

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 356

Representative Carruthers

Cosponsors: Representatives Forhan, Denson, Pavliga, Schmidt



A BILL

To amend sections 3313.5310, 3707.58, 3707.59, 1
4723.24, 4723.28, 4723.99, 4730.14, 4730.25, 2
4730.99, 4731.22, 4731.281, and 4731.99 and to 3
enact sections 3707.591, 4723.484, 4730.46, 4
4731.89, and 5164.21 of the Revised Code 5
regarding cardiac monitoring for youth and to 6
name the act the Healthy Cardiac Monitoring Act. 7

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

Section 1. That sections 3313.5310, 3707.58, 3707.59, 8
4723.24, 4723.28, 4723.99, 4730.14, 4730.25, 4730.99, 4731.22, 9
4731.281, and 4731.99 be amended and sections 3707.591, 10
4723.484, 4730.46, 4731.89, and 5164.21 of the Revised Code be 11
enacted to read as follows: 12

Sec. 3313.5310. (A) (1) This section applies to both of the 13
following: 14

(a) Any school operated by a school district board of 15
education; 16

(b) Any chartered or nonchartered nonpublic school that is 17
subject to the rules of an interscholastic conference or an 18

organization that regulates interscholastic conferences or 19
events. 20

(2) As used in this section, ~~"athletic":~~ 21

(a) "Advanced practice registered nurse" means an 22
individual who holds a current, valid license issued under 23
Chapter 4723. of the Revised Code that authorizes the practice 24
of nursing as an advanced practice registered nurse and is 25
designated as a clinical nurse specialist or certified nurse 26
practitioner. 27

(b) "Athletic activity" means all of the following: 28

~~(a)~~ (i) Interscholastic athletics; 29

~~(b)~~ (ii) An athletic contest or competition that is 30
sponsored by or associated with a school that is subject to this 31
section, including cheerleading, club-sponsored sports 32
activities, and sports activities sponsored by school-affiliated 33
organizations; 34

~~(c)~~ (iii) Noncompetitive cheerleading that is sponsored by 35
school-affiliated organizations; 36

~~(d)~~ (iv) Practices, interschool practices, and scrimmages 37
for all of the activities described in divisions ~~(A) (2) (a), (b),~~ 38
and ~~(c)~~ (A) (2) (b) (i), (ii), and (iii) of this section. 39

(c) "Physician" means an individual authorized under 40
Chapter 4731. of the Revised Code to practice medicine and 41
surgery or osteopathic medicine and surgery. 42

(d) "Physician assistant" means an individual who is 43
licensed to practice as a physician assistant under Chapter 44
4730. of the Revised Code. 45

(B) Prior to the start of each athletic season, a school 46
that is subject to this section may hold an informational 47
meeting for students, parents, guardians, other persons having 48
care or charge of a student, physicians, pediatric 49
cardiologists, athletic trainers, and any other persons 50
regarding the symptoms and warning signs of sudden cardiac 51
arrest for all ages of students. 52

(C) No student shall participate in an athletic activity 53
until the student has submitted to a designated school official 54
a form signed by the student and the parent, guardian, or other 55
person having care or charge of the student stating that the 56
student and the parent, guardian, or other person having care or 57
charge of the student have received and reviewed a copy of the 58
information developed by the departments of health and education 59
and posted on their respective internet web sites, and a copy of 60
the pamphlet, as required by section 3707.59 of the Revised 61
Code. A completed form shall be submitted each school year, as 62
defined in section 3313.62 of the Revised Code, in which the 63
student participates in an athletic activity. 64

(D) No individual shall coach an athletic activity unless 65
the individual has completed, on an annual basis, the sudden 66
cardiac arrest training course approved by the department of 67
health under division (C) of section 3707.59 of the Revised 68
Code. 69

~~(E)(1)~~ (E) A student shall not be allowed to participate 70
in an athletic activity unless the student has a physical 71
examination performed by an advanced practice registered nurse, 72
physician, or physician assistant, and the provider of the 73
examination fills out the preparticipation physical evaluation 74
form created by the department of health pursuant to division 75

(D) of section 3707.59 of the Revised Code. The preparticipation 76
physical examination shall be conducted within six weeks of the 77
first day of official practice in an athletic season, or within 78
six weeks of the first day that the student begins to 79
participate in the athletic activity, whichever is later. Each 80
school subject to this section shall retain all original, signed 81
preparticipation physical evaluation forms. 82

(F) (1) A student shall not be allowed to participate in an 83
athletic activity if ~~either of the following is the case:~~ 84

~~(a) The student's biological parent, biological sibling,~~ 85
~~or biological child has previously experienced sudden cardiac~~ 86
~~arrest, and the student has not been evaluated and cleared for~~ 87
~~participation in an athletic activity by a physician authorized~~ 88
~~under Chapter 4731. of the Revised Code to practice medicine and~~ 89
~~surgery or osteopathic medicine and surgery.~~ 90

~~(b) The~~ the student is known to have exhibited syncope or 91
fainting at any time prior to or following an athletic activity 92
and has not been evaluated and cleared for return under division 93
~~(E) (3)~~ (E) or (F) (3) of this section after exhibiting syncope or 94
fainting. 95

(2) A student shall be removed by the student's coach from 96
participation in an athletic activity if the student exhibits 97
syncope or fainting. 98

(3) If a student is not allowed to participate in or is 99
removed from participation in an athletic activity under 100
division ~~(E) (1)~~ (F) (1) or (2) of this section, the student shall 101
not be allowed to return to participation until the student is 102
evaluated and cleared for return in writing by any of the 103
following: 104

~~(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery,~~ including a physician who specializes in cardiology;

~~(b) A certified nurse practitioner, clinical nurse specialist, or certified nurse midwife who holds a certificate of authority issued under Chapter 4723. of the Revised Code~~An advanced practice registered nurse;

~~(c) A physician assistant licensed under Chapter 4730. of the Revised Code;~~

(d) An athletic trainer licensed under Chapter 4755. of the Revised Code.

The licensed health care providers specified in divisions ~~(E) (3) (a)~~ (F) (3) (a) to (d) of this section may consult with any other licensed or certified health care providers in order to determine whether a student is ready to return to participation.

~~(F)~~ (G) A school that is subject to this section shall establish penalties for a coach who violates the provisions of division ~~(E)~~ (F) of this section.

~~(G)~~ (H) Nothing in this section shall be construed to abridge or limit any rights provided under a collective bargaining agreement entered into under Chapter 4117. of the Revised Code prior to March 14, 2017.

~~(H) (1)~~ (I) (1) A school district, member of a school district board of education, or school district employee or volunteer, including a coach, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes

willful or wanton misconduct. 134

This section does not eliminate, limit, or reduce any 135
other immunity or defense that a school district, member of a 136
school district board of education, or school district employee 137
or volunteer, including a coach, may be entitled to under 138
Chapter 2744. or any other provision of the Revised Code or 139
under the common law of this state. 140

(2) A chartered or nonchartered nonpublic school or any 141
officer, director, employee, or volunteer of the school, 142
including a coach, is not liable in damages in a civil action 143
for injury, death, or loss to person or property allegedly 144
arising from providing services or performing duties under this 145
section, unless the act or omission constitutes willful or 146
wanton misconduct. 147

Sec. 3707.58. (A) As used in this section: 148

(1) "Advanced practice registered nurse" means an 149
individual who holds a current, valid license issued under 150
Chapter 4723. of the Revised Code that authorizes the practice 151
of nursing as an advanced practice registered nurse and is 152
designated as a clinical nurse specialist or certified nurse 153
practitioner. 154

(2) "Physician" means an individual authorized under 155
Chapter 4731. of the Revised Code to practice medicine and 156
surgery or osteopathic medicine and surgery. 157

(3) "Physician assistant" means an individual who is 158
licensed to practice as a physician assistant under Chapter 159
4730. of the Revised Code. 160

(4) "Youth athlete" means an individual who wishes to 161
practice for or compete in athletic activities organized by a 162

youth sports organization; 163

~~(2)~~ (5) "Youth sports organization" has the same meaning 164
as in section 3707.51 of the Revised Code. 165

(B) Prior to the start of each athletic season, a youth 166
sports organization that is subject to this section may hold an 167
informational meeting for youth athletes, parents, guardians, 168
other persons having care or charge of a youth athlete, 169
physicians, pediatric cardiologists, athletic trainers, and any 170
other persons regarding the symptoms and warning signs of sudden 171
cardiac arrest for all ages of youth athletes. 172

(C) No youth athlete shall participate in an athletic 173
activity organized by a youth sports organization until the 174
youth athlete has submitted to a designated official of the 175
youth sports organization a form signed by the youth athlete and 176
the parent, guardian, or other person having care or charge of 177
the youth athlete stating that the youth athlete and the parent, 178
guardian, or other person having care or charge of the youth 179
athlete have received and reviewed a copy of the information 180
developed by the departments of health and education and posted 181
on their respective internet web sites, and a copy of the 182
pamphlet, as required by section 3707.59 of the Revised Code. A 183
completed form shall be submitted each calendar year to each 184
youth sports organization that organizes an athletic activity in 185
which the youth athlete participates. 186

(D) No individual shall coach an athletic activity 187
organized by a youth sports organization unless the individual 188
has completed, on an annual basis, the sudden cardiac arrest 189
training course approved by the department of health under 190
division (C) of section 3707.59 of the Revised Code. 191

~~(E) (1)~~ (E) A youth athlete shall not be allowed to participate in an athletic activity organized by a youth sports organization unless the athlete has a physical examination performed by an advanced practice registered nurse, physician, or physician assistant, and the provider of the examination fills out the preparticipation physical evaluation form created by the department of health pursuant to division (D) of section 3707.59 of the Revised Code. The preparticipation physical examination shall be conducted within six weeks of the first day of official practice for the athletic activity, or within six weeks of the first day that the youth athlete begins to participate in the athletic activity, whichever is later. Youth sports organizations shall retain all original, signed preparticipation physical evaluation forms.

(F) (1) A youth athlete shall not be allowed to participate in an athletic activity organized by a youth sports organization if ~~either of the following is the case:~~

~~(a) The youth athlete's biological parent, biological sibling, or biological child has previously experienced sudden cardiac arrest, and the youth athlete has not been evaluated and cleared for participation in an athletic activity organized by a youth sports organization by a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.~~

~~(b) The~~ the youth athlete is known to have exhibited syncope or fainting at any time prior to or following an athletic activity and has not been evaluated and cleared for return under division ~~(E) (3)~~ (E) or (F) (3) of this section after exhibiting syncope or fainting.

(2) A youth athlete shall be removed by the youth

athlete's coach from participation in an athletic activity 222
organized by a youth sports organization if the youth athlete 223
exhibits syncope or fainting. 224

(3) If a youth athlete is not allowed to participate in or 225
is removed from participation in an athletic activity organized 226
by a youth sports organization under division ~~(E) (1)~~ (F) (1) or 227
(2) of this section, the youth athlete shall not be allowed to 228
return to participation until the youth athlete is evaluated and 229
cleared for return in writing by any of the following: 230

(a) A physician ~~authorized under Chapter 4731. of the~~ 231
~~Revised Code to practice medicine and surgery or osteopathic~~ 232
~~medicine and surgery~~, including a physician who specializes in 233
cardiology; 234

(b) ~~A certified nurse practitioner, clinical nurse~~ 235
~~specialist, or certified nurse midwife who holds a certificate~~ 236
~~of authority issued under Chapter 4723. of the Revised Code~~ An 237
advanced practice registered nurse; 238

(c) A physician assistant. 239

The licensed health care providers specified in divisions 240
~~(E) (3) (a)~~ (F) (3) (a) and (b), and (c) of this section may 241
consult with any other licensed or certified health care 242
providers in order to determine whether a youth athlete is ready 243
to return to participation. 244

~~(F)~~ (G) A youth sports organization that is subject to 245
this section shall establish penalties for a coach who violates 246
the provisions of division ~~(E)~~ (F) of this section. 247

~~(G) (1)~~ (H) (1) A youth sports organization or official, 248
employee, or volunteer of a youth sports organization, including 249
a coach, is not liable in damages in a civil action for injury, 250

death, or loss to person or property allegedly arising from 251
providing services or performing duties under this section, 252
unless the act or omission constitutes willful or wanton 253
misconduct. 254

(2) This section does not eliminate, limit, or reduce any 255
other immunity or defense that a public entity, public official, 256
or public employee may be entitled to under Chapter 2744. or any 257
other provision of the Revised Code or under the common law of 258
this state. 259

Sec. 3707.59. (A) As used in this section: 260

(1) "Athletic activity" means both of the following: 261

(a) An athletic activity, as defined in section 3313.5310 262
of the Revised Code; 263

(b) An athletic activity organized by a youth sports 264
organization. 265

(2) "Youth athlete" and "youth sports organization" have 266
the same meanings as in section 3707.58 of the Revised Code. 267

(B) The department of health and the department of 268
education jointly shall ~~develop~~ do both of the following: 269

(1) Develop and ~~shall~~ post on their respective internet 270
web sites guidelines and other relevant materials to inform and 271
educate students and youth athletes participating in or desiring 272
to participate in an athletic activity, their parents, and their 273
coaches about the nature and warning signs of sudden cardiac 274
arrest. These guidelines and materials shall address the risks 275
associated with continuing to participate in an athletic 276
activity after experiencing one or more symptoms of sudden 277
cardiac arrest, such as fainting, difficulty breathing, chest 278

pains, dizziness, and an abnormal racing heart rate. In 279
developing guidelines and other relevant materials under this 280
division, the department of health and the department of 281
education shall consult with the Ohio chapter of the American 282
college of cardiology and with an interscholastic conference or 283
an organization that regulates interscholastic athletic 284
competition and conducts interscholastic athletic events. 285

In developing guidelines and materials under this 286
division, the departments may utilize existing materials 287
developed by the parent heart watch organization, the sudden 288
arrhythmia death syndromes foundation, and any other 289
organizations deemed appropriate by the departments. 290

(2) (a) Not later than one year after the effective date of 291
this section, develop a pamphlet that provides information about 292
sudden cardiac arrest in children or adults. The pamphlet shall 293
include an explanation of sudden cardiac arrest, its incidence, 294
early warning signs, and an overview of the options that are 295
available to screen for cardiac conditions that may lead to 296
sudden cardiac arrest, including a statement about the 297
limitations of those options. The pamphlet may include any of 298
the information from the guidelines developed under division (B) 299
(1) of this section. The pamphlet shall be updated as the 300
departments determine appropriate. 301

In developing the pamphlet under this division, the 302
department of health and the department of education shall 303
consult with the American academy of pediatrics and the American 304
heart association. 305

