical board, the physician, and the 125
health care facility. 126

(3) This division does not create, and shall not be 127
construed as creating, a new cause of action or substantive 128
legal right against a health care facility and in favor of a 129
patient who allegedly sustains harm as a result of the failure 130
of the patient's physician to obtain informed consent from the 131
patient prior to performing a procedure on or otherwise caring 132

for the patient in the health care facility.	133
(F) The rules adopted under division (B) of this section shall include all of the following:	134 135
(1) Provisions governing application for, renewal, suspension, and revocation of a license under this section;	136 137
(2) Provisions governing orders issued pursuant to section 3702.32 of the Revised Code for a health care facility to cease its operations or to prohibit certain types of services provided by a health care facility;	138 139 140 141
(3) Provisions governing the imposition under section 3702.32 of the Revised Code of civil penalties for violations of this section or the rules adopted under this section, including a scale for determining the amount of the penalties;	142 143 144 145
(4) Provisions specifying the form inspectors must use when conducting inspections of ambulatory surgical facilities.	146 147
(G) An ambulatory surgical facility that performs or induces abortions shall comply with section 3701.791 of the Revised Code.	148 149 150
(H) The following entities are not required to obtain a license as a freestanding diagnostic imaging center issued under this section:	151 152 153
(1) A hospital registered under section 3701.07 of the Revised Code that provides diagnostic imaging;	154 155
(2) An entity that is reviewed as part of a hospital accreditation or certification program and that provides diagnostic imaging;	156 157 158
(3) An ambulatory surgical facility that provides	159

diagnostic imaging in conjunction with or during any portion of 160
a surgical procedure. 161

(I) A health care facility shall not require a physician 162
to secure a maintenance of certification as a condition of being 163
employed by or contracting with the health care facility or 164
having surgical or other privileges at the health care facility. 165

Sec. 3727.05. The director of health may petition the 166
court of common pleas of the county in which a hospital is 167
located for an order enjoining any person or any political 168
subdivision, agency, or instrumentality of this state from 169
violating section 3727.02 or 3727.061 of the Revised Code. 170
Irrespective of any other remedy the director may have in law or 171
equity, the court may grant the order upon a showing that the 172
respondent named in the petition is violating section 3727.02 or 173
3727.061 of the Revised Code. 174

Sec. 3727.061. (A) As used in this section: 175

(1) "Maintenance of certification" means a continuing 176
education program that measures core competencies in the 177
practice of medicine and surgery, osteopathic medicine and 178
surgery, or podiatric medicine and surgery and is approved by a 179
national organization that certifies or accredits such 180
continuing education programs. 181

(2) "Physician" means an individual authorized by Chapter 182
4731. of the Revised Code to practice medicine and surgery, 183
osteopathic medicine and surgery, or podiatric medicine and 184
surgery. 185

(B) A hospital shall not require a physician to secure a 186
maintenance of certification as a condition of being employed by 187
or contracting with the hospital or having admitting privileges 188

at the hospital. 189

Sec. 3901.89. (A) As used in this section: 190

(1) "Maintenance of certification" means a continuing 191
education program that measures core competencies in the 192
practice of medicine and surgery, osteopathic medicine and 193
surgery, or podiatric medicine and surgery and is approved by a 194
national organization that certifies or accredits such 195
continuing education programs. 196

(2) "Physician" means an individual authorized by Chapter 197
4731. of the Revised Code to practice medicine and surgery, 198
osteopathic medicine and surgery, or podiatric medicine and 199
surgery. 200

(3) "Third-party payer" has the same meaning as in section 201
3901.38 of the Revised Code. 202

(B) A third-party payer shall not require a physician to 203
secure a maintenance of certification as a condition of 204
contracting with or being reimbursed by the third-party payer. 205

(C) The superintendent of insurance may petition the court 206
of common pleas of the county in which a third-party payer is 207
located or Franklin county for an order enjoining the third- 208
party payer from violating this section. Irrespective of any 209
other remedy the director may have in law or equity, the court 210
may grant the order upon a showing that the respondent named in 211
the petition is violating this section. 212

