

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 304

Senator Huffman, S.

**Cosponsors: Senators Antani, Blessing, Brenner, Cirino, Lang, O'Brien, Roegner,
Schaffer, Wilson**

A BILL

To amend sections 109.572, 2305.11, 2307.46, 1
2317.56, 2919.123, 2953.25, 4729.291, 4729.56, 2
4731.22, and 4731.223; to amend, for the purpose 3
of adopting a new section number as indicated in 4
parentheses, section 2919.123 (2919.291); to 5
enact sections 2919.29, 2919.292, 2919.293, 6
2919.294, 2919.296, 2919.297, 2919.298, 7
2919.2910, 2919.2911, 2919.2912, 2919.2914, 8
2919.2915, 2919.2917, 2919.2919, 2919.2921, 9
3301.83, 4729.71, and 4729.711; and to repeal 10
section 2919.124 of the Revised Code regarding 11
abortion-inducing drugs. 12

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

Section 1. That sections 109.572, 2305.11, 2307.46, 13
2317.56, 2919.123, 2953.25, 4729.291, 4729.56, 4731.22, and 14
4731.223 be amended; section 2919.123 (2919.291) be amended for 15
the purpose of adopting a new section number as indicated in 16
parentheses; and sections 2919.29, 2919.292, 2919.293, 2919.294, 17
2919.296, 2919.297, 2919.298, 2919.2910, 2919.2911, 2919.2912, 18

2919.2914, 2919.2915, 2919.2917, 2919.2919, 2919.2921, 3301.83, 19
4729.71, and 4729.711 of the Revised Code be enacted to read as 20
follows: 21

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 22
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 23
Code, a completed form prescribed pursuant to division (C) (1) of 24
this section, and a set of fingerprint impressions obtained in 25
the manner described in division (C) (2) of this section, the 26
superintendent of the bureau of criminal identification and 27
investigation shall conduct a criminal records check in the 28
manner described in division (B) of this section to determine 29
whether any information exists that indicates that the person 30
who is the subject of the request previously has been convicted 31
of or pleaded guilty to any of the following: 32

(a) A violation of section 2903.01, 2903.02, 2903.03, 33
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 34
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 35
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 36
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 37
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 38
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 39
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 40
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 41
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 42
of the Revised Code, felonious sexual penetration in violation 43
of former section 2907.12 of the Revised Code, a violation of 44
section 2905.04 of the Revised Code as it existed prior to July 45
1, 1996, a violation of section 2919.23 of the Revised Code that 46
would have been a violation of section 2905.04 of the Revised 47
Code as it existed prior to July 1, 1996, had the violation been 48
committed prior to that date, or a violation of section 2925.11 49

of the Revised Code that is not a minor drug possession offense; 50

(b) A violation of an existing or former law of this 51
state, any other state, or the United States that is 52
substantially equivalent to any of the offenses listed in 53
division (A) (1) (a) of this section; 54

(c) If the request is made pursuant to section 3319.39 of 55
the Revised Code for an applicant who is a teacher, any offense 56
specified under section 9.79 of the Revised Code or in section 57
3319.31 of the Revised Code. 58

(2) On receipt of a request pursuant to section 3712.09 or 59
3721.121 of the Revised Code, a completed form prescribed 60
pursuant to division (C) (1) of this section, and a set of 61
fingerprint impressions obtained in the manner described in 62
division (C) (2) of this section, the superintendent of the 63
bureau of criminal identification and investigation shall 64
conduct a criminal records check with respect to any person who 65
has applied for employment in a position for which a criminal 66
records check is required by those sections. The superintendent 67
shall conduct the criminal records check in the manner described 68
in division (B) of this section to determine whether any 69
information exists that indicates that the person who is the 70
subject of the request previously has been convicted of or 71
pleaded guilty to any of the following: 72

(a) A violation of section 2903.01, 2903.02, 2903.03, 73
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 74
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 75
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 76
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 77
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 78
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 79

2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 80
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 81

(b) An existing or former law of this state, any other 82
state, or the United States that is substantially equivalent to 83
any of the offenses listed in division (A)(2)(a) of this 84
section. 85

(3) On receipt of a request pursuant to section 173.27, 86
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 87
5123.081, or 5123.169 of the Revised Code, a completed form 88
prescribed pursuant to division (C)(1) of this section, and a 89
set of fingerprint impressions obtained in the manner described 90
in division (C)(2) of this section, the superintendent of the 91
bureau of criminal identification and investigation shall 92
conduct a criminal records check of the person for whom the 93
request is made. The superintendent shall conduct the criminal 94
records check in the manner described in division (B) of this 95
section to determine whether any information exists that 96
indicates that the person who is the subject of the request 97
previously has been convicted of, has pleaded guilty to, or 98
(except in the case of a request pursuant to section 5164.34, 99
5164.341, or 5164.342 of the Revised Code) has been found 100
eligible for intervention in lieu of conviction for any of the 101
following, regardless of the date of the conviction, the date of 102
entry of the guilty plea, or (except in the case of a request 103
pursuant to section 5164.34, 5164.341, or 5164.342 of the 104
Revised Code) the date the person was found eligible for 105
intervention in lieu of conviction: 106

(a) A violation of section 959.13, 959.131, 2903.01, 107
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 108
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 109

| | |
|--|-----|
| 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, | 110 |
| 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, | 111 |
| 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, | 112 |
| 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, | 113 |
| 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, | 114 |
| 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, | 115 |
| 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, | 116 |
| 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, | 117 |
| 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, | 118 |
| 2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, | 119 |
| 2919.25, <u>2919.291,</u> 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, | 120 |
| 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, | 121 |
| 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2923.162, | 122 |
| 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, | 123 |
| 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, | 124 |
| 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, | 125 |
| or 3716.11 of the Revised Code; | 126 |
| (b) Felonious sexual penetration in violation of former | 127 |
| section 2907.12 of the Revised Code; | 128 |
| (c) A violation of section 2905.04 of the Revised Code as | 129 |
| it existed prior to July 1, 1996; | 130 |
| (d) A violation of section 2923.01, 2923.02, or 2923.03 of | 131 |
| the Revised Code when the underlying offense that is the object | 132 |
| of the conspiracy, attempt, or complicity is one of the offenses | 133 |
| listed in divisions (A) (3) (a) to (c) of this section; | 134 |
| (e) A violation of an existing or former municipal | 135 |
| ordinance or law of this state, any other state, or the United | 136 |
| States that is substantially equivalent to any of the offenses | 137 |
| listed in divisions (A) (3) (a) to (d) of this section. | 138 |

(4) On receipt of a request pursuant to section 2151.86 or 139
2151.904 of the Revised Code, a completed form prescribed 140
pursuant to division (C)(1) of this section, and a set of 141
fingerprint impressions obtained in the manner described in 142
division (C)(2) of this section, the superintendent of the 143
bureau of criminal identification and investigation shall 144
conduct a criminal records check in the manner described in 145
division (B) of this section to determine whether any 146
information exists that indicates that the person who is the 147
subject of the request previously has been convicted of or 148
pleaded guilty to any of the following: 149

(a) A violation of section 959.13, 2903.01, 2903.02, 150
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 151
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 152
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 153
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 154
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 155
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 156
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 157
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 158
2927.12, or 3716.11 of the Revised Code, a violation of section 159
2905.04 of the Revised Code as it existed prior to July 1, 1996, 160
a violation of section 2919.23 of the Revised Code that would 161
have been a violation of section 2905.04 of the Revised Code as 162
it existed prior to July 1, 1996, had the violation been 163
committed prior to that date, a violation of section 2925.11 of 164
the Revised Code that is not a minor drug possession offense, 165
two or more OVI or OVUAC violations committed within the three 166
years immediately preceding the submission of the application or 167
petition that is the basis of the request, or felonious sexual 168
penetration in violation of former section 2907.12 of the 169

| | |
|--|-----|
| Revised Code; | 170 |
| (b) A violation of an existing or former law of this | 171 |
| state, any other state, or the United States that is | 172 |
| substantially equivalent to any of the offenses listed in | 173 |
| division (A) (4) (a) of this section. | 174 |
| (5) Upon receipt of a request pursuant to section 5104.013 | 175 |
| of the Revised Code, a completed form prescribed pursuant to | 176 |
| division (C) (1) of this section, and a set of fingerprint | 177 |
| impressions obtained in the manner described in division (C) (2) | 178 |
| of this section, the superintendent of the bureau of criminal | 179 |
| identification and investigation shall conduct a criminal | 180 |
| records check in the manner described in division (B) of this | 181 |
| section to determine whether any information exists that | 182 |
| indicates that the person who is the subject of the request has | 183 |
| been convicted of or pleaded guilty to any of the following: | 184 |
| (a) A violation of section 2151.421, 2903.01, 2903.02, | 185 |
| 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, | 186 |
| 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, | 187 |
| 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, | 188 |
| 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, | 189 |
| 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, | 190 |
| 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, | 191 |
| 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, | 192 |
| 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, | 193 |
| 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, | 194 |
| 2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, | 195 |
| 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, | 196 |
| 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, | 197 |
| 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or | 198 |
| 3716.11 of the Revised Code, felonious sexual penetration in | 199 |

violation of former section 2907.12 of the Revised Code, a 200
violation of section 2905.04 of the Revised Code as it existed 201
prior to July 1, 1996, a violation of section 2919.23 of the 202
Revised Code that would have been a violation of section 2905.04 203
of the Revised Code as it existed prior to July 1, 1996, had the 204
violation been committed prior to that date, a violation of 205
section 2925.11 of the Revised Code that is not a minor drug 206
possession offense, a violation of section 2923.02 or 2923.03 of 207
the Revised Code that relates to a crime specified in this 208
division, or a second violation of section 4511.19 of the 209
Revised Code within five years of the date of application for 210
licensure or certification. 211

(b) A violation of an existing or former law of this 212
state, any other state, or the United States that is 213
substantially equivalent to any of the offenses or violations 214
described in division (A) (5) (a) of this section. 215

(6) Upon receipt of a request pursuant to section 5153.111 216
of the Revised Code, a completed form prescribed pursuant to 217
division (C) (1) of this section, and a set of fingerprint 218
impressions obtained in the manner described in division (C) (2) 219
of this section, the superintendent of the bureau of criminal 220
identification and investigation shall conduct a criminal 221
records check in the manner described in division (B) of this 222
section to determine whether any information exists that 223
indicates that the person who is the subject of the request 224
previously has been convicted of or pleaded guilty to any of the 225
following: 226

(a) A violation of section 2903.01, 2903.02, 2903.03, 227
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 228
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 229

2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 230
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 231
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 232
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 233
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 234
Code, felonious sexual penetration in violation of former 235
section 2907.12 of the Revised Code, a violation of section 236
2905.04 of the Revised Code as it existed prior to July 1, 1996, 237
a violation of section 2919.23 of the Revised Code that would 238
have been a violation of section 2905.04 of the Revised Code as 239
it existed prior to July 1, 1996, had the violation been 240
committed prior to that date, or a violation of section 2925.11 241
of the Revised Code that is not a minor drug possession offense; 242

(b) A violation of an existing or former law of this 243
state, any other state, or the United States that is 244
substantially equivalent to any of the offenses listed in 245
division (A) (6) (a) of this section. 246

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

from the federal bureau of investigation as described in 261
division (B) (2) of this section. Subject to division (F) of this 262
section, the superintendent shall report the findings of the 263
criminal records check and any information the federal bureau of 264
investigation provides to the director of public safety. 265

(8) On receipt of a request pursuant to section 1321.37, 266
1321.53, or 4763.05 of the Revised Code, a completed form 267
prescribed pursuant to division (C) (1) of this section, and a 268
set of fingerprint impressions obtained in the manner described 269
in division (C) (2) of this section, the superintendent of the 270
bureau of criminal identification and investigation shall 271
conduct a criminal records check with respect to any person who 272
has applied for a license, permit, or certification from the 273
department of commerce or a division in the department. The 274
superintendent shall conduct the criminal records check in the 275
manner described in division (B) of this section to determine 276
whether any information exists that indicates that the person 277
who is the subject of the request previously has been convicted 278
of or pleaded guilty to any criminal offense in this state, any 279
other state, or the United States. 280

(9) On receipt of a request for a criminal records check 281
from the treasurer of state under section 113.041 of the Revised 282
Code or from an individual under section 928.03, 4701.08, 283
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 284
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 285
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 286
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 287
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 288
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 289
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 290
Code, accompanied by a completed form prescribed under division 291

(C) (1) of this section and a set of fingerprint impressions 292
obtained in the manner described in division (C) (2) of this 293
section, the superintendent of the bureau of criminal 294
identification and investigation shall conduct a criminal 295
records check in the manner described in division (B) of this 296
section to determine whether any information exists that 297
indicates that the person who is the subject of the request has 298
been convicted of or pleaded guilty to any criminal offense in 299
this state or any other state. Subject to division (F) of this 300
section, the superintendent shall send the results of a check 301
requested under section 113.041 of the Revised Code to the 302
treasurer of state and shall send the results of a check 303
requested under any of the other listed sections to the 304
licensing board specified by the individual in the request. 305

(10) On receipt of a request pursuant to section 124.74, 306
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 307
Code, a completed form prescribed pursuant to division (C) (1) of 308
this section, and a set of fingerprint impressions obtained in 309
the manner described in division (C) (2) of this section, the 310
superintendent of the bureau of criminal identification and 311
investigation shall conduct a criminal records check in the 312
manner described in division (B) of this section to determine 313
whether any information exists that indicates that the person 314
who is the subject of the request previously has been convicted 315
of or pleaded guilty to any criminal offense under any existing 316
or former law of this state, any other state, or the United 317
States. 318

(11) On receipt of a request for a criminal records check 319
from an appointing or licensing authority under section 3772.07 320
of the Revised Code, a completed form prescribed under division 321
(C) (1) of this section, and a set of fingerprint impressions 322

obtained in the manner prescribed in division (C)(2) of this 323
section, the superintendent of the bureau of criminal 324
identification and investigation shall conduct a criminal 325
records check in the manner described in division (B) of this 326
section to determine whether any information exists that 327
indicates that the person who is the subject of the request 328
previously has been convicted of or pleaded guilty or no contest 329
to any offense under any existing or former law of this state, 330
any other state, or the United States that makes the person 331
ineligible for appointment or retention under section 3772.07 of 332
the Revised Code or that is a disqualifying offense as defined 333
in that section or substantially equivalent to a disqualifying 334
offense, as applicable. 335

(12) On receipt of a request pursuant to section 2151.33 336
or 2151.412 of the Revised Code, a completed form prescribed 337
pursuant to division (C)(1) of this section, and a set of 338
fingerprint impressions obtained in the manner described in 339
division (C)(2) of this section, the superintendent of the 340
bureau of criminal identification and investigation shall 341
conduct a criminal records check with respect to any person for 342
whom a criminal records check is required under that section. 343
The superintendent shall conduct the criminal records check in 344
the manner described in division (B) of this section to 345
determine whether any information exists that indicates that the 346
person who is the subject of the request previously has been 347
convicted of or pleaded guilty to any of the following: 348

(a) A violation of section 2903.01, 2903.02, 2903.03, 349
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 350
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 351
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 352
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 353

2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 354
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 355
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 356
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 357

(b) An existing or former law of this state, any other 358
state, or the United States that is substantially equivalent to 359
any of the offenses listed in division (A) (12) (a) of this 360
section. 361

(13) On receipt of a request pursuant to section 3796.12 362
of the Revised Code, a completed form prescribed pursuant to 363
division (C) (1) of this section, and a set of fingerprint 364
impressions obtained in a manner described in division (C) (2) of 365
this section, the superintendent of the bureau of criminal 366
identification and investigation shall conduct a criminal 367
records check in the manner described in division (B) of this 368
section to determine whether any information exists that 369
indicates that the person who is the subject of the request 370
previously has been convicted of or pleaded guilty to the 371
following: 372

(a) A disqualifying offense as specified in rules adopted 373
under section 9.79 and division (B) (2) (b) of section 3796.03 of 374
the Revised Code if the person who is the subject of the request 375
is an administrator or other person responsible for the daily 376
operation of, or an owner or prospective owner, officer or 377
prospective officer, or board member or prospective board member 378
of, an entity seeking a license from the department of commerce 379
under Chapter 3796. of the Revised Code; 380

(b) A disqualifying offense as specified in rules adopted 381
under section 9.79 and division (B) (2) (b) of section 3796.04 of 382
the Revised Code if the person who is the subject of the request 383

is an administrator or other person responsible for the daily 384
operation of, or an owner or prospective owner, officer or 385
prospective officer, or board member or prospective board member 386
of, an entity seeking a license from the state board of pharmacy 387
under Chapter 3796. of the Revised Code. 388

(14) On receipt of a request required by section 3796.13 389
of the Revised Code, a completed form prescribed pursuant to 390
division (C) (1) of this section, and a set of fingerprint 391
impressions obtained in a manner described in division (C) (2) of 392
this section, the superintendent of the bureau of criminal 393
identification and investigation shall conduct a criminal 394
records check in the manner described in division (B) of this 395
section to determine whether any information exists that 396
indicates that the person who is the subject of the request 397
previously has been convicted of or pleaded guilty to the 398
following: 399

(a) A disqualifying offense as specified in rules adopted 400
under division (B) (8) (a) of section 3796.03 of the Revised Code 401
if the person who is the subject of the request is seeking 402
employment with an entity licensed by the department of commerce 403
under Chapter 3796. of the Revised Code; 404

(b) A disqualifying offense as specified in rules adopted 405
under division (B) (14) (a) of section 3796.04 of the Revised Code 406
if the person who is the subject of the request is seeking 407
employment with an entity licensed by the state board of 408
pharmacy under Chapter 3796. of the Revised Code. 409

(15) On receipt of a request pursuant to section 4768.06 410
of the Revised Code, a completed form prescribed under division 411
(C) (1) of this section, and a set of fingerprint impressions 412
obtained in the manner described in division (C) (2) of this 413

section, the superintendent of the bureau of criminal 414
identification and investigation shall conduct a criminal 415
records check in the manner described in division (B) of this 416
section to determine whether any information exists indicating 417
that the person who is the subject of the request has been 418
convicted of or pleaded guilty to any criminal offense in this 419
state or in any other state. 420

(16) On receipt of a request pursuant to division (B) of 421
section 4764.07 or division (A) of section 4735.143 of the 422
Revised Code, a completed form prescribed under division (C)(1) 423
of this section, and a set of fingerprint impressions obtained 424
in the manner described in division (C)(2) of this section, the 425
superintendent of the bureau of criminal identification and 426
investigation shall conduct a criminal records check in the 427
manner described in division (B) of this section to determine 428
whether any information exists indicating that the person who is 429
the subject of the request has been convicted of or pleaded 430
guilty to any criminal offense in any state or the United 431
States. 432