(b) The department of education shall distribute the 306
pamphlet free of charge to all school districts in Ohio. The 307
department shall distribute copies to any other school on 308

request. 309

(C) For purposes of the training required for a coach of 310
an athletic activity under division (D) of section 3313.5310 or 311
division (D) of section 3707.58 of the Revised Code, the 312
department of health shall approve a sudden cardiac arrest 313
training course offered by an outside entity. 314

(D) Not later than one year after the effective date of 315
this section, the department of health shall create a 316
preparticipation physical evaluation form to be used for 317
purposes of sections 4723.484, 4730.46, and 4731.89 of the 318
Revised Code. The form shall be based on a form developed by the 319
American academy of family physicians, American academy of 320
pediatrics, American college of sports medicine, American 321
medical society for sports medicine, American orthopaedic 322
society for sports medicine, and American osteopathic academy of 323
sports medicine, and be based on the American heart 324
association's fourteen-point screening for heart disease in the 325
young. The form created by the department shall contain all of 326
the following: 327

(1) A patient history component, including questions 328
regarding the biologic heart health of the individual and the 329
individual's biologic parents, including a sperm or egg donor, 330
if applicable. The patient history component must include all of 331
the following questions: 332

(a) Have you ever fainted, passed out, or had an 333
unexplained seizure suddenly and without warning, especially 334
during exercise or in response to sudden loud noises, such as 335
doorbells, alarm clocks, and ringing telephones? 336

(b) Have you ever had exercise-related chest pain or 337

<u>shortness of breath?</u>	338
<u>(c) Has anyone in your immediate family (parents,</u>	339
<u>grandparents, siblings) or other more distant relatives (aunts,</u>	340
<u>uncles, cousins) died of heart problems or had an unexpected</u>	341
<u>sudden death before age fifty, including any unexpected</u>	342
<u>drownings, unexplained automobile crashes in which the relative</u>	343
<u>was driving, or sudden unexplained infant death?</u>	344
<u>(d) Are you related to anyone with hypertrophic</u>	345
<u>cardiomyopathy or hypertrophic obstructive cardiomyopathy,</u>	346
<u>marfan syndrome, arrhythmogenic cardiomyopathy, long QT</u>	347
<u>syndrome, short QT syndrome, brugada syndrome, or</u>	348
<u>catecholaminergic polymorphic ventricular tachycardia, wolff-</u>	349
<u>parkinson-white syndrome, or anyone younger than fifty years</u>	350
<u>with a pacemaker or implantable defibrillator?</u>	351
<u>(2) A physical examination component;</u>	352
<u>(3) A certification to be signed by the health care</u>	353
<u>professional who performs the physical examination, certifying</u>	354
<u>that the health professional has complied with the following:</u>	355
<u>(a) For a physician, divisions (B) (2) and (3) of section</u>	356
<u>4731.89 of the Revised Code;</u>	357
<u>(b) For a physician assistant, divisions (A) (2) and (3) of</u>	358
<u>section 4730.46 of the Revised Code;</u>	359
<u>(c) For a clinical nurse specialist or certified nurse</u>	360
<u>practitioner, divisions (A) (2) and (3) of section 4723.484 of</u>	361
<u>the Revised Code.</u>	362
<u>Sec. 3707.591. (A) Not later than one year after the</u>	363
<u>effective date of this section, the director of health, in</u>	364
<u>consultation with the department of education, shall establish a</u>	365

childhood cardiac screening professional development module to 366
increase the assessment skills of health care professionals who 367
perform annual physical examinations and screenings for 368
children. As part of establishing the module, the director may 369
develop a module that meets the requirements of division (B) of 370
this section or may adopt the student-athlete cardiac assessment 371
professional development module created by the New Jersey 372
commissioners of education and health. 373

(B) If the director of health, in consultation with the 374
department of education, develops a module as described in 375
division (A) of this section, the director and the department of 376
education shall do both of the following: 377

(1) Consult with the academy of family physicians, the 378
American heart association, and the Ohio chapter of the American 379
college of cardiology in developing the module; 380

(2) Include all of the following in the module: 381

(a) How to complete and review a detailed medical history 382
with an emphasis on cardiovascular family history and personal 383
reports of symptoms; 384

(b) Identification of symptoms of sudden cardiac arrest 385
that may require follow up with a cardiologist; 386

(c) Recognition of normal structural changes of the 387
athletic heart; 388

(d) Recognition of prodromal symptoms that precede sudden 389
cardiac arrest; 390

(e) Performance of the cardiovascular physical 391
examination; 392

(f) Review of the major etiologies of sudden unexplained 393

cardiac death with an emphasis on structural abnormalities and 394
acquired conditions; 395

(g) When to refer a patient to a cardiologist for further 396
assessment. 397

(C) The department of health and the department of 398
education shall post the module established pursuant to this 399
section on their internet web sites. The department of health 400
shall make internet links to the module available to the 401
American academy of pediatrics, Ohio academy of family 402
physicians, American heart association, American college of 403
cardiology, athletic trainers' society, state medical board, 404
board of nursing, and society of physician assistants. 405

(D) The department of health shall facilitate the database 406
storage of information related to all health care professionals 407
who complete the course as required by sections 4723.484, 408
4730.46, and 4731.89 of the Revised Code. The department may 409
coordinate with health care professional licensing boards to 410
store the information on behalf of the department, as the 411
department considers appropriate. The records shall be kept for 412
ten years. 413

(E) The department of health shall complete an annual 414
report on outcomes related to the module and health care 415
professional reports under sections 4723.484, 4730.46, and 416
4731.89 of the Revised Code. The department shall post the 417
report on its internet web site and provide a copy to any member 418
of the public on request. 419

Sec. 4723.24. (A) (1) Except as otherwise provided in this 420
chapter, all of the following apply with respect to the 421
schedules for renewal of licenses and certificates issued by the 422

board of nursing:	423
(a) An active license to practice nursing as a registered nurse is subject to renewal in odd-numbered years. An application for renewal of the license is due on the fifteenth day of September of the renewal year. A late application may be submitted before the license lapses. If a license is not renewed or classified as inactive, the license lapses on the first day of November of the renewal year.	424 425 426 427 428 429 430
(b) An active license to practice nursing as a licensed practical nurse is subject to renewal in even-numbered years. An application for renewal of the license is due on the fifteenth day of September of the renewal year. A late application may be submitted before the license lapses. If a license is not renewed or classified as inactive, the license lapses on the first day of November of the renewal year.	431 432 433 434 435 436 437
(c) An active license to practice nursing as an advanced practice registered nurse is subject to renewal in odd-numbered years. An application for renewal of the license is due on the fifteenth day of September of the renewal year. A late application may be submitted before the license lapses. If a license is not renewed or classified as inactive, the license lapses on the first day of November of the renewal year.	438 439 440 441 442 443 444
(d) All other active licenses and certificates issued under this chapter are subject to renewal according to a schedule established by the board in rules adopted under section 4723.07 of the Revised Code.	445 446 447 448
(2) The board shall provide an application for renewal to every holder of an active license or certificate, except when the board is aware that an individual is ineligible for license	449 450 451

or certificate renewal for any reason, including pending 452
criminal charges in this state or another jurisdiction, failure 453
to comply with a disciplinary order from the board or the terms 454
of a consent agreement entered into with the board, failure to 455
pay fines or fees owed to the board, or failure to provide on 456
the board's request documentation of having completed the 457
continuing nursing education requirements specified in division 458
(C) of this section. 459

If the board provides a renewal application by mail, the 460
application shall be addressed to the last known post-office 461
address of the license or certificate holder and mailed before 462
the date the application is due. Failure of the license or 463
certificate holder to receive an application for renewal from 464
the board shall not excuse the holder from the requirements 465
contained in this section, except as provided in section 5903.10 466
of the Revised Code. 467

As applicable, the renewal application shall include a 468
check box for an advanced practice registered nurse who is 469
subject to section 4723.484 of the Revised Code to certify 470
compliance with divisions (A) (2) and (3) of that section. 471

(3) A license or certificate holder seeking renewal of the 472
license or certificate shall complete the renewal application 473
and submit it to the board with the renewal fee established 474
under section 4723.08 of the Revised Code. If a renewal 475
application is submitted after the date the application is due, 476
but before the date the license or certificate lapses, the 477
applicant shall include with the application the fee established 478
under section 4723.08 of the Revised Code for processing a late 479
application for renewal. 480

With the renewal application, the applicant shall report 481

any conviction, plea, or judicial finding regarding a criminal 482
offense that constitutes grounds for the board to impose 483
sanctions under section 4723.28 of the Revised Code since the 484
applicant last submitted an application to the board. 485

(4) On receipt of the renewal application, the board shall 486
verify whether the applicant meets the renewal requirements. If 487
the applicant meets the requirements, the board shall renew the 488
license or certificate. 489

(B) Every license or certificate holder shall give written 490
notice to the board of any change of name or address within 491
thirty days of the change. The board shall require the holder to 492
document a change of name in a manner acceptable to the board. 493

(C) (1) Except in the case of a first renewal after 494
licensure by examination, to be eligible for renewal of an 495
active license to practice nursing as a registered nurse or 496
licensed practical nurse, each individual who holds an active 497
license shall, in each two-year period specified by the board, 498
complete continuing nursing education as follows: 499

(a) For renewal of a license that was issued for a two- 500
year renewal period, twenty-four hours of continuing nursing 501
education; 502

(b) For renewal of a license that was issued for less than 503
a two-year renewal period, the number of hours of continuing 504
nursing education specified by the board in rules adopted in 505
accordance with Chapter 119. of the Revised Code; 506

(c) Of the hours of continuing nursing education completed 507
in any renewal period, at least one hour of the education must 508
be directly related to the statutes and rules pertaining to the 509
practice of nursing in this state. 510

(2) To be eligible for renewal of an active license to practice nursing as an advanced practice registered nurse, each individual who holds an active license shall, in each two-year period specified by the board, complete continuing education as follows:

(a) For renewal of a license that was issued for a two-year renewal period, twenty-four hours of continuing nursing education;

(b) For renewal of a license that was issued for less than a two-year renewal period, the number of hours of continuing nursing education specified by the board in rules adopted in accordance with Chapter 119. of the Revised Code, including the number of hours of continuing education in advanced pharmacology;

(c) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, of the hours of continuing nursing education completed in any renewal period, at least twelve hours of the education must be in advanced pharmacology and be received from an accredited institution recognized by the board.

(d) The continuing education required by division (C) (2) (a) or (b) of this section is in addition to the continuing education required by division (C) (1) (a) or (b) of this section.

(3) The board shall adopt rules establishing the procedure for a license holder to certify to the board completion of the required continuing nursing education. The board may conduct a random sample of license holders and require that the license holders included in the sample submit satisfactory documentation

of having completed the requirements for continuing nursing 540
education. On the board's request, a license holder included in 541
the sample shall submit the required documentation. 542

(4) An educational activity may be applied toward meeting 543
the continuing nursing education requirement only if it is 544
obtained through a program or course approved by the board or a 545
person the board has authorized to approve continuing nursing 546
education programs and courses. 547

(5) The continuing education required of a certified 548
registered nurse anesthetist, clinical nurse specialist, 549
certified nurse-midwife, or certified nurse practitioner to 550
maintain certification by a national certifying organization 551
shall be applied toward the continuing education requirements 552
for renewal of the following if the continuing education is 553
obtained through a program or course approved by the board or a 554
person the board has authorized to approve continuing nursing 555
education programs and courses: 556

(a) A license to practice nursing as a registered nurse; 557

(b) A license to practice nursing as an advanced practice 558
registered nurse. 559

(D) Except as otherwise provided in section 4723.28 of the 560
Revised Code, an individual who holds an active license to 561
practice nursing as a registered nurse or licensed practical 562
nurse and who does not intend to practice in Ohio may send to 563
the board written notice to that effect on or before the date 564
the license lapses, and the board shall classify the license as 565
inactive. During the period that the license is classified as 566
inactive, the holder may not engage in the practice of nursing 567
as a registered nurse or licensed practical nurse in Ohio and is 568

not required to pay the renewal fee. 569

The holder of an inactive license to practice nursing as a 570
registered nurse or licensed practical nurse or an individual 571
who has failed to renew the individual's license to practice 572
nursing as a registered nurse or licensed practical nurse may 573
have the license reactivated or reinstated upon doing the 574
following, as applicable to the holder or individual: 575

(1) Applying to the board for license reactivation or 576
reinstatement on forms provided by the board; 577

(2) Meeting the requirements for reactivating or 578
reinstating licenses established in rules adopted under section 579
4723.07 of the Revised Code or, if the individual did not renew 580
because of service in the armed forces of the United States or a 581
reserve component of the armed forces of the United States, 582
including the Ohio national guard or the national guard of any 583
other state, as provided in section 5903.10 of the Revised Code; 584

(3) If the license has been inactive for at least five 585
years from the date of application for reactivation or has 586
lapsed for at least five years from the date of application for 587
reinstatement, submitting a request to the bureau of criminal 588
identification and investigation for a criminal records check 589
and check of federal bureau of investigation records pursuant to 590
section 4723.091 of the Revised Code. 591

(E) Except as otherwise provided in section 4723.28 of the 592
Revised Code, an individual who holds an active license to 593
practice nursing as an advanced practice registered nurse and 594
does not intend to practice in Ohio as an advanced practice 595
registered nurse may send to the board written notice to that 596
effect on or before the renewal date, and the board shall 597

classify the license as inactive. During the period that the 598
license is classified as inactive, the holder may not engage in 599
the practice of nursing as an advanced practice registered nurse 600
in Ohio and is not required to pay the renewal fee. 601

The holder of an inactive license to practice nursing as 602
an advanced practice registered nurse or an individual who has 603
failed to renew the individual's license to practice nursing as 604
an advanced practice registered nurse may have the license 605
reactivated or reinstated upon doing the following, as 606
applicable to the holder or individual: 607

(1) Applying to the board for license reactivation or 608
reinstatement on forms provided by the board; 609

(2) Meeting the requirements for reactivating or 610
reinstating licenses established in rules adopted under section 611
4723.07 of the Revised Code or, if the individual did not renew 612
because of service in the armed forces of the United States or a 613
reserve component of the armed forces of the United States, 614
including the Ohio national guard or the national guard of any 615
other state, as provided in section 5903.10 of the Revised Code. 616

Sec. 4723.28. (A) The board of nursing, by a vote of a 617
quorum, may impose one or more of the following sanctions if it 618
finds that a person committed fraud in passing an examination 619
required to obtain a license or dialysis technician certificate 620
issued by the board or to have committed fraud, 621
misrepresentation, or deception in applying for or securing any 622
nursing license or dialysis technician certificate issued by the 623
board: deny, revoke, suspend, or place restrictions on any 624
nursing license or dialysis technician certificate issued by the 625
board; reprimand or otherwise discipline a holder of a nursing 626
license or dialysis technician certificate; or impose a fine of 627

not more than five hundred dollars per violation. 628

(B) Except as provided in section 4723.092 of the Revised 629
Code, the board of nursing, by a vote of a quorum, may impose 630
one or more of the following sanctions: deny, revoke, suspend, 631
or place restrictions on any nursing license or dialysis 632
technician certificate issued by the board; reprimand or 633
otherwise discipline a holder of a nursing license or dialysis 634
technician certificate; or impose a fine of not more than five 635
hundred dollars per violation. The sanctions may be imposed for 636
any of the following: 637

