

## Chapter 4731-15 Reporting Requirements

### 4731-15-01 Licensee reporting requirement; exceptions.

(A) Licensees of the board shall be required to report as listed below:

(1) Subject to paragraph (B) of this rule, any individual licensed under Chapter 4731. of the Revised Code or any association or society of individuals licensed under Chapter 4731. of the Revised Code shall report to the board a belief that a violation of Chapter 4730., Chapter 4731., Chapter 4760. of Chapter 4762., or Chapter 4774. of the Revised Code, or any rule of the board has occurred.

(2) Subject to paragraph (B) of this rule, any physician assistant or any association or society of physician assistants shall report to the board a belief that a violation of Chapter 4730. or 4731. of the Revised Code, or any rule of the board has occurred.

(3) Subject to paragraph (B) of this rule, any anesthesiologist assistant or any association or society of anesthesiologist assistants shall report to the board a belief that a violation of Chapter 4731. or 4760. of the Revised Code, or any rule of the board has occurred.

(4) Subject to paragraph (B) of this rule, any acupuncturist or any association or society of acupuncturists shall report to the board a belief that a violation of Chapter 4731. or 4762. of the Revised Code, or any rule of the board has occurred.

(5) Subject to paragraph (B) of this rule, any radiologist assistant or any association of radiologist assistants shall report to the board a belief that a violation of Chapter 4731. or 4774. of the Revised Code, or any rule of the board has occurred.

(B) An individual, association or society shall be relieved of the obligation to report under paragraph (A) of this rule if one of the following requirements is met:

(1) The individual or organization is an approved treatment provider under section [4731.25](#) of the Revised Code or the individual is an employee, agent or representative of an approved treatment provider, and

(a) The practitioner maintains participation in treatment or aftercare in accordance with section [4731.25](#) of the Revised Code and any rules of the board adopted pursuant to that section; and

(b) There is no reason to believe that the practitioner has violated any provision of Chapter 4730., Chapter 4731., Chapter 4760. Chapter 4762., or Chapter 4774. of the Revised Code, or any rule of the board, other than 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, as provided in division (B)(5) of section [4730.25](#) of the Revised Code, division (B)(26) of section [4731.22](#) of the Revised Code, division (B)(6) of section [4760.13](#) of the Revised Code<sup>^</sup> ef division (B)(6) of section [4762.13](#) of the Revised Code, or division (B)(6) of section [4774.13](#) of the Revised Code.

(2) The individual is a member of an impaired practitioner committee, or the equivalent, established by a hospital or its medical staff, or is a representative or agent of a committee or program sponsored by a professional association of individuals licensed under Chapter 4731. of the Revised Code to provide peer assistance to practitioners with substance abuse problems, and

(a) The practitioner has been referred for examination to an approved treatment program;

(b) The practitioner co-operates with the referral for examination and any determination that he or she should enter treatment; and

(c) There is no reason to believe that the practitioner has violated any provision of Chapter 4730., Chapter 4731., Chapter 4760., Chapter 4762., or Chapter 4774. of the Revised Code, or any rule of the board, other than 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, as provided in division (B)(5) of section [4730.25](#) of the Revised Code, division (B)(26) of section [4731.22](#) of the Revised Code, division (B)(6) of section [4760.13](#) of the Revised Code, or division (B)(6) of section [4762.13](#) of the Revised Code, or division (B)(6) of section [4774.13](#) of the Revised Code.

(3) The individual reasonably believes all of the following:

(a) The practitioner has been referred for examination to an approved treatment program;

(b) The practitioner co-operates with the referral for examination and any determination that he or she should enter treatment; and

(c) There is no reason to believe that the practitioner has violated any provision of Chapter 4730., Chapter 4731., Chapter 4760., Chapter 4762., or Chapter 4774. of the Revised Code, or any rule of the board, other than 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, as provided in division (B)(5) of section [4730.25](#) of the Revised Code, division (B)(26) of section [4731.22](#) of the Revised Code, division (B)(6) of section [4760.13](#) of the Revised Code, or division (B)(6) of section [4762.13](#) of the Revised Code, or division (B)(6) of section [4774.13](#) of the Revised Code.

(4) The individual is a member of a review committee described in section [2305.25](#) of the Revised Code and the sole source for the belief that a violation has occurred and there has been evidence or other matters produced or presented during the proceedings of such committee.

(5) The individual is otherwise prohibited from reporting to the board by a superseding state or federal law.

(6) For purposes of this paragraph any individual licensed under Chapter 4730., Chapter 4731., Chapter 4760., or Chapter 4762., or Chapter 4774. of the Revised Code, or any association or society of individuals so licensed, shall report a practitioner who has, at any time during or following treatment, experienced a relapse, as that term is defined in rule [4731-16-01](#) of the Administrative Code. The relapsing practitioner shall self-report the relapse.

