

As Reported by the Senate Health Committee

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Sub. H. B. No. 176

Representatives Carfagna, Hall

Cosponsors: Representatives Abrams, Riedel, Miller, J., Seitz, Gross, Troy, Young, T., White, Bird, LaRe, Stephens, Swearingen, Fraizer, Lipps, Russo, Cutrona, Ginter, Plummer, West, Baldrige, Brown, Carruthers, Click, Crawley, Creech, Cross, Crossman, Ghanbari, Householder, Jarrells, John, Johnson, Jones, Kick, Lanese, Lightbody, Loychik, O'Brien, Oelslager, Patton, Ray, Roemer, Sheehy, Sobecki, Stein, Weinstein, Wiggam

A BILL

To amend sections 4731.22, 4755.60, 4755.62, and 1
4755.64 and to enact sections 4755.621, 2
4755.622, and 4755.623 of the Revised Code to 3
revise the law governing the practice of 4
athletic training. 5

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

Section 1. That sections 4731.22, 4755.60, 4755.62, and 6
4755.64 be amended and sections 4755.621, 4755.622, and 4755.623 7
of the Revised Code be enacted to read as follows: 8

Sec. 4731.22. (A) The state medical board, by an 9
affirmative vote of not fewer than six of its members, may 10
limit, revoke, or suspend a license or certificate to practice 11
or certificate to recommend, refuse to grant a license or 12
certificate, refuse to renew a license or certificate, refuse to 13
reinstate a license or certificate, or reprimand or place on 14
probation the holder of a license or certificate if the 15

individual applying for or holding the license or certificate is 16
found by the board to have committed fraud during the 17
administration of the examination for a license or certificate 18
to practice or to have committed fraud, misrepresentation, or 19
deception in applying for, renewing, or securing any license or 20
certificate to practice or certificate to recommend issued by 21
the board. 22

(B) Except as provided in division (P) of this section, 23
the board, by an affirmative vote of not fewer than six members, 24
shall, to the extent permitted by law, limit, revoke, or suspend 25
a license or certificate to practice or certificate to 26
recommend, refuse to issue a license or certificate, refuse to 27
renew a license or certificate, refuse to reinstate a license or 28
certificate, or reprimand or place on probation the holder of a 29
license or certificate for one or more of the following reasons: 30

(1) Permitting one's name or one's license or certificate 31
to practice to be used by a person, group, or corporation when 32
the individual concerned is not actually directing the treatment 33
given; 34

(2) Failure to maintain minimal standards applicable to 35
the selection or administration of drugs, or failure to employ 36
acceptable scientific methods in the selection of drugs or other 37
modalities for treatment of disease; 38

(3) Except as provided in section 4731.97 of the Revised 39
Code, selling, giving away, personally furnishing, prescribing, 40
or administering drugs for other than legal and legitimate 41
therapeutic purposes or a plea of guilty to, a judicial finding 42
of guilt of, or a judicial finding of eligibility for 43
intervention in lieu of conviction of, a violation of any 44
federal or state law regulating the possession, distribution, or 45

use of any drug; 46

(4) Willfully betraying a professional confidence. 47

For purposes of this division, "willfully betraying a 48
professional confidence" does not include providing any 49
information, documents, or reports under sections 307.621 to 50
307.629 of the Revised Code to a child fatality review board; 51
does not include providing any information, documents, or 52
reports under sections 307.631 to 307.6410 of the Revised Code 53
to a drug overdose fatality review committee, a suicide fatality 54
review committee, or hybrid drug overdose fatality and suicide 55
fatality review committee; does not include providing any 56
information, documents, or reports to the director of health 57
pursuant to guidelines established under section 3701.70 of the 58
Revised Code; does not include written notice to a mental health 59
professional under section 4731.62 of the Revised Code; and does 60
not include the making of a report of an employee's use of a 61
drug of abuse, or a report of a condition of an employee other 62
than one involving the use of a drug of abuse, to the employer 63
of the employee as described in division (B) of section 2305.33 64
of the Revised Code. Nothing in this division affects the 65
immunity from civil liability conferred by section 2305.33 or 66
4731.62 of the Revised Code upon a physician who makes a report 67
in accordance with section 2305.33 or notifies a mental health 68
professional in accordance with section 4731.62 of the Revised 69
Code. As used in this division, "employee," "employer," and 70
"physician" have the same meanings as in section 2305.33 of the 71
Revised Code. 72

(5) Making a false, fraudulent, deceptive, or misleading 73
statement in the solicitation of or advertising for patients; in 74
relation to the practice of medicine and surgery, osteopathic 75

medicine and surgery, podiatric medicine and surgery, or a 76
limited branch of medicine; or in securing or attempting to 77
secure any license or certificate to practice issued by the 78
board. 79

As used in this division, "false, fraudulent, deceptive, 80
or misleading statement" means a statement that includes a 81
misrepresentation of fact, is likely to mislead or deceive 82
because of a failure to disclose material facts, is intended or 83
is likely to create false or unjustified expectations of 84
favorable results, or includes representations or implications 85
that in reasonable probability will cause an ordinarily prudent 86
person to misunderstand or be deceived. 87

(6) A departure from, or the failure to conform to, 88
minimal standards of care of similar practitioners under the 89
same or similar circumstances, whether or not actual injury to a 90
patient is established; 91

(7) Representing, with the purpose of obtaining 92
compensation or other advantage as personal gain or for any 93
other person, that an incurable disease or injury, or other 94
incurable condition, can be permanently cured; 95

(8) The obtaining of, or attempting to obtain, money or 96
anything of value by fraudulent misrepresentations in the course 97
of practice; 98

(9) A plea of guilty to, a judicial finding of guilt of, 99
or a judicial finding of eligibility for intervention in lieu of 100
conviction for, a felony; 101

(10) Commission of an act that constitutes a felony in 102
this state, regardless of the jurisdiction in which the act was 103
committed; 104