(17) On receipt of a request for a criminal records check 433
under section 147.022 of the Revised Code, a completed form 434
prescribed under division (C)(1) of this section, and a set of 435
fingerprint impressions obtained in the manner prescribed in 436
division (C)(2) of this section, the superintendent of the 437
bureau of criminal identification and investigation shall 438
conduct a criminal records check in the manner described in 439
division (B) of this section to determine whether any 440
information exists that indicates that the person who is the 441
subject of the request previously has been convicted of or 442
pleaded guilty or no contest to any criminal offense under any 443
existing or former law of this state, any other state, or the 444

United States. 445

(18) Upon receipt of a request pursuant to division (F) of 446
section 2915.081 or division (E) of section 2915.082 of the 447
Revised Code, a completed form prescribed under division (C)(1) 448
of this section, and a set of fingerprint impressions obtained 449
in the manner described in division (C)(2) of this section, the 450
superintendent of the bureau of criminal identification and 451
investigation shall conduct a criminal records check in the 452
manner described in division (B) of this section to determine 453
whether any information exists indicating that the person who is 454
the subject of the request has been convicted of or pleaded 455
guilty or no contest to any offense that is a violation of 456
Chapter 2915. of the Revised Code or to any offense under any 457
existing or former law of this state, any other state, or the 458
United States that is substantially equivalent to such an 459
offense. 460

(19) On receipt of a request pursuant to section 3775.03 461
of the Revised Code, a completed form prescribed under division 462
(C)(1) of this section, and a set of fingerprint impressions 463
obtained in the manner described in division (C)(2) of this 464
section, the superintendent of the bureau of criminal 465
identification and investigation shall conduct a criminal 466
records check in the manner described in division (B) of this 467
section and shall request information from the federal bureau of 468
investigation to determine whether any information exists 469
indicating that the person who is the subject of the request has 470
been convicted of any offense under any existing or former law 471
of this state, any other state, or the United States that is a 472
disqualifying offense as defined in section 3772.07 of the 473
Revised Code. 474

(B) Subject to division (F) of this section, the 475
superintendent shall conduct any criminal records check to be 476
conducted under this section as follows: 477

(1) The superintendent shall review or cause to be 478
reviewed any relevant information gathered and compiled by the 479
bureau under division (A) of section 109.57 of the Revised Code 480
that relates to the person who is the subject of the criminal 481
records check, including, if the criminal records check was 482
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 483
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 484
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 485
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 486
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 487
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 488
5123.169, or 5153.111 of the Revised Code, any relevant 489
information contained in records that have been sealed under 490
section 2953.32 of the Revised Code; 491

(2) If the request received by the superintendent asks for 492
information from the federal bureau of investigation, the 493
superintendent shall request from the federal bureau of 494
investigation any information it has with respect to the person 495
who is the subject of the criminal records check, including 496
fingerprint-based checks of national crime information databases 497
as described in 42 U.S.C. 671 if the request is made pursuant to 498
section 2151.86 or 5104.013 of the Revised Code or if any other 499
Revised Code section requires fingerprint-based checks of that 500
nature, and shall review or cause to be reviewed any information 501
the superintendent receives from that bureau. If a request under 502
section 3319.39 of the Revised Code asks only for information 503
from the federal bureau of investigation, the superintendent 504
shall not conduct the review prescribed by division (B) (1) of 505

this section. 506

(3) The superintendent or the superintendent's designee 507
may request criminal history records from other states or the 508
federal government pursuant to the national crime prevention and 509
privacy compact set forth in section 109.571 of the Revised 510
Code. 511

(4) The superintendent shall include in the results of the 512
criminal records check a list or description of the offenses 513
listed or described in the relevant provision of division (A) of 514
this section. The superintendent shall exclude from the results 515
any information the dissemination of which is prohibited by 516
federal law. 517

(5) The superintendent shall send the results of the 518
criminal records check to the person to whom it is to be sent 519
not later than the following number of days after the date the 520
superintendent receives the request for the criminal records 521
check, the completed form prescribed under division (C) (1) of 522
this section, and the set of fingerprint impressions obtained in 523
the manner described in division (C) (2) of this section: 524

(a) If the superintendent is required by division (A) of 525
this section (other than division (A) (3) of this section) to 526
conduct the criminal records check, thirty; 527

(b) If the superintendent is required by division (A) (3) 528
of this section to conduct the criminal records check, sixty. 529

(C) (1) The superintendent shall prescribe a form to obtain 530
the information necessary to conduct a criminal records check 531
from any person for whom a criminal records check is to be 532
conducted under this section. The form that the superintendent 533
prescribes pursuant to this division may be in a tangible 534

format, in an electronic format, or in both tangible and 535
electronic formats. 536

(2) The superintendent shall prescribe standard impression 537
sheets to obtain the fingerprint impressions of any person for 538
whom a criminal records check is to be conducted under this 539
section. Any person for whom a records check is to be conducted 540
under this section shall obtain the fingerprint impressions at a 541
county sheriff's office, municipal police department, or any 542
other entity with the ability to make fingerprint impressions on 543
the standard impression sheets prescribed by the superintendent. 544
The office, department, or entity may charge the person a 545
reasonable fee for making the impressions. The standard 546
impression sheets the superintendent prescribes pursuant to this 547
division may be in a tangible format, in an electronic format, 548
or in both tangible and electronic formats. 549

(3) Subject to division (D) of this section, the 550
superintendent shall prescribe and charge a reasonable fee for 551
providing a criminal records check under this section. The 552
person requesting the criminal records check shall pay the fee 553
prescribed pursuant to this division. In the case of a request 554
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 555
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 556
fee shall be paid in the manner specified in that section. 557

(4) The superintendent of the bureau of criminal 558
identification and investigation may prescribe methods of 559
forwarding fingerprint impressions and information necessary to 560
conduct a criminal records check, which methods shall include, 561
but not be limited to, an electronic method. 562

(D) The results of a criminal records check conducted 563
under this section, other than a criminal records check 564

specified in division (A) (7) of this section, are valid for the 565
person who is the subject of the criminal records check for a 566
period of one year from the date upon which the superintendent 567
completes the criminal records check. If during that period the 568
superintendent receives another request for a criminal records 569
check to be conducted under this section for that person, the 570
superintendent shall provide the results from the previous 571
criminal records check of the person at a lower fee than the fee 572
prescribed for the initial criminal records check. 573

(E) When the superintendent receives a request for 574
information from a registered private provider, the 575
superintendent shall proceed as if the request was received from 576
a school district board of education under section 3319.39 of 577
the Revised Code. The superintendent shall apply division (A) (1) 578
(c) of this section to any such request for an applicant who is 579
a teacher. 580

(F) (1) Subject to division (F) (2) of this section, all 581
information regarding the results of a criminal records check 582
conducted under this section that the superintendent reports or 583
sends under division (A) (7) or (9) of this section to the 584
director of public safety, the treasurer of state, or the 585
person, board, or entity that made the request for the criminal 586
records check shall relate to the conviction of the subject 587
person, or the subject person's plea of guilty to, a criminal 588
offense. 589

(2) Division (F) (1) of this section does not limit, 590
restrict, or preclude the superintendent's release of 591
information that relates to the arrest of a person who is 592
eighteen years of age or older, to an adjudication of a child as 593
a delinquent child, or to a criminal conviction of a person 594

under eighteen years of age in circumstances in which a release 595
of that nature is authorized under division (E) (2), (3), or (4) 596
of section 109.57 of the Revised Code pursuant to a rule adopted 597
under division (E) (1) of that section. 598

(G) As used in this section: 599

(1) "Criminal records check" means any criminal records 600
check conducted by the superintendent of the bureau of criminal 601
identification and investigation in accordance with division (B) 602
of this section. 603

(2) "Minor drug possession offense" has the same meaning 604
as in section 2925.01 of the Revised Code. 605

(3) "OVI or OVUAC violation" means a violation of section 606
4511.19 of the Revised Code or a violation of an existing or 607
former law of this state, any other state, or the United States 608
that is substantially equivalent to section 4511.19 of the 609
Revised Code. 610

(4) "Registered private provider" means a nonpublic school 611
or entity registered with the superintendent of public 612
instruction under section 3310.41 of the Revised Code to 613
participate in the autism scholarship program or section 3310.58 614
of the Revised Code to participate in the Jon Peterson special 615
needs scholarship program. 616

Sec. 2305.11. (A) An action for libel, slander, malicious 617
prosecution, or false imprisonment, an action for malpractice 618
other than an action upon a medical, dental, optometric, or 619
chiropractic claim, an action for legal malpractice against an 620
attorney or a law firm or legal professional association, or an 621
action upon a statute for a penalty or forfeiture shall be 622
commenced within one year after the cause of action accrued, 623

provided that an action by an employee for the payment of unpaid 624
minimum wages, unpaid overtime compensation, or liquidated 625
damages by reason of the nonpayment of minimum wages or overtime 626
compensation shall be commenced within two years after the cause 627
of action accrued. 628

(B) A civil action for unlawful abortion pursuant to 629
section 2919.12 of the Revised Code, a civil action authorized 630
by division (H) of section 2317.56 of the Revised Code, a civil 631
action pursuant to division (B) of section 2307.52 of the 632
Revised Code for terminating or attempting to terminate a human 633
pregnancy after viability in violation of division (A) of 634
section 2919.17 of the Revised Code, ~~and~~ a civil action for 635
terminating or attempting to terminate a human pregnancy of a 636
pain-capable unborn child in violation of division (E) of 637
section 2919.201 of the Revised Code, and a civil action for the 638
unlawful provision of an abortion-inducing drug in violation of 639
sections 2919.291 to 2919.294 of the Revised Code shall be 640
commenced within one year after the performance or inducement of 641
the abortion or within one year after the attempt to perform or 642
induce the abortion in violation of division (A) of section 643
2919.17 of the Revised Code or division (E) of section 2919.201 644
of the Revised Code. 645

(C) As used in this section, "medical claim," "dental 646
claim," "optometric claim," and "chiropractic claim" have the 647
same meanings as in section 2305.113 of the Revised Code. 648

Sec. 2307.46. (A) In any civil action based on or related 649
to any injury, death, or loss to person or property suffered as 650
a result of the performance or inducement of an abortion or 651
suffered as a result of an attempt to perform or induce an 652
abortion or pursuant to section 2919.2917 of the Revised Code, 653

the woman upon whom the abortion was allegedly performed, 654
induced, or attempted, at the time of the filing of the 655
complaint in the civil action, may file a motion with the court 656
requesting that her identity only be revealed to the defendant 657
and to the court and that in all other respects the civil action 658
be conducted in a manner that maintains her confidentiality. The 659
motion shall set forth the reasons for the requested 660
confidentiality. Prior to service of the complaint, the court 661
shall conduct an ex parte hearing in a timely manner to 662
determine whether sufficient cause exists to require that the 663
confidentiality of the movant be maintained in the civil action. 664
The decision of the court on the motion is final and is not 665
subject to appeal. 666

(B) The supreme court shall prescribe rules to implement 667
division (A) of this section. 668

Sec. 2317.56. (A) As used in this section: 669

(1) "Medical emergency" has the same meaning as in section 670
2919.16 of the Revised Code. 671

(2) "Medical necessity" means a medical condition of a 672
pregnant woman that, in the reasonable judgment of the physician 673
who is attending the woman, so complicates the pregnancy that it 674
necessitates the immediate performance or inducement of an 675
abortion. 676

(3) "Probable gestational age of the zygote, blastocyte, 677
embryo, or fetus" means the gestational age that, in the 678
judgment of a physician, is, with reasonable probability, the 679
gestational age of the zygote, blastocyte, embryo, or fetus at 680
the time that the physician informs a pregnant woman pursuant to 681
division (B) (1) (b) of this section. 682

(B) Except when there is a medical emergency or medical necessity, an abortion shall be performed or induced only if all of the following conditions are satisfied:

(1) At least twenty-four hours prior to the performance or inducement of the abortion, a physician meets with the pregnant woman in person in an individual, private setting and gives her an adequate opportunity to ask questions about the abortion that will be performed or induced. At this meeting, the physician shall inform the pregnant woman, verbally or, if she is hearing impaired, by other means of communication, of all of the following:

(a) The nature and purpose of the particular abortion procedure to be used and the medical risks associated with that procedure;

(b) The probable gestational age of the zygote, blastocyte, embryo, or fetus;

(c) The medical risks associated with the pregnant woman carrying the pregnancy to term.

The meeting need not occur at the facility where the abortion is to be performed or induced, and the physician involved in the meeting need not be affiliated with that facility or with the physician who is scheduled to perform or induce the abortion.

(2) At least twenty-four hours prior to the performance or inducement of the abortion, the physician who is to perform or induce the abortion or the physician's agent does each of the following in person, by telephone, by certified mail, return receipt requested, or by regular mail evidenced by a certificate of mailing:

(a) Inform the pregnant woman of the name of the physician 712
who is scheduled to perform or induce the abortion; 713

(b) Give the pregnant woman copies of the published 714
materials described in division (C) of this section; 715

(c) Inform the pregnant woman that the materials given 716
pursuant to division (B) (2) (b) of this section are published by 717
the state and that they describe the zygote, blastocyte, 718
embryo, or fetus and list agencies that offer alternatives to 719
abortion. The pregnant woman may choose to examine or not to 720
examine the materials. A physician or an agent of a physician 721
may choose to be disassociated from the materials and may choose 722
to comment or not comment on the materials. 723

(3) If it has been determined that the unborn human 724
individual the pregnant woman is carrying has a detectable fetal 725
heartbeat, the physician who is to perform or induce the 726
abortion shall comply with the informed consent requirements in 727
section 2919.194 of the Revised Code in addition to complying 728
with the informed consent requirements in divisions (B) (1), (2), 729
(4), and (5) of this section. 730

(4) Prior to the performance or inducement of the 731
abortion, the pregnant woman signs a form consenting to the 732
abortion and certifies all of the following on that form: 733

(a) She has received the information and materials 734
described in divisions (B) (1) and (2) of this section, and her 735
questions about the abortion that will be performed or induced 736
have been answered in a satisfactory manner. 737

(b) She consents to the particular abortion voluntarily, 738
knowingly, intelligently, and without coercion by any person, 739
and she is not under the influence of any drug of abuse or 740

alcohol. 741

(c) If the abortion will be performed or induced 742
surgically, she has been provided with the notification form 743
described in division (A) of section 3726.14 of the Revised 744
Code. 745

(d) If the abortion will be performed or induced 746
surgically and she desires to exercise the rights under division 747
(A) of section 3726.03 of the Revised Code, she has completed 748
the disposition determination under section 3726.04 or 3726.041 749
of the Revised Code. 750

A form shall be completed for each zygote, blastocyte, 751
embryo, or fetus to be aborted. If a pregnant woman is carrying 752
more than one zygote, blastocyte, embryo, or fetus, she shall 753
sign a form for each zygote, blastocyte, embryo, or fetus to be 754
aborted. 755

The form shall contain the name and contact information of 756
the physician who provided to the pregnant woman the information 757
described in division (B) (1) of this section. 758

(5) Prior to the performance or inducement of the 759
abortion, the physician who is scheduled to perform or induce 760
the abortion or the physician's agent receives a copy of the 761
pregnant woman's signed form on which she consents to the 762
abortion and that includes the certification required by 763
division (B) (4) of this section. 764

(6) Prior to the performance or inducement of an abortion 765
with an abortion-inducing drug, both of the following apply: 766

(a) The pregnant woman has been provided with the forms 767
described under divisions (A) and (B) of section 2919.296 of the 768
Revised Code. 769

(b) The physician has met all of the requirements under 770
sections 2919.29 to 2919.297 of the Revised Code. 771

(C) The department of health shall publish in English and 772
in Spanish, in a typeface large enough to be clearly legible, 773
and in an easily comprehensible format, the following materials 774
on the department's web site: 775

(1) Materials that inform the pregnant woman about family 776
planning information, of publicly funded agencies that are 777
available to assist in family planning, and of public and 778
private agencies and services that are available to assist her 779
through the pregnancy, upon childbirth, and while the child is 780
dependent, including, but not limited to, adoption agencies. The 781
materials shall be geographically indexed; include a 782
comprehensive list of the available agencies, a description of 783
the services offered by the agencies, and the telephone numbers 784
and addresses of the agencies; and inform the pregnant woman 785
about available medical assistance benefits for prenatal care, 786
childbirth, and neonatal care and about the support obligations 787
of the father of a child who is born alive. The department shall 788
ensure that the materials described in division (C) (1) of this 789
section are comprehensive and do not directly or indirectly 790
promote, exclude, or discourage the use of any agency or service 791
described in this division. 792

(2) Materials that inform the pregnant woman of the 793
probable anatomical and physiological characteristics of the 794
zygote, blastocyte, embryo, or fetus at two-week gestational 795
increments for the first sixteen weeks of pregnancy and at four- 796
week gestational increments from the seventeenth week of 797
pregnancy to full term, including any relevant information 798
regarding the time at which the fetus possibly would be viable. 799

The department shall cause these materials to be published after 800
it consults with independent health care experts relative to the 801
probable anatomical and physiological characteristics of a 802
zygote, blastocyte, embryo, or fetus at the various gestational 803
increments. The materials shall use language that is 804
understandable by the average person who is not medically 805
trained, shall be objective and nonjudgmental, and shall include 806
only accurate scientific information about the zygote, 807
blastocyte, embryo, or fetus at the various gestational 808
increments. If the materials use a pictorial, photographic, or 809
other depiction to provide information regarding the zygote, 810
blastocyte, embryo, or fetus, the materials shall include, in a 811
conspicuous manner, a scale or other explanation that is 812
understandable by the average person and that can be used to 813
determine the actual size of the zygote, blastocyte, embryo, or 814
fetus at a particular gestational increment as contrasted with 815
the depicted size of the zygote, blastocyte, embryo, or fetus at 816
that gestational increment. 817

(D) Upon the submission of a request to the department of 818
health by any person, hospital, physician, or medical facility 819
for one copy of the materials published in accordance with 820
division (C) of this section, the department shall make the 821
requested copy of the materials available to the person, 822
hospital, physician, or medical facility that requested the 823
copy. 824

(E) If a medical emergency or medical necessity compels 825
the performance or inducement of an abortion, the physician who 826
will perform or induce the abortion, prior to its performance or 827
inducement if possible, shall inform the pregnant woman of the 828
medical indications supporting the physician's judgment that an 829
immediate abortion is necessary. Any physician who performs or 830

induces an abortion without the prior satisfaction of the 831
conditions specified in division (B) of this section because of 832
a medical emergency or medical necessity shall enter the reasons 833
for the conclusion that a medical emergency or medical necessity 834
exists in the medical record of the pregnant woman. 835

