

I_132_0731

132nd General Assembly
Regular Session
2017-2018

. B. No.

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 provide for the 8
licensure 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



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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 200

Revised Code within five years of the date of application for 201
licensure or certification. 202

(b) A violation of an existing or former law of this 203
state, any other state, or the United States that is 204
substantially equivalent to any of the offenses or violations 205
described in division (A) (5) (a) of this section. 206

(6) Upon receipt of a request pursuant to section 5153.111 207
of the Revised Code, a completed form prescribed pursuant to 208
division (C) (1) of this section, and a set of fingerprint 209
impressions obtained in the manner described in division (C) (2) 210
of this section, the superintendent of the bureau of criminal 211
identification and investigation shall conduct a criminal 212
records check in the manner described in division (B) of this 213
section to determine whether any information exists that 214
indicates that the person who is the subject of the request 215
previously has been convicted of or pleaded guilty to any of the 216
following: 217

(a) A violation of section 2903.01, 2903.02, 2903.03, 218
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 219
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 220
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 221
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 222
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 223
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 224
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 225
Code, felonious sexual penetration in violation of former 226
section 2907.12 of the Revised Code, a violation of section 227
2905.04 of the Revised Code as it existed prior to July 1, 1996, 228
a violation of section 2919.23 of the Revised Code that would 229
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, 4725.501, 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 under that section. 340
The superintendent shall conduct the criminal records check in 341
the manner described in division (B) of this section to 342
determine whether any information exists that indicates that the 343
person who is the subject of the request previously has been 344
convicted 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

(13) On receipt of a request pursuant to section 3796.12 359
of the Revised Code, a completed form prescribed pursuant to 360
division (C)(1) of this section, and a set of fingerprint 361
impressions obtained in a manner described in division (C)(2) of 362
this section, the superintendent of the bureau of criminal 363
identification and investigation shall conduct a criminal 364
records check in the manner described in division (B) of this 365
section to determine whether any information exists that 366
indicates that the person who is the subject of the request 367
previously has been convicted of or pleaded guilty to the 368
following: 369

(a) A disqualifying offense as specified in rules adopted 370
under division (B)(2)(b) of section 3796.03 of the Revised Code 371
if the person who is the subject of the request is an 372
administrator or other person responsible for the daily 373
operation of, or an owner or prospective owner, officer or 374
prospective officer, or board member or prospective board member 375
of, an entity seeking a license from the department of commerce 376
under Chapter 3796. of the Revised Code; 377

(b) A disqualifying offense as specified in rules adopted 378
under division (B)(2)(b) of section 3796.04 of the Revised Code 379
if the person who is the subject of the request is an 380
administrator or other person responsible for the daily 381
operation of, or an owner or prospective owner, officer or 382
prospective officer, or board member or prospective board member 383

of, an entity seeking a license from the state board of pharmacy 384
under Chapter 3796. of the Revised Code. 385

(14) On receipt of a request required by section 3796.13 386
of the Revised Code, a completed form prescribed pursuant to 387
division (C) (1) of this section, and a set of fingerprint 388
impressions obtained in a manner described in division (C) (2) of 389
this section, the superintendent of the bureau of criminal 390
identification and investigation shall conduct a criminal 391
records check in the manner described in division (B) of this 392
section to determine whether any information exists that 393
indicates that the person who is the subject of the request 394
previously has been convicted of or pleaded guilty to the 395
following: 396

(a) A disqualifying offense as specified in rules adopted 397
under division (B) (8) (a) of section 3796.03 of the Revised Code 398
if the person who is the subject of the request is seeking 399
employment with an entity licensed by the department of commerce 400
under Chapter 3796. of the Revised Code; 401

(b) A disqualifying offense as specified in rules adopted 402
under division (B) (14) (a) of section 3796.04 of the Revised Code 403
if the person who is the subject of the request is seeking 404
employment with an entity licensed by the state board of 405
pharmacy under Chapter 3796. of the Revised Code. 406

(B) Subject to division (F) of this section, the 407
superintendent shall conduct any criminal records check to be 408
conducted under this section as follows: 409

(1) The superintendent shall review or cause to be 410
reviewed any relevant information gathered and compiled by the 411
bureau under division (A) of section 109.57 of the Revised Code 412

that relates to the person who is the subject of the criminal 413
records check, including, if the criminal records check was 414
requested under section 113.041, 121.08, 173.27, 173.38, 415
173.381, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 416
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 417
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 418
3796.12, 4749.03, 4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 419
5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, 420
any relevant information contained in records that have been 421
sealed under section 2953.32 of the Revised Code; 422

(2) If the request received by the superintendent asks for 423
information from the federal bureau of investigation, the 424
superintendent shall request from the federal bureau of 425
investigation any information it has with respect to the person 426
who is the subject of the criminal records check, including 427
fingerprint-based checks of national crime information databases 428
as described in 42 U.S.C. 671 if the request is made pursuant to 429
section 2151.86 or 5104.013 of the Revised Code or if any other 430
Revised Code section requires fingerprint-based checks of that 431
nature, and shall review or cause to be reviewed any information 432
the superintendent receives from that bureau. If a request under 433
section 3319.39 of the Revised Code asks only for information 434
from the federal bureau of investigation, the superintendent 435
shall not conduct the review prescribed by division (B)(1) of 436
this section. 437

(3) The superintendent or the superintendent's designee 438
may request criminal history records from other states or the 439
federal government pursuant to the national crime prevention and 440
privacy compact set forth in section 109.571 of the Revised 441
Code. 442

(4) The superintendent shall include in the results of the 443
criminal records check a list or description of the offenses 444
listed or described in division (A) (1), (2), (3), (4), (5), (6), 445
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 446
whichever division requires the superintendent to conduct the 447
criminal records check. The superintendent shall exclude from 448
the results any information the dissemination of which is 449
prohibited by federal law. 450

(5) The superintendent shall send the results of the 451
criminal records check to the person to whom it is to be sent 452
not later than the following number of days after the date the 453
superintendent receives the request for the criminal records 454
check, the completed form prescribed under division (C) (1) of 455
this section, and the set of fingerprint impressions obtained in 456
the manner described in division (C) (2) of this section: 457

(a) If the superintendent is required by division (A) of 458
this section (other than division (A) (3) of this section) to 459
conduct the criminal records check, thirty; 460

(b) If the superintendent is required by division (A) (3) 461
of this section to conduct the criminal records check, sixty. 462

(C) (1) The superintendent shall prescribe a form to obtain 463
the information necessary to conduct a criminal records check 464
from any person for whom a criminal records check is to be 465
conducted under this section. The form that the superintendent 466
prescribes pursuant to this division may be in a tangible 467
format, in an electronic format, or in both tangible and 468
electronic formats. 469

(2) The superintendent shall prescribe standard impression 470
sheets to obtain the fingerprint impressions of any person for 471

whom a criminal records check is to be conducted under this 472
section. Any person for whom a records check is to be conducted 473
under this section shall obtain the fingerprint impressions at a 474
county sheriff's office, municipal police department, or any 475
other entity with the ability to make fingerprint impressions on 476
the standard impression sheets prescribed by the superintendent. 477
The office, department, or entity may charge the person a 478
reasonable fee for making the impressions. The standard 479
impression sheets the superintendent prescribes pursuant to this 480
division may be in a tangible format, in an electronic format, 481
or in both tangible and electronic formats. 482

(3) Subject to division (D) of this section, the 483
superintendent shall prescribe and charge a reasonable fee for 484
providing a criminal records check under this section. The 485
person requesting the criminal records check shall pay the fee 486
prescribed pursuant to this division. In the case of a request 487
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 488
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 489
fee shall be paid in the manner specified in that section. 490

(4) The superintendent of the bureau of criminal 491
identification and investigation may prescribe methods of 492
forwarding fingerprint impressions and information necessary to 493
conduct a criminal records check, which methods shall include, 494
but not be limited to, an electronic method. 495

(D) The results of a criminal records check conducted 496
under this section, other than a criminal records check 497
specified in division (A) (7) of this section, are valid for the 498
person who is the subject of the criminal records check for a 499
period of one year from the date upon which the superintendent 500
completes the criminal records check. If during that period the 501

superintendent receives another request for a criminal records 502
check to be conducted under this section for that person, the 503
superintendent shall provide the results from the previous 504
criminal records check of the person at a lower fee than the fee 505
prescribed for the initial criminal records check. 506

(E) When the superintendent receives a request for 507
information from a registered private provider, the 508
superintendent shall proceed as if the request was received from 509
a school district board of education under section 3319.39 of 510
the Revised Code. The superintendent shall apply division (A) (1) 511
(c) of this section to any such request for an applicant who is 512
a teacher. 513

