
STATE MEDICAL BOARD

Renewal procedures

- Eliminates the requirement that the State Medical Board, in its regulation of physicians (including podiatrists and anesthesiologist assistants), issue certificates of registration and instead authorizes the Board to renew certificates to practice.
- Specifies, within the list of disciplinary actions to be imposed by the Board, that the Board may refuse to renew a certificate or license.
- Requires the Board to provide, rather than send or mail, renewal notices to certificate and license holders.

Change of address notice

- Clarifies that each physician (including a podiatrist) must notify the Board of a change in any of the following within 30 days: (1) the physician's residence, business, or email address or (2) the list of the names and addresses of advanced practice registered nurses with whom the physician collaborates.

Board directory

- Requires the Board to develop and publish on its website a directory of all persons holding certificates or licenses issued by the Board and generally specifies that the directory is the sole source for verifying that a person holds a current, valid certificate or license.

Fees for reinstating or restoring certificates

- Increases the fees a physician (including a podiatrist) must pay to have a certificate reinstated or restored after it has been suspended for failure to renew, as follows: \$100 (from \$50) for reinstatement and \$200 (from \$100) for restoration.

Conditions for restoring or issuing certificates

- Authorizes the Board to impose, before restoring or issuing certain certificates to practice, additional terms and conditions on applicants, including physical examinations and skills assessments.

Continuing education requirements

- Provides that an adjudication hearing is not required if the Board imposes a civil penalty for failure to complete continuing education requirements but does not take any other action.



- Clarifies continuing education requirements for physicians but does not make substantive changes to the requirements.
- Adds continuing education requirements related to certificates to practice limited branches of medicine to the list of continuing education requirements that may be deferred for individuals called to active military duty.

Expedited certificates

- Requires that the Board's secretary and supervising member, as opposed to the Board, review and make eligibility determinations concerning expedited certificates to practice medicine and surgery or osteopathic medicine and surgery by endorsement.
- Specifies that if the requirements for an expedited certificate are not met, the secretary and supervising member must treat the application as an application for a certificate to practice medicine and surgery or osteopathic medicine and surgery.

Civil penalties

- Authorizes the Board to impose a civil penalty on a professional who violates the law administered by the Board.
- Requires the Board to adopt guidelines regarding the amounts of civil penalties that may be imposed and specifies that the amount of a civil penalty cannot exceed \$20,000.

Physician's referral for overdose of illegal drug

- Authorizes a physician who believes that a patient is experiencing an overdose of an illegal drug to refer the patient to a mental health professional and requires the mental health professional to report to the physician on the patient's treatment status.

Prescribing based on remote examination (VETOED)

- Would have codified, with certain changes, an administrative rule governing when a physician may prescribe or dispense a prescription drug to a person on whom the physician has never conducted a medical evaluation (VETOED).

Therapeutic recreation camps

- Provides immunity to certain medical professionals who volunteer services at therapeutic camps.



- Provides an exception to the requirement that a person practicing medicine have an Ohio medical license to out-of-state physicians volunteering at certain therapeutic recreation camps.

Disciplinary statute clarification

- Makes a clarification related to the Board's disciplinary statute.

Certificate renewals

(R.C. 4731.281 and 4760.03 (primary); 4731.07, 4731.141, 4731.22, 4731.26, 4731.282, 4731.295, 4760.02, 4760.031, 4760.032, 4760.15, 4760.16, 4760.18, and 4762.06)

The act eliminates the requirement that the State Medical Board, in its regulation of physicians (including podiatrists and anesthesiologist assistants), issue certificates of registration and instead authorizes the Board to renew certificates to practice. Prior law required that, every two years, a physician seeking to renew a certificate to practice apply to the Board for a separate certificate of registration. In the case of an anesthesiologist assistant, prior law authorized the Board to issue an initial certificate of registration and allowed the Board to renew that certificate every two years upon application by the holder.

Regarding a physician, the act allows the Board to renew, upon application, the physician's existing certificate to practice, rather than issue a separate certificate of registration. With respect to an anesthesiologist assistant, the act replaces the certificate of registration with a certificate to practice and allows for renewal of that certificate upon application.

Renewal notices

(R.C. 4730.14, 4730.141, 4731.15, 4731.281, 4760.06, 4762.06, 4774.06, and 4778.06)

The act requires that the Board *provide* renewal notices to certificate and license holders, rather than *send* or *mail* the notices as previously required.