Sec. 4731.14. (A) As used in this section, ~~"graduate";~~ 213

(1) "Maintenance of certification" means a continuing 214
education program that measures core competencies in the 215
practice of medicine and surgery or osteopathic medicine and 216

surgery and is approved by a national organization that 217
certifies or accredits such continuing education programs. 218

(2) "Graduate medical education" has the same meaning as 219
in section 4731.091 of the Revised Code. 220

(B) The state medical board shall issue its certificate to 221
practice medicine and surgery or osteopathic medicine and 222
surgery as follows: 223

(1) The ~~Subject to division (B)(3) of this section, the~~ 224
board shall issue its certificate to each individual who was 225
admitted to the board's examination by meeting the educational 226
requirements specified in division (B)(1) or (3) of section 227
4731.091 of the Revised Code if the individual passes the 228
examination, pays a certificate issuance fee of three hundred 229
dollars, and submits evidence satisfactory to the board that the 230
individual has successfully completed not less than twelve 231
months of graduate medical education or its equivalent as 232
determined by the board. 233

(2) Except as provided in section 4731.142 of the Revised 234
Code and subject to division (B)(3) of this section, the board 235
shall issue its certificate to each individual who was admitted 236
to the board's examination by meeting the educational 237
requirements specified in division (B)(2) of section 4731.091 of 238
the Revised Code if the individual passes the examination, pays 239
a certificate issuance fee of three hundred dollars, submits 240
evidence satisfactory to the board that the individual has 241
successfully completed not less than twenty-four months of 242
graduate medical education through the second-year level of 243
graduate medical education or its equivalent as determined by 244
the board, and, if the individual passed the examination prior 245
to completing twenty-four months of graduate medical education 246

or its equivalent, the individual continues to meet the moral 247
character requirements for admission to the board's examination. 248

(3) The board shall not require an individual to secure a 249
maintenance of certification as a condition of being issued a 250
certificate to practice medicine and surgery or osteopathic 251
medicine and surgery. 252

(C) Each certificate issued by the board shall be signed 253
by its president and secretary, and attested by its seal. The 254
certificate shall be on a form prescribed by the board and shall 255
indicate the medical degree held by the individual to whom the 256
certificate is issued. If the individual holds the degree of 257
doctor of medicine, the certificate shall state that the 258
individual is authorized to practice medicine and surgery 259
pursuant to the laws of this state. If the individual holds the 260
degree of doctor of osteopathic medicine, the certificate shall 261
state that the individual is authorized to practice osteopathic 262
medicine and surgery pursuant to the laws of this state. If the 263
individual holds a medical degree other than the degree of 264
doctor of medicine or doctor of osteopathic medicine, the 265
certificate shall indicate the diploma, degree, or other 266
document issued by the medical school or institution the 267
individual attended and shall state that the individual is 268
authorized to practice medicine and surgery pursuant to the laws 269
of this state. 270

(D) The certificate shall be prominently displayed in the 271
certificate holder's office or place where a major portion of 272
the certificate holder's practice is conducted and shall entitle 273
the holder to practice either medicine and surgery or 274
osteopathic medicine and surgery provided the certificate holder 275
maintains current registration as required by section 4731.281 276

of the Revised Code and provided further that such certificate 277
has not been revoked, suspended, or limited by action of the 278
state medical board pursuant to this chapter. 279

(E) An affirmative vote of not less than six members of 280
the board is required for the issuance of a certificate. 281

Sec. 4731.281. (A) (1) Each person holding a certificate 282
under this chapter to practice medicine and surgery, osteopathic 283
medicine and surgery, or podiatric medicine and surgery wishing 284
to renew that certificate shall apply to the board for renewal. 285
Applications shall be submitted to the board in a manner 286
prescribed by the board. Each application shall be accompanied 287
by a biennial renewal fee of three hundred five dollars. 288
Applications shall be submitted according to the following 289
schedule: 290

