

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**S. B. No. 260**

**Senator Huffman, S.**

**Cosponsors: Senators Lehner, Wilson, Schaffer, Huffman, M., Roegner, Burke,  
Hackett, Johnson, Hoagland, Brenner, Gavarone, Obhof, Coley, McColley,  
Blessing, Hottinger**

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**A BILL**

To amend sections 109.572, 2919.123, 2953.25, 1  
4729.291, 4731.22, and 4731.223 and to enact 2  
section 2919.124 of the Revised Code regarding 3  
abortion-inducing drugs. 4

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

**Section 1.** That sections 109.572, 2919.123, 2953.25, 5  
4729.291, 4731.22, and 4731.223 be amended and section 2919.124 6  
of the Revised Code be enacted to read as follows: 7

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 8  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 9  
Code, a completed form prescribed pursuant to division (C) (1) of 10  
this section, and a set of fingerprint impressions obtained in 11  
the manner described in division (C) (2) of this section, the 12  
superintendent of the bureau of criminal identification and 13  
investigation shall conduct a criminal records check in the 14  
manner described in division (B) of this section to determine 15  
whether any information exists that indicates that the person 16  
who is the subject of the request previously has been convicted 17

of or pleaded guilty to any of the following: 18

(a) A violation of section 2903.01, 2903.02, 2903.03, 19  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 20  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 21  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 22  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 23  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 24  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 25  
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 26  
sexual penetration in violation of former section 2907.12 of the 27  
Revised Code, a violation of section 2905.04 of the Revised Code 28  
as it existed prior to July 1, 1996, a violation of section 29  
2919.23 of the Revised Code that would have been a violation of 30  
section 2905.04 of the Revised Code as it existed prior to July 31  
1, 1996, had the violation been committed prior to that date, or 32  
a violation of section 2925.11 of the Revised Code that is not a 33  
minor drug possession offense; 34

(b) A violation of an existing or former law of this 35  
state, any other state, or the United States that is 36  
substantially equivalent to any of the offenses listed in 37  
division (A)(1)(a) of this section; 38

(c) If the request is made pursuant to section 3319.39 of 39  
the Revised Code for an applicant who is a teacher, any offense 40  
specified in section 3319.31 of the Revised Code. 41

(2) On receipt of a request pursuant to section 3712.09 or 42  
3721.121 of the Revised Code, a completed form prescribed 43  
pursuant to division (C)(1) of this section, and a set of 44  
fingerprint impressions obtained in the manner described in 45  
division (C)(2) of this section, the superintendent of the 46  
bureau of criminal identification and investigation shall 47

conduct a criminal records check with respect to any person who 48  
has applied for employment in a position for which a criminal 49  
records check is required by those sections. The superintendent 50  
shall conduct the criminal records check in the manner described 51  
in division (B) of this section to determine whether any 52  
information exists that indicates that the person who is the 53  
subject of the request previously has been convicted of or 54  
pleaded guilty to any of the following: 55

(a) A violation of section 2903.01, 2903.02, 2903.03, 56  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 57  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 58  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 59  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 60  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 61  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 62  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 63  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 64

(b) An existing or former law of this state, any other 65  
state, or the United States that is substantially equivalent to 66  
any of the offenses listed in division (A)(2)(a) of this 67  
section. 68

(3) On receipt of a request pursuant to section 173.27, 69  
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 70  
5123.081, or 5123.169 of the Revised Code, a completed form 71  
prescribed pursuant to division (C)(1) of this section, and a 72  
set of fingerprint impressions obtained in the manner described 73  
in division (C)(2) of this section, the superintendent of the 74  
bureau of criminal identification and investigation shall 75  
conduct a criminal records check of the person for whom the 76  
request is made. The superintendent shall conduct the criminal 77

records check in the manner described in division (B) of this 78  
section to determine whether any information exists that 79  
indicates that the person who is the subject of the request 80  
previously has been convicted of, has pleaded guilty to, or 81  
(except in the case of a request pursuant to section 5164.34, 82  
5164.341, or 5164.342 of the Revised Code) has been found 83  
eligible for intervention in lieu of conviction for any of the 84  
following, regardless of the date of the conviction, the date of 85  
entry of the guilty plea, or (except in the case of a request 86  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 87  
Revised Code) the date the person was found eligible for 88  
intervention in lieu of conviction: 89

(a) A violation of section 959.13, 959.131, 2903.01, 90  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 91  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 92  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 93  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 94  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 95  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 96  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 97  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 98  
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 99  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 100  
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 101  
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 102  
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 103  
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 104  
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 105  
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 106  
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22, 107  
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 108

of the Revised Code; 109

(b) Felonious sexual penetration in violation of former 110  
section 2907.12 of the Revised Code; 111

(c) A violation of section 2905.04 of the Revised Code as 112  
it existed prior to July 1, 1996; 113

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 114  
the Revised Code when the underlying offense that is the object 115  
of the conspiracy, attempt, or complicity is one of the offenses 116  
listed in divisions (A) (3) (a) to (c) of this section; 117

(e) A violation of an existing or former municipal 118  
ordinance or law of this state, any other state, or the United 119  
States that is substantially equivalent to any of the offenses 120  
listed in divisions (A) (3) (a) to (d) of this section. 121

(4) On receipt of a request pursuant to section 2151.86 or 122  
2151.904 of the Revised Code, a completed form prescribed 123  
pursuant to division (C) (1) of this section, and a set of 124  
fingerprint impressions obtained in the manner described in 125  
division (C) (2) of this section, the superintendent of the 126  
bureau of criminal identification and investigation shall 127  
conduct a criminal records check in the manner described in 128  
division (B) of this section to determine whether any 129  
information exists that indicates that the person who is the 130  
subject of the request previously has been convicted of or 131  
pleaded guilty to any of the following: 132

(a) A violation of section 959.13, 2903.01, 2903.02, 133  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 134  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 135  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 136  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 137

2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 138  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 139  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 140  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 141  
2927.12, or 3716.11 of the Revised Code, a violation of section 142  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 143  
a violation of section 2919.23 of the Revised Code that would 144  
have been a violation of section 2905.04 of the Revised Code as 145  
it existed prior to July 1, 1996, had the violation been 146  
committed prior to that date, a violation of section 2925.11 of 147  
the Revised Code that is not a minor drug possession offense, 148  
two or more OVI or OVUAC violations committed within the three 149  
years immediately preceding the submission of the application or 150  
petition that is the basis of the request, or felonious sexual 151  
penetration in violation of former section 2907.12 of the 152  
Revised Code; 153

(b) A violation of an existing or former law of this 154  
state, any other state, or the United States that is 155  
substantially equivalent to any of the offenses listed in 156  
division (A)(4)(a) of this section. 157

(5) Upon receipt of a request pursuant to section 5104.013 158  
of the Revised Code, a completed form prescribed pursuant to 159  
division (C)(1) of this section, and a set of fingerprint 160  
impressions obtained in the manner described in division (C)(2) 161  
of this section, the superintendent of the bureau of criminal 162  
identification and investigation shall conduct a criminal 163  
records check in the manner described in division (B) of this 164  
section to determine whether any information exists that 165  
indicates that the person who is the subject of the request has 166  
been convicted of or pleaded guilty to any of the following: 167