Refusal to renew as disciplinary action

(R.C. 4730.25, 4731.22, 4760.13, 4762.13, 4774.13, and 4778.14)

Continuing law authorizes the Board to discipline a certificate or license holder for specified reasons. Within the list of disciplinary actions to be imposed by the Board, the act specifies that the Board may refuse to renew a certificate or license.



Change of address notice

(R.C. 4731.281)

Under the act, each physician (including a podiatrist) must give notice to the Board of any of the following changes not later than 30 days after the change occurs:

(1) A change in the physician's residence, business, or email address;

(2) A change in the list of the names and addresses of advanced practice registered nurses with whom the physician collaborates.

Board directory

(R.C. 4731.071)

The act requires the Board to develop and publish on its website a directory of all persons holding certificates or licenses issued by the Board. It generally specifies that the directory is the sole source for verifying that a person holds a current, valid certificate or license.

Fees for reinstating or restoring certificates

(R.C. 4730.14 and 4731.281)

Under continuing law, failure by a physician (including a podiatrist) or physician assistant to renew or register a certificate to practice operates to suspend the certificate automatically. The law specifies procedures to (1) reinstate a certificate that has been suspended for two years or less or (2) restore a certificate that has been suspended for more than two years. In the case of a physician (including a podiatrist), the act increases the reinstatement fee from \$50 to \$100 and the restoration fee from \$100 to \$200. The fees for a physician assistant remain the same.

Conditions for restoring or issuing certificates

(R.C. 4731.222)

Skills assessments

Continuing law authorizes the Board to restore a certificate to practice that has been in a suspended or inactive state for more than two years. The Board may also issue a certificate to practice to an applicant who has not been engaged in practice for more than two years as an active practitioner or a student. Before restoring or issuing a certificate, the Board may impose terms and conditions, including (1) requiring the applicant to pass an examination to determine fitness to resume practice, (2) requiring



the applicant to obtain additional training and pass an examination, or (3) restricting or limiting the applicant's practice.

The act authorizes the Board to impose additional terms and conditions before restoring or issuing a certificate to practice. These include:

(1) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing medical evaluations and procedures in a manner that meets the minimal standards of care;

(2) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions;

(3) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders.

Conforming and clarifying changes

The provisions regarding the Board's authority to restore or issue certificates to practice are part of the law governing physicians (including podiatrists) and practitioners of the limited branches of medicine, which consist of cosmetic therapy, massage therapy, naprapathy, and mechanotherapy. For consistency within these provisions, the act includes references to podiatrists and practitioners of limited branches of medicine where the references had been omitted.

In addition to the changes made for consistency, the act specifies that the Board is authorized to impose one or more of the terms and conditions. Prior law authorized the Board to impose any of the specified terms and conditions, but did not expressly authorize the Board to impose more than one of them.

Continuing education requirements

(R.C. 4730.14, 4731.15, 4731.22, 4731.281, 4731.282, 4731.283 (repealed), 4731.293, 4731.295, 4731.296, 4731.297, 4778.06, and 5903.12)

If the Board finds that a physician (including a podiatrist) or physician assistant has failed to complete continuing education requirements, continuing law permits the Board to impose a civil penalty of not more than \$5,000, in addition to or instead of any other authorized action. The act maintains this civil penalty and specifies that, if the Board imposes only a civil penalty and takes no other disciplinary action, it cannot conduct an adjudication under the Administrative Procedure Act.



The act clarifies continuing education requirements for physicians (including podiatrists) by requiring that physicians complete 100 hours of continuing medical education, rather than requiring physicians to certify to the State Medical Board that they have completed 100 hours of continuing medical education. It does not make substantive changes to the requirements.

The act adds continuing education requirements related to certificates to practice limited branches of medicine to the list of continuing education requirements that may be deferred for individuals called to active military duty.

Expedited certificate to practice by endorsement

(R.C. 4731.299)

Continuing law authorizes the 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 act specifies that the secretary and supervising member of the Board must review all applications for expedited certificates. It 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 act, 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.

Civil penalties imposed by the Board

(R.C. 4730.252, 4731.225, 4731.24, 4760.133, 4762.133, 4774.133, and 4778.141)

The act generally authorizes the Board to impose a civil penalty on any of the following professionals who violate the law administered by the Board: physicians, podiatrists, physician assistants, massage therapists, cosmetic therapists, naprapaths, mechanotherapists, anesthesiologist assistants, oriental medicine practitioners, acupuncturists, radiologist assistants, and genetic counselors. Prior law did not generally authorize a civil penalty.