(a) Persons whose last name begins with the letters "A" 291
through "B," on or before April 1, 2001, and the first day of 292
April of every odd-numbered year thereafter; 293

(b) Persons whose last name begins with the letters "C" 294
through "D," on or before January 1, 2001, and the first day of 295
January of every odd-numbered year thereafter; 296

(c) Persons whose last name begins with the letters "E" 297
through "G," on or before October 1, 2000, and the first day of 298
October of every even-numbered year thereafter; 299

(d) Persons whose last name begins with the letters "H" 300
through "K," on or before July 1, 2000, and the first day of 301
July of every even-numbered year thereafter; 302

(e) Persons whose last name begins with the letters "L" 303
through "M," on or before April 1, 2000, and the first day of 304
April of every even-numbered year thereafter; 305

(f) Persons whose last name begins with the letters "N" 306
through "R," on or before January 1, 2000, and the first day of 307
January of every even-numbered year thereafter; 308

(g) Persons whose last name begins with the letter "S," on 309
or before October 1, 1999, and the first day of October of every 310
odd-numbered year thereafter; 311

(h) Persons whose last name begins with the letters "T" 312
through "Z," on or before July 1, 1999, and the first day of 313
July of every odd-numbered year thereafter. 314

The board shall deposit the fee in accordance with section 315
4731.24 of the Revised Code, except that the board shall deposit 316
twenty dollars of the fee into the state treasury to the credit 317
of the physician loan repayment fund created by section 3702.78 318
of the Revised Code. 319

(2) The board shall provide to every person holding a 320
certificate to practice medicine and surgery, osteopathic 321
medicine and surgery, or podiatric medicine and surgery, a 322
renewal notice or may provide the notice to the person through 323
the secretary of any recognized medical, osteopathic, or 324
podiatric society, according to the following schedule: 325

(a) To persons whose last name begins with the letters "A" 326
through "B," on or before January 1, 2001, and the first day of 327
January of every odd-numbered year thereafter; 328

(b) To persons whose last name begins with the letters "C" 329
through "D," on or before October 1, 2000, and the first day of 330
October of every even-numbered year thereafter; 331

(c) To persons whose last name begins with the letters "E" 332
through "G," on or before July 1, 2000, and the first day of 333
July of every even-numbered year thereafter; 334

- (d) To persons whose last name begins with the letters "H" 335
through "K," on or before April 1, 2000, and the first day of 336
April of every even-numbered year thereafter; 337
- (e) To persons whose last name begins with the letters "L" 338
through "M," on or before January 1, 2000, and the first day of 339
January of every even-numbered year thereafter; 340
- (f) To persons whose last name begins with the letters "N" 341
through "R," on or before October 1, 1999, and the first day of 342
October of every odd-numbered year thereafter; 343
- (g) To persons whose last name begins with the letter "S," 344
on or before July 1, 1999, and the first day of July of every 345
odd-numbered year thereafter; 346
- (h) To persons whose last name begins with the letters "T" 347
through "Z," on or before April 1, 1999, and the first day of 348
April of every odd-numbered year thereafter. 349
- (3) Failure of any person to receive a notice of renewal 350
from the board shall not excuse the person from the requirements 351
contained in this section. 352
- (4) The board's notice shall inform the applicant of the 353
renewal procedure. The board shall provide the application for 354
renewal in a form determined by the board. 355
- (5) The applicant shall provide in the application the 356
applicant's full name; the applicant's residence address, 357
business address, and electronic mail address; the number of the 358
applicant's certificate to practice; and any other information 359
required by the board. 360
- (6) (a) Except as provided in division (A) (6) (b) of this 361
section, in the case of an applicant who prescribes or 362

personally furnishes opioid analgesics or benzodiazepines, as 363
defined in section 3719.01 of the Revised Code, the applicant 364
shall certify to the board whether the applicant has been 365
granted access to the drug database established and maintained 366
by the state board of pharmacy pursuant to section 4729.75 of 367
the Revised Code. 368