(F) If the conditions specified in division (B) of this 836
section are satisfied, consent to an abortion shall be presumed 837
to be valid and effective. 838

(G) The performance or inducement of an abortion without 839
the prior satisfaction of the conditions specified in division 840
(B) of this section does not constitute, and shall not be 841
construed as constituting, a violation of division (A) of 842
section 2919.12 of the Revised Code. The failure of a physician 843
to satisfy the conditions of division (B) of this section prior 844
to performing or inducing an abortion upon a pregnant woman may 845
be the basis of both of the following: 846

(1) A civil action for compensatory and exemplary damages 847
as described in division (H) of this section; 848

(2) Disciplinary action under section 4731.22 of the 849
Revised Code. 850

(H) (1) Subject to divisions (H) (2) and (3) of this 851
section, any physician who performs or induces an abortion with 852
actual knowledge that the conditions specified in division (B) 853
of this section have not been satisfied or with a heedless 854
indifference as to whether those conditions have been satisfied 855
is liable in compensatory and exemplary damages in a civil 856
action to any person, or the representative of the estate of any 857
person, who sustains injury, death, or loss to person or 858
property as a result of the failure to satisfy those conditions. 859

In the civil action, the court additionally may enter any 860
injunctive or other equitable relief that it considers 861
appropriate. 862

(2) The following shall be affirmative defenses in a civil 863
action authorized by division (H)(1) of this section: 864

(a) The physician performed or induced the abortion under 865
the circumstances described in division (E) of this section. 866

(b) The physician made a good faith effort to satisfy the 867
conditions specified in division (B) of this section. 868

(3) An employer or other principal is not liable in 869
damages in a civil action authorized by division (H)(1) of this 870
section on the basis of the doctrine of respondeat superior 871
unless either of the following applies: 872

(a) The employer or other principal had actual knowledge 873
or, by the exercise of reasonable diligence, should have known 874
that an employee or agent performed or induced an abortion with 875
actual knowledge that the conditions specified in division (B) 876
of this section had not been satisfied or with a heedless 877
indifference as to whether those conditions had been satisfied. 878

(b) The employer or other principal negligently failed to 879
secure the compliance of an employee or agent with division (B) 880
of this section. 881

(4) Notwithstanding division (E) of section 2919.12 of the 882
Revised Code, the civil action authorized by division (H)(1) of 883
this section shall be the exclusive civil remedy for persons, or 884
the representatives of estates of persons, who allegedly sustain 885
injury, death, or loss to person or property as a result of a 886
failure to satisfy the conditions specified in division (B) of 887
this section. 888

(I) The department of job and family services shall 889
prepare and conduct a public information program to inform women 890
of all available governmental programs and agencies that provide 891
services or assistance for family planning, prenatal care, child 892
care, or alternatives to abortion. 893

Sec. 2919.29. As used in sections 2919.29 to 2919.2921 of 894
the Revised Code: 895

(A) "Abortion" has the same meaning as in section 2919.11 896
of the Revised Code. 897

(B) (1) "Abortion-inducing drug" means a medicine, drug, or 898
other substance, including the off-label use of drugs known to 899
have abortion-inducing effects such as RU-486 (mifepristone), 900
misoprostol, and methotrexate, intended to induce an abortion. 901

(2) "Abortion-inducing drug" excludes any medicine, drug, 902
or other substance that may be known to induce an abortion but 903
that are provided to a pregnant woman for other medical 904
purposes. 905

(C) "Adverse event" has the same meaning as in 21 C.F.R. 906
312.32(a). 907

(D) "Complication" or "abortion complication" means only 908
the following physical or psychological conditions which, in the 909
reasonable medical judgment of a licensed health care 910
professional, arise as a primary or secondary result of an 911
induced abortion: uterine perforation, cervical laceration, 912
infection, bleeding, vaginal bleeding that qualifies as a grade 913
two or higher adverse event according to the common terminology 914
criteria for adverse events, pulmonary embolism, deep vein 915
thrombosis, failure to actually terminate the pregnancy, 916
incomplete abortion or retained tissue, pelvic inflammatory 917

disease, endometritis, missed ectopic pregnancy, cardiac arrest, 918
respiratory arrest, renal failure, shock, amniotic fluid 919
embolism, coma, free fluid in the abdomen, allergic reactions to 920
anesthesia and abortion-inducing drugs, psychological 921
complications as diagnosed under the most recent edition of the 922
diagnostic and statistical manual of mental disorders published 923
by the American psychiatric association, and any related 924
complication arising under the following ICD-10 codes, in effect 925
as of the effective date of this section: 004.2, 004.5, 004.6, 926
004.7, 004.80, 004.81, 004.82, 004.84, 004.86, 004.87, 004.88, 927
007.0, 007.1, 007.2, 007.34, 007.38, and P04.88. 928

(E) "Facility" means any public or private hospital, 929
clinic, center, medical school, medical training institution, 930
health care business, physician's office, infirmary, dispensary, 931
pharmacy, ambulatory surgical center, or other institution, 932
location, or business wherein medical care or pharmaceuticals 933
are provided. 934

(F) "Gestational age" has the same meaning as in section 935
2919.16 of the Revised Code. 936

(G) "Hospital" has the same meaning as in section 2305.113 937
of the Revised Code. 938

(H) "Personal identifying information" has the same 939
meaning as in section 2913.49 of the Revised Code. 940

(I) "Physician" has the same meaning as in section 941
2305.113 of the Revised Code. 942

(J) "Professionally licensed person" has the same meaning 943
as in section 2925.01 of the Revised Code. 944

(K) "Provide" means any act of giving, selling, 945
prescribing, dispensing, administering, or transferring 946

possession of an abortion-inducing drug. 947

(L) "Qualified physician" means a physician, as defined in 948
this section, who is certified under the abortion-inducing drug 949
certification program established under section 4729.71 of the 950
Revised Code and who has the ability to do all of the following: 951

(1) Identify and document a viable intrauterine pregnancy; 952

(2) Assess the gestational age of a pregnancy and inform 953
patients of gestational age-specific risks of abortion-inducing 954
drugs; 955

(3) Diagnose an ectopic pregnancy; 956

(4) Determine blood type and administer RHO(D)-immune 957
globulin for women who are RH negative; 958

(5) Assess for signs of domestic abuse, reproductive 959
control, human trafficking, and signs of coerced abortion; 960

(6) Provide surgical intervention; 961

(7) Be credentialed and competent to handle complication 962
management, including emergency transfer; 963

(8) Supervise and bear legal liability for any agent, 964
employee, or contractor who is participating in any part of an 965
abortion procedure, including evaluation and care prior to the 966
procedure. 967

(M) "Unborn child" has the same meaning as in section 968
2919.16 of the Revised Code. 969

Sec. ~~2919.123~~ 2919.291. (A) No person shall knowingly 970
~~give, sell, dispense, administer, or otherwise provide RU-486-~~ 971
~~(mifepristone)~~ an abortion-inducing drug to another for the 972
purpose of inducing an abortion in any person or enabling the 973

other person to induce an abortion in any person, unless the 974
person who ~~gives, sells, dispenses, administers, or otherwise~~ 975
~~provides the RU-486 (mifepristone) abortion-inducing drug~~ is a 976
qualified physician, ~~the physician satisfies all the criteria~~ 977
~~established by federal law that a physician must satisfy in~~ 978
~~order to provide RU-486 (mifepristone) for inducing abortions,~~ 979
and the physician provides the RU-486 (mifepristone) abortion- 980
inducing drug to the other person for the purpose of inducing an 981
abortion in accordance with ~~all provisions of federal law that~~ 982
~~govern the use of RU-486 (mifepristone) for inducing~~ 983
~~abortions~~sections 2919.291 to 2919.2921 of the Revised Code. A- 984

(B) A person who ~~gives, sells, dispenses, administers, or~~ 985
~~otherwise provides RU-486 (mifepristone) an abortion-inducing~~ 986
drug to another as described in division (A) of this section 987
shall not be prosecuted based on a violation of the criteria 988
contained in this division unless the person knows that the 989
person is not a qualified physician, ~~that the person did not~~ 990
~~satisfy all the specified criteria established by federal law,~~ 991
or that the person did not provide the RU-486 (mifepristone)- 992
abortion-inducing drug in accordance with ~~the specified~~ 993
~~provisions of federal law~~sections 2919.29 to 2919.2921 of the 994
Revised Code, whichever is applicable. 995

~~(B) No physician who provides RU-486 (mifepristone) to~~ 996
~~another for the purpose of inducing an abortion as authorized~~ 997
~~under division (A) of this section shall knowingly fail to~~ 998
~~comply with the applicable requirements of any federal law that~~ 999
~~pertain to follow up examinations or care for persons to whom or~~ 1000
~~for whom RU-486 (mifepristone) is provided for the purpose of~~ 1001
~~inducing an abortion.~~ 1002

~~(C) (1) If a physician provides RU-486 (mifepristone) to~~ 1003

~~another for the purpose of inducing an abortion as authorized 1004
under division (A) of this section and if the physician knows 1005
that the person who uses the RU-486 (mifepristone) for the 1006
purpose of inducing an abortion experiences during or after the 1007
use an incomplete abortion, severe bleeding, or an adverse 1008
reaction to the RU-486 (mifepristone) or is hospitalized, 1009
receives a transfusion, or experiences any other serious event, 1010
the physician promptly must provide a written report of the 1011
incomplete abortion, severe bleeding, adverse reaction, 1012
hospitalization, transfusion, or serious event to the state 1013
medical board. The board shall compile and retain all reports it 1014
receives under this division. Except as otherwise provided in 1015
this division, all reports the board receives under this 1016
division are public records open to inspection under section 1017
149.43 of the Revised Code. In no case shall the board release 1018
to any person the name or any other personal identifying 1019
information regarding a person who uses RU-486 (mifepristone) 1020
for the purpose of inducing an abortion and who is the subject 1021
of a report the board receives under this division. 1022~~

~~(2) No physician who provides RU-486 (mifepristone) to 1023
another for the purpose of inducing an abortion as authorized 1024
under division (A) of this section shall knowingly fail to file 1025
a report required under division (C)(1) of this section. 1026~~

~~(D) Division (A) of this section does not apply to any of 1027
the following: 1028~~

~~(1) A pregnant woman who obtains or possesses RU-486 1029
(mifepristone) for the purpose of inducing an abortion to 1030
terminate her own pregnancy; 1031~~

~~(2) The legal transport of RU-486 (mifepristone) by any 1032
person or entity and the legal delivery of the RU-486 1033~~

~~(mifepristone) by any person to the recipient, provided that
this division does not apply regarding any conduct related to
the RU-486 (mifepristone) other than its transport and delivery
to the recipient;~~ 1034
1035
1036
1037

~~(3) The distribution, provision, or sale of RU-486
(mifepristone) by any legal manufacturer or distributor of RU-
486 (mifepristone), provided the manufacturer or distributor
made a good faith effort to comply with any applicable
requirements of federal law regarding the distribution,
provision, or sale.~~ 1038
1039
1040
1041
1042
1043

~~(E) Whoever violates this section is guilty of unlawful
distribution of an abortion-inducing drug, a felony of the
fourth degree. If the offender previously has been convicted of
or pleaded guilty to a violation of this section or of section
2919.12, 2919.121, 2919.13, 2919.14, 2919.15, 2919.151, 2919.17,
or 2919.18 of the Revised Code, unlawful distribution of an
abortion-inducing drug is a felony of the third degree.~~ 1044
1045
1046
1047
1048
1049
1050

~~If the offender is a professionally licensed person, in
addition to any other sanction imposed by law for the offense,
the offender is subject to sanctioning as provided by law by the
regulatory or licensing board or agency that has the
administrative authority to suspend or revoke the offender's
professional license, including the sanctioning provided in
section 4731.22 of the Revised Code for offenders who have a
certificate to practice or certificate of registration issued
under that chapter.~~ 1051
1052
1053
1054
1055
1056
1057
1058
1059

~~(F) As used in this section:~~ 1060

~~(1) "Federal law" means any law, rule, or regulation of
the United States or any drug approval letter of the food and~~ 1061
1062

~~drug administration of the United States that governs or~~ 1063
~~regulates the use of RU-486 (mifepristone) for the purpose of~~ 1064
~~inducing abortions.~~ 1065

~~(2) "Personal identifying information" has the same~~ 1066
~~meaning as in section 2913.49 of the Revised Code.~~ 1067

~~(3) "Physician" has the same meaning as in section~~ 1068
~~2305.113 of the Revised Code.~~ 1069

~~(4) "Professionally licensed person" has the same meaning~~ 1070
~~as in section 2925.01 of the Revised Code.~~ 1071

Sec. 2919.292. In addition to the requirements under 1072
division (B) of section 2317.56 of the Revised Code, a qualified 1073
physician, not later than twenty-four hours prior to providing 1074
an abortion-inducing drug, shall do all of the following: 1075

(A) Examine the patient in person and independently verify 1076
that the patient receiving the abortion-inducing drug is 1077
pregnant; 1078

(B) Determine the patient's blood type and, if the patient 1079
has an RH negative blood type, administer RH0-(D) immune 1080
globulin to the patient prior to providing the abortion-inducing 1081
drug; 1082

(C) Inform the patient that she may see the remains of her 1083
unborn child in the process of completing the abortion; 1084

(D) Ensure the patient has initialed, signed, and 1085
certified, as applicable, the forms required under sections 1086
2317.56, 2919.296, and 2919.297 of the Revised Code; 1087

(E) Sign the qualified physician declaration required 1088
under section 2919.298 of the Revised Code; 1089

(F) Document the following, as diagnosed by the most accurate standard of medical care, in the patient's medical record: 1090
1091
1092

(1) The gestational age of the unborn child of the pregnancy; 1093
1094

(2) The intrauterine location of the pregnancy; 1095

(3) Whether the patient has an RH negative blood type and received RH0-(D) immune globulin for RH negative blood type. 1096
1097

Sec. 2919.293. No qualified physician shall provide an abortion-inducing drug to a patient if any of the following apply to the patient: 1098
1099
1100

(A) Not pregnant; 1101

(B) The gestational age of the unborn child of the pregnancy is more than seventy days or ten weeks. 1102
1103

(C) Has an RH negative blood type, unless the physician administers RH0-(D) immune globulin to the patient prior to providing the abortion-inducing drug in accordance with section 2919.292 of the Revised Code; 1104
1105
1106
1107

(D) Has risk factors associated with complications from abortion-inducing drugs, including any of the following: 1108
1109

(1) Ectopic pregnancies; 1110

(2) Problems with adrenal glands near kidneys; 1111

(3) Receiving treatment with long-term corticosteroid therapy; 1112
1113

(4) Previous allergic reactions to abortion-inducing drugs, including mifepristone, misoprostol, or similar drugs; 1114
1115

(5) Has a bleeding disorder or problem or is taking an 1116
anticoagulant drug; 1117

(6) Has inherited porphyria; 1118

(7) Has an intrauterine device in place. 1119

Sec. 2919.294. Following the provision of an abortion- 1120
inducing drug by a qualified physician to a patient, all of the 1121
following apply: 1122

(A) (1) The physician or an agent of the physician shall 1123
schedule an in-person follow-up appointment for the patient 1124
between seven to fourteen days after the provision of the 1125
abortion-inducing drug to confirm the completion of the abortion 1126
and to assess bleeding. 1127

(2) The physician or agent of the physician shall make all 1128
reasonable efforts to ensure that the patient returns for the 1129
follow-up appointment. A brief description of the efforts made 1130
to comply with the requirements under this division, including 1131
the date, time, and identification by name of the person making 1132
such efforts, shall be recorded in the patient's medical record. 1133

(B) If applicable, provide or refer the patient for 1134
emergency surgical intervention in cases of incomplete abortion, 1135
severe bleeding, or other medical complications and assure 1136
patient access to medical facilities equipped to provide blood 1137
transfusions, resuscitation, and other necessary treatments. 1138

Sec. 2919.296. (A) In addition to the informed consent 1139
requirements under section 2317.56 of the Revised Code, a 1140
qualified physician who provides abortion-inducing drugs to 1141
patients shall provide a notification form to the patient. The 1142
patient must sign the form prior to the provision of an 1143
abortion-inducing drug. 1144

(B) Not later than sixty days after the effective date of this section, the director of health, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary to carry out this section, including rules that prescribe a notification form informing the patient of the following: 1145
1146
1147
1148
1149

(1) A detailed description of the steps to complete the abortion with the different abortion-inducing drugs; 1150
1151

(2) A detailed description of possible complications associated with the different abortion-inducing drugs, including hemorrhage, failure to remove all tissue of the unborn child which may require an additional procedure, sepsis, sterility, and possible continuation of the pregnancy, and notice that risk of associated complications increase with advancing gestational age; 1152
1153
1154
1155
1156
1157
1158

(3) Information about RH incompatibility, including notice that a patient who has an RH negative blood factor must receive RH0-(D) immune globulin prior to receiving the abortion-inducing drug to prevent RH incompatibility and possible complications in future pregnancies; 1159
1160
1161
1162
1163

(4) The patient may see the remains of the unborn child in the process of completing the abortion. 1164
1165

(C) Division (A) of this section shall not be enforced until ten days after the forms described under division (B) of this section are completed and distributed by the department of health or the effective date of this section, whichever is later. 1166
1167
1168
1169
1170

Sec. 2919.297. (A) A qualified physician who provides abortion-inducing drugs to patients shall provide an acknowledgment of risks and consent form to the patient. The 1171
1172
1173

patient must initial next to each statement on the form prior to 1174
the provision of an abortion-inducing drug. 1175

(B) Not later than sixty days after the effective date of 1176
this section, the director of health, in accordance with Chapter 1177
119. of the Revised Code, shall adopt rules necessary to carry 1178
out this section, including rules that prescribe an 1179
acknowledgment of risks and consent form that includes the 1180
following statements: 1181

(1) The patient understands that the abortion-inducing 1182
drug regimen or procedure is intended to end the pregnancy and 1183
will result in the death of the patient's unborn child. 1184

(2) The patient is not being forced to have an abortion, 1185
the patient has the choice to not have the abortion, and the 1186
patient may withdraw consent to the abortion-inducing drug even 1187
after beginning the abortion-inducing drug regimen. 1188

(3) The patient understands that the abortion-inducing 1189
drug to be used may result in risks or complications. 1190

(4) The patient has been given the opportunity to ask 1191
questions about the patient's pregnancy, the development of the 1192
unborn child, alternatives to abortion, the abortion-inducing 1193
drug to be used, and any risks or complications related to the 1194
abortion-inducing drug. 1195

