

As Introduced

131st General Assembly

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H. B. No. 255

Representatives Brinkman, Hagan

**Cosponsors: Representatives Hood, Vitale, Zeltwanger, Becker, McColley,
Blessing, Romanchuk, Kraus, Koehler, Hill, Antani, Roegner, Ruhl, Retherford,
Pelanda, LaTourette**

A BILL

To amend sections 109.572, 2919.123, 2953.25, 1
4729.291, 4731.22, and 4731.223; to amend, for 2
the purpose of adopting a new section number as 3
indicated in parentheses, section 2919.123 4
(2919.201); and to enact sections 2919.20, 5
2919.202, 2919.203, 2919.204, 2919.205, 6
2919.206, 2919.207, and 2919.208 of the Revised 7
Code to expand the regulation of inducing an 8
abortion with certain drugs. 9

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

Section 1. That sections 109.572, 2919.123, 2953.25, 10
4729.291, 4731.22, and 4731.223 be amended; section 2919.123 11
(2919.201) be amended for the purpose of adopting a new section 12
number as shown in parentheses; and sections 2919.20, 2919.202, 13
2919.203, 2919.204, 2919.205, 2919.206, 2919.207, and 2919.208 14
of the Revised Code be enacted to read as follows: 15

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 16
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 17

Code, a completed form prescribed pursuant to division (C)(1) of 18
this section, and a set of fingerprint impressions obtained in 19
the manner described in division (C)(2) of this section, the 20
superintendent of the bureau of criminal identification and 21
investigation shall conduct a criminal records check in the 22
manner described in division (B) of this section to determine 23
whether any information exists that indicates that the person 24
who is the subject of the request previously has been convicted 25
of or pleaded guilty to any of the following: 26

(a) A violation of section 2903.01, 2903.02, 2903.03, 27
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 28
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 29
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 30
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 31
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 32
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 33
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 34
sexual penetration in violation of former section 2907.12 of the 35
Revised Code, a violation of section 2905.04 of the Revised Code 36
as it existed prior to July 1, 1996, a violation of section 37
2919.23 of the Revised Code that would have been a violation of 38
section 2905.04 of the Revised Code as it existed prior to July 39
1, 1996, had the violation been committed prior to that date, or 40
a violation of section 2925.11 of the Revised Code that is not a 41
minor drug possession offense; 42

(b) A violation of an existing or former law of this 43
state, any other state, or the United States that is 44
substantially equivalent to any of the offenses listed in 45
division (A)(1)(a) of this section; 46

(c) If the request is made pursuant to section 3319.39 of 47

the Revised Code for an applicant who is a teacher, any offense 48
specified in section 3319.31 of the Revised Code. 49

(2) On receipt of a request pursuant to section 3712.09 or 50
3721.121 of the Revised Code, a completed form prescribed 51
pursuant to division (C)(1) of this section, and a set of 52
fingerprint impressions obtained in the manner described in 53
division (C)(2) of this section, the superintendent of the 54
bureau of criminal identification and investigation shall 55
conduct a criminal records check with respect to any person who 56
has applied for employment in a position for which a criminal 57
records check is required by those sections. The superintendent 58
shall conduct the criminal records check in the manner described 59
in division (B) of this section to determine whether any 60
information exists that indicates that the person who is the 61
subject of the request previously has been convicted of or 62
pleaded guilty to any of the following: 63

(a) A violation of section 2903.01, 2903.02, 2903.03, 64
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 65
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 66
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 67
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 68
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 69
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 70
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 71
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 72

(b) An existing or former law of this state, any other 73
state, or the United States that is substantially equivalent to 74
any of the offenses listed in division (A)(2)(a) of this 75
section. 76

(3) On receipt of a request pursuant to section 173.27, 77

173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 78
5123.081, or 5123.169 of the Revised Code, a completed form 79
prescribed pursuant to division (C)(1) of this section, and a 80
set of fingerprint impressions obtained in the manner described 81
in division (C)(2) of this section, the superintendent of the 82
bureau of criminal identification and investigation shall 83
conduct a criminal records check of the person for whom the 84
request is made. The superintendent shall conduct the criminal 85
records check in the manner described in division (B) of this 86
section to determine whether any information exists that 87
indicates that the person who is the subject of the request 88
previously has been convicted of, has pleaded guilty to, or 89
(except in the case of a request pursuant to section 5164.34, 90
5164.341, or 5164.342 of the Revised Code) has been found 91
eligible for intervention in lieu of conviction for any of the 92
following, regardless of the date of the conviction, the date of 93
entry of the guilty plea, or (except in the case of a request 94
pursuant to section 5164.34, 5164.341, or 5164.342 of the 95
Revised Code) the date the person was found eligible for 96
intervention in lieu of conviction: 97

(a) A violation of section 959.13, 959.131, 2903.01, 98
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 99
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 100
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 101
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 102
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 103
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 104
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 105
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 106
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 107
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 108

2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	109
2919.121, 2919.123 2919.201, 2919.202, 2919.203, 2919.204,	110
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12,	111
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35,	112
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13,	113
2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03,	114
2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13,	115
2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55,	116
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 5104.012 166
or 5104.013 of the Revised Code, a completed form prescribed 167

pursuant to division (C)(1) of this section, and a set of 168
fingerprint impressions obtained in the manner described in 169
division (C)(2) of this section, the superintendent of the 170
bureau of criminal identification and investigation shall 171
conduct a criminal records check in the manner described in 172
division (B) of this section to determine whether any 173
information exists that indicates that the person who is the 174
subject of the request has been convicted of or pleaded guilty 175
to any of the following: 176

(a) A violation of section 2903.01, 2903.02, 2903.03, 177
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 178
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 179
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 180
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 181
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 182
2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 183
2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 184
2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 185
2919.12, 2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 186
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 187
2925.06, or 3716.11 of the Revised Code, felonious sexual 188
penetration in violation of former section 2907.12 of the 189
Revised Code, a violation of section 2905.04 of the Revised Code 190
as it existed prior to July 1, 1996, a violation of section 191
2919.23 of the Revised Code that would have been a violation of 192
section 2905.04 of the Revised Code as it existed prior to July 193
1, 1996, had the violation been committed prior to that date, a 194
violation of section 2925.11 of the Revised Code that is not a 195
minor drug possession offense, a violation of section 2923.02 or 196
2923.03 of the Revised Code that relates to a crime specified in 197
this division, or a second violation of section 4511.19 of the 198

Revised Code within five years of the date of application for licensure or certification. 199
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(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (A) (5) (a) of this section. 201
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(6) Upon receipt of a request pursuant to section 5153.111 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: 205
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(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as 216
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it existed prior to July 1, 1996, had the violation been 229
committed prior to that date, or a violation of section 2925.11 230
of the Revised Code that is not a minor drug possession offense; 231

(b) A violation of an existing or former law of this 232
state, any other state, or the United States that is 233
substantially equivalent to any of the offenses listed in 234
division (A)(6)(a) of this section. 235

(7) On receipt of a request for a criminal records check 236
from an individual pursuant to section 4749.03 or 4749.06 of the 237
Revised Code, accompanied by a completed copy of the form 238
prescribed in division (C)(1) of this section and a set of 239
fingerprint impressions obtained in a manner described in 240
division (C)(2) of this section, the superintendent of the 241
bureau of criminal identification and investigation shall 242
conduct a criminal records check in the manner described in 243
division (B) of this section to determine whether any 244
information exists indicating that the person who is the subject 245
of the request has been convicted of or pleaded guilty to a 246
felony in this state or in any other state. If the individual 247
indicates that a firearm will be carried in the course of 248
business, the superintendent shall require information from the 249
federal bureau of investigation as described in division (B)(2) 250
of this section. Subject to division (F) of this section, the 251
superintendent shall report the findings of the criminal records 252
check and any information the federal bureau of investigation 253
provides to the director of public safety. 254

(8) On receipt of a request pursuant to section 1321.37, 255
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 256
Code, a completed form prescribed pursuant to division (C)(1) of 257
this section, and a set of fingerprint impressions obtained in 258

the manner described in division (C) (2) of this section, the 259
superintendent of the bureau of criminal identification and 260
investigation shall conduct a criminal records check with 261
respect to any person who has applied for a license, permit, or 262
certification from the department of commerce or a division in 263
the department. The superintendent shall conduct the criminal 264
records check in the manner described in division (B) of this 265
section to determine whether any information exists that 266
indicates that the person who is the subject of the request 267
previously has been convicted of or pleaded guilty to any of the 268
following: a violation of section 2913.02, 2913.11, 2913.31, 269
2913.51, or 2925.03 of the Revised Code; any other criminal 270
offense involving theft, receiving stolen property, 271
embezzlement, forgery, fraud, passing bad checks, money 272
laundering, or drug trafficking, or any criminal offense 273
involving money or securities, as set forth in Chapters 2909., 274
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 275
Code; or any existing or former law of this state, any other 276
state, or the United States that is substantially equivalent to 277
those offenses. 278

(9) On receipt of a request for a criminal records check 279
from the treasurer of state under section 113.041 of the Revised 280
Code or from an individual under section 4701.08, 4715.101, 281
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 282
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 283
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 284
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 285
4762.031, 4762.06, 4776.021, 4779.091, or 4783.04 of the Revised 286
Code, accompanied by a completed form prescribed under division 287
(C) (1) of this section and a set of fingerprint impressions 288
obtained in the manner described in division (C) (2) of this 289

section, the superintendent of the bureau of criminal 290
identification and investigation shall conduct a criminal 291
records check in the manner described in division (B) of this 292
section to determine whether any information exists that 293
indicates that the person who is the subject of the request has 294
been convicted of or pleaded guilty to any criminal offense in 295
this state or any other state. Subject to division (F) of this 296
section, the superintendent shall send the results of a check 297
requested under section 113.041 of the Revised Code to the 298
treasurer of state and shall send the results of a check 299
requested under any of the other listed sections to the 300
licensing board specified by the individual in the request. 301