(b) The requirement in division (A) (6) (a) of this section 369
does not apply if any of the following is the case: 370

(i) The state board of pharmacy notifies the state medical 371
board pursuant to section 4729.861 of the Revised Code that the 372
applicant has been restricted from obtaining further information 373
from the drug database. 374

(ii) The state board of pharmacy no longer maintains the 375
drug database. 376

(iii) The applicant does not practice medicine and 377
surgery, osteopathic medicine and surgery, or podiatric medicine 378
and surgery in this state. 379

(c) If an applicant certifies to the state medical board 380
that the applicant has been granted access to the drug database 381
and the board finds through an audit or other means that the 382
applicant has not been granted access, the board may take action 383
under section 4731.22 of the Revised Code. 384

(7) The applicant shall include with the application a 385
list of the names and addresses of any clinical nurse 386
specialists, certified nurse-midwives, or certified nurse 387
practitioners with whom the applicant is currently 388
collaborating, as defined in section 4723.01 of the Revised 389
Code. 390

(8) The applicant shall report any criminal offense to 391

which the applicant has pleaded guilty, of which the applicant 392
has been found guilty, or for which the applicant has been found 393
eligible for intervention in lieu of conviction, since last 394
filing an application for a certificate to practice or renewal 395
of a certificate. 396

(9) The applicant shall execute and deliver the 397
application to the board in a manner prescribed by the board. 398

(B) ~~The~~ As used in this division, "maintenance of 399
certification" means a continuing education program that 400
measures core competencies in the practice of medicine and 401
surgery, osteopathic medicine and surgery, or podiatric medicine 402
and surgery and is approved by a national organization that 403
certifies or accredits such continuing education programs. 404

The board shall renew a certificate under this chapter to 405
practice medicine and surgery, osteopathic medicine and surgery, 406
or podiatric medicine and surgery upon application and 407
qualification therefor in accordance with this section. The 408
board shall not require an individual to secure a maintenance of 409
certification as a condition of renewing a certificate to 410
practice medicine and surgery, osteopathic medicine and surgery, 411
or podiatric medicine and surgery. A renewal shall be valid for 412
a two-year period. 413

(C) Failure of any certificate holder to renew and comply 414
with this section shall operate automatically to suspend the 415
holder's certificate to practice and if applicable, the holder's 416
certificate to recommend issued under section 4731.30 of the 417
Revised Code. Continued practice after the suspension shall be 418
considered as practicing in violation of section 4731.41, 419
4731.43, or 4731.60 of the Revised Code. If the certificate has 420
been suspended pursuant to this division for two years or less, 421

it may be reinstated. The board shall reinstate a certificate to 422
practice suspended for failure to renew upon an applicant's 423
submission of a renewal application, the biennial renewal fee, 424
and the applicable monetary penalty. The penalty for 425
reinstatement shall be one hundred dollars. If the certificate 426
has been suspended pursuant to this division for more than two 427
years, it may be restored. Subject to section 4731.222 of the 428
Revised Code, the board may restore a certificate to practice 429
suspended for failure to renew upon an applicant's submission of 430
a restoration application, the biennial renewal fee, and the 431
applicable monetary penalty and compliance with sections 4776.01 432
to 4776.04 of the Revised Code. The board shall not restore to 433
an applicant a certificate to practice unless the board, in its 434
discretion, decides that the results of the criminal records 435
check do not make the applicant ineligible for a certificate 436
issued pursuant to section 4731.14, 4731.56, or 4731.57 of the 437
Revised Code. The penalty for restoration shall be two hundred 438
dollars. The board shall deposit the penalties in accordance 439
with section 4731.24 of the Revised Code. Any renewal or 440
restoration of a certificate to practice under this section 441
shall operate automatically to renew the holder's certificate to 442
recommend. 443