(a) A violation of section 2151.421, 2903.01, 2903.02, 168  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 169  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 170  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 171  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 172  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 173  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 174  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 175  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 176  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 177  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 178  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 179  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 180  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 181  
3716.11 of the Revised Code, felonious sexual penetration in 182  
violation of former section 2907.12 of the Revised Code, a 183  
violation of section 2905.04 of the Revised Code as it existed 184  
prior to July 1, 1996, a violation of section 2919.23 of the 185  
Revised Code that would have been a violation of section 2905.04 186  
of the Revised Code as it existed prior to July 1, 1996, had the 187  
violation been committed prior to that date, a violation of 188  
section 2925.11 of the Revised Code that is not a minor drug 189  
possession offense, a violation of section 2923.02 or 2923.03 of 190  
the Revised Code that relates to a crime specified in this 191  
division, or a second violation of section 4511.19 of the 192  
Revised Code within five years of the date of application for 193  
licensure or certification. 194

(b) A violation of an existing or former law of this 195  
state, any other state, or the United States that is 196  
substantially equivalent to any of the offenses or violations 197  
described in division (A) (5) (a) of this section. 198

(6) Upon receipt of a request pursuant to section 5153.111 199  
of the Revised Code, a completed form prescribed pursuant to 200  
division (C)(1) of this section, and a set of fingerprint 201  
impressions obtained in the manner described in division (C)(2) 202  
of this section, the superintendent of the bureau of criminal 203  
identification and investigation shall conduct a criminal 204  
records check in the manner described in division (B) of this 205  
section to determine whether any information exists that 206  
indicates that the person who is the subject of the request 207  
previously has been convicted of or pleaded guilty to any of the 208  
following: 209

(a) A violation of section 2903.01, 2903.02, 2903.03, 210  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 211  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 212  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 213  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 214  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 215  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 216  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 217  
Code, felonious sexual penetration in violation of former 218  
section 2907.12 of the Revised Code, a violation of section 219  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 220  
a violation of section 2919.23 of the Revised Code that would 221  
have been a violation of section 2905.04 of the Revised Code as 222  
it existed prior to July 1, 1996, had the violation been 223  
committed prior to that date, or a violation of section 2925.11 224  
of the Revised Code that is not a minor drug possession offense; 225

(b) A violation of an existing or former law of this 226  
state, any other state, or the United States that is 227  
substantially equivalent to any of the offenses listed in 228  
division (A)(6)(a) of this section. 229



(7) On receipt of a request for a criminal records check 230  
from an individual pursuant to section 4749.03 or 4749.06 of the 231  
Revised Code, accompanied by a completed copy of the form 232  
prescribed in division (C)(1) of this section and a set of 233  
fingerprint impressions obtained in a manner described in 234  
division (C)(2) of this section, the superintendent of the 235  
bureau of criminal identification and investigation shall 236  
conduct a criminal records check in the manner described in 237  
division (B) of this section to determine whether any 238  
information exists indicating that the person who is the subject 239  
of the request has been convicted of or pleaded guilty to a 240  
felony in this state or in any other state. If the individual 241  
indicates that a firearm will be carried in the course of 242  
business, the superintendent shall require information from the 243  
federal bureau of investigation as described in division (B)(2) 244  
of this section. Subject to division (F) of this section, the 245  
superintendent shall report the findings of the criminal records 246  
check and any information the federal bureau of investigation 247  
provides to the director of public safety. 248

(8) On receipt of a request pursuant to section 1321.37, 249  
1321.53, or 4763.05 of the Revised Code, a completed form 250  
prescribed pursuant to division (C)(1) of this section, and a 251  
set of fingerprint impressions obtained in the manner described 252  
in division (C)(2) of this section, the superintendent of the 253  
bureau of criminal identification and investigation shall 254  
conduct a criminal records check with respect to any person who 255  
has applied for a license, permit, or certification from the 256  
department of commerce or a division in the department. The 257  
superintendent shall conduct the criminal records check in the 258  
manner described in division (B) of this section to determine 259  
whether any information exists that indicates that the person 260

who is the subject of the request previously has been convicted 261  
of or pleaded guilty to any of the following: a violation of 262  
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 263  
Revised Code; any other criminal offense involving theft, 264  
receiving stolen property, embezzlement, forgery, fraud, passing 265  
bad checks, money laundering, or drug trafficking, or any 266  
criminal offense involving money or securities, as set forth in 267  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 268  
the Revised Code; or any existing or former law of this state, 269  
any other state, or the United States that is substantially 270  
equivalent to those offenses. 271

(9) On receipt of a request for a criminal records check 272  
from the treasurer of state under section 113.041 of the Revised 273  
Code or from an individual under section 928.03, 4701.08, 274  
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 275  
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 276  
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 277  
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 278  
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 279  
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 280  
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 281  
Code, accompanied by a completed form prescribed under division 282  
(C) (1) of this section and a set of fingerprint impressions 283  
obtained in the manner described in division (C) (2) of this 284  
section, the superintendent of the bureau of criminal 285  
identification and investigation shall conduct a criminal 286  
records check in the manner described in division (B) of this 287  
section to determine whether any information exists that 288  
indicates that the person who is the subject of the request has 289  
been convicted of or pleaded guilty to any criminal offense in 290  
this state or any other state. Subject to division (F) of this 291

section, the superintendent shall send the results of a check 292  
requested under section 113.041 of the Revised Code to the 293  
treasurer of state and shall send the results of a check 294  
requested under any of the other listed sections to the 295  
licensing board specified by the individual in the request. 296

(10) On receipt of a request pursuant to section 124.74, 297  
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 298  
Code, a completed form prescribed pursuant to division (C)(1) of 299  
this section, and a set of fingerprint impressions obtained in 300  
the manner described in division (C)(2) of this section, the 301  
superintendent of the bureau of criminal identification and 302  
investigation shall conduct a criminal records check in the 303  
manner described in division (B) of this section to determine 304  
whether any information exists that indicates that the person 305  
who is the subject of the request previously has been convicted 306  
of or pleaded guilty to any criminal offense under any existing 307  
or former law of this state, any other state, or the United 308  
States. 309

(11) On receipt of a request for a criminal records check 310  
from an appointing or licensing authority under section 3772.07 311  
of the Revised Code, a completed form prescribed under division 312  
(C)(1) of this section, and a set of fingerprint impressions 313  
obtained in the manner prescribed in division (C)(2) of this 314  
section, the superintendent of the bureau of criminal 315  
identification and investigation shall conduct a criminal 316  
records check in the manner described in division (B) of this 317  
section to determine whether any information exists that 318  
indicates that the person who is the subject of the request 319  
previously has been convicted of or pleaded guilty or no contest 320  
to any offense under any existing or former law of this state, 321  
any other state, or the United States that is a disqualifying 322

offense as defined in section 3772.07 of the Revised Code or 323  
substantially equivalent to such an offense. 324

