



# Ohio Legislative Service Commission

## Final Analysis

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### **Am. Sub. H.B. 292** 129th General Assembly (As Passed by the General Assembly)

**Reps.** Gonzales, Grossman, Stebelton, Reece, Dovilla, Gardner, Baker, Wachtmann, Fende, Antonio, Carney, Celeste, Duffey, Garland, Yuko, Beck, Blair, Boyd, Cera, Combs, Conditt, Damschroder, DeVitis, Hackett, Johnson, Maag, Milkovich, Pelanda, Ruhl, Sears, Slaby, Stinziano, Weddington, Winburn

**Sens.** Jones, Tavares, Brown, Hite, Hughes, Kearney, Lehner, Manning, Niehaus, Oelslager, Sawyer

**Effective date:** September 6, 2012; certain provisions effective June 6, 2012, and September 6, 2013

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## ACT SUMMARY

### **Genetic counselors**

- Creates licensing requirements for the practice of genetic counseling and requires the State Medical Board to implement and administer the licensure process.
- Authorizes a licensed genetic counselor to (1) provide medical, genetic, and counseling information to patients, their families, and other health care professionals and (2) order genetic or other diagnostic tests under a collaborative agreement with a physician.

### **Visiting physicians**

- Establishes a visiting clinical professional development certificate, to be issued by the Medical Board, authorizing a physician licensed in another country to practice medicine in Ohio as part of participating in a clinical professional development program.
- Replaces provisions for issuing a visiting medical faculty certificate with provisions for issuing a clinical research faculty certificate, which authorizes a physician licensed in another state or country to practice medicine in Ohio as incidental to the physician's research duties (in addition to teaching duties as previously authorized) at a medical school or affiliated teaching hospital.

## Technical corrections

- Makes technical corrections in laws administered by the Medical Board regarding (1) the contents of an application for a certificate to practice massage therapy or cosmetic therapy and (2) procedures for restoring or issuing a certificate to practice for a physician, massage therapist, or cosmetic therapist who has not been in practice for more than two years.

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## TABLE OF CONTENTS

Genetic counselors .....	2
Practice .....	3
Collaborative agreements with physicians .....	3
Unlicensed practice prohibited .....	4
Eligibility for licensure .....	4
License application and issuance .....	5
License renewal and continuing education .....	6
License restoration and reinstatement .....	7
Supervised practice license .....	7
Special activity license .....	8
Duplicate license .....	9
Disciplinary actions .....	9
Regulatory procedures .....	10
Rulemaking .....	11
Board immunity from liability .....	11
Visiting physicians – clinical professional development certificates .....	11
Eligibility .....	12
Duration .....	13
Authority to practice .....	14
Revocation .....	14
Visiting physicians - clinical research faculty certificates .....	15
Eligibility .....	15
Duration and renewal .....	16
Technical corrections in Medical Board statutes .....	17

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## CONTENT AND OPERATION

### Genetic counselors

To practice genetic counseling, the act requires an individual to be licensed by the State Medical Board. The licensure process is to be operated in generally the same way that the Board regulates other health care professionals, such as physicians.

## **Practice**

A genetic counselor holding a valid license under the act is authorized to engage in all of the following:<sup>1</sup>

(1) Obtaining and evaluating the medical histories of a patient and the patient's family members to determine the risk for genetic or medical conditions and diseases in the patient, the patient's offspring, or the patient's family members;

(2) Discussing with a patient and the patient's family the features, natural history, means of diagnosis, genetic and environmental factors, and management of risk for genetic or medical conditions and diseases;

(3) Identifying and coordinating genetic laboratory tests and other diagnostic studies as appropriate for genetic assessment;

(4) Integrating the results of genetic laboratory tests and other diagnostic tests with individual and family medical histories;

(5) Explaining to a patient and the patient's family the clinical implications of the results of genetic laboratory tests and other diagnostic tests;

(6) Evaluating the response of a patient or the patient's family members to one or more genetic conditions or the risk of reoccurrence and providing patient-centered counseling and guidance;

(7) Identifying and using community resources that provide medical, educational, financial, and psychosocial support and advocacy;

(8) Providing medical, genetic, and counseling information to patients, their families, and other health care professionals.

