

**As Passed by the House**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. H. B. No. 254**

**Representatives Boggs, Abrams**

**Cosponsors: Representatives Boyd, Lightbody, Brent, Galonski, Leland, Smith, K., Gross, Lepore-Hagan, Russo, Smith, M., Young, T., Sobeki, Carruthers, Miranda, Weinstein, Blackshear, Ray, Crossman, Miller, J., White, Crawley, Liston, Click, Ginter, West, Baldrige, Brown, Carfagna, Creech, Cross, Denson, Edwards, Fraizer, Ghanbari, Grendell, Hicks-Hudson, Howse, Humphrey, Ingram, Jarrells, John, Lanese, LaRe, Loychik, Manning, Miller, A., Miller, K., O'Brien, Oelslager, Pavliga, Plummer, Robinson, Schmidt, Stein, Stephens, Sweeney, Troy, Upchurch, Speaker Cupp**

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**A BILL**

To amend sections 121.22, 149.43, 307.629, 307.99, 1  
and 4731.22 and to enact sections 307.651, 2  
307.652, 307.653, 307.654, 307.655, 307.656, 3  
307.657, 307.658, 307.659, and 3701.0412 of the 4  
Revised Code to provide for the establishment of 5  
domestic violence fatality review boards. 6

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

**Section 1.** That sections 121.22, 149.43, 307.629, 307.99, 7  
and 4731.22 be amended and sections 307.651, 307.652, 307.653, 8  
307.654, 307.655, 307.656, 307.657, 307.658, 307.659, and 9  
3701.0412 of the Revised Code be enacted to read as follows: 10

**Sec. 121.22.** (A) This section shall be liberally construed 11  
to require public officials to take official action and to 12  
conduct all deliberations upon official business only in open 13

meetings unless the subject matter is specifically excepted by	14
law.	15
(B) As used in this section:	16
(1) "Public body" means any of the following:	17
(a) Any board, commission, committee, council, or similar	18
decision-making body of a state agency, institution, or	19
authority, and any legislative authority or board, commission,	20
committee, council, agency, authority, or similar decision-	21
making body of any county, township, municipal corporation,	22
school district, or other political subdivision or local public	23
institution;	24
(b) Any committee or subcommittee of a body described in	25
division (B) (1) (a) of this section;	26
(c) A court of jurisdiction of a sanitary district	27
organized wholly for the purpose of providing a water supply for	28
domestic, municipal, and public use when meeting for the purpose	29
of the appointment, removal, or reappointment of a member of the	30
board of directors of such a district pursuant to section	31
6115.10 of the Revised Code, if applicable, or for any other	32
matter related to such a district other than litigation	33
involving the district. As used in division (B) (1) (c) of this	34
section, "court of jurisdiction" has the same meaning as "court"	35
in section 6115.01 of the Revised Code.	36
(2) "Meeting" means any prearranged discussion of the	37
public business of the public body by a majority of its members.	38
(3) "Regulated individual" means either of the following:	39
(a) A student in a state or local public educational	40
institution;	41

(b) A person who is, voluntarily or involuntarily, an 42  
inmate, patient, or resident of a state or local institution 43  
because of criminal behavior, mental illness, an intellectual 44  
disability, disease, disability, age, or other condition 45  
requiring custodial care. 46

(4) "Public office" has the same meaning as in section 47  
149.011 of the Revised Code. 48

(C) All meetings of any public body are declared to be 49  
public meetings open to the public at all times. A member of a 50  
public body shall be present in person at a meeting open to the 51  
public to be considered present or to vote at the meeting and 52  
for purposes of determining whether a quorum is present at the 53  
meeting. 54

The minutes of a regular or special meeting of any public 55  
body shall be promptly prepared, filed, and maintained and shall 56  
be open to public inspection. The minutes need only reflect the 57  
general subject matter of discussions in executive sessions 58  
authorized under division (G) or (J) of this section. 59

(D) This section does not apply to any of the following: 60

(1) A grand jury; 61

(2) An audit conference conducted by the auditor of state 62  
or independent certified public accountants with officials of 63  
the public office that is the subject of the audit; 64

(3) The adult parole authority when its hearings are 65  
conducted at a correctional institution for the sole purpose of 66  
interviewing inmates to determine parole or pardon and the 67  
department of rehabilitation and correction when its hearings 68  
are conducted at a correctional institution for the sole purpose 69  
of making determinations under section 2967.271 of the Revised 70

Code regarding the release or maintained incarceration of an offender to whom that section applies;	71 72
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	73 74
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, meetings related to a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;	75 76 77 78 79 80
(6) The state medical board when determining whether to suspend a license or certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;	81 82 83 84
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	85 86 87 88
(8) The state board of pharmacy when determining whether to do either of the following:	89 90
(a) Suspend a license, certification, or registration without a prior hearing, including during meetings conducted by telephone conference, pursuant to Chapters 3719., 3796., 4729., and 4752. of the Revised Code and rules adopted thereunder; or	91 92 93 94
(b) Restrict a person from obtaining further information from the drug database established in section 4729.75 of the Revised Code without a prior hearing pursuant to division (C) of section 4729.86 of the Revised Code.	95 96 97 98

(9) The state chiropractic board when determining whether	99
to suspend a license without a hearing pursuant to section	100
4734.37 of the Revised Code;	101
(10) The executive committee of the emergency response	102
commission when determining whether to issue an enforcement	103
order or request that a civil action, civil penalty action, or	104
criminal action be brought to enforce Chapter 3750. of the	105
Revised Code;	106
(11) The board of directors of the nonprofit corporation	107
formed under section 187.01 of the Revised Code or any committee	108
thereof, and the board of directors of any subsidiary of that	109
corporation or a committee thereof;	110
(12) An audit conference conducted by the audit staff of	111
the department of job and family services with officials of the	112
public office that is the subject of that audit under section	113
5101.37 of the Revised Code;	114
(13) The occupational therapy section of the occupational	115
therapy, physical therapy, and athletic trainers board when	116
determining whether to suspend a license without a hearing	117
pursuant to division (E) of section 4755.11 of the Revised Code;	118
(14) The physical therapy section of the occupational	119
therapy, physical therapy, and athletic trainers board when	120
determining whether to suspend a license without a hearing	121
pursuant to division (F) of section 4755.47 of the Revised Code;	122
(15) The athletic trainers section of the occupational	123
therapy, physical therapy, and athletic trainers board when	124
determining whether to suspend a license without a hearing	125
pursuant to division (E) of section 4755.64 of the Revised Code;	126
(16) Meetings of the pregnancy-associated mortality review	127

board established under section 3738.01 of the Revised Code;	128
(17) Meetings of a fetal-infant mortality review board established under section 3707.71 of the Revised Code;	129 130
(18) Meetings of a drug overdose fatality review committee described in section 307.631 of the Revised Code;	131 132
(19) Meetings of a suicide fatality review committee described in section 307.641 of the Revised Code;	133 134
<u>(20) Meetings of a domestic violence fatality review board established under section 307.651 of the Revised Code.</u>	135 136
(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:	137 138 139 140 141 142 143 144 145
(1) Marketing plans;	146
(2) Specific business strategy;	147
(3) Production techniques and trade secrets;	148
(4) Financial projections;	149
(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.	150 151 152 153
The vote by the authority or board to accept or reject the	154

application, as well as all proceedings of the authority or 155  
board not subject to this division, shall be open to the public 156  
and governed by this section. 157

(F) Every public body, by rule, shall establish a 158  
reasonable method whereby any person may determine the time and 159  
place of all regularly scheduled meetings and the time, place, 160  
and purpose of all special meetings. A public body shall not 161  
hold a special meeting unless it gives at least twenty-four 162  
hours' advance notice to the news media that have requested 163  
notification, except in the event of an emergency requiring 164  
immediate official action. In the event of an emergency, the 165  
member or members calling the meeting shall notify the news 166  
media that have requested notification immediately of the time, 167  
place, and purpose of the meeting. 168

The rule shall provide that any person, upon request and 169  
payment of a reasonable fee, may obtain reasonable advance 170  
notification of all meetings at which any specific type of 171  
public business is to be discussed. Provisions for advance 172  
notification may include, but are not limited to, mailing the 173  
agenda of meetings to all subscribers on a mailing list or 174  
mailing notices in self-addressed, stamped envelopes provided by 175  
the person. 176

(G) Except as provided in divisions (G)(8) and (J) of this 177  
section, the members of a public body may hold an executive 178  
session only after a majority of a quorum of the public body 179  
determines, by a roll call vote, to hold an executive session 180  
and only at a regular or special meeting for the sole purpose of 181  
the consideration of any of the following matters: 182

(1) To consider the appointment, employment, dismissal, 183  
discipline, promotion, demotion, or compensation of a public 184

employee or official, or the investigation of charges or 185  
complaints against a public employee, official, licensee, or 186  
regulated individual, unless the public employee, official, 187  
licensee, or regulated individual requests a public hearing. 188  
Except as otherwise provided by law, no public body shall hold 189  
an executive session for the discipline of an elected official 190  
for conduct related to the performance of the elected official's 191  
official duties or for the elected official's removal from 192  
office. If a public body holds an executive session pursuant to 193  
division (G)(1) of this section, the motion and vote to hold 194  
that executive session shall state which one or more of the 195  
approved purposes listed in division (G)(1) of this section are 196  
the purposes for which the executive session is to be held, but 197  
need not include the name of any person to be considered at the 198  
meeting. 199

(2) To consider the purchase of property for public 200  
purposes, the sale of property at competitive bidding, or the 201  
sale or other disposition of unneeded, obsolete, or unfit-for- 202  
use property in accordance with section 505.10 of the Revised 203  
Code, if premature disclosure of information would give an 204  
unfair competitive or bargaining advantage to a person whose 205  
personal, private interest is adverse to the general public 206  
interest. No member of a public body shall use division (G)(2) 207  
of this section as a subterfuge for providing covert information 208  
to prospective buyers or sellers. A purchase or sale of public 209  
property is void if the seller or buyer of the public property 210  
has received covert information from a member of a public body 211  
that has not been disclosed to the general public in sufficient 212  
time for other prospective buyers and sellers to prepare and 213  
submit offers. 214

If the minutes of the public body show that all meetings 215

and deliberations of the public body have been conducted in	216
compliance with this section, any instrument executed by the	217
public body purporting to convey, lease, or otherwise dispose of	218
any right, title, or interest in any public property shall be	219
conclusively presumed to have been executed in compliance with	220
this section insofar as title or other interest of any bona fide	221
purchasers, lessees, or transferees of the property is	222
concerned.	223
(3) Conferences with an attorney for the public body	224
concerning disputes involving the public body that are the	225
subject of pending or imminent court action;	226
(4) Preparing for, conducting, or reviewing negotiations	227
or bargaining sessions with public employees concerning their	228
compensation or other terms and conditions of their employment;	229
(5) Matters required to be kept confidential by federal	230
law or regulations or state statutes;	231
(6) Details relative to the security arrangements and	232
emergency response protocols for a public body or a public	233
office, if disclosure of the matters discussed could reasonably	234
be expected to jeopardize the security of the public body or	235
public office;	236
(7) In the case of a county hospital operated pursuant to	237
Chapter 339. of the Revised Code, a joint township hospital	238
operated pursuant to Chapter 513. of the Revised Code, or a	239
municipal hospital operated pursuant to Chapter 749. of the	240
Revised Code, to consider trade secrets, as defined in section	241
1333.61 of the Revised Code;	242
(8) To consider confidential information related to the	243
marketing plans, specific business strategy, production	244

techniques, trade secrets, or personal financial statements of 245  
an applicant for economic development assistance, or to 246  
negotiations with other political subdivisions respecting 247  
requests for economic development assistance, provided that both 248  
of the following conditions apply: 249

(a) The information is directly related to a request for 250  
economic development assistance that is to be provided or 251  
administered under any provision of Chapter 715., 725., 1724., 252  
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 253  
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 254  
5709.81 of the Revised Code, or that involves public 255  
infrastructure improvements or the extension of utility services 256  
that are directly related to an economic development project. 257

(b) A unanimous quorum of the public body determines, by a 258  
roll call vote, that the executive session is necessary to 259  
protect the interests of the applicant or the possible 260  
investment or expenditure of public funds to be made in 261  
connection with the economic development project. 262

If a public body holds an executive session to consider 263  
any of the matters listed in divisions (G) (2) to (8) of this 264  
section, the motion and vote to hold that executive session 265  
shall state which one or more of the approved matters listed in 266  
those divisions are to be considered at the executive session. 267

A public body specified in division (B) (1) (c) of this 268  
section shall not hold an executive session when meeting for the 269  
purposes specified in that division. 270

(H) A resolution, rule, or formal action of any kind is 271  
invalid unless adopted in an open meeting of the public body. A 272  
resolution, rule, or formal action adopted in an open meeting 273

that results from deliberations in a meeting not open to the 274  
public is invalid unless the deliberations were for a purpose 275  
specifically authorized in division (G) or (J) of this section 276  
and conducted at an executive session held in compliance with 277  
this section. A resolution, rule, or formal action adopted in an 278  
open meeting is invalid if the public body that adopted the 279  
resolution, rule, or formal action violated division (F) of this 280  
section. 281

(I) (1) Any person may bring an action to enforce this 282  
section. An action under division (I) (1) of this section shall 283  
be brought within two years after the date of the alleged 284  
violation or threatened violation. Upon proof of a violation or 285  
threatened violation of this section in an action brought by any 286  
person, the court of common pleas shall issue an injunction to 287  
compel the members of the public body to comply with its 288  
provisions. 289