(1) Denial, revocation, suspension, or restriction of 638
authority to engage in a licensed profession or practice a 639
health care occupation, including nursing or practice as a 640
dialysis technician, for any reason other than a failure to 641
renew, in Ohio or another state or jurisdiction; 642

(2) Engaging in the practice of nursing or engaging in 643
practice as a dialysis technician, having failed to renew a 644
nursing license or dialysis technician certificate issued under 645
this chapter, or while a nursing license or dialysis technician 646
certificate is under suspension; 647

(3) Conviction of, a plea of guilty to, a judicial finding 648
of guilt of, a judicial finding of guilt resulting from a plea 649
of no contest to, or a judicial finding of eligibility for a 650
pretrial diversion or similar program or for intervention in 651
lieu of conviction for, a misdemeanor committed in the course of 652
practice; 653

(4) Conviction of, a plea of guilty to, a judicial finding 654
of guilt of, a judicial finding of guilt resulting from a plea 655
of no contest to, or a judicial finding of eligibility for a 656

pretrial diversion or similar program or for intervention in 657
lieu of conviction for, any felony or of any crime involving 658
gross immorality or moral turpitude; 659

(5) Selling, giving away, or administering drugs or 660
therapeutic devices for other than legal and legitimate 661
therapeutic purposes; or conviction of, a plea of guilty to, a 662
judicial finding of guilt of, a judicial finding of guilt 663
resulting from a plea of no contest to, or a judicial finding of 664
eligibility for a pretrial diversion or similar program or for 665
intervention in lieu of conviction for, violating any municipal, 666
state, county, or federal drug law; 667

(6) Conviction of, a plea of guilty to, a judicial finding 668
of guilt of, a judicial finding of guilt resulting from a plea 669
of no contest to, or a judicial finding of eligibility for a 670
pretrial diversion or similar program or for intervention in 671
lieu of conviction for, an act in another jurisdiction that 672
would constitute a felony or a crime of moral turpitude in Ohio; 673

(7) Conviction of, a plea of guilty to, a judicial finding 674
of guilt of, a judicial finding of guilt resulting from a plea 675
of no contest to, or a judicial finding of eligibility for a 676
pretrial diversion or similar program or for intervention in 677
lieu of conviction for, an act in the course of practice in 678
another jurisdiction that would constitute a misdemeanor in 679
Ohio; 680

(8) Self-administering or otherwise taking into the body 681
any dangerous drug, as defined in section 4729.01 of the Revised 682
Code, in any way that is not in accordance with a legal, valid 683
prescription issued for that individual, or self-administering 684
or otherwise taking into the body any drug that is a schedule I 685
controlled substance; 686

- (9) Habitual or excessive use of controlled substances, 687
other habit-forming drugs, or alcohol or other chemical 688
substances to an extent that impairs the individual's ability to 689
provide safe nursing care or safe dialysis care; 690
- (10) Impairment of the ability to practice according to 691
acceptable and prevailing standards of safe nursing care or safe 692
dialysis care because of the use of drugs, alcohol, or other 693
chemical substances; 694
- (11) Impairment of the ability to practice according to 695
acceptable and prevailing standards of safe nursing care or safe 696
dialysis care because of a physical or mental disability; 697
- (12) Assaulting or causing harm to a patient or depriving 698
a patient of the means to summon assistance; 699
- (13) Misappropriation or attempted misappropriation of 700
money or anything of value in the course of practice; 701
- (14) Adjudication by a probate court of being mentally ill 702
or mentally incompetent. The board may reinstate the person's 703
nursing license or dialysis technician certificate upon 704
adjudication by a probate court of the person's restoration to 705
competency or upon submission to the board of other proof of 706
competency. 707
- (15) The suspension or termination of employment by the 708
United States department of defense or department of veterans 709
affairs for any act that violates or would violate this chapter; 710
- (16) Violation of this chapter or any rules adopted under 711
it; 712
- (17) Violation of any restrictions placed by the board on 713
a nursing license or dialysis technician certificate; 714

(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	715 716 717
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	718 719
(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	720 721 722
(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	723 724 725
(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;	726 727 728
(23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;	729 730 731
(24) In the case of an advanced practice registered nurse, except as provided in division (M) of this section, either of the following:	732 733 734
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	735 736 737 738 739 740
(b) Advertising that the nurse will waive the payment of all or any part of a deductible or copayment that a patient,	741 742

pursuant to a health insurance or health care policy, contract, 743
or plan that covers such nursing services, would otherwise be 744
required to pay. 745

(25) Failure to comply with the terms and conditions of 746
participation in the substance use disorder monitoring program 747
established under section 4723.35 of the Revised Code; 748

(26) Failure to comply with the terms and conditions 749
required under the practice intervention and improvement program 750
established under section 4723.282 of the Revised Code; 751

(27) In the case of an advanced practice registered nurse: 752

(a) Engaging in activities that exceed those permitted for 753
the nurse's nursing specialty under section 4723.43 of the 754
Revised Code; 755

(b) Failure to meet the quality assurance standards 756
established under section 4723.07 of the Revised Code. 757

(28) In the case of an advanced practice registered nurse 758
other than a certified registered nurse anesthetist, failure to 759
maintain a standard care arrangement in accordance with section 760
4723.431 of the Revised Code or to practice in accordance with 761
the standard care arrangement; 762

(29) In the case of an advanced practice registered nurse 763
who is designated as a clinical nurse specialist, certified 764
nurse-midwife, or certified nurse practitioner, failure to 765
prescribe drugs and therapeutic devices in accordance with 766
section 4723.481 of the Revised Code; 767

(30) Prescribing any drug or device to perform or induce 768
an abortion, or otherwise performing or inducing an abortion; 769

(31) Failure to establish and maintain professional 770

boundaries with a patient, as specified in rules adopted under 771
section 4723.07 of the Revised Code; 772

(32) Regardless of whether the contact or verbal behavior 773
is consensual, engaging with a patient other than the spouse of 774
the registered nurse, licensed practical nurse, or dialysis 775
technician in any of the following: 776

(a) Sexual contact, as defined in section 2907.01 of the 777
Revised Code; 778

(b) Verbal behavior that is sexually demeaning to the 779
patient or may be reasonably interpreted by the patient as 780
sexually demeaning. 781

(33) Assisting suicide, as defined in section 3795.01 of 782
the Revised Code; 783

(34) Failure to comply with the requirements in section 784
3719.061 of the Revised Code before issuing for a minor a 785
prescription for an opioid analgesic, as defined in section 786
3719.01 of the Revised Code; 787

(35) Failure to comply with section 4723.487 of the 788
Revised Code, unless the state board of pharmacy no longer 789
maintains a drug database pursuant to section 4729.75 of the 790
Revised Code; 791

(36) The revocation, suspension, restriction, reduction, 792
or termination of clinical privileges by the United States 793
department of defense or department of veterans affairs or the 794
termination or suspension of a certificate of registration to 795
prescribe drugs by the drug enforcement administration of the 796
United States department of justice; 797

(37) In the case of an advanced practice registered nurse 798

who is designated as a clinical nurse specialist, certified 799
nurse-midwife, or certified nurse practitioner, failure to 800
comply with the terms of a consult agreement entered into with a 801
pharmacist pursuant to section 4729.39 of the Revised Code; 802

(38) In the case of an advanced practice registered nurse 803
who is designated as a clinical nurse specialist or certified 804
nurse practitioner, failure to comply with division (A) (2) or 805
(3) of section 4723.484 of the Revised Code. 806

(C) Disciplinary actions taken by the board under 807
divisions (A) and (B) of this section shall be taken pursuant to 808
an adjudication conducted under Chapter 119. of the Revised 809
Code, except that in lieu of a hearing, the board may enter into 810
a consent agreement with an individual to resolve an allegation 811
of a violation of this chapter or any rule adopted under it. A 812
consent agreement, when ratified by a vote of a quorum, shall 813
constitute the findings and order of the board with respect to 814
the matter addressed in the agreement. If the board refuses to 815
ratify a consent agreement, the admissions and findings 816
contained in the agreement shall be of no effect. 817

(D) The hearings of the board shall be conducted in 818
accordance with Chapter 119. of the Revised Code, the board may 819
appoint a hearing examiner, as provided in section 119.09 of the 820
Revised Code, to conduct any hearing the board is authorized to 821
hold under Chapter 119. of the Revised Code. 822

In any instance in which the board is required under 823
Chapter 119. of the Revised Code to give notice of an 824
opportunity for a hearing and the applicant, licensee, or 825
certificate holder does not make a timely request for a hearing 826
in accordance with section 119.07 of the Revised Code, the board 827
is not required to hold a hearing, but may adopt, by a vote of a 828

quorum, a final order that contains the board's findings. In the 829
final order, the board may order any of the sanctions listed in 830
division (A) or (B) of this section. 831

(E) If a criminal action is brought against a registered 832
nurse, licensed practical nurse, or dialysis technician for an 833
act or crime described in divisions (B) (3) to (7) of this 834
section and the action is dismissed by the trial court other 835
than on the merits, the board shall conduct an adjudication to 836
determine whether the registered nurse, licensed practical 837
nurse, or dialysis technician committed the act on which the 838
action was based. If the board determines on the basis of the 839
adjudication that the registered nurse, licensed practical 840
nurse, or dialysis technician committed the act, or if the 841
registered nurse, licensed practical nurse, or dialysis 842
technician fails to participate in the adjudication, the board 843
may take action as though the registered nurse, licensed 844
practical nurse, or dialysis technician had been convicted of 845
the act. 846

If the board takes action on the basis of a conviction, 847
plea, or a judicial finding as described in divisions (B) (3) to 848
(7) of this section that is overturned on appeal, the registered 849
nurse, licensed practical nurse, or dialysis technician may, on 850
exhaustion of the appeal process, petition the board for 851
reconsideration of its action. On receipt of the petition and 852
supporting court documents, the board shall temporarily rescind 853
its action. If the board determines that the decision on appeal 854
was a decision on the merits, it shall permanently rescind its 855
action. If the board determines that the decision on appeal was 856
not a decision on the merits, it shall conduct an adjudication 857
to determine whether the registered nurse, licensed practical 858
nurse, or dialysis technician committed the act on which the 859

original conviction, plea, or judicial finding was based. If the 860
board determines on the basis of the adjudication that the 861
registered nurse, licensed practical nurse, or dialysis 862
technician committed such act, or if the registered nurse, 863
licensed practical nurse, or dialysis technician does not 864
request an adjudication, the board shall reinstate its action; 865
otherwise, the board shall permanently rescind its action. 866

Notwithstanding the provision of division (D) (2) of 867
section 2953.32 or division (F) (1) of section 2953.39 of the 868
Revised Code specifying that if records pertaining to a criminal 869
case are sealed or expunged under that section the proceedings 870
in the case shall be deemed not to have occurred, sealing or 871
expungement of the following records on which the board has 872
based an action under this section shall have no effect on the 873
board's action or any sanction imposed by the board under this 874
section: records of any conviction, guilty plea, judicial 875
finding of guilt resulting from a plea of no contest, or a 876
judicial finding of eligibility for a pretrial diversion program 877
or intervention in lieu of conviction. 878

The board shall not be required to seal, destroy, redact, 879
or otherwise modify its records to reflect the court's sealing 880
or expungement of conviction records. 881

(F) The board may investigate an individual's criminal 882
background in performing its duties under this section. As part 883
of such investigation, the board may order the individual to 884
submit, at the individual's expense, a request to the bureau of 885
criminal identification and investigation for a criminal records 886
check and check of federal bureau of investigation records in 887
accordance with the procedure described in section 4723.091 of 888
the Revised Code. 889

(G) During the course of an investigation conducted under 890
this section, the board may compel any registered nurse, 891
licensed practical nurse, or dialysis technician or applicant 892
under this chapter to submit to a mental or physical 893
examination, or both, as required by the board and at the 894
expense of the individual, if the board finds reason to believe 895
that the individual under investigation may have a physical or 896
mental impairment that may affect the individual's ability to 897
provide safe nursing care. Failure of any individual to submit 898
to a mental or physical examination when directed constitutes an 899
admission of the allegations, unless the failure is due to 900
circumstances beyond the individual's control, and a default and 901
final order may be entered without the taking of testimony or 902
presentation of evidence. 903

If the board finds that an individual is impaired, the 904
board shall require the individual to submit to care, 905
counseling, or treatment approved or designated by the board, as 906
a condition for initial, continued, reinstated, or renewed 907
authority to practice. The individual shall be afforded an 908
opportunity to demonstrate to the board that the individual can 909
begin or resume the individual's occupation in compliance with 910
acceptable and prevailing standards of care under the provisions 911
of the individual's authority to practice. 912

For purposes of this division, any registered nurse, 913
licensed practical nurse, or dialysis technician or applicant 914
under this chapter shall be deemed to have given consent to 915
submit to a mental or physical examination when directed to do 916
so in writing by the board, and to have waived all objections to 917
the admissibility of testimony or examination reports that 918
constitute a privileged communication. 919

(H) The board shall investigate evidence that appears to 920
show that any person has violated any provision of this chapter 921
or any rule of the board. Any person may report to the board any 922
information the person may have that appears to show a violation 923
of any provision of this chapter or rule of the board. In the 924
absence of bad faith, any person who reports such information or 925
who testifies before the board in any adjudication conducted 926
under Chapter 119. of the Revised Code shall not be liable for 927
civil damages as a result of the report or testimony. 928

(I) All of the following apply under this chapter with 929
respect to the confidentiality of information: 930

(1) Information received by the board pursuant to a 931
complaint or an investigation is confidential and not subject to 932
discovery in any civil action, except that the board may 933
disclose information to law enforcement officers and government 934
entities for purposes of an investigation of either a licensed 935
health care professional, including a registered nurse, licensed 936
practical nurse, or dialysis technician, or a person who may 937
have engaged in the unauthorized practice of nursing or dialysis 938
care. No law enforcement officer or government entity with 939
knowledge of any information disclosed by the board pursuant to 940
this division shall divulge the information to any other person 941
or government entity except for the purpose of a government 942
investigation, a prosecution, or an adjudication by a court or 943
government entity. 944

(2) If an investigation requires a review of patient 945
records, the investigation and proceeding shall be conducted in 946
such a manner as to protect patient confidentiality. 947