(F) (1) Subject to division (F) (2) of this section, all 514
information regarding the results of a criminal records check 515
conducted under this section that the superintendent reports or 516
sends under division (A) (7) or (9) of this section to the 517
director of public safety, the treasurer of state, or the 518
person, board, or entity that made the request for the criminal 519
records check shall relate to the conviction of the subject 520
person, or the subject person's plea of guilty to, a criminal 521
offense. 522

(2) Division (F) (1) of this section does not limit, 523
restrict, or preclude the superintendent's release of 524
information that relates to the arrest of a person who is 525
eighteen years of age or older, to an adjudication of a child as 526
a delinquent child, or to a criminal conviction of a person 527
under eighteen years of age in circumstances in which a release 528
of that nature is authorized under division (E) (2), (3), or (4) 529
of section 109.57 of the Revised Code pursuant to a rule adopted 530
under division (E) (1) of that section. 531

(G) As used in this section:	532
(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.	533 534 535 536
(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	537 538
(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.	539 540 541 542 543
(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.	544 545 546 547 548 549
Sec. 4731.051. The state medical board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing universal blood and body fluid precautions that shall be used by each person who performs exposure prone invasive procedures and is authorized to practice by this chapter or Chapter 4730., 4760., 4762., or 4774. <u>or 4785.</u> of the Revised Code. The rules shall define and establish requirements for universal blood and body fluid precautions that include the following:	550 551 552 553 554 555 556 557
(A) Appropriate use of hand washing;	558
(B) Disinfection and sterilization of equipment;	559

(C) Handling and disposal of needles and other sharp instruments; 560
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(D) Wearing and disposal of gloves and other protective garments and devices. 562
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Sec. 4731.07. (A) The state medical board shall keep a record of its proceedings. The minutes of a meeting of the board shall, on approval by the board, constitute an official record of its proceedings. 564
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(B) The board shall keep a register of applicants for certificates to practice issued under this chapter and Chapters 4760., 4762., and 4774. of the Revised Code and licenses issued under Chapters 4730.~~and~~, 4778., and 4785. of the Revised Code. The register shall show the name of the applicant and whether the applicant was granted or refused a certificate or license. With respect to applicants to practice medicine and surgery or osteopathic medicine and surgery, the register shall show the name of the institution that granted the applicant the degree of doctor of medicine or osteopathic medicine. The books and records of the board shall be prima-facie evidence of matters therein contained. 568
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Sec. 4731.071. The state medical board shall develop and publish on its internet web site a directory containing the names of, and contact information for, all persons who hold current, valid certificates or licenses issued by the board under this chapter or Chapter 4730., 4760., 4762., 4774., ~~or~~ 4778., or 4785. of the Revised Code. Except as provided in section 4731.10 of the Revised Code, the directory shall be the sole source for verifying that a person holds a current, valid certificate or license issued by the board. 580
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Sec. 4731.224. (A) Within sixty days after the imposition 589
of any formal disciplinary action taken by any health care 590
facility, including a hospital, health care facility operated by 591
a health insuring corporation, ambulatory surgical center, or 592
similar facility, against any individual holding a valid 593
certificate to practice issued pursuant to this chapter, the 594
chief administrator or executive officer of the facility shall 595
report to the state medical board the name of the individual, 596
the action taken by the facility, and a summary of the 597
underlying facts leading to the action taken. Upon request, the 598
board shall be provided certified copies of the patient records 599
that were the basis for the facility's action. Prior to release 600
to the board, the summary shall be approved by the peer review 601
committee that reviewed the case or by the governing board of 602
the facility. As used in this division, "formal disciplinary 603
action" means any action resulting in the revocation, 604
restriction, reduction, or termination of clinical privileges 605
for violations of professional ethics, or for reasons of medical 606
incompetence, medical malpractice, or drug or alcohol abuse. 607
"Formal disciplinary action" includes a summary action, an 608
action that takes effect notwithstanding any appeal rights that 609
may exist, and an action that results in an individual 610
surrendering clinical privileges while under investigation and 611
during proceedings regarding the action being taken or in return 612
for not being investigated or having proceedings held. "Formal 613
disciplinary action" does not include any action taken for the 614
sole reason of failure to maintain records on a timely basis or 615
failure to attend staff or section meetings. 616

The filing or nonfiling of a report with the board, 617
investigation by the board, or any disciplinary action taken by 618
the board, shall not preclude any action by a health care 619

facility to suspend, restrict, or revoke the individual's 620
clinical privileges. 621

In the absence of fraud or bad faith, no individual or 622
entity that provides patient records to the board shall be 623
liable in damages to any person as a result of providing the 624
records. 625

(B) If any individual authorized to practice under this 626
chapter or any professional association or society of such 627
individuals believes that a violation of any provision of this 628
chapter, Chapter 4730., 4760., 4762., 4774., ~~or 4778.~~, or 4785. 629
of the Revised Code, or any rule of the board has occurred, the 630
individual, association, or society shall report to the board 631
the information upon which the belief is based. This division 632
does not require any treatment provider approved by the board 633
under section 4731.25 of the Revised Code or any employee, 634
agent, or representative of such a provider to make reports with 635
respect to an impaired practitioner participating in treatment 636
or aftercare for substance abuse as long as the practitioner 637
maintains participation in accordance with the requirements of 638
section 4731.25 of the Revised Code, and as long as the 639
treatment provider or employee, agent, or representative of the 640
provider has no reason to believe that the practitioner has 641
violated any provision of this chapter or any rule adopted under 642
it, other than the provisions of division (B) (26) of section 643
4731.22 of the Revised Code. This division does not require 644
reporting by any member of an impaired practitioner committee 645
established by a health care facility or by any representative 646
or agent of a committee or program sponsored by a professional 647
association or society of individuals authorized to practice 648
under this chapter to provide peer assistance to practitioners 649
with substance abuse problems with respect to a practitioner who 650

has been referred for examination to a treatment program 651
approved by the board under section 4731.25 of the Revised Code 652
if the practitioner cooperates with the referral for examination 653
and with any determination that the practitioner should enter 654
treatment and as long as the committee member, representative, 655
or agent has no reason to believe that the practitioner has 656
ceased to participate in the treatment program in accordance 657
with section 4731.25 of the Revised Code or has violated any 658
provision of this chapter or any rule adopted under it, other 659
than the provisions of division (B) (26) of section 4731.22 of 660
the Revised Code. 661

(C) Any professional association or society composed 662
primarily of doctors of medicine and surgery, doctors of 663
osteopathic medicine and surgery, doctors of podiatric medicine 664
and surgery, or practitioners of limited branches of medicine 665
that suspends or revokes an individual's membership for 666
violations of professional ethics, or for reasons of 667
professional incompetence or professional malpractice, within 668
sixty days after a final decision shall report to the board, on 669
forms prescribed and provided by the board, the name of the 670
individual, the action taken by the professional organization, 671
and a summary of the underlying facts leading to the action 672
taken. 673

The filing of a report with the board or decision not to 674
file a report, investigation by the board, or any disciplinary 675
action taken by the board, does not preclude a professional 676
organization from taking disciplinary action against an 677
individual. 678

(D) Any insurer providing professional liability insurance 679
to an individual authorized to practice under this chapter, or 680

any other entity that seeks to indemnify the professional 681
liability of such an individual, shall notify the board within 682
thirty days after the final disposition of any written claim for 683
damages where such disposition results in a payment exceeding 684
twenty-five thousand dollars. The notice shall contain the 685
following information: 686

(1) The name and address of the person submitting the 687
notification; 688

(2) The name and address of the insured who is the subject 689
of the claim; 690

(3) The name of the person filing the written claim; 691

(4) The date of final disposition; 692

(5) If applicable, the identity of the court in which the 693
final disposition of the claim took place. 694

(E) The board may investigate possible violations of this 695
chapter or the rules adopted under it that are brought to its 696
attention as a result of the reporting requirements of this 697
section, except that the board shall conduct an investigation if 698
a possible violation involves repeated malpractice. As used in 699
this division, "repeated malpractice" means three or more claims 700
for medical malpractice within the previous five-year period, 701
each resulting in a judgment or settlement in excess of twenty- 702
five thousand dollars in favor of the claimant, and each 703
involving negligent conduct by the practicing individual. 704

(F) All summaries, reports, and records received and 705
maintained by the board pursuant to this section shall be held 706
in confidence and shall not be subject to discovery or 707
introduction in evidence in any federal or state civil action 708
involving a health care professional or facility arising out of 709

matters that are the subject of the reporting required by this 710
section. The board may use the information obtained only as the 711
basis for an investigation, as evidence in a disciplinary 712
hearing against an individual whose practice is regulated under 713
this chapter, or in any subsequent trial or appeal of a board 714
action or order. 715

