



Rules & Policies Agenda for Board Meeting
May 12, 2021

- A. Rule Review Update
 - B. Adoption of Rules
 - C. Rule Revisions Required by House Bill 442
 - D. Draft List of Disqualifying Offenses
 - E. Legislative Update
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MEMORANDUM

TO: Mark Bechtel, M.D., President
Members, State Medical Board of Ohio

FROM: Kimberly C. Anderson, Chief Legal Counsel

RE: Adoption of Rules

DATE: April 22, 2021

The following rules are proposed for final adoption.

- 4731-8-04 Valid Reasons for Accessing Confidential Personal Information-proposed to amend
 - 4731-8-05 Confidentiality Statutes-proposed to amend
 - 4731-10-01 Definitions-proposed to rescind
 - 4731-10-01 Definitions – proposed new rule
 - 4731-10-02 Requisite Hours of Continuing Medical Education for License Renewal or Reinstatement –proposed to rescind
 - 4731-10-02 Requisite Hours of Continuing Medical Education for License Renewal or Reinstatement – proposed new rule
 - 4731-10-03 CME Waiver –proposed to rescind
 - 4731-10-03 CME Waiver – proposed new rule
 - 4731-10-04 Continuing Medical Education Requirements for Restoration of a License –proposed to rescind
 - 4731-10-04 Continuing Medical Education Requirements for Restoration of a License – proposed new rule
 - 4731-10-05 Out of State Licensees – proposed to rescind
 - 4731-10-06 Licensure After Cutoff for Preparation of Registration Notices – proposed to rescind
 - 4731-10-07 Internships, Residencies, and Fellowships – proposed to rescind
 - 4731-10-08 Evidence of Continuing Medical Education –proposed to rescind
 - 4731-10-08 Evidence of Continuing Medical Education – proposed new rule
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- 4731-10-09 Continuing Medical Education Requirement for Mid-Term Licensees – proposed to rescind
- 4731-10-10 Continuing Medical Education Requirements Following License Restoration – proposed to rescind
- 4731-10-11 Telemedicine Certificates – proposed to rescind
- 4731-17-01 Definitions-proposed to amend
- 4731-17-04 Disinfection and Sterilization-proposed to amend
- 4731-17-05 Handling and Disposal of Sharps and Wastes-proposed to amend
- 4731-17-07 Violations-proposed to amend
- 4731-36-04 Temporary Licensure for Members of the Military and Spouses who are Licensed in Another Jurisdiction-proposed new rule
- 4774-1-02 Application for an Initial License to Practice-proposed to rescind
- 4774-1-02 Application for an Initial License to Practice-proposed new rule
- 4774-1-03 Renewal of Certificate to Practice-proposed to amend.

For the CME rules, the public rules hearing was held December 4, 2020, and JCARR jurisdiction ended January 3, 2021. Rules 4731-1002 and 4731-10-08 were refiled on March 1, 2021 to account for changes required due to HB442 (changes in calculation of volunteer hours and continuing medical education for clinical research faculty license holders). Another public rules hearing was held on March 15, 2021 and JCARR jurisdiction ended on March 31, 2021. No comments were received at the public rules hearings.

For the rules regarding Personal Information Systems, Exposure Prone Invasive Procedures, Military Licensure and Radiologist Assistants, the rules were filed on February 11, 2021, and the public hearing was held on March 15, 2021. JCARR jurisdiction ended on April 17, 2021. No comments were received at the public hearing.

A copy of the hearing report is attached for your review.

Requested motion: I move to adopt, amend, and rescind the rules as described in the April 22, 2021 memorandum from Ms. Anderson and to assign each rule action the effective date of May 31, 2021. For Rule 4731-10-02 and the duty to report video, enforcement of that provision will commence for licensees submitting their renewal applications on or after July 1, 2021.

4731-8-04

Valid reasons for accessing confidential personal information.

Pursuant to the requirements of division (B)(2) of section 1347.15 of the Revised Code, this rule contains a list of valid reasons, directly related to the board's exercise of its powers or duties, for which only employees of the board may access confidential personal information regardless of whether the personal information system is a manual system or computer system:

- (A) Responding to a public records request;
- (B) Responding to a request from an individual for the list of confidential personal information the board maintains on that individual;
- (C) Administering a constitutional provision or duty;
- (D) Administering a statutory provision or duty;
- (E) Administering an administrative rule provision or duty;
- (F) Complying with any state or federal program requirements;
- (G) Processing or payment of invoices and other financial activities;
- (H) Auditing purposes;
- (I) Licensure, renewal, or verification of licensure processes;
- (J) Investigation or law enforcement purposes;
- (K) Administrative hearings or evidentiary review by a hearing examiner;
- (L) Litigation, complying with an order of the court, or subpoena;
- (M) Human resource matters (e.g., hiring, promotion, demotion, discharge, salary/compensation issues, leave requests/issues, time card approvals/issues, payroll, Federal Medical Leave Act issues, disability issues, employee assistance program issues);
- (N) Complying with an executive order or policy;
- (O) Complying with a board policy or resolution, or with a state administrative policy or directive issued by the department of administrative services, the office of budget and management or other similar state board;
- (P) Complying with a collective bargaining agreement provision;

- (Q) Administering a board program;
- (R) Facilitating operational efficiencies or responding to complaints about the board's investigative, monitoring, or licensure processes; or
- (S) Maintaining data systems or performing information technology responsibilities.

Effective:

Five Year Review (FYR) Dates: 2/11/2021

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 1347.15
Rule Amplifies: 1347.15
Prior Effective Dates: 12/31/2010

4731-8-05

Confidentiality statutes.

With regard to confidential personal information maintained by the board, the following federal statutes or regulations or state statutes and administrative rules make the personal information confidential:

- (A) Social security numbers of applicants, licensees, and board employees: 5 U.S.C. 552a., unless the individual was told that the number would be disclosed.
- (B) "Bureau of Criminal Investigation and Information" criminal records check results: section 4776.04 of the Revised Code.
- (C) Complaints, the names of complainants and patients, and information received in an investigation, including any medical records of the subject of the complaint: division (F) of section 4730.26, division (F) of section 4731.22, division (E) of section 4760.14, division (E) of section 4762.14, and division (E) of section 4774.14 of the Revised Code.
- (D) Medical malpractice payouts reported by a professional liability insurer: division (F) of section 4730.32, division (F) of section 4731.224, division (F) of section 4760.16, division (F) of section 4762.16, and division (F) of section 4774.16 of the Revised Code.
- (E) Formal disciplinary action reported by a health care facility: division (F) of section 4730.32, division (F) of section 4731.224, division (F) of section 4760.16, division (F) of section 4762.16, and division (F) of section 4774.16 of the Revised Code.
- (F) A belief that a violation of law has occurred when reported by a licensee or professional society of licensees: division (F) of section 4730.32, division (F) of section 4731.224, division (F) of section 4760.16, division (F) of section 4762.16, and division (F) of section 4774.16 of the Revised Code.
- (G) Medical records of board employees or their family members: "Family Medical Leave Act of 1993," Pub. L. No. 103-3; 29 U.S.C. Sec. 260 as implemented in 29 C.F.R. 825.500; Section I of the "Americans with Disabilities Act of 1990," 42 U.S.C. Sec. 12112(d).
- (H) Employee assistance program records: section 124.88 of the Revised Code.
- (I) Alcohol and drug treatment records: 42 CFR Part 2; 42 U.S.C. 290dd-3.
- (J) "Federal Bureau of Investigation" criminal records check results: section 4776.04 of the Revised Code; 28 CFR 20.33(d).

(K) “National Practitioner Data Bank” and “Healthcare and Integrity Protection Data Bank” reports: 45 CFR Part 60.

(L) Residential and familial information for covered licensees: sections 149.43(A)(1)(p), 149.43(A)(7), and 149.43(A)(8) of the Revised Code.

Effective:

Five Year Review (FYR) Dates: 2/11/2021

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 1347.15
Rule Amplifies: 1347.15
Prior Effective Dates: 12/31/2010, 07/31/2016

4731-10-01

Definitions.

As used in this chapter of the Administrative Code:

- (A) "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.
- (B) "CME" means continuing medical education.
- (C) "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.
- (D) "License reinstatement" means the reactivation of a license which has lapsed or been in a suspended or inactive status for two years or less for any reason.
- (E) "License restoration" means the reactivation of a license which has lapsed or been in a suspended or inactive status for more than two years for any reason.
- (F) "Licensee" means a person who holds a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery in Ohio.
- (G) "Registration period" means the period between the granting or renewal of a license and the next scheduled license renewal date.
- (H) "Volunteer registration period" means the period between the granting or renewal of a volunteer certificate and the next scheduled renewal date.
- (I) "Board" means the state medical board of Ohio.
- (J) "CME waiver" means a reduction of CME hours that may be granted by the board on an individual basis to licensees or certificate holders that have been disabled by illness or accident for a minimum of six consecutive months, or absent from United States for a minimum of six consecutive months, during 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.

Replaces: 4731-10-01

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4731.05, 4731.282, 4731.295
Rule Amplifies: 4731.281, 4731.282, 4731.291, 4731.293, 4731.294,
4731.295, 4731.297
Prior Effective Dates: 05/16/1983, 10/31/1996, 03/10/1998 (Emer.),
07/20/1998, 02/28/2003

TO BE RESCINDED

4731-10-01 **Definitions.**

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

- (1) "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.
- (3) "CME" means continuing medical education.
- (4) "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.
- (5) "License reinstatement" means the return of a license which has lapsed or been in a suspended or inactive status for two years or less for any reason.
- (6) "License restoration" means the return of a license which has lapsed or been in a suspended or inactive status for more than two years for any reason.
- (7) "Applicant" means an individual who seeks to attain a certificate of registration from the board.
- (8) "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.
- (10) "Registration period" means the period between granting of initial licensure or renewal and the next scheduled license renewal date.
- (11) "Volunteer registration period" means a 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.

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

(13) "CME waiver" means a reduction of hours that may be granted by the board on an individual basis to those applicants who have been ill for more than six consecutive months or out of the United States for more than six consecutive months during the CME period.

(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.

Effective:

Five Year Review (FYR) Dates: 10/30/2020

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4731.05, 4731.282, 4731.295
Rule Amplifies: 4731.281, 4731.282, 4731.291, 4731.293, 4731.294,
4731.295, 4731.297
Prior Effective Dates: 05/16/1983, 10/31/1996, 03/10/1998 (Emer.),
07/20/1998, 02/28/2003

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

(A) During a registration period, a licensee shall be required to complete fifty hours of CME. A licensee must complete a minimum of one hour of CME, approved by the board, 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:

- (1) Educational activities recognized by the American medical association as category 1 pursuant to its CME categorization system, and
 - (a) Are certified for category 1 CME credit by the Ohio state medical association
 - (b) Are certified for category 1 CME credit by an institution or organization accredited by the Ohio State Medical Association or the Accreditation Council for Continuing Medical Education; or
 - (c) Have been awarded category 1 CME credit directly by the American medical association.
- (2) Educational activities recognized by the American osteopathic association as category 1 pursuant to its CME categorization system, and
 - (a) Are certified for category 1 CME credit by the Ohio osteopathic association
 - (b) Are certified for category 1 CME credit by an institution or organization accredited by the Ohio osteopathic association or the American osteopathic association; or
 - (c) Have been awarded category 1 CME credit directly by the American osteopathic association
- (3) Educational activities certified for category 1 CME credit by the Ohio foot and ankle medical association
- (4) Educational activities certified for continuing education contact hours by a provider approved by the council on podiatric medical education
- (5) 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 hour of CME for each week of participation.

- (6) Pursuant to section 4745.04 of the Revised Code, providing health care services in Ohio, as a volunteer, to indigent and uninsured persons.
- (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 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 registration period.
- (C) Licensees 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) 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 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.

Replaces: 4731-10-02, 4731-10-05, 4731-10-07

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4731.05, 4745.04
Rule Amplifies: 4731.282, 4731.291, 4731.293, 4731.295, 4731.297,
4745.04
Prior Effective Dates: 03/10/1998 (Emer.), 06/08/1998, 02/28/2003,
05/31/2018

TO BE RESCINDED

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) In a two year CME period, a licensee shall be required to earn a total of one hundred hours of 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.
 - (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.
- (C) 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 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 period.
- (D) 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.

(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.

Effective:

Five Year Review (FYR) Dates: 10/30/2020

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4731.05, 4745.04
Rule Amplifies: 4731.282, 4731.291, 4731.293, 4731.297, 4745.04
Prior Effective Dates: 03/10/1998 (Emer.), 06/08/1998, 02/28/2003,
05/31/2018

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

For purposes of obtaining a CME waiver, a 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. Request for a CME waiver shall be submitted to the board at least sixty days prior to the end of the registration period, volunteer registration period, clinical research registration period, or conceded eminence registration period, as applicable. A licensee or holder of a certificate shall not submit the renewal application prior to receiving approval from the board of the waiver request.

Replaces: 4731-10-03

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4731.05, 4731.282
Rule Amplifies: 4731.282
Prior Effective Dates: 07/22/1983, 03/10/1998 (Emer.), 06/08/1998,
02/28/2003, 05/31/2018

TO BE RESCINDED

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

- (A) For purposes of obtaining a CME waiver, the applicant or licensee shall have the burden of establishing that the illness 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 for 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 period. Applicants 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.

Effective:

Five Year Review (FYR) Dates: 10/30/2020

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4731.05, 4731.282
Rule Amplifies: 4731.282
Prior Effective Dates: 07/22/1983, 03/10/1998 (Emer.), 06/08/1998,
02/28/2003, 05/31/2018

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

To be eligible for restoration of a license the licensee shall submit evidence establishing that the licensee has met the requirements of rule 4731-10-02 during the twenty four months 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.

Replaces: 4731-10-04

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4731.05
Rule Amplifies: 4731.282
Prior Effective Dates: 05/16/1983, 03/10/1998 (Emer.), 06/08/1998,
02/28/2003, 05/31/2018

TO BE RESCINDED

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

- (A) To be eligible for restoration of a license the applicant shall submit evidence establishing the completion of one hundred hours of continuing medical education during the twenty four months after the most current expiration date which proceeded the board's receipt of the application for restoration.
- (B) The board may impose terms and conditions for the restoration of a license pursuant to section 4731.222 of the Revised Code.

Effective:

Five Year Review (FYR) Dates: 10/30/2020

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4731.05
Rule Amplifies: 4731.282
Prior Effective Dates: 05/16/1983, 03/10/1998 (Emer.), 06/08/1998,
02/28/2003, 05/31/2018

TO BE RESCINDED

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.

Effective:

Five Year Review (FYR) Dates: 10/30/2020

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4731.05
Rule Amplifies: 4731.282
Prior Effective Dates: 05/16/1983, 03/10/1998 (Emer.), 06/08/1998,
02/28/2003, 05/31/2018

TO BE RESCINDED

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.

Effective:

Five Year Review (FYR) Dates: 10/30/2020

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4731.282, 4731.05
Rule Amplifies: 4731.281, 4731.282
Prior Effective Dates: 05/16/1983, 03/10/1998 (Emer.), 06/08/1998,
02/28/2003, 05/31/2018

TO BE RESCINDED

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.

Effective:

Five Year Review (FYR) Dates: 10/30/2020

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4731.05
Rule Amplifies: 4731.282
Prior Effective Dates: 07/22/1983, 03/10/1998 (Emer.), 06/08/1998,
02/28/2003, 05/31/2018

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

- (A) Each licensee or certificate holder applying for license renewal or license reinstatement shall certify completion of the requisite hours of CME pursuant to the rules in this chapter.
- (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) Licensees and certificate holders have a continuing obligation to maintain detailed records of CME hours completed. The licensee or certificate holder shall obtain verification of completion of CME activities. At a minimum, verification shall include a description of the CME activity, the date of attendance or completion, and the number of hours completed. 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 pursuant to paragraph (A)(6) of rule 4731-10-02 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, 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.

Replaces: 4731-10-08

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4745.04, 4731.282, 4731.05
Rule Amplifies: 4731.22, 4745.04, 4731.282
Prior Effective Dates: 05/16/1983, 10/31/1996, 03/10/1998 (Emer.),
06/08/1998, 02/28/2003, 05/31/2018

TO BE RESCINDED

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

- (A) Each applicant for license renewal or license reinstatement shall certify that the applicant has completed the requisite hours of CME since the start of the CME period.
- (B) The board may select applications for verification that all CME requirements have been met. Licensees 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 have a continuing obligation to maintain detailed records of CME hours earned. Each applicant or licensee shall be responsible for and shall retain written verification obtained from the sponsoring entity of attendance at category 1 CME programs. Written verification shall include a description of the CME activity, the location of the CME activity, the dates of attendance, the hours 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 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 (E) 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 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 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.

Effective:

Five Year Review (FYR) Dates: 10/30/2020

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4745.04, 4731.282, 4731.05
Rule Amplifies: 4731.22, 4745.04, 4731.282
Prior Effective Dates: 05/16/1983, 10/31/1996, 03/10/1998 (Emer.),
06/08/1998, 02/28/2003, 05/31/2018

TO BE RESCINDED

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.

Effective:

Five Year Review (FYR) Dates: 10/30/2020

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4731.05, 4731.282, 4745.04
Rule Amplifies: 4731.282, 4745.04
Prior Effective Dates: 05/16/1983, 03/10/1998 (Emer.), 06/08/1998,
02/28/2003, 05/31/2018

TO BE RESCINDED

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.

Effective:

Five Year Review (FYR) Dates: 10/30/2020

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4731.05, 4731.282, 4745.04
Rule Amplifies: 4731.282, 4745.04
Prior Effective Dates: 05/16/1983, 03/10/1998 (Emer.), 06/08/1998,
02/28/2003, 05/31/2018

TO BE RESCINDED

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.