(3) All adjudications and investigations of the board 948
shall be considered civil actions for the purposes of section 949

2305.252 of the Revised Code.	950
(4) Any board activity that involves continued monitoring	951
of an individual as part of or following any disciplinary action	952
taken under this section shall be conducted in a manner that	953
maintains the individual's confidentiality. Information received	954
or maintained by the board with respect to the board's	955
monitoring activities is not subject to discovery in any civil	956
action and is confidential, except that the board may disclose	957
information to law enforcement officers and government entities	958
for purposes of an investigation of a licensee or certificate	959
holder.	960
(J) Any action taken by the board under this section	961
resulting in a suspension from practice shall be accompanied by	962
a written statement of the conditions under which the person may	963
be reinstated to practice.	964
(K) When the board refuses to grant a license or	965
certificate to an applicant, revokes a license or certificate,	966
or refuses to reinstate a license or certificate, the board may	967
specify that its action is permanent. An individual subject to	968
permanent action taken by the board is forever ineligible to	969
hold a license or certificate of the type that was refused or	970
revoked and the board shall not accept from the individual an	971
application for reinstatement of the license or certificate or	972
for a new license or certificate.	973
(L) No unilateral surrender of a nursing license or	974
dialysis technician certificate issued under this chapter shall	975
be effective unless accepted by majority vote of the board. No	976
application for a nursing license or dialysis technician	977
certificate issued under this chapter may be withdrawn without a	978
majority vote of the board. The board's jurisdiction to take	979

disciplinary action under this section is not removed or limited 980
when an individual has a license or certificate classified as 981
inactive or fails to renew a license or certificate. 982

(M) Sanctions shall not be imposed under division (B) (24) 983
of this section against any licensee who waives deductibles and 984
copayments as follows: 985

(1) In compliance with the health benefit plan that 986
expressly allows such a practice. Waiver of the deductibles or 987
copayments shall be made only with the full knowledge and 988
consent of the plan purchaser, payer, and third-party 989
administrator. Documentation of the consent shall be made 990
available to the board upon request. 991

(2) For professional services rendered to any other person 992
licensed pursuant to this chapter to the extent allowed by this 993
chapter and the rules of the board. 994

Sec. 4723.484. Beginning one year after the effective date 995
of this section, all of the following apply: 996

(A) A certified nurse practitioner or clinical nurse 997
specialist who performs annual physical examinations on 998
individuals who are nineteen years of age or younger, or who 999
performs examinations for purposes of division (E) of section 1000
3313.5310 of the Revised Code, shall do all of the following: 1001

(1) For each such examination, complete the 1002
preparticipation physical evaluation form created pursuant to 1003
division (D) of section 3707.59 of the Revised Code; 1004

(2) At least once every four years, complete the childhood 1005
cardiac screening professional development module established 1006
under section 3707.591 of the Revised Code. The certified nurse 1007
practitioner or clinical nurse specialist shall retain on file 1008

at the nurse's primary place of practice a hard copy of the 1009
certificate of completion, and shall make it available to the 1010
board of nursing on request. 1011

(3) At least once every four years, read the pamphlet 1012
developed under division (B) (2) (a) of section 3707.59 of the 1013
Revised Code; 1014

(4) Annually report to the department of health the total 1015
number of examinations for which the preparticipation physical 1016
evaluation form was completed and the total number of cardiology 1017
referrals resulting from those examinations. 1018

(B) The board may fine a certified nurse practitioner or 1019
clinical nurse specialist who fails, on request, to produce a 1020
copy of the certificate of completion of the childhood cardiac 1021
screening professional development module. The fine may be up to 1022
five thousand dollars, plus an additional one thousand dollars 1023
for each individual the nurse is found to have examined without 1024
having completed the module as required under this section. 1025

(C) No certified nurse practitioner or clinical nurse 1026
specialist shall knowingly falsely certify as to the completion 1027
of the requirements set forth in division (A) (2) or (3) of this 1028
section. 1029

Sec. 4723.99. (A) Except as provided in division (B) of 1030
this section, whoever violates section 4723.03, 4723.44, 1031
4723.653, or 4723.73 of the Revised Code is guilty of a felony 1032
of the fifth degree on a first offense and a felony of the 1033
fourth degree on each subsequent offense. 1034

(B) Each of the following is guilty of a minor 1035
misdemeanor: 1036

(1) A registered nurse, advanced practice registered 1037

nurse, or licensed practical nurse who violates division (A), 1038
(B), (C), or (D) of section 4723.03 of the Revised Code by 1039
reason of a license to practice nursing that has lapsed for 1040
failure to renew or by practicing nursing after a license has 1041
been classified as inactive; 1042

(2) A medication aide who violates section 4723.653 of the 1043
Revised Code by reason of a medication aide certificate that has 1044
lapsed for failure to renew or by administering medication as a 1045
medication aide after a certificate has been classified as 1046
inactive. 1047

(C) Whoever violates division (A) (2) or (3) of section 1048
4723.484 of the Revised Code is guilty of a misdemeanor of the 1049
first degree. 1050

Sec. 4730.14. (A) A license to practice as a physician 1051
assistant shall be valid for a two-year period unless revoked or 1052
suspended, shall expire on the date that is two years after the 1053
date of issuance, and may be renewed for additional two-year 1054
periods in accordance with this section. A person seeking to 1055
renew a license shall apply to the state medical board for 1056
renewal prior to the license's expiration date. The board shall 1057
provide renewal notices to license holders at least one month 1058
prior to the expiration date. 1059

Applications shall be submitted to the board in a manner 1060
prescribed by the board. Each renewal application shall include 1061
a check box for a physician assistant who is subject to section 1062
4730.46 of the Revised Code to certify compliance with divisions 1063
(A) (2) and (3) of that section. 1064

Each application shall be accompanied by a biennial 1065
renewal fee of two hundred dollars. The board shall deposit the 1066

fees in accordance with section 4731.24 of the Revised Code. 1067

The applicant shall report any criminal offense that 1068
constitutes grounds for refusing to issue a license to practice 1069
under section 4730.25 of the Revised Code to which the applicant 1070
has pleaded guilty, of which the applicant has been found 1071
guilty, or for which the applicant has been found eligible for 1072
intervention in lieu of conviction, since last signing an 1073
application for a license to practice as a physician assistant. 1074

(B) To be eligible for renewal of a license, an applicant 1075
is subject to all of the following: 1076

(1) The applicant must certify to the board that the 1077
applicant has maintained certification by the national 1078
commission on certification of physician assistants or a 1079
successor organization that is recognized by the board by 1080
meeting the standards to hold current certification from the 1081
commission or its successor, including passing periodic 1082
recertification examinations; 1083

(2) Except as provided in section 5903.12 of the Revised 1084
Code, the applicant must certify to the board that the applicant 1085
is in compliance with the continuing medical education 1086
requirements necessary to hold current certification from the 1087
commission or its successor. 1088

(3) The applicant must comply with the renewal eligibility 1089
requirements established under section 4730.49 of the Revised 1090
Code that pertain to the applicant. 1091

(C) If an applicant submits a complete renewal application 1092
and qualifies for renewal pursuant to division (B) of this 1093
section, the board shall issue to the applicant a renewed 1094
license to practice as a physician assistant. 1095

(D) The board may require a random sample of physician assistants to submit materials documenting both of the following:

(1) Certification by the national commission on certification of physician assistants or a successor organization that is recognized by the board;

(2) Completion of the continuing medical education required to hold current certification from the commission or its successor.

Division (D) of this section does not limit the board's authority to conduct investigations pursuant to section 4730.25 of the Revised Code.

(E) A license to practice that is not renewed on or before its expiration date is automatically suspended on its expiration date. Continued practice after suspension of the license shall be considered as practicing in violation of division (A) of section 4730.02 of the Revised Code.

(F) If a license has been suspended pursuant to division (E) of this section for two years or less, it may be reinstated. The board shall reinstate a license suspended for failure to renew upon an applicant's submission of a renewal application, the biennial renewal fee, and any applicable monetary penalty.

If a license has been suspended pursuant to division (E) of this section for more than two years, it may be restored. In accordance with section 4730.28 of the Revised Code, the board may restore a license suspended for failure to renew upon an applicant's submission of a restoration application, the biennial renewal fee, and any applicable monetary penalty and compliance with sections 4776.01 to 4776.04 of the Revised Code.

The board shall not restore to an applicant a license to practice as a physician assistant unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4730.12 of the Revised Code.

The penalty for reinstatement shall be fifty dollars and the penalty for restoration shall be one hundred dollars. The board shall deposit penalties in accordance with section 4731.24 of the Revised Code.

(G) (1) If, through a random sample conducted under division (D) of this section or any other means, the board finds that an individual who certified completion of the continuing medical education required to renew, reinstate, or restore a license to practice did not complete the requisite continuing medical education, the board may do either of the following:

(a) Take disciplinary action against the individual under section 4730.25 of the Revised Code, impose a civil penalty, or both;

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

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

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

Sec. 4730.25. (A) The state medical board, by an 1154
affirmative vote of not fewer than six members, may revoke or 1155
may refuse to grant a license to practice as a physician 1156
assistant to a person found by the board to have committed 1157
fraud, misrepresentation, or deception in applying for or 1158
securing the license. 1159

(B) Except as provided in division (N) of this section, 1160
the board, by an affirmative vote of not fewer than six members, 1161
shall, to the extent permitted by law, limit, revoke, or suspend 1162
an individual's license to practice as a physician assistant or 1163
prescriber number, refuse to issue a license to an applicant, 1164
refuse to renew a license, refuse to reinstate a license, or 1165
reprimand or place on probation the holder of a license for any 1166
of the following reasons: 1167

(1) Failure to practice in accordance with the supervising 1168
physician's supervision agreement with the physician assistant, 1169
including, if applicable, the policies of the health care 1170
facility in which the supervising physician and physician 1171
assistant are practicing; 1172

(2) Failure to comply with the requirements of this 1173
chapter, Chapter 4731. of the Revised Code, or any rules adopted 1174
by the board; 1175

(3) Violating or attempting to violate, directly or 1176
indirectly, or assisting in or abetting the violation of, or 1177
conspiring to violate, any provision of this chapter, Chapter 1178
4731. of the Revised Code, or the rules adopted by the board; 1179

(4) Inability to practice according to acceptable and 1180
prevailing standards of care by reason of mental illness or 1181
physical illness, including physical deterioration that 1182

adversely affects cognitive, motor, or perceptive skills;	1183
(5) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	1184 1185 1186 1187
(6) Administering drugs for purposes other than those authorized under this chapter;	1188 1189
(7) Willfully betraying a professional confidence;	1190
(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a license to practice as a physician assistant.	1191 1192 1193 1194 1195 1196 1197
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	1198 1199 1200 1201 1202 1203 1204 1205
(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;	1206 1207 1208 1209
(10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course	1210 1211

of practice;	1212
(11) A plea of guilty to, a judicial finding of guilt of,	1213
or a judicial finding of eligibility for intervention in lieu of	1214
conviction for, a felony;	1215
(12) Commission of an act that constitutes a felony in	1216
this state, regardless of the jurisdiction in which the act was	1217
committed;	1218
(13) A plea of guilty to, a judicial finding of guilt of,	1219
or a judicial finding of eligibility for intervention in lieu of	1220
conviction for, a misdemeanor committed in the course of	1221
practice;	1222
(14) A plea of guilty to, a judicial finding of guilt of,	1223
or a judicial finding of eligibility for intervention in lieu of	1224
conviction for, a misdemeanor involving moral turpitude;	1225
(15) Commission of an act in the course of practice that	1226
constitutes a misdemeanor in this state, regardless of the	1227
jurisdiction in which the act was committed;	1228
(16) Commission of an act involving moral turpitude that	1229
constitutes a misdemeanor in this state, regardless of the	1230
jurisdiction in which the act was committed;	1231
(17) A plea of guilty to, a judicial finding of guilt of,	1232
or a judicial finding of eligibility for intervention in lieu of	1233
conviction for violating any state or federal law regulating the	1234
possession, distribution, or use of any drug, including	1235
trafficking in drugs;	1236
(18) Any of the following actions taken by the state	1237
agency responsible for regulating the practice of physician	1238
assistants in another state, for any reason other than the	1239

nonpayment of fees: the limitation, revocation, or suspension of 1240
an individual's license to practice; acceptance of an 1241
individual's license surrender; denial of a license; refusal to 1242
renew or reinstate a license; imposition of probation; or 1243
issuance of an order of censure or other reprimand; 1244

(19) A departure from, or failure to conform to, minimal 1245
standards of care of similar physician assistants under the same 1246
or similar circumstances, regardless of whether actual injury to 1247
a patient is established; 1248

(20) Violation of the conditions placed by the board on a 1249
license to practice as a physician assistant; 1250

(21) Failure to use universal blood and body fluid 1251
precautions established by rules adopted under section 4731.051 1252
of the Revised Code; 1253

(22) Failure to cooperate in an investigation conducted by 1254
the board under section 4730.26 of the Revised Code, including 1255
failure to comply with a subpoena or order issued by the board 1256
or failure to answer truthfully a question presented by the 1257
board at a deposition or in written interrogatories, except that 1258
failure to cooperate with an investigation shall not constitute 1259
grounds for discipline under this section if a court of 1260
competent jurisdiction has issued an order that either quashes a 1261
subpoena or permits the individual to withhold the testimony or 1262
evidence in issue; 1263

(23) Assisting suicide, as defined in section 3795.01 of 1264
the Revised Code; 1265

(24) Prescribing any drug or device to perform or induce 1266
an abortion, or otherwise performing or inducing an abortion; 1267

(25) Failure to comply with section 4730.53 of the Revised 1268

Code, unless the board no longer maintains a drug database	1269
pursuant to section 4729.75 of the Revised Code;	1270
(26) Failure to comply with the requirements in section	1271
3719.061 of the Revised Code before issuing for a minor a	1272
prescription for an opioid analgesic, as defined in section	1273
3719.01 of the Revised Code;	1274
(27) Having certification by the national commission on	1275
certification of physician assistants or a successor	1276
organization expire, lapse, or be suspended or revoked;	1277
(28) The revocation, suspension, restriction, reduction,	1278
or termination of clinical privileges by the United States	1279
department of defense or department of veterans affairs or the	1280
termination or suspension of a certificate of registration to	1281
prescribe drugs by the drug enforcement administration of the	1282
United States department of justice;	1283
(29) Failure to comply with terms of a consult agreement	1284
entered into with a pharmacist pursuant to section 4729.39 of	1285
the Revised Code;	1286
<u>(30) Failure to comply with division (A) (2) or (3) of</u>	1287
<u>section 4730.46 of the Revised Code.</u>	1288
(C) Disciplinary actions taken by the board under	1289
divisions (A) and (B) of this section shall be taken pursuant to	1290
an adjudication under Chapter 119. of the Revised Code, except	1291
that in lieu of an adjudication, the board may enter into a	1292
consent agreement with a physician assistant or applicant to	1293
resolve an allegation of a violation of this chapter or any rule	1294
adopted under it. A consent agreement, when ratified by an	1295
affirmative vote of not fewer than six members of the board,	1296
shall constitute the findings and order of the board with	1297

respect to the matter addressed in the agreement. If the board 1298
refuses to ratify a consent agreement, the admissions and 1299
findings contained in the consent agreement shall be of no force 1300
or effect. 1301