(2) (a) If the court of common pleas issues an injunction 290  
pursuant to division (I) (1) of this section, the court shall 291  
order the public body that it enjoins to pay a civil forfeiture 292  
of five hundred dollars to the party that sought the injunction 293  
and shall award to that party all court costs and, subject to 294  
reduction as described in division (I) (2) of this section, 295  
reasonable attorney's fees. The court, in its discretion, may 296  
reduce an award of attorney's fees to the party that sought the 297  
injunction or not award attorney's fees to that party if the 298  
court determines both of the following: 299

(i) That, based on the ordinary application of statutory 300  
law and case law as it existed at the time of violation or 301  
threatened violation that was the basis of the injunction, a 302  
well-informed public body reasonably would believe that the 303

public body was not violating or threatening to violate this 304  
section; 305

(ii) That a well-informed public body reasonably would 306  
believe that the conduct or threatened conduct that was the 307  
basis of the injunction would serve the public policy that 308  
underlies the authority that is asserted as permitting that 309  
conduct or threatened conduct. 310

(b) If the court of common pleas does not issue an 311  
injunction pursuant to division (I)(1) of this section and the 312  
court determines at that time that the bringing of the action 313  
was frivolous conduct, as defined in division (A) of section 314  
2323.51 of the Revised Code, the court shall award to the public 315  
body all court costs and reasonable attorney's fees, as 316  
determined by the court. 317

(3) Irreparable harm and prejudice to the party that 318  
sought the injunction shall be conclusively and irrebuttably 319  
presumed upon proof of a violation or threatened violation of 320  
this section. 321

(4) A member of a public body who knowingly violates an 322  
injunction issued pursuant to division (I)(1) of this section 323  
may be removed from office by an action brought in the court of 324  
common pleas for that purpose by the prosecuting attorney or the 325  
attorney general. 326

(J)(1) Pursuant to division (C) of section 5901.09 of the 327  
Revised Code, a veterans service commission shall hold an 328  
executive session for one or more of the following purposes 329  
unless an applicant requests a public hearing: 330

(a) Interviewing an applicant for financial assistance 331  
under sections 5901.01 to 5901.15 of the Revised Code; 332

(b) Discussing applications, statements, and other 333  
documents described in division (B) of section 5901.09 of the 334  
Revised Code; 335

(c) Reviewing matters relating to an applicant's request 336  
for financial assistance under sections 5901.01 to 5901.15 of 337  
the Revised Code. 338

(2) A veterans service commission shall not exclude an 339  
applicant for, recipient of, or former recipient of financial 340  
assistance under sections 5901.01 to 5901.15 of the Revised 341  
Code, and shall not exclude representatives selected by the 342  
applicant, recipient, or former recipient, from a meeting that 343  
the commission conducts as an executive session that pertains to 344  
the applicant's, recipient's, or former recipient's application 345  
for financial assistance. 346

(3) A veterans service commission shall vote on the grant 347  
or denial of financial assistance under sections 5901.01 to 348  
5901.15 of the Revised Code only in an open meeting of the 349  
commission. The minutes of the meeting shall indicate the name, 350  
address, and occupation of the applicant, whether the assistance 351  
was granted or denied, the amount of the assistance if 352  
assistance is granted, and the votes for and against the 353  
granting of assistance. 354

**Sec. 149.43.** (A) As used in this section: 355

(1) "Public record" means records kept by any public 356  
office, including, but not limited to, state, county, city, 357  
village, township, and school district units, and records 358  
pertaining to the delivery of educational services by an 359  
alternative school in this state kept by the nonprofit or for- 360  
profit entity operating the alternative school pursuant to 361

section 3313.533 of the Revised Code. "Public record" does not	362
mean any of the following:	363
(a) Medical records;	364
(b) Records pertaining to probation and parole	365
proceedings, to proceedings related to the imposition of	366
community control sanctions and post-release control sanctions,	367
or to proceedings related to determinations under section	368
2967.271 of the Revised Code regarding the release or maintained	369
incarceration of an offender to whom that section applies;	370
(c) Records pertaining to actions under section 2151.85	371
and division (C) of section 2919.121 of the Revised Code and to	372
appeals of actions arising under those sections;	373
(d) Records pertaining to adoption proceedings, including	374
the contents of an adoption file maintained by the department of	375
health under sections 3705.12 to 3705.124 of the Revised Code;	376
(e) Information in a record contained in the putative	377
father registry established by section 3107.062 of the Revised	378
Code, regardless of whether the information is held by the	379
department of job and family services or, pursuant to section	380
3111.69 of the Revised Code, the office of child support in the	381
department or a child support enforcement agency;	382
(f) Records specified in division (A) of section 3107.52	383
of the Revised Code;	384
(g) Trial preparation records;	385
(h) Confidential law enforcement investigatory records;	386
(i) Records containing information that is confidential	387
under section 2710.03 or 4112.05 of the Revised Code;	388

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	389 390
(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;	391 392 393 394
(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;	395 396 397 398
(m) Intellectual property records;	399
(n) Donor profile records;	400
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	401 402
(p) Designated public service worker residential and familial information;	403 404
(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;	405 406 407 408 409
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	410 411
(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	412 413 414 415 416

board members during meetings of the board or by persons 417  
participating in the director's review, and all work products of 418  
the board or director, and in the case of a child fatality 419  
review board, child fatality review data submitted by the board 420  
to the department of health or a national child death review 421  
database, other than the report prepared pursuant to division 422  
(A) of section 307.626 of the Revised Code; 423

(t) Records provided to and statements made by the 424  
executive director of a public children services agency or a 425  
prosecuting attorney acting pursuant to section 5153.171 of the 426  
Revised Code other than the information released under that 427  
section; 428

(u) Test materials, examinations, or evaluation tools used 429  
in an examination for licensure as a nursing home administrator 430  
that the board of executives of long-term services and supports 431  
administers under section 4751.15 of the Revised Code or 432  
contracts under that section with a private or government entity 433  
to administer; 434

(v) Records the release of which is prohibited by state or 435  
federal law; 436

(w) Proprietary information of or relating to any person 437  
that is submitted to or compiled by the Ohio venture capital 438  
authority created under section 150.01 of the Revised Code; 439

(x) Financial statements and data any person submits for 440  
any purpose to the Ohio housing finance agency or the 441  
controlling board in connection with applying for, receiving, or 442  
accounting for financial assistance from the agency, and 443  
information that identifies any individual who benefits directly 444  
or indirectly from financial assistance from the agency; 445

(y) Records listed in section 5101.29 of the Revised Code;	446
(z) Discharges recorded with a county recorder under	447
section 317.24 of the Revised Code, as specified in division (B)	448
(2) of that section;	449
(aa) Usage information including names and addresses of	450
specific residential and commercial customers of a municipally	451
owned or operated public utility;	452
(bb) Records described in division (C) of section 187.04	453
of the Revised Code that are not designated to be made available	454
to the public as provided in that division;	455
(cc) Information and records that are made confidential,	456
privileged, and not subject to disclosure under divisions (B)	457
and (C) of section 2949.221 of the Revised Code;	458
(dd) Personal information, as defined in section 149.45 of	459
the Revised Code;	460
(ee) The confidential name, address, and other personally	461
identifiable information of a program participant in the address	462
confidentiality program established under sections 111.41 to	463
111.47 of the Revised Code, including the contents of any	464
application for absent voter's ballots, absent voter's ballot	465
identification envelope statement of voter, or provisional	466
ballot affirmation completed by a program participant who has a	467
confidential voter registration record, and records or portions	468
of records pertaining to that program that identify the number	469
of program participants that reside within a precinct, ward,	470
township, municipal corporation, county, or any other geographic	471
area smaller than the state. As used in this division,	472
"confidential address" and "program participant" have the	473
meaning defined in section 111.41 of the Revised Code.	474

(ff) Orders for active military service of an individual 475  
serving or with previous service in the armed forces of the 476  
United States, including a reserve component, or the Ohio 477  
organized militia, except that, such order becomes a public 478  
record on the day that is fifteen years after the published date 479  
or effective date of the call to order; 480

(gg) The name, address, contact information, or other 481  
personal information of an individual who is less than eighteen 482  
years of age that is included in any record related to a traffic 483  
accident involving a school vehicle in which the individual was 484  
an occupant at the time of the accident; 485

(hh) Protected health information, as defined in 45 C.F.R. 486  
160.103, that is in a claim for payment for a health care 487  
product, service, or procedure, as well as any other health 488  
claims data in another document that reveals the identity of an 489  
individual who is the subject of the data or could be used to 490  
reveal that individual's identity; 491

(ii) Any depiction by photograph, film, videotape, or 492  
printed or digital image under either of the following 493  
circumstances: 494

(i) The depiction is that of a victim of an offense the 495  
release of which would be, to a reasonable person of ordinary 496  
sensibilities, an offensive and objectionable intrusion into the 497  
victim's expectation of bodily privacy and integrity. 498

(ii) The depiction captures or depicts the victim of a 499  
sexually oriented offense, as defined in section 2950.01 of the 500  
Revised Code, at the actual occurrence of that offense. 501

(jj) Restricted portions of a body-worn camera or 502  
dashboard camera recording; 503

(kk) In the case of a fetal-infant mortality review board 504  
acting under sections 3707.70 to 3707.77 of the Revised Code, 505  
records, documents, reports, or other information presented to 506  
the board or a person abstracting such materials on the board's 507  
behalf, statements made by review board members during board 508  
meetings, all work products of the board, and data submitted by 509  
the board to the department of health or a national infant death 510  
review database, other than the report prepared pursuant to 511  
section 3707.77 of the Revised Code. 512

(ll) Records, documents, reports, or other information 513  
presented to the pregnancy-associated mortality review board 514  
established under section 3738.01 of the Revised Code, 515  
statements made by board members during board meetings, all work 516  
products of the board, and data submitted by the board to the 517  
department of health, other than the biennial reports prepared 518  
under section 3738.08 of the Revised Code; 519

(mm) Except as otherwise provided in division (A) (1) (oo) 520  
of this section, telephone numbers for a victim, as defined in 521  
section 2930.01 of the Revised Code or a witness to a crime that 522  
are listed on any law enforcement record or report. 523

(nn) A preneed funeral contract, as defined in section 524  
4717.01 of the Revised Code, and contract terms and personally 525  
identifying information of a preneed funeral contract, that is 526  
contained in a report submitted by or for a funeral home to the 527  
board of embalmers and funeral directors under division (C) of 528  
section 4717.13, division (J) of section 4717.31, or section 529  
4717.41 of the Revised Code. 530

(oo) Telephone numbers for a party to a motor vehicle 531  
accident subject to the requirements of section 5502.11 of the 532  
Revised Code that are listed on any law enforcement record or 533

report, except that the telephone numbers described in this 534  
division are not excluded from the definition of "public record" 535  
under this division on and after the thirtieth day after the 536  
occurrence of the motor vehicle accident; 537

(pp) Records, documents, reports, or other information 538  
presented to a domestic violence fatality review board 539  
established under section 307.651 of the Revised Code, 540  
statements made by board members during board meetings, all work 541  
products of the board, and data submitted by the board to the 542  
department of health, other than a report prepared pursuant to 543  
section 307.656 of the Revised Code. 544

A record that is not a public record under division (A) (1) 545  
of this section and that, under law, is permanently retained 546  
becomes a public record on the day that is seventy-five years 547  
after the day on which the record was created, except for any 548  
record protected by the attorney-client privilege, a trial 549  
preparation record as defined in this section, a statement 550  
prohibiting the release of identifying information signed under 551  
section 3107.083 of the Revised Code, a denial of release form 552  
filed pursuant to section 3107.46 of the Revised Code, or any 553  
record that is exempt from release or disclosure under section 554  
149.433 of the Revised Code. If the record is a birth 555  
certificate and a biological parent's name redaction request 556  
form has been accepted under section 3107.391 of the Revised 557  
Code, the name of that parent shall be redacted from the birth 558  
certificate before it is released under this paragraph. If any 559  
other section of the Revised Code establishes a time period for 560  
disclosure of a record that conflicts with the time period 561  
specified in this section, the time period in the other section 562  
prevails. 563

(2) "Confidential law enforcement investigatory record"	564
means any record that pertains to a law enforcement matter of a	565
criminal, quasi-criminal, civil, or administrative nature, but	566
only to the extent that the release of the record would create a	567
high probability of disclosure of any of the following:	568
(a) The identity of a suspect who has not been charged	569
with the offense to which the record pertains, or of an	570
information source or witness to whom confidentiality has been	571
reasonably promised;	572
(b) Information provided by an information source or	573
witness to whom confidentiality has been reasonably promised,	574
which information would reasonably tend to disclose the source's	575
or witness's identity;	576
(c) Specific confidential investigatory techniques or	577
procedures or specific investigatory work product;	578
(d) Information that would endanger the life or physical	579
safety of law enforcement personnel, a crime victim, a witness,	580
or a confidential information source.	581
(3) "Medical record" means any document or combination of	582
documents, except births, deaths, and the fact of admission to	583
or discharge from a hospital, that pertains to the medical	584
history, diagnosis, prognosis, or medical condition of a patient	585
and that is generated and maintained in the process of medical	586
treatment.	587
(4) "Trial preparation record" means any record that	588
contains information that is specifically compiled in reasonable	589
anticipation of, or in defense of, a civil or criminal action or	590
proceeding, including the independent thought processes and	591
personal trial preparation of an attorney.	592

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(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, designated Ohio national guard member, protective services worker, 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, emergency service telecommunicator, forensic mental health provider, mental health evaluation provider, regional psychiatric hospital employee, 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 623  
designated public service worker, except for the following 624  
information: 625

(i) The address of the actual personal residence of a 626  
prosecuting attorney or judge; and 627

(ii) The state or political subdivision in which a 628  
designated public service worker resides. 629

(b) Information compiled from referral to or participation 630  
in an employee assistance program; 631

(c) The social security number, the residential telephone 632  
number, any bank account, debit card, charge card, or credit 633  
card number, or the emergency telephone number of, or any 634  
medical information pertaining to, a designated public service 635  
worker; 636