Effective:

Five Year Review (FYR) Dates: 10/30/2020

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4731.05
Rule Amplifies: 4731.282
Prior Effective Dates: 02/28/2003, 05/31/2018

4731-17-01

Definitions.

For purposes of this chapter of the Administrative Code:

(A) "Licensee" means any person holding or practicing pursuant to a certificate issued by the board under Chapter 4730., 4731., 4760., 4761., 4762., or 4774. of the Revised Code.

(B) "Invasive procedure" means any of the following:

(1) Surgical or procedural entry into tissues, cavities, or organs or repair of major traumatic injuries associated with any of the following: an operating or delivery room, emergency department, or outpatient setting, including physicians' offices; cardiac catheterization and angiographic procedures; a vaginal or cesarean delivery or other invasive obstetric procedure during which bleeding may occur; or the manipulation, cutting, or removal of any oral or perioral tissues, including tooth structure, during which bleeding occurs or the potential for bleeding exists.

(2) Any entry into the hair follicle using an electric modality for the purpose of hair removal.

(3) The practice of acupuncture as defined in section 4762.01 of the Revised Code.

(4) The performance of fluoroscopic procedures pursuant to section 4774.08 of the Revised Code.

(5) The performance of cosmetic procedures, such as the injection of botulinum toxin, dermal fillers, permanent makeup at a location that is not licensed under the rules in Chapter 3701-9 of the Administrative Code, laser hair removal, and hair replacement procedures.

(6) The performance of respiratory care procedures involving blood and gas sampling, administering medical gases, aerosols and medications, performing aspiration, and the use of artificial airways, ventilators and other life support equipment.

(C) "FDA" means the United States food and drug administration.

(D) "EPA" means the United States environmental protection agency.

Effective:

Five Year Review (FYR) Dates: 2/11/2021

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4730.07, 4731.05, 4731.051, 4760.19, 4762.19, 4774.11
Rule Amplifies: 4730.25, 4731.051, 4731.22, 4760.13, 4762.13, 4774.13
Prior Effective Dates: 10/01/1994, 12/31/1997, 02/28/2004, 03/31/2010, 12/31/2016

4731-17-04

Disinfection and sterilization.

Instruments and other equipment classified by the FDA as reusable, used by licensees who perform or participate in invasive procedures shall be appropriately disinfected and sterilized according to acceptable and prevailing standards for disinfection and ~~sterilization~~sterilization which shall include at least the following:

- (A) Instruments and devices that enter the patient's vascular system or other normally sterile areas of the body shall be sterilized before being used for each patient;
- (B) Instruments and devices that touch intact mucous membranes but do not penetrate the patient's body surfaces shall be sterilized when possible, or undergo high-level disinfection if they cannot be sterilized before using for each patient;
- (C) Instruments and devices that are able to withstand repeated exposure to heat shall be heat sterilized. Sterilization shall be accomplished by autoclave, dry heat, unsaturated chemical vapor, ethylene oxide, hydrogen peroxide gas plasma, or any other FDA/EPA-approved method;
- (D) Instruments and items that cannot withstand heat sterilization shall be subjected to a high level disinfection process, including compliance with any manufacturer's instructions for disinfection;
- (E) Heat sterilizing devices shall be tested for proper function on a weekly basis by means of a biological monitoring system that indicates microorganism kill. Documentation shall be maintained either in the form of a log reflecting dates and person(s) conducting the testing or copies of reports from an independent testing entity. The documentation shall be maintained for a period of at least two years. In the event of a positive biological spore test, the licensee must take immediate remedial action to ensure that heat sterilization is being accomplished;
- (F) Surface disinfection:
 - (1) Environmental surfaces that are contaminated by blood or other body fluids shall be disinfected with a chemical germicide that is registered with the environmental protection agency as a "hospital disinfectant" or sodium hypochlorite and is mycobactericidal at use-dilution. The disinfection process shall be followed before each patient; and
 - (2) Impervious backed paper, ~~aluminium~~aluminum foil or plastic wrap shall be used to cover surfaces that may be contaminated by blood or other body fluids and that are difficult or impossible to disinfect. The cover shall be removed, discarded and then replaced between patients.

(G) Single use items used in treating a patient, which have become contaminated by blood or other body fluids, shall be discarded and not reused, unless sterilized and reused in accordance with current guidelines established by the FDA. Single use items being reused in treating a patient shall be adequately cleaned and sterilized. Single use items shall not be reused if the items' physical characteristics and quality have been adversely affected or if the items are incapable of being reused safely and effectively for their intended use.

Effective:

Five Year Review (FYR) Dates: 2/11/2021

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4731.05, 4731.051
Rule Amplifies: 4731.051, 4731.22
Prior Effective Dates: 10/01/1994, 12/31/1997, 02/28/2004, 12/31/2016

4731-17-05

Handling and disposal of sharps and wastes.

- (A) To prevent injuries, no licensee performing or participating in invasive procedures shall recap needles, or purposely bend or break needles or other sharp instruments or items by hand.
- (B) After a licensee who is performing or participating in an invasive procedure uses disposable needles, syringes, scalpel blades or other sharp items, the licensee shall place the disposable sharp items used in a puncture-resistant container for disposal. The puncture-resistant container shall be located as close as practicable to the use area.
- (C) All sharp items and contaminated wastes shall be disposed of according to requirements established by federal, local and state environmental or regulatory agencies.

Effective:

Five Year Review (FYR) Dates: 2/11/2021

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4731.05, 4731.051
Rule Amplifies: 4731.051, 4731.22
Prior Effective Dates: 10/01/1994, 12/31/1997, 02/28/2004

4731-17-07

Violations.

- (A) A physician assistant who violates any provision of this chapter shall be subject to discipline pursuant to divisions (B)(2), (B)(3), (B)(19) and (B)(21) of section 4730.25 of the Revised Code.
- (B) An anesthesiologist assistant who violates any provision of this chapter shall be subject to discipline pursuant to divisions (B)(2), (B)(3), (B)(4) and (B)(19) of section 4760.13 of the Revised Code.
- (C) An acupuncturist ~~or oriental medicine practitioner~~ who violates any provision of this chapter shall be subject to discipline pursuant to divisions (B)(2), (B)(3), (B)(4) and (B)(20) of section 4762.13 of the Revised Code.
- (D) A radiologist assistant who violates any provision of this chapter shall be subject to discipline pursuant to divisions (B)(2), (B)(3), (B)(4), and (B)(19) of section 4774.13 of the Revised Code.
- (E) Any other licensee who violates any provision of this chapter shall be subject to discipline pursuant to divisions (B)(6), (B)(20) and (B)(29) of section 4731.22 of the Revised Code.
- (F) A respiratory care professional or limited permit holder who violates any provision of this chapter shall be subject to discipline pursuant to division (B)(10) of section 4761.09 of the Revised Code.”

Effective:

Five Year Review (FYR) Dates: 2/11/2021

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4730.07, 4731.05, 4731.051, 4760.19, 4761.03,
4762.19, 4774.11
Rule Amplifies: 47310.25, 4731.051, 4731.22, 4760.13, 4761.09,
4762.13, 4774.13
Prior Effective Dates: 10/01/1994, 12/31/1997, 02/28/2004, 03/31/2010,
11/30/2016

4731-36-04**Temporary licensure for members of the military and spouses who are licensed in another jurisdiction.**

- (A) “Military duty” has the same meaning as in section 4743.041 of the Revised Code.
- (B) Pursuant to section 4743.041 of the Revised Code, the state medical board of Ohio shall issue a temporary license or certificate to practice the professions governed by Chapters 4730., 4731., 4759., 4761., 4762., 4774., and 4778. if the individual demonstrates to the satisfaction of the board all the following:
- (1) The individual holds a valid license or certificate to practice the profession issued by any other state or jurisdiction
 - (2) The individual is in good standing in the state or jurisdiction of licensure or certification
 - (3) The individual or the individual’s spouse is on military duty in this state.
- (C) An applicant for a temporary license or certificate must certify that, to the best of the applicant’s knowledge, the applicant is not under investigation by the licensing agency of any state or jurisdiction.
- (D) No application submitted to the board shall be considered complete until the applicant has complied with the requirements of paragraph (A) of rule 4731-4-02 of the Administrative Code and the board has received the results of the criminal records checks.
- (E) If an applicant for a temporary license or certificate fails to complete the application process within six months of initial application filing, the board may notify the applicant in writing of its intention to consider the application abandoned. If no response to that notice is received by the board within thirty days, the board shall consider the application as abandoned and no further processing shall be undertaken with respect to that application.
- (F) The board shall issue a temporary license or certificate within fourteen days of having received the results of a criminal records check, provided that the application is otherwise complete, and the applicant is not under investigation by the licensing agency of any state or jurisdiction.
- (G) The board shall process the application for a temporary license or certificate in accordance with rule 4731-36-03 of the administrative code.
- (H) The board shall waive all fees associated with the issuance of the temporary license or certificate.

(I) A temporary license or certificate issued under this section shall be valid for a two-year period unless revoked or suspended. A temporary license or certificate may not be renewed and a new temporary license may not be issued.

(J) A holder of a temporary license or certificate may apply for licensure under Chapters 4730., 4731., 4759., 4761., 4762., 4774., and 4778. of the Revised Code at any time before or after expiration of the temporary license. A holder or previous holder of a temporary license or certificate must meet all requirements for licensure under the applicable chapter of the Revised Code and rules adopted thereunder.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4743.041, 4731.05
Rule Amplifies: 4743.041

4774-1-02**Application for an initial license to practice.**

- (A) An applicant for an initial license to practice as a radiologist assistant shall file an application in the manner determined by the board, and provide such other facts and materials as the board requires.
- (B) No application shall be considered filed, and shall not be reviewed, until the non-refundable application fee of two hundred dollars has been received by the board. No application for an initial license to practice as a radiologist assistant submitted to the board shall be considered complete until the applicant has complied with the requirements of paragraph (A) of rule 4731-4-02 of the Administrative Code and the board has received the results of the criminal records checks.
- (C) The board reserves the right to thoroughly investigate all materials submitted as part of an application. The board may contact individuals, agencies, or organizations for recommendations or other information about applicants as the board deems necessary. Applicants may be requested to appear before the board or a representative thereof as part of the application process.
- (D) If an applicant fails to complete the application process within six months of application filing, the board may notify the applicant in writing of its intention to consider the application abandoned. If no response to that notice is received by the board within thirty days, the board shall consider the application as abandoned and no further processing shall be undertaken with respect to that application.
- (E) If the application process extends for a period longer than six months, the board may require updated information as it deems necessary.
- (F) No application being investigated under section 4774.13 of the Revised Code, may be withdrawn without approval of the board.

Replaces: 4774-1-02

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4774.11
Rule Amplifies: 4774.03, 4774.031, 4774.04, 4774.11
Prior Effective Dates: 02/28/2009, 11/30/2016

TO BE RESCINDED

4774-1-02 **Application for a certificate to practice.**

- (A) An applicant for an initial certificate to practice or a restored certificate to practice as a radiologist assistant shall file an application under oath in the manner provided in section 4774.03 of the Revised Code, and provide such other facts and materials as the board requires.
- (B) No application shall be considered filed, and shall not be reviewed, until the non-refundable application fee of two hundred dollars has been received by the board.
- (C) All application materials submitted to the board by applicants may be thoroughly investigated. The board may contact individuals, agencies, or organizations for recommendations or other information about applicants as the board deems necessary. Applicants may be requested to appear before the board or a representative thereof as part of the application process.
- (D) An application shall be considered to be complete when all of the following requirements are met:
- (1) The application fee required pursuant to paragraph (B) of this rule has been received by the board;
 - (2) The applicant has complied with the requirements of paragraph (A) of rule 4774-2-02 of the Administrative Code and the board has received the results of the criminal records checks and any other forms required to be submitted pursuant to paragraph (A) of rule 4774-2-02 of the Administrative Code;
 - (3) Verification of the applicant's current licensure as a radiographer has been received directly from the "Ohio Department of Health."
 - (4) Verification of the applicant's current certification has been received by the board directly from the "American Registry of Radiologic Technologists;"
 - (5) All information required by division (B) of section 4774.03 of the Revised Code, including such other facts and materials as the board requires, has been received by the board; and
 - (6) The board is not conducting an investigation, pursuant to section 4774.14 of the Revised Code, of evidence appearing to show that the applicant has violated section 4774.13 of the Revised Code or applicable rules adopted by the board.
- (E) If the application is not complete within six months of the date the application is filed with the board because required information, facts, or other materials have not been

received by the board, the board may notify the applicant by certified mail that it intends to consider the application abandoned if the application is not completed.

(1) The written notice shall:

(a) Specifically identify the information, facts, or other materials required to complete the application; and

(b) Inform the applicant that the information, facts, or other materials must be received by the deadline date specified; that if the application remains incomplete at the close of business on the deadline date the application may be deemed to be abandoned and no further review of the application will occur; and that if the application is abandoned the submitted fees shall neither be refundable or transferrable to a subsequent application.

(2) If all of the information, facts, or other materials are received by the board by the deadline date and the application is deemed to be complete, the board shall process the application and may require updated information as it deems necessary.

Effective:

Five Year Review (FYR) Dates: 2/11/2021

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4774.11
Rule Amplifies: 4774.03, 4774.031, 4774.04, 4774.11
Prior Effective Dates: 02/28/2009, 11/30/2016

4774-1-03

Renewal of a ~~certificate~~ license to practice.

- (A) Renewal, reinstatement, or restoration of a ~~certificate~~ license to practice as a radiologist assistant shall be in the manner and according to the requirements of section 4774.06 of the Revised Code.
- (1) An applicant for renewal, reinstatement, or restoration of a ~~certificate~~ license to practice as a ~~radiology~~ radiologist assistant shall file an application ~~under oath~~ in the manner required by the board.
 - (2) An application for renewal, reinstatement, or restoration of a ~~certificate~~ license to practice shall not be considered filed, and shall not be reviewed, until the board has received the nonrefundable renewal application fee of two hundred dollars.
- (B) An application for renewal or reinstatement of a ~~certificate~~ license to practice shall be considered complete upon the following:
- (1) The board has received the renewal fee specified in paragraph (A) of this rule;
 - (2) For reinstatement, the monetary penalty required for reinstatement of a ~~certificate~~ license to practice has been received by the board; and
 - (3) The board has received all information required by division (B) of section 4774.06 of the Revised Code.
- (C) An application for restoration of a ~~certificate~~ license to practice as a radiologist assistant shall be considered complete upon the following:
- (1) The board has received the renewal fee specified in paragraph (A) of this rule;
 - (2) The monetary penalty required for restoration of a ~~certificate~~ license to practice has been received by the board;
 - (3) The board has received all information required by division (B) of section 4774.06 of the Revised Code; and
 - (4) The applicant has complied with the requirements of paragraph (A) of rule ~~4774-2-024731-4-02~~ of the Administrative Code and the board has received the results of the criminal records checks and any other forms required to be submitted pursuant to paragraph (A) of rule ~~4774-2-024731-4-02~~ of the Administrative Code.
- (D) ~~To be considered as having appropriately filed an application for purposes of section 119.06 of the Revised Code, an applicant shall have filed, on or before January thirty-first of the even-numbered year in which the current certificate to~~

~~practice will expire, a renewal application that is complete in accordance with the requirements of paragraph (B) of this rule.~~ The provisions of paragraphs (C) through (F) of rule 4774-1-02 of the Administrative Code apply to applications for renewal, reinstatement, and restoration of a license to practice as a radiologist assistant.

Effective:

Five Year Review (FYR) Dates: 2/11/2021

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4774.11
Rule Amplifies: 4774.04, 4774.06, 4774.11
Prior Effective Dates: 02/28/2009, 11/30/2016

STATE MEDICAL BOARD
OF OHIO

RECEIVED:
March 23, 2021

**SUMMARY OF THE MARCH 15, 2021 PUBLIC HEARING
REGARDING PROPOSED CHANGES TO THE OHIO ADMINISTRATIVE CODE**

Pursuant to Section 119.03, Ohio Revised Code, a public hearing was held on March 15, 2021, to hear comments concerning proposed changes to the administrative rules of the State Medical Board of Ohio (“Board”). Kimberly A. Lee, Hearing Examiner, presided.

PURPOSE OF THE HEARING

The following changes are proposed:

Rule No.	Title	Proposed Action
4731-8-04	Valid reasons for accessing confidential personal information	Amend
4731-8-05	Confidentiality statutes	Amend
4731-10-02	Requisite Hours of Continuing Medical Education for License Renewal or Reinstatement	Rescind
4731-10-02	Requisite Hours of Continuing Medical Education for License Renewal or Reinstatement	New Rule
4731-10-08	Evidence of Continuing Medical Education	Rescind
4731-10-08	Evidence of Continuing Medical Education	New Rule
4731-17-01	Definitions	Amend
4731-17-04	Disinfection and sterilization	Amend
4731-17-05	Handling and disposal of sharps and wastes	Amend
4731-17-07	Violations	Amend
4731-36-04	Temporary licensure for members of the military and spouses who are licensed in another jurisdiction	New Rule
4774-1-02	Application for a certificate to practice	Rescind
4774-1-02	Application for an initial license to practice	New Rule
4774-1-03	Renewal of a certificate to practice	Amend

PROCEDURAL MATTERS

1. The record was held open until 5:00 p.m. on March 15, 2021, for the purpose of receiving written comments concerning the proposed changes to the Ohio Administrative Code. No written comments were received.

2. Due to the ongoing Covic-19 emergency, the hearing was conducted via videoconferencing software.

TESTIMONY HEARD

Kimberly Anderson, Chief Legal Counsel for the Board

EXHIBITS EXAMINED

Exhibit 1: Copy of the rules originally filed in Package 189600 with JCARR, Secretary of State, and the Legislative Services Commission via the Electronic Rule-Filing System on February 11, 2021 and a copy of the confirmation of filing.