(12) On receipt of a request pursuant to section 2151.33 325  
or 2151.412 of the Revised Code, a completed form prescribed 326  
pursuant to division (C)(1) of this section, and a set of 327  
fingerprint impressions obtained in the manner described in 328  
division (C)(2) of this section, the superintendent of the 329  
bureau of criminal identification and investigation shall 330  
conduct a criminal records check with respect to any person for 331  
whom a criminal records check is required under that section. 332  
The superintendent shall conduct the criminal records check in 333  
the manner described in division (B) of this section to 334  
determine whether any information exists that indicates that the 335  
person who is the subject of the request previously has been 336  
convicted of or pleaded guilty to any of the following: 337

(a) A violation of section 2903.01, 2903.02, 2903.03, 338  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 339  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 340  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 341  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 342  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 343  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 344  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 345  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 346

(b) An existing or former law of this state, any other 347  
state, or the United States that is substantially equivalent to 348  
any of the offenses listed in division (A)(12)(a) of this 349  
section. 350

(13) On receipt of a request pursuant to section 3796.12 351  
of the Revised Code, a completed form prescribed pursuant to 352

division (C) (1) of this section, and a set of fingerprint 353  
impressions obtained in a manner described in division (C) (2) of 354  
this section, the superintendent of the bureau of criminal 355  
identification and investigation shall conduct a criminal 356  
records check in the manner described in division (B) of this 357  
section to determine whether any information exists that 358  
indicates that the person who is the subject of the request 359  
previously has been convicted of or pleaded guilty to the 360  
following: 361

(a) A disqualifying offense as specified in rules adopted 362  
under division (B) (2) (b) of section 3796.03 of the Revised Code 363  
if the person who is the subject of the request is an 364  
administrator or other person responsible for the daily 365  
operation of, or an owner or prospective owner, officer or 366  
prospective officer, or board member or prospective board member 367  
of, an entity seeking a license from the department of commerce 368  
under Chapter 3796. of the Revised Code; 369

(b) A disqualifying offense as specified in rules adopted 370  
under division (B) (2) (b) of section 3796.04 of the Revised Code 371  
if the person who is the subject of the request is an 372  
administrator or other person responsible for the daily 373  
operation of, or an owner or prospective owner, officer or 374  
prospective officer, or board member or prospective board member 375  
of, an entity seeking a license from the state board of pharmacy 376  
under Chapter 3796. of the Revised Code. 377

(14) On receipt of a request required by section 3796.13 378  
of the Revised Code, a completed form prescribed pursuant to 379  
division (C) (1) of this section, and a set of fingerprint 380  
impressions obtained in a manner described in division (C) (2) of 381  
this section, the superintendent of the bureau of criminal 382

identification and investigation shall conduct a criminal 383  
records check in the manner described in division (B) of this 384  
section to determine whether any information exists that 385  
indicates that the person who is the subject of the request 386  
previously has been convicted of or pleaded guilty to the 387  
following: 388

(a) A disqualifying offense as specified in rules adopted 389  
under division (B) (8) (a) of section 3796.03 of the Revised Code 390  
if the person who is the subject of the request is seeking 391  
employment with an entity licensed by the department of commerce 392  
under Chapter 3796. of the Revised Code; 393

(b) A disqualifying offense as specified in rules adopted 394  
under division (B) (14) (a) of section 3796.04 of the Revised Code 395  
if the person who is the subject of the request is seeking 396  
employment with an entity licensed by the state board of 397  
pharmacy under Chapter 3796. of the Revised Code. 398

(15) On receipt of a request pursuant to section 4768.06 399  
of the Revised Code, a completed form prescribed under division 400  
(C) (1) of this section, and a set of fingerprint impressions 401  
obtained in the manner described in division (C) (2) of this 402  
section, the superintendent of the bureau of criminal 403  
identification and investigation shall conduct a criminal 404  
records check in the manner described in division (B) of this 405  
section to determine whether any information exists indicating 406  
that the person who is the subject of the request has been 407  
convicted of or pleaded guilty to a felony in this state or in 408  
any other state. 409

(16) On receipt of a request pursuant to division (B) of 410  
section 4764.07 or division (A) of section 4735.143 of the 411  
Revised Code, a completed form prescribed under division (C) (1) 412

of this section, and a set of fingerprint impressions obtained 413  
in the manner described in division (C) (2) of this section, the 414  
superintendent of the bureau of criminal identification and 415  
investigation shall conduct a criminal records check in the 416  
manner described in division (B) of this section to determine 417  
whether any information exists indicating that the person who is 418  
the subject of the request has been convicted of or pleaded 419  
guilty to any crime of moral turpitude, a felony, or an 420  
equivalent offense in any other state or the United States. 421

(17) On receipt of a request for a criminal records check 422  
under section 147.022 of the Revised Code, a completed form 423  
prescribed under division (C) (1) of this section, and a set of 424  
fingerprint impressions obtained in the manner prescribed in 425  
division (C) (2) of this section, the superintendent of the 426  
bureau of criminal identification and investigation shall 427  
conduct a criminal records check in the manner described in 428  
division (B) of this section to determine whether any 429  
information exists that indicates that the person who is the 430  
subject of the request previously has been convicted of or 431  
pleaded guilty or no contest to any disqualifying offense, as 432  
defined in section 147.011 of the Revised Code, or to any 433  
offense under any existing or former law of this state, any 434  
other state, or the United States that is substantially 435  
equivalent to such a disqualifying offense. 436

(B) Subject to division (F) of this section, the 437  
superintendent shall conduct any criminal records check to be 438  
conducted under this section as follows: 439

(1) The superintendent shall review or cause to be 440  
reviewed any relevant information gathered and compiled by the 441  
bureau under division (A) of section 109.57 of the Revised Code 442

that relates to the person who is the subject of the criminal 443  
records check, including, if the criminal records check was 444  
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 445  
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 446  
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 447  
3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 448  
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 449  
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 450  
5153.111 of the Revised Code, any relevant information contained 451  
in records that have been sealed under section 2953.32 of the 452  
Revised Code; 453

(2) If the request received by the superintendent asks for 454  
information from the federal bureau of investigation, the 455  
superintendent shall request from the federal bureau of 456  
investigation any information it has with respect to the person 457  
who is the subject of the criminal records check, including 458  
fingerprint-based checks of national crime information databases 459  
as described in 42 U.S.C. 671 if the request is made pursuant to 460  
section 2151.86 or 5104.013 of the Revised Code or if any other 461  
Revised Code section requires fingerprint-based checks of that 462  
nature, and shall review or cause to be reviewed any information 463  
the superintendent receives from that bureau. If a request under 464  
section 3319.39 of the Revised Code asks only for information 465  
from the federal bureau of investigation, the superintendent 466  
shall not conduct the review prescribed by division (B)(1) of 467  
this section. 468

(3) The superintendent or the superintendent's designee 469  
may request criminal history records from other states or the 470  
federal government pursuant to the national crime prevention and 471  
privacy compact set forth in section 109.571 of the Revised 472  
Code. 473



(4) The superintendent shall include in the results of the 474  
criminal records check a list or description of the offenses 475  
listed or described in division (A) (1), (2), (3), (4), (5), (6), 476  
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 477  
of this section, whichever division requires the superintendent 478  
to conduct the criminal records check. The superintendent shall 479  
exclude from the results any information the dissemination of 480  
which is prohibited by federal law. 481

