

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 373**

**Representatives LaTourette, Huffman**

**Cosponsors: Representatives Koehler, Johnson, T., Grossman, Rezabek**

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**A BILL**

To amend sections 109.572, 4731.051, 4731.07, 1  
4731.071, 4731.224, 4731.24, 4731.25, 4776.01, 2  
and 4776.20 and to enact sections 4785.01, 3  
4785.02, 4785.03, 4785.04, 4785.05, 4785.06, 4  
4785.07, 4785.08, 4785.09, 4785.10, 4785.11, 5  
4785.111, 4785.12, 4785.13, 4785.14, 4785.15, 6  
4785.16, 4785.17, 4785.18, 4785.19, 4785.20, and 7  
4785.99 of the Revised Code to regulate the 8  
practice of surgical technologists. 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, 4776.01, and 4776.20 be 11  
amended and sections 4785.01, 4785.02, 4785.03, 4785.04, 12  
4785.05, 4785.06, 4785.07, 4785.08, 4785.09, 4785.10, 4785.11, 13  
4785.111, 4785.12, 4785.13, 4785.14, 4785.15, 4785.16, 4785.17, 14  
4785.18, 4785.19, 4785.20, and 4785.99 of the Revised Code be 15  
enacted to read as 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, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 29  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 30  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 31  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 32  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 33  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 34  
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 35  
sexual penetration in violation of former section 2907.12 of the 36  
Revised Code, a violation of section 2905.04 of the Revised Code 37  
as it existed prior to July 1, 1996, a violation of section 38  
2919.23 of the Revised Code that would have been a violation of 39  
section 2905.04 of the Revised Code as it existed prior to July 40  
1, 1996, had the violation been committed prior to that date, or 41  
a violation of section 2925.11 of the Revised Code that is not a 42  
minor drug possession offense; 43

(b) A violation of an existing or former law of this 44  
state, any other state, or the United States that is 45  
substantially equivalent to any of the offenses listed in 46  
division (A)(1)(a) of this section; 47

(c) If the request is made pursuant to section 3319.39 of 48

the Revised Code for an applicant who is a teacher, any offense 49  
specified in section 3319.31 of the Revised Code. 50

(2) On receipt of a request pursuant to section 3712.09 or 51  
3721.121 of the Revised Code, a completed form prescribed 52  
pursuant to division (C)(1) of this section, and a set of 53  
fingerprint impressions obtained in the manner described in 54  
division (C)(2) of this section, the superintendent of the 55  
bureau of criminal identification and investigation shall 56  
conduct a criminal records check with respect to any person who 57  
has applied for employment in a position for which a criminal 58  
records check is required by those sections. The superintendent 59  
shall conduct the criminal records check in the manner described 60  
in division (B) of this section to determine whether any 61  
information exists that indicates that the person who is the 62  
subject of the request previously has been convicted of or 63  
pleaded guilty to any of the following: 64

(a) A violation of section 2903.01, 2903.02, 2903.03, 65  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 66  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 67  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 68  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 69  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 70  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 71  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 72  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 73

(b) An existing or former law of this state, any other 74  
state, or the United States that is substantially equivalent to 75  
any of the offenses listed in division (A)(2)(a) of this 76  
section. 77

(3) On receipt of a request pursuant to section 173.27, 78

173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 79  
5123.081, or 5123.169 of the Revised Code, a completed form 80  
prescribed pursuant to division (C) (1) of this section, and a 81  
set of fingerprint impressions obtained in the manner described 82  
in division (C) (2) of this section, the superintendent of the 83  
bureau of criminal identification and investigation shall 84  
conduct a criminal records check of the person for whom the 85  
request is made. The superintendent shall conduct the criminal 86  
records check in the manner described in division (B) of this 87  
section to determine whether any information exists that 88  
indicates that the person who is the subject of the request 89  
previously has been convicted of, has pleaded guilty to, or 90  
(except in the case of a request pursuant to section 5164.34, 91  
5164.341, or 5164.342 of the Revised Code) has been found 92  
eligible for intervention in lieu of conviction for any of the 93  
following, regardless of the date of the conviction, the date of 94  
entry of the guilty plea, or (except in the case of a request 95  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 96  
Revised Code) the date the person was found eligible for 97  
intervention in lieu of conviction: 98

(a) A violation of section 959.13, 959.131, 2903.01, 99  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 100  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 101  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 102  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 103  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 104  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 105  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 106  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 107  
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 108  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 109

2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	110
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,	111
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	112
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	113
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	114
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,	115
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	116
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	117
(b) Felonious sexual penetration in violation of former	118
section 2907.12 of the Revised Code;	119
(c) A violation of section 2905.04 of the Revised Code as	120
it existed prior to July 1, 1996;	121
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	122
the Revised Code when the underlying offense that is the object	123
of the conspiracy, attempt, or complicity is one of the offenses	124
listed in divisions (A) (3) (a) to (c) of this section;	125
(e) A violation of an existing or former municipal	126
ordinance or law of this state, any other state, or the United	127
States that is substantially equivalent to any of the offenses	128
listed in divisions (A) (3) (a) to (d) of this section.	129
(4) On receipt of a request pursuant to section 2151.86 of	130
the Revised Code, a completed form prescribed pursuant to	131
division (C) (1) of this section, and a set of fingerprint	132
impressions obtained in the manner described in division (C) (2)	133
of this section, the superintendent of the bureau of criminal	134
identification and investigation shall conduct a criminal	135
records check in the manner described in division (B) of this	136
section to determine whether any information exists that	137
indicates that the person who is the subject of the request	138

previously has been convicted of or pleaded guilty to any of the 139  
following: 140

(a) A violation of section 959.13, 2903.01, 2903.02, 141  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 142  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 143  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 144  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 145  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 146  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 147  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 148  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 149  
2927.12, or 3716.11 of the Revised Code, a violation of section 150  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 151  
a violation of section 2919.23 of the Revised Code that would 152  
have been a violation of section 2905.04 of the Revised Code as 153  
it existed prior to July 1, 1996, had the violation been 154  
committed prior to that date, a violation of section 2925.11 of 155  
the Revised Code that is not a minor drug possession offense, 156  
two or more OVI or OVUAC violations committed within the three 157  
years immediately preceding the submission of the application or 158  
petition that is the basis of the request, or felonious sexual 159  
penetration in violation of former section 2907.12 of the 160  
Revised Code; 161

(b) A violation of an existing or former law of this 162  
state, any other state, or the United States that is 163  
substantially equivalent to any of the offenses listed in 164  
division (A) (4) (a) of this section. 165

(5) Upon receipt of a request pursuant to section 5104.013 166  
of the Revised Code, a completed form prescribed pursuant to 167  
division (C) (1) of this section, and a set of fingerprint 168

impressions obtained in the manner described in division (C) (2) 169  
of this section, the superintendent of the bureau of criminal 170  
identification and investigation shall conduct a criminal 171  
records check in the manner described in division (B) of this 172  
section to determine whether any information exists that 173  
indicates that the person who is the subject of the request has 174  
been convicted of or pleaded guilty to any of the following: 175

(a) A violation of section 2151.421, 2903.01, 2903.02, 176  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 177  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 178  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 179  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 180  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 181  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 182  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 183  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 184  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 185  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 186  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 187  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 188  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 189  
3716.11 of the Revised Code, felonious sexual penetration in 190  
violation of former section 2907.12 of the Revised Code, a 191  
violation of section 2905.04 of the Revised Code as it existed 192  
prior to July 1, 1996, a violation of section 2919.23 of the 193  
Revised Code that would have been a violation of section 2905.04 194  
of the Revised Code as it existed prior to July 1, 1996, had the 195  
violation been committed prior to that date, a violation of 196  
section 2925.11 of the Revised Code that is not a minor drug 197  
possession offense, a violation of section 2923.02 or 2923.03 of 198  
the Revised Code that relates to a crime specified in this 199

division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

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

(6) Upon receipt of a request pursuant to section 5153.111 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 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, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would



have been a violation of section 2905.04 of the Revised Code as 230  
it existed prior to July 1, 1996, had the violation been 231  
committed prior to that date, or a violation of section 2925.11 232  
of the Revised Code that is not a minor drug possession offense; 233

(b) A violation of an existing or former law of this 234  
state, any other state, or the United States that is 235  
substantially equivalent to any of the offenses listed in 236  
division (A) (6) (a) of this section. 237

(7) On receipt of a request for a criminal records check 238  
from an individual pursuant to section 4749.03 or 4749.06 of the 239  
Revised Code, accompanied by a completed copy of the form 240  
prescribed in division (C) (1) of this section and a set of 241  
fingerprint impressions obtained in a manner described in 242  
division (C) (2) of this section, the superintendent of the 243  
bureau of criminal identification and investigation shall 244  
conduct a criminal records check in the manner described in 245  
division (B) of this section to determine whether any 246  
information exists indicating that the person who is the subject 247  
of the request has been convicted of or pleaded guilty to a 248  
felony in this state or in any other state. If the individual 249  
indicates that a firearm will be carried in the course of 250  
business, the superintendent shall require information from the 251  
federal bureau of investigation as described in division (B) (2) 252  
of this section. Subject to division (F) of this section, the 253  
superintendent shall report the findings of the criminal records 254  
check and any information the federal bureau of investigation 255  
provides to the director of public safety. 256

(8) On receipt of a request pursuant to section 1321.37, 257  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 258  
Code, a completed form prescribed pursuant to division (C) (1) of 259

this section, and a set of fingerprint impressions obtained in 260  
the manner described in division (C) (2) of this section, the 261  
superintendent of the bureau of criminal identification and 262  
investigation shall conduct a criminal records check with 263  
respect to any person who has applied for a license, permit, or 264  
certification from the department of commerce or a division in 265  
the department. The superintendent shall conduct the criminal 266  
records check in the manner described in division (B) of this 267  
section to determine whether any information exists that 268  
indicates that the person who is the subject of the request 269  
previously has been convicted of or pleaded guilty to any of the 270  
following: a violation of section 2913.02, 2913.11, 2913.31, 271  
2913.51, or 2925.03 of the Revised Code; any other criminal 272  
offense involving theft, receiving stolen property, 273  
embezzlement, forgery, fraud, passing bad checks, money 274  
laundering, or drug trafficking, or any criminal offense 275  
involving money or securities, as set forth in Chapters 2909., 276  
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 277  
Code; or any existing or former law of this state, any other 278  
state, or the United States that is substantially equivalent to 279  
those offenses. 280