(C) For purposes of paragraphs (B)(1)(b), (B)(2)(c), and (B)(3)(c) of this rule, violations of provisions of Chapter 4730., Chapter 4731., Chapter 4760., Chapter 4762., or Chapter 4774. of the Revised Code, or any rule of the board, other than 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, need not be reported if all of the following requirements are met, but if any or all of the following conditions are not met, the individual or organization shall report to the board all violations which are believed to have occurred:

(1) All acts or omissions by the practitioner which would otherwise have constituted violations occurred while the practitioner was impaired; and

(2) The practitioner has not been criminally convicted based on any such acts or omissions; and

(3) There is no reason to believe that such acts or omissions might have an adverse impact on other individuals.

(D) For purposes of section [4730.32](#), section [4731.224](#), section [4760.16](#), section [4762.16](#), or section [4774.16](#) of the Revised Code, and this rule, "reason to believe" or "a belief" does not require absolute

certainty or complete unquestioning acceptance, but only an opinion that a violation has occurred based upon firsthand knowledge or reliable information.

(E) Any report required under paragraph (A) of this rule shall be made to the board within forty-eight hours. Reporting of any belief that a violation has occurred to a review committee as described in section [2305.251](#) of the Revised Code or any entity other than the board does not discharge the duty or obligation to report to the board. In cases where the secretary and supervising member determined that peer review is being conducted by a review committee as described in section [2305.251](#) of the Revised Code for purposes of denying, determining, changing or modifying the scope of the licensee's clinical privileges, they may defer further investigation by the board while awaiting the outcome of that peer review.

(F) Any individual licensed by the board or any association or society of individuals who are by the board who reports to the board a belief that a violation of Chapter 4731., Chapter 4730., Chapter 4760., Chapter 4762., or Chapter 4774. of the Revised Code, or any rule of the board has occurred shall be considered to be reporting pursuant to the requirements of section [4730.32](#), [4731.224](#), [4760.16](#), [4762.16](#), or [4774.16](#) of the Revised Code and shall be immune from civil liability as provided by division (H) of section [4730.32](#), division (H) of section [4731.224](#), division (H) of section [4760.16](#), division (H) of section [4762.16](#), or division (H) of section [4774.16](#) of the Revised Code and paragraph (A) of rule [4731-15-05](#) of the Administrative Code. The individual, association, or society may remain anonymous by complying with all of the following actions:

(1) The individual, association, or society shall request and shall be assigned a confidential identifying number by the board.

(2) The individual, association, or society shall be responsible for notifying the board that he or she is a licensee or is an association or society of licensees and shall be responsible for maintaining the confidential identifying number in order to verify compliance with the reporting obligations of section [4730.32](#) of the Revised Code, section [4731.224](#) of the Revised Code, section [4760.16](#) of the Revised Code, section [4762.16](#) of the Revised Code, or section [4774.16](#) of the Revised Code and this chapter.

(G) Each report pursuant to this rule shall include:

(1) The name of the practitioner or other individual in violation;

(2) The violation which is believed to have occurred; and

(3) The date(s) of and place(s) of occurrence(s), if known.

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R.C. [119.032](#) review dates: 11/16/2009 and 03/31/2015

Promulgated Under: [119.03](#)

Statutory Authority: [4730.07](#), [4731.05](#), [4760.19](#), [4762.19](#), [4774.11](#)

Rule Amplifies: [4730.25](#), [4730.32](#), [4731.22](#), [4731.224](#), [4731.25](#), [4760.13](#), [4760.16](#), [4762.13](#), [4762.16](#), [4774.13](#), [4774.16](#)

Prior Effective Dates: 9/1/1991, 9/1/1999, 2/28/2004, 6/30/2005

### **[4731-15-02 Healthcare facility reporting requirement.](#)**

(A) The chief administrator or executive officer of any healthcare facility as defined in section [3702.51](#) of the Revised Code, including a hospital, healthcare facility operated by a health insuring corporation, ambulatory surgical facility or similar facility, shall report to the board any formal disciplinary action against any individual licensed under Chapter 4730., 4731., 4760., 4762., or 4774. of the Revised Code within sixty days after its completion.

(B) "Formal disciplinary action" means any procedure resulting in the revocation, restriction, reduction, or termination of clinical privileges for violations of professional ethics, or for reasons of medical

incompetence, medical malpractice, or drug or alcohol abuse. Clinical privileges means the authorization by the healthcare facility to a person licensed under Chapter 4730, 4731., 4760., 4762., or 4774. of the Revised Code for the provision of health care services.

