

As Reported by the House Health Committee

134th General Assembly

Regular Session

2021-2022

Sub. H. B. No. 196

Representatives Kelly, Carruthers

**Cosponsors: Representatives Carfagna, O'Brien, Miller, J., Weinstein, Ginter,
Miller, A., Liston, Lepore-Hagan, Lightbody, West**

A BILL

To amend sections 109.572, 4731.051, 4731.07, 1
4731.071, 4731.224, 4731.24, 4731.25, and 2
4731.251 and to enact sections 4785.01, 4785.02, 3
4785.03, 4785.04, 4785.05, 4785.06, 4785.07, 4
4785.08, 4785.09, 4785.10, 4785.11, 4785.12, 5
4785.13, 4785.14, 4785.15, 4785.16, 4785.17, 6
4785.18, 4785.19, 4785.20, and 4785.99 of the 7
Revised Code to regulate the practice of 8
surgical assistants. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.572, 4731.051, 4731.07, 10
4731.071, 4731.224, 4731.24, 4731.25, and 4731.251 be amended 11
and sections 4785.01, 4785.02, 4785.03, 4785.04, 4785.05, 12
4785.06, 4785.07, 4785.08, 4785.09, 4785.10, 4785.11, 4785.12, 13
4785.13, 4785.14, 4785.15, 4785.16, 4785.17, 4785.18, 4785.19, 14
4785.20, and 4785.99 of the Revised Code be enacted to read as 15
follows: 16

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 17
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 18

Code, a completed form prescribed pursuant to division (C) (1) of 19
this section, and a set of fingerprint impressions obtained in 20
the manner described in division (C) (2) of this section, the 21
superintendent of the bureau of criminal identification and 22
investigation shall conduct a criminal records check in the 23
manner described in division (B) of this section to determine 24
whether any information exists that indicates that the person 25
who is the subject of the request previously has been convicted 26
of or pleaded guilty to any of the following: 27

(a) A violation of section 2903.01, 2903.02, 2903.03, 28
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 29
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 30
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 31
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 32
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 33
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 34
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 35
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 36
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 37
of the Revised Code, felonious sexual penetration in violation 38
of former section 2907.12 of the Revised Code, a violation of 39
section 2905.04 of the Revised Code as it existed prior to July 40
1, 1996, a violation of section 2919.23 of the Revised Code that 41
would have been a violation of section 2905.04 of the Revised 42
Code as it existed prior to July 1, 1996, had the violation been 43
committed prior to that date, or a violation of section 2925.11 44
of the Revised Code that is not a minor drug possession offense; 45

(b) A violation of an existing or former law of this 46
state, any other state, or the United States that is 47
substantially equivalent to any of the offenses listed in 48
division (A) (1) (a) of this section; 49

(c) If the request is made pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, any offense specified under section 9.79 of the Revised Code or in section 3319.31 of the Revised Code.

(2) On receipt of a request pursuant to section 3712.09 or 3721.121 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(2)(a) of this

section. 80

(3) On receipt of a request pursuant to section 173.27, 81
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 82
5123.081, or 5123.169 of the Revised Code, a completed form 83
prescribed pursuant to division (C)(1) of this section, and a 84
set of fingerprint impressions obtained in the manner described 85
in division (C)(2) of this section, the superintendent of the 86
bureau of criminal identification and investigation shall 87
conduct a criminal records check of the person for whom the 88
request is made. The superintendent shall conduct the criminal 89
records check in the manner described in division (B) of this 90
section to determine whether any information exists that 91
indicates that the person who is the subject of the request 92
previously has been convicted of, has pleaded guilty to, or 93
(except in the case of a request pursuant to section 5164.34, 94
5164.341, or 5164.342 of the Revised Code) has been found 95
eligible for intervention in lieu of conviction for any of the 96
following, regardless of the date of the conviction, the date of 97
entry of the guilty plea, or (except in the case of a request 98
pursuant to section 5164.34, 5164.341, or 5164.342 of the 99
Revised Code) the date the person was found eligible for 100
intervention in lieu of conviction: 101

(a) A violation of section 959.13, 959.131, 2903.01, 102
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 103
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 104
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 105
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 106
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 107
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 108
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 109
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 110

2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	111
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	112
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	113
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24,	114
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24,	115
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,	116
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21,	117
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05,	118
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22,	119
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11	120
of the Revised Code;	121
(b) Felonious sexual penetration in violation of former	122
section 2907.12 of the Revised Code;	123
(c) A violation of section 2905.04 of the Revised Code as	124
it existed prior to July 1, 1996;	125
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	126
the Revised Code when the underlying offense that is the object	127
of the conspiracy, attempt, or complicity is one of the offenses	128
listed in divisions (A) (3) (a) to (c) of this section;	129
(e) A violation of an existing or former municipal	130
ordinance or law of this state, any other state, or the United	131
States that is substantially equivalent to any of the offenses	132
listed in divisions (A) (3) (a) to (d) of this section.	133
(4) On receipt of a request pursuant to section 2151.86 or	134
2151.904 of the Revised Code, a completed form prescribed	135
pursuant to division (C) (1) of this section, and a set of	136
fingerprint impressions obtained in the manner described in	137
division (C) (2) of this section, the superintendent of the	138
bureau of criminal identification and investigation shall	139

conduct a criminal records check in the manner described in 140
division (B) of this section to determine whether any 141
information exists that indicates that the person who is the 142
subject of the request previously has been convicted of or 143
pleaded guilty to any of the following: 144

(a) A violation of section 959.13, 2903.01, 2903.02, 145
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 146
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 147
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 148
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 149
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 150
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 151
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 152
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 153
2927.12, or 3716.11 of the Revised Code, a violation of section 154
2905.04 of the Revised Code as it existed prior to July 1, 1996, 155
a violation of section 2919.23 of the Revised Code that would 156
have been a violation of section 2905.04 of the Revised Code as 157
it existed prior to July 1, 1996, had the violation been 158
committed prior to that date, a violation of section 2925.11 of 159
the Revised Code that is not a minor drug possession offense, 160
two or more OVI or OVUAC violations committed within the three 161
years immediately preceding the submission of the application or 162
petition that is the basis of the request, or felonious sexual 163
penetration in violation of former section 2907.12 of the 164
Revised Code; 165

(b) A violation of an existing or former law of this 166
state, any other state, or the United States that is 167
substantially equivalent to any of the offenses listed in 168
division (A) (4) (a) of this section. 169

(5) Upon receipt of a request pursuant to section 5104.013 170
of the Revised Code, a completed form prescribed pursuant to 171
division (C)(1) of this section, and a set of fingerprint 172
impressions obtained in the manner described in division (C)(2) 173
of this section, the superintendent of the bureau of criminal 174
identification and investigation shall conduct a criminal 175
records check in the manner described in division (B) of this 176
section to determine whether any information exists that 177
indicates that the person who is the subject of the request has 178
been convicted of or pleaded guilty to any of the following: 179

(a) A violation of section 2151.421, 2903.01, 2903.02, 180
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 181
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 182
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 183
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 184
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 185
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 186
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 187
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 188
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 189
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 190
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 191
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 192
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 193
3716.11 of the Revised Code, felonious sexual penetration in 194
violation of former section 2907.12 of the Revised Code, a 195
violation of section 2905.04 of the Revised Code as it existed 196
prior to July 1, 1996, a violation of section 2919.23 of the 197
Revised Code that would have been a violation of section 2905.04 198
of the Revised Code as it existed prior to July 1, 1996, had the 199
violation been committed prior to that date, a violation of 200

section 2925.11 of the Revised Code that is not a minor drug 201
possession offense, a violation of section 2923.02 or 2923.03 of 202
the Revised Code that relates to a crime specified in this 203
division, or a second violation of section 4511.19 of the 204
Revised Code within five years of the date of application for 205
licensure or certification. 206

(b) A violation of an existing or former law of this 207
state, any other state, or the United States that is 208
substantially equivalent to any of the offenses or violations 209
described in division (A) (5) (a) of this section. 210

(6) Upon receipt of a request pursuant to section 5153.111 211
of the Revised Code, a completed form prescribed pursuant to 212
division (C) (1) of this section, and a set of fingerprint 213
impressions obtained in the manner described in division (C) (2) 214
of this section, the superintendent of the bureau of criminal 215
identification and investigation shall conduct a criminal 216
records check in the manner described in division (B) of this 217
section to determine whether any information exists that 218
indicates that the person who is the subject of the request 219
previously has been convicted of or pleaded guilty to any of the 220
following: 221

(a) A violation of section 2903.01, 2903.02, 2903.03, 222
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 223
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 224
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 225
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 226
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 227
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 228
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 229
Code, felonious sexual penetration in violation of former 230

section 2907.12 of the Revised Code, a violation of section 231
2905.04 of the Revised Code as it existed prior to July 1, 1996, 232
a violation of section 2919.23 of the Revised Code that would 233
have been a violation of section 2905.04 of the Revised Code as 234
it existed prior to July 1, 1996, had the violation been 235
committed prior to that date, or a violation of section 2925.11 236
of the Revised Code that is not a minor drug possession offense; 237

(b) A violation of an existing or former law of this 238
state, any other state, or the United States that is 239
substantially equivalent to any of the offenses listed in 240
division (A) (6) (a) of this section. 241

(7) On receipt of a request for a criminal records check 242
from an individual pursuant to section 4749.03 or 4749.06 of the 243
Revised Code, accompanied by a completed copy of the form 244
prescribed in division (C) (1) of this section and a set of 245
fingerprint impressions obtained in a manner described in 246
division (C) (2) of this section, the superintendent of the 247
bureau of criminal identification and investigation shall 248
conduct a criminal records check in the manner described in 249
division (B) of this section to determine whether any 250
information exists indicating that the person who is the subject 251
of the request has been convicted of or pleaded guilty to any 252
criminal offense in this state or in any other state. If the 253
individual indicates that a firearm will be carried in the 254
course of business, the superintendent shall require information 255
from the federal bureau of investigation as described in 256
division (B) (2) of this section. Subject to division (F) of this 257
section, the superintendent shall report the findings of the 258
criminal records check and any information the federal bureau of 259
investigation provides to the director of public safety. 260

(8) On receipt of a request pursuant to section 1321.37, 261
1321.53, or 4763.05 of the Revised Code, a completed form 262
prescribed pursuant to division (C)(1) of this section, and a 263
set of fingerprint impressions obtained in the manner described 264
in division (C)(2) of this section, the superintendent of the 265
bureau of criminal identification and investigation shall 266
conduct a criminal records check with respect to any person who 267
has applied for a license, permit, or certification from the 268
department of commerce or a division in the department. The 269
superintendent shall conduct the criminal records check in the 270
manner described in division (B) of this section to determine 271
whether any information exists that indicates that the person 272
who is the subject of the request previously has been convicted 273
of or pleaded guilty to any criminal offense in this state, any 274
other state, or the United States. 275