Exhibit 2: Copy of the rules originally filed in Package 189602 with JCARR, Secretary of State, and the Legislative Services Commission via the Electronic Rule-Filing System on February 11, 2021 and a copy of the confirmation of filing.

Exhibit 3: Copy of the rule originally filed in Package 189615 with JCARR, Secretary of State, and the Legislative Services Commission via the Electronic Rule-Filing System on February 11, 2021 and a copy of the confirmation of filing.

Exhibit 4: Copy of the rules originally filed in Package 189619 with JCARR, Secretary of State, and the Legislative Services Commission via the Electronic Rule-Filing System on February 11, 2021 and a copy of the confirmation of filing.

Exhibit 5: Copy of the rules refiled in Package 189167 with JCARR, Secretary of State, and the Legislative Services Commission via the Electronic Rule-Filing System on March 1, 2021 and a copy of the confirmation of filing.

Exhibit 6: Copy of the Notice of Public Hearing for the rules in Packages 189600, 189602, 189615, 189619, and 189167 showing it was filed on February 11, 2021.

Exhibit 7: Copies of the address portion of e-mails sent to persons and organizations pursuant to their standing request to be notified when the Medical Board proposes rules.

SUMMARY OF EVIDENCE

1. Kimberly Anderson, Chief Legal Counsel for the Board, identified Exhibits 1 through 7. She further testified with respect to the notice that the Board provided to the public and interested parties regarding the proposed rule changes, and with respect to other procedural matters. (Hearing Transcript at 7-9)

CONCLUSION

The requirements of Chapter 119, Ohio Revised Code, have been satisfied. The Board may proceed to take action regarding the proposed rescission of Rules 4731-10-02, 4731-10-08, and 4774-1-02; the proposed adoption of new Rules 4731-10-02, 4731-10-08, 4731-36-04, and 4774-1-02; and the proposed amendment of Rules 4731-8-04, 4731-8-05, 4731-17-01, 4731-17-04, 4731-17-05, 4731-17-07, and 4774-1-03.



Kimberly A. Lee
Hearing Examiner



MEMORANDUM

TO: Mark Bechtel, M.D., President
Members, State Medical Board of Ohio

FROM: Kimberly C. Anderson, Chief Legal Counsel

RE: Rule revisions required by HB442 and substantive changes to Chapter 4731-1, OAC

DATE: May 7, 2021

The purpose of this memo is to propose amendments to the rules in Chapter 4731-1 due to the enactment of HB442. In relevant part, the bill removed cosmetic therapists and oriental medicine practitioners from the jurisdiction of the board and codified the educational requirements for massage therapists.

In addition to harmonizing this chapter with the statute, Joe Turek, Deputy Director for Licensure has proposed amendments that seek to address the following issues :

1. The board's requirements for a limited branch school to obtain and maintain a certificate of good standing are unduly burdensome, incapable of initial or ongoing verification, and not enforced.
2. The board does not hold out-of-state schools to the same standards as ones located in Ohio in several important respects.

A summary of changes is as follows:

4731-1-01 Definition of terms-Proposed to amend

- Eliminates and revises several definitions.

4731-1-02 Application of rules governing limited branches of medicine or surgery-Proposed to amend

- Removes the reference to the code of ethics for cosmetic therapists.
- Updates terminology used from "certificate" to "license"

4731-1-03 General prohibitions-Proposed to amend

- Removes a reference to cosmetic therapists.
- Updates terminology used from "certificate" to "license"

4731-1-04 Scope of practice: mechanotherapy-Proposed to amend

- Corrects a typographical error.
-

4731-1-05 Scope of practice; massage therapy-Proposed to amend

- Corrects typographical errors and substitutes “license” for “certificate”.

4731-1-07 Eligibility of electrologists licensed by Ohio state board of cosmetology to obtain licensure as cosmetic therapists-Proposed to rescind

- Propose to rescind this provision related to cosmetic therapists.

4731-1-08 Continuing cosmetic therapy education requirements-Proposed to rescind

- Propose to rescind the continuing education requirements for cosmetic therapists.

4731-1-09 Cosmetic therapy curriculum requirements-Proposed to rescind

- Propose to rescind the curriculum requirements for cosmetic therapists.

4731-1-10 Distance education-Proposed to rescind

- Rescinds rules regarding distance education. There are no known programs that have taken advantage of these rules. Further, they only applied to programs that were seeking a certificate of good standing and did not prevent out-of-state schools from noncompliance (nor preventing graduates from such schools from being licensed). Distance education is addressed to a lesser degree in proposed rule 4731-1-15.

4731-1-11 Application and examination for certificate to practice cosmetic therapy-Proposed to rescind

- Propose to rescind application and examination requirements for cosmetic therapists.

4731-1-12 Application and examination for certificate to practice massage therapy-Proposed to amend

- Updates terminology used from “certificate” to “license”

4731-1-15 Determination of standing of school, college or institution-Proposed to amend

- Clarifies the education or licensure requirements for a license to practice massage therapy.
- Permits only one-half of the required curriculum to be provided via distance education (currently a school can provide half of the hours remotely until it becomes defined as a distance education program). This would apply to programs with or without a certificate of good standing. Because out-of-state programs are not required to hold a certificate of good standing (and therefore need not meet any requirement other than the curriculum) this provision may prevent individuals from being licensed who attended an online educational program of questionable value.

- Provides other means for which an out-of-state school can be recognized for purposes of obtaining a certificate of good standing.
- Apart from having to meet certain authorization and curriculum requirements to obtain a certificate of good standing, rules 4731-1-15 and 4731-1-16 also require that (1) a notice be provided to students regarding the effect that criminal history may have on licensure, (2) require that a student perform at least one therapeutic massage on a licensed massage therapist, (3) educational objectives be clearly defined and simply stated and shall indicate what the program can do for diligent students, and (4) the course of instruction be outlined in detail. It is impracticable, if not impossible, for the board to verify that these requirements are being met initially or on an ongoing basis. Further, none of these requirements are applicable to limited branch programs located outside of Ohio, yet individuals graduating from such programs are eligible for licensure. As such, rescission of such requirements is proposed.
- Proposes to eliminate the need to renew a certificate of good standing in favor of a requirement to provide the board notice of any relevant changes that could affect the eligibility to hold a certificate of good standing.

4731-1-16 **Massage therapy curriculum requirements-Proposed to rescind**

- Propose to rescind the curriculum requirements for massage therapists as they have now been codified in statute.

4731-1-17 **Instructional staff in Ohio cosmetic therapy and massage therapy programs-Proposed to rescind**

- These rules set out the requirements of instructional staff in limited branch schools. Such requirements are unnecessary, and it is impracticable, if not impossible, for the board to verify that they are being met initially or on an ongoing basis. While having qualified and experienced educators is important, the board does not have expertise in dictating quality standards for educational programs and does not do so for educational programs for any other license type. If a program has poor instruction it will likely result in low MBLEx passage rates, poor employment placement rates, and a negative reputation amongst employers. Consequently, students will choose to go elsewhere. Further, none of these requirements are applicable to limited branch programs located outside of Ohio, yet individuals graduating from such programs are eligible for licensure. Rescission is proposed.

4731-1-18 **Grounds for suspension, revocation or denial of certificate of good standing-Proposed to rescind**

- Sets out the grounds for suspension, denial, or revocation of a certificate of good standing. Rescission is proposed as applicable provisions have been moved to proposed rule 4731-1-15.

4731-1-19 **Probationary status of a limited branch school-Proposed to rescind**

- These rules permit a certificate of good standing to be placed on probation if graduates' performance on the applicable licensing exam fall below certain thresholds. This is currently not

enforced because there is no feasible way to retrieve the necessary data as the board no longer administers the licensure examinations. And as previously noted, the board does not have expertise in dictating quality standards and does not do so for educational programs for any other license type. Assumedly, if a program has a poor MBLEx passage rate, prospective students will choose to go elsewhere. Further, this is not applicable to limited branch programs located outside of Ohio, yet individuals graduating from programs with poor performances on this metric are eligible for licensure. As such, rescission is proposed.

4731-22-07 Change to active status-Proposed to amend

- Deletes reference to cosmetic therapist in paragraph (B)(2).

4731-30-03 Approval of licensure applications-Proposed to amend

- Deletes reference to oriental medicine practitioner in paragraph (C)(12) and renumbers the remaining paragraphs.

4731-36-01 Military Provisions Related to Education and Experience Requirements for Licensure-Proposed to amend

- Deletes reference to cosmetic therapist in (B)(2) and
- Deletes reference to oriental medicine practitioner in (B)(7)

4731-1-01

Definition of terms.

- (A) "Board" means the state medical board of Ohio.
- (B) "Certificate of good standing" means a non-transferable certificate issued by the board to the person or persons signing the application on behalf of a limited branch school, college, or institution which states that it is in good standing with the board, pursuant to section 4731.16 of the Revised Code and this chapter of the Administrative Code.
- (C) "Limited branch school, college or institution" means a facility wherein a course of instruction in massage therapy is offered.
- (D) "MBLEx" means the massage and bodywork licensing examination as prepared by the federation of state massage therapy boards.
- (E) "Distance education" means an instructional delivery system in which students and teachers are in separate locations and in which education and training are delivered through video, audio, computer, multimedia communications or some combination.
- (F) "Home study" means a form of correspondence instruction through mail or e-mail in which the institution provides lesson materials for study and completion by a student on his or her own, with completed lessons being returned by the student to the school for evaluation by the school. "Home study" shall not be considered a form of distance education.

4731-1-01

Definition of terms.

- (A) "Board" means the state medical board of Ohio.
- (B) "Certificate of good standing" means a non-transferable certificate issued by the board to the person or persons signing the application on behalf of a limited branch school, which states that the school is in good standing with the board to offer a course of instruction in one limited branch of medicine, pursuant to section 4731.16 of the Revised Code and this chapter of the Administrative Code.
- (C) "Clock hour" means a period of sixty minutes with a minimum of fifty minutes of instruction at the limited branch school. One semester hour is equivalent to fifteen clock hours. One quarter hour is equivalent to ten clock hours.
- (D) "Course of instruction" means the complete body of prescribed subjects or studies to prepare students for admission to an examination for licensure in the limited branch of medicine.
- (E) "Limited branch school" means a facility wherein a course of instruction in massage therapy or cosmetic therapy is offered.
- (F) "Person" means an individual, corporation, partnership, association, or any other type of organization.
- (G) "Schedule of operations" means the hours in which classes are being conducted and the hours in which other educationally related activities are in process in a limited branch school.
- (H) "Similar course of instruction" means a course of instruction with the same general objective which involves the same or related instructional content, processes, tools, materials and clock hours of instruction previously approved by the board.
- (I) "Subject" means a unit of learning which is an integral part of the course of instruction being pursued.
- (J) "MBLEx" means the massage and bodywork licensing examination as prepared by the federation of state massage therapy boards.
- (K) "CCE examination" means the "Certified Clinical Electrologist Examination" prepared by "The Society for Clinical and Medical Hair Removal."

4731-1-02

Application of rules governing limited branches of medicine or surgery.

- (A) Rules adopted by the board governing the practice of limited branches of medicine apply to practitioners of those limited branches listed in sections 4731.15 and 4731.151 of the Revised Code.
- (B) Any person holding a valid ~~certificate~~[license](#) to practice one or more of the limited branches of medicine is subject to disciplinary action by the board, and may additionally be subject to criminal prosecution, if such person performs acts beyond the scope of the limited branch for which the person holds a ~~certificate~~[license](#) or which otherwise violates the rules governing practitioners of limited branches of medicine.
- (C) For purposes of division (B)(18) of section 4731.22 of the Revised Code, the code of ethics and standards of practice of the "American Massage Therapy Association" applies to all persons holding a ~~certificate~~[license](#) to practice massage therapy. The code of ethics may be obtained from the medical board's website at med.ohio.gov/.
- ~~(D) For purposes of division (B)(18) of section 4731.22 of the Revised Code, the code of ethics and standards of practice of the "Society for Clinical and Medical Hair Removal, Inc.," applies to all persons holding a certificate to practice cosmetic therapy. The code of ethics may be obtained from the medical board's website at med.ohio.gov/.~~

4731-1-03

General prohibitions.

- (A) No person holding a [certificate license](#) to practice a limited branch of medicine shall perform or hold himself or herself out as able to perform surgery, or any other act which involves a piercing or puncturing of the skin or membranous tissues of the human body unless specifically permitted under Chapter 4731. of the Revised Code or this chapter of the Administrative Code. ~~This rule does not prohibit a licensed cosmetic therapist with appropriate training from removing an ingrown hair.~~
- (B) No person holding a [certificate license](#) to practice a limited branch of medicine shall prescribe, dispense, personally furnish or administer any drug or medicine.
- (C) Except as is specifically permitted under the rules defining the scope of a limited branch of medicine, no person holding such a [certificate license](#) shall diagnose or treat infectious, contagious or venereal diseases, or any wound, fracture or bodily injury, infirmity, or disease.
- (D) The designation "Dr." or "Doctor" shall not precede the name of the limited practitioner. No person holding a [certificate license](#) to practice a limited branch of medicine shall employ, or cause to be employed, the designation "Dr." or "Doctor" without also qualifying such designation by the name or an abbreviation of the limited branch for which the person holds a [certificate license](#). The appropriate designation must follow the name of the limited practitioner (e.g., "John Doe, Doctor of Mechanotherapy" or "John Doe, D.M.") and may be employed or caused to be employed by the limited practitioner only if the limited practitioner has received a degree granting such a title from a school legally empowered to grant the degree.
- (E) No person holding a [certificate license](#) to practice a limited branch of medicine shall employ, or cause to be employed, the designation "Physician" or "Surgeon" no matter how qualified or how employed in combination with other language.
- (F) No person holding a [certificate license](#) to practice any limited branch or branches of medicine shall hold himself or herself out as holding a [certificate license](#) in or as being able to practice any limited branch of medicine for which that person does not hold a [certificate license](#).
- (G) No person holding a [certificate license](#) to practice any limited branch or branches of medicine shall conduct such practice under any name or title, either as an individual, company or concern, that is misleading.

4731-1-04

Scope of practice: mechanotherapy.

- (A) A practitioner of mechanotherapy shall examine patients only by verbal inquiry, examination of the musculoskeletal system by hand, and visual inspection and observation. A practitioner of mechanotherapy shall specifically not employ any techniques which involve extraction or analysis of body tissue or fluids.
- (B) A practitioner of mechanotherapy shall not diagnose a patient's condition except as to whether or not there is a disorder of the musculoskeletal system present.
- (C) A practitioner of mechanotherapy, in the treatment of patients, may apply only those techniques listed in this paragraph, but he may apply such techniques only to those disorders of the musculoskeletal system which are amenable to treatment by the listed techniques and which are identifiable by examination and diagnosis as described in this rule:
- (1) Advised or supervised exercise;
 - (2) Massage or manipulation;
 - (3) ~~Employment~~[Application](#) of air, water, heat, cold, sound or infrared rays; or
 - (4) Electrical neuromuscular stimulation.

4731-1-05

Scope of practice: massage therapy.

- (A) Massage therapy is the treatment of disorders of the human body by the manipulation of soft tissue through the systematic external application of massage techniques including touch, stroking, friction, vibration, percussion, kneading, stretching, compression, and joint movements within the normal physiologic range of motion; and adjunctive thereto, the external application of water, heat, cold, topical preparations, and mechanical devices.
- (B) A massage therapist shall not diagnose a patient's condition. A massage therapist shall evaluate whether the application of massage therapy is advisable. A massage therapist may provide information or education consistent with that evaluation, including referral to an appropriate licensed health care professional, provided that any form of treatment advised by a massage therapist falls within the scope of practice of, and relates directly to a condition that is amenable to treatment by, a massage therapist. In determining whether the application of massage therapy is advisable, a massage therapist shall be limited to taking a written or verbal inquiry, visual inspection including observation of range of motion, touch, and the taking of a pulse, temperature and blood pressure.
- (C) No person shall use the words or letters "massage therapist," "licensed massage therapist," "L.M.T." or any other letters, words, abbreviations, or insignia, indicating or implying that the person is a licensed massage therapist without a valid license under Chapter 4731. of the Revised Code.
- (D) A massage therapist may perform the following services in compliance with the following:
- (1) A massage therapist may treat temporomandibular joint dysfunction provided that the patient has been directly referred in writing for such treatment to the massage therapist by a physician currently licensed pursuant to Chapter 4731. of the Revised Code, by a chiropractor currently licensed pursuant to Chapter 4734. of the Revised Code, or a dentist currently licensed pursuant to Chapter 4715. of the Revised Code.
 - (2) A massage therapist may apply ultrasound, diathermy, electrical neuromuscular stimulation, or substantially similar modalities provided that the patient has been directly ~~referred~~referred in writing for such treatment to the massage therapist by a physician or podiatric physician licensed under Chapter 4731. of the Revised Code, physician assistant licensed under Chapter 4730. of the Revised Code, chiropractor licensed under Chapter 4734. of the Revised Code, advanced practice registered nurse licensed under Chapter 4723. of the Revised Code, or physical therapist licensed under Chapter 4755. of the Revised Code, who is acting within the scope of their professional license.

- (a) The massage therapist must perform the modality within the minimal standards of care.
 - (b) If the food and drug administration classifies the device as a prescription device, as that term is defined in 21 CFR 801.109 amended as of June 15, 2016, or a restricted device that can only be sold, distributed, or used upon the order of an authorized healthcare provider, the massage therapist's application of the device must be done under the on-site supervision of the referring practitioner.
 - (c) If the food and drug administration classifies the device as an over-the-counter device, the massage therapist may apply the device without the on-site supervision of the referring practitioner.
- (E) All persons who hold a ~~certificate~~[license](#) to practice massage therapy issued pursuant to section 4731.17 of the Revised Code shall prominently display that ~~certificate~~[license](#) in the office or place where a major portion of the ~~certificate~~[license](#) holder's practice is conducted. If a ~~certificate~~[license](#) holder does not have a primary practice location, the ~~certificate~~[license](#) holder shall at all times when practicing keep either the wall certificate on the holder's person or provide verification of licensure status from the board's internet web site upon request. ~~The board's website is: www.med.ohio.gov.~~
- (F) Massage therapy does not include:
- (1) Colonic irrigation;
 - (2) The practice of chiropractic, including the application of a high velocity-low amplitude thrusting force to any articulation of the human body;
 - (3) The use of graded force applied across specific joint surfaces for the purpose of breaking capsular adhesions;
 - (4) The prescription of therapeutic exercise for the purpose of rehabilitation or remediation of a disorder of the human body;
 - (5) The treatment of infectious, contagious or venereal diseases;
 - (6) The prescription, dispensing, personally furnishing or administration of drugs;
and

(7) The performance of surgery or practice of medicine in any other form.