The board may disclose the summaries and reports it 716
receives under this section only to health care facility 717
committees within or outside this state that are involved in 718
credentialing or recredentialing the individual or in reviewing 719
the individual's clinical privileges. The board shall indicate 720
whether or not the information has been verified. Information 721
transmitted by the board shall be subject to the same 722
confidentiality provisions as when maintained by the board. 723

(G) Except for reports filed by an individual pursuant to 724
division (B) of this section, the board shall send a copy of any 725
reports or summaries it receives pursuant to this section to the 726
individual who is the subject of the reports or summaries. The 727
individual shall have the right to file a statement with the 728
board concerning the correctness or relevance of the 729
information. The statement shall at all times accompany that 730
part of the record in contention. 731

(H) An individual or entity that, pursuant to this 732
section, reports to the board or refers an impaired practitioner 733
to a treatment provider approved by the board under section 734
4731.25 of the Revised Code shall not be subject to suit for 735
civil damages as a result of the report, referral, or provision 736
of the information. 737

(I) In the absence of fraud or bad faith, no professional 738
association or society of individuals authorized to practice 739

under this chapter that sponsors a committee or program to 740
provide peer assistance to practitioners with substance abuse 741
problems, no representative or agent of such a committee or 742
program, and no member of the state medical board shall be held 743
liable in damages to any person by reason of actions taken to 744
refer a practitioner to a treatment provider approved under 745
section 4731.25 of the Revised Code for examination or 746
treatment. 747

Sec. 4731.24. Except as provided in sections 4731.281 and 748
4731.40 of the Revised Code, all receipts of the state medical 749
board, from any source, shall be deposited in the state 750
treasury. The funds shall be deposited to the credit of the 751
state medical board operating fund, which is hereby created. 752
Except as provided in sections 4730.252, 4731.225, 4731.24, 753
4760.133, 4762.133, 4774.133, ~~and~~ 4778.141, and 4785.111 of the 754
Revised Code, all funds deposited into the state treasury under 755
this section shall be used solely for the administration and 756
enforcement of this chapter and Chapters 4730., 4760., 4762., 757
4774., ~~and~~ 4778., and 4785. of the Revised Code by the board. 758

Sec. 4731.25. The state medical board, in accordance with 759
Chapter 119. of the Revised Code, shall adopt and may amend and 760
rescind rules establishing standards for approval of physicians 761
and facilities as treatment providers for impaired practitioners 762
who are regulated under this chapter or Chapter 4730., 4760., 763
4762., 4774., ~~or~~ 4778., or 4785. of the Revised Code. The rules 764
shall include standards for both inpatient and outpatient 765
treatment. The rules shall provide that in order to be approved, 766
a treatment provider must have the capability of making an 767
initial examination to determine what type of treatment an 768
impaired practitioner requires. Subject to the rules, the board 769
shall review and approve treatment providers on a regular basis. 770

The board, at its discretion, may withdraw or deny approval 771
subject to the rules. 772

An approved impaired practitioner treatment provider 773
shall: 774

(A) Report to the board the name of any practitioner 775
suffering or showing evidence of suffering impairment as 776
described in division (B) (5) of section 4730.25 of the Revised 777
Code, division (B) (26) of section 4731.22 of the Revised Code, 778
division (B) (6) of section 4760.13 of the Revised Code, division 779
(B) (6) of section 4762.13 of the Revised Code, division (B) (6) 780
of section 4774.13 of the Revised Code, ~~or~~ division (B) (6) of 781
section 4778.14 of the Revised Code, or division (B) (6) of 782
section 4785.11 of the Revised Code who fails to comply within 783
one week with a referral for examination; 784

(B) Report to the board the name of any impaired 785
practitioner who fails to enter treatment within forty-eight 786
hours following the provider's determination that the 787
practitioner needs treatment; 788

(C) Require every practitioner who enters treatment to 789
agree to a treatment contract establishing the terms of 790
treatment and aftercare, including any required supervision or 791
restrictions of practice during treatment or aftercare; 792

(D) Require a practitioner to suspend practice upon entry 793
into any required inpatient treatment; 794

(E) Report to the board any failure by an impaired 795
practitioner to comply with the terms of the treatment contract 796
during inpatient or outpatient treatment or aftercare; 797

(F) Report to the board the resumption of practice of any 798
impaired practitioner before the treatment provider has made a 799

clear determination that the practitioner is capable of 800
practicing according to acceptable and prevailing standards of 801
care; 802

(G) Require a practitioner who resumes practice after 803
completion of treatment to comply with an aftercare contract 804
that meets the requirements of rules adopted by the board for 805
approval of treatment providers; 806

(H) Report the identity of any practitioner practicing 807
under the terms of an aftercare contract to hospital 808
administrators, medical chiefs of staff, and chairpersons of 809
impaired practitioner committees of all health care institutions 810
at which the practitioner holds clinical privileges or otherwise 811
practices. If the practitioner does not hold clinical privileges 812
at any health care institution, the treatment provider shall 813
report the practitioner's identity to the impaired practitioner 814
committee of the county medical society, osteopathic academy, or 815
podiatric medical association in every county in which the 816
practitioner practices. If there are no impaired practitioner 817
committees in the county, the treatment provider shall report 818
the practitioner's identity to the president or other designated 819
member of the county medical society, osteopathic academy, or 820
podiatric medical association. 821

(I) Report to the board the identity of any practitioner 822
who suffers a relapse at any time during or following aftercare. 823

Any individual authorized to practice under this chapter 824
who enters into treatment by an approved treatment provider 825
shall be deemed to have waived any confidentiality requirements 826
that would otherwise prevent the treatment provider from making 827
reports required under this section. 828

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

Sec. 4776.01. As used in this chapter:

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

(B) Except as provided in section 4776.20 of the Revised Code, "licensee" means the person to whom the license is issued by a licensing agency.

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

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

machinery, or premises. 858

(2) The state dental board, but only relative to its 859
authority to issue a license pursuant to section 4715.12, 860
4715.16, 4715.21, or 4715.27 of the Revised Code. 861

(D) "Applicant for an initial license" includes persons 862
seeking a license for the first time and persons seeking a 863
license by reciprocity, endorsement, or similar manner of a 864
license issued in another state. 865

(E) "Applicant for a restored license" includes persons 866
seeking restoration of a ~~certificate~~license under section 867
4730.14, 4730.28, 4731.281, 4760.06, ~~or~~ 4762.06, 4774.06, 868
4778.06, or 4785.07 of the Revised Code. 869

(F) "Criminal records check" has the same meaning as in 870
section 109.572 of the Revised Code. 871

Sec. 4776.20. (A) As used in this section: 872

(1) "Licensing agency" means, in addition to each board 873
identified in division (C) of section 4776.01 of the Revised 874
Code, the board or other government entity authorized to issue a 875
license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 876
4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 877
4742., 4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 878
4765., 4766., 4771., 4773., ~~4774., 4778.~~ and 4781. of the 879
Revised Code. "Licensing agency" includes an administrative 880
officer that has authority to issue a license. 881

(2) "Licensee" means, in addition to a licensee as 882
described in division (B) of section 4776.01 of the Revised 883
Code, the person to whom a license is issued by the board or 884
other government entity authorized to issue a license under 885
Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 886

4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 887
4749., 4751., 4752., 4753., 4758., 4759., 4763., 4765., 4766., 888
4771., 4773., ~~4774., 4778.~~ and 4781. of the Revised Code. 889

(3) "Prosecutor" has the same meaning as in section 890
2935.01 of the Revised Code. 891

(B) On a licensee's conviction of, plea of guilty to, 892
judicial finding of guilt of, or judicial finding of guilt 893
resulting from a plea of no contest to the offense of 894
trafficking in persons in violation of section 2905.32 of the 895
Revised Code, the prosecutor in the case shall promptly notify 896
the licensing agency of the conviction, plea, or finding and 897
provide the licensee's name and residential address. On receipt 898
of this notification, the licensing agency shall immediately 899
suspend the licensee's license. 900

(C) If there is a conviction of, plea of guilty to, 901
judicial finding of guilt of, or judicial finding of guilt 902
resulting from a plea of no contest to the offense of 903
trafficking in persons in violation of section 2905.32 of the 904
Revised Code and all or part of the violation occurred on the 905
premises of a facility that is licensed by a licensing agency, 906
the prosecutor in the case shall promptly notify the licensing 907
agency of the conviction, plea, or finding and provide the 908
facility's name and address and the offender's name and 909
residential address. On receipt of this notification, the 910
licensing agency shall immediately suspend the facility's 911
license. 912