(9) On receipt of a request for a criminal records check 276
from the treasurer of state under section 113.041 of the Revised 277
Code or from an individual under section 928.03, 4701.08, 278
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 279
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 280
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 281
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 282
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 283
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 284
4776.021, 4778.04, 4778.07, 4779.091, ~~or~~4783.04, 4785.05, or 285
4785.15 of the Revised Code, accompanied by a completed form 286
prescribed under division (C)(1) of this section and a set of 287
fingerprint impressions obtained in the manner described in 288
division (C)(2) of this section, the superintendent of the 289
bureau of criminal identification and investigation shall 290
conduct a criminal records check in the manner described in 291

division (B) of this section to determine whether any 292
information exists that indicates that the person who is the 293
subject of the request has been convicted of or pleaded guilty 294
to any criminal offense in this state or any other state. 295
Subject to division (F) of this section, the superintendent 296
shall send the results of a check requested under section 297
113.041 of the Revised Code to the treasurer of state and shall 298
send the results of a check requested under any of the other 299
listed sections to the licensing board specified by the 300
individual in the request. 301

(10) On receipt of a request pursuant to section 124.74, 302
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 303
Code, a completed form prescribed pursuant to division (C)(1) of 304
this section, and a set of fingerprint impressions obtained in 305
the manner described in division (C)(2) of this section, the 306
superintendent of the bureau of criminal identification and 307
investigation shall conduct a criminal records check in the 308
manner described in division (B) of this section to determine 309
whether any information exists that indicates that the person 310
who is the subject of the request previously has been convicted 311
of or pleaded guilty to any criminal offense under any existing 312
or former law of this state, any other state, or the United 313
States. 314

(11) On receipt of a request for a criminal records check 315
from an appointing or licensing authority under section 3772.07 316
of the Revised Code, a completed form prescribed under division 317
(C)(1) of this section, and a set of fingerprint impressions 318
obtained in the manner prescribed in division (C)(2) of this 319
section, the superintendent of the bureau of criminal 320
identification and investigation shall conduct a criminal 321
records check in the manner described in division (B) of this 322

section to determine whether any information exists that 323
indicates that the person who is the subject of the request 324
previously has been convicted of or pleaded guilty or no contest 325
to any offense under any existing or former law of this state, 326
any other state, or the United States that is a disqualifying 327
offense as defined in section 3772.07 of the Revised Code or 328
substantially equivalent to such an offense. 329

(12) On receipt of a request pursuant to section 2151.33 330
or 2151.412 of the Revised Code, a completed form prescribed 331
pursuant to division (C) (1) of this section, and a set of 332
fingerprint impressions obtained in the manner described in 333
division (C) (2) of this section, the superintendent of the 334
bureau of criminal identification and investigation shall 335
conduct a criminal records check with respect to any person for 336
whom a criminal records check is required under that section. 337
The superintendent shall conduct the criminal records check in 338
the manner described in division (B) of this section to 339
determine whether any information exists that indicates that the 340
person who is the subject of the request previously has been 341
convicted of or pleaded guilty to any of the following: 342

(a) A violation of section 2903.01, 2903.02, 2903.03, 343
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 344
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 345
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 346
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 347
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 348
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 349
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 350
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 351

(b) An existing or former law of this state, any other 352

state, or the United States that is substantially equivalent to 353
any of the offenses listed in division (A) (12) (a) of this 354
section. 355

(13) On receipt of a request pursuant to section 3796.12 356
of the Revised Code, a completed form prescribed pursuant to 357
division (C) (1) of this section, and a set of fingerprint 358
impressions obtained in a manner described in division (C) (2) of 359
this section, the superintendent of the bureau of criminal 360
identification and investigation shall conduct a criminal 361
records check in the manner described in division (B) of this 362
section to determine whether any information exists that 363
indicates that the person who is the subject of the request 364
previously has been convicted of or pleaded guilty to the 365
following: 366

(a) A disqualifying offense as specified in rules adopted 367
under section 9.79 and division (B) (2) (b) of section 3796.03 of 368
the Revised Code if the person who is the subject of the request 369
is an administrator or other person responsible for the daily 370
operation of, or an owner or prospective owner, officer or 371
prospective officer, or board member or prospective board member 372
of, an entity seeking a license from the department of commerce 373
under Chapter 3796. of the Revised Code; 374

(b) A disqualifying offense as specified in rules adopted 375
under section 9.79 and division (B) (2) (b) of section 3796.04 of 376
the Revised Code if the person who is the subject of the request 377
is an administrator or other person responsible for the daily 378
operation of, or an owner or prospective owner, officer or 379
prospective officer, or board member or prospective board member 380
of, an entity seeking a license from the state board of pharmacy 381
under Chapter 3796. of the Revised Code. 382

(14) On receipt of a request required by section 3796.13 383
of the Revised Code, a completed form prescribed pursuant to 384
division (C) (1) of this section, and a set of fingerprint 385
impressions obtained in a manner described in division (C) (2) of 386
this section, the superintendent of the bureau of criminal 387
identification and investigation shall conduct a criminal 388
records check in the manner described in division (B) of this 389
section to determine whether any information exists that 390
indicates that the person who is the subject of the request 391
previously has been convicted of or pleaded guilty to the 392
following: 393

(a) A disqualifying offense as specified in rules adopted 394
under division (B) (8) (a) of section 3796.03 of the Revised Code 395
if the person who is the subject of the request is seeking 396
employment with an entity licensed by the department of commerce 397
under Chapter 3796. of the Revised Code; 398

(b) A disqualifying offense as specified in rules adopted 399
under division (B) (14) (a) of section 3796.04 of the Revised Code 400
if the person who is the subject of the request is seeking 401
employment with an entity licensed by the state board of 402
pharmacy under Chapter 3796. of the Revised Code. 403

(15) On receipt of a request pursuant to section 4768.06 404
of the Revised Code, a completed form prescribed under division 405
(C) (1) of this section, and a set of fingerprint impressions 406
obtained in the manner described in division (C) (2) of this 407
section, the superintendent of the bureau of criminal 408
identification and investigation shall conduct a criminal 409
records check in the manner described in division (B) of this 410
section to determine whether any information exists indicating 411
that the person who is the subject of the request has been 412

convicted of or pleaded guilty to any criminal offense in this 413
state or in any other state. 414

(16) On receipt of a request pursuant to division (B) of 415
section 4764.07 or division (A) of section 4735.143 of the 416
Revised Code, a completed form prescribed under division (C) (1) 417
of this section, and a set of fingerprint impressions obtained 418
in the manner described in division (C) (2) of this section, the 419
superintendent of the bureau of criminal identification and 420
investigation shall conduct a criminal records check in the 421
manner described in division (B) of this section to determine 422
whether any information exists indicating that the person who is 423
the subject of the request has been convicted of or pleaded 424
guilty to any criminal offense in any state or the United 425
States. 426

(17) On receipt of a request for a criminal records check 427
under section 147.022 of the Revised Code, a completed form 428
prescribed under division (C) (1) of this section, and a set of 429
fingerprint impressions obtained in the manner prescribed in 430
division (C) (2) of this section, the superintendent of the 431
bureau of criminal identification and investigation shall 432
conduct a criminal records check in the manner described in 433
division (B) of this section to determine whether any 434
information exists that indicates that the person who is the 435
subject of the request previously has been convicted of or 436
pleaded guilty or no contest to any criminal offense under any 437
existing or former law of this state, any other state, or the 438
United States. 439

(18) Upon receipt of a request pursuant to division (F) of 440
section 2915.081 or division (E) of section 2915.082 of the 441
Revised Code, a completed form prescribed under division (C) (1) 442

of this section, and a set of fingerprint impressions obtained 443
in the manner described in division (C) (2) of this section, the 444
superintendent of the bureau of criminal identification and 445
investigation shall conduct a criminal records check in the 446
manner described in division (B) of this section to determine 447
whether any information exists indicating that the person who is 448
the subject of the request has been convicted of or pleaded 449
guilty or no contest to any offense that is a violation of 450
Chapter 2915. of the Revised Code or to any offense under any 451
existing or former law of this state, any other state, or the 452
United States that is substantially equivalent to such an 453
offense. 454

(B) Subject to division (F) of this section, the 455
superintendent shall conduct any criminal records check to be 456
conducted under this section as follows: 457

(1) The superintendent shall review or cause to be 458
reviewed any relevant information gathered and compiled by the 459
bureau under division (A) of section 109.57 of the Revised Code 460
that relates to the person who is the subject of the criminal 461
records check, including, if the criminal records check was 462
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 463
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 464
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 465
3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 466
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 467
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 468
5153.111 of the Revised Code, any relevant information contained 469
in records that have been sealed under section 2953.32 of the 470
Revised Code; 471

(2) If the request received by the superintendent asks for 472

information from the federal bureau of investigation, the 473
superintendent shall request from the federal bureau of 474
investigation any information it has with respect to the person 475
who is the subject of the criminal records check, including 476
fingerprint-based checks of national crime information databases 477
as described in 42 U.S.C. 671 if the request is made pursuant to 478
section 2151.86 or 5104.013 of the Revised Code or if any other 479
Revised Code section requires fingerprint-based checks of that 480
nature, and shall review or cause to be reviewed any information 481
the superintendent receives from that bureau. If a request under 482
section 3319.39 of the Revised Code asks only for information 483
from the federal bureau of investigation, the superintendent 484
shall not conduct the review prescribed by division (B) (1) of 485
this section. 486

(3) The superintendent or the superintendent's designee 487
may request criminal history records from other states or the 488
federal government pursuant to the national crime prevention and 489
privacy compact set forth in section 109.571 of the Revised 490
Code. 491

(4) The superintendent shall include in the results of the 492
criminal records check a list or description of the offenses 493
listed or described in the relevant provision of division (A) of 494
this section. The superintendent shall exclude from the results 495
any information the dissemination of which is prohibited by 496
federal law. 497

(5) The superintendent shall send the results of the 498
criminal records check to the person to whom it is to be sent 499
not later than the following number of days after the date the 500
superintendent receives the request for the criminal records 501
check, the completed form prescribed under division (C) (1) of 502

this section, and the set of fingerprint impressions obtained in 503
the manner described in division (C) (2) of this section: 504

(a) If the superintendent is required by division (A) of 505
this section (other than division (A) (3) of this section) to 506
conduct the criminal records check, thirty; 507

(b) If the superintendent is required by division (A) (3) 508
of this section to conduct the criminal records check, sixty. 509

(C) (1) The superintendent shall prescribe a form to obtain 510
the information necessary to conduct a criminal records check 511
from any person for whom a criminal records check is to be 512
conducted under this section. The form that the superintendent 513
prescribes pursuant to this division may be in a tangible 514
format, in an electronic format, or in both tangible and 515
electronic formats. 516

(2) The superintendent shall prescribe standard impression 517
sheets to obtain the fingerprint impressions of any person for 518
whom a criminal records check is to be conducted under this 519
section. Any person for whom a records check is to be conducted 520
under this section shall obtain the fingerprint impressions at a 521
county sheriff's office, municipal police department, or any 522
other entity with the ability to make fingerprint impressions on 523
the standard impression sheets prescribed by the superintendent. 524
The office, department, or entity may charge the person a 525
reasonable fee for making the impressions. The standard 526
impression sheets the superintendent prescribes pursuant to this 527
division may be in a tangible format, in an electronic format, 528
or in both tangible and electronic formats. 529

(3) Subject to division (D) of this section, the 530
superintendent shall prescribe and charge a reasonable fee for 531

providing a criminal records check under this section. The 532
person requesting the criminal records check shall pay the fee 533
prescribed pursuant to this division. In the case of a request 534
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 535
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 536
fee shall be paid in the manner specified in that section. 537