(d) The name of any beneficiary of employment benefits, 637  
including, but not limited to, life insurance benefits, provided 638  
to a designated public service worker by the designated public 639  
service worker's employer; 640

(e) The identity and amount of any charitable or 641  
employment benefit deduction made by the designated public 642  
service worker's employer from the designated public service 643  
worker's compensation, unless the amount of the deduction is 644  
required by state or federal law; 645

(f) The name, the residential address, the name of the 646  
employer, the address of the employer, the social security 647  
number, the residential telephone number, any bank account, 648  
debit card, charge card, or credit card number, or the emergency 649  
telephone number of the spouse, a former spouse, or any child of 650  
a designated public service worker; 651

(g) A photograph of a peace officer who holds a position 652  
or has an assignment that may include undercover or plain 653  
clothes positions or assignments as determined by the peace 654  
officer's appointing authority. 655

(9) As used in divisions (A) (7) and (15) to (17) of this 656  
section: 657

"Peace officer" has the meaning defined in section 109.71 658  
of the Revised Code and also includes the superintendent and 659  
troopers of the state highway patrol; it does not include the 660  
sheriff of a county or a supervisory employee who, in the 661  
absence of the sheriff, is authorized to stand in for, exercise 662  
the authority of, and perform the duties of the sheriff. 663

"Correctional employee" means any employee of the 664  
department of rehabilitation and correction who in the course of 665  
performing the employee's job duties has or has had contact with 666  
inmates and persons under supervision. 667

"County or multicounty corrections officer" means any 668  
corrections officer employed by any county or multicounty 669  
correctional facility. 670

"Designated Ohio national guard member" means a member of 671  
the Ohio national guard who is participating in duties related 672  
to remotely piloted aircraft, including, but not limited to, 673  
pilots, sensor operators, and mission intelligence personnel, 674  
duties related to special forces operations, or duties related 675  
to cybersecurity, and is designated by the adjutant general as a 676  
designated public service worker for those purposes. 677

"Protective services worker" means any employee of a 678  
county agency who is responsible for child protective services, 679  
child support services, or adult protective services. 680

"Youth services employee" means any employee of the 681  
department of youth services who in the course of performing the 682  
employee's job duties has or has had contact with children 683  
committed to the custody of the department of youth services. 684

"Firefighter" means any regular, paid or volunteer, member 685  
of a lawfully constituted fire department of a municipal 686  
corporation, township, fire district, or village. 687

"EMT" means EMTs-basic, EMTs-I, and paramedics that 688  
provide emergency medical services for a public emergency 689  
medical service organization. "Emergency medical service 690  
organization," "EMT-basic," "EMT-I," and "paramedic" have the 691  
meanings defined in section 4765.01 of the Revised Code. 692

"Investigator of the bureau of criminal identification and 693  
investigation" has the meaning defined in section 2903.11 of the 694  
Revised Code. 695

"Emergency service telecommunicator" has the meaning 696  
defined in section 4742.01 of the Revised Code. 697

"Forensic mental health provider" means any employee of a 698  
community mental health service provider or local alcohol, drug 699  
addiction, and mental health services board who, in the course 700  
of the employee's duties, has contact with persons committed to 701  
a local alcohol, drug addiction, and mental health services 702  
board by a court order pursuant to section 2945.38, 2945.39, 703  
2945.40, or 2945.402 of the Revised Code. 704

"Mental health evaluation provider" means an individual 705  
who, under Chapter 5122. of the Revised Code, examines a 706  
respondent who is alleged to be a mentally ill person subject to 707  
court order, as defined in section 5122.01 of the Revised Code, 708  
and reports to the probate court the respondent's mental 709

condition. 710

"Regional psychiatric hospital employee" means any 711  
employee of the department of mental health and addiction 712  
services who, in the course of performing the employee's duties, 713  
has contact with patients committed to the department of mental 714  
health and addiction services by a court order pursuant to 715  
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 716  
Code. 717

"Federal law enforcement officer" has the meaning defined 718  
in section 9.88 of the Revised Code. 719

(10) "Information pertaining to the recreational 720  
activities of a person under the age of eighteen" means 721  
information that is kept in the ordinary course of business by a 722  
public office, that pertains to the recreational activities of a 723  
person under the age of eighteen years, and that discloses any 724  
of the following: 725

(a) The address or telephone number of a person under the 726  
age of eighteen or the address or telephone number of that 727  
person's parent, guardian, custodian, or emergency contact 728  
person; 729

(b) The social security number, birth date, or 730  
photographic image of a person under the age of eighteen; 731

(c) Any medical record, history, or information pertaining 732  
to a person under the age of eighteen; 733

(d) Any additional information sought or required about a 734  
person under the age of eighteen for the purpose of allowing 735  
that person to participate in any recreational activity 736  
conducted or sponsored by a public office or to use or obtain 737  
admission privileges to any recreational facility owned or 738

operated by a public office.	739
(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code.	740 741
(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.	742 743
(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.	744 745 746 747
(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.	748 749
(15) "Body-worn camera" means a visual and audio recording device worn on the person of a peace officer while the peace officer is engaged in the performance of the peace officer's duties.	750 751 752 753
(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.	754 755 756 757
(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:	758 759 760 761
(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the law enforcement agency knows or has reason to know the person is a child based on the law enforcement agency's records or the content of the recording;	762 763 764 765 766

(b) The death of a person or a deceased person's body, 767  
unless the death was caused by a peace officer or, subject to 768  
division (H) (1) of this section, the consent of the decedent's 769  
executor or administrator has been obtained; 770

(c) The death of a peace officer, firefighter, paramedic, 771  
or other first responder, occurring while the decedent was 772  
engaged in the performance of official duties, unless, subject 773  
to division (H) (1) of this section, the consent of the 774  
decedent's executor or administrator has been obtained; 775

(d) Grievous bodily harm, unless the injury was effected 776  
by a peace officer or, subject to division (H) (1) of this 777  
section, the consent of the injured person or the injured 778  
person's guardian has been obtained; 779

(e) An act of severe violence against a person that 780  
results in serious physical harm to the person, unless the act 781  
and injury was effected by a peace officer or, subject to 782  
division (H) (1) of this section, the consent of the injured 783  
person or the injured person's guardian has been obtained; 784

(f) Grievous bodily harm to a peace officer, firefighter, 785  
paramedic, or other first responder, occurring while the injured 786  
person was engaged in the performance of official duties, 787  
unless, subject to division (H) (1) of this section, the consent 788  
of the injured person or the injured person's guardian has been 789  
obtained; 790

(g) An act of severe violence resulting in serious 791  
physical harm against a peace officer, firefighter, paramedic, 792  
or other first responder, occurring while the injured person was 793  
engaged in the performance of official duties, unless, subject 794  
to division (H) (1) of this section, the consent of the injured 795

person or the injured person's guardian has been obtained;	796
(h) A person's nude body, unless, subject to division (H)	797
(1) of this section, the person's consent has been obtained;	798
(i) Protected health information, the identity of a person	799
in a health care facility who is not the subject of a law	800
enforcement encounter, or any other information in a health care	801
facility that could identify a person who is not the subject of	802
a law enforcement encounter;	803
(j) Information that could identify the alleged victim of	804
a sex offense, menacing by stalking, or domestic violence;	805
(k) Information, that does not constitute a confidential	806
law enforcement investigatory record, that could identify a	807
person who provides sensitive or confidential information to a	808
law enforcement agency when the disclosure of the person's	809
identity or the information provided could reasonably be	810
expected to threaten or endanger the safety or property of the	811
person or another person;	812
(l) Personal information of a person who is not arrested,	813
cited, charged, or issued a written warning by a peace officer;	814
(m) Proprietary police contingency plans or tactics that	815
are intended to prevent crime and maintain public order and	816
safety;	817
(n) A personal conversation unrelated to work between	818
peace officers or between a peace officer and an employee of a	819
law enforcement agency;	820
(o) A conversation between a peace officer and a member of	821
the public that does not concern law enforcement activities;	822
(p) The interior of a residence, unless the interior of a	823

residence is the location of an adversarial encounter with, or a use of force by, a peace officer; 824  
825

(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location. 826  
827  
828

As used in division (A) (17) of this section: 829

"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code. 830  
831

"Health care facility" has the same meaning as in section 1337.11 of the Revised Code. 832  
833

"Protected health information" has the same meaning as in 45 C.F.R. 160.103. 834  
835

"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code. 836  
837

"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases. 838  
839  
840  
841

"Sex offense" has the same meaning as in section 2907.10 of the Revised Code. 842  
843

"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code. 844  
845

(B) (1) Upon request by any person and subject to division (B) (8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to the requester at all reasonable times during regular business hours. Subject to division (B) (8) of this 846  
847  
848  
849  
850

section, upon request by any person, a public office or person 851  
responsible for public records shall make copies of the 852  
requested public record available to the requester at cost and 853  
within a reasonable period of time. If a public record contains 854  
information that is exempt from the duty to permit public 855  
inspection or to copy the public record, the public office or 856  
the person responsible for the public record shall make 857  
available all of the information within the public record that 858  
is not exempt. When making that public record available for 859  
public inspection or copying that public record, the public 860  
office or the person responsible for the public record shall 861  
notify the requester of any redaction or make the redaction 862  
plainly visible. A redaction shall be deemed a denial of a 863  
request to inspect or copy the redacted information, except if 864  
federal or state law authorizes or requires a public office to 865  
make the redaction. 866

(2) To facilitate broader access to public records, a 867  
public office or the person responsible for public records shall 868  
organize and maintain public records in a manner that they can 869  
be made available for inspection or copying in accordance with 870  
division (B) of this section. A public office also shall have 871  
available a copy of its current records retention schedule at a 872  
location readily available to the public. If a requester makes 873  
an ambiguous or overly broad request or has difficulty in making 874  
a request for copies or inspection of public records under this 875  
section such that the public office or the person responsible 876  
for the requested public record cannot reasonably identify what 877  
public records are being requested, the public office or the 878  
person responsible for the requested public record may deny the 879  
request but shall provide the requester with an opportunity to 880  
revise the request by informing the requester of the manner in 881

which records are maintained by the public office and accessed 882  
in the ordinary course of the public office's or person's 883  
duties. 884

(3) If a request is ultimately denied, in part or in 885  
whole, the public office or the person responsible for the 886  
requested public record shall provide the requester with an 887  
explanation, including legal authority, setting forth why the 888  
request was denied. If the initial request was provided in 889  
writing, the explanation also shall be provided to the requester 890  
in writing. The explanation shall not preclude the public office 891  
or the person responsible for the requested public record from 892  
relying upon additional reasons or legal authority in defending 893  
an action commenced under division (C) of this section. 894

(4) Unless specifically required or authorized by state or 895  
federal law or in accordance with division (B) of this section, 896  
no public office or person responsible for public records may 897  
limit or condition the availability of public records by 898  
requiring disclosure of the requester's identity or the intended 899  
use of the requested public record. Any requirement that the 900  
requester disclose the requester's identity or the intended use 901  
of the requested public record constitutes a denial of the 902  
request. 903

(5) A public office or person responsible for public 904  
records may ask a requester to make the request in writing, may 905  
ask for the requester's identity, and may inquire about the 906  
intended use of the information requested, but may do so only 907  
after disclosing to the requester that a written request is not 908  
mandatory, that the requester may decline to reveal the 909  
requester's identity or the intended use, and when a written 910  
request or disclosure of the identity or intended use would 911

benefit the requester by enhancing the ability of the public 912  
office or person responsible for public records to identify, 913  
locate, or deliver the public records sought by the requester. 914

(6) If any person requests a copy of a public record in 915  
accordance with division (B) of this section, the public office 916  
or person responsible for the public record may require the 917  
requester to pay in advance the cost involved in providing the 918  
copy of the public record in accordance with the choice made by 919  
the requester under this division. The public office or the 920  
person responsible for the public record shall permit the 921  
requester to choose to have the public record duplicated upon 922  
paper, upon the same medium upon which the public office or 923  
person responsible for the public record keeps it, or upon any 924  
other medium upon which the public office or person responsible 925  
for the public record determines that it reasonably can be 926  
duplicated as an integral part of the normal operations of the 927  
public office or person responsible for the public record. When 928  
the requester makes a choice under this division, the public 929  
office or person responsible for the public record shall provide 930  
a copy of it in accordance with the choice made by the 931  
requester. Nothing in this section requires a public office or 932  
person responsible for the public record to allow the requester 933  
of a copy of the public record to make the copies of the public 934  
record. 935

(7) (a) Upon a request made in accordance with division (B) 936  
of this section and subject to division (B) (6) of this section, 937  
a public office or person responsible for public records shall 938  
transmit a copy of a public record to any person by United 939  
States mail or by any other means of delivery or transmission 940  
within a reasonable period of time after receiving the request 941  
for the copy. The public office or person responsible for the 942

public record may require the person making the request to pay 943  
in advance the cost of postage if the copy is transmitted by 944  
United States mail or the cost of delivery if the copy is 945  
transmitted other than by United States mail, and to pay in 946  
advance the costs incurred for other supplies used in the 947  
mailing, delivery, or transmission. 948

(b) Any public office may adopt a policy and procedures 949  
that it will follow in transmitting, within a reasonable period 950  
of time after receiving a request, copies of public records by 951  
United States mail or by any other means of delivery or 952  
transmission pursuant to division (B) (7) of this section. A 953  
public office that adopts a policy and procedures under division 954  
(B) (7) of this section shall comply with them in performing its 955  
duties under that division. 956

(c) In any policy and procedures adopted under division 957  
(B) (7) of this section: 958

(i) A public office may limit the number of records 959  
requested by a person that the office will physically deliver by 960  
United States mail or by another delivery service to ten per 961  
month, unless the person certifies to the office in writing that 962  
the person does not intend to use or forward the requested 963  
records, or the information contained in them, for commercial 964  
purposes; 965