(C) Formal disciplinary actions shall include:

(1) Summary actions, actions that take effect notwithstanding any appeal rights that may exist and actions that result in an individual surrendering clinical privileges while under investigation during proceedings regarding the action being taken or in return for not being investigated or having proceedings held, resulting in revocation, restriction, reduction, or termination of privileges for the violations or reasons set forth in paragraph (B) of this rule; and

(2) Actions resulting in refusal or denial of clinical privileges for the violations or reasons set forth in paragraph (B) of this rule;

(D) Formal disciplinary actions shall not include any action taken for the sole reason of failure to maintain records on a timely basis, failure to pay dues, or failure to attend staff, department or section meetings.

(E) Formal disciplinary actions need not be reported if:

(1) The practitioner has been referred for examination to an approved treatment program; and

(2) The practitioner cooperates with the referral for examination and any determination that he should enter treatment; and

There is no reason to believe that the practitioner has violated any provision of Chapter 4730., Chapter 4731., Chapter 4760., Chapter 4762., or Chapter 4774. of the Revised Code, or any rule of the board, other than 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, as provided in division (B)(5) of section [4730.25](#) of the Revised Code, division (B)(26) of section [4731.22](#) of the Revised Code, division (B)(6) of section [4760.13](#) of the Revised Code, or division (B)(6) of section [4762.13](#) of the Revised Code, or division (B)(6) of section [4774.13](#) of the Revised Code.

(F) Each report shall include:

(1) The name and address of the facility reporting;

(2) The practitioner's name and license number;

(3) The action taken by the facility;

(4) The date of the action taken by the facility;

(5) The effective date of the action taken by the facility; and

(6) A summary of the underlying facts leading to the action.

(G) A facility's timely filing with the board of a copy of the national practitioner data bank adverse action report shall satisfy the reporting requirement of this rule when, upon contact by the board, the reporting facility verifies that the filing of the report has been approved by the peer review committee which reviewed the case or by the governing board of the facility

(H) Any request for patient records by the board as provided under division (A) of section [4730.32](#) of the Revised Code, division (A) of section [4731.224](#) of the Revised Code, division (A) of section [4760.16](#) of the Revised Code, division (A) of section [4762.16](#) of the Revised Code, or division (A) of section [4774.16](#) of the Revised Code shall be made by certified mail directed to the chief administrator or executive officer of

the facility. Failure to provide the board with the requested certified copies of patient records within thirty days of receipt of that request shall constitute a failure to comply with the applicable reporting requirements, unless the board has granted a prior extension in writing.

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Prior Effective Dates: 9/1/01, 2/28/04

### **4731-15-03 Malpractice reporting requirement.**

(A) Any insurer providing professional liability insurance or any other entity that seeks to indemnify the professional liability of any person holding a valid certificate issued pursuant to Chapter 4730., 4731., 4760. or 4762. of the Revised Code shall notify the board within thirty days after the final disposition of any written claim for damages where such disposition results in a payment which exceeds twenty-five thousand dollars.

(B) For purposes of division (D) of section [4730.32](#) of the Revised Code, division (D) of section [4731.224](#) of the Revised Code, division (D) of section [4760.16](#) of the Revised Code, division (D) of section [4762.16](#) of the Revised Code and this rule:

(1) The amount of payment shall mean the aggregate gross settlement, not including court costs or other litigation costs;

(2) The present value of future payments shall be utilized in calculating the aggregate gross settlement in cases of structured payments;

(3) In cases involving multiple defendants where payment exceeds twenty-five thousand dollars but no specific allocation is made in the disposition of the claim, a report shall be filed with the board for each of the defendants upon whose behalf the payment is made;

(4) Payments made solely for damages not arising from patient care need not be reported;

(5) The waiver of an outstanding debt is not construed as a payment.

(C) Each notification to the board shall include the following:

(1) The name and address of the person submitting the notification;

(2) The identity of the insurer or other indemnifying entity;

(3) The name and address of the insured who is the subject of the claim;

(4) The name of the person filing the written claim;

(5) The date of final disposition;

(6) The amount of payment;

(7) If applicable, the identity of the court in which the final disposition took place.

(D) The timely filing of a national practitioner data bank medical malpractice payment report by the insurer with the board shall satisfy the reporting requirement as set forth in paragraphs (A) to (D) of this rule.

(E) The reports received under division (D) of section [4730.32](#) of the Revised Code, division (D) of section [4731.224](#) of the Revised Code, division (D) of section [4762.16](#) of the Revised Code and this rule shall be listed for periodic review by the secretary and supervising member at least once every three months. Based upon that review, they shall determine the need to investigate possible violations of Chapter 4730., or 4731., 4760. or 4762. of the Revised Code or any rule of the board.