(G) As used within this rule:

- (1) "External" does not prohibit a massage therapist from performing massage therapy inside the mouth or oral cavity; and
- (2) "Mechanical devices" means any tool or device which mimics or enhances the actions possible by the hands that is within the scope of practice as defined in section 4731.04 of the Revised Code and this rule.

*** DRAFT - NOT YET FILED ***

4731-1-07

Eligibility of electrologists licensed by the Ohio state board of cosmetology to obtain licensure as cosmetic therapists pursuant to Chapter 4731. of the Revised Code and subsequent limitations.

A person who was issued a cosmetic therapist's license prior to February 1, 1993 based upon holding a certificate to practice electrolysis and registration issued under Chapter 4713. of the Revised Code, may be registered by the board as a cosmetic therapist but may not apply "systematic friction, stroking, slapping, and kneading or tapping of the face, neck, scalp, or shoulders" as defined in division (A) of section 4731.04 of the Revised Code until that person has completed coursework in that area that has been approved by the board at a school approved by the board pursuant to this chapter of the Administrative Code.

*** DRAFT - NOT YET FILED ***

4731-1-08

Continuing cosmetic therapy education requirements for renewal, reinstatement, or restoration of a license to practice cosmetic therapy.

- (A) "License renewal" is the extension of a current license by fulfilling the requirements of division (C) of section 4731.15 of the Revised Code and the continuing education requirements of this rule.
- (B) "License reinstatement" is the reactivation of a license which has lapsed or been in a suspended or inactive status for two years or less for any reason including a failure to comply with division (C) of section 4731.15 of the Revised Code or the continuing education requirements of this rule.
- (C) "License restoration" is the reactivation of a license which has lapsed or been in a suspended or inactive status for more than two years for any reason including a failure to comply with division (C) of section 4731.15 of the Revised Code or the continuing education requirements of this rule.
- (D) On or before the expiration dates established in table 1 of this rule, each applicant for license renewal shall certify to the board that since the start of the applicant's registration period, the applicant has completed twelve hours of "Continuing Cosmetic Therapy Education" (hereinafter "CCTE") less any reduction in hours allowed by the board under paragraph (K) or (L) of this rule.

Table 1

First Initial of Last Name	License Expiration Date
A-B	July of odd numbered years
C-D	April of odd numbered years
E-G	January of odd numbered years
H-K	October of even numbered years
L-M	July of even numbered years
N-R	April of even numbered years
S	January of even numbered years
T-Z	October of odd numbered years

- (E) All applicants who apply for license reinstatement shall certify to the board that in the preceding registration period, they have completed the twelve hour CCTE

- requirement less any reduction in hours allowed by the board under paragraph (K) or (L) of this rule.
- (F) All applicants who apply for license restoration shall have completed twelve hours of CCTE within the preceding two years from the date of the application.
- (G) If a person has not completed the requisite hours of CCTE, that person is not eligible for license renewal, reinstatement, or restoration until such time as those hours have been completed. Any CCTE undertaken after the end of a registration period and utilized for purposes of reinstatement or restoration of a suspended license cannot also be utilized to meet the CCTE requirement for the current registration period.
- (H) Persons who are residing or practicing out of the state who wish to renew or reinstate their license to practice cosmetic therapy in Ohio must complete the required CCTE within the registration period even though not currently residing or practicing in Ohio.
- (I) The certification required by paragraphs (D) and (E) of this rule shall be evidence of completion of the CCTE requirement as set forth in this rule, provided that:
- (1) The board may randomly select applications for verification that all CCTE requirements have been met. Persons whose applications are selected shall submit additional documentation of compliance with CCTE requirements as the board may require.
 - (2) Records of all CCTE undertaken shall be retained for after the end of the registration period. Failure to maintain evidence of completion and supporting documentation as required by paragraph (N) of this rule rebuts the presumption established in paragraph (I) of this rule that the CCTE requirements have been completed.
- (J) Nothing in this rule shall limit the board's authority to investigate and take action under section 4731.22 of the Revised Code.
- (K) Reduction of hours can be granted on an individual basis to those who have been ill for more than six consecutive months or out of the United States for more than six consecutive months during the registration period. The applicant will have the burden of establishing that that person's illness or absence affected that person's reasonable opportunity to participate in CCTE activities. One half hour will be subtracted from the CCTE requirement for each month which is approved for reduction of hours. Requests for reduction of hours must be made in writing to the state medical board and submitted to the board at least sixty days prior to the end of

the registration period.

(L) The CCTE requirement for persons licensed after the start of a registration period or for whom the license has been restored shall be computed in the following manner:

- (1) If the license is initially issued prior to the first day of the second year of the registration period, the licensee shall be required to earn six total hours;
- (2) If the license is issued on or after the first day of the second year of the registration period and prior to the first day of the eighteenth month of that period, the licensee shall be required to earn three total hours;
- (3) If the license is issued on or after the first day of the eighteenth month of the registration period, the licensee shall not be required to earn any hours of CCTE credits for that period.

(M) If the board proposes to refuse to renew, reinstate, or restore a license for failure to meet the CCTE requirements of this rule, the applicant shall be entitled to a hearing on the issue of such proposed denial. Notice and hearing requirements incident to such proposed denial will be in compliance with the provisions of Chapter 119. of the Revised Code.

(N) CCTE course requirements:

- (1) All hours of CCTE shall be:
 - (a) In one or more of the following subject matter areas
 - (i) Laser hair removal;
 - (ii) Electrolysis/ETB/hair removal;
 - (iii) Sterilization and hygiene;
 - (iv) Professional ethics;
 - (v) Blood borne pathogens;
 - (vi) Endocrinology;

(vii) Anatomy and physiology as it relates to the dermis;

(viii) Diseases of the skin;

(ix) Cosmetic therapy law;

(x) Massage of the face, neck, scalp, or shoulders.

(b) Offered by one of the following entities:

(i) A college or university approved by the state department of education;

(ii) A state or national professional cosmetic therapy or electrology association;

(iii) A cosmetic therapy school approved by the board pursuant to this chapter of the Administrative Code;

(iv) A health department or hospital which offers program which had been previously approved for continuing medical education (CME) credits or for continuing nursing education credits (CNE):
or

(v) A provider accredited by the international association for continuing education and training.

(2) CCTE courses may be completed via in-person, webinar, or on-line.

(3) A cosmetic therapist shall obtain evidence of completion (i.e., a certificate) from the provider of the CCTE for all CCTE hours that are successfully completed. In the event that evidence of completion includes hours of education in a subject not included in paragraph (N)(1) of this rule, the cosmetic therapist shall only claim the hours that meet the requirements of this rule. Cosmetic therapists shall also retain supporting documentation of all of the following:

(a) Description of the CCTE activity;

(b) The location of the CCTE activity;

- (c) The date of attendance;
 - (d) The hours of each CCTE activity.
- (4) Evidence of completion and supporting documentation shall be retained by the applicant for renewal for one year after the end of the registration period.
- (O) An expired license to practice as a cosmetic therapist shall be renewed upon payment of the biennial renewal fee provided in section 4731.15 of the Revised Code and without a late fee or re-examination if the holder meets all of the following requirements:
- (1) The licensee is not otherwise disqualified from renewal because of mental or physical disability.
 - (2) The licensee meets the requirements for renewal under section 4731.15 of the Revised Code.
 - (3) Either of the following situations applies:
 - (a) The license was not renewed because of the licensee's service in the armed forces, or
 - (b) The license was not renewed because the licensee's spouse served in the armed forces, and the service resulted in the licensee's absence from this state.
 - (4) The licensee or the licensee's spouse, whichever applicable, has presented satisfactory evidence of the service member's discharge under honorable conditions or release under honorable conditions from active duty or national guard duty within six months after the discharge or release.
- (P) Extension of the continuing education period based on active duty status:
- (1) The holder of a cosmetic therapy license may apply for an extension of the current continuing education reporting period in the manner provided in section 5903.12 of the Revised Code.
 - (2) The board shall consider relevant education, training, or service completed by the licensee as a member of the armed forces in determining whether a

licensee has met the continuing education requirements to renew the license.

(3) Upon receiving the application and proper documentation, the board shall act in accordance with section 5903.12 of the Revised Code.

(Q) For purposes of this paragraphs (O) and (P) of this rule, "armed forces" has the same meaning as in section 5903.01 of the Revised Code and "reporting period" has the same meaning as in section 5903.12 of the Revised Code.

4731-1-09

Cosmetic therapy curriculum requirements.

- (A) To qualify to receive a certificate of good standing for a course of instruction in cosmetic therapy, a school's course of instruction shall:
- (1) Consist of both practical and theoretical instruction covering a period of not less than one year and a minimum of six hundred clock hours. The course of instruction shall include a minimum of seven hundred and fifty clock hours covering a period of not less than nine months.
 - (2) Teach at least the minimum required hours in the following subjects in dedicated clock hours, as appropriate to cosmetic therapy:
 - (a) Anatomy and physiology; pathology: three hundred twenty-five clock hours;
 - (b) Cosmetic therapy theory and practical, including infection control and hygiene: three hundred twenty-five clock hours;
 - (c) Ethics: twenty-five clock hours, at least ten of which shall be in a class dedicated exclusively to ethics. For purposes of this rule, "ethics" shall be defined to include sexual boundary issues and impairment and chemical dependency issues;
 - (d) Business and law: twenty-five clock hours; and
 - (e) Such other subjects as the board deems necessary and appropriate to cosmetic therapy: fifty clock hours.
- (B) Educational objectives shall be clearly defined and simply stated and shall indicate what the educational program can do for reasonably diligent students.
- (C) The course of instruction shall be outlined in detail showing major subjects and clock hours devoted to each subject, entrance requirements and occupational objectives.
- (D) A limited branch school shall submit for approval on an appropriate form its daily or weekly schedule of instruction. The approved schedule shall be made available whenever requested by the board.
- (E) Students may be given credit for off-site clinical activities.
- (1) Such credit may not exceed ten percent of the required clock hours in the theory

and practical category of the program.

- (2) The off-site clinical activities shall be conducted under the direction and on-site supervision of an appropriately licensed practitioner.
- (3) The school shall be required to enter into a written affiliation agreement with a representative of the facility where the off-site clinical activities are being provided, and to maintain records of each student's clinical activities. Upon request of the board, schools shall forward those records to the board for review.
- (4) The student participating in off-site clinical activities shall identify him or herself at all times as a cosmetic therapy student and shall obtain signed acknowledgement of receipt of that notice from the patient.

4731-1-10

Distance education.

(A) For purposes of this chapter of the Administrative Code:

- (1) "Asynchronous instructional methods" means an educational technique in which the communication between parties does not take place simultaneously and in which students may access a prepared educational program electronically or by other means at a time of their own choosing rather than at a specified time;
- (2) "Brick and mortar school" means an educational institution in which students and faculty are co-located during the entirety of the course of instruction.
- (3) "Distance education" means an instructional delivery system in which students and teachers are in separate locations during at least half of the total number of hours offered during the course of study and in which education and training are delivered through video, audio, computer, multimedia communications or some combination of these with other traditional delivery methods;
- (4) "Home study school" means a form of correspondence instruction through mail or e-mail in which the institution provides lesson materials for study and completion by a student on his or her own, with completed lessons being returned by the student to the school for evaluation by the school. "Home study school" shall not be considered a form of distance education.
- (5) "Synchronous instructional methods" means an educational technique in which the communication between parties takes place simultaneously and in real-time.

(B) Each distance education program shall apply for and receive a separate certificate of good standing from the board prior to the students who have completed a course of instruction from that school being admitted to the licensure examination. A certificate of good standing held by a brick and mortar school shall not be sufficient for any distance learning program operated by that school.

(C) To be eligible to receive a certificate of good standing from the board, a distance education school or program shall submit evidence that complies with all of the following:

- (1) Meet all of the requirements for receipt of a certificate of good standing required pursuant to Chapter 4731. of the Revised Code and this chapter of the Administrative Code;

- (2) Have in place a procedure whereby applicants for a distance education course of instruction are assessed as to their psychological predisposition toward distance learning and their capabilities to use computer technologies appropriate to the particular course of study;
 - (3) Have in place a plan for on-line attendance and assessment of student performance;
 - (4) Require instructors, in addition to the requirements of rule 4731-1-17 of the Administrative Code, to have documented training or certification in the development of distance education course materials, curricula and instructional methods;
 - (5) Demonstrate possession of minimally sufficient technical resources to meet the requirements of this rule;
 - (6) Offer a mix of synchronous and asynchronous instruction and identify the number of clock hours required for each form of instruction;
 - (7) Of the three hundred twenty-five clock hours in theory and practical required in rules 4731-1-09 and 4731-1-16 of the Administrative Code, a minimum of two hundred hours shall be hands-on instruction in the limited branch theory and practical portion of the course of instruction.
 - (8) Of the minimum of twenty-five hours of instruction in ethics required in rules 4731-1-09 and 4731-1-16 of the Administrative Code, a minimum of ten hours shall be taught in a dedicated interactive manner during the hands-on instruction;
 - (9) Provide to all applicants an explanation of the types of delivery systems used in the distance education course of instruction, hardware and software requirements, whether the school will provide remedial technical training, and any other information the board deems appropriate.
- (D) Home study schools are considered to be inappropriate for the education required to be given by limited branch schools. Therefore, any home study school is not in good standing with the board for purposes of admitting graduates from that school for examination for licensure in a limited branch of medicine or surgery.
- (E) The certificate of good standing issued pursuant to this rule is valid for two years from the date of issuance. It may be renewed upon the holder's submission of

evidence demonstrating that all of the requirements of paragraph (C) of this rule are satisfied, as determined by the board.

*** DRAFT - NOT YET FILED ***

4731-1-11

Application and examination for certificate to practice cosmetic therapy.

- (A) No application for a certificate to practice cosmetic therapy shall be considered complete until the applicant has complied with the requirements of paragraph (A) of rule 4731-4-02 of the Administrative Code and the board has received the results of criminal records checks and any other forms required to be submitted pursuant to paragraph (A) of rule 4731-4-02 of the Administrative Code.
- (B) An applicant seeking a certificate to practice cosmetic therapy who meets the requirements of section 4731.19 of the Revised Code shall apply to the board in compliance with section 4731.19 of the Revised Code.
- (C) Any person seeking a certificate to practice cosmetic therapy shall have passed the CCE examination.
 - (1) An applicant for the CCE examination shall apply directly to "The Society for Clinical & Medical Hair Removal." The website address is: <https://www.scmhr.org/>.
 - (2) The passing performance for the CCE examination as reported by "The Society for Clinical & Medical Hair Removal" shall constitute successful completion of the examination.

4731-1-12

Application and examination for certificate license to practice massage therapy.

- (A) No application shall be considered complete until the applicant has complied with the requirements of paragraph (A) of rule 4731-4-02 of the Administrative Code and the board has received the results of criminal records checks and any other forms required to be submitted pursuant to paragraph (A) of rule 4731-4-02 of the Administrative Code.
- (B) All applicants seeking a certificate license to practice massage therapy who meet the requirements of section 4731.19 of the Revised Code, shall apply to the board in compliance with section 4731.19 of the Revised Code.
- (C) Any person seeking a certificate license to practice massage therapy shall have passed the MBLEx available through the federation of state massage therapy boards.
- (1) An applicant for the MBLEx shall apply directly to the federation of state massage therapy boards.
 - (2) The passing performance for the examination as reported by the federation of state massage therapy boards shall constitute successful completion of the examination.

4731-1-15

Massage Therapy Educational Requirements and Determination of standing of school, college or institution.

(A) For purposes of this rule, “hours” as used in section 4731.19 of the Revised Code, means a period of sixty minutes with a minimum of fifty minutes of instruction.

(B) A person seeking a license to practice massage therapy must hold one of the following:

(1) A diploma or certificate from a limited branch school, college or institution located in Ohio that held a certificate of good standing at the time the person obtained the diploma or certificate.

(2) A diploma or certificate from a limited branch school, college, or institution located outside of Ohio that held a certificate of good standing at the time the person obtained the diploma or certificate.

(3) A diploma or certificate from a limited branch school, college, or institution located outside of Ohio that required the completion of a course of instruction meeting the requirements section 4731.19 of the Revised Code. No more than one-half of the course of instruction required by section 4731.19 of the Revised Code may have been provided via distance education.

(4) During the five-year period immediately preceding the date of application, a current license, registration, or certificate in good standing in another state for massage therapy.

(C) A person desiring to have the board determine the standing of a limited branch school, college, or institution shall file an application for a certificate of good standing in the form and manner prescribed by the board. The completed application shall be signed by the owner or owners and shall provide evidence of the following:

(1) If the limited branch school, college or institution is located in this state, that:

(a) It holds a certificate of authorization issued by the Ohio department of higher education pursuant to Chapter 1713. of the Revised Code; or

(b) It holds a valid certificate of registration and a valid program authorization for the program in the limited branch of medicine issued by the state board of career colleges and schools pursuant to Chapter 3332. of the Revised Code; or

(c) It holds a certificate of authorization issued by the Ohio department of education, division of career/technical adult education; and

(d) It offers a course of instruction in compliance with section 4731.19 of the Revised Code. No more than one-half of the course of instruction

required by section 4731.19 of the Revised Code may be provided via distance education.

