

**As Reported by the House Families, Aging, and Human Services
Committee**

134th General Assembly

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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., SobECKi, Carruthers,
Miranda, Weinstein, Blackshear, Ray, Crossman, Miller, J., White, Crawley, Liston,
Click, Ginter, West**

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 decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;	18 19 20 21 22 23 24
(b) Any committee or subcommittee of a body described in division (B) (1) (a) of this section;	25 26
(c) A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use when meeting for the purpose of the appointment, removal, or reappointment of a member of the board of directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to such a district other than litigation involving the district. As used in division (B) (1) (c) of this section, "court of jurisdiction" has the same meaning as "court" in section 6115.01 of the Revised Code.	27 28 29 30 31 32 33 34 35 36
(2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members.	37 38
(3) "Regulated individual" means either of the following:	39
(a) A student in a state or local public educational institution;	40 41
(b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution	42 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 71
offender to whom that section applies; 72

(4) The organized crime investigations commission	73
established under section 177.01 of the Revised Code;	74
(5) Meetings of a child fatality review board established	75
under section 307.621 of the Revised Code, meetings related to a	76
review conducted pursuant to guidelines established by the	77
director of health under section 3701.70 of the Revised Code,	78
and meetings conducted pursuant to sections 5153.171 to 5153.173	79
of the Revised Code;	80
(6) The state medical board when determining whether to	81
suspend a license or certificate without a prior hearing	82
pursuant to division (G) of either section 4730.25 or 4731.22 of	83
the Revised Code;	84
(7) The board of nursing when determining whether to	85
suspend a license or certificate without a prior hearing	86
pursuant to division (B) of section 4723.281 of the Revised	87
Code;	88
(8) The state board of pharmacy when determining whether	89
to do either of the following:	90
(a) Suspend a license, certification, or registration	91
without a prior hearing, including during meetings conducted by	92
telephone conference, pursuant to Chapters 3719., 3796., 4729.,	93
and 4752. of the Revised Code and rules adopted thereunder; or	94
(b) Restrict a person from obtaining further information	95
from the drug database established in section 4729.75 of the	96
Revised Code without a prior hearing pursuant to division (C) of	97
section 4729.86 of the Revised Code.	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	129
established under section 3707.71 of the Revised Code;	130

(18) Meetings of a drug overdose fatality review committee	131
described in section 307.631 of the Revised Code;	132
(19) Meetings of a suicide fatality review committee	133
described in section 307.641 of the Revised Code;	134
<u>(20) Meetings of a domestic violence fatality review board</u>	135
<u>established under section 307.651 of the Revised Code.</u>	136
(E) The controlling board, the tax credit authority, or	137
the minority development financing advisory board, when meeting	138
to consider granting assistance pursuant to Chapter 122. or 166.	139
of the Revised Code, in order to protect the interest of the	140
applicant or the possible investment of public funds, by	141
unanimous vote of all board or authority members present, may	142
close the meeting during consideration of the following	143
information confidentially received by the authority or board	144
from the applicant:	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	150
members of the applicant's immediate family, including, but not	151
limited to, tax records or other similar information not open to	152
public inspection.	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	389
section 109.573 of the Revised Code;	390
(k) Inmate records released by the department of	391
rehabilitation and correction to the department of youth	392

services or a court of record pursuant to division (E) of	393
section 5120.21 of the Revised Code;	394
(l) Records maintained by the department of youth services	395
pertaining to children in its custody released by the department	396
of youth services to the department of rehabilitation and	397
correction pursuant to section 5139.05 of the Revised Code;	398
(m) Intellectual property records;	399
(n) Donor profile records;	400
(o) Records maintained by the department of job and family	401
services pursuant to section 3121.894 of the Revised Code;	402
(p) Designated public service worker residential and	403
familial information;	404
(q) In the case of a county hospital operated pursuant to	405
Chapter 339. of the Revised Code or a municipal hospital	406
operated pursuant to Chapter 749. of the Revised Code,	407
information that constitutes a trade secret, as defined in	408
section 1333.61 of the Revised Code;	409
(r) Information pertaining to the recreational activities	410
of a person under the age of eighteen;	411
(s) In the case of a child fatality review board acting	412
under sections 307.621 to 307.629 of the Revised Code or a	413
review conducted pursuant to guidelines established by the	414
director of health under section 3701.70 of the Revised Code,	415
records provided to the board or director, statements made by	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	593
than a financial or administrative record, that is produced or	594
collected by or for faculty or staff of a state institution of	595
higher learning in the conduct of or as a result of study or	596
research on an educational, commercial, scientific, artistic,	597

technical, or scholarly issue, regardless of whether the study 598
or research was sponsored by the institution alone or in 599
conjunction with a governmental body or private concern, and 600
that has not been publicly released, published, or patented. 601