(9) On receipt of a request for a criminal records check 281  
from the treasurer of state under section 113.041 of the Revised 282  
Code or from an individual under section 4701.08, 4715.101, 283  
4717.061, 4725.121, 4725.46, 4729.071, 4730.101, 4730.14, 284  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 285  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 286  
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 287  
4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 288  
4778.06, 4779.091, ~~or~~ 4783.04, 4785.04, or 4785.07 of the 289  
Revised Code, accompanied by a completed form prescribed under 290

division (C) (1) of this section and a set of fingerprint 291  
impressions obtained in the manner described in division (C) (2) 292  
of this section, the superintendent of the bureau of criminal 293  
identification and investigation shall conduct a criminal 294  
records check in the manner described in division (B) of this 295  
section to determine whether any information exists that 296  
indicates that the person who is the subject of the request has 297  
been convicted of or pleaded guilty to any criminal offense in 298  
this state or any other state. Subject to division (F) of this 299  
section, the superintendent shall send the results of a check 300  
requested under section 113.041 of the Revised Code to the 301  
treasurer of state and shall send the results of a check 302  
requested under any of the other listed sections to the 303  
licensing board specified by the individual in the request. 304

(10) On receipt of a request pursuant to section 1121.23, 305  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 306  
Code, a completed form prescribed pursuant to division (C) (1) of 307  
this section, and a set of fingerprint impressions obtained in 308  
the manner described in division (C) (2) of this section, the 309  
superintendent of the bureau of criminal identification and 310  
investigation shall conduct a criminal records check in the 311  
manner described in division (B) of this section to determine 312  
whether any information exists that indicates that the person 313  
who is the subject of the request previously has been convicted 314  
of or pleaded guilty to any criminal offense under any existing 315  
or former law of this state, any other state, or the United 316  
States. 317

(11) On receipt of a request for a criminal records check 318  
from an appointing or licensing authority under section 3772.07 319  
of the Revised Code, a completed form prescribed under division 320  
(C) (1) of this section, and a set of fingerprint impressions 321

obtained in the manner prescribed in division (C)(2) of this 322  
section, the superintendent of the bureau of criminal 323  
identification and investigation shall conduct a criminal 324  
records check in the manner described in division (B) of this 325  
section to determine whether any information exists that 326  
indicates that the person who is the subject of the request 327  
previously has been convicted of or pleaded guilty or no contest 328  
to any offense under any existing or former law of this state, 329  
any other state, or the United States that is a disqualifying 330  
offense as defined in section 3772.07 of the Revised Code or 331  
substantially equivalent to such an offense. 332

(12) On receipt of a request pursuant to section 2151.33 333  
or 2151.412 of the Revised Code, a completed form prescribed 334  
pursuant to division (C)(1) of this section, and a set of 335  
fingerprint impressions obtained in the manner described in 336  
division (C)(2) of this section, the superintendent of the 337  
bureau of criminal identification and investigation shall 338  
conduct a criminal records check with respect to any person for 339  
whom a criminal records check is required by that section. The 340  
superintendent shall conduct the criminal records check in the 341  
manner described in division (B) of this section to determine 342  
whether any information exists that indicates that the person 343  
who is the subject of the request previously has been convicted 344  
of or pleaded guilty to any of the following: 345

(a) A violation of section 2903.01, 2903.02, 2903.03, 346  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 347  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 348  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 349  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 350  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 351  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 352

2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 353  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 354

(b) An existing or former law of this state, any other 355  
state, or the United States that is substantially equivalent to 356  
any of the offenses listed in division (A)(12)(a) of this 357  
section. 358

(B) Subject to division (F) of this section, the 359  
superintendent shall conduct any criminal records check to be 360  
conducted under this section as follows: 361

(1) The superintendent shall review or cause to be 362  
reviewed any relevant information gathered and compiled by the 363  
bureau under division (A) of section 109.57 of the Revised Code 364  
that relates to the person who is the subject of the criminal 365  
records check, including, if the criminal records check was 366  
requested under section 113.041, 121.08, 173.27, 173.38, 367  
173.381, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 368  
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 369  
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 370  
4749.03, 4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 371  
5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, 372  
any relevant information contained in records that have been 373  
sealed under section 2953.32 of the Revised Code; 374

(2) If the request received by the superintendent asks for 375  
information from the federal bureau of investigation, the 376  
superintendent shall request from the federal bureau of 377  
investigation any information it has with respect to the person 378  
who is the subject of the criminal records check, including 379  
fingerprint-based checks of national crime information databases 380  
as described in 42 U.S.C. 671 if the request is made pursuant to 381  
section 2151.86 or 5104.013 of the Revised Code or if any other 382

Revised Code section requires fingerprint-based checks of that 383  
nature, and shall review or cause to be reviewed any information 384  
the superintendent receives from that bureau. If a request under 385  
section 3319.39 of the Revised Code asks only for information 386  
from the federal bureau of investigation, the superintendent 387  
shall not conduct the review prescribed by division (B) (1) of 388  
this section. 389

(3) The superintendent or the superintendent's designee 390  
may request criminal history records from other states or the 391  
federal government pursuant to the national crime prevention and 392  
privacy compact set forth in section 109.571 of the Revised 393  
Code. 394

(4) The superintendent shall include in the results of the 395  
criminal records check a list or description of the offenses 396  
listed or described in division (A) (1), (2), (3), (4), (5), (6), 397  
(7), (8), (9), (10), (11), or (12) of this section, whichever 398  
division requires the superintendent to conduct the criminal 399  
records check. The superintendent shall exclude from the results 400  
any information the dissemination of which is prohibited by 401  
federal law. 402

(5) The superintendent shall send the results of the 403  
criminal records check to the person to whom it is to be sent 404  
not later than the following number of days after the date the 405  
superintendent receives the request for the criminal records 406  
check, the completed form prescribed under division (C) (1) of 407  
this section, and the set of fingerprint impressions obtained in 408  
the manner described in division (C) (2) of this section: 409

(a) If the superintendent is required by division (A) of 410  
this section (other than division (A) (3) of this section) to 411  
conduct the criminal records check, thirty; 412

(b) If the superintendent is required by division (A) (3) 413  
of this section to conduct the criminal records check, sixty. 414

(C) (1) The superintendent shall prescribe a form to obtain 415  
the information necessary to conduct a criminal records check 416  
from any person for whom a criminal records check is to be 417  
conducted under this section. The form that the superintendent 418  
prescribes pursuant to this division may be in a tangible 419  
format, in an electronic format, or in both tangible and 420  
electronic formats. 421

(2) The superintendent shall prescribe standard impression 422  
sheets to obtain the fingerprint impressions of any person for 423  
whom a criminal records check is to be conducted under this 424  
section. Any person for whom a records check is to be conducted 425  
under this section shall obtain the fingerprint impressions at a 426  
county sheriff's office, municipal police department, or any 427  
other entity with the ability to make fingerprint impressions on 428  
the standard impression sheets prescribed by the superintendent. 429  
The office, department, or entity may charge the person a 430  
reasonable fee for making the impressions. The standard 431  
impression sheets the superintendent prescribes pursuant to this 432  
division may be in a tangible format, in an electronic format, 433  
or in both tangible and electronic formats. 434

(3) Subject to division (D) of this section, the 435  
superintendent shall prescribe and charge a reasonable fee for 436  
providing a criminal records check under this section. The 437  
person requesting the criminal records check shall pay the fee 438  
prescribed pursuant to this division. In the case of a request 439  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 440  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 441  
fee shall be paid in the manner specified in that section. 442

(4) The superintendent of the bureau of criminal 443  
identification and investigation may prescribe methods of 444  
forwarding fingerprint impressions and information necessary to 445  
conduct a criminal records check, which methods shall include, 446  
but not be limited to, an electronic method. 447

(D) The results of a criminal records check conducted 448  
under this section, other than a criminal records check 449  
specified in division (A) (7) of this section, are valid for the 450  
person who is the subject of the criminal records check for a 451  
period of one year from the date upon which the superintendent 452  
completes the criminal records check. If during that period the 453  
superintendent receives another request for a criminal records 454  
check to be conducted under this section for that person, the 455  
superintendent shall provide the results from the previous 456  
criminal records check of the person at a lower fee than the fee 457  
prescribed for the initial criminal records check. 458

(E) When the superintendent receives a request for 459  
information from a registered private provider, the 460  
superintendent shall proceed as if the request was received from 461  
a school district board of education under section 3319.39 of 462  
the Revised Code. The superintendent shall apply division (A) (1) 463  
(c) of this section to any such request for an applicant who is 464  
a teacher. 465

(F) (1) All information regarding the results of a criminal 466  
records check conducted under this section that the 467  
superintendent reports or sends under division (A) (7) or (9) of 468  
this section to the director of public safety, the treasurer of 469  
state, or the person, board, or entity that made the request for 470  
the criminal records check shall relate to the conviction of the 471  
subject person, or the subject person's plea of guilty to, a 472



criminal offense. 473

(2) Division (F) (1) of this section does not limit, 474  
restrict, or preclude the superintendent's release of 475  
information that relates to the arrest of a person who is 476  
eighteen years of age or older, to an adjudication of a child as 477  
a delinquent child, or to a criminal conviction of a person 478  
under eighteen years of age in circumstances in which a release 479  
of that nature is authorized under division (E) (2), (3), or (4) 480  
of section 109.57 of the Revised Code pursuant to a rule adopted 481  
under division (E) (1) of that section. 482

(G) As used in this section: 483

(1) "Criminal records check" means any criminal records 484  
check conducted by the superintendent of the bureau of criminal 485  
identification and investigation in accordance with division (B) 486  
of this section. 487

(2) "Minor drug possession offense" has the same meaning 488  
as in section 2925.01 of the Revised Code. 489

(3) "OVI or OVUAC violation" means a violation of section 490  
4511.19 of the Revised Code or a violation of an existing or 491  
former law of this state, any other state, or the United States 492  
that is substantially equivalent to section 4511.19 of the 493  
Revised Code. 494

