



# Ohio Legislative Service Commission

## Bill Analysis

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### H.B. 519

130th General Assembly  
(As Introduced)

Rep. Schuring

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### BILL SUMMARY

- Authorizes the State Medical Board to impose, before restoring or issuing certain certificates to practice, a requirement that a specified practitioner obtain a physical or cognitive skills evaluation.
- Specifies requirements for applications to practice podiatric medicine.
- Permits the Medical Board to adopt rules establishing continuing education requirements for cosmetic and massage therapists.
- Provides that the laws governing the licensure and regulation of the practice of medicine apply to oriental medicine practitioners and acupuncturists.
- Permits the State Board of Nursing to impose sanctions on a licensee or certificate holder for certain actions taken by the U.S. Departments of Defense, Veterans Affairs, or Justice.
- Provides that a certificate to prescribe issued as an externship certificate by the State Board of Nursing is valid for not more than three years.
- Specifies as an additional requirement for a dialysis technician or dialysis technician intern that an applicant not be required to register under laws governing sex offenders.
- Makes other changes to the laws governing the State Medical Board and the State Board of Nursing.

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## CONTENT AND OPERATION

### State Medical Board

The bill makes several changes to the laws governing the State Medical Board, the entity responsible for licensing and regulating physician assistants, physicians, and podiatrists. The bill's provisions, however, do not address the licensure or regulation of physician assistants.

#### Medical Board investigations

Current law authorizes the Medical Board, when investigating potential violations, to compel the production of books, accounts, papers, records, documents, and testimony. The bill specifies that the records that may be compelled are "patient medical records." In addition, the bill replaces the phrase "patient information" with "patient medical records."<sup>1</sup>

The bill also provides that the Medical Board may discipline a certificate holder, when conducting an investigation, for failure to comply with a notice to inspect and copy.<sup>2</sup>

#### Restoring certificates

Under existing law, the Medical Board may do the following: restore a certificate to practice held by a physician or podiatrist that has been in a suspended or inactive status, issue a certificate to practice as a cosmetic or massage therapist, issue a certificate to practice to an out-of-state physician or podiatrist, or issue a volunteer's certificate to a retired physician. Before doing so, the Medical Board may impose certain terms and conditions on the applicant. The bill specifies that those terms and conditions may also include the following:

(1) Requiring the applicant to obtain an evaluation of physical skills to assess the coordination, fine motor skills, and dexterity necessary to perform medical evaluations and procedures within minimal standards of care;

(2) Requiring the applicant to obtain an evaluation of cognitive skills to assess the skills necessary to recognize and understand diseases and conditions;

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<sup>1</sup> R.C. 4731.22(F)(3).

<sup>2</sup> R.C. 4731.22(B)(34).



(3) Requiring the applicant to obtain a comprehensive physical examination that includes an assessment of physical abilities, a special sensory evaluation, a neurological screening, and any other assessment or evaluation specified by the Medical Board.<sup>3</sup>

### **Renewals**

Current law requires that certain information be provided to the Medical Board in order to renew a certificate to practice. Under the bill, an applicant for renewal must include an affidavit attesting to the accuracy and truthfulness of the information submitted and a release of information. The applicant also must certify to the Medical Board that the applicant has complied with continuing education requirements.<sup>4</sup> The bill also clarifies the process for renewing a certificate to practice, but does not make substantive changes to the process.<sup>5</sup>

### **Physician and podiatrist continuing education**

The bill clarifies the continuing education requirements for physicians and podiatrists, but does not make substantive changes to these requirements.<sup>6</sup>

### **Procedures for expedited certificates by endorsement**

Current law authorizes the Medical Board to issue, without examination, an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement. Individuals seeking an expedited certificate must file a written application with the Board. The bill specifies that the secretary and supervising member of the Board must review all applications for expedited certificates. The bill also provides that, if the secretary and supervising member determine that an applicant has met all of the necessary requirements, the Board must issue the certificate. Under the bill, if the secretary and supervising member determine that an applicant has not met all of the requirements, the application must be treated as an application for a certificate to practice medicine and surgery or osteopathic medicine and surgery.<sup>7</sup>

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<sup>3</sup> R.C. 4731.222.

<sup>4</sup> R.C. 4731.281(E).

<sup>5</sup> R.C. 4731.281.

<sup>6</sup> R.C. 4731.282.

<sup>7</sup> R.C. 4731.299.