(4) The superintendent of the bureau of criminal 538
identification and investigation may prescribe methods of 539
forwarding fingerprint impressions and information necessary to 540
conduct a criminal records check, which methods shall include, 541
but not be limited to, an electronic method. 542

(D) The results of a criminal records check conducted 543
under this section, other than a criminal records check 544
specified in division (A)(7) of this section, are valid for the 545
person who is the subject of the criminal records check for a 546
period of one year from the date upon which the superintendent 547
completes the criminal records check. If during that period the 548
superintendent receives another request for a criminal records 549
check to be conducted under this section for that person, the 550
superintendent shall provide the results from the previous 551
criminal records check of the person at a lower fee than the fee 552
prescribed for the initial criminal records check. 553

(E) When the superintendent receives a request for 554
information from a registered private provider, the 555
superintendent shall proceed as if the request was received from 556
a school district board of education under section 3319.39 of 557
the Revised Code. The superintendent shall apply division (A)(1) 558
(c) of this section to any such request for an applicant who is 559
a teacher. 560

(F)(1) Subject to division (F)(2) of this section, all 561

information regarding the results of a criminal records check 562
conducted under this section that the superintendent reports or 563
sends under division (A) (7) or (9) of this section to the 564
director of public safety, the treasurer of state, or the 565
person, board, or entity that made the request for the criminal 566
records check shall relate to the conviction of the subject 567
person, or the subject person's plea of guilty to, a criminal 568
offense. 569

(2) Division (F) (1) of this section does not limit, 570
restrict, or preclude the superintendent's release of 571
information that relates to the arrest of a person who is 572
eighteen years of age or older, to an adjudication of a child as 573
a delinquent child, or to a criminal conviction of a person 574
under eighteen years of age in circumstances in which a release 575
of that nature is authorized under division (E) (2), (3), or (4) 576
of section 109.57 of the Revised Code pursuant to a rule adopted 577
under division (E) (1) of that section. 578

(G) As used in this section: 579

(1) "Criminal records check" means any criminal records 580
check conducted by the superintendent of the bureau of criminal 581
identification and investigation in accordance with division (B) 582
of this section. 583

(2) "Minor drug possession offense" has the same meaning 584
as in section 2925.01 of the Revised Code. 585

(3) "OVI or OVUAC violation" means a violation of section 586
4511.19 of the Revised Code or a violation of an existing or 587
former law of this state, any other state, or the United States 588
that is substantially equivalent to section 4511.19 of the 589
Revised Code. 590

(4) "Registered private provider" means a nonpublic school 591
or entity registered with the superintendent of public 592
instruction under section 3310.41 of the Revised Code to 593
participate in the autism scholarship program or section 3310.58 594
of the Revised Code to participate in the Jon Peterson special 595
needs scholarship program. 596

Sec. 4731.051. The state medical board shall adopt rules 597
in accordance with Chapter 119. of the Revised Code establishing 598
universal blood and body fluid precautions that shall be used by 599
each person who performs exposure prone invasive procedures and 600
is authorized to practice by this chapter or Chapter 4730., 601
4759., 4760., 4761., 4762., ~~or 4774.,~~ or 4785. of the Revised 602
Code. The rules shall define and establish requirements for 603
universal blood and body fluid precautions that include the 604
following: 605

- (A) Appropriate use of hand washing; 606
- (B) Disinfection and sterilization of equipment; 607
- (C) Handling and disposal of needles and other sharp 608
instruments; 609
- (D) Wearing and disposal of gloves and other protective 610
garments and devices. 611

Sec. 4731.07. (A) The state medical board shall keep a 612
record of its proceedings. The minutes of a meeting of the board 613
shall, on approval by the board, constitute an official record 614
of its proceedings. 615

(B) The board shall keep a register of applicants for 616
licenses and certificates issued under this chapter; licenses 617
issued under Chapters 4730., 4760., 4762., 4774., ~~and 4778.,~~ and 618
4785.; and licenses and limited permits issued under Chapters 619

4759. and 4761. of the Revised Code. The register shall show the 620
name of the applicant and whether the applicant was granted or 621
refused the license, certificate, or limited permit being 622
sought. 623

With respect to applicants to practice medicine and 624
surgery or osteopathic medicine and surgery, the register shall 625
show the name of the institution that granted the applicant the 626
degree of doctor of medicine or osteopathic medicine. With 627
respect to applicants to practice respiratory care, the register 628
shall show the addresses of the person's last known place of 629
business and residence, the effective date and identification 630
number of the license or limited permit, and, if applicable, the 631
name and location of the institution that granted the person's 632
degree or certificate of completion of respiratory care 633
educational requirements and the date the degree or certificate 634
of completion was issued. 635

(C) The books and records of the board shall be prima- 636
facie evidence of matters therein contained. 637

Sec. 4731.071. The state medical board shall develop and 638
publish on its internet web site a directory containing the 639
names of, and contact information for, all persons who hold 640
current, valid certificates or licenses issued by the board 641
under this chapter or Chapter 4730., 4759., 4760., 4761., 4762., 642
4774., ~~or 4778.~~, or 4785. of the Revised Code. Except as 643
provided in section 4731.10 of the Revised Code, the directory 644
shall be the sole source for verifying that a person holds a 645
current, valid certificate or license issued by the board. 646

Sec. 4731.224. (A) Within sixty days after the imposition 647
of any formal disciplinary action taken by any health care 648
facility, including a hospital, health care facility operated by 649

a health insuring corporation, ambulatory surgical center, or 650
similar facility, against any individual holding a valid license 651
or certificate to practice issued pursuant to this chapter, the 652
chief administrator or executive officer of the facility shall 653
report to the state medical board the name of the individual, 654
the action taken by the facility, and a summary of the 655
underlying facts leading to the action taken. Upon request, the 656
board shall be provided certified copies of the patient records 657
that were the basis for the facility's action. Prior to release 658
to the board, the summary shall be approved by the peer review 659
committee that reviewed the case or by the governing board of 660
the facility. As used in this division, "formal disciplinary 661
action" means any action resulting in the revocation, 662
restriction, reduction, or termination of clinical privileges 663
for violations of professional ethics, or for reasons of medical 664
incompetence or medical malpractice. "Formal disciplinary 665
action" includes a summary action, an action that takes effect 666
notwithstanding any appeal rights that may exist, and an action 667
that results in an individual surrendering clinical privileges 668
while under investigation and during proceedings regarding the 669
action being taken or in return for not being investigated or 670
having proceedings held. "Formal disciplinary action" does not 671
include any action taken for the sole reason of failure to 672
maintain records on a timely basis or failure to attend staff or 673
section meetings. 674

The filing or nonfiling of a report with the board, 675
investigation by the board, or any disciplinary action taken by 676
the board, shall not preclude any action by a health care 677
facility to suspend, restrict, or revoke the individual's 678
clinical privileges. 679

In the absence of fraud or bad faith, no individual or 680

entity that provides patient records to the board shall be 681
liable in damages to any person as a result of providing the 682
records. 683

(B) (1) Except as provided in division (B) (2) of this 684
section, if any individual authorized to practice under this 685
chapter or any professional association or society of such 686
individuals believes that a violation of any provision of this 687
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4774., ~~or~~ 688
4778., or 4785. of the Revised Code, or any rule of the board 689
has occurred, the individual, association, or society shall 690
report to the board the information upon which the belief is 691
based. 692

(2) If any individual authorized to practice under this 693
chapter or any professional association or society of such 694
individuals believes that a violation of division (B) (26) of 695
section 4731.22 of the Revised Code has occurred, the 696
individual, association, or society shall report the information 697
upon which the belief is based to the monitoring organization 698
conducting the program established by the board under section 699
4731.251 of the Revised Code. If any such report is made to the 700
board, it shall be referred to the monitoring organization 701
unless the board is aware that the individual who is the subject 702
of the report does not meet the program eligibility requirements 703
of section 4731.252 of the Revised Code. 704

(C) Any professional association or society composed 705
primarily of doctors of medicine and surgery, doctors of 706
osteopathic medicine and surgery, doctors of podiatric medicine 707
and surgery, or practitioners of limited branches of medicine 708
that suspends or revokes an individual's membership for 709
violations of professional ethics, or for reasons of 710

professional incompetence or professional malpractice, within 711
sixty days after a final decision shall report to the board, on 712
forms prescribed and provided by the board, the name of the 713
individual, the action taken by the professional organization, 714
and a summary of the underlying facts leading to the action 715
taken. 716

The filing of a report with the board or decision not to 717
file a report, investigation by the board, or any disciplinary 718
action taken by the board, does not preclude a professional 719
organization from taking disciplinary action against an 720
individual. 721

(D) Any insurer providing professional liability insurance 722
to an individual authorized to practice under this chapter, or 723
any other entity that seeks to indemnify the professional 724
liability of such an individual, shall notify the board within 725
thirty days after the final disposition of any written claim for 726
damages where such disposition results in a payment exceeding 727
twenty-five thousand dollars. The notice shall contain the 728
following information: 729

(1) The name and address of the person submitting the 730
notification; 731

(2) The name and address of the insured who is the subject 732
of the claim; 733

(3) The name of the person filing the written claim; 734

(4) The date of final disposition; 735

(5) If applicable, the identity of the court in which the 736
final disposition of the claim took place. 737

(E) The board may investigate possible violations of this 738

chapter or the rules adopted under it that are brought to its 739
attention as a result of the reporting requirements of this 740
section, except that the board shall conduct an investigation if 741
a possible violation involves repeated malpractice. As used in 742
this division, "repeated malpractice" means three or more claims 743
for medical malpractice within the previous five-year period, 744
each resulting in a judgment or settlement in excess of twenty- 745
five thousand dollars in favor of the claimant, and each 746
involving negligent conduct by the practicing individual. 747

(F) All summaries, reports, and records received and 748
maintained by the board pursuant to this section shall be held 749
in confidence and shall not be subject to discovery or 750
introduction in evidence in any federal or state civil action 751
involving a health care professional or facility arising out of 752
matters that are the subject of the reporting required by this 753
section. The board may use the information obtained only as the 754
basis for an investigation, as evidence in a disciplinary 755
hearing against an individual whose practice is regulated under 756
this chapter, or in any subsequent trial or appeal of a board 757
action or order. 758

The board may disclose the summaries and reports it 759
receives under this section only to health care facility 760
committees within or outside this state that are involved in 761
credentialing or recredentialing the individual or in reviewing 762
the individual's clinical privileges. The board shall indicate 763
whether or not the information has been verified. Information 764
transmitted by the board shall be subject to the same 765
confidentiality provisions as when maintained by the board. 766

(G) Except for reports filed by an individual pursuant to 767
division (B) of this section, the board shall send a copy of any 768

reports or summaries it receives pursuant to this section to the 769
individual who is the subject of the reports or summaries. The 770
individual shall have the right to file a statement with the 771
board concerning the correctness or relevance of the 772
information. The statement shall at all times accompany that 773
part of the record in contention. 774

(H) An individual or entity that, pursuant to this 775
section, reports to the board, reports to the monitoring 776
organization described in section 4731.251 of the Revised Code, 777
or refers an impaired practitioner to a treatment provider 778
approved by the board under section 4731.25 of the Revised Code 779
shall not be subject to suit for civil damages as a result of 780
the report, referral, or provision of the information. 781

(I) In the absence of fraud or bad faith, no professional 782
association or society of individuals authorized to practice 783
under this chapter that sponsors a committee or program to 784
provide peer assistance to practitioners with substance abuse 785
problems, no representative or agent of such a committee or 786
program, no representative or agent of the monitoring 787
organization described in section 4731.251 of the Revised Code, 788
and no member of the state medical board shall be held liable in 789
damages to any person by reason of actions taken to refer a 790
practitioner to a treatment provider approved under section 791
4731.25 of the Revised Code for examination or treatment. 792

Sec. 4731.24. Except as provided in sections 4731.281 and 793
4731.40 of the Revised Code, all receipts of the state medical 794
board, from any source, shall be deposited in the state 795
treasury. The funds shall be deposited to the credit of the 796
state medical board operating fund, which is hereby created. 797
Except as provided in sections 4730.252, 4731.225, 4731.24, 798

4759.071, 4760.133, 4761.091, 4762.133, 4774.133, ~~and 4778.141,~~
and 4785.11 of the Revised Code, all funds deposited into the
state treasury under this section shall be used solely for the
administration and enforcement of this chapter and Chapters
4730., 4759., 4760., 4761., 4762., 4774., ~~and 4778.,~~ and 4785.
of the Revised Code by the board.

