



**FINING GUIDELINES**

Category	Description	Statutory or Rule Violation	Maximum Fine	Minimum Fine
<b>I</b>	<b>Improper Prescribing, Dispensing, or Administering of Drugs</b>			
I(A)	Prescribing, dispensing, or administering of any drug for excessive periods of time and/or in excessive amounts.	R.C. 4731.22(B)(2), (B)(6)	\$ 20,000	\$ 3,000
I(D)	Failing to keep patient records of substances prescribed, dispensed or administered; and/or failing to perform appropriate prior examination and/or failure to document in the patient record performance of appropriate prior examination.	OAC 4731-11-02(D), R.C. 4731.22(B)(6)	\$ 10,000	\$ 1,000
I(F)	Inappropriate purchasing, controlling, dispensing, and/or administering of any drug.	R.C. 4731.22(B)(2), (B)(6)	\$ 20,000	\$ 3,500
I(G)	Failure to use acceptable methods in selection of drugs or other modalities.	R.C. 4731.22(B)(2), (B)(6)	\$ 18,000	\$ 2,500
I(I)	Selling, prescribing, dispensing, giving away, or administering any drug for other than a legal and legitimate therapeutic purpose and/or selling, prescribing, dispensing, giving away, or administering any drug in exchange for sexual favors.	R.C. 4731.22(B)(2), (B)(3), (B)(6)	\$ 20,000	\$ 17,000
I(L)	Plea of guilty to, judicial finding of guilt of, or judicial finding of eligibility for intervention in lieu of conviction for, a drug related felony, except where the underlying criminal conduct was directly related to a substance related impairment of the respondent and was committed to obtain substance(s) solely for self use.	R.C. 4731.22(B)(3)	\$ 20,000	\$ 14,000
I(M)	Plea of guilty to, judicial finding of guilt of, or judicial finding of eligibility for intervention in lieu of conviction for, a drug related misdemeanor, except where the underlying criminal conduct was directly related to a substance related impairment of the respondent and was committed to obtain substance(s) solely for self use.	R.C. 4731.22(B)(11), (B)(3), (B)(26)	\$ 5,000	\$ 2,000
I(N)	Plea of guilty to, judicial finding of guilt of, or judicial finding of eligibility for intervention in lieu of conviction for, a drug related felony where the underlying criminal conduct was directly related to a substance related impairment of the respondent and was committed to obtain substance(s) solely for self use.	R.C. 4731.22(B)(9), (B)(26)	\$ 20,000	\$ 4,000
I(O)	Plea of guilty to, judicial finding of guilt of, or judicial finding of eligibility for intervention in lieu of conviction for, a drug related misdemeanor where the underlying criminal conduct was directly related to a substance related impairment of the respondent and was committed to obtain substance(s) solely for self use.	R.C. 4731.22(B)(11), (B)(26)	\$ 5,000	\$ 2,000
I(P)	Utilizing a controlled substance in the treatment of a family member or self in violation of Section 4731-11-08, Ohio Administrative Code.	OAC 4731-11-08; R.C. 4731.22(B)(2), (B)(26)	\$ 10,000	\$ 1,500
<b>II</b>	<b>Minimal Standards of Care</b>			
II(A)	Departure from or failure to conform to minimal standards of care.	R.C. 4731.22 (B)(6)	\$ 20,000	\$ 3,500
II(B)	Sexual misconduct within practice.	OAC 4731-26-02; R.C. 4730.25(B)(19); 4731.22 (B)(6),	\$ 20,000	\$ 6,000
<b>III</b>	<b>Fraud, Misrepresentation, or Deception</b>			
III(A)	Fraud in passing examination.	RC 4730.25(A), (B)(8) ; 4731.22(A), (B)(5)	\$ 18,000	\$ 18,000
III(D)	Publishing a false, fraudulent, deceptive, or misleading statement.	RC 4730.25(B)(8), 4731.22(B)(5)	\$ 18,000	\$ 1,000
III(F)	Obtaining, or attempting to obtain, anything of value by fraudulent misrepresentations in the course of practice.	RC 4730.25(B)(10); 4731.22(B)(8);	\$ 18,000	\$ 8,000
III(G)	Deceptive advertising.	RC 4730.25(B)(8), (B)(10); 4731.22(B)(8), (B)(18)	\$ 17,000	\$ 1,500
III(H)	Representing, with purpose of obtaining compensation or advantage that incurable disease can be cured.	RC 4730.25(B)(9), (B)(10); 4731.22(B)(7), (B)(18)	\$ 20,000	\$ 18,000
