

**As Passed by the House**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. H. B. No. 196**

**Representatives Kelly, Carruthers**

**Cosponsors: Representatives Carfagna, O'Brien, Miller, J., Weinstein, Ginter,  
Miller, A., Liston, Lepore-Hagan, Lightbody, West, Patton, Sobecki**

---

**A BILL**

To amend sections 109.572, 4731.051, 4731.07, 1  
4731.071, 4731.224, 4731.24, 4731.25, and 2  
4731.251 and to enact sections 4785.01, 4785.02, 3  
4785.03, 4785.04, 4785.05, 4785.06, 4785.07, 4  
4785.08, 4785.09, 4785.10, 4785.11, 4785.12, 5  
4785.13, 4785.14, 4785.15, 4785.16, 4785.17, 6  
4785.18, 4785.19, 4785.20, and 4785.99 of the 7  
Revised Code to regulate the practice of 8  
surgical assistants. 9

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

**Section 1.** That sections 109.572, 4731.051, 4731.07, 10  
4731.071, 4731.224, 4731.24, 4731.25, and 4731.251 be amended 11  
and sections 4785.01, 4785.02, 4785.03, 4785.04, 4785.05, 12  
4785.06, 4785.07, 4785.08, 4785.09, 4785.10, 4785.11, 4785.12, 13  
4785.13, 4785.14, 4785.15, 4785.16, 4785.17, 4785.18, 4785.19, 14  
4785.20, and 4785.99 of the Revised Code be enacted to read as 15  
follows: 16

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 28  
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 29  
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 30  
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 31  
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 32  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 33  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 34  
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 35  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 36  
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 37  
of the Revised Code, felonious sexual penetration in violation 38  
of former section 2907.12 of the Revised Code, a violation of 39  
section 2905.04 of the Revised Code as it existed prior to July 40  
1, 1996, a violation of section 2919.23 of the Revised Code that 41  
would have been a violation of section 2905.04 of the Revised 42  
Code as it existed prior to July 1, 1996, had the violation been 43  
committed prior to that date, or a violation of section 2925.11 44  
of the Revised Code that is not a minor drug possession offense; 45

(b) A violation of an existing or former law of this 46  
state, any other state, or the United States that is 47  
substantially equivalent to any of the offenses listed in 48  
division (A)(1)(a) of this section; 49

(c) If the request is made pursuant to section 3319.39 of 50  
the Revised Code for an applicant who is a teacher, any offense 51  
specified under section 9.79 of the Revised Code or in section 52  
3319.31 of the Revised Code. 53

(2) On receipt of a request pursuant to section 3712.09 or 54  
3721.121 of the Revised Code, a completed form prescribed 55  
pursuant to division (C)(1) of this section, and a set of 56  
fingerprint impressions obtained in the manner described in 57  
division (C)(2) of this section, the superintendent of the 58  
bureau of criminal identification and investigation shall 59  
conduct a criminal records check with respect to any person who 60  
has applied for employment in a position for which a criminal 61  
records check is required by those sections. The superintendent 62  
shall conduct the criminal records check in the manner described 63  
in division (B) of this section to determine whether any 64  
information exists that indicates that the person who is the 65  
subject of the request previously has been convicted of or 66  
pleaded guilty to any of the following: 67

(a) A violation of section 2903.01, 2903.02, 2903.03, 68  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 69  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 70  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 71  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 72  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 73  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 74  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 75  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 76

(b) An existing or former law of this state, any other 77  
state, or the United States that is substantially equivalent to 78  
any of the offenses listed in division (A)(2)(a) of this 79

section. 80

(3) On receipt of a request pursuant to section 173.27, 81  
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 82  
5123.081, or 5123.169 of the Revised Code, a completed form 83  
prescribed pursuant to division (C)(1) of this section, and a 84  
set of fingerprint impressions obtained in the manner described 85  
in division (C)(2) of this section, the superintendent of the 86  
bureau of criminal identification and investigation shall 87  
conduct a criminal records check of the person for whom the 88  
request is made. The superintendent shall conduct the criminal 89  
records check in the manner described in division (B) of this 90  
section to determine whether any information exists that 91  
indicates that the person who is the subject of the request 92  
previously has been convicted of, has pleaded guilty to, or 93  
(except in the case of a request pursuant to section 5164.34, 94  
5164.341, or 5164.342 of the Revised Code) has been found 95  
eligible for intervention in lieu of conviction for any of the 96  
following, regardless of the date of the conviction, the date of 97  
entry of the guilty plea, or (except in the case of a request 98  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 99  
Revised Code) the date the person was found eligible for 100  
intervention in lieu of conviction: 101

(a) A violation of section 959.13, 959.131, 2903.01, 102  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 103  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 104  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 105  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 106  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 107  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 108  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 109  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 110

2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	111
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	112
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	113
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24,	114
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24,	115
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,	116
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21,	117
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05,	118
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22,	119
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11	120
of the Revised Code;	121
(b) Felonious sexual penetration in violation of former	122
section 2907.12 of the Revised Code;	123
(c) A violation of section 2905.04 of the Revised Code as	124
it existed prior to July 1, 1996;	125
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	126
the Revised Code when the underlying offense that is the object	127
of the conspiracy, attempt, or complicity is one of the offenses	128
listed in divisions (A) (3) (a) to (c) of this section;	129
(e) A violation of an existing or former municipal	130
ordinance or law of this state, any other state, or the United	131
States that is substantially equivalent to any of the offenses	132
listed in divisions (A) (3) (a) to (d) of this section.	133
(4) On receipt of a request pursuant to section 2151.86 or	134
2151.904 of the Revised Code, a completed form prescribed	135
pursuant to division (C) (1) of this section, and a set of	136
fingerprint impressions obtained in the manner described in	137
division (C) (2) of this section, the superintendent of the	138
bureau of criminal identification and investigation shall	139

conduct a criminal records check in the manner described in 140  
division (B) of this section to determine whether any 141  
information exists that indicates that the person who is the 142  
subject of the request previously has been convicted of or 143  
pleaded guilty to any of the following: 144

(a) A violation of section 959.13, 2903.01, 2903.02, 145  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 146  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 147  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 148  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 149  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 150  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 151  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 152  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 153  
2927.12, or 3716.11 of the Revised Code, a violation of section 154  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 155  
a violation of section 2919.23 of the Revised Code that would 156  
have been a violation of section 2905.04 of the Revised Code as 157  
it existed prior to July 1, 1996, had the violation been 158  
committed prior to that date, a violation of section 2925.11 of 159  
the Revised Code that is not a minor drug possession offense, 160  
two or more OVI or OVUAC violations committed within the three 161  
years immediately preceding the submission of the application or 162  
petition that is the basis of the request, or felonious sexual 163  
penetration in violation of former section 2907.12 of the 164  
Revised Code; 165

(b) A violation of an existing or former law of this 166  
state, any other state, or the United States that is 167  
substantially equivalent to any of the offenses listed in 168  
division (A) (4) (a) of this section. 169

(5) Upon receipt of a request pursuant to section 5104.013 170  
of the Revised Code, a completed form prescribed pursuant to 171  
division (C)(1) of this section, and a set of fingerprint 172  
impressions obtained in the manner described in division (C)(2) 173  
of this section, the superintendent of the bureau of criminal 174  
identification and investigation shall conduct a criminal 175  
records check in the manner described in division (B) of this 176  
section to determine whether any information exists that 177  
indicates that the person who is the subject of the request has 178  
been convicted of or pleaded guilty to any of the following: 179

(a) A violation of section 2151.421, 2903.01, 2903.02, 180  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 181  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 182  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 183  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 184  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 185  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 186  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 187  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 188  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 189  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 190  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 191  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 192  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 193  
3716.11 of the Revised Code, felonious sexual penetration in 194  
violation of former section 2907.12 of the Revised Code, a 195  
violation of section 2905.04 of the Revised Code as it existed 196  
prior to July 1, 1996, a violation of section 2919.23 of the 197  
Revised Code that would have been a violation of section 2905.04 198  
of the Revised Code as it existed prior to July 1, 1996, had the 199  
violation been committed prior to that date, a violation of 200

section 2925.11 of the Revised Code that is not a minor drug 201  
possession offense, a violation of section 2923.02 or 2923.03 of 202  
the Revised Code that relates to a crime specified in this 203  
division, or a second violation of section 4511.19 of the 204  
Revised Code within five years of the date of application for 205  
licensure or certification. 206

(b) A violation of an existing or former law of this 207  
state, any other state, or the United States that is 208  
substantially equivalent to any of the offenses or violations 209  
described in division (A) (5) (a) of this section. 210

(6) Upon receipt of a request pursuant to section 5153.111 211  
of the Revised Code, a completed form prescribed pursuant to 212  
division (C) (1) of this section, and a set of fingerprint 213  
impressions obtained in the manner described in division (C) (2) 214  
of this section, the superintendent of the bureau of criminal 215  
identification and investigation shall conduct a criminal 216  
records check in the manner described in division (B) of this 217  
section to determine whether any information exists that 218  
indicates that the person who is the subject of the request 219  
previously has been convicted of or pleaded guilty to any of the 220  
following: 221

(a) A violation of section 2903.01, 2903.02, 2903.03, 222  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 223  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 224  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 225  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 226  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 227  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 228  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 229  
Code, felonious sexual penetration in violation of former 230



section 2907.12 of the Revised Code, a violation of section 231  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 232  
a violation of section 2919.23 of the Revised Code that would 233  
have been a violation of section 2905.04 of the Revised Code as 234  
it existed prior to July 1, 1996, had the violation been 235  
committed prior to that date, or a violation of section 2925.11 236  
of the Revised Code that is not a minor drug possession offense; 237

(b) A violation of an existing or former law of this 238  
state, any other state, or the United States that is 239  
substantially equivalent to any of the offenses listed in 240  
division (A) (6) (a) of this section. 241

(7) On receipt of a request for a criminal records check 242  
from an individual pursuant to section 4749.03 or 4749.06 of the 243  
Revised Code, accompanied by a completed copy of the form 244  
prescribed in division (C) (1) of this section and a set of 245  
fingerprint impressions obtained in a manner described in 246  
division (C) (2) of this section, the superintendent of the 247  
bureau of criminal identification and investigation shall 248  
conduct a criminal records check in the manner described in 249  
division (B) of this section to determine whether any 250  
information exists indicating that the person who is the subject 251  
of the request has been convicted of or pleaded guilty to any 252  
criminal offense in this state or in any other state. If the 253  
individual indicates that a firearm will be carried in the 254  
course of business, the superintendent shall require information 255  
from the federal bureau of investigation as described in 256  
division (B) (2) of this section. Subject to division (F) of this 257  
section, the superintendent shall report the findings of the 258  
criminal records check and any information the federal bureau of 259  
investigation provides to the director of public safety. 260

(8) On receipt of a request pursuant to section 1321.37, 261  
1321.53, or 4763.05 of the Revised Code, a completed form 262  
prescribed pursuant to division (C)(1) of this section, and a 263  
set of fingerprint impressions obtained in the manner described 264  
in division (C)(2) of this section, the superintendent of the 265  
bureau of criminal identification and investigation shall 266  
conduct a criminal records check with respect to any person who 267  
has applied for a license, permit, or certification from the 268  
department of commerce or a division in the department. The 269  
superintendent shall conduct the criminal records check in the 270  
manner described in division (B) of this section to determine 271  
whether any information exists that indicates that the person 272  
who is the subject of the request previously has been convicted 273  
of or pleaded guilty to any criminal offense in this state, any 274  
other state, or the United States. 275