(ii) A public office that chooses to provide some or all 966  
of its public records on a web site that is fully accessible to 967  
and searchable by members of the public at all times, other than 968  
during acts of God outside the public office's control or 969  
maintenance, and that charges no fee to search, access, 970  
download, or otherwise receive records provided on the web site, 971  
may limit to ten per month the number of records requested by a 972

person that the office will deliver in a digital format, unless 973  
the requested records are not provided on the web site and 974  
unless the person certifies to the office in writing that the 975  
person does not intend to use or forward the requested records, 976  
or the information contained in them, for commercial purposes. 977

(iii) For purposes of division (B)(7) of this section, 978  
"commercial" shall be narrowly construed and does not include 979  
reporting or gathering news, reporting or gathering information 980  
to assist citizen oversight or understanding of the operation or 981  
activities of government, or nonprofit educational research. 982

(8) A public office or person responsible for public 983  
records is not required to permit a person who is incarcerated 984  
pursuant to a criminal conviction or a juvenile adjudication to 985  
inspect or to obtain a copy of any public record concerning a 986  
criminal investigation or prosecution or concerning what would 987  
be a criminal investigation or prosecution if the subject of the 988  
investigation or prosecution were an adult, unless the request 989  
to inspect or to obtain a copy of the record is for the purpose 990  
of acquiring information that is subject to release as a public 991  
record under this section and the judge who imposed the sentence 992  
or made the adjudication with respect to the person, or the 993  
judge's successor in office, finds that the information sought 994  
in the public record is necessary to support what appears to be 995  
a justiciable claim of the person. 996

(9) (a) Upon written request made and signed by a 997  
journalist, a public office, or person responsible for public 998  
records, having custody of the records of the agency employing a 999  
specified designated public service worker shall disclose to the 1000  
journalist the address of the actual personal residence of the 1001  
designated public service worker and, if the designated public 1002

service worker's spouse, former spouse, or child is employed by 1003  
a public office, the name and address of the employer of the 1004  
designated public service worker's spouse, former spouse, or 1005  
child. The request shall include the journalist's name and title 1006  
and the name and address of the journalist's employer and shall 1007  
state that disclosure of the information sought would be in the 1008  
public interest. 1009

(b) Division (B) (9) (a) of this section also applies to 1010  
journalist requests for: 1011

(i) Customer information maintained by a municipally owned 1012  
or operated public utility, other than social security numbers 1013  
and any private financial information such as credit reports, 1014  
payment methods, credit card numbers, and bank account 1015  
information; 1016

(ii) Information about minors involved in a school vehicle 1017  
accident as provided in division (A) (1) (gg) of this section, 1018  
other than personal information as defined in section 149.45 of 1019  
the Revised Code. 1020

(c) As used in division (B) (9) of this section, 1021  
"journalist" means a person engaged in, connected with, or 1022  
employed by any news medium, including a newspaper, magazine, 1023  
press association, news agency, or wire service, a radio or 1024  
television station, or a similar medium, for the purpose of 1025  
gathering, processing, transmitting, compiling, editing, or 1026  
disseminating information for the general public. 1027

(10) Upon a request made by a victim, victim's attorney, 1028  
or victim's representative, as that term is used in section 1029  
2930.02 of the Revised Code, a public office or person 1030  
responsible for public records shall transmit a copy of a 1031

depiction of the victim as described in division (A) (1) (ii) of 1032  
this section to the victim, victim's attorney, or victim's 1033  
representative. 1034

(C) (1) If a person allegedly is aggrieved by the failure 1035  
of a public office or the person responsible for public records 1036  
to promptly prepare a public record and to make it available to 1037  
the person for inspection in accordance with division (B) of 1038  
this section or by any other failure of a public office or the 1039  
person responsible for public records to comply with an 1040  
obligation in accordance with division (B) of this section, the 1041  
person allegedly aggrieved may do only one of the following, and 1042  
not both: 1043

(a) File a complaint with the clerk of the court of claims 1044  
or the clerk of the court of common pleas under section 2743.75 1045  
of the Revised Code; 1046

(b) Commence a mandamus action to obtain a judgment that 1047  
orders the public office or the person responsible for the 1048  
public record to comply with division (B) of this section, that 1049  
awards court costs and reasonable attorney's fees to the person 1050  
that instituted the mandamus action, and, if applicable, that 1051  
includes an order fixing statutory damages under division (C) (2) 1052  
of this section. The mandamus action may be commenced in the 1053  
court of common pleas of the county in which division (B) of 1054  
this section allegedly was not complied with, in the supreme 1055  
court pursuant to its original jurisdiction under Section 2 of 1056  
Article IV, Ohio Constitution, or in the court of appeals for 1057  
the appellate district in which division (B) of this section 1058  
allegedly was not complied with pursuant to its original 1059  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1060

(2) If a requester transmits a written request by hand 1061

delivery, electronic submission, or certified mail to inspect or 1062  
receive copies of any public record in a manner that fairly 1063  
describes the public record or class of public records to the 1064  
public office or person responsible for the requested public 1065  
records, except as otherwise provided in this section, the 1066  
requester shall be entitled to recover the amount of statutory 1067  
damages set forth in this division if a court determines that 1068  
the public office or the person responsible for public records 1069  
failed to comply with an obligation in accordance with division 1070  
(B) of this section. 1071

The amount of statutory damages shall be fixed at one 1072  
hundred dollars for each business day during which the public 1073  
office or person responsible for the requested public records 1074  
failed to comply with an obligation in accordance with division 1075  
(B) of this section, beginning with the day on which the 1076  
requester files a mandamus action to recover statutory damages, 1077  
up to a maximum of one thousand dollars. The award of statutory 1078  
damages shall not be construed as a penalty, but as compensation 1079  
for injury arising from lost use of the requested information. 1080  
The existence of this injury shall be conclusively presumed. The 1081  
award of statutory damages shall be in addition to all other 1082  
remedies authorized by this section. 1083

The court may reduce an award of statutory damages or not 1084  
award statutory damages if the court determines both of the 1085  
following: 1086

(a) That, based on the ordinary application of statutory 1087  
law and case law as it existed at the time of the conduct or 1088  
threatened conduct of the public office or person responsible 1089  
for the requested public records that allegedly constitutes a 1090  
failure to comply with an obligation in accordance with division 1091

(B) of this section and that was the basis of the mandamus 1092  
action, a well-informed public office or person responsible for 1093  
the requested public records reasonably would believe that the 1094  
conduct or threatened conduct of the public office or person 1095  
responsible for the requested public records did not constitute 1096  
a failure to comply with an obligation in accordance with 1097  
division (B) of this section; 1098

(b) That a well-informed public office or person 1099  
responsible for the requested public records reasonably would 1100  
believe that the conduct or threatened conduct of the public 1101  
office or person responsible for the requested public records 1102  
would serve the public policy that underlies the authority that 1103  
is asserted as permitting that conduct or threatened conduct. 1104

(3) In a mandamus action filed under division (C) (1) of 1105  
this section, the following apply: 1106

(a) (i) If the court orders the public office or the person 1107  
responsible for the public record to comply with division (B) of 1108  
this section, the court shall determine and award to the relator 1109  
all court costs, which shall be construed as remedial and not 1110  
punitive. 1111

(ii) If the court makes a determination described in 1112  
division (C) (3) (b) (iii) of this section, the court shall 1113  
determine and award to the relator all court costs, which shall 1114  
be construed as remedial and not punitive. 1115

(b) If the court renders a judgment that orders the public 1116  
office or the person responsible for the public record to comply 1117  
with division (B) of this section or if the court determines any 1118  
of the following, the court may award reasonable attorney's fees 1119  
to the relator, subject to division (C) (4) of this section: 1120

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

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

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

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

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a

failure to comply with an obligation in accordance with division 1151  
(B) of this section and that was the basis of the mandamus 1152  
action, a well-informed public office or person responsible for 1153  
the requested public records reasonably would believe that the 1154  
conduct or threatened conduct of the public office or person 1155  
responsible for the requested public records did not constitute 1156  
a failure to comply with an obligation in accordance with 1157  
division (B) of this section; 1158

(ii) That a well-informed public office or person 1159  
responsible for the requested public records reasonably would 1160  
believe that the conduct or threatened conduct of the public 1161  
office or person responsible for the requested public records 1162  
would serve the public policy that underlies the authority that 1163  
is asserted as permitting that conduct or threatened conduct. 1164

(4) All of the following apply to any award of reasonable 1165  
attorney's fees awarded under division (C) (3) (b) of this 1166  
section: 1167

(a) The fees shall be construed as remedial and not 1168  
punitive. 1169

(b) The fees awarded shall not exceed the total of the 1170  
reasonable attorney's fees incurred before the public record was 1171  
made available to the relator and the fees described in division 1172  
(C) (4) (c) of this section. 1173

(c) Reasonable attorney's fees shall include reasonable 1174  
fees incurred to produce proof of the reasonableness and amount 1175  
of the fees and to otherwise litigate entitlement to the fees. 1176

(d) The court may reduce the amount of fees awarded if the 1177  
court determines that, given the factual circumstances involved 1178  
with the specific public records request, an alternative means 1179

should have been pursued to more effectively and efficiently 1180  
resolve the dispute that was subject to the mandamus action 1181  
filed under division (C) (1) of this section. 1182

(5) If the court does not issue a writ of mandamus under 1183  
division (C) of this section and the court determines at that 1184  
time that the bringing of the mandamus action was frivolous 1185  
conduct as defined in division (A) of section 2323.51 of the 1186  
Revised Code, the court may award to the public office all court 1187  
costs, expenses, and reasonable attorney's fees, as determined 1188  
by the court. 1189

(D) Chapter 1347. of the Revised Code does not limit the 1190  
provisions of this section. 1191

(E) (1) To ensure that all employees of public offices are 1192  
appropriately educated about a public office's obligations under 1193  
division (B) of this section, all elected officials or their 1194  
appropriate designees shall attend training approved by the 1195  
attorney general as provided in section 109.43 of the Revised 1196  
Code. A future official may satisfy the requirements of this 1197  
division by attending the training before taking office, 1198  
provided that the future official may not send a designee in the 1199  
future official's place. 1200

(2) All public offices shall adopt a public records policy 1201  
in compliance with this section for responding to public records 1202  
requests. In adopting a public records policy under this 1203  
division, a public office may obtain guidance from the model 1204  
public records policy developed and provided to the public 1205  
office by the attorney general under section 109.43 of the 1206  
Revised Code. Except as otherwise provided in this section, the 1207  
policy may not limit the number of public records that the 1208  
public office will make available to a single person, may not 1209

limit the number of public records that it will make available 1210  
during a fixed period of time, and may not establish a fixed 1211  
period of time before it will respond to a request for 1212  
inspection or copying of public records, unless that period is 1213  
less than eight hours. 1214

The public office shall distribute the public records 1215  
policy adopted by the public office under this division to the 1216  
employee of the public office who is the records custodian or 1217  
records manager or otherwise has custody of the records of that 1218  
office. The public office shall require that employee to 1219  
acknowledge receipt of the copy of the public records policy. 1220  
The public office shall create a poster that describes its 1221  
public records policy and shall post the poster in a conspicuous 1222  
place in the public office and in all locations where the public 1223  
office has branch offices. The public office may post its public 1224  
records policy on the internet web site of the public office if 1225  
the public office maintains an internet web site. A public 1226  
office that has established a manual or handbook of its general 1227  
policies and procedures for all employees of the public office 1228  
shall include the public records policy of the public office in 1229  
the manual or handbook. 1230

(F) (1) The bureau of motor vehicles may adopt rules 1231  
pursuant to Chapter 119. of the Revised Code to reasonably limit 1232  
the number of bulk commercial special extraction requests made 1233  
by a person for the same records or for updated records during a 1234  
calendar year. The rules may include provisions for charges to 1235  
be made for bulk commercial special extraction requests for the 1236  
actual cost of the bureau, plus special extraction costs, plus 1237  
ten per cent. The bureau may charge for expenses for redacting 1238  
information, the release of which is prohibited by law. 1239

- (2) As used in division (F) (1) of this section: 1240
- (a) "Actual cost" means the cost of depleted supplies, 1241  
records storage media costs, actual mailing and alternative 1242  
delivery costs, or other transmitting costs, and any direct 1243  
equipment operating and maintenance costs, including actual 1244  
costs paid to private contractors for copying services. 1245
- (b) "Bulk commercial special extraction request" means a 1246  
request for copies of a record for information in a format other 1247  
than the format already available, or information that cannot be 1248  
extracted without examination of all items in a records series, 1249  
class of records, or database by a person who intends to use or 1250  
forward the copies for surveys, marketing, solicitation, or 1251  
resale for commercial purposes. "Bulk commercial special 1252  
extraction request" does not include a request by a person who 1253  
gives assurance to the bureau that the person making the request 1254  
does not intend to use or forward the requested copies for 1255  
surveys, marketing, solicitation, or resale for commercial 1256  
purposes. 1257
- (c) "Commercial" means profit-seeking production, buying, 1258  
or selling of any good, service, or other product. 1259
- (d) "Special extraction costs" means the cost of the time 1260  
spent by the lowest paid employee competent to perform the task, 1261  
the actual amount paid to outside private contractors employed 1262  
by the bureau, or the actual cost incurred to create computer 1263  
programs to make the special extraction. "Special extraction 1264  
costs" include any charges paid to a public agency for computer 1265  
or records services. 1266
- (3) For purposes of divisions (F) (1) and (2) of this 1267  
section, "surveys, marketing, solicitation, or resale for 1268

commercial purposes" shall be narrowly construed and does not 1269  
include reporting or gathering news, reporting or gathering 1270  
information to assist citizen oversight or understanding of the 1271  
operation or activities of government, or nonprofit educational 1272  
research. 1273