(D) Notwithstanding any provision of the Revised Code to 913
the contrary, the suspension of a license under division (B) or 914
(C) of this section shall be implemented by a licensing agency 915
without a prior hearing. After the suspension, the licensing 916

agency shall give written notice to the subject of the 917
suspension of the right to request a hearing under Chapter 119. 918
of the Revised Code. After a hearing is held, the licensing 919
agency shall either revoke or permanently revoke the ~~license~~ 920
license of the subject of the suspension, unless it determines 921
that the license holder has not been convicted of, pleaded 922
guilty to, been found guilty of, or been found guilty based on a 923
plea of no contest to the offense of trafficking in persons in 924
violation of section 2905.32 of the Revised Code. 925

Sec. 4785.01. As used in this chapter: 926

(A) "Accredited educational program for surgical 927
technology" means an educational program for surgical technology 928
accredited by either of the following: 929

(1) The commission on accreditation of allied health 930
education programs, its successor organization, or an equivalent 931
organization recognized by the state medical board; 932

(2) The accrediting bureau of health education schools, 933
its successor organization, or an equivalent organization 934
recognized by the state medical board. 935

(B) "National board of surgical technology and surgical 936
assisting" means the organization known by that name, its 937
successor organization, or an equivalent organization recognized 938
by the state medical board. 939

(C) "Surgical technologist" means an individual, other 940
than a licensed health professional, who assists in a surgical 941
procedure by engaging in any of the activities authorized under 942
section 4785.09 of the Revised Code. 943

Sec. 4785.02. (A) (1) Except as provided in division (B) of 944
this section, no person shall knowingly practice as a surgical 945

technologist unless the person holds a current, valid license to 946
practice as a surgical technologist issued under this chapter. 947

(2) No person shall knowingly use the title "surgical 948
technologist," or otherwise hold the person out as a surgical 949
technologist, unless the person holds a current, valid license 950
to practice as a surgical technologist issued under this 951
chapter. 952

(B) Division (A) (1) of this section does not apply to any 953
of the following: 954

(1) A physician authorized under Chapter 4731. of the 955
Revised Code to practice medicine and surgery, osteopathic 956
medicine and surgery, or podiatric medicine and surgery; 957

(2) A physician assistant licensed under Chapter 4730. of 958
the Revised Code; 959

(3) A registered nurse, advanced practice registered 960
nurse, or licensed practical nurse licensed under Chapter 4723. 961
of the Revised Code. 962

Sec. 4785.03. (A) An individual seeking a license to 963
practice as a surgical technologist shall file with the state 964
medical board an application in a manner prescribed by the 965
board. The application shall include all the information the 966
board considers necessary to process the application, including 967
evidence satisfactory to the board that the applicant meets the 968
requirements specified in division (B) of this section. 969

At the time an application is submitted, the applicant 970
shall pay the board an application fee of one hundred fifty 971
dollars. No part of the fee shall be returned to the applicant 972
or transferred for purposes of another application. 973

(B) (1) To be eligible to receive a license to practice as a surgical technologist, an applicant shall demonstrate to the board that the applicant meets all of the following requirements: 974
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(a) Is at least eighteen years of age and of good moral character; 978
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(b) Has attained a high school degree or equivalent; 980

(c) Except as provided in division (B) (2) of this section, holds current certification as a surgical technologist from the national board of surgical technology and surgical assisting and has attained the certification by meeting the standard certification requirements established by that board, including graduation from an accredited educational program for surgical technology and passing the national certifying examination for surgical technologists offered by that board. 981
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(2) In the case of an applicant who meets all eligibility requirements other than the requirement specified in division (B) (1) (c) of this section, the applicant is eligible for a license to practice as a surgical technologist if any of the following apply: 989
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(a) The applicant practiced as a surgical technologist at a hospital registered under section 3701.07 of the Revised Code or an ambulatory surgical facility as defined in section 3702.30 of the Revised Code during any part of the six months that preceded the effective date of this section. 994
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(b) The applicant successfully completed an educational program for surgical technology operated by either a branch of the United States armed forces or the United States public health service. 999
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(c) The applicant is employed as a surgical technologist 1003
by the United States government and performs the duties of a 1004
surgical technologist during the course of that employment. 1005

(C) The board shall review all applications received under 1006
this section. Not later than sixty days after receiving an 1007
application it considers complete, the board shall determine 1008
whether the applicant meets the requirements for a license to 1009
practice as a surgical technologist. The affirmative vote of not 1010
fewer than six members of the board is required to determine 1011
that the applicant meets the requirements for the license. 1012

Sec. 4785.04. In addition to any other eligibility 1013
requirement set forth in this chapter, each applicant for a 1014
license to practice as a surgical technologist shall comply with 1015
sections 4776.01 to 4776.04 of the Revised Code. The state 1016
medical board shall not grant to an applicant a license to 1017
practice as a surgical technologist unless the board, in its 1018
discretion, decides that the results of the criminal records 1019
check do not make the applicant ineligible for a license issued 1020
pursuant to section 4785.05 of the Revised Code. 1021

Sec. 4785.05. If the state medical board determines under 1022
section 4785.03 of the Revised Code that an applicant meets the 1023
requirements for a license to practice as a surgical 1024
technologist, the secretary of the board shall issue the license 1025
to the applicant. The license shall expire biennially and may be 1026
renewed in accordance with section 4785.06 of the Revised Code. 1027

Sec. 4785.06. (A) An individual seeking to renew a license 1028
to practice as a surgical technologist shall, on or before the 1029
thirty-first day of January of each even-numbered year, apply 1030
for renewal of the license. The state medical board shall 1031
provide renewal notices at least one month prior to the 1032

expiration date. 1033

Renewal applications shall be submitted to the board in a 1034
manner prescribed by the board. Each application shall be 1035
accompanied by a biennial renewal fee of one hundred dollars. 1036

The applicant shall report any criminal offense to which 1037
the applicant has pleaded guilty, of which the applicant has 1038
been found guilty, or for which the applicant has been found 1039
eligible for intervention in lieu of conviction, since last 1040
signing an application for a license to practice as a surgical 1041
technologist. 1042

(B) To be eligible for renewal, a surgical technologist 1043
shall certify to the board that the technologist has done both 1044
of the following: 1045

(1) Maintained the technologist's status as a certified 1046
surgical technologist, unless the technologist meets the 1047
eligibility requirements described in division (B) (2) of section 1048
4785.03 of the Revised Code; 1049

(2) Completed at least thirty hours of continuing 1050
education in surgical technology that has been approved by the 1051
national board of surgical technology and surgical assisting. 1052

(C) If an applicant submits a renewal application that the 1053
board considers to be complete and qualifies for renewal 1054
pursuant to division (B) of this section, the board shall issue 1055
to the applicant a renewed license to practice as a surgical 1056
technologist. 1057

(D) The board may require a random sample of surgical 1058
technologists to submit materials documenting that their status 1059
as certified surgical technologists has been maintained and that 1060
the number of hours of continuing education required under 1061

division (B) (2) of this section has been completed. 1062

If a surgical technologist certifies that the surgical 1063
technologist has completed the number of hours and type of 1064
continuing education required for renewal of a license, and the 1065
board finds through the random sample or any other means that 1066
the surgical technologist did not complete the requisite 1067
continuing education, the board may impose a civil penalty of 1068
not more than five thousand dollars. The board's finding shall 1069
be made pursuant to an adjudication under Chapter 119. of the 1070
Revised Code and by an affirmative vote of not fewer than six 1071
members. A civil penalty imposed under this division may be in 1072
addition to or in lieu of any other action the board may take 1073
under section 4785.11 of the Revised Code. 1074

Sec. 4785.07. (A) A license to practice as a surgical 1075
technologist issued under section 4785.05 of the Revised Code 1076
that is not renewed on or before its expiration date is 1077
automatically suspended on its expiration date. Continued 1078
practice after suspension shall be considered as practicing in 1079
violation of section 4785.02 of the Revised Code. 1080

(B) If a license has been suspended pursuant to this 1081
section for two years or less, the board shall reinstate the 1082
license upon an applicant's submission of a complete renewal 1083
application, the biennial renewal fee, and a monetary penalty of 1084
twenty-five dollars. 1085

(C) If a license has been suspended pursuant to this 1086
section for more than two years, it may be restored upon an 1087
applicant's submission of a complete restoration application, 1088
the biennial renewal fee, and a monetary penalty of fifty 1089
dollars and compliance with sections 4776.01 to 4776.04 of the 1090
Revised Code. The board shall not restore a license unless the 1091

board, in its discretion, decides that the results of the 1092
criminal records check do not make the applicant ineligible for 1093
a license issued pursuant to section 4785.05 of the Revised 1094
Code. 1095

