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Representative Carfagna

Cosponsors: Representatives Carruthers, Edwards, Ginter, Hood, LaTourette, Lipps, Manning, D., O'Brien, Plummer, Roemer, Schaffer, West, Baldrige, Blair, Crossman, Dean, DeVitis, Fraizer, Grendell, Hambley, Hicks-Hudson, Hillyer, Hoops, Keller, Lepore-Hagan, Lightbody, Manning, G., Miller, J., Oelslager, Patterson, Perales, Reineke, Riedel, Rogers, Romanchuk, Russo, Seitz, Sobecki, Stein, Swearingen, Sweeney, Weinstein, Wiggam

Senators Antonio, Blessing, Brenner, Burke, Craig, Eklund, Fedor, Gavarone, Hackett, Hoagland, Hottinger, Huffman, M., Huffman, S., Johnson, Kunze, Lehner, Manning, McColley, Roegner, Rulli, Schaffer, Schuring, Wilson, Yuko

A BILL

To amend sections 1349.05, 4734.04, 4734.05,	1
4734.15, 4734.25, 4734.283, 4734.285, and	2
4734.31 and to enact sections 3702.98, 3702.981,	3
3702.982, 3702.983, 3702.984, 3702.985,	4
3702.986, 3702.987, 3702.988, 3702.989,	5
3702.9810, and 4734.151 of the Revised Code and	6
to amend Section 2 of H.B. 606 of the 133rd	7
General Assembly to create the Chiropractic Loan	8
Repayment Program and revise certain laws	9
administered by the State Chiropractic Board; to	10
make changes to prohibitions regarding	11
soliciting employment after a motor vehicle	12
accident or crime; to clarify the effect of	13
government orders on the temporary civil	14
immunity for injuries caused by the transmission	15
or contraction of or exposure to certain	16
viruses; to grant temporary qualified civil	17

immunity to health care isolation centers during 18
a disaster or emergency; to temporarily 19
authorize emergency medical technicians to 20
perform certain emergency medical services in 21
hospitals; and to declare an emergency. 22

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

Section 1. That sections 1349.05, 4734.04, 4734.05, 23
4734.15, 4734.25, 4734.283, 4734.285, and 4734.31 be amended and 24
sections 3702.98, 3702.981, 3702.982, 3702.983, 3702.984, 25
3702.985, 3702.986, 3702.987, 3702.988, 3702.989, 3702.9810, and 26
4734.151 of the Revised Code be enacted to read as follows: 27

Sec. 1349.05. (A) As used in this section: 28

(1) "Agency" and "license" have the same meanings as in 29
section 119.01 of the Revised Code. 30

(2) "Crime" ~~and "victim" have~~ has the same meanings— 31
meaning as in section 2930.01 of the Revised Code. 32

(3) "Health care practitioner" means any of the following: 33

(a) An individual licensed under Chapter 4731. of the 34
Revised Code to practice medicine and surgery; 35

(b) An individual licensed under Chapter 4723. of the 36
Revised Code to practice as an advanced practice registered 37
nurse; 38

(c) An individual licensed under Chapter 4730. of the 39
Revised Code to practice as a physician assistant; 40

(d) An individual licensed under Chapter 4732. of the 41

Revised Code to practice as a psychologist; 42

(e) An individual licensed under Chapter 4734. of the 43
Revised Code to practice as a chiropractor. 44

(4) "Victim" has the same meaning as in section 2930.01 of 45
the Revised Code, except that it excludes any party to a motor 46
vehicle accident. 47

(B) No health care practitioner, with the intent to obtain 48
professional employment for the health care practitioner, shall 49
directly contact in person, by telephone, or by electronic means 50
~~any party to a motor vehicle accident,~~ any victim of a crime, or 51
any witness to a motor vehicle accident or crime, other than a 52
witness that was a party to a motor vehicle accident, until 53
thirty days after the date of the motor vehicle accident or 54
crime. 55

~~Any communication to obtain professional employment shall~~ 56
~~be sent via the United States postal service.~~ 57

(C) No person who has been paid or given, or was offered 58
to be paid or given, money or anything of value to solicit 59
employment on behalf of another shall directly contact in 60
person, by telephone, or by electronic means ~~any party to a~~ 61
~~motor vehicle accident,~~ any victim of a crime, or any witness to 62
a motor vehicle accident or crime, other than a witness that was 63
a party to a motor vehicle accident, until thirty days after the 64
date of the motor vehicle accident or crime. 65

~~Any communication to solicit employment on behalf of~~ 66
~~another shall be sent via the United States postal service.~~ 67

~~(D) If the attorney general believes that a health care~~ 68
~~practitioner or a person described in division (C) of this~~ 69
~~section has violated division (B) or (C) of this section, the~~ 70

~~attorney general shall issue a notice and conduct a hearing in~~ 71
~~accordance with Chapter 119. of the Revised Code. If, after the~~ 72
~~hearing, the attorney general determines that a violation of~~ 73
~~division (B) or (C) of this section occurred, the attorney~~ 74
~~general shall impose a fine of five thousand dollars for each~~ 75
~~violation to each health care practitioner or person described~~ 76
~~in division (C) of this section who sought to financially~~ 77
~~benefit from the solicitation. If the attorney general~~ 78
~~determines that a health care practitioner or person described~~ 79
~~in division (C) of this section has subsequently violated~~ 80
~~division (B) or (C) of this section, the attorney general shall~~ 81
~~impose a fine of twenty five thousand dollars for each~~ 82
~~violation.~~ (1) Except as provided in division (D)(3) of this 83
section, all of the following apply to a health care 84
practitioner who, for the purpose of obtaining professional 85
employment, contacts any party to a motor vehicle accident: 86

(a) The health care practitioner shall not contact the 87
party in person at any time for the purpose of obtaining 88
professional employment. 89

(b) Beginning twenty-four hours after the time of the 90
accident, the health care practitioner may initiate contact with 91
the party for the purpose of obtaining professional employment 92
as follows: 93

(i) Through telephone, but not more than once in any 94
forty-eight hour period; 95

(ii) Once through electronic mail; 96

(iii) Once through a text message; 97

(iv) Once in writing delivered through the United States 98
postal service. 99

(2) Except as provided in division (D)(3) of this section, 100
all of the following apply to a person who has been paid or 101
given, or was offered to be paid or given, money or anything of 102
value to contact, for the purpose of obtaining professional 103
employment on behalf of another, any party to a motor vehicle 104
accident: 105

(a) The person shall not contact the party in person at 106
any time for the purpose of obtaining professional employment on 107
behalf of another. 108

(b) Beginning twenty-four hours after the time of the 109
accident, the person may initiate contact with the party for the 110
purpose of obtaining professional employment on behalf of 111
another as follows: 112

(i) Through telephone, but not more than once in any 113
forty-eight hour period; 114

(ii) Once through electronic mail; 115

(iii) Once through a text message; 116

(iv) Once in writing delivered through the United States 117
postal service. 118

(3) Divisions (D)(1) and (2) of this section do not apply 119
to any person who solicits professional services to any party to 120
a motor vehicle accident if the party being solicited was a 121
previous purchaser of services from the person soliciting 122
employment, or from the person on whose behalf employment is 123
being solicited, and if both of the following apply: 124

(a) The solicitation is made under the same business or 125
professional name that was previously used to sell services to 126
the party to the motor vehicle accident. 127

(b) The person who will be providing the services has, for 128
a period of not less than three years, operated a business or 129
professional occupation under the same business or professional 130
name as the name used in the solicitation. 131