(2) If the limited branch school, college or institution is located outside this state, that:

(a) It holds a current or valid registration authorizing its operation issued by the appropriate regulatory body in the state of location that is substantially equivalent to the board of regents, the state board of career colleges and schools, or the department of education in this state; or

(b) approval or recognition by the state board or agency authorized to regulate the limited branch of medicine in the state in which the limited branch school, college, or institution is located; or

(c) in the event that the limited branch school, college, or institution is located in a state that does not approve or recognize such facilities or educational programs, approval by the Federation of State Massage Therapy Boards for purposes of permitting graduates to sit for the MBLEx; and

(d) It offers a course of instruction in compliance with section 4731.19 of the Revised Code. No more than one-half of the course of instruction required by section 4731.19 of the Revised Code may be provided via distance education.

(D) An application for a certificate of good standing shall be signed by all owners and may not be signed by a person who has been found guilty of a felony or a crime involving moral turpitude, or by a person who has been disciplined by the board pursuant to section 4731.22 of the Revised Code.

(E) The board may refuse to issue, suspend, place on probation, revoke, or permanently revoke a certificate of good standing for any one or any combination of the following causes:

(1) Non-compliance with or failure to fulfill the provisions of this chapter of the Administrative Code or applicable provisions of Chapter 4731. of the Revised Code

(2) Furnishing of false, misleading, or incomplete information requested by the board

(3) Violation of state or federal laws including discrimination in the acceptance and education of students upon the basis of race, color, religion, sex, or national origin

(F) If the board refuses to issue, suspend, place on probation, revoke, or permanently

revoke a certificate of good standing, the applicant or the certificate holder shall be entitled to a hearing. Notice and hearing requirements will be in compliance with the provisions of Chapter 119. of the Revised Code and any rules adopted by the board.

(G) In determining the effective date of any suspension, revocation, or permanent revocation of a certificate, the board shall take into consideration those students currently enrolled in the course of instruction.

(H) A certificate of good standing issued pursuant to this rule is valid as long as the limited branch, school, college, or institution remains in compliance with all of the requirements of this rule, including requirements for eligibility for issuance of the certificate. The holder of a certificate of good standing must provide notice to the board within thirty days of any change to its ownership, authority to operate, course of instruction, or any other matter bearing upon the holder's eligibility to hold a certificate of good standing.

4731-1-15

Determination of standing of school, college or institution.

(A) A person desiring to have the board determine the standing of a school, college or institution that offers instruction in a limited branch of medicine shall file a completed application for a certificate of good standing with the board on a form prescribed by the board. The completed application form and other data shall be submitted in full. The completed application shall be signed by the owner or owners and shall include the following information:

(1) If the school, college or institution is located in this state, that:

- (a) It holds a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code; or
- (b) It holds a valid certificate of registration and a valid program authorization for the program in the limited branch of medicine issued by the state board of career colleges and schools registration pursuant to Chapter 3332. of the Revised Code; or
- (c) It holds a certificate of authorization issued by the Ohio department of education, division of career/technical adult education; and
- (d) It offers a course of instruction in compliance with this chapter of the Administrative Code.

(2) If the school, college or institution is located outside this state, that:

- (a) It holds a current or valid registration authorizing its operation issued by the appropriate regulatory body in the state of location that is substantially equivalent to the board of regents or the state board of career colleges and schools registration in this state; and
- (b) It offers a course of instruction in compliance with this chapter of the Administrative Code.

(B) At or before the time a school, college or institution in this state accepts a student for admission to a cosmetic therapy or massage therapy course of instruction, the school, college or institution shall provide the student with written notice regarding arrests, charges, or convictions of criminal offenses.

(1) The notice must inform the student that arrests, charges, or convictions of criminal offenses may be cause to deny or limit licensure or employment opportunities in specific careers and occupations and may limit the student's

ability to obtain federal, state, and other financial aid. The notice must encourage students to investigate these possibilities.

- (2) The notice provided under this rule must direct students to paragraph (D) of rule 4731-4-02 of the Administrative Code for factors the board may consider when reviewing the results of a criminal records check.
- (C) At or before the time a school, college, or institution in this state accepts a student for admission to a cosmetic therapy or massage therapy course of instruction, the student must have attained high school graduation or its equivalent.
- (D) A school, college or institution not meeting the requirements of paragraph (A) of this rule shall not be considered a school in good standing, provided that a school, college or institution that offers instruction in a limited branch of medicine and that holds a valid provisional certificate of good standing or a valid certificate of good standing on the effective date of this rule shall continue to be recognized as a school in good standing for one year following the effective date of this rule, unless suspended, revoked or placed on probation by the board pursuant to this chapter of the Administrative Code.
- (E) The certificate of good standing issued pursuant to this rule is valid for two years from the date of issuance. It may be renewed upon the holder's submission of evidence demonstrating that all of the requirements of paragraph (C) of this rule are satisfied, as determined by the board

*** DRAFT - NOT YET FILED ***

4731-1-16

Massage therapy curriculum requirements.

- (A) To qualify to receive a certificate of good standing for a course of instruction in massage therapy, a school's course of instruction shall:
- (1) Consist of both practical and theoretical instruction meeting one of the following requirements:
 - (a) For classes enrolling no later than December 30, 2005, a period of not less than one year and a minimum of six hundred clock hours; or
 - (b) For classes enrolling on and after December 31, 2005, a minimum of seven hundred fifty clock hours.
 - (2) Beginning with classes enrolling on or after December 31, 2005, teach at least the minimum required hours in the following subjects in dedicated clock hours, as appropriate to massage therapy:
 - (a) Anatomy and physiology; pathology: three hundred twenty-five clock hours;
 - (b) Massage theory and practical, including hygiene: three hundred twenty-five clock hours;
 - (c) Ethics: twenty-five clock hours, at least ten of which shall be in a class dedicated exclusively to ethics. For purposes of this rule, "ethics" shall be defined to include sexual boundary issues and impairment and chemical dependency issues;
 - (d) Business and law: twenty-five hours; and
 - (e) Such other subjects as the board deems necessary and appropriate to massage therapy: fifty clock hours; and
 - (3) Require that each student, prior to completing the course of instruction, perform, on a licensed massage therapist, at least one therapeutic massage. The school shall ensure that the student massage is evaluated as to whether the student demonstrates at least minimally acceptable competency.
- (B) Educational objectives shall be clearly defined and simply stated and shall indicate what the educational program can do for reasonably diligent students.

- (C) The course of instruction shall be outlined in detail showing major subjects and clock hours devoted to each subject, entrance requirements and occupational objectives.
- (D) A limited branch school shall submit for approval on an appropriate form its daily or weekly schedule of instruction. The approved schedule shall be made available whenever requested by the board.
- (E) Students may be given credit for off-site clinical activities. Such credit may not exceed ten per cent of the required clock hours in the theory and practical category of the program. The off-site clinical activities shall be conducted under the direction and on-site supervision of an appropriately licensed practitioner. The school shall be required to enter into a written affiliation agreement with a representative of the facility where the off-site clinical activities are being provided. The student participating in off-site clinical activities shall identify him or herself as a massage therapy student and shall obtain signed acknowledgement of receipt of that notice from the patient.

4731-1-17

Instructional staff in Ohio cosmetic therapy and massage therapy programs.

- (A) An instructor in limited branch theory or clinical practice shall be a high school graduate or equivalent, shall be currently licensed in Ohio in the applicable limited branch and shall have practiced in the applicable limited branch for a minimum of three years.
- (B) A classroom instructor teaching basic science or general education courses shall hold a bachelor's degree with a concentration in the discipline in which that instructor is providing instruction. The requirements of this paragraph may be waived for faculty who, on the date this rule becomes effective, have taught the course for more than one year at a limited branch school that holds a certificate of good standing issued by the board.
- (C) An instructor in massage therapy business courses shall meet one of the following requirements:
 - (1) Hold at least a bachelor's degree with a concentration in business;
 - (2) Have experience in all aspects of a massage therapy business gained as an owner and operator of a massage therapy business for a minimum of three years;
 - (3) Have experience in all aspects of a massage therapy business gained as a manager of a massage therapy business for a minimum of three years.

*** DRAFT - NOT YET FILED ***

4731-1-18

Grounds for suspension, revocation or denial of certificate of good standing; hearing rights.

- (A) The board may refuse to issue or renew, suspend, place on probation, or permanently revoke a certificate of good standing for any one or any combination of the following causes:
- (1) Non-compliance with or failure to fulfill the provisions of this chapter of the Administrative Code or applicable provisions of Chapter 4731. of the Revised Code;
 - (2) Furnishing of false, misleading, or incomplete information requested by the board;
 - (3) The signing of an application or the holding of a certificate of good standing by a person who has pleaded guilty or has been found guilty of a felony or has pleaded guilty or been found guilty of a crime involving moral turpitude;
 - (4) The signing of an application or the holding of a certificate of good standing by a person who has been disciplined by the board pursuant to section 4731.22 of the Revised Code;
 - (5) Violation of any commitment made in an application for a certificate of good standing; or
 - (6) Discrimination in the acceptance and education of students upon the basis of race, color, religion, sex, or national origin;
 - (7) Failure of a school's graduates to demonstrate minimally adequate performance on the MBLEx or the CCE examination as determined under paragraph (A) of rule 4731-1-19 of the Administrative Code; or
 - (8) Failure to provide the notice required in paragraph (B) of rule 4731-1-15 of the Administrative Code.
- (B) If the board proposes to refuse to issue or renew, suspend, place on probation, or permanently revoke a certificate of good standing or provisional certificate of good standing, the applicant or the certificate holder shall be entitled to a hearing such proposal. Notice and hearing requirements will be in compliance with the provisions of Chapter 119. of the Revised Code and any rules adopted by the board.
- (C) In determining the effective date of any suspension or permanent revocation of a certificate, the board shall take into consideration those students currently enrolled

in the course of instruction subject to the permanent revocation or suspension.

4731-1-19

Probationary status of a limited branch school.

- (A) If the graduates of a course of instruction at any limited branch school holding a certificate of good standing collectively fail to demonstrate minimally adequate performance as determined by the board on the CCE examination for cosmetic therapy or the MBLEx for massage therapy, the board may place that school's certificate of good standing on probationary status.
- (1) Graduates of a course of instruction in cosmetic therapy at a limited branch school shall be deemed to have failed to demonstrate minimally adequate performance on the CCE examination if:
- (a) The average overall examination score for all first time test takers from that school during the past calendar year was below the established passing score for the examination for that year; and
 - (b) Such a finding is supported by other relevant factors as the board may deem appropriate.
- (2) Graduates of a course of instruction in massage therapy at a limited branch school shall be deemed to have failed to demonstrate minimally adequate performance on the MBLEx if:
- (a) The average overall examination score for all first time test takers from that school during the past calendar year was below the established passing score for the examination for that year; and
 - (b) Such a finding is supported by other relevant factors as the board may deem appropriate.
- (B) If a certificate of good standing of a limited branch school is placed on probationary status and graduates of that course of instruction collectively fail to demonstrate improved performance as determined by the board during the succeeding twelve months, the board may refuse to renew, or revoke or suspend that certificate.
- (1) In determining whether graduates of a course of instruction in cosmetic therapy at a limited branch school have demonstrated improved performance the board shall review the following:
- (a) Whether the overall examination score for all first time test takers from that school during the previous calendar year is above the established passing score for the examination; and

- (b) Such other relevant factors as the board may deem appropriate.
- (2) In determining whether graduates of a course of instruction in massage therapy at a limited branch school have demonstrated improved performance the board shall review the following:
 - (a) Whether the average overall examination score for all first time test takers from that school during the previous calendar year is above the established passing score for the examination; and
 - (b) Such other relevant factors as the board may deem appropriate.
- (C) If the board proposes to refuse to issue or renew, suspend, place on probation, or revoke a certificate of good standing, the certificate holder shall be entitled to a hearing on such proposal. Notice and hearing requirements will be in compliance with the provisions of Chapter 119. of the Revised Code and with any rules adopted by the board.
- (D) No partner, officer or stockholder of a school that is on probation shall be permitted to apply for a certificate of good standing for a new school.

4731-22-07

Change to active status.

(A) A registrant may apply to change to active status by completing the following:

- (1) If the application is received no more than two years after the date the registrant's Ohio license expired, the registrant shall have submitted a reinstatement application.
- (2) If the application is received more than two years after the date the registrant's Ohio license expired, the registrant shall have submitted a restoration application.

(B) The reinstatement or restoration application shall include all of the following.

- (1) Documentation of compliance with the continuing medical education requirements for an active licensee for the time period in which the registrant's license was in inactive status. This requirement must be fulfilled prior to submission of the application.
- (2) Submission of appropriate renewal fees and any applicable monetary penalty pursuant to section 4731.281 of the Revised Code if the registrant is a physician or pursuant to section 4731.15 of the Revised Code if the registrant is a massage therapist ~~or cosmetic therapist~~.
- (3) Submission of any other information required by the board.

(C) In the event the holder of an emeritus certificate applies for restoration after two years from the date the registrant's Ohio license expired or if the registrant has not engaged in practice for more than two years, the board may require the applicant to demonstrate present fitness to practice pursuant to section 4731.222 of the Revised Code.

4731-30-03

Approval of licensure applications.

- (A) For purposes of this rule, routine authorization means issuance of a license or certificate to an individual pursuant to an application that meets the following criteria:
- (1) The applicant meets eligibility requirements for the license or certificate under the applicable provisions of the Revised Code and Administrative Code
 - (2) The applicant is not seeking a waiver of, or a determination of equivalency to, any eligibility requirement, as may be provided for under the applicable provisions of the Revised Code and Administrative Code
 - (3) The applicant is not required to demonstrate fitness to resume practice due to inactivity under the applicable provisions of the Revised Code and Administrative Code
 - (4) The application presents no grounds for discipline under the applicable provisions of the Revised Code or Administrative Code.
- (B) The board authorizes the secretary and supervising member of the board to issue the following routine authorizations under the provisions of the Revised Code and Administrative Code, without prior consultation or approval by the board:
- (1) Certificate of conceded eminence pursuant to section 4731.297 of the Revised Code;
 - (2) Clinical research faculty certificate pursuant to section 4731.293 of the Revised Code;
 - (3) Visiting clinical professional development certificate pursuant to section 4731.298 of the Revised Code;
 - (4) Special activity certificate pursuant to section 4731.294 of the Revised Code;
 - (5) Special activity license to practice as a genetic counselor pursuant to section 4778.09 of the Revised Code.
 - (6) Expedited license to practice medicine and surgery or osteopathic medicine and surgery by endorsement pursuant to section 4731.299 of the Revised Code;
 - (7) Certificate to recommend medical use of marijuana pursuant to section 4731.30

of the Revised Code;

(C) The board authorizes the deputy director of licensure, or the deputy director's designee, to issue the following routine authorizations under the provisions of the Revised Code and Administrative Code, without prior consultation or approval by the board:

- (1) License to practice as a physician assistant pursuant to section 4730.12 of the Revised Code;
- (2) License to practice medicine and surgery or osteopathic medicine and surgery pursuant to section 4731.14 of the Revised Code;
- (3) License to practice a limited branch of medicine pursuant to section 4731.17 of the Revised Code;
- (4) Training certificate pursuant to section 4731.291 of the Revised Code;
- (5) Volunteer's certificate pursuant to section 4731.295 of the Revised Code;
- (6) License to practice podiatric medicine and surgery pursuant to section 4731.56 of the Revised Code;
- (7) Visiting podiatric faculty certificate pursuant to section 4731.572 of the Revised Code;
- (8) Podiatric training certificate pursuant to section 4731.573 of the Revised Code;
- (9) License to practice dietetics and limited permit to practice dietetics pursuant to section 4759.06 of the Revised Code;
- (10) Certificate to practice as an anesthesiologist assistant pursuant to section 4760.04 of the Revised Code;
- (11) License to practice respiratory care and limited permit to practice respiratory care pursuant to section 4761.05 of the Revised Code;
- ~~(12) Certificate to practice as an oriental medicine practitioner pursuant to section 4762.03 of the Revised Code;~~

~~(13)~~(12) License to practice as an acupuncturist pursuant to section 4762.03 of the Revised Code;

~~(14)~~(13) License to practice as a radiologist assistant pursuant to section 4774.04 of the Revised Code;

~~(15)~~(14) License to practice as a genetic counselor pursuant to section 4778.05 of the Revised Code;

~~(16)~~(15) Supervised practice license as a genetic counselor pursuant to section 4778.08 of the Revised Code;

~~(17)~~(16) Temporary expedited license for members of the military and spouses who are licensed in another jurisdiction pursuant to section 4743.04 of the Revised Code.

(D) An application for a license or certificate that is ineligible for routine authorization under this rule will be referred to the board for determination of whether an applicant shall be granted a license. An affirmative vote of not fewer than six members of the board is necessary for issuance of a license or certificate pursuant to an application that is not eligible for routine authorization.

(E) Notwithstanding the provisions of this rule, the board may designate the referral of any class of applications to the board for approval. The secretary, supervising member, or deputy director for licensure may refer any individual application to the board for approval.

4731-36-01

Military provisions related to education and experience requirements for licensure.

(A) Definitions

For purposes of this chapter:

- (1) "Armed forces" means any of the following:
 - (a) The armed forces of the United States, including the army, navy, air force, marine corps, and coast guard;
 - (b) A reserve component of the armed forces listed in paragraph (A)(1)(a) of this rule;
 - (c) The national guard, including the Ohio national guard or the national guard of any other state;
 - (d) The commissioned corps of the United States public health service;
 - (e) The merchant marine service during wartime;
 - (f) Such other service as may be designated by Congress; or
 - (g) The Ohio organized militia when engaged in full-time national guard duty for a period of more than thirty days.
- (2) "Board" means the state medical board of Ohio.
- (3) "Service member" means any person who is serving in the armed forces.
- (4) "Veteran" means any person who has completed service in the armed forces, including the national guard of any state, or a reserve component of the armed forces, who has been discharged under honorable conditions from the armed forces or who has been transferred to the reserve with evidence of satisfactory service.

