

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 254**

**Representatives Boggs, Abrams**

**Cosponsors: Representatives Boyd, Lightbody, Brent, Galonski, Leland, Smith, K., Gross, Lepore-Hagan, Russo, Smith, M., Young, T., Sobecki, Carruthers, Miranda, Weinstein, Blackshear, Ray, Crossman, Miller, J., White, Crawley**

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**A BILL**

To amend sections 121.22, 149.43, 307.99, and 1  
4731.22 and to enact sections 307.631, 307.632, 2  
307.633, 307.634, 307.635, 307.636, 307.637, 3  
307.638, 307.639, and 3701.0410 of the Revised 4  
Code to provide for the establishment of 5  
domestic violence fatality review boards and to 6  
amend the versions of sections 121.22 and 7  
4731.22 of the Revised Code that are scheduled 8  
to take effect on October 9, 2021, to continue 9  
the changes to those sections on and after that 10  
date. 11

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

**Section 1.** That sections 121.22, 149.43, 307.99, and 12  
4731.22 be amended and sections 307.631, 307.632, 307.633, 13  
307.634, 307.635, 307.636, 307.637, 307.638, 307.639, and 14  
3701.0410 of the Revised Code be enacted to read as follows: 15

**Sec. 121.22.** (A) This section shall be liberally construed 16  
to require public officials to take official action and to 17

conduct all deliberations upon official business only in open 18  
meetings unless the subject matter is specifically excepted by 19  
law. 20

(B) As used in this section: 21

(1) "Public body" means any of the following: 22

(a) Any board, commission, committee, council, or similar 23  
decision-making body of a state agency, institution, or 24  
authority, and any legislative authority or board, commission, 25  
committee, council, agency, authority, or similar decision- 26  
making body of any county, township, municipal corporation, 27  
school district, or other political subdivision or local public 28  
institution; 29

(b) Any committee or subcommittee of a body described in 30  
division (B) (1) (a) of this section; 31

(c) A court of jurisdiction of a sanitary district 32  
organized wholly for the purpose of providing a water supply for 33  
domestic, municipal, and public use when meeting for the purpose 34  
of the appointment, removal, or reappointment of a member of the 35  
board of directors of such a district pursuant to section 36  
6115.10 of the Revised Code, if applicable, or for any other 37  
matter related to such a district other than litigation 38  
involving the district. As used in division (B) (1) (c) of this 39  
section, "court of jurisdiction" has the same meaning as "court" 40  
in section 6115.01 of the Revised Code. 41

(2) "Meeting" means any prearranged discussion of the 42  
public business of the public body by a majority of its members. 43

(3) "Regulated individual" means either of the following: 44

(a) A student in a state or local public educational 45

institution; 46

(b) A person who is, voluntarily or involuntarily, an 47  
inmate, patient, or resident of a state or local institution 48  
because of criminal behavior, mental illness, an intellectual 49  
disability, disease, disability, age, or other condition 50  
requiring custodial care. 51

(4) "Public office" has the same meaning as in section 52  
149.011 of the Revised Code. 53

(C) All meetings of any public body are declared to be 54  
public meetings open to the public at all times. A member of a 55  
public body shall be present in person at a meeting open to the 56  
public to be considered present or to vote at the meeting and 57  
for purposes of determining whether a quorum is present at the 58  
meeting. 59

The minutes of a regular or special meeting of any public 60  
body shall be promptly prepared, filed, and maintained and shall 61  
be open to public inspection. The minutes need only reflect the 62  
general subject matter of discussions in executive sessions 63  
authorized under division (G) or (J) of this section. 64

(D) This section does not apply to any of the following: 65

(1) A grand jury; 66

(2) An audit conference conducted by the auditor of state 67  
or independent certified public accountants with officials of 68  
the public office that is the subject of the audit; 69

(3) The adult parole authority when its hearings are 70  
conducted at a correctional institution for the sole purpose of 71  
interviewing inmates to determine parole or pardon and the 72  
department of rehabilitation and correction when its hearings 73

are conducted at a correctional institution for the sole purpose 74  
of making determinations under section 2967.271 of the Revised 75  
Code regarding the release or maintained incarceration of an 76  
offender to whom that section applies; 77

(4) The organized crime investigations commission 78  
established under section 177.01 of the Revised Code; 79

(5) Meetings of a child fatality review board established 80  
under section 307.621 of the Revised Code, meetings related to a 81  
review conducted pursuant to guidelines established by the 82  
director of health under section 3701.70 of the Revised Code, 83  
and meetings conducted pursuant to sections 5153.171 to 5153.173 84  
of the Revised Code; 85

(6) The state medical board when determining whether to 86  
suspend a license or certificate without a prior hearing 87  
pursuant to division (G) of either section 4730.25 or 4731.22 of 88  
the Revised Code; 89

(7) The board of nursing when determining whether to 90  
suspend a license or certificate without a prior hearing 91  
pursuant to division (B) of section 4723.281 of the Revised 92  
Code; 93

(8) The state board of pharmacy when determining whether 94  
to do either of the following: 95

(a) Suspend a license, certification, or registration 96  
without a prior hearing, including during meetings conducted by 97  
telephone conference, pursuant to Chapters 3719., 3796., 4729., 98  
and 4752. of the Revised Code and rules adopted thereunder; or 99

(b) Restrict a person from obtaining further information 100  
from the drug database established in section 4729.75 of the 101  
Revised Code without a prior hearing pursuant to division (C) of 102

section 4729.86 of the Revised Code.	103
(9) The state chiropractic board when determining whether	104
to suspend a license without a hearing pursuant to section	105
4734.37 of the Revised Code;	106
(10) The executive committee of the emergency response	107
commission when determining whether to issue an enforcement	108
order or request that a civil action, civil penalty action, or	109
criminal action be brought to enforce Chapter 3750. of the	110
Revised Code;	111
(11) The board of directors of the nonprofit corporation	112
formed under section 187.01 of the Revised Code or any committee	113
thereof, and the board of directors of any subsidiary of that	114
corporation or a committee thereof;	115
(12) An audit conference conducted by the audit staff of	116
the department of job and family services with officials of the	117
public office that is the subject of that audit under section	118
5101.37 of the Revised Code;	119
(13) The occupational therapy section of the occupational	120
therapy, physical therapy, and athletic trainers board when	121
determining whether to suspend a license or limited permit	122
without a hearing pursuant to division (D) of section 4755.11 of	123
the Revised Code;	124
(14) The physical therapy section of the occupational	125
therapy, physical therapy, and athletic trainers board when	126
determining whether to suspend a license without a hearing	127
pursuant to division (E) of section 4755.47 of the Revised Code;	128
(15) The athletic trainers section of the occupational	129
therapy, physical therapy, and athletic trainers board when	130
determining whether to suspend a license without a hearing	131

pursuant to division (D) of section 4755.64 of the Revised Code;	132
(16) Meetings of the pregnancy-associated mortality review board established under section 3738.01 of the Revised Code;	133 134
(17) Meetings of a fetal-infant mortality review board established under section 3707.71 of the Revised Code;	135 136
<u>(18) Meetings of a domestic violence fatality review board established under section 307.631 of the Revised Code.</u>	137 138
(E) The controlling board, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board or authority members present, may close the meeting during consideration of the following information confidentially received by the authority or board from the applicant:	139 140 141 142 143 144 145 146 147
(1) Marketing plans;	148
(2) Specific business strategy;	149
(3) Production techniques and trade secrets;	150
(4) Financial projections;	151
(5) Personal financial statements of the applicant or members of the applicant's immediate family, including, but not limited to, tax records or other similar information not open to public inspection.	152 153 154 155
The vote by the authority or board to accept or reject the application, as well as all proceedings of the authority or board not subject to this division, shall be open to the public	156 157 158

and governed by this section. 159

(F) Every public body, by rule, shall establish a 160  
reasonable method whereby any person may determine the time and 161  
place of all regularly scheduled meetings and the time, place, 162  
and purpose of all special meetings. A public body shall not 163  
hold a special meeting unless it gives at least twenty-four 164  
hours' advance notice to the news media that have requested 165  
notification, except in the event of an emergency requiring 166  
immediate official action. In the event of an emergency, the 167  
member or members calling the meeting shall notify the news 168  
media that have requested notification immediately of the time, 169  
place, and purpose of the meeting. 170

The rule shall provide that any person, upon request and 171  
payment of a reasonable fee, may obtain reasonable advance 172  
notification of all meetings at which any specific type of 173  
public business is to be discussed. Provisions for advance 174  
notification may include, but are not limited to, mailing the 175  
agenda of meetings to all subscribers on a mailing list or 176  
mailing notices in self-addressed, stamped envelopes provided by 177  
the person. 178

(G) Except as provided in divisions (G)(8) and (J) of this 179  
section, the members of a public body may hold an executive 180  
session only after a majority of a quorum of the public body 181  
determines, by a roll call vote, to hold an executive session 182  
and only at a regular or special meeting for the sole purpose of 183  
the consideration of any of the following matters: 184

(1) To consider the appointment, employment, dismissal, 185  
discipline, promotion, demotion, or compensation of a public 186  
employee or official, or the investigation of charges or 187  
complaints against a public employee, official, licensee, or 188

regulated individual, unless the public employee, official, 189  
licensee, or regulated individual requests a public hearing. 190  
Except as otherwise provided by law, no public body shall hold 191  
an executive session for the discipline of an elected official 192  
for conduct related to the performance of the elected official's 193  
official duties or for the elected official's removal from 194  
office. If a public body holds an executive session pursuant to 195  
division (G) (1) of this section, the motion and vote to hold 196  
that executive session shall state which one or more of the 197  
approved purposes listed in division (G) (1) of this section are 198  
the purposes for which the executive session is to be held, but 199  
need not include the name of any person to be considered at the 200  
meeting. 201

(2) To consider the purchase of property for public 202  
purposes, the sale of property at competitive bidding, or the 203  
sale or other disposition of unneeded, obsolete, or unfit-for- 204  
use property in accordance with section 505.10 of the Revised 205  
Code, if premature disclosure of information would give an 206  
unfair competitive or bargaining advantage to a person whose 207  
personal, private interest is adverse to the general public 208  
interest. No member of a public body shall use division (G) (2) 209  
of this section as a subterfuge for providing covert information 210  
to prospective buyers or sellers. A purchase or sale of public 211  
property is void if the seller or buyer of the public property 212  
has received covert information from a member of a public body 213  
that has not been disclosed to the general public in sufficient 214  
time for other prospective buyers and sellers to prepare and 215  
submit offers. 216

If the minutes of the public body show that all meetings 217  
and deliberations of the public body have been conducted in 218  
compliance with this section, any instrument executed by the 219



public body purporting to convey, lease, or otherwise dispose of 220  
any right, title, or interest in any public property shall be 221  
conclusively presumed to have been executed in compliance with 222  
this section insofar as title or other interest of any bona fide 223  
purchasers, lessees, or transferees of the property is 224  
concerned. 225

(3) Conferences with an attorney for the public body 226  
concerning disputes involving the public body that are the 227  
subject of pending or imminent court action; 228

(4) Preparing for, conducting, or reviewing negotiations 229  
or bargaining sessions with public employees concerning their 230  
compensation or other terms and conditions of their employment; 231

(5) Matters required to be kept confidential by federal 232  
law or regulations or state statutes; 233

(6) Details relative to the security arrangements and 234  
emergency response protocols for a public body or a public 235  
office, if disclosure of the matters discussed could reasonably 236  
be expected to jeopardize the security of the public body or 237  
public office; 238

(7) In the case of a county hospital operated pursuant to 239  
Chapter 339. of the Revised Code, a joint township hospital 240  
operated pursuant to Chapter 513. of the Revised Code, or a 241  
municipal hospital operated pursuant to Chapter 749. of the 242  
Revised Code, to consider trade secrets, as defined in section 243  
1333.61 of the Revised Code; 244

(8) To consider confidential information related to the 245  
marketing plans, specific business strategy, production 246  
techniques, trade secrets, or personal financial statements of 247  
an applicant for economic development assistance, or to 248

negotiations with other political subdivisions respecting 249  
requests for economic development assistance, provided that both 250  
of the following conditions apply: 251

(a) The information is directly related to a request for 252  
economic development assistance that is to be provided or 253  
administered under any provision of Chapter 715., 725., 1724., 254  
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 255  
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 256  
5709.81 of the Revised Code, or that involves public 257  
infrastructure improvements or the extension of utility services 258  
that are directly related to an economic development project. 259

(b) A unanimous quorum of the public body determines, by a 260  
roll call vote, that the executive session is necessary to 261  
protect the interests of the applicant or the possible 262  
investment or expenditure of public funds to be made in 263  
connection with the economic development project. 264

If a public body holds an executive session to consider 265  
any of the matters listed in divisions (G) (2) to (8) of this 266  
section, the motion and vote to hold that executive session 267  
shall state which one or more of the approved matters listed in 268  
those divisions are to be considered at the executive session. 269

A public body specified in division (B) (1) (c) of this 270  
section shall not hold an executive session when meeting for the 271  
purposes specified in that division. 272

(H) A resolution, rule, or formal action of any kind is 273  
invalid unless adopted in an open meeting of the public body. A 274  
resolution, rule, or formal action adopted in an open meeting 275  
that results from deliberations in a meeting not open to the 276  
public is invalid unless the deliberations were for a purpose 277

specifically authorized in division (G) or (J) of this section 278  
and conducted at an executive session held in compliance with 279  
this section. A resolution, rule, or formal action adopted in an 280  
open meeting is invalid if the public body that adopted the 281  
resolution, rule, or formal action violated division (F) of this 282  
section. 283

(I) (1) Any person may bring an action to enforce this 284  
section. An action under division (I) (1) of this section shall 285  
be brought within two years after the date of the alleged 286  
violation or threatened violation. Upon proof of a violation or 287  
threatened violation of this section in an action brought by any 288  
person, the court of common pleas shall issue an injunction to 289  
compel the members of the public body to comply with its 290  
provisions. 291

(2) (a) If the court of common pleas issues an injunction 292  
pursuant to division (I) (1) of this section, the court shall 293  
order the public body that it enjoins to pay a civil forfeiture 294  
of five hundred dollars to the party that sought the injunction 295  
and shall award to that party all court costs and, subject to 296  
reduction as described in division (I) (2) of this section, 297  
reasonable attorney's fees. The court, in its discretion, may 298  
reduce an award of attorney's fees to the party that sought the 299  
injunction or not award attorney's fees to that party if the 300  
court determines both of the following: 301

(i) That, based on the ordinary application of statutory 302  
law and case law as it existed at the time of violation or 303  
threatened violation that was the basis of the injunction, a 304  
well-informed public body reasonably would believe that the 305  
public body was not violating or threatening to violate this 306  
section; 307

(ii) That a well-informed public body reasonably would believe that the conduct or threatened conduct that was the basis of the injunction would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(b) If the court of common pleas does not issue an injunction pursuant to division (I)(1) of this section and the court determines at that time that the bringing of the action was frivolous conduct, as defined in division (A) of section 2323.51 of the Revised Code, the court shall award to the public body all court costs and reasonable attorney's fees, as determined by the court.

(3) Irreparable harm and prejudice to the party that sought the injunction shall be conclusively and irrebuttably presumed upon proof of a violation or threatened violation of this section.

(4) A member of a public body who knowingly violates an injunction issued pursuant to division (I)(1) of this section may be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney or the attorney general.

(J)(1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an executive session for one or more of the following purposes unless an applicant requests a public hearing:

(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;

(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the

Revised Code;	337
(c) Reviewing matters relating to an applicant's request	338
for financial assistance under sections 5901.01 to 5901.15 of	339
the Revised Code.	340
(2) A veterans service commission shall not exclude an	341
applicant for, recipient of, or former recipient of financial	342
assistance under sections 5901.01 to 5901.15 of the Revised	343
Code, and shall not exclude representatives selected by the	344
applicant, recipient, or former recipient, from a meeting that	345
the commission conducts as an executive session that pertains to	346
the applicant's, recipient's, or former recipient's application	347
for financial assistance.	348
(3) A veterans service commission shall vote on the grant	349
or denial of financial assistance under sections 5901.01 to	350
5901.15 of the Revised Code only in an open meeting of the	351
commission. The minutes of the meeting shall indicate the name,	352
address, and occupation of the applicant, whether the assistance	353
was granted or denied, the amount of the assistance if	354
assistance is granted, and the votes for and against the	355
granting of assistance.	356
<b>Sec. 149.43.</b> (A) As used in this section:	357
(1) "Public record" means records kept by any public	358
office, including, but not limited to, state, county, city,	359
village, township, and school district units, and records	360
pertaining to the delivery of educational services by an	361
alternative school in this state kept by the nonprofit or for-	362
profit entity operating the alternative school pursuant to	363
section 3313.533 of the Revised Code. "Public record" does not	364
mean any of the following:	365

(a) Medical records;	366
(b) Records pertaining to probation and parole proceedings, to proceedings related to the imposition of community control sanctions and post-release control sanctions, or to proceedings related to determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;	367 368 369 370 371 372
(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;	373 374 375
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	376 377 378
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	379 380 381 382 383 384
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	385 386
(g) Trial preparation records;	387
(h) Confidential law enforcement investigatory records;	388
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	389 390
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	391 392

(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	393 394 395 396
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	397 398 399 400
(m) Intellectual property records;	401
(n) Donor profile records;	402
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	403 404
(p) Designated public service worker residential and familial information;	405 406
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	407 408 409 410 411
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	412 413
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of	414 415 416 417 418 419 420

the board or director, and in the case of a child fatality 421  
review board, child fatality review data submitted by the board 422  
to the department of health or a national child death review 423  
database, other than the report prepared pursuant to division 424  
(A) of section 307.626 of the Revised Code; 425

(t) Records provided to and statements made by the 426  
executive director of a public children services agency or a 427  
prosecuting attorney acting pursuant to section 5153.171 of the 428  
Revised Code other than the information released under that 429  
section; 430

(u) Test materials, examinations, or evaluation tools used 431  
in an examination for licensure as a nursing home administrator 432  
that the board of executives of long-term services and supports 433  
administers under section 4751.15 of the Revised Code or 434  
contracts under that section with a private or government entity 435  
to administer; 436

(v) Records the release of which is prohibited by state or 437  
federal law; 438

(w) Proprietary information of or relating to any person 439  
that is submitted to or compiled by the Ohio venture capital 440  
authority created under section 150.01 of the Revised Code; 441

(x) Financial statements and data any person submits for 442  
any purpose to the Ohio housing finance agency or the 443  
controlling board in connection with applying for, receiving, or 444  
accounting for financial assistance from the agency, and 445  
information that identifies any individual who benefits directly 446  
or indirectly from financial assistance from the agency; 447

(y) Records listed in section 5101.29 of the Revised Code; 448

(z) Discharges recorded with a county recorder under 449



section 317.24 of the Revised Code, as specified in division (B)	450
(2) of that section;	451
(aa) Usage information including names and addresses of	452
specific residential and commercial customers of a municipally	453
owned or operated public utility;	454
(bb) Records described in division (C) of section 187.04	455
of the Revised Code that are not designated to be made available	456
to the public as provided in that division;	457
(cc) Information and records that are made confidential,	458
privileged, and not subject to disclosure under divisions (B)	459
and (C) of section 2949.221 of the Revised Code;	460
(dd) Personal information, as defined in section 149.45 of	461
the Revised Code;	462
(ee) The confidential name, address, and other personally	463
identifiable information of a program participant in the address	464
confidentiality program established under sections 111.41 to	465
111.47 of the Revised Code, including the contents of any	466
application for absent voter's ballots, absent voter's ballot	467
identification envelope statement of voter, or provisional	468
ballot affirmation completed by a program participant who has a	469
confidential voter registration record, and records or portions	470
of records pertaining to that program that identify the number	471
of program participants that reside within a precinct, ward,	472
township, municipal corporation, county, or any other geographic	473
area smaller than the state. As used in this division,	474
"confidential address" and "program participant" have the	475
meaning defined in section 111.41 of the Revised Code.	476
(ff) Orders for active military service of an individual	477
serving or with previous service in the armed forces of the	478