(9) On receipt of a request for a criminal records check 276  
from the treasurer of state under section 113.041 of the Revised 277  
Code or from an individual under section 928.03, 4701.08, 278  
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 279  
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 280  
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 281  
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 282  
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 283  
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 284  
4776.021, 4778.04, 4778.07, 4779.091, ~~or~~4783.04, 4785.05, or 285  
4785.15 of the Revised Code, accompanied by a completed form 286  
prescribed under division (C)(1) of this section and a set of 287  
fingerprint impressions obtained in the manner described in 288  
division (C)(2) of this section, the superintendent of the 289  
bureau of criminal identification and investigation shall 290  
conduct a criminal records check in the manner described in 291

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

(10) On receipt of a request pursuant to section 124.74, 302  
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 303  
Code, a completed form prescribed pursuant to division (C)(1) of 304  
this section, and a set of fingerprint impressions obtained in 305  
the manner described in division (C)(2) of this section, the 306  
superintendent of the bureau of criminal identification and 307  
investigation shall conduct a criminal records check in the 308  
manner described in division (B) of this section to determine 309  
whether any information exists that indicates that the person 310  
who is the subject of the request previously has been convicted 311  
of or pleaded guilty to any criminal offense under any existing 312  
or former law of this state, any other state, or the United 313  
States. 314

(11) On receipt of a request for a criminal records check 315  
from an appointing or licensing authority under section 3772.07 316  
of the Revised Code, a completed form prescribed under division 317  
(C)(1) of this section, and a set of fingerprint impressions 318  
obtained in the manner prescribed in division (C)(2) of this 319  
section, the superintendent of the bureau of criminal 320  
identification and investigation shall conduct a criminal 321  
records check in the manner described in division (B) of this 322

section to determine whether any information exists that 323  
indicates that the person who is the subject of the request 324  
previously has been convicted of or pleaded guilty or no contest 325  
to any offense under any existing or former law of this state, 326  
any other state, or the United States that is a disqualifying 327  
offense as defined in section 3772.07 of the Revised Code or 328  
substantially equivalent to such an offense. 329

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

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

(b) An existing or former law of this state, any other 352

state, or the United States that is substantially equivalent to 353  
any of the offenses listed in division (A) (12) (a) of this 354  
section. 355

(13) On receipt of a request pursuant to section 3796.12 356  
of the Revised Code, a completed form prescribed pursuant to 357  
division (C) (1) of this section, and a set of fingerprint 358  
impressions obtained in a manner described in division (C) (2) of 359  
this section, the superintendent of the bureau of criminal 360  
identification and investigation shall conduct a criminal 361  
records check in the manner described in division (B) of this 362  
section to determine whether any information exists that 363  
indicates that the person who is the subject of the request 364  
previously has been convicted of or pleaded guilty to the 365  
following: 366

(a) A disqualifying offense as specified in rules adopted 367  
under section 9.79 and division (B) (2) (b) of section 3796.03 of 368  
the Revised Code if the person who is the subject of the request 369  
is an administrator or other person responsible for the daily 370  
operation of, or an owner or prospective owner, officer or 371  
prospective officer, or board member or prospective board member 372  
of, an entity seeking a license from the department of commerce 373  
under Chapter 3796. of the Revised Code; 374

(b) A disqualifying offense as specified in rules adopted 375  
under section 9.79 and division (B) (2) (b) of section 3796.04 of 376  
the Revised Code if the person who is the subject of the request 377  
is an administrator or other person responsible for the daily 378  
operation of, or an owner or prospective owner, officer or 379  
prospective officer, or board member or prospective board member 380  
of, an entity seeking a license from the state board of pharmacy 381  
under Chapter 3796. of the Revised Code. 382

(14) On receipt of a request required by section 3796.13 383  
of the Revised Code, a completed form prescribed pursuant to 384  
division (C) (1) of this section, and a set of fingerprint 385  
impressions obtained in a manner described in division (C) (2) of 386  
this section, the superintendent of the bureau of criminal 387  
identification and investigation shall conduct a criminal 388  
records check in the manner described in division (B) of this 389  
section to determine whether any information exists that 390  
indicates that the person who is the subject of the request 391  
previously has been convicted of or pleaded guilty to the 392  
following: 393

(a) A disqualifying offense as specified in rules adopted 394  
under division (B) (8) (a) of section 3796.03 of the Revised Code 395  
if the person who is the subject of the request is seeking 396  
employment with an entity licensed by the department of commerce 397  
under Chapter 3796. of the Revised Code; 398

(b) A disqualifying offense as specified in rules adopted 399  
under division (B) (14) (a) of section 3796.04 of the Revised Code 400  
if the person who is the subject of the request is seeking 401  
employment with an entity licensed by the state board of 402  
pharmacy under Chapter 3796. of the Revised Code. 403

(15) On receipt of a request pursuant to section 4768.06 404  
of the Revised Code, a completed form prescribed under division 405  
(C) (1) of this section, and a set of fingerprint impressions 406  
obtained in the manner described in division (C) (2) of this 407  
section, the superintendent of the bureau of criminal 408  
identification and investigation shall conduct a criminal 409  
records check in the manner described in division (B) of this 410  
section to determine whether any information exists indicating 411  
that the person who is the subject of the request has been 412

convicted of or pleaded guilty to any criminal offense in this 413  
state or in any other state. 414

(16) On receipt of a request pursuant to division (B) of 415  
section 4764.07 or division (A) of section 4735.143 of the 416  
Revised Code, a completed form prescribed under division (C) (1) 417  
of this section, and a set of fingerprint impressions obtained 418  
in the manner described in division (C) (2) of this section, the 419  
superintendent of the bureau of criminal identification and 420  
investigation shall conduct a criminal records check in the 421  
manner described in division (B) of this section to determine 422  
whether any information exists indicating that the person who is 423  
the subject of the request has been convicted of or pleaded 424  
guilty to any criminal offense in any state or the United 425  
States. 426

(17) On receipt of a request for a criminal records check 427  
under section 147.022 of the Revised Code, a completed form 428  
prescribed under division (C) (1) of this section, and a set of 429  
fingerprint impressions obtained in the manner prescribed in 430  
division (C) (2) of this section, the superintendent of the 431  
bureau of criminal identification and investigation shall 432  
conduct a criminal records check in the manner described in 433  
division (B) of this section to determine whether any 434  
information exists that indicates that the person who is the 435  
subject of the request previously has been convicted of or 436  
pleaded guilty or no contest to any criminal offense under any 437  
existing or former law of this state, any other state, or the 438  
United States. 439

(18) Upon receipt of a request pursuant to division (F) of 440  
section 2915.081 or division (E) of section 2915.082 of the 441  
Revised Code, a completed form prescribed under division (C) (1) 442

of this section, and a set of fingerprint impressions obtained 443  
in the manner described in division (C) (2) of this section, the 444  
superintendent of the bureau of criminal identification and 445  
investigation shall conduct a criminal records check in the 446  
manner described in division (B) of this section to determine 447  
whether any information exists indicating that the person who is 448  
the subject of the request has been convicted of or pleaded 449  
guilty or no contest to any offense that is a violation of 450  
Chapter 2915. of the Revised Code or to any offense under any 451  
existing or former law of this state, any other state, or the 452  
United States that is substantially equivalent to such an 453  
offense. 454

(B) Subject to division (F) of this section, the 455  
superintendent shall conduct any criminal records check to be 456  
conducted under this section as follows: 457

(1) The superintendent shall review or cause to be 458  
reviewed any relevant information gathered and compiled by the 459  
bureau under division (A) of section 109.57 of the Revised Code 460  
that relates to the person who is the subject of the criminal 461  
records check, including, if the criminal records check was 462  
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 463  
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 464  
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 465  
3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 466  
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 467  
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 468  
5153.111 of the Revised Code, any relevant information contained 469  
in records that have been sealed under section 2953.32 of the 470  
Revised Code; 471

(2) If the request received by the superintendent asks for 472



information from the federal bureau of investigation, the 473  
superintendent shall request from the federal bureau of 474  
investigation any information it has with respect to the person 475  
who is the subject of the criminal records check, including 476  
fingerprint-based checks of national crime information databases 477  
as described in 42 U.S.C. 671 if the request is made pursuant to 478  
section 2151.86 or 5104.013 of the Revised Code or if any other 479  
Revised Code section requires fingerprint-based checks of that 480  
nature, and shall review or cause to be reviewed any information 481  
the superintendent receives from that bureau. If a request under 482  
section 3319.39 of the Revised Code asks only for information 483  
from the federal bureau of investigation, the superintendent 484  
shall not conduct the review prescribed by division (B) (1) of 485  
this section. 486

(3) The superintendent or the superintendent's designee 487  
may request criminal history records from other states or the 488  
federal government pursuant to the national crime prevention and 489  
privacy compact set forth in section 109.571 of the Revised 490  
Code. 491

(4) The superintendent shall include in the results of the 492  
criminal records check a list or description of the offenses 493  
listed or described in the relevant provision of division (A) of 494  
this section. The superintendent shall exclude from the results 495  
any information the dissemination of which is prohibited by 496  
federal law. 497

(5) The superintendent shall send the results of the 498  
criminal records check to the person to whom it is to be sent 499  
not later than the following number of days after the date the 500  
superintendent receives the request for the criminal records 501  
check, the completed form prescribed under division (C) (1) of 502

this section, and the set of fingerprint impressions obtained in 503  
the manner described in division (C) (2) of this section: 504

(a) If the superintendent is required by division (A) of 505  
this section (other than division (A) (3) of this section) to 506  
conduct the criminal records check, thirty; 507

(b) If the superintendent is required by division (A) (3) 508  
of this section to conduct the criminal records check, sixty. 509

(C) (1) The superintendent shall prescribe a form to obtain 510  
the information necessary to conduct a criminal records check 511  
from any person for whom a criminal records check is to be 512  
conducted under this section. The form that the superintendent 513  
prescribes pursuant to this division may be in a tangible 514  
format, in an electronic format, or in both tangible and 515  
electronic formats. 516

(2) The superintendent shall prescribe standard impression 517  
sheets to obtain the fingerprint impressions of any person for 518  
whom a criminal records check is to be conducted under this 519  
section. Any person for whom a records check is to be conducted 520  
under this section shall obtain the fingerprint impressions at a 521  
county sheriff's office, municipal police department, or any 522  
other entity with the ability to make fingerprint impressions on 523  
the standard impression sheets prescribed by the superintendent. 524  
The office, department, or entity may charge the person a 525  
reasonable fee for making the impressions. The standard 526  
impression sheets the superintendent prescribes pursuant to this 527  
division may be in a tangible format, in an electronic format, 528  
or in both tangible and electronic formats. 529

(3) Subject to division (D) of this section, the 530  
superintendent shall prescribe and charge a reasonable fee for 531

providing a criminal records check under this section. The 532  
person requesting the criminal records check shall pay the fee 533  
prescribed pursuant to this division. In the case of a request 534  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 535  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 536  
fee shall be paid in the manner specified in that section. 537

(4) The superintendent of the bureau of criminal 538  
identification and investigation may prescribe methods of 539  
forwarding fingerprint impressions and information necessary to 540  
conduct a criminal records check, which methods shall include, 541  
but not be limited to, an electronic method. 542