(5) The patient has been provided the printed materials 1196
described under division (C) of section 2317.56 of the Revised 1197
Code. 1198

(6) The qualified physician or the physician's agent will 1199
schedule an in-person follow-up appointment for the patient 1200
between seven and fourteen days after providing the abortion- 1201
inducing drug to confirm the completion of the abortion and to 1202

assess the patient for bleeding and other complications. 1203

(7) The patient has received or been given sufficient 1204
information to give her informed consent to the abortion- 1205
inducing regimen or procedure. 1206

(8) (a) A description of the civil or criminal actions that 1207
the patient has a right to pursue against the physician who 1208
provides the abortion-inducing drug to the patient if the 1209
physician violates or fails to meet conditions or requirements 1210
under the law related to the provision of an abortion; 1211

(b) Information on how to access state resources regarding 1212
the patient's right to obtain relief. 1213

(C) Division (A) of this section shall not be enforced 1214
until ten days after the forms described under division (B) of 1215
this section are completed and distributed by the department of 1216
health or the effective date of this section, whichever is 1217
later. 1218

Sec. 2919.298. (A) A qualified physician who provides 1219
abortion-inducing drugs to patients shall sign a qualified 1220
physician declaration prior to providing a patient with an 1221
abortion-inducing drug. 1222

(B) Not later than sixty days after the effective date of 1223
this section, the director of health, in accordance with Chapter 1224
119. of the Revised Code, shall adopt rules necessary to carry 1225
out this section, including rules that prescribe a qualified 1226
physician declaration form that verifies the following: 1227

(1) The physician has explained to the patient the 1228
abortion-inducing drugs to be used. 1229

(2) The physician has provided to the patient all the 1230

information and forms required under sections 2317.56, 2919.296, 1231
and 2919.297 of the Revised Code. 1232

(3) The physician has answered all of the patient's 1233
questions. 1234

Sec. 2919.2910. (A) In addition to the reporting 1235
requirements under sections 2919.171 and 3701.79 of the Revised 1236
Code, a facility that provides abortion-inducing drugs to 1237
patients shall complete, and the qualified physician who 1238
provides the abortion-inducing drug shall sign, an individual 1239
report for each abortion performed or induced by an abortion- 1240
inducing drug. The report shall be confidential and shall not 1241
contain the patient's name or any other identifying information. 1242
The report shall include all of the following, insofar as the 1243
patient makes the data available that is not within the 1244
physician's knowledge: 1245

(1) The date of the ultrasound performed by the physician 1246
on the patient to determine the unborn child's gestational age 1247
and the gestational age determined on that date; 1248

(2) The abortion-inducing drugs used and the date the 1249
abortion-inducing drugs were provided; 1250

(3) The reason for the abortion; 1251

(4) Whether the woman returned for the follow-up 1252
appointment required to be scheduled under section 2919.294 of 1253
the Revised Code, the reasonable efforts made to encourage the 1254
patient's return for the follow-up appointment, and the results 1255
of the follow-up examination; 1256

(5) Whether the patient experienced any abortion 1257
complications or adverse events and, if applicable, a 1258
description of the abortion complications or adverse events and 1259

the follow-up treatment required; 1260

(6) If applicable, the amount the physician billed for the 1261
treatment for the abortion complication or adverse event, 1262
including all ICD-10 codes reported and any other treatment or 1263
procedure codes reported, charges for the physician, facility, 1264
prescription or other drug, and laboratory tests, and whether 1265
the treatment was billed to medicaid, private insurance, out-of- 1266
pocket payment, or other method. 1267

(B)(1) Except as provided under division (B)(2) of this 1268
section, not later than the fifteenth day of each month, a 1269
facility that provides abortion-inducing drugs to patients shall 1270
submit the report to the department of health in accordance with 1271
the forms, rules, and regulations adopted by the department 1272
under division (C) of this section. 1273

(2) If a qualified physician provides an abortion-inducing 1274
drug to a child under eighteen years of age, or a person under 1275
twenty-one years of age with a developmental disability or 1276
physical impairment, and the physician is required to file a 1277
report of child abuse or neglect in accordance with section 1278
2151.421 of the Revised Code regarding the child or person, the 1279
facility shall submit the report to the department of health and 1280
the public children services agency not later than three days 1281
after the qualified physician provides the abortion-inducing 1282
drug, in accordance with the forms, rules, and regulations 1283
adopted by the department under division (C) of this section. 1284

(C) Not later than sixty days after the effective date of 1285
this section, the director of health, in accordance with Chapter 1286
119. of the Revised Code, shall adopt rules as necessary to 1287
carry out this section. 1288

(D) Divisions (A) and (B) of this section shall not be 1289
enforced until ten days after the forms described under division 1290
(C) of this section are completed and distributed by the 1291
department of health or the effective date of this section, 1292
whichever is later. 1293

(E) The department shall communicate the reporting 1294
requirements under this section and in the rules adopted under 1295
this section to all professional health care organizations, 1296
licensed physicians, and facilities operating in this state. 1297

Sec. 2919.2911. (A) Any health care professional, other 1298
than the qualified physician who provided the patient with an 1299
abortion-inducing drug, who diagnoses or treats a patient at any 1300
time for an abortion complication or adverse event related to 1301
the abortion-inducing drug shall complete and sign an individual 1302
report. The report shall be confidential and shall not contain 1303
the patient's name or other identifying information. The report 1304
shall include all of the following, insofar as the patient makes 1305
the data available to the physician that is not within the 1306
physician's knowledge: 1307

(1) A description of the abortion complication or adverse 1308
event, what, if any, emergency transfer was required, and any 1309
treatment required, including whether additional drugs were 1310
provided to complete the abortion; 1311

(2) The date the patient presented for treatment related 1312
to an abortion complication or adverse event; 1313

(3) Identification of the qualified physician who provided 1314
the abortion-inducing drug to the patient; 1315

(4) The date or dates, as applicable, on which the patient 1316
took the abortion-inducing drugs; 1317

| | |
|---|------|
| <u>(5) Whether the abortion was completed at the facility</u> | 1318 |
| <u>where the abortion-inducing drug was provided or at another</u> | 1319 |
| <u>location;</u> | 1320 |
| <u>(6) Whether the patient obtained the abortion-inducing</u> | 1321 |
| <u>drug from a mail-order pharmacy or web site and, as applicable,</u> | 1322 |
| <u>the pharmacy's or web site's name, the web site address, and</u> | 1323 |
| <u>telemedicine provider;</u> | 1324 |
| <u>(7) If applicable, the referring physician, agency, or</u> | 1325 |
| <u>service;</u> | 1326 |
| <u>(8) Whether the abortion complication or adverse event was</u> | 1327 |
| <u>previously managed by the abortion provider;</u> | 1328 |
| <u>(9) The patient's county and state or, if not a resident</u> | 1329 |
| <u>of the United States, the country of residence;</u> | 1330 |
| <u>(10) The patient's age;</u> | 1331 |
| <u>(11) The patient's race;</u> | 1332 |
| <u>(12) The patient's number of previous pregnancies, live</u> | 1333 |
| <u>births, and abortions;</u> | 1334 |
| <u>(13) The abortion-inducing drugs used and the date the</u> | 1335 |
| <u>drugs were provided to the patient;</u> | 1336 |
| <u>(14) The patient's reason for the abortion;</u> | 1337 |
| <u>(15) Any pre-existing medical condition of the patient,</u> | 1338 |
| <u>which may complicate the pregnancy;</u> | 1339 |
| <u>(16) Whether the patient returned for the follow-up</u> | 1340 |
| <u>appointment with the qualified physician who provided the</u> | 1341 |
| <u>abortion-inducing drug to the patient and what known efforts</u> | 1342 |
| <u>were made by the physician or physician's agent to encourage the</u> | 1343 |
| <u>patient's return for the follow-up appointment;</u> | 1344 |

(17) The amount the physician billed for the treatment of 1345
the abortion complication or adverse event, including all ICD-10 1346
codes reported, charges for the physician, facility, 1347
prescription or other drug, and laboratory tests, and whether 1348
the treatment was billed to medicaid, private insurance, out-of- 1349
pocket payment, or other method. 1350

(B) Not later than the fifteenth day of each month, the 1351
health care professional shall submit the report to the 1352
department of health in accordance with the forms, rules, and 1353
regulations adopted by the department under division (C) of this 1354
section. 1355

(C) Not later than sixty days after the effective date of 1356
this section, the director of health, in accordance with Chapter 1357
119. of the Revised Code, shall adopt rules as necessary to 1358
carry out this section. 1359

(D) Divisions (A) and (B) of this section shall not be 1360
enforced until ten days after the forms described under division 1361
(C) of this section are completed and distributed by the 1362
department of health or the effective date of this section, 1363
whichever is later. 1364

(E) The department shall communicate the reporting 1365
requirements under this section and in the rules adopted under 1366
this section to all health professional organizations, licensed 1367
physicians, hospitals, emergency rooms, ambulatory surgical 1368
facilities, and other health care facilities operating in this 1369
state. 1370

Sec. 2919.2912. (A) Except as otherwise provided in this 1371
section, all reports the department of health receives under 1372
sections 2919.2910 and 2919.2911 of the Revised Code are public 1373

records open to inspection under section 149.43 of the Revised 1374
Code. In no case shall the department release to any person the 1375
name or any other personal identifying information regarding a 1376
person who is the subject of a report the department receives 1377
under this section. 1378

(B) Original copies of all reports made in accordance with 1379
sections 2919.2910 and 2919.2911 of the Revised Code shall be 1380
available to the department of health and the state medical 1381
board for use in the performance of the department's or board's 1382
official duties. 1383

Sec. 2919.2914. (A) The department of health shall 1384
annually prepare a comprehensive statistical report compiling 1385
the data gathered in accordance with sections 2919.2910 and 1386
2919.2911 of the Revised Code. 1387

(B) The department shall submit the report described under 1388
division (A) of this section to the general assembly not later 1389
than the first day of October of each year and the report shall 1390
be made available to the public in a downloadable format. 1391

Sec. 2919.2915. (A) The department of health shall 1392
summarize the aggregate data gathered in accordance with 1393
sections 2919.2910 and 2919.2911 of the Revised Code. 1394

(B) The department shall submit the information described 1395
under division (A) of this section to the federal centers for 1396
disease control and prevention to be included in the annual 1397
vital statistics reports. 1398

Sec. 2919.2917. (A) In addition to any other remedy 1399
available under the law, an intentional, knowing, or reckless 1400
violation of, or failure to comply with, sections 2919.291 to 1401
2919.294 of the Revised Code may also be the basis of the 1402

following: 1403

(1) A civil action brought by a woman upon whom an 1404
abortion has been attempted, induced, or performed, or the 1405
parent or guardian of a minor upon whom an abortion has been 1406
attempted, induced, or performed, for actual and punitive 1407
damages and reasonable attorney's fees; 1408

(2) Disciplinary action under section 4731.22 of the 1409
Revised Code. 1410

(B) Division (A) of this section does not apply to the 1411
following: 1412

(1) A physician who performs or induces the abortion using 1413
an abortion-inducing drug if the physician believes that a 1414
medical emergency, as defined in section 2919.16 of the Revised 1415
Code, exists that prevents compliance with that division; 1416

(2) A pregnant woman on whom a drug-induced abortion is 1417
performed or induced or attempted to be performed or induced in 1418
violation of sections 2919.291 to 2919.294 of the Revised Code. 1419

(C) A physician who performs or induces an abortion on a 1420
pregnant woman based on the exception in division (B) of this 1421
section shall make written notations in the pregnant woman's 1422
medical records of both of the following: 1423

(1) The physician's belief that a medical emergency 1424
necessitating the abortion existed; 1425

(2) The medical condition of the pregnant woman that 1426
assertedly prevented compliance with division (A) of this 1427
section. 1428

(D) (1) If the court's judgment is rendered in favor of the 1429
plaintiff, the court shall render judgment for reasonable 1430

attorney's fees in favor of the plaintiff. 1431

(2) If the court's judgment is rendered in favor of the 1432
defendant and the court finds that the plaintiff's action was 1433
frivolous and brought in bad faith, the court may render 1434
judgment for reasonable attorney's fees in favor of the 1435
defendant. 1436

Sec. 2919.2919. (A) Whoever intentionally, knowingly, or 1437
recklessly violates, or fails to comply with, sections 2919.291 1438
to 2919.294 of the Revised Code is guilty of unlawful provision 1439
of an abortion-inducing drug, a felony of the fourth degree. If 1440
the offender previously has been convicted of or pleaded guilty 1441
to a violation of these sections or of section 2919.12, 1442
2919.121, 2919.13, 2919.14, 2919.15, 2919.151, 2919.17, or 1443
2919.18 of the Revised Code, unlawful provision of an abortion- 1444
inducing drug is a felony of the third degree. 1445

(B) If the offender is a professionally licensed person, 1446
in addition to any other sanction imposed by law for the 1447
offense, the offender is subject to sanctioning as provided by 1448
law by the regulatory or licensing board or agency that has the 1449
administrative authority to suspend or revoke the offender's 1450
professional license, including the sanctioning provided in 1451
section 4731.22 of the Revised Code for offenders who have a 1452
certificate to practice or certificate of registration issued 1453
under that chapter and section 4729.71 of the Revised Code. 1454

(C) Division (A) of this section does not apply to any of 1455
the following: 1456

(1) A pregnant woman who obtains or possesses an abortion- 1457
inducing drug for the purpose of inducing an abortion to 1458
terminate her own pregnancy; 1459

(2) The legal transport of abortion-inducing drugs by any person or entity and the legal delivery of abortion-inducing drugs by any person to the recipient, provided that this division does not apply regarding any conduct related to the abortion-inducing drugs other than its transport and delivery to the recipient; 1460
1461
1462
1463
1464
1465

(3) The distribution, provision, or sale of an abortion-inducing drug by any legal manufacturer or distributor of abortion-inducing drugs, provided the manufacturer or distributor made a good faith effort to comply with any applicable requirements regarding the distribution, provision, or sale. 1466
1467
1468
1469
1470
1471

Sec. 2919.2921. Nothing in sections 2919.29 to 2919.2919 of the Revised Code shall be construed to do any of the following: 1472
1473
1474

(A) Create or recognize a right to abortion; 1475

(B) Make lawful an abortion that is otherwise unlawful; 1476

(C) Repeal, replace, or otherwise invalidate existing federal or state laws, regulations, or policies. 1477
1478

Sec. 2953.25. (A) As used in this section: 1479

(1) "Collateral sanction" means a penalty, disability, or disadvantage that is related to employment or occupational licensing, however denominated, as a result of the individual's conviction of or plea of guilty to an offense and that applies by operation of law in this state whether or not the penalty, disability, or disadvantage is included in the sentence or judgment imposed. 1480
1481
1482
1483
1484
1485
1486

"Collateral sanction" does not include imprisonment, 1487

probation, parole, supervised release, forfeiture, restitution, 1488
fine, assessment, or costs of prosecution. 1489

(2) "Decision-maker" includes, but is not limited to, the 1490
state acting through a department, agency, board, commission, or 1491
instrumentality established by the law of this state for the 1492
exercise of any function of government, a political subdivision, 1493
an educational institution, or a government contractor or 1494
subcontractor made subject to this section by contract, law, or 1495
ordinance. 1496

(3) "Department-funded program" means a residential or 1497
nonresidential program that is not a term in a state 1498
correctional institution, that is funded in whole or part by the 1499
department of rehabilitation and correction, and that is imposed 1500
as a sanction for an offense, as part of a sanction that is 1501
imposed for an offense, or as a term or condition of any 1502
sanction that is imposed for an offense. 1503

(4) "Designee" means the person designated by the deputy 1504
director of the division of parole and community services to 1505
perform the duties designated in division (B) of this section. 1506

(5) "Division of parole and community services" means the 1507
division of parole and community services of the department of 1508
rehabilitation and correction. 1509

(6) "Offense" means any felony or misdemeanor under the 1510
laws of this state. 1511

(7) "Political subdivision" has the same meaning as in 1512
section 2969.21 of the Revised Code. 1513

(8) "Discretionary civil impact," "licensing agency," and 1514
"mandatory civil impact" have the same meanings as in section 1515
2961.21 of the Revised Code. 1516

(B) (1) An individual who is subject to one or more 1517
collateral sanctions as a result of being convicted of or 1518
pleading guilty to an offense and who either has served a term 1519
in a state correctional institution for any offense or has spent 1520
time in a department-funded program for any offense may file a 1521
petition with the designee of the deputy director of the 1522
division of parole and community services for a certificate of 1523
qualification for employment. 1524

(2) An individual who is subject to one or more collateral 1525
sanctions as a result of being convicted of or pleading guilty 1526
to an offense and who is not in a category described in division 1527
(B) (1) of this section may file for a certificate of 1528
qualification for employment by doing either of the following: 1529

(a) In the case of an individual who resides in this 1530
state, filing a petition with the court of common pleas of the 1531
county in which the person resides or with the designee of the 1532
deputy director of the division of parole and community 1533
services; 1534

(b) In the case of an individual who resides outside of 1535
this state, filing a petition with the court of common pleas of 1536
any county in which any conviction or plea of guilty from which 1537
the individual seeks relief was entered or with the designee of 1538
the deputy director of the division of parole and community 1539
services. 1540

(3) A petition under division (B) (1) or (2) of this 1541
section shall be made on a copy of the form prescribed by the 1542
division of parole and community services under division (J) of 1543
this section, shall contain all of the information described in 1544
division (F) of this section, and, except as provided in 1545
division (B) (6) of this section, shall be accompanied by an 1546

application fee of fifty dollars. 1547

(4) (a) Except as provided in division (B) (4) (b) of this 1548
section, an individual may file a petition under division (B) (1) 1549
or (2) of this section at any time after the expiration of 1550
whichever of the following is applicable: 1551

(i) If the offense that resulted in the collateral 1552
sanction from which the individual seeks relief is a felony, at 1553
any time after the expiration of one year from the date of 1554
release of the individual from any period of incarceration in a 1555
state or local correctional facility that was imposed for that 1556
offense and all periods of supervision imposed after release 1557
from the period of incarceration or, if the individual was not 1558
incarcerated for that offense, at any time after the expiration 1559
of one year from the date of the individual's final release from 1560
all other sanctions imposed for that offense. 1561

(ii) If the offense that resulted in the collateral 1562
sanction from which the individual seeks relief is a 1563
misdemeanor, at any time after the expiration of six months from 1564
the date of release of the individual from any period of 1565
incarceration in a local correctional facility that was imposed 1566
for that offense and all periods of supervision imposed after 1567
release from the period of incarceration or, if the individual 1568
was not incarcerated for that offense, at any time after the 1569
expiration of six months from the date of the final release of 1570
the individual from all sanctions imposed for that offense 1571
including any period of supervision. 1572