(B) Education and service for eligibility for licensure.

- (1) In accordance with section 5903.03 of the Revised Code, the following military programs of training, military primary specialties, and lengths of service are substantially equivalent to or exceed the educational and experience

requirements for licensure as a physician assistant and for a prescriber number:

- (a) An individual serving in a military primary specialty listed in paragraph (B)(1)(b) of this rule must be a graduate of a physician assistant education program approved by the accreditation review commission on education for the physician assistant.

- (b) Service in one of the following military primary specialties for at least two consecutive years while on active duty, with evidence of service under honorable conditions, including any experience attained while practicing as a physician assistant at a health care facility or clinic operated by the United States department of veterans affairs, may be substituted for a master's degree for eligibility for a license to practice as a physician assistant pursuant to section 4730.11 of the Revised Code and for a prescriber number pursuant to section 4730.15 of the Revised Code;
 - (i) Army: MOS 65D;

 - (ii) Navy: NOBC 0113;

 - (iii) Air force: AFSC 42G;

 - (iv) The national guard of Ohio or any state;

 - (v) Marine: Physician assistant services are provided by navy personnel;

 - (vi) Coast guard;

 - (vii) Public health service.

- (2) For purposes of section 5903.03 of the Revised Code, the board has determined that there are no military programs of training, military primary specialties, or lengths of service that are substantially equivalent to or that exceed the educational and experience requirements for licensure as a ~~cosmetic therapist~~ ~~or~~ massage therapist.

- (3) For purposes of section 5903.03 of the Revised Code, the board has determined

that:

- (a) A diploma from a military medical school or military osteopathic medical school that at the time the diploma was issued was a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association are substantially equivalent to the medical educational requirement for licensure to practice medicine and surgery or osteopathic medicine and surgery;
 - (b) Military graduate medical education that is accredited by the accreditation council for graduate medical education is substantially equivalent to the graduate medical educational requirement for licensure to practice medicine and surgery or osteopathic medicine and surgery; and
 - (c) There are no military primary specialties or lengths of service that are substantially equivalent to or that exceed the educational and experience requirements for licensure to practice medicine and surgery or osteopathic medicine and surgery.
- (4) For purposes of section 5903.03 of the Revised Code, the board has determined that:
- (a) A degree from a military college of podiatric medicine and surgery that at the time the degree was granted was a college of podiatric medicine and surgery accredited by the council on podiatric medical education is substantially equivalent to the medical educational requirement for licensure to practice podiatric medicine and surgery;
 - (b) Military postgraduate training in a podiatric internship, residency, or clinical fellowship program accredited by the council on podiatric medicine is substantially equivalent to the graduate medical educational requirement for licensure to practice podiatric medicine and surgery; and
 - (c) There are no military primary specialties or lengths of service that are substantially equivalent to or that exceed the educational and experience requirements for licensure to practice podiatric medicine and surgery.
- (5) For purposes of section 5903.03 of the Revised Code, the board has determined that there are no military programs of training, military primary specialties, or

lengths of service that are substantially equivalent to or that exceed the educational and experience requirements for licensure as a dietitian.

- (6) For purposes of section 5903.03 of the Revised Code, the board recognizes respiratory care educational programs offered by branches of the United States military that have been issued provisional accreditation, initial accreditation, continuing accreditation or other accreditation status conferred by the commission on accreditation for respiratory care (CoARC) or their successor organization that permits respiratory care programs offered by the United States military to continue to enroll and/or graduate students
- (7) For purposes of section 5903.03 of the Revised Code, the board has determined that there are no military programs of training, military primary specialties, and lengths of service that are substantially equivalent to or exceed the educational and experience requirements for licensure as an acupuncturist ~~or oriental medicine practitioner~~.
- (8) For the purposes of section 5903.03 of the Revised Code, the board has determined that there are no military programs of training, military primary specialties, or lengths of service that are substantially equivalent to or exceed the educational and experience requirements for licensure as a radiologist assistant.
- (9) For the purposes of section 5903.03 of the Revised Code, the board has determined that there are no military programs of training, military primary specialties, or lengths of service that are substantially equivalent to or exceed the educational and experience requirements for licensure as a genetic counselor.



MEMORANDUM

TO: Mark Bechtel, M.D., President, State Medical Board of Ohio
Members, State Medical Board of Ohio

FROM: Nathan T. Smith, Senior Legal and Policy Counsel

DATE: May 6, 2021

RE: House Bill 263 Draft Disqualifying offense list for initial feedback

House Bill 263, signed into law on January 9, 2021, requires all licensing authorities to establish by October 9, 2021 “a list of specific criminal offenses for which a conviction, judicial finding of guilt, or plea of guilty **may** disqualify an individual from obtaining an initial license.” When reviewing an initial license application, the licensing authority may only consider criminal offenses which are on this list. The ability of the licensing authority to consider criminal offenses on the list is time limited for most convictions, except for offenses of violence and sexually oriented offenses.

Further, the conviction cannot be the sole basis for the denial of the license. Pursuant to R.C. 9.79(D)(1), the licensing authority shall weigh the following factors in deciding, under a preponderance of the evidence standard, whether the conviction disqualifies the individual from receiving the license:

- (a) The nature and seriousness of the offense for which the individual was convicted, found guilty pursuant to a judicial finding, or pleaded guilty;
- (b) The passage of time since the individual committed the offense;
- (c) The relationship of the offense to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation;
- (d) Any evidence of mitigating rehabilitation or treatment undertaken by the individual, including whether the individual has been issued a certificate of qualification for employment (R.C. 2953.25) or a certificate of achievement and employability (R.C. 2961.22);
- (e) Whether the denial of a license is reasonably necessary to ensure public safety.

R.C. 9.79(B) requires that the licensing authority shall only include on its list criminal offenses that are directly related to the duties and responsibilities of the licensed occupation. Using this statutory criterion, Board staff composed the list through extensive research of criminal statutes and prior Board formal actions as well as collaborative input from Board staff in investigation, enforcement, hearing unit, licensure, and legal. In addition, Board staff dialogued with the Nursing Board and Pharmacy Board to discuss common questions and issues surrounding the development of a disqualifying offense list.

The resulting draft disqualifying offense list includes offenses of violence, sexually oriented offenses, offenses on which the Board has previously taken formal action, offenses involving dishonesty, drug-related offenses, and offenses related to the practice of healthcare professions. The draft list attached

is prepared for your review and initial feedback. Board staff will incorporate your feedback as well as continue to refine the list. The final draft of the list will be brought to the Board for final approval in late Summer. When the list is officially approved by the Board, it will be made available to the public on the Board's website.

Requested Action: Provide initial feedback on the draft disqualifying offense list.

Draft State Medical Board of Ohio Disqualifying Offense List

5/6/2021

Statute	Criminal Offense	Offense Type OV=Offense of Violence SOO=Sexually Oriented Offense
R.C. 102.99	Ethics Law criminal offenses	
R.C. 959.99	Penalties for criminal offenses related to animals	
R.C. 1547.10	Stopping and furnishing information upon accident or collision	
R.C. 1547.99(B)	Penalty (Watercraft and Waterways)	
R.C. 2151.99	Failure to Report Child Abuse or Neglect	
R.C. 2901.01(A)(9)(b)	Offense of Violence - A violation of an existing or former municipal ordinance or law of this or any other state or the United States, substantially equivalent to any section, division, or offense listed in division (A)(9)(a) of R.C. 2901.01.	OV
R.C. 2901.01(A)(9)(c)	Offense of violence - An offense, other than a traffic offense, under an existing or former municipal ordinance or law of this or any other state or the United States, committed purposely or knowingly, and involving physical harm to persons or a risk of serious physical harm to persons;	OV
R.C. 2901.01(A)(9)(d)	Offense of Violence - A conspiracy or attempt to commit, or complicity in committing, any offense under division (A)(9)(a), (b), or (c) of R.C. 2901.01.	OV
R.C. 2903.01	Aggravated Murder	OV, SOO
R.C. 2903.02	Murder	OV, SOO
R.C. 2903.03	Voluntary manslaughter	OV, SOO
R.C. 2903.04	Involuntary manslaughter	OV, SOO
R.C. 2903.041	Reckless Homicide	
R.C. 2903.05	Negligent Homicide	
R.C. 2903.06	Aggravated vehicular homicide - vehicular homicide - vehicular manslaughter	
R.C. 2903.08	Aggravated Vehicular Assault; vehicular assault	
R.C. 2903.11	Felonious assault	OV, SOO
R.C. 2903.12	Aggravated assault	OV
R.C. 2903.13	Assault	OV
R.C. 2903.14	Negligent Assault	
R.C. 2903.15	Permitting child abuse	OV
R.C. 2903.16	Failure to provide for a functionally impaired person	
R.C. 2903.21	Aggravated menacing	OV
R.C. 2903.211	Menacing by stalking	OV, SOO
R.C. 2903.22	Menacing	OV
R.C. 2903.32	Female Genital Mutilation	
R.C. 2903.34	Patient abuse or neglect	OV
R.C. 2903.341	Patient endangerment	
R.C. 2903.35	Filing false patient abuse or neglect complaint	
R.C. 2905.01	Kidnapping	OV, SOO
R.C. 2905.02	Abduction	OV, SOO
R.C. 2905.03	Unlawful restraint	SOO
R.C. 2905.05	Criminal child enticement	SOO
R.C. 2905.11	Extortion	OV
R.C. 2905.32	Trafficking in persons	OV, SOO
R.C. 2905.33	Unlawful conduct with respect to documents	
R.C. 2907.02	Rape	SOO, OV
R.C. 2907.03	Sexual Battery	SOO, OV
R.C. 2907.04	Unlawful Sexual Contact with a Minor	SOO
R.C. 2907.05	Gross Sexual Imposition	SOO, OV
R.C. 2907.06	Sexual Imposition	SOO
R.C. 2907.07	Importuning	SOO
R.C. 2907.08	Voyeurism	SOO
R.C. 2907.09	Public Indecency	SOO
violation of former R.C. 2907.12 (referenced by R.C. 2901.01(A)(9)(a))	Felonious sexual penetration	OV

R.C. 2907.19	Commercial sexual exploitation of a minor	
R.C. 2907.21	Compelling prostitution	SOO
R.C. 2907.22	Promoting prostitution	SOO
R.C. 2907.23	Procuring	
R.C. 2907.231	Engaging in prostitution	
R.C. 2907.24	Soliciting; solicitation after positive HIV test	SOO
R.C. 2907.241	Loitering to Engage in Solicitation; loitering to engage in solicitation after positive HIV test	
R.C. 2907.25	Prostitution; prostitution after positive HIV test	
R.C. 2907.31	Disseminating Matter Harmful to Juveniles	
R.C. 2907.32	Pandering obscenity	SOO
R.C. 2907.321	Pandering obscenity involving a minor or impaired person	SOO
R.C. 2907.322	Pandering sexually oriented matter involving a minor or impaired person	SOO
R.C. 2907.323	Illegal use of a minor or impaired person in nudity-oriented material or performance	SOO
R.C. 2907.33	Deception to obtain matter harmful to juveniles	
R.C. 2907.34	Compelling acceptance of objectionable material	
R.C. 2909.02	Aggravated arson	OV
R.C. 2909.03	Arson	OV
R.C. 2909.04	Disrupting public services	
R.C. 2909.05	Vandalism	
R.C. 2909.06	Criminal damaging or endangering	
R.C. 2909.07	Criminal Mischief	
R.C. 2909.22	Soliciting or providing support for act of terrorism	
R.C. 2909.23	Making terroristic threat	
R.C. 2909.24	Terrorism	OV
R.C. 2909.26	Criminal possession of chemical, biological, radiological or nuclear weapon or explosive device	
R.C. 2909.27	Criminal use of chemical, biological, radiological, or nuclear weapon or explosive device	
R.C. 2909.28	Illegal assembly or possession of chemicals or substances for manufacture of prohibited weapons	
R.C. 2909.29	Money laundering in support of terrorism	
R.C. 2911.01	Aggravated robbery	OV
R.C. 2911.02	Robbery	OV
R.C. 2911.11	Aggravated burglary	OV
R.C. 2911.12	Burglary	OV
R.C. 2911.13	Breaking and Entering	
R.C. 2911.211	Aggravated Trespass	
R.C. 2911.31	Safecracking	
R.C. 2911.32	Tampering with coin machines	
R.C. 2913.02	Theft	
R.C. 2913.03	Unauthorized Use of a Motor Vehicle	
R.C. 2913.04	Unauthorized Use of Property	
R.C. 2913.041	Possession or sale of unauthorized cable television device	
R.C. 2913.05	Telecommunications Fraud	
R.C. 2913.06	Unlawful use of telecommunications device	
R.C. 2913.11	Passing bad checks	
R.C. 2913.21	Misuse of credit cards	
R.C. 2913.30	Counterfeiting	
R.C. 2913.31	Forgery	
R.C. 2913.32	Criminal simulation	
R.C. 2913.33	Making or using slugs	
R.C. 2913.40	Medicaid Fraud	
R.C. 2913.401	Medicaid eligibility fraud	
R.C. 2913.42	Tampering with Records	
R.C. 2913.421	Illegally transmitting multiple commercial electronic mail messages (spamming) - unauthorized access of computer	
R.C. 2913.43	Securing writings by deception	
R.C. 2913.44	Personating an officer	
R.C. 2913.45	Defrauding creditors	
R.C. 2913.46	Illegal use of food stamps or WIC program benefits	
R.C. 2913.47	Insurance Fraud	

R.C. 2913.48	Workers' Compensation Fraud	
R.C. 2913.49	Identity Fraud	
R.C. 2913.51	Receiving Stolen Property	
R.C. 2915.05	Cheating - corrupting sports	
R.C. 2917.01	Inciting to Violence	OV
R.C. 2917.02	Aggravated riot	OV
R.C. 2917.03	Riot	OV
R.C. 2917.11	Disorderly Conduct	
R.C. 2917.21	Telecommunications Harassment	
R.C. 2917.211	Nonconsensual dissemination of private sexual image:	
R.C. 2917.31	Inducing panic	OV
R.C. 2917.32	Making false alarms	
R.C. 2917.33	Unlawful possession or use of a hoax weapon of mass destruction	
R. C. 2917.47	Improperly handling infectious agents	
R.C. 2919.10	Abortion related to finding of down syndrome	
R.C. 2919.12	Unlawful Abortion	
R.C. 2919.121	Unlawful Abortion upon minor	
R.C. 2919.123	Unlawful distribution of an abortion-inducing drug	
R.C. 2919.124	Unlawful performance of a drug-induced abortion	
R.C. 2919.13	Abortion manslaughter	
R.C. 2919.14	Abortion trafficking	
R.C. 2919.15	Dismemberment feticide	
R.C. 2919.151	Partial birth feticide	
R.C. 2919.17	Terminating or attempting to terminate a human pregnancy after viability	
R.C. 2919.171	Abortion report falsification	
R.C. 2919.18	Failure to perform viability testing	
R.C. 2919.193	Performing or inducing an abortion before determining whether there is a detectable fetal heartbeat	
R.C. 2919.194	Performing or inducing an abortion without informed consent when there is a detectable fetal heartbeat	
R.C. 2919.195	Performing or inducing an abortion after the detection of a fetal heartbeat	
R.C. 2919.201	Terminating or attempting to terminate pregnancy of pain-capable unborn child (Abortion after gestational age of 20 weeks)	
R.C. 2919.202	Pain-capable unborn child abortion report falsification	
R.C. 2919.203	Failure to perform probable post-fertilization age testing	
R.C. 2919.21	Nonsupport of dependents	
R.C. 2919.22	Endangering Children	OV, SOO
R.C. 2919.23	Interference with custody	
R.C. 2919.24	Contributing to the unruliness or delinquency of a child	
R.C. 2919.25	Domestic Violence	OV
R.C. 2919.27	Violating a protection order, consent agreement, or anti-stalking protection order; protection order issued by court of another state	
R.C. 2921.02	Bribery	
R.C. 2921.03	Intimidation	OV
R.C. 2921.04	Intimidation of an attorney, victim, or witness in a criminal case or delinquent child action proceeding	OV
R.C. 2921.05	Retaliation	
R.C. 2921.11	Perjury	
R.C. 2921.12	Tampering with Evidence	
R.C. 2921.13	Falsification	
R.C. 2921.14	Making or causing false report of child abuse or neglect	
R.C. 2921.15	Making false allegation of peace officer misconduct	
R.C. 2921.22	Failure to Report a Crime or Knowledge of a Death or Burn Injury	
R.C. 2921.29	Failure to disclose personal information	
R.C. 2921.31	Obstructing Official Business	
R.C. 2921.32	Obstructing justice	
R.C. 2921.321	Assaulting or harassing police dog or horse or service dog	
R.C. 2921.33	Resisting arrest	
R.C. 2921.331	Failure to Comply with Order or Signal of Police Officer	
R.C. 2921.34	Escape	OV
R.C. 2921.35	Aiding escape or resistance to lawful authority	