(D) For purposes of divisions (B) (12), (15), and (16) of 1302
this section, the commission of the act may be established by a 1303
finding by the board, pursuant to an adjudication under Chapter 1304
119. of the Revised Code, that the applicant or license holder 1305
committed the act in question. The board shall have no 1306
jurisdiction under these divisions in cases where the trial 1307
court renders a final judgment in the license holder's favor and 1308
that judgment is based upon an adjudication on the merits. The 1309
board shall have jurisdiction under these divisions in cases 1310
where the trial court issues an order of dismissal upon 1311
technical or procedural grounds. 1312

(E) The sealing or expungement of conviction records by 1313
any court shall have no effect upon a prior board order entered 1314
under the provisions of this section or upon the board's 1315
jurisdiction to take action under the provisions of this section 1316
if, based upon a plea of guilty, a judicial finding of guilt, or 1317
a judicial finding of eligibility for intervention in lieu of 1318
conviction, the board issued a notice of opportunity for a 1319
hearing prior to the court's order to seal or expunge the 1320
records. The board shall not be required to seal, destroy, 1321
redact, or otherwise modify its records to reflect the court's 1322
sealing or expungement of conviction records. 1323

(F) For purposes of this division, any individual who 1324
holds a license issued under this chapter, or applies for a 1325
license issued under this chapter, shall be deemed to have given 1326
consent to submit to a mental or physical examination when 1327

directed to do so in writing by the board and to have waived all 1328
objections to the admissibility of testimony or examination 1329
reports that constitute a privileged communication. 1330

(1) In enforcing division (B)(4) of this section, the 1331
board, upon a showing of a possible violation, may compel any 1332
individual who holds a license issued under this chapter or who 1333
has applied for a license pursuant to this chapter to submit to 1334
a mental examination, physical examination, including an HIV 1335
test, or both a mental and physical examination. The expense of 1336
the examination is the responsibility of the individual 1337
compelled to be examined. Failure to submit to a mental or 1338
physical examination or consent to an HIV test ordered by the 1339
board constitutes an admission of the allegations against the 1340
individual unless the failure is due to circumstances beyond the 1341
individual's control, and a default and final order may be 1342
entered without the taking of testimony or presentation of 1343
evidence. If the board finds a physician assistant unable to 1344
practice because of the reasons set forth in division (B)(4) of 1345
this section, the board shall require the physician assistant to 1346
submit to care, counseling, or treatment by physicians approved 1347
or designated by the board, as a condition for an initial, 1348
continued, reinstated, or renewed license. An individual 1349
affected under this division shall be afforded an opportunity to 1350
demonstrate to the board the ability to resume practicing in 1351
compliance with acceptable and prevailing standards of care. 1352

(2) For purposes of division (B)(5) of this section, if 1353
the board has reason to believe that any individual who holds a 1354
license issued under this chapter or any applicant for a license 1355
suffers such impairment, the board may compel the individual to 1356
submit to a mental or physical examination, or both. The expense 1357
of the examination is the responsibility of the individual 1358

compelled to be examined. Any mental or physical examination 1359
required under this division shall be undertaken by a treatment 1360
provider or physician qualified to conduct such examination and 1361
chosen by the board. 1362

Failure to submit to a mental or physical examination 1363
ordered by the board constitutes an admission of the allegations 1364
against the individual unless the failure is due to 1365
circumstances beyond the individual's control, and a default and 1366
final order may be entered without the taking of testimony or 1367
presentation of evidence. If the board determines that the 1368
individual's ability to practice is impaired, the board shall 1369
suspend the individual's license or deny the individual's 1370
application and shall require the individual, as a condition for 1371
initial, continued, reinstated, or renewed licensure, to submit 1372
to treatment. 1373

Before being eligible to apply for reinstatement of a 1374
license suspended under this division, the physician assistant 1375
shall demonstrate to the board the ability to resume practice or 1376
prescribing in compliance with acceptable and prevailing 1377
standards of care. The demonstration shall include the 1378
following: 1379

(a) Certification from a treatment provider approved under 1380
section 4731.25 of the Revised Code that the individual has 1381
successfully completed any required inpatient treatment; 1382

(b) Evidence of continuing full compliance with an 1383
aftercare contract or consent agreement; 1384

(c) Two written reports indicating that the individual's 1385
ability to practice has been assessed and that the individual 1386
has been found capable of practicing according to acceptable and 1387

prevailing standards of care. The reports shall be made by 1388
individuals or providers approved by the board for making such 1389
assessments and shall describe the basis for their 1390
determination. 1391

The board may reinstate a license suspended under this 1392
division after such demonstration and after the individual has 1393
entered into a written consent agreement. 1394

When the impaired physician assistant resumes practice or 1395
prescribing, the board shall require continued monitoring of the 1396
physician assistant. The monitoring shall include compliance 1397
with the written consent agreement entered into before 1398
reinstatement or with conditions imposed by board order after a 1399
hearing, and, upon termination of the consent agreement, 1400
submission to the board for at least two years of annual written 1401
progress reports made under penalty of falsification stating 1402
whether the physician assistant has maintained sobriety. 1403

(G) If the secretary and supervising member determine that 1404
there is clear and convincing evidence that a physician 1405
assistant has violated division (B) of this section and that the 1406
individual's continued practice or prescribing presents a danger 1407
of immediate and serious harm to the public, they may recommend 1408
that the board suspend the individual's license without a prior 1409
hearing. Written allegations shall be prepared for consideration 1410
by the board. 1411

The board, upon review of those allegations and by an 1412
affirmative vote of not fewer than six of its members, excluding 1413
the secretary and supervising member, may suspend a license 1414
without a prior hearing. A telephone conference call may be 1415
utilized for reviewing the allegations and taking the vote on 1416
the summary suspension. 1417

The board shall issue a written order of suspension by 1418
certified mail or in person in accordance with section 119.07 of 1419
the Revised Code. The order shall not be subject to suspension 1420
by the court during pendency of any appeal filed under section 1421
119.12 of the Revised Code. If the physician assistant requests 1422
an adjudicatory hearing by the board, the date set for the 1423
hearing shall be within fifteen days, but not earlier than seven 1424
days, after the physician assistant requests the hearing, unless 1425
otherwise agreed to by both the board and the license holder. 1426

A summary suspension imposed under this division shall 1427
remain in effect, unless reversed on appeal, until a final 1428
adjudicative order issued by the board pursuant to this section 1429
and Chapter 119. of the Revised Code becomes effective. The 1430
board shall issue its final adjudicative order within sixty days 1431
after completion of its hearing. Failure to issue the order 1432
within sixty days shall result in dissolution of the summary 1433
suspension order, but shall not invalidate any subsequent, final 1434
adjudicative order. 1435

(H) If the board takes action under division (B) (11), 1436
(13), or (14) of this section, and the judicial finding of 1437
guilt, guilty plea, or judicial finding of eligibility for 1438
intervention in lieu of conviction is overturned on appeal, upon 1439
exhaustion of the criminal appeal, a petition for 1440
reconsideration of the order may be filed with the board along 1441
with appropriate court documents. Upon receipt of a petition and 1442
supporting court documents, the board shall reinstate the 1443
individual's license. The board may then hold an adjudication 1444
under Chapter 119. of the Revised Code to determine whether the 1445
individual committed the act in question. Notice of opportunity 1446
for hearing shall be given in accordance with Chapter 119. of 1447
the Revised Code. If the board finds, pursuant to an 1448

adjudication held under this division, that the individual 1449
committed the act, or if no hearing is requested, it may order 1450
any of the sanctions identified under division (B) of this 1451
section. 1452

(I) The license to practice issued to a physician 1453
assistant and the physician assistant's practice in this state 1454
are automatically suspended as of the date the physician 1455
assistant pleads guilty to, is found by a judge or jury to be 1456
guilty of, or is subject to a judicial finding of eligibility 1457
for intervention in lieu of conviction in this state or 1458
treatment or intervention in lieu of conviction in another state 1459
for any of the following criminal offenses in this state or a 1460
substantially equivalent criminal offense in another 1461
jurisdiction: aggravated murder, murder, voluntary manslaughter, 1462
felonious assault, kidnapping, rape, sexual battery, gross 1463
sexual imposition, aggravated arson, aggravated robbery, or 1464
aggravated burglary. Continued practice after the suspension 1465
shall be considered practicing without a license. 1466

The board shall notify the individual subject to the 1467
suspension by certified mail or in person in accordance with 1468
section 119.07 of the Revised Code. If an individual whose 1469
license is suspended under this division fails to make a timely 1470
request for an adjudication under Chapter 119. of the Revised 1471
Code, the board shall enter a final order permanently revoking 1472
the individual's license to practice. 1473

(J) In any instance in which the board is required by 1474
Chapter 119. of the Revised Code to give notice of opportunity 1475
for hearing and the individual subject to the notice does not 1476
timely request a hearing in accordance with section 119.07 of 1477
the Revised Code, the board is not required to hold a hearing, 1478

but may adopt, by an affirmative vote of not fewer than six of 1479
its members, a final order that contains the board's findings. 1480
In that final order, the board may order any of the sanctions 1481
identified under division (A) or (B) of this section. 1482

(K) Any action taken by the board under division (B) of 1483
this section resulting in a suspension shall be accompanied by a 1484
written statement of the conditions under which the physician 1485
assistant's license may be reinstated. The board shall adopt 1486
rules in accordance with Chapter 119. of the Revised Code 1487
governing conditions to be imposed for reinstatement. 1488
Reinstatement of a license suspended pursuant to division (B) of 1489
this section requires an affirmative vote of not fewer than six 1490
members of the board. 1491

(L) When the board refuses to grant or issue to an 1492
applicant a license to practice as a physician assistant, 1493
revokes an individual's license, refuses to renew an 1494
individual's license, or refuses to reinstate an individual's 1495
license, the board may specify that its action is permanent. An 1496
individual subject to a permanent action taken by the board is 1497
forever thereafter ineligible to hold the license and the board 1498
shall not accept an application for reinstatement of the license 1499
or for issuance of a new license. 1500

(M) Notwithstanding any other provision of the Revised 1501
Code, all of the following apply: 1502

(1) The surrender of a license issued under this chapter 1503
is not effective unless or until accepted by the board. 1504
Reinstatement of a license surrendered to the board requires an 1505
affirmative vote of not fewer than six members of the board. 1506

(2) An application made under this chapter for a license 1507

may not be withdrawn without approval of the board. 1508

(3) Failure by an individual to renew a license in 1509
accordance with section 4730.14 of the Revised Code shall not 1510
remove or limit the board's jurisdiction to take disciplinary 1511
action under this section against the individual. 1512

(N) The board shall not refuse to issue a license to an 1513
applicant because of a conviction, plea of guilty, judicial 1514
finding of guilt, judicial finding of eligibility for 1515
intervention in lieu of conviction, or the commission of an act 1516
that constitutes a criminal offense, unless the refusal is in 1517
accordance with section 9.79 of the Revised Code. 1518

Sec. 4730.46. Beginning one year after the effective date 1519
of this section, all of the following apply: 1520

(A) A physician assistant who performs annual physical 1521
examinations on individuals who are nineteen years of age or 1522
younger, or who performs examinations for purposes of division 1523
(E) of section 3313.5310 of the Revised Code, shall do all of 1524
the following: 1525

(1) For each such examination, complete the 1526
preparticipation physical evaluation form created pursuant to 1527
division (D) of section 3707.59 of the Revised Code; 1528

(2) At least once every four years, complete the childhood 1529
cardiac screening professional development module established 1530
under section 3707.591 of the Revised Code. The physician 1531
assistant shall retain on file at the physician assistant's 1532
primary place of practice a hard copy of the certificate of 1533
completion, and shall make it available to the state medical 1534
board on request. 1535

(3) At least once every four years, read the pamphlet 1536

developed under division (B) (2) (a) of section 3707.59 of the 1537
Revised Code; 1538

(4) Annually report to the department of health the total 1539
number of examinations for which the preparticipation physical 1540
evaluation form was completed and the total number of cardiology 1541
referrals resulting from those examinations. 1542

(B) The board may fine a physician assistant who fails, on 1543
request, to produce a copy of the certificate of completion of 1544
the childhood cardiac screening professional development module. 1545
The fine may be up to five thousand dollars, plus an additional 1546
one thousand dollars for each individual the physician assistant 1547
is found to have examined without having completed the module as 1548
required under this section. 1549

(C) No physician assistant shall knowingly falsely certify 1550
as to the completion of the requirements set forth in division 1551
(A) (2) or (3) of this section. 1552

Sec. 4730.99. (A) Whoever violates section 4730.02 of the 1553
Revised Code is guilty of a misdemeanor of the first degree on a 1554
first offense; on each subsequent offense, the person is guilty 1555
of a felony of the fourth degree. 1556

(B) Whoever violates division (A), (B), (C), or (D) of 1557
section 4730.32 of the Revised Code is guilty of a minor 1558
misdemeanor on a first offense; on each subsequent offense the 1559
person is guilty of a misdemeanor of the fourth degree, except 1560
that an individual guilty of a subsequent offense shall not be 1561
subject to imprisonment, but to a fine alone of up to one 1562
thousand dollars for each offense. 1563

(C) Whoever violates division (A) (2) or (3) of section 1564
4730.46 of the Revised Code is guilty of a misdemeanor of the 1565

first degree. 1566

Sec. 4731.22. (A) The state medical board, by an 1567
affirmative vote of not fewer than six of its members, may 1568
limit, revoke, or suspend a license or certificate to practice 1569
or certificate to recommend, refuse to grant a license or 1570
certificate, refuse to renew a license or certificate, refuse to 1571
reinstate a license or certificate, or reprimand or place on 1572
probation the holder of a license or certificate if the 1573
individual applying for or holding the license or certificate is 1574
found by the board to have committed fraud during the 1575
administration of the examination for a license or certificate 1576
to practice or to have committed fraud, misrepresentation, or 1577
deception in applying for, renewing, or securing any license or 1578
certificate to practice or certificate to recommend issued by 1579
the board. 1580

