

The following rules regarding continuing medical education are being revised due to statutory changes and recommendation from the Governor's working group on reviewing the Medical Board's handling of the investigation involving Richard Strauss to include training on the physician's duty to report.

## Chapter 4731-10 Licensing; Continuing Education

### 4731-10-01 Definitions

- Adds definitions for applicable registration periods for holders of clinical research faculty certificates and certificates of conceded eminence.
- Amends or deletes definitions to promote consistency and clarity

### 4731-10-02 Requisite Hours of Continuing Medical Education for License Renewal or Reinstatement

- Makes the rule consistent with the statute by requiring physicians to complete fifty hours of CME and defines the type of activities that are eligible for credit
- Requires one hour of CME on the topic of a licensee's duty to report misconduct under section 4731.224 of the Revised Code
- Defines the type of CME that must be completed by holders of clinical research faculty certificates, certificates of conceded eminence, and volunteer's certificates

### 4731-10-03 CME Waiver

- Clarifies that the waiver provisions apply to holders of clinical research faculty certificates, certificates of conceded eminence, and volunteer's certificates
- Removes restrictions on the granting of waivers in order to provide the board with more discretion

### 4731-10-04 Continuing Medical Education Requirements for Restoration of a License

- Clarifies the intent of this provision, but no substantive change

### 4731-10-05 Out of State Licensees

- Propose to rescind as the provision has been amended and moved to Rule 4731-10-02(D), OAC

### 4731-10-06 Licensure After Cutoff for Preparation of Registration Notices

- Propose to rescind as it reflects the prior process of mailing renewal applications and the use of a staggered renewal system

### 4731-10-07 Internships, Residencies, and Fellowships

- Propose to rescind as the provision has been amended and moved to 4731-10-02(A)(2)

### 4731-10-08 Evidence of Continuing Medical Education

- Clarifies that this rule applies to holders of clinical research faculty certificates, certificates of conceded eminence, and volunteer's certificates, and makes other textual changes

4731-10-09 Continuing Medical Education Requirement for Mid-Term Licensees

- Propose to rescind as proration will no longer be necessary. Effective October 16, 2019, initial licenses will be issued for a full two years.

4731-10-10 Continuing Medical Education Requirements Following License Restoration

- Proposed to be rescinded due to the statutory reduction in the number of CME hours

4731-10-11 Telemedicine Certificates

- Propose to rescind as telemedicine licenses will be abolished effective October 16, 2019

The Medical Board seeks your input on the proposed amendments and rescissions.

Comment deadline: November 15, 2019

**Send Comments to:** Kimberly Anderson, Chief Legal Counsel,  
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## Chapter 4731-10 Licensing; Continuing Education

### 4731-10-01 Definitions.

~~(A)~~ As used in this chapter of the Administrative Code:

~~(A1)~~ "License" means the legal authorization issued by the board to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery in Ohio.

~~(2)~~ "Certificate of registration" means the document issued by the state medical board which evidences an individual's license to practice medicine and surgery, osteopathic medicine and surgery, or podiatry in Ohio during a specific registration period.

~~(B3)~~ "CME" means continuing medical education.

~~(C4)~~ "License renewal" means the extension of a current license by fulfilling the requirements of section 4731.281 of the Revised Code, and this chapter of the Administrative Code.

~~(D5)~~ "License reinstatement" means the return-reactivation of a license which has lapsed or been in a suspended or inactive status for two years or less for any reason

~~(E6)~~ "License restoration" means the return-reactivation of a license which has lapsed or been in a suspended or inactive status for more than two years for any reason.

~~(F7)~~ "Applicant" means an individual who seeks to attain a certificate of registration license from the board.

~~(F8)~~ "Licensee" means a person who holds a current and valid license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery in Ohio.

~~(9)~~ "CME period" means a period of two years in which every doctor of medicine, doctor of osteopathic medicine, and doctor of podiatric medicine licensed in Ohio must attain one hundred hours of CME to register their certificate as current and valid pursuant to section 4731.281 of the Revised Code, and this chapter of the Administrative Code

~~(G10)~~ "Registration period" means the period between the granting of initial licensure or renewal of a license and the next scheduled license renewal date.