United States, including a reserve component, or the Ohio 479  
organized militia, except that, such order becomes a public 480  
record on the day that is fifteen years after the published date 481  
or effective date of the call to order; 482

(gg) The name, address, contact information, or other 483  
personal information of an individual who is less than eighteen 484  
years of age that is included in any record related to a traffic 485  
accident involving a school vehicle in which the individual was 486  
an occupant at the time of the accident; 487

(hh) Protected health information, as defined in 45 C.F.R. 488  
160.103, that is in a claim for payment for a health care 489  
product, service, or procedure, as well as any other health 490  
claims data in another document that reveals the identity of an 491  
individual who is the subject of the data or could be used to 492  
reveal that individual's identity; 493

(ii) Any depiction by photograph, film, videotape, or 494  
printed or digital image under either of the following 495  
circumstances: 496

(i) The depiction is that of a victim of an offense the 497  
release of which would be, to a reasonable person of ordinary 498  
sensibilities, an offensive and objectionable intrusion into the 499  
victim's expectation of bodily privacy and integrity. 500

(ii) The depiction captures or depicts the victim of a 501  
sexually oriented offense, as defined in section 2950.01 of the 502  
Revised Code, at the actual occurrence of that offense. 503

(jj) Restricted portions of a body-worn camera or 504  
dashboard camera recording; 505

(kk) In the case of a fetal-infant mortality review board 506  
acting under sections 3707.70 to 3707.77 of the Revised Code, 507

records, documents, reports, or other information presented to 508  
the board or a person abstracting such materials on the board's 509  
behalf, statements made by review board members during board 510  
meetings, all work products of the board, and data submitted by 511  
the board to the department of health or a national infant death 512  
review database, other than the report prepared pursuant to 513  
section 3707.77 of the Revised Code. 514

(ll) Records, documents, reports, or other information 515  
presented to the pregnancy-associated mortality review board 516  
established under section 3738.01 of the Revised Code, 517  
statements made by board members during board meetings, all work 518  
products of the board, and data submitted by the board to the 519  
department of health, other than the biennial reports prepared 520  
under section 3738.08 of the Revised Code; 521

(mm) Telephone numbers for a victim, as defined in section 522  
2930.01 of the Revised Code, a witness to a crime, or a party to 523  
a motor vehicle accident subject to the requirements of section 524  
5502.11 of the Revised Code that are listed on any law 525  
enforcement record or report, other than when requested by an 526  
insurer or insurance agent investigating an insurance claim 527  
resulting from a motor vehicle accident; 528

(nn) Records, documents, reports, or other information 529  
presented to a domestic violence fatality review board 530  
established under section 307.631 of the Revised Code, 531  
statements made by board members during board meetings, all work 532  
products of the board, and data submitted by the board to the 533  
department of health, other than a report prepared pursuant to 534  
section 307.636 of the Revised Code. 535

A record that is not a public record under division (A) (1) 536  
of this section and that, under law, is permanently retained 537

becomes a public record on the day that is seventy-five years 538  
after the day on which the record was created, except for any 539  
record protected by the attorney-client privilege, a trial 540  
preparation record as defined in this section, a statement 541  
prohibiting the release of identifying information signed under 542  
section 3107.083 of the Revised Code, a denial of release form 543  
filed pursuant to section 3107.46 of the Revised Code, or any 544  
record that is exempt from release or disclosure under section 545  
149.433 of the Revised Code. If the record is a birth 546  
certificate and a biological parent's name redaction request 547  
form has been accepted under section 3107.391 of the Revised 548  
Code, the name of that parent shall be redacted from the birth 549  
certificate before it is released under this paragraph. If any 550  
other section of the Revised Code establishes a time period for 551  
disclosure of a record that conflicts with the time period 552  
specified in this section, the time period in the other section 553  
prevails. 554

(2) "Confidential law enforcement investigatory record" 555  
means any record that pertains to a law enforcement matter of a 556  
criminal, quasi-criminal, civil, or administrative nature, but 557  
only to the extent that the release of the record would create a 558  
high probability of disclosure of any of the following: 559

(a) The identity of a suspect who has not been charged 560  
with the offense to which the record pertains, or of an 561  
information source or witness to whom confidentiality has been 562  
reasonably promised; 563

(b) Information provided by an information source or 564  
witness to whom confidentiality has been reasonably promised, 565  
which information would reasonably tend to disclose the source's 566  
or witness's identity; 567

(c) Specific confidential investigatory techniques or	568
procedures or specific investigatory work product;	569
(d) Information that would endanger the life or physical	570
safety of law enforcement personnel, a crime victim, a witness,	571
or a confidential information source.	572
(3) "Medical record" means any document or combination of	573
documents, except births, deaths, and the fact of admission to	574
or discharge from a hospital, that pertains to the medical	575
history, diagnosis, prognosis, or medical condition of a patient	576
and that is generated and maintained in the process of medical	577
treatment.	578
(4) "Trial preparation record" means any record that	579
contains information that is specifically compiled in reasonable	580
anticipation of, or in defense of, a civil or criminal action or	581
proceeding, including the independent thought processes and	582
personal trial preparation of an attorney.	583
(5) "Intellectual property record" means a record, other	584
than a financial or administrative record, that is produced or	585
collected by or for faculty or staff of a state institution of	586
higher learning in the conduct of or as a result of study or	587
research on an educational, commercial, scientific, artistic,	588
technical, or scholarly issue, regardless of whether the study	589
or research was sponsored by the institution alone or in	590
conjunction with a governmental body or private concern, and	591
that has not been publicly released, published, or patented.	592
(6) "Donor profile record" means all records about donors	593
or potential donors to a public institution of higher education	594
except the names and reported addresses of the actual donors and	595
the date, amount, and conditions of the actual donation.	596

(7) "Designated public service worker" means a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, county or multicounty corrections officer, community-based correctional facility employee, youth services employee, firefighter, EMT, medical director or member of a cooperating physician advisory board of an emergency medical service organization, state board of pharmacy employee, investigator of the bureau of criminal identification and investigation, judge, magistrate, or federal law enforcement officer.

(8) "Designated public service worker residential and familial information" means any information that discloses any of the following about a designated public service worker:

(a) The address of the actual personal residence of a designated public service worker, except for the following information:

(i) The address of the actual personal residence of a prosecuting attorney or judge; and

(ii) The state or political subdivision in which a designated public service worker resides.

(b) Information compiled from referral to or participation in an employee assistance program;

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided

to a designated public service worker by the designated public 626  
service worker's employer; 627

(e) The identity and amount of any charitable or 628  
employment benefit deduction made by the designated public 629  
service worker's employer from the designated public service 630  
worker's compensation, unless the amount of the deduction is 631  
required by state or federal law; 632

(f) The name, the residential address, the name of the 633  
employer, the address of the employer, the social security 634  
number, the residential telephone number, any bank account, 635  
debit card, charge card, or credit card number, or the emergency 636  
telephone number of the spouse, a former spouse, or any child of 637  
a designated public service worker; 638

(g) A photograph of a peace officer who holds a position 639  
or has an assignment that may include undercover or plain 640  
clothes positions or assignments as determined by the peace 641  
officer's appointing authority. 642

(9) As used in divisions (A) (7) and (15) to (17) of this 643  
section: 644

"Peace officer" has the meaning defined in section 109.71 645  
of the Revised Code and also includes the superintendent and 646  
troopers of the state highway patrol; it does not include the 647  
sheriff of a county or a supervisory employee who, in the 648  
absence of the sheriff, is authorized to stand in for, exercise 649  
the authority of, and perform the duties of the sheriff. 650

"Correctional employee" means any employee of the 651  
department of rehabilitation and correction who in the course of 652  
performing the employee's job duties has or has had contact with 653  
inmates and persons under supervision. 654

"County or multicounty corrections officer" means any 655  
corrections officer employed by any county or multicounty 656  
correctional facility. 657

"Youth services employee" means any employee of the 658  
department of youth services who in the course of performing the 659  
employee's job duties has or has had contact with children 660  
committed to the custody of the department of youth services. 661

"Firefighter" means any regular, paid or volunteer, member 662  
of a lawfully constituted fire department of a municipal 663  
corporation, township, fire district, or village. 664

"EMT" means EMTs-basic, EMTs-I, and paramedics that 665  
provide emergency medical services for a public emergency 666  
medical service organization. "Emergency medical service 667  
organization," "EMT-basic," "EMT-I," and "paramedic" have the 668  
meanings defined in section 4765.01 of the Revised Code. 669

"Investigator of the bureau of criminal identification and 670  
investigation" has the meaning defined in section 2903.11 of the 671  
Revised Code. 672

"Federal law enforcement officer" has the meaning defined 673  
in section 9.88 of the Revised Code. 674

(10) "Information pertaining to the recreational 675  
activities of a person under the age of eighteen" means 676  
information that is kept in the ordinary course of business by a 677  
public office, that pertains to the recreational activities of a 678  
person under the age of eighteen years, and that discloses any 679  
of the following: 680

(a) The address or telephone number of a person under the 681  
age of eighteen or the address or telephone number of that 682  
person's parent, guardian, custodian, or emergency contact 683



person; 684

(b) The social security number, birth date, or 685  
photographic image of a person under the age of eighteen; 686

(c) Any medical record, history, or information pertaining 687  
to a person under the age of eighteen; 688

(d) Any additional information sought or required about a 689  
person under the age of eighteen for the purpose of allowing 690  
that person to participate in any recreational activity 691  
conducted or sponsored by a public office or to use or obtain 692  
admission privileges to any recreational facility owned or 693  
operated by a public office. 694

(11) "Community control sanction" has the meaning defined 695  
in section 2929.01 of the Revised Code. 696

(12) "Post-release control sanction" has the meaning 697  
defined in section 2967.01 of the Revised Code. 698

(13) "Redaction" means obscuring or deleting any 699  
information that is exempt from the duty to permit public 700  
inspection or copying from an item that otherwise meets the 701  
definition of a "record" in section 149.011 of the Revised Code. 702

(14) "Designee," "elected official," and "future official" 703  
have the meanings defined in section 109.43 of the Revised Code. 704

(15) "Body-worn camera" means a visual and audio recording 705  
device worn on the person of a peace officer while the peace 706  
officer is engaged in the performance of the peace officer's 707  
duties. 708

(16) "Dashboard camera" means a visual and audio recording 709  
device mounted on a peace officer's vehicle or vessel that is 710  
used while the peace officer is engaged in the performance of 711

the peace officer's duties. 712

(17) "Restricted portions of a body-worn camera or 713  
dashboard camera recording" means any visual or audio portion of 714  
a body-worn camera or dashboard camera recording that shows, 715  
communicates, or discloses any of the following: 716

(a) The image or identity of a child or information that 717  
could lead to the identification of a child who is a primary 718  
subject of the recording when the law enforcement agency knows 719  
or has reason to know the person is a child based on the law 720  
enforcement agency's records or the content of the recording; 721

(b) The death of a person or a deceased person's body, 722  
unless the death was caused by a peace officer or, subject to 723  
division (H) (1) of this section, the consent of the decedent's 724  
executor or administrator has been obtained; 725

(c) The death of a peace officer, firefighter, paramedic, 726  
or other first responder, occurring while the decedent was 727  
engaged in the performance of official duties, unless, subject 728  
to division (H) (1) of this section, the consent of the 729  
decedent's executor or administrator has been obtained; 730

(d) Grievous bodily harm, unless the injury was effected 731  
by a peace officer or, subject to division (H) (1) of this 732  
section, the consent of the injured person or the injured 733  
person's guardian has been obtained; 734

(e) An act of severe violence against a person that 735  
results in serious physical harm to the person, unless the act 736  
and injury was effected by a peace officer or, subject to 737  
division (H) (1) of this section, the consent of the injured 738  
person or the injured person's guardian has been obtained; 739

(f) Grievous bodily harm to a peace officer, firefighter, 740

paramedic, or other first responder, occurring while the injured 741  
person was engaged in the performance of official duties, 742  
unless, subject to division (H) (1) of this section, the consent 743  
of the injured person or the injured person's guardian has been 744  
obtained; 745

(g) An act of severe violence resulting in serious 746  
physical harm against a peace officer, firefighter, paramedic, 747  
or other first responder, occurring while the injured person was 748  
engaged in the performance of official duties, unless, subject 749  
to division (H) (1) of this section, the consent of the injured 750  
person or the injured person's guardian has been obtained; 751

(h) A person's nude body, unless, subject to division (H) 752  
(1) of this section, the person's consent has been obtained; 753

(i) Protected health information, the identity of a person 754  
in a health care facility who is not the subject of a law 755  
enforcement encounter, or any other information in a health care 756  
facility that could identify a person who is not the subject of 757  
a law enforcement encounter; 758

(j) Information that could identify the alleged victim of 759  
a sex offense, menacing by stalking, or domestic violence; 760

(k) Information, that does not constitute a confidential 761  
law enforcement investigatory record, that could identify a 762  
person who provides sensitive or confidential information to a 763  
law enforcement agency when the disclosure of the person's 764  
identity or the information provided could reasonably be 765  
expected to threaten or endanger the safety or property of the 766  
person or another person; 767

(l) Personal information of a person who is not arrested, 768  
cited, charged, or issued a written warning by a peace officer; 769

(m) Proprietary police contingency plans or tactics that 770  
are intended to prevent crime and maintain public order and 771  
safety; 772

(n) A personal conversation unrelated to work between 773  
peace officers or between a peace officer and an employee of a 774  
law enforcement agency; 775

(o) A conversation between a peace officer and a member of 776  
the public that does not concern law enforcement activities; 777

(p) The interior of a residence, unless the interior of a 778  
residence is the location of an adversarial encounter with, or a 779  
use of force by, a peace officer; 780

(q) Any portion of the interior of a private business that 781  
is not open to the public, unless an adversarial encounter with, 782  
or a use of force by, a peace officer occurs in that location. 783

As used in division (A) (17) of this section: 784

"Grievous bodily harm" has the same meaning as in section 785  
5924.120 of the Revised Code. 786

"Health care facility" has the same meaning as in section 787  
1337.11 of the Revised Code. 788

"Protected health information" has the same meaning as in 789  
45 C.F.R. 160.103. 790

"Law enforcement agency" has the same meaning as in 791  
section 2925.61 of the Revised Code. 792

"Personal information" means any government-issued 793  
identification number, date of birth, address, financial 794  
information, or criminal justice information from the law 795  
enforcement automated data system or similar databases. 796

"Sex offense" has the same meaning as in section 2907.10 797  
of the Revised Code. 798

"Firefighter," "paramedic," and "first responder" have the 799  
same meanings as in section 4765.01 of the Revised Code. 800

(18) "Insurer" and "insurance agent" have the same 801  
meanings as in section 3905.01 of the Revised Code. 802

(B) (1) Upon request and subject to division (B) (8) of this 803  
section, all public records responsive to the request shall be 804  
promptly prepared and made available for inspection to any 805  
person at all reasonable times during regular business hours. 806  
Subject to division (B) (8) of this section, upon request by any 807  
person, a public office or person responsible for public records 808  
shall make copies of the requested public record available to 809  
the requester at cost and within a reasonable period of time. If 810  
a public record contains information that is exempt from the 811  
duty to permit public inspection or to copy the public record, 812  
the public office or the person responsible for the public 813  
record shall make available all of the information within the 814  
public record that is not exempt. When making that public record 815  
available for public inspection or copying that public record, 816  
the public office or the person responsible for the public 817  
record shall notify the requester of any redaction or make the 818  
redaction plainly visible. A redaction shall be deemed a denial 819  
of a request to inspect or copy the redacted information, except 820  
if federal or state law authorizes or requires a public office 821  
to make the redaction. 822

(2) To facilitate broader access to public records, a 823  
public office or the person responsible for public records shall 824  
organize and maintain public records in a manner that they can 825  
be made available for inspection or copying in accordance with 826

division (B) of this section. A public office also shall have 827  
available a copy of its current records retention schedule at a 828  
location readily available to the public. If a requester makes 829  
an ambiguous or overly broad request or has difficulty in making 830  
a request for copies or inspection of public records under this 831  
section such that the public office or the person responsible 832  
for the requested public record cannot reasonably identify what 833  
public records are being requested, the public office or the 834  
person responsible for the requested public record may deny the 835  
request but shall provide the requester with an opportunity to 836  
revise the request by informing the requester of the manner in 837  
which records are maintained by the public office and accessed 838  
in the ordinary course of the public office's or person's 839  
duties. 840

(3) If a request is ultimately denied, in part or in 841  
whole, the public office or the person responsible for the 842  
requested public record shall provide the requester with an 843  
explanation, including legal authority, setting forth why the 844  
request was denied. If the initial request was provided in 845  
writing, the explanation also shall be provided to the requester 846  
in writing. The explanation shall not preclude the public office 847  
or the person responsible for the requested public record from 848  
relying upon additional reasons or legal authority in defending 849  
an action commenced under division (C) of this section. 850

(4) Unless specifically required or authorized by state or 851  
federal law or in accordance with division (B) of this section, 852  
no public office or person responsible for public records may 853  
limit or condition the availability of public records by 854  
requiring disclosure of the requester's identity or the intended 855  
use of the requested public record. Any requirement that the 856  
requester disclose the requester's identity or the intended use 857

of the requested public record constitutes a denial of the 858  
request. 859

(5) A public office or person responsible for public 860  
records may ask a requester to make the request in writing, may 861  
ask for the requester's identity, and may inquire about the 862  
intended use of the information requested, but may do so only 863  
after disclosing to the requester that a written request is not 864  
mandatory, that the requester may decline to reveal the 865  
requester's identity or the intended use, and when a written 866  
request or disclosure of the identity or intended use would 867  
benefit the requester by enhancing the ability of the public 868  
office or person responsible for public records to identify, 869  
locate, or deliver the public records sought by the requester. 870

(6) If any person requests a copy of a public record in 871  
accordance with division (B) of this section, the public office 872  
or person responsible for the public record may require that 873  
person to pay in advance the cost involved in providing the copy 874  
of the public record in accordance with the choice made by the 875  
person requesting the copy under this division. The public 876  
office or the person responsible for the public record shall 877  
permit that person to choose to have the public record 878  
duplicated upon paper, upon the same medium upon which the 879  
public office or person responsible for the public record keeps 880  
it, or upon any other medium upon which the public office or 881  
person responsible for the public record determines that it 882  
reasonably can be duplicated as an integral part of the normal 883  
operations of the public office or person responsible for the 884  
public record. When the person requesting the copy makes a 885  
choice under this division, the public office or person 886  
responsible for the public record shall provide a copy of it in 887  
accordance with the choice made by that person. Nothing in this 888

section requires a public office or person responsible for the 889  
public record to allow the person requesting a copy of the 890  
public record to make the copies of the public record. 891

(7) (a) Upon a request made in accordance with division (B) 892  
of this section and subject to division (B) (6) of this section, 893  
a public office or person responsible for public records shall 894  
transmit a copy of a public record to any person by United 895  
States mail or by any other means of delivery or transmission 896  
within a reasonable period of time after receiving the request 897  
for the copy. The public office or person responsible for the 898  
public record may require the person making the request to pay 899  
in advance the cost of postage if the copy is transmitted by 900  
United States mail or the cost of delivery if the copy is 901  
transmitted other than by United States mail, and to pay in 902  
advance the costs incurred for other supplies used in the 903  
mailing, delivery, or transmission. 904