## **Collaborative agreements with physicians**

The act authorizes a licensed genetic counselor to enter into a collaborative agreement with a physician who agrees to work with and provide medical support to the genetic counselor. Under a collaborative agreement a genetic counselor may, in addition to the activities listed above, do the following:<sup>2</sup>

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<sup>1</sup> R.C. 4778.11(A).

<sup>2</sup> R.C. 4778.11(B).

(1) Order genetic or other tests for the purpose of diagnosing a medical condition or inherited disorder or determining the carrier status of one or more of the patient's family members;

(2) Select the most appropriate, accurate, and cost-effective methods of diagnosis.

The collaborative agreement must be in writing, memorialize the relationship between the genetic counselor and the collaborating physician, and establish the criteria governing the performance of these two activities. It may be entered into with a doctor of medicine and surgery or osteopathic medicine and surgery.<sup>3</sup>

### **Unlicensed practice prohibited**

Beginning September 6, 2013, which is one year after the effective date of the act's provisions regarding genetic counselors, a person is prohibited from practicing as a genetic counselor without a valid license. The act prohibits a person from using the title "genetic counselor" or otherwise holding the person out as such without a license. A person who violates either prohibition is guilty of a first degree misdemeanor for the first offense and a fifth degree felony for each subsequent offense.<sup>4</sup>

The act specifies that the prohibitions do not apply to either of the following:<sup>5</sup>

(1) An individual authorized by another Ohio statute to perform any of the activities that a genetic counselor is authorized to perform;

(2) A student performing a task as part of a genetic counseling graduate program.

### **Eligibility for licensure**

To be eligible to receive a genetic counselor license, the act requires that an individual meet all of the following requirements:<sup>6</sup>

(1) Be at least 18 years old and of good moral character;

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<sup>3</sup> R.C. 4778.01(H) and 4778.11(B).

<sup>4</sup> R.C. 4778.02(A) and 4778.99; Sections 4 and 5.

<sup>5</sup> R.C. 4778.02(B).

<sup>6</sup> R.C. 4778.03(B).

(2) Attain a master's degree or higher from a genetic counseling graduate program accredited by the American Board of Genetic Counseling, its successor, or an equivalent organization recognized by the Medical Board;<sup>7</sup>

(3) Be a certified genetic counselor, which means that an individual has met the requirements for national certification from either of two organizations specified by the act, as follows:<sup>8</sup>

(a) The individual possesses the certified genetic counselor credential from the American Board of Genetic Counseling, its successor, or an equivalent organization recognized by the Medical Board;

(b) The individual is a diplomate of the American Board of Medical Genetics, its successor, or an equivalent organization recognized by the Medical Board. (The American Board of Medical Genetics uses the term "diplomate" to describe an individual who has been certified by the Board. The title is granted when the individual receives passing scores on both a general examination and specialty examination.<sup>9</sup>)

(4) Satisfy any other requirements established in rules to be adopted under the act.

### **License application and issuance**

A person seeking a genetic counselor license must file with the Medical Board an application in a manner prescribed by the Board, pay a nonrefundable and nontransferable application fee of \$200, and submit to a criminal records check. The application must include all the information the Board considers necessary to process the application, including evidence that the applicant meets the act's licensure eligibility requirements.<sup>10</sup>

The Board must review all complete applications within 60 days of receipt. After review, if at least six Board members determine that an applicant meets the licensing

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<sup>7</sup> R.C. 4778.01(A).

<sup>8</sup> R.C. 4778.01(C).

<sup>9</sup> American Board of Medical Genetics, *ABMG Glossary of Terms* (last visited September 26, 2012), available at <[http://www.abmg.org/pages/resources\\_glossary.shtml](http://www.abmg.org/pages/resources_glossary.shtml)>.

<sup>10</sup> R.C. 4778.03(A) and 4778.04.

requirements, the Board's secretary must issue a license to the applicant. A license is valid for two years and may be renewed.<sup>11</sup>

### **License renewal and continuing education**

A person seeking to renew a genetic counselor license must, on or before January 31 of each even-numbered year, apply for license renewal. The Medical Board must send renewal notices at least one month prior to the license expiration date.<sup>12</sup>

To be eligible for renewal, a genetic counselor must certify to the Board that the counselor has done both of the following:<sup>13</sup>

(1) Maintained the counselor's status as a certified genetic counselor;

(2) Completed at least 30 hours of continuing education in genetic counseling that has been approved by the National Society of Genetic Counselors or American Board of Genetic Counseling.

