



Sub. H.B. 341

123rd General Assembly
(As Passed by the House)

Reps. Schuring, Van Vyven, Ogg, Hollister, Padgett, Jones, Netzley, Schuler, Sullivan, Allen, Maier, Smith, Patton, Barrett

BILL SUMMARY

- Prohibits any person, other than a physician, from practicing acupuncture unless the person holds a valid certificate of registration issued by the State Medical Board.
- Establishes standards of practice for acupuncturists.
- Authorizes the State Medical Board to enforce laws related to the practice of acupuncturists.

TABLE OF CONTENTS

The practice of acupuncture	2
Obtaining a certificate	2
Renewing a certificate.....	3
Use of titles	4
Standards of practice for acupuncturists	5
Physician supervision.....	5
Advising patients prior to treatment.....	5
Display of certification.....	5
Record retention.....	6
Discipline of acupuncturists	6
Grounds for discipline.....	6
Disciplinary procedures.....	9
Mental and physical examinations.....	9
Suspension without a hearing	11
Overturned convictions	12
Automatic suspension.....	12
Board findings.....	13
Conditions for reinstatement	13

Permanent suspension.....	13
Continuing jurisdiction	13
Board investigations	14
Enforcement	16

CONTENT AND OPERATION

The practice of acupuncture

(secs. 4762.01 and 4762.02)

Under current law, the practice of acupuncture is the practice of medicine and, thus, only individuals authorized by the State Medical Board to practice medicine and surgery may practice acupuncture.

The bill prohibits anyone from engaging in the practice of acupuncture unless the person holds a valid certificate of registration as an acupuncturist issued by the State Medical Board. The prohibition does not apply to a physician.¹ It also does not apply to a person who performs acupuncture as part of a training program leading to designation as a diplomate in acupuncture by the National Certification Commission for Acupuncture and Oriental Medicine.

"Acupuncture" is defined under the bill as a form of health care performed by the insertion and removal of specialized needles, with or without the application of moxibustion or electrical stimulation, to specific areas of the body. "Moxibustion" is defined as the use of an herbal heat source on one or more acupuncture points (sec. 4762.01).

Obtaining a certificate

(secs. 4731.24, 4762.03, and 4762.04)

The bill requires an individual seeking a certificate of registration as an acupuncturist to file with the State Medical Board a written application prescribed and supplied by the Board that includes all of the following:

- (1) Satisfactory proof that the applicant is at least 18 years of age and of good moral character;

¹ "Physician" means an individual authorized under the law governing the practice of medicine to practice medicine and surgery, osteopathic medicine and surgery, or podiatry (sec. 4762.01).

(2) Proof that the applicant has been designated as a diplomate in acupuncture by the National Certification Commission for Acupuncture and Oriental Medicine and that the designation is current and active;

(3) Any other information the Board requires.

The Board is required by the bill to review all applications received. The Board must determine whether each applicant meets the requirements to receive a certificate of registration not later than 60 days after receiving a complete application. An affirmative vote of not fewer than six members of the Board is required to determine that an applicant meets the requirements for a certificate.

The bill provides that at the time of making an application for a certificate of registration, the applicant must pay the Board a fee of \$100, no part of which may be returned. Under the bill, the fees will be deposited in the state treasury to the credit of the occupational licensing and regulatory fund and be used solely for the administration and enforcement activities of the State Medical Board.

The bill provides that if the Board determines that applicant meets the requirements for a certificate of registration as an acupuncturist, the secretary of the Board must register the applicant as an acupuncturist and issue to the applicant a certificate of registration. The certificate expires biennially and may be renewed.

The bill provides that on the application of the holder of a certificate of registration, the Board must issue a duplicate certificate to replace one that is missing or damaged, to reflect a name change, or for any other reasonable cause. The fee for a duplicate certificate is \$35.

Renewing a certificate

(sec. 4762.05)

Under the bill a person seeking to renew a certificate of registration as an acupuncturist must, on or before January 31 of each even-numbered year, apply for renewal. The State Medical Board must send renewal notices at least one month prior to the expiration date.

Applications must be submitted to the Board on forms the Board will prescribe and furnish. Each application must be accompanied by a biennial renewal fee of \$50. The fees are to be deposited in the state treasury to the credit of the occupational licensing and regulatory fund and used solely for the administration and enforcement activities of the State Medical Board.

The bill requires the applicant to report any criminal offense that constitutes grounds for refusing to issue a certificate of registration and to which the applicant has pleaded or been found guilty or for which the applicant has been found eligible for treatment in lieu of conviction, since last signing an application for a certificate of registration as an acupuncturist.