~~(H11)~~ "Volunteer registration period" means a the period of three years between the granting or renewal of a volunteer certificate and the next scheduled renewal date. Every doctor of medicine or doctor of osteopathic medicine holding a volunteer's certificate, shall be required to earn one hundred and fifty hours of CME to register their certificate as current and valid pursuant to sections 4731.295 and 4731.281 of the Revised Code and this chapter of the Administrative Code.

~~(I12)~~ "Board" means the state medical board of Ohio.

~~(J13)~~ "CME waiver" means a reduction of CME hours that may be granted by the board on an individual basis to those applicants who licensees or certificate holders that have been disabled by illness or accident for more than a minimum of six consecutive months, or out of the absent from United States for more than a minimum of six consecutive months, during the a CME registration period, volunteer registration period, clinical research registration period, or conceded eminence registration period.

(K) "Clinical research registration period" means the period between the granting or renewal of a clinical research faculty certificate and the next scheduled renewal date.

(L) "Conceded eminence registration period" means the period between the granting or renewal of a certificate of conceded eminence and the next scheduled renewal date.

(M) "Certificate holder" means a person that holds a volunteer's certificate, clinical research faculty certificate, or certificate of conceded eminence.

~~(B) Action by the board refusing "license restoration" as that phrase is used in this chapter of the Administrative Code shall be deemed refusal to "register" or "reinstate" as such words are used in section 4731.22 of the Revised Code.~~

## **4731-10-02 Requisite hours of continuing medical education for license renewal or reinstatement.**

~~(A) The respective CME program requirements certified by the Ohio state medical association, the Ohio osteopathic association or the Ohio podiatric medical association and approved by the board shall consist of two categories, category 1 and category 2.~~

~~(1) Category 1 and category 2 CME shall be defined and identified within the programs certified by the respective state medical associations and approved by the board.~~

~~(2)(A) In a two-year During a CME registration period, a licensee shall be required to earn complete a total of one hundred fifty hours of CME. A licensee must complete a minimum of one hour of CME on the topic of a licensee's duty to report misconduct under section 4731.224 of the Revised Code. The remainder shall be completed by participating in the following: CME, of which a minimum of forty hours shall be category 1 as certified by their respective state professional associations and approved by the board. Certification is a process whereby the Ohio state medical association, the Ohio osteopathic medical association and the Ohio podiatric medical association define their respective CME program requirements for periodic submission to the board for approval. The board may approve each association's CME program requirements which consist of CME courses and activities that are deemed acceptable for completing the requisite hours of CME by each licensee.~~

(1) CME activities that are recognized as any of the following:

(a) By the American medical association as eligible for category 1 CME credit, pursuant to its credit recognition system.

(b) By the American osteopathic association as eligible for category 1-A or 2-A credit, pursuant to its credit recognition system.

(c) By the American podiatric medical association as eligible for category 1 credit, pursuant to its credit recognition system.

(2) Internships, residencies, or fellowships accredited by the accreditation council for graduate medical education, the American osteopathic association, or the council on podiatric medical education. Credit shall be earned at a rate of one-half hour of CME for each week of participation.

(3) Pursuant to section 4745.04 of the Revised Code, providing health care services in Ohio, as a volunteer, to indigent and uninsured persons, up to a maximum of three hours per registration period.

~~(3) When undertaking a CME program, a licensee shall be responsible for ascertaining from the sponsor or co-sponsor whether the CME program will be credited toward the category 1 or category 2 requirement.~~

~~(B) The board shall keep on file copies of the program requirements of the various state professional associations.~~

~~(B)~~ If a licensee has not completed the requisite hours of CME, a licensee is not eligible for license renewal or license reinstatement until such time as the requisite hours have been completed. Any CME undertaken after the end of a renewal registration period and utilized for purposes of renewing or reinstating a suspended license cannot also be utilized to meet the CME requirement of the current CME registration period.

