



# Ohio Legislative Service Commission

## Bill Analysis

Lisa Musielewicz

### **S.B. 141**

129th General Assembly  
(As Introduced)

**Sens.** Gillmor, Schaffer, Seitz, Hughes, Hite

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## **BILL SUMMARY**

- Exempts a physician for an out-of-state athletic team from Ohio's physician licensure laws while the physician provides medical services in Ohio to the team members and accompanying individuals.

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## **CONTENT AND OPERATION**

### **Athletic team physicians from other states**

The bill exempts from the law governing the practice of medicine in Ohio<sup>1</sup> an athletic team physician licensed to practice in another state. The exemption applies under the following conditions:

(1) The physician is providing medical services to a member of the team or an individual accompanying the team.

(2) The physician is practicing pursuant to a written agreement with the out-of-state athletic team;

(3) The team is participating in, or traveling to or from, a sporting event in Ohio;

(4) The medical services are not provided at a health care facility, including a hospital, an ambulatory surgical facility, or any other facility in which medical care, diagnosis, or treatment is provided on an inpatient or outpatient basis.<sup>2</sup>

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<sup>1</sup> R.C. Chapter 4731.

<sup>2</sup> R.C. 4731.36(B).

Therefore, an out-of-state athletic team physician who meets these conditions is not subject to prosecution in Ohio for the unauthorized practice of medicine. Under current law, this crime is a felony of the fifth degree on a first offense and a felony of the fourth degree on each subsequent offense.<sup>3</sup> The State Medical Board has no authority to impose disciplinary actions against a physician who is not licensed in Ohio.<sup>4</sup>

## Special activity certificates

Current law authorizes the State Medical Board to issue a "special activity certificate" to any person seeking to practice medicine or osteopathic medicine in conjunction with a special activity, program, or event taking place in Ohio.<sup>5</sup> According to a representative of the Board, a special activity certificate is obtained primarily in the case of a physician who comes to Ohio to perform a certain procedure on a limited basis or is participating in an educational program. Although the special activity certificate is not intended for use by an athletic team physician, it is possible that such a physician has obtained the certificate for purposes of practicing during a sporting event.<sup>6</sup>

To obtain a special activity certificate, an applicant must pay a fee of \$125 and provide to the Board evidence that the applicant either (1) holds a license from another state or country and meets other requirements or (2) holds a telemedicine certificate issued by the Board. The special activity certificate is valid for the shorter of 30 days or the duration of the special activity, program, or event.<sup>7</sup> A person may apply for such a certificate only six times within a consecutive two-year period.<sup>8</sup>

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## HISTORY

ACTION	DATE
Introduced	04-05-11

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<sup>3</sup> R.C. 4731.41 and 4731.99(A).

<sup>4</sup> R.C. 4731.22.

<sup>5</sup> R.C. 4731.294.

<sup>6</sup> Telephone interview with Michael Miller, Public Policy and Government Affairs Officer, State Medical Board of Ohio (April 28, 2011).

<sup>7</sup> R.C. 4731.294.

<sup>8</sup> Ohio Administrative Code 4731-6-33(G).