Sec. 4785.08. On application by the holder of a license to 1096
practice as a surgical technologist, the state medical board 1097
shall issue a duplicate license to replace one that is missing 1098
or damaged, to reflect a name change, or for any other 1099
reasonable cause. The fee for a duplicate license is thirty-five 1100
dollars. 1101

Sec. 4785.09. An individual who holds a current, valid 1102
license to practice as a surgical technologist may engage in all 1103
of the following activities: 1104

(A) Preparing the operating room, including the sterile 1105
field, for surgical procedures by doing one or both of the 1106
following: 1107

(1) Ensuring that surgical equipment is functioning 1108
properly and safely; 1109

(2) Handling sterile supplies, equipment, and instruments 1110
using sterile technique. 1111

(B) Performing one or more of the following tasks within 1112
the sterile field: 1113

(1) Passing supplies, equipment, and instruments; 1114

(2) Sponging or suctioning of the patient's operative site 1115
or performing both activities; 1116

(3) Preparing and cutting suture material; 1117

(4) Transferring fluids and irrigating with fluids; 1118

<u>(5) Transferring, but not administering, drugs;</u>	1119
<u>(6) Handling specimens;</u>	1120
<u>(7) Holding retractors;</u>	1121
<u>(8) Assisting a nurse performing circulatory duties in</u>	1122
<u>counting sponges, needles, and other supplies and instruments.</u>	1123
<u>(C) Anticipating and fulfilling the needs of the surgical</u>	1124
<u>team by applying knowledge of human anatomy and pathophysiology.</u>	1125
<u>Sec. 4785.10. The state medical board shall adopt rules in</u>	1126
<u>accordance with Chapter 119. of the Revised Code to implement</u>	1127
<u>and administer this chapter. The rules shall include the</u>	1128
<u>following:</u>	1129
<u>(A) Any standards and procedures not addressed in this</u>	1130
<u>chapter that the board considers necessary for issuing and</u>	1131
<u>renewing licenses under this chapter;</u>	1132
<u>(B) Any standards and procedures the board considers</u>	1133
<u>necessary to govern the practice of surgical technologists;</u>	1134
<u>(C) Any other standards and procedures the board considers</u>	1135
<u>necessary for the administration and enforcement of this</u>	1136
<u>chapter.</u>	1137
<u>Sec. 4785.11. (A) The state medical board, by an</u>	1138
<u>affirmative vote of not fewer than six members, may revoke,</u>	1139
<u>refuse to grant, or refuse to renew a license to practice as a</u>	1140
<u>surgical technologist to an individual found by the board to</u>	1141
<u>have committed fraud, misrepresentation, or deception in</u>	1142
<u>applying for, renewing, or securing the license.</u>	1143
<u>(B) The board, by an affirmative vote of not fewer than</u>	1144
<u>six members, shall, to the extent permitted by law, limit,</u>	1145

revoke, or suspend an individual's license to practice as a 1146
surgical technologist, refuse to issue a license to an 1147
applicant, refuse to renew a license, refuse to reinstate a 1148
license, or reprimand or place on probation the holder of a 1149
license for any of the following reasons: 1150

(1) Permitting the holder's name or license to be used by 1151
another person; 1152

(2) Failure to comply with the requirements of this 1153
chapter, Chapter 4731. of the Revised Code, or any rules adopted 1154
by the board; 1155

(3) Violating or attempting to violate, directly or 1156
indirectly, or assisting in or abetting the violation of, or 1157
conspiring to violate, any provision of this chapter, Chapter 1158
4731. of the Revised Code, or the rules adopted by the board; 1159

(4) A departure from, or failure to conform to, minimal 1160
standards of care of similar practitioners under the same or 1161
similar circumstances whether or not actual injury to the 1162
patient is established; 1163

(5) Inability to practice according to acceptable and 1164
prevailing standards of care by reason of mental illness or 1165
physical illness, including physical deterioration that 1166
adversely affects cognitive, motor, or perceptive skills; 1167

(6) Impairment of ability to practice according to 1168
acceptable and prevailing standards of care because of habitual 1169
or excessive use or abuse of drugs, alcohol, or other substances 1170
that impair ability to practice; 1171

(7) Willfully betraying a professional confidence; 1172

(8) Making a false, fraudulent, deceptive, or misleading 1173

statement in securing or attempting to secure a license to 1174
practice as a surgical technologist. 1175

As used in this division, "false, fraudulent, deceptive, 1176
or misleading statement" means a statement that includes a 1177
misrepresentation of fact, is likely to mislead or deceive 1178
because of a failure to disclose material facts, is intended or 1179
is likely to create false or unjustified expectations of 1180
favorable results, or includes representations or implications 1181
that in reasonable probability will cause an ordinarily prudent 1182
person to misunderstand or be deceived. 1183

(9) The obtaining of, or attempting to obtain, money or a 1184
thing of value by fraudulent misrepresentations in the course of 1185
practice; 1186

(10) A plea of guilty to, a judicial finding of guilt of, 1187
or a judicial finding of eligibility for intervention in lieu of 1188
conviction for, a felony; 1189

(11) Commission of an act that constitutes a felony in 1190
this state, regardless of the jurisdiction in which the act was 1191
committed; 1192

(12) A plea of guilty to, a judicial finding of guilt of, 1193
or a judicial finding of eligibility for intervention in lieu of 1194
conviction for, a misdemeanor committed in the course of 1195
practice; 1196

(13) A plea of guilty to, a judicial finding of guilt of, 1197
or a judicial finding of eligibility for intervention in lieu of 1198
conviction for, a misdemeanor involving moral turpitude; 1199

(14) Commission of an act in the course of practice that 1200
constitutes a misdemeanor in this state, regardless of the 1201
jurisdiction in which the act was committed; 1202

(15) Commission of an act involving moral turpitude that 1203
constitutes a misdemeanor in this state, regardless of the 1204
jurisdiction in which the act was committed; 1205

(16) A plea of guilty to, a judicial finding of guilt of, 1206
or a judicial finding of eligibility for intervention in lieu of 1207
conviction for violating any state or federal law regulating the 1208
possession, distribution, or use of any drug, including 1209
trafficking in drugs; 1210

(17) Any of the following actions taken by an agency 1211
responsible for licensing, otherwise authorizing, or regulating 1212
an individual to practice a health care occupation or provide 1213
health care services in this state or in another jurisdiction, 1214
for any reason other than the nonpayment of fees: the 1215
limitation, revocation, or suspension of the individual's 1216
license or other authority to practice; acceptance of the 1217
surrender of the individual's license or other authority to 1218
practice; denial of a license or other authority to practice; 1219
refusal to renew or reinstate a license or other authority to 1220
practice; imposition of probation; or issuance of an order of 1221
censure or other reprimand; 1222

(18) Violation of the conditions placed by the board on a 1223
license to practice as a surgical technologist; 1224

(19) Failure to cooperate in an investigation conducted by 1225
the board under section 4785.14 of the Revised Code, including 1226
failure to comply with a subpoena or order issued by the board 1227
or failure to answer truthfully a question presented by the 1228
board at a deposition or in written interrogatories, except that 1229
failure to cooperate with an investigation shall not constitute 1230
grounds for discipline under this section if a court of 1231
competent jurisdiction has issued an order that either quashes a 1232

subpoena or permits the individual to withhold the testimony or 1233
evidence in issue; 1234

(20) Failure to maintain the individual's status as a 1235
certified surgical technologist, unless the technologist meets 1236
the eligibility requirements described in division (B) (2) of 1237
section 4785.03 of the Revised Code; 1238

(21) Failure to comply with a code of ethics established 1239
by the national board of surgical technology and surgical 1240
assisting; 1241

(22) Failure to use universal blood and bodily fluid 1242
precautions established by rules adopted under section 4731.051 1243
of the Revised Code. 1244

(C) Disciplinary actions taken by the board under 1245
divisions (A) and (B) of this section shall be taken pursuant to 1246
an adjudication under Chapter 119. of the Revised Code, except 1247
that in lieu of an adjudication, the board may enter into a 1248
consent agreement with a surgical technologist or applicant to 1249
resolve an allegation of a violation of this chapter or any rule 1250
adopted under it. A consent agreement, when ratified by an 1251
affirmative vote of not fewer than six members of the board, 1252
shall constitute the findings and order of the board with 1253
respect to the matter addressed in the agreement. If the board 1254
refuses to ratify a consent agreement, the admissions and 1255
findings contained in the consent agreement shall be of no force 1256
or effect. 1257

A telephone conference call may be utilized for 1258
ratification of a consent agreement that revokes or suspends an 1259
individual's license. The telephone conference call shall be 1260
considered a special meeting under division (F) of section 1261