(G) A request by a defendant, counsel of a defendant, or 1274  
any agent of a defendant in a criminal action that public 1275  
records related to that action be made available under this 1276  
section shall be considered a demand for discovery pursuant to 1277  
the Criminal Rules, except to the extent that the Criminal Rules 1278  
plainly indicate a contrary intent. The defendant, counsel of 1279  
the defendant, or agent of the defendant making a request under 1280  
this division shall serve a copy of the request on the 1281  
prosecuting attorney, director of law, or other chief legal 1282  
officer responsible for prosecuting the action. 1283

(H) (1) Any portion of a body-worn camera or dashboard 1284  
camera recording described in divisions (A) (17) (b) to (h) of 1285  
this section may be released by consent of the subject of the 1286  
recording or a representative of that person, as specified in 1287  
those divisions, only if either of the following applies: 1288

(a) The recording will not be used in connection with any 1289  
probable or pending criminal proceedings; 1290

(b) The recording has been used in connection with a 1291  
criminal proceeding that was dismissed or for which a judgment 1292  
has been entered pursuant to Rule 32 of the Rules of Criminal 1293  
Procedure, and will not be used again in connection with any 1294  
probable or pending criminal proceedings. 1295

(2) If a public office denies a request to release a 1296  
restricted portion of a body-worn camera or dashboard camera 1297

recording, as defined in division (A)(17) of this section, any 1298  
person may file a mandamus action pursuant to this section or a 1299  
complaint with the clerk of the court of claims pursuant to 1300  
section 2743.75 of the Revised Code, requesting the court to 1301  
order the release of all or portions of the recording. If the 1302  
court considering the request determines that the filing 1303  
articulates by clear and convincing evidence that the public 1304  
interest in the recording substantially outweighs privacy 1305  
interests and other interests asserted to deny release, the 1306  
court shall order the public office to release the recording. 1307

**Sec. 307.629.** (A) Except as provided in division (B) of 1308  
this section and sections 5153.171 to 5153.173 of the Revised 1309  
Code, any information, document, or report presented to a child 1310  
fatality review board, all statements made by review board 1311  
members during meetings of the review board, all work products 1312  
of the review board, and child fatality review data submitted by 1313  
the child fatality review board to the department of health or a 1314  
national child death review database, other than the report 1315  
prepared pursuant to division (A) of section 307.626 of the 1316  
Revised Code, are confidential and shall be used by the review 1317  
board, its members, and the department of health only in the 1318  
exercise of the proper functions of the review board and the 1319  
department. 1320

(B) A review board may disclose the confidential 1321  
information described in division (A) of this section to a fetal 1322  
and infant mortality review team. 1323

(C) A review board may disclose the confidential 1324  
information described in division (A) of this section to a 1325  
domestic violence fatality review board established under 1326  
section 307.651 of the Revised Code in the same county or 1327

region, and otherwise collaborate with a domestic violence 1328  
fatality review board, if the child whose death is being 1329  
reviewed died as a result of domestic violence. 1330

(D) No person shall permit or encourage the unauthorized 1331  
dissemination of the confidential information described in 1332  
division (A) of this section. 1333

~~(D)~~ (E) Whoever violates division ~~(C)~~ (D) of this section 1334  
is guilty of a misdemeanor of the second degree. 1335

**Sec. 307.651.** (A) A board of county commissioners may 1336  
appoint a health commissioner of the board of health of a city 1337  
or general health district that is entirely or partially located 1338  
in the county in which the board of county commissioners is 1339  
located to establish a domestic violence fatality review board 1340  
to review the deaths of individuals over eighteen years of age 1341  
by domestic violence that occurred in the county. 1342

(B) The boards of county commissioners of two or more 1343  
counties may, by adopting a joint resolution passed by a 1344  
majority of the members of each participating board of county 1345  
commissioners, create a regional domestic violence fatality 1346  
review board to review the deaths of individuals over eighteen 1347  
years of age by domestic violence that occurred in the 1348  
participating counties. The joint resolution shall appoint, for 1349  
each county participating as part of the regional review board, 1350  
one health commissioner from a board of health of a city or 1351  
general health district located at least in part in that county. 1352  
The health commissioners appointed shall select one of their 1353  
number as the health commissioner to establish the regional 1354  
review board. 1355

(C) In any county that, on the effective date of this 1356

section, has a body that is acting as a domestic violence 1357  
fatality review board and is comprised of the members described 1358  
in division (A) (1) of section 307.652 of the Revised Code, 1359  
including a public health official or designee, the board of 1360  
county commissioners of that county, in lieu of having a health 1361  
commissioner establish a domestic violence fatality review 1362  
board, may appoint that body to function as the domestic 1363  
violence fatality review board for the county. The body shall 1364  
have the same duties, obligations, and protections as a domestic 1365  
violence fatality review board appointed by a health 1366  
commissioner. 1367

**Sec. 307.652.** (A) (1) If a health commissioner establishes 1368  
a domestic violence fatality review board as described in 1369  
division (A) of section 307.651 of the Revised Code, the 1370  
commissioner shall select the following to serve on the review 1371  
board: 1372

(a) The county coroner or designee; 1373

(b) The chief of police of a police department in the 1374  
county or the county sheriff or a designee of the chief or 1375  
sheriff; 1376

(c) A public health official or designee; 1377

(d) The county prosecutor or designee; 1378

(e) The executive director of a public children services 1379  
agency or designee; 1380

(f) A physician authorized under Chapter 4731. of the 1381  
Revised Code to practice medicine and surgery or osteopathic 1382  
medicine and surgery with expertise in domestic violence; 1383

(g) An individual representing a domestic violence shelter 1384

<u>or with expertise advocating for domestic violence victims;</u>	1385
<u>(h) An individual representing a domestic violence perpetrator treatment program;</u>	1386
<u>(i) A county corrections official or designee;</u>	1388
<u>(j) An individual representing school teachers, guidance counselors, or student health services staff;</u>	1389
<u>(k) An individual representing judges or court administrators.</u>	1391
<u>(2) If a health commissioner establishes a domestic violence fatality review board as described in division (B) of section 307.651 of the Revised Code, the commissioner shall select the following to serve on the review board:</u>	1393
<u>(a) A county coroner or designee;</u>	1394
<u>(b) The chief of police of a police department or a sheriff or a designee of the chief or sheriff;</u>	1395
<u>(c) A public health official or designee;</u>	1396
<u>(d) A county prosecutor or designee;</u>	1397
<u>(e) The executive director of a public children services agency or designee;</u>	1398
<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>	1399
<u>(g) An individual representing a domestic violence shelter or with experience advocating for domestic violence victims;</u>	1400
<u>(h) An individual representing a domestic violence perpetrator treatment program;</u>	1401
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<u>(i) A county corrections official or designee;</u>	1411
<u>(j) An individual representing school teachers, guidance counselors, or student health services staff;</u>	1412
	1413
<u>(k) An individual representing judges or court administrators.</u>	1414
	1415
<u>The members described in divisions (A) (2) (a), (b), (c), (d), (i), and (k) of this section shall be representatives from the most populous county served by the board.</u>	1416
	1417
	1418
<u>(B) The majority of the members of a review board may invite additional members to serve on the board. The additional members invited under this division shall serve for a period of time determined by a majority of the members described in division (A) of this section. Each additional member shall have the same authority, duties, and responsibilities as members described in division (A) of this section.</u>	1419
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<u>(C) If a member of a review board has a conflict of interest regarding a specific domestic violence fatality, the chairperson of the review board selected pursuant to section 307.653 of the Revised Code may select a substitute member to serve only during the review of that fatality. While serving, the substitute member shall have the same authority, duties, and responsibilities as members described in division (A) of this section.</u>	1426
	1427
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<u>(D) A vacancy in a domestic violence review board shall be filled in the same manner as the original appointment. If the health commissioner who made the original appointment as described in division (A) of this section is no longer serving in that capacity, a successor of the commissioner shall fill the vacancy.</u>	1434
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(E) A domestic violence fatality review board member shall 1440  
not receive any compensation for, and shall not be paid for any 1441  
expenses incurred pursuant to, fulfilling the member's duties on 1442  
the board unless compensation for, or payment for expenses 1443  
incurred pursuant to, those duties is received pursuant to a 1444  
member's regular employment. 1445

(F) No person shall serve as a member of a domestic 1446  
violence fatality review board without signing a statement 1447  
acknowledging the provisions of section 307.659 of the Revised 1448  
Code. 1449

**Sec. 307.653.** (A) If a domestic violence fatality review 1450  
board is established under section 307.651 of the Revised Code, 1451  
the board members shall select, by majority vote, a member of 1452  
the board to serve as the chairperson of the review board. 1453

(B) The chairperson of the review board shall be 1454  
responsible for all of the following: 1455

(1) Convening board meetings; 1456

(2) Notifying members of board meetings; 1457

(3) Providing members with a list of fatalities to be 1458  
reviewed during a board meeting; 1459

(4) Ensuring that the review board complies with the 1460  
procedure for conducting reviews of deaths established in rules 1461  
adopted under section 3701.0412 of the Revised Code. 1462

**Sec. 307.654.** The purpose of a domestic violence fatality 1463  
review board established under section 307.651 of the Revised 1464  
Code is to decrease the incidence of deaths occurring as a 1465  
result of domestic violence by doing all of the following: 1466

(A) Promoting cooperation, collaboration, and 1467

communication between all groups, professions, agencies, or 1468  
entities engaged in the prevention of, and education about, 1469  
domestic violence; 1470

(B) Maintaining a comprehensive database of all deaths by 1471  
domestic violence that occur in the county or region served by 1472  
the review board in order to develop an understanding of the 1473  
causes and incidence of those deaths; 1474

(C) Recommending and developing plans for implementing 1475  
local service and program changes and changes to the groups, 1476  
professions, agencies, or entities that serve local residents 1477  
that might prevent deaths by domestic violence; 1478

(D) Providing the department of health with aggregate 1479  
data, trends, and patterns concerning deaths by domestic 1480  
violence. 1481

**Sec. 307.655.** A domestic violence fatality review board 1482  
may not conduct a review of a death while an investigation of 1483  
the death or prosecution of a person for causing the death is 1484  
pending unless the prosecuting attorney agrees to allow the 1485  
review. The law enforcement agency conducting the criminal 1486  
investigation, on the conclusion of the investigation, and the 1487  
prosecuting attorney prosecuting the case, on the conclusion of 1488  
the prosecution, shall notify the chairperson of the review 1489  
board of the conclusion. 1490

**Sec. 307.656.** (A) A domestic violence fatality review 1491  
board shall establish a system for collecting and maintaining 1492  
information necessary for the review of deaths by domestic 1493  
violence in the county or region. In an effort to ensure 1494  
confidentiality, each board shall do all of the following: 1495

(1) Maintain all records in a secure location; 1496

<u>(2) Develop security measures to prevent unauthorized</u>	1497
<u>access to records containing information that could reasonably</u>	1498
<u>identify any person;</u>	1499
<u>(3) Develop a system for storing, processing, indexing,</u>	1500
<u>retrieving, and destroying information obtained in the course of</u>	1501
<u>reviewing a death.</u>	1502
<u>(B) For each death reviewed by a board, the board shall</u>	1503
<u>collect all of the following:</u>	1504
<u>(1) Demographic information of the deceased and</u>	1505
<u>perpetrator, including age, sex, race, and ethnicity;</u>	1506
<u>(2) The year in which the death occurred;</u>	1507
<u>(3) The geographic location of the death;</u>	1508
<u>(4) The cause of death;</u>	1509
<u>(5) Any factors contributing to the death;</u>	1510
<u>(6) Any other information the board considers relevant.</u>	1511
<u>(C) By the first day of April of each year, the person</u>	1512
<u>convening a domestic violence fatality review board shall</u>	1513
<u>prepare and submit to the department of health in the manner and</u>	1514
<u>format prescribed by the department a report that includes all</u>	1515
<u>of the following information for the previous calendar year:</u>	1516
<u>(1) The total number of deaths by domestic violence in the</u>	1517
<u>county or region;</u>	1518
<u>(2) The total number of deaths by domestic violence</u>	1519
<u>reviewed by the board;</u>	1520
<u>(3) A summary of demographic information for the deaths</u>	1521
<u>reviewed, including age, sex, race, and ethnicity of both</u>	1522
<u>deceased and perpetrators;</u>	1523

(4) A summary of any trends or patterns identified by the 1524  
board. 1525

The report shall specify the number of deaths by domestic 1526  
violence that were not reviewed during the previous calendar 1527  
year. 1528

The report shall include recommendations for actions that 1529  
might prevent other deaths, as well as any other information the 1530  
review board determines should be included. 1531

(D) Reports prepared under division (C) of this section 1532  
shall be considered public records under section 149.43 of the 1533  
Revised Code. 1534

**Sec. 307.657.** (A) (1) Notwithstanding section 3701.17 and 1535  
any other section of the Revised Code pertaining to 1536  
confidentiality, on the request of the domestic violence 1537  
fatality review board, any individual, law enforcement agency, 1538  
or other public or private entity that provided services to any 1539  
of the following shall submit to the review board a summary 1540  
sheet of information: 1541

(a) A person whose death is being reviewed by a domestic 1542  
violence fatality review board; 1543

(b) A person who caused the death of a person whose death 1544  
is being reviewed by a domestic violence fatality review board; 1545

(c) A child of a person whose death is being reviewed by a 1546  
domestic violence fatality review board. 1547

(2) With respect to a request made to a health care 1548  
entity, the summary sheet shall contain only information 1549  
available and reasonably drawn from the person's or child's 1550  
medical record created by the health care entity. 1551