(11) A plea of guilty to, a judicial finding of guilt of,	105
or a judicial finding of eligibility for intervention in lieu of	106
conviction for, a misdemeanor committed in the course of	107
practice;	108
(12) Commission of an act in the course of practice that	109
constitutes a misdemeanor in this state, regardless of the	110
jurisdiction in which the act was committed;	111
(13) A plea of guilty to, a judicial finding of guilt of,	112
or a judicial finding of eligibility for intervention in lieu of	113
conviction for, a misdemeanor involving moral turpitude;	114
(14) Commission of an act involving moral turpitude that	115
constitutes a misdemeanor in this state, regardless of the	116
jurisdiction in which the act was committed;	117
(15) Violation of the conditions of limitation placed by	118
the board upon a license or certificate to practice;	119
(16) Failure to pay license renewal fees specified in this	120
chapter;	121
(17) Except as authorized in section 4731.31 of the	122
Revised Code, engaging in the division of fees for referral of	123
patients, or the receiving of a thing of value in return for a	124
specific referral of a patient to utilize a particular service	125
or business;	126
(18) Subject to section 4731.226 of the Revised Code,	127
violation of any provision of a code of ethics of the American	128
medical association, the American osteopathic association, the	129
American podiatric medical association, or any other national	130
professional organizations that the board specifies by rule. The	131
state medical board shall obtain and keep on file current copies	132
of the codes of ethics of the various national professional	133

organizations. The individual whose license or certificate is 134
being suspended or revoked shall not be found to have violated 135
any provision of a code of ethics of an organization not 136
appropriate to the individual's profession. 137

For purposes of this division, a "provision of a code of 138
ethics of a national professional organization" does not include 139
any provision that would preclude the making of a report by a 140
physician of an employee's use of a drug of abuse, or of a 141
condition of an employee other than one involving the use of a 142
drug of abuse, to the employer of the employee as described in 143
division (B) of section 2305.33 of the Revised Code. Nothing in 144
this division affects the immunity from civil liability 145
conferred by that section upon a physician who makes either type 146
of report in accordance with division (B) of that section. As 147
used in this division, "employee," "employer," and "physician" 148
have the same meanings as in section 2305.33 of the Revised 149
Code. 150

(19) Inability to practice according to acceptable and 151
prevailing standards of care by reason of mental illness or 152
physical illness, including, but not limited to, physical 153
deterioration that adversely affects cognitive, motor, or 154
perceptive skills. 155

In enforcing this division, the board, upon a showing of a 156
possible violation, may compel any individual authorized to 157
practice by this chapter or who has submitted an application 158
pursuant to this chapter to submit to a mental examination, 159
physical examination, including an HIV test, or both a mental 160
and a physical examination. The expense of the examination is 161
the responsibility of the individual compelled to be examined. 162
Failure to submit to a mental or physical examination or consent 163

to an HIV test ordered by the board constitutes an admission of 164
the allegations against the individual unless the failure is due 165
to circumstances beyond the individual's control, and a default 166
and final order may be entered without the taking of testimony 167
or presentation of evidence. If the board finds an individual 168
unable to practice because of the reasons set forth in this 169
division, the board shall require the individual to submit to 170
care, counseling, or treatment by physicians approved or 171
designated by the board, as a condition for initial, continued, 172
reinstated, or renewed authority to practice. An individual 173
affected under this division shall be afforded an opportunity to 174
demonstrate to the board the ability to resume practice in 175
compliance with acceptable and prevailing standards under the 176
provisions of the individual's license or certificate. For the 177
purpose of this division, any individual who applies for or 178
receives a license or certificate to practice under this chapter 179
accepts the privilege of practicing in this state and, by so 180
doing, shall be deemed to have given consent to submit to a 181
mental or physical examination when directed to do so in writing 182
by the board, and to have waived all objections to the 183
admissibility of testimony or examination reports that 184
constitute a privileged communication. 185

(20) Except as provided in division (F) (1) (b) of section 186
4731.282 of the Revised Code or when civil penalties are imposed 187
under section 4731.225 of the Revised Code, and subject to 188
section 4731.226 of the Revised Code, violating or attempting to 189
violate, directly or indirectly, or assisting in or abetting the 190
violation of, or conspiring to violate, any provisions of this 191
chapter or any rule promulgated by the board. 192

This division does not apply to a violation or attempted 193
violation of, assisting in or abetting the violation of, or a 194

conspiracy to violate, any provision of this chapter or any rule 195
adopted by the board that would preclude the making of a report 196
by a physician of an employee's use of a drug of abuse, or of a 197
condition of an employee other than one involving the use of a 198
drug of abuse, to the employer of the employee as described in 199
division (B) of section 2305.33 of the Revised Code. Nothing in 200
this division affects the immunity from civil liability 201
conferred by that section upon a physician who makes either type 202
of report in accordance with division (B) of that section. As 203
used in this division, "employee," "employer," and "physician" 204
have the same meanings as in section 2305.33 of the Revised 205
Code. 206

(21) The violation of section 3701.79 of the Revised Code 207
or of any abortion rule adopted by the director of health 208
pursuant to section 3701.341 of the Revised Code; 209

(22) Any of the following actions taken by an agency 210
responsible for authorizing, certifying, or regulating an 211
individual to practice a health care occupation or provide 212
health care services in this state or another jurisdiction, for 213
any reason other than the nonpayment of fees: the limitation, 214
revocation, or suspension of an individual's license to 215
practice; acceptance of an individual's license surrender; 216
denial of a license; refusal to renew or reinstate a license; 217
imposition of probation; or issuance of an order of censure or 218
other reprimand; 219

(23) The violation of section 2919.12 of the Revised Code 220
or the performance or inducement of an abortion upon a pregnant 221
woman with actual knowledge that the conditions specified in 222
division (B) of section 2317.56 of the Revised Code have not 223
been satisfied or with a heedless indifference as to whether 224

those conditions have been satisfied, unless an affirmative 225
defense as specified in division (H) (2) of that section would 226
apply in a civil action authorized by division (H) (1) of that 227
section; 228

(24) The revocation, suspension, restriction, reduction, 229
or termination of clinical privileges by the United States 230
department of defense or department of veterans affairs or the 231
termination or suspension of a certificate of registration to 232
prescribe drugs by the drug enforcement administration of the 233
United States department of justice; 234

(25) Termination or suspension from participation in the 235
medicare or medicaid programs by the department of health and 236
human services or other responsible agency; 237

(26) Impairment of ability to practice according to 238
acceptable and prevailing standards of care because of habitual 239
or excessive use or abuse of drugs, alcohol, or other substances 240
that impair ability to practice. 241

For the purposes of this division, any individual 242
authorized to practice by this chapter accepts the privilege of 243
practicing in this state subject to supervision by the board. By 244
filing an application for or holding a license or certificate to 245
practice under this chapter, an individual shall be deemed to 246
have given consent to submit to a mental or physical examination 247
when ordered to do so by the board in writing, and to have 248
waived all objections to the admissibility of testimony or 249
examination reports that constitute privileged communications. 250