(b) The department of rehabilitation and correction may 1573
establish criteria by rule adopted under Chapter 119. of the 1574
Revised Code that, if satisfied by an individual, would allow 1575
the individual to file a petition before the expiration of six 1576

months or one year from the date of final release, whichever is 1577
applicable under division (B) (4) (a) of this section. 1578

(5) (a) A designee that receives a petition for a 1579
certificate of qualification for employment from an individual 1580
under division (B) (1) or (2) of this section shall review the 1581
petition to determine whether it is complete. If the petition is 1582
complete, the designee shall forward the petition, the 1583
application fee, and any other information the designee 1584
possesses that relates to the petition, to the court of common 1585
pleas of the county in which the individual resides if the 1586
individual submitting the petition resides in this state or, if 1587
the individual resides outside of this state, to the court of 1588
common pleas of the county in which the conviction or plea of 1589
guilty from which the individual seeks relief was entered. 1590

(b) A court of common pleas that receives a petition for a 1591
certificate of qualification for employment from an individual 1592
under division (B) (2) of this section, or that is forwarded a 1593
petition for such a certificate under division (B) (5) (a) of this 1594
section, shall attempt to determine all other courts in this 1595
state in which the individual was convicted of or pleaded guilty 1596
to an offense other than the offense from which the individual 1597
is seeking relief. The court that receives or is forwarded the 1598
petition shall notify all other courts in this state that it 1599
determines under this division were courts in which the 1600
individual was convicted of or pleaded guilty to an offense 1601
other than the offense from which the individual is seeking 1602
relief that the individual has filed the petition and that the 1603
court may send comments regarding the possible issuance of the 1604
certificate. 1605

A court of common pleas that receives a petition for a 1606

certificate of qualification for employment under division (B) 1607
(2) of this section shall notify the county's prosecuting 1608
attorney that the individual has filed the petition. 1609

A court of common pleas that receives a petition for a 1610
certificate of qualification for employment under division (B) 1611
(2) of this section, or that is forwarded a petition for 1612
qualification under division (B) (5) (a) of this section may 1613
direct the clerk of court to process and record all notices 1614
required in or under this section. Except as provided in 1615
division (B) (6) of this section, the court shall pay thirty 1616
dollars of the application fee into the state treasury and 1617
twenty dollars of the application fee into the county general 1618
revenue fund. 1619

(6) Upon receiving a petition for a certificate of 1620
qualification for employment filed by an individual under 1621
division (B) (1) or (2) of this section, a court of common pleas 1622
or the designee of the deputy director of the division of parole 1623
and community services who receives the petition may waive all 1624
or part of the fifty-dollar filing fee for an applicant who is 1625
indigent. If an application fee is partially waived, the first 1626
twenty dollars of the fee that is collected shall be paid into 1627
the county general revenue fund. Any partial fee collected in 1628
excess of twenty dollars shall be paid into the state treasury. 1629

(C) (1) Upon receiving a petition for a certificate of 1630
qualification for employment filed by an individual under 1631
division (B) (2) of this section or being forwarded a petition 1632
for such a certificate under division (B) (5) (a) of this section, 1633
the court shall review the individual's petition, the 1634
individual's criminal history, except for information contained 1635
in any record that has been sealed under section 2953.32 of the 1636

Revised Code, all filings submitted by the prosecutor or by the
victim in accordance with rules adopted by the division of
parole and community services, the applicant's military service
record, if applicable, and whether the applicant has an
emotional, mental, or physical condition that is traceable to
the applicant's military service in the armed forces of the
United States and that was a contributing factor in the
commission of the offense or offenses, and all other relevant
evidence. The court may order any report, investigation, or
disclosure by the individual that the court believes is
necessary for the court to reach a decision on whether to
approve the individual's petition for a certificate of
qualification for employment, except that the court shall not
require an individual to disclose information about any record
sealed under section 2953.32 of the Revised Code.

(2) Upon receiving a petition for a certificate of
qualification for employment filed by an individual under
division (B) (2) of this section or being forwarded a petition
for such a certificate under division (B) (5) (a) of this section,
except as otherwise provided in this division, the court shall
decide whether to issue the certificate within sixty days after
the court receives or is forwarded the completed petition and
all information requested for the court to make that decision.
Upon request of the individual who filed the petition, the court
may extend the sixty-day period specified in this division.

(3) Except as provided in division (C) (5) of this section
and subject to division (C) (7) of this section, a court that
receives an individual's petition for a certificate of
qualification for employment under division (B) (2) of this
section or that is forwarded a petition for such a certificate
under division (B) (5) (a) of this section may issue a certificate

of qualification for employment, at the court's discretion, if 1668
the court finds that the individual has established all of the 1669
following by a preponderance of the evidence: 1670

(a) Granting the petition will materially assist the 1671
individual in obtaining employment or occupational licensing. 1672

(b) The individual has a substantial need for the relief 1673
requested in order to live a law-abiding life. 1674

(c) Granting the petition would not pose an unreasonable 1675
risk to the safety of the public or any individual. 1676

(4) The submission of an incomplete petition by an 1677
individual shall not be grounds for the designee or court to 1678
deny the petition. 1679

(5) Subject to division (C)(6) of this section, an 1680
individual is rebuttably presumed to be eligible for a 1681
certificate of qualification for employment if the court that 1682
receives the individual's petition under division (B)(2) of this 1683
section or that is forwarded a petition under division (B)(5)(a) 1684
of this section finds all of the following: 1685

(a) The application was filed after the expiration of the 1686
applicable waiting period prescribed in division (B)(4) of this 1687
section; 1688

(b) If the offense that resulted in the collateral 1689
sanction from which the individual seeks relief is a felony, at 1690
least three years have elapsed since the date of release of the 1691
individual from any period of incarceration in a state or local 1692
correctional facility that was imposed for that offense and all 1693
periods of supervision imposed after release from the period of 1694
incarceration or, if the individual was not incarcerated for 1695
that offense, at least three years have elapsed since the date 1696

of the individual's final release from all other sanctions 1697
imposed for that offense; 1698

(c) If the offense that resulted in the collateral 1699
sanction from which the individual seeks relief is a 1700
misdemeanor, at least one year has elapsed since the date of 1701
release of the individual from any period of incarceration in a 1702
local correctional facility that was imposed for that offense 1703
and all periods of supervision imposed after release from the 1704
period of incarceration or, if the individual was not 1705
incarcerated for that offense, at least one year has elapsed 1706
since the date of the final release of the individual from all 1707
sanctions imposed for that offense including any period of 1708
supervision. 1709

(6) An application that meets all of the requirements for 1710
the presumption under division (C) (5) of this section shall be 1711
denied only if the court that receives the petition finds that 1712
the evidence reviewed under division (C) (1) of this section 1713
rebutts the presumption of eligibility for issuance by 1714
establishing, by clear and convincing evidence, that the 1715
applicant has not been rehabilitated. 1716

(7) A certificate of qualification for employment shall 1717
not create relief from any of the following collateral 1718
sanctions: 1719

(a) Requirements imposed by Chapter 2950. of the Revised 1720
Code and rules adopted under sections 2950.13 and 2950.132 of 1721
the Revised Code; 1722

(b) A driver's license, commercial driver's license, or 1723
probationary license suspension, cancellation, or revocation 1724
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of 1725

the Revised Code if the relief sought is available pursuant to 1726
section 4510.021 or division (B) of section 4510.13 of the 1727
Revised Code; 1728

(c) Restrictions on employment as a prosecutor or law 1729
enforcement officer; 1730

(d) The denial, ineligibility, or automatic suspension of 1731
a license that is imposed upon an individual applying for or 1732
holding a license as a health care professional under Title 1733
XLVII of the Revised Code if the individual is convicted of, 1734
pleads guilty to, is subject to a judicial finding of 1735
eligibility for intervention in lieu of conviction in this state 1736
under section 2951.041 of the Revised Code, or is subject to 1737
treatment or intervention in lieu of conviction for a violation 1738
of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 1739
2907.03, 2907.05, 2909.02, 2911.01, 2911.11, ~~2919.123~~, or 1740
~~2919.124~~ 2919.291 of the Revised Code; 1741

(e) The immediate suspension of a license, certificate, or 1742
evidence of registration that is imposed upon an individual 1743
holding a license as a health care professional under Title 1744
XLVII of the Revised Code pursuant to division (C) of section 1745
3719.121 of the Revised Code; 1746

(f) The denial or ineligibility for employment in a pain 1747
clinic under division (B) (4) of section 4729.552 of the Revised 1748
Code; 1749

(g) The mandatory suspension of a license that is imposed 1750
on an individual applying for or holding a license as a health 1751
care professional under Title XLVII of the Revised Code pursuant 1752
to section 3123.43 of the Revised Code. 1753

(8) If a court that receives an individual's petition for 1754

a certificate of qualification for employment under division (B) 1755
(2) of this section or that is forwarded a petition for such a 1756
certificate under division (B) (5) (a) of this section denies the 1757
petition, the court shall provide written notice to the 1758
individual of the court's denial. The court may place conditions 1759
on the individual regarding the individual's filing of any 1760
subsequent petition for a certificate of qualification for 1761
employment. The written notice must notify the individual of any 1762
conditions placed on the individual's filing of a subsequent 1763
petition for a certificate of qualification for employment. 1764

If a court of common pleas that receives an individual's 1765
petition for a certificate of qualification for employment under 1766
division (B) (2) of this section or that is forwarded a petition 1767
for such a certificate under division (B) (5) (a) of this section 1768
denies the petition, the individual may appeal the decision to 1769
the court of appeals only if the individual alleges that the 1770
denial was an abuse of discretion on the part of the court of 1771
common pleas. 1772

(D) (1) A certificate of qualification for employment 1773
issued to an individual lifts the automatic bar of a collateral 1774
sanction, and a decision-maker shall consider on a case-by-case 1775
basis whether to grant or deny the issuance or restoration of an 1776
occupational license or an employment opportunity, 1777
notwithstanding the individual's possession of the certificate, 1778
without, however, reconsidering or rejecting any finding made by 1779
a designee or court under division (C) (3) of this section. 1780

(2) The certificate constitutes a rebuttable presumption 1781
that the person's criminal convictions are insufficient evidence 1782
that the person is unfit for the license, employment 1783
opportunity, or certification in question. Notwithstanding the 1784

presumption established under this division, the agency may deny 1785
the license or certification for the person if it determines 1786
that the person is unfit for issuance of the license. 1787

(3) If an employer that has hired a person who has been 1788
issued a certificate of qualification for employment applies to 1789
a licensing agency for a license or certification and the person 1790
has a conviction or guilty plea that otherwise would bar the 1791
person's employment with the employer or licensure for the 1792
employer because of a mandatory civil impact, the agency shall 1793
give the person individualized consideration, notwithstanding 1794
the mandatory civil impact, the mandatory civil impact shall be 1795
considered for all purposes to be a discretionary civil impact, 1796
and the certificate constitutes a rebuttable presumption that 1797
the person's criminal convictions are insufficient evidence that 1798
the person is unfit for the employment, or that the employer is 1799
unfit for the license or certification, in question. 1800

(E) A certificate of qualification for employment does not 1801
grant the individual to whom the certificate was issued relief 1802
from the mandatory civil impacts identified in division (A)(1) 1803
of section 2961.01 or division (B) of section 2961.02 of the 1804
Revised Code. 1805

(F) A petition for a certificate of qualification for 1806
employment filed by an individual under division (B)(1) or (2) 1807
of this section shall include all of the following: 1808

(1) The individual's name, date of birth, and social 1809
security number; 1810

(2) All aliases of the individual and all social security 1811
numbers associated with those aliases; 1812

(3) The individual's residence address, including the 1813

city, county, and state of residence and zip code; 1814

(4) The length of time that the individual has resided in 1815
the individual's current state of residence, expressed in years 1816
and months of residence; 1817

(5) A general statement as to why the individual has filed 1818
the petition and how the certificate of qualification for 1819
employment would assist the individual; 1820

(6) A summary of the individual's criminal history, except 1821
for information contained in any record that has been sealed 1822
under section 2953.32 of the Revised Code, with respect to each 1823
offense that is a disqualification from employment or licensing 1824
in an occupation or profession, including the years of each 1825
conviction or plea of guilty for each of those offenses; 1826

(7) A summary of the individual's employment history, 1827
specifying the name of, and dates of employment with, each 1828
employer; 1829

(8) Verifiable references and endorsements; 1830

(9) The name of one or more immediate family members of 1831
the individual, or other persons with whom the individual has a 1832
close relationship, who support the individual's reentry plan; 1833

(10) A summary of the reason the individual believes the 1834
certificate of qualification for employment should be granted; 1835

(11) Any other information required by rule by the 1836
department of rehabilitation and correction. 1837

(G) (1) In a judicial or administrative proceeding alleging 1838
negligence or other fault, a certificate of qualification for 1839
employment issued to an individual under this section may be 1840
introduced as evidence of a person's due care in hiring, 1841

retaining, licensing, leasing to, admitting to a school or 1842
program, or otherwise transacting business or engaging in 1843
activity with the individual to whom the certificate of 1844
qualification for employment was issued if the person knew of 1845
the certificate at the time of the alleged negligence or other 1846
fault. 1847

(2) In any proceeding on a claim against an employer for 1848
negligent hiring, a certificate of qualification for employment 1849
issued to an individual under this section shall provide 1850
immunity for the employer as to the claim if the employer knew 1851
of the certificate at the time of the alleged negligence. 1852

(3) If an employer hires an individual who has been issued 1853
a certificate of qualification for employment under this 1854
section, if the individual, after being hired, subsequently 1855
demonstrates dangerousness or is convicted of or pleads guilty 1856
to a felony, and if the employer retains the individual as an 1857
employee after the demonstration of dangerousness or the 1858
conviction or guilty plea, the employer may be held liable in a 1859
civil action that is based on or relates to the retention of the 1860
individual as an employee only if it is proved by a 1861
preponderance of the evidence that the person having hiring and 1862
firing responsibility for the employer had actual knowledge that 1863
the employee was dangerous or had been convicted of or pleaded 1864
guilty to the felony and was willful in retaining the individual 1865
as an employee after the demonstration of dangerousness or the 1866
conviction or guilty plea of which the person has actual 1867
knowledge. 1868

(H) A certificate of qualification for employment issued 1869
under this section shall be revoked if the individual to whom 1870
the certificate of qualification for employment was issued is 1871

convicted of or pleads guilty to a felony offense committed 1872
subsequent to the issuance of the certificate of qualification 1873
for employment. The department of rehabilitation and correction 1874
shall periodically review the certificates listed in the 1875
database described in division (K) of this section to identify 1876
those that are subject to revocation under this division. Upon 1877
identifying a certificate of qualification for employment that 1878
is subject to revocation, the department shall note in the 1879
database that the certificate has been revoked, the reason for 1880
revocation, and the effective date of revocation, which shall be 1881
the date of the conviction or plea of guilty subsequent to the 1882
issuance of the certificate. 1883

(I) A designee's forwarding, or failure to forward, a 1884
petition for a certificate of qualification for employment to a 1885
court or a court's issuance, or failure to issue, a petition for 1886
a certificate of qualification for employment to an individual 1887
under division (B) of this section does not give rise to a claim 1888
for damages against the department of rehabilitation and 1889
correction or court. 1890

(J) The division of parole and community services shall 1891
adopt rules in accordance with Chapter 119. of the Revised Code 1892
for the implementation and administration of this section and 1893
shall prescribe the form for the petition to be used under 1894
division (B) (1) or (2) of this section. The form for the 1895
petition shall include places for all of the information 1896
specified in division (F) of this section. 1897

(K) The department of rehabilitation and correction shall 1898
maintain a database that identifies granted certificates and 1899
revoked certificates and tracks the number of certificates 1900
granted and revoked, the industries, occupations, and 1901

professions with respect to which the certificates have been 1902
most applicable, and the types of employers that have accepted 1903
the certificates. The department shall annually create a report 1904
that summarizes the information maintained in the database and 1905
shall make the report available to the public on its internet 1906
web site. 1907

Sec. 3301.83. (A) As used in this section: 1908

(1) "Abortion-inducing drug" and "provide" have the same 1909
meanings as in section 2919.29 of the Revised Code. 1910

(2) "Institution of higher education" has the same meaning 1911
as in section 3345.12 of the Revised Code. 1912

(B) No public school, institution of higher education, or 1913
any other type of educational program on public grounds shall 1914
provide any abortion-inducing drug. 1915

Sec. 4729.291. (A) Except when provided under section 1916
4731.97 of the Revised Code, when a licensed health professional 1917
authorized to prescribe drugs personally furnishes drugs to a 1918
patient pursuant to division (B) of section 4729.29 of the 1919
Revised Code, the prescriber shall ensure that the drugs are 1920
labeled and packaged in accordance with state and federal drug 1921
laws and any rules and regulations adopted pursuant to those 1922
laws. Records of purchase and disposition of all drugs 1923
personally furnished to patients shall be maintained by the 1924
prescriber in accordance with state and federal drug statutes 1925
and any rules adopted pursuant to those statutes. 1926

(B) When personally furnishing to a patient ~~RU-486-~~ 1927
~~(mifepristone)~~an abortion-inducing drug, a prescriber is subject 1928
to sections ~~2919.123 and 2919.124~~2919.29 to 2919.2921, 4729.71, 1929
and 4729.711 of the Revised Code. 1930

(C) (1) Except as provided in divisions (D) and (E) of this section, no prescriber shall do either of the following: 1931
1932

(a) In any thirty-day period, personally furnish to or for patients, taken as a whole, controlled substances in an amount that exceeds a total of two thousand five hundred dosage units; 1933
1934
1935

(b) In any seventy-two-hour period, personally furnish to or for a patient an amount of a controlled substance that exceeds the amount necessary for the patient's use in a seventy-two-hour period. 1936
1937
1938
1939

(2) The state board of pharmacy may impose a fine of not more than five thousand dollars on a prescriber who fails to comply with the limits established under division (C) (1) of this section. A separate fine may be imposed for each instance of failing to comply with the limits. In imposing the fine, the board's actions shall be taken in accordance with Chapter 119. of the Revised Code. 1940
1941
1942
1943
1944
1945
1946

(D) None of the following shall be counted in determining whether the amounts specified in division (C) (1) of this section have been exceeded: 1947
1948
1949

(1) Methadone personally furnished to patients for the purpose of treating drug dependence or addiction, if the prescriber meets the conditions specified in 21 C.F.R. 1306.07; 1950
1951
1952