(10) On receipt of a request pursuant to section 1121.23, 302
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 303
Code, a completed form prescribed pursuant to division (C)(1) of 304
this section, and a set of fingerprint impressions obtained in 305
the manner described in division (C)(2) of this section, the 306
superintendent of the bureau of criminal identification and 307
investigation shall conduct a criminal records check in the 308
manner described in division (B) of this section to determine 309
whether any information exists that indicates that the person 310
who is the subject of the request previously has been convicted 311
of or pleaded guilty to any criminal offense under any existing 312
or former law of this state, any other state, or the United 313
States. 314

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

identification and investigation shall conduct a criminal 321
records check in the manner described in division (B) of this 322
section to determine whether any information exists that 323
indicates that the person who is the subject of the request 324
previously has been convicted of or pleaded guilty or no contest 325
to any offense under any existing or former law of this state, 326
any other state, or the United States that is a disqualifying 327
offense as defined in section 3772.07 of the Revised Code or 328
substantially equivalent to such an offense. 329

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

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

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

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

(1) The superintendent shall review or cause to be reviewed any relevant information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the criminal records check, including, if the criminal records check was requested under section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;

(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 if the request is made pursuant to section 2151.86, 5104.012, or 5104.013 of the Revised Code or if any other Revised Code section requires fingerprint-based checks of that nature, and shall review or cause to be reviewed any

information the superintendent receives from that bureau. If a 382
request under section 3319.39 of the Revised Code asks only for 383
information from the federal bureau of investigation, the 384
superintendent shall not conduct the review prescribed by 385
division (B)(1) of this section. 386

(3) The superintendent or the superintendent's designee 387
may request criminal history records from other states or the 388
federal government pursuant to the national crime prevention and 389
privacy compact set forth in section 109.571 of the Revised 390
Code. 391

(4) The superintendent shall include in the results of the 392
criminal records check a list or description of the offenses 393
listed or described in division (A)(1), (2), (3), (4), (5), (6), 394
(7), (8), (9), (10), (11), or (12) of this section, whichever 395
division requires the superintendent to conduct the criminal 396
records check. The superintendent shall exclude from the results 397
any information the dissemination of which is prohibited by 398
federal law. 399

(5) The superintendent shall send the results of the 400
criminal records check to the person to whom it is to be sent 401
not later than the following number of days after the date the 402
superintendent receives the request for the criminal records 403
check, the completed form prescribed under division (C)(1) of 404
this section, and the set of fingerprint impressions obtained in 405
the manner described in division (C)(2) of this section: 406

(a) If the superintendent is required by division (A) of 407
this section (other than division (A)(3) of this section) to 408
conduct the criminal records check, thirty; 409

(b) If the superintendent is required by division (A)(3) 410

of this section to conduct the criminal records check, sixty. 411

(C) (1) The superintendent shall prescribe a form to obtain 412
the information necessary to conduct a criminal records check 413
from any person for whom a criminal records check is to be 414
conducted under this section. The form that the superintendent 415
prescribes pursuant to this division may be in a tangible 416
format, in an electronic format, or in both tangible and 417
electronic formats. 418

(2) The superintendent shall prescribe standard impression 419
sheets to obtain the fingerprint impressions of any person for 420
whom a criminal records check is to be conducted under this 421
section. Any person for whom a records check is to be conducted 422
under this section shall obtain the fingerprint impressions at a 423
county sheriff's office, municipal police department, or any 424
other entity with the ability to make fingerprint impressions on 425
the standard impression sheets prescribed by the superintendent. 426
The office, department, or entity may charge the person a 427
reasonable fee for making the impressions. The standard 428
impression sheets the superintendent prescribes pursuant to this 429
division may be in a tangible format, in an electronic format, 430
or in both tangible and electronic formats. 431

(3) Subject to division (D) of this section, the 432
superintendent shall prescribe and charge a reasonable fee for 433
providing a criminal records check under this section. The 434
person requesting the criminal records check shall pay the fee 435
prescribed pursuant to this division. In the case of a request 436
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 437
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 438
fee shall be paid in the manner specified in that section. 439

(4) The superintendent of the bureau of criminal 440

identification and investigation may prescribe methods of 441
forwarding fingerprint impressions and information necessary to 442
conduct a criminal records check, which methods shall include, 443
but not be limited to, an electronic method. 444

(D) The results of a criminal records check conducted 445
under this section, other than a criminal records check 446
specified in division (A) (7) of this section, are valid for the 447
person who is the subject of the criminal records check for a 448
period of one year from the date upon which the superintendent 449
completes the criminal records check. If during that period the 450
superintendent receives another request for a criminal records 451
check to be conducted under this section for that person, the 452
superintendent shall provide the results from the previous 453
criminal records check of the person at a lower fee than the fee 454
prescribed for the initial criminal records check. 455

(E) When the superintendent receives a request for 456
information from a registered private provider, the 457
superintendent shall proceed as if the request was received from 458
a school district board of education under section 3319.39 of 459
the Revised Code. The superintendent shall apply division (A) (1) 460
(c) of this section to any such request for an applicant who is 461
a teacher. 462

(F) (1) All information regarding the results of a criminal 463
records check conducted under this section that the 464
superintendent reports or sends under division (A) (7) or (9) of 465
this section to the director of public safety, the treasurer of 466
state, or the person, board, or entity that made the request for 467
the criminal records check shall relate to the conviction of the 468
subject person, or the subject person's plea of guilty to, a 469
criminal offense. 470

(2) Division (F) (1) of this section does not limit, 471
restrict, or preclude the superintendent's release of 472
information that relates to the arrest of a person who is 473
eighteen years of age or older, to an adjudication of a child as 474
a delinquent child, or to a criminal conviction of a person 475
under eighteen years of age in circumstances in which a release 476
of that nature is authorized under division (E) (2), (3), or (4) 477
of section 109.57 of the Revised Code pursuant to a rule adopted 478
under division (E) (1) of that section. 479

(G) As used in this section: 480

(1) "Criminal records check" means any criminal records 481
check conducted by the superintendent of the bureau of criminal 482
identification and investigation in accordance with division (B) 483
of this section. 484

(2) "Minor drug possession offense" has the same meaning 485
as in section 2925.01 of the Revised Code. 486

(3) "OVI or OVUAC violation" means a violation of section 487
4511.19 of the Revised Code or a violation of an existing or 488
former law of this state, any other state, or the United States 489
that is substantially equivalent to section 4511.19 of the 490
Revised Code. 491

(4) "Registered private provider" means a nonpublic school 492
or entity registered with the superintendent of public 493
instruction under section 3310.41 of the Revised Code to 494
participate in the autism scholarship program or section 3310.58 495
of the Revised Code to participate in the Jon Peterson special 496
needs scholarship program. 497

Sec. 2919.20. As used in sections 2919.20 to 2919.207 of 498
the Revised Code: 499

(A) "Abortion-inducing drug" means a drug or regimen of drugs that causes the termination of a clinically diagnosable pregnancy, including RU-486 (mifepristone) and the mifeprex regimen. 500
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(B) "Federal law" means any law, rule, or regulation of the United States or any drug approval letter of the F.D.A. that governs or regulates the use of an abortion-inducing drug for the purpose of inducing abortions. 504
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For the purposes of RU-486 (mifepristone) or the mifeprex regimen, federal law includes the mifepristone treatment protocols articulated by the Ohio Supreme Court in *Cordray v. Planned Parenthood Cincinnati Region*, 122 Ohio St.3d 361 (2009). 508
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(C) "F.D.A." means the United States food and drug administration. 512
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(D) "Final printed labeling" means the F.D.A.-approved informational document for an abortion-inducing drug which outlines the protocol authorized by the F.D.A. and is agreed upon by the drug company applying for F.D.A. authorization of that drug. 514
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(E) "Mifeprex regimen" means the abortion-inducing drug regimen approved by the F.D.A. that consists of administering mifepristone and misoprostol. 519
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(F) "Personal identifying information" has the same meaning as in section 2913.49 of the Revised Code. 522
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(G) "Physician" has the same meaning as in section 2305.113 of the Revised Code. 524
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(H) "Professionally licensed person" has the same meaning as in section 2925.01 of the Revised Code. 526
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Sec. ~~2919.123~~ 2919.201. (A) No person shall knowingly 528
give, sell, dispense, administer, otherwise provide, or 529
prescribe ~~RU-486 (mifepristone)~~ an abortion-inducing drug to 530
another for the purpose of inducing an abortion in any person or 531
enabling the other person to induce an abortion in any person, 532
unless the person who gives, sells, dispenses, administers, or 533
otherwise provides or prescribes the ~~RU-486 (mifepristone)~~ 534
abortion-inducing drug is a physician, the physician satisfies 535
the requirements of this section and all the criteria 536
established by federal law that a physician must satisfy in 537
order to provide ~~RU-486 (mifepristone)~~ the abortion-inducing 538
drug for inducing abortions, and the physician provides the ~~RU-~~ 539
~~486 (mifepristone)~~ abortion-inducing drug to the other person 540
for the purpose of inducing an abortion in accordance with all 541
provisions of federal law that govern the use of ~~RU-486-~~ 542
~~(mifepristone)~~ abortion-inducing drugs for inducing abortions. 543

A person who gives, sells, dispenses, administers, 544
otherwise provides, or prescribes ~~RU-486 (mifepristone)~~ an 545
abortion-inducing drug to another as described in ~~division-~~ 546
divisions (A) and (B) of this section shall not be prosecuted 547
based on a violation of the criteria contained in ~~this division-~~ 548
those divisions unless the person knows that the person is not a 549
physician, knows that the person did not satisfy all the 550
requirements of this section or the specified criteria 551
established by federal law, or knows that the person did not 552
provide the ~~RU-486 (mifepristone)~~ abortion-inducing drug in 553
accordance with the specified provisions of federal law, 554
whichever is applicable. 555

(B) (1) A physician who intends to use an abortion-inducing 556
drug to induce an abortion on a pregnant woman shall do all of 557
the following prior to providing the drug: 558