121.22 of the Revised Code. 1262

(D) For purposes of divisions (B) (11), (14), and (15) of 1263
this section, the commission of the act may be established by a 1264
finding by the board, pursuant to an adjudication under Chapter 1265
119. of the Revised Code, that the applicant or license holder 1266
committed the act in question. The board shall have no 1267
jurisdiction under these divisions in cases where the trial 1268
court renders a final judgment in the license holder's favor and 1269
that judgment is based upon an adjudication on the merits. The 1270
board shall have jurisdiction under these divisions in cases 1271
where the trial court issues an order of dismissal on technical 1272
or procedural grounds. 1273

(E) The sealing of conviction records by any court shall 1274
have no effect on a prior board order entered under the 1275
provisions of this section or on the board's jurisdiction to 1276
take action under the provisions of this section if, based upon 1277
a plea of guilty, a judicial finding of guilt, or a judicial 1278
finding of eligibility for intervention in lieu of conviction, 1279
the board issued a notice of opportunity for a hearing or took 1280
other formal action under Chapter 119. of the Revised Code prior 1281
to the court's order to seal the records. The board shall not be 1282
required to seal, destroy, redact, or otherwise modify its 1283
records to reflect the court's sealing of conviction records. 1284

(F) For purposes of this division, any individual who 1285
holds a license to practice as a surgical technologist, or 1286
applies for a license, shall be deemed to have given consent to 1287
submit to a mental or physical examination when directed to do 1288
so in writing by the board and to have waived all objections to 1289
the admissibility of testimony or examination reports that 1290
constitute a privileged communication. 1291

(1) In enforcing division (B) (5) of this section, the 1292
board, on a showing of a possible violation, may compel any 1293
individual who holds a license to practice as a surgical 1294
technologist or who has applied for a license to practice as a 1295
surgical technologist to submit to a mental or physical 1296
examination, or both. A physical examination may include an HIV 1297
test. The expense of the examination is the responsibility of 1298
the individual compelled to be examined. Failure to submit to a 1299
mental or physical examination or consent to an HIV test ordered 1300
by the board constitutes an admission of the allegations against 1301
the individual unless the failure is due to circumstances beyond 1302
the individual's control, and a default and final order may be 1303
entered without the taking of testimony or presentation of 1304
evidence. If the board finds a surgical technologist unable to 1305
practice because of the reasons set forth in division (B) (5) of 1306
this section, the board shall require the surgical technologist 1307
to submit to care, counseling, or treatment by physicians 1308
approved or designated by the board, as a condition for an 1309
initial, continued, reinstated, or renewed license. An 1310
individual affected by this division shall be afforded an 1311
opportunity to demonstrate to the board the ability to resume 1312
practicing in compliance with acceptable and prevailing 1313
standards of care. 1314

(2) For purposes of division (B) (6) of this section, if 1315
the board has reason to believe that any individual who holds a 1316
license to practice as a surgical technologist or any applicant 1317
for a license suffers such impairment, the board may compel the 1318
individual to submit to a mental or physical examination, or 1319
both. The expense of the examination is the responsibility of 1320
the individual compelled to be examined. Any mental or physical 1321
examination required under this division shall be undertaken by 1322

a treatment provider or physician qualified to conduct such 1323
examination and chosen by the board. 1324

Failure to submit to a mental or physical examination 1325
ordered by the board constitutes an admission of the allegations 1326
against the individual unless the failure is due to 1327
circumstances beyond the individual's control, and a default and 1328
final order may be entered without the taking of testimony or 1329
presentation of evidence. If the board determines that the 1330
individual's ability to practice is impaired, the board shall 1331
suspend the individual's license or deny the individual's 1332
application and shall require the individual, as a condition for 1333
an initial, continued, reinstated, or renewed license, to submit 1334
to treatment. 1335

Before being eligible to apply for reinstatement of a 1336
license suspended under this division, the surgical technologist 1337
shall demonstrate to the board the ability to resume practice in 1338
compliance with acceptable and prevailing standards of care. The 1339
demonstration shall include the following: 1340

(a) Certification from a treatment provider approved under 1341
section 4731.25 of the Revised Code that the individual has 1342
successfully completed any required inpatient treatment; 1343

(b) Evidence of continuing full compliance with an 1344
aftercare contract or consent agreement; 1345

(c) Two written reports indicating that the individual's 1346
ability to practice has been assessed and that the individual 1347
has been found capable of practicing according to acceptable and 1348
prevailing standards of care. The reports shall be made by 1349
individuals or providers approved by the board for making such 1350
assessments and shall describe the basis for their 1351

determination. 1352

The board may reinstate a license suspended under this 1353
division after such demonstration and after the individual has 1354
entered into a written consent agreement. 1355

When the impaired surgical technologist resumes practice, 1356
the board shall require continued monitoring of the surgical 1357
technologist. The monitoring shall include monitoring of 1358
compliance with the written consent agreement entered into 1359
before reinstatement or with conditions imposed by board order 1360
after a hearing, and, on termination of the consent agreement, 1361
submission to the board for at least two years of annual written 1362
progress reports made under penalty of falsification stating 1363
whether the surgical technologist has maintained sobriety. 1364

(G) If the secretary and supervising member determine both 1365
of the following, they may recommend that the board suspend an 1366
individual's license without a prior hearing: 1367

(1) That there is clear and convincing evidence that a 1368
surgical technologist has violated division (B) of this section; 1369

(2) That the individual's continued practice presents a 1370
danger of immediate and serious harm to the public. 1371

Written allegations shall be prepared for consideration by 1372
the board. The board, on review of the allegations and by an 1373
affirmative vote of not fewer than six of its members, excluding 1374
the secretary and supervising member, may suspend a license 1375
without a prior hearing. A telephone conference call may be 1376
utilized for reviewing the allegations and taking the vote on 1377
the summary suspension. 1378

The board shall issue a written order of suspension by 1379
certified mail or in person in accordance with section 119.07 of 1380

the Revised Code. The order shall not be subject to suspension 1381
by the court during pendency of any appeal filed under section 1382
119.12 of the Revised Code. If the surgical technologist 1383
requests an adjudicatory hearing by the board, the date set for 1384
the hearing shall be within fifteen days, but not earlier than 1385
seven days, after the surgical technologist requests the 1386
hearing, unless otherwise agreed to by both the board and the 1387
surgical technologist. 1388

A summary suspension imposed under this division shall 1389
remain in effect, unless reversed on appeal, until a final 1390
adjudicative order issued by the board pursuant to this section 1391
and Chapter 119. of the Revised Code becomes effective. The 1392
board shall issue its final adjudicative order within sixty days 1393
after completion of its hearing. Failure to issue the order 1394
within sixty days shall result in dissolution of the summary 1395
suspension order, but shall not invalidate any subsequent, final 1396
adjudicative order. 1397

(H) If the board takes action under division (B) (10), 1398
(12), or (13) of this section, and the judicial finding of 1399
guilt, guilty plea, or judicial finding of eligibility for 1400
intervention in lieu of conviction is overturned on appeal, on 1401
exhaustion of the criminal appeal, a petition for 1402
reconsideration of the order may be filed with the board along 1403
with appropriate court documents. On receipt of a petition and 1404
supporting court documents, the board shall reinstate the 1405
license to practice as a surgical technologist. The board may 1406
then hold an adjudication under Chapter 119. of the Revised Code 1407
to determine whether the individual committed the act in 1408
question. Notice of opportunity for hearing shall be given in 1409
accordance with Chapter 119. of the Revised Code. If the board 1410
finds, pursuant to an adjudication held under this division, 1411

that the individual committed the act, or if no hearing is 1412
requested, it may order any of the sanctions specified in 1413
division (B) of this section. 1414

(I) The license to practice as a surgical technologist and 1415
the technologist's practice in this state are automatically 1416
suspended as of the date the surgical technologist pleads guilty 1417
to, is found by a judge or jury to be guilty of, or is subject 1418
to a judicial finding of eligibility for intervention in lieu of 1419
conviction in this state or treatment of intervention in lieu of 1420
conviction in another jurisdiction for any of the following 1421
criminal offenses in this state or a substantially equivalent 1422
criminal offense in another jurisdiction: aggravated murder, 1423
murder, voluntary manslaughter, felonious assault, kidnapping, 1424
rape, sexual battery, gross sexual imposition, aggravated arson, 1425
aggravated robbery, or aggravated burglary. Continued practice 1426
after the suspension shall be considered practicing without a 1427
license. 1428

The board shall notify the individual subject to the 1429
suspension by certified mail or in person in accordance with 1430
section 119.07 of the Revised Code. If an individual whose 1431
license is suspended under this division fails to make a timely 1432
request for an adjudication under Chapter 119. of the Revised 1433
Code, the board shall enter a final order permanently revoking 1434
the individual's license. 1435