If it has reason to believe that any individual authorized 251
to practice by this chapter or any applicant for licensure or 252
certification to practice suffers such impairment, the board may 253

compel the individual to submit to a mental or physical 254
examination, or both. The expense of the examination is the 255
responsibility of the individual compelled to be examined. Any 256
mental or physical examination required under this division 257
shall be undertaken by a treatment provider or physician who is 258
qualified to conduct the examination and who is chosen by the 259
board. 260

Failure to submit to a mental or physical examination 261
ordered by the board constitutes an admission of the allegations 262
against the individual unless the failure is due to 263
circumstances beyond the individual's control, and a default and 264
final order may be entered without the taking of testimony or 265
presentation of evidence. If the board determines that the 266
individual's ability to practice is impaired, the board shall 267
suspend the individual's license or certificate or deny the 268
individual's application and shall require the individual, as a 269
condition for initial, continued, reinstated, or renewed 270
licensure or certification to practice, to submit to treatment. 271

Before being eligible to apply for reinstatement of a 272
license or certificate suspended under this division, the 273
impaired practitioner shall demonstrate to the board the ability 274
to resume practice in compliance with acceptable and prevailing 275
standards of care under the provisions of the practitioner's 276
license or certificate. The demonstration shall include, but 277
shall not be limited to, the following: 278

(a) Certification from a treatment provider approved under 279
section 4731.25 of the Revised Code that the individual has 280
successfully completed any required inpatient treatment; 281

(b) Evidence of continuing full compliance with an 282
aftercare contract or consent agreement; 283

(c) Two written reports indicating that the individual's 284
ability to practice has been assessed and that the individual 285
has been found capable of practicing according to acceptable and 286
prevailing standards of care. The reports shall be made by 287
individuals or providers approved by the board for making the 288
assessments and shall describe the basis for their 289
determination. 290

The board may reinstate a license or certificate suspended 291
under this division after that demonstration and after the 292
individual has entered into a written consent agreement. 293

When the impaired practitioner resumes practice, the board 294
shall require continued monitoring of the individual. The 295
monitoring shall include, but not be limited to, compliance with 296
the written consent agreement entered into before reinstatement 297
or with conditions imposed by board order after a hearing, and, 298
upon termination of the consent agreement, submission to the 299
board for at least two years of annual written progress reports 300
made under penalty of perjury stating whether the individual has 301
maintained sobriety. 302

(27) A second or subsequent violation of section 4731.66 303
or 4731.69 of the Revised Code; 304

(28) Except as provided in division (N) of this section: 305

(a) Waiving the payment of all or any part of a deductible 306
or copayment that a patient, pursuant to a health insurance or 307
health care policy, contract, or plan that covers the 308
individual's services, otherwise would be required to pay if the 309
waiver is used as an enticement to a patient or group of 310
patients to receive health care services from that individual; 311

(b) Advertising that the individual will waive the payment 312

of all or any part of a deductible or copayment that a patient, 313
pursuant to a health insurance or health care policy, contract, 314
or plan that covers the individual's services, otherwise would 315
be required to pay. 316

(29) Failure to use universal blood and body fluid 317
precautions established by rules adopted under section 4731.051 318
of the Revised Code; 319

(30) Failure to provide notice to, and receive 320
acknowledgment of the notice from, a patient when required by 321
section 4731.143 of the Revised Code prior to providing 322
nonemergency professional services, or failure to maintain that 323
notice in the patient's medical record; 324

(31) Failure of a physician supervising a physician 325
assistant to maintain supervision in accordance with the 326
requirements of Chapter 4730. of the Revised Code and the rules 327
adopted under that chapter; 328

(32) Failure of a physician or podiatrist to enter into a 329
standard care arrangement with a clinical nurse specialist, 330
certified nurse-midwife, or certified nurse practitioner with 331
whom the physician or podiatrist is in collaboration pursuant to 332
section 4731.27 of the Revised Code or failure to fulfill the 333
responsibilities of collaboration after entering into a standard 334
care arrangement; 335

(33) Failure to comply with the terms of a consult 336
agreement entered into with a pharmacist pursuant to section 337
4729.39 of the Revised Code; 338

(34) Failure to cooperate in an investigation conducted by 339
the board under division (F) of this section, including failure 340
to comply with a subpoena or order issued by the board or 341

failure to answer truthfully a question presented by the board	342
in an investigative interview, an investigative office	343
conference, at a deposition, or in written interrogatories,	344
except that failure to cooperate with an investigation shall not	345
constitute grounds for discipline under this section if a court	346
of competent jurisdiction has issued an order that either	347
quashes a subpoena or permits the individual to withhold the	348
testimony or evidence in issue;	349
(35) Failure to supervise an acupuncturist in accordance	350
with Chapter 4762. of the Revised Code and the board's rules for	351
providing that supervision;	352
(36) Failure to supervise an anesthesiologist assistant in	353
accordance with Chapter 4760. of the Revised Code and the	354
board's rules for supervision of an anesthesiologist assistant;	355
(37) Assisting suicide, as defined in section 3795.01 of	356
the Revised Code;	357
(38) Failure to comply with the requirements of section	358
2317.561 of the Revised Code;	359
(39) Failure to supervise a radiologist assistant in	360
accordance with Chapter 4774. of the Revised Code and the	361
board's rules for supervision of radiologist assistants;	362
(40) Performing or inducing an abortion at an office or	363
facility with knowledge that the office or facility fails to	364
post the notice required under section 3701.791 of the Revised	365
Code;	366
(41) Failure to comply with the standards and procedures	367
established in rules under section 4731.054 of the Revised Code	368
for the operation of or the provision of care at a pain	369
management clinic;	370