(a) (i) Personally examine the pregnant woman to determine whether the fetus is attached to the placenta within the woman's uterus; 559
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(ii) Record the estimated gestational age of the fetus in the woman's medical file; 562
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(iii) Provide the pregnant woman with a copy of the abortion-inducing drug's label; 564
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(iv) Provide the pregnant woman with a copy of the name and telephone number for the physician who has agreed to provide emergency care under section 2919.202 of the Revised Code. 566
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(b) Have the pregnant woman sign a form, certifying that the physician has met all of the requirements under division (B) (1) (a) (i), (iii), and (iv) of this section. 569
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The physician shall maintain a copy of the form described in this division in the physician's own records for at least seven years after placing a copy of this form in the pregnant woman's medical records. 572
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(2) A physician may provide an abortion-inducing drug to a pregnant woman only in accordance with the protocol authorized by the F.D.A. 576
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(C) No physician who provides ~~RU-486 (mifepristone)~~ an abortion-inducing drug to another for the purpose of inducing an abortion as authorized under ~~division~~ divisions (A) and (B) of this section shall knowingly fail to comply with the applicable requirements of any federal law that pertain to follow-up examinations or care for persons to whom or for whom ~~RU-486 (mifepristone)~~ the abortion-inducing drug is provided for the purpose of inducing an abortion. 579
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~~(C) (1) If a physician provides RU-486 (mifepristone) to another for the purpose of inducing an abortion as authorized under division (A) of this section and if the physician knows that the person who uses the RU-486 (mifepristone) for the purpose of inducing an abortion experiences during or after the use an incomplete abortion, severe bleeding, or an adverse reaction to the RU-486 (mifepristone) or is hospitalized, receives a transfusion, or experiences any other serious event, the physician promptly must provide a written report of the incomplete abortion, severe bleeding, adverse reaction, hospitalization, transfusion, or serious event to the state medical board. The board shall compile and retain all reports it receives under this division. Except as otherwise provided in this division, all reports the board receives under this division are public records open to inspection under section 149.43 of the Revised Code. In no case shall the board release to any person the name or any other personal identifying information regarding a person who uses RU-486 (mifepristone) for the purpose of inducing an abortion and who is the subject of a report the board receives under this division.~~

~~(2) No physician who provides RU-486 (mifepristone) to another for the purpose of inducing an abortion as authorized under division (A) of this section shall knowingly fail to file a report required under division (C) (1) of this section.~~

~~(D) Division (A) of this section does not apply to any of the following:~~

~~(1) A pregnant woman who obtains or possesses RU-486 (mifepristone) for the purpose of inducing an abortion to terminate her own pregnancy;~~

~~(2) The legal transport of RU-486 (mifepristone) by any~~

~~person or entity and the legal delivery of the RU 486
(mifepristone) by any person to the recipient, provided that
this division does not apply regarding any conduct related to
the RU 486 (mifepristone) other than its transport and delivery
to the recipient;~~ 617
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~~(3) The distribution, provision, or sale of RU 486
(mifepristone) by any legal manufacturer or distributor of RU
486 (mifepristone), provided the manufacturer or distributor
made a good faith effort to comply with any applicable
requirements of federal law regarding the distribution,
provision, or sale.~~ 622
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~~(E) Whoever violates this section is guilty of unlawful
distribution of an abortion-inducing drug, a felony of the
fourth degree. If the offender previously has been convicted of
or pleaded guilty to a violation of this section or of section
2919.12, 2919.121, 2919.13, 2919.14, 2919.151, 2919.17, or
2919.18 of the Revised Code, unlawful distribution of an
abortion-inducing drug is a felony of the third degree.~~ 628
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~~If the offender is a professionally licensed person, in
addition to any other sanction imposed by law for the offense,
the offender is subject to sanctioning as provided by law by the
regulatory or licensing board or agency that has the
administrative authority to suspend or revoke the offender's
professional license, including the sanctioning provided in
section 4731.22 of the Revised Code for offenders who have a
certificate to practice or certificate of registration issued
under that chapter.~~ 635
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~~(F) As used in this section:~~ 644

~~(1) "Federal law" means any law, rule, or regulation of~~ 645

~~the United States or any drug approval letter of the food and
drug administration of the United States that governs or
regulates the use of RU-486 (mifepristone) for the purpose of
inducing abortions.~~

~~(2) "Personal identifying information" has the same
meaning as in section 2913.49 of the Revised Code.~~

~~(3) "Physician" has the same meaning as in section
2305.113 of the Revised Code.~~

~~(4) "Professionally licensed person" has the same meaning
as in section 2925.01 of the Revised Code.~~

Sec. 2919.202. (A) As used in this section, "qualified
hospital" means a hospital that may lawfully enter into a
written transfer agreement under section 3702.303 of the Revised
Code.

(B) A physician who uses an abortion-inducing drug to
induce an abortion shall do either of the following:

(1) Maintain admitting privileges and gynecological and
surgical privileges at a local qualified hospital equipped to
care for emergency complications associated with abortion-
inducing drugs;

(2) Have a signed contract with a physician who agrees to
provide care during emergency complications. The physician who
provides emergency care must have active admitting privileges
and gynecological and surgical privileges at a local qualified
hospital equipped to care for emergencies associated with an
abortion-inducing drug.

Upon request, the physician who induces such abortions
shall provide proof of admitting privileges or a copy of the

contract to a patient or the state medical board. 674

(C) No physician who provides an abortion-inducing drug to 675
another for the purpose of inducing an abortion shall knowingly 676
fail to comply with division (B) of this section. 677

Sec. 2919.203. (A) If a physician provides an abortion- 678
inducing drug to another for the purpose of inducing an abortion 679
as authorized in section 2919.201 of the Revised Code and knows 680
that the person who uses the drug for the purpose of inducing an 681
abortion experiences during or after the use an incomplete 682
abortion, severe bleeding, or an adverse reaction to the drug or 683
is hospitalized, receives a transfusion, or experiences any 684
other serious event, the physician promptly must provide a 685
written report of the incomplete abortion, severe bleeding, 686
adverse reaction, hospitalization, transfusion, or serious event 687
to the state medical board and the F.D.A. under 21 C.F.R. Part 688
803. 689

The board shall compile and retain all reports it receives 690
under this division. Except as otherwise provided in this 691
division, all reports the board receives under this section are 692
public records open to inspection under section 149.43 of the 693
Revised Code. In no case shall the board release to any person 694
the name or any other personal identifying information regarding 695
a person who uses an abortion-inducing drug for the purpose of 696
inducing an abortion and who is the subject of a report the 697
board receives under this division. 698

(B) No physician who provides an abortion-inducing drug to 699
another for the purpose of inducing an abortion shall knowingly 700
fail to file a report required under division (A) of this 701
section. 702

Sec. 2919.204. Whoever violates sections 2919.201 to 2919.203 of the Revised Code is guilty of unlawful distribution of an abortion-inducing drug, a felony of the fourth degree. If the offender previously has been convicted of or pleaded guilty to a violation of section 2919.12, 2919.121, 2919.13, 2919.14, 2919.151, 2919.17, 2919.18, or 2919.201 to 2919.203 of the Revised Code, unlawful distribution of an abortion-inducing drug is a felony of the third degree.

If the offender is a professionally licensed person, in addition to any other sanction imposed by law for the offense, the offender is subject to sanctioning as provided by law by the regulatory or licensing board or agency that has the administrative authority to suspend or revoke the offender's professional license, including the sanctioning provided in section 4731.22 of the Revised Code for offenders who have a certificate to practice or certificate of registration issued under that chapter.

Sec. 2919.205. (A) In addition to other remedies that may be available, performing an abortion upon a woman in violation of sections 2919.201 to 2919.204 of the Revised Code shall provide a basis for both of the following:

(1) A civil action for actual and punitive or exemplary damages;

(2) An action for wrongful death if the woman dies.

(B) When requested in an action commenced under division (A) of this section, a court shall do both of the following:

(1) Permit a plaintiff to proceed using solely the woman's initials or a pseudonym;

(2) Close any proceedings in the case and enter other

protective orders to preserve the privacy of the woman upon whom 732
the abortion was performed. 733

(C) The court shall award court costs and reasonable 734
attorney's fees to a person who prevails in an action filed 735
under division (A) of this section. 736

(D) The court shall award reasonable attorney's fees to a 737
defendant who prevails in an action filed under division (A) of 738
this section if the commencement of the action constitutes 739
frivolous conduct, as defined in section 2323.51 of the Revised 740
Code. 741

Sec. 2919.206. Sections 2919.201 to 2919.205 of the 742
Revised Code do not apply to any of the following: 743

(A) A pregnant woman who obtains or possesses an abortion- 744
inducing drug for the purpose of inducing an abortion to 745
terminate her own pregnancy; 746

(B) The legal transport of an abortion-inducing drug by 747
any person or entity and the legal delivery of the abortion- 748
inducing drug by any person to the recipient, provided that this 749
division does not apply regarding any conduct related to the 750
abortion-inducing drug other than its transport and delivery to 751
the recipient; 752

(C) The distribution, provision, or sale of an abortion- 753
inducing drug by any legal manufacturer or distributor of an 754
abortion-inducing drug, provided the manufacturer or distributor 755
made a good faith effort to comply with any applicable 756
requirements of federal law regarding the distribution, 757
provision, or sale. 758

Sec. 2919.207. Except as provided in division (D) of 759
section 2919.205 of the Revised Code, a woman upon whom an 760

abortion is performed with an abortion-inducing drug is not 761
subject to criminal, civil, or professional liability under 762
sections 2919.201 to 2919.205 of the Revised Code. 763

Sec. 2919.208. Nothing in sections 2919.20 to 2918.208 of 764
the Revised Code shall be construed as creating or recognizing a 765
right to abortion or the lawfulness of an abortion that would 766
otherwise be unlawful. 767

Sec. 2953.25. (A) As used in this section: 768

(1) "Collateral sanction" means a penalty, disability, or 769
disadvantage that is related to employment or occupational 770
licensing, however denominated, as a result of the individual's 771
conviction of or plea of guilty to an offense and that applies 772
by operation of law in this state whether or not the penalty, 773
disability, or disadvantage is included in the sentence or 774
judgment imposed. 775

"Collateral sanction" does not include imprisonment, 776
probation, parole, supervised release, forfeiture, restitution, 777
fine, assessment, or costs of prosecution. 778

(2) "Decision-maker" includes, but is not limited to, the 779
state acting through a department, agency, board, commission, or 780
instrumentality established by the law of this state for the 781
exercise of any function of government, a political subdivision, 782
an educational institution, or a government contractor or 783
subcontractor made subject to this section by contract, law, or 784
ordinance. 785