(3) With respect to a request made to any other individual 1552  
or entity, the summary sheet shall contain only information 1553  
available and reasonably drawn from any record involving the 1554  
person or child to which the individual or entity has access. 1555

(4) On the request of the review board, an individual or 1556  
entity may, at the individual or entity's discretion, make any 1557  
additional information, documents, or reports available to the 1558  
review board. 1559

(B) Notwithstanding division (A) of this section, no 1560  
person, entity, law enforcement agency, or prosecuting attorney 1561  
shall provide any information to a domestic violence fatality 1562  
review board while an investigation of the death or prosecution 1563  
of a person for causing the death is pending unless the 1564  
prosecuting attorney has agreed pursuant to section 307.655 of 1565  
the Revised Code to allow review of the death. 1566

**Sec. 307.658.** (A) Except as provided in division (B) of 1567  
this section, members of a domestic violence fatality review 1568  
board and their agents or employees, if any, are immune from 1569  
claims and are not subject to any suits, liability, damages, or 1570  
any other recourse, civil or criminal, arising from any act, 1571  
proceeding, decision, or determination undertaken or performed 1572  
or recommendation made by the review board. 1573

No organization, institution, or person furnishing 1574  
information, data, testimony, reports, or records to the 1575  
domestic violence fatality review board is civilly or criminally 1576  
liable or subject to any other recourse for providing the 1577  
information. 1578

(B) The immunity from criminal liability granted by this 1579  
section does not extend to violations of division (F) of section 1580

307.652 of the Revised Code or division (B) of section 307.659 1581  
of the Revised Code. 1582

**Sec. 307.659.** (A) Any information, document, or report 1583  
presented to a domestic violence fatality review board, all 1584  
statements made by review board members during meetings of the 1585  
review board, all work products of the review board, and data 1586  
submitted by the review board to the department of health, other 1587  
than the report prepared pursuant to section 307.656 of the 1588  
Revised Code, are confidential, are not public records open to 1589  
public inspection and copying under section 149.43 of the 1590  
Revised Code, and shall be used by the review board, its 1591  
members, and the department of health only in the exercise of 1592  
the proper functions of the review board and the department. 1593

(B) No member of a domestic violence fatality review board 1594  
shall disclose any of the following, except in the exercise of 1595  
the proper functions of the review board: 1596

(1) Information, documents, or reports presented to the 1597  
board; 1598

(2) Work products of the review board or data submitted to 1599  
the department of health other than reports prepared pursuant to 1600  
division (C) of section 307.656 of the Revised Code. 1601

(C) A review board may disclose the confidential 1602  
information described in division (A) of this section to a child 1603  
fatality review board established under section 307.621 of the 1604  
Revised Code in the same county or region, and otherwise 1605  
collaborate with a child fatality review board, if the person 1606  
whose death is being reviewed as a domestic violence fatality 1607  
was a child. 1608

**Sec. 307.99.** (A) Whoever violates section 307.42 of the 1609

Revised Code shall be fined not less than twenty-five nor more than one hundred dollars for each offense.

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

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

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

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

(F) Whoever violates division (F) of section 307.652 of the Revised Code or division (B) of section 307.659 of the Revised Code is guilty of a misdemeanor of the first degree.

Sec. 3701.0412. The department of health shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a procedure for county or regional domestic violence fatality review boards to follow in conducting a review of a death by domestic violence. The rules shall do all of the following:

(A) Establish the format for the annual reports required by section 307.656 of the Revised Code;

(B) Establish guidelines for a county or regional review board to follow in compiling statistics for annual reports so that the reports do not contain any information that would

permit any person's identity to be ascertained from a report; 1638

(C) Establish guidelines for a county or regional review board to follow in creating and maintaining the comprehensive database of deaths by domestic violence that is required by section 307.654 of the Revised Code, including provisions establishing uniform record-keeping procedures; 1639  
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(D) Establish guidelines for reporting domestic violence fatality review data to the department of health, which must maintain the confidentiality of information that would permit a person's identity to be ascertained; 1644  
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(E) Establish guidelines, materials, and training to help educate members of county or regional review boards about the purpose of the review process and the confidentiality of the information described in section 307.659 of the Revised Code. 1648  
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**Sec. 4731.22.** (A) The state medical board, by an affirmative vote of not fewer than six of its members, may limit, revoke, or suspend a license or certificate to practice or certificate to recommend, refuse to grant a license or certificate, refuse to renew a license or certificate, refuse to reinstate a license or certificate, or reprimand or place on probation the holder of a license or certificate if the individual applying for or holding the license or certificate is found by the board to have committed fraud during the administration of the examination for a license or certificate to practice or to have committed fraud, misrepresentation, or deception in applying for, renewing, or securing any license or certificate to practice or certificate to recommend issued by the board. 1652  
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(B) Except as provided in division (P) of this section, 1666

the board, by an affirmative vote of not fewer than six members, 1667  
shall, to the extent permitted by law, limit, revoke, or suspend 1668  
a license or certificate to practice or certificate to 1669  
recommend, refuse to issue a license or certificate, refuse to 1670  
renew a license or certificate, refuse to reinstate a license or 1671  
certificate, or reprimand or place on probation the holder of a 1672  
license or certificate for one or more of the following reasons: 1673

(1) Permitting one's name or one's license or certificate 1674  
to practice to be used by a person, group, or corporation when 1675  
the individual concerned is not actually directing the treatment 1676  
given; 1677

(2) Failure to maintain minimal standards applicable to 1678  
the selection or administration of drugs, or failure to employ 1679  
acceptable scientific methods in the selection of drugs or other 1680  
modalities for treatment of disease; 1681

(3) Except as provided in section 4731.97 of the Revised 1682  
Code, selling, giving away, personally furnishing, prescribing, 1683  
or administering drugs for other than legal and legitimate 1684  
therapeutic purposes or a plea of guilty to, a judicial finding 1685  
of guilt of, or a judicial finding of eligibility for 1686  
intervention in lieu of conviction of, a violation of any 1687  
federal or state law regulating the possession, distribution, or 1688  
use of any drug; 1689

(4) Willfully betraying a professional confidence. 1690

For purposes of this division, "willfully betraying a 1691  
professional confidence" does not include providing any 1692  
information, documents, or reports under sections 307.621 to 1693  
307.629 of the Revised Code to a child fatality review board; 1694  
does not include providing any information, documents, or 1695

reports under sections 307.631 to 307.6410 of the Revised Code 1696  
to a drug overdose fatality review committee, a suicide fatality 1697  
review committee, or hybrid drug overdose fatality and suicide 1698  
fatality review committee; does not include providing any 1699  
information, documents, or reports under sections 307.651 to 1700  
307.659 of the Revised Code to a domestic violence fatality 1701  
review board; does not include providing any information, 1702  
documents, or reports to the director of health pursuant to 1703  
guidelines established under section 3701.70 of the Revised 1704  
Code; does not include written notice to a mental health 1705  
professional under section 4731.62 of the Revised Code; and does 1706  
not include the making of a report of an employee's use of a 1707  
drug of abuse, or a report of a condition of an employee other 1708  
than one involving the use of a drug of abuse, to the employer 1709  
of the employee as described in division (B) of section 2305.33 1710  
of the Revised Code. Nothing in this division affects the 1711  
immunity from civil liability conferred by section 2305.33 or 1712  
4731.62 of the Revised Code upon a physician who makes a report 1713  
in accordance with section 2305.33 or notifies a mental health 1714  
professional in accordance with section 4731.62 of the Revised 1715  
Code. As used in this division, "employee," "employer," and 1716  
"physician" have the same meanings as in section 2305.33 of the 1717  
Revised Code. 1718

(5) Making a false, fraudulent, deceptive, or misleading 1719  
statement in the solicitation of or advertising for patients; in 1720  
relation to the practice of medicine and surgery, osteopathic 1721  
medicine and surgery, podiatric medicine and surgery, or a 1722  
limited branch of medicine; or in securing or attempting to 1723  
secure any license or certificate to practice issued by the 1724  
board. 1725

As used in this division, "false, fraudulent, deceptive, 1726

or misleading statement" means a statement that includes a 1727  
misrepresentation of fact, is likely to mislead or deceive 1728  
because of a failure to disclose material facts, is intended or 1729  
is likely to create false or unjustified expectations of 1730  
favorable results, or includes representations or implications 1731  
that in reasonable probability will cause an ordinarily prudent 1732  
person to misunderstand or be deceived. 1733

(6) A departure from, or the failure to conform to, 1734  
minimal standards of care of similar practitioners under the 1735  
same or similar circumstances, whether or not actual injury to a 1736  
patient is established; 1737

(7) Representing, with the purpose of obtaining 1738  
compensation or other advantage as personal gain or for any 1739  
other person, that an incurable disease or injury, or other 1740  
incurable condition, can be permanently cured; 1741

(8) The obtaining of, or attempting to obtain, money or 1742  
anything of value by fraudulent misrepresentations in the course 1743  
of practice; 1744

(9) A plea of guilty to, a judicial finding of guilt of, 1745  
or a judicial finding of eligibility for intervention in lieu of 1746  
conviction for, a felony; 1747

(10) Commission of an act that constitutes a felony in 1748  
this state, regardless of the jurisdiction in which the act was 1749  
committed; 1750

(11) A plea of guilty to, a judicial finding of guilt of, 1751  
or a judicial finding of eligibility for intervention in lieu of 1752  
conviction for, a misdemeanor committed in the course of 1753  
practice; 1754

(12) Commission of an act in the course of practice that 1755

constitutes a misdemeanor in this state, regardless of the 1756  
jurisdiction in which the act was committed; 1757

(13) A plea of guilty to, a judicial finding of guilt of, 1758  
or a judicial finding of eligibility for intervention in lieu of 1759  
conviction for, a misdemeanor involving moral turpitude; 1760

(14) Commission of an act involving moral turpitude that 1761  
constitutes a misdemeanor in this state, regardless of the 1762  
jurisdiction in which the act was committed; 1763

(15) Violation of the conditions of limitation placed by 1764  
the board upon a license or certificate to practice; 1765

(16) Failure to pay license renewal fees specified in this 1766  
chapter; 1767

(17) Except as authorized in section 4731.31 of the 1768  
Revised Code, engaging in the division of fees for referral of 1769  
patients, or the receiving of a thing of value in return for a 1770  
specific referral of a patient to utilize a particular service 1771  
or business; 1772

(18) Subject to section 4731.226 of the Revised Code, 1773  
violation of any provision of a code of ethics of the American 1774  
medical association, the American osteopathic association, the 1775  
American podiatric medical association, or any other national 1776  
professional organizations that the board specifies by rule. The 1777  
state medical board shall obtain and keep on file current copies 1778  
of the codes of ethics of the various national professional 1779  
organizations. The individual whose license or certificate is 1780  
being suspended or revoked shall not be found to have violated 1781  
any provision of a code of ethics of an organization not 1782  
appropriate to the individual's profession. 1783

For purposes of this division, a "provision of a code of 1784

ethics of a national professional organization" does not include 1785  
any provision that would preclude the making of a report by a 1786  
physician of an employee's use of a drug of abuse, or of a 1787  
condition of an employee other than one involving the use of a 1788  
drug of abuse, to the employer of the employee as described in 1789  
division (B) of section 2305.33 of the Revised Code. Nothing in 1790  
this division affects the immunity from civil liability 1791  
conferred by that section upon a physician who makes either type 1792  
of report in accordance with division (B) of that section. As 1793  
used in this division, "employee," "employer," and "physician" 1794  
have the same meanings as in section 2305.33 of the Revised 1795  
Code. 1796

(19) Inability to practice according to acceptable and 1797  
prevailing standards of care by reason of mental illness or 1798  
physical illness, including, but not limited to, physical 1799  
deterioration that adversely affects cognitive, motor, or 1800  
perceptive skills. 1801

In enforcing this division, the board, upon a showing of a 1802  
possible violation, may compel any individual authorized to 1803  
practice by this chapter or who has submitted an application 1804  
pursuant to this chapter to submit to a mental examination, 1805  
physical examination, including an HIV test, or both a mental 1806  
and a physical examination. The expense of the examination is 1807  
the responsibility of the individual compelled to be examined. 1808  
Failure to submit to a mental or physical examination or consent 1809  
to an HIV test ordered by the board constitutes an admission of 1810  
the allegations against the individual unless the failure is due 1811  
to circumstances beyond the individual's control, and a default 1812  
and final order may be entered without the taking of testimony 1813  
or presentation of evidence. If the board finds an individual 1814  
unable to practice because of the reasons set forth in this 1815

division, the board shall require the individual to submit to 1816  
care, counseling, or treatment by physicians approved or 1817  
designated by the board, as a condition for initial, continued, 1818  
reinstated, or renewed authority to practice. An individual 1819  
affected under this division shall be afforded an opportunity to 1820  
demonstrate to the board the ability to resume practice in 1821  
compliance with acceptable and prevailing standards under the 1822  
provisions of the individual's license or certificate. For the 1823  
purpose of this division, any individual who applies for or 1824  
receives a license or certificate to practice under this chapter 1825  
accepts the privilege of practicing in this state and, by so 1826  
doing, shall be deemed to have given consent to submit to a 1827  
mental or physical examination when directed to do so in writing 1828  
by the board, and to have waived all objections to the 1829  
admissibility of testimony or examination reports that 1830  
constitute a privileged communication. 1831

(20) Except as provided in division (F) (1) (b) of section 1832  
4731.282 of the Revised Code or when civil penalties are imposed 1833  
under section 4731.225 of the Revised Code, and subject to 1834  
section 4731.226 of the Revised Code, violating or attempting to 1835  
violate, directly or indirectly, or assisting in or abetting the 1836  
violation of, or conspiring to violate, any provisions of this 1837  
chapter or any rule promulgated by the board. 1838