(5) The superintendent shall send the results of the 482  
criminal records check to the person to whom it is to be sent 483  
not later than the following number of days after the date the 484  
superintendent receives the request for the criminal records 485  
check, the completed form prescribed under division (C) (1) of 486  
this section, and the set of fingerprint impressions obtained in 487  
the manner described in division (C) (2) of this section: 488

(a) If the superintendent is required by division (A) of 489  
this section (other than division (A) (3) of this section) to 490  
conduct the criminal records check, thirty; 491

(b) If the superintendent is required by division (A) (3) 492  
of this section to conduct the criminal records check, sixty. 493

(C) (1) The superintendent shall prescribe a form to obtain 494  
the information necessary to conduct a criminal records check 495  
from any person for whom a criminal records check is to be 496  
conducted under this section. The form that the superintendent 497  
prescribes pursuant to this division may be in a tangible 498  
format, in an electronic format, or in both tangible and 499  
electronic formats. 500

(2) The superintendent shall prescribe standard impression 501  
sheets to obtain the fingerprint impressions of any person for 502

whom a criminal records check is to be conducted under this 503  
section. Any person for whom a records check is to be conducted 504  
under this section shall obtain the fingerprint impressions at a 505  
county sheriff's office, municipal police department, or any 506  
other entity with the ability to make fingerprint impressions on 507  
the standard impression sheets prescribed by the superintendent. 508  
The office, department, or entity may charge the person a 509  
reasonable fee for making the impressions. The standard 510  
impression sheets the superintendent prescribes pursuant to this 511  
division may be in a tangible format, in an electronic format, 512  
or in both tangible and electronic formats. 513

(3) Subject to division (D) of this section, the 514  
superintendent shall prescribe and charge a reasonable fee for 515  
providing a criminal records check under this section. The 516  
person requesting the criminal records check shall pay the fee 517  
prescribed pursuant to this division. In the case of a request 518  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 519  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 520  
fee shall be paid in the manner specified in that section. 521

(4) The superintendent of the bureau of criminal 522  
identification and investigation may prescribe methods of 523  
forwarding fingerprint impressions and information necessary to 524  
conduct a criminal records check, which methods shall include, 525  
but not be limited to, an electronic method. 526

(D) The results of a criminal records check conducted 527  
under this section, other than a criminal records check 528  
specified in division (A) (7) of this section, are valid for the 529  
person who is the subject of the criminal records check for a 530  
period of one year from the date upon which the superintendent 531  
completes the criminal records check. If during that period the 532

superintendent receives another request for a criminal records 533  
check to be conducted under this section for that person, the 534  
superintendent shall provide the results from the previous 535  
criminal records check of the person at a lower fee than the fee 536  
prescribed for the initial criminal records check. 537

(E) When the superintendent receives a request for 538  
information from a registered private provider, the 539  
superintendent shall proceed as if the request was received from 540  
a school district board of education under section 3319.39 of 541  
the Revised Code. The superintendent shall apply division (A) (1) 542  
(c) of this section to any such request for an applicant who is 543  
a teacher. 544

(F) (1) Subject to division (F) (2) of this section, all 545  
information regarding the results of a criminal records check 546  
conducted under this section that the superintendent reports or 547  
sends under division (A) (7) or (9) of this section to the 548  
director of public safety, the treasurer of state, or the 549  
person, board, or entity that made the request for the criminal 550  
records check shall relate to the conviction of the subject 551  
person, or the subject person's plea of guilty to, a criminal 552  
offense. 553

(2) Division (F) (1) of this section does not limit, 554  
restrict, or preclude the superintendent's release of 555  
information that relates to the arrest of a person who is 556  
eighteen years of age or older, to an adjudication of a child as 557  
a delinquent child, or to a criminal conviction of a person 558  
under eighteen years of age in circumstances in which a release 559  
of that nature is authorized under division (E) (2), (3), or (4) 560  
of section 109.57 of the Revised Code pursuant to a rule adopted 561  
under division (E) (1) of that section. 562

(G) As used in this section: 563

(1) "Criminal records check" means any criminal records 564  
check conducted by the superintendent of the bureau of criminal 565  
identification and investigation in accordance with division (B) 566  
of this section. 567

(2) "Minor drug possession offense" has the same meaning 568  
as in section 2925.01 of the Revised Code. 569

(3) "OVI or OVUAC violation" means a violation of section 570  
4511.19 of the Revised Code or a violation of an existing or 571  
former law of this state, any other state, or the United States 572  
that is substantially equivalent to section 4511.19 of the 573  
Revised Code. 574

(4) "Registered private provider" means a nonpublic school 575  
or entity registered with the superintendent of public 576  
instruction under section 3310.41 of the Revised Code to 577  
participate in the autism scholarship program or section 3310.58 578  
of the Revised Code to participate in the Jon Peterson special 579  
needs scholarship program. 580

**Sec. 2919.123.** (A) No person shall knowingly give, sell, 581  
dispense, administer, or otherwise provide, ~~or prescribe~~ RU-486 582  
(mifepristone) to another for the purpose of inducing an 583  
abortion in any person or enabling the other person to induce an 584  
abortion in any person, unless the person who gives, sells, 585  
dispenses, administers, or otherwise provides ~~or prescribes~~ the 586  
RU-486 (mifepristone) is a physician, the physician satisfies 587  
all the criteria established by federal law that a physician 588  
must satisfy in order to provide RU-486 (mifepristone) for 589  
inducing abortions, and the physician provides the RU-486 590  
(mifepristone) to the other person for the purpose of inducing 591

an abortion in accordance with all provisions of federal law 592  
that govern the use of RU-486 (mifepristone) for inducing 593  
abortions. A person who gives, sells, dispenses, administers, or 594  
otherwise provides, ~~or prescribes~~ RU-486 (mifepristone) to 595  
another as described in division (A) of this section shall not 596  
be prosecuted based on a violation of the criteria contained in 597  
this division unless the person knows that the person is not a 598  
physician, that the person did not satisfy all the specified 599  
criteria established by federal law, or that the person did not 600  
provide the RU-486 (mifepristone) in accordance with the 601  
specified provisions of federal law, whichever is applicable. 602

(B) No physician who provides RU-486 (mifepristone) to 603  
another for the purpose of inducing an abortion as authorized 604  
under division (A) of this section shall knowingly fail to 605  
comply with the applicable requirements of any federal law that 606  
pertain to follow-up examinations or care for persons to whom or 607  
for whom RU-486 (mifepristone) is provided for the purpose of 608  
inducing an abortion. 609

(C) (1) If a physician provides RU-486 (mifepristone) to 610  
another for the purpose of inducing an abortion as authorized 611  
under division (A) of this section and if the physician knows 612  
that the person who uses the RU-486 (mifepristone) for the 613  
purpose of inducing an abortion experiences during or after the 614  
use an incomplete abortion, severe bleeding, or an adverse 615  
reaction to the RU-486 (mifepristone) or is hospitalized, 616  
receives a transfusion, or experiences any other serious event, 617  
the physician promptly must provide a written report of the 618  
incomplete abortion, severe bleeding, adverse reaction, 619  
hospitalization, transfusion, or serious event to the state 620  
medical board. The board shall compile and retain all reports it 621  
receives under this division. Except as otherwise provided in 622

this division, all reports the board receives under this 623  
division are public records open to inspection under section 624  
149.43 of the Revised Code. In no case shall the board release 625  
to any person the name or any other personal identifying 626  
information regarding a person who uses RU-486 (mifepristone) 627  
for the purpose of inducing an abortion and who is the subject 628  
of a report the board receives under this division. 629