(2) Buprenorphine personally furnished to patients for the purpose of treating drug dependence or addiction as part of an opioid treatment program licensed under section 5119.37 of the Revised Code. 1953
1954
1955
1956

(3) Controlled substances personally furnished to research subjects by a facility conducting clinical research in studies approved by a hospital-based institutional review board or an 1957
1958
1959

institutional review board accredited by the association for the 1960
accreditation of human research protection programs. 1961

(E) Division (C) (1) of this section does not apply to a 1962
prescriber who is a veterinarian. 1963

Sec. 4729.56. (A) (1) The state board of pharmacy, in 1964
accordance with Chapter 119. of the Revised Code, may impose any 1965
one or more of the following sanctions on a person licensed 1966
under division (B) (1) (a) of section 4729.52 of the Revised Code 1967
for any of the causes set forth in division (A) (2) of this 1968
section: 1969

(a) Suspend, revoke, restrict, limit, or refuse to grant 1970
or renew a license; 1971

(b) Reprimand or place the license holder on probation; 1972

(c) Impose a monetary penalty or forfeiture not to exceed 1973
in severity any fine designated under the Revised Code for a 1974
similar offense or two thousand five hundred dollars if the acts 1975
committed are not classified as an offense by the Revised Code; 1976

(2) The board may impose the sanctions set forth in 1977
division (A) (1) of this section for any of the following: 1978

(a) Making any false material statements in an application 1979
for licensure under section 4729.52 of the Revised Code; 1980

(b) Violating any federal, state, or local drug law; any 1981
provision of this chapter or Chapter 2925., 3715., or 3719. of 1982
the Revised Code; or any rule of the board; 1983

(c) A conviction of a felony; 1984

(d) Failing to satisfy the qualifications for licensure 1985
under section 4729.53 of the Revised Code or the rules of the 1986

| | |
|---|------|
| board or ceasing to satisfy the qualifications after the | 1987 |
| registration is granted or renewed; | 1988 |
| (e) Falsely or fraudulently promoting to the public a drug | 1989 |
| that is a controlled substance included in schedule I, II, III, | 1990 |
| IV, or V, except that nothing in this division prohibits a | 1991 |
| manufacturer, outsourcing facility, third-party logistics | 1992 |
| provider, repackager, or wholesale distributor of dangerous | 1993 |
| drugs from furnishing information concerning a controlled | 1994 |
| substance to a health care provider or licensed terminal | 1995 |
| distributor; | 1996 |
| (f) Violating any provision of the "Federal Food, Drug, | 1997 |
| and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or | 1998 |
| Chapter 3715. of the Revised Code; | 1999 |
| (g) <u>Violating, or failing to comply with, section 4729.71</u> | 2000 |
| <u>or 4729.711 of the Revised Code;</u> | 2001 |
| <h>(h)</h> <u>Any other cause for which the board may impose</u> | 2002 |
| sanctions as set forth in rules adopted under section 4729.26 of | 2003 |
| the Revised Code. | 2004 |
| (B) Upon the suspension or revocation of any license | 2005 |
| identified in division (B) (1) (a) of section 4729.52 of the | 2006 |
| Revised Code, the licensee shall immediately surrender the | 2007 |
| license to the board. | 2008 |
| (C) If the board suspends, revokes, or refuses to renew | 2009 |
| any license identified in division (B) (1) (a) of section 4729.52 | 2010 |
| of the Revised Code and determines that there is clear and | 2011 |
| convincing evidence of a danger of immediate and serious harm to | 2012 |
| any person, the board may place under seal all dangerous drugs | 2013 |
| owned by or in the possession, custody, or control of the | 2014 |
| affected licensee. Except as provided in this division, the | 2015 |

board shall not dispose of the dangerous drugs sealed under this 2016
division until the licensee exhausts all of the licensee's 2017
appeal rights under Chapter 119. of the Revised Code. The court 2018
involved in such an appeal may order the board, during the 2019
pendency of the appeal, to sell sealed dangerous drugs that are 2020
perishable. The board shall deposit the proceeds of the sale 2021
with the court. 2022

(D) If the board is required under Chapter 119. of the 2023
Revised Code to give notice of an opportunity for a hearing and 2024
the license holder does not make a timely request for a hearing 2025
in accordance with section 119.07 of the Revised Code, the board 2026
is not required to hold a hearing, but may adopt a final order 2027
that contains the board's findings. In the final order, the 2028
board may impose any of the sanctions listed in division (A) of 2029
this section. 2030

(E) Notwithstanding division (C) (2) of section 2953.32 of 2031
the Revised Code specifying that if records pertaining to a 2032
criminal case are sealed under that section the proceedings in 2033
the case must be deemed not to have occurred, sealing of the 2034
following records on which the board has based an action under 2035
this section shall have no effect on the board's action or any 2036
sanction imposed by the board under this section: records of any 2037
conviction, guilty plea, judicial finding of guilt resulting 2038
from a plea of no contest, or a judicial finding of eligibility 2039
for a pretrial diversion program or intervention in lieu of 2040
conviction. The board is not required to seal, destroy, redact, 2041
or otherwise modify its records to reflect the court's sealing 2042
of conviction records. 2043

Sec. 4729.71. (A) As used in this section and in section 2044
4729.711 of the Revised Code: 2045

(1) "Abortion," "abortion-inducing drug," "adverse event," 2046
"complication," and "physician" have the same meanings as in 2047
section 2919.29 of the Revised Code. 2048

(2) "Distributor" means a terminal distributor of 2049
dangerous drugs or a wholesale distributor of dangerous drugs. 2050

(B) The state board of pharmacy shall establish an 2051
abortion-inducing drug certification program to oversee and 2052
regulate the provision of abortion-inducing drugs in this state. 2053

(1) No person who is not certified under the abortion- 2054
inducing drug certification program shall personally furnish or 2055
provide an abortion-inducing drug to any person in this state. 2056

(2) No certified physician shall obtain abortion-inducing 2057
drugs from a manufacturer or distributor that is not actively 2058
certified under, and in good standing with, the abortion- 2059
inducing drug certification program. No certified manufacturer 2060
or distributor shall provide an abortion-inducing drug to a 2061
physician who is not actively certified under, and in good 2062
standing with, the abortion-inducing drug certification program. 2063

(3) No certified manufacturer or distributor shall provide 2064
an abortion-inducing drug to a patient through the mail. 2065

(C) (1) A physician who wishes to personally furnish 2066
abortion-inducing drugs in this state shall apply to the state 2067
board of pharmacy for certification. To be eligible for 2068
certification, all of the following must apply to the physician: 2069

(a) The physician's license is in good standing with the 2070
state medical board. 2071

(b) The physician signs a dispensing agreement form 2072
developed by the state board of pharmacy agreeing to comply with 2073

all requirements in state and federal law regarding abortions 2074
and the provision of abortion-inducing drugs, including the 2075
requirements set forth in this section and section 4729.711 of 2076
the Revised Code. 2077

(c) The physician submits to the board a written protocol 2078
that the physician will follow regarding the scheduling of 2079
patients for follow-up appointments within fourteen days of the 2080
provision of abortion-inducing drugs. 2081

(2) A manufacturer or distributor that wishes to provide 2082
abortion-inducing drugs in this state shall apply to the state 2083
board of pharmacy for certification. To be eligible for 2084
certification, all of the following must apply to the 2085
manufacturer or distributor: 2086

(a) The manufacturer or distributor's license is in good 2087
standing with the board. 2088

(b) The manufacturer or distributor is accredited or 2089
certified by the utilization review accreditation commission or 2090
the national association of boards of pharmacy, or a successor 2091
organization of either. 2092

(c) If the manufacturer or distributor will sell abortion- 2093
inducing drugs through an internet web site, the manufacturer or 2094
distributor's web site is verified by the national association 2095
of boards of pharmacy's "Pharmacy Verified Websites Program," or 2096
a successor program. 2097

(3) The state board of pharmacy shall issue a 2098
certification to each person who submits an application in the 2099
form and manner specified by the board, pays the required 2100
certification fee of one hundred dollars, and is determined by 2101
the board to meet the requirements set forth in this section. 2102

A certification under this section is valid for one year 2103
and may be renewed if the applicant submits a renewal 2104
application, pays the required renewal fee of one hundred 2105
dollars, and continues to meet all requirements of this section. 2106

(D) In addition to complying with other state and federal 2107
requirements regarding abortions and abortion-inducing drugs, a 2108
physician certified under the abortion-inducing drug 2109
certification program shall do all of the following: 2110

(1) Record in a patient's medical record the serial number 2111
of each package of each abortion-inducing drug given to the 2112
patient; 2113

(2) Report to the state board of pharmacy and to the 2114
United States food and drug administration any death associated 2115
with an abortion-inducing drug as soon as possible, but not 2116
later than fifteen calendar days from the date when the 2117
physician initially receives notice of the death. In the report, 2118
the physician shall provide the serial number of the package of 2119
the abortion-inducing drug provided to the patient but shall not 2120
identify the patient by name or other information that would 2121
disclose the identity of the patient. 2122

(3) Not later than three days after the occurrence of any 2123
complication or adverse event or notification of the occurrence 2124
of any complication or adverse event, report to the state board 2125
of pharmacy, the state medical board, and to the United States 2126
food and drug administration's medwatch reporting system the 2127
complication or adverse event; 2128

(4) Electronically report to the state board of pharmacy 2129
on an annual basis all of the following information in a manner 2130
that does not disclose any personally identifiable information 2131

| | |
|---|------|
| <u>of the patient:</u> | 2132 |
| <u>(a) The number of patients that were provided abortion-</u> | 2133 |
| <u>inducing drugs;</u> | 2134 |
| <u>(b) For each patient provided an abortion-inducing drug,</u> | 2135 |
| <u>all of the following information:</u> | 2136 |
| <u>(i) Age;</u> | 2137 |
| <u>(ii) Race;</u> | 2138 |
| <u>(iii) County of residence, or if the patient does not</u> | 2139 |
| <u>permanently reside in Ohio, the city and state of residence, or</u> | 2140 |
| <u>country of residence if not the United States;</u> | 2141 |
| <u>(iv) County where the drug was personally furnished;</u> | 2142 |
| <u>(v) Each drug provided to the patient and the date the</u> | 2143 |
| <u>drug was provided.</u> | 2144 |
| <u>(c) A list of all staff attending to patients, including</u> | 2145 |
| <u>license numbers or other evidence of qualifications as</u> | 2146 |
| <u>applicable;</u> | 2147 |
| <u>(d) Identification of any cases with unresolved</u> | 2148 |
| <u>complications or adverse events.</u> | 2149 |
| <u>(E) In addition to complying with other state and federal</u> | 2150 |
| <u>requirements regarding the sale and distribution of abortion-</u> | 2151 |
| <u>inducing drugs, a manufacturer or distributor certified under</u> | 2152 |
| <u>the abortion-inducing drug certification program shall record in</u> | 2153 |
| <u>its records the serial number of each package of each abortion-</u> | 2154 |
| <u>inducing drug given to a certified physician.</u> | 2155 |
| <u>(F) If the state board of pharmacy determines that a</u> | 2156 |
| <u>certified physician, manufacturer, or distributor is in</u> | 2157 |
| <u>violation of any provision of this section or section 4729.711</u> | 2158 |

of the Revised Code, the board shall suspend the certification 2159
of the physician, manufacturer, or distributor until the 2160
violation is resolved to the satisfaction of the board. As part 2161
of the resolution, the board may take remedial action, including 2162
imposing additional education or reporting requirements. 2163

If a violation is not resolved within ninety calendar 2164
days, the board shall permanently revoke the person's 2165
certification. 2166

(G) With regard to the abortion-inducing drug 2167
certification program, the state board of pharmacy shall do all 2168
of the following: 2169

(1) (a) Develop on its internet web site both of the 2170
following: 2171

(i) A list of names of the physicians, manufacturers, and 2172
distributors who are certified under the program; 2173

(ii) A feature whereby any person may anonymously submit 2174
information about potential violations of this section or 2175
section 4729.711 of the Revised Code. 2176

(b) The board shall review all information submitted under 2177
division (G) (1) (a) (ii) of this section and reach a disposition 2178
not later than thirty days after the board receives the 2179
information. The board shall refer the information to any other 2180
state agency for investigation if the board determines such a 2181
referral is appropriate, including referral to the state medical 2182
board. Identity information for the person that submitted 2183
information under division (G) (1) (a) (ii) of this section shall 2184
remain confidential, except that the board may share contact 2185
information, if provided, with other state agencies if the board 2186
refers the information to another state agency for 2187

investigation. 2188

(2) Notify certified manufacturers and distributors of 2189
physicians who are certified under the program; 2190

(3) Audit for compliance with this section each certified 2191
physician, manufacturer, and distributor within ninety calendar 2192
days of the date that the board issues the certification under 2193
this section, and annually thereafter; 2194

(4) Suspend the certification of any certified physician, 2195
manufacturer, or distributor that the board finds to be in 2196
violation of any provision of this section until the person is 2197
in full compliance, and take other actions in accordance with 2198
division (I) of this section. 2199

(H) Any person who is harmed by a violation of this 2200
section or a violation of section 4729.711 of the Revised Code 2201
has a private cause of action against the offender for any 2202
injury, death, or loss to person or property that is a proximate 2203
result of the violation and also may recover reasonable 2204
attorney's fees related to the action. If the violation is by a 2205
health care professional, a medical malpractice claim may be 2206
brought and the plaintiff may recover actual and punitive 2207
damages. If a proximate result of the violation is a death, a 2208
wrongful death action may be brought. 2209

When requested, a court shall allow a woman to proceed 2210
using solely her initials or a pseudonym and may close any 2211
proceedings or enter other protective orders to preserve the 2212
privacy of a woman who brings a suit pursuant to this division, 2213
or on whose behalf a suit is brought. 2214

If a judgment is rendered in favor of the defendant and 2215
the court finds that the plaintiff's suit was frivolous and 2216

brought in bad faith, the court may render judgment for 2217
reasonable attorney's fees in favor of the defendant against the 2218
plaintiff. 2219

(I) (1) If the state board of pharmacy determines that a 2220
person has violated division (B) (1) of this section, the board 2221
shall do both of the following: 2222

(a) Immediately report the violation to law enforcement or 2223
another state agency for investigation as the board determines 2224
appropriate; 2225

(b) Impose a fine of five million dollars if the person is 2226
a manufacturer or distributor or two hundred fifty thousand 2227
dollars against an individual. 2228

(2) If the board determines that a certified physician, 2229
manufacturer, or distributor has violated division (B) (2) or (3) 2230
of this section, the board shall impose a fine of not less than 2231
one million dollars per violation against a manufacturer or 2232
distributor and not less than one hundred thousand dollars per 2233
violation against a physician. 2234

(J) Whoever recklessly violates any provision of this 2235
section or section 4729.711 of the Revised Code is guilty of a 2236
felony of the fourth degree. If the offender previously has been 2237
convicted of or pleaded guilty to a violation of this section or 2238
section 2919.12, 2919.121, 2919.13, 2919.14, 2919.15, 2919.151, 2239
2919.17, 2919.18, 2919.291, or 4729.711 of the Revised Code, it 2240
is a felony of the third degree. 2241

If the offender is a professionally licensed person, in 2242
addition to any other sanction imposed by law for the offense, 2243
the offender is subject to sanctioning as provided by law by the 2244
regulatory or licensing board or agency that has the 2245

administrative authority to suspend or revoke the offender's 2246
professional license. 2247

(K) A pregnant woman on whom a drug-induced abortion is 2248
attempted, induced, or performed in violation of this section is 2249
not guilty of violating this section or subject to civil 2250
liability for violating this section. 2251

(L) Nothing in this section shall be construed as creating 2252
or recognizing a right to abortion or affirming the lawfulness 2253
of an abortion that would otherwise be unlawful. 2254

(M) The board shall adopt rules in accordance with Chapter 2255
119. of the Revised Code to implement this section and section 2256
4729.711 of the Revised Code. 2257

Sec. 4729.711. (A) The state board of pharmacy shall 2258
establish a system of reporting complications and adverse events 2259
from the use of abortion-inducing drugs. The reporting system 2260
shall track at least all of the following: 2261

(1) Deaths; 2262

(2) Blood loss, including hemorrhage; 2263

(3) Blood transfusions; 2264

(4) Infections, including sepsis; 2265

(5) Administration of an abortion-inducing drug in the 2266
case of an ectopic pregnancy; 2267

(6) Any other complication or adverse event that requires 2268
hospitalization or additional medical care. 2269

(B) All physicians certified under the abortion-inducing 2270
drug certification program established under section 4729.71 of 2271
the Revised Code, as well as any other physician who treats 2272

complications from an abortion-inducing drug, regardless of 2273
whether the physician personally furnished the drug, shall 2274
report complications and adverse events to the board. The board 2275
may adopt rules requiring other individuals or entities to 2276
report complications and adverse events to the system 2277
established under this section. 2278

Sec. 4731.22. (A) The state medical board, by an 2279
affirmative vote of not fewer than six of its members, may 2280
limit, revoke, or suspend a license or certificate to practice 2281
or certificate to recommend, refuse to grant a license or 2282
certificate, refuse to renew a license or certificate, refuse to 2283
reinstate a license or certificate, or reprimand or place on 2284
probation the holder of a license or certificate if the 2285
individual applying for or holding the license or certificate is 2286
found by the board to have committed fraud during the 2287
administration of the examination for a license or certificate 2288
to practice or to have committed fraud, misrepresentation, or 2289
deception in applying for, renewing, or securing any license or 2290
certificate to practice or certificate to recommend issued by 2291
the board. 2292

(B) Except as provided in division (P) of this section, 2293
the board, by an affirmative vote of not fewer than six members, 2294
shall, to the extent permitted by law, limit, revoke, or suspend 2295
a license or certificate to practice or certificate to 2296
recommend, refuse to issue a license or certificate, refuse to 2297
renew a license or certificate, refuse to reinstate a license or 2298
certificate, or reprimand or place on probation the holder of a 2299
license or certificate for one or more of the following reasons: 2300

(1) Permitting one's name or one's license or certificate 2301
to practice to be used by a person, group, or corporation when 2302

the individual concerned is not actually directing the treatment 2303
given; 2304

(2) Failure to maintain minimal standards applicable to 2305
the selection or administration of drugs, or failure to employ 2306
acceptable scientific methods in the selection of drugs or other 2307
modalities for treatment of disease; 2308