(6) "Donor profile record" means all records about donors 602
or potential donors to a public institution of higher education 603
except the names and reported addresses of the actual donors and 604
the date, amount, and conditions of the actual donation. 605

(7) "Designated public service worker" means a peace 606
officer, parole officer, probation officer, bailiff, prosecuting 607
attorney, assistant prosecuting attorney, correctional employee, 608
county or multicounty corrections officer, community-based 609
correctional facility employee, designated Ohio national guard 610
member, protective services worker, youth services employee, 611
firefighter, EMT, medical director or member of a cooperating 612
physician advisory board of an emergency medical service 613
organization, state board of pharmacy employee, investigator of 614
the bureau of criminal identification and investigation, 615
emergency service telecommunicator, forensic mental health 616
provider, mental health evaluation provider, regional 617
psychiatric hospital employee, judge, magistrate, or federal law 618
enforcement officer. 619

(8) "Designated public service worker residential and 620
familial information" means any information that discloses any 621
of the following about a designated public service worker: 622

(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 designated public service worker resides.	628 629
(b) Information compiled from referral to or participation in an employee assistance program;	630 631
(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker;	632 633 634 635 636
(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer;	637 638 639 640
(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law;	641 642 643 644 645
(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker;	646 647 648 649 650 651
(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.	652 653 654 655

(9) As used in divisions (A) (7) and (15) to (17) of this section: 656
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"Peace officer" has the meaning defined in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff. 658
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"Correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision. 664
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"County or multicounty corrections officer" means any corrections officer employed by any county or multicounty correctional facility. 668
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"Designated Ohio national guard member" means a member of the Ohio national guard who is participating in duties related to remotely piloted aircraft, including, but not limited to, pilots, sensor operators, and mission intelligence personnel, duties related to special forces operations, or duties related to cybersecurity, and is designated by the adjutant general as a designated public service worker for those purposes. 671
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"Protective services worker" means any employee of a county agency who is responsible for child protective services, child support services, or adult protective services. 678
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"Youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services. 681
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"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 740
in section 2929.01 of the Revised Code. 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, unless the death was caused by a peace officer or, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;	767 768 769 770

(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 824
use of force by, a peace officer; 825

(q) Any portion of the interior of a private business that 826
is not open to the public, unless an adversarial encounter with, 827

or a use of force by, a peace officer occurs in that location.	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 section, upon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to the requester at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public	846 847 848 849 850 851 852 853 854 855

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 1121
public records failed to respond affirmatively or negatively to 1122
the public records request in accordance with the time allowed 1123
under division (B) of this section. 1124

(ii) The public office or the person responsible for the 1125
public records promised to permit the relator to inspect or 1126

receive copies of the public records requested within a 1127
specified period of time but failed to fulfill that promise 1128
within that specified period of time. 1129

(iii) The public office or the person responsible for the 1130
public records acted in bad faith when the office or person 1131
voluntarily made the public records available to the relator for 1132
the first time after the relator commenced the mandamus action, 1133
but before the court issued any order concluding whether or not 1134
the public office or person was required to comply with division 1135
(B) of this section. No discovery may be conducted on the issue 1136
of the alleged bad faith of the public office or person 1137
responsible for the public records. This division shall not be 1138
construed as creating a presumption that the public office or 1139
the person responsible for the public records acted in bad faith 1140
when the office or person voluntarily made the public records 1141
available to the relator for the first time after the relator 1142
commenced the mandamus action, but before the court issued any 1143
order described in this division. 1144

(c) The court shall not award attorney's fees to the 1145
relator if the court determines both of the following: 1146

(i) That, based on the ordinary application of statutory 1147
law and case law as it existed at the time of the conduct or 1148
threatened conduct of the public office or person responsible 1149
for the requested public records that allegedly constitutes a 1150
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 Revised Code, the court may award to the public office all court costs, expenses, and reasonable attorney's fees, as determined by the court.