(E) If an agency that has issued a license to a person 132
believes that the person has violated this section, the agency 133
shall issue a notice and conduct a hearing in accordance with 134
Chapter 119. of the Revised Code. After determining that a 135
~~health care practitioner or person described in division (C) of~~ 136
~~this section has violated division (B) or (C) of this section on~~ 137
~~three separate occasions, and if that health care practitioner~~ 138
~~or person described in division (C) of this section holds a~~ 139
~~license issued by an agency, the attorney general shall notify~~ 140
~~that agency in writing of the three violations. On receipt of~~ 141
~~that notice, the agency shall suspend the health care~~ 142
~~practitioner's or the person's license without a prior hearing~~ 143
~~and shall afford the health care practitioner or the person a~~ 144
~~hearing on request in accordance with section 119.06 of the~~ 145
~~Revised Code.~~ 146

Sec. 3702.98. There is hereby created the chiropractic 147
loan repayment program, which shall be administered by the 148
department of health in cooperation with the chiropractic loan 149
repayment advisory board. The program shall provide loan 150
repayment on behalf of individuals who agree to provide 151
chiropractic services in areas designated as chiropractic health 152
resource shortage areas by the director of health pursuant to 153
section 3702.982 of the Revised Code. 154

Under the program, the department of health, by means of a 155
contract entered into under section 3702.986 of the Revised 156
Code, may agree to repay all or part of the principal and 157

interest of a government or other educational loan taken by an 158
individual for the following expenses incurred while the 159
individual was enrolled in an accredited chiropractic school or 160
college: 161

(A) Tuition; 162

(B) Other educational expenses, such as fees, books, and 163
laboratory expenses that are for purposes and in amounts 164
determined reasonable by the director of health; 165

(C) Room and board, in an amount determined reasonable by 166
the director of health. 167

Sec. 3702.981. The director of health, in accordance with 168
Chapter 119. of the Revised Code, shall adopt rules as necessary 169
to implement and administer sections 3702.98 to 3702.9810 of the 170
Revised Code. In preparing rules, the director shall consult 171
with the chiropractic loan repayment advisory board. 172

Sec. 3702.982. (A) The director of health shall designate, 173
as chiropractic health resource shortage areas, areas in this 174
state that experience special chiropractic health problems and 175
chiropractor practice patterns that limit access to chiropractic 176
care. Except as provided in division (B) of this section, the 177
designations shall be made by rule. The designations may apply 178
to a geographic area, one or more facilities within a particular 179
area, or a population group within a particular area. The 180
director shall consider for designation as a chiropractic health 181
resource shortage area any area in this state that has been 182
designated by the United States secretary of health and human 183
services as a health professional shortage area under section 184
332 of the "Public Health Service Act," 42 U.S.C. 254e. 185

(B) (1) As used in division (B) (2) of this section: 186

(a) "Free clinic" has the same meaning as in section 187
3701.071 of the Revised Code. 188

(b) "Federally qualified health center" and "federally 189
qualified health center look-alike" have the same meanings as in 190
section 3701.047 of the Revised Code. 191

(2) The director shall designate each free clinic, 192
federally qualified health center, and federally qualified 193
health center look-alike as a chiropractic health resource 194
shortage area, regardless of whether the clinic or center is 195
located in a geographic area that is designated as a 196
chiropractic health resource shortage area. 197

Sec. 3702.983. The director of health, by rule, shall 198
establish priorities among chiropractic health resource shortage 199
areas for use in recruiting chiropractors to sites within 200
particular areas under the chiropractic loan repayment program. 201
In establishing priorities, the director shall consider the 202
ratio of chiropractors to the population in the chiropractic 203
health resource shortage area, the distance to chiropractors 204
outside the area, health status indicators of the target 205
population in the area, presence of health care provider sites 206
in the area with vacancies for chiropractors, availability of an 207
eligible candidate interested in being recruited to a particular 208
site within an area, and the distribution of chiropractic health 209
care provider sites in urban and rural regions. The director 210
shall give greatest priority to chiropractic health resource 211
shortage areas having a high ratio of population to 212
chiropractors. 213

The director, by rule, shall establish priorities for use 214
in determining eligibility among applicants for participation in 215
the chiropractic loan repayment program. The priorities may 216

include consideration of an applicant's background and career 217
goals, the length of time the applicant is willing to provide 218
chiropractic services in a chiropractic health resource shortage 219
area, and the amount of the educational expenses for which 220
reimbursement is being sought through the program. 221

Sec. 3702.984. (A) An individual who has not received 222
other student loan repayment assistance and meets either of the 223
following requirements may apply for participation in the 224
chiropractic loan repayment program: 225

(1) The individual is a chiropractic student enrolled in 226
the final year of chiropractic school or college. 227

(2) The individual holds a current, valid license to 228
practice chiropractic issued under Chapter 4734. of the Revised 229
Code. 230

(B) An application for participation in the chiropractic 231
loan repayment program shall be submitted to the director of 232
health on a form that the director shall prescribe. The 233
information required to be submitted with an application 234
includes the following: 235

(1) The applicant's name, permanent address or address at 236
which the applicant is currently residing if different from the 237
permanent address, and telephone number; 238

(2) The chiropractic school or college the applicant is 239
attending or attended, the dates of attendance, and verification 240
of attendance; 241

(3) A summary and verification of the educational expenses 242
for which the applicant seeks reimbursement under the program; 243

(4) If applicable, verification of the applicant's 244

current, valid license to practice chiropractic issued by the 245
state chiropractic board under Chapter 4734. of the Revised 246
Code; 247

(5) Verification of the applicant's United States 248
citizenship or status as a legal alien. 249

Sec. 3702.985. If funds are available in the chiropractic 250
loan repayment fund created under section 3702.9810 of the 251
Revised Code and the general assembly has appropriated the funds 252
for the program, the director of health shall approve an 253
applicant for participation in the program on finding in 254
accordance with the priorities established under section 255
3702.983 of the Revised Code that the applicant is eligible for 256
participation and is needed in a chiropractic health resource 257
shortage area. 258

On approving an application, the director shall notify and 259
enter into discussions with the applicant. The object of the 260
discussions is to facilitate recruitment of the applicant to a 261
site within a chiropractic health resource shortage area at 262
which, according to the priorities established under section 263
3702.983 of the Revised Code, the applicant is needed. 264

The director may refer the applicant to the Ohio state 265
chiropractic association, or its successor organization, for 266
assistance with the applicant's recruitment and placement. 267

If the director and applicant agree on the applicant's 268
placement at a particular site within a chiropractic health 269
resource shortage area, the applicant shall sign and deliver to 270
the director a letter of intent agreeing to that placement. 271

Sec. 3702.986. (A) An individual who has signed a letter 272
of intent under section 3702.985 of the Revised Code and the 273

director of health may enter into a contract for the applicant's 274
participation in the chiropractic loan repayment program. A 275
lending institution may also be a party to the contract. 276

(B) The contract shall include all of the following 277
obligations: 278

(1) The individual agrees to provide chiropractic services 279
in the chiropractic health resource shortage area identified in 280
the letter of intent for at least two years; 281

(2) When providing chiropractic services in the 282
chiropractic health resource shortage area, the individual 283
agrees to do all of the following: 284

(a) Provide chiropractic services for a minimum of twenty 285
hours per week; 286

(b) Provide chiropractic services without regard to a 287
patient's ability to pay; 288

(c) Meet the requirements for a medicaid provider 289
agreement and enter into the agreement with the department of 290
medicaid to provide chiropractic services to medicaid 291
recipients. 292