(b) Any public office may adopt a policy and procedures 905  
that it will follow in transmitting, within a reasonable period 906  
of time after receiving a request, copies of public records by 907  
United States mail or by any other means of delivery or 908  
transmission pursuant to division (B) (7) of this section. A 909  
public office that adopts a policy and procedures under division 910  
(B) (7) of this section shall comply with them in performing its 911  
duties under that division. 912

(c) In any policy and procedures adopted under division 913  
(B) (7) of this section: 914

(i) A public office may limit the number of records 915  
requested by a person that the office will physically deliver by 916  
United States mail or by another delivery service to ten per 917  
month, unless the person certifies to the office in writing that 918



the person does not intend to use or forward the requested 919  
records, or the information contained in them, for commercial 920  
purposes; 921

(ii) A public office that chooses to provide some or all 922  
of its public records on a web site that is fully accessible to 923  
and searchable by members of the public at all times, other than 924  
during acts of God outside the public office's control or 925  
maintenance, and that charges no fee to search, access, 926  
download, or otherwise receive records provided on the web site, 927  
may limit to ten per month the number of records requested by a 928  
person that the office will deliver in a digital format, unless 929  
the requested records are not provided on the web site and 930  
unless the person certifies to the office in writing that the 931  
person does not intend to use or forward the requested records, 932  
or the information contained in them, for commercial purposes. 933

(iii) For purposes of division (B) (7) of this section, 934  
"commercial" shall be narrowly construed and does not include 935  
reporting or gathering news, reporting or gathering information 936  
to assist citizen oversight or understanding of the operation or 937  
activities of government, or nonprofit educational research. 938

(8) A public office or person responsible for public 939  
records is not required to permit a person who is incarcerated 940  
pursuant to a criminal conviction or a juvenile adjudication to 941  
inspect or to obtain a copy of any public record concerning a 942  
criminal investigation or prosecution or concerning what would 943  
be a criminal investigation or prosecution if the subject of the 944  
investigation or prosecution were an adult, unless the request 945  
to inspect or to obtain a copy of the record is for the purpose 946  
of acquiring information that is subject to release as a public 947  
record under this section and the judge who imposed the sentence 948

or made the adjudication with respect to the person, or the 949  
judge's successor in office, finds that the information sought 950  
in the public record is necessary to support what appears to be 951  
a justiciable claim of the person. 952

(9) (a) Upon written request made and signed by a 953  
journalist, a public office, or person responsible for public 954  
records, having custody of the records of the agency employing a 955  
specified designated public service worker shall disclose to the 956  
journalist the address of the actual personal residence of the 957  
designated public service worker and, if the designated public 958  
service worker's spouse, former spouse, or child is employed by 959  
a public office, the name and address of the employer of the 960  
designated public service worker's spouse, former spouse, or 961  
child. The request shall include the journalist's name and title 962  
and the name and address of the journalist's employer and shall 963  
state that disclosure of the information sought would be in the 964  
public interest. 965

(b) Division (B) (9) (a) of this section also applies to 966  
journalist requests for: 967

(i) Customer information maintained by a municipally owned 968  
or operated public utility, other than social security numbers 969  
and any private financial information such as credit reports, 970  
payment methods, credit card numbers, and bank account 971  
information; 972

(ii) Information about minors involved in a school vehicle 973  
accident as provided in division (A) (1) (gg) of this section, 974  
other than personal information as defined in section 149.45 of 975  
the Revised Code. 976

(c) As used in division (B) (9) of this section, 977

"journalist" means a person engaged in, connected with, or 978  
employed by any news medium, including a newspaper, magazine, 979  
press association, news agency, or wire service, a radio or 980  
television station, or a similar medium, for the purpose of 981  
gathering, processing, transmitting, compiling, editing, or 982  
disseminating information for the general public. 983

(10) Upon a request made by a victim, victim's attorney, 984  
or victim's representative, as that term is used in section 985  
2930.02 of the Revised Code, a public office or person 986  
responsible for public records shall transmit a copy of a 987  
depiction of the victim as described in division (A) (1) (ii) of 988  
this section to the victim, victim's attorney, or victim's 989  
representative. 990

(C) (1) If a person allegedly is aggrieved by the failure 991  
of a public office or the person responsible for public records 992  
to promptly prepare a public record and to make it available to 993  
the person for inspection in accordance with division (B) of 994  
this section or by any other failure of a public office or the 995  
person responsible for public records to comply with an 996  
obligation in accordance with division (B) of this section, the 997  
person allegedly aggrieved may do only one of the following, and 998  
not both: 999

(a) File a complaint with the clerk of the court of claims 1000  
or the clerk of the court of common pleas under section 2743.75 1001  
of the Revised Code; 1002

(b) Commence a mandamus action to obtain a judgment that 1003  
orders the public office or the person responsible for the 1004  
public record to comply with division (B) of this section, that 1005  
awards court costs and reasonable attorney's fees to the person 1006  
that instituted the mandamus action, and, if applicable, that 1007

includes an order fixing statutory damages under division (C) (2) 1008  
of this section. The mandamus action may be commenced in the 1009  
court of common pleas of the county in which division (B) of 1010  
this section allegedly was not complied with, in the supreme 1011  
court pursuant to its original jurisdiction under Section 2 of 1012  
Article IV, Ohio Constitution, or in the court of appeals for 1013  
the appellate district in which division (B) of this section 1014  
allegedly was not complied with pursuant to its original 1015  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1016

(2) If a requester transmits a written request by hand 1017  
delivery, electronic submission, or certified mail to inspect or 1018  
receive copies of any public record in a manner that fairly 1019  
describes the public record or class of public records to the 1020  
public office or person responsible for the requested public 1021  
records, except as otherwise provided in this section, the 1022  
requester shall be entitled to recover the amount of statutory 1023  
damages set forth in this division if a court determines that 1024  
the public office or the person responsible for public records 1025  
failed to comply with an obligation in accordance with division 1026  
(B) of this section. 1027

The amount of statutory damages shall be fixed at one 1028  
hundred dollars for each business day during which the public 1029  
office or person responsible for the requested public records 1030  
failed to comply with an obligation in accordance with division 1031  
(B) of this section, beginning with the day on which the 1032  
requester files a mandamus action to recover statutory damages, 1033  
up to a maximum of one thousand dollars. The award of statutory 1034  
damages shall not be construed as a penalty, but as compensation 1035  
for injury arising from lost use of the requested information. 1036  
The existence of this injury shall be conclusively presumed. The 1037  
award of statutory damages shall be in addition to all other 1038

remedies authorized by this section. 1039

The court may reduce an award of statutory damages or not 1040  
award statutory damages if the court determines both of the 1041  
following: 1042

(a) That, based on the ordinary application of statutory 1043  
law and case law as it existed at the time of the conduct or 1044  
threatened conduct of the public office or person responsible 1045  
for the requested public records that allegedly constitutes a 1046  
failure to comply with an obligation in accordance with division 1047  
(B) of this section and that was the basis of the mandamus 1048  
action, a well-informed public office or person responsible for 1049  
the requested public records reasonably would believe that the 1050  
conduct or threatened conduct of the public office or person 1051  
responsible for the requested public records did not constitute 1052  
a failure to comply with an obligation in accordance with 1053  
division (B) of this section; 1054

(b) That a well-informed public office or person 1055  
responsible for the requested public records reasonably would 1056  
believe that the conduct or threatened conduct of the public 1057  
office or person responsible for the requested public records 1058  
would serve the public policy that underlies the authority that 1059  
is asserted as permitting that conduct or threatened conduct. 1060

(3) In a mandamus action filed under division (C) (1) of 1061  
this section, the following apply: 1062

(a) (i) If the court orders the public office or the person 1063  
responsible for the public record to comply with division (B) of 1064  
this section, the court shall determine and award to the relator 1065  
all court costs, which shall be construed as remedial and not 1066  
punitive. 1067

(ii) If the court makes a determination described in 1068  
division (C) (3) (b) (iii) of this section, the court shall 1069  
determine and award to the relator all court costs, which shall 1070  
be construed as remedial and not punitive. 1071

(b) If the court renders a judgment that orders the public 1072  
office or the person responsible for the public record to comply 1073  
with division (B) of this section or if the court determines any 1074  
of the following, the court may award reasonable attorney's fees 1075  
to the relator, subject to division (C) (4) of this section: 1076

(i) The public office or the person responsible for the 1077  
public records failed to respond affirmatively or negatively to 1078  
the public records request in accordance with the time allowed 1079  
under division (B) of this section. 1080

(ii) The public office or the person responsible for the 1081  
public records promised to permit the relator to inspect or 1082  
receive copies of the public records requested within a 1083  
specified period of time but failed to fulfill that promise 1084  
within that specified period of time. 1085

(iii) The public office or the person responsible for the 1086  
public records acted in bad faith when the office or person 1087  
voluntarily made the public records available to the relator for 1088  
the first time after the relator commenced the mandamus action, 1089  
but before the court issued any order concluding whether or not 1090  
the public office or person was required to comply with division 1091  
(B) of this section. No discovery may be conducted on the issue 1092  
of the alleged bad faith of the public office or person 1093  
responsible for the public records. This division shall not be 1094  
construed as creating a presumption that the public office or 1095  
the person responsible for the public records acted in bad faith 1096  
when the office or person voluntarily made the public records 1097

available to the relator for the first time after the relator 1098  
commenced the mandamus action, but before the court issued any 1099  
order described in this division. 1100

(c) The court shall not award attorney's fees to the 1101  
relator if the court determines both of the following: 1102

(i) That, based on the ordinary application of statutory 1103  
law and case law as it existed at the time of the conduct or 1104  
threatened conduct of the public office or person responsible 1105  
for the requested public records that allegedly constitutes a 1106  
failure to comply with an obligation in accordance with division 1107  
(B) of this section and that was the basis of the mandamus 1108  
action, a well-informed public office or person responsible for 1109  
the requested public records reasonably would believe that the 1110  
conduct or threatened conduct of the public office or person 1111  
responsible for the requested public records did not constitute 1112  
a failure to comply with an obligation in accordance with 1113  
division (B) of this section; 1114

(ii) That a well-informed public office or person 1115  
responsible for the requested public records reasonably would 1116  
believe that the conduct or threatened conduct of the public 1117  
office or person responsible for the requested public records 1118  
would serve the public policy that underlies the authority that 1119  
is asserted as permitting that conduct or threatened conduct. 1120

(4) All of the following apply to any award of reasonable 1121  
attorney's fees awarded under division (C) (3) (b) of this 1122  
section: 1123

(a) The fees shall be construed as remedial and not 1124  
punitive. 1125

(b) The fees awarded shall not exceed the total of the 1126

reasonable attorney's fees incurred before the public record was 1127  
made available to the relator and the fees described in division 1128  
(C) (4) (c) of this section. 1129

(c) Reasonable attorney's fees shall include reasonable 1130  
fees incurred to produce proof of the reasonableness and amount 1131  
of the fees and to otherwise litigate entitlement to the fees. 1132

(d) The court may reduce the amount of fees awarded if the 1133  
court determines that, given the factual circumstances involved 1134  
with the specific public records request, an alternative means 1135  
should have been pursued to more effectively and efficiently 1136  
resolve the dispute that was subject to the mandamus action 1137  
filed under division (C) (1) of this section. 1138

(5) If the court does not issue a writ of mandamus under 1139  
division (C) of this section and the court determines at that 1140  
time that the bringing of the mandamus action was frivolous 1141  
conduct as defined in division (A) of section 2323.51 of the 1142  
Revised Code, the court may award to the public office all court 1143  
costs, expenses, and reasonable attorney's fees, as determined 1144  
by the court. 1145

(D) Chapter 1347. of the Revised Code does not limit the 1146  
provisions of this section. 1147

(E) (1) To ensure that all employees of public offices are 1148  
appropriately educated about a public office's obligations under 1149  
division (B) of this section, all elected officials or their 1150  
appropriate designees shall attend training approved by the 1151  
attorney general as provided in section 109.43 of the Revised 1152  
Code. A future official may satisfy the requirements of this 1153  
division by attending the training before taking office, 1154  
provided that the future official may not send a designee in the 1155



future official's place. 1156

(2) All public offices shall adopt a public records policy 1157  
in compliance with this section for responding to public records 1158  
requests. In adopting a public records policy under this 1159  
division, a public office may obtain guidance from the model 1160  
public records policy developed and provided to the public 1161  
office by the attorney general under section 109.43 of the 1162  
Revised Code. Except as otherwise provided in this section, the 1163  
policy may not limit the number of public records that the 1164  
public office will make available to a single person, may not 1165  
limit the number of public records that it will make available 1166  
during a fixed period of time, and may not establish a fixed 1167  
period of time before it will respond to a request for 1168  
inspection or copying of public records, unless that period is 1169  
less than eight hours. 1170

The public office shall distribute the public records 1171  
policy adopted by the public office under this division to the 1172  
employee of the public office who is the records custodian or 1173  
records manager or otherwise has custody of the records of that 1174  
office. The public office shall require that employee to 1175  
acknowledge receipt of the copy of the public records policy. 1176  
The public office shall create a poster that describes its 1177  
public records policy and shall post the poster in a conspicuous 1178  
place in the public office and in all locations where the public 1179  
office has branch offices. The public office may post its public 1180  
records policy on the internet web site of the public office if 1181  
the public office maintains an internet web site. A public 1182  
office that has established a manual or handbook of its general 1183  
policies and procedures for all employees of the public office 1184  
shall include the public records policy of the public office in 1185  
the manual or handbook. 1186

(F) (1) The bureau of motor vehicles may adopt rules 1187  
pursuant to Chapter 119. of the Revised Code to reasonably limit 1188  
the number of bulk commercial special extraction requests made 1189  
by a person for the same records or for updated records during a 1190  
calendar year. The rules may include provisions for charges to 1191  
be made for bulk commercial special extraction requests for the 1192  
actual cost of the bureau, plus special extraction costs, plus 1193  
ten per cent. The bureau may charge for expenses for redacting 1194  
information, the release of which is prohibited by law. 1195

(2) As used in division (F) (1) of this section: 1196

(a) "Actual cost" means the cost of depleted supplies, 1197  
records storage media costs, actual mailing and alternative 1198  
delivery costs, or other transmitting costs, and any direct 1199  
equipment operating and maintenance costs, including actual 1200  
costs paid to private contractors for copying services. 1201

(b) "Bulk commercial special extraction request" means a 1202  
request for copies of a record for information in a format other 1203  
than the format already available, or information that cannot be 1204  
extracted without examination of all items in a records series, 1205  
class of records, or database by a person who intends to use or 1206  
forward the copies for surveys, marketing, solicitation, or 1207  
resale for commercial purposes. "Bulk commercial special 1208  
extraction request" does not include a request by a person who 1209  
gives assurance to the bureau that the person making the request 1210  
does not intend to use or forward the requested copies for 1211  
surveys, marketing, solicitation, or resale for commercial 1212  
purposes. 1213

(c) "Commercial" means profit-seeking production, buying, 1214  
or selling of any good, service, or other product. 1215

(d) "Special extraction costs" means the cost of the time 1216  
spent by the lowest paid employee competent to perform the task, 1217  
the actual amount paid to outside private contractors employed 1218  
by the bureau, or the actual cost incurred to create computer 1219  
programs to make the special extraction. "Special extraction 1220  
costs" include any charges paid to a public agency for computer 1221  
or records services. 1222

(3) For purposes of divisions (F) (1) and (2) of this 1223  
section, "surveys, marketing, solicitation, or resale for 1224  
commercial purposes" shall be narrowly construed and does not 1225  
include reporting or gathering news, reporting or gathering 1226  
information to assist citizen oversight or understanding of the 1227  
operation or activities of government, or nonprofit educational 1228  
research. 1229

(G) A request by a defendant, counsel of a defendant, or 1230  
any agent of a defendant in a criminal action that public 1231  
records related to that action be made available under this 1232  
section shall be considered a demand for discovery pursuant to 1233  
the Criminal Rules, except to the extent that the Criminal Rules 1234  
plainly indicate a contrary intent. The defendant, counsel of 1235  
the defendant, or agent of the defendant making a request under 1236  
this division shall serve a copy of the request on the 1237  
prosecuting attorney, director of law, or other chief legal 1238  
officer responsible for prosecuting the action. 1239

(H) (1) Any portion of a body-worn camera or dashboard 1240  
camera recording described in divisions (A) (17) (b) to (h) of 1241  
this section may be released by consent of the subject of the 1242  
recording or a representative of that person, as specified in 1243  
those divisions, only if either of the following applies: 1244

(a) The recording will not be used in connection with any 1245

probable or pending criminal proceedings; 1246

(b) The recording has been used in connection with a 1247  
criminal proceeding that was dismissed or for which a judgment 1248  
has been entered pursuant to Rule 32 of the Rules of Criminal 1249  
Procedure, and will not be used again in connection with any 1250  
probable or pending criminal proceedings. 1251

(2) If a public office denies a request to release a 1252  
restricted portion of a body-worn camera or dashboard camera 1253  
recording, as defined in division (A) (17) of this section, any 1254  
person may file a mandamus action pursuant to this section or a 1255  
complaint with the clerk of the court of claims pursuant to 1256  
section 2743.75 of the Revised Code, requesting the court to 1257  
order the release of all or portions of the recording. If the 1258  
court considering the request determines that the filing 1259  
articulates by clear and convincing evidence that the public 1260  
interest in the recording substantially outweighs privacy 1261  
interests and other interests asserted to deny release, the 1262  
court shall order the public office to release the recording. 1263

Sec. 307.631. (A) A board of county commissioners may 1264  
appoint a health commissioner of the board of health of a city 1265  
or general health district that is entirely or partially located 1266  
in the county in which the board of county commissioners is 1267  
located to establish a domestic violence fatality review board 1268  
to review the deaths of individuals over eighteen years of age 1269  
by domestic violence that occurred in the county. 1270

(B) The boards of county commissioners of two or more 1271  
counties may, by adopting a joint resolution passed by a 1272  
majority of the members of each participating board of county 1273  
commissioners, create a regional domestic violence fatality 1274  
review board to review the deaths of individuals over eighteen 1275

years of age by domestic violence that occurred in the 1276  
participating counties. The joint resolution shall appoint, for 1277  
each county participating as part of the regional review board, 1278  
one health commissioner from a board of health of a city or 1279  
general health district located at least in part in that county. 1280  
The health commissioners appointed shall select one of their 1281  
number as the health commissioner to establish the regional 1282  
review board. 1283

(C) In any county that, on the effective date of this 1284  
section, has a body that is acting as a domestic violence 1285  
fatality review board and is comprised of the members described 1286  
in division (A) (1) of section 307.632 of the Revised Code, 1287  
including a public health official or designee, the board of 1288  
county commissioners of that county, in lieu of having a health 1289  
commissioner establish a domestic violence fatality review 1290  
board, may appoint that body to function as the domestic 1291  
violence fatality review board for the county. The body shall 1292  
have the same duties, obligations, and protections as a domestic 1293  
violence fatality review board appointed by a health 1294  
commissioner. 1295

**Sec. 307.632.** (A) (1) If a health commissioner establishes 1296  
a domestic violence fatality review board as described in 1297  
division (A) of section 307.631 of the Revised Code, the 1298  
commissioner shall select the following to serve on the review 1299  
board: 1300