(4) "Registered private provider" means a nonpublic school 495  
or entity registered with the superintendent of public 496  
instruction under section 3310.41 of the Revised Code to 497  
participate in the autism scholarship program or section 3310.58 498  
of the Revised Code to participate in the Jon Peterson special 499  
needs scholarship program. 500

**Sec. 4731.051.** The state medical board shall adopt rules 501

in accordance with Chapter 119. of the Revised Code establishing 502  
universal blood and body fluid precautions that shall be used by 503  
each person who performs exposure prone invasive procedures and 504  
is authorized to practice by this chapter or Chapter 4730., 505  
4760., 4762., ~~or 4774.~~ or 4785. of the Revised Code. The rules 506  
shall define and establish requirements for universal blood and 507  
body fluid precautions that include the following: 508

(A) Appropriate use of hand washing; 509

(B) Disinfection and sterilization of equipment; 510

(C) Handling and disposal of needles and other sharp 511  
instruments; 512

(D) Wearing and disposal of gloves and other protective 513  
garments and devices. 514

**Sec. 4731.07.** (A) The state medical board shall keep a 515  
record of its proceedings. The minutes of a meeting of the board 516  
shall, on approval by the board, constitute an official record 517  
of its proceedings. 518

(B) The board shall keep a register of applicants for 519  
certificates to practice issued under this chapter and Chapters 520  
4760., 4762., and 4774. of the Revised Code and licenses issued 521  
under Chapters 4730. ~~and~~ 4778. and 4785. of the Revised Code. 522  
The register shall show the name of the applicant and whether 523  
the applicant was granted or refused a certificate or license. 524  
With respect to applicants to practice medicine and surgery or 525  
osteopathic medicine and surgery, the register shall show the 526  
name of the institution that granted the applicant the degree of 527  
doctor of medicine or osteopathic medicine. The books and 528  
records of the board shall be prima-facie evidence of matters 529  
therein contained. 530

**Sec. 4731.071.** The state medical board shall develop and 531  
publish on its internet web site a directory containing the 532  
names of, and contact information for, all persons who hold 533  
current, valid certificates or licenses issued by the board 534  
under this chapter or Chapter 4730., 4760., 4762., 4774., ~~or~~ 535  
4778., or 4785. of the Revised Code. Except as provided in 536  
section 4731.10 of the Revised Code, the directory shall be the 537  
sole source for verifying that a person holds a current, valid 538  
certificate or license issued by the board. 539

**Sec. 4731.224.** (A) Within sixty days after the imposition 540  
of any formal disciplinary action taken by any health care 541  
facility, including a hospital, health care facility operated by 542  
a health insuring corporation, ambulatory surgical center, or 543  
similar facility, against any individual holding a valid 544  
certificate to practice issued pursuant to this chapter, the 545  
chief administrator or executive officer of the facility shall 546  
report to the state medical board the name of the individual, 547  
the action taken by the facility, and a summary of the 548  
underlying facts leading to the action taken. Upon request, the 549  
board shall be provided certified copies of the patient records 550  
that were the basis for the facility's action. Prior to release 551  
to the board, the summary shall be approved by the peer review 552  
committee that reviewed the case or by the governing board of 553  
the facility. As used in this division, "formal disciplinary 554  
action" means any action resulting in the revocation, 555  
restriction, reduction, or termination of clinical privileges 556  
for violations of professional ethics, or for reasons of medical 557  
incompetence, medical malpractice, or drug or alcohol abuse. 558  
"Formal disciplinary action" includes a summary action, an 559  
action that takes effect notwithstanding any appeal rights that 560  
may exist, and an action that results in an individual 561

surrendering clinical privileges while under investigation and 562  
during proceedings regarding the action being taken or in return 563  
for not being investigated or having proceedings held. "Formal 564  
disciplinary action" does not include any action taken for the 565  
sole reason of failure to maintain records on a timely basis or 566  
failure to attend staff or section meetings. 567

The filing or nonfiling of a report with the board, 568  
investigation by the board, or any disciplinary action taken by 569  
the board, shall not preclude any action by a health care 570  
facility to suspend, restrict, or revoke the individual's 571  
clinical privileges. 572

In the absence of fraud or bad faith, no individual or 573  
entity that provides patient records to the board shall be 574  
liable in damages to any person as a result of providing the 575  
records. 576

(B) If any individual authorized to practice under this 577  
chapter or any professional association or society of such 578  
individuals believes that a violation of any provision of this 579  
chapter, Chapter 4730., 4760., 4762., 4774., ~~or 4778.~~, or 4785. 580  
of the Revised Code, or any rule of the board has occurred, the 581  
individual, association, or society shall report to the board 582  
the information upon which the belief is based. This division 583  
does not require any treatment provider approved by the board 584  
under section 4731.25 of the Revised Code or any employee, 585  
agent, or representative of such a provider to make reports with 586  
respect to an impaired practitioner participating in treatment 587  
or aftercare for substance abuse as long as the practitioner 588  
maintains participation in accordance with the requirements of 589  
section 4731.25 of the Revised Code, and as long as the 590  
treatment provider or employee, agent, or representative of the 591

provider has no reason to believe that the practitioner has 592  
violated any provision of this chapter or any rule adopted under 593  
it, other than the provisions of division (B) (26) of section 594  
4731.22 of the Revised Code. This division does not require 595  
reporting by any member of an impaired practitioner committee 596  
established by a health care facility or by any representative 597  
or agent of a committee or program sponsored by a professional 598  
association or society of individuals authorized to practice 599  
under this chapter to provide peer assistance to practitioners 600  
with substance abuse problems with respect to a practitioner who 601  
has been referred for examination to a treatment program 602  
approved by the board under section 4731.25 of the Revised Code 603  
if the practitioner cooperates with the referral for examination 604  
and with any determination that the practitioner should enter 605  
treatment and as long as the committee member, representative, 606  
or agent has no reason to believe that the practitioner has 607  
ceased to participate in the treatment program in accordance 608  
with section 4731.25 of the Revised Code or has violated any 609  
provision of this chapter or any rule adopted under it, other 610  
than the provisions of division (B) (26) of section 4731.22 of 611  
the Revised Code. 612

(C) Any professional association or society composed 613  
primarily of doctors of medicine and surgery, doctors of 614  
osteopathic medicine and surgery, doctors of podiatric medicine 615  
and surgery, or practitioners of limited branches of medicine 616  
that suspends or revokes an individual's membership for 617  
violations of professional ethics, or for reasons of 618  
professional incompetence or professional malpractice, within 619  
sixty days after a final decision shall report to the board, on 620  
forms prescribed and provided by the board, the name of the 621  
individual, the action taken by the professional organization, 622

and a summary of the underlying facts leading to the action 623  
taken. 624

The filing of a report with the board or decision not to 625  
file a report, investigation by the board, or any disciplinary 626  
action taken by the board, does not preclude a professional 627  
organization from taking disciplinary action against an 628  
individual. 629

(D) Any insurer providing professional liability insurance 630  
to an individual authorized to practice under this chapter, or 631  
any other entity that seeks to indemnify the professional 632  
liability of such an individual, shall notify the board within 633  
thirty days after the final disposition of any written claim for 634  
damages where such disposition results in a payment exceeding 635  
twenty-five thousand dollars. The notice shall contain the 636  
following information: 637

(1) The name and address of the person submitting the 638  
notification; 639

(2) The name and address of the insured who is the subject 640  
of the claim; 641

(3) The name of the person filing the written claim; 642

(4) The date of final disposition; 643

(5) If applicable, the identity of the court in which the 644  
final disposition of the claim took place. 645

(E) The board may investigate possible violations of this 646  
chapter or the rules adopted under it that are brought to its 647  
attention as a result of the reporting requirements of this 648  
section, except that the board shall conduct an investigation if 649  
a possible violation involves repeated malpractice. As used in 650

this division, "repeated malpractice" means three or more claims 651  
for medical malpractice within the previous five-year period, 652  
each resulting in a judgment or settlement in excess of twenty- 653  
five thousand dollars in favor of the claimant, and each 654  
involving negligent conduct by the practicing individual. 655

(F) All summaries, reports, and records received and 656  
maintained by the board pursuant to this section shall be held 657  
in confidence and shall not be subject to discovery or 658  
introduction in evidence in any federal or state civil action 659  
involving a health care professional or facility arising out of 660  
matters that are the subject of the reporting required by this 661  
section. The board may use the information obtained only as the 662  
basis for an investigation, as evidence in a disciplinary 663  
hearing against an individual whose practice is regulated under 664  
this chapter, or in any subsequent trial or appeal of a board 665  
action or order. 666

The board may disclose the summaries and reports it 667  
receives under this section only to health care facility 668  
committees within or outside this state that are involved in 669  
credentialing or recredentialing the individual or in reviewing 670  
the individual's clinical privileges. The board shall indicate 671  
whether or not the information has been verified. Information 672  
transmitted by the board shall be subject to the same 673  
confidentiality provisions as when maintained by the board. 674

(G) Except for reports filed by an individual pursuant to 675  
division (B) of this section, the board shall send a copy of any 676  
reports or summaries it receives pursuant to this section to the 677  
individual who is the subject of the reports or summaries. The 678  
individual shall have the right to file a statement with the 679  
board concerning the correctness or relevance of the 680

information. The statement shall at all times accompany that 681  
part of the record in contention. 682

(H) An individual or entity that, pursuant to this 683  
section, reports to the board or refers an impaired practitioner 684  
to a treatment provider approved by the board under section 685  
4731.25 of the Revised Code shall not be subject to suit for 686  
civil damages as a result of the report, referral, or provision 687  
of the information. 688

(I) In the absence of fraud or bad faith, no professional 689  
association or society of individuals authorized to practice 690  
under this chapter that sponsors a committee or program to 691  
provide peer assistance to practitioners with substance abuse 692  
problems, no representative or agent of such a committee or 693  
program, and no member of the state medical board shall be held 694  
liable in damages to any person by reason of actions taken to 695  
refer a practitioner to a treatment provider approved under 696  
section 4731.25 of the Revised Code for examination or 697  
treatment. 698