(D) If an individual certifies completion of the number of 444
hours and type of continuing medical education required to renew 445
or reinstate a certificate to practice, and the board finds 446
through the random samples it conducts under this section or 447
through any other means that the individual did not complete the 448
requisite continuing medical education, the board may impose a 449
civil penalty of not more than five thousand dollars. The 450
board's finding shall be made pursuant to an adjudication under 451
Chapter 119. of the Revised Code and by an affirmative vote of 452

not fewer than six members. 453

A civil penalty imposed under this division may be in 454
addition to or in lieu of any other action the board may take 455
under section 4731.22 of the Revised Code. The board shall 456
deposit civil penalties in accordance with section 4731.24 of 457
the Revised Code. 458

(E) The state medical board may obtain information not 459
protected by statutory or common law privilege from courts and 460
other sources concerning malpractice claims against any person 461
holding a certificate to practice under this chapter or 462
practicing as provided in section 4731.36 of the Revised Code. 463

(F) Each mailing sent by the board under division (A) (2) 464
of this section to a person holding a certificate to practice 465
medicine and surgery or osteopathic medicine and surgery shall 466
inform the applicant of the reporting requirement established by 467
division (H) of section 3701.79 of the Revised Code. At the 468
discretion of the board, the information may be included on the 469
application for renewal or on an accompanying page. 470

(G) Each person holding a certificate to practice medicine 471
and surgery, osteopathic medicine and surgery, or podiatric 472
medicine and surgery shall give notice to the board of any of 473
the following changes not later than thirty days after the 474
change occurs: 475

(1) A change in the certificate holder's residence 476
address, business address, or electronic mail address; 477

(2) A change in the list provided under division (B) (7) of 478
this section of names and addresses of the nurses with whom the 479
certificate holder is collaborating. 480

Sec. 4731.29. (A) When a person licensed to practice 481

medicine and surgery or osteopathic medicine and surgery by the 482
licensing department of another state, a diplomate of the 483
national board of medical examiners or the national board of 484
examiners for osteopathic physicians and surgeons, or a 485
licentiate of the medical council of Canada wishes to remove to 486
this state to practice, the person shall file an application 487
with the state medical board. The board may, in its discretion, 488
by an affirmative vote of not less than six of its members, 489
issue its certificate to practice medicine and surgery or 490
osteopathic medicine and surgery without requiring the applicant 491
to submit to examination, provided the applicant submits 492
evidence satisfactory to the board of meeting the same age, 493
moral character, and educational requirements individuals must 494
meet under sections 4731.08, 4731.09, 4731.091, and 4731.14 of 495
the Revised Code and, if applicable, demonstrates proficiency in 496
spoken English in accordance with division (E) of this section. 497
The board shall not require an individual to secure a 498
maintenance of certification, as defined in section 4731.14 of 499
the Revised Code, as a condition of issuing a certificate to 500
practice medicine and surgery or osteopathic medicine and 501
surgery. 502

(B) The state medical board shall issue or deny its 503
certificate to practice within sixty days after the receipt of a 504
complete application under division (A) of this section. Within 505
thirty days after receipt of an application, the state medical 506
board shall provide the applicant with written notice of any 507
information required before an application can be considered 508
complete for purposes of this section. 509

(C) If an applicant is under investigation pursuant to 510
section 4731.22 of the Revised Code, the state medical board 511
shall conclude the investigation within ninety days of receipt 512

of a complete application unless extended by written consent of 513
the applicant or unless the board determines that a substantial 514
question of a violation of this chapter or the rules adopted 515
under it exists and the board has notified the applicant in 516
writing of the reasons for the continuation of the 517
investigation. If the board determines that the applicant is not 518
in violation, it shall issue a certificate within forty-five 519
days of that determination. 520

(D) A fee of three hundred dollars shall be submitted with 521
each application for certification under this section. 522