(J) In any instance in which the board is required by 1436
Chapter 119. of the Revised Code to give notice of opportunity 1437
for hearing and the individual subject to the notice does not 1438
timely request a hearing in accordance with section 119.07 of 1439
the Revised Code, the board is not required to hold a hearing, 1440
but may adopt, by an affirmative vote of not fewer than six of 1441

its members, a final order that contains the board's findings. 1442
In the final order, the board may order any of the sanctions 1443
identified under division (A) or (B) of this section. 1444

(K) Any action taken by the board under division (B) of 1445
this section resulting in a suspension shall be accompanied by a 1446
written statement of the conditions under which the license of 1447
the surgical technologist may be reinstated. The board shall 1448
adopt rules in accordance with Chapter 119. of the Revised Code 1449
governing conditions to be imposed for reinstatement. 1450
Reinstatement of a license suspended pursuant to division (B) of 1451
this section requires an affirmative vote of not fewer than six 1452
members of the board. 1453

(L) When the board refuses to grant or issue a license to 1454
practice as a surgical technologist to an applicant, revokes an 1455
individual's license, refuses to renew a license, or refuses to 1456
reinstate an individual's license, the board may specify that 1457
its action is permanent. An individual subject to a permanent 1458
action taken by the board is forever thereafter ineligible to 1459
hold a license to practice as a surgical technologist and the 1460
board shall not accept an application for reinstatement of the 1461
license or for issuance of a new license. 1462

(M) Notwithstanding any other provision of the Revised 1463
Code, all of the following apply: 1464

(1) The surrender of a license to practice as a surgical 1465
technologist is not effective unless or until accepted by the 1466
board. A telephone conference call may be utilized for 1467
acceptance of the surrender of an individual's license. The 1468
telephone conference call shall be considered a special meeting 1469
under division (F) of section 121.22 of the Revised Code. 1470
Reinstatement of a license surrendered to the board requires an 1471

affirmative vote of not fewer than six members of the board. 1472

(2) An application made under this chapter for a license 1473
may not be withdrawn without approval of the board. 1474

(3) Failure by an individual to renew a license in 1475
accordance with section 4785.06 of the Revised Code shall not 1476
remove or limit the board's jurisdiction to take disciplinary 1477
action under this section against the individual. 1478

Sec. 4785.111. (A) (1) If the holder of a license issued 1479
under this chapter violates any section of this chapter other 1480
than section 4785.06 of the Revised Code or violates any rule 1481
adopted under this chapter, the state medical board may, 1482
pursuant to an adjudication under Chapter 119. of the Revised 1483
Code and an affirmative vote of not fewer than six of its 1484
members, impose a civil penalty. The amount of the civil penalty 1485
shall be determined by the board in accordance with the 1486
guidelines adopted under division (A) (2) of this section. The 1487
civil penalty may be in addition to any other action the board 1488
may take under section 4785.11 of the Revised Code. 1489

(2) The board shall adopt and may amend guidelines 1490
regarding the amounts of civil penalties to be imposed under 1491
this section. Adoption or amendment of the guidelines requires 1492
the approval of not fewer than six board members. 1493

Under the guidelines, no civil penalty amount shall exceed 1494
twenty thousand dollars. 1495

(B) Amounts received from payment of civil penalties 1496
imposed under this section shall be deposited by the board in 1497
accordance with section 4731.24 of the Revised Code. Amounts 1498
received from payment of civil penalties imposed for violations 1499
of division (B) (6) of section 4785.11 of the Revised Code shall 1500

be used by the board solely for investigations, enforcement, and 1501
compliance monitoring. 1502

Sec. 4785.12. On receipt of a notice pursuant to section 1503
3123.43 of the Revised Code, the state medical board shall 1504
comply with sections 3123.41 to 3123.50 of the Revised Code and 1505
any applicable rules adopted under section 3123.63 of the 1506
Revised Code with respect to a license issued under this 1507
chapter. 1508

Sec. 4785.13. If the state medical board has reason to 1509
believe that any person who has been granted a license to 1510
practice as a surgical technologist under this chapter is 1511
mentally ill or mentally incompetent, it may file in the probate 1512
court of the county in which the person has a legal residence an 1513
affidavit in the form prescribed in section 5122.11 of the 1514
Revised Code and signed by the board secretary or a member of 1515
the board secretary's staff, whereupon the same proceedings 1516
shall be had as provided in Chapter 5122. of the Revised Code. 1517
The attorney general may represent the board in any proceeding 1518
commenced under this section. 1519

If any person who has been granted a license is adjudged 1520
by a probate court to be mentally ill or mentally incompetent, 1521
the person's license shall be automatically suspended until the 1522
person has filed with the state medical board a certified copy 1523
of an adjudication by a probate court of the person's subsequent 1524
restoration to competency or has submitted to the board proof, 1525
satisfactory to the board, that the person has been discharged 1526
as having a restoration to competency in the manner and form 1527
provided in section 5122.38 of the Revised Code. The judge of 1528
the probate court shall forthwith notify the state medical board 1529
of an adjudication of mental illness or mental incompetence, and 1530

shall note any suspension of a license in the margin of the 1531
court's record of such license. 1532

Sec. 4785.14. (A) The state medical board shall 1533
investigate evidence that appears to show that any individual 1534
has violated this chapter or the rules adopted under it. Any 1535
person may report to the board in a signed writing any 1536
information the person has that appears to show a violation of 1537
this chapter or rules adopted under it. In the absence of bad 1538
faith, a person who reports such information or testifies before 1539
the board in an adjudication conducted under Chapter 119. of the 1540
Revised Code shall not be liable for civil damages as a result 1541
of reporting the information or providing testimony. Each 1542
complaint or allegation of a violation received by the board 1543
shall be assigned a case number and be recorded by the board. 1544

(B) Investigations of alleged violations of this chapter 1545
or rules adopted under it shall be supervised by the supervising 1546
member elected by the board in accordance with section 4731.02 1547
of the Revised Code and by the board's secretary, pursuant to 1548
section 4785.16 of the Revised Code. The board's president may 1549
designate another member of the board to supervise the 1550
investigation in place of the supervising member. A member of 1551
the board who supervises the investigation of a case shall not 1552
participate in further adjudication of the case. 1553

(C) In investigating a possible violation of this chapter 1554
or the rules adopted under it, the board may administer oaths, 1555
order the taking of depositions, inspect and copy any books, 1556
accounts, papers, records, or documents, issue subpoenas, and 1557
compel the attendance of witnesses and production of books, 1558
accounts, papers, records, documents, and testimony, except that 1559
a subpoena for patient record information shall not be issued 1560

without consultation with the attorney general's office and 1561
approval of the secretary and supervising member of the board. 1562
Before issuance of a subpoena for patient record information, 1563
the secretary and supervising member shall determine whether 1564
there is probable cause to believe that the complaint filed 1565
alleges a violation of this chapter or the rules adopted under 1566
it and that the records sought are relevant to the alleged 1567
violation and material to the investigation. The subpoena may 1568
apply only to records that cover a reasonable period of time 1569
surrounding the alleged violation. 1570

On failure to comply with any subpoena issued by the board 1571
and after reasonable notice to the person being subpoenaed, the 1572
board may move for an order compelling the production of persons 1573
or records pursuant to the Rules of Civil Procedure. 1574

A subpoena issued by the board may be served by a sheriff, 1575
the sheriff's deputy, or a board employee designated by the 1576
board. Service of a subpoena issued by the board may be made by 1577
delivering a copy of the subpoena to the person named therein, 1578
reading it to the person, or leaving it at the person's usual 1579
place of residence. When the person being served is a surgical 1580
technologist, service of the subpoena may be made by certified 1581
mail, restricted delivery, return receipt requested, and the 1582
subpoena shall be deemed served on the date delivery is made or 1583
the date the person refuses to accept delivery. 1584

A sheriff's deputy who serves a subpoena shall receive the 1585
same fees as a sheriff. Each witness who appears before the 1586
board in obedience to a subpoena shall receive the fees and 1587
mileage provided for witnesses in civil cases in the courts of 1588
common pleas. 1589

(D) All hearings and investigations of the board shall be 1590

considered civil actions for the purposes of section 2305.252 of 1591
the Revised Code. 1592

(E) Information received by the board pursuant to an 1593
investigation is confidential and not subject to discovery in 1594
any civil action. 1595

The board shall conduct all investigations and proceedings 1596
in a manner that protects the confidentiality of patients and 1597
persons who file complaints with the board. The board shall not 1598
make public the names or any other identifying information about 1599
patients or complainants unless proper consent is given. 1600