(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	371 372 373 374
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	375 376 377 378
(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;	379 380 381 382 383
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	384 385 386 387 388
(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	389 390 391 392
(47) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code;	393 394 395 396 397
(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a	398 399

prescription for an opioid analgesic, as defined in section	400
3719.01 of the Revised Code;	401
(49) Failure to comply with the requirements of section	402
4731.30 of the Revised Code or rules adopted under section	403
4731.301 of the Revised Code when recommending treatment with	404
medical marijuana;	405
(50) Practicing at a facility, clinic, or other location	406
that is subject to licensure as a category III terminal	407
distributor of dangerous drugs with an office-based opioid	408
treatment classification unless the person operating that place	409
has obtained and maintains the license with the classification;	410
(51) Owning a facility, clinic, or other location that is	411
subject to licensure as a category III terminal distributor of	412
dangerous drugs with an office-based opioid treatment	413
classification unless that place is licensed with the	414
classification;	415
(52) A pattern of continuous or repeated violations of	416
division (E) (2) or (3) of section 3963.02 of the Revised Code;	417
<u>(53) Failure to fulfill the responsibilities of a</u>	418
<u>collaboration agreement entered into with an athletic trainer as</u>	419
<u>described in section 4755.621 of the Revised Code.</u>	420
(C) Disciplinary actions taken by the board under	421
divisions (A) and (B) of this section shall be taken pursuant to	422
an adjudication under Chapter 119. of the Revised Code, except	423
that in lieu of an adjudication, the board may enter into a	424
consent agreement with an individual to resolve an allegation of	425
a violation of this chapter or any rule adopted under it. A	426
consent agreement, when ratified by an affirmative vote of not	427
fewer than six members of the board, shall constitute the	428

findings and order of the board with respect to the matter 429
addressed in the agreement. If the board refuses to ratify a 430
consent agreement, the admissions and findings contained in the 431
consent agreement shall be of no force or effect. 432

A telephone conference call may be utilized for 433
ratification of a consent agreement that revokes or suspends an 434
individual's license or certificate to practice or certificate 435
to recommend. The telephone conference call shall be considered 436
a special meeting under division (F) of section 121.22 of the 437
Revised Code. 438

If the board takes disciplinary action against an 439
individual under division (B) of this section for a second or 440
subsequent plea of guilty to, or judicial finding of guilt of, a 441
violation of section 2919.123 or 2919.124 of the Revised Code, 442
the disciplinary action shall consist of a suspension of the 443
individual's license or certificate to practice for a period of 444
at least one year or, if determined appropriate by the board, a 445
more serious sanction involving the individual's license or 446
certificate to practice. Any consent agreement entered into 447
under this division with an individual that pertains to a second 448
or subsequent plea of guilty to, or judicial finding of guilt 449
of, a violation of that section shall provide for a suspension 450
of the individual's license or certificate to practice for a 451
period of at least one year or, if determined appropriate by the 452
board, a more serious sanction involving the individual's 453
license or certificate to practice. 454

(D) For purposes of divisions (B) (10), (12), and (14) of 455
this section, the commission of the act may be established by a 456
finding by the board, pursuant to an adjudication under Chapter 457
119. of the Revised Code, that the individual committed the act. 458

The board does not have jurisdiction under those divisions if 459
the trial court renders a final judgment in the individual's 460
favor and that judgment is based upon an adjudication on the 461
merits. The board has jurisdiction under those divisions if the 462
trial court issues an order of dismissal upon technical or 463
procedural grounds. 464

(E) The sealing of conviction records by any court shall 465
have no effect upon a prior board order entered under this 466
section or upon the board's jurisdiction to take action under 467
this section if, based upon a plea of guilty, a judicial finding 468
of guilt, or a judicial finding of eligibility for intervention 469
in lieu of conviction, the board issued a notice of opportunity 470
for a hearing prior to the court's order to seal the records. 471
The board shall not be required to seal, destroy, redact, or 472
otherwise modify its records to reflect the court's sealing of 473
conviction records. 474

(F) (1) The board shall investigate evidence that appears 475
to show that a person has violated any provision of this chapter 476
or any rule adopted under it. Any person may report to the board 477
in a signed writing any information that the person may have 478
that appears to show a violation of any provision of this 479
chapter or any rule adopted under it. In the absence of bad 480
faith, any person who reports information of that nature or who 481
testifies before the board in any adjudication conducted under 482
Chapter 119. of the Revised Code shall not be liable in damages 483
in a civil action as a result of the report or testimony. Each 484
complaint or allegation of a violation received by the board 485
shall be assigned a case number and shall be recorded by the 486
board. 487

(2) Investigations of alleged violations of this chapter 488

or any rule adopted under it shall be supervised by the 489
supervising member elected by the board in accordance with 490
section 4731.02 of the Revised Code and by the secretary as 491
provided in section 4731.39 of the Revised Code. The president 492
may designate another member of the board to supervise the 493
investigation in place of the supervising member. No member of 494
the board who supervises the investigation of a case shall 495
participate in further adjudication of the case. 496

(3) In investigating a possible violation of this chapter 497
or any rule adopted under this chapter, or in conducting an 498
inspection under division (E) of section 4731.054 of the Revised 499
Code, the board may question witnesses, conduct interviews, 500
administer oaths, order the taking of depositions, inspect and 501
copy any books, accounts, papers, records, or documents, issue 502
subpoenas, and compel the attendance of witnesses and production 503
of books, accounts, papers, records, documents, and testimony, 504
except that a subpoena for patient record information shall not 505
be issued without consultation with the attorney general's 506
office and approval of the secretary and supervising member of 507
the board. 508

(a) Before issuance of a subpoena for patient record 509
information, the secretary and supervising member shall 510
determine whether there is probable cause to believe that the 511
complaint filed alleges a violation of this chapter or any rule 512
adopted under it and that the records sought are relevant to the 513
alleged violation and material to the investigation. The 514
subpoena may apply only to records that cover a reasonable 515
period of time surrounding the alleged violation. 516

(b) On failure to comply with any subpoena issued by the 517
board and after reasonable notice to the person being 518

subpoenaed, the board may move for an order compelling the 519
production of persons or records pursuant to the Rules of Civil 520
Procedure. 521

(c) A subpoena issued by the board may be served by a 522
sheriff, the sheriff's deputy, or a board employee or agent 523
designated by the board. Service of a subpoena issued by the 524
board may be made by delivering a copy of the subpoena to the 525
person named therein, reading it to the person, or leaving it at 526
the person's usual place of residence, usual place of business, 527
or address on file with the board. When serving a subpoena to an 528
applicant for or the holder of a license or certificate issued 529
under this chapter, service of the subpoena may be made by 530
certified mail, return receipt requested, and the subpoena shall 531
be deemed served on the date delivery is made or the date the 532
person refuses to accept delivery. If the person being served 533
refuses to accept the subpoena or is not located, service may be 534
made to an attorney who notifies the board that the attorney is 535
representing the person. 536

(d) A sheriff's deputy who serves a subpoena shall receive 537
the same fees as a sheriff. Each witness who appears before the 538
board in obedience to a subpoena shall receive the fees and 539
mileage provided for under section 119.094 of the Revised Code. 540