(3) "Department-funded program" means a residential or 786
nonresidential program that is not a term in a state 787
correctional institution, that is funded in whole or part by the 788
department of rehabilitation and correction, and that is imposed 789

as a sanction for an offense, as part of a sanction that is 790
imposed for an offense, or as a term or condition of any 791
sanction that is imposed for an offense. 792

(4) "Designee" means the person designated by the deputy 793
director of the division of parole and community services to 794
perform the duties designated in division (B) of this section. 795

(5) "Division of parole and community services" means the 796
division of parole and community services of the department of 797
rehabilitation and correction. 798

(6) "Offense" means any felony or misdemeanor under the 799
laws of this state. 800

(7) "Political subdivision" has the same meaning as in 801
section 2969.21 of the Revised Code. 802

(B) (1) After the provisions of this division become 803
operative as described in division (J) of this section, an 804
individual who is subject to one or more collateral sanctions as 805
a result of being convicted of or pleading guilty to an offense 806
and who either has served a term in a state correctional 807
institution for any offense or has spent time in a department- 808
funded program for any offense may file a petition with the 809
designee of the deputy director of the division of parole and 810
community services for a certificate of qualification for 811
employment. 812

(2) After the provisions of this division become operative 813
as described in division (J) of this section, an individual who 814
is subject to one or more collateral sanctions as a result of 815
being convicted of or pleading guilty to an offense and who is 816
not in a category described in division (B) (1) of this section 817
may file a petition with the court of common pleas of the county 818

in which the person resides or with the designee of the deputy 819
director of the division of parole and community services for a 820
certificate of qualification for employment. 821

(3) A petition under division (B)(1) or (2) of this 822
section shall be made on a copy of the form prescribed by the 823
division of parole and community services under division (J) of 824
this section and shall contain all of the information described 825
in division (F) of this section. 826

(4) An individual may file a petition under division (B) 827
(1) or (2) of this section at any time after the expiration of 828
whichever of the following is applicable: 829

(a) If the offense that resulted in the collateral 830
sanction from which the individual seeks relief is a felony, at 831
any time after the expiration of one year from the date of 832
release of the individual from any period of incarceration in a 833
state or local correctional facility that was imposed for that 834
offense and all periods of supervision imposed after release 835
from the period of incarceration or, if the individual was not 836
incarcerated for that offense, at any time after the expiration 837
of one year from the date of the individual's final release from 838
all other sanctions imposed for that offense. 839

(b) If the offense that resulted in the collateral 840
sanction from which the individual seeks relief is a 841
misdemeanor, at any time after the expiration of six months from 842
the date of release of the individual from any period of 843
incarceration in a local correctional facility that was imposed 844
for that offense and all periods of supervision imposed after 845
release from the period of incarceration or, if the individual 846
was not incarcerated for that offense, at any time after the 847
expiration of six months from the date of the final release of 848

the individual from all sanctions imposed for that offense 849
including any period of supervision. 850

(5) (a) A designee that receives a petition for a 851
certification of qualification for employment from an individual 852
under division (B) (1) or (2) of this section shall review the 853
petition to determine whether it is complete. If the petition is 854
complete, the designee shall forward the petition, and any other 855
information the designee possesses that relates to the petition, 856
to the court of common pleas of the county in which the 857
individual resides. 858

(b) A court of common pleas that receives a petition for a 859
certificate of qualification for employment from an individual 860
under division (B) (2) of this section, or that is forwarded a 861
petition for such a certificate under division (B) (5) (a) of this 862
section, shall attempt to determine all other courts in this 863
state in which the individual was convicted of or pleaded guilty 864
to an offense other than the offense from which the individual 865
is seeking relief. The court that receives or is forwarded the 866
petition shall notify all other courts in this state that it 867
determines under this division were courts in which the 868
individual was convicted of or pleaded guilty to an offense 869
other than the offense from which the individual is seeking 870
relief that the individual has filed the petition and that the 871
court may send comments regarding the possible issuance of the 872
certificate. 873

A court of common pleas that receives a petition for a 874
certificate of qualification for employment under division (B) 875
(2) of this section shall notify the prosecuting attorney of the 876
county in which the individual resides that the individual has 877
filed the petition. 878

A court of common pleas that receives a petition for a certificate of qualification for employment under division (B) (2) of this section, or that is forwarded a petition for qualification under division (B) (5) (a) of this section may direct the clerk of court to process and record all notices required in or under this section.

(C) (1) Upon receiving a petition for a certificate of qualification for employment filed by an individual under division (B) (2) of this section or being forwarded a petition for such a certificate under division (B) (5) (a) of this section, the court shall review the individual's petition, the individual's criminal history, all filings submitted by the prosecutor or by the victim in accordance with rules adopted by the division of parole and community services, and all other relevant evidence. The court may order any report, investigation, or disclosure by the individual that the court believes is necessary for the court to reach a decision on whether to approve the individual's petition for a certificate of qualification for employment.

(2) Upon receiving a petition for a certificate of qualification for employment filed by an individual under division (B) (2) of this section or being forwarded a petition for such a certificate under division (B) (5) (a) of this section, except as otherwise provided in this division, the court shall decide whether to issue the certificate within sixty days after the court receives or is forwarded the completed petition and all information requested for the court to make that decision. Upon request of the individual who filed the petition, the court may extend the sixty-day period specified in this division.

(3) Subject to division (C) (5) of this section, a court

that receives an individual's petition for a certificate of 909
qualification for employment under division (B) (2) of this 910
section or that is forwarded a petition for such a certificate 911
under division (B) (5) (a) of this section may issue a certificate 912
of qualification for employment, at the court's discretion, if 913
the court finds that the individual has established all of the 914
following by a preponderance of the evidence: 915

(a) Granting the petition will materially assist the 916
individual in obtaining employment or occupational licensing. 917

(b) The individual has a substantial need for the relief 918
requested in order to live a law-abiding life. 919

(c) Granting the petition would not pose an unreasonable 920
risk to the safety of the public or any individual. 921

(4) The submission of an incomplete petition by an 922
individual shall not be grounds for the designee or court to 923
deny the petition. 924

(5) A court that receives an individual's petition for a 925
certificate of qualification for employment under division (B) 926
(2) of this section or that is forwarded a petition for such a 927
certificate under division (B) (5) (a) of this section shall not 928
issue a certificate of qualification for employment that grants 929
the individual relief from any of the following collateral 930
sanctions: 931

(a) Requirements imposed by Chapter 2950. of the Revised 932
Code and rules adopted under sections 2950.13 and 2950.132 of 933
the Revised Code; 934

(b) A driver's license, commercial driver's license, or 935
probationary license suspension, cancellation, or revocation 936
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of 937

the Revised Code if the relief sought is available pursuant to 938
section 4510.021 or division (B) of section 4510.13 of the 939
Revised Code; 940

(c) Restrictions on employment as a prosecutor or law 941
enforcement officer; 942

(d) The denial, ineligibility, or automatic suspension of 943
a license that is imposed upon an individual applying for or 944
holding a license as a health care professional under Title 945
XLVII of the Revised Code if the individual is convicted of, 946
pleads guilty to, is subject to a judicial finding of 947
eligibility for intervention in lieu of conviction in this state 948
under section 2951.041 of the Revised Code, or is subject to 949
treatment or intervention in lieu of conviction for a violation 950
of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 951
2907.03, 2907.05, 2909.02, 2911.01, 2911.11, or ~~2919.123~~ 952
2919.201 to 2919.204 of the Revised Code; 953

(e) The immediate suspension of a license, certificate, or 954
evidence of registration that is imposed upon an individual 955
holding a license as a health care professional under Title 956
XLVII of the Revised Code pursuant to division (C) of section 957
3719.121 of the Revised Code; 958

(f) The denial or ineligibility for employment in a pain 959
clinic under division (B) (4) of section 4729.552 of the Revised 960
Code; 961

(g) The mandatory suspension of a license that is imposed 962
on an individual applying for or holding a license as a health 963
care professional under Title XLVII of the Revised Code pursuant 964
to section 3123.43 of the Revised Code. 965

(6) If a court that receives an individual's petition for 966

a certificate of qualification for employment under division (B) 967
(2) of this section or that is forwarded a petition for such a 968
certificate under division (B) (5) (a) of this section denies the 969
petition, the court shall provide written notice to the 970
individual of the court's denial. The court may place conditions 971
on the individual regarding the individual's filing of any 972
subsequent petition for a certificate of qualification for 973
employment. The written notice must notify the individual of any 974
conditions placed on the individual's filing of a subsequent 975
petition for a certificate of qualification for employment. 976

If a court of common pleas that receives an individual's 977
petition for a certificate of qualification for employment under 978
division (B) (2) of this section or that is forwarded a petition 979
for such a certificate under division (B) (5) (a) of this section 980
denies the petition, the individual may appeal the decision to 981
the court of appeals only if the individual alleges that the 982
denial was an abuse of discretion on the part of the court of 983
common pleas. 984

(D) A certificate of qualification for employment issued 985
to an individual lifts the automatic bar of a collateral 986
sanction, and a decision-maker shall consider on a case-by-case 987
basis whether to grant or deny the issuance or restoration of an 988
occupational license or an employment opportunity, 989
notwithstanding the individual's possession of the certificate, 990
without, however, reconsidering or rejecting any finding made by 991
a designee or court under division (C) (3) of this section. 992

(E) A certificate of qualification for employment does not 993
grant the individual to whom the certificate was issued relief 994
from the mandatory civil impacts identified in division (A) (1) 995
of section 2961.01 or division (B) of section 2961.02 of the 996

Revised Code.	997
(F) A petition for a certificate of qualification for employment filed by an individual under division (B)(1) or (2) of this section shall include all of the following:	998 999 1000
(1) The individual's name, date of birth, and social security number;	1001 1002
(2) All aliases of the individual and all social security numbers associated with those aliases;	1003 1004
(3) The individual's residence address, including the city, county, and state of residence and zip code;	1005 1006
(4) The length of time that the individual has been a resident of this state, expressed in years and months of residence;	1007 1008 1009
(5) The name or type of each collateral sanction from which the individual is requesting a certificate of qualification for employment;	1010 1011 1012
(6) A summary of the individual's criminal history with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses;	1013 1014 1015 1016 1017
(7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer;	1018 1019 1020
(8) Verifiable references and endorsements;	1021
(9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a	1022 1023

close relationship, who support the individual's reentry plan; 1024

(10) A summary of the reason the individual believes the 1025
certificate of qualification for employment should be granted; 1026