(2) No physician who provides RU-486 (mifepristone) to 630  
another for the purpose of inducing an abortion as authorized 631  
under division (A) of this section shall knowingly fail to file 632  
a report required under division (C)(1) of this section. 633

(D) Division (A) of this section does not apply to any of 634  
the following: 635

(1) A pregnant woman who obtains or possesses RU-486 636  
(mifepristone) for the purpose of inducing an abortion to 637  
terminate her own pregnancy; 638

(2) The legal transport of RU-486 (mifepristone) by any 639  
person or entity and the legal delivery of the RU-486 640  
(mifepristone) by any person to the recipient, provided that 641  
this division does not apply regarding any conduct related to 642  
the RU-486 (mifepristone) other than its transport and delivery 643  
to the recipient; 644

(3) The distribution, provision, or sale of RU-486 645  
(mifepristone) by any legal manufacturer or distributor of RU- 646  
486 (mifepristone), provided the manufacturer or distributor 647  
made a good faith effort to comply with any applicable 648  
requirements of federal law regarding the distribution, 649  
provision, or sale. 650

(E) Whoever violates this section is guilty of unlawful 651

distribution of an abortion-inducing drug, a felony of the 652  
fourth degree. If the offender previously has been convicted of 653  
or pleaded guilty to a violation of this section or of section 654  
2919.12, 2919.121, 2919.13, 2919.14, 2919.15, 2919.151, 2919.17, 655  
or 2919.18 of the Revised Code, unlawful distribution of an 656  
abortion-inducing drug is a felony of the third degree. 657

If the offender is a professionally licensed person, in 658  
addition to any other sanction imposed by law for the offense, 659  
the offender is subject to sanctioning as provided by law by the 660  
regulatory or licensing board or agency that has the 661  
administrative authority to suspend or revoke the offender's 662  
professional license, including the sanctioning provided in 663  
section 4731.22 of the Revised Code for offenders who have a 664  
certificate to practice or certificate of registration issued 665  
under that chapter. 666

(F) As used in this section: 667

(1) "Federal law" means any law, rule, or regulation of 668  
the United States or any drug approval letter of the food and 669  
drug administration of the United States that governs or 670  
regulates the use of RU-486 (mifepristone) for the purpose of 671  
inducing abortions. 672

(2) "Personal identifying information" has the same 673  
meaning as in section 2913.49 of the Revised Code. 674

(3) "Physician" has the same meaning as in section 675  
2305.113 of the Revised Code. 676

(4) "Professionally licensed person" has the same meaning 677  
as in section 2925.01 of the Revised Code. 678

**Sec. 2919.124.** (A) As used in this section: 679

(1) "Abortion-inducing drug" means a drug or regimen of 680  
drugs that causes the termination of a clinically diagnosable 681  
pregnancy, including any drug identified in section 2919.123 of 682  
the Revised Code. 683

(2) "Physician" has the same meaning as in section 684  
2305.113 of the Revised Code. 685

(3) "Professionally licensed person" has the same meaning 686  
as in section 2925.01 of the Revised Code. 687

(B) No physician shall personally furnish or otherwise 688  
provide an abortion-inducing drug to a pregnant woman unless the 689  
physician is physically present at the location where the 690  
initial dose of the drug or regimen of drugs is consumed at the 691  
time the initial dose is consumed. 692

(C) No physician who personally furnishes or otherwise 693  
provides an abortion-inducing drug to another for the purpose of 694  
inducing an abortion shall knowingly fail to comply with 695  
division (B) of this section. 696

(D) Nothing in this section shall be construed as creating 697  
or recognizing a right to abortion or affirming the lawfulness 698  
of an abortion that would otherwise be unlawful. 699

(E) Whoever violates this section is guilty of unlawful 700  
performance of a drug-induced abortion, a felony of the fourth 701  
degree. If the offender previously has been convicted of or 702  
pleaded guilty to a violation of this section or of section 703  
2919.12, 2919.121, 2919.123, 2919.13, 2919.14, 2919.15, 704  
2919.151, 2919.17, or 2919.18 of the Revised Code, unlawful 705  
performance of a drug-induced abortion is a felony of the third 706  
degree. 707

If the offender is a professionally licensed person, in 708



addition to any other sanction imposed by law for the offense, 709  
the offender is subject to sanctioning as provided by law by the 710  
regulatory or licensing board or agency that has the 711  
administrative authority to suspend or revoke the offender's 712  
professional license, including the sanctioning provided in 713  
section 4731.22 of the Revised Code for offenders who have a 714  
certificate to practice or certificate of registration issued 715  
under that chapter. 716

**Sec. 2953.25.** (A) As used in this section: 717

(1) "Collateral sanction" means a penalty, disability, or 718  
disadvantage that is related to employment or occupational 719  
licensing, however denominated, as a result of the individual's 720  
conviction of or plea of guilty to an offense and that applies 721  
by operation of law in this state whether or not the penalty, 722  
disability, or disadvantage is included in the sentence or 723  
judgment imposed. 724

"Collateral sanction" does not include imprisonment, 725  
probation, parole, supervised release, forfeiture, restitution, 726  
fine, assessment, or costs of prosecution. 727

(2) "Decision-maker" includes, but is not limited to, the 728  
state acting through a department, agency, board, commission, or 729  
instrumentality established by the law of this state for the 730  
exercise of any function of government, a political subdivision, 731  
an educational institution, or a government contractor or 732  
subcontractor made subject to this section by contract, law, or 733  
ordinance. 734

(3) "Department-funded program" means a residential or 735  
nonresidential program that is not a term in a state 736  
correctional institution, that is funded in whole or part by the 737

department of rehabilitation and correction, and that is imposed 738  
as a sanction for an offense, as part of a sanction that is 739  
imposed for an offense, or as a term or condition of any 740  
sanction that is imposed for an offense. 741

(4) "Designee" means the person designated by the deputy 742  
director of the division of parole and community services to 743  
perform the duties designated in division (B) of this section. 744

(5) "Division of parole and community services" means the 745  
division of parole and community services of the department of 746  
rehabilitation and correction. 747

(6) "Offense" means any felony or misdemeanor under the 748  
laws of this state. 749

(7) "Political subdivision" has the same meaning as in 750  
section 2969.21 of the Revised Code. 751

(8) "Discretionary civil impact," "licensing agency," and 752  
"mandatory civil impact" have the same meanings as in section 753  
2961.21 of the Revised Code. 754

(B) (1) An individual who is subject to one or more 755  
collateral sanctions as a result of being convicted of or 756  
pleading guilty to an offense and who either has served a term 757  
in a state correctional institution for any offense or has spent 758  
time in a department-funded program for any offense may file a 759  
petition with the designee of the deputy director of the 760  
division of parole and community services for a certificate of 761  
qualification for employment. 762