To be eligible for renewal, an acupuncturist must certify to the Board that the acupuncturist has maintained a designation as a diplomate in acupuncture by the National Certification Commission for Acupuncture and Oriental Medicine. If an applicant submits a complete renewal application and qualifies for renewal, the Board must issue the applicant a renewed certificate of registration.

A certificate that is not renewed on or before its expiration date is automatically suspended on its expiration date. The State Medical Board must reinstate a certificate suspended for failure to renew on an applicant's submission of the renewal fee and applicable monetary penalty. The penalty is \$25 if the certificate has been suspended for two years or less and \$50 if it has been suspended for more than two years. The reinstatement fee is to be deposited in the state treasury to the credit of the occupational licensing and regulatory fund and used solely for the administration and enforcement activities of the State Medical Board.

The bill provides that the monetary penalty (a civil penalty) for reinstatement may be in addition to or in lieu of any disciplinary action the Board may take.

Use of titles

(sec. 4762.07)

Under the bill, an individual who holds a certificate of registration to practice acupuncture may use only the following titles, initials, or abbreviations, or the equivalent: "Acupuncturist," "Registered Acupuncturist," "C.A.," "C.Ac.," "Certified Acupuncturist," "Dipl. Ac (NCCAOM)," "Diplomate of Acupuncture (NCCAOM)," "Licensed Acupuncturist," "National Board Certified in Acupuncture (NCCAOM)," "R.Ac.," or "Reg. Ac."

Standards of practice for acupuncturists

Physician supervision

(sec. 4762.06)

The bill requires that an acupuncturist practice under the written referral or prescription and general supervision of a physician. The supervising physician is not required to be registered with a board as an acupuncturist. An acupuncturist is not required to practice acupuncture on the premises of the office of a physician.

A supervising physician is required by the bill to do all of the following:

(1) Prior to acupuncture treatment, perform a medical or diagnostic examination or review the results of a recently performed medical diagnostic examination with respect to any ailment or condition to be treated by acupuncture;

(2) Be personally available for consultation on the premises at which acupuncture is performed or be readily available to the acupuncturist through some means of telecommunication and be in a location that under normal circumstances is not more than 60 minutes travel time away from the location where the acupuncturist is practicing;

(3) Place conditions and restrictions on the course of treatment in compliance with accepted or prevailing standards of medical care.

Advising patients prior to treatment

(secs. 4762.08 and 4762.09)

The bill provides that prior to treating a patient, an acupuncturist must advise the patient that acupuncture is not a substitute for conventional medical diagnosis and treatment. When first meeting a patient in person, an acupuncturist must provide in writing the acupuncturist's name, business address, and business telephone number, and information on acupuncture, including the techniques that are used.

Display of certification

(sec. 4762.11)

The bill requires an acupuncturist to conspicuously display at the acupuncturist's primary place of business both of the following:

(1) A certificate of registration issued by the State Medical Board as evidence that the acupuncturist is certified to practice acupuncture in Ohio;

(2) A notice specifying that the practice of acupuncture is regulated by the State Medical Board and the address and telephone number of the Board's office.

Record retention

(sec. 4762.10)

The bill provides that an acupuncturist must maintain records for each patient treated. The records are confidential and must be retained for not less than three years following termination of treatment.

Discipline of acupuncturists

The bill establishes grounds for discipline of acupuncturists that are similar to those in existing law for physicians and physician assistants. The procedures for taking disciplinary action against an acupuncturist are virtually the same as those for action against a physician or physician assistant.

Grounds for discipline

(sec. 4762.13(A) and (B))

The bill authorizes the State Medical Board, by an affirmative vote of not fewer than six members, to revoke or refuse to grant a certificate of registration as an acupuncturist to a person found to have committed fraud, misrepresentation, or deception in applying for or securing the certificate.

It requires the Board, by an affirmative vote of not fewer than six members and to the extent permitted by law, to limit, revoke, or suspend an individual's certificate of registration as an acupuncturist, refuse to issue a certificate, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate for any of the following reasons:

- (1) Permitting the holder's name or certificate to be used by another person;
- (2) Failure to comply with the bill's requirements or any rules adopted by the Board;
- (3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any of the bill's requirements or rules adopted by the Board;
- (4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;

(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for patients or in securing or attempting to secure a certificate of registration to practice as an acupuncturist. The bill defines a "false, fraudulent, deceptive, or misleading statement" as a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived;

(9) Representing, with the purpose of obtaining compensation or any other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(10) Obtaining, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction for, a felony;