(a) The county coroner or designee; 1301

(b) The chief of police of a police department in the 1302  
county or the county sheriff or a designee of the chief or 1303  
sheriff; 1304

<u>(c) A public health official or designee;</u>	1305
<u>(d) The county prosecutor or designee;</u>	1306
<u>(e) The executive director of a public children services agency or designee;</u>	1307 1308
<u>(f) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery with expertise in domestic violence;</u>	1309 1310 1311
<u>(g) An individual representing a domestic violence shelter or with experience advocating for domestic violence victims;</u>	1312 1313
<u>(h) An individual representing a domestic violence perpetrator treatment program;</u>	1314 1315
<u>(i) A county corrections official or designee;</u>	1316
<u>(j) An individual representing school teachers, guidance counselors, or student health services staff;</u>	1317 1318
<u>(k) An individual representing judges or court administrators.</u>	1319 1320
<u>(2) If a health commissioner establishes a domestic violence fatality review board as described in division (B) of section 307.631 of the Revised Code, the commissioner shall select the following to serve on the review board:</u>	1321 1322 1323 1324
<u>(a) A county coroner or designee;</u>	1325
<u>(b) The chief of police of a police department or a sheriff or a designee of the chief or sheriff;</u>	1326 1327
<u>(c) A public health official or designee;</u>	1328
<u>(d) A county prosecutor or designee;</u>	1329
<u>(e) The executive director of a public children services</u>	1330

agency or designee; 1331

(f) A physician authorized under Chapter 4731. of the 1332  
Revised Code to practice medicine and surgery or osteopathic 1333  
medicine and surgery with expertise in domestic violence; 1334

(g) An individual representing a domestic violence shelter 1335  
or with experience advocating for domestic violence victims; 1336

(h) An individual representing a domestic violence 1337  
perpetrator treatment program; 1338

(i) A county corrections official or designee; 1339

(j) An individual representing school teachers, guidance 1340  
counselors, or student health services staff; 1341

(k) An individual representing judges or court 1342  
administrators. 1343

The members described in divisions (A) (2) (a), (b), (c), 1344  
(d), (i), and (k) of this section shall be representatives from 1345  
the most populous county served by the board. 1346

(B) The majority of the members of a review board may 1347  
invite additional members to serve on the board. The additional 1348  
members invited under this division shall serve for a period of 1349  
time determined by a majority of the members described in 1350  
division (A) of this section. Each additional member shall have 1351  
the same authority, duties, and responsibilities as members 1352  
described in division (A) of this section. 1353

(C) A vacancy in a domestic violence review board shall be 1354  
filled in the same manner as the original appointment. If the 1355  
health commissioner who made the original appointment as 1356  
described in division (A) of this section is no longer serving 1357  
in that capacity, a successor of the commissioner shall fill the 1358

vacancy. 1359

(D) A domestic violence fatality review board member shall 1360  
not receive any compensation for, and shall not be paid for any 1361  
expenses incurred pursuant to, fulfilling the member's duties on 1362  
the board unless compensation for, or payment for expenses 1363  
incurred pursuant to, those duties is received pursuant to a 1364  
member's regular employment. 1365

(E) No person shall serve as a member of a domestic 1366  
violence fatality review board without signing a statement 1367  
acknowledging the provisions of section 307.639 of the Revised 1368  
Code. 1369

**Sec. 307.633.** (A) If a domestic violence fatality review 1370  
board is established under section 307.631 of the Revised Code, 1371  
the board members shall select, by majority vote, a member of 1372  
the board to serve as the chairperson of the review board. 1373

(B) The chairperson of the review board shall be 1374  
responsible for all of the following: 1375

(1) Convening board meetings; 1376

(2) Notifying members of board meetings; 1377

(3) Providing members with a list of fatalities to be 1378  
reviewed during a board meeting; 1379

(4) Ensuring that the review board complies with the 1380  
procedure for conducting reviews of deaths established in rules 1381  
adopted under section 3701.0410 of the Revised Code. 1382

**Sec. 307.634.** The purpose of a domestic violence fatality 1383  
review board established under section 307.631 of the Revised 1384  
Code is to decrease the incidence of deaths occurring as a 1385  
result of domestic violence by doing all of the following: 1386



(A) Promoting cooperation, collaboration, and communication between all groups, professions, agencies, or entities engaged in the prevention of, and education about, domestic violence; 1387  
1388  
1389  
1390

(B) Maintaining a comprehensive database of all deaths by domestic violence that occur in the county or region served by the review board in order to develop an understanding of the causes and incidence of those deaths; 1391  
1392  
1393  
1394

(C) Recommending and developing plans for implementing local service and program changes and changes to the groups, professions, agencies, or entities that serve local residents that might prevent deaths by domestic violence; 1395  
1396  
1397  
1398

(D) Providing the department of health with aggregate data, trends, and patterns concerning deaths by domestic violence. 1399  
1400  
1401

Sec. 307.635. A domestic violence fatality review board may not conduct a review of a death while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney agrees to allow the review. The law enforcement agency conducting the criminal investigation, on the conclusion of the investigation, and the prosecuting attorney prosecuting the case, on the conclusion of the prosecution, shall notify the chairperson of the review board of the conclusion. 1402  
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Sec. 307.636. (A) A domestic violence fatality review board shall establish a system for collecting and maintaining information necessary for the review of deaths by domestic violence in the county or region. In an effort to ensure confidentiality, each board shall do all of the following: 1411  
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1414  
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<u>(1) Maintain all records in a secure location;</u>	1416
<u>(2) Develop security measures to prevent unauthorized</u>	1417
<u>access to records containing information that could reasonably</u>	1418
<u>identify any person;</u>	1419
<u>(3) Develop a system for storing, processing, indexing,</u>	1420
<u>retrieving, and destroying information obtained in the course of</u>	1421
<u>reviewing a death.</u>	1422
<u>(B) For each death reviewed by a board, the board shall</u>	1423
<u>collect all of the following:</u>	1424
<u>(1) Demographic information of the deceased and</u>	1425
<u>perpetrator, including age, sex, race, and ethnicity;</u>	1426
<u>(2) The year in which the death occurred;</u>	1427
<u>(3) The geographic location of the death;</u>	1428
<u>(4) The cause of death;</u>	1429
<u>(5) Any factors contributing to the death;</u>	1430
<u>(6) Any other information the board considers relevant.</u>	1431
<u>(C) By the first day of April of each year, the person</u>	1432
<u>convening a domestic violence fatality review board shall</u>	1433
<u>prepare and submit to the department of health in the manner and</u>	1434
<u>format prescribed by the department a report that includes all</u>	1435
<u>of the following information for the previous calendar year:</u>	1436
<u>(1) The total number of deaths by domestic violence in the</u>	1437
<u>county or region;</u>	1438
<u>(2) The total number of deaths by domestic violence</u>	1439
<u>reviewed by the board;</u>	1440
<u>(3) A summary of demographic information for the deaths</u>	1441

reviewed, including age, sex, race, and ethnicity of both 1442  
deceased and perpetrators; 1443

(4) A summary of any trends or patterns identified by the 1444  
board. 1445

The report shall specify the number of deaths by domestic 1446  
violence that were not reviewed during the previous calendar 1447  
year. 1448

The report shall include recommendations for actions that 1449  
might prevent other deaths, as well as any other information the 1450  
review board determines should be included. 1451

(D) Reports prepared under division (C) of this section 1452  
shall be considered public records under section 149.43 of the 1453  
Revised Code. 1454

**Sec. 307.637.** (A) (1) Notwithstanding section 3701.17 and 1455  
any other section of the Revised Code pertaining to 1456  
confidentiality, on the request of the domestic violence 1457  
fatality review board, any individual, law enforcement agency, 1458  
or other public or private entity that provided services to any 1459  
of the following shall submit to the review board a summary 1460  
sheet of information: 1461

(a) A person whose death is being reviewed by a domestic 1462  
violence fatality review board; 1463

(b) A person who caused the death of a person whose death 1464  
is being reviewed by a domestic violence fatality review board; 1465

(c) A child of a person whose death is being reviewed by a 1466  
domestic violence fatality review board. 1467

(2) With respect to a request made to a health care 1468  
entity, the summary sheet shall contain only information 1469

available and reasonably drawn from the person's or child's 1470  
medical record created by the health care entity. 1471

(3) With respect to a request made to any other individual 1472  
or entity, the summary sheet shall contain only information 1473  
available and reasonably drawn from any record involving the 1474  
person or child to which the individual or entity has access. 1475

(4) On the request of the review board, an individual or 1476  
entity may, at the individual or entity's discretion, make any 1477  
additional information, documents, or reports available to the 1478  
review board. 1479

(B) Notwithstanding division (A) of this section, no 1480  
person, entity, law enforcement agency, or prosecuting attorney 1481  
shall provide any information to a domestic violence fatality 1482  
review board while an investigation of the death or prosecution 1483  
of a person for causing the death is pending unless the 1484  
prosecuting attorney has agreed pursuant to section 307.635 of 1485  
the Revised Code to allow review of the death. 1486

Sec. 307.638. (A) Except as provided in division (B) of 1487  
this section, members of a domestic violence fatality review 1488  
board and their agents or employees, if any, are immune from 1489  
claims and are not subject to any suits, liability, damages, or 1490  
any other recourse, civil or criminal, arising from any act, 1491  
proceeding, decision, or determination undertaken or performed 1492  
or recommendation made by the review board. 1493

No organization, institution, or person furnishing 1494  
information, data, testimony, reports, or records to the 1495  
domestic violence fatality review board is civilly or criminally 1496  
liable or subject to any other recourse for providing the 1497  
information. 1498

(B) The immunity from criminal liability granted by this 1499  
section does not extend to violations of division (E) of section 1500  
307.632 of the Revised Code or division (B) of section 307.639 1501  
of the Revised Code. 1502

**Sec. 307.639.** (A) Any information, document, or report 1503  
presented to a domestic violence fatality review board, all 1504  
statements made by review board members during meetings of the 1505  
review board, all work products of the review board, and data 1506  
submitted by the review board to the department of health, other 1507  
than the report prepared pursuant to section 307.636 of the 1508  
Revised Code, are confidential, are not public records open to 1509  
public inspection and copying under section 149.43 of the 1510  
Revised Code, and shall be used by the review board, its 1511  
members, and the department of health only in the exercise of 1512  
the proper functions of the review board and the department. 1513

(B) No member of a domestic violence fatality review board 1514  
shall disclose any of the following, except in the exercise of 1515  
the proper functions of the review board: 1516

(1) Information, documents, or reports presented to the 1517  
board; 1518

(2) Work products of the review board or data submitted to 1519  
the department of health other than reports prepared pursuant to 1520  
division (C) of section 307.636 of the Revised Code. 1521

**Sec. 307.99.** (A) Whoever violates section 307.42 of the 1522  
Revised Code shall be fined not less than twenty-five nor more 1523  
than one hundred dollars for each offense. 1524

(B) Whoever violates section 307.43 of the Revised Code 1525  
shall be fined not less than twenty-five nor more than two 1526  
hundred dollars, and imprisoned not less than ten nor more than 1527

sixty days. 1528

(C) Whoever violates section 307.37 of the Revised Code, 1529  
shall be fined not more than three hundred dollars. 1530

(D) Whoever violates division (C) (5) of section 307.97 of 1531  
the Revised Code shall be fined not less than one hundred nor 1532  
more than five hundred dollars. 1533

(E) Whoever violates any other subdivision of division (C) 1534  
of section 307.97 of the Revised Code shall be imprisoned not 1535  
more than six months or fined not more than one thousand 1536  
dollars, or both. 1537

(F) Whoever violates division (E) of section 307.632 of 1538  
the Revised Code or division (B) of section 307.639 of the 1539  
Revised Code is guilty of a misdemeanor of the first degree. 1540

**Sec. 3701.0410.** The department of health shall adopt rules 1541  
in accordance with Chapter 119. of the Revised Code establishing 1542  
a procedure for county or regional domestic violence fatality 1543  
review boards to follow in conducting a review of a death by 1544  
domestic violence. The rules shall do all of the following: 1545

(A) Establish the format for the annual reports required 1546  
by section 307.636 of the Revised Code; 1547

(B) Establish guidelines for a county or regional review 1548  
board to follow in compiling statistics for annual reports so 1549  
that the reports do not contain any information that would 1550  
permit any person's identity to be ascertained from a report; 1551

(C) Establish guidelines for a county or regional review 1552  
board to follow in creating and maintaining the comprehensive 1553  
database of deaths by domestic violence that is required by 1554  
section 307.634 of the Revised Code, including provisions 1555

establishing uniform record-keeping procedures; 1556

(D) Establish guidelines for reporting domestic violence 1557  
fatality review data to the department of health, which must 1558  
maintain the confidentiality of information that would permit a 1559  
person's identity to be ascertained; 1560

(E) Establish guidelines, materials, and training to help 1561  
educate members of county or regional review boards about the 1562  
purpose of the review process and the confidentiality of the 1563  
information described in section 307.639 of the Revised Code. 1564

**Sec. 4731.22.** (A) The state medical board, by an 1565  
affirmative vote of not fewer than six of its members, may 1566  
limit, revoke, or suspend a license or certificate to practice 1567  
or certificate to recommend, refuse to grant a license or 1568  
certificate, refuse to renew a license or certificate, refuse to 1569  
reinstate a license or certificate, or reprimand or place on 1570  
probation the holder of a license or certificate if the 1571  
individual applying for or holding the license or certificate is 1572  
found by the board to have committed fraud during the 1573  
administration of the examination for a license or certificate 1574  
to practice or to have committed fraud, misrepresentation, or 1575  
deception in applying for, renewing, or securing any license or 1576  
certificate to practice or certificate to recommend issued by 1577  
the board. 1578

(B) The board, by an affirmative vote of not fewer than 1579  
six members, shall, to the extent permitted by law, limit, 1580  
revoke, or suspend a license or certificate to practice or 1581  
certificate to recommend, refuse to issue a license or 1582  
certificate, refuse to renew a license or certificate, refuse to 1583  
reinstate a license or certificate, or reprimand or place on 1584  
probation the holder of a license or certificate for one or more 1585

of the following reasons: 1586

(1) Permitting one's name or one's license or certificate 1587  
to practice to be used by a person, group, or corporation when 1588  
the individual concerned is not actually directing the treatment 1589  
given; 1590

(2) Failure to maintain minimal standards applicable to 1591  
the selection or administration of drugs, or failure to employ 1592  
acceptable scientific methods in the selection of drugs or other 1593  
modalities for treatment of disease; 1594

(3) Except as provided in section 4731.97 of the Revised 1595  
Code, selling, giving away, personally furnishing, prescribing, 1596  
or administering drugs for other than legal and legitimate 1597  
therapeutic purposes or a plea of guilty to, a judicial finding 1598  
of guilt of, or a judicial finding of eligibility for 1599  
intervention in lieu of conviction of, a violation of any 1600  
federal or state law regulating the possession, distribution, or 1601  
use of any drug; 1602

(4) Willfully betraying a professional confidence. 1603

For purposes of this division, "willfully betraying a 1604  
professional confidence" does not include providing any 1605  
information, documents, or reports under sections 307.621 to 1606  
307.629 of the Revised Code to a child fatality review board; 1607  
does not include providing any information, documents, or 1608  
reports under sections 307.631 to 307.639 of the Revised Code to 1609  
a domestic violence fatality review board; does not include 1610  
providing any information, documents, or reports to the director 1611  
of health pursuant to guidelines established under section 1612  
3701.70 of the Revised Code; does not include written notice to 1613  
a mental health professional under section 4731.62 of the 1614



Revised Code; and does not include the making of a report of an 1615  
employee's use of a drug of abuse, or a report of a condition of 1616  
an employee other than one involving the use of a drug of abuse, 1617  
to the employer of the employee as described in division (B) of 1618  
section 2305.33 of the Revised Code. Nothing in this division 1619  
affects the immunity from civil liability conferred by section 1620  
2305.33 or 4731.62 of the Revised Code upon a physician who 1621  
makes a report in accordance with section 2305.33 or notifies a 1622  
mental health professional in accordance with section 4731.62 of 1623  
the Revised Code. As used in this division, "employee," 1624  
"employer," and "physician" have the same meanings as in section 1625  
2305.33 of the Revised Code. 1626

(5) Making a false, fraudulent, deceptive, or misleading 1627  
statement in the solicitation of or advertising for patients; in 1628  
relation to the practice of medicine and surgery, osteopathic 1629  
medicine and surgery, podiatric medicine and surgery, or a 1630  
limited branch of medicine; or in securing or attempting to 1631  
secure any license or certificate to practice issued by the 1632  
board. 1633

As used in this division, "false, fraudulent, deceptive, 1634  
or misleading statement" means a statement that includes a 1635  
misrepresentation of fact, is likely to mislead or deceive 1636  
because of a failure to disclose material facts, is intended or 1637  
is likely to create false or unjustified expectations of 1638  
favorable results, or includes representations or implications 1639  
that in reasonable probability will cause an ordinarily prudent 1640  
person to misunderstand or be deceived. 1641

(6) A departure from, or the failure to conform to, 1642  
minimal standards of care of similar practitioners under the 1643  
same or similar circumstances, whether or not actual injury to a 1644

patient is established; 1645

(7) Representing, with the purpose of obtaining 1646  
compensation or other advantage as personal gain or for any 1647  
other person, that an incurable disease or injury, or other 1648  
incurable condition, can be permanently cured; 1649

(8) The obtaining of, or attempting to obtain, money or 1650  
anything of value by fraudulent misrepresentations in the course 1651  
of practice; 1652

(9) A plea of guilty to, a judicial finding of guilt of, 1653  
or a judicial finding of eligibility for intervention in lieu of 1654  
conviction for, a felony; 1655

(10) Commission of an act that constitutes a felony in 1656  
this state, regardless of the jurisdiction in which the act was 1657  
committed; 1658

(11) A plea of guilty to, a judicial finding of guilt of, 1659  
or a judicial finding of eligibility for intervention in lieu of 1660  
conviction for, a misdemeanor committed in the course of 1661  
practice; 1662

(12) Commission of an act in the course of practice that 1663  
constitutes a misdemeanor in this state, regardless of the 1664  
jurisdiction in which the act was committed; 1665

(13) A plea of guilty to, a judicial finding of guilt of, 1666  
or a judicial finding of eligibility for intervention in lieu of 1667  
conviction for, a misdemeanor involving moral turpitude; 1668

(14) Commission of an act involving moral turpitude that 1669  
constitutes a misdemeanor in this state, regardless of the 1670  
jurisdiction in which the act was committed; 1671

(15) Violation of the conditions of limitation placed by 1672

the board upon a license or certificate to practice; 1673

(16) Failure to pay license renewal fees specified in this 1674  
chapter; 1675

(17) Except as authorized in section 4731.31 of the 1676  
Revised Code, engaging in the division of fees for referral of 1677  
patients, or the receiving of a thing of value in return for a 1678  
specific referral of a patient to utilize a particular service 1679  
or business; 1680

(18) Subject to section 4731.226 of the Revised Code, 1681  
violation of any provision of a code of ethics of the American 1682  
medical association, the American osteopathic association, the 1683  
American podiatric medical association, or any other national 1684  
professional organizations that the board specifies by rule. The 1685  
state medical board shall obtain and keep on file current copies 1686  
of the codes of ethics of the various national professional 1687  
organizations. The individual whose license or certificate is 1688  
being suspended or revoked shall not be found to have violated 1689  
any provision of a code of ethics of an organization not 1690  
appropriate to the individual's profession. 1691