Renewal applications must be submitted to the Board in a manner prescribed by the Board and must be accompanied by a biennial renewal fee of \$150. An applicant must report any criminal offense to which the applicant has pleaded guilty to or been found guilty of or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing a license application.<sup>14</sup> If an applicant submits a complete application and qualifies for renewal, the Board must issue to the applicant a renewed license.<sup>15</sup>

The Board may require a random sample of genetic counselors to submit materials documenting that their status as a certified genetic counselor has been maintained and that the required number of hours of continuing education has been completed.<sup>16</sup> If a genetic counselor certifies that the counselor has completed the number of hours and type of continuing education required for renewal, and the Board finds through the random sample or any other means that the genetic counselor did not complete the required continuing education, the Board is permitted to impose a civil penalty of not more than \$5,000. The Board's finding must be made by an adjudication

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<sup>11</sup> R.C. 4778.03(C), 4778.05, and 4778.06.

<sup>12</sup> R.C. 4778.06(A).

<sup>13</sup> R.C. 4778.06(B).

<sup>14</sup> R.C. 4778.06(A).

<sup>15</sup> R.C. 4778.06(C).

<sup>16</sup> R.C. 4778.06(D).

and by an affirmative vote of at least six Board members. Any civil penalty imposed may be in addition to or in lieu of any other disciplinary action the Board is authorized to take under the act.<sup>17</sup>

### **License restoration and reinstatement**

A license that is not renewed on or before its expiration date is automatically suspended on that date.<sup>18</sup> If a license has been suspended for two years or less, the Board must reinstate it on submission of a complete renewal application, the renewal fee, and a \$25 reinstatement penalty.<sup>19</sup>

If a license has been suspended for more than two years, it may be restored on submission of a complete restoration application, the renewal fee, a \$50 restoration penalty, and satisfactory completion of a criminal records check.<sup>20</sup> The Board is authorized to impose terms and conditions for the restoration, including the following:<sup>21</sup>

(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice;

(2) Requiring the applicant to obtain additional training and pass an examination on completion of the training;

(3) Restricting or limiting the extent, scope, or type of practice of the applicant.

### **Supervised practice license**

The act authorizes the Medical Board to issue a supervised practice license to an applicant who provides evidence of meeting all license eligibility requirements other than being a certified genetic counselor.<sup>22</sup>

The applicant must be in "active candidate status" with the American Board of Genetic Counseling (ABGC). An individual seeking to take ABGC's certification examination must first apply for this status. Application can be made at any time after graduation from an ABGC-accredited program. An applicant whose credentials are

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<sup>17</sup> R.C. 4778.06(D).

<sup>18</sup> R.C. 4778.07(A).

<sup>19</sup> R.C. 4778.07(B).

<sup>20</sup> R.C. 4778.07(C)(1).

<sup>21</sup> R.C. 4778.07(C)(2).

<sup>22</sup> R.C. 4778.08(A).

approved by ABGC is given active candidate status and permitted to take the examination, which is offered annually during an ABGC-selected period of approximately 30 days.<sup>23</sup>

A supervised practice license allows the license holder to engage in the genetic counseling activities authorized by the act's but only under the general supervision of a licensed genetic counselor or a physician. The act specifies that general supervision does not require the supervisor to be present while the license holder engages in genetic counseling, but the supervisor is professionally responsible for the license holder and must be readily accessible for professional consultation and assistance.<sup>24</sup>

A supervised practice license is valid from the date of issuance until the earlier of one year from that date or the date a full genetic counselor license is issued. A supervised practice license cannot be renewed.<sup>25</sup>

### **Special activity license**

The act permits the Medical Board to issue a special activity license to a person from another state seeking to practice genetic counseling associated with a rare disease.<sup>26</sup> An applicant for the license must submit all of the following information to the Board and pay a nonrefundable and nontransferable application fee of \$25:<sup>27</sup>

(1) Evidence that the applicant holds a current, unrestricted genetic counselor license issued by another state or, if the applicant practices genetic counseling in another state that does not license genetic counselors, evidence that the applicant is a nationally certified genetic counselor;

(2) Evidence that the applicant has actively practiced genetic counseling within two years immediately preceding application;

(3) The name of the applicant's sponsoring institution or organization, a statement of need for genetic counseling from that sponsor, and the name of the rare disease for which the applicant will be practicing genetic counseling in Ohio.