(11) Any other information required by rule by the 1027
department of rehabilitation and correction. 1028

(G) (1) In a judicial or administrative proceeding alleging 1029
negligence or other fault, a certificate of qualification for 1030
employment issued to an individual under this section may be 1031
introduced as evidence of a person's due care in hiring, 1032
retaining, licensing, leasing to, admitting to a school or 1033
program, or otherwise transacting business or engaging in 1034
activity with the individual to whom the certificate of 1035
qualification for employment was issued if the person knew of 1036
the certificate at the time of the alleged negligence or other 1037
fault. 1038

(2) In any proceeding on a claim against an employer for 1039
negligent hiring, a certificate of qualification for employment 1040
issued to an individual under this section shall provide 1041
immunity for the employer as to the claim if the employer knew 1042
of the certificate at the time of the alleged negligence. 1043

(3) If an employer hires an individual who has been issued 1044
a certificate of qualification for employment under this 1045
section, if the individual, after being hired, subsequently 1046
demonstrates dangerousness or is convicted of or pleads guilty 1047
to a felony, and if the employer retains the individual as an 1048
employee after the demonstration of dangerousness or the 1049
conviction or guilty plea, the employer may be held liable in a 1050
civil action that is based on or relates to the retention of the 1051
individual as an employee only if it is proved by a 1052

preponderance of the evidence that the person having hiring and 1053
firing responsibility for the employer had actual knowledge that 1054
the employee was dangerous or had been convicted of or pleaded 1055
guilty to the felony and was willful in retaining the individual 1056
as an employee after the demonstration of dangerousness or the 1057
conviction or guilty plea of which the person has actual 1058
knowledge. 1059

(H) A certificate of qualification for employment issued 1060
under this section shall be presumptively revoked if the 1061
individual to whom the certificate of qualification for 1062
employment was issued is convicted of or pleads guilty to a 1063
felony offense committed subsequent to the issuance of the 1064
certificate of qualification for employment. 1065

(I) A designee's forwarding, or failure to forward, a 1066
petition for a certificate of qualification for employment to a 1067
court or a court's issuance, or failure to issue, a petition for 1068
a certificate of qualification for employment to an individual 1069
under division (B) of this section does not give rise to a claim 1070
for damages against the department of rehabilitation and 1071
correction or court. 1072

(J) Not later than ninety days after September 28, 2012, 1073
the division of parole and community services shall adopt rules 1074
in accordance with Chapter 119. of the Revised Code for the 1075
implementation and administration of this section and shall 1076
prescribe the form for the petition to be used under division 1077
(B) (1) or (2) of this section. The form for the petition shall 1078
include places for all of the information specified in division 1079
(F) of this section. Upon the adoption of the rules, the 1080
provisions of divisions (A) to (I) of this section become 1081
operative. 1082

(K) The department of rehabilitation and correction shall 1083
conduct a study to determine the manner for transferring the 1084
mechanism for the issuance of a certificate of qualification for 1085
employment created by this section to an electronic database 1086
established and maintained by the department. The database to 1087
which the mechanism is to be transferred shall include granted 1088
certificates and revoked certificates and shall be designed to 1089
track the number of certificates granted and revoked, the 1090
industries, occupations, and professions with respect to which 1091
the certificates have been most applicable, the types of 1092
employers that have accepted the certificates, and the 1093
recidivism rates of individuals who have been issued the 1094
certificates. Not later than the date that is one year after 1095
September 28, 2012, the department of rehabilitation and 1096
correction shall submit to the general assembly and the governor 1097
a report that contains the results of the study and 1098
recommendations for transferring the mechanism for the issuance 1099
of certificate of qualification for employment created by this 1100
section to an electronic database established and maintained by 1101
the department. 1102

(L) The department of rehabilitation and correction, in 1103
conjunction with the Ohio judicial conference, shall conduct a 1104
study to determine whether the application process for 1105
certificates of qualification for employment created by this 1106
section is feasible based upon the caseload capacity of the 1107
department and the courts of common pleas. Not later than the 1108
date that is one year after September 28, 2012, the department 1109
shall submit to the general assembly a report that contains the 1110
results of the study and any recommendations for improvement of 1111
the application process. 1112

Sec. 4729.291. (A) When a licensed health professional 1113

authorized to prescribe drugs personally furnishes drugs to a 1114
patient pursuant to division (B) of section 4729.29 of the 1115
Revised Code, the prescriber shall ensure that the drugs are 1116
labeled and packaged in accordance with state and federal drug 1117
laws and any rules and regulations adopted pursuant to those 1118
laws. Records of purchase and disposition of all drugs 1119
personally furnished to patients shall be maintained by the 1120
prescriber in accordance with state and federal drug statutes 1121
and any rules adopted pursuant to those statutes. 1122

(B) When personally furnishing to a patient ~~RU-486-~~ 1123
~~(mifepristone)~~an abortion-inducing drug as defined in section 1124
2919.20 of the Revised Code, a prescriber is subject to ~~section-~~ 1125
~~2919.123~~ sections 2919.201 to 2919.204 of the Revised Code. A 1126
prescription for ~~RU-486 (mifepristone)~~an abortion-inducing drug 1127
shall be in writing and in accordance with ~~section 2919.123-~~ 1128
sections 2919.201 to 2919.204 of the Revised Code. 1129

(C) (1) Except as provided in division (D) of this section, 1130
no prescriber shall do either of the following: 1131

(a) In any thirty-day period, personally furnish to or for 1132
patients, taken as a whole, controlled substances in an amount 1133
that exceeds a total of two thousand five hundred dosage units; 1134

(b) In any seventy-two-hour period, personally furnish to 1135
or for a patient an amount of a controlled substance that 1136
exceeds the amount necessary for the patient's use in a seventy- 1137
two-hour period. 1138

(2) The state board of pharmacy may impose a fine of not 1139
more than five thousand dollars on a prescriber who fails to 1140
comply with the limits established under division (C) (1) of this 1141
section. A separate fine may be imposed for each instance of 1142

failing to comply with the limits. In imposing the fine, the 1143
board's actions shall be taken in accordance with Chapter 119. 1144
of the Revised Code. 1145

(D) (1) None of the following shall be counted in 1146
determining whether the amounts specified in division (C) (1) of 1147
this section have been exceeded: 1148

(a) Methadone provided to patients for the purpose of 1149
treating drug dependence or addiction, if the prescriber meets 1150
the conditions specified in 21 C.F.R. 1306.07; 1151

(b) Buprenorphine provided to patients for the purpose of 1152
treating drug dependence or addiction as part of an opioid 1153
treatment program that is the subject of a current, valid 1154
certification from the substance abuse and mental health 1155
services administration of the United States department of 1156
health and human services pursuant to 42 C.F.R. 8.11 and 1157
distributes both buprenorphine and methadone; 1158

(c) Controlled substances provided to research subjects by 1159
a facility conducting clinical research in studies approved by a 1160
hospital-based institutional review board or an institutional 1161
review board accredited by the association for the accreditation 1162
of human research protection programs. 1163

(2) Division (C) (1) of this section does not apply to a 1164
prescriber who is a veterinarian. 1165

Sec. 4731.22. (A) The state medical board, by an 1166
affirmative vote of not fewer than six of its members, may 1167
limit, revoke, or suspend an individual's certificate to 1168
practice, refuse to grant a certificate to an individual, refuse 1169
to register an individual, refuse to reinstate a certificate, or 1170
reprimand or place on probation the holder of a certificate if 1171

the individual or certificate holder is found by the board to 1172
have committed fraud during the administration of the 1173
examination for a certificate to practice or to have committed 1174
fraud, misrepresentation, or deception in applying for or 1175
securing any certificate to practice or certificate of 1176
registration issued by the board. 1177

(B) The board, by an affirmative vote of not fewer than 1178
six members, shall, to the extent permitted by law, limit, 1179
revoke, or suspend an individual's certificate to practice, 1180
refuse to register an individual, refuse to reinstate a 1181
certificate, or reprimand or place on probation the holder of a 1182
certificate for one or more of the following reasons: 1183

(1) Permitting one's name or one's certificate to practice 1184
or certificate of registration to be used by a person, group, or 1185
corporation when the individual concerned is not actually 1186
directing the treatment given; 1187

(2) Failure to maintain minimal standards applicable to 1188
the selection or administration of drugs, or failure to employ 1189
acceptable scientific methods in the selection of drugs or other 1190
modalities for treatment of disease; 1191

(3) Selling, giving away, personally furnishing, 1192
prescribing, or administering drugs for other than legal and 1193
legitimate therapeutic purposes or a plea of guilty to, a 1194
judicial finding of guilt of, or a judicial finding of 1195
eligibility for intervention in lieu of conviction of, a 1196
violation of any federal or state law regulating the possession, 1197
distribution, or use of any drug; 1198

(4) Willfully betraying a professional confidence. 1199

For purposes of this division, "willfully betraying a 1200

professional confidence" does not include providing any 1201
information, documents, or reports to a child fatality review 1202
board under sections 307.621 to 307.629 of the Revised Code and 1203
does not include the making of a report of an employee's use of 1204
a drug of abuse, or a report of a condition of an employee other 1205
than one involving the use of a drug of abuse, to the employer 1206
of the employee as described in division (B) of section 2305.33 1207
of the Revised Code. Nothing in this division affects the 1208
immunity from civil liability conferred by that section upon a 1209
physician who makes either type of report in accordance with 1210
division (B) of that section. As used in this division, 1211
"employee," "employer," and "physician" have the same meanings 1212
as in section 2305.33 of the Revised Code. 1213

(5) Making a false, fraudulent, deceptive, or misleading 1214
statement in the solicitation of or advertising for patients; in 1215
relation to the practice of medicine and surgery, osteopathic 1216
medicine and surgery, podiatric medicine and surgery, or a 1217
limited branch of medicine; or in securing or attempting to 1218
secure any certificate to practice or certificate of 1219
registration issued by the board. 1220