This division does not apply to a violation or attempted 1839  
violation of, assisting in or abetting the violation of, or a 1840  
conspiracy to violate, any provision of this chapter or any rule 1841  
adopted by the board that would preclude the making of a report 1842  
by a physician of an employee's use of a drug of abuse, or of a 1843  
condition of an employee other than one involving the use of a 1844  
drug of abuse, to the employer of the employee as described in 1845  
division (B) of section 2305.33 of the Revised Code. Nothing in 1846

this division affects the immunity from civil liability 1847  
conferred by that section upon a physician who makes either type 1848  
of report in accordance with division (B) of that section. As 1849  
used in this division, "employee," "employer," and "physician" 1850  
have the same meanings as in section 2305.33 of the Revised 1851  
Code. 1852

(21) The violation of section 3701.79 of the Revised Code 1853  
or of any abortion rule adopted by the director of health 1854  
pursuant to section 3701.341 of the Revised Code; 1855

(22) Any of the following actions taken by an agency 1856  
responsible for authorizing, certifying, or regulating an 1857  
individual to practice a health care occupation or provide 1858  
health care services in this state or another jurisdiction, for 1859  
any reason other than the nonpayment of fees: the limitation, 1860  
revocation, or suspension of an individual's license to 1861  
practice; acceptance of an individual's license surrender; 1862  
denial of a license; refusal to renew or reinstate a license; 1863  
imposition of probation; or issuance of an order of censure or 1864  
other reprimand; 1865

(23) The violation of section 2919.12 of the Revised Code 1866  
or the performance or inducement of an abortion upon a pregnant 1867  
woman with actual knowledge that the conditions specified in 1868  
division (B) of section 2317.56 of the Revised Code have not 1869  
been satisfied or with a heedless indifference as to whether 1870  
those conditions have been satisfied, unless an affirmative 1871  
defense as specified in division (H)(2) of that section would 1872  
apply in a civil action authorized by division (H)(1) of that 1873  
section; 1874

(24) The revocation, suspension, restriction, reduction, 1875  
or termination of clinical privileges by the United States 1876

department of defense or department of veterans affairs or the 1877  
termination or suspension of a certificate of registration to 1878  
prescribe drugs by the drug enforcement administration of the 1879  
United States department of justice; 1880

(25) Termination or suspension from participation in the 1881  
medicare or medicaid programs by the department of health and 1882  
human services or other responsible agency; 1883

(26) Impairment of ability to practice according to 1884  
acceptable and prevailing standards of care because of habitual 1885  
or excessive use or abuse of drugs, alcohol, or other substances 1886  
that impair ability to practice. 1887

For the purposes of this division, any individual 1888  
authorized to practice by this chapter accepts the privilege of 1889  
practicing in this state subject to supervision by the board. By 1890  
filing an application for or holding a license or certificate to 1891  
practice under this chapter, an individual shall be deemed to 1892  
have given consent to submit to a mental or physical examination 1893  
when ordered to do so by the board in writing, and to have 1894  
waived all objections to the admissibility of testimony or 1895  
examination reports that constitute privileged communications. 1896

If it has reason to believe that any individual authorized 1897  
to practice by this chapter or any applicant for licensure or 1898  
certification to practice suffers such impairment, the board may 1899  
compel the individual to submit to a mental or physical 1900  
examination, or both. The expense of the examination is the 1901  
responsibility of the individual compelled to be examined. Any 1902  
mental or physical examination required under this division 1903  
shall be undertaken by a treatment provider or physician who is 1904  
qualified to conduct the examination and who is chosen by the 1905  
board. 1906

Failure to submit to a mental or physical examination 1907  
ordered by the board constitutes an admission of the allegations 1908  
against the individual unless the failure is due to 1909  
circumstances beyond the individual's control, and a default and 1910  
final order may be entered without the taking of testimony or 1911  
presentation of evidence. If the board determines that the 1912  
individual's ability to practice is impaired, the board shall 1913  
suspend the individual's license or certificate or deny the 1914  
individual's application and shall require the individual, as a 1915  
condition for initial, continued, reinstated, or renewed 1916  
licensure or certification to practice, to submit to treatment. 1917

Before being eligible to apply for reinstatement of a 1918  
license or certificate suspended under this division, the 1919  
impaired practitioner shall demonstrate to the board the ability 1920  
to resume practice in compliance with acceptable and prevailing 1921  
standards of care under the provisions of the practitioner's 1922  
license or certificate. The demonstration shall include, but 1923  
shall not be limited to, the following: 1924

(a) Certification from a treatment provider approved under 1925  
section 4731.25 of the Revised Code that the individual has 1926  
successfully completed any required inpatient treatment; 1927

(b) Evidence of continuing full compliance with an 1928  
aftercare contract or consent agreement; 1929

(c) Two written reports indicating that the individual's 1930  
ability to practice has been assessed and that the individual 1931  
has been found capable of practicing according to acceptable and 1932  
prevailing standards of care. The reports shall be made by 1933  
individuals or providers approved by the board for making the 1934  
assessments and shall describe the basis for their 1935  
determination. 1936

The board may reinstate a license or certificate suspended 1937  
under this division after that demonstration and after the 1938  
individual has entered into a written consent agreement. 1939

When the impaired practitioner resumes practice, the board 1940  
shall require continued monitoring of the individual. The 1941  
monitoring shall include, but not be limited to, compliance with 1942  
the written consent agreement entered into before reinstatement 1943  
or with conditions imposed by board order after a hearing, and, 1944  
upon termination of the consent agreement, submission to the 1945  
board for at least two years of annual written progress reports 1946  
made under penalty of perjury stating whether the individual has 1947  
maintained sobriety. 1948

(27) A second or subsequent violation of section 4731.66 1949  
or 4731.69 of the Revised Code; 1950

(28) Except as provided in division (N) of this section: 1951

(a) Waiving the payment of all or any part of a deductible 1952  
or copayment that a patient, pursuant to a health insurance or 1953  
health care policy, contract, or plan that covers the 1954  
individual's services, otherwise would be required to pay if the 1955  
waiver is used as an enticement to a patient or group of 1956  
patients to receive health care services from that individual; 1957

(b) Advertising that the individual will waive the payment 1958  
of all or any part of a deductible or copayment that a patient, 1959  
pursuant to a health insurance or health care policy, contract, 1960  
or plan that covers the individual's services, otherwise would 1961  
be required to pay. 1962

(29) Failure to use universal blood and body fluid 1963  
precautions established by rules adopted under section 4731.051 1964  
of the Revised Code; 1965

(30) Failure to provide notice to, and receive 1966  
acknowledgment of the notice from, a patient when required by 1967  
section 4731.143 of the Revised Code prior to providing 1968  
nonemergency professional services, or failure to maintain that 1969  
notice in the patient's medical record; 1970

(31) Failure of a physician supervising a physician 1971  
assistant to maintain supervision in accordance with the 1972  
requirements of Chapter 4730. of the Revised Code and the rules 1973  
adopted under that chapter; 1974

(32) Failure of a physician or podiatrist to enter into a 1975  
standard care arrangement with a clinical nurse specialist, 1976  
certified nurse-midwife, or certified nurse practitioner with 1977  
whom the physician or podiatrist is in collaboration pursuant to 1978  
section 4731.27 of the Revised Code or failure to fulfill the 1979  
responsibilities of collaboration after entering into a standard 1980  
care arrangement; 1981

(33) Failure to comply with the terms of a consult 1982  
agreement entered into with a pharmacist pursuant to section 1983  
4729.39 of the Revised Code; 1984

(34) Failure to cooperate in an investigation conducted by 1985  
the board under division (F) of this section, including failure 1986  
to comply with a subpoena or order issued by the board or 1987  
failure to answer truthfully a question presented by the board 1988  
in an investigative interview, an investigative office 1989  
conference, at a deposition, or in written interrogatories, 1990  
except that failure to cooperate with an investigation shall not 1991  
constitute grounds for discipline under this section if a court 1992  
of competent jurisdiction has issued an order that either 1993  
quashes a subpoena or permits the individual to withhold the 1994  
testimony or evidence in issue; 1995

(35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	1996 1997 1998
(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;	1999 2000 2001
(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;	2002 2003
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	2004 2005
(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;	2006 2007 2008
(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;	2009 2010 2011 2012
(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;	2013 2014 2015 2016
(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;	2017 2018 2019 2020
(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	2021 2022 2023

section 4729.75 of the Revised Code;	2024
(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;	2025 2026 2027 2028 2029
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	2030 2031 2032 2033 2034
(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	2035 2036 2037 2038
(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;	2039 2040 2041 2042 2043
(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;	2044 2045 2046 2047
(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;	2048 2049 2050 2051
(50) Practicing at a facility, clinic, or other location	2052

that is subject to licensure as a category III terminal 2053  
distributor of dangerous drugs with an office-based opioid 2054  
treatment classification unless the person operating that place 2055  
has obtained and maintains the license with the classification; 2056

(51) Owning a facility, clinic, or other location that is 2057  
subject to licensure as a category III terminal distributor of 2058  
dangerous drugs with an office-based opioid treatment 2059  
classification unless that place is licensed with the 2060  
classification; 2061

(52) A pattern of continuous or repeated violations of 2062  
division (E) (2) or (3) of section 3963.02 of the Revised Code. 2063

(C) Disciplinary actions taken by the board under 2064  
divisions (A) and (B) of this section shall be taken pursuant to 2065  
an adjudication under Chapter 119. of the Revised Code, except 2066  
that in lieu of an adjudication, the board may enter into a 2067  
consent agreement with an individual to resolve an allegation of 2068  
a violation of this chapter or any rule adopted under it. A 2069  
consent agreement, when ratified by an affirmative vote of not 2070  
fewer than six members of the board, shall constitute the 2071  
findings and order of the board with respect to the matter 2072  
addressed in the agreement. If the board refuses to ratify a 2073  
consent agreement, the admissions and findings contained in the 2074  
consent agreement shall be of no force or effect. 2075

A telephone conference call may be utilized for 2076  
ratification of a consent agreement that revokes or suspends an 2077  
individual's license or certificate to practice or certificate 2078  
to recommend. The telephone conference call shall be considered 2079  
a special meeting under division (F) of section 121.22 of the 2080  
Revised Code. 2081

If the board takes disciplinary action against an 2082  
individual under division (B) of this section for a second or 2083  
subsequent plea of guilty to, or judicial finding of guilt of, a 2084  
violation of section 2919.123 or 2919.124 of the Revised Code, 2085  
the disciplinary action shall consist of a suspension of the 2086  
individual's license or certificate to practice for a period of 2087  
at least one year or, if determined appropriate by the board, a 2088  
more serious sanction involving the individual's license or 2089  
certificate to practice. Any consent agreement entered into 2090  
under this division with an individual that pertains to a second 2091  
or subsequent plea of guilty to, or judicial finding of guilt 2092  
of, a violation of that section shall provide for a suspension 2093  
of the individual's license or certificate to practice for a 2094  
period of at least one year or, if determined appropriate by the 2095  
board, a more serious sanction involving the individual's 2096  
license or certificate to practice. 2097

(D) For purposes of divisions (B) (10), (12), and (14) of 2098  
this section, the commission of the act may be established by a 2099  
finding by the board, pursuant to an adjudication under Chapter 2100  
119. of the Revised Code, that the individual committed the act. 2101  
The board does not have jurisdiction under those divisions if 2102  
the trial court renders a final judgment in the individual's 2103  
favor and that judgment is based upon an adjudication on the 2104  
merits. The board has jurisdiction under those divisions if the 2105  
trial court issues an order of dismissal upon technical or 2106  
procedural grounds. 2107

(E) The sealing of conviction records by any court shall 2108  
have no effect upon a prior board order entered under this 2109  
section or upon the board's jurisdiction to take action under 2110  
this section if, based upon a plea of guilty, a judicial finding 2111  
of guilt, or a judicial finding of eligibility for intervention 2112

in lieu of conviction, the board issued a notice of opportunity 2113  
for a hearing prior to the court's order to seal the records. 2114  
The board shall not be required to seal, destroy, redact, or 2115  
otherwise modify its records to reflect the court's sealing of 2116  
conviction records. 2117

(F) (1) The board shall investigate evidence that appears 2118  
to show that a person has violated any provision of this chapter 2119  
or any rule adopted under it. Any person may report to the board 2120  
in a signed writing any information that the person may have 2121  
that appears to show a violation of any provision of this 2122  
chapter or any rule adopted under it. In the absence of bad 2123  
faith, any person who reports information of that nature or who 2124  
testifies before the board in any adjudication conducted under 2125  
Chapter 119. of the Revised Code shall not be liable in damages 2126  
in a civil action as a result of the report or testimony. Each 2127  
complaint or allegation of a violation received by the board 2128  
shall be assigned a case number and shall be recorded by the 2129  
board. 2130

(2) Investigations of alleged violations of this chapter 2131  
or any rule adopted under it shall be supervised by the 2132  
supervising member elected by the board in accordance with 2133  
section 4731.02 of the Revised Code and by the secretary as 2134  
provided in section 4731.39 of the Revised Code. The president 2135  
may designate another member of the board to supervise the 2136  
investigation in place of the supervising member. No member of 2137  
the board who supervises the investigation of a case shall 2138  
participate in further adjudication of the case. 2139

(3) In investigating a possible violation of this chapter 2140  
or any rule adopted under this chapter, or in conducting an 2141  
inspection under division (E) of section 4731.054 of the Revised 2142

Code, the board may question witnesses, conduct interviews, 2143  
administer oaths, order the taking of depositions, inspect and 2144  
copy any books, accounts, papers, records, or documents, issue 2145  
subpoenas, and compel the attendance of witnesses and production 2146  
of books, accounts, papers, records, documents, and testimony, 2147  
except that a subpoena for patient record information shall not 2148  
be issued without consultation with the attorney general's 2149  
office and approval of the secretary and supervising member of 2150  
the board. 2151