Sec. 4731.25. The state medical board, in accordance with
Chapter 119. of the Revised Code, shall adopt and may amend and
rescind rules establishing standards for approval of physicians
and facilities as treatment providers for practitioners
suffering or showing evidence of suffering impairment as
described in division (B) (5) of section 4730.25, division (B)
(26) of section 4731.22, division (A) (18) of section 4759.07,
division (B) (6) of section 4760.13, division (A) (18) of section
4761.09, division (B) (6) of section 4762.13, division (B) (6) of
section 4774.13, ~~or~~ division (B) (6) of section 4778.14, or
division (B) (6) of section 4785.10 of the Revised Code. The
rules shall include standards for both inpatient and outpatient
treatment and for care and monitoring that continues after
treatment. The rules shall provide that in order to be approved,
a treatment provider must have the capability of making an
initial examination to determine what type of treatment an
impaired practitioner requires. Subject to the rules, the board
shall review and approve treatment providers on a regular basis.
The board, at its discretion, may withdraw or deny approval
subject to the rules.

An approved impaired practitioner treatment provider shall
do all of the following:

(A) Report to the board the name of any practitioner
suffering or showing evidence of suffering impairment who fails

to comply within one week with a referral for examination;	829
(B) Report to the board the name of any impaired practitioner who fails to enter treatment within forty-eight hours following the provider's determination that the practitioner needs treatment;	830 831 832 833
(C) Require every practitioner who enters treatment to agree to a treatment contract establishing the terms of treatment and aftercare, including any required supervision or restrictions of practice during treatment or aftercare;	834 835 836 837
(D) Require a practitioner to suspend practice upon entry into any required inpatient treatment;	838 839
(E) Report to the board any failure by an impaired practitioner to comply with the terms of the treatment contract during inpatient or outpatient treatment or aftercare;	840 841 842
(F) Report to the board the resumption of practice of any impaired practitioner before the treatment provider has made a clear determination that the practitioner is capable of practicing according to acceptable and prevailing standards of care;	843 844 845 846 847
(G) Require a practitioner who resumes practice after completion of treatment to comply with an aftercare contract that meets the requirements of rules adopted by the board for approval of treatment providers;	848 849 850 851
(H) Report the identity of any practitioner practicing under the terms of an aftercare contract to hospital administrators, medical chiefs of staff, and chairpersons of impaired practitioner committees of all health care institutions at which the practitioner holds clinical privileges or otherwise practices. If the practitioner does not hold clinical privileges	852 853 854 855 856 857

at any health care institution, the treatment provider shall 858
report the practitioner's identity to the impaired practitioner 859
committee of the county medical society, osteopathic academy, or 860
podiatric medical association in every county in which the 861
practitioner practices. If there are no impaired practitioner 862
committees in the county, the treatment provider shall report 863
the practitioner's identity to the president or other designated 864
member of the county medical society, osteopathic academy, or 865
podiatric medical association. 866

(I) Report to the board the identity of any practitioner 867
who suffers a relapse at any time during or following aftercare. 868

Any individual authorized to practice under this chapter 869
who enters into treatment by an approved treatment provider 870
shall be deemed to have waived any confidentiality requirements 871
that would otherwise prevent the treatment provider from making 872
reports required under this section. 873

In the absence of fraud or bad faith, no person or 874
organization that conducts an approved impaired practitioner 875
treatment program, no member of such an organization, and no 876
employee, representative, or agent of the treatment provider 877
shall be held liable in damages to any person by reason of 878
actions taken or recommendations made by the treatment provider 879
or its employees, representatives, or agents. 880

Sec. 4731.251. (A) As used in this section and in sections 881
4731.252 and 4731.253 of the Revised Code: 882

(1) "Impaired" or "impairment" has the same meaning as in 883
division (B) (5) of section 4730.25, division (B) (26) of section 884
4731.22, division (A) (18) of section 4759.07, division (B) (6) of 885
section 4760.13, division (A) (18) of section 4761.09, division 886

(B) (6) of section 4762.13, division (B) (6) of section 4774.13, 887
~~or~~ division (B) (6) of section 4778.14, or division (B) (6) of 888
section 4785.10 of the Revised Code. 889

(2) "Practitioner" means any of the following: 890

(a) An individual authorized under this chapter to 891
practice medicine and surgery, osteopathic medicine and surgery, 892
podiatric medicine and surgery, or a limited branch of medicine; 893

(b) An individual licensed under Chapter 4730. of the 894
Revised Code to practice as a physician assistant; 895

(c) An individual authorized under Chapter 4759. of the 896
Revised Code to practice as a dietitian; 897

(d) An individual authorized under Chapter 4760. of the 898
Revised Code to practice as an anesthesiologist assistant; 899

(e) An individual authorized under Chapter 4761. of the 900
Revised Code to practice respiratory care; 901

(f) An individual authorized under Chapter 4762. of the 902
Revised Code to practice as an acupuncturist or oriental 903
medicine practitioner; 904

(g) An individual authorized under Chapter 4774. of the 905
Revised Code to practice as a radiologist assistant; 906

(h) An individual licensed under Chapter 4778. of the 907
Revised Code to practice as a genetic counselor; 908

(i) An individual licensed under Chapter 4785. of the 909
Revised Code to practice as a surgical assistant. 910

(B) The state medical board shall establish a confidential 911
program for treatment of impaired practitioners, which shall be 912
known as the one-bite program. The board shall contract with one 913

organization to conduct the program and perform monitoring 914
services. 915

To be qualified to contract with the board under this 916
section, an organization must meet all of the following 917
requirements: 918

(1) Be sponsored by one or more professional associations 919
or societies of practitioners; 920

(2) Be organized as a not-for-profit entity and exempt 921
from federal income taxation under subsection 501(c)(3) of the 922
Internal Revenue Code; 923

(3) Contract with or employ to serve as the organization's 924
medical director an individual who is authorized under this 925
chapter to practice medicine and surgery or osteopathic medicine 926
and surgery and specializes or has training and expertise in 927
addiction medicine; 928

(4) Contract with or employ one or more of the following 929
as necessary for the organization's operation: 930

(a) An individual licensed under Chapter 4758. of the 931
Revised Code as an independent chemical dependency counselor- 932
clinical supervisor, independent chemical dependency counselor, 933
chemical dependency counselor III, or chemical dependency 934
counselor II; 935

(b) An individual licensed under Chapter 4757. of the 936
Revised Code as an independent social worker, social worker, 937
licensed professional clinical counselor, or licensed 938
professional counselor; 939

(c) An individual licensed under Chapter 4732. of the 940
Revised Code as a psychologist. 941

(C) The monitoring organization shall do all of the	942
following pursuant to the contract:	943
(1) Receive any report of suspected impairment, including	944
a report made under division (B) (2) of section 4730.32, division	945
(B) (2) of section 4731.224, section 4759.13, division (B) (2) of	946
section 4760.16, section 4761.19, division (B) (2) of section	947
4762.16, division (B) (2) of section 4774.16, or section 4778.17	948
of the Revised Code;	949
(2) Notify a practitioner who is the subject of a report	950
received under division (C) (1) of this section that the report	951
has been made and that the practitioner may be eligible to	952
participate in the program conducted under this section;	953
(3) Determine whether a practitioner reported to the	954
monitoring organization is eligible to participate in the	955
program and notify the practitioner of the determination;	956
(4) In the case of a practitioner reported by a treatment	957
provider, notify the treatment provider of the eligibility	958
determination;	959
(5) Report to the board any practitioner who is determined	960
ineligible to participate in the program;	961
(6) Refer an eligible practitioner who chooses to	962
participate in the program for evaluation by a treatment	963
provider approved by the board under section 4731.25 of the	964
Revised Code, unless the report received by the monitoring	965
organization was made by an approved treatment provider and the	966
practitioner has already been evaluated by the treatment	967
provider;	968
(7) Monitor the evaluation of an eligible practitioner;	969

(8) Refer an eligible practitioner who chooses to participate in the program to a treatment provider approved by the board under section 4731.25 of the Revised Code;

(9) Establish, in consultation with the treatment provider to which a practitioner is referred, the terms and conditions with which the practitioner must comply for continued participation in and successful completion of the program;

(10) Report to the board any practitioner who does not complete evaluation or treatment or does not comply with any of the terms and conditions established by the monitoring organization and the treatment provider;

(11) Perform any other activities specified in the contract with the board or that the monitoring organization considers necessary to comply with this section and sections 4731.252 and 4731.253 of the Revised Code.

(D) The monitoring organization shall not disclose to the board the name of a practitioner or any records relating to a practitioner, unless any of the following occurs:

(1) The practitioner is determined to be ineligible to participate in the program.

(2) The practitioner requests the disclosure.

(3) The practitioner is unwilling or unable to complete or comply with any part of the program, including evaluation, treatment, or monitoring.

(4) The practitioner presents an imminent danger to the public or to the practitioner, as a result of the practitioner's impairment.