(4) All hearings, investigations, and inspections of the 541
board shall be considered civil actions for the purposes of 542
section 2305.252 of the Revised Code. 543

(5) A report required to be submitted to the board under 544
this chapter, a complaint, or information received by the board 545
pursuant to an investigation or pursuant to an inspection under 546
division (E) of section 4731.054 of the Revised Code is 547
confidential and not subject to discovery in any civil action. 548

The board shall conduct all investigations or inspections 549
and proceedings in a manner that protects the confidentiality of 550
patients and persons who file complaints with the board. The 551
board shall not make public the names or any other identifying 552
information about patients or complainants unless proper consent 553
is given or, in the case of a patient, a waiver of the patient 554
privilege exists under division (B) of section 2317.02 of the 555
Revised Code, except that consent or a waiver of that nature is 556
not required if the board possesses reliable and substantial 557
evidence that no bona fide physician-patient relationship 558
exists. 559

The board may share any information it receives pursuant 560
to an investigation or inspection, including patient records and 561
patient record information, with law enforcement agencies, other 562
licensing boards, and other governmental agencies that are 563
prosecuting, adjudicating, or investigating alleged violations 564
of statutes or administrative rules. An agency or board that 565
receives the information shall comply with the same requirements 566
regarding confidentiality as those with which the state medical 567
board must comply, notwithstanding any conflicting provision of 568
the Revised Code or procedure of the agency or board that 569
applies when it is dealing with other information in its 570
possession. In a judicial proceeding, the information may be 571
admitted into evidence only in accordance with the Rules of 572
Evidence, but the court shall require that appropriate measures 573
are taken to ensure that confidentiality is maintained with 574
respect to any part of the information that contains names or 575
other identifying information about patients or complainants 576
whose confidentiality was protected by the state medical board 577
when the information was in the board's possession. Measures to 578
ensure confidentiality that may be taken by the court include 579

sealing its records or deleting specific information from its 580
records. 581

(6) On a quarterly basis, the board shall prepare a report 582
that documents the disposition of all cases during the preceding 583
three months. The report shall contain the following information 584
for each case with which the board has completed its activities: 585

(a) The case number assigned to the complaint or alleged 586
violation; 587

(b) The type of license or certificate to practice, if 588
any, held by the individual against whom the complaint is 589
directed; 590

(c) A description of the allegations contained in the 591
complaint; 592

(d) The disposition of the case. 593

The report shall state how many cases are still pending 594
and shall be prepared in a manner that protects the identity of 595
each person involved in each case. The report shall be a public 596
record under section 149.43 of the Revised Code. 597

(G) If the secretary and supervising member determine both 598
of the following, they may recommend that the board suspend an 599
individual's license or certificate to practice or certificate 600
to recommend without a prior hearing: 601

(1) That there is clear and convincing evidence that an 602
individual has violated division (B) of this section; 603

(2) That the individual's continued practice presents a 604
danger of immediate and serious harm to the public. 605

Written allegations shall be prepared for consideration by 606

the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

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

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

(H) If the board takes action under division (B) (9), (11), or (13) of this section and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the

order may be filed with the board along with appropriate court 637
documents. Upon receipt of a petition of that nature and 638
supporting court documents, the board shall reinstate the 639
individual's license or certificate to practice. The board may 640
then hold an adjudication under Chapter 119. of the Revised Code 641
to determine whether the individual committed the act in 642
question. Notice of an opportunity for a hearing shall be given 643
in accordance with Chapter 119. of the Revised Code. If the 644
board finds, pursuant to an adjudication held under this 645
division, that the individual committed the act or if no hearing 646
is requested, the board may order any of the sanctions 647
identified under division (B) of this section. 648

(I) The license or certificate to practice issued to an 649
individual under this chapter and the individual's practice in 650
this state are automatically suspended as of the date of the 651
individual's second or subsequent plea of guilty to, or judicial 652
finding of guilt of, a violation of section 2919.123 or 2919.124 653
of the Revised Code. In addition, the license or certificate to 654
practice or certificate to recommend issued to an individual 655
under this chapter and the individual's practice in this state 656
are automatically suspended as of the date the individual pleads 657
guilty to, is found by a judge or jury to be guilty of, or is 658
subject to a judicial finding of eligibility for intervention in 659
lieu of conviction in this state or treatment or intervention in 660
lieu of conviction in another jurisdiction for any of the 661
following criminal offenses in this state or a substantially 662
equivalent criminal offense in another jurisdiction: aggravated 663
murder, murder, voluntary manslaughter, felonious assault, 664
kidnapping, rape, sexual battery, gross sexual imposition, 665
aggravated arson, aggravated robbery, or aggravated burglary. 666
Continued practice after suspension shall be considered 667

practicing without a license or certificate. 668

The board shall notify the individual subject to the 669
suspension by certified mail or in person in accordance with 670
section 119.07 of the Revised Code. If an individual whose 671
license or certificate is automatically suspended under this 672
division fails to make a timely request for an adjudication 673
under Chapter 119. of the Revised Code, the board shall do 674
whichever of the following is applicable: 675

(1) If the automatic suspension under this division is for 676
a second or subsequent plea of guilty to, or judicial finding of 677
guilt of, a violation of section 2919.123 or 2919.124 of the 678
Revised Code, the board shall enter an order suspending the 679
individual's license or certificate to practice for a period of 680
at least one year or, if determined appropriate by the board, 681
imposing a more serious sanction involving the individual's 682
license or certificate to practice. 683

(2) In all circumstances in which division (I)(1) of this 684
section does not apply, enter a final order permanently revoking 685
the individual's license or certificate to practice. 686

(J) If the board is required by Chapter 119. of the 687
Revised Code to give notice of an opportunity for a hearing and 688
if the individual subject to the notice does not timely request 689
a hearing in accordance with section 119.07 of the Revised Code, 690
the board is not required to hold a hearing, but may adopt, by 691
an affirmative vote of not fewer than six of its members, a 692
final order that contains the board's findings. In that final 693
order, the board may order any of the sanctions identified under 694
division (A) or (B) of this section. 695

(K) Any action taken by the board under division (B) of 696

this section resulting in a suspension from practice shall be 697
accompanied by a written statement of the conditions under which 698
the individual's license or certificate to practice may be 699
reinstated. The board shall adopt rules governing conditions to 700
be imposed for reinstatement. Reinstatement of a license or 701
certificate suspended pursuant to division (B) of this section 702
requires an affirmative vote of not fewer than six members of 703
the board. 704