For purposes of this division, a "provision of a code of 1692  
ethics of a national professional organization" does not include 1693  
any provision that would preclude the making of a report by a 1694  
physician of an employee's use of a drug of abuse, or of a 1695  
condition of an employee other than one involving the use of a 1696  
drug of abuse, to the employer of the employee as described in 1697  
division (B) of section 2305.33 of the Revised Code. Nothing in 1698  
this division affects the immunity from civil liability 1699  
conferred by that section upon a physician who makes either type 1700  
of report in accordance with division (B) of that section. As 1701  
used in this division, "employee," "employer," and "physician" 1702

have the same meanings as in section 2305.33 of the Revised 1703  
Code. 1704

(19) Inability to practice according to acceptable and 1705  
prevailing standards of care by reason of mental illness or 1706  
physical illness, including, but not limited to, physical 1707  
deterioration that adversely affects cognitive, motor, or 1708  
perceptive skills. 1709

In enforcing this division, the board, upon a showing of a 1710  
possible violation, may compel any individual authorized to 1711  
practice by this chapter or who has submitted an application 1712  
pursuant to this chapter to submit to a mental examination, 1713  
physical examination, including an HIV test, or both a mental 1714  
and a physical examination. The expense of the examination is 1715  
the responsibility of the individual compelled to be examined. 1716  
Failure to submit to a mental or physical examination or consent 1717  
to an HIV test ordered by the board constitutes an admission of 1718  
the allegations against the individual unless the failure is due 1719  
to circumstances beyond the individual's control, and a default 1720  
and final order may be entered without the taking of testimony 1721  
or presentation of evidence. If the board finds an individual 1722  
unable to practice because of the reasons set forth in this 1723  
division, the board shall require the individual to submit to 1724  
care, counseling, or treatment by physicians approved or 1725  
designated by the board, as a condition for initial, continued, 1726  
reinstated, or renewed authority to practice. An individual 1727  
affected under this division shall be afforded an opportunity to 1728  
demonstrate to the board the ability to resume practice in 1729  
compliance with acceptable and prevailing standards under the 1730  
provisions of the individual's license or certificate. For the 1731  
purpose of this division, any individual who applies for or 1732  
receives a license or certificate to practice under this chapter 1733

accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

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

This division does not apply to a violation or attempted violation of, assisting in or abetting the violation of, or a conspiracy to violate, any provision of this chapter or any rule adopted by the board that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

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

(22) Any of the following actions taken by an agency 1764  
responsible for authorizing, certifying, or regulating an 1765  
individual to practice a health care occupation or provide 1766  
health care services in this state or another jurisdiction, for 1767  
any reason other than the nonpayment of fees: the limitation, 1768  
revocation, or suspension of an individual's license to 1769  
practice; acceptance of an individual's license surrender; 1770  
denial of a license; refusal to renew or reinstate a license; 1771  
imposition of probation; or issuance of an order of censure or 1772  
other reprimand; 1773

(23) The violation of section 2919.12 of the Revised Code 1774  
or the performance or inducement of an abortion upon a pregnant 1775  
woman with actual knowledge that the conditions specified in 1776  
division (B) of section 2317.56 of the Revised Code have not 1777  
been satisfied or with a heedless indifference as to whether 1778  
those conditions have been satisfied, unless an affirmative 1779  
defense as specified in division (H) (2) of that section would 1780  
apply in a civil action authorized by division (H) (1) of that 1781  
section; 1782

(24) The revocation, suspension, restriction, reduction, 1783  
or termination of clinical privileges by the United States 1784  
department of defense or department of veterans affairs or the 1785  
termination or suspension of a certificate of registration to 1786  
prescribe drugs by the drug enforcement administration of the 1787  
United States department of justice; 1788

(25) Termination or suspension from participation in the 1789  
medicare or medicaid programs by the department of health and 1790  
human services or other responsible agency; 1791

(26) Impairment of ability to practice according to 1792  
acceptable and prevailing standards of care because of habitual 1793

or excessive use or abuse of drugs, alcohol, or other substances 1794  
that impair ability to practice. 1795

For the purposes of this division, any individual 1796  
authorized to practice by this chapter accepts the privilege of 1797  
practicing in this state subject to supervision by the board. By 1798  
filing an application for or holding a license or certificate to 1799  
practice under this chapter, an individual shall be deemed to 1800  
have given consent to submit to a mental or physical examination 1801  
when ordered to do so by the board in writing, and to have 1802  
waived all objections to the admissibility of testimony or 1803  
examination reports that constitute privileged communications. 1804

If it has reason to believe that any individual authorized 1805  
to practice by this chapter or any applicant for licensure or 1806  
certification to practice suffers such impairment, the board may 1807  
compel the individual to submit to a mental or physical 1808  
examination, or both. The expense of the examination is the 1809  
responsibility of the individual compelled to be examined. Any 1810  
mental or physical examination required under this division 1811  
shall be undertaken by a treatment provider or physician who is 1812  
qualified to conduct the examination and who is chosen by the 1813  
board. 1814

Failure to submit to a mental or physical examination 1815  
ordered by the board constitutes an admission of the allegations 1816  
against the individual unless the failure is due to 1817  
circumstances beyond the individual's control, and a default and 1818  
final order may be entered without the taking of testimony or 1819  
presentation of evidence. If the board determines that the 1820  
individual's ability to practice is impaired, the board shall 1821  
suspend the individual's license or certificate or deny the 1822  
individual's application and shall require the individual, as a 1823

condition for initial, continued, reinstated, or renewed 1824  
licensure or certification to practice, to submit to treatment. 1825

Before being eligible to apply for reinstatement of a 1826  
license or certificate suspended under this division, the 1827  
impaired practitioner shall demonstrate to the board the ability 1828  
to resume practice in compliance with acceptable and prevailing 1829  
standards of care under the provisions of the practitioner's 1830  
license or certificate. The demonstration shall include, but 1831  
shall not be limited to, the following: 1832

(a) Certification from a treatment provider approved under 1833  
section 4731.25 of the Revised Code that the individual has 1834  
successfully completed any required inpatient treatment; 1835

(b) Evidence of continuing full compliance with an 1836  
aftercare contract or consent agreement; 1837

(c) Two written reports indicating that the individual's 1838  
ability to practice has been assessed and that the individual 1839  
has been found capable of practicing according to acceptable and 1840  
prevailing standards of care. The reports shall be made by 1841  
individuals or providers approved by the board for making the 1842  
assessments and shall describe the basis for their 1843  
determination. 1844

The board may reinstate a license or certificate suspended 1845  
under this division after that demonstration and after the 1846  
individual has entered into a written consent agreement. 1847

When the impaired practitioner resumes practice, the board 1848  
shall require continued monitoring of the individual. The 1849  
monitoring shall include, but not be limited to, compliance with 1850  
the written consent agreement entered into before reinstatement 1851  
or with conditions imposed by board order after a hearing, and, 1852



upon termination of the consent agreement, submission to the 1853  
board for at least two years of annual written progress reports 1854  
made under penalty of perjury stating whether the individual has 1855  
maintained sobriety. 1856

(27) A second or subsequent violation of section 4731.66 1857  
or 4731.69 of the Revised Code; 1858

(28) Except as provided in division (N) of this section: 1859

(a) Waiving the payment of all or any part of a deductible 1860  
or copayment that a patient, pursuant to a health insurance or 1861  
health care policy, contract, or plan that covers the 1862  
individual's services, otherwise would be required to pay if the 1863  
waiver is used as an enticement to a patient or group of 1864  
patients to receive health care services from that individual; 1865

(b) Advertising that the individual will waive the payment 1866  
of all or any part of a deductible or copayment that a patient, 1867  
pursuant to a health insurance or health care policy, contract, 1868  
or plan that covers the individual's services, otherwise would 1869  
be required to pay. 1870

(29) Failure to use universal blood and body fluid 1871  
precautions established by rules adopted under section 4731.051 1872  
of the Revised Code; 1873

(30) Failure to provide notice to, and receive 1874  
acknowledgment of the notice from, a patient when required by 1875  
section 4731.143 of the Revised Code prior to providing 1876  
nonemergency professional services, or failure to maintain that 1877  
notice in the patient's medical record; 1878

(31) Failure of a physician supervising a physician 1879  
assistant to maintain supervision in accordance with the 1880  
requirements of Chapter 4730. of the Revised Code and the rules 1881

adopted under that chapter;	1882
(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;	1883 1884 1885 1886 1887 1888 1889
(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;	1890 1891 1892
(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	1893 1894 1895 1896 1897 1898 1899 1900 1901 1902 1903
(35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	1904 1905 1906
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	1907 1908 1909
(37) Assisting suicide, as defined in section 3795.01 of	1910

the Revised Code;	1911
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	1912 1913
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	1914 1915 1916
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	1917 1918 1919 1920
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	1921 1922 1923 1924
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	1925 1926 1927 1928
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	1929 1930 1931 1932
(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;	1933 1934 1935 1936 1937
(45) Practicing at a facility that is subject to licensure	1938

as a category III terminal distributor of dangerous drugs with a 1939  
pain management clinic classification unless the person 1940  
operating the facility has obtained and maintains the license 1941  
with the classification; 1942

(46) Owning a facility that is subject to licensure as a 1943  
category III terminal distributor of dangerous drugs with a pain 1944  
management clinic classification unless the facility is licensed 1945  
with the classification; 1946

(47) Failure to comply with any of the requirements 1947  
regarding making or maintaining medical records or documents 1948  
described in division (A) of section 2919.192, division (C) of 1949  
section 2919.193, division (B) of section 2919.195, or division 1950  
(A) of section 2919.196 of the Revised Code; 1951

(48) Failure to comply with the requirements in section 1952  
3719.061 of the Revised Code before issuing for a minor a 1953  
prescription for an opioid analgesic, as defined in section 1954  
3719.01 of the Revised Code; 1955

(49) Failure to comply with the requirements of section 1956  
4731.30 of the Revised Code or rules adopted under section 1957  
4731.301 of the Revised Code when recommending treatment with 1958  
medical marijuana; 1959

(50) Practicing at a facility, clinic, or other location 1960  
that is subject to licensure as a category III terminal 1961  
distributor of dangerous drugs with an office-based opioid 1962  
treatment classification unless the person operating that place 1963  
has obtained and maintains the license with the classification; 1964

(51) Owning a facility, clinic, or other location that is 1965  
subject to licensure as a category III terminal distributor of 1966  
dangerous drugs with an office-based opioid treatment 1967

classification unless that place is licensed with the 1968  
classification; 1969

(52) A pattern of continuous or repeated violations of 1970  
division (E) (2) or (3) of section 3963.02 of the Revised Code. 1971

(C) Disciplinary actions taken by the board under 1972  
divisions (A) and (B) of this section shall be taken pursuant to 1973  
an adjudication under Chapter 119. of the Revised Code, except 1974  
that in lieu of an adjudication, the board may enter into a 1975  
consent agreement with an individual to resolve an allegation of 1976  
a violation of this chapter or any rule adopted under it. A 1977  
consent agreement, when ratified by an affirmative vote of not 1978  
fewer than six members of the board, shall constitute the 1979  
findings and order of the board with respect to the matter 1980  
addressed in the agreement. If the board refuses to ratify a 1981  
consent agreement, the admissions and findings contained in the 1982  
consent agreement shall be of no force or effect. 1983

A telephone conference call may be utilized for 1984  
ratification of a consent agreement that revokes or suspends an 1985  
individual's license or certificate to practice or certificate 1986  
to recommend. The telephone conference call shall be considered 1987  
a special meeting under division (F) of section 121.22 of the 1988  
Revised Code. 1989

If the board takes disciplinary action against an 1990  
individual under division (B) of this section for a second or 1991  
subsequent plea of guilty to, or judicial finding of guilt of, a 1992  
violation of section 2919.123 or 2919.124 of the Revised Code, 1993  
the disciplinary action shall consist of a suspension of the 1994  
individual's license or certificate to practice for a period of 1995  
at least one year or, if determined appropriate by the board, a 1996  
more serious sanction involving the individual's license or 1997

certificate to practice. Any consent agreement entered into 1998  
under this division with an individual that pertains to a second 1999  
or subsequent plea of guilty to, or judicial finding of guilt 2000  
of, a violation of that section shall provide for a suspension 2001  
of the individual's license or certificate to practice for a 2002  
period of at least one year or, if determined appropriate by the 2003  
board, a more serious sanction involving the individual's 2004  
license or certificate to practice. 2005

(D) For purposes of divisions (B) (10), (12), and (14) of 2006  
this section, the commission of the act may be established by a 2007  
finding by the board, pursuant to an adjudication under Chapter 2008  
119. of the Revised Code, that the individual committed the act. 2009  
The board does not have jurisdiction under those divisions if 2010  
the trial court renders a final judgment in the individual's 2011  
favor and that judgment is based upon an adjudication on the 2012  
merits. The board has jurisdiction under those divisions if the 2013  
trial court issues an order of dismissal upon technical or 2014  
procedural grounds. 2015

(E) The sealing of conviction records by any court shall 2016  
have no effect upon a prior board order entered under this 2017  
section or upon the board's jurisdiction to take action under 2018  
this section if, based upon a plea of guilty, a judicial finding 2019  
of guilt, or a judicial finding of eligibility for intervention 2020  
in lieu of conviction, the board issued a notice of opportunity 2021  
for a hearing prior to the court's order to seal the records. 2022  
The board shall not be required to seal, destroy, redact, or 2023  
otherwise modify its records to reflect the court's sealing of 2024  
conviction records. 2025

(F) (1) The board shall investigate evidence that appears 2026  
to show that a person has violated any provision of this chapter 2027

or any rule adopted under it. Any person may report to the board 2028  
in a signed writing any information that the person may have 2029  
that appears to show a violation of any provision of this 2030  
chapter or any rule adopted under it. In the absence of bad 2031  
faith, any person who reports information of that nature or who 2032  
testifies before the board in any adjudication conducted under 2033  
Chapter 119. of the Revised Code shall not be liable in damages 2034  
in a civil action as a result of the report or testimony. Each 2035  
complaint or allegation of a violation received by the board 2036  
shall be assigned a case number and shall be recorded by the 2037  
board. 2038

(2) Investigations of alleged violations of this chapter 2039  
or any rule adopted under it shall be supervised by the 2040  
supervising member elected by the board in accordance with 2041  
section 4731.02 of the Revised Code and by the secretary as 2042  
provided in section 4731.39 of the Revised Code. The president 2043  
may designate another member of the board to supervise the 2044  
investigation in place of the supervising member. No member of 2045  
the board who supervises the investigation of a case shall 2046  
participate in further adjudication of the case. 2047

(3) In investigating a possible violation of this chapter 2048  
or any rule adopted under this chapter, or in conducting an 2049  
inspection under division (E) of section 4731.054 of the Revised 2050  
Code, the board may question witnesses, conduct interviews, 2051  
administer oaths, order the taking of depositions, inspect and 2052  
copy any books, accounts, papers, records, or documents, issue 2053  
subpoenas, and compel the attendance of witnesses and production 2054  
of books, accounts, papers, records, documents, and testimony, 2055  
except that a subpoena for patient record information shall not 2056  
be issued without consultation with the attorney general's 2057  
office and approval of the secretary and supervising member of 2058

the board. 2059

(a) Before issuance of a subpoena for patient record 2060  
information, the secretary and supervising member shall 2061  
determine whether there is probable cause to believe that the 2062  
complaint filed alleges a violation of this chapter or any rule 2063  
adopted under it and that the records sought are relevant to the 2064  
alleged violation and material to the investigation. The 2065  
subpoena may apply only to records that cover a reasonable 2066  
period of time surrounding the alleged violation. 2067

(b) On failure to comply with any subpoena issued by the 2068  
board and after reasonable notice to the person being 2069  
subpoenaed, the board may move for an order compelling the 2070  
production of persons or records pursuant to the Rules of Civil 2071  
Procedure. 2072

(c) A subpoena issued by the board may be served by a 2073  
sheriff, the sheriff's deputy, or a board employee or agent 2074  
designated by the board. Service of a subpoena issued by the 2075  
board may be made by delivering a copy of the subpoena to the 2076  
person named therein, reading it to the person, or leaving it at 2077  
the person's usual place of residence, usual place of business, 2078  
or address on file with the board. When serving a subpoena to an 2079  
applicant for or the holder of a license or certificate issued 2080  
under this chapter, service of the subpoena may be made by 2081  
certified mail, return receipt requested, and the subpoena shall 2082  
be deemed served on the date delivery is made or the date the 2083  
person refuses to accept delivery. If the person being served 2084  
refuses to accept the subpoena or is not located, service may be 2085  
made to an attorney who notifies the board that the attorney is 2086  
representing the person. 2087

(d) A sheriff's deputy who serves a subpoena shall receive 2088



the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

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

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

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

The board may share any information it receives pursuant to an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical

board must comply, notwithstanding any conflicting provision of 2119  
the Revised Code or procedure of the agency or board that 2120  
applies when it is dealing with other information in its 2121  
possession. In a judicial proceeding, the information may be 2122  
admitted into evidence only in accordance with the Rules of 2123  
Evidence, but the court shall require that appropriate measures 2124  
are taken to ensure that confidentiality is maintained with 2125  
respect to any part of the information that contains names or 2126  
other identifying information about patients or complainants 2127  
whose confidentiality was protected by the state medical board 2128  
when the information was in the board's possession. Measures to 2129  
ensure confidentiality that may be taken by the court include 2130  
sealing its records or deleting specific information from its 2131  
records. 2132

(6) On a quarterly basis, the board shall prepare a report 2133  
that documents the disposition of all cases during the preceding 2134  
three months. The report shall contain the following information 2135  
for each case with which the board has completed its activities: 2136

(a) The case number assigned to the complaint or alleged 2137  
violation; 2138

(b) The type of license or certificate to practice, if 2139  
any, held by the individual against whom the complaint is 2140  
directed; 2141

(c) A description of the allegations contained in the 2142  
complaint; 2143

(d) The disposition of the case. 2144

The report shall state how many cases are still pending 2145  
and shall be prepared in a manner that protects the identity of 2146  
each person involved in each case. The report shall be a public 2147

record under section 149.43 of the Revised Code. 2148

(G) If the secretary and supervising member determine both 2149  
of the following, they may recommend that the board suspend an 2150  
individual's license or certificate to practice or certificate 2151  
to recommend without a prior hearing: 2152

(1) That there is clear and convincing evidence that an 2153  
individual has violated division (B) of this section; 2154

(2) That the individual's continued practice presents a 2155  
danger of immediate and serious harm to the public. 2156

Written allegations shall be prepared for consideration by 2157  
the board. The board, upon review of those allegations and by an 2158  
affirmative vote of not fewer than six of its members, excluding 2159  
the secretary and supervising member, may suspend a license or 2160  
certificate without a prior hearing. A telephone conference call 2161  
may be utilized for reviewing the allegations and taking the 2162  
vote on the summary suspension. 2163

The board shall issue a written order of suspension by 2164  
certified mail or in person in accordance with section 119.07 of 2165  
the Revised Code. The order shall not be subject to suspension 2166  
by the court during pendency of any appeal filed under section 2167  
119.12 of the Revised Code. If the individual subject to the 2168  
summary suspension requests an adjudicatory hearing by the 2169  
board, the date set for the hearing shall be within fifteen 2170  
days, but not earlier than seven days, after the individual 2171  
requests the hearing, unless otherwise agreed to by both the 2172  
board and the individual. 2173

Any summary suspension imposed under this division shall 2174  
remain in effect, unless reversed on appeal, until a final 2175  
adjudicative order issued by the board pursuant to this section 2176

and Chapter 119. of the Revised Code becomes effective. The 2177  
board shall issue its final adjudicative order within seventy- 2178  
five days after completion of its hearing. A failure to issue 2179  
the order within seventy-five days shall result in dissolution 2180  
of the summary suspension order but shall not invalidate any 2181  
subsequent, final adjudicative order. 2182