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<sup>23</sup> American Board of Genetic Counseling, *Frequently Asked Questions about Certification and How Do I Qualify for the Exam?* (last visited September 26, 2012), available at <[http://www.abgc.net/Resources\\_Links/FAQs.asp](http://www.abgc.net/Resources_Links/FAQs.asp)>.

<sup>24</sup> R.C. 4778.08(B).

<sup>25</sup> R.C. 4778.08(B).

<sup>26</sup> R.C. 4778.09(A).

<sup>27</sup> R.C. 4778.09(B) and (C).

A special activity license holder is authorized to practice genetic counseling only to the extent that it is associated with the rare disease for which the license was issued. The act prohibits a license holder from billing a patient or any third party payer for genetic counseling provided in Ohio.<sup>28</sup>

A special activity license is valid for the shorter of 30 days or the duration of the genetic counseling associated with the rare disease. The license may not be renewed.<sup>29</sup>

The Board may revoke a special activity license on receiving satisfactory proof that the license holder has practiced outside the scope of the license or that there are grounds for taking disciplinary action against the holder.<sup>30</sup>

### **Duplicate license**

The act permits a genetic counselor to apply for a duplicate license to replace one that is missing or damaged, to reflect a name change, or for any other reasonable cause. On receipt of the application and payment of a \$35 fee, the Medical Board must issue the duplicate license.<sup>31</sup>

### **Disciplinary actions**

The act authorizes the Medical Board to take professional disciplinary action against a genetic counselor in the same manner, and for the same reasons, as continuing law authorizes the Board to take action against other health care professionals the Board regulates. However, of the reasons for taking disciplinary action, two relate specifically to genetic counselors: (1) failure to maintain the individual's status as a certified genetic counselor and (2) failure to comply with the code of ethics of the National Society of Genetic Counselors.<sup>32</sup>

In the case of a physician, the act authorizes the Board to take disciplinary action for the following reasons: (1) failure to appropriately supervise a genetic counselor holding a supervised practice license and (2) failure to appropriately fulfill the

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<sup>28</sup> R.C. 4778.09(E).

<sup>29</sup> R.C. 4778.09(D).

<sup>30</sup> R.C. 4778.09(F).

<sup>31</sup> R.C. 4778.10.

<sup>32</sup> R.C. 4778.14.

responsibilities of collaboration after entering into a collaborative agreement with a genetic counselor.<sup>33</sup>

### **Regulatory procedures**

The act establishes additional procedures for the regulation of genetic counselors that are the same as the procedures that apply to the other health care professionals the Medical Board regulates. The issues addressed include the following:

--Investigations of violations and imposition of sanctions;<sup>34</sup>

--License suspension or revocation when a genetic counselor who is adjudicated mentally ill or mentally incompetent, in default under a child support order, or found guilty of certain sex or drug offenses;<sup>35</sup>

--Notifications to be provided to the Board by prosecutors, health care facilities, professional associations or societies, and professional liability insurers regarding actions taken against a genetic counselor;<sup>36</sup>

--Injunctions against a person engaging in genetic counseling without a license;<sup>37</sup>

--Maintenance of records by the Board of its proceedings and a register of license applicants;<sup>38</sup>

--Requirements relating to genetic counselors suffering impairment from the use of drugs or alcohol;<sup>39</sup>

--Deposit of fees, penalties, and other funds in the state treasury to the credit of the preexisting State Medical Board Operating Fund.<sup>40</sup>

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<sup>33</sup> R.C. 4731.22(B)(45) and (46).

<sup>34</sup> R.C. 4778.18 and 4778.20.

<sup>35</sup> R.C. 4778.15, 4778.16, and 4778.19.

<sup>36</sup> R.C. 4731.224.