(2) An individual who is subject to one or more collateral 763  
sanctions as a result of being convicted of or pleading guilty 764  
to an offense and who is not in a category described in division 765  
(B) (1) of this section may file for a certificate of 766

qualification for employment by doing either of the following: 767

(a) In the case of an individual who resides in this 768  
state, filing a petition with the court of common pleas of the 769  
county in which the person resides or with the designee of the 770  
deputy director of the division of parole and community 771  
services; 772

(b) In the case of an individual who resides outside of 773  
this state, filing a petition with the court of common pleas of 774  
any county in which any conviction or plea of guilty from which 775  
the individual seeks relief was entered or with the designee of 776  
the deputy director of the division of parole and community 777  
services. 778

(3) A petition under division (B) (1) or (2) of this 779  
section shall be made on a copy of the form prescribed by the 780  
division of parole and community services under division (J) of 781  
this section, shall contain all of the information described in 782  
division (F) of this section, and, except as provided in 783  
division (B) (6) of this section, shall be accompanied by an 784  
application fee of fifty dollars. 785

(4) (a) Except as provided in division (B) (4) (b) of this 786  
section, an individual may file a petition under division (B) (1) 787  
or (2) of this section at any time after the expiration of 788  
whichever of the following is applicable: 789

(i) If the offense that resulted in the collateral 790  
sanction from which the individual seeks relief is a felony, at 791  
any time after the expiration of one year from the date of 792  
release of the individual from any period of incarceration in a 793  
state or local correctional facility that was imposed for that 794  
offense and all periods of supervision imposed after release 795

from the period of incarceration or, if the individual was not 796  
incarcerated for that offense, at any time after the expiration 797  
of one year from the date of the individual's final release from 798  
all other sanctions imposed for that offense. 799

(ii) If the offense that resulted in the collateral 800  
sanction from which the individual seeks relief is a 801  
misdemeanor, at any time after the expiration of six months from 802  
the date of release of the individual from any period of 803  
incarceration in a local correctional facility that was imposed 804  
for that offense and all periods of supervision imposed after 805  
release from the period of incarceration or, if the individual 806  
was not incarcerated for that offense, at any time after the 807  
expiration of six months from the date of the final release of 808  
the individual from all sanctions imposed for that offense 809  
including any period of supervision. 810

(b) The department of rehabilitation and correction may 811  
establish criteria by rule adopted under Chapter 119. of the 812  
Revised Code that, if satisfied by an individual, would allow 813  
the individual to file a petition before the expiration of six 814  
months or one year from the date of final release, whichever is 815  
applicable under division (B) (4) (a) of this section. 816

(5) (a) A designee that receives a petition for a 817  
certificate of qualification for employment from an individual 818  
under division (B) (1) or (2) of this section shall review the 819  
petition to determine whether it is complete. If the petition is 820  
complete, the designee shall forward the petition, the 821  
application fee, and any other information the designee 822  
possesses that relates to the petition, to the court of common 823  
pleas of the county in which the individual resides if the 824  
individual submitting the petition resides in this state or, if 825

the individual resides outside of this state, to the court of 826  
common pleas of the county in which the conviction or plea of 827  
guilty from which the individual seeks relief was entered. 828

(b) A court of common pleas that receives a petition for a 829  
certificate of qualification for employment from an individual 830  
under division (B) (2) of this section, or that is forwarded a 831  
petition for such a certificate under division (B) (5) (a) of this 832  
section, shall attempt to determine all other courts in this 833  
state in which the individual was convicted of or pleaded guilty 834  
to an offense other than the offense from which the individual 835  
is seeking relief. The court that receives or is forwarded the 836  
petition shall notify all other courts in this state that it 837  
determines under this division were courts in which the 838  
individual was convicted of or pleaded guilty to an offense 839  
other than the offense from which the individual is seeking 840  
relief that the individual has filed the petition and that the 841  
court may send comments regarding the possible issuance of the 842  
certificate. 843

A court of common pleas that receives a petition for a 844  
certificate of qualification for employment under division (B) 845  
(2) of this section shall notify the county's prosecuting 846  
attorney that the individual has filed the petition. 847

A court of common pleas that receives a petition for a 848  
certificate of qualification for employment under division (B) 849  
(2) of this section, or that is forwarded a petition for 850  
qualification under division (B) (5) (a) of this section may 851  
direct the clerk of court to process and record all notices 852  
required in or under this section. Except as provided in 853  
division (B) (6) of this section, the court shall pay thirty 854  
dollars of the application fee into the state treasury and 855

twenty dollars of the application fee into the county general 856  
revenue fund. 857

(6) Upon receiving a petition for a certificate of 858  
qualification for employment filed by an individual under 859  
division (B)(1) or (2) of this section, a court of common pleas 860  
or the designee of the deputy director of the division of parole 861  
and community services who receives the petition may waive all 862  
or part of the fifty-dollar filing fee for an applicant who is 863  
indigent. If an application fee is partially waived, the first 864  
twenty dollars of the fee that is collected shall be paid into 865  
the county general revenue fund. Any partial fee collected in 866  
excess of twenty dollars shall be paid into the state treasury. 867

(C)(1) Upon receiving a petition for a certificate of 868  
qualification for employment filed by an individual under 869  
division (B)(2) of this section or being forwarded a petition 870  
for such a certificate under division (B)(5)(a) of this section, 871  
the court shall review the individual's petition, the 872  
individual's criminal history, all filings submitted by the 873  
prosecutor or by the victim in accordance with rules adopted by 874  
the division of parole and community services, the applicant's 875  
military service record, if applicable, and whether the 876  
applicant has an emotional, mental, or physical condition that 877  
is traceable to the applicant's military service in the armed 878  
forces of the United States and that was a contributing factor 879  
in the commission of the offense or offenses, and all other 880  
relevant evidence. The court may order any report, 881  
investigation, or disclosure by the individual that the court 882  
believes is necessary for the court to reach a decision on 883  
whether to approve the individual's petition for a certificate 884  
of qualification for employment. 885

(2) Upon receiving a petition for a certificate of 886  
qualification for employment filed by an individual under 887  
division (B) (2) of this section or being forwarded a petition 888  
for such a certificate under division (B) (5) (a) of this section, 889  
except as otherwise provided in this division, the court shall 890  
decide whether to issue the certificate within sixty days after 891  
the court receives or is forwarded the completed petition and 892  
all information requested for the court to make that decision. 893  
Upon request of the individual who filed the petition, the court 894  
may extend the sixty-day period specified in this division. 895

(3) Except as provided in division (C) (5) of this section 896  
and subject to division (C) (7) of this section, a court that 897  
receives an individual's petition for a certificate of 898  
qualification for employment under division (B) (2) of this 899  
section or that is forwarded a petition for such a certificate 900  
under division (B) (5) (a) of this section may issue a certificate 901  
of qualification for employment, at the court's discretion, if 902  
the court finds that the individual has established all of the 903  
following by a preponderance of the evidence: 904

(a) Granting the petition will materially assist the 905  
individual in obtaining employment or occupational licensing. 906

(b) The individual has a substantial need for the relief 907  
requested in order to live a law-abiding life. 908

(c) Granting the petition would not pose an unreasonable 909  
risk to the safety of the public or any individual. 910