As used in this division, "false, fraudulent, deceptive, 1221
or misleading statement" means a statement that includes a 1222
misrepresentation of fact, is likely to mislead or deceive 1223
because of a failure to disclose material facts, is intended or 1224
is likely to create false or unjustified expectations of 1225
favorable results, or includes representations or implications 1226
that in reasonable probability will cause an ordinarily prudent 1227
person to misunderstand or be deceived. 1228

(6) A departure from, or the failure to conform to, 1229
minimal standards of care of similar practitioners under the 1230

same or similar circumstances, whether or not actual injury to a patient is established; 1231
1232

(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured; 1233
1234
1235
1236

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 1237
1238
1239

(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 1240
1241
1242

(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 1243
1244
1245

(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 1246
1247
1248
1249

(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 1250
1251
1252

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 1253
1254
1255

(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 1256
1257
1258

(15) Violation of the conditions of limitation placed by the board upon a certificate to practice;	1259 1260
(16) Failure to pay license renewal fees specified in this chapter;	1261 1262
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;	1263 1264 1265 1266 1267
(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The individual whose certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to the individual's profession.	1268 1269 1270 1271 1272 1273 1274 1275 1276 1277 1278
For purposes of this division, a "provision of a code of ethics of a national professional organization" does not include any provision that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As	1279 1280 1281 1282 1283 1284 1285 1286 1287 1288

used in this division, "employee," "employer," and "physician" 1289
have the same meanings as in section 2305.33 of the Revised 1290
Code. 1291

(19) Inability to practice according to acceptable and 1292
prevailing standards of care by reason of mental illness or 1293
physical illness, including, but not limited to, physical 1294
deterioration that adversely affects cognitive, motor, or 1295
perceptive skills. 1296

In enforcing this division, the board, upon a showing of a 1297
possible violation, may compel any individual authorized to 1298
practice by this chapter or who has submitted an application 1299
pursuant to this chapter to submit to a mental examination, 1300
physical examination, including an HIV test, or both a mental 1301
and a physical examination. The expense of the examination is 1302
the responsibility of the individual compelled to be examined. 1303
Failure to submit to a mental or physical examination or consent 1304
to an HIV test ordered by the board constitutes an admission of 1305
the allegations against the individual unless the failure is due 1306
to circumstances beyond the individual's control, and a default 1307
and final order may be entered without the taking of testimony 1308
or presentation of evidence. If the board finds an individual 1309
unable to practice because of the reasons set forth in this 1310
division, the board shall require the individual to submit to 1311
care, counseling, or treatment by physicians approved or 1312
designated by the board, as a condition for initial, continued, 1313
reinstated, or renewed authority to practice. An individual 1314
affected under this division shall be afforded an opportunity to 1315
demonstrate to the board the ability to resume practice in 1316
compliance with acceptable and prevailing standards under the 1317
provisions of the individual's certificate. For the purpose of 1318
this division, any individual who applies for or receives a 1319

certificate to practice under this chapter accepts the privilege 1320
of practicing in this state and, by so doing, shall be deemed to 1321
have given consent to submit to a mental or physical examination 1322
when directed to do so in writing by the board, and to have 1323
waived all objections to the admissibility of testimony or 1324
examination reports that constitute a privileged communication. 1325

(20) Except when civil penalties are imposed under section 1326
4731.225 or 4731.281 of the Revised Code, and subject to section 1327
4731.226 of the Revised Code, violating or attempting to 1328
violate, directly or indirectly, or assisting in or abetting the 1329
violation of, or conspiring to violate, any provisions of this 1330
chapter or any rule promulgated by the board. 1331

This division does not apply to a violation or attempted 1332
violation of, assisting in or abetting the violation of, or a 1333
conspiracy to violate, any provision of this chapter or any rule 1334
adopted by the board that would preclude the making of a report 1335
by a physician of an employee's use of a drug of abuse, or of a 1336
condition of an employee other than one involving the use of a 1337
drug of abuse, to the employer of the employee as described in 1338
division (B) of section 2305.33 of the Revised Code. Nothing in 1339
this division affects the immunity from civil liability 1340
conferred by that section upon a physician who makes either type 1341
of report in accordance with division (B) of that section. As 1342
used in this division, "employee," "employer," and "physician" 1343
have the same meanings as in section 2305.33 of the Revised 1344
Code. 1345

(21) The violation of section 3701.79 of the Revised Code 1346
or of any abortion rule adopted by the public health council 1347
pursuant to section 3701.341 of the Revised Code; 1348

(22) Any of the following actions taken by an agency 1349

responsible for authorizing, certifying, or regulating an 1350
individual to practice a health care occupation or provide 1351
health care services in this state or another jurisdiction, for 1352
any reason other than the nonpayment of fees: the limitation, 1353
revocation, or suspension of an individual's license to 1354
practice; acceptance of an individual's license surrender; 1355
denial of a license; refusal to renew or reinstate a license; 1356
imposition of probation; or issuance of an order of censure or 1357
other reprimand; 1358

(23) The violation of section 2919.12 of the Revised Code 1359
or the performance or inducement of an abortion upon a pregnant 1360
woman with actual knowledge that the conditions specified in 1361
division (B) of section 2317.56 of the Revised Code have not 1362
been satisfied or with a heedless indifference as to whether 1363
those conditions have been satisfied, unless an affirmative 1364
defense as specified in division (H) (2) of that section would 1365
apply in a civil action authorized by division (H) (1) of that 1366
section; 1367

(24) The revocation, suspension, restriction, reduction, 1368
or termination of clinical privileges by the United States 1369
department of defense or department of veterans affairs or the 1370
termination or suspension of a certificate of registration to 1371
prescribe drugs by the drug enforcement administration of the 1372
United States department of justice; 1373

(25) Termination or suspension from participation in the 1374
medicare or medicaid programs by the department of health and 1375
human services or other responsible agency for any act or acts 1376
that also would constitute a violation of division (B) (2), (3), 1377
(6), (8), or (19) of this section; 1378

(26) Impairment of ability to practice according to 1379

acceptable and prevailing standards of care because of habitual 1380
or excessive use or abuse of drugs, alcohol, or other substances 1381
that impair ability to practice. 1382

For the purposes of this division, any individual 1383
authorized to practice by this chapter accepts the privilege of 1384
practicing in this state subject to supervision by the board. By 1385
filing an application for or holding a certificate to practice 1386
under this chapter, an individual shall be deemed to have given 1387
consent to submit to a mental or physical examination when 1388
ordered to do so by the board in writing, and to have waived all 1389
objections to the admissibility of testimony or examination 1390
reports that constitute privileged communications. 1391

If it has reason to believe that any individual authorized 1392
to practice by this chapter or any applicant for certification 1393
to practice suffers such impairment, the board may compel the 1394
individual to submit to a mental or physical examination, or 1395
both. The expense of the examination is the responsibility of 1396
the individual compelled to be examined. Any mental or physical 1397
examination required under this division shall be undertaken by 1398
a treatment provider or physician who is qualified to conduct 1399
the examination and who is chosen by the board. 1400

Failure to submit to a mental or physical examination 1401
ordered by the board constitutes an admission of the allegations 1402
against the individual unless the failure is due to 1403
circumstances beyond the individual's control, and a default and 1404
final order may be entered without the taking of testimony or 1405
presentation of evidence. If the board determines that the 1406
individual's ability to practice is impaired, the board shall 1407
suspend the individual's certificate or deny the individual's 1408
application and shall require the individual, as a condition for 1409

initial, continued, reinstated, or renewed certification to 1410
practice, to submit to treatment. 1411

Before being eligible to apply for reinstatement of a 1412
certificate suspended under this division, the impaired 1413
practitioner shall demonstrate to the board the ability to 1414
resume practice in compliance with acceptable and prevailing 1415
standards of care under the provisions of the practitioner's 1416
certificate. The demonstration shall include, but shall not be 1417
limited to, the following: 1418

(a) Certification from a treatment provider approved under 1419
section 4731.25 of the Revised Code that the individual has 1420
successfully completed any required inpatient treatment; 1421

(b) Evidence of continuing full compliance with an 1422
aftercare contract or consent agreement; 1423

(c) Two written reports indicating that the individual's 1424
ability to practice has been assessed and that the individual 1425
has been found capable of practicing according to acceptable and 1426
prevailing standards of care. The reports shall be made by 1427
individuals or providers approved by the board for making the 1428
assessments and shall describe the basis for their 1429
determination. 1430

The board may reinstate a certificate suspended under this 1431
division after that demonstration and after the individual has 1432
entered into a written consent agreement. 1433

When the impaired practitioner resumes practice, the board 1434
shall require continued monitoring of the individual. The 1435
monitoring shall include, but not be limited to, compliance with 1436
the written consent agreement entered into before reinstatement 1437
or with conditions imposed by board order after a hearing, and, 1438

upon termination of the consent agreement, submission to the 1439
board for at least two years of annual written progress reports 1440
made under penalty of perjury stating whether the individual has 1441
maintained sobriety. 1442

(27) A second or subsequent violation of section 4731.66 1443
or 4731.69 of the Revised Code; 1444

(28) Except as provided in division (N) of this section: 1445

(a) Waiving the payment of all or any part of a deductible 1446
or copayment that a patient, pursuant to a health insurance or 1447
health care policy, contract, or plan that covers the 1448
individual's services, otherwise would be required to pay if the 1449
waiver is used as an enticement to a patient or group of 1450
patients to receive health care services from that individual; 1451

(b) Advertising that the individual will waive the payment 1452
of all or any part of a deductible or copayment that a patient, 1453
pursuant to a health insurance or health care policy, contract, 1454
or plan that covers the individual's services, otherwise would 1455
be required to pay. 1456

(29) Failure to use universal blood and body fluid 1457
precautions established by rules adopted under section 4731.051 1458
of the Revised Code; 1459

(30) Failure to provide notice to, and receive 1460
acknowledgment of the notice from, a patient when required by 1461
section 4731.143 of the Revised Code prior to providing 1462
nonemergency professional services, or failure to maintain that 1463
notice in the patient's file; 1464