<sup>37</sup> R.C. 4778.21.

<sup>38</sup> R.C. 4731.07.

<sup>39</sup> R.C. 4731.25.

<sup>40</sup> R.C. 4731.24 and 4778.22.

## **Rulemaking**

The act requires the Medical Board to adopt rules in accordance with the Administrative Procedure Act (R.C. Chapter 119.) necessary to implement and administer the act's provisions. The rules must include all of the following:<sup>41</sup>

(1) Any standards and procedures not addressed in the act that the Board considers necessary for issuing and renewing licenses;

(2) Any standards and procedures the Board considers necessary to govern the practice of genetic counselors, the collaborative agreements between genetic counselors and collaborating physicians, and the supervision of genetic counselors holding supervised practice licenses;

(3) Any other standards and procedures the Board considers necessary for the administration and enforcement of the act.

## **Immunity from liability**

In the absence of fraud or bad faith, the act provides that the Medical Board, a Board member or former member, an agent of the Board, a person formally requested by the Board to be the Board's representative, or an employee of the Board is not liable in damages to any person as the result of any act, omission, proceeding, conduct, or decision related to official duties undertaken or performed pursuant to the act's genetic counseling provisions. If any such person asks to be defended by the state against any claim or action arising out of any act, omission, proceeding, conduct, or decision related to the person's official duties, and if the request is made in writing at a reasonable time before trial and the person requesting defense cooperates in good faith in the defense of the claim or action, the act requires the state to provide and pay for the person's defense and pay any resulting judgment, compromise, or settlement. The act specifies that at no time is the state to pay any part of a claim or judgment that is for punitive or exemplary damages.<sup>42</sup>

## **Visiting physicians – clinical professional development certificates**

The act creates a visiting clinical professional development certificate.<sup>43</sup> The certificate authorizes the practice of medicine and surgery or osteopathic medicine and surgery as part of the certificate holder's participation in a clinical professional

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<sup>41</sup> R.C. 4778.12.

<sup>42</sup> R.C. 4778.24.

<sup>43</sup> R.C. 4731.298 (as renumbered by LSC from R.C. 4731.297 due to a concurrent enactment).

development program. The act requires the Medical Board to issue the certificate, without examination, to an applicant who meets the act's requirements.<sup>44</sup> The Board must maintain a register of all certificate holders.<sup>45</sup>

The act authorizes the Board to adopt rules it considers necessary to implement the act's provisions regarding visiting clinical professional development certificates. The rules must be adopted in accordance with the Administrative Procedure Act (R.C. Chapter 119.)<sup>46</sup>

### **Eligibility**

To be eligible for a visiting clinical professional development certificate, the act requires an applicant to pay a fee of \$375 and provide to the Medical Board the following documentation:<sup>47</sup>

--Verification from the school or hospital conducting the clinical professional development program that the applicant has sufficient financial resources to support the applicant and any dependents based on the cost of living in the geographic area of the school or hospital conducting the program, including room, board, transportation, and related living expenses;

--Valid health and evacuation insurance for the duration of the applicant's stay in the United States;

--Professional liability insurance provided by the program or the school or hospital conducting the program for the duration of the applicant's participation in the program;

--Proficiency in spoken English as demonstrated by passing an examination the Board requires;

--A description from the school or hospital conducting the program of the scope of medical or surgical activities permitted during the applicant's participation in the program that includes the type of practice in which the applicant will be involved, the type of patient contact that will occur, the type of supervision the applicant will experience, a list of procedures the applicant will learn, a list of any patient-based research projects in which the applicant will be involved, whether the applicant will act

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<sup>44</sup> R.C. 4731.298(A).

<sup>45</sup> R.C. 4731.298(C).

<sup>46</sup> R.C. 4731.298(H).

<sup>47</sup> R.C. 4731.298(B)(1) and (C).

as a consultant to an Ohio physician, and any other details of the applicant's participation in the program;

--A statement from the school or hospital conducting the program regarding why the applicant needs advanced training and the benefits to the applicant's home country of the applicant receiving the training.