(12) Commission of an act that constitutes a felony in Ohio, regardless of the jurisdiction in which the act was committed;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction for, a misdemeanor committed in the course of practice;

(14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction for, a misdemeanor involving moral turpitude;

(15) Commission of an act in the course of practice that constitutes a misdemeanor in Ohio, regardless of the jurisdiction in which it was committed;

(16) Commission of an act involving moral turpitude that constitutes a misdemeanor in Ohio, regardless of the jurisdiction in which it was committed;

(17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;

(18) Any of the following actions taken by the state agency responsible for regulating the practice of acupuncture in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(19) Violation of the conditions placed by the Board on a certificate of registration;

(20) Failure to use universal blood and body fluid precautions established by the Board;

(21) Failure to cooperate in an investigation conducted by the Board, including failure to comply with a subpoena or order issued by the Board or failure to answer truthfully a question presented by the Board at a deposition or in written interrogatories, except that the failure to cooperate with an investigation may not constitute grounds for discipline if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(22) Failure to comply with the standards of the National Certification Commission for Acupuncture and Oriental Medicine regarding professional ethics, commitment to patients, commitment to the profession, and commitment to the public.

Disciplinary procedures

(sec. 4762.13(C), (D), and (E))

The bill provides that disciplinary actions must be taken by the Board in accordance with the Administrative Procedure Act (R.C. Chapter 119.), except that in lieu of adjudication, the Board may enter into a consent agreement with an acupuncturist or applicant to resolve an allegation of a violation of any of the bill's provisions or any rule adopted under them. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the Board, constitutes the

findings and order of the Board with respect to the matter addressed in the agreement. If the Board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement will be of no force or effect.

The bill provides that the commission of certain criminal acts may be established by a finding of the Board, pursuant to an adjudication under the Administrative Procedure Act, that the applicant or certificate holder committed the act in question. Under the bill, the Board has no jurisdiction in cases where the trial court renders final judgment in the certificate holder's favor and that judgment is based on an adjudication on the merits. The Board has jurisdiction in cases where the trial court issues an order of dismissal on technical or procedural grounds.

Under the bill the sealing of conviction records by any court will have no effect on a prior Board order entered under the bill's disciplinary provisions or on the Board's jurisdiction if, based on a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for treatment in lieu of conviction, the Board issued a notice of opportunity for a hearing prior to the court's order to seal the records. The Board is not required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

Mental and physical examinations

(sec. 4762.13(F))

Any individual who holds a certificate of registration as an acupuncturist, or applies for a certificate of registration, is deemed by the bill to have given consent to a mental or physical examination when directed to do so in writing by the Board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

On a showing of a possible violation of the bill's provision dealing with inability to practice acceptably because of mental or physical illness or because of habitual or excessive use or abuse of drugs or alcohol, the Board may compel an individual who holds a certificate of registration or who has applied for a certificate to submit to a mental examination, a physical examination, or both. The expense of the examination is the responsibility of the individual examined. In the case of an individual who is unable to practice acceptably because of physical illness, a physical examination ordered by the Board may include an HIV test. In the case of an individual who is unable to practice acceptably because of habitual or excessive use or abuse of drugs or alcohol, the mental or physical examination must be undertaken by a treatment provider or physician chosen by the Board who is qualified to conduct the examination.

Failure to submit to a mental or physical examination or consent to an HIV test ordered by the Board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control. A default and final order may be entered without the taking of testimony or presentation of evidence.

If the Board finds that an individual's ability to practice is impaired by the habitual or excessive use or abuse of drugs or alcohol, the Board must suspend the individual's certificate or deny the individual's application and require the individual, as a condition for initial, continued, reinstated, or renewed licensure to practice, to submit to treatment. If the Board finds that an acupuncturist is unable to practice because of an inability to practice acceptably because of mental or physical illness, the Board must require the acupuncturist to submit to care, counseling, or treatment by physicians approved or designated by the Board, as a condition for an initial, continued, reinstated, or renewed certificate of registration. An individual affected by mental or physical illness must be afforded an opportunity to demonstrate to the Board the ability to resume practicing in compliance with acceptable and prevailing standards of care.

Before being eligible to apply for reinstatement of a suspended certificate, an acupuncturist whose ability to practice was found to be impaired by use or abuse of drugs or alcohol must demonstrate the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration must include the following:

(1) Certification from an approved treatment provider approved by the Board that the individual has successfully completed any required inpatient treatment;

(2) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(3) Two written reports indicating that the individual's ability to practice has been assessed and the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports must be made by individuals or providers approved by the Board for making assessments and describe the basis for their determination. The Board may reinstate a suspended certificate after this demonstration and after the individual has entered into a written consent agreement.