~~(C)~~ Licensees ~~and applicants~~ who are not working in the medical profession or who are retired from practice but wish to renew or reinstate their licenses shall meet the CME requirements of section 4731.282 of the Revised Code and this chapter of the Administrative Code.

(D) Licensees residing or practicing out of the state who wish to renew or reinstate their licenses must meet the CME requirements of section 4731.282 of the Revised Code and this chapter of the Administrative Code even though not currently residing or practicing in Ohio.

~~(E) Pursuant to the provisions of section 4745.04 of the Revised Code, the board shall permit a licensee to earn one hour of CME for each sixty minutes spent providing health care services in Ohio, as a volunteer, to indigent and uninsured persons, up to a maximum of thirty-three hours per CME period. Any hours of CME earned under this provision shall be credited toward category two requirements, and shall be documented in the manner required by rule 4731-10-08 of the Administrative Code.~~

(E) During a volunteer registration period, every holder of a volunteer's certificate shall be required to complete one hundred fifty hours of CME pursuant to the requirements of section 4731.295 of the Revised Code. Seventy-five hours must meet the criteria established in paragraph (A)(1) of this rule. If a holder of a volunteer's certificate has not completed the requisite hours of CME, a holder is not eligible for certificate renewal until such time as the requisite hours have been completed. Any CME undertaken after the end of a volunteer registration period and utilized for purposes of renewing a suspended certificate cannot also be utilized to meet the CME requirement of the current volunteer registration period.

(F) During a clinical research registration period, every holder of a clinical research faculty certificate shall be required to complete seventy-five hours of CME pursuant to the requirements of section 4731.293 of the Revised Code. Such hours must meet the criteria established in paragraph (A)(1) of this rule. If a holder of a clinical research faculty certificate has not completed the requisite hours of CME, a holder is not eligible for certificate renewal until such time as the requisite hours have been completed. Any CME undertaken after the end of a clinical research registration period and utilized for purposes of renewing a suspended certificate cannot also be utilized to meet the CME requirement of the current clinical research registration period.

(G) During a conceded eminence registration period, every holder of a certificate of conceded eminence shall be required to complete fifty hours of CME pursuant to the requirements of section 4731.297. Such hours must meet the criteria established in paragraph (A)(1) of this rule. If a holder of a certificate of conceded eminence has not completed the requisite hours of CME, a holder is not eligible for certificate renewal until such time as the requisite hours have been completed. Any CME undertaken after the end of a conceded eminence registration period and utilized for purposes of renewing a suspended certificate cannot also be utilized to meet the CME requirement of the current conceded eminence registration period.

### **4731-10-03 CME waiver.**

~~(A) For purposes of obtaining a CME waiver, the a applicant or licensee or certificate holder shall have the burden of establishing that the illness, accident, or absence affected the reasonable opportunity to participate in CME activities. No more than five hours will be subtracted from the CME requirement for each month which is approved for reduction of hours. Application Request for a CME waiver shall be completed by the applicant or licensee and submitted to the board at least sixty days prior to the end of the CME registration period, volunteer registration period, clinical research registration period, or conceded eminence registration period, as applicable. Applicants A licensee or holder of a certificate shall not sign and submit the renewal application prior to receiving approval from the board of the waiver request.~~

~~(B) The board shall not waive the total CME requirement for any CME period.~~

~~(C) The board shall not grant a CME waiver for consecutive CME periods.~~

~~(D) Applicants shall be eligible to apply for CME waiver only if the applicant's illness or absence from the United States lasted a minimum of six consecutive months and occurred in its entirety within a single CME period.~~

### **4731-10-04 Continuing medical education requirements for restoration of a license.**

~~(A) To be eligible for restoration of a license the applicant-licensee shall submit evidence establishing that the licensee has met the requirements of rule 4731-10-02 the completion of one hundred hours of continuing medical education during the twenty four months after the most current expiration date which proceeded preceding the board's receipt of the application for restoration. If the licensee has not met the requirements, the licensee must do so as a prerequisite to restoration of the license.~~