(3) The department of health agrees, as provided in 293
section 3702.98 of the Revised Code, to repay all or part of the 294
principal and interest of a government or other educational loan 295
taken by the individual for expenses described in section 296
3702.98 of the Revised Code so long as both of the following are 297
the case: 298

(a) The individual performs the service obligation agreed 299
to under division (B)(1) of this section. 300

(b) The repayment amount does not exceed those described 301

in section 3702.988 of the Revised Code. 302

(4) The individual agrees to pay the department of health 303
the following amount if the individual fails to complete the 304
service obligation agreed to under division (B)(1) of this 305
section: 306

(a) For a failure to complete service occurring during the 307
first two years of the service obligation, one and one-half 308
times the total repayment amount agreed to by the department 309
under division (B)(3) of this section; 310

(b) For a failure to complete service occurring after the 311
first two years of the service obligation, one and one-half 312
times any amount that still remains to be repaid by the 313
department under division (B)(3) of this section. 314

(C) The contract may include any other term as agreed upon 315
by the parties, including a term in which the department assumes 316
the individual's duty to pay the principal and interest of a 317
government or other educational loan taken by the individual for 318
expenses described in section 3702.98 of the Revised Code. If 319
the department assumes that duty, the contract shall specify the 320
total amount of the principal and interest to be paid, an 321
amortization schedule, and the amount of each payment to be made 322
under the schedule. 323

(D) Not later than the thirty-first day of January of each 324
year, the department of health shall send by ordinary mail to 325
each individual participating in the chiropractic loan repayment 326
program a statement listing the amount of the principal and 327
interest that has been repaid by the department in the previous 328
year. Each participating individual shall notify the department 329
of any change of address and shall do so not later than thirty 330

days after the change of address. 331

Sec. 3702.987. (A) There is hereby created the 332
chiropractic loan repayment advisory board. The board shall 333
consist of the following members: 334

(1) One member of the house of representatives, appointed 335
by the speaker of the house of representatives; 336

(2) One member of the senate, appointed by the president 337
of the senate; 338

(3) A representative of the department of higher 339
education, appointed by the chancellor; 340

(4) The director of health or an employee of the 341
department of health designated by the director; 342

(5) Three representatives of the chiropractic profession, 343
appointed by the governor. 344

(B) Initial appointments shall be made not later than 345
ninety days after the effective date of this section. Of the 346
initial appointments made by the governor, two members shall 347
serve a term of one year and one member shall serve a term of 348
two years. The member initially appointed by the speaker of the 349
house of representatives shall serve a term of one year. The 350
member initially appointed by the senate president shall serve a 351
term of two years. Thereafter, terms of office of all appointed 352
members shall be two years. Each member shall hold office from 353
the date of appointment until the end of the term for which the 354
member was appointed, except that a legislative member ceases to 355
be a member of the board on ceasing to be a member of the 356
general assembly. No person shall be appointed to the board for 357
more than two consecutive terms. 358

Vacancies shall be filled in the manner prescribed for the 359
original appointment. A member appointed to fill a vacancy 360
occurring prior to the expiration of the term for which the 361
member's predecessor was appointed shall hold office for the 362
remainder of that term. A member shall continue in office 363
subsequent to the expiration of the member's term until a 364
successor takes office or until sixty days have elapsed, 365
whichever occurs first. 366

The governor, speaker, or president may remove a member 367
for whom the governor, speaker, or president was the appointing 368
authority, for misfeasance, malfeasance, or willful neglect of 369
duty. 370

The board shall designate a member to serve as chairperson 371
of the board. 372

The board shall meet at least once annually. The 373
chairperson shall call special meetings as needed or upon the 374
request of four members. 375

Four members of the board constitute a quorum to transact 376
and vote on all business coming before the board. 377

Members of the board shall serve without compensation. 378

The department of health shall provide the board with 379
staff assistance as requested by the board. 380

Sec. 3702.988. The chiropractic loan repayment advisory 381
board shall determine the amounts that will be paid as loan 382
repayments on behalf of participants in the chiropractic loan 383
repayment program. No repayment shall exceed ten thousand 384
dollars in any year, except that if a repayment results in an 385
increase in the participant's federal, state, or local income 386
tax liability, the department of health, at the participant's 387

request and with the approval of the director of health, may 388
reimburse the participant for the increased tax liability, 389
regardless of the amount of the repayment in that year. Total 390
repayment on behalf of a participant shall not exceed thirty 391
thousand dollars over the time of participation in the program. 392

Sec. 3702.989. The chiropractic loan repayment advisory 393
board, annually on or before the first day of March, shall 394
submit a report to the governor and general assembly describing 395
the operations of the chiropractic loan repayment program during 396
the previous calendar year. The report shall include information 397
about all of the following: 398

(A) The number of requests received by the director of 399
health that a particular area be designated as a chiropractic 400
health resource shortage area; 401

(B) The areas that have been designated as chiropractic 402
health resource shortage areas and the priorities that have been 403
assigned to them; 404

(C) The number of applicants for participation in the 405
chiropractic loan repayment program; 406

(D) The number of chiropractors assigned to chiropractic 407
health resource shortage areas and the payments made on behalf 408
of those chiropractors under the chiropractic loan repayment 409
program; 410

(E) The chiropractic health resource shortage areas that 411
have not been matched with all of the chiropractors they need; 412

(F) The number of chiropractors failing to complete their 413
service obligations, the amount of damages owed, and the amount 414
of damages collected. 415

Sec. 3702.9810. The director of health may accept gifts of 416
money from any source for the implementation and administration 417
of sections 3702.98 to 3702.9810 of the Revised Code. 418

The director shall pay all gifts accepted under this 419
section into the state treasury, to the credit of the 420
chiropractic health resource shortage area fund, which is hereby 421
created, and all damages collected under division (B) (4) of 422
section 3702.986 of the Revised Code, into the state treasury, 423
to the credit of the chiropractic loan repayment fund, which is 424
hereby created. 425

The director shall use the chiropractic health resource 426
shortage area and chiropractic loan repayment funds for the 427
implementation and administration of sections 3702.98 to 428
3702.9810 of the Revised Code. 429

Sec. 4734.04. (A) The state chiropractic board shall hold 430
~~its annual meeting in this state in September of each year and~~ 431
~~shall hold other~~ meetings at the times and places that a 432
majority of the board directs. A special meeting shall be held 433
at the call of the board's president or at the request of two or 434
more board members, in which case the meeting shall be called by 435
the board's executive director. 436

A majority of the board constitutes a quorum for the 437
transaction of business. Except when action is taken on behalf 438
of the board by the board's president under division (A) of 439
section 4734.05 of the Revised Code, the board may not take any 440
action without the concurrence of three members. The board shall 441
make rules as necessary to govern its internal management. 442

(B) The board shall keep a record of its meetings and 443
other official actions, including a register of all applicants 444

for licensure to practice chiropractic. The register shall show 445
whether an applicant for licensure was rejected or was granted a 446
license. The board's records and register shall be prima-facie 447
evidence of all matters recorded in them. The board shall adopt 448
a common seal, which may be used to authenticate its official 449
documents. 450

Sec. 4734.05. (A) The state chiropractic board shall 451
organize by electing from its members a president. The president 452
shall hold office for two years and until the president's 453
successor is elected and takes office. Elections for board 454
president shall be held at ~~every other annual~~ the first meeting 455
of the board held in ~~this state in September~~ each odd-numbered 456
year. 457

The president, subject to the board's approval, may 458
designate another member of the board to serve as vice-president 459
to fulfill the president's duties in the event that the 460
president is absent or incapacitated. The vice-president may 461
perform any action that the president is authorized to perform. 462