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

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

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

The public office shall distribute the public records

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 request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or database by a person who intends to use or forward the copies for surveys, marketing, solicitation, or resale for commercial purposes. "Bulk commercial special extraction request" does not include a request by a person who gives assurance to the bureau that the person making the request does not intend to use or forward the requested copies for surveys, marketing, solicitation, or resale for commercial purposes.

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

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

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

(G) A request by a defendant, counsel of a defendant, or any agent of a defendant in a criminal action that public

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
or with expertise advocating for domestic violence victims; 1385

(h) An individual representing a domestic violence 1386
perpetrator treatment program; 1387

(i) A county corrections official or designee; 1388

(j) An individual representing school teachers, guidance 1389
counselors, or student health services staff; 1390

(k) An individual representing judges or court 1391

<u>administrators.</u>	1392
<u>(2) If a health commissioner establishes a domestic</u>	1393
<u>violence fatality review board as described in division (B) of</u>	1394
<u>section 307.651 of the Revised Code, the commissioner shall</u>	1395
<u>select the following to serve on the review board:</u>	1396
<u>(a) A county coroner or designee;</u>	1397
<u>(b) The chief of police of a police department or a</u>	1398
<u>sheriff or a designee of the chief or sheriff;</u>	1399
<u>(c) A public health official or designee;</u>	1400
<u>(d) A county prosecutor or designee;</u>	1401
<u>(e) The executive director of a public children services</u>	1402
<u>agency or designee;</u>	1403
<u>(f) A physician authorized under Chapter 4731. of the</u>	1404
<u>Revised Code to practice medicine and surgery or osteopathic</u>	1405
<u>medicine and surgery with expertise in domestic violence;</u>	1406
<u>(g) An individual representing a domestic violence shelter</u>	1407
<u>or with experience advocating for domestic violence victims;</u>	1408
<u>(h) An individual representing a domestic violence</u>	1409
<u>perpetrator treatment program;</u>	1410
<u>(i) A county corrections official or designee;</u>	1411
<u>(j) An individual representing school teachers, guidance</u>	1412
<u>counselors, or student health services staff;</u>	1413
<u>(k) An individual representing judges or court</u>	1414
<u>administrators.</u>	1415
<u>The members described in divisions (A) (2) (a), (b), (c),</u>	1416
<u>(d), (i), and (k) of this section shall be representatives from</u>	1417

the most populous county served by the board. 1418

(B) The majority of the members of a review board may 1419
invite additional members to serve on the board. The additional 1420
members invited under this division shall serve for a period of 1421
time determined by a majority of the members described in 1422
division (A) of this section. Each additional member shall have 1423
the same authority, duties, and responsibilities as members 1424
described in division (A) of this section. 1425

(C) If a member of a review board has a conflict of 1426
interest regarding a specific domestic violence fatality, the 1427
chairperson of the review board selected pursuant to section 1428
307.653 of the Revised Code may select a substitute member to 1429
serve only during the review of that fatality. While serving, 1430
the substitute member shall have the same authority, duties, and 1431
responsibilities as members described in division (A) of this 1432
section. 1433

(D) A vacancy in a domestic violence review board shall be 1434
filled in the same manner as the original appointment. If the 1435
health commissioner who made the original appointment as 1436
described in division (A) of this section is no longer serving 1437
in that capacity, a successor of the commissioner shall fill the 1438
vacancy. 1439

(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 local service and program changes and changes to the groups, professions, agencies, or entities that serve local residents that might prevent deaths by domestic violence; 1475
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(D) Providing the department of health with aggregate data, trends, and patterns concerning deaths by domestic violence. 1479
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Sec. 307.655. A domestic violence fatality review board may not conduct a review of a death while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney agrees to allow the review. The law enforcement agency conducting the criminal investigation, on the conclusion of the investigation, and the prosecuting attorney prosecuting the case, on the conclusion of the prosecution, shall notify the chairperson of the review board of the conclusion. 1482
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Sec. 307.656. (A) A domestic violence fatality review board shall establish a system for collecting and maintaining information necessary for the review of deaths by domestic violence in the county or region. In an effort to ensure confidentiality, each board shall do all of the following: 1491
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(1) Maintain all records in a secure location; 1496

