

As Reported by the House Health Committee

132nd General Assembly

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Sub. H. B. No. 541

Representatives Patterson, LaTourette

**Cosponsors: Representatives Becker, Brown, Riedel, O'Brien, Seitz, Huffman,
Johnson, Lepore-Hagan**

A BILL

To amend sections 4715.09, 4715.20, 4725.26, 1
4730.02, 4731.41, 4731.43, 4731.60, and 4734.14 2
and to enact sections 4723.321 and 4725.591 of 3
the Revised Code to authorize health 4
professionals licensed in other states to 5
provide volunteer health services during 6
charitable events. 7

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

Section 1. That sections 4715.09, 4715.20, 4725.26, 8
4730.02, 4731.41, 4731.43, 4731.60, and 4734.14 be amended and 9
sections 4723.321 and 4725.591 of the Revised Code be enacted to 10
read as follows: 11

Sec. 4715.09. (A) No person shall practice dentistry 12
without a current license from the state dental board. No person 13
shall practice dentistry while the person's license is under 14
suspension by the state dental board. 15

(B) No dentist shall use the services of any person not 16
licensed to practice dentistry in this state, or the services of 17

any partnership, corporation, or association, to construct, 18
alter, repair, or duplicate any denture, plate, bridge, splint, 19
or orthodontic or prosthetic appliance, without first furnishing 20
the unlicensed person, partnership, corporation, or association 21
with a written work authorization on forms prescribed by the 22
state dental board. 23

The unlicensed person, partnership, corporation, or 24
association shall retain the original work authorization, and 25
the dentist shall retain a duplicate copy of the work 26
authorization, for two years from its date. Work authorizations 27
required by this section shall be open for inspection during the 28
two-year period by the state dental board, its authorized agent, 29
or the prosecuting attorney of a county or the director of law 30
of a municipal corporation wherein the work authorizations are 31
located. 32

(C) If the person, partnership, association, or 33
corporation receiving a written authorization from a licensed 34
dentist engages another person, firm, or corporation, referred 35
to in this division as "subcontractor," to perform some of the 36
services relative to the work authorization, ~~he or it~~ the person 37
shall furnish a written sub-work authorization with respect 38
thereto on forms prescribed by the state dental board. 39

The subcontractor shall retain the sub-work authorization 40
and the issuer thereof shall retain a duplicate copy, attached 41
to the work authorization received from the licensed dentist, 42
for inspection by the state dental board or its duly authorized 43
agents, for a period of two years in both cases. 44

(D) No unlicensed person, partnership, association, or 45
corporation shall perform any service described in division (B) 46
of this section without a written work authorization from a 47

licensed dentist. Provided, that if a written work authorization 48
is demanded from a licensed dentist who fails or refuses to 49
furnish it for any reason, the unlicensed person, partnership, 50
association, or corporation shall not, in such event, be subject 51
to the enforcement provisions of section 4715.05 or the penal 52
provisions of section 4715.99 of the Revised Code. 53

(E) No dentist shall employ or use conscious intravenous 54
sedation unless the dentist possesses a valid permit issued by 55
the state dental board authorizing ~~him~~ the dentist to do so. 56

(F) Division (A) of this section does not apply to a 57
person who meets both of the following conditions: 58

(1) The person holds a license in good standing to 59
practice dentistry issued by another state. 60

(2) The person is practicing as a volunteer without 61
remuneration during a charitable event that lasts not more than 62
seven days. 63

When a person meets the conditions of this division, the 64
person shall be deemed to hold, for the course of the charitable 65
event, a license to practice dentistry from the state dental 66
board and shall be subject to the provisions of this chapter 67
authorizing the board to take disciplinary action against a 68
license holder. During the course of the charitable event, the 69
person's scope of practice is limited to the procedures that a 70
dentist licensed under this chapter is authorized to perform. 71

Sec. 4715.20. No person shall practice as a dental 72
hygienist except ~~a~~ as follows: 73

(A) A licensed dentist ~~or one~~; 74

(B) One who has obtained a license from the state dental 75

board to practice as a dental hygienist; 76

(C) One who holds in good standing a license from another 77
state to practice as a dental hygienist and is practicing as a 78
volunteer without remuneration during a charitable event that 79
lasts not more than seven days. 80