In addition to the documentation described above, the applicant must provide evidence satisfactory to the Board that the applicant meets all of the following requirements:<sup>48</sup>

--Has been accepted for participation in a clinical professional development program of either (1) a school in Ohio that is accredited by the Liaison Committee on Medical Education or the American Osteopathic Association or (2) a teaching hospital affiliated with such a medical school;

--Has an international medical graduate who holds a medical degree from an educational institution listed in the International Medical Education Directory;

--Has practiced for at least five years after completing graduate medical education, including postgraduate residency and advanced training;

--Has credentials that are primary-source verified by the Educational Commission for Foreign Medical Graduates (ECFMG) or the Federation Credentials Verification Service, which uses information from the ECFMG to perform this service;<sup>49</sup>

--Holds a current, unrestricted medical license issued in another country;

--Agrees to comply with all state and federal laws regarding health, health care, and patient privacy;

--Agrees to return to the applicant's home state or country at the conclusion of the clinical professional development program.

### **Duration**

A visiting clinical professional development certificate is valid for the shorter of one year or the duration of the program in which the certificate holder is participating.

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<sup>48</sup> R.C. 4731.298(B)(2).

<sup>49</sup> See ECFMG, *Electronic Portfolio of International Credentials: Contact EPIC* (last visited September 26, 2012), available at <<http://www.ecfmgepic.org/contact.html>>, which describes ECFMG's verification program scheduled to begin in 2013.

The certificate ceases to be valid if the certificate holder resigns or is otherwise terminated from the program. It may not be extended.<sup>50</sup>

### **Practice limitations**

The holder of a visiting clinical professional development certificate may practice only as part of the clinical professional development program in which the certificate holder participates. The certificate holder's practice must be under the direct supervision of an Ohio physician who is a qualified faculty member of the school or teaching hospital conducting the program.<sup>51</sup> The program must obtain from each patient or patient's parent or legal guardian written consent to any medical or surgical procedure or course of procedures in which the certificate holder participates.<sup>52</sup>

The program in which the certificate holder participates must ensure that the certificate holder does not do any of the following:<sup>53</sup>

(1) Write orders or prescribe medication;

(2) Bill for services performed;

(3) Occupy a residency or fellowship position approved by the Accreditation Council for Graduate Medical Education;

(4) Attempt to have participation in a clinical professional development program counted toward meeting the graduate medical education requirements for a certificate to practice medicine or osteopathic medicine in Ohio.<sup>54</sup>

### **Revocation**

The act authorizes the Medical Board to revoke a visiting clinical professional development certificate on receiving proof that (1) the certificate holder has engaged in practice in Ohio outside the scope of the certificate or (2) there are grounds for disciplinary action against the certificate holder for any of the reasons that an Ohio physician could be disciplined.<sup>55</sup>

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<sup>50</sup> R.C. 4731.298(F).

<sup>51</sup> R.C. 4731.298(D).

<sup>52</sup> R.C. 4731.298(G).

<sup>53</sup> R.C. 4731.298(D).

<sup>54</sup> R.C. 4731.298(D).

<sup>55</sup> R.C. 4731.298(E).

## Visiting physicians - clinical research faculty certificates

Prior law permitted the Medical Board to issue a visiting medical faculty certificate to a physician licensed in another state or country who was appointed to serve in Ohio on the academic staff of a medical school. The certificate entitled the holder to practice medicine and surgery or osteopathic medicine and surgery only as incidental to the physician's teaching duties at the school or affiliated teaching hospital.<sup>56</sup>

The act replaces the provisions of prior law regarding issuance of a visiting medical faculty certificate with provisions for issuance of a clinical research faculty certificate. The act's provisions regarding clinical research faculty certificates take effect June 6, 2012.<sup>57</sup>

The act provides that a clinical research faculty certificate entitles the holder to practice not only as incidental to the physician's teaching duties, as authorized under prior law, but also as incidental to the physician's research duties at a medical school or affiliated teaching hospital.<sup>58</sup> The act requires the Board to maintain a register of all persons who hold clinical research faculty certificates.<sup>59</sup>

### Eligibility

In addition to the requirements that had to be met under prior law to receive a visiting medical faculty certificate, including payment of a fee of \$375, the act requires that an applicant for a clinical research faculty certificate meet the following requirements:<sup>60</sup>

(1) Provide evidence satisfactory to the Medical Board that the applicant is an international medical graduate who holds a medical degree from an educational institution listed in the International Medical Education Directory;

(2) Provide an affidavit and supporting documentation from the dean of the medical school or the department director or chairperson of a teaching hospital affiliated with the school that the applicant is qualified to perform teaching and research activities and will be permitted to work only under the authority of the

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<sup>56</sup> R.C. 4731.293.

