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## OHIO STATE MEDICAL BOARD

### Temporary hearing examiners

- Allows the State Medical Board to enter into a personal service contract with an attorney to serve as a temporary hearing examiner subject to the Controlling Board's continuing law authority to approve a purchase without competitive selection, rather than subject to only Controlling Board approval as under current law.

### Internal management and assessment

- Requires the State Medical Board to adopt internal management rules setting forth criteria for assessing the Board's accomplishments.
- Requires the Board to include data gleaned from the assessments in the annual report of the Board's transactions and proceedings.
- Requires the rules adopted by the Board, as well as the annual report generated by the Board, to be publicly accessible on the Board's web site.
- Creates an expedited certificate to practice medicine surgery or osteopathic medicine and surgery by endorsement for certain physicians who are already licensed in another state or in Canada.
- Provides that an individual who meets all other genetic counselor licensure requirements is eligible for a license by attaining a master's or higher degree in education or in a field that the State Medical Board considers to be closely related to genetic counseling and requires the individual to apply for licensure by December 31, 2013.

### Approval of temporary hearing examiners

(R.C. 4731.23, by reference to R.C. 127.16)

The bill allows the State Medical Board to enter into a personal service contract with an attorney to serve as a temporary hearing examiner subject to the Controlling Board's continuing law authority to approve a purchase without competitive selection, rather than subject to only Controlling Board approval as under current law. Competitive selection (competitive sealed bidding, competitive sealed proposals, or reverse auctions) is required when a state agency, using money that has been appropriated to it directly, makes any purchase from a particular supplier that would



amount to \$50,000 or more when combined with both the amount of all disbursements to the supplier during the fiscal year for purchases made by the agency and the amount of all outstanding encumbrances for purchases made by the agency from the supplier. The Controlling Board may approve a purchase without competitive selection upon request of a state agency or the Director of Budget and Management and upon determination that an emergency exists.

## **Internal management and assessment**

(R.C. 4731.05)

The bill requires the State Medical Board to adopt internal management rules that set forth criteria for assessing the Board's accomplishments, activities, and performance data, including metrics detailing the following:

- (1) Revenues and reimbursements;
- (2) Budget distribution;
- (3) Investigation and licensing activity, including processing time frames;
- (4) Enforcement data, including processing time frames.

Under the bill, the Board must include the data gleaned from the assessment in the annual report of the Board's transactions and proceedings, which is required by continuing law. Under continuing law, the annual report must be made at the end of each fiscal year, in quadruplicate; must include a record of transactions and proceedings, excepting receipts and disbursements unless otherwise specifically required by law; and must contain a summary of the official acts of the Board and any suggestions and recommendations that are proper. On the first day of August of each year, the Board must file one of the reports with the Governor, one with the Secretary of State, one with the State Library, and one in the office of the Board.

The bill requires the Board to cause the internal management rules and the annual report described above, which includes data from the assessment, to be publicly accessible on the Board's web site.

## **Expedited certificate to practice medicine**

(R.C. 4731.299)

The bill creates an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement for certain physicians who are already licensed in another state or in Canada. The bill permits the State Medical Board



to issue the certificate, without examination, to an applicant who meets the bill's requirements.

Existing law unchanged by the bill permits the Board to issue a different certificate to practice medicine and surgery or osteopathic medicine and surgery for physicians who are already licensed in another state or in Canada and meet specified requirements.<sup>198</sup>

### **Eligibility**

To be eligible for the expedited certificate by endorsement the bill creates, the bill requires an applicant to do both of the following:

(1) Provide evidence satisfactory to the Board that the applicant meets all of the following requirements:

- Has passed Steps One, Two, and Three of the United States Medical Licensing Examination; Levels One, Two, and Three of the Comprehensive Osteopathic Medical Licensing Examination of the United States; or any other medical licensing examination recognized by the Board;
- For at least five years immediately preceding the date of application, has held a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by the licensing authority of another state or a Canadian province;
- For at least two years immediately preceding the date of application, has actively practiced medicine and surgery or osteopathic medicine and surgery in a clinical setting.

(2) Certify to the Board that all of the following are the case:

- Not more than two malpractice claims have been filed against the applicant within a period of ten years and no malpractice claim against the applicant has resulted in total payment of more than \$500,000;
- The applicant does not have a criminal record according to the criminal records check required by the bill;

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<sup>198</sup> R.C. 4731.29, not in the bill.

- The applicant does not have a medical condition that could affect the applicant's ability to practice according to acceptable and prevailing standards of care;
- No adverse action has been taken against the applicant by a health care institution;
- To the applicant's knowledge, no federal agency, medical society, medical association, or branch of the U.S. military has investigated or taken action against the applicant;
- No professional licensing or regulatory authority has filed a complaint against, investigated, or taken action against the applicant and the applicant has not withdrawn a professional license application;
- The applicant has not been suspended or expelled from any institution of higher education or school, including a medical school.

### **Application and issuance**

The bill requires a person seeking an expedited certificate by endorsement to file with the Board a written application on a form prescribed and supplied by the Board, pay a nonrefundable and nontransferable application fee of \$1,000, and submit to a criminal records check. The application must include all the information the Board considers necessary to process the application.

The Board must review all applications received by it. After review, if the Board determines that an applicant meets the requirements for an expedited certificate by endorsement, the Board must issue a certificate to the applicant.

### **Educational requirements for genetic counselor licensure**

(R.C. 4778.02 and 4778.03)

The bill establishes a limited exception to the educational requirements that currently must be met to be eligible for a genetic counselor license. Continuing law requires an applicant for a genetic counselor license to have attained 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 State Medical Board.

The bill provides that an individual who meets all other genetic counselor licensure requirements is eligible for a license by attaining a master's or higher degree in education or in a field that the Board considers to be closely related to genetic



counseling. An individual seeking a license under this provision must file a license application with the Board not later than December 31, 2013.

In addition to the educational requirements described above, law unchanged by the bill provides that to be eligible for a genetic counselor license, an applicant must meet all of the following requirements:

- (1) Be at least 18 years old and of good moral character;
- (2) Be a certified genetic counselor, which means that an individual has met the requirements for national certification from either of two organizations specified by in current law, as follows:
  - (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 Board;
  - (b) The individual is a diplomate of the American Board of Medical Genetics, its successor, or an equivalent organization recognized by the Board.
- (3) Satisfy any other requirements established in rules adopted by the Board.