In the case of a person described in division (C) of this 81
section, the person shall be deemed to hold, for the course of 82
the charitable event, a license to practice as a dental 83
hygienist from the state dental board and shall be subject to 84
the provisions of this chapter authorizing the board to take 85
disciplinary action against a license holder. During the course 86
of the charitable event, the person's scope of practice is 87
limited to the procedures that a dental hygienist licensed under 88
this chapter is authorized to perform. 89

Sec. 4723.321. Section 4723.03 of the Revised Code does 90
not apply to an individual that meets both of the following 91
conditions: 92

(A) The individual currently holds in good standing a 93
license to practice nursing as a registered nurse, advanced 94
practice registered nurse, or licensed practical nurse from 95
another jurisdiction. 96

(B) The individual is engaging in the practice of nursing 97
as a registered nurse, advanced practice registered nurse, or 98
licensed practical nurse as a volunteer without remuneration 99
during a charitable event that lasts not more than seven days. 100

When an individual meets the conditions of this section, 101
the individual shall be deemed to hold, during the course of the 102
charitable event, a license to practice nursing as a registered 103
nurse, advanced practice registered nurse, or licensed practical 104

nurse from the board of nursing and shall be subject to the 105
provisions of this chapter authorizing the board to take 106
disciplinary action against a license holder. During the course 107
of the charitable event, the individual's scope of practice is 108
limited to the procedures that a registered nurse, advanced 109
practice registered nurse, or licensed practical nurse licensed 110
under this chapter is authorized to perform. 111

Sec. 4725.26. Division (A) of section 4725.02 of the 112
Revised Code does not apply to the following: 113

(A) Physicians authorized to practice medicine and surgery 114
or osteopathic medicine and surgery under Chapter 4731. of the 115
Revised Code; 116

(B) Persons who sell optical accessories but do not assume 117
to adapt them to the eye, and neither practice nor profess to 118
practice optometry; 119

(C) An instructor in a school of optometry that is located 120
in this state and approved by the state vision professionals 121
board under section 4725.10 of the Revised Code who holds a 122
valid current license to practice optometry from a licensing 123
body in another jurisdiction and limits the practice of 124
optometry to the instruction of students enrolled in the school. 125

(D) A student enrolled in a school of optometry, located 126
in this or another state and approved by the board under section 127
4725.10 of the Revised Code, while the student is participating 128
in this state in an optometry training program provided or 129
sponsored by the school, if the student acts under the direct, 130
personal supervision and control of an optometrist licensed by 131
the board or authorized to practice pursuant to division (C) of 132
this section. 133

(E) An individual who is licensed or otherwise 134
specifically authorized by the Revised Code to engage in an 135
activity that is included in the practice of optometry. 136

(F) An individual who is not licensed or otherwise 137
specifically authorized by the Revised Code to engage in an 138
activity that is included in the practice of optometry, but is 139
acting pursuant to the rules for delegation of optometric tasks 140
adopted under section 4725.09 of the Revised Code. 141

(G) An individual who holds in good standing a valid 142
license to practice optometry from a licensing body in another 143
jurisdiction and is practicing as a volunteer without 144
remuneration during a charitable event that lasts not more than 145
seven days. 146

When an individual meets the conditions of this division, 147
the individual shall be deemed to hold, during the course of the 148
charitable event, a license to practice optometry from the state 149
vision professionals board and shall be subject to the 150
provisions of this chapter authorizing the board to take 151
disciplinary action against a license holder. During the course 152
of the charitable event, the individual's scope of practice is 153
limited to the procedures that an optometrist licensed under 154
this chapter is authorized to perform. 155

Sec. 4725.591. Section 4725.41 of the Revised Code does 156
not apply to a person who holds in good standing a valid license 157
from another state to engage in optical dispensing and is 158
engaging in optical dispensing as a volunteer without 159
remuneration during a charitable event that lasts not more than 160
seven days. 161

When a person meets the conditions of this section, the 162

person shall be deemed to hold, during the course of the 163
charitable event, a license to engage in optical dispensing from 164
the state vision professionals board and shall be subject to the 165
provisions of this chapter authorizing the board to take 166
disciplinary action against a license holder. During the course 167
of the charitable event, the person's scope of practice is 168
limited to the procedures that a dispensing optician licensed 169
under this chapter is authorized to perform. 170