(H) If the board takes action under division (B) (9), (11), 2183  
or (13) of this section and the judicial finding of guilt, 2184  
guilty plea, or judicial finding of eligibility for intervention 2185  
in lieu of conviction is overturned on appeal, upon exhaustion 2186  
of the criminal appeal, a petition for reconsideration of the 2187  
order may be filed with the board along with appropriate court 2188  
documents. Upon receipt of a petition of that nature and 2189  
supporting court documents, the board shall reinstate the 2190  
individual's license or certificate to practice. The board may 2191  
then hold an adjudication under Chapter 119. of the Revised Code 2192  
to determine whether the individual committed the act in 2193  
question. Notice of an opportunity for a hearing shall be given 2194  
in accordance with Chapter 119. of the Revised Code. If the 2195  
board finds, pursuant to an adjudication held under this 2196  
division, that the individual committed the act or if no hearing 2197  
is requested, the board may order any of the sanctions 2198  
identified under division (B) of this section. 2199

(I) The license or certificate to practice issued to an 2200  
individual under this chapter and the individual's practice in 2201  
this state are automatically suspended as of the date of the 2202  
individual's second or subsequent plea of guilty to, or judicial 2203  
finding of guilt of, a violation of section 2919.123 or 2919.124 2204  
of the Revised Code. In addition, the license or certificate to 2205  
practice or certificate to recommend issued to an individual 2206  
under this chapter and the individual's practice in this state 2207

are automatically suspended as of the date the individual pleads 2208  
guilty to, is found by a judge or jury to be guilty of, or is 2209  
subject to a judicial finding of eligibility for intervention in 2210  
lieu of conviction in this state or treatment or intervention in 2211  
lieu of conviction in another jurisdiction for any of the 2212  
following criminal offenses in this state or a substantially 2213  
equivalent criminal offense in another jurisdiction: aggravated 2214  
murder, murder, voluntary manslaughter, felonious assault, 2215  
kidnapping, rape, sexual battery, gross sexual imposition, 2216  
aggravated arson, aggravated robbery, or aggravated burglary. 2217  
Continued practice after suspension shall be considered 2218  
practicing without a license or certificate. 2219

The board shall notify the individual subject to the 2220  
suspension by certified mail or in person in accordance with 2221  
section 119.07 of the Revised Code. If an individual whose 2222  
license or certificate is automatically suspended under this 2223  
division fails to make a timely request for an adjudication 2224  
under Chapter 119. of the Revised Code, the board shall do 2225  
whichever of the following is applicable: 2226

(1) If the automatic suspension under this division is for 2227  
a second or subsequent plea of guilty to, or judicial finding of 2228  
guilt of, a violation of section 2919.123 or 2919.124 of the 2229  
Revised Code, the board shall enter an order suspending the 2230  
individual's license or certificate to practice for a period of 2231  
at least one year or, if determined appropriate by the board, 2232  
imposing a more serious sanction involving the individual's 2233  
license or certificate to practice. 2234

(2) In all circumstances in which division (I)(1) of this 2235  
section does not apply, enter a final order permanently revoking 2236  
the individual's license or certificate to practice. 2237

(J) If the board is required by Chapter 119. of the 2238  
Revised Code to give notice of an opportunity for a hearing and 2239  
if the individual subject to the notice does not timely request 2240  
a hearing in accordance with section 119.07 of the Revised Code, 2241  
the board is not required to hold a hearing, but may adopt, by 2242  
an affirmative vote of not fewer than six of its members, a 2243  
final order that contains the board's findings. In that final 2244  
order, the board may order any of the sanctions identified under 2245  
division (A) or (B) of this section. 2246

(K) Any action taken by the board under division (B) of 2247  
this section resulting in a suspension from practice shall be 2248  
accompanied by a written statement of the conditions under which 2249  
the individual's license or certificate to practice may be 2250  
reinstated. The board shall adopt rules governing conditions to 2251  
be imposed for reinstatement. Reinstatement of a license or 2252  
certificate suspended pursuant to division (B) of this section 2253  
requires an affirmative vote of not fewer than six members of 2254  
the board. 2255

(L) When the board refuses to grant or issue a license or 2256  
certificate to practice to an applicant, revokes an individual's 2257  
license or certificate to practice, refuses to renew an 2258  
individual's license or certificate to practice, or refuses to 2259  
reinstatement an individual's license or certificate to practice, 2260  
the board may specify that its action is permanent. An 2261  
individual subject to a permanent action taken by the board is 2262  
forever thereafter ineligible to hold a license or certificate 2263  
to practice and the board shall not accept an application for 2264  
reinstatement of the license or certificate or for issuance of a 2265  
new license or certificate. 2266

(M) Notwithstanding any other provision of the Revised 2267

Code, all of the following apply:	2268
(1) The surrender of a license or certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.	2269 2270 2271 2272 2273 2274 2275 2276 2277
(2) An application for a license or certificate made under the provisions of this chapter may not be withdrawn without approval of the board.	2278 2279 2280
(3) Failure by an individual to renew a license or certificate to practice in accordance with this chapter or a certificate to recommend in accordance with rules adopted under section 4731.301 of the Revised Code shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.	2281 2282 2283 2284 2285 2286
(4) At the request of the board, a license or certificate holder shall immediately surrender to the board a license or certificate that the board has suspended, revoked, or permanently revoked.	2287 2288 2289 2290
(N) Sanctions shall not be imposed under division (B) (28) of this section against any person who waives deductibles and copayments as follows:	2291 2292 2293
(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and	2294 2295 2296

consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

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

(0) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may do all of the following:

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

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

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

(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that



the board determines to be appropriate; 2326

(5) Adopt rules in accordance with Chapter 119. of the 2327  
Revised Code to further implement the quality intervention 2328  
program. 2329

An individual who participates in an individual 2330  
educational program pursuant to this division shall pay the 2331  
financial obligations arising from that educational program. 2332

**Section 2.** That existing sections 121.22, 149.43, 307.99, 2333  
and 4731.22 of the Revised Code are hereby repealed. 2334

**Section 3.** That the versions of sections 121.22 and 2335  
4731.22 of the Revised Code that are scheduled to take effect 2336  
October 9, 2021, be amended to read as follows: 2337

**Sec. 121.22.** (A) This section shall be liberally construed 2338  
to require public officials to take official action and to 2339  
conduct all deliberations upon official business only in open 2340  
meetings unless the subject matter is specifically excepted by 2341  
law. 2342

(B) As used in this section: 2343

(1) "Public body" means any of the following: 2344

(a) Any board, commission, committee, council, or similar 2345  
decision-making body of a state agency, institution, or 2346  
authority, and any legislative authority or board, commission, 2347  
committee, council, agency, authority, or similar decision- 2348  
making body of any county, township, municipal corporation, 2349  
school district, or other political subdivision or local public 2350  
institution; 2351

(b) Any committee or subcommittee of a body described in 2352  
division (B) (1) (a) of this section; 2353

(c) A court of jurisdiction of a sanitary district 2354  
organized wholly for the purpose of providing a water supply for 2355  
domestic, municipal, and public use when meeting for the purpose 2356  
of the appointment, removal, or reappointment of a member of the 2357  
board of directors of such a district pursuant to section 2358  
6115.10 of the Revised Code, if applicable, or for any other 2359  
matter related to such a district other than litigation 2360  
involving the district. As used in division (B) (1) (c) of this 2361  
section, "court of jurisdiction" has the same meaning as "court" 2362  
in section 6115.01 of the Revised Code. 2363

(2) "Meeting" means any prearranged discussion of the 2364  
public business of the public body by a majority of its members. 2365

(3) "Regulated individual" means either of the following: 2366

(a) A student in a state or local public educational 2367  
institution; 2368

(b) A person who is, voluntarily or involuntarily, an 2369  
inmate, patient, or resident of a state or local institution 2370  
because of criminal behavior, mental illness, an intellectual 2371  
disability, disease, disability, age, or other condition 2372  
requiring custodial care. 2373

(4) "Public office" has the same meaning as in section 2374  
149.011 of the Revised Code. 2375

(C) All meetings of any public body are declared to be 2376  
public meetings open to the public at all times. A member of a 2377  
public body shall be present in person at a meeting open to the 2378  
public to be considered present or to vote at the meeting and 2379  
for purposes of determining whether a quorum is present at the 2380  
meeting. 2381

The minutes of a regular or special meeting of any public 2382

body shall be promptly prepared, filed, and maintained and shall 2383  
be open to public inspection. The minutes need only reflect the 2384  
general subject matter of discussions in executive sessions 2385  
authorized under division (G) or (J) of this section. 2386

(D) This section does not apply to any of the following: 2387

(1) A grand jury; 2388

(2) An audit conference conducted by the auditor of state 2389  
or independent certified public accountants with officials of 2390  
the public office that is the subject of the audit; 2391

(3) The adult parole authority when its hearings are 2392  
conducted at a correctional institution for the sole purpose of 2393  
interviewing inmates to determine parole or pardon and the 2394  
department of rehabilitation and correction when its hearings 2395  
are conducted at a correctional institution for the sole purpose 2396  
of making determinations under section 2967.271 of the Revised 2397  
Code regarding the release or maintained incarceration of an 2398  
offender to whom that section applies; 2399

(4) The organized crime investigations commission 2400  
established under section 177.01 of the Revised Code; 2401

(5) Meetings of a child fatality review board established 2402  
under section 307.621 of the Revised Code, meetings related to a 2403  
review conducted pursuant to guidelines established by the 2404  
director of health under section 3701.70 of the Revised Code, 2405  
and meetings conducted pursuant to sections 5153.171 to 5153.173 2406  
of the Revised Code; 2407

(6) The state medical board when determining whether to 2408  
suspend a license or certificate without a prior hearing 2409  
pursuant to division (G) of either section 4730.25 or 4731.22 of 2410  
the Revised Code; 2411

(7) The board of nursing when determining whether to	2412
suspend a license or certificate without a prior hearing	2413
pursuant to division (B) of section 4723.281 of the Revised	2414
Code;	2415
(8) The state board of pharmacy when determining whether	2416
to do either of the following:	2417
(a) Suspend a license, certification, or registration	2418
without a prior hearing, including during meetings conducted by	2419
telephone conference, pursuant to Chapters 3719., 3796., 4729.,	2420
and 4752. of the Revised Code and rules adopted thereunder; or	2421
(b) Restrict a person from obtaining further information	2422
from the drug database established in section 4729.75 of the	2423
Revised Code without a prior hearing pursuant to division (C) of	2424
section 4729.86 of the Revised Code.	2425
(9) The state chiropractic board when determining whether	2426
to suspend a license without a hearing pursuant to section	2427
4734.37 of the Revised Code;	2428
(10) The executive committee of the emergency response	2429
commission when determining whether to issue an enforcement	2430
order or request that a civil action, civil penalty action, or	2431
criminal action be brought to enforce Chapter 3750. of the	2432
Revised Code;	2433
(11) The board of directors of the nonprofit corporation	2434
formed under section 187.01 of the Revised Code or any committee	2435
thereof, and the board of directors of any subsidiary of that	2436
corporation or a committee thereof;	2437
(12) An audit conference conducted by the audit staff of	2438
the department of job and family services with officials of the	2439
public office that is the subject of that audit under section	2440

5101.37 of the Revised Code;	2441
(13) The occupational therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license or limited permit without a hearing pursuant to division (E) of section 4755.11 of the Revised Code;	2442 2443 2444 2445 2446
(14) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (F) of section 4755.47 of the Revised Code;	2447 2448 2449 2450
(15) The athletic trainers section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (E) of section 4755.64 of the Revised Code;	2451 2452 2453 2454
(16) Meetings of the pregnancy-associated mortality review board established under section 3738.01 of the Revised Code;	2455 2456
(17) Meetings of a fetal-infant mortality review board established under section 3707.71 of the Revised Code;	2457 2458
<u>(18) Meetings of a domestic violence fatality review board established under section 307.631 of the Revised Code.</u>	2459 2460
(E) The controlling board, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board or authority members present, may close the meeting during consideration of the following information confidentially received by the authority or board from the applicant:	2461 2462 2463 2464 2465 2466 2467 2468 2469

(1) Marketing plans;	2470
(2) Specific business strategy;	2471
(3) Production techniques and trade secrets;	2472
(4) Financial projections;	2473
(5) Personal financial statements of the applicant or	2474
members of the applicant's immediate family, including, but not	2475
limited to, tax records or other similar information not open to	2476
public inspection.	2477
The vote by the authority or board to accept or reject the	2478
application, as well as all proceedings of the authority or	2479
board not subject to this division, shall be open to the public	2480
and governed by this section.	2481
(F) Every public body, by rule, shall establish a	2482
reasonable method whereby any person may determine the time and	2483
place of all regularly scheduled meetings and the time, place,	2484
and purpose of all special meetings. A public body shall not	2485
hold a special meeting unless it gives at least twenty-four	2486
hours' advance notice to the news media that have requested	2487
notification, except in the event of an emergency requiring	2488
immediate official action. In the event of an emergency, the	2489
member or members calling the meeting shall notify the news	2490
media that have requested notification immediately of the time,	2491
place, and purpose of the meeting.	2492
The rule shall provide that any person, upon request and	2493
payment of a reasonable fee, may obtain reasonable advance	2494
notification of all meetings at which any specific type of	2495
public business is to be discussed. Provisions for advance	2496
notification may include, but are not limited to, mailing the	2497
agenda of meetings to all subscribers on a mailing list or	2498

mailing notices in self-addressed, stamped envelopes provided by 2499  
the person. 2500

(G) Except as provided in divisions (G)(8) and (J) of this 2501  
section, the members of a public body may hold an executive 2502  
session only after a majority of a quorum of the public body 2503  
determines, by a roll call vote, to hold an executive session 2504  
and only at a regular or special meeting for the sole purpose of 2505  
the consideration of any of the following matters: 2506

(1) To consider the appointment, employment, dismissal, 2507  
discipline, promotion, demotion, or compensation of a public 2508  
employee or official, or the investigation of charges or 2509  
complaints against a public employee, official, licensee, or 2510  
regulated individual, unless the public employee, official, 2511  
licensee, or regulated individual requests a public hearing. 2512  
Except as otherwise provided by law, no public body shall hold 2513  
an executive session for the discipline of an elected official 2514  
for conduct related to the performance of the elected official's 2515  
official duties or for the elected official's removal from 2516  
office. If a public body holds an executive session pursuant to 2517  
division (G)(1) of this section, the motion and vote to hold 2518  
that executive session shall state which one or more of the 2519  
approved purposes listed in division (G)(1) of this section are 2520  
the purposes for which the executive session is to be held, but 2521  
need not include the name of any person to be considered at the 2522  
meeting. 2523

(2) To consider the purchase of property for public 2524  
purposes, the sale of property at competitive bidding, or the 2525  
sale or other disposition of unneeded, obsolete, or unfit-for- 2526  
use property in accordance with section 505.10 of the Revised 2527  
Code, if premature disclosure of information would give an 2528

unfair competitive or bargaining advantage to a person whose 2529  
personal, private interest is adverse to the general public 2530  
interest. No member of a public body shall use division (G) (2) 2531  
of this section as a subterfuge for providing covert information 2532  
to prospective buyers or sellers. A purchase or sale of public 2533  
property is void if the seller or buyer of the public property 2534  
has received covert information from a member of a public body 2535  
that has not been disclosed to the general public in sufficient 2536  
time for other prospective buyers and sellers to prepare and 2537  
submit offers. 2538

If the minutes of the public body show that all meetings 2539  
and deliberations of the public body have been conducted in 2540  
compliance with this section, any instrument executed by the 2541  
public body purporting to convey, lease, or otherwise dispose of 2542  
any right, title, or interest in any public property shall be 2543  
conclusively presumed to have been executed in compliance with 2544  
this section insofar as title or other interest of any bona fide 2545  
purchasers, lessees, or transferees of the property is 2546  
concerned. 2547

(3) Conferences with an attorney for the public body 2548  
concerning disputes involving the public body that are the 2549  
subject of pending or imminent court action; 2550

(4) Preparing for, conducting, or reviewing negotiations 2551  
or bargaining sessions with public employees concerning their 2552  
compensation or other terms and conditions of their employment; 2553

(5) Matters required to be kept confidential by federal 2554  
law or regulations or state statutes; 2555

(6) Details relative to the security arrangements and 2556  
emergency response protocols for a public body or a public 2557



office, if disclosure of the matters discussed could reasonably 2558  
be expected to jeopardize the security of the public body or 2559  
public office; 2560

(7) In the case of a county hospital operated pursuant to 2561  
Chapter 339. of the Revised Code, a joint township hospital 2562  
operated pursuant to Chapter 513. of the Revised Code, or a 2563  
municipal hospital operated pursuant to Chapter 749. of the 2564  
Revised Code, to consider trade secrets, as defined in section 2565  
1333.61 of the Revised Code; 2566

(8) To consider confidential information related to the 2567  
marketing plans, specific business strategy, production 2568  
techniques, trade secrets, or personal financial statements of 2569  
an applicant for economic development assistance, or to 2570  
negotiations with other political subdivisions respecting 2571  
requests for economic development assistance, provided that both 2572  
of the following conditions apply: 2573

(a) The information is directly related to a request for 2574  
economic development assistance that is to be provided or 2575  
administered under any provision of Chapter 715., 725., 1724., 2576  
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 2577  
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 2578  
5709.81 of the Revised Code, or that involves public 2579  
infrastructure improvements or the extension of utility services 2580  
that are directly related to an economic development project. 2581

(b) A unanimous quorum of the public body determines, by a 2582  
roll call vote, that the executive session is necessary to 2583  
protect the interests of the applicant or the possible 2584  
investment or expenditure of public funds to be made in 2585  
connection with the economic development project. 2586

If a public body holds an executive session to consider 2587  
any of the matters listed in divisions (G) (2) to (8) of this 2588  
section, the motion and vote to hold that executive session 2589  
shall state which one or more of the approved matters listed in 2590  
those divisions are to be considered at the executive session. 2591

A public body specified in division (B) (1) (c) of this 2592  
section shall not hold an executive session when meeting for the 2593  
purposes specified in that division. 2594

(H) A resolution, rule, or formal action of any kind is 2595  
invalid unless adopted in an open meeting of the public body. A 2596  
resolution, rule, or formal action adopted in an open meeting 2597  
that results from deliberations in a meeting not open to the 2598  
public is invalid unless the deliberations were for a purpose 2599  
specifically authorized in division (G) or (J) of this section 2600  
and conducted at an executive session held in compliance with 2601  
this section. A resolution, rule, or formal action adopted in an 2602  
open meeting is invalid if the public body that adopted the 2603  
resolution, rule, or formal action violated division (F) of this 2604  
section. 2605

(I) (1) Any person may bring an action to enforce this 2606  
section. An action under division (I) (1) of this section shall 2607  
be brought within two years after the date of the alleged 2608  
violation or threatened violation. Upon proof of a violation or 2609  
threatened violation of this section in an action brought by any 2610  
person, the court of common pleas shall issue an injunction to 2611  
compel the members of the public body to comply with its 2612  
provisions. 2613

(2) (a) If the court of common pleas issues an injunction 2614  
pursuant to division (I) (1) of this section, the court shall 2615  
order the public body that it enjoins to pay a civil forfeiture 2616

of five hundred dollars to the party that sought the injunction 2617  
and shall award to that party all court costs and, subject to 2618  
reduction as described in division (I) (2) of this section, 2619  
reasonable attorney's fees. The court, in its discretion, may 2620  
reduce an award of attorney's fees to the party that sought the 2621  
injunction or not award attorney's fees to that party if the 2622  
court determines both of the following: 2623

(i) That, based on the ordinary application of statutory 2624  
law and case law as it existed at the time of violation or 2625  
threatened violation that was the basis of the injunction, a 2626  
well-informed public body reasonably would believe that the 2627  
public body was not violating or threatening to violate this 2628  
section; 2629

(ii) That a well-informed public body reasonably would 2630  
believe that the conduct or threatened conduct that was the 2631  
basis of the injunction would serve the public policy that 2632  
underlies the authority that is asserted as permitting that 2633  
conduct or threatened conduct. 2634

(b) If the court of common pleas does not issue an 2635  
injunction pursuant to division (I) (1) of this section and the 2636  
court determines at that time that the bringing of the action 2637  
was frivolous conduct, as defined in division (A) of section 2638  
2323.51 of the Revised Code, the court shall award to the public 2639  
body all court costs and reasonable attorney's fees, as 2640  
determined by the court. 2641

(3) Irreparable harm and prejudice to the party that 2642  
sought the injunction shall be conclusively and irrebuttably 2643  
presumed upon proof of a violation or threatened violation of 2644  
this section. 2645

(4) A member of a public body who knowingly violates an injunction issued pursuant to division (I) (1) of this section may be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney or the attorney general.