(a) Before issuance of a subpoena for patient record 2152  
information, the secretary and supervising member shall 2153  
determine whether there is probable cause to believe that the 2154  
complaint filed alleges a violation of this chapter or any rule 2155  
adopted under it and that the records sought are relevant to the 2156  
alleged violation and material to the investigation. The 2157  
subpoena may apply only to records that cover a reasonable 2158  
period of time surrounding the alleged violation. 2159

(b) On failure to comply with any subpoena issued by the 2160  
board and after reasonable notice to the person being 2161  
subpoenaed, the board may move for an order compelling the 2162  
production of persons or records pursuant to the Rules of Civil 2163  
Procedure. 2164

(c) A subpoena issued by the board may be served by a 2165  
sheriff, the sheriff's deputy, or a board employee or agent 2166  
designated by the board. Service of a subpoena issued by the 2167  
board may be made by delivering a copy of the subpoena to the 2168  
person named therein, reading it to the person, or leaving it at 2169  
the person's usual place of residence, usual place of business, 2170  
or address on file with the board. When serving a subpoena to an 2171  
applicant for or the holder of a license or certificate issued 2172

under this chapter, service of the subpoena may be made by 2173  
certified mail, return receipt requested, and the subpoena shall 2174  
be deemed served on the date delivery is made or the date the 2175  
person refuses to accept delivery. If the person being served 2176  
refuses to accept the subpoena or is not located, service may be 2177  
made to an attorney who notifies the board that the attorney is 2178  
representing the person. 2179

(d) A sheriff's deputy who serves a subpoena shall receive 2180  
the same fees as a sheriff. Each witness who appears before the 2181  
board in obedience to a subpoena shall receive the fees and 2182  
mileage provided for under section 119.094 of the Revised Code. 2183

(4) All hearings, investigations, and inspections of the 2184  
board shall be considered civil actions for the purposes of 2185  
section 2305.252 of the Revised Code. 2186

(5) A report required to be submitted to the board under 2187  
this chapter, a complaint, or information received by the board 2188  
pursuant to an investigation or pursuant to an inspection under 2189  
division (E) of section 4731.054 of the Revised Code is 2190  
confidential and not subject to discovery in any civil action. 2191

The board shall conduct all investigations or inspections 2192  
and proceedings in a manner that protects the confidentiality of 2193  
patients and persons who file complaints with the board. The 2194  
board shall not make public the names or any other identifying 2195  
information about patients or complainants unless proper consent 2196  
is given or, in the case of a patient, a waiver of the patient 2197  
privilege exists under division (B) of section 2317.02 of the 2198  
Revised Code, except that consent or a waiver of that nature is 2199  
not required if the board possesses reliable and substantial 2200  
evidence that no bona fide physician-patient relationship 2201  
exists. 2202

The board may share any information it receives pursuant 2203  
to an investigation or inspection, including patient records and 2204  
patient record information, with law enforcement agencies, other 2205  
licensing boards, and other governmental agencies that are 2206  
prosecuting, adjudicating, or investigating alleged violations 2207  
of statutes or administrative rules. An agency or board that 2208  
receives the information shall comply with the same requirements 2209  
regarding confidentiality as those with which the state medical 2210  
board must comply, notwithstanding any conflicting provision of 2211  
the Revised Code or procedure of the agency or board that 2212  
applies when it is dealing with other information in its 2213  
possession. In a judicial proceeding, the information may be 2214  
admitted into evidence only in accordance with the Rules of 2215  
Evidence, but the court shall require that appropriate measures 2216  
are taken to ensure that confidentiality is maintained with 2217  
respect to any part of the information that contains names or 2218  
other identifying information about patients or complainants 2219  
whose confidentiality was protected by the state medical board 2220  
when the information was in the board's possession. Measures to 2221  
ensure confidentiality that may be taken by the court include 2222  
sealing its records or deleting specific information from its 2223  
records. 2224

(6) On a quarterly basis, the board shall prepare a report 2225  
that documents the disposition of all cases during the preceding 2226  
three months. The report shall contain the following information 2227  
for each case with which the board has completed its activities: 2228

(a) The case number assigned to the complaint or alleged 2229  
violation; 2230

(b) The type of license or certificate to practice, if 2231  
any, held by the individual against whom the complaint is 2232

directed; 2233

(c) A description of the allegations contained in the 2234  
complaint; 2235

(d) The disposition of the case. 2236

The report shall state how many cases are still pending 2237  
and shall be prepared in a manner that protects the identity of 2238  
each person involved in each case. The report shall be a public 2239  
record under section 149.43 of the Revised Code. 2240

(G) If the secretary and supervising member determine both 2241  
of the following, they may recommend that the board suspend an 2242  
individual's license or certificate to practice or certificate 2243  
to recommend without a prior hearing: 2244

(1) That there is clear and convincing evidence that an 2245  
individual has violated division (B) of this section; 2246

(2) That the individual's continued practice presents a 2247  
danger of immediate and serious harm to the public. 2248

Written allegations shall be prepared for consideration by 2249  
the board. The board, upon review of those allegations and by an 2250  
affirmative vote of not fewer than six of its members, excluding 2251  
the secretary and supervising member, may suspend a license or 2252  
certificate without a prior hearing. A telephone conference call 2253  
may be utilized for reviewing the allegations and taking the 2254  
vote on the summary suspension. 2255

The board shall issue a written order of suspension by 2256  
certified mail or in person in accordance with section 119.07 of 2257  
the Revised Code. The order shall not be subject to suspension 2258  
by the court during pendency of any appeal filed under section 2259  
119.12 of the Revised Code. If the individual subject to the 2260

summary suspension requests an adjudicatory hearing by the 2261  
board, the date set for the hearing shall be within fifteen 2262  
days, but not earlier than seven days, after the individual 2263  
requests the hearing, unless otherwise agreed to by both the 2264  
board and the individual. 2265

Any summary suspension imposed under this division shall 2266  
remain in effect, unless reversed on appeal, until a final 2267  
adjudicative order issued by the board pursuant to this section 2268  
and Chapter 119. of the Revised Code becomes effective. The 2269  
board shall issue its final adjudicative order within seventy- 2270  
five days after completion of its hearing. A failure to issue 2271  
the order within seventy-five days shall result in dissolution 2272  
of the summary suspension order but shall not invalidate any 2273  
subsequent, final adjudicative order. 2274

(H) If the board takes action under division (B) (9), (11), 2275  
or (13) of this section and the judicial finding of guilt, 2276  
guilty plea, or judicial finding of eligibility for intervention 2277  
in lieu of conviction is overturned on appeal, upon exhaustion 2278  
of the criminal appeal, a petition for reconsideration of the 2279  
order may be filed with the board along with appropriate court 2280  
documents. Upon receipt of a petition of that nature and 2281  
supporting court documents, the board shall reinstate the 2282  
individual's license or certificate to practice. The board may 2283  
then hold an adjudication under Chapter 119. of the Revised Code 2284  
to determine whether the individual committed the act in 2285  
question. Notice of an opportunity for a hearing shall be given 2286  
in accordance with Chapter 119. of the Revised Code. If the 2287  
board finds, pursuant to an adjudication held under this 2288  
division, that the individual committed the act or if no hearing 2289  
is requested, the board may order any of the sanctions 2290  
identified under division (B) of this section. 2291

(I) The license or certificate to practice issued to an individual under this chapter and the individual's practice in this state are automatically suspended as of the date of the individual's second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 or 2919.124 of the Revised Code. In addition, the license or certificate to practice or certificate to recommend issued to an individual under this chapter and the individual's practice in this state are automatically suspended as of the date the individual pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after suspension shall be considered practicing without a license or certificate.

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

(1) If the automatic suspension under this division is for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 or 2919.124 of the Revised Code, the board shall enter an order suspending the

individual's license or certificate to practice for a period of 2323  
at least one year or, if determined appropriate by the board, 2324  
imposing a more serious sanction involving the individual's 2325  
license or certificate to practice. 2326

(2) In all circumstances in which division (I)(1) of this 2327  
section does not apply, enter a final order permanently revoking 2328  
the individual's license or certificate to practice. 2329

(J) If the board is required by Chapter 119. of the 2330  
Revised Code to give notice of an opportunity for a hearing and 2331  
if the individual subject to the notice does not timely request 2332  
a hearing in accordance with section 119.07 of the Revised Code, 2333  
the board is not required to hold a hearing, but may adopt, by 2334  
an affirmative vote of not fewer than six of its members, a 2335  
final order that contains the board's findings. In that final 2336  
order, the board may order any of the sanctions identified under 2337  
division (A) or (B) of this section. 2338

(K) Any action taken by the board under division (B) of 2339  
this section resulting in a suspension from practice shall be 2340  
accompanied by a written statement of the conditions under which 2341  
the individual's license or certificate to practice may be 2342  
reinstated. The board shall adopt rules governing conditions to 2343  
be imposed for reinstatement. Reinstatement of a license or 2344  
certificate suspended pursuant to division (B) of this section 2345  
requires an affirmative vote of not fewer than six members of 2346  
the board. 2347

(L) When the board refuses to grant or issue a license or 2348  
certificate to practice to an applicant, revokes an individual's 2349  
license or certificate to practice, refuses to renew an 2350  
individual's license or certificate to practice, or refuses to 2351  
reinstate an individual's license or certificate to practice, 2352

the board may specify that its action is permanent. An 2353  
individual subject to a permanent action taken by the board is 2354  
forever thereafter ineligible to hold a license or certificate 2355  
to practice and the board shall not accept an application for 2356  
reinstatement of the license or certificate or for issuance of a 2357  
new license or certificate. 2358

(M) Notwithstanding any other provision of the Revised 2359  
Code, all of the following apply: 2360

(1) The surrender of a license or certificate issued under 2361  
this chapter shall not be effective unless or until accepted by 2362  
the board. A telephone conference call may be utilized for 2363  
acceptance of the surrender of an individual's license or 2364  
certificate to practice. The telephone conference call shall be 2365  
considered a special meeting under division (F) of section 2366  
121.22 of the Revised Code. Reinstatement of a license or 2367  
certificate surrendered to the board requires an affirmative 2368  
vote of not fewer than six members of the board. 2369

(2) An application for a license or certificate made under 2370  
the provisions of this chapter may not be withdrawn without 2371  
approval of the board. 2372

(3) Failure by an individual to renew a license or 2373  
certificate to practice in accordance with this chapter or a 2374  
certificate to recommend in accordance with rules adopted under 2375  
section 4731.301 of the Revised Code shall not remove or limit 2376  
the board's jurisdiction to take any disciplinary action under 2377  
this section against the individual. 2378

(4) At the request of the board, a license or certificate 2379  
holder shall immediately surrender to the board a license or 2380  
certificate that the board has suspended, revoked, or 2381

permanently revoked. 2382

(N) Sanctions shall not be imposed under division (B) (28) 2383  
of this section against any person who waives deductibles and 2384  
copayments as follows: 2385

(1) In compliance with the health benefit plan that 2386  
expressly allows such a practice. Waiver of the deductibles or 2387  
copayments shall be made only with the full knowledge and 2388  
consent of the plan purchaser, payer, and third-party 2389  
administrator. Documentation of the consent shall be made 2390  
available to the board upon request. 2391

(2) For professional services rendered to any other person 2392  
authorized to practice pursuant to this chapter, to the extent 2393  
allowed by this chapter and rules adopted by the board. 2394

(O) Under the board's investigative duties described in 2395  
this section and subject to division (F) of this section, the 2396  
board shall develop and implement a quality intervention program 2397  
designed to improve through remedial education the clinical and 2398  
communication skills of individuals authorized under this 2399  
chapter to practice medicine and surgery, osteopathic medicine 2400  
and surgery, and podiatric medicine and surgery. In developing 2401  
and implementing the quality intervention program, the board may 2402  
do all of the following: 2403

(1) Offer in appropriate cases as determined by the board 2404  
an educational and assessment program pursuant to an 2405  
investigation the board conducts under this section; 2406

(2) Select providers of educational and assessment 2407  
services, including a quality intervention program panel of case 2408  
reviewers; 2409

(3) Make referrals to educational and assessment service 2410

providers and approve individual educational programs 2411  
recommended by those providers. The board shall monitor the 2412  
progress of each individual undertaking a recommended individual 2413  
educational program. 2414

(4) Determine what constitutes successful completion of an 2415  
individual educational program and require further monitoring of 2416  
the individual who completed the program or other action that 2417  
the board determines to be appropriate; 2418

(5) Adopt rules in accordance with Chapter 119. of the 2419  
Revised Code to further implement the quality intervention 2420  
program. 2421

An individual who participates in an individual 2422  
educational program pursuant to this division shall pay the 2423  
financial obligations arising from that educational program. 2424

(P) The board shall not refuse to issue a license to an 2425  
applicant because of a conviction, plea of guilty, judicial 2426  
finding of guilt, judicial finding of eligibility for 2427  
intervention in lieu of conviction, or the commission of an act 2428  
that constitutes a criminal offense, unless the refusal is in 2429  
accordance with section 9.79 of the Revised Code. 2430

**Section 2.** That existing sections 121.22, 149.43, 307.629, 2431  
307.99, and 4731.22 of the Revised Code are hereby repealed. 2432

**Section 3.** Section 4731.22 of the Revised Code is 2433  
presented in this act as a composite of the section as amended 2434  
by H.B. 263, H.B. 442, and S.B. 260 of the 133rd General 2435  
Assembly and H.B. 110 of the 134th General Assembly. The General 2436  
Assembly, applying the principle stated in division (B) of 2437  
section 1.52 of the Revised Code that amendments are to be 2438  
harmonized if reasonably capable of simultaneous operation, 2439

finds that the composite is the resulting version of the section	2440
in effect prior to the effective date of the section as	2441
presented in this act.	2442