## **Podiatrists**

### **Application for a certificate to practice**

The bill provides that a person seeking a certificate to practice podiatric medicine and surgery must file an application with the Medical Board in a manner prescribed by the Board. Current law requires that the person file a written application, under oath, on a form prescribed by the Board and furnish satisfactory proof that the person is more than 18 years old and is of good moral character. Existing law also requires that an applicant submit evidence to the Board related to the applicant's education and training.

The bill consolidates these existing requirements and directs that an application include all of the following:

- (1) Evidence that the applicant is at least 18 years of age and of good moral character;
- (2) Evidence that the applicant has attained high school graduation;
- (3) Evidence that the applicant has completed at least two years of college credit at an accredited college of arts and sciences;
- (4) Evidence that the applicant holds a degree from a college of podiatric medicine and surgery that was in good standing at the time the degree was granted, as determined by the Board;
- (5) Evidence that the applicant has completed one year of postgraduate training in a podiatric internship, residency, or clinical fellowship program accredited by the Council on Podiatric Medical Education or the American Podiatric Medical Association;
- (6) Evidence that the applicant has successfully passed an examination, prescribed in rules adopted by the Board, to determine competency to practice podiatric medicine and surgery;
- (7) An affidavit signed by the applicant attesting to the accuracy and truthfulness of information submitted and consenting to the release of information;
- (8) Any other information the Board requires.



The bill further specifies that the Board may investigate the application materials and may contact any agency or organization for recommendations or other information about the applicant.<sup>8</sup>

With respect to the requirement relating to evidence of an applicant successfully passing an examination, under current law, the Medical Board must conduct this examination.<sup>9</sup> The bill, however, repeals this language.

### **Application fees**

The bill also requires that, at the time of making an application for a certificate to practice podiatric medicine and surgery, the applicant must pay to the Board a \$335 fee, no part of which must be returned. The bill specifies that an application will not be considered until the Board receives the fee. Current law requires that an applicant pay to the Medical Board a \$35 certificate of preliminary examination fee along with a \$300 certificate issuance fee.<sup>10</sup>

### **Issuing certificates**

The bill clarifies the process by which the Medical Board issues a certificate to practice, including a certificate issued to a podiatrist licensed in another state, but does not make substantive changes to the process.<sup>11</sup>

### **Sanctions**

The bill clarifies the sanctions that may be imposed on a podiatrist who holds a certificate to practice, but does not make substantive changes to the sanctions.<sup>12</sup>

### **Internship, residency, or fellowship programs**

Under current law, the laws governing the licensure and regulation of podiatrists do not apply to any graduate of a podiatric school or college while performing acts that may be prescribed by or incidental to participation in an accredited podiatric internship,

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<sup>8</sup> R.C. 4731.52.

<sup>9</sup> R.C. 4731.54 and 4731.55.

<sup>10</sup> R.C. 4731.56.

<sup>11</sup> R.C. 4731.56 and 4731.57.

<sup>12</sup> R.C. 4731.61.

residency, or fellowship program situated in Ohio and approved by the Medical Board. The bill repeals this language.<sup>13</sup>

### **Anesthesia**

Under current law, general anesthesia may be used only in colleges of podiatric medicine and surgery that are approved by the Medical Board. The bill instead refers to colleges that are in good standing, as determined by the Medical Board.<sup>14</sup>

### **Cosmetic and massage therapy continuing education**

The bill permits the Medical Board to adopt rules that establish continuing education requirements for the renewal of a certificate to practice a limited branch of medicine. A limited branch of medicine includes both cosmetic and massage therapy along with naprapathy and mechanotherapy.<sup>15</sup> Under the bill, the rules must be adopted in accordance with Ohio's Administrative Procedure Act (R.C. Chapter 119.). The bill repeals current law that specifies continuing education requirements and procedures for individuals holding certificates to practice cosmetic therapy.<sup>16</sup>

### **Acupuncture and oriental medicine**

At present, the Medical Board certifies oriental medicine practitioners and acupuncturists.<sup>17</sup> Under current law, the laws governing the licensure and regulation of physicians and podiatrists (R.C. Chapter 4731.) do not apply to an oriental medicine practitioner or acupuncturist who complies with the laws governing the certification of oriental medicine practitioners and acupuncturists (R.C. Chapter 4762.). The bill repeals this language.<sup>18</sup>

### **State Board of Nursing**

The bill makes several changes to the laws governing the State Board of Nursing, the entity responsible for licensing and regulating dialysis technicians, licensed practical nurses, registered nurses, and advanced practice registered nurses (i.e., certified

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<sup>13</sup> R.C. 4731.36.