(J) (1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an executive session for one or more of the following purposes unless an applicant requests a public hearing:

(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;

(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code;

(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code.

(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.

(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name,

address, and occupation of the applicant, whether the assistance 2675  
was granted or denied, the amount of the assistance if 2676  
assistance is granted, and the votes for and against the 2677  
granting of assistance. 2678

**Sec. 4731.22.** (A) The state medical board, by an 2679  
affirmative vote of not fewer than six of its members, may 2680  
limit, revoke, or suspend a license or certificate to practice 2681  
or certificate to recommend, refuse to grant a license or 2682  
certificate, refuse to renew a license or certificate, refuse to 2683  
reinstate a license or certificate, or reprimand or place on 2684  
probation the holder of a license or certificate if the 2685  
individual applying for or holding the license or certificate is 2686  
found by the board to have committed fraud during the 2687  
administration of the examination for a license or certificate 2688  
to practice or to have committed fraud, misrepresentation, or 2689  
deception in applying for, renewing, or securing any license or 2690  
certificate to practice or certificate to recommend issued by 2691  
the board. 2692

(B) Except as provided in division (P) of this section, 2693  
the board, by an affirmative vote of not fewer than six members, 2694  
shall, to the extent permitted by law, limit, revoke, or suspend 2695  
a license or certificate to practice or certificate to 2696  
recommend, refuse to issue a license or certificate, refuse to 2697  
renew a license or certificate, refuse to reinstate a license or 2698  
certificate, or reprimand or place on probation the holder of a 2699  
license or certificate for one or more of the following reasons: 2700

(1) Permitting one's name or one's license or certificate 2701  
to practice to be used by a person, group, or corporation when 2702  
the individual concerned is not actually directing the treatment 2703  
given; 2704

(2) Failure to maintain minimal standards applicable to 2705  
the selection or administration of drugs, or failure to employ 2706  
acceptable scientific methods in the selection of drugs or other 2707  
modalities for treatment of disease; 2708

(3) Except as provided in section 4731.97 of the Revised 2709  
Code, selling, giving away, personally furnishing, prescribing, 2710  
or administering drugs for other than legal and legitimate 2711  
therapeutic purposes or a plea of guilty to, a judicial finding 2712  
of guilt of, or a judicial finding of eligibility for 2713  
intervention in lieu of conviction of, a violation of any 2714  
federal or state law regulating the possession, distribution, or 2715  
use of any drug; 2716

(4) Willfully betraying a professional confidence. 2717

For purposes of this division, "willfully betraying a 2718  
professional confidence" does not include providing any 2719  
information, documents, or reports under sections 307.621 to 2720  
307.629 of the Revised Code to a child fatality review board; 2721  
does not include providing any information, documents, or 2722  
reports under sections 307.631 to 307.639 of the Revised Code to 2723  
a domestic violence fatality review board; does not include 2724  
providing any information, documents, or reports to the director 2725  
of health pursuant to guidelines established under section 2726  
3701.70 of the Revised Code; does not include written notice to 2727  
a mental health professional under section 4731.62 of the 2728  
Revised Code; and does not include the making of a report of an 2729  
employee's use of a drug of abuse, or a report of a condition of 2730  
an employee other than one involving the use of a drug of abuse, 2731  
to the employer of the employee as described in division (B) of 2732  
section 2305.33 of the Revised Code. Nothing in this division 2733  
affects the immunity from civil liability conferred by section 2734

2305.33 or 4731.62 of the Revised Code upon a physician who 2735  
makes a report in accordance with section 2305.33 or notifies a 2736  
mental health professional in accordance with section 4731.62 of 2737  
the Revised Code. As used in this division, "employee," 2738  
"employer," and "physician" have the same meanings as in section 2739  
2305.33 of the Revised Code. 2740

(5) Making a false, fraudulent, deceptive, or misleading 2741  
statement in the solicitation of or advertising for patients; in 2742  
relation to the practice of medicine and surgery, osteopathic 2743  
medicine and surgery, podiatric medicine and surgery, or a 2744  
limited branch of medicine; or in securing or attempting to 2745  
secure any license or certificate to practice issued by the 2746  
board. 2747

As used in this division, "false, fraudulent, deceptive, 2748  
or misleading statement" means a statement that includes a 2749  
misrepresentation of fact, is likely to mislead or deceive 2750  
because of a failure to disclose material facts, is intended or 2751  
is likely to create false or unjustified expectations of 2752  
favorable results, or includes representations or implications 2753  
that in reasonable probability will cause an ordinarily prudent 2754  
person to misunderstand or be deceived. 2755

(6) A departure from, or the failure to conform to, 2756  
minimal standards of care of similar practitioners under the 2757  
same or similar circumstances, whether or not actual injury to a 2758  
patient is established; 2759

(7) Representing, with the purpose of obtaining 2760  
compensation or other advantage as personal gain or for any 2761  
other person, that an incurable disease or injury, or other 2762  
incurable condition, can be permanently cured; 2763

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 2764  
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2766

(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 2767  
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(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 2770  
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(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 2773  
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2775  
2776

(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 2777  
2778  
2779

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 2780  
2781  
2782

(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 2783  
2784  
2785

(15) Violation of the conditions of limitation placed by the board upon a license or certificate to practice; 2786  
2787

(16) Failure to pay license renewal fees specified in this chapter; 2788  
2789

(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of 2790  
2791



patients, or the receiving of a thing of value in return for a 2792  
specific referral of a patient to utilize a particular service 2793  
or business; 2794

(18) Subject to section 4731.226 of the Revised Code, 2795  
violation of any provision of a code of ethics of the American 2796  
medical association, the American osteopathic association, the 2797  
American podiatric medical association, or any other national 2798  
professional organizations that the board specifies by rule. The 2799  
state medical board shall obtain and keep on file current copies 2800  
of the codes of ethics of the various national professional 2801  
organizations. The individual whose license or certificate is 2802  
being suspended or revoked shall not be found to have violated 2803  
any provision of a code of ethics of an organization not 2804  
appropriate to the individual's profession. 2805

For purposes of this division, a "provision of a code of 2806  
ethics of a national professional organization" does not include 2807  
any provision that would preclude the making of a report by a 2808  
physician of an employee's use of a drug of abuse, or of a 2809  
condition of an employee other than one involving the use of a 2810  
drug of abuse, to the employer of the employee as described in 2811  
division (B) of section 2305.33 of the Revised Code. Nothing in 2812  
this division affects the immunity from civil liability 2813  
conferred by that section upon a physician who makes either type 2814  
of report in accordance with division (B) of that section. As 2815  
used in this division, "employee," "employer," and "physician" 2816  
have the same meanings as in section 2305.33 of the Revised 2817  
Code. 2818

(19) Inability to practice according to acceptable and 2819  
prevailing standards of care by reason of mental illness or 2820  
physical illness, including, but not limited to, physical 2821

deterioration that adversely affects cognitive, motor, or 2822  
perceptive skills. 2823

In enforcing this division, the board, upon a showing of a 2824  
possible violation, may compel any individual authorized to 2825  
practice by this chapter or who has submitted an application 2826  
pursuant to this chapter to submit to a mental examination, 2827  
physical examination, including an HIV test, or both a mental 2828  
and a physical examination. The expense of the examination is 2829  
the responsibility of the individual compelled to be examined. 2830  
Failure to submit to a mental or physical examination or consent 2831  
to an HIV test ordered by the board constitutes an admission of 2832  
the allegations against the individual unless the failure is due 2833  
to circumstances beyond the individual's control, and a default 2834  
and final order may be entered without the taking of testimony 2835  
or presentation of evidence. If the board finds an individual 2836  
unable to practice because of the reasons set forth in this 2837  
division, the board shall require the individual to submit to 2838  
care, counseling, or treatment by physicians approved or 2839  
designated by the board, as a condition for initial, continued, 2840  
reinstated, or renewed authority to practice. An individual 2841  
affected under this division shall be afforded an opportunity to 2842  
demonstrate to the board the ability to resume practice in 2843  
compliance with acceptable and prevailing standards under the 2844  
provisions of the individual's license or certificate. For the 2845  
purpose of this division, any individual who applies for or 2846  
receives a license or certificate to practice under this chapter 2847  
accepts the privilege of practicing in this state and, by so 2848  
doing, shall be deemed to have given consent to submit to a 2849  
mental or physical examination when directed to do so in writing 2850  
by the board, and to have waived all objections to the 2851  
admissibility of testimony or examination reports that 2852

constitute a privileged communication. 2853

(20) Except as provided in division (F) (1) (b) of section 2854  
4731.282 of the Revised Code or when civil penalties are imposed 2855  
under section 4731.225 of the Revised Code, and subject to 2856  
section 4731.226 of the Revised Code, violating or attempting to 2857  
violate, directly or indirectly, or assisting in or abetting the 2858  
violation of, or conspiring to violate, any provisions of this 2859  
chapter or any rule promulgated by the board. 2860

This division does not apply to a violation or attempted 2861  
violation of, assisting in or abetting the violation of, or a 2862  
conspiracy to violate, any provision of this chapter or any rule 2863  
adopted by the board that would preclude the making of a report 2864  
by a physician of an employee's use of a drug of abuse, or of a 2865  
condition of an employee other than one involving the use of a 2866  
drug of abuse, to the employer of the employee as described in 2867  
division (B) of section 2305.33 of the Revised Code. Nothing in 2868  
this division affects the immunity from civil liability 2869  
conferred by that section upon a physician who makes either type 2870  
of report in accordance with division (B) of that section. As 2871  
used in this division, "employee," "employer," and "physician" 2872  
have the same meanings as in section 2305.33 of the Revised 2873  
Code. 2874

(21) The violation of section 3701.79 of the Revised Code 2875  
or of any abortion rule adopted by the director of health 2876  
pursuant to section 3701.341 of the Revised Code; 2877

(22) Any of the following actions taken by an agency 2878  
responsible for authorizing, certifying, or regulating an 2879  
individual to practice a health care occupation or provide 2880  
health care services in this state or another jurisdiction, for 2881  
any reason other than the nonpayment of fees: the limitation, 2882

revocation, or suspension of an individual's license to 2883  
practice; acceptance of an individual's license surrender; 2884  
denial of a license; refusal to renew or reinstate a license; 2885  
imposition of probation; or issuance of an order of censure or 2886  
other reprimand; 2887

(23) The violation of section 2919.12 of the Revised Code 2888  
or the performance or inducement of an abortion upon a pregnant 2889  
woman with actual knowledge that the conditions specified in 2890  
division (B) of section 2317.56 of the Revised Code have not 2891  
been satisfied or with a heedless indifference as to whether 2892  
those conditions have been satisfied, unless an affirmative 2893  
defense as specified in division (H) (2) of that section would 2894  
apply in a civil action authorized by division (H) (1) of that 2895  
section; 2896

(24) The revocation, suspension, restriction, reduction, 2897  
or termination of clinical privileges by the United States 2898  
department of defense or department of veterans affairs or the 2899  
termination or suspension of a certificate of registration to 2900  
prescribe drugs by the drug enforcement administration of the 2901  
United States department of justice; 2902

(25) Termination or suspension from participation in the 2903  
medicare or medicaid programs by the department of health and 2904  
human services or other responsible agency; 2905

(26) Impairment of ability to practice according to 2906  
acceptable and prevailing standards of care because of habitual 2907  
or excessive use or abuse of drugs, alcohol, or other substances 2908  
that impair ability to practice. 2909

For the purposes of this division, any individual 2910  
authorized to practice by this chapter accepts the privilege of 2911

practicing in this state subject to supervision by the board. By 2912  
filing an application for or holding a license or certificate to 2913  
practice under this chapter, an individual shall be deemed to 2914  
have given consent to submit to a mental or physical examination 2915  
when ordered to do so by the board in writing, and to have 2916  
waived all objections to the admissibility of testimony or 2917  
examination reports that constitute privileged communications. 2918

If it has reason to believe that any individual authorized 2919  
to practice by this chapter or any applicant for licensure or 2920  
certification to practice suffers such impairment, the board may 2921  
compel the individual to submit to a mental or physical 2922  
examination, or both. The expense of the examination is the 2923  
responsibility of the individual compelled to be examined. Any 2924  
mental or physical examination required under this division 2925  
shall be undertaken by a treatment provider or physician who is 2926  
qualified to conduct the examination and who is chosen by the 2927  
board. 2928

Failure to submit to a mental or physical examination 2929  
ordered by the board constitutes an admission of the allegations 2930  
against the individual unless the failure is due to 2931  
circumstances beyond the individual's control, and a default and 2932  
final order may be entered without the taking of testimony or 2933  
presentation of evidence. If the board determines that the 2934  
individual's ability to practice is impaired, the board shall 2935  
suspend the individual's license or certificate or deny the 2936  
individual's application and shall require the individual, as a 2937  
condition for initial, continued, reinstated, or renewed 2938  
licensure or certification to practice, to submit to treatment. 2939

Before being eligible to apply for reinstatement of a 2940  
license or certificate suspended under this division, the 2941

impaired practitioner shall demonstrate to the board the ability 2942  
to resume practice in compliance with acceptable and prevailing 2943  
standards of care under the provisions of the practitioner's 2944  
license or certificate. The demonstration shall include, but 2945  
shall not be limited to, the following: 2946

(a) Certification from a treatment provider approved under 2947  
section 4731.25 of the Revised Code that the individual has 2948  
successfully completed any required inpatient treatment; 2949

(b) Evidence of continuing full compliance with an 2950  
aftercare contract or consent agreement; 2951

(c) Two written reports indicating that the individual's 2952  
ability to practice has been assessed and that the individual 2953  
has been found capable of practicing according to acceptable and 2954  
prevailing standards of care. The reports shall be made by 2955  
individuals or providers approved by the board for making the 2956  
assessments and shall describe the basis for their 2957  
determination. 2958

The board may reinstate a license or certificate suspended 2959  
under this division after that demonstration and after the 2960  
individual has entered into a written consent agreement. 2961

When the impaired practitioner resumes practice, the board 2962  
shall require continued monitoring of the individual. The 2963  
monitoring shall include, but not be limited to, compliance with 2964  
the written consent agreement entered into before reinstatement 2965  
or with conditions imposed by board order after a hearing, and, 2966  
upon termination of the consent agreement, submission to the 2967  
board for at least two years of annual written progress reports 2968  
made under penalty of perjury stating whether the individual has 2969  
maintained sobriety. 2970

(27) A second or subsequent violation of section 4731.66	2971
or 4731.69 of the Revised Code;	2972
(28) Except as provided in division (N) of this section:	2973
(a) Waiving the payment of all or any part of a deductible	2974
or copayment that a patient, pursuant to a health insurance or	2975
health care policy, contract, or plan that covers the	2976
individual's services, otherwise would be required to pay if the	2977
waiver is used as an enticement to a patient or group of	2978
patients to receive health care services from that individual;	2979
(b) Advertising that the individual will waive the payment	2980
of all or any part of a deductible or copayment that a patient,	2981
pursuant to a health insurance or health care policy, contract,	2982
or plan that covers the individual's services, otherwise would	2983
be required to pay.	2984
(29) Failure to use universal blood and body fluid	2985
precautions established by rules adopted under section 4731.051	2986
of the Revised Code;	2987
(30) Failure to provide notice to, and receive	2988
acknowledgment of the notice from, a patient when required by	2989
section 4731.143 of the Revised Code prior to providing	2990
nonemergency professional services, or failure to maintain that	2991
notice in the patient's medical record;	2992
(31) Failure of a physician supervising a physician	2993
assistant to maintain supervision in accordance with the	2994
requirements of Chapter 4730. of the Revised Code and the rules	2995
adopted under that chapter;	2996
(32) Failure of a physician or podiatrist to enter into a	2997
standard care arrangement with a clinical nurse specialist,	2998
certified nurse-midwife, or certified nurse practitioner with	2999

whom the physician or podiatrist is in collaboration pursuant to 3000  
section 4731.27 of the Revised Code or failure to fulfill the 3001  
responsibilities of collaboration after entering into a standard 3002  
care arrangement; 3003

(33) Failure to comply with the terms of a consult 3004  
agreement entered into with a pharmacist pursuant to section 3005  
4729.39 of the Revised Code; 3006

(34) Failure to cooperate in an investigation conducted by 3007  
the board under division (F) of this section, including failure 3008  
to comply with a subpoena or order issued by the board or 3009  
failure to answer truthfully a question presented by the board 3010  
in an investigative interview, an investigative office 3011  
conference, at a deposition, or in written interrogatories, 3012  
except that failure to cooperate with an investigation shall not 3013  
constitute grounds for discipline under this section if a court 3014  
of competent jurisdiction has issued an order that either 3015  
quashes a subpoena or permits the individual to withhold the 3016  
testimony or evidence in issue; 3017

(35) Failure to supervise an acupuncturist in accordance 3018  
with Chapter 4762. of the Revised Code and the board's rules for 3019  
providing that supervision; 3020

(36) Failure to supervise an anesthesiologist assistant in 3021  
accordance with Chapter 4760. of the Revised Code and the 3022  
board's rules for supervision of an anesthesiologist assistant; 3023

(37) Assisting suicide, as defined in section 3795.01 of 3024  
the Revised Code; 3025

(38) Failure to comply with the requirements of section 3026  
2317.561 of the Revised Code; 3027

(39) Failure to supervise a radiologist assistant in 3028



accordance with Chapter 4774. of the Revised Code and the 3029  
board's rules for supervision of radiologist assistants; 3030

(40) Performing or inducing an abortion at an office or 3031  
facility with knowledge that the office or facility fails to 3032  
post the notice required under section 3701.791 of the Revised 3033  
Code; 3034

(41) Failure to comply with the standards and procedures 3035  
established in rules under section 4731.054 of the Revised Code 3036  
for the operation of or the provision of care at a pain 3037  
management clinic; 3038

(42) Failure to comply with the standards and procedures 3039  
established in rules under section 4731.054 of the Revised Code 3040  
for providing supervision, direction, and control of individuals 3041  
at a pain management clinic; 3042

(43) Failure to comply with the requirements of section 3043  
4729.79 or 4731.055 of the Revised Code, unless the state board 3044  
of pharmacy no longer maintains a drug database pursuant to 3045  
section 4729.75 of the Revised Code; 3046

(44) Failure to comply with the requirements of section 3047  
2919.171, 2919.202, or 2919.203 of the Revised Code or failure 3048  
to submit to the department of health in accordance with a court 3049  
order a complete report as described in section 2919.171 or 3050  
2919.202 of the Revised Code; 3051

(45) Practicing at a facility that is subject to licensure 3052  
as a category III terminal distributor of dangerous drugs with a 3053  
pain management clinic classification unless the person 3054  
operating the facility has obtained and maintains the license 3055  
with the classification; 3056

(46) Owning a facility that is subject to licensure as a 3057

category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;

(47) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code;

(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;

(49) Failure to comply with the requirements of section 4731.30 of the Revised Code or rules adopted under section 4731.301 of the Revised Code when recommending treatment with medical marijuana;

(50) Practicing at a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification unless the person operating that place has obtained and maintains the license with the classification;

(51) Owning a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification unless that place is licensed with the classification;

(52) A pattern of continuous or repeated violations of division (E) (2) or (3) of section 3963.02 of the Revised Code.