(2) Develop security measures to prevent unauthorized access to records containing information that could reasonably identify any person; 1497
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(3) Develop a system for storing, processing, indexing, retrieving, and destroying information obtained in the course of reviewing a death. 1500
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(B) For each death reviewed by a board, the board shall 1503

<u>collect all of the following:</u>	1504
<u>(1) Demographic information of the deceased and perpetrator, including age, sex, race, and ethnicity;</u>	1505
<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 convening a domestic violence fatality review board shall prepare and submit to the department of health in the manner and format prescribed by the department a report that includes all of the following information for the previous calendar year:</u>	1512
<u>(1) The total number of deaths by domestic violence in the county or region;</u>	1513
<u>(2) The total number of deaths by domestic violence reviewed by the board;</u>	1514
<u>(3) A summary of demographic information for the deaths reviewed, including age, sex, race, and ethnicity of both deceased and perpetrators;</u>	1515
<u>(4) A summary of any trends or patterns identified by the board.</u>	1516
<u>The report shall specify the number of deaths by domestic violence that were not reviewed during the previous calendar year.</u>	1517
<u>The report shall include recommendations for actions that</u>	1518
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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 1610
than one hundred dollars for each offense. 1611

(B) Whoever violates section 307.43 of the Revised Code 1612
shall be fined not less than twenty-five nor more than two 1613
hundred dollars, and imprisoned not less than ten nor more than 1614
sixty days. 1615

(C) Whoever violates section 307.37 of the Revised Code, 1616
shall be fined not more than three hundred dollars. 1617

(D) Whoever violates division (C) (5) of section 307.97 of 1618
the Revised Code shall be fined not less than one hundred nor 1619
more than five hundred dollars. 1620

(E) Whoever violates any other subdivision of division (C) 1621
of section 307.97 of the Revised Code shall be imprisoned not 1622
more than six months or fined not more than one thousand 1623
dollars, or both. 1624

(F) Whoever violates division (F) of section 307.652 of 1625
the Revised Code or division (B) of section 307.659 of the 1626
Revised Code is guilty of a misdemeanor of the first degree. 1627

Sec. 3701.0412. The department of health shall adopt rules 1628
in accordance with Chapter 119. of the Revised Code establishing 1629
a procedure for county or regional domestic violence fatality 1630
review boards to follow in conducting a review of a death by 1631
domestic violence. The rules shall do all of the following: 1632

(A) Establish the format for the annual reports required 1633
by section 307.656 of the Revised Code; 1634

(B) Establish guidelines for a county or regional review 1635
board to follow in compiling statistics for annual reports so 1636
that the reports do not contain any information that would 1637
permit any person's identity to be ascertained from a report; 1638

(C) Establish guidelines for a county or regional review 1639
board to follow in creating and maintaining the comprehensive 1640
database of deaths by domestic violence that is required by 1641
section 307.654 of the Revised Code, including provisions 1642
establishing uniform record-keeping procedures; 1643

(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, the board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend a license or certificate to practice or certificate to recommend, refuse to issue 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 for one or more of the following reasons: 1666
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(1) Permitting one's name or one's license or certificate
to practice to be used by a person, group, or corporation when
the individual concerned is not actually directing the treatment
given;

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

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

(4) Willfully betraying a professional confidence.

For purposes of this division, "willfully betraying a
professional confidence" does not include providing any
information, documents, or reports under sections 307.621 to
307.629 of the Revised Code to a child fatality review board;
does not include providing any information, documents, or
reports under sections 307.631 to 307.6410 of the Revised Code
to a drug overdose fatality review committee, a suicide fatality
review committee, or hybrid drug overdose fatality and suicide
fatality review committee; does not include providing any
information, documents, or reports under sections 307.651 to
307.659 of the Revised Code to a domestic violence fatality
review board; does not include providing any information,
documents, or reports to the director of health pursuant to