**Sec. 4731.24.** Except as provided in sections 4731.281 and 699  
4731.40 of the Revised Code, all receipts of the state medical 700  
board, from any source, shall be deposited in the state 701  
treasury. The funds shall be deposited to the credit of the 702  
state medical board operating fund, which is hereby created. 703  
Except as provided in sections 4730.252, 4731.225, 4731.24, 704  
4760.133, 4762.133, 4774.133, ~~and 4778.141,~~ and 4785.111 of the 705  
Revised Code, all funds deposited into the state treasury under 706  
this section shall be used solely for the administration and 707  
enforcement of this chapter and Chapters 4730., 4760., 4762., 708  
4774., ~~and 4778.,~~ and 4785. of the Revised Code by the board. 709

**Sec. 4731.25.** The state medical board, in accordance with 710



Chapter 119. of the Revised Code, shall adopt and may amend and 711  
rescind rules establishing standards for approval of physicians 712  
and facilities as treatment providers for impaired practitioners 713  
who are regulated under this chapter or Chapter 4730., 4760., 714  
4762., 4774., ~~or 4778.~~, or 4785. of the Revised Code. The rules 715  
shall include standards for both inpatient and outpatient 716  
treatment. The rules shall provide that in order to be approved, 717  
a treatment provider must have the capability of making an 718  
initial examination to determine what type of treatment an 719  
impaired practitioner requires. Subject to the rules, the board 720  
shall review and approve treatment providers on a regular basis. 721  
The board, at its discretion, may withdraw or deny approval 722  
subject to the rules. 723

An approved impaired practitioner treatment provider 724  
shall: 725

(A) Report to the board the name of any practitioner 726  
suffering or showing evidence of suffering impairment as 727  
described in division (B) (5) of section 4730.25 of the Revised 728  
Code, division (B) (26) of section 4731.22 of the Revised Code, 729  
division (B) (6) of section 4760.13 of the Revised Code, division 730  
(B) (6) of section 4762.13 of the Revised Code, division (B) (6) 731  
of section 4774.13 of the Revised Code, ~~or~~ division (B) (6) of 732  
section 4778.14 of the Revised Code, or division (B) (6) of 733  
section 4785.11 of the Revised Code who fails to comply within 734  
one week with a referral for examination; 735

(B) Report to the board the name of any impaired 736  
practitioner who fails to enter treatment within forty-eight 737  
hours following the provider's determination that the 738  
practitioner needs treatment; 739

(C) Require every practitioner who enters treatment to 740

agree to a treatment contract establishing the terms of 741  
treatment and aftercare, including any required supervision or 742  
restrictions of practice during treatment or aftercare; 743

(D) Require a practitioner to suspend practice upon entry 744  
into any required inpatient treatment; 745

(E) Report to the board any failure by an impaired 746  
practitioner to comply with the terms of the treatment contract 747  
during inpatient or outpatient treatment or aftercare; 748

(F) Report to the board the resumption of practice of any 749  
impaired practitioner before the treatment provider has made a 750  
clear determination that the practitioner is capable of 751  
practicing according to acceptable and prevailing standards of 752  
care; 753

(G) Require a practitioner who resumes practice after 754  
completion of treatment to comply with an aftercare contract 755  
that meets the requirements of rules adopted by the board for 756  
approval of treatment providers; 757

(H) Report the identity of any practitioner practicing 758  
under the terms of an aftercare contract to hospital 759  
administrators, medical chiefs of staff, and chairpersons of 760  
impaired practitioner committees of all health care institutions 761  
at which the practitioner holds clinical privileges or otherwise 762  
practices. If the practitioner does not hold clinical privileges 763  
at any health care institution, the treatment provider shall 764  
report the practitioner's identity to the impaired practitioner 765  
committee of the county medical society, osteopathic academy, or 766  
podiatric medical association in every county in which the 767  
practitioner practices. If there are no impaired practitioner 768  
committees in the county, the treatment provider shall report 769

the practitioner's identity to the president or other designated 770  
member of the county medical society, osteopathic academy, or 771  
podiatric medical association. 772

(I) Report to the board the identity of any practitioner 773  
who suffers a relapse at any time during or following aftercare. 774

Any individual authorized to practice under this chapter 775  
who enters into treatment by an approved treatment provider 776  
shall be deemed to have waived any confidentiality requirements 777  
that would otherwise prevent the treatment provider from making 778  
reports required under this section. 779

In the absence of fraud or bad faith, no person or 780  
organization that conducts an approved impaired practitioner 781  
treatment program, no member of such an organization, and no 782  
employee, representative, or agent of the treatment provider 783  
shall be held liable in damages to any person by reason of 784  
actions taken or recommendations made by the treatment provider 785  
or its employees, representatives, or agents. 786

**Sec. 4776.01.** As used in this chapter: 787

(A) "License" means an authorization evidenced by a 788  
license, certificate, registration, permit, card, or other 789  
authority that is issued or conferred by a licensing agency to a 790  
licensee or to an applicant for an initial license by which the 791  
licensee or initial license applicant has or claims the 792  
privilege to engage in a profession, occupation, or occupational 793  
activity, or, except in the case of the state dental board, to 794  
have control of and operate certain specific equipment, 795  
machinery, or premises, over which the licensing agency has 796  
jurisdiction. 797

(B) Except as provided in section 4776.20 of the Revised 798

Code, "licensee" means the person to whom the license is issued 799  
by a licensing agency. 800

(C) Except as provided in section 4776.20 of the Revised 801  
Code, "licensing agency" means any of the following: 802

(1) The board authorized by Chapters 4701., 4717., 4725., 803  
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 804  
4759., 4760., 4761., 4762., 4774., 4778., 4779., and ~~4783., and~~ 805  
4785. of the Revised Code to issue a license to engage in a 806  
specific profession, occupation, or occupational activity, or to 807  
have charge of and operate certain specified equipment, 808  
machinery, or premises. 809

(2) The state dental board, relative to its authority to 810  
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 811  
or 4715.27 of the Revised Code. 812

(D) "Applicant for an initial license" includes persons 813  
seeking a license for the first time and persons seeking a 814  
license by reciprocity, endorsement, or similar manner of a 815  
license issued in another state. 816

(E) "Applicant for a restored license" includes persons 817  
seeking restoration of a ~~certificate~~ license under section 818  
4730.14, 4731.281, 4760.06, ~~or~~ 4762.06, 4774.06, 4778.06, or 819  
4785.07 of the Revised Code. 820

(F) "Criminal records check" has the same meaning as in 821  
section 109.572 of the Revised Code. 822

**Sec. 4776.20.** (A) As used in this section: 823

(1) "Licensing agency" means, in addition to each board 824  
identified in division (C) of section 4776.01 of the Revised 825  
Code, the board or other government entity authorized to issue a 826

license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 827  
4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 828  
4742., 4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 829  
4765., 4766., 4771., 4773., ~~4774., 4778.~~ and 4781. of the 830  
Revised Code. "Licensing agency" includes an administrative 831  
officer that has authority to issue a license. 832

(2) "Licensee" means, in addition to a licensee as 833  
described in division (B) of section 4776.01 of the Revised 834  
Code, the person to whom a license is issued by the board or 835  
other government entity authorized to issue a license under 836  
Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 837  
4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 838  
4749., 4751., 4752., 4753., 4758., 4759., 4763., 4765., 4766., 839  
4771., 4773., ~~4774., 4778.~~ and 4781. of the Revised Code. 840

(3) "Prosecutor" has the same meaning as in section 841  
2935.01 of the Revised Code. 842

(B) On a licensee's conviction of, plea of guilty to, 843  
judicial finding of guilt of, or judicial finding of guilt 844  
resulting from a plea of no contest to the offense of 845  
trafficking in persons in violation of section 2905.32 of the 846  
Revised Code, the prosecutor in the case shall promptly notify 847  
the licensing agency of the conviction, plea, or finding and 848  
provide the licensee's name and residential address. On receipt 849  
of this notification, the licensing agency shall immediately 850  
suspend the licensee's license. 851

(C) If there is a conviction of, plea of guilty to, 852  
judicial finding of guilt of, or judicial finding of guilt 853  
resulting from a plea of no contest to the offense of 854  
trafficking in persons in violation of section 2905.32 of the 855  
Revised Code and all or part of the violation occurred on the 856

premises of a facility that is licensed by a licensing agency, 857  
the prosecutor in the case shall promptly notify the licensing 858  
agency of the conviction, plea, or finding and provide the 859  
facility's name and address and the offender's name and 860  
residential address. On receipt of this notification, the 861  
licensing agency shall immediately suspend the facility's 862  
license. 863

(D) Notwithstanding any provision of the Revised Code to 864  
the contrary, the suspension of a license under division (B) or 865  
(C) of this section shall be implemented by a licensing agency 866  
without a prior hearing. After the suspension, the licensing 867  
agency shall give written notice to the subject of the 868  
suspension of the right to request a hearing under Chapter 119. 869  
of the Revised Code. After a hearing is held, the licensing 870  
agency shall either revoke or permanently revoke the ~~license~~ 871  
license of the subject of the suspension, unless it determines 872  
that the license holder has not been convicted of, pleaded 873  
guilty to, been found guilty of, or been found guilty based on a 874  
plea of no contest to the offense of trafficking in persons in 875  
violation of section 2905.32 of the Revised Code. 876

Sec. 4785.01. As used in this chapter: 877

(A) "Accredited educational program for surgical 878  
technology" means an educational program for surgical technology 879  
accredited by either of the following: 880

(1) The commission on accreditation of allied health 881  
education programs, its successor organization, or an equivalent 882  
organization recognized by the state medical board; 883