Sec. 4730.02. (A) No person shall hold that person out as 171
being able to function as a physician assistant, or use any 172
words or letters indicating or implying that the person is a 173
physician assistant, without a current, valid license to 174
practice as a physician assistant issued pursuant to this 175
chapter. 176

(B) No person shall practice as a physician assistant 177
without the supervision, control, and direction of a physician. 178

(C) No person shall practice as a physician assistant 179
without having entered into a supervision agreement with a 180
supervising physician under section 4730.19 of the Revised Code. 181

(D) No person acting as the supervising physician of a 182
physician assistant shall authorize the physician assistant to 183
perform services if either of the following is the case: 184

(1) The services are not within the physician's normal 185
course of practice and expertise; 186

(2) The services are inconsistent with the supervision 187
agreement under which the physician assistant is being 188
supervised, including, if applicable, the policies of the health 189
care facility in which the physician and physician assistant are 190
practicing. 191

(E) No person practicing as a physician assistant shall 192
prescribe any drug or device to perform or induce an abortion, 193
or otherwise perform or induce an abortion. 194

(F) No person shall advertise to provide services as a 195
physician assistant, except for the purpose of seeking 196
employment. 197

(G) No person practicing as a physician assistant shall 198
fail to wear at all times when on duty a placard, plate, or 199
other device identifying that person as a "physician assistant." 200

(H) Division (A) of this section does not apply to a 201
person who meets both of the following conditions: 202

(1) The person holds in good standing a valid license or 203
other form of authority to practice as a physician assistant 204
issued by another state. 205

(2) The person is practicing as a volunteer without 206
remuneration during a charitable event that lasts not more than 207
seven days. 208

When a person meets the conditions of this division, the 209
person shall be deemed to hold, during the course of the 210
charitable event, a license to practice as a physician assistant 211
from the state medical board and shall be subject to the 212
provisions of this chapter authorizing the board to take 213
disciplinary action against a license holder. During the course 214
of the charitable event, the person's scope of practice is 215
limited to the procedures that a physician assistant licensed 216
under this chapter is authorized to perform. 217

Sec. 4731.41. (A) No person shall practice medicine and 218
surgery, or any of its branches, without the appropriate license 219
or certificate from the state medical board to engage in the 220

practice. No person shall advertise or claim to the public to be 221
a practitioner of medicine and surgery, or any of its branches, 222
without a license or certificate from the board. No person shall 223
open or conduct an office or other place for such practice 224
without a license or certificate from the board. No person shall 225
conduct an office in the name of some person who has a license 226
or certificate to practice medicine and surgery, or any of its 227
branches. No person shall practice medicine and surgery, or any 228
of its branches, after the person's license or certificate has 229
been revoked, or, if suspended, during the time of such 230
suspension. 231

A license or certificate signed by the secretary of the 232
board to which is affixed the official seal of the board to the 233
effect that it appears from the records of the board that no 234
such license or certificate to practice medicine and surgery, or 235
any of its branches, in this state has been issued to the person 236
specified therein, or that a license or certificate to practice, 237
if issued, has been revoked or suspended, shall be received as 238
prima-facie evidence of the record of the board in any court or 239
before any officer of the state. 240

(B) No license or certificate from the state medical board 241
is required by a physician who comes into this state to practice 242
medicine at a free-of-charge camp accredited by the SeriousFun 243
children's network that specializes in providing therapeutic 244
recreation, as defined in section 2305.231 of the Revised Code, 245
for individuals with chronic illnesses as long as all of the 246
following apply: 247

(1) The physician provides documentation to the medical 248
director of the camp that the physician is licensed and in good 249
standing to practice medicine in another state; 250

(2) The physician provides services only at the camp or in connection with camp events or camp activities that occur off the grounds of the camp;

(3) The physician receives no compensation for the services;

(4) The physician provides those services within this state for not more than thirty days per calendar year;

(5) The camp has a medical director who holds an unrestricted license to practice medicine issued in accordance with division (A) of this section.