(L) When the board refuses to grant or issue a license or 705
certificate to practice to an applicant, revokes an individual's 706
license or certificate to practice, refuses to renew an 707
individual's license or certificate to practice, or refuses to 708
reinstatement an individual's license or certificate to practice, 709
the board may specify that its action is permanent. An 710
individual subject to a permanent action taken by the board is 711
forever thereafter ineligible to hold a license or certificate 712
to practice and the board shall not accept an application for 713
reinstatement of the license or certificate or for issuance of a 714
new license or certificate. 715

(M) Notwithstanding any other provision of the Revised 716
Code, all of the following apply: 717

(1) The surrender of a license or certificate issued under 718
this chapter shall not be effective unless or until accepted by 719
the board. A telephone conference call may be utilized for 720
acceptance of the surrender of an individual's license or 721
certificate to practice. The telephone conference call shall be 722
considered a special meeting under division (F) of section 723
121.22 of the Revised Code. Reinstatement of a license or 724
certificate surrendered to the board requires an affirmative 725
vote of not fewer than six members of the board. 726

(2) An application for a license or certificate made under 727
the provisions of this chapter may not be withdrawn without 728
approval of the board. 729

(3) Failure by an individual to renew a license or 730
certificate to practice in accordance with this chapter or a 731
certificate to recommend in accordance with rules adopted under 732
section 4731.301 of the Revised Code shall not remove or limit 733
the board's jurisdiction to take any disciplinary action under 734
this section against the individual. 735

(4) At the request of the board, a license or certificate 736
holder shall immediately surrender to the board a license or 737
certificate that the board has suspended, revoked, or 738
permanently revoked. 739

(N) Sanctions shall not be imposed under division (B) (28) 740
of this section against any person who waives deductibles and 741
copayments as follows: 742

(1) In compliance with the health benefit plan that 743
expressly allows such a practice. Waiver of the deductibles or 744
copayments shall be made only with the full knowledge and 745
consent of the plan purchaser, payer, and third-party 746
administrator. Documentation of the consent shall be made 747
available to the board upon request. 748

(2) For professional services rendered to any other person 749
authorized to practice pursuant to this chapter, to the extent 750
allowed by this chapter and rules adopted by the board. 751

(O) Under the board's investigative duties described in 752
this section and subject to division (F) of this section, the 753
board shall develop and implement a quality intervention program 754
designed to improve through remedial education the clinical and 755

communication skills of individuals authorized under this 756
chapter to practice medicine and surgery, osteopathic medicine 757
and surgery, and podiatric medicine and surgery. In developing 758
and implementing the quality intervention program, the board may 759
do all of the following: 760

(1) Offer in appropriate cases as determined by the board 761
an educational and assessment program pursuant to an 762
investigation the board conducts under this section; 763

(2) Select providers of educational and assessment 764
services, including a quality intervention program panel of case 765
reviewers; 766

(3) Make referrals to educational and assessment service 767
providers and approve individual educational programs 768
recommended by those providers. The board shall monitor the 769
progress of each individual undertaking a recommended individual 770
educational program. 771

(4) Determine what constitutes successful completion of an 772
individual educational program and require further monitoring of 773
the individual who completed the program or other action that 774
the board determines to be appropriate; 775

(5) Adopt rules in accordance with Chapter 119. of the 776
Revised Code to further implement the quality intervention 777
program. 778

An individual who participates in an individual 779
educational program pursuant to this division shall pay the 780
financial obligations arising from that educational program. 781

(P) The board shall not refuse to issue a license to an 782
applicant because of a conviction, plea of guilty, judicial 783
finding of guilt, judicial finding of eligibility for 784

intervention in lieu of conviction, or the commission of an act 785
that constitutes a criminal offense, unless the refusal is in 786
accordance with section 9.79 of the Revised Code. 787

Sec. 4755.60. As used in sections 4755.60 to 4755.65 and 788
4755.99 of the Revised Code: 789

(A) ~~"Athletic training" means the practice of prevention, 790
recognition, and assessment of an athletic injury and the 791
complete management, treatment, disposition, and reconditioning 792
of acute athletic injuries upon the referral of an individual 793
authorized under Chapter 4731. of the Revised Code to practice 794
medicine and surgery, osteopathic medicine and surgery, or 795
podiatry, a dentist licensed under Chapter 4715. of the Revised 796
Code, a physical therapist licensed under this chapter, or a 797
chiropractor licensed under Chapter 4734. of the Revised Code. 798
Athletic training includes the administration of topical drugs 799
that have been prescribed by a licensed health professional 800
authorized to prescribe drugs, as defined in section 4729.01 of 801
the Revised Code. Athletic training also includes the 802
organization and administration of educational programs and 803
athletic facilities, and the education of and consulting with 804
the public as it pertains to athletic training. 805~~

~~(B) "Athletic trainer" means a person who meets the 806
qualifications of this chapter for licensure and who is employed 807
by an educational institution, professional or amateur 808
organization, athletic facility, or health care facility to 809
practice athletic training authorized to engage in the activities 810
described in section 4755.621 or 4755.622 of the Revised Code. 811~~

~~(C) "The national athletic trainers association, inc." 812
means the national professional organization of athletic 813
trainers that provides direction and leadership for quality 814~~

~~athletic training practice, education, and research.~~ 815

~~(D) "Athletic injury" means any injury sustained by an individual that affects the individual's participation or performance in sports, games, recreation, exercise, or other activity that requires physical strength, agility, flexibility, speed, stamina, or range of motion.~~ 816
~~(B) "Licensed health professional authorized to prescribe drugs" or "prescriber" has the same meaning as in section 4729.01 of the Revised Code.~~ 817
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(C) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. 823
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Sec. 4755.62. (A) No person shall claim to the public to be an athletic trainer or imply by words, actions, or letters that the person is an athletic trainer, or otherwise engage in the practice of athletic training, unless the person is licensed as an athletic trainer pursuant to this chapter. 827
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(B) Except as otherwise provided in division (B) of section 4755.65 of the Revised Code, no educational institution, partnership, association, or corporation shall advertise or otherwise offer to provide or convey the impression that it is providing athletic training unless an individual licensed as an athletic trainer pursuant to this chapter is employed by, or under contract to, the educational institution, partnership, association, or corporation and will be performing the athletic training services to which reference is made. 832
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(C) To qualify for an athletic trainers license, a person shall: 841
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(1) Have satisfactorily completed an application for 843

licensure in accordance with rules adopted by the athletic 844
trainers section of the Ohio occupational therapy, physical 845
therapy, and athletic trainers board under section 4755.61 of 846
the Revised Code; 847