(B) Except as provided in division (P) of this section, 1581
the board, by an affirmative vote of not fewer than six members, 1582
shall, to the extent permitted by law, limit, revoke, or suspend 1583
a license or certificate to practice or certificate to 1584
recommend, refuse to issue a license or certificate, refuse to 1585
renew a license or certificate, refuse to reinstate a license or 1586
certificate, or reprimand or place on probation the holder of a 1587
license or certificate for one or more of the following reasons: 1588

(1) Permitting one's name or one's license or certificate 1589
to practice to be used by a person, group, or corporation when 1590
the individual concerned is not actually directing the treatment 1591
given; 1592

(2) Failure to maintain minimal standards applicable to 1593
the selection or administration of drugs, or failure to employ 1594
acceptable scientific methods in the selection of drugs or other 1595

modalities for treatment of disease; 1596

(3) Except as provided in section 4731.97 of the Revised 1597
Code, selling, giving away, personally furnishing, prescribing, 1598
or administering drugs for other than legal and legitimate 1599
therapeutic purposes or a plea of guilty to, a judicial finding 1600
of guilt of, or a judicial finding of eligibility for 1601
intervention in lieu of conviction of, a violation of any 1602
federal or state law regulating the possession, distribution, or 1603
use of any drug; 1604

(4) Willfully betraying a professional confidence. 1605

For purposes of this division, "willfully betraying a 1606
professional confidence" does not include providing any 1607
information, documents, or reports under sections 307.621 to 1608
307.629 of the Revised Code to a child fatality review board; 1609
does not include providing any information, documents, or 1610
reports under sections 307.631 to 307.6410 of the Revised Code 1611
to a drug overdose fatality review committee, a suicide fatality 1612
review committee, or hybrid drug overdose fatality and suicide 1613
fatality review committee; does not include providing any 1614
information, documents, or reports under sections 307.651 to 1615
307.659 of the Revised Code to a domestic violence fatality 1616
review board; does not include providing any information, 1617
documents, or reports to the director of health pursuant to 1618
guidelines established under section 3701.70 of the Revised 1619
Code; does not include written notice to a mental health 1620
professional under section 4731.62 of the Revised Code; and does 1621
not include the making of a report of an employee's use of a 1622
drug of abuse, or a report of a condition of an employee other 1623
than one involving the use of a drug of abuse, to the employer 1624
of the employee as described in division (B) of section 2305.33 1625

of the Revised Code. Nothing in this division affects the 1626
immunity from civil liability conferred by section 2305.33 or 1627
4731.62 of the Revised Code upon a physician who makes a report 1628
in accordance with section 2305.33 or notifies a mental health 1629
professional in accordance with section 4731.62 of the Revised 1630
Code. As used in this division, "employee," "employer," and 1631
"physician" have the same meanings as in section 2305.33 of the 1632
Revised Code. 1633

(5) Making a false, fraudulent, deceptive, or misleading 1634
statement in the solicitation of or advertising for patients; in 1635
relation to the practice of medicine and surgery, osteopathic 1636
medicine and surgery, podiatric medicine and surgery, or a 1637
limited branch of medicine; or in securing or attempting to 1638
secure any license or certificate to practice issued by the 1639
board. 1640

As used in this division, "false, fraudulent, deceptive, 1641
or misleading statement" means a statement that includes a 1642
misrepresentation of fact, is likely to mislead or deceive 1643
because of a failure to disclose material facts, is intended or 1644
is likely to create false or unjustified expectations of 1645
favorable results, or includes representations or implications 1646
that in reasonable probability will cause an ordinarily prudent 1647
person to misunderstand or be deceived. 1648

(6) A departure from, or the failure to conform to, 1649
minimal standards of care of similar practitioners under the 1650
same or similar circumstances, whether or not actual injury to a 1651
patient is established; 1652

(7) Representing, with the purpose of obtaining 1653
compensation or other advantage as personal gain or for any 1654
other person, that an incurable disease or injury, or other 1655

incurable condition, can be permanently cured; 1656

(8) The obtaining of, or attempting to obtain, money or 1657
anything of value by fraudulent misrepresentations in the course 1658
of practice; 1659

(9) A plea of guilty to, a judicial finding of guilt of, 1660
or a judicial finding of eligibility for intervention in lieu of 1661
conviction for, a felony; 1662

(10) Commission of an act that constitutes a felony in 1663
this state, regardless of the jurisdiction in which the act was 1664
committed; 1665

(11) A plea of guilty to, a judicial finding of guilt of, 1666
or a judicial finding of eligibility for intervention in lieu of 1667
conviction for, a misdemeanor committed in the course of 1668
practice; 1669

(12) Commission of an act in the course of practice that 1670
constitutes a misdemeanor in this state, regardless of the 1671
jurisdiction in which the act was committed; 1672

(13) A plea of guilty to, a judicial finding of guilt of, 1673
or a judicial finding of eligibility for intervention in lieu of 1674
conviction for, a misdemeanor involving moral turpitude; 1675

(14) Commission of an act involving moral turpitude that 1676
constitutes a misdemeanor in this state, regardless of the 1677
jurisdiction in which the act was committed; 1678

(15) Violation of the conditions of limitation placed by 1679
the board upon a license or certificate to practice; 1680

(16) Failure to pay license renewal fees specified in this 1681
chapter; 1682

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

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

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

(19) Inability to practice according to acceptable and

prevailing standards of care by reason of mental illness or 1713
physical illness, including, but not limited to, physical 1714
deterioration that adversely affects cognitive, motor, or 1715
perceptive skills. 1716

In enforcing this division, the board, upon a showing of a 1717
possible violation, may compel any individual authorized to 1718
practice by this chapter or who has submitted an application 1719
pursuant to this chapter to submit to a mental examination, 1720
physical examination, including an HIV test, or both a mental 1721
and a physical examination. The expense of the examination is 1722
the responsibility of the individual compelled to be examined. 1723
Failure to submit to a mental or physical examination or consent 1724
to an HIV test ordered by the board constitutes an admission of 1725
the allegations against the individual unless the failure is due 1726
to circumstances beyond the individual's control, and a default 1727
and final order may be entered without the taking of testimony 1728
or presentation of evidence. If the board finds an individual 1729
unable to practice because of the reasons set forth in this 1730
division, the board shall require the individual to submit to 1731
care, counseling, or treatment by physicians approved or 1732
designated by the board, as a condition for initial, continued, 1733
reinstated, or renewed authority to practice. An individual 1734
affected under this division shall be afforded an opportunity to 1735
demonstrate to the board the ability to resume practice in 1736
compliance with acceptable and prevailing standards under the 1737
provisions of the individual's license or certificate. For the 1738
purpose of this division, any individual who applies for or 1739
receives a license or certificate to practice under this chapter 1740
accepts the privilege of practicing in this state and, by so 1741
doing, shall be deemed to have given consent to submit to a 1742
mental or physical examination when directed to do so in writing 1743

by the board, and to have waived all objections to the 1744
admissibility of testimony or examination reports that 1745
constitute a privileged communication. 1746

(20) Except as provided in division (F)(1)(b) of section 1747
4731.282 of the Revised Code or when civil penalties are imposed 1748
under section 4731.225 of the Revised Code, and subject to 1749
section 4731.226 of the Revised Code, violating or attempting to 1750
violate, directly or indirectly, or assisting in or abetting the 1751
violation of, or conspiring to violate, any provisions of this 1752
chapter or any rule promulgated by the board. 1753

This division does not apply to a violation or attempted 1754
violation of, assisting in or abetting the violation of, or a 1755
conspiracy to violate, any provision of this chapter or any rule 1756
adopted by the board that would preclude the making of a report 1757
by a physician of an employee's use of a drug of abuse, or of a 1758
condition of an employee other than one involving the use of a 1759
drug of abuse, to the employer of the employee as described in 1760
division (B) of section 2305.33 of the Revised Code. Nothing in 1761
this division affects the immunity from civil liability 1762
conferred by that section upon a physician who makes either type 1763
of report in accordance with division (B) of that section. As 1764
used in this division, "employee," "employer," and "physician" 1765
have the same meanings as in section 2305.33 of the Revised 1766
Code. 1767

(21) The violation of section 3701.79 of the Revised Code 1768
or of any abortion rule adopted by the director of health 1769
pursuant to section 3701.341 of the Revised Code; 1770

(22) Any of the following actions taken by an agency 1771
responsible for authorizing, certifying, or regulating an 1772
individual to practice a health care occupation or provide 1773

health care services in this state or another jurisdiction, for 1774
any reason other than the nonpayment of fees: the limitation, 1775
revocation, or suspension of an individual's license to 1776
practice; acceptance of an individual's license surrender; 1777
denial of a license; refusal to renew or reinstate a license; 1778
imposition of probation; or issuance of an order of censure or 1779
other reprimand; 1780

(23) The violation of section 2919.12 of the Revised Code 1781
or the performance or inducement of an abortion upon a pregnant 1782
woman with actual knowledge that the conditions specified in 1783
division (B) of section 2317.56 of the Revised Code have not 1784
been satisfied or with a heedless indifference as to whether 1785
those conditions have been satisfied, unless an affirmative 1786
defense as specified in division (H)(2) of that section would 1787
apply in a civil action authorized by division (H)(1) of that 1788
section; 1789

(24) The revocation, suspension, restriction, reduction, 1790
or termination of clinical privileges by the United States 1791
department of defense or department of veterans affairs or the 1792
termination or suspension of a certificate of registration to 1793
prescribe drugs by the drug enforcement administration of the 1794
United States department of justice; 1795

(25) Termination or suspension from participation in the 1796
medicare or medicaid programs by the department of health and 1797
human services or other responsible agency; 1798

(26) Impairment of ability to practice according to 1799
acceptable and prevailing standards of care because of habitual 1800
or excessive use or abuse of drugs, alcohol, or other substances 1801
that impair ability to practice. 1802

For the purposes of this division, any individual 1803
authorized to practice by this chapter accepts the privilege of 1804
practicing in this state subject to supervision by the board. By 1805
filing an application for or holding a license or certificate to 1806
practice under this chapter, an individual shall be deemed to 1807
have given consent to submit to a mental or physical examination 1808
when ordered to do so by the board in writing, and to have 1809
waived all objections to the admissibility of testimony or 1810
examination reports that constitute privileged communications. 1811

If it has reason to believe that any individual authorized 1812
to practice by this chapter or any applicant for licensure or 1813
certification to practice suffers such impairment, the board may 1814
compel the individual to submit to a mental or physical 1815
examination, or both. The expense of the examination is the 1816
responsibility of the individual compelled to be examined. Any 1817
mental or physical examination required under this division 1818
shall be undertaken by a treatment provider or physician who is 1819
qualified to conduct the examination and who is chosen by the 1820
board. 1821

Failure to submit to a mental or physical examination 1822
ordered by the board constitutes an admission of the allegations 1823
against the individual unless the failure is due to 1824
circumstances beyond the individual's control, and a default and 1825
final order may be entered without the taking of testimony or 1826
presentation of evidence. If the board determines that the 1827
individual's ability to practice is impaired, the board shall 1828
suspend the individual's license or certificate or deny the 1829
individual's application and shall require the individual, as a 1830
condition for initial, continued, reinstated, or renewed 1831
licensure or certification to practice, to submit to treatment. 1832

Before being eligible to apply for reinstatement of a 1833
license or certificate suspended under this division, the 1834
impaired practitioner shall demonstrate to the board the ability 1835
to resume practice in compliance with acceptable and prevailing 1836
standards of care under the provisions of the practitioner's 1837
license or certificate. The demonstration shall include, but 1838
shall not be limited to, the following: 1839

(a) Certification from a treatment provider approved under 1840
section 4731.25 of the Revised Code that the individual has 1841
successfully completed any required inpatient treatment; 1842

(b) Evidence of continuing full compliance with an 1843
aftercare contract or consent agreement; 1844

(c) Two written reports indicating that the individual's 1845
ability to practice has been assessed and that the individual 1846
has been found capable of practicing according to acceptable and 1847
prevailing standards of care. The reports shall be made by 1848
individuals or providers approved by the board for making the 1849
assessments and shall describe the basis for their 1850
determination. 1851

The board may reinstate a license or certificate suspended 1852
under this division after that demonstration and after the 1853
individual has entered into a written consent agreement. 1854

When the impaired practitioner resumes practice, the board 1855
shall require continued monitoring of the individual. The 1856
monitoring shall include, but not be limited to, compliance with 1857
the written consent agreement entered into before reinstatement 1858
or with conditions imposed by board order after a hearing, and, 1859
upon termination of the consent agreement, submission to the 1860
board for at least two years of annual written progress reports 1861

made under penalty of perjury stating whether the individual has 1862
maintained sobriety. 1863

(27) A second or subsequent violation of section 4731.66 1864
or 4731.69 of the Revised Code; 1865

(28) Except as provided in division (N) of this section: 1866

(a) Waiving the payment of all or any part of a deductible 1867
or copayment that a patient, pursuant to a health insurance or 1868
health care policy, contract, or plan that covers the 1869
individual's services, otherwise would be required to pay if the 1870
waiver is used as an enticement to a patient or group of 1871
patients to receive health care services from that individual; 1872

(b) Advertising that the individual will waive the payment 1873
of all or any part of a deductible or copayment that a patient, 1874
pursuant to a health insurance or health care policy, contract, 1875
or plan that covers the individual's services, otherwise would 1876
be required to pay. 1877

(29) Failure to use universal blood and body fluid 1878
precautions established by rules adopted under section 4731.051 1879
of the Revised Code; 1880

(30) Failure to provide notice to, and receive 1881
acknowledgment of the notice from, a patient when required by 1882
section 4731.143 of the Revised Code prior to providing 1883
nonemergency professional services, or failure to maintain that 1884
notice in the patient's medical record; 1885

(31) Failure of a physician supervising a physician 1886
assistant to maintain supervision in accordance with the 1887
requirements of Chapter 4730. of the Revised Code and the rules 1888
adopted under that chapter; 1889

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

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

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

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

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

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

(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	1919 1920
(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;	1921 1922 1923
(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;	1924 1925 1926 1927
(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;	1928 1929 1930 1931
(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;	1932 1933 1934 1935
(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;	1936 1937 1938 1939
(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;	1940 1941 1942 1943 1944
(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	1945 1946 1947

operating the facility has obtained and maintains the license 1948
with the classification; 1949

(46) Owning a facility that is subject to licensure as a 1950
category III terminal distributor of dangerous drugs with a pain 1951
management clinic classification unless the facility is licensed 1952
with the classification; 1953

(47) Failure to comply with any of the requirements 1954
regarding making or maintaining medical records or documents 1955
described in division (A) of section 2919.192, division (C) of 1956
section 2919.193, division (B) of section 2919.195, or division 1957
(A) of section 2919.196 of the Revised Code; 1958