(D) The results of a criminal records check conducted 543  
under this section, other than a criminal records check 544  
specified in division (A) (7) of this section, are valid for the 545  
person who is the subject of the criminal records check for a 546  
period of one year from the date upon which the superintendent 547  
completes the criminal records check. If during that period the 548  
superintendent receives another request for a criminal records 549  
check to be conducted under this section for that person, the 550  
superintendent shall provide the results from the previous 551  
criminal records check of the person at a lower fee than the fee 552  
prescribed for the initial criminal records check. 553

(E) When the superintendent receives a request for 554  
information from a registered private provider, the 555  
superintendent shall proceed as if the request was received from 556  
a school district board of education under section 3319.39 of 557  
the Revised Code. The superintendent shall apply division (A) (1) 558  
(c) of this section to any such request for an applicant who is 559  
a teacher. 560

(F) (1) Subject to division (F) (2) of this section, all 561

information regarding the results of a criminal records check 562  
conducted under this section that the superintendent reports or 563  
sends under division (A) (7) or (9) of this section to the 564  
director of public safety, the treasurer of state, or the 565  
person, board, or entity that made the request for the criminal 566  
records check shall relate to the conviction of the subject 567  
person, or the subject person's plea of guilty to, a criminal 568  
offense. 569

(2) Division (F) (1) of this section does not limit, 570  
restrict, or preclude the superintendent's release of 571  
information that relates to the arrest of a person who is 572  
eighteen years of age or older, to an adjudication of a child as 573  
a delinquent child, or to a criminal conviction of a person 574  
under eighteen years of age in circumstances in which a release 575  
of that nature is authorized under division (E) (2), (3), or (4) 576  
of section 109.57 of the Revised Code pursuant to a rule adopted 577  
under division (E) (1) of that section. 578

(G) As used in this section: 579

(1) "Criminal records check" means any criminal records 580  
check conducted by the superintendent of the bureau of criminal 581  
identification and investigation in accordance with division (B) 582  
of this section. 583

(2) "Minor drug possession offense" has the same meaning 584  
as in section 2925.01 of the Revised Code. 585

(3) "OVI or OVUAC violation" means a violation of section 586  
4511.19 of the Revised Code or a violation of an existing or 587  
former law of this state, any other state, or the United States 588  
that is substantially equivalent to section 4511.19 of the 589  
Revised Code. 590

(4) "Registered private provider" means a nonpublic school 591  
or entity registered with the superintendent of public 592  
instruction under section 3310.41 of the Revised Code to 593  
participate in the autism scholarship program or section 3310.58 594  
of the Revised Code to participate in the Jon Peterson special 595  
needs scholarship program. 596

**Sec. 4731.051.** The state medical board shall adopt rules 597  
in accordance with Chapter 119. of the Revised Code establishing 598  
universal blood and body fluid precautions that shall be used by 599  
each person who performs exposure prone invasive procedures and 600  
is authorized to practice by this chapter or Chapter 4730., 601  
4759., 4760., 4761., 4762., ~~or 4774.,~~ or 4785. of the Revised 602  
Code. The rules shall define and establish requirements for 603  
universal blood and body fluid precautions that include the 604  
following: 605

(A) Appropriate use of hand washing; 606

(B) Disinfection and sterilization of equipment; 607

(C) Handling and disposal of needles and other sharp 608  
instruments; 609

(D) Wearing and disposal of gloves and other protective 610  
garments and devices. 611

**Sec. 4731.07.** (A) The state medical board shall keep a 612  
record of its proceedings. The minutes of a meeting of the board 613  
shall, on approval by the board, constitute an official record 614  
of its proceedings. 615

(B) The board shall keep a register of applicants for 616  
licenses and certificates issued under this chapter; licenses 617  
issued under Chapters 4730., 4760., 4762., 4774., ~~and 4778.,~~ and 618  
4785.; and licenses and limited permits issued under Chapters 619

4759. and 4761. of the Revised Code. The register shall show the 620  
name of the applicant and whether the applicant was granted or 621  
refused the license, certificate, or limited permit being 622  
sought. 623

With respect to applicants to practice medicine and 624  
surgery or osteopathic medicine and surgery, the register shall 625  
show the name of the institution that granted the applicant the 626  
degree of doctor of medicine or osteopathic medicine. With 627  
respect to applicants to practice respiratory care, the register 628  
shall show the addresses of the person's last known place of 629  
business and residence, the effective date and identification 630  
number of the license or limited permit, and, if applicable, the 631  
name and location of the institution that granted the person's 632  
degree or certificate of completion of respiratory care 633  
educational requirements and the date the degree or certificate 634  
of completion was issued. 635

(C) The books and records of the board shall be prima- 636  
facie evidence of matters therein contained. 637

**Sec. 4731.071.** The state medical board shall develop and 638  
publish on its internet web site a directory containing the 639  
names of, and contact information for, all persons who hold 640  
current, valid certificates or licenses issued by the board 641  
under this chapter or Chapter 4730., 4759., 4760., 4761., 4762., 642  
4774., ~~or 4778.~~, or 4785. of the Revised Code. Except as 643  
provided in section 4731.10 of the Revised Code, the directory 644  
shall be the sole source for verifying that a person holds a 645  
current, valid certificate or license issued by the board. 646

**Sec. 4731.224.** (A) Within sixty days after the imposition 647  
of any formal disciplinary action taken by any health care 648  
facility, including a hospital, health care facility operated by 649

a health insuring corporation, ambulatory surgical center, or 650  
similar facility, against any individual holding a valid license 651  
or certificate to practice issued pursuant to this chapter, the 652  
chief administrator or executive officer of the facility shall 653  
report to the state medical board the name of the individual, 654  
the action taken by the facility, and a summary of the 655  
underlying facts leading to the action taken. Upon request, the 656  
board shall be provided certified copies of the patient records 657  
that were the basis for the facility's action. Prior to release 658  
to the board, the summary shall be approved by the peer review 659  
committee that reviewed the case or by the governing board of 660  
the facility. As used in this division, "formal disciplinary 661  
action" means any action resulting in the revocation, 662  
restriction, reduction, or termination of clinical privileges 663  
for violations of professional ethics, or for reasons of medical 664  
incompetence or medical malpractice. "Formal disciplinary 665  
action" includes a summary action, an action that takes effect 666  
notwithstanding any appeal rights that may exist, and an action 667  
that results in an individual surrendering clinical privileges 668  
while under investigation and during proceedings regarding the 669  
action being taken or in return for not being investigated or 670  
having proceedings held. "Formal disciplinary action" does not 671  
include any action taken for the sole reason of failure to 672  
maintain records on a timely basis or failure to attend staff or 673  
section meetings. 674

The filing or nonfiling of a report with the board, 675  
investigation by the board, or any disciplinary action taken by 676  
the board, shall not preclude any action by a health care 677  
facility to suspend, restrict, or revoke the individual's 678  
clinical privileges. 679

In the absence of fraud or bad faith, no individual or 680

entity that provides patient records to the board shall be 681  
liable in damages to any person as a result of providing the 682  
records. 683

(B) (1) Except as provided in division (B) (2) of this 684  
section, if any individual authorized to practice under this 685  
chapter or any professional association or society of such 686  
individuals believes that a violation of any provision of this 687  
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4774., ~~or~~ 688  
4778., or 4785. of the Revised Code, or any rule of the board 689  
has occurred, the individual, association, or society shall 690  
report to the board the information upon which the belief is 691  
based. 692

(2) If any individual authorized to practice under this 693  
chapter or any professional association or society of such 694  
individuals believes that a violation of division (B) (26) of 695  
section 4731.22 of the Revised Code has occurred, the 696  
individual, association, or society shall report the information 697  
upon which the belief is based to the monitoring organization 698  
conducting the program established by the board under section 699  
4731.251 of the Revised Code. If any such report is made to the 700  
board, it shall be referred to the monitoring organization 701  
unless the board is aware that the individual who is the subject 702  
of the report does not meet the program eligibility requirements 703  
of section 4731.252 of the Revised Code. 704

(C) Any professional association or society composed 705  
primarily of doctors of medicine and surgery, doctors of 706  
osteopathic medicine and surgery, doctors of podiatric medicine 707  
and surgery, or practitioners of limited branches of medicine 708  
that suspends or revokes an individual's membership for 709  
violations of professional ethics, or for reasons of 710



professional incompetence or professional malpractice, within 711  
sixty days after a final decision shall report to the board, on 712  
forms prescribed and provided by the board, the name of the 713  
individual, the action taken by the professional organization, 714  
and a summary of the underlying facts leading to the action 715  
taken. 716

The filing of a report with the board or decision not to 717  
file a report, investigation by the board, or any disciplinary 718  
action taken by the board, does not preclude a professional 719  
organization from taking disciplinary action against an 720  
individual. 721

(D) Any insurer providing professional liability insurance 722  
to an individual authorized to practice under this chapter, or 723  
any other entity that seeks to indemnify the professional 724  
liability of such an individual, shall notify the board within 725  
thirty days after the final disposition of any written claim for 726  
damages where such disposition results in a payment exceeding 727  
twenty-five thousand dollars. The notice shall contain the 728  
following information: 729

(1) The name and address of the person submitting the 730  
notification; 731

(2) The name and address of the insured who is the subject 732  
of the claim; 733

(3) The name of the person filing the written claim; 734

(4) The date of final disposition; 735

(5) If applicable, the identity of the court in which the 736  
final disposition of the claim took place. 737

(E) The board may investigate possible violations of this 738

chapter or the rules adopted under it that are brought to its 739  
attention as a result of the reporting requirements of this 740  
section, except that the board shall conduct an investigation if 741  
a possible violation involves repeated malpractice. As used in 742  
this division, "repeated malpractice" means three or more claims 743  
for medical malpractice within the previous five-year period, 744  
each resulting in a judgment or settlement in excess of twenty- 745  
five thousand dollars in favor of the claimant, and each 746  
involving negligent conduct by the practicing individual. 747

(F) All summaries, reports, and records received and 748  
maintained by the board pursuant to this section shall be held 749  
in confidence and shall not be subject to discovery or 750  
introduction in evidence in any federal or state civil action 751  
involving a health care professional or facility arising out of 752  
matters that are the subject of the reporting required by this 753  
section. The board may use the information obtained only as the 754  
basis for an investigation, as evidence in a disciplinary 755  
hearing against an individual whose practice is regulated under 756  
this chapter, or in any subsequent trial or appeal of a board 757  
action or order. 758

The board may disclose the summaries and reports it 759  
receives under this section only to health care facility 760  
committees within or outside this state that are involved in 761  
credentialing or recredentialing the individual or in reviewing 762  
the individual's clinical privileges. The board shall indicate 763  
whether or not the information has been verified. Information 764  
transmitted by the board shall be subject to the same 765  
confidentiality provisions as when maintained by the board. 766

(G) Except for reports filed by an individual pursuant to 767  
division (B) of this section, the board shall send a copy of any 768

reports or summaries it receives pursuant to this section to the 769  
individual who is the subject of the reports or summaries. The 770  
individual shall have the right to file a statement with the 771  
board concerning the correctness or relevance of the 772  
information. The statement shall at all times accompany that 773  
part of the record in contention. 774

(H) An individual or entity that, pursuant to this 775  
section, reports to the board, reports to the monitoring 776  
organization described in section 4731.251 of the Revised Code, 777  
or refers an impaired practitioner to a treatment provider 778  
approved by the board under section 4731.25 of the Revised Code 779  
shall not be subject to suit for civil damages as a result of 780  
the report, referral, or provision of the information. 781

(I) In the absence of fraud or bad faith, no professional 782  
association or society of individuals authorized to practice 783  
under this chapter that sponsors a committee or program to 784  
provide peer assistance to practitioners with substance abuse 785  
problems, no representative or agent of such a committee or 786  
program, no representative or agent of the monitoring 787  
organization described in section 4731.251 of the Revised Code, 788  
and no member of the state medical board shall be held liable in 789  
damages to any person by reason of actions taken to refer a 790  
practitioner to a treatment provider approved under section 791  
4731.25 of the Revised Code for examination or treatment. 792

**Sec. 4731.24.** Except as provided in sections 4731.281 and 793  
4731.40 of the Revised Code, all receipts of the state medical 794  
board, from any source, shall be deposited in the state 795  
treasury. The funds shall be deposited to the credit of the 796  
state medical board operating fund, which is hereby created. 797  
Except as provided in sections 4730.252, 4731.225, 4731.24, 798

4759.071, 4760.133, 4761.091, 4762.133, 4774.133, ~~and 4778.141,~~  
and 4785.11 of the Revised Code, all funds deposited into the  
state treasury under this section shall be used solely for the  
administration and enforcement of this chapter and Chapters  
4730., 4759., 4760., 4761., 4762., 4774., ~~and 4778.,~~ and 4785.  
of the Revised Code by the board.