(C) Division (A) of this section does not apply to a person who meets both of the following conditions:

(1) The person holds in good standing a valid license to practice medicine and surgery issued by another state.

(2) The person is practicing as a volunteer without remuneration during a charitable event that lasts not more than seven days.

When a person meets the conditions of this division, the person shall be deemed authorized by the state medical board, during the course of the charitable event, to practice medicine and surgery and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a physician. During the course of the charitable event, the person's scope of practice is limited to the procedures that a physician authorized under this chapter to practice medicine and surgery is authorized to perform.

Sec. 4731.43. ~~No~~ (A) No person shall announce or advertise that person as an osteopathic physician and surgeon, or shall

practice as such, without a license from the state medical board 279
or without complying with all the provisions of law relating to 280
such practice, or shall practice after such license has been 281
revoked, or if suspended, during the time of such suspension. 282

A-(B) Division (A) of this section does not apply to a 283
person who holds in good standing a valid license to practice as 284
an osteopathic physician and surgeon issued by another state and 285
is practicing as a volunteer without remuneration during a 286
charitable event that lasts not more than seven days. 287

When a person meets the conditions of this division, the 288
person shall be deemed authorized by the state medical board, 289
during the course of the charitable event, to practice 290
osteopathic medicine and surgery and shall be subject to the 291
provisions of this chapter authorizing the board to take 292
disciplinary action against a physician. During the course of 293
the charitable event, the person's scope of practice is limited 294
to the procedures that a physician authorized under this chapter 295
to practice osteopathic medicine and surgery is authorized to 296
perform. 297

(C) A license certified by the secretary, under the 298
official seal of the ~~said~~ board to the effect that it appears 299
from the records of the board that no license to practice 300
osteopathic medicine and surgery has been issued to any person 301
specified therein, or that a license, if issued, has been 302
revoked or suspended shall be received as prima-facie evidence 303
of the record in any court or before any officer of the state. 304

Sec. 4731.60. (A) (1) No person shall engage in the 305
practice of podiatric medicine and surgery without a current, 306
valid license to practice podiatric medicine and surgery issued 307
by the state medical board. 308

(2) No person shall advertise or claim to be authorized to practice podiatric medicine and surgery unless the person holds a current, valid license to practice podiatric medicine and surgery issued by the board under this chapter.

(3) No person shall practice podiatric medicine and surgery after the person's license has been revoked, or if suspended, during the time of such suspension.

(B) A document that is signed by the president and secretary of the board and has affixed the official seal of the board to the effect that it appears from the records of the board that a license to practice podiatric medicine and surgery in this state has not been issued to a particular person, or that a license, if issued, has been revoked or suspended, shall be received as prima-facie evidence of the record of the board in any court or before any officer of this state.

(C) Division (A) of this section does not apply to a person who holds in good standing a valid license to practice podiatric medicine and surgery issued by another state and is practicing as a volunteer without remuneration during a charitable event that lasts not more than seven days.

When a person meets the conditions of this division, the person shall be deemed authorized by the state medical board, during the course of the charitable event, to practice podiatric medicine and surgery and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a podiatrist. During the course of the charitable event, the person's scope of practice is limited to the procedures that a physician authorized under this chapter to practice podiatric medicine and surgery is authorized to perform.

Sec. 4734.14. (A) (1) Except as provided in division (B) of 338
this section, no person shall engage in the practice of 339
chiropractic without a current, valid license issued by the 340
state chiropractic board under this chapter. 341

(2) Except as provided in division (C) of this section, no 342
person shall advertise or claim to be a chiropractor, doctor of 343
chiropractic, or chiropractic physician, or use the initials 344
"D.C." in connection with the person's name, unless the person 345
holds a current, valid license from the board. 346

(3) Subject to section 4734.17 of the Revised Code, no 347
person shall open or conduct an office or other place for the 348
practice of chiropractic without a license from the board. 349

(4) Subject to section 4734.17 of the Revised Code, no 350
person shall conduct an office in the name of some person who 351
has a license to practice chiropractic. 352

(5) No person shall practice chiropractic in violation of 353
the person's license revocation, forfeiture, or suspension or in 354
violation of any restriction, limitation, or condition placed on 355
the person's license. 356