The president may make decisions on behalf of the board as 463
follows: 464

(1) A decision regarding board activities may be made by 465
the president if the president considers the decision to be 466
minor and determines that making the decision will facilitate 467
the responsiveness and effectiveness of the board; 468

(2) A decision involving a situation that requires 469
immediate board attention may be made by the president if the 470
circumstances surrounding the situation make holding a board 471
meeting impractical. At the earliest time possible, the 472
president shall report the decision to the members of the board 473

and the board shall meet to ratify or nullify the decision. 474

(B) The board shall appoint an executive director who 475
shall serve as the board's secretary and shall perform all other 476
duties prescribed by the board or this chapter. While serving as 477
executive director, the individual appointed shall reside in 478
this state and may not serve as a member of the board. 479

The executive director shall be in the unclassified 480
service of this state. The board shall fix the executive 481
director's compensation and reimburse the executive director for 482
necessary expenses incurred in the performance of official 483
duties. Prior to entering into the official duties of office, 484
the executive director shall take and subscribe an oath of 485
office and shall give to the treasurer of state a bond in the 486
penal sum of fifty thousand dollars with sufficient sureties to 487
be approved by the governor for the faithful discharge of the 488
duties. 489

The executive director is the board's appointing 490
authority, as defined in section 124.01 of the Revised Code. 491
With the board's approval, the executive director may appoint 492
any employees necessary to carry out the board's functions, 493
including investigative personnel and other employees to perform 494
professional, clerical, and special work, and may establish 495
standards for the conduct of and the authority to be granted to 496
the board's employees. 497

Sec. 4734.15. (A) The license provided for in this chapter 498
shall entitle the holder thereof to practice chiropractic in 499
this state. All of the following apply to the practice of 500
chiropractic in this state: 501

(1) A chiropractor is authorized to examine, diagnose, and 502

assume responsibility for the care of patients, any or all of 503
which is included in the practice of chiropractic. 504

(2) (a) Subject to division (A) (2) (b) of this section, a 505
chiropractor may administer, sell, distribute, recommend, or 506
provide advice regarding any of the following to restore or 507
maintain the health of the chiropractor's patients: vitamins, 508
minerals, phytonutrients, antioxidants, enzymes, glandular 509
extracts, botanical substances, herbal therapies, homeopathic 510
remedies, drugs that are available without a prescription, or 511
durable and nondurable medical goods and devices other than home 512
medical equipment, as defined in section 4752.01 of the Revised 513
Code. 514

(b) A chiropractor may engage in the activities described 515
in division (A) (2) (a) of this section only if the product is 516
prepackaged for use by consumers and labeled in accordance with 517
state and federal law. 518

(c) A chiropractor shall not delegate any of the 519
activities described in division (A) (2) (a) of this section to an 520
individual who is not licensed or otherwise specifically 521
authorized by the Revised Code to engage in the activity. 522

(d) The authority of a chiropractor to engage in the 523
activities described in division (A) (2) (a) of this section does 524
not affect the authority of any other health care professional, 525
including a dietitian licensed under Chapter 4759. of the 526
Revised Code, to engage in any of the same activities. 527

(3) The practice of chiropractic does not permit a 528
chiropractor to do any of the following: 529

(a) Treat infectious, contagious, or venereal disease; 530

(b) Perform surgery; 531

(c) Prescribe drugs, as defined in section 4729.01 of the Revised Code;

(d) Administer any drug not described in division (A) (2) (a) of this section, including a dangerous drug, as defined in section 4729.01 of the Revised Code.

(4) Except as provided in division (B) of this section, the practice of chiropractic does not permit a chiropractor to perform acupuncture.

(5) A chiropractor may use roentgen rays only for diagnostic purposes.

(6) The practice of chiropractic does not include the performance of abortions.

(B) A chiropractor who holds a valid certificate to practice acupuncture issued under section 4734.283 of the Revised Code is authorized to perform acupuncture.

(C) A chiropractor who is an animal chiropractic practitioner, as defined in section 4734.151 of the Revised Code, may practice animal chiropractic in accordance with that section.

(D) An individual holding a valid, current license to practice chiropractic is entitled to use the title "doctor," "doctor of chiropractic," "chiropractic physician," or "chiropractor" and is a "physician" for the purposes of Chapter 4123. of the Revised Code.

Sec. 4734.151. (A) As used in this section:

(1) "Animal" means any living animal other than a human being.

(2) "Animal chiropractic" means the evaluation and 559
treatment of an animal's vertebral or extremity joint 560
dysfunction through spinal, joint, or musculo-skeletal 561
manipulative therapy or soft tissue therapy. 562

Animal chiropractic does not include administering, 563
selling, distributing, recommending, or providing advice 564
regarding any of the following to restore or maintain the health 565
of an animal: vitamins, minerals, phytonutrients, antioxidants, 566
enzymes, glandular extracts, botanical substances, herbal 567
therapies, homeopathic remedies, drugs that are available 568
without a prescription, or durable and nondurable medical goods 569
and devices. 570

(3) "Animal chiropractic practitioner" means a 571
chiropractor licensed under this chapter who holds a current, 572
valid certification from any of the following: 573

(a) The American veterinary chiropractic association, 574
unless otherwise specified in rule; 575

(b) The international veterinary chiropractic association, 576
unless otherwise specified in rule; 577

(c) The college of animal chiropractors, unless otherwise 578
specified in rule; 579

(d) Any other credentialing organization that the state 580
chiropractic board specifies in rules adopted under this 581
section. 582

(4) "Licensed veterinarian" means an individual licensed 583
by the state veterinary medical licensing board to practice 584
veterinary medicine. 585

(B) Except as provided in division (C) (2) of this section, 586

no chiropractor who is not an animal chiropractic practitioner 587
shall do either of the following: 588

(1) Practice animal chiropractic; 589

(2) Represent that the person is, or hold the person's 590
self out to the public as, an animal chiropractic practitioner. 591

(C) (1) All of the following apply regarding a chiropractor 592
who is an animal chiropractic practitioner: 593

(a) The chiropractor shall register with the state 594
chiropractic board in a manner specified by the board; 595

(b) The chiropractor may provide animal chiropractic only 596
to types of animals on which the chiropractor has received 597
training; 598

(c) The chiropractor may provide animal chiropractic 599
without supervision by a licensed veterinarian; 600

(d) The chiropractor shall require completion of an 601
application for care form in accordance with division (D) of 602
this section; 603

(e) The chiropractor shall maintain for at least three 604
years a medical record, including the application for care form, 605
for each animal evaluated or treated and on request shall 606
provide the medical record to the animal's veterinarian in a 607
timely fashion. 608

(2) A chiropractor who is not an animal chiropractic 609
practitioner may practice animal chiropractic only in accordance 610
with division (F) of section 4741.19 of the Revised Code. 611

(D) Prior to providing animal chiropractic in accordance 612
with this section, an animal chiropractic practitioner shall 613

require the animal's owner, owner's agent, or another person 614
responsible for the animal to complete and sign an application 615
for care form that contains at least the following: 616

(1) A statement that the chiropractor is not a licensed 617
veterinarian and cannot maintain primary responsibility for the 618
animal's care; 619

(2) A statement that animal chiropractic is not intended 620
to replace traditional veterinary care and is considered an 621
alternative therapy to be used concurrently and in conjunction 622
with traditional veterinary care by a licensed veterinarian; 623

(3) A question as to whether the animal has been seen by a 624
licensed veterinarian within the past twelve months; 625

(4) A question as to whether a licensed veterinarian has 626
provided a diagnosis of the medical condition of the animal for 627
which animal chiropractic is sought, and if so, a request to 628
specify the diagnosis; 629

(5) A statement authorizing the chiropractor to provide 630
animal chiropractic to the animal. 631

(E) The board shall maintain and make available to the 632
public a list of animal chiropractic practitioners who are 633
registered with the board pursuant to this section. 634

(F) This section does not restrict a licensed veterinarian 635
from engaging in the practice of veterinary medicine, as defined 636
in Chapter 4741. of the Revised Code, or prevent any other 637
individual from lawfully acting in a manner authorized under 638
that chapter. 639

An animal's veterinarian is not liable for any actions or 640
omissions of an animal chiropractic practitioner who provides 641

animal chiropractic in accordance with this section.