<sup>14</sup> R.C. 4731.51.

<sup>15</sup> R.C. 4731.15, not in the bill.

<sup>16</sup> R.C. 4731.155.

<sup>17</sup> R.C. 4762.02, not in the bill.

<sup>18</sup> R.C. 4731.36.

registered nurse anesthetists, clinical nurse specialists, certified nurse-midwives, and certified nurse practitioners).

### **Sanctions**

The bill specifies that the Board of Nursing may impose sanctions on a licensee or certificate holder if either of the following occurs:

(1) The United States Department of Defense or Department of Veterans Affairs revokes, suspends, restricts, reduces, or terminates his or her clinical privileges;

(2) The Drug Enforcement Agency of the United States Department of Justice terminates or suspends his or her certificate of registration to prescribe drugs.<sup>19</sup>

### **Certificates to prescribe**

The bill specifies that a licensed practical nurse (LPN) or a registered nurse (RN) licensed to practice nursing in Ohio cannot prescribe drugs or therapeutic devices, unless the nurse holds a current, valid certificate to prescribe issued by the Board.<sup>20</sup>

### **Externship certificates**

Under current law, a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner seeking the authority to prescribe drugs or therapeutic devices must file a written application with the Board of Nursing for a certificate to prescribe. Except for an applicant who has practiced or is practicing in another state, the initial certificate to prescribe must be issued as an externship certificate and is valid for not more than one year.<sup>21</sup> The bill extends this timeline to not more than three years.<sup>22</sup>

Current law also permits the Board to extend the externship certificate beyond the period for which it was issued if the holder submits evidence of continued participation in an externship and specifies that the extension period cannot exceed two years. The bill repeals these provisions.<sup>23</sup>

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<sup>19</sup> R.C. 4723.28(B)(34).

<sup>20</sup> R.C. 4723.44.

<sup>21</sup> R.C. 4723.48 and 4723.482.

<sup>22</sup> R.C. 4723.485.

<sup>23</sup> R.C. 4723.485.



## **Application requirements for advanced practice registered nurses**

Under current law, an applicant seeking a certificate of authority to practice as a certified nurse-midwife, certified registered nurse anesthetist, clinical nurse specialist, or certified nurse practitioner must submit documentation to the Board that the applicant has earned a graduate degree with a major in a nursing specialty or a related field. The bill replaces "graduate degree" with "master's or doctoral degree."<sup>24</sup>

Existing law provides that a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who is practicing as such in another jurisdiction may apply for a certificate of authority to practice in Ohio. The bill replaces "practicing" with "practiced."<sup>25</sup>

## **Advanced practice registered nurses and certificate renewals**

With respect to the law governing the renewal of a certificate of authority for an advanced practice registered nurse, current law refers to "an expired certificate" and uses the phrase "before the expiration of a certificate." The bill instead refers to "a lapsed certificate" and uses the phrase "before the certificate lapses."<sup>26</sup>

## **Licensed practical nurses and intravenous therapy**

Under current law, the Board of Nursing must authorize an LPN to administer (to an adult) intravenous therapy if the LPN provides certain evidence to the Board. This includes evidence that the LPN has successfully completed a course of study in the safe performance of intravenous therapy along with a minimum of 40 hours of training. The bill eliminates the 40 hour requirement and instead provides for training, including a continuing education program or course approved by the Board.<sup>27</sup>

## **Dialysis technicians**

The bill specifies that, in order to be eligible for a certificate to practice as either a dialysis technician or a dialysis technician intern, an applicant cannot be a person who

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<sup>24</sup> R.C. 4723.41(A)(2).

<sup>25</sup> R.C. 4723.41(B).

<sup>26</sup> R.C. 4723.42.

<sup>27</sup> R.C. 4723.18.

is required to register under the laws of Ohio governing sex offenders<sup>28</sup> or a substantially similar law of another state, the United States, or another country.<sup>29</sup>

With respect to the law governing application fees, the bill replaces the language "temporary dialysis technician certificate" with "dialysis technician intern certificate."<sup>30</sup>

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## HISTORY

ACTION	DATE
Introduced	04-10-14

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<sup>28</sup> See R.C. Chapter 2950., not in the bill.

<sup>29</sup> R.C. 4723.75 and 4723.76.

<sup>30</sup> R.C. 4723.08.