(2) Have paid the examination fee required under this 848
section; 849

(3) Have shown, to the satisfaction of the athletic 850
trainers section, that the applicant has received a 851
baccalaureate or higher degree from an institution of higher 852
education, approved by the athletic trainers section of the 853
board and the federal regional accreditation agency and 854
recognized by the council on postsecondary accreditation, and 855
has satisfactorily completed the educational course work 856
requirements established by rule of the athletic trainers 857
section under section 4755.61 of the Revised Code. 858

(4) In addition to educational course work requirements, 859
have obtained supervised clinical experience that meets the 860
requirements established in rules adopted by the athletic 861
trainers section under section 4755.61 of the Revised Code; 862

(5) Have passed an examination adopted by the athletic 863
trainers section under division (A) (8) of section 4755.61 of the 864
Revised Code. Each applicant for licensure shall pay, at the 865
time of application, the nonrefundable examination fee set by 866
the athletic trainers section. 867

(D) The section may waive the requirements of division (C) 868
of this section for any applicant who presents proof of current 869
licensure in another state whose standards for licensure, as 870
determined by the section, are equal to or greater than those in 871
effect in this state on the date of application. 872

(E) The section shall issue a license to every applicant 873
who complies with the requirements of division (C) of this 874
section, files the required application form, and pays the fees 875
required by section 4755.61 of the Revised Code. ~~A Each licensee~~ 876
~~shall display the licensee's license in a conspicuous place at~~ 877
~~the licensee's principal place of employment.~~ 878

A license issued under this section entitles the holder to 879
engage in the practice of athletic training, to claim to the 880
public to be an athletic trainer, or to imply by words or 881
letters that the licensee is an athletic trainer. ~~Each licensee~~ 882
~~shall display the licensee's license in a conspicuous place at~~ 883
~~the licensee's principal place of employment.~~ A license issued 884
under this section does not entitle the holder to provide, offer 885
to provide, or represent that the holder is qualified to provide 886
any care or services for which the holder lacks the education, 887
training, or experience to provide or is prohibited by law from 888
providing. 889

Sec. 4755.621. (A) As used in this section, "athletic 890
training diagnosis" means the judgment made after examining, 891
evaluating, assessing, or interpreting symptoms presented by a 892
patient to establish the cause and nature of the patient's 893
injury, emergent condition, or functional impairment and the 894
plan of care for that injury, emergent condition, or functional 895
impairment within the scope of athletic training. "Athletic 896
training diagnosis" does not include a medical diagnosis. 897

(B) A person licensed as an athletic trainer pursuant to 898
this chapter may enter into a collaboration agreement with one 899
or more physicians. 900

The agreement shall be in writing and signed by the 901
athletic trainer and each physician with whom the athletic 902

trainer collaborates. A copy of the agreement shall be 903
maintained in the records of the athletic trainer and each 904
collaborating physician. 905

The agreement shall address all of the following: 906

(1) The duties and responsibilities to be fulfilled by the 907
athletic trainer when engaging in the activities described in 908
division (C) of this section; 909

(2) Any limitations on the athletic trainer's performance 910
of the activities described in division (C) of this section; 911

(3) A plan of care for patients treated by the athletic 912
trainer. 913

(C) Subject to division (B) of this section and section 914
4755.623 of the Revised Code, a person licensed as an athletic 915
trainer pursuant to this chapter who enters into a collaboration 916
agreement is authorized to engage in all of the following 917
activities: 918

(1) The prevention, examination, and athletic training 919
diagnosis of injuries or emergent conditions resulting from 920
physical activities that require physical skill and utilize 921
strength, power, endurance, speed, flexibility, range of motion, 922
or agility; 923

(2) The complete management, treatment, disposition, and 924
reconditioning of injuries or emergent conditions resulting from 925
physical activities; 926

(3) The provision of emergent care, therapeutic 927
interventions, and rehabilitation for injuries or emergent 928
conditions resulting from physical activities; 929

(4) The promotion of and education about wellness; 930

(5) The administration of drugs, including topical drugs, 931
that have been prescribed by a licensed health professional 932
authorized to prescribe drugs and are administered under the 933
direction of the prescriber, except that an athletic trainer 934
shall not administer intra-articular or intratendinous 935
injections; 936

(6) The performance of athletic training research; 937

(7) The organization and administration of educational 938
programs and athletic training facilities; 939

(8) The education of and consulting with the public as it 940
pertains to athletic training. 941

Sec. 4755.622. (A) As used in this section, "athletic 942
injury" means any injury sustained by an individual that affects 943
the individual's participation or performance in sports, games, 944
recreation, exercise, or other activity that requires physical 945
strength, agility, flexibility, speed, stamina, or range of 946
motion. 947

(B) Subject to section 4755.623 of the Revised Code, in 948
the event a person licensed as an athletic trainer pursuant to 949
this chapter does not enter into a collaboration agreement with 950
one or more physicians as described in division (B) of section 951
4755.621 of the Revised Code, the person is authorized to engage 952
only in the following activities: 953

(1) The practice of prevention, recognition, and 954
assessment of an athletic injury; 955

(2) The complete management, treatment, disposition, and 956
reconditioning of acute athletic injuries; 957

(3) The administration of topical drugs that have been 958

<u>prescribed by a licensed health professional authorized to</u>	959
<u>prescribe drugs;</u>	960
<u>(4) The organization and administration of educational</u>	961
<u>programs and athletic facilities;</u>	962
<u>(5) The education of and consulting with the public as it</u>	963
<u>pertains to athletic training.</u>	964
Sec. 4755.623. <u>(A) A person licensed as an athletic</u>	965
<u>trainer pursuant to this chapter shall engage in the activities</u>	966
<u>described in section 4755.621 or 4755.622 only if the person</u>	967
<u>acts upon the referral of one or more of the following:</u>	968
<u>(1) A physician;</u>	969
<u>(2) A dentist licensed under Chapter 4715. of the Revised</u>	970
<u>Code;</u>	971
<u>(3) A physical therapist licensed under this chapter;</u>	972
<u>(4) A chiropractor licensed under Chapter 4734. of the</u>	973
<u>Revised Code;</u>	974
<u>(5) Subject to division (B) of this section, an athletic</u>	975
<u>trainer licensed under this chapter;</u>	976
<u>(6) A physician assistant licensed under Chapter 4730. of</u>	977
<u>the Revised Code;</u>	978
<u>(7) A certified nurse practitioner licensed under Chapter</u>	979
<u>4723. of the Revised Code.</u>	980
<u>(B) A person licensed as an athletic trainer pursuant to</u>	981
<u>this chapter may practice upon the referral of an athletic</u>	982
<u>trainer described in division (A) of this section only if</u>	983
<u>athletic training has already been recommended and referred by a</u>	984
<u>health care provider described in division (A) of this section</u>	985