(5) The practitioner has relapsed or the practitioner's

impairment has not been substantially alleviated by	998
participation in the program.	999
(E) (1) The monitoring organization shall develop	1000
procedures governing each of the following:	1001
(a) Receiving reports of practitioner impairment;	1002
(b) Notifying practitioners of reports and eligibility	1003
determinations;	1004
(c) Referring eligible practitioners for evaluation or	1005
treatment;	1006
(d) Establishing individualized treatment plans for	1007
eligible practitioners, as recommended by treatment providers;	1008
(e) Establishing individualized terms and conditions with	1009
which eligible practitioners must comply for continued	1010
participation in and successful completion of the program.	1011
(2) The monitoring organization, in consultation with the	1012
board, shall develop procedures governing each of the following:	1013
(a) Providing reports to the board on a periodic basis on	1014
the total number of practitioners participating in the program,	1015
without disclosing the names or records of any program	1016
participants other than those about whom reports are required by	1017
this section;	1018
(b) Reporting to the board any practitioner who due to	1019
impairment presents an imminent danger to the public or to the	1020
practitioner;	1021
(c) Reporting to the board any practitioner who is	1022
unwilling or unable to complete or comply with any part of the	1023
program, including evaluation, treatment, or monitoring;	1024

(d) Reporting to the board any practitioner whose 1025
impairment was not substantially alleviated by participation in 1026
the program or who has relapsed. 1027

(F) The board may adopt any rules it considers necessary 1028
to implement this section and sections 4731.252 and 4731.253 of 1029
the Revised Code, including rules regarding the monitoring 1030
organization and treatment providers that provide treatment to 1031
practitioners referred by the monitoring organization. Any such 1032
rules shall be adopted in accordance with Chapter 119. of the 1033
Revised Code. 1034

Sec. 4785.01. As used in this chapter: 1035

(A) "National board of surgical technology and surgical 1036
assisting" means the organization known by that name or its 1037
successor organization. 1038

(B) "National commission for the certification of surgical 1039
assistants" means the organization known by that name or its 1040
successor organization. 1041

(C) "Surgical assistant" means an individual, other than a 1042
licensed health professional, who assists in a surgical 1043
procedure by engaging in one or more of the activities described 1044
in section 4785.08 of the Revised Code. 1045

**Sec. 4785.02. The secretary of the state medical board 1046
shall enforce the laws relating to the practice of surgical 1047
assistants. If the secretary has knowledge or notice of a 1048
violation of this chapter or the rules adopted under it, the 1049
secretary shall investigate the matter, and, upon probable cause 1050
appearing, file a complaint and prosecute the offender. When 1051
requested by the secretary, the prosecuting attorney of the 1052
proper county shall take charge of and conduct the prosecution.** 1053

Sec. 4785.03. (A) Except as provided in division (B) of 1054
this section, no individual shall knowingly practice as a 1055
surgical assistant unless the individual holds a current, valid 1056
license to practice as a surgical assistant issued under this 1057
chapter. 1058

(B) Division (A) of this section does not apply to any of 1059
the following: 1060

(1) A physician authorized under Chapter 4731. of the 1061
Revised Code to practice medicine and surgery, osteopathic 1062
medicine and surgery, or podiatric medicine and surgery; 1063

(2) A physician assistant licensed under Chapter 4730. of 1064
the Revised Code to practice as a physician assistant; 1065

(3) A registered nurse, advanced practice registered 1066
nurse, or licensed practical nurse licensed under Chapter 4723. 1067
of the Revised Code to practice nursing as a registered nurse, 1068
advanced practice registered nurse, or licensed practical nurse. 1069

Sec. 4785.04. (A) As used in this section: 1070

(1) "Ambulatory surgical facility" has the same meaning as 1071
in section 3702.30 of the Revised Code. 1072

(2) "Hospital" has the same meaning as in section 3722.01 1073
of the Revised Code. 1074

(B) An individual seeking a license to practice as a 1075
surgical assistant shall file with the state medical board an 1076
application in a manner prescribed by the board. The application 1077
shall include all the information the board considers necessary 1078
to process the application, including evidence satisfactory to 1079
the board that the applicant meets the requirements specified in 1080
division (C) of this section. 1081

At the time an application is submitted, the applicant 1082
shall pay the board the application fee described in section 1083
4785.14 of the Revised Code. No part of the fee shall be 1084
returned to the applicant or transferred for purposes of another 1085
application. 1086

(C) (1) To be eligible to receive a license to practice as 1087
a surgical assistant, an applicant shall demonstrate to the 1088
board that the applicant meets all of the following 1089
requirements: 1090

(a) Is at least eighteen years of age; 1091

(b) Has attained a high school degree or equivalent; 1092

(c) Except as provided in division (C) (2) of this section, 1093
is credentialed as a surgical assistant by the national board of 1094
surgical technology and surgical assisting or national 1095
commission for the certification of surgical assistants. 1096

(2) In the case of an applicant who meets all eligibility 1097
requirements other than the requirement specified in division 1098
(C) (1) (c) of this section, the applicant is eligible for a 1099
license to practice as a surgical assistant if either of the 1100
following apply: 1101

(a) The applicant practiced as a surgical assistant at a 1102
hospital or ambulatory surgical facility located in this state 1103
during any part of the eighteen months that preceded the 1104
effective date of this section. 1105

(b) The applicant successfully completed a training 1106
program for surgical assistants operated by a branch of the 1107
United States armed forces. 1108

(C) The board shall review all applications received under 1109

this section. After receiving an application it considers 1110
complete, the board shall determine whether the applicant meets 1111
the requirements for a license to practice as a surgical 1112
assistant. 1113

Sec. 4785.05. In addition to any other eligibility 1114
requirement set forth in this chapter, each applicant for a 1115
license to practice as a surgical assistant shall comply with 1116
sections 4776.01 to 4776.04 of the Revised Code. 1117

Sec. 4785.06. If the state medical board determines under 1118
section 4785.04 of the Revised Code that an applicant meets the 1119
requirements for a license to practice as a surgical assistant, 1120
the secretary of the board shall issue the license to the 1121
applicant. The license shall be valid for a two-year period 1122
unless revoked or suspended, shall expire on the date that is 1123
two years after the date of issuance, and may be renewed for 1124
additional two-year periods in accordance with section 4785.07 1125
of the Revised Code. 1126

Sec. 4785.07. (A) An individual seeking to renew a license 1127
to practice as a surgical assistant shall, on or before the 1128
license's expiration date, apply to the state medical board for 1129
renewal. The board shall provide renewal notices to license 1130
holders at least one month prior to the expiration date. 1131

Renewal applications shall be submitted to the board in a 1132
manner prescribed by the board. Each application shall be 1133
accompanied by the renewal fee described in section 4785.14 of 1134
the Revised Code. 1135

The applicant shall report any criminal offense to which 1136
the applicant has pleaded guilty, of which the applicant has 1137
been found guilty, or for which the applicant has been found 1138

eligible for intervention in lieu of conviction, since last 1139
signing an application for a license to practice as a surgical 1140
assistant. 1141

(B) To be eligible for renewal, a surgical assistant shall 1142
certify to the board that the surgical assistant has done both 1143
of the following: 1144

(1) Maintained the assistant's credential as a surgical 1145
assistant by the national board of surgical technology and 1146
surgical assisting or national commission for the certification 1147
of surgical assistants, except in the case of a surgical 1148
assistant described in division (C) (2) of section 4785.04 of the 1149
Revised Code; 1150

(2) Completed at least thirty-eight hours of continuing 1151
education in surgical assisting that has been approved by the 1152
national board of surgical technology and surgical assisting or 1153
national commission for certification of surgical assistants. 1154

(C) If an applicant submits a renewal application that the 1155
board considers to be complete and qualifies for renewal 1156
pursuant to division (B) of this section, the board shall issue 1157
to the applicant a renewed license to practice as a surgical 1158
assistant. 1159

(D) The board may require a random sample of surgical 1160
assistants to submit materials documenting that their 1161
credentialing status has been maintained and that the number of 1162
hours of continuing education required under division (B) (2) of 1163
this section has been completed. This division does not limit 1164
the board's authority to conduct investigations pursuant to 1165
section 4785.10 of the Revised Code. 1166

(E) (1) If, through a random sample conducted under 1167

division (D) of this section or any other means, the board finds 1168
that an individual who certified completion of the number of 1169
hours and type of continuing education required to renew, 1170
reinstate, or restore a license to practice did not complete the 1171
requisite continuing education, the board may do either of the 1172
following: 1173

(a) Take disciplinary action against the individual under 1174
section 4785.10 of the Revised Code, impose a civil penalty, or 1175
both; 1176

(b) Permit the individual to agree in writing to complete 1177
the continuing education and pay a civil penalty. 1178

(2) The board's finding in any disciplinary action taken 1179
under division (E) (1) (a) of this section shall be made pursuant 1180
to an adjudication under Chapter 119. of the Revised Code and by 1181
an affirmative vote of not fewer than six of its members. 1182

(3) A civil penalty imposed under division (E) (1) (a) of 1183
this section or paid under division (E) (1) (b) of this section 1184
shall be in an amount specified by the board of not more than 1185
five thousand dollars. The board shall deposit civil penalties 1186
in accordance with section 4731.24 of the Revised Code. 1187

Sec. 4785.08. (A) Subject to divisions (B) and (C) of this 1188
section, an individual who holds a current, valid license to 1189
practice as a surgical assistant may assist a physician in the 1190
performance of surgical procedures by engaging in one or more of 1191
the following activities delegated by the physician: 1192

(1) Providing exposure; 1193

(2) Maintaining hemostasis; 1194

(3) Making incisions; 1195

<u>(4) Closing or suturing surgical sites;</u>	1196
<u>(5) Manipulating or removing tissue;</u>	1197
<u>(6) Implanting surgical devices or drains;</u>	1198
<u>(7) Suctioning surgical sites;</u>	1199
<u>(8) Placing catheters;</u>	1200
<u>(9) Clamping or cauterizing vessels or tissues;</u>	1201
<u>(10) Applying dressings to surgical sites;</u>	1202
<u>(11) Performing any other activity that is delegated by</u>	1203
<u>the physician and relates to a surgical procedure.</u>	1204
<u>(B) A surgical assistant may engage in any of the</u>	1205
<u>activities described in division (A) of this section only under</u>	1206
<u>the supervision of, and in the physical presence of, a</u>	1207
<u>physician.</u>	1208
<u>(C) When supervising a surgical assistant as described in</u>	1209
<u>division (B) of this section, a physician shall be in the</u>	1210
<u>physical presence of the surgical assistant, which shall require</u>	1211
<u>the physician to be in the same room in which the surgical</u>	1212
<u>assistant practices and observe directly the activities in which</u>	1213
<u>the surgical assistant engages.</u>	1214
<u>Sec. 4785.09.</u> <u>(A) The state medical board shall adopt</u>	1215
<u>rules establishing standards and procedures for the regulation</u>	1216
<u>of surgical assistants. The rules shall be adopted in accordance</u>	1217
<u>with Chapter 119. of the Revised Code and shall do all of the</u>	1218
<u>following:</u>	1219
<u>(1) Establish application procedures for the licensure of</u>	1220
<u>surgical assistants;</u>	1221
<u>(2) Establish license renewal procedures, including</u>	1222

<u>procedures for reporting the completion of continuing education;</u>	1223
<u>(3) Establish procedures for reporting to the board</u>	1224
<u>license holder misconduct.</u>	1225
<u>(B) In addition to the rules described in division (A) of</u>	1226
<u>this section, the board may adopt any other rules it considers</u>	1227
<u>necessary to implement and administer this chapter. The rules</u>	1228
<u>shall be adopted in accordance with Chapter 119. of the Revised</u>	1229
<u>Code.</u>	1230
<u>Sec. 4785.10. (A) The state medical board, by an</u>	1231
<u>affirmative vote of not fewer than six members, may revoke or</u>	1232
<u>may refuse to grant a license to practice as a surgical</u>	1233
<u>assistant to an individual found by the board to have committed</u>	1234
<u>fraud during the administration of the examination for</u>	1235
<u>certification or credentialing or to have committed fraud,</u>	1236
<u>misrepresentation, or deception in applying for or securing the</u>	1237
<u>license.</u>	1238
<u>(B) Except as provided in division (C) of this section,</u>	1239
<u>the board, by an affirmative vote of not fewer than six members,</u>	1240
<u>shall, to the extent permitted by law, limit, revoke, or suspend</u>	1241
<u>an individual's license to practice as a surgical assistant,</u>	1242
<u>refuse to issue a license to an applicant, refuse to renew a</u>	1243
<u>license, refuse to reinstate a license, or reprimand or place on</u>	1244
<u>probation the holder of a license for any of the following</u>	1245
<u>reasons:</u>	1246
<u>(1) Permitting the holder's name or license to be used by</u>	1247
<u>another person;</u>	1248
<u>(2) Failure to comply with the requirements of this</u>	1249
<u>chapter, Chapter 4731. of the Revised Code, or any rules adopted</u>	1250
<u>by the board;</u>	1251