When the impaired acupuncturist resumes practice, the Board must require continued monitoring. The monitoring must include compliance with the written consent agreement entered into before reinstatement or with conditions imposed by Board order after a hearing, and, on termination of the consent agreement,

submission to the Board for at least two years of annual written progress reports made under penalty of falsification stating whether the acupuncturist has maintained sobriety.

Suspension without a hearing

(sec. 4762.13(G))

If the Secretary and supervising member of the State Medical Board determine that there is clear and convincing evidence that an acupuncturist has violated one of the bill's disciplinary provisions and that continued practice presents a danger of immediate and serious harm to the public, the bill permits them to recommend that the Board suspend the acupuncturist's certificate to practice without a prior hearing. Written allegations must be prepared for consideration by the Board.

The Board may, on review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the Secretary and supervising member, suspend a certificate without a prior hearing. A telephone conference may be utilized for reviewing the allegations and taking the vote on the suspension.

Under the bill the Board must issue a written order of suspension by certified mail or in person in accordance with the Administrative Procedure Act. The order is not subject to suspension by the court during the pendency of any appeal filed under the Administrative Procedure Act. If the acupuncturist requests an adjudicatory hearing by the Board, the date set for the hearing must be within 15 days, but not earlier than seven days, after the acupuncturist requests the hearing, unless otherwise agreed to by both the Board and the acupuncturist.

A summary suspension will remain in effect, unless reversed on appeal, until a final adjudicative order issued by the Board pursuant to the provisions in the bill and the Administrative Procedure Act becomes effective. The Board must issue its final adjudicative order within 60 days after completion of its hearing. Failure to issue the order within 60 days will result in dissolution of the suspension order, but will not invalidate any subsequent, final adjudicative order.

Overtured convictions

(sec. 4762.13(H))

If the Board takes disciplinary action under the bill against an acupuncturist for certain criminal actions, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for treatment in lieu of conviction is overturned on appeal, on

exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the Board along with appropriate court documents. On receipt of a petition and supporting court documents, the Board must reinstate the acupuncturist's certificate. The Board may then hold an adjudication under the Administrative Procedure Act to determine whether the individual committed the act in question. Notice of opportunity for hearing must be given in accordance with the Administrative Procedure Act. If the Board finds, pursuant to an adjudication, that the acupuncturist committed the act, or if no hearing is requested, it may order any of the sanctions identified in the bill.

Automatic suspension

(sec. 4762.13(I))

The certificate of registration of an acupuncturist and the acupuncturist's practice in Ohio are automatically suspended under the bill as of the date the acupuncturist pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for treatment in lieu of conviction for any of the following criminal offenses in Ohio or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension will be considered practicing without a certificate.

Under the bill, the Board must notify the acupuncturist by certified mail or in person in accordance with the Administrative Procedure Act. If an acupuncturist whose certificate is suspended fails to make a timely request for adjudication under the Administrative Procedure Act, the Board must enter a final order permanently revoking the certificate.

Board findings

(sec. 4762.13(J))

The bill provides that in any instance in which the Board is required by the Administrative Procedure Act to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing, the Board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the Board's findings. In that final order, the Board may take any of the disciplinary actions provided for in the bill.

Conditions for reinstatement

(sec. 4762.13(K))

The bill requires that any disciplinary action taken by the Board that results in a suspension be accompanied by a written statement of the conditions under which the certificate may be reinstated. The Board must adopt rules in accordance with the Administrative Procedure Act governing conditions to be imposed for reinstatement. Reinstatement of a certificate requires an affirmative vote of not fewer than six members of the Board.

Permanent suspension

(sec. 4762.13(L))

When the Board refuses to grant a certificate of registration as an acupuncturist, revokes a certificate, refuses to issue a certificate, or refuses to reinstate a certificate, the bill permits the Board to specify that its action is permanent. An individual subject to a permanent action taken by the Board is forever ineligible to hold a certificate of registration as an acupuncturist and the Board may not accept an application for reinstatement of the certificate or for issuance of a new certificate.

Continuing jurisdiction

(sec. 4762.13(M))

With respect to the Board's authority over an individual who has applied for or received a certificate of registration as an acupuncturist, the bill provides the following:

(1) The surrender of a certificate of registration as an acupuncturist is not effective until accepted by the Board. Reinstatement of a certificate surrendered to the Board requires an affirmative vote of not fewer than six members of the Board.

(2) An application for a certificate of registration may not be withdrawn without the approval of the Board.