(4) The submission of an incomplete petition by an 911  
individual shall not be grounds for the designee or court to 912  
deny the petition. 913

(5) Subject to division (C) (6) of this section, an 914

individual is rebuttably presumed to be eligible for a 915  
certificate of qualification for employment if the court that 916  
receives the individual's petition under division (B) (2) of this 917  
section or that is forwarded a petition under division (B) (5) (a) 918  
of this section finds all of the following: 919

(a) The application was filed after the expiration of the 920  
applicable waiting period prescribed in division (B) (4) of this 921  
section; 922

(b) If the offense that resulted in the collateral 923  
sanction from which the individual seeks relief is a felony, at 924  
least three years have elapsed since the date of release of the 925  
individual from any period of incarceration in a state or local 926  
correctional facility that was imposed for that offense and all 927  
periods of supervision imposed after release from the period of 928  
incarceration or, if the individual was not incarcerated for 929  
that offense, at least three years have elapsed since the date 930  
of the individual's final release from all other sanctions 931  
imposed for that offense; 932

(c) If the offense that resulted in the collateral 933  
sanction from which the individual seeks relief is a 934  
misdemeanor, at least one year has elapsed since the date of 935  
release of the individual from any period of incarceration in a 936  
local correctional facility that was imposed for that offense 937  
and all periods of supervision imposed after release from the 938  
period of incarceration or, if the individual was not 939  
incarcerated for that offense, at least one year has elapsed 940  
since the date of the final release of the individual from all 941  
sanctions imposed for that offense including any period of 942  
supervision. 943

(6) An application that meets all of the requirements for 944



the presumption under division (C)(5) of this section shall be 945  
denied only if the court that receives the petition finds that 946  
the evidence reviewed under division (C)(1) of this section 947  
rebutts the presumption of eligibility for issuance by 948  
establishing, by clear and convincing evidence, that the 949  
applicant has not been rehabilitated. 950

(7) A certificate of qualification for employment shall 951  
not create relief from any of the following collateral 952  
sanctions: 953

(a) Requirements imposed by Chapter 2950. of the Revised 954  
Code and rules adopted under sections 2950.13 and 2950.132 of 955  
the Revised Code; 956

(b) A driver's license, commercial driver's license, or 957  
probationary license suspension, cancellation, or revocation 958  
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of 959  
the Revised Code if the relief sought is available pursuant to 960  
section 4510.021 or division (B) of section 4510.13 of the 961  
Revised Code; 962

(c) Restrictions on employment as a prosecutor or law 963  
enforcement officer; 964

(d) The denial, ineligibility, or automatic suspension of 965  
a license that is imposed upon an individual applying for or 966  
holding a license as a health care professional under Title 967  
XLVII of the Revised Code if the individual is convicted of, 968  
pleads guilty to, is subject to a judicial finding of 969  
eligibility for intervention in lieu of conviction in this state 970  
under section 2951.041 of the Revised Code, or is subject to 971  
treatment or intervention in lieu of conviction for a violation 972  
of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 973

2907.03, 2907.05, 2909.02, 2911.01, 2911.11, ~~or~~ 2919.123, or 974  
2919.124 of the Revised Code; 975

(e) The immediate suspension of a license, certificate, or 976  
evidence of registration that is imposed upon an individual 977  
holding a license as a health care professional under Title 978  
XLVII of the Revised Code pursuant to division (C) of section 979  
3719.121 of the Revised Code; 980

(f) The denial or ineligibility for employment in a pain 981  
clinic under division (B) (4) of section 4729.552 of the Revised 982  
Code; 983

(g) The mandatory suspension of a license that is imposed 984  
on an individual applying for or holding a license as a health 985  
care professional under Title XLVII of the Revised Code pursuant 986  
to section 3123.43 of the Revised Code. 987

(8) If a court that receives an individual's petition for 988  
a certificate of qualification for employment under division (B) 989  
(2) of this section or that is forwarded a petition for such a 990  
certificate under division (B) (5) (a) of this section denies the 991  
petition, the court shall provide written notice to the 992  
individual of the court's denial. The court may place conditions 993  
on the individual regarding the individual's filing of any 994  
subsequent petition for a certificate of qualification for 995  
employment. The written notice must notify the individual of any 996  
conditions placed on the individual's filing of a subsequent 997  
petition for a certificate of qualification for employment. 998

If a court of common pleas that receives an individual's 999  
petition for a certificate of qualification for employment under 1000  
division (B) (2) of this section or that is forwarded a petition 1001  
for such a certificate under division (B) (5) (a) of this section 1002

denies the petition, the individual may appeal the decision to 1003  
the court of appeals only if the individual alleges that the 1004  
denial was an abuse of discretion on the part of the court of 1005  
common pleas. 1006

(D) (1) A certificate of qualification for employment 1007  
issued to an individual lifts the automatic bar of a collateral 1008  
sanction, and a decision-maker shall consider on a case-by-case 1009  
basis whether to grant or deny the issuance or restoration of an 1010  
occupational license or an employment opportunity, 1011  
notwithstanding the individual's possession of the certificate, 1012  
without, however, reconsidering or rejecting any finding made by 1013  
a designee or court under division (C) (3) of this section. 1014

(2) The certificate constitutes a rebuttable presumption 1015  
that the person's criminal convictions are insufficient evidence 1016  
that the person is unfit for the license, employment 1017  
opportunity, or certification in question. Notwithstanding the 1018  
presumption established under this division, the agency may deny 1019  
the license or certification for the person if it determines 1020  
that the person is unfit for issuance of the license. 1021

(3) If an employer that has hired a person who has been 1022  
issued a certificate of qualification for employment applies to 1023  
a licensing agency for a license or certification and the person 1024  
has a conviction or guilty plea that otherwise would bar the 1025  
person's employment with the employer or licensure for the 1026  
employer because of a mandatory civil impact, the agency shall 1027  
give the person individualized consideration, notwithstanding 1028  
the mandatory civil impact, the mandatory civil impact shall be 1029  
considered for all purposes to be a discretionary civil impact, 1030  
and the certificate constitutes a rebuttable presumption that 1031  
the person's criminal convictions are insufficient evidence that 1032

the person is unfit for the employment, or that the employer is 1033  
unfit for the license or certification, in question. 1034

(E) A certificate of qualification for employment does not 1035  
grant the individual to whom the certificate was issued relief 1036  
from the mandatory civil impacts identified in division (A) (1) 1037  
of section 2961.01 or division (B) of section 2961.02 of the 1038  
Revised Code. 1039

(F) A petition for a certificate of qualification for 1040  
employment filed by an individual under division (B) (1) or (2) 1041  
of this section shall include all of the following: 1042

(1) The individual's name, date of birth, and social 1043  
security number; 1044

(2) All aliases of the individual and all social security 1045  
numbers associated with those aliases; 1046

(3) The individual's residence address, including the 1047  
city, county, and state of residence and zip code; 1048

(4) The length of time that the individual has resided in 1049  
the individual's current state of residence, expressed in years 1050  
and months of residence; 1051

(5) A general statement as to why the individual has filed 1052  
the petition and how the certificate of qualification for 1053  
employment would assist the individual; 1054