**Sec. 4731.25.** The state medical board, in accordance with  
Chapter 119. of the Revised Code, shall adopt and may amend and  
rescind rules establishing standards for approval of physicians  
and facilities as treatment providers for practitioners  
suffering or showing evidence of suffering impairment as  
described in division (B) (5) of section 4730.25, division (B)  
(26) of section 4731.22, division (A) (18) of section 4759.07,  
division (B) (6) of section 4760.13, division (A) (18) of section  
4761.09, division (B) (6) of section 4762.13, division (B) (6) of  
section 4774.13, ~~or~~ division (B) (6) of section 4778.14, or  
division (B) (6) of section 4785.10 of the Revised Code. The  
rules shall include standards for both inpatient and outpatient  
treatment and for care and monitoring that continues after  
treatment. The rules shall provide that in order to be approved,  
a treatment provider must have the capability of making an  
initial examination to determine what type of treatment an  
impaired practitioner requires. Subject to the rules, the board  
shall review and approve treatment providers on a regular basis.  
The board, at its discretion, may withdraw or deny approval  
subject to the rules.

An approved impaired practitioner treatment provider shall  
do all of the following:

(A) Report to the board the name of any practitioner  
suffering or showing evidence of suffering impairment who fails

to comply within one week with a referral for examination;	829
(B) Report to the board the name of any impaired practitioner who fails to enter treatment within forty-eight hours following the provider's determination that the practitioner needs treatment;	830 831 832 833
(C) Require every practitioner who enters treatment to agree to a treatment contract establishing the terms of treatment and aftercare, including any required supervision or restrictions of practice during treatment or aftercare;	834 835 836 837
(D) Require a practitioner to suspend practice upon entry into any required inpatient treatment;	838 839
(E) Report to the board any failure by an impaired practitioner to comply with the terms of the treatment contract during inpatient or outpatient treatment or aftercare;	840 841 842
(F) Report to the board the resumption of practice of any impaired practitioner before the treatment provider has made a clear determination that the practitioner is capable of practicing according to acceptable and prevailing standards of care;	843 844 845 846 847
(G) Require a practitioner who resumes practice after completion of treatment to comply with an aftercare contract that meets the requirements of rules adopted by the board for approval of treatment providers;	848 849 850 851
(H) Report the identity of any practitioner practicing under the terms of an aftercare contract to hospital administrators, medical chiefs of staff, and chairpersons of impaired practitioner committees of all health care institutions at which the practitioner holds clinical privileges or otherwise practices. If the practitioner does not hold clinical privileges	852 853 854 855 856 857

at any health care institution, the treatment provider shall 858  
report the practitioner's identity to the impaired practitioner 859  
committee of the county medical society, osteopathic academy, or 860  
podiatric medical association in every county in which the 861  
practitioner practices. If there are no impaired practitioner 862  
committees in the county, the treatment provider shall report 863  
the practitioner's identity to the president or other designated 864  
member of the county medical society, osteopathic academy, or 865  
podiatric medical association. 866

(I) Report to the board the identity of any practitioner 867  
who suffers a relapse at any time during or following aftercare. 868

Any individual authorized to practice under this chapter 869  
who enters into treatment by an approved treatment provider 870  
shall be deemed to have waived any confidentiality requirements 871  
that would otherwise prevent the treatment provider from making 872  
reports required under this section. 873

In the absence of fraud or bad faith, no person or 874  
organization that conducts an approved impaired practitioner 875  
treatment program, no member of such an organization, and no 876  
employee, representative, or agent of the treatment provider 877  
shall be held liable in damages to any person by reason of 878  
actions taken or recommendations made by the treatment provider 879  
or its employees, representatives, or agents. 880

**Sec. 4731.251.** (A) As used in this section and in sections 881  
4731.252 and 4731.253 of the Revised Code: 882

(1) "Impaired" or "impairment" has the same meaning as in 883  
division (B) (5) of section 4730.25, division (B) (26) of section 884  
4731.22, division (A) (18) of section 4759.07, division (B) (6) of 885  
section 4760.13, division (A) (18) of section 4761.09, division 886

(B) (6) of section 4762.13, division (B) (6) of section 4774.13, 887  
~~or~~ division (B) (6) of section 4778.14, or division (B) (6) of 888  
section 4785.10 of the Revised Code. 889

(2) "Practitioner" means any of the following: 890

(a) An individual authorized under this chapter to 891  
practice medicine and surgery, osteopathic medicine and surgery, 892  
podiatric medicine and surgery, or a limited branch of medicine; 893

(b) An individual licensed under Chapter 4730. of the 894  
Revised Code to practice as a physician assistant; 895

(c) An individual authorized under Chapter 4759. of the 896  
Revised Code to practice as a dietitian; 897

(d) An individual authorized under Chapter 4760. of the 898  
Revised Code to practice as an anesthesiologist assistant; 899

(e) An individual authorized under Chapter 4761. of the 900  
Revised Code to practice respiratory care; 901

(f) An individual authorized under Chapter 4762. of the 902  
Revised Code to practice as an acupuncturist or oriental 903  
medicine practitioner; 904

(g) An individual authorized under Chapter 4774. of the 905  
Revised Code to practice as a radiologist assistant; 906

(h) An individual licensed under Chapter 4778. of the 907  
Revised Code to practice as a genetic counselor; 908

(i) An individual licensed under Chapter 4785. of the 909  
Revised Code to practice as a surgical assistant. 910

(B) The state medical board shall establish a confidential 911  
program for treatment of impaired practitioners, which shall be 912  
known as the one-bite program. The board shall contract with one 913

organization to conduct the program and perform monitoring 914  
services. 915

To be qualified to contract with the board under this 916  
section, an organization must meet all of the following 917  
requirements: 918

(1) Be sponsored by one or more professional associations 919  
or societies of practitioners; 920

(2) Be organized as a not-for-profit entity and exempt 921  
from federal income taxation under subsection 501(c)(3) of the 922  
Internal Revenue Code; 923

(3) Contract with or employ to serve as the organization's 924  
medical director an individual who is authorized under this 925  
chapter to practice medicine and surgery or osteopathic medicine 926  
and surgery and specializes or has training and expertise in 927  
addiction medicine; 928

(4) Contract with or employ one or more of the following 929  
as necessary for the organization's operation: 930

(a) An individual licensed under Chapter 4758. of the 931  
Revised Code as an independent chemical dependency counselor- 932  
clinical supervisor, independent chemical dependency counselor, 933  
chemical dependency counselor III, or chemical dependency 934  
counselor II; 935

(b) An individual licensed under Chapter 4757. of the 936  
Revised Code as an independent social worker, social worker, 937  
licensed professional clinical counselor, or licensed 938  
professional counselor; 939

(c) An individual licensed under Chapter 4732. of the 940  
Revised Code as a psychologist. 941



(C) The monitoring organization shall do all of the	942
following pursuant to the contract:	943
(1) Receive any report of suspected impairment, including	944
a report made under division (B) (2) of section 4730.32, division	945
(B) (2) of section 4731.224, section 4759.13, division (B) (2) of	946
section 4760.16, section 4761.19, division (B) (2) of section	947
4762.16, division (B) (2) of section 4774.16, or section 4778.17	948
of the Revised Code;	949
(2) Notify a practitioner who is the subject of a report	950
received under division (C) (1) of this section that the report	951
has been made and that the practitioner may be eligible to	952
participate in the program conducted under this section;	953
(3) Determine whether a practitioner reported to the	954
monitoring organization is eligible to participate in the	955
program and notify the practitioner of the determination;	956
(4) In the case of a practitioner reported by a treatment	957
provider, notify the treatment provider of the eligibility	958
determination;	959
(5) Report to the board any practitioner who is determined	960
ineligible to participate in the program;	961
(6) Refer an eligible practitioner who chooses to	962
participate in the program for evaluation by a treatment	963
provider approved by the board under section 4731.25 of the	964
Revised Code, unless the report received by the monitoring	965
organization was made by an approved treatment provider and the	966
practitioner has already been evaluated by the treatment	967
provider;	968
(7) Monitor the evaluation of an eligible practitioner;	969

(8) Refer an eligible practitioner who chooses to participate in the program to a treatment provider approved by the board under section 4731.25 of the Revised Code;

(9) Establish, in consultation with the treatment provider to which a practitioner is referred, the terms and conditions with which the practitioner must comply for continued participation in and successful completion of the program;

(10) Report to the board any practitioner who does not complete evaluation or treatment or does not comply with any of the terms and conditions established by the monitoring organization and the treatment provider;

(11) Perform any other activities specified in the contract with the board or that the monitoring organization considers necessary to comply with this section and sections 4731.252 and 4731.253 of the Revised Code.

(D) The monitoring organization shall not disclose to the board the name of a practitioner or any records relating to a practitioner, unless any of the following occurs:

(1) The practitioner is determined to be ineligible to participate in the program.

(2) The practitioner requests the disclosure.

(3) The practitioner is unwilling or unable to complete or comply with any part of the program, including evaluation, treatment, or monitoring.

(4) The practitioner presents an imminent danger to the public or to the practitioner, as a result of the practitioner's impairment.