R.C. 2921.36	Illegal conveyance of weapons, drugs or other prohibited items onto grounds of detention facility or institution	
R.C. 2921.38	Harassment by inmate	
R.C. 2921.41	Theft in office	
R.C. 2921.42	Having an unlawful interest in a public contract	
R.C. 2921.44	Dereliction of duty	
R.C. 2921.45	Interfering with civil rights	
R.C. 2923.01	Conspiracy to commit any offense in this disqualifying offense list	
R.C. 2923.02	Attempt to commit any offense in this disqualifying offense list	
R.C. 2923.03	Complicity in committing any offense in this disqualifying offense list	
R.C. 2923.12	Carrying Concealed Weapons	
R.C. 2923.1211	Falsification of a concealed handgun license; possessing a revoked or suspended concealed handgun license	
R.C. 2923.13	Having Weapons While Under Disability	
R.C. 2923.131	Possession of deadly weapon while under detentior	
R.C. 2923.132	Use of firearm or dangerous ordnance by violent career criminal	
R.C. 2923.15	Using weapons while intoxicated	
R.C. 2923.16	Improperly handling firearms in a motor vehicle	
R.C. 2923.161	Improperly discharging a firearm at or into a habitation, in a school safety zone, or with the intent to cause harm or panic to persons in a school building or at a school function	OV
R.C. 2923.17	Unlawful Possession of Dangerous Ordnance; illegally manufacturing or processing explosives	
R.C. 2923.20	Unlawful transaction in weapons	
R.C. 2923.21	Improperly furnishing firearms to a minor	
R.C. 2923.24	Possessing Criminal Tools	
R.C. 2923.241	Hidden compartments in vehicles	
R.C. 2923.32	Engaging in a Pattern of Corrupt Activity	
R.C. 2923.42	Participating in criminal gang	
R.C. 2925.02	Corrupting Another with Drugs	
R.C. 2925.03	Trafficking in Drugs; aggravated trafficking in drugs	
R.C. 2925.04	Illegal manufacture of drugs; illegal cultivation of marihuana;	
R.C. 2925.041	Illegal assembly or possession of chemicals for manufacture of drugs	
R.C. 2925.05	Aggravated funding of drug trafficking; funding of drug trafficking; funding of marihuana trafficking	
R.C. 2925.06	Illegal administration or distribution of anabolic steroid;	
R.C. 2925.09	Sale or use of drugs not approved by Food and Drug Administration	
R.C. 2925.11	Possession of controlled substances	
R.C. 2925.11	Aggravated Possession of Drugs	
R.C. 2925.12	Possessing drug abuse instruments	
R.C. 2925.13	Permitting Drug Abuse	
R.C. 2925.14	Illegal use or possession of drug paraphernalia;	
R.C. 2925.141	Illegal use or possession of marihuana drug paraphernalia;	
R.C. 2925.22	Deception to Obtain Dangerous Drugs	
R.C. 2925.23	Illegal Processing of Drug Documents	
R.C. 2925.24	Tampering with drugs	
R.C. 2925.31	Abusing harmful intoxicants	
R.C. 2925.32	Trafficking in harmful intoxicants - improperly dispensing or distributing nitrous oxide	
R.C. 2925.36	Illegal dispensing of drug samples	
R.C. 2925.37	Counterfeit controlled substance offenses	
R.C. 2925.55	Unlawful purchase of pseudoephedrine or ephedrine product	
R.C. 2925.56	Unlawful sale of pseudoephedrine or ephedrine product	
R.C. 2925.57	Illegal pseudoephedrine or ephedrine product transaction scam	
R.C. 2927.01	Abuse of a corpse; Gross abuse of a corpse	
R.C. 2927.03	Injure, intimidate, or interfere with fair housing rights	
R.C. 2927.11	Desecration	
R.C. 2927.12	Ethnic Intimidation	
R.C. 2927.13	Selling or donating contaminated blood	
R.C. 2927.15	Unlawful collection of a bodily substance	
R.C. 2927.17	Advertising of massage services	

R.C. 2927.21	Receiving proceeds of an offense subject to forfeiture proceedings	
R.C. 2927.24	Contaminating substance for human consumption or use or contamination with hazardous chemical, biological, or radioactive substance - spreading false report of contamination.	
R.C. 2950.01(A)(13)	A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any offense listed in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or (12) of R.C. 2950.01.	SOO
R.C. 2950.01(A)(15)	Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), or (14) of R.C. 2950.01.	SOO
A violation of any law that requires sex offender registration as described in R.C. 2950.01(B). This includes any existing or former municipal ordinance or law of Ohio, any other state of the United States or of the United States that is substantially equivalent.	Sex offender registration	
R.C. 2950.99	Penalties for failure of sex offender to register, provide notice of change of address, or verify current residence, school, institution of higher education or place of employment .	
R.C. 3715.99	Pure food and drug law criminal offenses	
R.C. 3719.99	Controlled substances law criminal offenses	
R.C. 3999.22	Kickbacks, bribes, and rebates prohibited	
R.C. 4511.19	Operating a vehicle under the influence of alcohol or drug:	
R.C. 4549.02	Failure to stop after an accident	
R.C. 4549.021	Failure to stop after a nonpublic road accident	
R.C. 4715.99	Dentistry law criminal offenses	
R.C. 4723.99	Nursing law criminal offenses	
R.C. 4725.99	Optometry law criminal offenses	
R.C. 4729.99	Pharmacy law criminal offenses	
R.C. 4730.99	Physician Assistant law criminal offenses	
R.C. 4731.99	Physician and limited practitioners law criminal offenses	
R.C. 4732.99	Psychologist law criminal offenses	
R.C. 4734.99	Chiropractor law criminal offenses	
R.C. 4759.99	Dietetics law criminal offenses	
R.C. 4760.99	Anesthesiologist assistant law criminal offenses	
R.C. 4761.99	Respiratory care law criminal offenses	
R.C. 4762.99	Acupuncture law criminal offenses	
R.C. 4765.99	Emergency medical services law criminal offenses	
R.C. 4774.99	Radiologist assistant law criminal offenses	
R.C. 4778.99	Genetic counselor law criminal offenses	
R.C. 5747.99	Income tax criminal law offenses	

This disqualifying offense list includes a violation of an existing or former law of Ohio, any other state, or the United States that is substantially equivalent to any of the offenses listed above.

Further, this disqualifying offense list also includes an attempt to commit, complicity in committing, or conspiracy to commit any offense listed above or an offense that is a violation of any other existing or former law of Ohio, any other state, or the United States that is substantially equivalent to any of the offenses listed above.

<u>Separate federal offenses on which the Medical Board has previously taken formal action</u>		
8 U.S.C. 1325	Improper entry by alien	
18 U.S.C. 152	Concealment of Assets; false oaths and claims; bribery	
18 U.S.C. 844	Penalties	

18 U.S.C. 1001	Statements or entreaties generally	
18 U.S.C. 1035	False Statements Relating to Health Care Matters	
18 U.S.C. 1167	Theft from gaming establishments on Indian lands	
18 U.S.C. 1341	Frauds and swindles	
18 U.S.C. 1343	Fraud by wire, radio or television	
18 U.S.C. 1347	Health care fraud	
18 U.S.C. 1512	Tampering with a witness, victim, or informant	
18 U.S.C. 1546	Fraud and Misuse of visas, permits and other documents	
18 U.S.C. 1952	Interstate and foreign travel or transportation in aid of racketeering enterprise	
18 U.S.C. 1956	Laundering of monetary instruments	
18 U.S.C. 1957	Engaging in monetary transactions in property derived from specified unlawful activity	
18 U.S.C. 2113	Bank Robbery and incidental crimes	
18 U.S.C. 2252	Certain activities relating to material involving the sexual exploitation of minors	
18 U.S.C. 2252A	Certain activities relating to material constituting or containing child pornography	
18 U.S.C. 2422	Coercion and Enticement	
18 U.S.C. 287	False, Fictitious or Fraudulent Claims	
18 U.S.C. 371	Conspiracy to commit offense or to defraud the United States	
18 U.S.C. 513	Securities of the States and private entities	
18 U.S.C. 641	Public money, property or records	
18 U.S.C. 827	False Claims	
21 U.S.C. 331	Prohibited Acts	
21 U.S.C. 333	Penalties	
21 U.S.C. 352	Misbranded drugs and devices	
21 U.S.C. 353	Exemptions and consideration for certain drugs, devices, and biological products	
21 U.S.C. 355	New drugs	
21 U.S.C. 822	Persons required to register	
21 U.S.C. 841	Prohibited Acts A	
21 U.S.C. 842	Prohibited Acts B	
21 U.S.C. 843	Prohibited Acts C	
21 U.S.C. 853	Criminal forfeitures	
21 U.S.C. 856	Maintaining drug-involved premises	
21 U.S.C. 952	Importation of controlled substances	
21 U.S.C. 960	Prohibited acts A	
26 U.S.C. 7201	Attempt to Evade or Defeat Tax	
26 U.S.C. 7202	Willful Failure to Collect or Pay Over Tax	
26 U.S.C. 7203	Willful failure to file return, supply information, or pay tax	
26 U.S.C. 7206	Fraud and false statements	
26 U.S.C. 7207	Fraudulent returns, statements, or other documents	
31 U.S.C. 5314	Records and reports on foreign financial agency transactions	
31 U.S.C. 5322	Criminal Penalties	
31 U.S.C. 5324	Structuring transactions to evade reporting requirement prohibited	
42 U.S.C. 1320a-7b	Criminal penalties for acts involving Federal health care program	
49 U.S.C. 46505	Carrying a weapon or explosive on an aircraft	
50 U.S.C. 1702	Presidential authorities	
50 U.S.C. 1705	Penalties	

This disqualifying offense list also includes an attempt to commit, complicity in committing, or conspiracy to commit any of the specified federal offenses listed above.



Legislative Update: April 14, 2021

Bills of high interest or with significant activity since the last board meeting:

SB 6 – Join Interstate Medical Licensure Compact (Sen. Roegner and Sen. Steve Huffman)

To enter into the Interstate Medical Licensure Compact

Areas of Interest:

- Requires entrance into the Interstate Medical Licensure Compact (IMLC).
- Model compact language must be adopted as written and cannot be amended though amendments that do not require changes to the actual membership contract may be considered by the IMLC.
- Several stakeholders have offered testimony in support of this legislation including OSMA and OHA.
- The policy, legal and licensing team continue to research this issue. Several other states with introduced legislation and passed legislation were contacted when this language was introduced in the last General Assembly.
- Director Loucka and Chelsea Wonski attended an interested party meeting hosted by the bill sponsors and additional meetings with the sponsors are planned.
- Amendment request from the Board was accepted as part of the bill. The amendment included an extension of implementation and an appropriation for technology modification and staffing.

Board Position: Interested Party

Status: Passed out of the Senate 4/21/2021. Awaiting first hearing in House Families, Aging and Human Services

SB 131 – Occupational Licensing (Reciprocity) (Sen. Roegner and Sen. McColley)

To require an occupational licensing authority to issue a license or government certification to an applicant who holds a license, government certification, or private certification or has satisfactory work experience in another state under certain circumstances.

Areas of Interest:

Requires automatic licensure of out of state applicants that meet certain criteria.

Board Position: Neutral

Status: Introduced in the Senate 3/16/2021. Awaiting first hearing.

HB 110 – State Operating Budget (Rep. Oelslager)

Creates appropriations for FY 2022-2023

Areas of Interest:

- The Medical Board budget request was granted in the first version of the bill.
- Director Loucka provided testimony before the House Finance Subcommittee on Health and Human Services on behalf of the Board regarding the relevant budget items on 2/18/2021.
- The House passed version appropriation for the Medical Board remained unchanged from the executive version.
- Director Loucka provided testimony before the Senate Health committee on behalf of the Board regarding the relevant budget items on 4/27/2021.

Board Position: Support

Status: Introduced 2/16/2021. Passed out of the House 4/21/2021. Senate hearings are on-going.

HB 122 – Telehealth (Rep. Fraizer)

To establish and modify requirements regarding the provision of telehealth services.

Areas of Interest:

- Permits specified health care professionals to provide telehealth services.
- Requires telehealth services provided by health care professionals to be done so according to specified conditions and standards.
- Permits certain health care licensing boards to adopt rules as necessary to carry out the bill's provisions regarding telehealth services provided by health care professionals.

Board Position: Interested party

Status: Passed out of the House 4/15/2021. Referred to Senate Health. Awaiting first Senate hearing.

Bills that continue to be monitored but have not seen significant activity since the last board meeting:

SB 4 – Public Records (Sen. Roegner)

To exempt personal info of certain persons from public records law.

Areas of Interest:

- Includes emergency service telecommunicators and certain Ohio National Guard members as individuals whose residential and familial information is exempt from disclosure under the Public Records Law.

Board Position: Neutral

Status: Passed out of the Senate 2/17/2021- Second House Hearing was held 3/23/2021

SB 9 – Regulations (Sen. McColley and Sen. Roegner)

To reduce regulatory restrictions in administrative rules

Areas of Interest:

- Requires certain agencies to reduce the number of regulatory restrictions in their administrative rules.
- This applies to administrative agencies only and does not currently impact the Medical Board.

Board Position: Neutral

Status: Passed out of the Senate 3/10/2021. Fourth House hearing 4/20/2021.

SB 48 – Cultural Competency (Sen. Maharath and Sen. Antonio)

To require certain health care professionals to complete instruction in cultural competency.

Areas of Interest:

- Requires certain health care professionals to complete instruction in cultural competency and provide proof of completion at initial application for licensure and at renewal.
- Includes: dentists, nurses, pharmacists, physicians, psychologists, and social workers.

Board Position: Neutral

Status: Introduced in the Senate: 2/3/2021

SB 55 – Massage Therapy (Sen. Brenner) (companion bill HB 81)

To make changes to the laws governing massage establishments and massage therapy.

Areas of Interest:

- Requires any individual practicing massage within the state to obtain the current massage therapy license issued by the State Medical Board.

Board Position: Neutral

Status: Introduced in the Senate: 2/10/2021- Fourth Senate Hearing 3/17/2021

SB 123 – Abortion (Sen. Roegner and Sen. O'Brien)

To enact the Human Life Protection Act to prohibit abortions based upon a condition precedent.

Areas of Interest:

- Prohibits, as the crime of criminal abortion, a person from purposely causing or inducing an abortion by using a drug or substance or an instrument or other means.
- Provides that criminal abortion is a felony of the fourth degree.
- Provides an affirmative defense to a criminal abortion charge if the physician performed or induced the abortion, or attempted to do so, under the determination that it was necessary to prevent the woman's death or a serious risk of the substantial and irreversible impairment of a major bodily function.
- Requires the State Medical Board to revoke a physician's license to practice if the physician is guilty of abortion manslaughter, criminal abortion, or promoting abortion.

Board Position: Neutral

Status: Introduced in the Senate 3/9/2021

SB 150 – Physician Contracts (Sen. Johnson and Sen. Williams)

To prohibit the use of noncompete provisions in physician employment contracts.

Areas of Interest:

- Would prohibit the use of noncompete provisions in physician employment contracts.

Board Position: Neutral

Status: Introduced in the Senate 3/31/2021. First Senate hearing 5/5/2021.

SB 151 – Infant Medical Treatment (Sen. Johnson)

To establish standards for the medical treatment of certain infants and to name the act Emery and Elliot's Law.

Areas of Interest:

- Outlines medical treatment for mothers and infants in emergency situations or infants with a disability.

Board Position: Neutral

Status: Introduced in the Senate 3/31/2021

SB 157 – Attempted Abortions (Sen. Johnson and Senator Steve Huffman)

Regards child born alive after attempted abortion

Areas of Interest:

- Requires reports to be made after a child is born alive following an abortion or attempted abortion.
- Establishes certain civil or criminal penalties for failing to preserve the health or life of such a child.

Board Position: Neutral

Status: Introduced in the Senate 4/13/2021

SB 161 – Surgical Smoke (Sen. Brenner)

Regards surgical smoke.

Areas of Interest:

- Requires that not later than one year after the effective date of enactment, each ambulatory surgical facility shall adopt and implement a policy designed to prevent human exposure to surgical smoke during any planned surgical procedure that is likely to generate surgical smoke.
- The policy shall include the use of a surgical smoke evacuation system.

Board Position: Neutral

Status: Introduced in the Senate 4/15/2021

HB 6 – Modify laws governing certain professions due to COVID-19 (Rep. Roemer)

To modify the laws governing certain health professionals and educator preparation programs due to COVID-19.

Areas of Interest:

- Allows pharmacists to administer immunization for influenza, COVID-19 and any other disease but only pursuant to prescription for persons seven or older.
- Allows pharmacists to administer immunizations for an disease for those 13 and older.
- Allows podiatrists to administer vaccinations for individuals seven and older for influenza and COVID-1.

Board Position: Neutral

Status: Passed out of the House 3/3/2021 – Second Senate hearing held 3/24/2021

HB 37– Emergency Prescription Refills (Rep. Gayle Manning)

Regards emergency prescription refills.

Areas of Interest:

- Increases from one to three the number of times that a pharmacist may dispense without a prescription certain drugs to a specific patient within a 12-month period.

Board Position: Neutral

Status: Passed out the House 5/5/2021

HB 41– Exempt mental health care providers' info from Public Records Law (Rep. Lanese and Rep. Liston)

To exempt certain mental health care providers' residential and familial information from disclosure under the Public Records Law.

Areas of Interest:

- Adds forensic mental health providers, mental health evaluation providers, and regional psychiatric hospital employees to the list of professions, consolidated in continuing law into the term “designated public service worker,” whose residential and familial information is exempted from disclosure under the Public Records Law.

Board Position: Neutral

Status: Passed out the House 2/4/2021- First Senate hearing 3/24/2021

HB 43– Authorize public bodies to meet via video- and teleconference (Rep. Sobecki and Rep. Hoops)

To exempt certain mental health care providers' residential and familial information from disclosure under the Public Records Law.

Areas of Interest:

- Allows public bodies to meet and hold hearings via teleconference or video conference.
- Requires public bodies to provide the public with access to meetings and hearings commensurate with the method in which the meeting is being conducted.

Board Position: Opposed

Status: First House hearing 2/11/2021

HB 60 – Authorize medical marijuana for autism spectrum disorder (Rep. Brent and Rep. Seitz)

To authorize the use of medical marijuana for autism spectrum disorder.

Areas of Interest:

- Allows autism spectrum disorder to be included in qualifying conditions.