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 1996
with Chapter 4762. of the Revised Code and the board's rules for 1997
providing that supervision; 1998
- (36) Failure to supervise an anesthesiologist assistant in 1999

accordance with Chapter 4760. of the Revised Code and the	2000
board's rules for supervision of an anesthesiologist assistant;	2001
(37) Assisting suicide, as defined in section 3795.01 of	2002
the Revised Code;	2003
(38) Failure to comply with the requirements of section	2004
2317.561 of the Revised Code;	2005
(39) Failure to supervise a radiologist assistant in	2006
accordance with Chapter 4774. of the Revised Code and the	2007
board's rules for supervision of radiologist assistants;	2008
(40) Performing or inducing an abortion at an office or	2009
facility with knowledge that the office or facility fails to	2010
post the notice required under section 3701.791 of the Revised	2011
Code;	2012
(41) Failure to comply with the standards and procedures	2013
established in rules under section 4731.054 of the Revised Code	2014
for the operation of or the provision of care at a pain	2015
management clinic;	2016
(42) Failure to comply with the standards and procedures	2017
established in rules under section 4731.054 of the Revised Code	2018
for providing supervision, direction, and control of individuals	2019
at a pain management clinic;	2020
(43) Failure to comply with the requirements of section	2021
4729.79 or 4731.055 of the Revised Code, unless the state board	2022
of pharmacy no longer maintains a drug database pursuant to	2023
section 4729.75 of the Revised Code;	2024
(44) Failure to comply with the requirements of section	2025
2919.171, 2919.202, or 2919.203 of the Revised Code or failure	2026
to submit to the department of health in accordance with a court	2027

order a complete report as described in section 2919.171 or	2028
2919.202 of the Revised Code;	2029
(45) Practicing at a facility that is subject to licensure	2030
as a category III terminal distributor of dangerous drugs with a	2031
pain management clinic classification unless the person	2032
operating the facility has obtained and maintains the license	2033
with the classification;	2034
(46) Owning a facility that is subject to licensure as a	2035
category III terminal distributor of dangerous drugs with a pain	2036
management clinic classification unless the facility is licensed	2037
with the classification;	2038
(47) Failure to comply with any of the requirements	2039
regarding making or maintaining medical records or documents	2040
described in division (A) of section 2919.192, division (C) of	2041
section 2919.193, division (B) of section 2919.195, or division	2042
(A) of section 2919.196 of the Revised Code;	2043
(48) Failure to comply with the requirements in section	2044
3719.061 of the Revised Code before issuing for a minor a	2045
prescription for an opioid analgesic, as defined in section	2046
3719.01 of the Revised Code;	2047
(49) Failure to comply with the requirements of section	2048
4731.30 of the Revised Code or rules adopted under section	2049
4731.301 of the Revised Code when recommending treatment with	2050
medical marijuana;	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 2292
individual under this chapter and the individual's practice in 2293
this state are automatically suspended as of the date of the 2294
individual's second or subsequent plea of guilty to, or judicial 2295
finding of guilt of, a violation of section 2919.123 or 2919.124 2296

of the Revised Code. In addition, the license or certificate to 2297
practice or certificate to recommend issued to an individual 2298
under this chapter and the individual's practice in this state 2299
are automatically suspended as of the date the individual pleads 2300
guilty to, is found by a judge or jury to be guilty of, or is 2301
subject to a judicial finding of eligibility for intervention in 2302
lieu of conviction in this state or treatment or intervention in 2303
lieu of conviction in another jurisdiction for any of the 2304
following criminal offenses in this state or a substantially 2305
equivalent criminal offense in another jurisdiction: aggravated 2306
murder, murder, voluntary manslaughter, felonious assault, 2307
kidnapping, rape, sexual battery, gross sexual imposition, 2308
aggravated arson, aggravated robbery, or aggravated burglary. 2309
Continued practice after suspension shall be considered 2310
practicing without a license or certificate. 2311

The board shall notify the individual subject to the 2312
suspension by certified mail or in person in accordance with 2313
section 119.07 of the Revised Code. If an individual whose 2314
license or certificate is automatically suspended under this 2315
division fails to make a timely request for an adjudication 2316
under Chapter 119. of the Revised Code, the board shall do 2317
whichever of the following is applicable: 2318

(1) If the automatic suspension under this division is for 2319
a second or subsequent plea of guilty to, or judicial finding of 2320
guilt of, a violation of section 2919.123 or 2919.124 of the 2321
Revised Code, the board shall enter an order suspending the 2322
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 section does not apply, enter a final order permanently revoking the individual's license or certificate to practice.

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

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

(L) When the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or certificate to practice and the board shall not accept an application for

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 individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate;

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

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

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

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

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