(5) The practitioner has relapsed or the practitioner's

impairment has not been substantially alleviated by	998
participation in the program.	999
(E) (1) The monitoring organization shall develop	1000
procedures governing each of the following:	1001
(a) Receiving reports of practitioner impairment;	1002
(b) Notifying practitioners of reports and eligibility	1003
determinations;	1004
(c) Referring eligible practitioners for evaluation or	1005
treatment;	1006
(d) Establishing individualized treatment plans for	1007
eligible practitioners, as recommended by treatment providers;	1008
(e) Establishing individualized terms and conditions with	1009
which eligible practitioners must comply for continued	1010
participation in and successful completion of the program.	1011
(2) The monitoring organization, in consultation with the	1012
board, shall develop procedures governing each of the following:	1013
(a) Providing reports to the board on a periodic basis on	1014
the total number of practitioners participating in the program,	1015
without disclosing the names or records of any program	1016
participants other than those about whom reports are required by	1017
this section;	1018
(b) Reporting to the board any practitioner who due to	1019
impairment presents an imminent danger to the public or to the	1020
practitioner;	1021
(c) Reporting to the board any practitioner who is	1022
unwilling or unable to complete or comply with any part of the	1023
program, including evaluation, treatment, or monitoring;	1024

(d) Reporting to the board any practitioner whose 1025  
impairment was not substantially alleviated by participation in 1026  
the program or who has relapsed. 1027

(F) The board may adopt any rules it considers necessary 1028  
to implement this section and sections 4731.252 and 4731.253 of 1029  
the Revised Code, including rules regarding the monitoring 1030  
organization and treatment providers that provide treatment to 1031  
practitioners referred by the monitoring organization. Any such 1032  
rules shall be adopted in accordance with Chapter 119. of the 1033  
Revised Code. 1034

**Sec. 4785.01.** As used in this chapter: 1035

(A) "National board of surgical technology and surgical 1036  
assisting" means the organization known by that name or its 1037  
successor organization. 1038

(B) "National commission for the certification of surgical 1039  
assistants" means the organization known by that name or its 1040  
successor organization. 1041

(C) "Surgical assistant" means an individual, other than a 1042  
licensed health professional, who assists in a surgical 1043  
procedure by engaging in one or more of the activities described 1044  
in section 4785.08 of the Revised Code. 1045

**Sec. 4785.02.** The secretary of the state medical board 1046  
shall enforce the laws relating to the practice of surgical 1047  
assistants. If the secretary has knowledge or notice of a 1048  
violation of this chapter or the rules adopted under it, the 1049  
secretary shall investigate the matter, and, upon probable cause 1050  
appearing, file a complaint and prosecute the offender. When 1051  
requested by the secretary, the prosecuting attorney of the 1052  
proper county shall take charge of and conduct the prosecution. 1053

Sec. 4785.03. (A) Except as provided in division (B) of 1054  
this section, no individual shall knowingly practice as a 1055  
surgical assistant unless the individual holds a current, valid 1056  
license to practice as a surgical assistant issued under this 1057  
chapter. 1058

(B) Division (A) of this section does not apply to any of 1059  
the following: 1060

(1) A physician authorized under Chapter 4731. of the 1061  
Revised Code to practice medicine and surgery, osteopathic 1062  
medicine and surgery, or podiatric medicine and surgery; 1063

(2) A physician assistant licensed under Chapter 4730. of 1064  
the Revised Code to practice as a physician assistant; 1065

(3) A registered nurse, advanced practice registered 1066  
nurse, or licensed practical nurse licensed under Chapter 4723. 1067  
of the Revised Code to practice nursing as a registered nurse, 1068  
advanced practice registered nurse, or licensed practical nurse. 1069

Sec. 4785.04. (A) As used in this section: 1070

(1) "Ambulatory surgical facility" has the same meaning as 1071  
in section 3702.30 of the Revised Code. 1072

(2) "Hospital" has the same meaning as in section 3722.01 1073  
of the Revised Code. 1074

(B) An individual seeking a license to practice as a 1075  
surgical assistant shall file with the state medical board an 1076  
application in a manner prescribed by the board. The application 1077  
shall include all the information the board considers necessary 1078  
to process the application, including evidence satisfactory to 1079  
the board that the applicant meets the requirements specified in 1080  
division (C) of this section. 1081

At the time an application is submitted, the applicant 1082  
shall pay the board the application fee described in section 1083  
4785.14 of the Revised Code. No part of the fee shall be 1084  
returned to the applicant or transferred for purposes of another 1085  
application. 1086

(C) (1) To be eligible to receive a license to practice as 1087  
a surgical assistant, an applicant shall demonstrate to the 1088  
board that the applicant meets all of the following 1089  
requirements: 1090

(a) Is at least eighteen years of age; 1091

(b) Has attained a high school degree or equivalent; 1092

(c) Except as provided in division (C) (2) of this section, 1093  
is credentialed as a surgical assistant by the national board of 1094  
surgical technology and surgical assisting or national 1095  
commission for the certification of surgical assistants. 1096

(2) In the case of an applicant who meets all eligibility 1097  
requirements other than the requirement specified in division 1098  
(C) (1) (c) of this section, the applicant is eligible for a 1099  
license to practice as a surgical assistant if either of the 1100  
following apply: 1101

(a) The applicant practiced as a surgical assistant at a 1102  
hospital or ambulatory surgical facility located in this state 1103  
during any part of the eighteen months that preceded the 1104  
effective date of this section. 1105

(b) The applicant successfully completed a training 1106  
program for surgical assistants operated by a branch of the 1107  
United States armed forces. 1108

(C) The board shall review all applications received under 1109

this section. After receiving an application it considers 1110  
complete, the board shall determine whether the applicant meets 1111  
the requirements for a license to practice as a surgical 1112  
assistant. 1113

Sec. 4785.05. In addition to any other eligibility 1114  
requirement set forth in this chapter, each applicant for a 1115  
license to practice as a surgical assistant shall comply with 1116  
sections 4776.01 to 4776.04 of the Revised Code. 1117

Sec. 4785.06. If the state medical board determines under 1118  
section 4785.04 of the Revised Code that an applicant meets the 1119  
requirements for a license to practice as a surgical assistant, 1120  
the secretary of the board shall issue the license to the 1121  
applicant. The license shall be valid for a two-year period 1122  
unless revoked or suspended, shall expire on the date that is 1123  
two years after the date of issuance, and may be renewed for 1124  
additional two-year periods in accordance with section 4785.07 1125  
of the Revised Code. 1126

Sec. 4785.07. (A) An individual seeking to renew a license 1127  
to practice as a surgical assistant shall, on or before the 1128  
license's expiration date, apply to the state medical board for 1129  
renewal. The board shall provide renewal notices to license 1130  
holders at least one month prior to the expiration date. 1131

Renewal applications shall be submitted to the board in a 1132  
manner prescribed by the board. Each application shall be 1133  
accompanied by the renewal fee described in section 4785.14 of 1134  
the Revised Code. 1135

The applicant shall report any criminal offense to which 1136  
the applicant has pleaded guilty, of which the applicant has 1137  
been found guilty, or for which the applicant has been found 1138

eligible for intervention in lieu of conviction, since last 1139  
signing an application for a license to practice as a surgical 1140  
assistant. 1141

(B) To be eligible for renewal, a surgical assistant shall 1142  
certify to the board that the surgical assistant has done both 1143  
of the following: 1144

(1) Maintained the assistant's credential as a surgical 1145  
assistant by the national board of surgical technology and 1146  
surgical assisting or national commission for the certification 1147  
of surgical assistants, except in the case of a surgical 1148  
assistant described in division (C) (2) of section 4785.04 of the 1149  
Revised Code; 1150

(2) Completed at least thirty-eight hours of continuing 1151  
education in surgical assisting that has been approved by the 1152  
national board of surgical technology and surgical assisting or 1153  
national commission for certification of surgical assistants. 1154

(C) If an applicant submits a renewal application that the 1155  
board considers to be complete and qualifies for renewal 1156  
pursuant to division (B) of this section, the board shall issue 1157  
to the applicant a renewed license to practice as a surgical 1158  
assistant. 1159

(D) The board may require a random sample of surgical 1160  
assistants to submit materials documenting that their 1161  
credentialing status has been maintained and that the number of 1162  
hours of continuing education required under division (B) (2) of 1163  
this section has been completed. This division does not limit 1164  
the board's authority to conduct investigations pursuant to 1165  
section 4785.10 of the Revised Code. 1166

(E) (1) If, through a random sample conducted under 1167



division (D) of this section or any other means, the board finds 1168  
that an individual who certified completion of the number of 1169  
hours and type of continuing education required to renew, 1170  
reinstate, or restore a license to practice did not complete the 1171  
requisite continuing education, the board may do either of the 1172  
following: 1173

(a) Take disciplinary action against the individual under 1174  
section 4785.10 of the Revised Code, impose a civil penalty, or 1175  
both; 1176

(b) Permit the individual to agree in writing to complete 1177  
the continuing education and pay a civil penalty. 1178

(2) The board's finding in any disciplinary action taken 1179  
under division (E) (1) (a) of this section shall be made pursuant 1180  
to an adjudication under Chapter 119. of the Revised Code and by 1181  
an affirmative vote of not fewer than six of its members. 1182

(3) A civil penalty imposed under division (E) (1) (a) of 1183  
this section or paid under division (E) (1) (b) of this section 1184  
shall be in an amount specified by the board of not more than 1185  
five thousand dollars. The board shall deposit civil penalties 1186  
in accordance with section 4731.24 of the Revised Code. 1187

**Sec. 4785.08.** (A) Subject to divisions (B) and (C) of this 1188  
section, an individual who holds a current, valid license to 1189  
practice as a surgical assistant may assist a physician in the 1190  
performance of surgical procedures by engaging in one or more of 1191  
the following activities delegated by the physician: 1192

(1) Providing exposure; 1193

(2) Maintaining hemostasis; 1194

(3) Making incisions; 1195

<u>(4) Closing or suturing surgical sites;</u>	1196
<u>(5) Manipulating or removing tissue;</u>	1197
<u>(6) Implanting surgical devices or drains;</u>	1198
<u>(7) Suctioning surgical sites;</u>	1199
<u>(8) Placing catheters;</u>	1200
<u>(9) Clamping or cauterizing vessels or tissues;</u>	1201
<u>(10) Applying dressings to surgical sites;</u>	1202
<u>(11) Performing any other activity that is delegated by</u>	1203
<u>the physician and relates to a surgical procedure.</u>	1204
<u>(B) A surgical assistant may engage in any of the</u>	1205
<u>activities described in division (A) of this section only under</u>	1206
<u>the supervision of, and in the physical presence of, a</u>	1207
<u>physician.</u>	1208
<u>(C) When supervising a surgical assistant as described in</u>	1209
<u>division (B) of this section, a physician shall be in the</u>	1210
<u>physical presence of the surgical assistant, which shall require</u>	1211
<u>the physician to be in the same room in which the surgical</u>	1212
<u>assistant practices and observe directly the activities in which</u>	1213
<u>the surgical assistant engages.</u>	1214
<b><u>Sec. 4785.09. (A) The state medical board shall adopt</u></b>	1215
<u>rules establishing standards and procedures for the regulation</u>	1216
<u>of surgical assistants. The rules shall be adopted in accordance</u>	1217
<u>with Chapter 119. of the Revised Code and shall do all of the</u>	1218
<u>following:</u>	1219
<u>(1) Establish application procedures for the licensure of</u>	1220
<u>surgical assistants;</u>	1221
<u>(2) Establish license renewal procedures, including</u>	1222

procedures for reporting the completion of continuing education; 1223

(3) Establish procedures for reporting to the board 1224  
license holder misconduct. 1225

(B) In addition to the rules described in division (A) of 1226  
this section, the board may adopt any other rules it considers 1227  
necessary to implement and administer this chapter. The rules 1228  
shall be adopted in accordance with Chapter 119. of the Revised 1229  
Code. 1230

**Sec. 4785.10.** (A) The state medical board, by an 1231  
affirmative vote of not fewer than six members, may revoke or 1232  
may refuse to grant a license to practice as a surgical 1233  
assistant to an individual found by the board to have committed 1234  
fraud during the administration of the examination for 1235  
certification or credentialing or to have committed fraud, 1236  
misrepresentation, or deception in applying for or securing the 1237  
license. 1238

(B) Except as provided in division (C) of this section, 1239  
the board, by an affirmative vote of not fewer than six members, 1240  
shall, to the extent permitted by law, limit, revoke, or suspend 1241  
an individual's license to practice as a surgical assistant, 1242  
refuse to issue a license to an applicant, refuse to renew a 1243  
license, refuse to reinstate a license, or reprimand or place on 1244  
probation the holder of a license for any of the following 1245  
reasons: 1246