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board; 1252
1253
1254
1255

(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established; 1256
1257
1258
1259

(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills; 1260
1261
1262
1263

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice; 1264
1265
1266
1267

(7) Willfully betraying a professional confidence; 1268

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a surgical assistant. 1269
1270
1271

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 1272
1273
1274
1275
1276
1277
1278
1279

(9) The obtaining of, or attempting to obtain, money or a 1280

<u>thing of value by fraudulent misrepresentations in the course of</u>	1281
<u>practice;</u>	1282
<u>(10) A plea of guilty to, a judicial finding of guilt of,</u>	1283
<u>or a judicial finding of eligibility for intervention in lieu of</u>	1284
<u>conviction for, a felony;</u>	1285
<u>(11) Commission of an act that constitutes a felony in</u>	1286
<u>this state, regardless of the jurisdiction in which the act was</u>	1287
<u>committed;</u>	1288
<u>(12) A plea of guilty to, a judicial finding of guilt of,</u>	1289
<u>or a judicial finding of eligibility for intervention in lieu of</u>	1290
<u>conviction for, a misdemeanor committed in the course of</u>	1291
<u>practice;</u>	1292
<u>(13) A plea of guilty to, a judicial finding of guilt of,</u>	1293
<u>or a judicial finding of eligibility for intervention in lieu of</u>	1294
<u>conviction for, a misdemeanor involving moral turpitude;</u>	1295
<u>(14) Commission of an act in the course of practice that</u>	1296
<u>constitutes a misdemeanor in this state, regardless of the</u>	1297
<u>jurisdiction in which the act was committed;</u>	1298
<u>(15) Commission of an act involving moral turpitude that</u>	1299
<u>constitutes a misdemeanor in this state, regardless of the</u>	1300
<u>jurisdiction in which the act was committed;</u>	1301
<u>(16) A plea of guilty to, a judicial finding of guilt of,</u>	1302
<u>or a judicial finding of eligibility for intervention in lieu of</u>	1303
<u>conviction for violating any state or federal law regulating the</u>	1304
<u>possession, distribution, or use of any drug, including</u>	1305
<u>trafficking in drugs;</u>	1306
<u>(17) Any of the following actions taken by an agency</u>	1307
<u>responsible for authorizing, certifying, or regulating an</u>	1308

individual to practice a health care occupation or provide 1309
health care services in this state or in another jurisdiction, 1310
for any reason other than the nonpayment of fees: the 1311
limitation, revocation, or suspension of an individual's license 1312
to practice; acceptance of an individual's license surrender; 1313
denial of a license; refusal to renew or reinstate a license; 1314
imposition of probation; or issuance of an order of censure or 1315
other reprimand; 1316

(18) Violation of the conditions placed by the board on a 1317
license to practice as a surgical assistant; 1318

(19) Failure to cooperate in an investigation conducted by 1319
the board under section 4785.17 of the Revised Code, including 1320
failure to comply with a subpoena or order issued by the board 1321
or failure to answer truthfully a question presented by the 1322
board at a deposition or in written interrogatories, except that 1323
failure to cooperate with an investigation shall not constitute 1324
grounds for discipline under this section if a court of 1325
competent jurisdiction has issued an order that either quashes a 1326
subpoena or permits the individual to withhold the testimony or 1327
evidence in issue; 1328

(20) Failure to maintain the individual's status as a 1329
credentialed surgical assistant or to notify the board that the 1330
credential has not been maintained; 1331

(21) Failure to comply with both of the following: 1332

(a) The code of ethics established by the national 1333
surgical assistant association; 1334

(b) The code of ethics established by the association of 1335
surgical assistants. 1336

(22) The revocation, suspension, restriction, reduction, 1337

or termination of clinical privileges by the United States 1338
department of defense or department of veterans affairs; 1339

(23) Termination or suspension from participation in the 1340
medicare or medicaid programs by the United States department of 1341
health and human services or other responsible agency for any 1342
act or acts that also would constitute a violation of division 1343
(A) (4), (5), or (9) of this section; 1344

(24) Failure to use universal blood and body fluid 1345
precautions established by rules adopted under section 4731.051 1346
of the Revised Code; 1347

(25) Representing, with the purpose of obtaining 1348
compensation or other advantage as personal gain or for any 1349
other person, that an incurable disease or injury, or other 1350
incurable condition, can be permanently cured. 1351

(C) The board shall not refuse to issue a license to an 1352
applicant because of a plea of guilty to, a judicial finding of 1353
guilt of, or a judicial finding of eligibility for intervention 1354
in lieu of conviction for an offense unless the refusal is in 1355
accordance with section 9.79 of the Revised Code. 1356

(D) Disciplinary actions taken by the board under 1357
divisions (A) and (B) of this section shall be taken pursuant to 1358
an adjudication under Chapter 119. of the Revised Code, except 1359
that in lieu of an adjudication, the board may enter into a 1360
consent agreement with a surgical assistant or applicant to 1361
resolve an allegation of a violation of this chapter or any rule 1362
adopted under it. A consent agreement, when ratified by an 1363
affirmative vote of not fewer than six members of the board, 1364
shall constitute the findings and order of the board with 1365
respect to the matter addressed in the agreement. If the board 1366

refuses to ratify a consent agreement, the admissions and 1367
findings contained in the consent agreement shall be of no force 1368
or effect. 1369

A telephone conference call may be utilized for 1370
ratification of a consent agreement that revokes or suspends an 1371
individual's license. The telephone conference call shall be 1372
considered a special meeting under division (F) of section 1373
121.22 of the Revised Code. 1374

(E) For purposes of divisions (B) (11), (14), and (15) of 1375
this section, the commission of the act may be established by a 1376
finding by the board, pursuant to an adjudication under Chapter 1377
119. of the Revised Code, that the applicant or license holder 1378
committed the act in question. The board shall have no 1379
jurisdiction under these divisions in cases where the trial 1380
court renders a final judgment in the license holder's favor and 1381
that judgment is based upon an adjudication on the merits. The 1382
board shall have jurisdiction under these divisions in cases 1383
where the trial court issues an order of dismissal on technical 1384
or procedural grounds. 1385

(F) The sealing of conviction records by any court shall 1386
have no effect on a prior board order entered under the 1387
provisions of this section or on the board's jurisdiction to 1388
take action under the provisions of this section if, based upon 1389
a plea of guilty, a judicial finding of guilt, or a judicial 1390
finding of eligibility for intervention in lieu of conviction, 1391
the board issued a notice of opportunity for a hearing or took 1392
other formal action under Chapter 119. of the Revised Code prior 1393
to the court's order to seal the records. The board shall not be 1394
required to seal, destroy, redact, or otherwise modify its 1395
records to reflect the court's sealing of conviction records. 1396

(G) For purposes of this division, any individual who 1397
holds a license to practice as a surgical assistant, or applies 1398
for a license, shall be deemed to have given consent to submit 1399
to a mental or physical examination when directed to do so in 1400
writing by the board and to have waived all objections to the 1401
admissibility of testimony or examination reports that 1402
constitute a privileged communication. 1403

(1) In enforcing division (B) (5) of this section, the 1404
board, on a showing of a possible violation, may compel any 1405
individual who holds a license to practice as a surgical 1406
assistant or who has applied for a license to practice as a 1407
surgical assistant to submit to a mental or physical 1408
examination, or both. A physical examination may include an HIV 1409
test. The expense of the examination is the responsibility of 1410
the individual compelled to be examined. Failure to submit to a 1411
mental or physical examination or consent to an HIV test ordered 1412
by the board constitutes an admission of the allegations against 1413
the individual unless the failure is due to circumstances beyond 1414
the individual's control, and a default and final order may be 1415
entered without the taking of testimony or presentation of 1416
evidence. If the board finds a surgical assistant unable to 1417
practice because of the reasons set forth in division (B) (5) of 1418
this section, the board shall require the surgical assistant to 1419
submit to care, counseling, or treatment by physicians approved 1420
or designated by the board, as a condition for an initial, 1421
continued, reinstated, or renewed license to practice. An 1422
individual affected by this division shall be afforded an 1423
opportunity to demonstrate to the board the ability to resume 1424
practicing in compliance with acceptable and prevailing 1425
standards of care. 1426

(2) For purposes of division (B) (6) of this section, if 1427

the board has reason to believe that any individual who holds a 1428
license to practice as a surgical assistant or any applicant for 1429
a license suffers such impairment, the board may compel the 1430
individual to submit to a mental or physical examination, or 1431
both. The expense of the examination is the responsibility of 1432
the individual compelled to be examined. Any mental or physical 1433
examination required under this division shall be undertaken by 1434
a treatment provider or physician qualified to conduct such 1435
examination and chosen by the board. 1436

Failure to submit to a mental or physical examination 1437
ordered by the board constitutes an admission of the allegations 1438
against the individual unless the failure is due to 1439
circumstances beyond the individual's control, and a default and 1440
final order may be entered without the taking of testimony or 1441
presentation of evidence. If the board determines that the 1442
individual's ability to practice is impaired, the board shall 1443
suspend the individual's license or deny the individual's 1444
application and shall require the individual, as a condition for 1445
an initial, continued, reinstated, or renewed license, to submit 1446
to treatment. 1447

Before being eligible to apply for reinstatement of a 1448
license suspended under this division, the surgical assistant 1449
shall demonstrate to the board the ability to resume practice in 1450
compliance with acceptable and prevailing standards of care. The 1451
demonstration shall include the following: 1452

(a) Certification from a treatment provider approved under 1453
section 4731.25 of the Revised Code that the individual has 1454
successfully completed any required inpatient treatment; 1455

(b) Evidence of continuing full compliance with an 1456
aftercare contract or consent agreement; 1457

(c) Two written reports indicating that the individual's 1458
ability to practice has been assessed and that the individual 1459
has been found capable of practicing according to acceptable and 1460
prevailing standards of care. The reports shall be made by 1461
individuals or providers approved by the board for making such 1462
assessments and shall describe the basis for their 1463
determination. 1464

The board may reinstate a license suspended under this 1465
division after such demonstration and after the individual has 1466
entered into a written consent agreement. 1467

When the impaired surgical assistant resumes practice, the 1468
board shall require continued monitoring of the surgical 1469
assistant. The monitoring shall include monitoring of compliance 1470
with the written consent agreement entered into before 1471
reinstatement or with conditions imposed by board order after a 1472
hearing, and, on termination of the consent agreement, 1473
submission to the board for at least two years of annual written 1474
progress reports made under penalty of falsification stating 1475
whether the surgical assistant has maintained sobriety. 1476

(H) If the secretary and supervising member determine both 1477
of the following, they may recommend that the board suspend an 1478
individual's license to practice without a prior hearing: 1479

(1) That there is clear and convincing evidence that a 1480
surgical assistant has violated division (B) of this section; 1481

(2) That the individual's continued practice presents a 1482
danger of immediate and serious harm to the public. 1483