(2) The accrediting bureau of health education schools, 884  
its successor organization, or an equivalent organization 885

recognized by the state medical board. 886

(B) "National board of surgical technology and surgical  
assisting" means the organization known by that name, its  
successor organization, or an equivalent organization recognized  
by the state medical board. 887  
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(C) "Surgical technologist" means an individual, other  
than a licensed health professional, who assists in a surgical  
procedure by engaging in any of the activities authorized under  
section 4785.09 of the Revised Code. 891  
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**Sec. 4785.02.** (A) (1) Except as provided in division (B) of  
this section, no person shall knowingly practice as a surgical  
technologist unless the person holds a current, valid license to  
practice as a surgical technologist issued under this chapter. 895  
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(2) No person shall knowingly use the title "surgical  
technologist," or otherwise hold the person out as a surgical  
technologist, unless the person holds a current, valid license  
to practice as a surgical technologist issued under this  
chapter. 899  
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(B) Division (A) (1) of this section does not apply to any  
of the following: 904  
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(1) A physician authorized under Chapter 4731. of the  
Revised Code to practice medicine and surgery, osteopathic  
medicine and surgery, or podiatric medicine and surgery; 906  
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(2) A physician assistant authorized under Chapter 4730.  
of the Revised Code to practice as a physician assistant; 909  
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(3) A registered nurse or licensed practical nurse  
authorized under Chapter 4723. of the Revised Code to practice  
nursing as a registered nurse or licensed practical nurse. 911  
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Sec. 4785.03. (A) An individual seeking a license to 914  
practice as a surgical technologist shall file with the state 915  
medical board an application in a manner prescribed by the 916  
board. The application shall include all the information the 917  
board considers necessary to process the application, including 918  
evidence satisfactory to the board that the applicant meets the 919  
requirements specified in division (B) of this section. 920

At the time an application is submitted, the applicant 921  
shall pay the board an application fee of one hundred fifty 922  
dollars. No part of the fee shall be returned to the applicant 923  
or transferred for purposes of another application. 924

(B) (1) To be eligible to receive a license to practice as 925  
a surgical technologist, an applicant shall demonstrate to the 926  
board that the applicant meets all of the following 927  
requirements: 928

(a) Is at least eighteen years of age and of good moral 929  
character; 930

(b) Has attained a high school degree or equivalent; 931

(c) Except as provided in division (B) (2) of this section, 932  
holds current certification as a surgical technologist from the 933  
national board of surgical technology and surgical assisting and 934  
has attained the certification by meeting the standard 935  
certification requirements established by that board, including 936  
graduation from an accredited educational program for surgical 937  
technology and passing the national certifying examination for 938  
surgical technologists offered by that board. 939

(2) In the case of an applicant who meets all eligibility 940  
requirements other than the requirement specified in division 941  
(B) (1) (c) of this section, the applicant is eligible for a 942



license to practice as a surgical technologist if any of the 943  
following apply: 944

(a) The applicant practiced as a surgical technologist at 945  
a hospital registered under section 3701.07 of the Revised Code 946  
or an ambulatory surgical facility as defined in section 3702.30 947  
of the Revised Code during any part of the six months that 948  
preceded the effective date of this section. 949

(b) The applicant successfully completed an educational 950  
program for surgical technology operated by either a branch of 951  
the United States armed forces or the United States public 952  
health service. 953

(c) The applicant is employed as a surgical technologist 954  
by the United States government and performs the duties of a 955  
surgical technologist during the course of that employment. 956

(C) The board shall review all applications received under 957  
this section. Not later than sixty days after receiving an 958  
application it considers complete, the board shall determine 959  
whether the applicant meets the requirements for a license to 960  
practice as a surgical technologist. The affirmative vote of not 961  
fewer than six members of the board is required to determine 962  
that the applicant meets the requirements for the license. 963

**Sec. 4785.04.** In addition to any other eligibility 964  
requirement set forth in this chapter, each applicant for a 965  
license to practice as a surgical technologist shall comply with 966  
sections 4776.01 to 4776.04 of the Revised Code. The state 967  
medical board shall not grant to an applicant a license to 968  
practice as a surgical technologist unless the board, in its 969  
discretion, decides that the results of the criminal records 970  
check do not make the applicant ineligible for a license issued 971

pursuant to section 4785.05 of the Revised Code. 972

Sec. 4785.05. If the state medical board determines under 973  
section 4785.03 of the Revised Code that an applicant meets the 974  
requirements for a license to practice as a surgical 975  
technologist, the secretary of the board shall issue the license 976  
to the applicant. The license shall expire biennially and may be 977  
renewed in accordance with section 4785.06 of the Revised Code. 978

Sec. 4785.06. (A) An individual seeking to renew a license 979  
to practice as a surgical technologist shall, on or before the 980  
thirty-first day of January of each even-numbered year, apply 981  
for renewal of the license. The state medical board shall 982  
provide renewal notices at least one month prior to the 983  
expiration date. 984

Renewal applications shall be submitted to the board in a 985  
manner prescribed by the board. Each application shall be 986  
accompanied by a biennial renewal fee of one hundred dollars. 987

The applicant shall report any criminal offense to which 988  
the applicant has pleaded guilty, of which the applicant has 989  
been found guilty, or for which the applicant has been found 990  
eligible for intervention in lieu of conviction, since last 991  
signing an application for a license to practice as a surgical 992  
technologist. 993

(B) To be eligible for renewal, a surgical technologist 994  
shall certify to the board that the technologist has done both 995  
of the following: 996

(1) Maintained the technologist's status as a certified 997  
surgical technologist, unless the technologist meets the 998  
eligibility requirements described in division (B) (2) of section 999  
4785.03 of the Revised Code; 1000

(2) Completed at least thirty hours of continuing education in surgical technology that has been approved by the national board of surgical technology and surgical assisting. 1001  
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(C) If an applicant submits a renewal application that the board considers to be complete and qualifies for renewal pursuant to division (B) of this section, the board shall issue to the applicant a renewed license to practice as a surgical technologist. 1004  
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(D) The board may require a random sample of surgical technologists to submit materials documenting that their status as certified surgical technologists has been maintained and that the number of hours of continuing education required under division (B) (2) of this section has been completed. 1009  
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If a surgical technologist certifies that the surgical technologist has completed the number of hours and type of continuing education required for renewal of a license, and the board finds through the random sample or any other means that the surgical technologist did not complete the requisite continuing education, the board may impose a civil penalty of not more than five thousand dollars. The board's finding shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six members. A civil penalty imposed under this division may be in addition to or in lieu of any other action the board may take under section 4785.11 of the Revised Code. 1014  
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**Sec. 4785.07.** (A) A license to practice as a surgical technologist issued under section 4785.07 of the Revised Code 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 1026  
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violation of section 4785.02 of the Revised Code. 1031

(B) If a license has been suspended pursuant to this 1032  
section for two years or less, the board shall reinstate the 1033  
license upon an applicant's submission of a complete renewal 1034  
application, the biennial renewal fee, and a monetary penalty of 1035  
twenty-five dollars. 1036

(C) If a license has been suspended pursuant to this 1037  
section for more than two years, it may be restored upon an 1038  
applicant's submission of a complete restoration application, 1039  
the biennial renewal fee, and a monetary penalty of fifty 1040  
dollars and compliance with sections 4776.01 to 4776.04 of the 1041  
Revised Code. The board shall not restore a license unless the 1042  
board, in its discretion, decides that the results of the 1043  
criminal records check do not make the applicant ineligible for 1044  
a license issued pursuant to section 4785.03 of the Revised 1045  
Code. 1046

**Sec. 4785.08.** On application by the holder of a license to 1047  
practice as a surgical technologist, the state medical board 1048  
shall issue a duplicate license to replace one that is missing 1049  
or damaged, to reflect a name change, or for any other 1050  
reasonable cause. The fee for a duplicate license is thirty-five 1051  
dollars. 1052

**Sec. 4785.09.** An individual who holds a current, valid 1053  
license to practice as a surgical technologist may engage in all 1054  
of the following activities: 1055

(A) Preparing the operating room, including the sterile 1056  
field, for surgical procedures by doing one or both of the 1057  
following: 1058

(1) Ensuring that surgical equipment is functioning 1059

<u>properly and safely;</u>	1060
<u>(2) Handling sterile supplies, equipment, and instruments</u>	1061
<u>using sterile technique.</u>	1062
<u>(B) Performing one or more of the following tasks within</u>	1063
<u>the sterile field:</u>	1064
<u>(1) Passing supplies, equipment, and instruments;</u>	1065
<u>(2) Sponging or suctioning of the patient's operative site</u>	1066
<u>or performing both activities;</u>	1067
<u>(3) Preparing and cutting suture material;</u>	1068
<u>(4) Transferring fluids and irrigating with fluids;</u>	1069
<u>(5) Transferring, but not administering, drugs;</u>	1070
<u>(6) Handling specimens;</u>	1071
<u>(7) Holding retractors;</u>	1072
<u>(8) Assisting a nurse performing circulatory duties in</u>	1073
<u>counting sponges, needles, and other supplies and instruments.</u>	1074
<u>(C) Anticipating and fulfilling the needs of the surgical</u>	1075
<u>team by applying knowledge of human anatomy and pathophysiology.</u>	1076
<u><b>Sec. 4785.10.</b> The state medical board shall adopt rules in</u>	1077
<u>accordance with Chapter 119. of the Revised Code to implement</u>	1078
<u>and administer this chapter. The rules shall include the</u>	1079
<u>following:</u>	1080
<u>(A) Any standards and procedures not addressed in this</u>	1081
<u>chapter that the board considers necessary for issuing and</u>	1082
<u>renewing licenses under this chapter;</u>	1083
<u>(B) Any standards and procedures the board considers</u>	1084
<u>necessary to govern the practice of surgical technologists;</u>	1085

(C) Any other standards and procedures the board considers 1086  
necessary for the administration and enforcement of this 1087  
chapter. 1088

**Sec. 4785.11.** (A) The state medical board, by an 1089  
affirmative vote of not fewer than six members, may revoke, 1090  
refuse to grant, or refuse to renew a license to practice as a 1091  
surgical technologist to an individual found by the board to 1092  
have committed fraud, misrepresentation, or deception in 1093  
applying for, renewing, or securing the license. 1094

(B) The board, by an affirmative vote of not fewer than 1095  
six members, shall, to the extent permitted by law, limit, 1096  
revoke, or suspend an individual's license to practice as a 1097  
surgical technologist, refuse to issue a license to an 1098  
applicant, refuse to renew a license, refuse to reinstate a 1099  
license, or reprimand or place on probation the holder of a 1100  
license for any of the following reasons: 1101

(1) Permitting the holder's name or license to be used by 1102  
another person; 1103

(2) Failure to comply with the requirements of this 1104  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 1105  
by the board; 1106