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(G) (1) In accordance with Chapter 119. of the Revised
Code, the board may adopt any rules it considers necessary to
implement this section. The following rules, if adopted, shall
be adopted in consultation with the state veterinary medical
licensing board in accordance with division (G) (2) of this
section:

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(a) Any rule regarding standards of medicine or care for
an animal;

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(b) Any rule to remove or specify additional credentialing
organizations for purposes of division (A) (3) (d) of this
section.

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(2) (a) Prior to filing a rule identified in division (G)
(1) (a) or (b) of this section with the joint committee on agency
rule review, the board shall in a timely fashion provide the
full text of the proposed rule, amendment, or rule to be
rescinded to the state veterinary medical licensing board. The
state veterinary medical licensing board shall informally vote
on the proposed rule, amendment, or rule to be rescinded at its
next regularly scheduled meeting. Regardless of whether the vote
is affirmative or not, the state chiropractic board may proceed
in accordance with Chapter 119. of the Revised Code.

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Sec. 4734.25. A license to practice chiropractic from the
state chiropractic board expires biennially in accordance with
~~the a schedule established the board establishes~~ in rules
adopted under this section ~~and~~. The license may be renewed. The
renewal process shall be conducted in accordance with the
standard renewal procedures of Chapter 4745. of the Revised
Code, except that the board's executive director shall notify

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each license holder of the license renewal requirements of this 671
section not later than sixty days prior to the license's 672
expiration date. ~~When~~ 673

When an application for license renewal is submitted, the 674
applicant shall provide the information necessary to process the 675
application and pay a renewal fee in an amount the board 676
specifies in rules adopted under this section. The board shall 677
deposit twenty-five dollars of each renewal fee collected into 678
the state treasury to the credit of the chiropractic loan 679
repayment fund created by section 3702.9810 of the Revised Code. 680

Before a renewal of license is issued by the board, the 681
licensee shall furnish the board with satisfactory evidence that 682
the licensee has completed during the current licensing period 683
not less than the number of hours of continuing education that 684
the board requires in rules adopted under this section. For an 685
activity to be applied toward the continuing education 686
requirement, the activity must meet the board's approval as a 687
continuing education activity, as specified in rules adopted 688
under this section. Any exception from the continuing education 689
requirement must be approved by the board. 690

Failure of a licensee to comply with this section shall 691
operate as an automatic forfeiture of the right of the licensee 692
to practice chiropractic in this state. A forfeited license may 693
be reinstated by the board upon payment of all fees due and a 694
penalty fee in an amount the board specifies in rules adopted 695
under this section for reinstatement, in addition to satisfying 696
the board of having complied with the continuing education 697
requirements of this section. If an individual's license has 698
been forfeited for two or more years, the board may also require 699
as a condition of reinstatement that the individual complete 700

training or testing as specified by the board.

The board shall adopt any rules it considers necessary to implement this section, including standards for approval of continuing education in the practice of chiropractic. All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 4734.283. If the state chiropractic board determines under section 4734.282 of the Revised Code that an applicant meets the requirements for a certificate to practice acupuncture, the executive director of the board shall issue to the applicant a certificate to practice acupuncture. ~~The~~

A certificate shall expire annually to practice
acupuncture expires biennially in accordance with a schedule the
board shall establish. It ~~The certificate~~ may be renewed in accordance with section 4734.284 of the Revised Code.

Sec. 4734.285. A chiropractor who holds a certificate to practice acupuncture issued under this chapter may represent or advertise the chiropractor to be a "chiropractor certified by the state chiropractic board to practice acupuncture." Unless the chiropractor holds a license issued under section 4762.04 of the Revised Code, the chiropractor shall not represent or advertise the chiropractor as holding any of the titles listed in section 4762.08 of the Revised Code.

This section does not prohibit a chiropractor from using any of the titles listed in division ~~(C)~~ (D) of section 4734.15 of the Revised Code.

Sec. 4734.31. (A) The state chiropractic board may take any of the actions specified in division (B) of this section against an individual who has applied for or holds a license to

practice chiropractic in this state if any of the reasons 730
specified in division (C) of this section for taking action 731
against an individual are applicable. Except as provided in 732
division (D) of this section, actions taken against an 733
individual shall be taken in accordance with Chapter 119. of the 734
Revised Code. The board may specify that any action it takes is 735
a permanent action. The board's authority to take action against 736
an individual is not removed or limited by the individual's 737
failure to renew a license. 738

(B) In its imposition of sanctions against an individual, 739
the board may do any of the following: 740

(1) Refuse to issue, renew, restore, or reinstate a 741
license to practice chiropractic or a certificate to practice 742
acupuncture; 743

(2) Reprimand or censure a license holder; 744

(3) Place limits, restrictions, or probationary conditions 745
on a license holder's practice; 746

(4) Impose a civil fine of not more than five thousand 747
dollars according to a schedule of fines specified in rules that 748
the board shall adopt in accordance with Chapter 119. of the 749
Revised Code. 750

(5) Suspend a license to practice chiropractic or a 751
certificate to practice acupuncture for a limited or indefinite 752
period; 753

(6) Revoke a license to practice chiropractic or a 754
certificate to practice acupuncture. 755

(C) The board may take the actions specified in division 756

(B) of this section for any of the following reasons: 757

(1) A plea of guilty to, a judicial finding of guilt of, 758
or a judicial finding of eligibility for intervention in lieu of 759
conviction for, a felony in any jurisdiction, in which case a 760
certified copy of the court record shall be conclusive evidence 761
of the conviction; 762

(2) Commission of an act that constitutes a felony in this 763
state, regardless of the jurisdiction in which the act was 764
committed; 765

(3) A plea of guilty to, a judicial finding of guilt of, 766
or a judicial finding of eligibility for intervention in lieu of 767
conviction for, a misdemeanor involving moral turpitude, as 768
determined by the board, in which case a certified copy of the 769
court record shall be conclusive evidence of the matter; 770

(4) Commission of an act involving moral turpitude that 771
constitutes a misdemeanor in this state, regardless of the 772
jurisdiction in which the act was committed; 773

(5) A plea of guilty to, a judicial finding of guilt of, 774
or a judicial finding of eligibility for intervention in lieu of 775
conviction for, a misdemeanor committed in the course of 776
practice, in which case a certified copy of the court record 777
shall be conclusive evidence of the matter; 778

(6) Commission of an act in the course of practice that 779
constitutes a misdemeanor in this state, regardless of the 780
jurisdiction in which the act was committed; 781

(7) A violation or attempted violation of this chapter or 782
the rules adopted under it governing the practice of 783
~~chiropractic and the practice of, animal chiropractic, or~~ 784
acupuncture by a chiropractor licensed under this chapter; 785