Written allegations shall be prepared for consideration by 1484
the board. The board, on review of the allegations and by an 1485
affirmative vote of not fewer than six of its members, excluding 1486

the secretary and supervising member, may suspend a license 1487
without a prior hearing. A telephone conference call may be 1488
utilized for reviewing the allegations and taking the vote on 1489
the summary suspension. 1490

The board shall issue a written order of suspension by 1491
certified mail or in person in accordance with section 119.07 of 1492
the Revised Code. The order shall not be subject to suspension 1493
by the court during pendency of any appeal filed under section 1494
119.12 of the Revised Code. If the surgical assistant requests 1495
an adjudicatory hearing by the board, the date set for the 1496
hearing shall be within fifteen days, but not earlier than seven 1497
days, after the surgical assistant requests the hearing, unless 1498
otherwise agreed to by both the board and the surgical 1499
assistant. 1500

A summary suspension imposed under this division shall 1501
remain in effect, unless reversed on appeal, until a final 1502
adjudicative order issued by the board pursuant to this section 1503
and Chapter 119. of the Revised Code becomes effective. The 1504
board shall issue its final adjudicative order within seventy- 1505
five days after completion of its hearing. Failure to issue the 1506
order within seventy-five days shall result in dissolution of 1507
the summary suspension order, but shall not invalidate any 1508
subsequent, final adjudicative order. 1509

(I) If the board takes action under division (B) (10), 1510
(12), or (13) of this section, and the judicial finding of 1511
guilt, guilty plea, or judicial finding of eligibility for 1512
intervention in lieu of conviction is overturned on appeal, on 1513
exhaustion of the criminal appeal, a petition for 1514
reconsideration of the order may be filed with the board along 1515
with appropriate court documents. On receipt of a petition and 1516

supporting court documents, the board shall reinstate the 1517
license to practice as a surgical assistant. The board may then 1518
hold an adjudication under Chapter 119. of the Revised Code to 1519
determine whether the individual committed the act in question. 1520
Notice of opportunity for hearing shall be given in accordance 1521
with Chapter 119. of the Revised Code. If the board finds, 1522
pursuant to an adjudication held under this division, that the 1523
individual committed the act, or if no hearing is requested, it 1524
may order any of the sanctions specified in division (B) of this 1525
section. 1526

(J) The license to practice as a surgical assistant and 1527
the surgical assistant's practice in this state are 1528
automatically suspended as of the date the surgical assistant 1529
pleads guilty to, is found by a judge or jury to be guilty of, 1530
or is subject to a judicial finding of eligibility for 1531
intervention in lieu of conviction in this state or treatment of 1532
intervention in lieu of conviction in another jurisdiction for 1533
any of the following criminal offenses in this state or a 1534
substantially equivalent criminal offense in another 1535
jurisdiction: aggravated murder, murder, voluntary manslaughter, 1536
felonious assault, kidnapping, rape, sexual battery, gross 1537
sexual imposition, aggravated arson, aggravated robbery, or 1538
aggravated burglary. Continued practice after the suspension 1539
shall be considered practicing without a license. 1540

The board shall notify the individual subject to the 1541
suspension by certified mail or in person in accordance with 1542
section 119.07 of the Revised Code. If an individual whose 1543
license is suspended under this division fails to make a timely 1544
request for an adjudication under Chapter 119. of the Revised 1545
Code, the board shall enter a final order permanently revoking 1546
the individual's license to practice. 1547

(K) In any instance in which the board is required by 1548
Chapter 119. of the Revised Code to give notice of opportunity 1549
for hearing and the individual subject to the notice does not 1550
timely request a hearing in accordance with section 119.07 of 1551
the Revised Code, the board is not required to hold a hearing, 1552
but may adopt, by an affirmative vote of not fewer than six of 1553
its members, a final order that contains the board's findings. 1554
In the final order, the board may order any of the sanctions 1555
identified under division (A) or (B) of this section. 1556

(L) Any action taken by the board under division (B) of 1557
this section resulting in a suspension shall be accompanied by a 1558
written statement of the conditions under which the license of 1559
the surgical assistant may be reinstated. The board shall adopt 1560
rules in accordance with Chapter 119. of the Revised Code 1561
governing conditions to be imposed for reinstatement. 1562
Reinstatement of a license suspended pursuant to division (B) of 1563
this section requires an affirmative vote of not fewer than six 1564
members of the board. 1565

(M) When the board refuses to grant or issue a license to 1566
practice as a surgical assistant to an applicant, revokes an 1567
individual's license, refuses to renew an individual's license, 1568
or refuses to reinstate an individual's license, the board may 1569
specify that its action is permanent. An individual subject to a 1570
permanent action taken by the board is forever thereafter 1571
ineligible to hold a license to practice as a surgical 1572
assistant, and the board shall not accept an application for 1573
reinstatement of the license or for issuance of a new license. 1574

(N) Notwithstanding any other provision of the Revised 1575
Code, all of the following apply: 1576

(1) The surrender of a license to practice as a surgical 1577

assistant is not effective unless or until accepted by the 1578
board. A telephone conference call may be utilized for 1579
acceptance of the surrender of an individual's license. The 1580
telephone conference call shall be considered a special meeting 1581
under division (F) of section 121.22 of the Revised Code. 1582
Reinstatement of a license surrendered to the board requires an 1583
affirmative vote of not fewer than six members of the board. 1584

(2) An application made under this chapter for a license 1585
to practice may not be withdrawn without approval of the board. 1586

(3) Failure by an individual to renew a license in 1587
accordance with section 4785.07 of the Revised Code shall not 1588
remove or limit the board's jurisdiction to take disciplinary 1589
action under this section against the individual. 1590

(4) At the request of the board, a license holder shall 1591
immediately surrender to the board a license that the board has 1592
suspended, revoked, or permanently revoked. 1593

Sec. 4785.11. (A) (1) If the holder of a license issued 1594
under this chapter violates any section of this chapter, other 1595
than the continuing education requirements described in section 1596
4785.07 of the Revised Code, or violates any rule adopted under 1597
this chapter, the state medical board may, pursuant to an 1598
adjudication under Chapter 119. of the Revised Code and an 1599
affirmative vote of not fewer than six of its members, impose a 1600
civil penalty. The amount of the civil penalty shall be 1601
determined by the board in accordance with the guidelines 1602
adopted under division (A) (2) of this section. The civil penalty 1603
may be in addition to any other action the board may take under 1604
section 4785.10 of the Revised Code. 1605

(2) The board shall adopt and may amend guidelines 1606

regarding the amounts of civil penalties to be imposed under 1607
this section. Adoption or amendment of the guidelines requires 1608
the approval of not fewer than six board members. Under the 1609
guidelines, no civil penalty amount shall exceed twenty thousand 1610
dollars. 1611

(B) Amounts received from payment of civil penalties 1612
imposed under this section shall be deposited by the board in 1613
accordance with section 4731.24 of the Revised Code. Amounts 1614
received from payment of civil penalties imposed for violations 1615
of division (B) (6) of section 4785.10 of the Revised Code shall 1616
be used by the board solely for investigations, enforcement, and 1617
compliance monitoring. 1618

Sec. 4785.12. On receipt of a notice pursuant to section 1619
3123.43 of the Revised Code, the state medical board shall 1620
comply with sections 3123.41 to 3123.50 of the Revised Code and 1621
any applicable rules adopted under section 3123.63 of the 1622
Revised Code with respect to a license issued under this 1623
chapter. 1624

Sec. 4785.13. A surgical assistant, professional 1625
association or society of surgical assistants, physician, or 1626
professional association or society of physicians that believes 1627
a violation of division (B) (6) of section 4785.10 of the Revised 1628
Code has occurred shall report the information upon which the 1629
belief is based to the monitoring organization conducting the 1630
program established by the state medical board under section 1631
4731.251 of the Revised Code. If any such report is made to the 1632
board, it shall be referred to the monitoring organization 1633
unless the board is aware that the individual who is the subject 1634
of the report does not meet the program eligibility requirements 1635
of section 4731.252 of the Revised Code. 1636

An individual or entity that reports to the board, reports to the monitoring organization described in section 4731.251 of the Revised Code, or refers an impaired surgical assistant to a treatment provider approved by the board under section 4731.25 of the Revised Code shall not be subject to suit for civil damages as a result of the report, referral, or provision of the information. 1637
1638
1639
1640
1641
1642
1643

In the absence of fraud or bad faith, a professional association or society of surgical assistants that sponsors a committee or program to provide peer assistance to a surgical assistant with substance abuse problems, a representative or agent of such a committee or program, a representative or agent of the monitoring organization described in section 4731.251 of the Revised Code, and a member of the state medical board shall not be held liable in damages to any person by reason of actions taken to refer a surgical assistant to a treatment provider approved under section 4731.25 of the Revised Code for examination or treatment. 1644
1645
1646
1647
1648
1649
1650
1651
1652
1653
1654

Sec. 4785.14. (A) The state medical board shall charge and collect fees as described in this section for the following: 1655
1656

(1) An application for an initial license to practice as a surgical assistant, two hundred dollars; 1657
1658

(2) An application to renew a license to practice as a surgical assistant, two hundred dollars; 1659
1660

(3) A duplicate license, thirty-five dollars; 1661

(4) In the case of a person holding a license issued under this chapter, a license verification fee of fifty dollars. 1662
1663

(B) All receipts of the board shall be deposited in the state treasury to the credit of the state medical board 1664
1665

operating fund in accordance with section 4731.24 of the Revised Code. 1666
1667

Sec. 4785.15. (A) A license to practice as a surgical assistant that is not renewed on or before its expiration date is automatically suspended on its expiration date. Continued practice after suspension shall be considered as practicing in violation of section 4785.03 of the Revised Code. 1668
1669
1670
1671
1672

(B) If a license has been suspended pursuant to division (A) of this section for two years or less, it may be reinstated. The state medical board shall reinstate the license upon the applicant's submission of a complete renewal application and payment of a reinstatement fee of two hundred twenty-five dollars. 1673
1674
1675
1676
1677
1678

(C) If a license has been suspended pursuant to division (A) of this section for more than two years, it may be restored. Subject to section 4785.16 of the Revised Code, the board may restore the license upon an applicant's submission of a complete restoration application and a restoration fee of two hundred fifty dollars and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore a license unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4785.06 of the Revised Code. 1679
1680
1681
1682
1683
1684
1685
1686
1687
1688
1689

Sec. 4785.16. (A) This section applies to both of the following: 1690
1691

(1) An applicant seeking restoration of a license issued under this chapter that has been in a suspended or inactive state for any cause for more than two years; 1692
1693
1694

(2) An applicant seeking issuance of a license pursuant to 1695
this chapter who for more than two years has not been engaged in 1696
practice as a surgical assistant. 1697

(B) Before issuing a license to an applicant subject to 1698
this section or restoring a license to good standing for an 1699
applicant subject to this section, the state medical board may 1700
impose terms and conditions including any one or more of the 1701
following: 1702

(1) Requiring the applicant to pass an oral or written 1703
examination, or both, to determine the applicant's present 1704
fitness to resume practice; 1705

(2) Requiring the applicant to obtain additional training 1706
and to pass an examination upon completion of such training; 1707

(3) Requiring an assessment of the applicant's physical 1708
skills for purposes of determining whether the applicant's 1709
coordination, fine motor skills, and dexterity are sufficient 1710
for performing evaluations and procedures in a manner that meets 1711
the minimal standards of care; 1712