<b>IV</b>	<b>Ethics Violations</b>			
IV(A)	Division of fees for referral of patients, or receiving a thing of value for specific referral of patient to utilize particular service or business.	RC 4731.22(B)(17)	\$ 18,000	\$ 9,000
IV(B)	Code of ethics violation.	RC 4731.22(B)(18)	\$ 18,000	\$ 3,000
IV(C)	Willfully betraying a professional confidence.	RC 4730.25(B)(18); RC 4731.22(B)(4)	\$ 20,000	\$ 4,000

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<b>V</b>	<b>Actions by Other States or Entities</b>			
<b>V</b>	Limitation, revocation, suspension, acceptance of license surrender, denial of license, refusal to renew or reinstate a license, imposition of probation, or censure or other reprimand, by another jurisdiction; action against clinical privileges by Department of Defense or Veterans Administration; or termination or suspension from Medicare or Medicaid.	RC 4730.27(B)(22), (B)(24)	No Fine. Fine may be levied based on underlying negative conduct	No Fine. Fine may be levied based on underlying negative conduct
<b>VI</b>	<b>Unauthorized Practice</b>			
<b>VI(A)</b>	Practice during suspension imposed by Board order.	RC 4731.22(B)(15); 4731.34; 4731.41; 4731.43; 4731.60	\$ 20,000	\$ 18,000
<b>VI(C)</b>	Aiding and abetting unlicensed practice or practice by unregistered physician assistant, anesthesiologist assistant, or radiologist assistant.	RC 4731.22(B)(15); 4731.34; 4731.41; 4731.43; 4731.60	\$ 20,000	\$ 5,000
<b>VI(D)</b>	Practice outside scope of license or registration.	RC 4731.22(B)(15); 4731.34; 4731.41; 4731.43; 4731.60	\$ 20,000	\$ 3,500
<b>VI(E)</b>	Supervising a physician assistant, anesthesiologist assistant, or radiologist assistant in the absence of an approved supervisory plan and approved supervision agreement.	RC 4731.22(B)(20); (B)(31); (B)(36); 4731.22(B)(39)	\$ 20,000	\$ 3,000
<b>VI(F)</b>	Practice of a physician assistant, anesthesiologist assistant, or radiologist assistant in the absence of an approved supervisory plan and an approved supervision agreement.	RC 4731.22(B)(20)	\$ 20,000	\$ 2,000
<b>VI(G)</b>	Permitting a physician assistant, anesthesiologist assistant, or radiologist assistant to perform services as a P.A., A.A., or R.A. in a manner that is inconsistent with the supervisory plan or special services plan under which that P.A./A.A./R.A. practices.	RC 4731.22(B)(20); (B)(31); (B)(36); 4731.22(B)(39)	\$ 20,000	\$ 3,000
<b>VI(H)</b>	Practice of a physician assistant, anesthesiologist assistant, or radiologist assistant in a manner that is inconsistent with the supervisory plan or special services plan under which that P.A./A.A./R.A. practices.	RC 4730.25 (B)(1)	\$ 20,000	\$ 3,000
<b>VI(I)</b>	Permitting a physician assistant to perform services as a physician assistant in a manner that is not in accordance with Chapter 4730 or other applicable chapter of the Revised Code and/or the rules adopted thereunder.	RC 4730.02(E); 4731.22(B)(31)	\$ 20,000	\$ 3,500
<b>VI(K)</b>	Failure to timely report termination of a physician assistant supervision agreement to the Board.	*refers to statutes no longer in effect	NA	NA
<b>VI(L)</b>	Limited Practitioner Holding Self Out as Doctor or Physician in Violation of Rule 4731 1 03(D) and/or 4731 1 03(E), Ohio Admin. Code.	RC 4731.22(B)(15); 4731.34; 4731.41; 4731.43; 4731.60	\$ 20,000	\$ 10,000
<b>VI(M)</b>	Practicing as a physician assistant without holding concurrent NCCPA certification.	RC 4730.11(A)(3); 4730.25(B)(27)	\$ 20,000	\$ 4,500
<b>VII</b>	<b>Violation of Conditions of Limitation</b>			
<b>VII(A)</b>	Violation of practice or prescribing limitations placed by the Board.	RC 4731.22(B)(15)	\$ 20,000	\$ 18,000
<b>VII(B)</b>	Violation of conditions of limitation, other than practice prohibitions, placed by the Board.	RC 4731.22(B)(15)	\$ 5,000	\$ 1,000
<b>VIII</b>	<b>Criminal Acts or Convictions</b>			