<u>who is not an athletic trainer.</u>	986
Sec. 4755.64. (A) In accordance with Chapter 119. of the Revised Code, the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board may suspend, revoke, or, except as provided in division (B) of this section, refuse to issue or renew an athletic trainers license, or reprimand, fine, or place a licensee on probation, for any of the following:	987 988 989 990 991 992 993
(1) Conviction of a felony or offense involving moral turpitude, regardless of the state or country in which the conviction occurred;	994 995 996
(2) Violation of sections 4755.61 to 4755.65 of the Revised Code or any order issued or rule adopted thereunder;	997 998
(3) Obtaining a license through fraud, false or misleading representation, or concealment of material facts;	999 1000
(4) Negligence or gross misconduct in the practice of athletic training;	1001 1002
(5) Violating the standards of ethical conduct in the practice of athletic training as adopted by the athletic trainers section under section 4755.61 of the Revised Code;	1003 1004 1005
(6) Using any controlled substance or alcohol to the extent that the ability to practice athletic training at a level of competency is impaired;	1006 1007 1008
(7) Practicing in an area of athletic training for which the individual is untrained, <u>or incompetent</u> , or practicing without the referral of a practitioner licensed under Chapter 4731. of the Revised Code, a dentist licensed under Chapter 4715. of the Revised Code, a chiropractor licensed under Chapter	1009 1010 1011 1012 1013

~~4734. of the Revised Code, or a physical therapist licensed~~ 1014
~~under this chapter described in division (A) of section 4755.623~~ 1015
~~of the Revised Code;~~ 1016

(8) Employing, directing, or supervising a person in the 1017
performance of athletic training procedures who is not 1018
authorized to practice as a licensed athletic trainer under this 1019
chapter; 1020

(9) Misrepresenting educational attainments or the 1021
functions the individual is authorized to perform for the 1022
purpose of obtaining some benefit related to the individual's 1023
athletic training practice; 1024

(10) Failing the licensing examination; 1025

(11) Aiding or abetting the unlicensed practice of 1026
athletic training; 1027

(12) Denial, revocation, suspension, or restriction of 1028
authority to practice a health care occupation, including 1029
athletic training, for any reason other than a failure to renew, 1030
in Ohio or another state or jurisdiction; 1031

(13) Regardless of whether it is consensual, engaging in 1032
any of the following with a patient other than the spouse of the 1033
athletic trainer: 1034

(a) Sexual conduct, as defined in section 2907.01 of the 1035
Revised Code; 1036

(b) Sexual contact, as defined in section 2907.01 of the 1037
Revised Code; 1038

(c) Verbal behavior that is sexually demeaning to the 1039
patient or may be reasonably interpreted by the patient as 1040
sexually demeaning; 1041

(14) In the case of an athletic trainer who has entered 1042
into a collaboration agreement as described in section 4755.621 1043
of the Revised Code, failing to practice in accordance with the 1044
agreement. 1045

(B) The athletic trainers section shall not refuse to 1046
issue a license to an applicant because of a criminal conviction 1047
unless the refusal is in accordance with section 9.79 of the 1048
Revised Code. 1049

(C) If the athletic trainers section places a licensee on 1050
probation under division (A) of this section, the section's 1051
order for placement on probation shall be accompanied by a 1052
written statement of the conditions under which the person may 1053
be removed from probation and restored to unrestricted practice. 1054

(D) A licensee whose license has been revoked under 1055
division (A) of this section may apply to the athletic trainers 1056
section for reinstatement of the license one year following the 1057
date of revocation. The athletic trainers section may accept or 1058
deny the application for reinstatement and may require that the 1059
applicant pass an examination as a condition for reinstatement. 1060

(E) On receipt of a complaint that a person licensed by 1061
the athletic trainers section has committed any of the 1062
prohibited actions listed in division (A) of this section, the 1063
section may immediately suspend the license of a licensed 1064
athletic trainer prior to holding a hearing in accordance with 1065
Chapter 119. of the Revised Code if it determines, based on the 1066
complaint, that the licensee poses an immediate threat to the 1067
public. The section may review the allegations and vote on the 1068
suspension by telephone conference call. If the section votes to 1069
suspend a license under this division, the section shall issue a 1070
written order of summary suspension to the licensed athletic 1071

trainer in accordance with section 119.07 of the Revised Code. 1072
If the individual whose license is suspended fails to make a 1073
timely request for an adjudication under Chapter 119. of the 1074
Revised Code, the section shall enter a final order permanently 1075
revoking the individual's license. Notwithstanding section 1076
119.12 of the Revised Code, a court of common pleas shall not 1077
grant a suspension of the section's order of summary suspension 1078
pending the determination of an appeal filed under that section. 1079
Any order of summary suspension issued under this division shall 1080
remain in effect, unless reversed on appeal, until a final 1081
adjudication order issued by the section pursuant to division 1082
(A) of this section becomes effective. The section shall issue 1083
its final adjudication order regarding an order of summary 1084
suspension issued under this division not later than ninety days 1085
after completion of its hearing. Failure to issue the order 1086
within ninety days shall result in immediate dissolution of the 1087
suspension order, but shall not invalidate any subsequent, final 1088
adjudication order. 1089

Section 2. That existing sections 4731.22, 4755.60, 1090
4755.62, and 4755.64 of the Revised Code are hereby repealed. 1091

Section 3. Section 4731.22 of the Revised Code is 1092
presented in this act as a composite of the section as amended 1093
by H.B. 263, H.B. 442, and S.B. 260 of the 133rd General 1094
Assembly and H.B. 110 of the 134th General Assembly. The General 1095
Assembly, applying the principle stated in division (B) of 1096
section 1.52 of the Revised Code that amendments are to be 1097
harmonized if reasonably capable of simultaneous operation, 1098
finds that the composite is the resulting version of the section 1099
in effect prior to the effective date of the section as 1100
presented in this act. 1101