(8) Failure to cooperate in an investigation conducted by 786

the board, including failure to comply with a subpoena or order 787
issued by the board or failure to answer truthfully a question 788
presented by the board at a deposition or in written 789
interrogatories, except that failure to cooperate with an 790
investigation shall not constitute grounds for discipline under 791
this section if the board or a court of competent jurisdiction 792
has issued an order that either quashes a subpoena or permits 793
the individual to withhold the testimony or evidence in issue; 794

(9) Engaging in an ongoing professional relationship with 795
a person or entity that violates any provision of this chapter 796
or the rules adopted under it, unless the chiropractor makes a 797
good faith effort to have the person or entity comply with the 798
provisions; 799

(10) Retaliating against a chiropractor for the 800
chiropractor's reporting to the board or any other agency with 801
jurisdiction any violation of the law or for cooperating with 802
the board of another agency in the investigation of any 803
violation of the law; 804

(11) Aiding, abetting, assisting, counseling, or 805
conspiring with any person in that person's violation of any 806
provision of this chapter or the rules adopted under it, 807
including the practice of chiropractic without a license, the 808
practice of animal chiropractic in violation of section 4734.151 809
of the Revised Code, the practice of acupuncture without a 810
certificate, or aiding, abetting, assisting, counseling, or 811
conspiring with any person in that person's unlicensed practice 812
of any other health care profession that has licensing 813
requirements; 814

(12) With respect to a report or record that is made, 815
filed, or signed in connection with the practice of chiropractic 816

~~or, animal chiropractic, or~~ acupuncture, knowingly making or 817
filing a report or record that is false, intentionally or 818
negligently failing to file a report or record required by 819
federal, state, or local law or willfully impeding or 820
obstructing the required filing, or inducing another person to 821
engage in any such acts; 822

(13) Making a false, fraudulent, or deceitful statement to 823
the board or any agent of the board during any investigation or 824
other official proceeding conducted by the board under this 825
chapter or in any filing that must be submitted to the board; 826

(14) Attempting to secure a license to practice 827
chiropractic, authorization to practice animal chiropractic, or 828
a certificate to practice acupuncture, or to corrupt the outcome 829
of an official board proceeding, through bribery or any other 830
improper means; 831

(15) Willfully obstructing or hindering the board or any 832
agent of the board in the discharge of the board's duties; 833

(16) Habitually using drugs or intoxicants to the extent 834
that the person is rendered unfit for the practice of 835
chiropractic, animal chiropractic, or acupuncture; 836

(17) Inability to practice chiropractic, animal 837
chiropractic, or acupuncture according to acceptable and 838
prevailing standards of care by reason of chemical dependency, 839
mental illness, or physical illness, including conditions in 840
which physical deterioration has adversely affected the person's 841
cognitive, motor, or perceptive skills and conditions in which a 842
chiropractor's continued practice may pose a danger to the 843
chiropractor or the public; 844

(18) Any act constituting gross immorality relative to the 845

person's practice of chiropractic, animal chiropractic, or 846
acupuncture, including acts involving sexual abuse, sexual 847
misconduct, or sexual exploitation; 848

(19) Exploiting a patient for personal or financial gain; 849

(20) Failing to maintain proper, accurate, and legible 850
records in the English language documenting each patient's care, 851
including, as appropriate, records of the following: dates of 852
treatment, services rendered, examinations, tests, x-ray 853
reports, referrals, and the diagnosis or clinical impression and 854
clinical treatment plan provided to the patient; 855

(21) Except as otherwise required by the board or by law, 856
disclosing patient information gained during the chiropractor's 857
professional relationship with a patient without obtaining the 858
patient's authorization for the disclosure; 859

(22) Commission of willful or gross malpractice, or 860
willful or gross neglect, in the practice of chiropractic, 861
animal chiropractic, or acupuncture; 862

(23) Failing to perform or negligently performing an act 863
recognized by the board as a general duty or the exercise of due 864
care in the practice of chiropractic, animal chiropractic, or 865
acupuncture, regardless of whether injury results to a patient 866
from the failure to perform or negligent performance of the act; 867

(24) Engaging in any conduct or practice that impairs or 868
may impair the ability to practice chiropractic, animal 869
chiropractic, or acupuncture safely and skillfully; 870

(25) Practicing, or claiming to be capable of practicing, 871
beyond the scope of the practice of chiropractic, animal 872
chiropractic, or acupuncture as established under this chapter 873
and the rules adopted under this chapter; 874

(26) Accepting and performing professional 875
responsibilities as a chiropractor~~or~~, animal chiropractic 876
practitioner, or chiropractor with a certificate to practice 877
acupuncture when not qualified to perform those 878
responsibilities, if the person knew or had reason to know that 879
the person was not qualified to perform them; 880

(27) Delegating any of the professional responsibilities 881
of a chiropractor, animal chiropractic practitioner, or 882
chiropractor with a certificate to practice acupuncture to an 883
employee or other individual when the delegating chiropractor 884
knows or had reason to know that the employee or other 885
individual is not qualified by training, experience, or 886
professional licensure to perform the responsibilities; 887

(28) Delegating any of the professional responsibilities 888
of a chiropractor, animal chiropractic practitioner, or 889
chiropractor with a certificate to practice acupuncture to an 890
employee or other individual in a negligent manner or failing to 891
provide proper supervision of the employee or other individual 892
to whom the responsibilities are delegated; 893

(29) Failing to refer a patient to another health care 894
practitioner for consultation or treatment when the chiropractor 895
knows or has reason to know that the referral is in the best 896
interest of the patient; 897

(30) Obtaining or attempting to obtain any fee or other 898
advantage by fraud or misrepresentation; 899

(31) Making misleading, deceptive, false, or fraudulent 900
representations in the practice of chiropractic, animal 901
chiropractic, or acupuncture; 902

(32) Being guilty of false, fraudulent, deceptive, or 903

misleading advertising or other solicitations for patients or 904
knowingly having professional connection with any person that 905
advertises or solicits for patients in such a manner; 906

(33) Violation of a provision of any code of ethics 907
established or adopted by the board under section 4734.16 of the 908
Revised Code; 909

(34) Failing to meet the examination requirements for 910
receipt of a license specified under section 4734.20 of the 911
Revised Code; 912

(35) Actions taken for any reason, other than nonpayment 913
of fees, by the chiropractic or acupuncture licensing authority 914
of another state or country; 915

(36) Failing to maintain clean and sanitary conditions at 916
the clinic, office, or other place in which chiropractic 917
services, animal chiropractic services, or acupuncture services 918
are provided; 919

(37) Except as provided in division (G) of this section: 920

(a) Waiving the payment of all or any part of a deductible 921
or copayment that a patient, pursuant to a health insurance or 922
health care policy, contract, or plan that covers the 923
chiropractor's services, otherwise would be required to pay if 924
the waiver is used as an enticement to a patient or group of 925
patients to receive health care services from that chiropractor; 926

(b) Advertising that the chiropractor will waive the 927
payment of all or any part of a deductible or copayment that a 928
patient, pursuant to a health insurance or health care policy, 929
contract, or plan that covers the chiropractor's services, 930
otherwise would be required to pay. 931

(38) Failure to supervise an oriental medicine 932
practitioner performing acupuncture or an acupuncturist in 933
accordance with the provisions of section 4762.11 of the Revised 934
Code that are applicable to a supervising chiropractor. 935

(D) The adjudication requirements of Chapter 119. of the 936
Revised Code apply to the board when taking actions against an 937
individual under this section, except as follows: 938