If the Board imposes a civil penalty, it must do so pursuant to an adjudication under the Administrative Procedure Act and an affirmative vote of not fewer than six Board members. The amount of a civil penalty must be determined by the Board in accordance with guidelines adopted by the Board. The civil penalty may be in addition to any other disciplinary action that ongoing law permits the Board to take.

The act requires the Board to adopt, and authorizes it to amend, guidelines regarding the amounts of civil penalties to be imposed. At least six Board members



must approve the adoption or amendment of the guidelines. Under the guidelines, the amount of a civil penalty cannot exceed \$20,000.

Under the act, amounts received from payment of civil penalties must be deposited by the Board to the credit of the ongoing State Medical Board Operating Fund. With respect to civil penalties imposed for violations involving drug, alcohol, or substance abuse, the Board must use the amounts received solely for investigations, enforcement, and compliance monitoring.

Physician's referral for overdose of illegal drug

(R.C. 4731.22 and 4731.62)

The act authorizes a physician who is acting in a professional capacity and who knows or has reasonable cause to suspect that a patient is experiencing an overdose of a dangerous drug, controlled substance, controlled substance analog, or metabolite of a controlled substance to refer the patient to a mental health professional (a person qualified to work with mentally ill persons under standards established by the Director of Mental Health and Addiction Services). A physician who makes such a referral must notify the mental health professional promptly. Within 30 days after receiving the notice, the mental health professional must inform the physician of the treatment status of the patient. A report is not a breach of confidentiality or a waiver of the patient's testimonial privilege and does not subject a physician to civil liability for harm allegedly resulting from the report.

Prescribing based on remote examination (VETOED)

(R.C. 4731.74)

The Governor vetoed a provision that would have codified, with certain changes, an administrative rule¹³³ governing when a physician may prescribe or dispense a prescription drug to a person on whom the physician has never conducted a medical evaluation. The provision specified requirements for a physician to prescribe or dispense drugs that are not controlled substances, including using technology capable of transmitting images of the patient's physical condition in real time. The provision also specified several specific situations in which a physician could prescribe or dispense prescription drugs, including controlled substances, to a patient on whom the physician had never conducted a medical evaluation. A detailed description of the vetoed provision is available on pages 423 – 425 of LSC's analysis of the Senate version of H.B. 64. The analysis is available online at www.lsc.ohio.gov/budget/agencyanalyses131/passedsenate/h0064-ps-131.pdf.

¹³³ O.A.C. 4731-11-09.



Therapeutic recreation camps

Immunity of health care professionals

(R.C. 2305.231)

The act provides immunity to health care professionals volunteering services to therapeutic camps. Under the act, physicians and registered nurses who volunteer at a therapeutic recreation camp are not liable in damages in a civil action for administering medical care, emergency care, or first aid treatment to a camp participant. Immunity does extend to acts of the health care professional that constitute willful or wanton misconduct.

The act defines "therapeutic recreation" to mean adoptive recreation services to persons with illnesses or disabling conditions in order to restore, remediate, or rehabilitate, to improve functioning and independence, or to reduce or eliminate the effects of illness or disability.

Practicing without an Ohio medical certificate at free therapeutic camps

(R.C. 4731.41)

The act provides an exception to the requirement that any person practicing medicine have a certificate from the State Medical Board. The act provides that a physician licensed and in good standing in another state and that provides the proper documentation may volunteer medical services to a free-of-charge camp accredited by The SeriousFun Children's Network that specializes in providing therapeutic recreation for individuals with chronic illnesses, as long as all the following apply:

- (1) The physician provides documentation to the medical director of the camp that the physician is licensed and in good standing to practice medicine in another state;
- (2) The physician provides services only at the camp or in connection with camp events or activities that occur off the grounds of the camp;
- (3) The physician receives no compensation for services;
- (4) The physician provides services within Ohio for no more than 30 days per calendar year;
- (5) The camp has a medical director who holds an Ohio medical license.



Clarification regarding the Board's disciplinary statute

(Section 747.10)

With respect to the statute that establishes grounds and procedures for disciplinary actions taken by the Board (R.C. 4731.22), the act provides that the inclusion of that statute in the repeal clause of H.B. 394, from the 130th General Assembly, as an outright repeal was a typographical error. The act further provides that the intent of the General Assembly was to amend the statute, rather than repeal it outright.