(31) Failure of a physician supervising a physician 1465
assistant to maintain supervision in accordance with the 1466
requirements of Chapter 4730. of the Revised Code and the rules 1467

adopted under that chapter;	1468
(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;	1469 1470 1471 1472 1473 1474 1475
(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;	1476 1477 1478
(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	1479 1480 1481 1482 1483 1484 1485 1486 1487 1488 1489
(35) Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	1490 1491 1492 1493
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	1494 1495 1496

(37) Assisting suicide as defined in section 3795.01 of the Revised Code;	1497 1498
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	1499 1500
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	1501 1502 1503
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	1504 1505 1506 1507
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	1508 1509 1510 1511
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	1512 1513 1514 1515
(43) Failure to comply with the requirements of section 4729.79 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	1516 1517 1518 1519
(44) Failure to comply with the requirements of section 2919.171 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 of the Revised Code;	1520 1521 1522 1523
(45) Practicing at a facility that is subject to licensure	1524

as a category III terminal distributor of dangerous drugs with a 1525
pain management clinic classification unless the person 1526
operating the facility has obtained and maintains the license 1527
with the classification; 1528

(46) Owning a facility that is subject to licensure as a 1529
category III terminal distributor of dangerous drugs with a pain 1530
management clinic classification unless the facility is licensed 1531
with the classification; 1532

(47) Failure to comply with the requirement regarding 1533
maintaining notes described in division (B) of section 2919.191 1534
of the Revised Code or failure to satisfy the requirements of 1535
section 2919.191 of the Revised Code prior to performing or 1536
inducing an abortion upon a pregnant woman; 1537

(48) Failure to comply with the requirements in section 1538
3719.061 of the Revised Code before issuing for a minor a 1539
prescription for an opioid analgesic, as defined in section 1540
3719.01 of the Revised Code. 1541

(C) Disciplinary actions taken by the board under 1542
divisions (A) and (B) of this section shall be taken pursuant to 1543
an adjudication under Chapter 119. of the Revised Code, except 1544
that in lieu of an adjudication, the board may enter into a 1545
consent agreement with an individual to resolve an allegation of 1546
a violation of this chapter or any rule adopted under it. A 1547
consent agreement, when ratified by an affirmative vote of not 1548
fewer than six members of the board, shall constitute the 1549
findings and order of the board with respect to the matter 1550
addressed in the agreement. If the board refuses to ratify a 1551
consent agreement, the admissions and findings contained in the 1552
consent agreement shall be of no force or effect. 1553

A telephone conference call may be utilized for 1554
ratification of a consent agreement that revokes or suspends an 1555
individual's certificate to practice. The telephone conference 1556
call shall be considered a special meeting under division (F) of 1557
section 121.22 of the Revised Code. 1558

If the board takes disciplinary action against an 1559
individual under division (B) of this section for a second or 1560
subsequent plea of guilty to, or judicial finding of guilt of, a 1561
violation of ~~section 2919.123~~ sections 2919.201 to 2919.204 of 1562
the Revised Code, the disciplinary action shall consist of a 1563
suspension of the individual's certificate to practice for a 1564
period of at least one year or, if determined appropriate by the 1565
board, a more serious sanction involving the individual's 1566
certificate to practice. Any consent agreement entered into 1567
under this division with an individual that pertains to a second 1568
or subsequent plea of guilty to, or judicial finding of guilt 1569
of, a violation of that section shall provide for a suspension 1570
of the individual's certificate to practice for a period of at 1571
least one year or, if determined appropriate by the board, a 1572
more serious sanction involving the individual's certificate to 1573
practice. 1574

(D) For purposes of divisions (B) (10), (12), and (14) of 1575
this section, the commission of the act may be established by a 1576
finding by the board, pursuant to an adjudication under Chapter 1577
119. of the Revised Code, that the individual committed the act. 1578
The board does not have jurisdiction under those divisions if 1579
the trial court renders a final judgment in the individual's 1580
favor and that judgment is based upon an adjudication on the 1581
merits. The board has jurisdiction under those divisions if the 1582
trial court issues an order of dismissal upon technical or 1583
procedural grounds. 1584

(E) The sealing of conviction records by any court shall 1585
have no effect upon a prior board order entered under this 1586
section or upon the board's jurisdiction to take action under 1587
this section if, based upon a plea of guilty, a judicial finding 1588
of guilt, or a judicial finding of eligibility for intervention 1589
in lieu of conviction, the board issued a notice of opportunity 1590
for a hearing prior to the court's order to seal the records. 1591
The board shall not be required to seal, destroy, redact, or 1592
otherwise modify its records to reflect the court's sealing of 1593
conviction records. 1594

(F) (1) The board shall investigate evidence that appears 1595
to show that a person has violated any provision of this chapter 1596
or any rule adopted under it. Any person may report to the board 1597
in a signed writing any information that the person may have 1598
that appears to show a violation of any provision of this 1599
chapter or any rule adopted under it. In the absence of bad 1600
faith, any person who reports information of that nature or who 1601
testifies before the board in any adjudication conducted under 1602
Chapter 119. of the Revised Code shall not be liable in damages 1603
in a civil action as a result of the report or testimony. Each 1604
complaint or allegation of a violation received by the board 1605
shall be assigned a case number and shall be recorded by the 1606
board. 1607

(2) Investigations of alleged violations of this chapter 1608
or any rule adopted under it shall be supervised by the 1609
supervising member elected by the board in accordance with 1610
section 4731.02 of the Revised Code and by the secretary as 1611
provided in section 4731.39 of the Revised Code. The president 1612
may designate another member of the board to supervise the 1613
investigation in place of the supervising member. No member of 1614
the board who supervises the investigation of a case shall 1615

participate in further adjudication of the case. 1616

(3) In investigating a possible violation of this chapter 1617
or any rule adopted under this chapter, or in conducting an 1618
inspection under division (E) of section 4731.054 of the Revised 1619
Code, the board may question witnesses, conduct interviews, 1620
administer oaths, order the taking of depositions, inspect and 1621
copy any books, accounts, papers, records, or documents, issue 1622
subpoenas, and compel the attendance of witnesses and production 1623
of books, accounts, papers, records, documents, and testimony, 1624
except that a subpoena for patient record information shall not 1625
be issued without consultation with the attorney general's 1626
office and approval of the secretary and supervising member of 1627
the board. 1628

(a) Before issuance of a subpoena for patient record 1629
information, the secretary and supervising member shall 1630
determine whether there is probable cause to believe that the 1631
complaint filed alleges a violation of this chapter or any rule 1632
adopted under it and that the records sought are relevant to the 1633
alleged violation and material to the investigation. The 1634
subpoena may apply only to records that cover a reasonable 1635
period of time surrounding the alleged violation. 1636

(b) On failure to comply with any subpoena issued by the 1637
board and after reasonable notice to the person being 1638
subpoenaed, the board may move for an order compelling the 1639
production of persons or records pursuant to the Rules of Civil 1640
Procedure. 1641

(c) A subpoena issued by the board may be served by a 1642
sheriff, the sheriff's deputy, or a board employee designated by 1643
the board. Service of a subpoena issued by the board may be made 1644
by delivering a copy of the subpoena to the person named 1645

therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a certificate issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

(d) A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given or, in the case of a patient, a waiver of the patient privilege exists under division (B) of section 2317.02 of the

Revised Code, except that consent or a waiver of that nature is 1676
not required if the board possesses reliable and substantial 1677
evidence that no bona fide physician-patient relationship 1678
exists. 1679

The board may share any information it receives pursuant 1680
to an investigation or inspection, including patient records and 1681
patient record information, with law enforcement agencies, other 1682
licensing boards, and other governmental agencies that are 1683
prosecuting, adjudicating, or investigating alleged violations 1684
of statutes or administrative rules. An agency or board that 1685
receives the information shall comply with the same requirements 1686
regarding confidentiality as those with which the state medical 1687
board must comply, notwithstanding any conflicting provision of 1688
the Revised Code or procedure of the agency or board that 1689
applies when it is dealing with other information in its 1690
possession. In a judicial proceeding, the information may be 1691
admitted into evidence only in accordance with the Rules of 1692
Evidence, but the court shall require that appropriate measures 1693
are taken to ensure that confidentiality is maintained with 1694
respect to any part of the information that contains names or 1695
other identifying information about patients or complainants 1696
whose confidentiality was protected by the state medical board 1697
when the information was in the board's possession. Measures to 1698
ensure confidentiality that may be taken by the court include 1699
sealing its records or deleting specific information from its 1700
records. 1701

(6) On a quarterly basis, the board shall prepare a report 1702
that documents the disposition of all cases during the preceding 1703
three months. The report shall contain the following information 1704
for each case with which the board has completed its activities: 1705

(a) The case number assigned to the complaint or alleged violation; 1706
1707

(b) The type of certificate to practice, if any, held by the individual against whom the complaint is directed; 1708
1709

(c) A description of the allegations contained in the complaint; 1710
1711

(d) The disposition of the case. 1712

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code. 1713
1714
1715
1716

(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's certificate to practice without a prior hearing: 1717
1718
1719

(1) That there is clear and convincing evidence that an individual has violated division (B) of this section; 1720
1721

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public. 1722
1723

Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension. 1724
1725
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The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension 1731
1732
1733

by the court during pendency of any appeal filed under section 1734
119.12 of the Revised Code. If the individual subject to the 1735
summary suspension requests an adjudicatory hearing by the 1736
board, the date set for the hearing shall be within fifteen 1737
days, but not earlier than seven days, after the individual 1738
requests the hearing, unless otherwise agreed to by both the 1739
board and the individual. 1740

Any summary suspension imposed under this division shall 1741
remain in effect, unless reversed on appeal, until a final 1742
adjudicative order issued by the board pursuant to this section 1743
and Chapter 119. of the Revised Code becomes effective. The 1744
board shall issue its final adjudicative order within seventy- 1745
five days after completion of its hearing. A failure to issue 1746
the order within seventy-five days shall result in dissolution 1747
of the summary suspension order but shall not invalidate any 1748
subsequent, final adjudicative order. 1749