(1) An applicant is not entitled to an adjudication for 939
failing to meet the conditions specified under section 4734.20 940
of the Revised Code for receipt of a license that involve the 941
board's examination on jurisprudence or the examinations of the 942
national board of chiropractic examiners. 943

(2) A person is not entitled to an adjudication if the 944
person fails to make a timely request for a hearing, in 945
accordance with Chapter 119. of the Revised Code. 946

(3) In lieu of an adjudication, the board may accept the 947
surrender of a license to practice chiropractic or certificate 948
to practice acupuncture from a chiropractor. 949

(4) In lieu of an adjudication, the board may enter into a 950
consent agreement with an individual to resolve an allegation of 951
a violation of this chapter or any rule adopted under it. A 952
consent agreement, when ratified by the board, shall constitute 953
the findings and order of the board with respect to the matter 954
addressed in the agreement. If the board refuses to ratify a 955
consent agreement, the admissions and findings contained in the 956
consent agreement shall be of no force or effect. 957

(E) (1) This section does not require the board to hire, 958
contract with, or retain the services of an expert witness when 959
the board takes action against a chiropractor concerning 960

compliance with acceptable and prevailing standards of care in 961
the practice of chiropractic or acupuncture. As part of an 962
action taken concerning compliance with acceptable and 963
prevailing standards of care, the board may rely on the 964
knowledge of its members for purposes of making a determination 965
of compliance, notwithstanding any expert testimony presented by 966
the chiropractor that contradicts the knowledge and opinions of 967
the members of the board. 968

(2) If the board conducts a review or investigation or 969
takes action against a chiropractor concerning an allegation of 970
harm to an animal from the practice of animal chiropractic, the 971
board shall retain as an expert witness a licensed veterinarian 972
who holds a current, valid certification from a credentialing 973
organization specified in division (A)(3) of section 4734.151 of 974
the Revised Code. 975

(F) The sealing of conviction records by a court shall 976
have no effect on a prior board order entered under this section 977
or on the board's jurisdiction to take action under this section 978
if, based on a plea of guilty, a judicial finding of guilt, or a 979
judicial finding of eligibility for intervention in lieu of 980
conviction, the board issued a notice of opportunity for a 981
hearing prior to the court's order to seal the records. The 982
board shall not be required to seal, destroy, redact, or 983
otherwise modify its records to reflect the court's sealing of 984
conviction records. 985

(G) Actions shall not be taken pursuant to division (C) 986
(37) of this section against any chiropractor who waives 987
deductibles and copayments as follows: 988

(1) In compliance with the health benefit plan that 989
expressly allows a practice of that nature. Waiver of the 990

deductibles or copayments shall be made only with the full 991
knowledge and consent of the plan purchaser, payer, and third- 992
party administrator. Documentation of the consent shall be made 993
available to the board upon request. 994

(2) For professional services rendered to any other person 995
licensed pursuant to this chapter, to the extent allowed by this 996
chapter and the rules of the board. 997

(H) As used in this section, "animal chiropractic" and 998
"animal chiropractic practitioner" have the same meanings as in 999
section 4734.151 of the Revised Code. 1000

Section 2. That existing sections 1349.05, 4734.04, 1001
4734.05, 4734.15, 4734.25, 4734.283, 4734.285, and 4734.31 of 1002
the Revised Code are hereby repealed. 1003

Section 3. The State Chiropractic Board may take any 1004
action it considers necessary for purposes of converting 1005
certificates to practice acupuncture issued under Chapter 4734. 1006
of the Revised Code from expiring on an annual basis to a 1007
biennial basis in accordance with section 4734.283 of the 1008
Revised Code, as amended by this act. 1009

Section 4. That Section 2 of H.B. 606 of the 133rd General 1010
Assembly be amended to read as follows: 1011

Sec. 2. (A) No civil action for damages for injury, death, 1012
or loss to person or property shall be brought against any 1013
person if the cause of action on which the civil action is 1014
based, in whole or in part, is that the injury, death, or loss 1015
to person or property is caused by the exposure to, or the 1016
transmission or contraction of, MERS-CoV, SARS-CoV, or SARS-CoV- 1017
2, or any mutation thereof, unless it is established that the 1018
exposure to, or the transmission or contraction of, any of those 1019

viruses or mutations was by reckless conduct or intentional 1020
misconduct or willful or wanton misconduct on the part of the 1021
person against whom the action is brought. 1022

(B) ~~A~~ For purposes of division (A) of this section, a 1023
government order, recommendation, or guideline shall neither 1024
create nor be construed as creating a duty of care upon any 1025
person that may be enforced in a cause of action or that may 1026
create a new cause of action or substantive legal right against 1027
any person with respect to the matters contained in the 1028
government order, recommendation, or guideline. A presumption 1029
exists that any such government order, recommendation, or 1030
guideline is not admissible as evidence that a duty of care, a 1031
new cause of action, or a substantive legal right has been 1032
established. 1033

(C) If the immunity described in division (A) of this 1034
section does not apply, no class action shall be brought against 1035
any person alleging liability for damages for injury, death, or 1036
loss to person or property on a cause of action specified in 1037
that division. 1038

(D) As used in this section: 1039

(1) "MERS-CoV" means the coronavirus that causes middle 1040
east respiratory syndrome. 1041

(2) "Person" has the same meaning as in section 1.59 of 1042
the Revised Code and includes a school, a for-profit or 1043
nonprofit entity, a governmental entity, a religious entity, or 1044
a state institution of higher education. 1045

(3) "Reckless conduct" means conduct by which, with 1046
heedless indifference to the consequences, the person disregards 1047
a substantial and unjustifiable risk that the person's conduct 1048

is likely to cause an exposure to, or a transmission or 1049
contraction of, MERS-CoV, SARS-CoV, or SARS-CoV-2, or any 1050
mutation thereof, or is likely to be of a nature that results in 1051
an exposure to, or a transmission or contraction of, any of 1052
those viruses or mutations. A person is reckless with respect to 1053
circumstances in relation to causing an exposure to, or a 1054
transmission or contraction of, MERS-CoV, SARS-CoV, or SARS-CoV- 1055
2, or any mutation thereof, when, with heedless indifference to 1056
the consequences, the person disregards a substantial and 1057
unjustifiable risk that such circumstances are likely to exist. 1058

(4) "SARS-CoV" means the coronavirus that causes severe 1059
acute respiratory syndrome. 1060

(5) "SARS-CoV-2" means the novel coronavirus that causes 1061
coronavirus disease 2019 (COVID-19). 1062

(6) "State institution of higher education" has the same 1063
meaning as in section 3345.011 of the Revised Code. 1064

(E) This section applies from the date of the Governor's 1065
Executive Order 2020-01D, issued on March 9, 2020, declaring a 1066
state of emergency due to COVID-19, through September 30, 2021. 1067

Section 5. That existing Section 2 of H.B. 606 of the 1068
133rd General Assembly is hereby repealed. 1069

Section 6. Sections 4 and 5 of this act take effect on 1070
December 16, 2020. 1071

Section 7. (A) As used in this section: 1072

(1) "Board of health" means the board of health of a city 1073
or general health district or the authority having the duties of 1074
a board of health under section 3709.05 of the Revised Code. 1075

(2) "Disaster" means any occurrence of widespread personal 1076

injury or loss of life that results from any natural or 1077
technological phenomenon or act of a human, or an epidemic and 1078
is declared to be a disaster by the federal government, the 1079
state government, or a political subdivision of this state. 1080

(3) "Emergency" has the same meaning as in section 5502.21 1081
of the Revised Code. 1082