<b>VIII(A)</b>	Plea of guilty to, judicial finding of guilt of, or judicial finding of eligibility for intervention in lieu of conviction for, a felony committed in course of practice, except where the underlying criminal conduct was directly related to a substance related impairment of the respondent and was committed to obtain substance(s) solely for self use.	RC 4731.22(B)(9)	\$ 20,000	\$ 18,000
<b>VIII(B)</b>	Plea of guilty to, judicial finding of guilt of, or judicial finding of eligibility for intervention in lieu of conviction for, a felony not committed in course of practice.	RC 4731.22(B)(9)	\$ 20,000	\$ 8,000
<b>VIII(C)</b>	Commission of act constituting a felony in this state, regardless of where committed, if related to practice, except where the underlying criminal conduct was directly related to a substance related impairment of the respondent and was committed to obtain substance(s) solely for self use.	RC 4731.22(B)(10); (B)(26)	\$ 20,000	\$ 18,000
<b>VIII(D)</b>	Commission of act constituting a felony in this state, regardless of where committed, if unrelated to practice.	RC 4731.22(B)(10)	\$ 20,000	\$ 8,000
<b>VIII(E)</b>	Plea of guilty to, judicial finding of guilt of, or judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in course of practice or involving moral turpitude.	RC 4731.22(B)(11), (B)(13))	\$ 20,000	\$ 4,000
<b>VIII(F)</b>	Commission of act constituting a misdemeanor committed in course of practice or involving moral turpitude.	RC 4731.22(B)(12), (B)(14)	\$ 20,000	\$ 4,500

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VIII(G)	Plea of guilty to, judicial finding of guilt of, or judicial finding of eligibility for intervention in lieu of conviction for, a felony committed in course of practice, where the underlying criminal conduct was directly related to a substance related impairment of the respondent and was committed to obtain substance(s) solely for self use.	RC 4731.22(B)(9), (B)(26)	\$ 20,000	\$ 4,000
VIII(H)	Commission of act constituting a felony in this state, regardless of where committed, if related to practice, where the underlying criminal conduct was directly related to a substance related impairment of the respondent and was committed to obtain substance(s) solely for self use.	RC 4731.22(B)(10), (B)(26)	\$ 20,000	\$ 4,000
VIII(I)	Commission of act constituting a felony in this state, regardless of where committed, if related to practice of massage therapy with an expired licensee.	RC 4731.22(B)(10)	\$ 20,000	\$ 500
IX	<b>Impairment of Ability to Practice</b>			
IX (A)	Initial Impairment and/or Less than One Year of Sobriety: Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances (including the inability to practice in accordance with such standards without appropriate treatment, monitoring, or supervision).	RC 4731.22(B)(26)	No Fine. Fine may be levied based on underlying negative conduct	No Fine. Fine may be levied based on underlying negative conduct
IX (B)	"Slip Rule": Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances (including the inability to practice in accordance with such standards without appropriate treatment, monitoring, or supervision), where all conditions set forth in Rule 4731-16-02(D), Ohio Administrative Code, have been met.	RC 4731.22(B)(26)	N/A	N/A
IX (C)	First Relapse: Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances (including the inability to practice in accordance with such standards without appropriate treatment, monitoring, or supervision); first relapse during or following treatment, and/or where all conditions set forth in Rule 4731-16-02(D), Ohio Administrative Code, have not been met.	RC 4731.22(B)(26)	No Fine. Fine may be levied based on underlying negative conduct	No Fine. Fine may be levied based on underlying negative conduct