<sup>57</sup> R.C. 4731.293 and Section 4.

<sup>58</sup> R.C. 4731.293(C).

<sup>59</sup> R.C. 4731.293(F).

<sup>60</sup> R.C. 4731.293(A)(1) to (4) and (B).

department director or chairperson of a teaching hospital affiliated with the medical school where the applicant's teaching and research activities will occur;

(3) Provide a description from the school or teaching hospital of the scope of practice in which the applicant will be involved, including the types of teaching, research, and procedures in which the applicant will be engaged;

(4) Provide a description from the medical school or teaching hospital of the type and amount of patient contact that will occur in connection with the applicant's teaching and research activities.

### **Duration and renewal**

Under prior law, a visiting medical faculty certificate was valid for the shorter of three years or the duration of the certificate holder's appointment. The certificate could not be renewed, and only one certificate could be granted to a particular person. However, if a person was granted a certificate before January 6, 2009, the person could apply for a second certificate, unless the first certificate was revoked.<sup>61</sup>

The act provides that a clinical research faculty certificate is valid for three years, but ceases to be valid if the certificate holder's appointment is no longer valid or the certificate has been revoked by the Board. The act permits a certificate to be renewed for an additional three-year period. There is no limit on the number of times a certificate may be renewed. A person seeking renewal must apply to the Board on an application the Board provides and pay a renewal fee of \$375.<sup>62</sup>

Three months before a clinical research faculty certificate expires, the act requires the Board to send to the certificate holder's last known address a notice of renewal that informs the certificate holder of the renewal procedure. In addition, the notice must inform the certificate holder of the requirement that a physician report any post-abortion complication to the Department of Health. Failure to receive a renewal notice does not excuse the certificate holder from any requirements relating to clinical research faculty certificates.

To be eligible for renewal, the act requires that an applicant meet all of the following requirements:<sup>63</sup>

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<sup>61</sup> R.C. 4731.293(A), (D), and (E).

<sup>62</sup> R.C. 4731.293(E)(2) and (3)(a).

<sup>63</sup> R.C. 4731.293(E)(3).

(1) Report any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction since last filing an application for a clinical research faculty certificate;

(2) Provide an affidavit and supporting documentation from the dean of the medical school or the department director or chairperson of a teaching hospital affiliated with the school that the applicant is in compliance with the certificate being renewed;

(3) Provide satisfactory evidence to the Board that the applicant continues to maintain an unrestricted medical license issued by another state or country;

(4) Provide satisfactory evidence to the Board that the applicant's initial appointment to the medical school faculty is still valid or has been renewed;

(5) Provide satisfactory evidence to the Board of completing 150 hours of continuing medical education through Board-approved courses, programs, and activities.

Under the act, if a person was granted a visiting medical faculty certificate, the person may apply for a clinical research faculty certificate as a renewal, regardless of whether the person's original certificate has expired. The Board is permitted to issue the clinical research faculty certificate if the applicant meets the requirements for renewal, but may not do so if the person's visiting medical faculty certificate was revoked.<sup>64</sup>

### **Technical corrections in Medical Board statutes**

The act makes technical corrections in the following laws administered by the Medical Board: (1) a provision regarding the information that must be included in an application for a certificate to practice massage therapy or cosmetic therapy<sup>65</sup> and (2) a provision regarding the Board's process for restoring or issuing a certificate to practice in the case of a physician (including a podiatrist), massage therapist, or cosmetic therapist who has not been in practice for more than two years.<sup>66</sup>

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<sup>64</sup> R.C. 4731.293(E)(4).

<sup>65</sup> R.C. 4731.19.

<sup>66</sup> R.C. 4731.222.

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## HISTORY

ACTION	DATE
Introduced	07-06-11
Reported, H. Health & Aging	12-07-11
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12-HB0292-129.docx/emr