~~(B) The board may impose terms and conditions for the restoration of a license pursuant to section 4731.222 of the Revised Code.~~

### **4731-10-05 Out of state licensees.**

~~Those applicants and licensees residing or practicing out of the state who wish to renew or reinstate their licenses to practice medicine or surgery, osteopathic medicine and surgery or podiatric medicine and surgery in Ohio must complete the required CME within the CME period even though not currently residing or practicing in Ohio.~~

### **4731-10-06 Licensure after cutoff for preparation of registration notices.**

(A) ~~The mailing of renewal applications requires that a cutoff date be established for preparation of renewal application notices. Individuals who are initially licensed between the cutoff date and the last day of a registration period are not required to renew for that registration period but shall be required to renew for all subsequent registration periods. These licensees shall be responsible for the requisite CME hours at the time of their next renewal.~~

(B) ~~Each licensee's registration group is based on the first letter of his or her last name at the time of the implementation of the staggered renewal system or at the time of initial licensure, whichever occurred later. Each licensee shall remain in their originally assigned license registration group for all subsequent license renewals.~~

### **4731-10-07 Internships, residencies, and fellowships.**

(A) ~~CME program requirements certified by the respective state professional societies and approved by the board may contain provisions authorizing CME credit for licensees in internships, residencies, or fellowships in an accredited program approved by the board. The training shall have been taken during the CME period. Any training received prior to initial licensure or license restoration shall not be utilized for CME credit.~~

(B) ~~Interns, residents, and fellows holding full licenses to practice shall make application for license renewal and comply with CME requirements under section 4731.282 of the Revised Code and this chapter of the Administrative Code.~~

### **4731-10-08 Evidence of continuing medical education.**

(A) ~~Each applicant-licensee or certificate holder applying for license renewal or license reinstatement shall certify that the applicant has completed completion of the requisite hours of CME pursuant to the rules in this chapter since the start of the CME period.~~

(B) ~~The board may select applications for verification that all CME requirements have been met. Licensees and certificate holders whose applications are selected shall submit additional documentation of compliance with CME requirements as the board may require. Failure to submit the additional documents shall constitute a violation of section 4731.282 of the Revised Code and section 4731.22 of the Revised Code.~~

(C) ~~Applicants and licensees and certificate holders have a continuing obligation to maintain detailed records of~~

~~CME hours earnedcompleted. Each The applicant or licensee or certificate holder shall be responsible for and shall obtain retain written verification of completion obtained from the sponsoring entity of attendance at category 1 CME programsactivities. Written At a minimum, verification shall include a description of the CME activity, the location of the CME activity, the dates of attendance or completion, and the number of hours completed. of each CME activity and the category of CME. Each applicant or licensee shall retain written documentation of category 2 CME completed during the CME period. Records of all CME undertaken shall be retained by the licensee or certificate holder for two years after the end of the CME period and shall be made available to the board upon request.~~

(D) Licensees seeking to receive credit ~~toward category two CME requirements~~ pursuant to paragraph ~~(A)(3)~~ of rule 4731-10-02, ~~paragraph (B) of rule 4731-10-09, or paragraph (B) of rule 4731-10-10~~ of the Administrative Code shall maintain a log of their qualifying activities. The log shall indicate the dates the health care services were provided, the number of hours spent providing health care services on those dates, and the location where the health care services were provided.

(E) Notwithstanding the provisions of paragraph (C) of this rule, ~~applicants and licensees~~ and certificate holders shall not destroy or otherwise make unavailable written documentation of CME activity after the board has requested verification of CME pursuant to this rule or section 4731.22 of the Revised Code. Upon verification that all CME requirements have been met, the ~~applicant or licensee~~ or certificate holder may destroy the requested records.

(F) Nothing in this rule shall limit the board's authority to investigate and take action under section 4731.22 of the Revised Code.