(6) No person shall employ fraud or deception in applying 357
for or securing a license to practice chiropractic or in 358
renewing a license to practice chiropractic. 359

(7) No person shall make, issue, or publish, or cause to 360
be made, issued, or published, for the purpose of sale, barter, 361
or gift, a license, certificate, diploma, degree, or other 362
writing or document falsely representing the holder or receiver 363
thereof to be licensed under this chapter or to be a graduate of 364
a chiropractic school, college, or other educational institution 365
of chiropractic, or sell or dispose of, or offer to sell or 366

dispose of such license, certificate, diploma, degree, or other 367
writing or document containing such false representation or use 368
the person's name, or permit it to be used, as a subscriber to 369
such false and fictitious license, certificate, diploma, degree, 370
or other writing or document or engage in the practice of 371
chiropractic under and by virtue of such fraudulent license, 372
certificate, diploma, degree, or other writing or document. 373

~~(B) (1) Subject to division (B) (2) of this section,~~ 374
~~division~~ Division (A) (1) of this section does not apply to a 375
person who holds a current, unrestricted license to practice 376
chiropractic in another state when the person, pursuant to a 377
written agreement with an athletic team located in the state in 378
which the person holds the license, provides chiropractic 379
services to any of the following while the team is traveling to 380
or from or participating in a sporting event in this state: 381

(a) A member of the athletic team; 382

(b) A member of the athletic team's coaching, 383
communications, equipment, or sports medicine staff; 384

(c) A member of a band or cheerleading squad accompanying 385
the athletic team; 386

(d) The athletic team's mascot. 387

~~(2)~~ In providing chiropractic services pursuant to 388
division (B) (1) of this section, the person shall not provide 389
chiropractic services at a health care facility. 390

(2) Division (A) (1) of this section does not apply to a 391
person who meets both of the following conditions: 392

(a) The person holds a current, unrestricted license to 393
practice chiropractic in another state. 394

(b) The person is practicing as a volunteer without 395
remuneration during a charitable event that lasts not more than 396
seven days. 397

When a person meets the conditions of division (B) (2) of 398
this section, the person shall be deemed to hold, for the course 399
of the charitable event, a license to practice chiropractic from 400
the state chiropractic board and shall be subject to the 401
provisions of this chapter authorizing the board to take 402
disciplinary action against a license holder. During the course 403
of the charitable event, the person's scope of practice is 404
limited to the procedures that a chiropractor licensed under 405
this chapter is authorized to perform. 406

(C) A person who has retired from the practice of 407
chiropractic in good standing and does not maintain a current, 408
valid license from the board may continue to claim to be a 409
chiropractor, doctor of chiropractic, or chiropractic physician, 410
or use the initials "D.C." in connection with the person's name, 411
if the person does not engage in the practice of chiropractic or 412
otherwise violate this chapter or the rules adopted under it. 413

A person whose license has been classified as inactive 414
pursuant to section 4734.26 of the Revised Code may continue to 415
claim to be a chiropractor, doctor of chiropractic, or 416
chiropractic physician, or use the initials "D.C." in connection 417
with the person's name, if the person does not engage in the 418
practice of chiropractic or otherwise violate this chapter or 419
the rules adopted under it. 420

(D) In any proceeding for a violation of this section 421
brought against a person who is not licensed under this chapter 422
but is a graduate of a chiropractic college approved under 423
section 4734.21 of the Revised Code, it shall be an affirmative 424

defense that the person is permitted to use the term "doctor" or 425
the initials "D.C." in connection with the person's name, but 426
only to the extent that the person does not indicate or act in a 427
manner implying that the person is licensed under this chapter 428
or otherwise violate this chapter or the rules adopted under it. 429

(E) A document that is signed by the president or 430
executive director of the board and that has affixed the 431
official seal of the board to the effect that it appears from 432
the records of the board that a license to practice chiropractic 433
in this state has not been issued to a particular person, or 434
that a license, if issued, has been revoked or suspended, shall 435
be received as prima-facie evidence of the record of the board 436
in any court or before any officer of the state. 437

Section 2. That existing sections 4715.09, 4715.20, 438
4725.26, 4730.02, 4731.41, 4731.43, 4731.60, and 4734.14 of the 439
Revised Code are hereby repealed. 440