Eff 9-1-91; 2-28-04

Rule promulgated under: RC [119.03](#)

Rule authorized by: RC [4730.07](#), [4731.05](#), [4760.19](#), [4762.19](#)

Rule amplifies: RC [4730.25](#), [4730.32](#), [4731.22](#), [4731.224](#), [4731.25](#), [4760.13](#), [4762.13](#), [4760.16](#), [4762.16](#)  
RC [119.032](#) review dates: 11/17/03, 3/25/07

### **[4731-15-04 Professional society reporting.](#)**

(A) Any professional association or society composed primarily of doctors of medicine and surgery, doctors of osteopathic medicine and surgery, doctors of podiatric medicine and surgery, practitioners of the limited branches of medicine, anesthesiologist assistants, physician assistants^ of acupuncturists, or radiologist assistants that suspends or revokes an individual's membership in that society for violations of professional ethics or for reasons of professional incompetence or professional malpractice shall report that action to the board within sixty days after a final decision.

(B) Each report shall include:

- (1) The licensee's name and license number;
- (2) The action taken; and
- (3) A summary of the underlying facts leading to the action.

(C) A professional association or society that reports an adverse action to the national practitioner data bank (NPDB) may satisfy the reporting requirement of this rule by timely filing a copy of the NPDB adverse action report with the board.

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Prior Effective Dates: 9/1/91, 2/28/04

### **[4731-15-05 Liability; reporting forms; confidentiality and disclosure.](#)**

(A) Any person, health care facility, association, society, or insurer who reports to the board or who refers an impaired practitioner to an approved treatment program shall not be subject to suit for civil damages as a result of the report, referral, or provision of information.

(B) The board shall provide, upon request, forms for reporting under the provisions of section [4730.32](#) of the Revised Code, section [4731.224](#) of the Revised Code, section [4760.16](#) of the Revised Code, section [4762.16](#) of the Revised Code, section [4774.16](#) of the Revised Code, and this chapter of the Administrative Code.

(C) When a national practitioner data bank report form is accepted by the board for the purpose of satisfying the requirements of section [4731.224](#) of the Revised Code and this chapter of the Administrative Code, the board shall redact the following information prior to disclosing the report as authorized under section [4731.224](#) of the Revised Code and this chapter of the Administrative Code:

- (1) National practitioner data bank identification number of the reporting entity, and
- (2) All national practitioner data bank references and federal form indicia.

(D) Summaries, reports, and records received and maintained by the board pursuant to section [4730.32](#) of the Revised Code, section [4731.224](#) of the Revised Code, section [4760.16](#) of the Revised Code, section [4762.16](#) of the Revised Code, section [4774.16](#) of the Revised Code and this chapter of the Administrative Code shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving a health care professional or facility arising out of matters which are the subject of such reporting to the board.

(1) The board may only disclose the summaries and reports to hospital committees which are involved in or recredentialing the practitioner or in reviewing the practitioner's clinical privileges, and in credentialing or recredentialing or reviewing the clinical privileges of the supervising physician of a practitioner licensed pursuant to Chapter 4730., 4760., 4762., or 4774. of the Revised Code. Such disclosure may be made through an independent credentialing service if the service merely communicates the information to the hospital committees and maintains strict confidentiality as provided in a written agreement with the board.

(2) Reports filed by an individual licensee pursuant to division (B) of section [4730.32](#) of the Revised Code, division (B) of section [4731.224](#) of the Revised Code, division (B) of section [4760.16](#) of the Revised Code, division (B) of section [4762.16](#) of the Revised Code, division (B) of section [4774.16](#) of the Revised Code and rule [4731-16-01](#) of the Administrative Code shall not be disclosed.

(E) Except for reports filed by an individual licensee pursuant to division (B) of section [4730.32](#) of the Revised Code, division (B) of section [4731.224](#) of the Revised Code, division (B) of section [4760.16](#) of the Revised Code, division (B) of section [4762.16](#) of the Revised Code, division (B) of section [4774.16](#) of the Revised Code and rule [4731-15-01](#) of the Administrative Code, a copy of any reports or summaries received by the board pursuant to section [4730.32](#) of the Revised Code, section [4731.224](#) of the Revised Code, section [4760.16](#) of the Revised Code, section [4762.16](#) of the Revised Code, section [4774.16](#) of the Revised Code and Chapter 4731-15 of the Administrative Code shall be sent to the practitioner by the board. The certificate holder/practitioner shall have the right to file a statement with the board concerning the correctness or relevance of the information. Such statement, upon receipt by the board, shall at all times accompany that part of the record in contention.

(F) The board need not accept reports, summaries, or statements that consist of or include proceedings or records of review committees as described in section [2305.25](#) of the Revised Code. If the board determines that materials submitted are unacceptable, it shall return those materials to the submitting individual or entity, and provide an opportunity for submission of appropriate materials.

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