(C) Disciplinary actions taken by the board under

divisions (A) and (B) of this section shall be taken pursuant to 3087  
an adjudication under Chapter 119. of the Revised Code, except 3088  
that in lieu of an adjudication, the board may enter into a 3089  
consent agreement with an individual to resolve an allegation of 3090  
a violation of this chapter or any rule adopted under it. A 3091  
consent agreement, when ratified by an affirmative vote of not 3092  
fewer than six members of the board, shall constitute the 3093  
findings and order of the board with respect to the matter 3094  
addressed in the agreement. If the board refuses to ratify a 3095  
consent agreement, the admissions and findings contained in the 3096  
consent agreement shall be of no force or effect. 3097

A telephone conference call may be utilized for 3098  
ratification of a consent agreement that revokes or suspends an 3099  
individual's license or certificate to practice or certificate 3100  
to recommend. The telephone conference call shall be considered 3101  
a special meeting under division (F) of section 121.22 of the 3102  
Revised Code. 3103

If the board takes disciplinary action against an 3104  
individual under division (B) of this section for a second or 3105  
subsequent plea of guilty to, or judicial finding of guilt of, a 3106  
violation of section 2919.123 or 2919.124 of the Revised Code, 3107  
the disciplinary action shall consist of a suspension of the 3108  
individual's license or certificate to practice for a period of 3109  
at least one year or, if determined appropriate by the board, a 3110  
more serious sanction involving the individual's license or 3111  
certificate to practice. Any consent agreement entered into 3112  
under this division with an individual that pertains to a second 3113  
or subsequent plea of guilty to, or judicial finding of guilt 3114  
of, a violation of that section shall provide for a suspension 3115  
of the individual's license or certificate to practice for a 3116  
period of at least one year or, if determined appropriate by the 3117

board, a more serious sanction involving the individual's 3118  
license or certificate to practice. 3119

(D) For purposes of divisions (B) (10), (12), and (14) of 3120  
this section, the commission of the act may be established by a 3121  
finding by the board, pursuant to an adjudication under Chapter 3122  
119. of the Revised Code, that the individual committed the act. 3123  
The board does not have jurisdiction under those divisions if 3124  
the trial court renders a final judgment in the individual's 3125  
favor and that judgment is based upon an adjudication on the 3126  
merits. The board has jurisdiction under those divisions if the 3127  
trial court issues an order of dismissal upon technical or 3128  
procedural grounds. 3129

(E) The sealing of conviction records by any court shall 3130  
have no effect upon a prior board order entered under this 3131  
section or upon the board's jurisdiction to take action under 3132  
this section if, based upon a plea of guilty, a judicial finding 3133  
of guilt, or a judicial finding of eligibility for intervention 3134  
in lieu of conviction, the board issued a notice of opportunity 3135  
for a hearing prior to the court's order to seal the records. 3136  
The board shall not be required to seal, destroy, redact, or 3137  
otherwise modify its records to reflect the court's sealing of 3138  
conviction records. 3139

(F) (1) The board shall investigate evidence that appears 3140  
to show that a person has violated any provision of this chapter 3141  
or any rule adopted under it. Any person may report to the board 3142  
in a signed writing any information that the person may have 3143  
that appears to show a violation of any provision of this 3144  
chapter or any rule adopted under it. In the absence of bad 3145  
faith, any person who reports information of that nature or who 3146  
testifies before the board in any adjudication conducted under 3147

Chapter 119. of the Revised Code shall not be liable in damages 3148  
in a civil action as a result of the report or testimony. Each 3149  
complaint or allegation of a violation received by the board 3150  
shall be assigned a case number and shall be recorded by the 3151  
board. 3152

(2) Investigations of alleged violations of this chapter 3153  
or any rule adopted under it shall be supervised by the 3154  
supervising member elected by the board in accordance with 3155  
section 4731.02 of the Revised Code and by the secretary as 3156  
provided in section 4731.39 of the Revised Code. The president 3157  
may designate another member of the board to supervise the 3158  
investigation in place of the supervising member. No member of 3159  
the board who supervises the investigation of a case shall 3160  
participate in further adjudication of the case. 3161

(3) In investigating a possible violation of this chapter 3162  
or any rule adopted under this chapter, or in conducting an 3163  
inspection under division (E) of section 4731.054 of the Revised 3164  
Code, the board may question witnesses, conduct interviews, 3165  
administer oaths, order the taking of depositions, inspect and 3166  
copy any books, accounts, papers, records, or documents, issue 3167  
subpoenas, and compel the attendance of witnesses and production 3168  
of books, accounts, papers, records, documents, and testimony, 3169  
except that a subpoena for patient record information shall not 3170  
be issued without consultation with the attorney general's 3171  
office and approval of the secretary and supervising member of 3172  
the board. 3173

(a) Before issuance of a subpoena for patient record 3174  
information, the secretary and supervising member shall 3175  
determine whether there is probable cause to believe that the 3176  
complaint filed alleges a violation of this chapter or any rule 3177

adopted under it and that the records sought are relevant to the 3178  
alleged violation and material to the investigation. The 3179  
subpoena may apply only to records that cover a reasonable 3180  
period of time surrounding the alleged violation. 3181

(b) On failure to comply with any subpoena issued by the 3182  
board and after reasonable notice to the person being 3183  
subpoenaed, the board may move for an order compelling the 3184  
production of persons or records pursuant to the Rules of Civil 3185  
Procedure. 3186

(c) A subpoena issued by the board may be served by a 3187  
sheriff, the sheriff's deputy, or a board employee or agent 3188  
designated by the board. Service of a subpoena issued by the 3189  
board may be made by delivering a copy of the subpoena to the 3190  
person named therein, reading it to the person, or leaving it at 3191  
the person's usual place of residence, usual place of business, 3192  
or address on file with the board. When serving a subpoena to an 3193  
applicant for or the holder of a license or certificate issued 3194  
under this chapter, service of the subpoena may be made by 3195  
certified mail, return receipt requested, and the subpoena shall 3196  
be deemed served on the date delivery is made or the date the 3197  
person refuses to accept delivery. If the person being served 3198  
refuses to accept the subpoena or is not located, service may be 3199  
made to an attorney who notifies the board that the attorney is 3200  
representing the person. 3201

(d) A sheriff's deputy who serves a subpoena shall receive 3202  
the same fees as a sheriff. Each witness who appears before the 3203  
board in obedience to a subpoena shall receive the fees and 3204  
mileage provided for under section 119.094 of the Revised Code. 3205

(4) All hearings, investigations, and inspections of the 3206  
board shall be considered civil actions for the purposes of 3207

section 2305.252 of the Revised Code. 3208

(5) A report required to be submitted to the board under 3209  
this chapter, a complaint, or information received by the board 3210  
pursuant to an investigation or pursuant to an inspection under 3211  
division (E) of section 4731.054 of the Revised Code is 3212  
confidential and not subject to discovery in any civil action. 3213

The board shall conduct all investigations or inspections 3214  
and proceedings in a manner that protects the confidentiality of 3215  
patients and persons who file complaints with the board. The 3216  
board shall not make public the names or any other identifying 3217  
information about patients or complainants unless proper consent 3218  
is given or, in the case of a patient, a waiver of the patient 3219  
privilege exists under division (B) of section 2317.02 of the 3220  
Revised Code, except that consent or a waiver of that nature is 3221  
not required if the board possesses reliable and substantial 3222  
evidence that no bona fide physician-patient relationship 3223  
exists. 3224

The board may share any information it receives pursuant 3225  
to an investigation or inspection, including patient records and 3226  
patient record information, with law enforcement agencies, other 3227  
licensing boards, and other governmental agencies that are 3228  
prosecuting, adjudicating, or investigating alleged violations 3229  
of statutes or administrative rules. An agency or board that 3230  
receives the information shall comply with the same requirements 3231  
regarding confidentiality as those with which the state medical 3232  
board must comply, notwithstanding any conflicting provision of 3233  
the Revised Code or procedure of the agency or board that 3234  
applies when it is dealing with other information in its 3235  
possession. In a judicial proceeding, the information may be 3236  
admitted into evidence only in accordance with the Rules of 3237

Evidence, but the court shall require that appropriate measures 3238  
are taken to ensure that confidentiality is maintained with 3239  
respect to any part of the information that contains names or 3240  
other identifying information about patients or complainants 3241  
whose confidentiality was protected by the state medical board 3242  
when the information was in the board's possession. Measures to 3243  
ensure confidentiality that may be taken by the court include 3244  
sealing its records or deleting specific information from its 3245  
records. 3246

(6) On a quarterly basis, the board shall prepare a report 3247  
that documents the disposition of all cases during the preceding 3248  
three months. The report shall contain the following information 3249  
for each case with which the board has completed its activities: 3250

(a) The case number assigned to the complaint or alleged 3251  
violation; 3252

(b) The type of license or certificate to practice, if 3253  
any, held by the individual against whom the complaint is 3254  
directed; 3255

(c) A description of the allegations contained in the 3256  
complaint; 3257

(d) The disposition of the case. 3258

The report shall state how many cases are still pending 3259  
and shall be prepared in a manner that protects the identity of 3260  
each person involved in each case. The report shall be a public 3261  
record under section 149.43 of the Revised Code. 3262

(G) If the secretary and supervising member determine both 3263  
of the following, they may recommend that the board suspend an 3264  
individual's license or certificate to practice or certificate 3265  
to recommend without a prior hearing: 3266



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

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

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

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

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

(H) If the board takes action under division (B) (9), (11), 3297  
or (13) of this section and the judicial finding of guilt, 3298  
guilty plea, or judicial finding of eligibility for intervention 3299  
in lieu of conviction is overturned on appeal, upon exhaustion 3300  
of the criminal appeal, a petition for reconsideration of the 3301  
order may be filed with the board along with appropriate court 3302  
documents. Upon receipt of a petition of that nature and 3303  
supporting court documents, the board shall reinstate the 3304  
individual's license or certificate to practice. The board may 3305  
then hold an adjudication under Chapter 119. of the Revised Code 3306  
to determine whether the individual committed the act in 3307  
question. Notice of an opportunity for a hearing shall be given 3308  
in accordance with Chapter 119. of the Revised Code. If the 3309  
board finds, pursuant to an adjudication held under this 3310  
division, that the individual committed the act or if no hearing 3311  
is requested, the board may order any of the sanctions 3312  
identified under division (B) of this section. 3313

(I) The license or certificate to practice issued to an 3314  
individual under this chapter and the individual's practice in 3315  
this state are automatically suspended as of the date of the 3316  
individual's second or subsequent plea of guilty to, or judicial 3317  
finding of guilt of, a violation of section 2919.123 or 2919.124 3318  
of the Revised Code. In addition, the license or certificate to 3319  
practice or certificate to recommend issued to an individual 3320  
under this chapter and the individual's practice in this state 3321  
are automatically suspended as of the date the individual pleads 3322  
guilty to, is found by a judge or jury to be guilty of, or is 3323  
subject to a judicial finding of eligibility for intervention in 3324  
lieu of conviction in this state or treatment or intervention in 3325  
lieu of conviction in another jurisdiction for any of the 3326  
following criminal offenses in this state or a substantially 3327

equivalent criminal offense in another jurisdiction: aggravated 3328  
murder, murder, voluntary manslaughter, felonious assault, 3329  
kidnapping, rape, sexual battery, gross sexual imposition, 3330  
aggravated arson, aggravated robbery, or aggravated burglary. 3331  
Continued practice after suspension shall be considered 3332  
practicing without a license or certificate. 3333

The board shall notify the individual subject to the 3334  
suspension by certified mail or in person in accordance with 3335  
section 119.07 of the Revised Code. If an individual whose 3336  
license or certificate is automatically suspended under this 3337  
division fails to make a timely request for an adjudication 3338  
under Chapter 119. of the Revised Code, the board shall do 3339  
whichever of the following is applicable: 3340

(1) If the automatic suspension under this division is for 3341  
a second or subsequent plea of guilty to, or judicial finding of 3342  
guilt of, a violation of section 2919.123 or 2919.124 of the 3343  
Revised Code, the board shall enter an order suspending the 3344  
individual's license or certificate to practice for a period of 3345  
at least one year or, if determined appropriate by the board, 3346  
imposing a more serious sanction involving the individual's 3347  
license or certificate to practice. 3348

(2) In all circumstances in which division (I)(1) of this 3349  
section does not apply, enter a final order permanently revoking 3350  
the individual's license or certificate to practice. 3351

(J) If the board is required by Chapter 119. of the 3352  
Revised Code to give notice of an opportunity for a hearing and 3353  
if the individual subject to the notice does not timely request 3354  
a hearing in accordance with section 119.07 of the Revised Code, 3355  
the board is not required to hold a hearing, but may adopt, by 3356  
an affirmative vote of not fewer than six of its members, a 3357

final order that contains the board's findings. In that final 3358  
order, the board may order any of the sanctions identified under 3359  
division (A) or (B) of this section. 3360

(K) Any action taken by the board under division (B) of 3361  
this section resulting in a suspension from practice shall be 3362  
accompanied by a written statement of the conditions under which 3363  
the individual's license or certificate to practice may be 3364  
reinstated. The board shall adopt rules governing conditions to 3365  
be imposed for reinstatement. Reinstatement of a license or 3366  
certificate suspended pursuant to division (B) of this section 3367  
requires an affirmative vote of not fewer than six members of 3368  
the board. 3369

(L) When the board refuses to grant or issue a license or 3370  
certificate to practice to an applicant, revokes an individual's 3371  
license or certificate to practice, refuses to renew an 3372  
individual's license or certificate to practice, or refuses to 3373  
reinstatement an individual's license or certificate to practice, 3374  
the board may specify that its action is permanent. An 3375  
individual subject to a permanent action taken by the board is 3376  
forever thereafter ineligible to hold a license or certificate 3377  
to practice and the board shall not accept an application for 3378  
reinstatement of the license or certificate or for issuance of a 3379  
new license or certificate. 3380

(M) Notwithstanding any other provision of the Revised 3381  
Code, all of the following apply: 3382

(1) The surrender of a license or certificate issued under 3383  
this chapter shall not be effective unless or until accepted by 3384  
the board. A telephone conference call may be utilized for 3385  
acceptance of the surrender of an individual's license or 3386  
certificate to practice. The telephone conference call shall be 3387

considered a special meeting under division (F) of section 3388  
121.22 of the Revised Code. Reinstatement of a license or 3389  
certificate surrendered to the board requires an affirmative 3390  
vote of not fewer than six members of the board. 3391

(2) An application for a license or certificate made under 3392  
the provisions of this chapter may not be withdrawn without 3393  
approval of the board. 3394

(3) Failure by an individual to renew a license or 3395  
certificate to practice in accordance with this chapter or a 3396  
certificate to recommend in accordance with rules adopted under 3397  
section 4731.301 of the Revised Code shall not remove or limit 3398  
the board's jurisdiction to take any disciplinary action under 3399  
this section against the individual. 3400

(4) At the request of the board, a license or certificate 3401  
holder shall immediately surrender to the board a license or 3402  
certificate that the board has suspended, revoked, or 3403  
permanently revoked. 3404

(N) Sanctions shall not be imposed under division (B) (28) 3405  
of this section against any person who waives deductibles and 3406  
copayments as follows: 3407

(1) In compliance with the health benefit plan that 3408  
expressly allows such a practice. Waiver of the deductibles or 3409  
copayments shall be made only with the full knowledge and 3410  
consent of the plan purchaser, payer, and third-party 3411  
administrator. Documentation of the consent shall be made 3412  
available to the board upon request. 3413

(2) For professional services rendered to any other person 3414  
authorized to practice pursuant to this chapter, to the extent 3415  
allowed by this chapter and rules adopted by the board. 3416

(O) Under the board's investigative duties described in 3417  
this section and subject to division (F) of this section, the 3418  
board shall develop and implement a quality intervention program 3419  
designed to improve through remedial education the clinical and 3420  
communication skills of individuals authorized under this 3421  
chapter to practice medicine and surgery, osteopathic medicine 3422  
and surgery, and podiatric medicine and surgery. In developing 3423  
and implementing the quality intervention program, the board may 3424  
do all of the following: 3425

(1) Offer in appropriate cases as determined by the board 3426  
an educational and assessment program pursuant to an 3427  
investigation the board conducts under this section; 3428

(2) Select providers of educational and assessment 3429  
services, including a quality intervention program panel of case 3430  
reviewers; 3431

(3) Make referrals to educational and assessment service 3432  
providers and approve individual educational programs 3433  
recommended by those providers. The board shall monitor the 3434  
progress of each individual undertaking a recommended individual 3435  
educational program. 3436

(4) Determine what constitutes successful completion of an 3437  
individual educational program and require further monitoring of 3438  
the individual who completed the program or other action that 3439  
the board determines to be appropriate; 3440

(5) Adopt rules in accordance with Chapter 119. of the 3441  
Revised Code to further implement the quality intervention 3442  
program. 3443

An individual who participates in an individual 3444  
educational program pursuant to this division shall pay the 3445

financial obligations arising from that educational program. 3446

(P) The board shall not refuse to issue a license to an 3447  
applicant because of a conviction, plea of guilty, judicial 3448  
finding of guilt, judicial finding of eligibility for 3449  
intervention in lieu of conviction, or the commission of an act 3450  
that constitutes a criminal offense, unless the refusal is in 3451  
accordance with section 9.79 of the Revised Code. 3452

**Section 4.** That the existing versions of sections 121.22 3453  
and 4731.22 of the Revised Code that are scheduled to take 3454  
effect October 9, 2021, are hereby repealed. 3455

**Section 5.** The General Assembly, applying the principle 3456  
stated in division (B) of section 1.52 of the Revised Code that 3457  
amendments are to be harmonized if reasonably capable of 3458  
simultaneous operation, finds that the following sections, 3459  
presented in this act as composites of the sections as amended 3460  
by the acts indicated, are the resulting versions of the 3461  
sections in effect prior to the effective date of the sections 3462  
as presented in this act: 3463

The version of section 121.22 of the Revised Code that is 3464  
scheduled to take effect on October 9, 2021, is presented in 3465  
this act as a composite of the section as amended by both H.B. 3466  
263 and H.B. 341 of the 133rd General Assembly. 3467

Section 4731.22 of the Revised Code is presented in this 3468  
act as a composite of the section as amended by both H.B. 442 3469  
and S.B. 260 of the 133rd General Assembly. 3470

The version of section 4731.22 of the Revised Code that is 3471  
scheduled to take effect on October 9, 2021, is presented in 3472  
this act as a composite of the section as amended by H.B. 263, 3473  
H.B. 442, and S.B. 260, all of the 133rd General Assembly. 3474