IX (D)	Second Relapse: Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances (including the inability to practice in accordance with such standards without appropriate treatment, monitoring, or supervision); second relapse during or following treatment.	RC 4731.22(B)(26)	No Fine. Fine may be levied based on underlying negative conduct	No Fine. Fine may be levied based on underlying negative conduct
IX (E)	Third Relapse: Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances (including the inability to practice in accordance with such standards without appropriate treatment, monitoring, or supervision); third relapse during or following treatment.	RC 4731.22(B)(26)	No Fine. Fine may be levied based on underlying negative conduct	No Fine. Fine may be levied based on underlying negative conduct
IX (F)	Impairment, 1 - 5 Years of Sobriety: Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances (including the inability to practice in accordance with such standards without appropriate treatment, monitoring, or supervision).	RC 4731.22(B)(26)	No Fine. Fine may be levied based on underlying negative conduct	No Fine. Fine may be levied based on underlying negative conduct
IX (G)	Impairment, 5+ Years of Sobriety: Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances (including the inability to practice in accordance with such standards without appropriate treatment, monitoring, or supervision).	RC 4731.22(B)(26)	No Fine. Fine may be levied based on underlying negative conduct	No Fine. Fine may be levied based on underlying negative conduct
IX (H)	Mental/Physical Illness, Currently Unable To Practice: Inability to practice according to acceptable and prevailing standards of care by reason of mental or physical illness (including any mental disorder, mental illness, physical illness, or physical deterioration that adversely affects cognitive, motor, or perceptive skills).	RC 4731.22(B)(19)	No Fine. Fine may be levied based on underlying negative conduct	No Fine. Fine may be levied based on underlying negative conduct

Category	Description	Statutory or Rule Violation	Maximum Fine	Minimum Fine
<b>IX (I)</b>	Mental/Physical Illness, Currently Able To Practice Subject To Appropriate Treatment, Monitoring, Or Supervision: Inability to practice according to acceptable and prevailing standards of care by reason of mental or physical illness (including any mental disorder, mental illness, physical illness, or physical deterioration, that adversely affects cognitive, motor, or perceptive skills) without appropriate treatment, monitoring, or supervision.	RC 4731.22(B)(19)	No Fine. Fine may be levied based on underlying negative conduct	No Fine. Fine may be levied based on underlying negative conduct
<b>X</b>	<b>CME</b>			
<b>X(A)</b>	Failure to respond timely to C.M.E. audit, but requisite C.M.E. Completed.	RC 4731.22(B)(20); OAC 4731-10-08 Code.	\$ 5,000	\$ 4,000
<b>X(B)</b>	Failure to complete C.M.E. as certified on renewal application.	RC 4731.22(B)(20); OAC 4731-10-08 Code.	\$ 5,000	\$ 4,500
<b>X(C)</b>	Failure to complete C.M.E. as certified on renewal application; repeat offense.	RC 4731.22(B)(20); OAC 4731-10-08 Code.	\$ 6,000	\$ 5,000
<b>XI</b>	<b>Miscellaneous Violations</b>			
<b>XI(A)</b>	Violating or attempting to violate, directly or indirectly, or assisting in or abetting violation of, or conspiring to violate, the Medical Practices Act or any rule promulgated by the Board.	RC 4731.22(B)(20)	\$ 20,000	\$ 4,500
<b>XI(B)</b>	Violation of any abortion law or rule.	RC 4731.22(B)(21), (B)(23), (B)(40), (B)(47)	\$ 20,000	\$ 5,000
<b>XI(C)</b>	Permitting name or certificate to be used when not actually directing treatment.	RC 4731.22(B)(1)	\$ 20,000	\$ 9,500
<b>XI(D)</b>	Failure to cooperate in an investigation conducted by the Board, except for B34 consent agreements related to indictments.	RC 4731.22(B)(34)	\$ 5,000	\$ 3,000

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