### **~~4731-10-09 Continuing medical education requirement for mid-term licensees:~~**

~~(A) The CME requirements for individuals licensed after the start of a CME period shall be computed as follows:~~

~~If the license is initially issued prior to the first day of the second year of a CME period, an individual shall be required to earn fifty total hours, of which at least twenty shall be category 1; if the license is issued on or after the first day of the second year of a CME period and prior to the first day of the eighteenth month of that CME period, the licensee shall be required to earn twenty five hours, of which at least ten hours shall be category 1; if the license is issued on or after the first day of the eighteenth month of a CME period, the licensee shall not be required to earn any hours of CME credits for that CME period.~~

~~(B) Pursuant to the provisions of section 4745.04 of the Revised Code, the board shall permit a licensee to earn one hour of CME for each sixty minutes spent providing health care services in Ohio, as a volunteer, to indigent and uninsured persons, up to the following maximums:~~

~~(1) For a licensee required to earn fifty total hours, a maximum of sixteen hours for that CME period.~~

~~(2) For a licensee required to earn twenty five total hours, a maximum of eight hours for that CME period.~~

~~Any hours of CME earned under this provision shall be credited toward category two requirements, and shall be documented in the manner required by paragraph (D) of rule 4731-10-08 of the Administrative Code.~~

~~(C) Nothing in this rule shall limit the board's authority to require additional training under the provisions of section 4731.222 of the Revised Code. Training required by section 4731.222 of the Revised Code shall not be used to satisfy the CME requirement of this rule and of section 4731.282 of the Revised Code.~~

~~(D) Only those hours earned from the date of initial licensure to the end of the CME period shall be used towards the total hour requirement as contained in paragraph (A) of this rule.~~

## **4731-10-10 Continuing medical education requirements following license restoration.**

(A) After license restoration, the CME requirement for the CME period shall be computed as follows:

If the date of restoration is prior to the first day of the second year of a CME period, an individual shall be required to earn fifty total hours, of which at least twenty shall be category 1; if the date of restoration is on or after the first day of the second year of a CME period and prior to the first day of the eighteenth month of that CME period, the licensee shall be required to earn twenty five hours, of which at least ten hours shall be category 1; if the date of restoration is on or after the first day of the eighteenth month of a CME period, the licensee shall not be required to earn any hours of CME credits for that CME period.

(B) Pursuant to the provisions of section 4745.04 of the Revised Code, the board shall permit a licensee to earn one hour of CME for each sixty minutes spent providing health care services in Ohio, as a volunteer, to indigent and uninsured persons, up to the following maximums:

(1) For a licensee required to earn fifty total hours, a maximum of sixteen hours for the CME period.

(2) For a licensee required to earn twenty five total hours, a maximum of eight hours for that CME period.

Any hours of CME earned under this provision shall be credited toward category two requirements, and shall be documented in the manner required by paragraph (D) of rule 4731-10-08 of the Administrative Code.

(C) Nothing in this rule shall limit the board's authority to require additional training under the provisions of section 4731.222 of the Revised Code. Training required by section 4731.222 of the Revised Code shall not be used to satisfy the CME requirement of this rule and of section 4731.282 of the Revised Code.

## **4731-10-11 Telemedicine certificates.**

(A) A telemedicine licensee's registration group shall be based on the first letter of his or her last name at the time of initial telemedicine licensure. Each licensee shall remain in their originally assigned license registration group for all subsequent license renewals. If a telemedicine certificate is converted, pursuant to division (E) of section 4731.296 of the Revised Code, to a certificate issued under section 4731.14 of the Revised Code the licensee shall remain in the same registration group as at the time of initial telemedicine licensure.

(B) An initial telemedicine certificate shall be valid until the renewal date for the telemedicine licensee's registration group. If initial telemedicine licensure is granted on or after the first day of the eighteenth month of a registration period, the licensee shall not be required to renew for that registration period but shall be required to renew for all subsequent registration periods.

(C) An applicant for an initial telemedicine certificate or for renewal of a telemedicine certificate shall hold a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state that requires license holders to complete at least fifty hours of CME every two years. A holder of a telemedicine certificate who fails to meet the CME requirements of the state in which he or she holds the license used to qualify for the telemedicine certificate shall report that failure in writing to the board.