(3) Except as provided in section 4731.97 of the Revised 2309
Code, selling, giving away, personally furnishing, prescribing, 2310
or administering drugs for other than legal and legitimate 2311
therapeutic purposes or a plea of guilty to, a judicial finding 2312
of guilt of, or a judicial finding of eligibility for 2313
intervention in lieu of conviction of, a violation of any 2314
federal or state law regulating the possession, distribution, or 2315
use of any drug; 2316

(4) Willfully betraying a professional confidence. 2317

For purposes of this division, "willfully betraying a 2318
professional confidence" does not include providing any 2319
information, documents, or reports under sections 307.621 to 2320
307.629 of the Revised Code to a child fatality review board; 2321
does not include providing any information, documents, or 2322
reports under sections 307.631 to 307.6410 of the Revised Code 2323
to a drug overdose fatality review committee, a suicide fatality 2324
review committee, or hybrid drug overdose fatality and suicide 2325
fatality review committee; does not include providing any 2326
information, documents, or reports to the director of health 2327
pursuant to guidelines established under section 3701.70 of the 2328
Revised Code; does not include written notice to a mental health 2329
professional under section 4731.62 of the Revised Code; and does 2330
not include the making of a report of an employee's use of a 2331
drug of abuse, or a report of a condition of an employee other 2332

than one involving the use of a drug of abuse, to the employer 2333
of the employee as described in division (B) of section 2305.33 2334
of the Revised Code. Nothing in this division affects the 2335
immunity from civil liability conferred by section 2305.33 or 2336
4731.62 of the Revised Code upon a physician who makes a report 2337
in accordance with section 2305.33 or notifies a mental health 2338
professional in accordance with section 4731.62 of the Revised 2339
Code. As used in this division, "employee," "employer," and 2340
"physician" have the same meanings as in section 2305.33 of the 2341
Revised Code. 2342

(5) Making a false, fraudulent, deceptive, or misleading 2343
statement in the solicitation of or advertising for patients; in 2344
relation to the practice of medicine and surgery, osteopathic 2345
medicine and surgery, podiatric medicine and surgery, or a 2346
limited branch of medicine; or in securing or attempting to 2347
secure any license or certificate to practice issued by the 2348
board. 2349

As used in this division, "false, fraudulent, deceptive, 2350
or misleading statement" means a statement that includes a 2351
misrepresentation of fact, is likely to mislead or deceive 2352
because of a failure to disclose material facts, is intended or 2353
is likely to create false or unjustified expectations of 2354
favorable results, or includes representations or implications 2355
that in reasonable probability will cause an ordinarily prudent 2356
person to misunderstand or be deceived. 2357

(6) A departure from, or the failure to conform to, 2358
minimal standards of care of similar practitioners under the 2359
same or similar circumstances, whether or not actual injury to a 2360
patient is established; 2361

(7) Representing, with the purpose of obtaining 2362

compensation or other advantage as personal gain or for any 2363
other person, that an incurable disease or injury, or other 2364
incurable condition, can be permanently cured; 2365

(8) The obtaining of, or attempting to obtain, money or 2366
anything of value by fraudulent misrepresentations in the course 2367
of practice; 2368

(9) A plea of guilty to, a judicial finding of guilt of, 2369
or a judicial finding of eligibility for intervention in lieu of 2370
conviction for, a felony; 2371

(10) Commission of an act that constitutes a felony in 2372
this state, regardless of the jurisdiction in which the act was 2373
committed; 2374

(11) A plea of guilty to, a judicial finding of guilt of, 2375
or a judicial finding of eligibility for intervention in lieu of 2376
conviction for, a misdemeanor committed in the course of 2377
practice; 2378

(12) Commission of an act in the course of practice that 2379
constitutes a misdemeanor in this state, regardless of the 2380
jurisdiction in which the act was committed; 2381

(13) A plea of guilty to, a judicial finding of guilt of, 2382
or a judicial finding of eligibility for intervention in lieu of 2383
conviction for, a misdemeanor involving moral turpitude; 2384

(14) Commission of an act involving moral turpitude that 2385
constitutes a misdemeanor in this state, regardless of the 2386
jurisdiction in which the act was committed; 2387

(15) Violation of the conditions of limitation placed by 2388
the board upon a license or certificate to practice; 2389

(16) Failure to pay license renewal fees specified in this 2390

chapter; 2391

(17) Except as authorized in section 4731.31 of the 2392
Revised Code, engaging in the division of fees for referral of 2393
patients, or the receiving of a thing of value in return for a 2394
specific referral of a patient to utilize a particular service 2395
or business; 2396

(18) Subject to section 4731.226 of the Revised Code, 2397
violation of any provision of a code of ethics of the American 2398
medical association, the American osteopathic association, the 2399
American podiatric medical association, or any other national 2400
professional organizations that the board specifies by rule. The 2401
state medical board shall obtain and keep on file current copies 2402
of the codes of ethics of the various national professional 2403
organizations. The individual whose license or certificate is 2404
being suspended or revoked shall not be found to have violated 2405
any provision of a code of ethics of an organization not 2406
appropriate to the individual's profession. 2407

For purposes of this division, a "provision of a code of 2408
ethics of a national professional organization" does not include 2409
any provision that would preclude the making of a report by a 2410
physician of an employee's use of a drug of abuse, or of a 2411
condition of an employee other than one involving the use of a 2412
drug of abuse, to the employer of the employee as described in 2413
division (B) of section 2305.33 of the Revised Code. Nothing in 2414
this division affects the immunity from civil liability 2415
conferred by that section upon a physician who makes either type 2416
of report in accordance with division (B) of that section. As 2417
used in this division, "employee," "employer," and "physician" 2418
have the same meanings as in section 2305.33 of the Revised 2419
Code. 2420

(19) Inability to practice according to acceptable and 2421
prevailing standards of care by reason of mental illness or 2422
physical illness, including, but not limited to, physical 2423
deterioration that adversely affects cognitive, motor, or 2424
perceptive skills. 2425

In enforcing this division, the board, upon a showing of a 2426
possible violation, may compel any individual authorized to 2427
practice by this chapter or who has submitted an application 2428
pursuant to this chapter to submit to a mental examination, 2429
physical examination, including an HIV test, or both a mental 2430
and a physical examination. The expense of the examination is 2431
the responsibility of the individual compelled to be examined. 2432
Failure to submit to a mental or physical examination or consent 2433
to an HIV test ordered by the board constitutes an admission of 2434
the allegations against the individual unless the failure is due 2435
to circumstances beyond the individual's control, and a default 2436
and final order may be entered without the taking of testimony 2437
or presentation of evidence. If the board finds an individual 2438
unable to practice because of the reasons set forth in this 2439
division, the board shall require the individual to submit to 2440
care, counseling, or treatment by physicians approved or 2441
designated by the board, as a condition for initial, continued, 2442
reinstated, or renewed authority to practice. An individual 2443
affected under this division shall be afforded an opportunity to 2444
demonstrate to the board the ability to resume practice in 2445
compliance with acceptable and prevailing standards under the 2446
provisions of the individual's license or certificate. For the 2447
purpose of this division, any individual who applies for or 2448
receives a license or certificate to practice under this chapter 2449
accepts the privilege of practicing in this state and, by so 2450
doing, shall be deemed to have given consent to submit to a 2451

mental or physical examination when directed to do so in writing 2452
by the board, and to have waived all objections to the 2453
admissibility of testimony or examination reports that 2454
constitute a privileged communication. 2455

(20) Except as provided in division (F)(1)(b) of section 2456
4731.282 of the Revised Code or when civil penalties are imposed 2457
under section 4731.225 of the Revised Code, and subject to 2458
section 4731.226 of the Revised Code, violating or attempting to 2459
violate, directly or indirectly, or assisting in or abetting the 2460
violation of, or conspiring to violate, any provisions of this 2461
chapter or any rule promulgated by the board. 2462

This division does not apply to a violation or attempted 2463
violation of, assisting in or abetting the violation of, or a 2464
conspiracy to violate, any provision of this chapter or any rule 2465
adopted by the board that would preclude the making of a report 2466
by a physician of an employee's use of a drug of abuse, or of a 2467
condition of an employee other than one involving the use of a 2468
drug of abuse, to the employer of the employee as described in 2469
division (B) of section 2305.33 of the Revised Code. Nothing in 2470
this division affects the immunity from civil liability 2471
conferred by that section upon a physician who makes either type 2472
of report in accordance with division (B) of that section. As 2473
used in this division, "employee," "employer," and "physician" 2474
have the same meanings as in section 2305.33 of the Revised 2475
Code. 2476

(21) The violation of section 3701.79 of the Revised Code 2477
or of any abortion rule adopted by the director of health 2478
pursuant to section 3701.341 of the Revised Code; 2479

(22) Any of the following actions taken by an agency 2480
responsible for authorizing, certifying, or regulating an 2481

individual to practice a health care occupation or provide 2482
health care services in this state or another jurisdiction, for 2483
any reason other than the nonpayment of fees: the limitation, 2484
revocation, or suspension of an individual's license to 2485
practice; acceptance of an individual's license surrender; 2486
denial of a license; refusal to renew or reinstate a license; 2487
imposition of probation; or issuance of an order of censure or 2488
other reprimand; 2489

(23) The violation of section 2919.12 of the Revised Code 2490
or the performance or inducement of an abortion upon a pregnant 2491
woman with actual knowledge that the conditions specified in 2492
division (B) of section 2317.56 of the Revised Code have not 2493
been satisfied or with a heedless indifference as to whether 2494
those conditions have been satisfied, unless an affirmative 2495
defense as specified in division (H) (2) of that section would 2496
apply in a civil action authorized by division (H) (1) of that 2497
section; 2498

(24) The revocation, suspension, restriction, reduction, 2499
or termination of clinical privileges by the United States 2500
department of defense or department of veterans affairs or the 2501
termination or suspension of a certificate of registration to 2502
prescribe drugs by the drug enforcement administration of the 2503
United States department of justice; 2504

(25) Termination or suspension from participation in the 2505
medicare or medicaid programs by the department of health and 2506
human services or other responsible agency; 2507

(26) Impairment of ability to practice according to 2508
acceptable and prevailing standards of care because of habitual 2509
or excessive use or abuse of drugs, alcohol, or other substances 2510
that impair ability to practice. 2511

For the purposes of this division, any individual 2512
authorized to practice by this chapter accepts the privilege of 2513
practicing in this state subject to supervision by the board. By 2514
filing an application for or holding a license or certificate to 2515
practice under this chapter, an individual shall be deemed to 2516
have given consent to submit to a mental or physical examination 2517
when ordered to do so by the board in writing, and to have 2518
waived all objections to the admissibility of testimony or 2519
examination reports that constitute privileged communications. 2520

If it has reason to believe that any individual authorized 2521
to practice by this chapter or any applicant for licensure or 2522
certification to practice suffers such impairment, the board may 2523
compel the individual to submit to a mental or physical 2524
examination, or both. The expense of the examination is the 2525
responsibility of the individual compelled to be examined. Any 2526
mental or physical examination required under this division 2527
shall be undertaken by a treatment provider or physician who is 2528
qualified to conduct the examination and who is chosen by the 2529
board. 2530

Failure to submit to a mental or physical examination 2531
ordered by the board constitutes an admission of the allegations 2532
against the individual unless the failure is due to 2533
circumstances beyond the individual's control, and a default and 2534
final order may be entered without the taking of testimony or 2535
presentation of evidence. If the board determines that the 2536
individual's ability to practice is impaired, the board shall 2537
suspend the individual's license or certificate or deny the 2538
individual's application and shall require the individual, as a 2539
condition for initial, continued, reinstated, or renewed 2540
licensure or certification to practice, to submit to treatment. 2541

Before being eligible to apply for reinstatement of a 2542
license or certificate suspended under this division, the 2543
impaired practitioner shall demonstrate to the board the ability 2544
to resume practice in compliance with acceptable and prevailing 2545
standards of care under the provisions of the practitioner's 2546
license or certificate. The demonstration shall include, but 2547
shall not be limited to, the following: 2548

(a) Certification from a treatment provider approved under 2549
section 4731.25 of the Revised Code that the individual has 2550
successfully completed any required inpatient treatment; 2551

(b) Evidence of continuing full compliance with an 2552
aftercare contract or consent agreement; 2553

(c) Two written reports indicating that the individual's 2554
ability to practice has been assessed and that the individual 2555
has been found capable of practicing according to acceptable and 2556
prevailing standards of care. The reports shall be made by 2557
individuals or providers approved by the board for making the 2558
assessments and shall describe the basis for their 2559
determination. 2560

The board may reinstate a license or certificate suspended 2561
under this division after that demonstration and after the 2562
individual has entered into a written consent agreement. 2563

When the impaired practitioner resumes practice, the board 2564
shall require continued monitoring of the individual. The 2565
monitoring shall include, but not be limited to, compliance with 2566
the written consent agreement entered into before reinstatement 2567
or with conditions imposed by board order after a hearing, and, 2568
upon termination of the consent agreement, submission to the 2569
board for at least two years of annual written progress reports 2570

| | |
|--|------|
| made under penalty of perjury stating whether the individual has | 2571 |
| maintained sobriety. | 2572 |
| (27) A second or subsequent violation of section 4731.66 | 2573 |
| or 4731.69 of the Revised Code; | 2574 |
| (28) Except as provided in division (N) of this section: | 2575 |
| (a) Waiving the payment of all or any part of a deductible | 2576 |
| or copayment that a patient, pursuant to a health insurance or | 2577 |
| health care policy, contract, or plan that covers the | 2578 |
| individual's services, otherwise would be required to pay if the | 2579 |
| waiver is used as an enticement to a patient or group of | 2580 |
| patients to receive health care services from that individual; | 2581 |
| (b) Advertising that the individual will waive the payment | 2582 |
| of all or any part of a deductible or copayment that a patient, | 2583 |
| pursuant to a health insurance or health care policy, contract, | 2584 |
| or plan that covers the individual's services, otherwise would | 2585 |
| be required to pay. | 2586 |
| (29) Failure to use universal blood and body fluid | 2587 |
| precautions established by rules adopted under section 4731.051 | 2588 |
| of the Revised Code; | 2589 |
| (30) Failure to provide notice to, and receive | 2590 |
| acknowledgment of the notice from, a patient when required by | 2591 |
| section 4731.143 of the Revised Code prior to providing | 2592 |
| nonemergency professional services, or failure to maintain that | 2593 |
| notice in the patient's medical record; | 2594 |
| (31) Failure of a physician supervising a physician | 2595 |
| assistant to maintain supervision in accordance with the | 2596 |
| requirements of Chapter 4730. of the Revised Code and the rules | 2597 |
| adopted under that chapter; | 2598 |

| | |
|--|------|
| (32) Failure of a physician or podiatrist to enter into a | 2599 |
| standard care arrangement with a clinical nurse specialist, | 2600 |
| certified nurse-midwife, or certified nurse practitioner with | 2601 |
| whom the physician or podiatrist is in collaboration pursuant to | 2602 |
| section 4731.27 of the Revised Code or failure to fulfill the | 2603 |
| responsibilities of collaboration after entering into a standard | 2604 |
| care arrangement; | 2605 |
| (33) Failure to comply with the terms of a consult | 2606 |
| agreement entered into with a pharmacist pursuant to section | 2607 |
| 4729.39 of the Revised Code; | 2608 |
| (34) Failure to cooperate in an investigation conducted by | 2609 |
| the board under division (F) of this section, including failure | 2610 |
| to comply with a subpoena or order issued by the board or | 2611 |
| failure to answer truthfully a question presented by the board | 2612 |
| in an investigative interview, an investigative office | 2613 |
| conference, at a deposition, or in written interrogatories, | 2614 |
| except that failure to cooperate with an investigation shall not | 2615 |
| constitute grounds for discipline under this section if a court | 2616 |
| of competent jurisdiction has issued an order that either | 2617 |
| quashes a subpoena or permits the individual to withhold the | 2618 |
| testimony or evidence in issue; | 2619 |
| (35) Failure to supervise an acupuncturist in accordance | 2620 |
| with Chapter 4762. of the Revised Code and the board's rules for | 2621 |
| providing that supervision; | 2622 |
| (36) Failure to supervise an anesthesiologist assistant in | 2623 |
| accordance with Chapter 4760. of the Revised Code and the | 2624 |
| board's rules for supervision of an anesthesiologist assistant; | 2625 |
| (37) Assisting suicide, as defined in section 3795.01 of | 2626 |
| the Revised Code; | 2627 |

| | |
|---|--------------------------------------|
| (38) Failure to comply with the requirements of section 2317.561 of the Revised Code; | 2628 2629 |
| (39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants; | 2630 2631 2632 |
| (40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code; | 2633 2634 2635 2636 |
| (41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic; | 2637 2638 2639 2640 |
| (42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic; | 2641 2642 2643 2644 |
| (43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; | 2645 2646 2647 2648 |
| (44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code; | 2649 2650 2651 2652 2653 |
| (45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person | 2654 2655 2656 |

operating the facility has obtained and maintains the license 2657
with the classification; 2658

(46) Owning a facility that is subject to licensure as a 2659
category III terminal distributor of dangerous drugs with a pain 2660
management clinic classification unless the facility is licensed 2661
with the classification; 2662

(47) Failure to comply with any of the requirements 2663
regarding making or maintaining medical records or documents 2664
described in division (A) of section 2919.192, division (C) of 2665
section 2919.193, division (B) of section 2919.195, or division 2666
(A) of section 2919.196 of the Revised Code; 2667

(48) Failure to comply with the requirements in section 2668
3719.061 of the Revised Code before issuing for a minor a 2669
prescription for an opioid analgesic, as defined in section 2670
3719.01 of the Revised Code; 2671

(49) Failure to comply with the requirements of section 2672
4731.30 of the Revised Code or rules adopted under section 2673
4731.301 of the Revised Code when recommending treatment with 2674
medical marijuana; 2675

(50) Practicing at a facility, clinic, or other location 2676
that is subject to licensure as a category III terminal 2677
distributor of dangerous drugs with an office-based opioid 2678
treatment classification unless the person operating that place 2679
has obtained and maintains the license with the classification; 2680

(51) Owning a facility, clinic, or other location that is 2681
subject to licensure as a category III terminal distributor of 2682
dangerous drugs with an office-based opioid treatment 2683
classification unless that place is licensed with the 2684
classification; 2685

(52) A pattern of continuous or repeated violations of 2686
division (E) (2) or (3) of section 3963.02 of the Revised Code; 2687

(53) Failure to fulfill the responsibilities of a 2688
collaboration agreement entered into with an athletic trainer as 2689
described in section 4755.621 of the Revised Code; 2690

(54) Failure to take the steps specified in section 2691
4731.911 of the Revised Code following an abortion or attempted 2692
abortion in an ambulatory surgical facility or other location 2693
that is not a hospital when a child is born alive; 2694