Board Position: Opposed

Status: Introduced in the House 2/3/2021 -Second hearing in the House 3/23/2021

HB 64 – Regards fraudulent assisted reproduction (Rep. Powell)

To create the crime of fraudulent assisted reproduction and civil actions for an assisted reproduction procedure without consent.

Areas of Interest:

- Prohibits a health care professional from purposely or knowingly using human reproductive material from a donor while performing an assisted reproduction procedure if the person receiving the procedure has not expressly consented to the use of that donor's material.
- Creates the crime of fraudulent assisted reproduction, making it a third-degree felony and allows for civil action against a fertility doctor within ten years of the offense.

Board Position: Neutral

Status: Introduced in the House 2/4/2021- Second House hearing 3/17/2021

HB 81 – Massage Therapy (Rep. Plummer and Rep. Manchester) (companion bill SB 55)

To make changes to the laws governing massage establishments and massage therapy.

Areas of Interest:

- Requires any individual practicing massage within the state to obtain the current massage therapy license issued by the State Medical Board.

Board Position: Neutral

Status: Introduced in the House 2/9/2021 First hearing in the House 2/17/2021

HB 138 – Emergency Medical Services (Rep. Baldrige)

Regarding the scope of emergency medical services provided by emergency medical service personnel.

Areas of Interest:

- Would allow an emergency medical technician-basic, emergency medical technician-intermediate, and emergency medical technician paramedic to perform medical services in any area of a hospital if the services are performed under the direction and supervision of a physician; a physician assistant designated by a physician; a registered nurse designated by a physician.

Board Position: Neutral

Status: First House hearing 4/1/2021

HB 160 – Health Estimates (Health care price transparency) (Rep. Holmes)

Regarding the provision of health care cost estimates.

Areas of Interest:

- Authorizes the relevant regulatory boards to impose administrative remedies on a health plan issuer or health care provider who fails to comply with the bill's health care price transparency provisions.

Board Position: Interested Party

Status: Introduced in the House 2/18/2021 – First House Hearing 3/10/2021

HB 176 – Athletic Training (Rep. Carfagna and Rep. Hall)

To revise the law governing the practice of athletic training.

Areas of Interest:

- Makes changes to the law governing the practice of athletic training, including by requiring an athletic trainer to practice under a collaboration agreement with a physician or podiatrist.

Board Position: Interested Party

Status: Passed out of the House 5/5/2021.

HB 193 – Electronic Prescriptions (Rep. Cutrona and Rep. Pavliga)

Regarding electronic prescriptions and schedule II controlled substances.

Areas of Interest:

- Requires that all schedule II drugs be prescribed electronically.

Board Position: Interested Party

Status: Introduced in the House 3/9/2021 – Fourth House hearing 5/4/2021

HB 196 – Surgical Assistants (Rep. Kelly and Rep. Carruthers)

To Regulate the practice of surgical assistants.

Areas of Interest:

- Creates a new license type for surgical assistants to be overseen by the Medical Board.

Board Position: Interested Party

Status: Introduced in the House 3/9/2021- First House hearing 4/20/2021

HB 203 – Occupational Licenses (Rep. Powell)

To require an occupational licensing authority to issue a license or government certification to an applicant who holds a license, government certification, or private certification or has satisfactory work experience in another state under certain circumstances.

Areas of Interest:

- Requires automatic licensure of out of state applicants that meet certain criteria.

Board Position: Interested Party

Status: Introduced in the House 3/10/2021 – Second House hearing 5/5/2021

HB 221 – Advanced Practice Registered Nurses (Rep. Brinkman and Rep. Gross)

To modify the laws governing the practice of advanced practice registered nurses and to designate these provisions as the Better Access, Better Care Act.

Areas of Interest:

- Would allow an APRN who has completed 2,000 clinical practice hours under a standard care arrangement the option to practice without a collaboration agreement.
- Allows an APRN who has not completed the required hours to enter into a standard care arrangement with an APRN who has completed 2,000 clinical practice hours.

Board Position: Interested Party

Status: Introduced in the House 3/17/2021

Bill Number/ Link	Name	Current Bill Status	Committee Assignment	Board Position	Bill Sponsor(s)	Date Introduced	Areas of Interest	Action Taken	Action Needed
SB 4	Public Records	Passed out of the Senate 2/17/2021 Fourth House Hearing 4/20/2021	House Civil Justice 2/24/2021	Neutral	Senator Kristina Roegner (R-27 Hudson)	1/19/2021	Includes emergency service telecommunicators and certain Ohio National Guard members as individuals whose residential and familial information is exempt from disclosure under the Public Records Law	Monitoring	None
SB 6	Enter into Interstate Medical Licensure Compact	Passed out of the Senate 4/21/2021	House Families, Aging and Human Services 5/4/2021	Interested Party	Senator Kristina Roegner (R-27 Hudson) and Senator Steve Huffman (R-5 Tipp City)	1/19/2021	Would make Ohio a member of the Interstate Medical Licensure Compact	Chelsea and Stephanie attended an interested party meeting hosted by the bills sponsors. - Interested party testimony was offered at the second committee hearing - Requested amendments have been added to the bill to extend implementation and appropriation for staff.	Additional meetings with the bills sponsor and health committee chair are being scheduled.
SB 9	Reduce regulatory restrictions in administrative rules	Passed out of the Senate 3/10/2021	House Government Oversight 3/16/2021	Neutral - does not currently impact SMBO	Senator Rob McColley (R-1 Napoleon) and Senator Kristina Roegner (R-27 Hudson)	1/21/2021	Requires certain agencies to reduce the number of regulatory restrictions in their administrative rules.	Monitoring for future potential inclusion	The policy team will continue to monitor this bill as it progresses through the legislative process.
SB 48	Cultural Competency	Introduced 2/3/2021	Senate Health 2/10/2021	Neutral	Senator Tina Maharath (D-3 Canal Winchester) and Nickie Antonio (D-23 Lakewood)	2/3/2021	Require certain health care professionals to complete instruction in cultural competency. Includes: dentists, nurses, pharmacists, physicians, psychologists and	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.
SB 55	Massage Therapy (companion HB 81)	Fourth hearing in Senate Committee 3/17/2021	Senate Health 2/10/21	Neutral	Senator Andrew Brenner (R-19)	2/10/2021	Requires any individual practicing massage within the state to obtain the current massage therapy license issued by the State Medical Board.	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.

SB 123	Enact the Human Life Protection Act	Introduced 3/9/2021	Senate Health 3/10/2021	Interested Party	Senator Kristina Roegner (R-27 Hudson) and Senator Sandra O'Brien	3/9/2021	Prohibits, as The crime of criminal abortion, a person from purposely causing or inducing an abortion by using a drug or substance or an instrument or other means. - Provides that criminal abortion is a felony of The fourth degree. - Provides an affirmative defense to a criminal abortion charge if The physician performed or induced The abortion, or attempted to do so, under The determination that it was necessary to prevent The woman's death or a serious risk of The substantial and irreversible impairment of a major bodily function. - Requires the State Medical Board to revoke a physician's license to practice if	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.
SB 131	Require occupational license if experienced in another state	Introduced 3/16/2021	Workforce and Higher Education 3/17/2021	Interested Party	Senator Kristina Roegner (R-27 Hudson) and Senator Rob McColley (R-1 Napoleon)	3/16/2021	Requires automatic licensure of out of state applicants that meet certain criteria.	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.
SB 150	Physician Contracts	First Senate Hearing 5/5/2021	Senate Small Business and Economic Opportunity 4/21/2021	Neutral	Sen. Terry Johnson (R-14 McDermott) and Sen. Sandra Williams (D-21 Cleveland)	3/31/2021	Would prohibit the use of noncomplete provisions in physician employment contracts.	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.
SB 151	Infant Medical Treatment	Introduced 3/31/2021	Senate Health 4/21/2021	Neutral	Sen. Terry Johnson (R-14 McDermott)	3/31/2021	establish standards for the medical treatment of certain infants and to name the act Emery and Elliot's Law.	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.
SB 157	Attempted Abortions	Introduced 4/13/2021	Government Oversight and Reform 4/21/2021	Neutral	Sen. Terry Johnson (R-14 McDermott) and Sen. Steve Huffman (R-5 Tipp City)		to require reports to be made after a child is born alive following an abortion or attempted abortion and to establish certain civil or criminal penalties for failing to preserve the health or life of such a child.	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.
SB 161	Surgical Smoke	Introduced 4/15/2021	Senate Health 4/21/2021	Neutral	Sen. Andrew Brenner (R- Powell)	4/15/2021	not later than one year after the effective date of enactment, each ambulatory surgical facility shall adopt and implement a policy designed to prevent human exposure to surgical smoke during any planned surgical procedure that is likely to generate surgical smoke. The policy shall	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.

HB 6	Modify laws governing certain professions due to COVID-19	Passed out of the House 3/3/2021 Fourth House committee hearing held 5/6/2021	Senate Government Oversight and Reform 3/10/2021	Neutral	Rep Bill Roemer (R-38)	2/3/2021	- allows pharmacists to administer immunization for influenza, COVID-19 and any other disease but only pursuant to prescription for persons seven or older - allows pharmacists to administer immunizations for an disease for those 13 and older - allows podiatrists to administer vaccinations for individuals seven and older for influenza and COVID-19	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.
HB 37	Regards emergency prescription refills	Passed out of House 5/5/2021	House Health 2/4/2021	Interested Party	Rep. Gayle Manning (R-55 North Ridgeville)	2/3/2021	Increases from one to three the number of times that a pharmacist may dispense without a prescription certain drugs to a specific patient within a 12-month period.	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.
HB 41	Exempt mental health care providers' info from Public Records Law	First Senate Health Hearing 3/24/2021	Senate Health 3/17/2021	Interested Party	Rep. Laura Lanese (R-23) Rep. Beth Liston (D-21)	2/3/2021	Adds forensic mental health providers, mental health evaluation providers, and regional psychiatric hospital employees to the list of professions, consolidated in continuing law into the term "designated public service worker," whose residential and familial information is exempted from disclosure under the Public Records Law.	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.
HB 43	Authorize public bodies to meet via video- and teleconference	First House Hearing 2/11/2021	Government Oversight and Reform 2/4/2021	Neutral	Rep. Lisa Sobecki (R-45 Toledo) and Rep. Jim Hoops (R-81 Napoleon)	2/3/2021	Allows public bodies to meet and hold hearings via teleconference or video conference. Requires public bodies to provide the public with access to meetings and hearings commensurate with the method in which the meeting is being conducted.	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.
HB 60	Authorize medical marijuana for autism spectrum disorder	Second House committee hearing 3/23/2021	House Health referred 2/4/2021	- Opposed - the Board has already weighed in on the issue - petition review process is progress	Rep Juanita Brent (D-12) and Rep Bill Seitz (R-30)	2/3/2021	Adds autism spectrum disorder to qualifying conditions	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.

HB 64	Regards fraudulent assisted reproduction	Second House hearing 3/17/2021	House Criminal Justice 2/4/2021	Neutral	Rep. Jena Powell (R-80)	2/3/2021	Prohibits a health care professional from purposely or knowingly using human reproductive material from a donor while performing an assisted reproduction procedure if the person receiving the procedure has not expressly consented to the use of that donor's material	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.
HB 81	Revise laws governing massage establishments / massage therapy (Companion SB 55)	Introduced 2/9/2021 First House hearing 2/17/2021	House Commerce and Labor 2/10/2021	Neutral	Rep. Phil Plummer (R-40) and Rep. Susan Manchester (R-84)	2/9/2021	Requires any individual practicing massage within the state to obtain the current massage therapy license issued by the State Medical Board.	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.
HB 110	State Budget	Passed out of the House 4/21/2021	Senate Finance 4/28/2021	Support	Rep. Scott Oelslager (R-48)	2/16/2021	State operating budget - Medical Board request was granted in the first version - Hospital licensure (R.C. 3722.02 (primary), 3722.01 to 3722.14, and 3722.99; conforming changes in numerous other R.C. sections)	Stephanie provided testimony before the House Finance Health and Human Services Subcommittee on 2/18/2021	The policy team will continue to monitor this bill as it progresses through the legislative process.
HB 122	Telehealth	Passed out of the House 4/15/2021	Senate Health 4/21/2021	Interested Party	Rep. Mark Fraizer (R-71) and Rep Adam Holmes (R-97)	2/16/2021	Permits specified health care professionals to provide telehealth services. Requires telehealth services provided by health care professionals to be done so according to specified conditions and standards. Permits certain health care licensing boards to adopt rules as necessary to carry out the bill's provisions regarding telehealth services provided by health care professionals.	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.
HB 138	Regards the scope of emergency medical services	First House hearing 4/1/2021	House Transportation and Public Safety 3/24/2021	Neutral	Rep. Brian Baldrige (R-90 Winchester)	2/18/2021	Would allow an emergency medical technician-basic, emergency medical technician-intermediate, and emergency medical technician paramedic to perform medical services in any area of a hospital if the services are performed under the direction and supervision of a physician; a physician assistant designated by a physician; a registered nurse designated by a physician.	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.

HB 160	Regards the provision of health care cost estimates (health care price transparency)	Introduced 3/3/2021 First House hearing 3/10/2021	House Insurance 3/2/2021	Interested Party	Rep. Adam Holmes (R-97 Nashport)	3/3/2021	Authorizes the relevant regulatory board to impose administrative remedies on a health plan issuer or health care provider who fails to comply with the bill's health care price transparency provisions.	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.
HB 176	Revise the Athletic Training Law	Passed out of the House 5/5/2021	House Health 3/9/2021	Interested Party	Rep. Rick Carfagna (R-68 Genoa Township) and Rep. Thomas Hall (R-53 Madison Township)	3/4/2021	Makes changes to the law governing the practice of athletic training, including by requiring an athletic trainer to practice under a collaboration agreement with a physician or podiatrist.	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.
HB 193	Regards electronic prescriptions	Fourth House hearing 5/4/2021	House Health 3/10/2021	Interested Party	Rep. Al Cutrona (R-59 Canfield) and Rep. Gail Pavliga (R - 75 Atwater)	3/9/2021	Requires that all schedule II drugs be prescribed electronically.	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.
HB 196	Regulate the practice of surgical assistants	First House hearing 4/20/2021	House Health 3/10/2021	Interested Party	Rep. Brigid Kelly (D-31 Cincinnati) and Rep. Sara Carruthers (R-51 Hamilton)	3/9/2021	Creates a new license type for surgical assistants to be overseen by the Medical Board.	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.
HB 203	Require occupational license if experienced in another state	Second House Hearing 5/5/2021	State and Local Government 3/16/2021	Interested Party	Rep. Jena Powell (R-80)	3/10/2021	Requires automatic licensure of out of state applicants that meet certain criteria.	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.
HB 221	to modify the laws governing the practice of advanced practice registered nurses and to designate these provisions as the Better Access, Better Care Act.	Introduced 3/17/2021	House Health 3/23/2021	Interested Party	Rep. Tom Brinkman (R-27 Mt. Lookout) and Rep. Jennifer Gross (R-52 West Chester)	3/17/2021	Would allow an APRN who has completed 2,000 clinical practice hours under a standard care arrangement the option to practice without a collaboration agreement. Allows an APRN who has not completed the required hours to enter into a standard care arrangement with an APRN who has completed 2,000 clinical practice hours.		

Federal Legislation

S. 168 / H.R. 708	Temporary Reciprocity to Ensure Equal Access to Treatment "TREAT" Act	Referred to Senate Committee 2/2/2021	Committee on Health, Education, Labor and Pensions	Neutral	Senate Bill - Sen. Christopher Murphy (D-CT) and Sen. Roy Blunt (R-MO) House Resolution - Rep Bob Latta (R-OH) and Rep. Debbie Dingell (D-MI)	2/2/2021	Would allow health care professionals to practice across state lines in-person or via telehealth services during COVID-19 or a future public health emergency.	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.
S. 155/ H.R. 688	Equal Access to Care Act	Referred to Senate Committee 2/2/2021	Committee on Health, Education, Labor and Pensions	Neutral	Sen. Ted Cruz (R-TX)	2/2/2021	Would allow health care providers licensed in one jurisdiction to provide telemedicine to patients in another in which they are unlicensed during the COVID-19 public health emergency and for 180 days after the pandemic has ended.	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.
H.R. 341	Ensuring Telehealth Expansion Act	Referred to House Committee 1/15/2021	Committee on Energy and Commerce	Neutral	Rep. Roger Williams (R-TX)	1/15/2021	Would extend telehealth provisions from the CARES Act through 2025, including eliminating originating site restrictions, implementing payment parity	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.
H.R. 366	Protecting Access to Post-COVID-19 Telehealth Act of 2021	Referred to House Committee 1/19/2021	Committee on Energy and Commerce	Neutral	Rep. Mike Thompson (D-CA) and Rep. David Schweikert (R-AZ)	1/19/2021	Would eliminate most geographic and originating site restrictions in Medicare, establish the patient's home as an eligible telehealth site, continue CMS telehealth reimbursement for 90 days beyond the end of the public health emergency (PHE), make permanent disaster waiver authority, and require a study on the use of telehealth during COVID, including telehealth utilization rates across state lines.	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.
H.R. 596 / S. 57	ACCESS Act	Referred to House Committee 1/28/2021	House Appropriations; Energy and Commerce	Neutral	House Resolution - Rep. Janice Schakowsky (D-IL) and Rep. Gus Bilirakis (R-FL) Senate Bill - Sen. Amy Klobuchar (D-MN) and Sen. Bob Casey (D-PA)	1/28/2021	Would authorize \$50 million for the HHS' Telehealth Resource Center to assist nursing facilities to expand the use of telehealth and establish a grant program to support virtual visits in nursing homes during the pandemic.	Monitoring	The policy team will continue to monitor this bill as it progresses through the legislative process.

Key

Monitoring

**Requires immediate
action**

Enacted

No Longer Active