The board may share any information it receives pursuant 1601
to an investigation, including patient records and patient 1602
record information, with law enforcement agencies, other 1603
licensing boards, and other governmental agencies that are 1604
prosecuting, adjudicating, or investigating alleged violations 1605
of statutes or administrative rules. An agency or board that 1606
receives the information shall comply with the same requirements 1607
regarding confidentiality as those with which the state medical 1608
board must comply, notwithstanding any conflicting provision of 1609
the Revised Code or procedure of the agency or board that 1610
applies when it is dealing with other information in its 1611
possession. In a judicial proceeding, the information may be 1612
admitted into evidence only in accordance with the Rules of 1613
Evidence, but the court shall require that appropriate measures 1614
are taken to ensure that confidentiality is maintained with 1615
respect to any part of the information that contains names or 1616
other identifying information about patients or complainants 1617
whose confidentiality was protected by the state medical board 1618
when the information was in the board's possession. Measures to 1619
ensure confidentiality that may be taken by the court include 1620

sealing its records or deleting specific information from its 1621
records. 1622

(F) The board shall develop requirements for and provide 1623
appropriate initial training and continuing education for 1624
investigators employed by the board to carry out its duties 1625
under this chapter. The training and continuing education may 1626
include enrollment in courses operated or approved by the Ohio 1627
peace officer training commission that the board considers 1628
appropriate under conditions set forth in section 109.79 of the 1629
Revised Code. 1630

(G) On a quarterly basis, the board shall prepare a report 1631
that documents the disposition of all cases during the preceding 1632
three months. The report shall contain the following information 1633
for each case with which the board has completed its activities: 1634

(1) The case number assigned to the complaint or alleged 1635
violation; 1636

(2) The type of license, if any, held by the individual 1637
against whom the complaint is directed; 1638

(3) A description of the allegations contained in the 1639
complaint; 1640

(4) The disposition of the case. 1641

The report shall state how many cases are still pending, 1642
and shall be prepared in a manner that protects the identity of 1643
each individual involved in each case. The report is a public 1644
record for purposes of section 149.43 of the Revised Code. 1645

Sec. 4785.15. (A) As used in this section, "prosecutor" 1646
has the same meaning as in section 2935.01 of the Revised Code. 1647

(B) Whenever any individual holding a valid license to 1648

practice as a surgical technologist pleads guilty to, is subject 1649
to a judicial finding of guilt of, or is subject to a judicial 1650
finding of eligibility for intervention in lieu of conviction 1651
for a violation of Chapter 2907., 2925., or 3719. of the Revised 1652
Code or of any substantively comparable ordinance of a municipal 1653
corporation in connection with the person's practice, the 1654
prosecutor in the case, on forms prescribed and provided by the 1655
state medical board, shall promptly notify the board of the 1656
conviction. Within thirty days of receipt of that information, 1657
the board shall initiate action in accordance with Chapter 119. 1658
of the Revised Code to determine whether to suspend or revoke 1659
the license under section 4785.13 of the Revised Code. 1660

(C) The prosecutor in any case against any person holding 1661
a valid license to practice as a surgical technologist, on forms 1662
prescribed and provided by the state medical board, shall notify 1663
the board of any of the following: 1664

(1) A plea of guilty to, a finding of guilt by a jury or 1665
court of, or judicial finding of eligibility for intervention in 1666
lieu of conviction for a felony, or a case in which the trial 1667
court issues an order of dismissal upon technical or procedural 1668
grounds of a felony charge; 1669

(2) A plea of guilty to, a finding of guilt by a jury or 1670
court of, or judicial finding of eligibility for intervention in 1671
lieu of conviction for a misdemeanor committed in the course of 1672
practice, or a case in which the trial court issues an order of 1673
dismissal upon technical or procedural grounds of a charge of a 1674
misdemeanor, if the alleged act was committed in the course of 1675
practice; 1676

(3) A plea of guilty to, a finding of guilt by a jury or 1677
court of, or judicial finding of eligibility for intervention in 1678

lieu of conviction for a misdemeanor involving moral turpitude, 1679
or a case in which the trial court issues an order of dismissal 1680
upon technical or procedural grounds of a charge of a 1681
misdemeanor involving moral turpitude. 1682

The report shall include the name and address of the 1683
license holder, the nature of the offense for which the action 1684
was taken, and the certified court documents recording the 1685
action. 1686

Sec. 4785.16. The secretary of the state medical board 1687
shall enforce the laws relating to the practice of surgical 1688
technologists. If the secretary has knowledge or notice of a 1689
violation of this chapter or the rules adopted under it, the 1690
secretary shall investigate the matter, and, upon probable cause 1691
appearing, file a complaint and prosecute the offender. When 1692
requested by the secretary, the prosecuting attorney of the 1693
proper county shall take charge of and conduct the prosecution. 1694

Sec. 4785.17. The attorney general, the prosecuting 1695
attorney of any county in which the offense was committed or the 1696
offender resides, the state medical board, or any other person 1697
having knowledge of a person engaged either directly or by 1698
complicity in practicing as a surgical technologist without 1699
having first obtained under this chapter a license to practice 1700
as a surgical technologist, may, in accordance with provisions 1701
of the Revised Code governing injunctions, maintain an action in 1702
the name of the state to enjoin any person from engaging either 1703
directly or by complicity in unlawfully practicing as a surgical 1704
technologist by applying for an injunction in any court of 1705
competent jurisdiction. 1706

Prior to application for an injunction, the secretary of 1707
the state medical board shall notify the individual allegedly 1708

engaged either directly or by complicity in the unlawful 1709
practice by registered mail that the secretary has received 1710
information indicating that this individual is so engaged. The 1711
individual shall answer the secretary within thirty days showing 1712
that the individual is either properly authorized for the stated 1713
activity or that the individual is not in violation of this 1714
chapter. If the answer is not forthcoming within thirty days 1715
after notice by the secretary, the secretary shall request that 1716
the attorney general, the prosecuting attorney of the county in 1717
which the offense was committed or the offender resides, or the 1718
state medical board proceed as authorized in this section. 1719

Upon the filing of a verified petition in court, the court 1720
shall conduct a hearing on the petition and shall give the same 1721
preference to this proceeding as is given all proceedings under 1722
Chapter 119. of the Revised Code, irrespective of the position 1723
of the proceeding on the calendar of the court. 1724

Injunction proceedings shall be in addition to, and not in 1725
lieu of, all penalties and other remedies provided in this 1726
chapter. 1727

Sec. 4785.18. All fees, penalties, and other funds 1728
received by the state medical board under this chapter shall be 1729
deposited in accordance with section 4731.24 of the Revised 1730
Code. 1731

Sec. 4785.19. In the absence of fraud or bad faith, the 1732
state medical board, a current or former board member, an agent 1733
of the board, a person formally requested by the board to be the 1734
board's representative, or an employee of the board shall not be 1735
held liable in damages to any person as the result of any act, 1736
omission, proceeding, conduct, or decision related to official 1737
duties undertaken or performed pursuant to this chapter. If any 1738

such person asks to be defended by the state against any claim 1739
or action arising out of any act, omission, proceeding, conduct, 1740
or decision related to the person's official duties, and if the 1741
request is made in writing at a reasonable time before trial and 1742
the person requesting defense cooperates in good faith in the 1743
defense of the claim or action, the state shall provide and pay 1744
for the person's defense and shall pay any resulting judgment, 1745
compromise, or settlement. At no time shall the state pay any 1746
part of a claim or judgment that is for punitive or exemplary 1747
damages. 1748

Sec. 4785.20. The state medical board shall comply with 1749
section 4776.20 of the Revised Code. 1750

Sec. 4785.99. Whoever violates section 4785.02 of the 1751
Revised Code is guilty of a misdemeanor of the first degree on a 1752
first offense and felony of the fifth degree on each subsequent 1753
offense. 1754

Section 2. That existing sections 109.572, 4731.051, 1755
4731.07, 4731.071, 4731.224, 4731.24, 4731.25, 4776.01, and 1756
4776.20 of the Revised Code are hereby repealed. 1757

Section 3. Section 4785.02 of the Revised Code takes 1758
effect two years after the effective date of this act. 1759

Section 4. The General Assembly, applying the principle 1760
stated in division (B) of section 1.52 of the Revised Code that 1761
amendments are to be harmonized if reasonably capable of 1762
simultaneous operation, finds that the following sections, 1763
presented in this act as composites of the sections as amended 1764
by the acts indicated, are the resulting versions of the 1765
sections in effect prior to the effective date of the sections 1766
as presented in this act: 1767

Section 109.572 of the Revised Code as amended by both	1768
Sub. H.B. 523 and Am. Sub. S.B. 227 of the 131st General	1769
Assembly.	1770

Section 4731.07 of the Revised Code as amended by both Am.	1771
Sub. H.B. 64 and Sub. S.B. 110 of the 131st General Assembly.	1772