(3) Violating or attempting to violate, directly or 1107  
indirectly, or assisting in or abetting the violation of, or 1108  
conspiring to violate, any provision of this chapter, Chapter 1109  
4731. of the Revised Code, or the rules adopted by the board; 1110

(4) A departure from, or failure to conform to, minimal 1111  
standards of care of similar practitioners under the same or 1112  
similar circumstances whether or not actual injury to the 1113  
patient is established; 1114

(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; 1115  
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(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; 1119  
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(7) Willfully betraying a professional confidence; 1123

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a surgical technologist. 1124  
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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. 1127  
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(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice; 1135  
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(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 1138  
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(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 1141  
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(12) A plea of guilty to, a judicial finding of guilt of, 1144  
or a judicial finding of eligibility for intervention in lieu of 1145  
conviction for, a misdemeanor committed in the course of 1146  
practice; 1147

(13) A plea of guilty to, a judicial finding of guilt of, 1148  
or a judicial finding of eligibility for intervention in lieu of 1149  
conviction for, a misdemeanor involving moral turpitude; 1150

(14) Commission of an act in the course of practice that 1151  
constitutes a misdemeanor in this state, regardless of the 1152  
jurisdiction in which the act was committed; 1153

(15) Commission of an act involving moral turpitude that 1154  
constitutes a misdemeanor in this state, regardless of the 1155  
jurisdiction in which the act was committed; 1156

(16) A plea of guilty to, a judicial finding of guilt of, 1157  
or a judicial finding of eligibility for intervention in lieu of 1158  
conviction for violating any state or federal law regulating the 1159  
possession, distribution, or use of any drug, including 1160  
trafficking in drugs; 1161

(17) Any of the following actions taken by an agency 1162  
responsible for licensing, otherwise authorizing, or regulating 1163  
an individual to practice a health care occupation or provide 1164  
health care services in this state or in another jurisdiction, 1165  
for any reason other than the nonpayment of fees: the 1166  
limitation, revocation, or suspension of the individual's 1167  
license or other authority to practice; acceptance of the 1168  
surrender of the individual's license or other authority to 1169  
practice; denial of a license or other authority to practice; 1170  
refusal to renew or reinstate a license or other authority to 1171  
practice; imposition of probation; or issuance of an order of 1172



<u>censure or other reprimand;</u>	1173
<u>(18) Violation of the conditions placed by the board on a license to practice as a surgical technologist;</u>	1174
	1175
<u>(19) Failure to cooperate in an investigation conducted by the board under section 4785.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;</u>	1176
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<u>(20) Failure to maintain the individual's status as a certified surgical technologist, unless the technologist meets the eligibility requirements described in division (B)(2) of section 4785.03 of the Revised Code;</u>	1186
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<u>(21) Failure to comply with a code of ethics established by the national board of surgical technology and surgical assisting;</u>	1190
	1191
	1192
<u>(22) Failure to use universal blood and bodily fluid precautions established by rules adopted under section 4731.051 of the Revised Code.</u>	1193
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<u>(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a surgical technologist or applicant to resolve an allegation of a violation of this chapter or any rule</u>	1196
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adopted under it. A consent agreement, when ratified by an 1202  
affirmative vote of not fewer than six members of the board, 1203  
shall constitute the findings and order of the board with 1204  
respect to the matter addressed in the agreement. If the board 1205  
refuses to ratify a consent agreement, the admissions and 1206  
findings contained in the consent agreement shall be of no force 1207  
or effect. 1208

A telephone conference call may be utilized for 1209  
ratification of a consent agreement that revokes or suspends an 1210  
individual's license. The telephone conference call shall be 1211  
considered a special meeting under division (F) of section 1212  
121.22 of the Revised Code. 1213

(D) For purposes of divisions (B) (11), (14), and (15) of 1214  
this section, the commission of the act may be established by a 1215  
finding by the board, pursuant to an adjudication under Chapter 1216  
119. of the Revised Code, that the applicant or license holder 1217  
committed the act in question. The board shall have no 1218  
jurisdiction under these divisions in cases where the trial 1219  
court renders a final judgment in the license holder's favor and 1220  
that judgment is based upon an adjudication on the merits. The 1221  
board shall have jurisdiction under these divisions in cases 1222  
where the trial court issues an order of dismissal on technical 1223  
or procedural grounds. 1224

(E) The sealing of conviction records by any court shall 1225  
have no effect on a prior board order entered under the 1226  
provisions of this section or on the board's jurisdiction to 1227  
take action under the provisions of this section if, based upon 1228  
a plea of guilty, a judicial finding of guilt, or a judicial 1229  
finding of eligibility for intervention in lieu of conviction, 1230  
the board issued a notice of opportunity for a hearing or took 1231

other formal action under Chapter 119. of the Revised Code prior 1232  
to the court's order to seal the records. The board shall not be 1233  
required to seal, destroy, redact, or otherwise modify its 1234  
records to reflect the court's sealing of conviction records. 1235

(F) For purposes of this division, any individual who 1236  
holds a license to practice as a surgical technologist, or 1237  
applies for a license, shall be deemed to have given consent to 1238  
submit to a mental or physical examination when directed to do 1239  
so in writing by the board and to have waived all objections to 1240  
the admissibility of testimony or examination reports that 1241  
constitute a privileged communication. 1242

(1) In enforcing division (B) (5) of this section, the 1243  
board, on a showing of a possible violation, may compel any 1244  
individual who holds a license to practice as a surgical 1245  
technologist or who has applied for a license to practice as a 1246  
surgical technologist to submit to a mental or physical 1247  
examination, or both. A physical examination may include an HIV 1248  
test. The expense of the examination is the responsibility of 1249  
the individual compelled to be examined. Failure to submit to a 1250  
mental or physical examination or consent to an HIV test ordered 1251  
by the board constitutes an admission of the allegations against 1252  
the individual unless the failure is due to circumstances beyond 1253  
the individual's control, and a default and final order may be 1254  
entered without the taking of testimony or presentation of 1255  
evidence. If the board finds a surgical technologist unable to 1256  
practice because of the reasons set forth in division (B) (5) of 1257  
this section, the board shall require the surgical technologist 1258  
to submit to care, counseling, or treatment by physicians 1259  
approved or designated by the board, as a condition for an 1260  
initial, continued, reinstated, or renewed license. An 1261  
individual affected by this division shall be afforded an 1262

opportunity to demonstrate to the board the ability to resume 1263  
practicing in compliance with acceptable and prevailing 1264  
standards of care. 1265

(2) For purposes of division (B)(6) of this section, if 1266  
the board has reason to believe that any individual who holds a 1267  
license to practice as a surgical technologist or any applicant 1268  
for a license suffers such impairment, the board may compel the 1269  
individual to submit to a mental or physical examination, or 1270  
both. The expense of the examination is the responsibility of 1271  
the individual compelled to be examined. Any mental or physical 1272  
examination required under this division shall be undertaken by 1273  
a treatment provider or physician qualified to conduct such 1274  
examination and chosen by the board. 1275

Failure to submit to a mental or physical examination 1276  
ordered by the board constitutes an admission of the allegations 1277  
against the individual unless the failure is due to 1278  
circumstances beyond the individual's control, and a default and 1279  
final order may be entered without the taking of testimony or 1280  
presentation of evidence. If the board determines that the 1281  
individual's ability to practice is impaired, the board shall 1282  
suspend the individual's license or deny the individual's 1283  
application and shall require the individual, as a condition for 1284  
an initial, continued, reinstated, or renewed license, to submit 1285  
to treatment. 1286

Before being eligible to apply for reinstatement of a 1287  
license suspended under this division, the surgical technologist 1288  
shall demonstrate to the board the ability to resume practice in 1289  
compliance with acceptable and prevailing standards of care. The 1290  
demonstration shall include the following: 1291

(a) Certification from a treatment provider approved under 1292

section 4731.25 of the Revised Code that the individual has 1293  
successfully completed any required inpatient treatment; 1294

(b) Evidence of continuing full compliance with an 1295  
aftercare contract or consent agreement; 1296

(c) Two written reports indicating that the individual's 1297  
ability to practice has been assessed and that the individual 1298  
has been found capable of practicing according to acceptable and 1299  
prevailing standards of care. The reports shall be made by 1300  
individuals or providers approved by the board for making such 1301  
assessments and shall describe the basis for their 1302  
determination. 1303

The board may reinstate a license suspended under this 1304  
division after such demonstration and after the individual has 1305  
entered into a written consent agreement. 1306

When the impaired surgical technologist resumes practice, 1307  
the board shall require continued monitoring of the surgical 1308  
technologist. The monitoring shall include monitoring of 1309  
compliance with the written consent agreement entered into 1310  
before reinstatement or with conditions imposed by board order 1311  
after a hearing, and, on termination of the consent agreement, 1312  
submission to the board for at least two years of annual written 1313  
progress reports made under penalty of falsification stating 1314  
whether the surgical technologist has maintained sobriety. 1315

(G) If the secretary and supervising member determine both 1316  
of the following, they may recommend that the board suspend an 1317  
individual's license without a prior hearing: 1318

(1) That there is clear and convincing evidence that a 1319  
surgical technologist has violated division (B) of this section; 1320

(2) That the individual's continued practice presents a 1321

danger of immediate and serious harm to the public. 1322

Written allegations shall be prepared for consideration by 1323  
the board. The board, on review of the allegations and by an 1324  
affirmative vote of not fewer than six of its members, excluding 1325  
the secretary and supervising member, may suspend a license 1326  
without a prior hearing. A telephone conference call may be 1327  
utilized for reviewing the allegations and taking the vote on 1328  
the summary suspension. 1329

The board shall issue a written order of suspension by 1330  
certified mail or in person in accordance with section 119.07 of 1331  
the Revised Code. The order shall not be subject to suspension 1332  
by the court during pendency of any appeal filed under section 1333  
119.12 of the Revised Code. If the surgical technologist 1334  
requests an adjudicatory hearing by the board, the date set for 1335  
the hearing shall be within fifteen days, but not earlier than 1336  
seven days, after the surgical technologist requests the 1337  
hearing, unless otherwise agreed to by both the board and the 1338  
surgical technologist. 1339