(4) "Gross negligence" means a lack of care so great that 1083
it appears to be a conscious indifference to the rights of 1084
others. 1085

(5) "Health care isolation center" means a facility that 1086
operates under the guidance and monitoring of the Department of 1087
Health and specializes in the care of patients with an active or 1088
convalescent COVID-19 infection or who have other health care 1089
needs and require quarantine for up to fourteen days following 1090
exposure to COVID-19, as described in the Medicaid state plan 1091
amendment approved by the Centers for Medicare and Medicaid 1092
Services on May 22, 2020. "Health care isolation center" 1093
includes the center's employees, volunteers, and agents. 1094

(6) "Health care services" means services rendered by a 1095
health care isolation center for the diagnosis, prevention, 1096
treatment, cure, or relief of a health condition, illness, 1097
injury, or disease, including the provision of any medication, 1098
medical equipment, or other medical product. "Health care 1099
services" includes personal care services and experimental 1100
treatments. 1101

(7) "Medicaid waiver component" has the same meaning as in 1102
section 5166.01 of the Revised Code. 1103

(8) "Medical claim" has the same meaning as in section 1104
2305.113 of the Revised Code. 1105

(9) "Personal care services" has the same meaning as in 1106
section 3721.01 of the Revised Code. 1107

(10) "Reckless disregard" means, as it applies to a given 1108
health care isolation center rendering health care services, 1109
emergency medical services, first-aid treatment, or other 1110
emergency professional care, conduct by which, with heedless 1111
indifference to the consequences, the center disregards a 1112
substantial and unjustifiable risk that the center's conduct is 1113
likely to cause, at the time those services or that treatment or 1114
care were rendered, an unreasonable risk of injury, death, or 1115
loss to person or property. 1116

(11) "Tort action" means a civil action for damages for 1117
injury, death, or loss to person or property and includes claims 1118
arising under resident or patient bills of rights and 1119
contractual claims arising out of statutory or regulatory 1120
requirements applicable to health care isolation centers. "Tort 1121
action" includes an action on a medical claim. 1122

(B) (1) Subject to division (C) (3) of this section, a 1123
health care isolation center that provides health care services, 1124
emergency medical services, first-aid treatment, or other 1125
emergency professional care, including the provision of any 1126
medication or other medical equipment or product, as a result of 1127
or in response to a disaster or emergency is not subject to 1128
professional disciplinary action and is not liable in damages to 1129
any person or government agency in a tort action for injury, 1130
death, or loss to person or property that allegedly arises from 1131
any of the following: 1132

(a) An act or omission of the health care isolation center 1133
in the center's provision, withholding, or withdrawal of those 1134
services; 1135

(b) Any decision related to the provision, withholding, or 1136
withdrawal of those services; 1137

(c) Compliance with an executive order or director's order 1138
issued during and in response to the disaster or emergency. 1139

(2) Division (B)(1) of this section does not apply in a 1140
tort action if the health care isolation center's action, 1141
omission, decision, or compliance constitutes a reckless 1142
disregard for the consequences so as to affect the life or 1143
health of the patient or intentional misconduct or willful or 1144
wanton misconduct on the part of the person against whom the 1145
action is brought. 1146

(3) Division (B)(1) of this section does not apply in a 1147
professional disciplinary action if the health care isolation 1148
center's action, omission, decision, or compliance constitutes 1149
gross negligence. 1150

(4) A health care isolation center is not subject to 1151
professional disciplinary action and is not liable in damages to 1152
any person or government agency in a tort action for injury, 1153
death, or loss to person or property that allegedly arises 1154
because the center was unable to treat, diagnose, or test the 1155
person for any illness, disease, or condition, including the 1156
inability to perform any elective procedure, due to an executive 1157
or director's order or an order of a board of health of a city 1158
or general health district issued in relation to an epidemic or 1159
pandemic disease or other public health emergency. 1160

(C)(1) This section does not create a new cause of action 1161
or substantive legal right against a health care isolation 1162
center. 1163

(2) This section does not affect any immunities from civil 1164

liability or defenses established by another section of the 1165
Revised Code or available at common law to which a health care 1166
isolation center may be entitled in connection with the 1167
provision of health care services, emergency medical services, 1168
first-aid treatment, or other emergency professional care, 1169
including the provision of medication, medical equipment, or 1170
other medical product. 1171

(3) This section does not grant an immunity from tort or 1172
other civil liability or a professional disciplinary action to a 1173
health care isolation center for actions that are outside the 1174
skills, education, and training of the center, unless the center 1175
undertakes the action in good faith and in response to a lack of 1176
resources caused by a disaster or emergency. 1177

(4) This section does not affect any legal responsibility 1178
of a health care isolation center to comply with any applicable 1179
law of this state or rule of an agency of this state. 1180

(5) Division (B) of this section applies only to the 1181
provision, withholding, or withdrawal of health care services, 1182
emergency medical services, first-aid treatment, or other 1183
emergency professional care, including the provision of any 1184
medication or other medical equipment or product, decisions 1185
related to such services or care, or compliance with an 1186
executive order or director's order by a health care isolation 1187
center as a result of or in response to a disaster or emergency 1188
and through the duration of the disaster or emergency. 1189

(D) If the immunity described in division (B) of this 1190
section does not apply, no class action shall be brought against 1191
any health care isolation center alleging liability for damages 1192
for injury, death, or loss to person or property on a cause of 1193
action specified in that division. 1194

(E) This section applies from the effective date of this 1195
section through September 30, 2021, and, with respect to health 1196
care isolation centers, supersedes section 2305.2311 of the 1197
Revised Code during that period. 1198

Section 8. (A) For the purposes of this section: 1199

(1) "Advanced practice registered nurse" shall have the 1200
same meaning as in section 4723.01 of the Revised Code. 1201

(2) "Emergency medical services," "emergency medical 1202
technician-basic," "emergency medical technician-intermediate," 1203
"emergency medical technician-paramedic," and "first responder" 1204
shall have the same meanings as in section 4765.01 of the 1205
Revised Code. 1206

(3) "Physician" means an individual licensed under Chapter 1207
4731. of the Revised Code to practice medicine and surgery or 1208
osteopathic medicine and surgery. 1209

(4) "Physician assistant" means an individual licensed to 1210
practice as a physician assistant under Chapter 4730. of the 1211
Revised Code. 1212

(B) Beginning on the effective date of this section and 1213
until July 1, 2021, and notwithstanding any provision of the 1214
Revised Code, a first responder, emergency medical technician- 1215
basic, emergency medical technician-intermediate, and emergency 1216
medical technician-paramedic may perform emergency medical 1217
services in any setting, including in any area of a hospital, if 1218
the services are performed under the direction and supervision 1219
of one of the following: 1220

(1) A physician; 1221

(2) A physician assistant designated by a physician; 1222

(3) An advanced practice registered nurse designated by a 1223
physician. 1224

(C) A first responder, emergency medical technician-basic, 1225
emergency medical technician-intermediate, and emergency medical 1226
technician-paramedic is not liable in damages in a civil action 1227
for injury, death, or loss to person or property resulting from 1228
the individual's administration of emergency medical services, 1229
unless the services are administered in a manner that 1230
constitutes willful or wanton misconduct. 1231

Section 9. This act is hereby declared to be an emergency 1232
measure necessary for the immediate preservation of the public 1233
peace, health, and safety. The reason for such necessity is to 1234
address immunity concerns and hospital staffing as related to 1235
the COVID-19 outbreak. Therefore, this act shall go into 1236
immediate effect. 1237