

Hospital and surgical center Healthcare facility reporting requirement.

- (A) ~~Any~~ 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, or ambulatory surgical center facility or similar facility as defined in section 3702.51 of the Revised Code, shall report to the board any formal disciplinary ~~procedure~~ action against any individual licensed under Chapter ~~4730., 4731., 4760. or 4762.~~ of the Revised Code within sixty days after its completion.
- (B) "Formal disciplinary ~~procedure~~ 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 ~~hospital or surgical center~~ healthcare facility to a person licensed under Chapter ~~4730, 4731., 4760. or 4762.~~ of the Revised Code for the provision of health care services.
- (C) Formal disciplinary ~~procedures~~ 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 ~~procedures~~ 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 ~~procedures~~ 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

(3) ~~There is no reason to believe that the practitioner has violated any provisions of Chapter 4731. or Chapter 4730. of the Revised Code or any rule of the board other than division (B)(26) of section 4731.22 of the Revised Code.~~ There is no reason to believe that the practitioner has violated any provision of Chapter 4730., Chapter 4731., Chapter 4760. or Chapter 4762. 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.

~~(F)~~ Upon written request, the secretary and supervising member of the board shall provide advisory opinions with respect to the obligation to report under the provisions of division (A) of section 4731.224 of the Revised Code and this rule.

~~(G)~~(F) Each report shall include:

- (1) The name and address of the facility reporting;
- (2) The licensee'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.

~~(H)~~(G) Upon receipt and review of a national practitioner data bank report by the board, the board shall contact the reporting facility to verify 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, in accordance with division (A) of section 4731.224 of the Revised Code. Upon verification of the report, the timely filing of a national practitioner data bank adverse action report by the facility with the board shall satisfy the reporting requirement as set forth in paragraphs (A) to (G) of this rule.

~~(H)~~(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 or division (A) of section 4762.16 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 patient records minus patient identifiers within thirty days of receipt of that request shall constitute a failure to comply with section 4730.32 of the Revised Code, section 4731.224 of the Revised Code, section 4760.16 of the Revised Code or section 4762.16 of the Revised Code, whichever is applicable, unless the board has granted a prior extension in writing.

Effective: 02/28/2004

R.C. 119.032 review dates: 11/17/2003 and 03/25/2007

Certification

Date

Promulgated Under: 119.03

Statutory Authority: 4730.05, 4731.05, 4760.19,
4762.19

Rule Amplifies: 4730.25, 4730.32, 4731.22,
4731.224, 4731.25, 4760.13,
4762.13, 4760.13, 4762.16

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