A summary suspension imposed under this division shall 1340  
remain in effect, unless reversed on appeal, until a final 1341  
adjudicative order issued by the board pursuant to this section 1342  
and Chapter 119. of the Revised Code becomes effective. The 1343  
board shall issue its final adjudicative order within sixty days 1344  
after completion of its hearing. Failure to issue the order 1345  
within sixty days shall result in dissolution of the summary 1346  
suspension order, but shall not invalidate any subsequent, final 1347  
adjudicative order. 1348

(H) If the board takes action under division (B) (10), 1349  
(12), or (13) of this section, and the judicial finding of 1350  
guilt, guilty plea, or judicial finding of eligibility for 1351

intervention in lieu of conviction is overturned on appeal, on 1352  
exhaustion of the criminal appeal, a petition for 1353  
reconsideration of the order may be filed with the board along 1354  
with appropriate court documents. On receipt of a petition and 1355  
supporting court documents, the board shall reinstate the 1356  
license to practice as a surgical technologist. The board may 1357  
then hold an adjudication under Chapter 119. of the Revised Code 1358  
to determine whether the individual committed the act in 1359  
question. Notice of opportunity for hearing shall be given in 1360  
accordance with Chapter 119. of the Revised Code. If the board 1361  
finds, pursuant to an adjudication held under this division, 1362  
that the individual committed the act, or if no hearing is 1363  
requested, it may order any of the sanctions specified in 1364  
division (B) of this section. 1365

(I) The license to practice as a surgical technologist and 1366  
the technologist's practice in this state are automatically 1367  
suspended as of the date the surgical technologist pleads guilty 1368  
to, is found by a judge or jury to be guilty of, or is subject 1369  
to a judicial finding of eligibility for intervention in lieu of 1370  
conviction in this state or treatment of intervention in lieu of 1371  
conviction in another jurisdiction for any of the following 1372  
criminal offenses in this state or a substantially equivalent 1373  
criminal offense in another jurisdiction: aggravated murder, 1374  
murder, voluntary manslaughter, felonious assault, kidnapping, 1375  
rape, sexual battery, gross sexual imposition, aggravated arson, 1376  
aggravated robbery, or aggravated burglary. Continued practice 1377  
after the suspension shall be considered practicing without a 1378  
license. 1379

The board shall notify the individual subject to the 1380  
suspension by certified mail or in person in accordance with 1381  
section 119.07 of the Revised Code. If an individual whose 1382

license is suspended under this division fails to make a timely 1383  
request for an adjudication under Chapter 119. of the Revised 1384  
Code, the board shall enter a final order permanently revoking 1385  
the individual's license. 1386

(J) In any instance in which the board is required by 1387  
Chapter 119. of the Revised Code to give notice of opportunity 1388  
for hearing and the individual subject to the notice does not 1389  
timely request a hearing in accordance with section 119.07 of 1390  
the Revised Code, the board is not required to hold a hearing, 1391  
but may adopt, by an affirmative vote of not fewer than six of 1392  
its members, a final order that contains the board's findings. 1393  
In the final order, the board may order any of the sanctions 1394  
identified under division (A) or (B) of this section. 1395

(K) Any action taken by the board under division (B) of 1396  
this section resulting in a suspension shall be accompanied by a 1397  
written statement of the conditions under which the license of 1398  
the surgical technologist may be reinstated. The board shall 1399  
adopt rules in accordance with Chapter 119. of the Revised Code 1400  
governing conditions to be imposed for reinstatement. 1401  
Reinstatement of a license suspended pursuant to division (B) of 1402  
this section requires an affirmative vote of not fewer than six 1403  
members of the board. 1404

(L) When the board refuses to grant a license to practice 1405  
as a surgical technologist to an applicant, revokes an 1406  
individual's license, refuses to renew a license, or refuses to 1407  
reinstate an individual's license, the board may specify that 1408  
its action is permanent. An individual subject to a permanent 1409  
action taken by the board is forever thereafter ineligible to 1410  
hold a license to practice as a surgical technologist and the 1411  
board shall not accept an application for reinstatement of the 1412



license or for issuance of a new license. 1413

(M) Notwithstanding any other provision of the Revised 1414  
Code, all of the following apply: 1415

(1) The surrender of a license to practice as a surgical 1416  
technologist is not effective unless or until accepted by the 1417  
board. A telephone conference call may be utilized for 1418  
acceptance of the surrender of an individual's license. The 1419  
telephone conference call shall be considered a special meeting 1420  
under division (F) of section 121.22 of the Revised Code. 1421  
Reinstatement of a license surrendered to the board requires an 1422  
affirmative vote of not fewer than six members of the board. 1423

(2) An application made under this chapter for a license 1424  
may not be withdrawn without approval of the board. 1425

(3) Failure by an individual to renew a license in 1426  
accordance with section 4785.06 of the Revised Code shall not 1427  
remove or limit the board's jurisdiction to take disciplinary 1428  
action under this section against the individual. 1429

**Sec. 4785.111.** (A) (1) If the holder of a license issued 1430  
under this chapter violates any section of this chapter other 1431  
than section 4785.06 of the Revised Code or violates any rule 1432  
adopted under this chapter, the state medical board may, 1433  
pursuant to an adjudication under Chapter 119. of the Revised 1434  
Code and an affirmative vote of not fewer than six of its 1435  
members, impose a civil penalty. The amount of the civil penalty 1436  
shall be determined by the board in accordance with the 1437  
guidelines adopted under division (A) (2) of this section. The 1438  
civil penalty may be in addition to any other action the board 1439  
may take under section 4785.11 of the Revised Code. 1440

(2) The board shall adopt and may amend guidelines 1441

regarding the amounts of civil penalties to be imposed under 1442  
this section. Adoption or amendment of the guidelines requires 1443  
the approval of not fewer than six board members. 1444

Under the guidelines, no civil penalty amount shall exceed 1445  
twenty thousand dollars. 1446

(B) Amounts received from payment of civil penalties 1447  
imposed under this section shall be deposited by the board in 1448  
accordance with section 4731.24 of the Revised Code. Amounts 1449  
received from payment of civil penalties imposed for violations 1450  
of division (B) (6) of section 4785.11 of the Revised Code shall 1451  
be used by the board solely for investigations, enforcement, and 1452  
compliance monitoring. 1453

Sec. 4785.12. On receipt of a notice pursuant to section 1454  
3123.43 of the Revised Code, the state medical board shall 1455  
comply with sections 3123.41 to 3123.50 of the Revised Code and 1456  
any applicable rules adopted under section 3123.63 of the 1457  
Revised Code with respect to a license issued under this 1458  
chapter. 1459

Sec. 4785.13. If the state medical board has reason to 1460  
believe that any person who has been granted a license to 1461  
practice as a surgical technologist under this chapter is 1462  
mentally ill or mentally incompetent, it may file in the probate 1463  
court of the county in which the person has a legal residence an 1464  
affidavit in the form prescribed in section 5122.11 of the 1465  
Revised Code and signed by the board secretary or a member of 1466  
the board secretary's staff, whereupon the same proceedings 1467  
shall be had as provided in Chapter 5122. of the Revised Code. 1468  
The attorney general may represent the board in any proceeding 1469  
commenced under this section. 1470

If any person who has been granted a license is adjudged 1471  
by a probate court to be mentally ill or mentally incompetent, 1472  
the person's license shall be automatically suspended until the 1473  
person has filed with the state medical board a certified copy 1474  
of an adjudication by a probate court of the person's subsequent 1475  
restoration to competency or has submitted to the board proof, 1476  
satisfactory to the board, that the person has been discharged 1477  
as having a restoration to competency in the manner and form 1478  
provided in section 5122.38 of the Revised Code. The judge of 1479  
the probate court shall forthwith notify the state medical board 1480  
of an adjudication of mental illness or mental incompetence, and 1481  
shall note any suspension of a license in the margin of the 1482  
court's record of such license. 1483

**Sec. 4785.14.** (A) The state medical board shall 1484  
investigate evidence that appears to show that any individual 1485  
has violated this chapter or the rules adopted under it. Any 1486  
person may report to the board in a signed writing any 1487  
information the person has that appears to show a violation of 1488  
this chapter or rules adopted under it. In the absence of bad 1489  
faith, a person who reports such information or testifies before 1490  
the board in an adjudication conducted under Chapter 119. of the 1491  
Revised Code shall not be liable for civil damages as a result 1492  
of reporting the information or providing testimony. Each 1493  
complaint or allegation of a violation received by the board 1494  
shall be assigned a case number and be recorded by the board. 1495

(B) Investigations of alleged violations of this chapter 1496  
or rules adopted under it shall be supervised by the supervising 1497  
member elected by the board in accordance with section 4731.02 1498  
of the Revised Code and by the board's secretary, pursuant to 1499  
section 4785.16 of the Revised Code. The board's president may 1500  
designate another member of the board to supervise the 1501

investigation in place of the supervising member. A member of 1502  
the board who supervises the investigation of a case shall not 1503  
participate in further adjudication of the case. 1504

(C) In investigating a possible violation of this chapter 1505  
or the rules adopted under it, the board may administer oaths, 1506  
order the taking of depositions, inspect and copy any books, 1507  
accounts, papers, records, or documents, issue subpoenas, and 1508  
compel the attendance of witnesses and production of books, 1509  
accounts, papers, records, documents, and testimony, except that 1510  
a subpoena for patient record information shall not be issued 1511  
without consultation with the attorney general's office and 1512  
approval of the secretary and supervising member of the board. 1513  
Before issuance of a subpoena for patient record information, 1514  
the secretary and supervising member shall determine whether 1515  
there is probable cause to believe that the complaint filed 1516  
alleges a violation of this chapter or the rules adopted under 1517  
it and that the records sought are relevant to the alleged 1518  
violation and material to the investigation. The subpoena may 1519  
apply only to records that cover a reasonable period of time 1520  
surrounding the alleged violation. 1521

On failure to comply with any subpoena issued by the board 1522  
and after reasonable notice to the person being subpoenaed, the 1523  
board may move for an order compelling the production of persons 1524  
or records pursuant to the Rules of Civil Procedure. 1525