(1) Permitting the holder's name or license to be used by 1247  
another person; 1248

(2) Failure to comply with the requirements of this 1249  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 1250  
by the board; 1251

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board; 1252  
1253  
1254  
1255

(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established; 1256  
1257  
1258  
1259

(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills; 1260  
1261  
1262  
1263

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice; 1264  
1265  
1266  
1267

(7) Willfully betraying a professional confidence; 1268

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a surgical assistant. 1269  
1270  
1271

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 1272  
1273  
1274  
1275  
1276  
1277  
1278  
1279

(9) The obtaining of, or attempting to obtain, money or a 1280

<u>thing of value by fraudulent misrepresentations in the course of</u>	1281
<u>practice;</u>	1282
<u>(10) A plea of guilty to, a judicial finding of guilt of,</u>	1283
<u>or a judicial finding of eligibility for intervention in lieu of</u>	1284
<u>conviction for, a felony;</u>	1285
<u>(11) Commission of an act that constitutes a felony in</u>	1286
<u>this state, regardless of the jurisdiction in which the act was</u>	1287
<u>committed;</u>	1288
<u>(12) A plea of guilty to, a judicial finding of guilt of,</u>	1289
<u>or a judicial finding of eligibility for intervention in lieu of</u>	1290
<u>conviction for, a misdemeanor committed in the course of</u>	1291
<u>practice;</u>	1292
<u>(13) A plea of guilty to, a judicial finding of guilt of,</u>	1293
<u>or a judicial finding of eligibility for intervention in lieu of</u>	1294
<u>conviction for, a misdemeanor involving moral turpitude;</u>	1295
<u>(14) Commission of an act in the course of practice that</u>	1296
<u>constitutes a misdemeanor in this state, regardless of the</u>	1297
<u>jurisdiction in which the act was committed;</u>	1298
<u>(15) Commission of an act involving moral turpitude that</u>	1299
<u>constitutes a misdemeanor in this state, regardless of the</u>	1300
<u>jurisdiction in which the act was committed;</u>	1301
<u>(16) A plea of guilty to, a judicial finding of guilt of,</u>	1302
<u>or a judicial finding of eligibility for intervention in lieu of</u>	1303
<u>conviction for violating any state or federal law regulating the</u>	1304
<u>possession, distribution, or use of any drug, including</u>	1305
<u>trafficking in drugs;</u>	1306
<u>(17) Any of the following actions taken by an agency</u>	1307
<u>responsible for authorizing, certifying, or regulating an</u>	1308

individual to practice a health care occupation or provide 1309  
health care services in this state or in another jurisdiction, 1310  
for any reason other than the nonpayment of fees: the 1311  
limitation, revocation, or suspension of an individual's license 1312  
to practice; acceptance of an individual's license surrender; 1313  
denial of a license; refusal to renew or reinstate a license; 1314  
imposition of probation; or issuance of an order of censure or 1315  
other reprimand; 1316

(18) Violation of the conditions placed by the board on a 1317  
license to practice as a surgical assistant; 1318

(19) Failure to cooperate in an investigation conducted by 1319  
the board under section 4785.17 of the Revised Code, including 1320  
failure to comply with a subpoena or order issued by the board 1321  
or failure to answer truthfully a question presented by the 1322  
board at a deposition or in written interrogatories, except that 1323  
failure to cooperate with an investigation shall not constitute 1324  
grounds for discipline under this section if a court of 1325  
competent jurisdiction has issued an order that either quashes a 1326  
subpoena or permits the individual to withhold the testimony or 1327  
evidence in issue; 1328

(20) Failure to maintain the individual's status as a 1329  
credentialed surgical assistant or to notify the board that the 1330  
credential has not been maintained; 1331

(21) Failure to comply with both of the following: 1332

(a) The code of ethics established by the national 1333  
surgical assistant association; 1334

(b) The code of ethics established by the association of 1335  
surgical assistants. 1336

(22) The revocation, suspension, restriction, reduction, 1337

or termination of clinical privileges by the United States 1338  
department of defense or department of veterans affairs; 1339

(23) Termination or suspension from participation in the 1340  
medicare or medicaid programs by the United States department of 1341  
health and human services or other responsible agency for any 1342  
act or acts that also would constitute a violation of division 1343  
(A) (4), (5), or (9) of this section; 1344

(24) Failure to use universal blood and body fluid 1345  
precautions established by rules adopted under section 4731.051 1346  
of the Revised Code; 1347

(25) Representing, with the purpose of obtaining 1348  
compensation or other advantage as personal gain or for any 1349  
other person, that an incurable disease or injury, or other 1350  
incurable condition, can be permanently cured. 1351

(C) The board shall not refuse to issue a license to an 1352  
applicant because of a plea of guilty to, a judicial finding of 1353  
guilt of, or a judicial finding of eligibility for intervention 1354  
in lieu of conviction for an offense unless the refusal is in 1355  
accordance with section 9.79 of the Revised Code. 1356

(D) Disciplinary actions taken by the board under 1357  
divisions (A) and (B) of this section shall be taken pursuant to 1358  
an adjudication under Chapter 119. of the Revised Code, except 1359  
that in lieu of an adjudication, the board may enter into a 1360  
consent agreement with a surgical assistant or applicant to 1361  
resolve an allegation of a violation of this chapter or any rule 1362  
adopted under it. A consent agreement, when ratified by an 1363  
affirmative vote of not fewer than six members of the board, 1364  
shall constitute the findings and order of the board with 1365  
respect to the matter addressed in the agreement. If the board 1366

refuses to ratify a consent agreement, the admissions and 1367  
findings contained in the consent agreement shall be of no force 1368  
or effect. 1369

A telephone conference call may be utilized for 1370  
ratification of a consent agreement that revokes or suspends an 1371  
individual's license. The telephone conference call shall be 1372  
considered a special meeting under division (F) of section 1373  
121.22 of the Revised Code. 1374

(E) For purposes of divisions (B) (11), (14), and (15) of 1375  
this section, the commission of the act may be established by a 1376  
finding by the board, pursuant to an adjudication under Chapter 1377  
119. of the Revised Code, that the applicant or license holder 1378  
committed the act in question. The board shall have no 1379  
jurisdiction under these divisions in cases where the trial 1380  
court renders a final judgment in the license holder's favor and 1381  
that judgment is based upon an adjudication on the merits. The 1382  
board shall have jurisdiction under these divisions in cases 1383  
where the trial court issues an order of dismissal on technical 1384  
or procedural grounds. 1385

(F) The sealing of conviction records by any court shall 1386  
have no effect on a prior board order entered under the 1387  
provisions of this section or on the board's jurisdiction to 1388  
take action under the provisions of this section if, based upon 1389  
a plea of guilty, a judicial finding of guilt, or a judicial 1390  
finding of eligibility for intervention in lieu of conviction, 1391  
the board issued a notice of opportunity for a hearing or took 1392  
other formal action under Chapter 119. of the Revised Code prior 1393  
to the court's order to seal the records. The board shall not be 1394  
required to seal, destroy, redact, or otherwise modify its 1395  
records to reflect the court's sealing of conviction records. 1396



(G) For purposes of this division, any individual who 1397  
holds a license to practice as a surgical assistant, or applies 1398  
for a license, shall be deemed to have given consent to submit 1399  
to a mental or physical examination when directed to do so in 1400  
writing by the board and to have waived all objections to the 1401  
admissibility of testimony or examination reports that 1402  
constitute a privileged communication. 1403

(1) In enforcing division (B) (5) of this section, the 1404  
board, on a showing of a possible violation, may compel any 1405  
individual who holds a license to practice as a surgical 1406  
assistant or who has applied for a license to practice as a 1407  
surgical assistant to submit to a mental or physical 1408  
examination, or both. A physical examination may include an HIV 1409  
test. The expense of the examination is the responsibility of 1410  
the individual compelled to be examined. Failure to submit to a 1411  
mental or physical examination or consent to an HIV test ordered 1412  
by the board constitutes an admission of the allegations against 1413  
the individual unless the failure is due to circumstances beyond 1414  
the individual's control, and a default and final order may be 1415  
entered without the taking of testimony or presentation of 1416  
evidence. If the board finds a surgical assistant unable to 1417  
practice because of the reasons set forth in division (B) (5) of 1418  
this section, the board shall require the surgical assistant to 1419  
submit to care, counseling, or treatment by physicians approved 1420  
or designated by the board, as a condition for an initial, 1421  
continued, reinstated, or renewed license to practice. An 1422  
individual affected by this division shall be afforded an 1423  
opportunity to demonstrate to the board the ability to resume 1424  
practicing in compliance with acceptable and prevailing 1425  
standards of care. 1426

(2) For purposes of division (B) (6) of this section, if 1427

the board has reason to believe that any individual who holds a 1428  
license to practice as a surgical assistant or any applicant for 1429  
a license suffers such impairment, the board may compel the 1430  
individual to submit to a mental or physical examination, or 1431  
both. The expense of the examination is the responsibility of 1432  
the individual compelled to be examined. Any mental or physical 1433  
examination required under this division shall be undertaken by 1434  
a treatment provider or physician qualified to conduct such 1435  
examination and chosen by the board. 1436

Failure to submit to a mental or physical examination 1437  
ordered by the board constitutes an admission of the allegations 1438  
against the individual unless the failure is due to 1439  
circumstances beyond the individual's control, and a default and 1440  
final order may be entered without the taking of testimony or 1441  
presentation of evidence. If the board determines that the 1442  
individual's ability to practice is impaired, the board shall 1443  
suspend the individual's license or deny the individual's 1444  
application and shall require the individual, as a condition for 1445  
an initial, continued, reinstated, or renewed license, to submit 1446  
to treatment. 1447

Before being eligible to apply for reinstatement of a 1448  
license suspended under this division, the surgical assistant 1449  
shall demonstrate to the board the ability to resume practice in 1450  
compliance with acceptable and prevailing standards of care. The 1451  
demonstration shall include the following: 1452

(a) Certification from a treatment provider approved under 1453  
section 4731.25 of the Revised Code that the individual has 1454  
successfully completed any required inpatient treatment; 1455

(b) Evidence of continuing full compliance with an 1456  
aftercare contract or consent agreement; 1457

(c) Two written reports indicating that the individual's 1458  
ability to practice has been assessed and that the individual 1459  
has been found capable of practicing according to acceptable and 1460  
prevailing standards of care. The reports shall be made by 1461  
individuals or providers approved by the board for making such 1462  
assessments and shall describe the basis for their 1463  
determination. 1464

The board may reinstate a license suspended under this 1465  
division after such demonstration and after the individual has 1466  
entered into a written consent agreement. 1467

When the impaired surgical assistant resumes practice, the 1468  
board shall require continued monitoring of the surgical 1469  
assistant. The monitoring shall include monitoring of compliance 1470  
with the written consent agreement entered into before 1471  
reinstatement or with conditions imposed by board order after a 1472  
hearing, and, on termination of the consent agreement, 1473  
submission to the board for at least two years of annual written 1474  
progress reports made under penalty of falsification stating 1475  
whether the surgical assistant has maintained sobriety. 1476

(H) If the secretary and supervising member determine both 1477  
of the following, they may recommend that the board suspend an 1478  
individual's license to practice without a prior hearing: 1479

(1) That there is clear and convincing evidence that a 1480  
surgical assistant has violated division (B) of this section; 1481

(2) That the individual's continued practice presents a 1482  
danger of immediate and serious harm to the public. 1483