(48) Failure to comply with the requirements in section 1959
3719.061 of the Revised Code before issuing for a minor a 1960
prescription for an opioid analgesic, as defined in section 1961
3719.01 of the Revised Code; 1962

(49) Failure to comply with the requirements of section 1963
4731.30 of the Revised Code or rules adopted under section 1964
4731.301 of the Revised Code when recommending treatment with 1965
medical marijuana; 1966

(50) Practicing at a facility, clinic, or other location 1967
that is subject to licensure as a category III terminal 1968
distributor of dangerous drugs with an office-based opioid 1969
treatment classification unless the person operating that place 1970
has obtained and maintains the license with the classification; 1971

(51) Owning a facility, clinic, or other location that is 1972
subject to licensure as a category III terminal distributor of 1973
dangerous drugs with an office-based opioid treatment 1974
classification unless that place is licensed with the 1975
classification; 1976

(52) A pattern of continuous or repeated violations of 1977
division (E) (2) or (3) of section 3963.02 of the Revised Code; 1978

(53) Failure to fulfill the responsibilities of a 1979
collaboration agreement entered into with an athletic trainer as 1980
described in section 4755.621 of the Revised Code; 1981

(54) Failure to take the steps specified in section 1982
4731.911 of the Revised Code following an abortion or attempted 1983
abortion in an ambulatory surgical facility or other location 1984
that is not a hospital when a child is born alive; 1985

(55) Failure to comply with division (B) (2) or (3) of 1986
section 4731.89 of the Revised Code. 1987

(C) Disciplinary actions taken by the board under 1988
divisions (A) and (B) of this section shall be taken pursuant to 1989
an adjudication under Chapter 119. of the Revised Code, except 1990
that in lieu of an adjudication, the board may enter into a 1991
consent agreement with an individual to resolve an allegation of 1992
a violation of this chapter or any rule adopted under it. A 1993
consent agreement, when ratified by an affirmative vote of not 1994
fewer than six members of the board, shall constitute the 1995
findings and order of the board with respect to the matter 1996
addressed in the agreement. If the board refuses to ratify a 1997
consent agreement, the admissions and findings contained in the 1998
consent agreement shall be of no force or effect. 1999

A telephone conference call may be utilized for 2000
ratification of a consent agreement that revokes or suspends an 2001
individual's license or certificate to practice or certificate 2002
to recommend. The telephone conference call shall be considered 2003
a special meeting under division (F) of section 121.22 of the 2004
Revised Code. 2005

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 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.

(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.

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

for intervention in lieu of conviction, the board issued a 2037
notice of opportunity for a hearing prior to the court's order 2038
to seal or expunge the records. The board shall not be required 2039
to seal, expunge, destroy, redact, or otherwise modify its 2040
records to reflect the court's sealing of conviction records. 2041

(F) (1) The board shall investigate evidence that appears 2042
to show that a person has violated any provision of this chapter 2043
or any rule adopted under it. Any person may report to the board 2044
in a signed writing any information that the person may have 2045
that appears to show a violation of any provision of this 2046
chapter or any rule adopted under it. In the absence of bad 2047
faith, any person who reports information of that nature or who 2048
testifies before the board in any adjudication conducted under 2049
Chapter 119. of the Revised Code shall not be liable in damages 2050
in a civil action as a result of the report or testimony. Each 2051
complaint or allegation of a violation received by the board 2052
shall be assigned a case number and shall be recorded by the 2053
board. 2054

(2) Investigations of alleged violations of this chapter 2055
or any rule adopted under it shall be supervised by the 2056
supervising member elected by the board in accordance with 2057
section 4731.02 of the Revised Code and by the secretary as 2058
provided in section 4731.39 of the Revised Code. The president 2059
may designate another member of the board to supervise the 2060
investigation in place of the supervising member. No member of 2061
the board who supervises the investigation of a case shall 2062
participate in further adjudication of the case. 2063

(3) In investigating a possible violation of this chapter 2064
or any rule adopted under this chapter, or in conducting an 2065
inspection under division (E) of section 4731.054 of the Revised 2066

Code, the board may question witnesses, conduct interviews, 2067
administer oaths, order the taking of depositions, inspect and 2068
copy any books, accounts, papers, records, or documents, issue 2069
subpoenas, and compel the attendance of witnesses and production 2070
of books, accounts, papers, records, documents, and testimony, 2071
except that a subpoena for patient record information shall not 2072
be issued without consultation with the attorney general's 2073
office and approval of the secretary and supervising member of 2074
the board. 2075

(a) Before issuance of a subpoena for patient record 2076
information, the secretary and supervising member shall 2077
determine whether there is probable cause to believe that the 2078
complaint filed alleges a violation of this chapter or any rule 2079
adopted under it and that the records sought are relevant to the 2080
alleged violation and material to the investigation. The 2081
subpoena may apply only to records that cover a reasonable 2082
period of time surrounding the alleged violation. 2083

(b) On failure to comply with any subpoena issued by the 2084
board and after reasonable notice to the person being 2085
subpoenaed, the board may move for an order compelling the 2086
production of persons or records pursuant to the Rules of Civil 2087
Procedure. 2088

(c) A subpoena issued by the board may be served by a 2089
sheriff, the sheriff's deputy, or a board employee or agent 2090
designated by the board. Service of a subpoena issued by the 2091
board may be made by delivering a copy of the subpoena to the 2092
person named therein, reading it to the person, or leaving it at 2093
the person's usual place of residence, usual place of business, 2094
or address on file with the board. When serving a subpoena to an 2095
applicant for or the holder of a license or certificate issued 2096

under this chapter, service of the subpoena may be made by 2097
certified mail, return receipt requested, and the subpoena shall 2098
be deemed served on the date delivery is made or the date the 2099
person refuses to accept delivery. If the person being served 2100
refuses to accept the subpoena or is not located, service may be 2101
made to an attorney who notifies the board that the attorney is 2102
representing the person. 2103

(d) A sheriff's deputy who serves a subpoena shall receive 2104
the same fees as a sheriff. Each witness who appears before the 2105
board in obedience to a subpoena shall receive the fees and 2106
mileage provided for under section 119.094 of the Revised Code. 2107

(4) All hearings, investigations, and inspections of the 2108
board shall be considered civil actions for the purposes of 2109
section 2305.252 of the Revised Code. 2110

(5) A report required to be submitted to the board under 2111
this chapter, a complaint, or information received by the board 2112
pursuant to an investigation or pursuant to an inspection under 2113
division (E) of section 4731.054 of the Revised Code is 2114
confidential and not subject to discovery in any civil action. 2115

The board shall conduct all investigations or inspections 2116
and proceedings in a manner that protects the confidentiality of 2117
patients and persons who file complaints with the board. The 2118
board shall not make public the names or any other identifying 2119
information about patients or complainants unless proper consent 2120
is given or, in the case of a patient, a waiver of the patient 2121
privilege exists under division (B) of section 2317.02 of the 2122
Revised Code, except that consent or a waiver of that nature is 2123
not required if the board possesses reliable and substantial 2124
evidence that no bona fide physician-patient relationship 2125
exists. 2126

The board may share any information it receives pursuant 2127
to an investigation or inspection, including patient records and 2128
patient record information, with law enforcement agencies, other 2129
licensing boards, and other governmental agencies that are 2130
prosecuting, adjudicating, or investigating alleged violations 2131
of statutes or administrative rules. An agency or board that 2132
receives the information shall comply with the same requirements 2133
regarding confidentiality as those with which the state medical 2134
board must comply, notwithstanding any conflicting provision of 2135
the Revised Code or procedure of the agency or board that 2136
applies when it is dealing with other information in its 2137
possession. In a judicial proceeding, the information may be 2138
admitted into evidence only in accordance with the Rules of 2139
Evidence, but the court shall require that appropriate measures 2140
are taken to ensure that confidentiality is maintained with 2141
respect to any part of the information that contains names or 2142
other identifying information about patients or complainants 2143
whose confidentiality was protected by the state medical board 2144
when the information was in the board's possession. Measures to 2145
ensure confidentiality that may be taken by the court include 2146
sealing its records or deleting specific information from its 2147
records. 2148

(6) On a quarterly basis, the board shall prepare a report 2149
that documents the disposition of all cases during the preceding 2150
three months. The report shall contain the following information 2151
for each case with which the board has completed its activities: 2152

(a) The case number assigned to the complaint or alleged 2153
violation; 2154

(b) The type of license or certificate to practice, if 2155
any, held by the individual against whom the complaint is 2156

directed; 2157

(c) A description of the allegations contained in the 2158
complaint; 2159

(d) The disposition of the case. 2160

The report shall state how many cases are still pending 2161
and shall be prepared in a manner that protects the identity of 2162
each person involved in each case. The report shall be a public 2163
record under section 149.43 of the Revised Code. 2164

(G) If the secretary and supervising member determine both 2165
of the following, they may recommend that the board suspend an 2166
individual's license or certificate to practice or certificate 2167
to recommend without a prior hearing: 2168

(1) That there is clear and convincing evidence that an 2169
individual has violated division (B) of this section; 2170

(2) That the individual's continued practice presents a 2171
danger of immediate and serious harm to the public. 2172

Written allegations shall be prepared for consideration by 2173
the board. The board, upon review of those allegations and by an 2174
affirmative vote of not fewer than six of its members, excluding 2175
the secretary and supervising member, may suspend a license or 2176
certificate without a prior hearing. A telephone conference call 2177
may be utilized for reviewing the allegations and taking the 2178
vote on the summary suspension. 2179

The board shall issue a written order of suspension by 2180
certified mail or in person in accordance with section 119.07 of 2181
the Revised Code. The order shall not be subject to suspension 2182
by the court during pendency of any appeal filed under section 2183
119.12 of the Revised Code. If the individual subject to the 2184

summary suspension requests an adjudicatory hearing by the 2185
board, the date set for the hearing shall be within fifteen 2186
days, but not earlier than seven days, after the individual 2187
requests the hearing, unless otherwise agreed to by both the 2188
board and the individual. 2189

Any summary suspension imposed under this division shall 2190
remain in effect, unless reversed on appeal, until a final 2191
adjudicative order issued by the board pursuant to this section 2192
and Chapter 119. of the Revised Code becomes effective. The 2193
board shall issue its final adjudicative order within seventy- 2194
five days after completion of its hearing. A failure to issue 2195
the order within seventy-five days shall result in dissolution 2196
of the summary suspension order but shall not invalidate any 2197
subsequent, final adjudicative order. 2198

(H) If the board takes action under division (B) (9), (11), 2199
or (13) of this section and the judicial finding of guilt, 2200
guilty plea, or judicial finding of eligibility for intervention 2201
in lieu of conviction is overturned on appeal, upon exhaustion 2202
of the criminal appeal, a petition for reconsideration of the 2203
order may be filed with the board along with appropriate court 2204
documents. Upon receipt of a petition of that nature and 2205
supporting court documents, the board shall reinstate the 2206
individual's license or certificate to practice. The board may 2207
then hold an adjudication under Chapter 119. of the Revised Code 2208
to determine whether the individual committed the act in 2209
question. Notice of an opportunity for a hearing shall be given 2210
in accordance with Chapter 119. of the Revised Code. If the 2211
board finds, pursuant to an adjudication held under this 2212
division, that the individual committed the act or if no hearing 2213
is requested, the board may order any of the sanctions 2214
identified under division (B) of this section. 2215

(I) The license or certificate to practice issued to an 2216
individual under this chapter and the individual's practice in 2217
this state are automatically suspended as of the date of the 2218
individual's second or subsequent plea of guilty to, or judicial 2219
finding of guilt of, a violation of section 2919.123 or 2919.124 2220
of the Revised Code. In addition, the license or certificate to 2221
practice or certificate to recommend issued to an individual 2222
under this chapter and the individual's practice in this state 2223
are automatically suspended as of the date the individual pleads 2224
guilty to, is found by a judge or jury to be guilty of, or is 2225
subject to a judicial finding of eligibility for intervention in 2226
lieu of conviction in this state or treatment or intervention in 2227
lieu of conviction in another jurisdiction for any of the 2228
following criminal offenses in this state or a substantially 2229
equivalent criminal offense in another jurisdiction: aggravated 2230
murder, murder, voluntary manslaughter, felonious assault, 2231
kidnapping, rape, sexual battery, gross sexual imposition, 2232
aggravated arson, aggravated robbery, or aggravated burglary. 2233
Continued practice after suspension shall be considered 2234
practicing without a license or certificate. 2235

The board shall notify the individual subject to the 2236
suspension by certified mail or in person in accordance with 2237
section 119.07 of the Revised Code. If an individual whose 2238
license or certificate is automatically suspended under this 2239
division fails to make a timely request for an adjudication 2240
under Chapter 119. of the Revised Code, the board shall do 2241
whichever of the following is applicable: 2242

(1) If the automatic suspension under this division is for 2243
a second or subsequent plea of guilty to, or judicial finding of 2244
guilt of, a violation of section 2919.123 or 2919.124 of the 2245
Revised Code, the board shall enter an order suspending the 2246

individual's license or certificate to practice for a period of 2247
at least one year or, if determined appropriate by the board, 2248
imposing a more serious sanction involving the individual's 2249
license or certificate to practice. 2250

(2) In all circumstances in which division (I)(1) of this 2251
section does not apply, enter a final order permanently revoking 2252
the individual's license or certificate to practice. 2253

(J) If the board is required by Chapter 119. of the 2254
Revised Code to give notice of an opportunity for a hearing and 2255
if the individual subject to the notice does not timely request 2256
a hearing in accordance with section 119.07 of the Revised Code, 2257
the board is not required to hold a hearing, but may adopt, by 2258
an affirmative vote of not fewer than six of its members, a 2259
final order that contains the board's findings. In that final 2260
order, the board may order any of the sanctions identified under 2261
division (A) or (B) of this section. 2262

(K) Any action taken by the board under division (B) of 2263
this section resulting in a suspension from practice shall be 2264
accompanied by a written statement of the conditions under which 2265
the individual's license or certificate to practice may be 2266
reinstated. The board shall adopt rules governing conditions to 2267
be imposed for reinstatement. Reinstatement of a license or 2268
certificate suspended pursuant to division (B) of this section 2269
requires an affirmative vote of not fewer than six members of 2270
the board. 2271

(L) When the board refuses to grant or issue a license or 2272
certificate to practice to an applicant, revokes an individual's 2273
license or certificate to practice, refuses to renew an 2274
individual's license or certificate to practice, or refuses to 2275
reinstate an individual's license or certificate to practice, 2276

the board may specify that its action is permanent. An 2277
individual subject to a permanent action taken by the board is 2278
forever thereafter ineligible to hold a license or certificate 2279
to practice and the board shall not accept an application for 2280
reinstatement of the license or certificate or for issuance of a 2281
new license or certificate. 2282