(E) (1) Except as provided in division (E) (2) of this 523
section, an applicant licensed to practice medicine and surgery 524
or osteopathic medicine and surgery by the licensing department 525
of another state who received that license based in part on 526
certification from the educational commission for foreign 527
medical graduates shall demonstrate proficiency in spoken 528
English if the applicant fulfilled the undergraduate 529
requirements for a certificate issued under this section at an 530
institution outside the United States. The applicant may 531
demonstrate such proficiency only in the manner described in 532
section 4731.142 of the Revised Code for individuals attempting 533
to receive certificates issued under section 4731.14 of the 534
Revised Code. 535

(2) An applicant described in division (E) (1) of this 536
section is not required to demonstrate proficiency in spoken 537
English if either of the following apply: 538

(a) During the five years immediately preceding the date 539
of application, the applicant's license has been unrestricted 540
and the applicant has been actively practicing medicine and 541
surgery or osteopathic medicine and surgery in the United 542

States. 543

(b) At the beginning of the five-year period preceding the 544
date of application under this section, the applicant was 545
participating in graduate medical education, as defined in 546
section 4731.091 of the Revised Code, and since completing that 547
education has held an unrestricted license and has been actively 548
practicing medicine and surgery or osteopathic medicine and 549
surgery in the United States. 550

(c) The applicant was required to demonstrate such 551
proficiency as a condition of receiving certification from the 552
educational commission for foreign medical graduates. 553

Sec. 4731.56. As used in this section, "maintenance of 554
certification" means a continuing education program that 555
measures core competencies in the practice of podiatric medicine 556
and surgery and is approved by a national organization that 557
certifies or accredits such continuing education programs. 558

The state medical board shall issue its certificate to 559
practice podiatric medicine and surgery to each applicant who 560
passes the examination conducted under section 4731.55 of the 561
Revised Code and has paid the treasurer of the state medical 562
board a certificate issuance fee of three hundred dollars. The 563
board shall not require an individual to secure a maintenance of 564
certification as a condition of being issued a certificate to 565
practice podiatric medicine and surgery. 566

Each certificate shall be signed by the board's president 567
and secretary and attested by its seal. An affirmative vote of 568
not less than six members of the state medical board is required 569
for issuance of a certificate. 570

A certificate authorizing the practice of podiatric 571

medicine and surgery permits the holder the use of the title 572
"physician" or the use of the title "surgeon" when the title is 573
qualified by letters or words showing that the holder of the 574
certificate is a practitioner of podiatric medicine and surgery. 575
The certificate shall be prominently displayed in the 576
certificate holder's office or the place where a major portion 577
of the certificate holder's practice is conducted. 578

Sec. 4731.57. When a podiatrist licensed by the licensing 579
authority of another state wishes to remove to this state to 580
practice the podiatrist's profession, the state medical board 581
may, in its discretion, by an affirmative vote of not less than 582
six of its members, issue to the applicant a certificate to 583
practice podiatric medicine and surgery without requiring the 584
applicant to submit to examination, provided the applicant meets 585
the requirements for entrance set forth in section 4731.53 of 586
the Revised Code and pays a fee of three hundred dollars. The 587
board shall not require an individual to secure a maintenance of 588
certification, as defined in section 4731.56 of the Revised 589
Code, as a condition of being issued a certificate to practice 590
podiatric medicine and surgery. Application shall be made on a 591
form prescribed by the board. 592

Sec. 5164.302. As used in this section, "maintenance of 593
certification" means a continuing education program that 594
measures core competencies in the practice of medicine and 595
surgery, osteopathic medicine and surgery, or podiatric medicine 596
and surgery and is approved by a national organization that 597
certifies or accredits such continuing education programs. 598

The department of medicaid shall not require a physician 599
to secure a maintenance of certification as a condition of the 600
department entering into a provider agreement with the physician 601

or revalidating an agreement. 602

Section 2. That existing sections 3702.30, 3727.05, 603
4731.14, 4731.281, 4731.29, 4731.56, and 4731.57 of the Revised 604
Code are hereby repealed. 605

Section 3. This act shall be known as the "Patient Access 606
Expansion Act." 607