(55) The violation of, or failure to comply with, sections 2695
2919.291 to 2919.294 of the Revised Code; 2696

(56) The violation of, or failure to comply with, section 2697
4729.71 or 4729.711 of the Revised Code. 2698

(C) Disciplinary actions taken by the board under 2699
divisions (A) and (B) of this section shall be taken pursuant to 2700
an adjudication under Chapter 119. of the Revised Code, except 2701
that in lieu of an adjudication, the board may enter into a 2702
consent agreement with an individual to resolve an allegation of 2703
a violation of this chapter or any rule adopted under it. A 2704
consent agreement, when ratified by an affirmative vote of not 2705
fewer than six members of the board, shall constitute the 2706
findings and order of the board with respect to the matter 2707
addressed in the agreement. If the board refuses to ratify a 2708
consent agreement, the admissions and findings contained in the 2709
consent agreement shall be of no force or effect. 2710

A telephone conference call may be utilized for 2711
ratification of a consent agreement that revokes or suspends an 2712
individual's license or certificate to practice or certificate 2713
to recommend. The telephone conference call shall be considered 2714

a special meeting under division (F) of section 121.22 of the Revised Code. 2715
2716

If the board takes disciplinary action against an individual under division (B) of this section for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section ~~2919.123 or 2919.124~~ 2919.291 of the Revised Code, the disciplinary action shall consist of a suspension of the individual's license or certificate to practice for a period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's license or certificate to practice. Any consent agreement entered into under this division with an individual that pertains to a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of that section shall provide for a suspension of the individual's license or certificate to practice for a period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's license or certificate to practice. 2717
2718
2719
2720
2721
2722
2723
2724
2725
2726
2727
2728
2729
2730
2731
2732

(D) For purposes of divisions (B) (10), (12), and (14) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the individual committed the act. The board does not have jurisdiction under those divisions if the trial court renders a final judgment in the individual's favor and that judgment is based upon an adjudication on the merits. The board has jurisdiction under those divisions if the trial court issues an order of dismissal upon technical or procedural grounds. 2733
2734
2735
2736
2737
2738
2739
2740
2741
2742

(E) The sealing of conviction records by any court shall have no effect upon a prior board order entered under this 2743
2744

section or upon the board's jurisdiction to take action under 2745
this section if, based upon a plea of guilty, a judicial finding 2746
of guilt, or a judicial finding of eligibility for intervention 2747
in lieu of conviction, the board issued a notice of opportunity 2748
for a hearing prior to the court's order to seal the records. 2749
The board shall not be required to seal, destroy, redact, or 2750
otherwise modify its records to reflect the court's sealing of 2751
conviction records. 2752

(F) (1) The board shall investigate evidence that appears 2753
to show that a person has violated any provision of this chapter 2754
or any rule adopted under it. Any person may report to the board 2755
in a signed writing any information that the person may have 2756
that appears to show a violation of any provision of this 2757
chapter or any rule adopted under it. In the absence of bad 2758
faith, any person who reports information of that nature or who 2759
testifies before the board in any adjudication conducted under 2760
Chapter 119. of the Revised Code shall not be liable in damages 2761
in a civil action as a result of the report or testimony. Each 2762
complaint or allegation of a violation received by the board 2763
shall be assigned a case number and shall be recorded by the 2764
board. 2765

(2) Investigations of alleged violations of this chapter 2766
or any rule adopted under it shall be supervised by the 2767
supervising member elected by the board in accordance with 2768
section 4731.02 of the Revised Code and by the secretary as 2769
provided in section 4731.39 of the Revised Code. The president 2770
may designate another member of the board to supervise the 2771
investigation in place of the supervising member. No member of 2772
the board who supervises the investigation of a case shall 2773
participate in further adjudication of the case. 2774

(3) In investigating a possible violation of this chapter 2775
or any rule adopted under this chapter, or in conducting an 2776
inspection under division (E) of section 4731.054 of the Revised 2777
Code, the board may question witnesses, conduct interviews, 2778
administer oaths, order the taking of depositions, inspect and 2779
copy any books, accounts, papers, records, or documents, issue 2780
subpoenas, and compel the attendance of witnesses and production 2781
of books, accounts, papers, records, documents, and testimony, 2782
except that a subpoena for patient record information shall not 2783
be issued without consultation with the attorney general's 2784
office and approval of the secretary and supervising member of 2785
the board. 2786

(a) Before issuance of a subpoena for patient record 2787
information, the secretary and supervising member shall 2788
determine whether there is probable cause to believe that the 2789
complaint filed alleges a violation of this chapter or any rule 2790
adopted under it and that the records sought are relevant to the 2791
alleged violation and material to the investigation. The 2792
subpoena may apply only to records that cover a reasonable 2793
period of time surrounding the alleged violation. 2794

(b) On failure to comply with any subpoena issued by the 2795
board and after reasonable notice to the person being 2796
subpoenaed, the board may move for an order compelling the 2797
production of persons or records pursuant to the Rules of Civil 2798
Procedure. 2799

(c) A subpoena issued by the board may be served by a 2800
sheriff, the sheriff's deputy, or a board employee or agent 2801
designated by the board. Service of a subpoena issued by the 2802
board may be made by delivering a copy of the subpoena to the 2803
person named therein, reading it to the person, or leaving it at 2804

the person's usual place of residence, usual place of business, 2805
or address on file with the board. When serving a subpoena to an 2806
applicant for or the holder of a license or certificate issued 2807
under this chapter, service of the subpoena may be made by 2808
certified mail, return receipt requested, and the subpoena shall 2809
be deemed served on the date delivery is made or the date the 2810
person refuses to accept delivery. If the person being served 2811
refuses to accept the subpoena or is not located, service may be 2812
made to an attorney who notifies the board that the attorney is 2813
representing the person. 2814

(d) A sheriff's deputy who serves a subpoena shall receive 2815
the same fees as a sheriff. Each witness who appears before the 2816
board in obedience to a subpoena shall receive the fees and 2817
mileage provided for under section 119.094 of the Revised Code. 2818

(4) All hearings, investigations, and inspections of the 2819
board shall be considered civil actions for the purposes of 2820
section 2305.252 of the Revised Code. 2821

(5) A report required to be submitted to the board under 2822
this chapter, a complaint, or information received by the board 2823
pursuant to an investigation or pursuant to an inspection under 2824
division (E) of section 4731.054 of the Revised Code is 2825
confidential and not subject to discovery in any civil action. 2826

The board shall conduct all investigations or inspections 2827
and proceedings in a manner that protects the confidentiality of 2828
patients and persons who file complaints with the board. The 2829
board shall not make public the names or any other identifying 2830
information about patients or complainants unless proper consent 2831
is given or, in the case of a patient, a waiver of the patient 2832
privilege exists under division (B) of section 2317.02 of the 2833
Revised Code, except that consent or a waiver of that nature is 2834

not required if the board possesses reliable and substantial 2835
evidence that no bona fide physician-patient relationship 2836
exists. 2837

The board may share any information it receives pursuant 2838
to an investigation or inspection, including patient records and 2839
patient record information, with law enforcement agencies, other 2840
licensing boards, and other governmental agencies that are 2841
prosecuting, adjudicating, or investigating alleged violations 2842
of statutes or administrative rules. An agency or board that 2843
receives the information shall comply with the same requirements 2844
regarding confidentiality as those with which the state medical 2845
board must comply, notwithstanding any conflicting provision of 2846
the Revised Code or procedure of the agency or board that 2847
applies when it is dealing with other information in its 2848
possession. In a judicial proceeding, the information may be 2849
admitted into evidence only in accordance with the Rules of 2850
Evidence, but the court shall require that appropriate measures 2851
are taken to ensure that confidentiality is maintained with 2852
respect to any part of the information that contains names or 2853
other identifying information about patients or complainants 2854
whose confidentiality was protected by the state medical board 2855
when the information was in the board's possession. Measures to 2856
ensure confidentiality that may be taken by the court include 2857
sealing its records or deleting specific information from its 2858
records. 2859

(6) On a quarterly basis, the board shall prepare a report 2860
that documents the disposition of all cases during the preceding 2861
three months. The report shall contain the following information 2862
for each case with which the board has completed its activities: 2863

(a) The case number assigned to the complaint or alleged 2864

violation; 2865

(b) The type of license or certificate to practice, if 2866
any, held by the individual against whom the complaint is 2867
directed; 2868

(c) A description of the allegations contained in the 2869
complaint; 2870

(d) The disposition of the case. 2871

The report shall state how many cases are still pending 2872
and shall be prepared in a manner that protects the identity of 2873
each person involved in each case. The report shall be a public 2874
record under section 149.43 of the Revised Code. 2875

(G) If the secretary and supervising member determine both 2876
of the following, they may recommend that the board suspend an 2877
individual's license or certificate to practice or certificate 2878
to recommend without a prior hearing: 2879

(1) That there is clear and convincing evidence that an 2880
individual has violated division (B) of this section; 2881

(2) That the individual's continued practice presents a 2882
danger of immediate and serious harm to the public. 2883

Written allegations shall be prepared for consideration by 2884
the board. The board, upon review of those allegations and by an 2885
affirmative vote of not fewer than six of its members, excluding 2886
the secretary and supervising member, may suspend a license or 2887
certificate without a prior hearing. A telephone conference call 2888
may be utilized for reviewing the allegations and taking the 2889
vote on the summary suspension. 2890

The board shall issue a written order of suspension by 2891
certified mail or in person in accordance with section 119.07 of 2892

the Revised Code. The order shall not be subject to suspension 2893
by the court during pendency of any appeal filed under section 2894
119.12 of the Revised Code. If the individual subject to the 2895
summary suspension requests an adjudicatory hearing by the 2896
board, the date set for the hearing shall be within fifteen 2897
days, but not earlier than seven days, after the individual 2898
requests the hearing, unless otherwise agreed to by both the 2899
board and the individual. 2900

Any summary suspension imposed under this division shall 2901
remain in effect, unless reversed on appeal, until a final 2902
adjudicative order issued by the board pursuant to this section 2903
and Chapter 119. of the Revised Code becomes effective. The 2904
board shall issue its final adjudicative order within seventy- 2905
five days after completion of its hearing. A failure to issue 2906
the order within seventy-five days shall result in dissolution 2907
of the summary suspension order but shall not invalidate any 2908
subsequent, final adjudicative order. 2909

(H) If the board takes action under division (B) (9), (11), 2910
or (13) of this section and the judicial finding of guilt, 2911
guilty plea, or judicial finding of eligibility for intervention 2912
in lieu of conviction is overturned on appeal, upon exhaustion 2913
of the criminal appeal, a petition for reconsideration of the 2914
order may be filed with the board along with appropriate court 2915
documents. Upon receipt of a petition of that nature and 2916
supporting court documents, the board shall reinstate the 2917
individual's license or certificate to practice. The board may 2918
then hold an adjudication under Chapter 119. of the Revised Code 2919
to determine whether the individual committed the act in 2920
question. Notice of an opportunity for a hearing shall be given 2921
in accordance with Chapter 119. of the Revised Code. If the 2922
board finds, pursuant to an adjudication held under this 2923

division, that the individual committed the act or if no hearing 2924
is requested, the board may order any of the sanctions 2925
identified under division (B) of this section. 2926

(I) The license or certificate to practice issued to an 2927
individual under this chapter and the individual's practice in 2928
this state are automatically suspended as of the date of the 2929
individual's second or subsequent plea of guilty to, or judicial 2930
finding of guilt of, a violation of section ~~2919.123 or 2919.124~~ 2931
2919.291 of the Revised Code. In addition, the license or 2932
certificate to practice or certificate to recommend issued to an 2933
individual under this chapter and the individual's practice in 2934
this state are automatically suspended as of the date the 2935
individual pleads guilty to, is found by a judge or jury to be 2936
guilty of, or is subject to a judicial finding of eligibility 2937
for intervention in lieu of conviction in this state or 2938
treatment or intervention in lieu of conviction in another 2939
jurisdiction for any of the following criminal offenses in this 2940
state or a substantially equivalent criminal offense in another 2941
jurisdiction: aggravated murder, murder, voluntary manslaughter, 2942
felonious assault, kidnapping, rape, sexual battery, gross 2943
sexual imposition, aggravated arson, aggravated robbery, or 2944
aggravated burglary. Continued practice after suspension shall 2945
be considered practicing without a license or certificate. 2946

The board shall notify the individual subject to the 2947
suspension by certified mail or in person in accordance with 2948
section 119.07 of the Revised Code. If an individual whose 2949
license or certificate is automatically suspended under this 2950
division fails to make a timely request for an adjudication 2951
under Chapter 119. of the Revised Code, the board shall do 2952
whichever of the following is applicable: 2953

(1) If the automatic suspension under this division is for 2954
a second or subsequent plea of guilty to, or judicial finding of 2955
guilt of, a violation of section ~~2919.123 or 2919.124~~ 2919.291 2956
of the Revised Code, the board shall enter an order suspending 2957
the individual's license or certificate to practice for a period 2958
of at least one year or, if determined appropriate by the board, 2959
imposing a more serious sanction involving the individual's 2960
license or certificate to practice. 2961

(2) In all circumstances in which division (I)(1) of this 2962
section does not apply, enter a final order permanently revoking 2963
the individual's license or certificate to practice. 2964

(J) If the board is required by Chapter 119. of the 2965
Revised Code to give notice of an opportunity for a hearing and 2966
if the individual subject to the notice does not timely request 2967
a hearing in accordance with section 119.07 of the Revised Code, 2968
the board is not required to hold a hearing, but may adopt, by 2969
an affirmative vote of not fewer than six of its members, a 2970
final order that contains the board's findings. In that final 2971
order, the board may order any of the sanctions identified under 2972
division (A) or (B) of this section. 2973

(K) Any action taken by the board under division (B) of 2974
this section resulting in a suspension from practice shall be 2975
accompanied by a written statement of the conditions under which 2976
the individual's license or certificate to practice may be 2977
reinstated. The board shall adopt rules governing conditions to 2978
be imposed for reinstatement. Reinstatement of a license or 2979
certificate suspended pursuant to division (B) of this section 2980
requires an affirmative vote of not fewer than six members of 2981
the board. 2982

(L) When the board refuses to grant or issue a license or 2983

certificate to practice to an applicant, revokes an individual's 2984
license or certificate to practice, refuses to renew an 2985
individual's license or certificate to practice, or refuses to 2986
reinstate an individual's license or certificate to practice, 2987
the board may specify that its action is permanent. An 2988
individual subject to a permanent action taken by the board is 2989
forever thereafter ineligible to hold a license or certificate 2990
to practice and the board shall not accept an application for 2991
reinstatement of the license or certificate or for issuance of a 2992
new license or certificate. 2993

(M) Notwithstanding any other provision of the Revised 2994
Code, all of the following apply: 2995

(1) The surrender of a license or certificate issued under 2996
this chapter shall not be effective unless or until accepted by 2997
the board. A telephone conference call may be utilized for 2998
acceptance of the surrender of an individual's license or 2999
certificate to practice. The telephone conference call shall be 3000
considered a special meeting under division (F) of section 3001
121.22 of the Revised Code. Reinstatement of a license or 3002
certificate surrendered to the board requires an affirmative 3003
vote of not fewer than six members of the board. 3004

(2) An application for a license or certificate made under 3005
the provisions of this chapter may not be withdrawn without 3006
approval of the board. 3007

(3) Failure by an individual to renew a license or 3008
certificate to practice in accordance with this chapter or a 3009
certificate to recommend in accordance with rules adopted under 3010
section 4731.301 of the Revised Code shall not remove or limit 3011
the board's jurisdiction to take any disciplinary action under 3012
this section against the individual. 3013

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

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

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

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

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

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

(2) Select providers of educational and assessment

services, including a quality intervention program panel of case reviewers; 3043
3044

(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program. 3045
3046
3047
3048
3049

(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; 3050
3051
3052
3053

(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program. 3054
3055
3056

An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program. 3057
3058
3059

(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. 3060
3061
3062
3063
3064
3065

Sec. 4731.223. (A) As used in this section, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 3066
3067

(B) Whenever any person holding a valid license or certificate issued pursuant to this chapter pleads guilty to, is subject to a judicial finding of guilt of, or is subject to a judicial finding of eligibility for intervention in lieu of 3068
3069
3070
3071

conviction for a violation of Chapter 2907., 2925., or 3719. of 3072
the Revised Code or of any substantively comparable ordinance of 3073
a municipal corporation in connection with the person's 3074
practice, or for a second or subsequent time pleads guilty to, 3075
or is subject to a judicial finding of guilt of, a violation of 3076
section ~~2919.123~~ or ~~2919.124~~ 2919.291 of the Revised Code, the 3077
prosecutor in the case, on forms prescribed and provided by the 3078
state medical board, shall promptly notify the board of the 3079
conviction or guilty plea. Within thirty days of receipt of that 3080
information, the board shall initiate action in accordance with 3081
Chapter 119. of the Revised Code to determine whether to suspend 3082
or revoke the license or certificate under section 4731.22 of 3083
the Revised Code. 3084

(C) The prosecutor in any case against any person holding 3085
a valid license or certificate issued pursuant to this chapter, 3086
on forms prescribed and provided by the state medical board, 3087
shall notify the board of any of the following: 3088

(1) A plea of guilty to, a finding of guilt by a jury or 3089
court of, or judicial finding of eligibility for intervention in 3090
lieu of conviction for a felony, or a case in which the trial 3091
court issues an order of dismissal upon technical or procedural 3092
grounds of a felony charge; 3093

(2) A plea of guilty to, a finding of guilt by a jury or 3094
court of, or judicial finding of eligibility for intervention in 3095
lieu of conviction for a misdemeanor committed in the course of 3096
practice, or a case in which the trial court issues an order of 3097
dismissal upon technical or procedural grounds of a charge of a 3098
misdemeanor, if the alleged act was committed in the course of 3099
practice; 3100

(3) A plea of guilty to, a finding of guilt by a jury or 3101

court of, or judicial finding of eligibility for intervention in 3102
lieu of conviction for a misdemeanor involving moral turpitude, 3103
or a case in which the trial court issues an order of dismissal 3104
upon technical or procedural grounds of a charge of a 3105
misdemeanor involving moral turpitude. 3106

The report shall include the name and address of the 3107
license or certificate holder, the nature of the offense for 3108
which the action was taken, and the certified court documents 3109
recording the action. 3110

Section 2. That existing sections 109.572, 2305.11, 3111
2307.46, 2317.56, 2919.123, 2953.25, 4729.291, 4729.56, 4731.22, 3112
and 4731.223 of the Revised Code are hereby repealed. 3113

Section 3. That section 2919.124 of the Revised Code is 3114
hereby repealed. 3115