Written allegations shall be prepared for consideration by 1484  
the board. The board, on review of the allegations and by an 1485  
affirmative vote of not fewer than six of its members, excluding 1486

the secretary and supervising member, may suspend a license 1487  
without a prior hearing. A telephone conference call may be 1488  
utilized for reviewing the allegations and taking the vote on 1489  
the summary suspension. 1490

The board shall issue a written order of suspension by 1491  
certified mail or in person in accordance with section 119.07 of 1492  
the Revised Code. The order shall not be subject to suspension 1493  
by the court during pendency of any appeal filed under section 1494  
119.12 of the Revised Code. If the surgical assistant requests 1495  
an adjudicatory hearing by the board, the date set for the 1496  
hearing shall be within fifteen days, but not earlier than seven 1497  
days, after the surgical assistant requests the hearing, unless 1498  
otherwise agreed to by both the board and the surgical 1499  
assistant. 1500

A summary suspension imposed under this division shall 1501  
remain in effect, unless reversed on appeal, until a final 1502  
adjudicative order issued by the board pursuant to this section 1503  
and Chapter 119. of the Revised Code becomes effective. The 1504  
board shall issue its final adjudicative order within seventy- 1505  
five days after completion of its hearing. Failure to issue the 1506  
order within seventy-five days shall result in dissolution of 1507  
the summary suspension order, but shall not invalidate any 1508  
subsequent, final adjudicative order. 1509

(I) If the board takes action under division (B) (10), 1510  
(12), or (13) of this section, and the judicial finding of 1511  
guilt, guilty plea, or judicial finding of eligibility for 1512  
intervention in lieu of conviction is overturned on appeal, on 1513  
exhaustion of the criminal appeal, a petition for 1514  
reconsideration of the order may be filed with the board along 1515  
with appropriate court documents. On receipt of a petition and 1516

supporting court documents, the board shall reinstate the 1517  
license to practice as a surgical assistant. The board may then 1518  
hold an adjudication under Chapter 119. of the Revised Code to 1519  
determine whether the individual committed the act in question. 1520  
Notice of opportunity for hearing shall be given in accordance 1521  
with Chapter 119. of the Revised Code. If the board finds, 1522  
pursuant to an adjudication held under this division, that the 1523  
individual committed the act, or if no hearing is requested, it 1524  
may order any of the sanctions specified in division (B) of this 1525  
section. 1526

(J) The license to practice as a surgical assistant and 1527  
the surgical assistant's practice in this state are 1528  
automatically suspended as of the date the surgical assistant 1529  
pleads guilty to, is found by a judge or jury to be guilty of, 1530  
or is subject to a judicial finding of eligibility for 1531  
intervention in lieu of conviction in this state or treatment of 1532  
intervention in lieu of conviction in another jurisdiction for 1533  
any of the following criminal offenses in this state or a 1534  
substantially equivalent criminal offense in another 1535  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 1536  
felonious assault, kidnapping, rape, sexual battery, gross 1537  
sexual imposition, aggravated arson, aggravated robbery, or 1538  
aggravated burglary. Continued practice after the suspension 1539  
shall be considered practicing without a license. 1540

The board shall notify the individual subject to the 1541  
suspension by certified mail or in person in accordance with 1542  
section 119.07 of the Revised Code. If an individual whose 1543  
license is suspended under this division fails to make a timely 1544  
request for an adjudication under Chapter 119. of the Revised 1545  
Code, the board shall enter a final order permanently revoking 1546  
the individual's license to practice. 1547

(K) In any instance in which the board is required by 1548  
Chapter 119. of the Revised Code to give notice of opportunity 1549  
for hearing and the individual subject to the notice does not 1550  
timely request a hearing in accordance with section 119.07 of 1551  
the Revised Code, the board is not required to hold a hearing, 1552  
but may adopt, by an affirmative vote of not fewer than six of 1553  
its members, a final order that contains the board's findings. 1554  
In the final order, the board may order any of the sanctions 1555  
identified under division (A) or (B) of this section. 1556

(L) Any action taken by the board under division (B) of 1557  
this section resulting in a suspension shall be accompanied by a 1558  
written statement of the conditions under which the license of 1559  
the surgical assistant may be reinstated. The board shall adopt 1560  
rules in accordance with Chapter 119. of the Revised Code 1561  
governing conditions to be imposed for reinstatement. 1562  
Reinstatement of a license suspended pursuant to division (B) of 1563  
this section requires an affirmative vote of not fewer than six 1564  
members of the board. 1565

(M) When the board refuses to grant or issue a license to 1566  
practice as a surgical assistant to an applicant, revokes an 1567  
individual's license, refuses to renew an individual's license, 1568  
or refuses to reinstate an individual's license, the board may 1569  
specify that its action is permanent. An individual subject to a 1570  
permanent action taken by the board is forever thereafter 1571  
ineligible to hold a license to practice as a surgical 1572  
assistant, and the board shall not accept an application for 1573  
reinstatement of the license or for issuance of a new license. 1574

(N) Notwithstanding any other provision of the Revised 1575  
Code, all of the following apply: 1576

(1) The surrender of a license to practice as a surgical 1577

assistant is not effective unless or until accepted by the 1578  
board. A telephone conference call may be utilized for 1579  
acceptance of the surrender of an individual's license. The 1580  
telephone conference call shall be considered a special meeting 1581  
under division (F) of section 121.22 of the Revised Code. 1582  
Reinstatement of a license surrendered to the board requires an 1583  
affirmative vote of not fewer than six members of the board. 1584

(2) An application made under this chapter for a license 1585  
to practice may not be withdrawn without approval of the board. 1586

(3) Failure by an individual to renew a license in 1587  
accordance with section 4785.07 of the Revised Code shall not 1588  
remove or limit the board's jurisdiction to take disciplinary 1589  
action under this section against the individual. 1590

(4) At the request of the board, a license holder shall 1591  
immediately surrender to the board a license that the board has 1592  
suspended, revoked, or permanently revoked. 1593

**Sec. 4785.11.** (A) (1) If the holder of a license issued 1594  
under this chapter violates any section of this chapter, other 1595  
than the continuing education requirements described in section 1596  
4785.07 of the Revised Code, or violates any rule adopted under 1597  
this chapter, the state medical board may, pursuant to an 1598  
adjudication under Chapter 119. of the Revised Code and an 1599  
affirmative vote of not fewer than six of its members, impose a 1600  
civil penalty. The amount of the civil penalty shall be 1601  
determined by the board in accordance with the guidelines 1602  
adopted under division (A) (2) of this section. The civil penalty 1603  
may be in addition to any other action the board may take under 1604  
section 4785.10 of the Revised Code. 1605

(2) The board shall adopt and may amend guidelines 1606

regarding the amounts of civil penalties to be imposed under 1607  
this section. Adoption or amendment of the guidelines requires 1608  
the approval of not fewer than six board members. Under the 1609  
guidelines, no civil penalty amount shall exceed twenty thousand 1610  
dollars. 1611

(B) Amounts received from payment of civil penalties 1612  
imposed under this section shall be deposited by the board in 1613  
accordance with section 4731.24 of the Revised Code. Amounts 1614  
received from payment of civil penalties imposed for violations 1615  
of division (B) (6) of section 4785.10 of the Revised Code shall 1616  
be used by the board solely for investigations, enforcement, and 1617  
compliance monitoring. 1618

Sec. 4785.12. On receipt of a notice pursuant to section 1619  
3123.43 of the Revised Code, the state medical board shall 1620  
comply with sections 3123.41 to 3123.50 of the Revised Code and 1621  
any applicable rules adopted under section 3123.63 of the 1622  
Revised Code with respect to a license issued under this 1623  
chapter. 1624

Sec. 4785.13. A surgical assistant, professional 1625  
association or society of surgical assistants, physician, or 1626  
professional association or society of physicians that believes 1627  
a violation of division (B) (6) of section 4785.10 of the Revised 1628  
Code has occurred shall report the information upon which the 1629  
belief is based to the monitoring organization conducting the 1630  
program established by the state medical board under section 1631  
4731.251 of the Revised Code. If any such report is made to the 1632  
board, it shall be referred to the monitoring organization 1633  
unless the board is aware that the individual who is the subject 1634  
of the report does not meet the program eligibility requirements 1635  
of section 4731.252 of the Revised Code. 1636



An individual or entity that reports to the board, reports 1637  
to the monitoring organization described in section 4731.251 of 1638  
the Revised Code, or refers an impaired surgical assistant to a 1639  
treatment provider approved by the board under section 4731.25 1640  
of the Revised Code shall not be subject to suit for civil 1641  
damages as a result of the report, referral, or provision of the 1642  
information. 1643

In the absence of fraud or bad faith, a professional 1644  
association or society of surgical assistants that sponsors a 1645  
committee or program to provide peer assistance to a surgical 1646  
assistant with substance abuse problems, a representative or 1647  
agent of such a committee or program, a representative or agent 1648  
of the monitoring organization described in section 4731.251 of 1649  
the Revised Code, and a member of the state medical board shall 1650  
not be held liable in damages to any person by reason of actions 1651  
taken to refer a surgical assistant to a treatment provider 1652  
approved under section 4731.25 of the Revised Code for 1653  
examination or treatment. 1654

**Sec. 4785.14.** (A) The state medical board shall charge and 1655  
collect fees as described in this section for the following: 1656

(1) An application for an initial license to practice as a 1657  
surgical assistant, two hundred dollars; 1658

(2) An application to renew a license to practice as a 1659  
surgical assistant, two hundred dollars; 1660

(3) A duplicate license, thirty-five dollars; 1661

(4) In the case of a person holding a license issued under 1662  
this chapter, a license verification fee of fifty dollars. 1663

(B) All receipts of the board shall be deposited in the 1664  
state treasury to the credit of the state medical board 1665

operating fund in accordance with section 4731.24 of the Revised Code. 1666  
1667

**Sec. 4785.15.** (A) A license to practice as a surgical assistant that is not renewed on or before its expiration date is automatically suspended on its expiration date. Continued practice after suspension shall be considered as practicing in violation of section 4785.03 of the Revised Code. 1668  
1669  
1670  
1671  
1672

(B) If a license has been suspended pursuant to division (A) of this section for two years or less, it may be reinstated. The state medical board shall reinstate the license upon the applicant's submission of a complete renewal application and payment of a reinstatement fee of two hundred twenty-five dollars. 1673  
1674  
1675  
1676  
1677  
1678

(C) If a license has been suspended pursuant to division (A) of this section for more than two years, it may be restored. Subject to section 4785.16 of the Revised Code, the board may restore the license upon an applicant's submission of a complete restoration application and a restoration fee of two hundred fifty dollars and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore a license unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4785.06 of the Revised Code. 1679  
1680  
1681  
1682  
1683  
1684  
1685  
1686  
1687  
1688  
1689

**Sec. 4785.16.** (A) This section applies to both of the following: 1690  
1691

(1) An applicant seeking restoration of a license issued under this chapter that has been in a suspended or inactive state for any cause for more than two years; 1692  
1693  
1694

(2) An applicant seeking issuance of a license pursuant to this chapter who for more than two years has not been engaged in practice as a surgical assistant. 1695  
1696  
1697

(B) Before issuing a license to an applicant subject to this section or restoring a license to good standing for an applicant subject to this section, the state medical board may impose terms and conditions including any one or more of the following: 1698  
1699  
1700  
1701  
1702

(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice; 1703  
1704  
1705

(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training; 1706  
1707

(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing evaluations and procedures in a manner that meets the minimal standards of care; 1708  
1709  
1710  
1711  
1712

(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions; 1713  
1714

(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders; 1715  
1716  
1717  
1718