(3) Failure to renew a certificate of registration does not remove or limit the Board's jurisdiction to take disciplinary action against an individual.

Board investigations

(sec. 4762.14)

The bill requires the State Medical Board to investigate evidence that appears to show that any person has violated any provision of the bill or any rule adopted under it. Any person may report to the Board in a signed writing any information the person has that appears to show a violation of any provision of the bill or rule adopted under it. In the absence of bad faith, a person who reports such information or testifies before the Board in an adjudication conducted under the Administrative Procedure Act is not liable for civil damages as a result of reporting the information or providing testimony. Each complaint or allegation of a violation received by the Board must be assigned a case number and recorded by the Board.

Investigations of alleged violations of a provision of the bill or rules adopted under it must be supervised by the Board member elected as the supervising member and the member elected to serve as secretary. The Board's president may designate another Board member to supervise the investigation in place of the supervising member. A Board member who supervises the investigation of a case may not participate in further adjudication of the case.

In investigating a possible violation of a provision of the bill or a rule adopted under it, the Board may administer oaths, order the taking of depositions, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information may not be issued without consultation with the Attorney General's office and approval of the secretary and supervising member of the Board. Before issuance of a subpoena for patient record information, the secretary and supervising member must determine whether there is probable cause to believe that the complaint filed alleges a violation of a provision of the bill or a rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation. On failure to comply with any subpoena issued by the Board and after reasonable notice to the person being subpoenaed, the Board may move for an order compelling the production of persons or records under the Ohio Rules of Civil Procedure.

A subpoena issued by the Board may be served by a sheriff, the sheriff's deputy, or a Board employee designated by the Board. Service of a subpoena issued by the Board may be made by delivering a copy of the subpoena to the person named on it, reading it to the person, or leaving it at the person's usual place of residence. When the person being served is an acupuncturist, service of the subpoena may be made by certified mail, restricted delivery, return receipt requested, and the subpoena will be deemed served on the date delivery is made or the date the person refuses to accept delivery.

A sheriff's deputy who serves a subpoena under the bill must receive the same fees as a sheriff. Each witness who appears before the Board in obedience to a subpoena must receive the fees and mileage provided for witnesses in civil cases in the courts of common pleas.

The bill provides that proceedings and records within the scope of peer review or utilization review functions of review boards, committees, or corporations are not subject to discovery or introduction in evidence in a disciplinary action against an acupuncturist.

The bill specifies that information the Board receives pursuant to an investigation is confidential and not subject to discovery in any civil action. The Board is required to conduct all investigations and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the Board. The Board may not make public the names or other identifying information about patients or complainants unless proper consent is given or, in the case of a patient, a waiver of the patient privilege exists. The exception is that consent or a waiver is not required if the Board possesses reliable and substantial evidence that no bona fide physician-patient relationship exists.

The bill authorizes the Board to share information received through an investigation, including patient records and patient record information, with other licensing boards and governmental agencies that are investigating alleged professional misconduct and with law enforcement agencies and other governmental agencies that are investigating or prosecuting alleged criminal offenses. A board or agency that receives the information must comply with the same requirements regarding confidentiality as those with which the State Medical Board must comply. The information may be admitted into evidence in a criminal trial in accordance with the Rules of Evidence, but the court must require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the State Medical Board when the information was in the Board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

The Board must develop requirements for and provide appropriate initial and continued training for investigators employed by the Board to carry out its duties under the bill. The training and continuing education may include enrollment in courses operated or approved by the Ohio Peace Officer Training Council that the Board considers appropriate.

On a quarterly basis, the bill requires the Board to prepare a report that documents the disposition of all cases during the preceding three months. The report must contain the following information for each case with which the Board has completed its activities:

- (1) The case number assigned to the complaint or alleged violation;
- (2) The type of certification to practice, if any, held by the individual against whom the complaint is directed;
- (3) A description of the allegations contained in the complaint;
- (4) The disposition of the case.

The report must state how many cases are still pending and be prepared in a manner that protects the identity of the person involved in each case. The report is a public record for the purposes of Ohio law.

Enforcement

(sec. 4762.15)

The secretary of the State Medical Board is to enforce the laws relating to the practice of acupuncture. If the secretary has knowledge or notice of a violation of a provision of the bill or the rules adopted under it, the secretary must investigate the matter, and, on probable cause appearing, file a complaint and prosecute the offender. When requested by the secretary, the prosecuting attorney of the proper county must take charge of and conduct the prosecution.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	05-13-99	p. 663
Reported, H. Health, Retirement & Aging	10-13-99	p. 1268
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