(H) If the board takes action under division (B) (9), (11), 1750
or (13) of this section and the judicial finding of guilt, 1751
guilty plea, or judicial finding of eligibility for intervention 1752
in lieu of conviction is overturned on appeal, upon exhaustion 1753
of the criminal appeal, a petition for reconsideration of the 1754
order may be filed with the board along with appropriate court 1755
documents. Upon receipt of a petition of that nature and 1756
supporting court documents, the board shall reinstate the 1757
individual's certificate to practice. The board may then hold an 1758
adjudication under Chapter 119. of the Revised Code to determine 1759
whether the individual committed the act in question. Notice of 1760
an opportunity for a hearing shall be given in accordance with 1761
Chapter 119. of the Revised Code. If the board finds, pursuant 1762
to an adjudication held under this division, that the individual 1763
committed the act or if no hearing is requested, the board may 1764

order any of the sanctions identified under division (B) of this section. 1765
1766

(I) The certificate to practice issued to an individual 1767
under this chapter and the individual's practice in this state 1768
are automatically suspended as of the date of the individual's 1769
second or subsequent plea of guilty to, or judicial finding of 1770
guilt of, a violation of ~~section 2919.123~~ sections 2919.201 to 1771
2919.204 of the Revised Code, or the date the individual pleads 1772
guilty to, is found by a judge or jury to be guilty of, or is 1773
subject to a judicial finding of eligibility for intervention in 1774
lieu of conviction in this state or treatment or intervention in 1775
lieu of conviction in another jurisdiction for any of the 1776
following criminal offenses in this state or a substantially 1777
equivalent criminal offense in another jurisdiction: aggravated 1778
murder, murder, voluntary manslaughter, felonious assault, 1779
kidnapping, rape, sexual battery, gross sexual imposition, 1780
aggravated arson, aggravated robbery, or aggravated burglary. 1781
Continued practice after suspension shall be considered 1782
practicing without a certificate. 1783

The board shall notify the individual subject to the 1784
suspension by certified mail or in person in accordance with 1785
section 119.07 of the Revised Code. If an individual whose 1786
certificate is automatically suspended under this division fails 1787
to make a timely request for an adjudication under Chapter 119. 1788
of the Revised Code, the board shall do whichever of the 1789
following is applicable: 1790

(1) If the automatic suspension under this division is for 1791
a second or subsequent plea of guilty to, or judicial finding of 1792
guilt of, a violation of ~~section 2919.123~~ sections 2919.201 to 1793
2919.204 of the Revised Code, the board shall enter an order 1794

suspending the individual's certificate to practice for a period 1795
of at least one year or, if determined appropriate by the board, 1796
imposing a more serious sanction involving the individual's 1797
certificate to practice. 1798

(2) In all circumstances in which division (I)(1) of this 1799
section does not apply, enter a final order permanently revoking 1800
the individual's certificate to practice. 1801

(J) If the board is required by Chapter 119. of the 1802
Revised Code to give notice of an opportunity for a hearing and 1803
if the individual subject to the notice does not timely request 1804
a hearing in accordance with section 119.07 of the Revised Code, 1805
the board is not required to hold a hearing, but may adopt, by 1806
an affirmative vote of not fewer than six of its members, a 1807
final order that contains the board's findings. In that final 1808
order, the board may order any of the sanctions identified under 1809
division (A) or (B) of this section. 1810

(K) Any action taken by the board under division (B) of 1811
this section resulting in a suspension from practice shall be 1812
accompanied by a written statement of the conditions under which 1813
the individual's certificate to practice may be reinstated. The 1814
board shall adopt rules governing conditions to be imposed for 1815
reinstatement. Reinstatement of a certificate suspended pursuant 1816
to division (B) of this section requires an affirmative vote of 1817
not fewer than six members of the board. 1818

(L) When the board refuses to grant a certificate to an 1819
applicant, revokes an individual's certificate to practice, 1820
refuses to register an applicant, or refuses to reinstate an 1821
individual's certificate to practice, the board may specify that 1822
its action is permanent. An individual subject to a permanent 1823
action taken by the board is forever thereafter ineligible to 1824

hold a certificate to practice and the board shall not accept an 1825
application for reinstatement of the certificate or for issuance 1826
of a new certificate. 1827

(M) Notwithstanding any other provision of the Revised 1828
Code, all of the following apply: 1829

(1) The surrender of a certificate issued under this 1830
chapter shall not be effective unless or until accepted by the 1831
board. A telephone conference call may be utilized for 1832
acceptance of the surrender of an individual's certificate to 1833
practice. The telephone conference call shall be considered a 1834
special meeting under division (F) of section 121.22 of the 1835
Revised Code. Reinstatement of a certificate surrendered to the 1836
board requires an affirmative vote of not fewer than six members 1837
of the board. 1838

(2) An application for a certificate made under the 1839
provisions of this chapter may not be withdrawn without approval 1840
of the board. 1841

(3) Failure by an individual to renew a certificate of 1842
registration in accordance with this chapter shall not remove or 1843
limit the board's jurisdiction to take any disciplinary action 1844
under this section against the individual. 1845

(4) At the request of the board, a certificate holder 1846
shall immediately surrender to the board a certificate that the 1847
board has suspended, revoked, or permanently revoked. 1848

(N) Sanctions shall not be imposed under division (B) (28) 1849
of this section against any person who waives deductibles and 1850
copayments as follows: 1851

(1) In compliance with the health benefit plan that 1852
expressly allows such a practice. Waiver of the deductibles or 1853

copayments shall be made only with the full knowledge and 1854
consent of the plan purchaser, payer, and third-party 1855
administrator. Documentation of the consent shall be made 1856
available to the board upon request. 1857

(2) For professional services rendered to any other person 1858
authorized to practice pursuant to this chapter, to the extent 1859
allowed by this chapter and rules adopted by the board. 1860

(0) Under the board's investigative duties described in 1861
this section and subject to division (F) of this section, the 1862
board shall develop and implement a quality intervention program 1863
designed to improve through remedial education the clinical and 1864
communication skills of individuals authorized under this 1865
chapter to practice medicine and surgery, osteopathic medicine 1866
and surgery, and podiatric medicine and surgery. In developing 1867
and implementing the quality intervention program, the board may 1868
do all of the following: 1869

(1) Offer in appropriate cases as determined by the board 1870
an educational and assessment program pursuant to an 1871
investigation the board conducts under this section; 1872

(2) Select providers of educational and assessment 1873
services, including a quality intervention program panel of case 1874
reviewers; 1875

(3) Make referrals to educational and assessment service 1876
providers and approve individual educational programs 1877
recommended by those providers. The board shall monitor the 1878
progress of each individual undertaking a recommended individual 1879
educational program. 1880

(4) Determine what constitutes successful completion of an 1881
individual educational program and require further monitoring of 1882

the individual who completed the program or other action that 1883
the board determines to be appropriate; 1884

(5) Adopt rules in accordance with Chapter 119. of the 1885
Revised Code to further implement the quality intervention 1886
program. 1887

An individual who participates in an individual 1888
educational program pursuant to this division shall pay the 1889
financial obligations arising from that educational program. 1890

Sec. 4731.223. (A) As used in this section, "prosecutor" 1891
has the same meaning as in section 2935.01 of the Revised Code. 1892

(B) Whenever any person holding a valid certificate issued 1893
pursuant to this chapter pleads guilty to, is subject to a 1894
judicial finding of guilt of, or is subject to a judicial 1895
finding of eligibility for intervention in lieu of conviction 1896
for a violation of Chapter 2907., 2925., or 3719. of the Revised 1897
Code or of any substantively comparable ordinance of a municipal 1898
corporation in connection with the person's practice, or for a 1899
second or subsequent time pleads guilty to, or is subject to a 1900
judicial finding of guilt of, a violation of ~~section 2919.123-~~ 1901
sections 2919.201 to 2919.204 of the Revised Code, the 1902
prosecutor in the case, on forms prescribed and provided by the 1903
state medical board, shall promptly notify the board of the 1904
conviction or guilty plea. Within thirty days of receipt of that 1905
information, the board shall initiate action in accordance with 1906
Chapter 119. of the Revised Code to determine whether to suspend 1907
or revoke the certificate under section 4731.22 of the Revised 1908
Code. 1909

(C) The prosecutor in any case against any person holding 1910
a valid certificate issued pursuant to this chapter, on forms 1911

prescribed and provided by the state medical board, shall notify 1912
the board of any of the following: 1913

(1) A plea of guilty to, a finding of guilt by a jury or 1914
court of, or judicial finding of eligibility for intervention in 1915
lieu of conviction for a felony, or a case in which the trial 1916
court issues an order of dismissal upon technical or procedural 1917
grounds of a felony charge; 1918

(2) A plea of guilty to, a finding of guilt by a jury or 1919
court of, or judicial finding of eligibility for intervention in 1920
lieu of conviction for a misdemeanor committed in the course of 1921
practice, or a case in which the trial court issues an order of 1922
dismissal upon technical or procedural grounds of a charge of a 1923
misdemeanor, if the alleged act was committed in the course of 1924
practice; 1925

(3) A plea of guilty to, a finding of guilt by a jury or 1926
court of, or judicial finding of eligibility for intervention in 1927
lieu of conviction for a misdemeanor involving moral turpitude, 1928
or a case in which the trial court issues an order of dismissal 1929
upon technical or procedural grounds of a charge of a 1930
misdemeanor involving moral turpitude. 1931

The report shall include the name and address of the 1932
certificate holder, the nature of the offense for which the 1933
action was taken, and the certified court documents recording 1934
the action. 1935

Section 2. That existing sections 109.572, 2919.123, 1936
2953.25, 4729.291, 4731.22, and 4731.223 of the Revised Code are 1937
hereby repealed. 1938

Section 3. Section 109.572 of the Revised Code is 1939
presented in this act as a composite of the section as amended 1940

by both Am. Sub. H.B. 483 and Am. Sub. S.B. 143 of the 130th	1941
General Assembly. The General Assembly, applying the principle	1942
stated in division (B) of section 1.52 of the Revised Code that	1943
amendments are to be harmonized if reasonably capable of	1944
simultaneous operation, finds that the composite is the	1945
resulting version of the section in effect prior to the	1946
effective date of the section as presented in this act.	1947