(6) Restricting or limiting the extent, scope, or type of practice of the applicant. 1719  
1720

The board shall consider the moral background and the activities of the applicant during the period of suspension or 1721  
1722

inactivity. The board shall not issue or restore a license under 1723  
this section unless the applicant complies with sections 4776.01 1724  
to 4776.04 of the Revised Code. 1725

**Sec. 4785.17.** (A) The state medical board shall 1726  
investigate evidence that appears to show that any individual 1727  
has violated this chapter or the rules adopted under it. Any 1728  
person may report to the board in a signed writing any 1729  
information the person has that appears to show a violation of 1730  
this chapter or rules adopted under it. In the absence of bad 1731  
faith, a person who reports such information or testifies before 1732  
the board in an adjudication conducted under Chapter 119. of the 1733  
Revised Code shall not be liable for civil damages as a result 1734  
of reporting the information or providing testimony. Each 1735  
complaint or allegation of a violation received by the board 1736  
shall be assigned a case number and be recorded by the board. 1737

(B) Investigations of alleged violations of this chapter 1738  
or rules adopted under it shall be supervised by the supervising 1739  
member elected by the board in accordance with section 4731.02 1740  
of the Revised Code and by the board's secretary, pursuant to 1741  
section 4785.02 of the Revised Code. The board's president may 1742  
designate another member of the board to supervise the 1743  
investigation in place of the supervising member. A member of 1744  
the board who supervises the investigation of a case shall not 1745  
participate in further adjudication of the case. 1746

(C) In investigating a possible violation of this chapter 1747  
or the rules adopted under it, the board may administer oaths, 1748  
order the taking of depositions, inspect and copy any books, 1749  
accounts, papers, records, or documents, issue subpoenas, and 1750  
compel the attendance of witnesses and production of books, 1751  
accounts, papers, records, documents, and testimony, except that 1752

a subpoena for patient record information shall not be issued 1753  
without consultation with the attorney general's office and 1754  
approval of the secretary and supervising member of the board. 1755  
Before issuance of a subpoena for patient record information, 1756  
the secretary and supervising member shall determine whether 1757  
there is probable cause to believe that the complaint filed 1758  
alleges a violation of this chapter or the rules adopted under 1759  
it and that the records sought are relevant to the alleged 1760  
violation and material to the investigation. The subpoena may 1761  
apply only to records that cover a reasonable period of time 1762  
surrounding the alleged violation. 1763

On failure to comply with any subpoena issued by the board 1764  
and after reasonable notice to the person being subpoenaed, the 1765  
board may move for an order compelling the production of persons 1766  
or records pursuant to the Rules of Civil Procedure. 1767

A subpoena issued by the board may be served by a sheriff, 1768  
the sheriff's deputy, or a board employee designated by the 1769  
board. Service of a subpoena issued by the board may be made by 1770  
delivering a copy of the subpoena to the person named therein, 1771  
reading it to the person, or leaving it at the person's usual 1772  
place of residence. When the person being served is a surgical 1773  
assistant, service of the subpoena may be made by certified 1774  
mail, restricted delivery, return receipt requested, and the 1775  
subpoena shall be deemed served on the date delivery is made or 1776  
the date the person refuses to accept delivery. 1777

A sheriff's deputy who serves a subpoena shall receive the 1778  
same fees as a sheriff. Each witness who appears before the 1779  
board in obedience to a subpoena shall receive the fees and 1780  
mileage provided for witnesses in civil cases in the courts of 1781  
common pleas. 1782

(D) All hearings and investigations of the board shall be 1783  
considered civil actions for the purposes of section 2305.252 of 1784  
the Revised Code. 1785

(E) A report required to be submitted to the board under 1786  
this chapter, a complaint, or information received by the board 1787  
pursuant to an investigation is confidential and not subject to 1788  
discovery in any civil action. 1789

The board shall conduct all investigations and proceedings 1790  
in a manner that protects the confidentiality of patients and 1791  
persons who file complaints with the board. The board shall not 1792  
make public the names or any other identifying information about 1793  
patients or complainants unless proper consent is given. 1794

The board may share any information it receives pursuant 1795  
to an investigation, including patient records and patient 1796  
record information, with law enforcement agencies, other 1797  
licensing boards, and other governmental agencies that are 1798  
prosecuting, adjudicating, or investigating alleged violations 1799  
of statutes or administrative rules. An agency or board that 1800  
receives the information shall comply with the same requirements 1801  
regarding confidentiality as those with which the state medical 1802  
board must comply, notwithstanding any conflicting provision of 1803  
the Revised Code or procedure of the agency or board that 1804  
applies when it is dealing with other information in its 1805  
possession. In a judicial proceeding, the information may be 1806  
admitted into evidence only in accordance with the Rules of 1807  
Evidence, but the court shall require that appropriate measures 1808  
are taken to ensure that confidentiality is maintained with 1809  
respect to any part of the information that contains names or 1810  
other identifying information about patients or complainants 1811  
whose confidentiality was protected by the state medical board 1812

when the information was in the board's possession. Measures to 1813  
ensure confidentiality that may be taken by the court include 1814  
sealing its records or deleting specific information from its 1815  
records. 1816

(F) The state medical board shall develop requirements for 1817  
and provide appropriate initial training and continuing 1818  
education for investigators employed by the board to carry out 1819  
its duties under this chapter. The training and continuing 1820  
education may include enrollment in courses operated or approved 1821  
by the Ohio peace officer training commission that the board 1822  
considers appropriate under conditions set forth in section 1823  
109.79 of the Revised Code. 1824

(G) On a quarterly basis, the board shall prepare a report 1825  
that documents the disposition of all cases during the preceding 1826  
three months. The report shall contain the following information 1827  
for each case with which the board has completed its activities: 1828

(1) The case number assigned to the complaint or alleged 1829  
violation; 1830

(2) The type of license, if any, held by the individual 1831  
against whom the complaint is directed; 1832

(3) A description of the allegations contained in the 1833  
complaint; 1834

(4) The disposition of the case. 1835

The report shall state how many cases are still pending, 1836  
and shall be prepared in a manner that protects the identity of 1837  
each individual involved in each case. The report is a public 1838  
record for purposes of section 149.43 of the Revised Code. 1839

**Sec. 4785.18.** The state medical board shall comply with 1840

section 4776.20 of the Revised Code. 1841

Sec. 4785.19. The attorney general, the prosecuting 1842  
attorney of any county in which the offense was committed or the 1843  
offender resides, the state medical board, or any other person 1844  
having knowledge of a person engaged either directly or by 1845  
complicity in practicing as a surgical assistant without having 1846  
first obtained under this chapter a license to practice as a 1847  
surgical assistant, may, in accordance with provisions of the 1848  
Revised Code governing injunctions, maintain an action in the 1849  
name of the state to enjoin any person from engaging either 1850  
directly or by complicity in unlawfully practicing as a surgical 1851  
assistant by applying for an injunction in any court of 1852  
competent jurisdiction. 1853

Prior to application for an injunction, the secretary of 1854  
the state medical board shall notify the individual allegedly 1855  
engaged either directly or by complicity in the unlawful 1856  
practice by registered mail that the secretary has received 1857  
information indicating that this individual is so engaged. The 1858  
individual shall answer the secretary within thirty days showing 1859  
that the individual is either properly licensed for the stated 1860  
activity or that the individual is not in violation of this 1861  
chapter. If the answer is not forthcoming within thirty days 1862  
after notice by the secretary, the secretary shall request that 1863  
the attorney general, the prosecuting attorney of the county in 1864  
which the offense was committed or the offender resides, or the 1865  
state medical board proceed as authorized in this section. 1866

Upon the filing of a verified petition in court, the court 1867  
shall conduct a hearing on the petition and shall give the same 1868  
preference to this proceeding as is given all proceedings under 1869  
Chapter 119. of the Revised Code, irrespective of the position 1870



of the proceeding on the calendar of the court. 1871

Injunction proceedings shall be in addition to, and not in 1872  
lieu of, all penalties and other remedies provided in this 1873  
chapter. 1874

Sec. 4785.20. (A) As used in this section, "prosecutor" 1875  
has the same meaning as in section 2935.01 of the Revised Code. 1876

(B) Whenever any individual holding a valid license to 1877  
practice as a surgical assistant pleads guilty to, is subject to 1878  
a judicial finding of guilt of, or is subject to a judicial 1879  
finding of eligibility for intervention in lieu of conviction 1880  
for a violation of Chapter 2907., 2925., or 3719. of the Revised 1881  
Code or of any substantively comparable ordinance of a municipal 1882  
corporation in connection with the individual's practice, the 1883  
prosecutor in the case, on forms prescribed and provided by the 1884  
state medical board, shall promptly notify the state medical 1885  
board of the conviction. Within thirty days of receipt of that 1886  
information, the board shall initiate action in accordance with 1887  
Chapter 119. of the Revised Code to determine whether to suspend 1888  
or revoke the license under section 4785.10 of the Revised Code. 1889

(C) The prosecutor in any case against any individual 1890  
holding a valid license to practice as a surgical assistant, on 1891  
forms prescribed and provided by the state medical board, shall 1892  
notify the board of any of the following: 1893

(1) A plea of guilty to, a finding of guilt by a jury or 1894  
court of, or judicial finding of eligibility for intervention in 1895  
lieu of conviction for a felony, or a case in which the trial 1896  
court issues an order of dismissal upon technical or procedural 1897  
grounds of a felony charge; 1898

(2) A plea of guilty to, a finding of guilt by a jury or 1899

court of, or judicial finding of eligibility for intervention in 1900  
lieu of conviction for a misdemeanor committed in the course of 1901  
practice, or a case in which the trial court issues an order of 1902  
dismissal upon technical or procedural grounds of a charge of a 1903  
misdemeanor, if the alleged act was committed in the course of 1904  
practice; 1905

(3) A plea of guilty to, a finding of guilt by a jury or 1906  
court of, or judicial finding of eligibility for intervention in 1907  
lieu of conviction for a misdemeanor involving moral turpitude, 1908  
or a case in which the trial court issues an order of dismissal 1909  
upon technical or procedural grounds of a charge of a 1910  
misdemeanor involving moral turpitude. 1911

The report shall include the name and address of the 1912  
license holder, the nature of the offense for which the action 1913  
was taken, and the certified court documents recording the 1914  
action. 1915

**Sec. 4785.99.** Whoever violates division (A) of section 1916  
4785.03 of the Revised Code is guilty of a misdemeanor of the 1917  
first degree on a first offense and a felony of the fifth degree 1918  
on each subsequent offense. 1919

**Section 2.** That existing sections 109.572, 4731.051,  
4731.07, 4731.071, 4731.224, 4731.24, 4731.25, and 4731.251 of  
the Revised Code are hereby repealed. 1920  
1921  
1922

**Section 3.** Section 4785.03 of the Revised Code, as enacted  
by this act, takes effect one year after the effective date of  
this section. 1923  
1924  
1925

**Section 4.** Section 109.572 of the Revised Code is  
presented in this act as a composite of the section as amended  
by H.B. 110 and S.B. 3 of the 134th General Assembly and H.B.  
1926  
1927  
1928

263 and S.B. 260 of the 133rd General Assembly. The General	1929
Assembly, applying the principle stated in division (B) of	1930
section 1.52 of the Revised Code that amendments are to be	1931
harmonized if reasonably capable of simultaneous operation,	1932
finds that the composite is the resulting version of the section	1933
in effect prior to the effective date of the section as	1934
presented in this act.	1935