A subpoena issued by the board may be served by a sheriff, 1526  
the sheriff's deputy, or a board employee designated by the 1527  
board. Service of a subpoena issued by the board may be made by 1528  
delivering a copy of the subpoena to the person named therein, 1529  
reading it to the person, or leaving it at the person's usual 1530  
place of residence. When the person being served is a surgical 1531

technologist, service of the subpoena may be made by certified 1532  
mail, restricted delivery, return receipt requested, and the 1533  
subpoena shall be deemed served on the date delivery is made or 1534  
the date the person refuses to accept delivery. 1535

A sheriff's deputy who serves a subpoena shall receive the 1536  
same fees as a sheriff. Each witness who appears before the 1537  
board in obedience to a subpoena shall receive the fees and 1538  
mileage provided for witnesses in civil cases in the courts of 1539  
common pleas. 1540

(D) All hearings and investigations of the board shall be 1541  
considered civil actions for the purposes of section 2305.252 of 1542  
the Revised Code. 1543

(E) Information received by the board pursuant to an 1544  
investigation is confidential and not subject to discovery in 1545  
any civil action. 1546

The board shall conduct all investigations and proceedings 1547  
in a manner that protects the confidentiality of patients and 1548  
persons who file complaints with the board. The board shall not 1549  
make public the names or any other identifying information about 1550  
patients or complainants unless proper consent is given. 1551

The board may share any information it receives pursuant 1552  
to an investigation, including patient records and patient 1553  
record information, with law enforcement agencies, other 1554  
licensing boards, and other governmental agencies that are 1555  
prosecuting, adjudicating, or investigating alleged violations 1556  
of statutes or administrative rules. An agency or board that 1557  
receives the information shall comply with the same requirements 1558  
regarding confidentiality as those with which the state medical 1559  
board must comply, notwithstanding any conflicting provision of 1560

the Revised Code or procedure of the agency or board that 1561  
applies when it is dealing with other information in its 1562  
possession. In a judicial proceeding, the information may be 1563  
admitted into evidence only in accordance with the Rules of 1564  
Evidence, but the court shall require that appropriate measures 1565  
are taken to ensure that confidentiality is maintained with 1566  
respect to any part of the information that contains names or 1567  
other identifying information about patients or complainants 1568  
whose confidentiality was protected by the state medical board 1569  
when the information was in the board's possession. Measures to 1570  
ensure confidentiality that may be taken by the court include 1571  
sealing its records or deleting specific information from its 1572  
records. 1573

(F) The board shall develop requirements for and provide 1574  
appropriate initial training and continuing education for 1575  
investigators employed by the board to carry out its duties 1576  
under this chapter. The training and continuing education may 1577  
include enrollment in courses operated or approved by the Ohio 1578  
peace officer training commission that the board considers 1579  
appropriate under conditions set forth in section 109.79 of the 1580  
Revised Code. 1581

(G) On a quarterly basis, the board shall prepare a report 1582  
that documents the disposition of all cases during the preceding 1583  
three months. The report shall contain the following information 1584  
for each case with which the board has completed its activities: 1585

(1) The case number assigned to the complaint or alleged 1586  
violation; 1587

(2) The type of license, if any, held by the individual 1588  
against whom the complaint is directed; 1589

(3) A description of the allegations contained in the 1590  
complaint; 1591

(4) The disposition of the case. 1592

The report shall state how many cases are still pending, 1593  
and shall be prepared in a manner that protects the identity of 1594  
each individual involved in each case. The report is a public 1595  
record for purposes of section 149.43 of the Revised Code. 1596

**Sec. 4785.15.** (A) As used in this section, "prosecutor" 1597  
has the same meaning as in section 2935.01 of the Revised Code. 1598

(B) Whenever any individual holding a valid license to 1599  
practice as a surgical technologist pleads guilty to, is subject 1600  
to a judicial finding of guilt of, or is subject to a judicial 1601  
finding of eligibility for intervention in lieu of conviction 1602  
for a violation of Chapter 2907., 2925., or 3719. of the Revised 1603  
Code or of any substantively comparable ordinance of a municipal 1604  
corporation in connection with the person's practice, the 1605  
prosecutor in the case, on forms prescribed and provided by the 1606  
state medical board, shall promptly notify the board of the 1607  
conviction. Within thirty days of receipt of that information, 1608  
the board shall initiate action in accordance with Chapter 119. 1609  
of the Revised Code to determine whether to suspend or revoke 1610  
the license under section 4785.13 of the Revised Code. 1611

(C) The prosecutor in any case against any person holding 1612  
a valid license to practice as a surgical technologist, on forms 1613  
prescribed and provided by the state medical board, shall notify 1614  
the board of any of the following: 1615

(1) A plea of guilty to, a finding of guilt by a jury or 1616  
court of, or judicial finding of eligibility for intervention in 1617  
lieu of conviction for a felony, or a case in which the trial 1618

court issues an order of dismissal upon technical or procedural 1619  
grounds of a felony charge; 1620

(2) A plea of guilty to, a finding of guilt by a jury or 1621  
court of, or judicial finding of eligibility for intervention in 1622  
lieu of conviction for a misdemeanor committed in the course of 1623  
practice, or a case in which the trial court issues an order of 1624  
dismissal upon technical or procedural grounds of a charge of a 1625  
misdemeanor, if the alleged act was committed in the course of 1626  
practice; 1627

(3) A plea of guilty to, a finding of guilt by a jury or 1628  
court of, or judicial finding of eligibility for intervention in 1629  
lieu of conviction for a misdemeanor involving moral turpitude, 1630  
or a case in which the trial court issues an order of dismissal 1631  
upon technical or procedural grounds of a charge of a 1632  
misdemeanor involving moral turpitude. 1633

The report shall include the name and address of the 1634  
license holder, the nature of the offense for which the action 1635  
was taken, and the certified court documents recording the 1636  
action. 1637

**Sec. 4785.16.** The secretary of the state medical board 1638  
shall enforce the laws relating to the practice of surgical 1639  
technologists. If the secretary has knowledge or notice of a 1640  
violation of this chapter or the rules adopted under it, the 1641  
secretary shall investigate the matter, and, upon probable cause 1642  
appearing, file a complaint and prosecute the offender. When 1643  
requested by the secretary, the prosecuting attorney of the 1644  
proper county shall take charge of and conduct the prosecution. 1645

**Sec. 4785.17.** The attorney general, the prosecuting 1646  
attorney of any county in which the offense was committed or the 1647



offender resides, the state medical board, or any other person 1648  
having knowledge of a person engaged either directly or by 1649  
complicity in practicing as a surgical technologist without 1650  
having first obtained under this chapter a license to practice 1651  
as a surgical technologist, may, in accordance with provisions 1652  
of the Revised Code governing injunctions, maintain an action in 1653  
the name of the state to enjoin any person from engaging either 1654  
directly or by complicity in unlawfully practicing as a surgical 1655  
technologist by applying for an injunction in any court of 1656  
competent jurisdiction. 1657

Prior to application for an injunction, the secretary of 1658  
the state medical board shall notify the individual allegedly 1659  
engaged either directly or by complicity in the unlawful 1660  
practice by registered mail that the secretary has received 1661  
information indicating that this individual is so engaged. The 1662  
individual shall answer the secretary within thirty days showing 1663  
that the individual is either properly authorized for the stated 1664  
activity or that the individual is not in violation of this 1665  
chapter. If the answer is not forthcoming within thirty days 1666  
after notice by the secretary, the secretary shall request that 1667  
the attorney general, the prosecuting attorney of the county in 1668  
which the offense was committed or the offender resides, or the 1669  
state medical board proceed as authorized in this section. 1670

Upon the filing of a verified petition in court, the court 1671  
shall conduct a hearing on the petition and shall give the same 1672  
preference to this proceeding as is given all proceedings under 1673  
Chapter 119. of the Revised Code, irrespective of the position 1674  
of the proceeding on the calendar of the court. 1675

Injunction proceedings shall be in addition to, and not in 1676  
lieu of, all penalties and other remedies provided in this 1677

chapter. 1678

Sec. 4785.18. All fees, penalties, and other funds 1679  
received by the state medical board under this chapter shall be 1680  
deposited in accordance with section 4731.24 of the Revised 1681  
Code. 1682

Sec. 4785.19. In the absence of fraud or bad faith, the 1683  
state medical board, a current or former board member, an agent 1684  
of the board, a person formally requested by the board to be the 1685  
board's representative, or an employee of the board shall not be 1686  
held liable in damages to any person as the result of any act, 1687  
omission, proceeding, conduct, or decision related to official 1688  
duties undertaken or performed pursuant to this chapter. If any 1689  
such person asks to be defended by the state against any claim 1690  
or action arising out of any act, omission, proceeding, conduct, 1691  
or decision related to the person's official duties, and if the 1692  
request is made in writing at a reasonable time before trial and 1693  
the person requesting defense cooperates in good faith in the 1694  
defense of the claim or action, the state shall provide and pay 1695  
for the person's defense and shall pay any resulting judgment, 1696  
compromise, or settlement. At no time shall the state pay any 1697  
part of a claim or judgment that is for punitive or exemplary 1698  
damages. 1699

Sec. 4785.20. The state medical board shall comply with 1700  
section 4776.20 of the Revised Code. 1701

Sec. 4785.99. Whoever violates section 4785.02 of the 1702  
Revised Code is guilty of a misdemeanor of the first degree on a 1703  
first offense and felony of the fifth degree on each subsequent 1704  
offense. 1705

**Section 2.** That existing sections 109.572, 4731.051, 1706

4731.07, 4731.071, 4731.224, 4731.24, 4731.25, 4776.01, and 1707  
4776.20 of the Revised Code are hereby repealed. 1708

**Section 3.** Section 4785.02 of the Revised Code takes 1709  
effect two years after the effective date of this act. 1710

**Section 4.** Section 4731.07 of the Revised Code is 1711  
presented in this act as a composite of the section as amended 1712  
by both Am. Sub. H.B. 64 and Sub. S.B. 110 of the 131st General 1713  
Assembly. The General Assembly, applying the principle stated in 1714  
division (B) of section 1.52 of the Revised Code that amendments 1715  
are to be harmonized if reasonably capable of simultaneous 1716  
operation, finds that the composite is the resulting version of 1717  
the section in effect prior to the effective date of the section 1718  
as presented in this act. 1719