(M) Notwithstanding any other provision of the Revised 2283
Code, all of the following apply: 2284

(1) The surrender of a license or certificate issued under 2285
this chapter shall not be effective unless or until accepted by 2286
the board. A telephone conference call may be utilized for 2287
acceptance of the surrender of an individual's license or 2288
certificate to practice. The telephone conference call shall be 2289
considered a special meeting under division (F) of section 2290
121.22 of the Revised Code. Reinstatement of a license or 2291
certificate surrendered to the board requires an affirmative 2292
vote of not fewer than six members of the board. 2293

(2) An application for a license or certificate made under 2294
the provisions of this chapter may not be withdrawn without 2295
approval of the board. 2296

(3) Failure by an individual to renew a license or 2297
certificate to practice in accordance with this chapter or a 2298
certificate to recommend in accordance with rules adopted under 2299
section 4731.301 of the Revised Code shall not remove or limit 2300
the board's jurisdiction to take any disciplinary action under 2301
this section against the individual. 2302

(4) At the request of the board, a license or certificate 2303
holder shall immediately surrender to the board a license or 2304
certificate that the board has suspended, revoked, or 2305

permanently revoked. 2306

(N) Sanctions shall not be imposed under division (B) (28) 2307
of this section against any person who waives deductibles and 2308
copayments as follows: 2309

(1) In compliance with the health benefit plan that 2310
expressly allows such a practice. Waiver of the deductibles or 2311
copayments shall be made only with the full knowledge and 2312
consent of the plan purchaser, payer, and third-party 2313
administrator. Documentation of the consent shall be made 2314
available to the board upon request. 2315

(2) For professional services rendered to any other person 2316
authorized to practice pursuant to this chapter, to the extent 2317
allowed by this chapter and rules adopted by the board. 2318

(O) Under the board's investigative duties described in 2319
this section and subject to division (F) of this section, the 2320
board shall develop and implement a quality intervention program 2321
designed to improve through remedial education the clinical and 2322
communication skills of individuals authorized under this 2323
chapter to practice medicine and surgery, osteopathic medicine 2324
and surgery, and podiatric medicine and surgery. In developing 2325
and implementing the quality intervention program, the board may 2326
do all of the following: 2327

(1) Offer in appropriate cases as determined by the board 2328
an educational and assessment program pursuant to an 2329
investigation the board conducts under this section; 2330

(2) Select providers of educational and assessment 2331
services, including a quality intervention program panel of case 2332
reviewers; 2333

(3) Make referrals to educational and assessment service 2334

providers and approve individual educational programs 2335
recommended by those providers. The board shall monitor the 2336
progress of each individual undertaking a recommended individual 2337
educational program. 2338

(4) Determine what constitutes successful completion of an 2339
individual educational program and require further monitoring of 2340
the individual who completed the program or other action that 2341
the board determines to be appropriate; 2342

(5) Adopt rules in accordance with Chapter 119. of the 2343
Revised Code to further implement the quality intervention 2344
program. 2345

An individual who participates in an individual 2346
educational program pursuant to this division shall pay the 2347
financial obligations arising from that educational program. 2348

(P) The board shall not refuse to issue a license to an 2349
applicant because of a conviction, plea of guilty, judicial 2350
finding of guilt, judicial finding of eligibility for 2351
intervention in lieu of conviction, or the commission of an act 2352
that constitutes a criminal offense, unless the refusal is in 2353
accordance with section 9.79 of the Revised Code. 2354

Sec. 4731.281. (A) (1) A license issued under this chapter 2355
to practice medicine and surgery, osteopathic medicine and 2356
surgery, or podiatric medicine and surgery shall be valid for a 2357
two-year period unless revoked or suspended. A license shall 2358
expire on the date that is two years from the date of issuance 2359
and may be renewed for additional two-year periods. Applications 2360
for renewal shall be submitted to the state medical board in a 2361
manner prescribed by the board. Each renewal application shall 2362
include a check box for a physician who is subject to section 2363

4731.89 of the Revised Code to certify compliance with the 2364
requirements of that section. 2365

Each application shall be accompanied by a biennial 2366
renewal fee of three hundred five dollars. 2367

The board shall deposit the fee in accordance with section 2368
4731.24 of the Revised Code, except that the board shall deposit 2369
twenty dollars of the fee into the state treasury to the credit 2370
of the physician loan repayment fund created by section 3702.78 2371
of the Revised Code. 2372

(2) The board shall provide a renewal notice to every 2373
person holding a license to practice medicine and surgery, 2374
osteopathic medicine and surgery, or podiatric medicine and 2375
surgery, a renewal notice. The board may provide the notice to 2376
the person through the secretary of any recognized medical, 2377
osteopathic, or podiatric society. The notice shall be provided 2378
to the person at least one month prior to the date on which the 2379
person's license expires. 2380

(3) Failure of any person to receive a notice of renewal 2381
from the board shall not excuse the person from the requirements 2382
contained in this section. 2383

(4) The board's notice shall inform the applicant of the 2384
renewal procedure. The board shall provide the application for 2385
renewal in a form determined by the board. 2386

(5) The applicant shall provide in the application the 2387
applicant's full name; the applicant's residence address, 2388
business address, and electronic mail address; the number of the 2389
applicant's license to practice; and any other information 2390
required by the board. 2391

(6) (a) Except as provided in division (A) (6) (b) of this 2392

section, in the case of an applicant who prescribes or 2393
personally furnishes opioid analgesics or benzodiazepines, as 2394
defined in section 3719.01 of the Revised Code, the applicant 2395
shall certify to the board whether the applicant has been 2396
granted access to the drug database established and maintained 2397
by the state board of pharmacy pursuant to section 4729.75 of 2398
the Revised Code. 2399

(b) The requirement described in division (A) (6) (a) of 2400
this section does not apply if any of the following is the case: 2401

(i) The state board of pharmacy notifies the state medical 2402
board pursuant to section 4729.861 of the Revised Code that the 2403
applicant has been restricted from obtaining further information 2404
from the drug database. 2405

(ii) The state board of pharmacy no longer maintains the 2406
drug database. 2407

(iii) The applicant does not practice medicine and 2408
surgery, osteopathic medicine and surgery, or podiatric medicine 2409
and surgery in this state. 2410

(c) If an applicant certifies to the state medical board 2411
that the applicant has been granted access to the drug database 2412
and the board finds through an audit or other means that the 2413
applicant has not been granted access, the board may take action 2414
under section 4731.22 of the Revised Code. 2415

(7) The applicant shall indicate whether the applicant 2416
currently collaborates, as that term is defined in section 2417
4723.01 of the Revised Code, with any clinical nurse 2418
specialists, certified nurse-midwives, or certified nurse 2419
practitioners. 2420

(8) The applicant shall report any criminal offense to 2421

which the applicant has pleaded guilty, of which the applicant 2422
has been found guilty, or for which the applicant has been found 2423
eligible for intervention in lieu of conviction, since last 2424
submitting an application for a license to practice or renewal 2425
of a license. 2426

(9) The applicant shall execute and deliver the 2427
application to the board in a manner prescribed by the board. 2428

(B) The board shall renew a license under this chapter to 2429
practice medicine and surgery, osteopathic medicine and surgery, 2430
or podiatric medicine and surgery upon application and 2431
qualification therefor in accordance with this section. A 2432
renewal shall be valid for a two-year period. 2433

(C) Failure of any license holder to renew and comply with 2434
this section shall operate automatically to suspend the holder's 2435
license to practice and if applicable, the holder's certificate 2436
to recommend issued under section 4731.30 of the Revised Code. 2437
Continued practice after the suspension shall be considered as 2438
practicing in violation of section 4731.41, 4731.43, or 4731.60 2439
of the Revised Code. 2440

If the license has been suspended pursuant to this 2441
division for two years or less, it may be reinstated. The board 2442
shall reinstate a license to practice suspended for failure to 2443
renew upon an applicant's submission of a renewal application 2444
and payment of a reinstatement fee of four hundred five dollars. 2445

If the license has been suspended pursuant to this 2446
division for more than two years, it may be restored. Subject to 2447
section 4731.222 of the Revised Code, the board may restore a 2448
license to practice suspended for failure to renew upon an 2449
applicant's submission of a restoration application, payment of 2450

a restoration fee of five hundred five dollars, and compliance 2451
with sections 4776.01 to 4776.04 of the Revised Code. The board 2452
shall not restore to an applicant a license unless the board, in 2453
its discretion, decides that the results of the criminal records 2454
check do not make the applicant ineligible for a license issued 2455
pursuant to section 4731.14 or 4731.56 of the Revised Code. 2456

Any reinstatement or restoration of a license to practice 2457
under this section shall operate automatically to renew the 2458
holder's certificate to recommend. 2459

(D) The state medical board may obtain information not 2460
protected by statutory or common law privilege from courts and 2461
other sources concerning malpractice claims against any person 2462
holding a license to practice under this chapter or practicing 2463
as provided in section 4731.36 of the Revised Code. 2464

(E) Each renewal notice provided by the board under 2465
division (A) (2) of this section to a person holding a license to 2466
practice medicine and surgery or osteopathic medicine and 2467
surgery shall inform the applicant of the reporting requirement 2468
established by division (H) of section 3701.79 of the Revised 2469
Code. At the discretion of the board, the information may be 2470
included on the application for renewal or on an accompanying 2471
page. 2472

(F) Each person holding a license to practice medicine and 2473
surgery, osteopathic medicine and surgery, or podiatric medicine 2474
and surgery shall give notice to the board of a change in the 2475
license holder's residence address, business address, or 2476
electronic mail address not later than thirty days after the 2477
change occurs. 2478

Sec. 4731.89. Beginning one year after the effective date 2479

of this section, all of the following apply: 2480

(A) As used in this section, "physician" means an 2481
individual authorized under this chapter to practice medicine 2482
and surgery or osteopathic medicine and surgery. 2483

(B) A physician who performs annual physical examinations 2484
on individuals who are nineteen years of age or younger, or who 2485
performs examinations for purposes of division (E) of section 2486
3313.5310 of the Revised Code, shall do all of the following: 2487

(1) For each such examination, complete the 2488
preparticipation physical evaluation form created pursuant to 2489
division (D) of section 3707.59 of the Revised Code; 2490

(2) At least once every four years, complete the childhood 2491
cardiac screening professional development module established 2492
under section 3707.591 of the Revised Code. The physician shall 2493
retain on file at the physician's primary place of practice a 2494
hard copy of the certificate of completion, and shall make it 2495
available to the state medical board on request. 2496

(3) At least once every four years, read the pamphlet 2497
developed under division (B) (2) (a) of section 3707.59 of the 2498
Revised Code; 2499

(4) Annually report to the department of health the total 2500
number of examinations for which the preparticipation physical 2501
evaluation form was completed and the total number of cardiology 2502
referrals resulting from those examinations. 2503

(C) The board may fine a physician who fails, on request, 2504
to produce a copy of the certificate of completion of the 2505
childhood cardiac screening professional development module. The 2506
fine may be up to five thousand dollars, plus an additional one 2507
thousand dollars for each individual the physician is found to 2508

have examined without having completed the module as required 2509
under this section. 2510

(D) No physician shall knowingly falsely certify as to the 2511
completion of the requirements set forth in division (B)(2) or 2512
(3) of this section. 2513

Sec. 4731.99. (A) Whoever violates section 4731.41, 2514
4731.43, or 4731.60 of the Revised Code is guilty of a felony of 2515
the fifth degree on a first offense and a felony of the fourth 2516
degree on each subsequent offense. 2517

(B) Whoever violates section 4731.49, 4731.50, or 4731.81 2518
of the Revised Code is guilty of a misdemeanor of the fourth 2519
degree on a first offense and a misdemeanor of the first degree 2520
on each subsequent offense. 2521

(C) Whoever violates section 4731.46 or 4731.47 of the 2522
Revised Code is guilty of a felony of the fifth degree. 2523

(D) Whoever violates section 4731.48 of the Revised Code 2524
is guilty of a misdemeanor of the fourth degree. 2525

(E) Whoever violates division (A), (B), (C), or (D) of 2526
section 4731.224 of the Revised Code is guilty of a minor 2527
misdemeanor on a first offense and a misdemeanor of the fourth 2528
degree on each subsequent offense, except that an individual 2529
guilty of a subsequent offense shall not be subject to 2530
imprisonment, but to a fine alone of up to one thousand dollars 2531
for each offense. 2532

(F) Whoever violates section 4731.481 of the Revised Code 2533
is guilty of a misdemeanor of the first degree. 2534

(G) Whoever violates division (B)(2) or (3) of section 2535
4731.89 of the Revised Code is guilty of a misdemeanor of the 2536

first degree. 2537

Sec. 5164.21. (A) A medicaid provider who is a physician 2538
to which section 4731.89 of the Revised Code applies, and who 2539
fails to comply with division (B) (2) or (3) of that section, 2540
shall not seek payment from the medicaid program for any 2541
examination to which the failure applies. Any such physician 2542
shall not collect from or bill a medicaid recipient for any 2543
examination for which this division prohibits the physician from 2544
seeking payment from the medicaid program. 2545

(B) A medicaid provider who is an advanced practice 2546
registered nurse to which section 4723.484 of the Revised Code 2547
applies, and who fails to comply with division (A) (2) or (3) of 2548
that section, shall not seek payment from the medicaid program 2549
for any examination to which the failure applies. Any such 2550
advanced practice registered nurse shall not collect from or 2551
bill a medicaid recipient for any examination for which this 2552
division prohibits the physician from seeking payment from the 2553
medicaid program. 2554

(C) A medicaid provider who is a physician assistant to 2555
which section 4730.46 of the Revised Code applies, and who fails 2556
to comply with division (A) (2) or (3) of that section, shall not 2557
seek payment from the medicaid program for any examination to 2558
which the failure applies. Any such physician assistant shall 2559
not collect from or bill a medicaid recipient for any 2560
examination for which this division prohibits the physician from 2561
seeking payment from the medicaid program. 2562

Section 2. That existing sections 3313.5310, 3707.58, 2563
3707.59, 4723.24, 4723.28, 4723.99, 4730.14, 4730.25, 4730.99, 2564
4731.22, 4731.281, and 4731.99 of the Revised Code are hereby 2565
repealed. 2566

Section 3. This act shall be known as the Healthy Cardiac Monitoring Act. 2567
2568

Section 4. Section 4731.22 of the Revised Code is 2569
presented in this act as a composite of the section as amended 2570
by both H.B. 254 and S.B. 288 of the 134th General Assembly. The 2571
General Assembly, applying the principle stated in division (B) 2572
of section 1.52 of the Revised Code that amendments are to be 2573
harmonized if reasonably capable of simultaneous operation, 2574
finds that the composite is the resulting version of the section 2575
in effect prior to the effective date of the section as 2576
presented in this act. 2577