(4) Requiring an assessment of the applicant's skills in 1713
recognizing and understanding diseases and conditions; 1714

(5) Requiring the applicant to undergo a comprehensive 1715
physical examination, which may include an assessment of 1716
physical abilities, evaluation of sensory capabilities, or 1717
screening for the presence of neurological disorders; 1718

(6) Restricting or limiting the extent, scope, or type of 1719
practice of the applicant. 1720

The board shall consider the moral background and the 1721
activities of the applicant during the period of suspension or 1722

inactivity. The board shall not issue or restore a license under 1723
this section unless the applicant complies with sections 4776.01 1724
to 4776.04 of the Revised Code. 1725

Sec. 4785.17. (A) The state medical board shall 1726
investigate evidence that appears to show that any individual 1727
has violated this chapter or the rules adopted under it. Any 1728
person may report to the board in a signed writing any 1729
information the person has that appears to show a violation of 1730
this chapter or rules adopted under it. In the absence of bad 1731
faith, a person who reports such information or testifies before 1732
the board in an adjudication conducted under Chapter 119. of the 1733
Revised Code shall not be liable for civil damages as a result 1734
of reporting the information or providing testimony. Each 1735
complaint or allegation of a violation received by the board 1736
shall be assigned a case number and be recorded by the board. 1737

(B) Investigations of alleged violations of this chapter 1738
or rules adopted under it shall be supervised by the supervising 1739
member elected by the board in accordance with section 4731.02 1740
of the Revised Code and by the board's secretary, pursuant to 1741
section 4785.02 of the Revised Code. The board's president may 1742
designate another member of the board to supervise the 1743
investigation in place of the supervising member. A member of 1744
the board who supervises the investigation of a case shall not 1745
participate in further adjudication of the case. 1746

(C) In investigating a possible violation of this chapter 1747
or the rules adopted under it, the board may administer oaths, 1748
order the taking of depositions, inspect and copy any books, 1749
accounts, papers, records, or documents, issue subpoenas, and 1750
compel the attendance of witnesses and production of books, 1751
accounts, papers, records, documents, and testimony, except that 1752

a subpoena for patient record information shall not be issued 1753
without consultation with the attorney general's office and 1754
approval of the secretary and supervising member of the board. 1755
Before issuance of a subpoena for patient record information, 1756
the secretary and supervising member shall determine whether 1757
there is probable cause to believe that the complaint filed 1758
alleges a violation of this chapter or the rules adopted under 1759
it and that the records sought are relevant to the alleged 1760
violation and material to the investigation. The subpoena may 1761
apply only to records that cover a reasonable period of time 1762
surrounding the alleged violation. 1763

On failure to comply with any subpoena issued by the board 1764
and after reasonable notice to the person being subpoenaed, the 1765
board may move for an order compelling the production of persons 1766
or records pursuant to the Rules of Civil Procedure. 1767

A subpoena issued by the board may be served by a sheriff, 1768
the sheriff's deputy, or a board employee designated by the 1769
board. Service of a subpoena issued by the board may be made by 1770
delivering a copy of the subpoena to the person named therein, 1771
reading it to the person, or leaving it at the person's usual 1772
place of residence. When the person being served is a surgical 1773
assistant, service of the subpoena may be made by certified 1774
mail, restricted delivery, return receipt requested, and the 1775
subpoena shall be deemed served on the date delivery is made or 1776
the date the person refuses to accept delivery. 1777

A sheriff's deputy who serves a subpoena shall receive the 1778
same fees as a sheriff. Each witness who appears before the 1779
board in obedience to a subpoena shall receive the fees and 1780
mileage provided for witnesses in civil cases in the courts of 1781
common pleas. 1782

(D) All hearings and investigations of the board shall be 1783
considered civil actions for the purposes of section 2305.252 of 1784
the Revised Code. 1785

(E) A report required to be submitted to the board under 1786
this chapter, a complaint, or information received by the board 1787
pursuant to an investigation is confidential and not subject to 1788
discovery in any civil action. 1789

The board shall conduct all investigations and proceedings 1790
in a manner that protects the confidentiality of patients and 1791
persons who file complaints with the board. The board shall not 1792
make public the names or any other identifying information about 1793
patients or complainants unless proper consent is given. 1794

The board may share any information it receives pursuant 1795
to an investigation, including patient records and patient 1796
record information, with law enforcement agencies, other 1797
licensing boards, and other governmental agencies that are 1798
prosecuting, adjudicating, or investigating alleged violations 1799
of statutes or administrative rules. An agency or board that 1800
receives the information shall comply with the same requirements 1801
regarding confidentiality as those with which the state medical 1802
board must comply, notwithstanding any conflicting provision of 1803
the Revised Code or procedure of the agency or board that 1804
applies when it is dealing with other information in its 1805
possession. In a judicial proceeding, the information may be 1806
admitted into evidence only in accordance with the Rules of 1807
Evidence, but the court shall require that appropriate measures 1808
are taken to ensure that confidentiality is maintained with 1809
respect to any part of the information that contains names or 1810
other identifying information about patients or complainants 1811
whose confidentiality was protected by the state medical board 1812

when the information was in the board's possession. Measures to 1813
ensure confidentiality that may be taken by the court include 1814
sealing its records or deleting specific information from its 1815
records. 1816

(F) The state medical board shall develop requirements for 1817
and provide appropriate initial training and continuing 1818
education for investigators employed by the board to carry out 1819
its duties under this chapter. The training and continuing 1820
education may include enrollment in courses operated or approved 1821
by the Ohio peace officer training commission that the board 1822
considers appropriate under conditions set forth in section 1823
109.79 of the Revised Code. 1824

(G) On a quarterly basis, the board shall prepare a report 1825
that documents the disposition of all cases during the preceding 1826
three months. The report shall contain the following information 1827
for each case with which the board has completed its activities: 1828

(1) The case number assigned to the complaint or alleged 1829
violation; 1830

(2) The type of license, if any, held by the individual 1831
against whom the complaint is directed; 1832

(3) A description of the allegations contained in the 1833
complaint; 1834

(4) The disposition of the case. 1835

The report shall state how many cases are still pending, 1836
and shall be prepared in a manner that protects the identity of 1837
each individual involved in each case. The report is a public 1838
record for purposes of section 149.43 of the Revised Code. 1839

Sec. 4785.18. The state medical board shall comply with 1840

section 4776.20 of the Revised Code. 1841

Sec. 4785.19. The attorney general, the prosecuting 1842
attorney of any county in which the offense was committed or the 1843
offender resides, the state medical board, or any other person 1844
having knowledge of a person engaged either directly or by 1845
complicity in practicing as a surgical assistant without having 1846
first obtained under this chapter a license to practice as a 1847
surgical assistant, may, in accordance with provisions of the 1848
Revised Code governing injunctions, maintain an action in the 1849
name of the state to enjoin any person from engaging either 1850
directly or by complicity in unlawfully practicing as a surgical 1851
assistant by applying for an injunction in any court of 1852
competent jurisdiction. 1853

Prior to application for an injunction, the secretary of 1854
the state medical board shall notify the individual allegedly 1855
engaged either directly or by complicity in the unlawful 1856
practice by registered mail that the secretary has received 1857
information indicating that this individual is so engaged. The 1858
individual shall answer the secretary within thirty days showing 1859
that the individual is either properly licensed for the stated 1860
activity or that the individual is not in violation of this 1861
chapter. If the answer is not forthcoming within thirty days 1862
after notice by the secretary, the secretary shall request that 1863
the attorney general, the prosecuting attorney of the county in 1864
which the offense was committed or the offender resides, or the 1865
state medical board proceed as authorized in this section. 1866

Upon the filing of a verified petition in court, the court 1867
shall conduct a hearing on the petition and shall give the same 1868
preference to this proceeding as is given all proceedings under 1869
Chapter 119. of the Revised Code, irrespective of the position 1870

of the proceeding on the calendar of the court. 1871

Injunction proceedings shall be in addition to, and not in 1872
lieu of, all penalties and other remedies provided in this 1873
chapter. 1874

Sec. 4785.20. (A) As used in this section, "prosecutor" 1875
has the same meaning as in section 2935.01 of the Revised Code. 1876

(B) Whenever any individual holding a valid license to 1877
practice as a surgical assistant pleads guilty to, is subject to 1878
a judicial finding of guilt of, or is subject to a judicial 1879
finding of eligibility for intervention in lieu of conviction 1880
for a violation of Chapter 2907., 2925., or 3719. of the Revised 1881
Code or of any substantively comparable ordinance of a municipal 1882
corporation in connection with the individual's practice, the 1883
prosecutor in the case, on forms prescribed and provided by the 1884
state medical board, shall promptly notify the state medical 1885
board of the conviction. Within thirty days of receipt of that 1886
information, the board shall initiate action in accordance with 1887
Chapter 119. of the Revised Code to determine whether to suspend 1888
or revoke the license under section 4785.10 of the Revised Code. 1889

(C) The prosecutor in any case against any individual 1890
holding a valid license to practice as a surgical assistant, on 1891
forms prescribed and provided by the state medical board, shall 1892
notify the board of any of the following: 1893

(1) A plea of guilty to, a finding of guilt by a jury or 1894
court of, or judicial finding of eligibility for intervention in 1895
lieu of conviction for a felony, or a case in which the trial 1896
court issues an order of dismissal upon technical or procedural 1897
grounds of a felony charge; 1898

(2) A plea of guilty to, a finding of guilt by a jury or 1899

court of, or judicial finding of eligibility for intervention in 1900
lieu of conviction for a misdemeanor committed in the course of 1901
practice, or a case in which the trial court issues an order of 1902
dismissal upon technical or procedural grounds of a charge of a 1903
misdemeanor, if the alleged act was committed in the course of 1904
practice; 1905

(3) A plea of guilty to, a finding of guilt by a jury or 1906
court of, or judicial finding of eligibility for intervention in 1907
lieu of conviction for a misdemeanor involving moral turpitude, 1908
or a case in which the trial court issues an order of dismissal 1909
upon technical or procedural grounds of a charge of a 1910
misdemeanor involving moral turpitude. 1911

The report shall include the name and address of the 1912
license holder, the nature of the offense for which the action 1913
was taken, and the certified court documents recording the 1914
action. 1915

Sec. 4785.99. Whoever violates division (A) of section 1916
4785.03 of the Revised Code is guilty of a misdemeanor of the 1917
first degree on a first offense and a felony of the fifth degree 1918
on each subsequent offense. 1919

Section 2. That existing sections 109.572, 4731.051,
4731.07, 4731.071, 4731.224, 4731.24, 4731.25, and 4731.251 of
the Revised Code are hereby repealed. 1920
1921
1922

Section 3. Section 4785.03 of the Revised Code, as enacted
by this act, takes effect one year after the effective date of
this section. 1923
1924
1925

Section 4. Section 109.572 of the Revised Code is
presented in this act as a composite of the section as amended
by H.B. 110 and S.B. 3 of the 134th General Assembly and H.B.
1926
1927
1928

263 and S.B. 260 of the 133rd General Assembly. The General	1929
Assembly, applying the principle stated in division (B) of	1930
section 1.52 of the Revised Code that amendments are to be	1931
harmonized if reasonably capable of simultaneous operation,	1932
finds that the composite is the resulting version of the section	1933
in effect prior to the effective date of the section as	1934
presented in this act.	1935