(6) A summary of the individual's criminal history with 1055  
respect to each offense that is a disqualification from 1056  
employment or licensing in an occupation or profession, 1057  
including the years of each conviction or plea of guilty for 1058  
each of those offenses; 1059

(7) A summary of the individual's employment history, 1060

specifying the name of, and dates of employment with, each 1061  
employer; 1062

(8) Verifiable references and endorsements; 1063

(9) The name of one or more immediate family members of 1064  
the individual, or other persons with whom the individual has a 1065  
close relationship, who support the individual's reentry plan; 1066

(10) A summary of the reason the individual believes the 1067  
certificate of qualification for employment should be granted; 1068

(11) Any other information required by rule by the 1069  
department of rehabilitation and correction. 1070

(G) (1) In a judicial or administrative proceeding alleging 1071  
negligence or other fault, a certificate of qualification for 1072  
employment issued to an individual under this section may be 1073  
introduced as evidence of a person's due care in hiring, 1074  
retaining, licensing, leasing to, admitting to a school or 1075  
program, or otherwise transacting business or engaging in 1076  
activity with the individual to whom the certificate of 1077  
qualification for employment was issued if the person knew of 1078  
the certificate at the time of the alleged negligence or other 1079  
fault. 1080

(2) In any proceeding on a claim against an employer for 1081  
negligent hiring, a certificate of qualification for employment 1082  
issued to an individual under this section shall provide 1083  
immunity for the employer as to the claim if the employer knew 1084  
of the certificate at the time of the alleged negligence. 1085

(3) If an employer hires an individual who has been issued 1086  
a certificate of qualification for employment under this 1087  
section, if the individual, after being hired, subsequently 1088  
demonstrates dangerousness or is convicted of or pleads guilty 1089

to a felony, and if the employer retains the individual as an 1090  
employee after the demonstration of dangerousness or the 1091  
conviction or guilty plea, the employer may be held liable in a 1092  
civil action that is based on or relates to the retention of the 1093  
individual as an employee only if it is proved by a 1094  
preponderance of the evidence that the person having hiring and 1095  
firing responsibility for the employer had actual knowledge that 1096  
the employee was dangerous or had been convicted of or pleaded 1097  
guilty to the felony and was willful in retaining the individual 1098  
as an employee after the demonstration of dangerousness or the 1099  
conviction or guilty plea of which the person has actual 1100  
knowledge. 1101

(H) A certificate of qualification for employment issued 1102  
under this section shall be revoked if the individual to whom 1103  
the certificate of qualification for employment was issued is 1104  
convicted of or pleads guilty to a felony offense committed 1105  
subsequent to the issuance of the certificate of qualification 1106  
for employment. The department of rehabilitation and correction 1107  
shall periodically review the certificates listed in the 1108  
database described in division (K) of this section to identify 1109  
those that are subject to revocation under this division. Upon 1110  
identifying a certificate of qualification for employment that 1111  
is subject to revocation, the department shall note in the 1112  
database that the certificate has been revoked, the reason for 1113  
revocation, and the effective date of revocation, which shall be 1114  
the date of the conviction or plea of guilty subsequent to the 1115  
issuance of the certificate. 1116

(I) A designee's forwarding, or failure to forward, a 1117  
petition for a certificate of qualification for employment to a 1118  
court or a court's issuance, or failure to issue, a petition for 1119  
a certificate of qualification for employment to an individual 1120

under division (B) of this section does not give rise to a claim 1121  
for damages against the department of rehabilitation and 1122  
correction or court. 1123

(J) The division of parole and community services shall 1124  
adopt rules in accordance with Chapter 119. of the Revised Code 1125  
for the implementation and administration of this section and 1126  
shall prescribe the form for the petition to be used under 1127  
division (B)(1) or (2) of this section. The form for the 1128  
petition shall include places for all of the information 1129  
specified in division (F) of this section. 1130

(K) The department of rehabilitation and correction shall 1131  
maintain a database that identifies granted certificates and 1132  
revoked certificates and tracks the number of certificates 1133  
granted and revoked, the industries, occupations, and 1134  
professions with respect to which the certificates have been 1135  
most applicable, and the types of employers that have accepted 1136  
the certificates. The department shall annually create a report 1137  
that summarizes the information maintained in the database and 1138  
shall make the report available to the public on its internet 1139  
web site. 1140

**Sec. 4729.291.** (A) Except when provided under section 1141  
4731.97 of the Revised Code, when a licensed health professional 1142  
authorized to prescribe drugs personally furnishes drugs to a 1143  
patient pursuant to division (B) of section 4729.29 of the 1144  
Revised Code, the prescriber shall ensure that the drugs are 1145  
labeled and packaged in accordance with state and federal drug 1146  
laws and any rules and regulations adopted pursuant to those 1147  
laws. Records of purchase and disposition of all drugs 1148  
personally furnished to patients shall be maintained by the 1149  
prescriber in accordance with state and federal drug statutes 1150

and any rules adopted pursuant to those statutes. 1151

(B) When personally furnishing to a patient RU-486 1152  
(mifepristone), a prescriber is subject to ~~section~~ sections 1153  
2919.123 and 2919.124 of the Revised Code. ~~A prescription for~~ 1154  
~~RU-486 (mifepristone) shall be in writing and in accordance with~~ 1155  
~~section 2919.123 of the Revised Code.~~ 1156

(C) (1) Except as provided in divisions (D) and (E) of this 1157  
section, no prescriber shall do either of the following: 1158

(a) In any thirty-day period, personally furnish to or for 1159  
patients, taken as a whole, controlled substances in an amount 1160  
that exceeds a total of two thousand five hundred dosage units; 1161

(b) In any seventy-two-hour period, personally furnish to 1162  
or for a patient an amount of a controlled substance that 1163  
exceeds the amount necessary for the patient's use in a seventy- 1164  
two-hour period. 1165

(2) The state board of pharmacy may impose a fine of not 1166  
more than five thousand dollars on a prescriber who fails to 1167  
comply with the limits established under division (C) (1) of this 1168  
section. A separate fine may be imposed for each instance of 1169  
failing to comply with the limits. In imposing the fine, the 1170  
board's actions shall be taken in accordance with Chapter 119. 1171  
of the Revised Code. 1172

(D) None of the following shall be counted in determining 1173  
whether the amounts specified in division (C) (1) of this section 1174  
have been exceeded: 1175

(1) Methadone personally furnished to patients for the 1176  
purpose of treating drug dependence or addiction, if the 1177  
prescriber meets the conditions specified in 21 C.F.R. 1306.07; 1178



(2) Buprenorphine personally furnished to patients for the 1179  
purpose of treating drug dependence or addiction as part of an 1180  
opioid treatment program licensed under section 5119.37 of the 1181  
Revised Code. 1182

(3) Controlled substances personally furnished to research 1183  
subjects by a facility conducting clinical research in studies 1184  
approved by a hospital-based institutional review board or an 1185  
institutional review board accredited by the association for the 1186  
accreditation of human research protection programs. 1187

(E) Division (C)(1) of this section does not apply to a 1188  
prescriber who is a veterinarian. 1189

**Sec. 4731.22.** (A) The state medical board, by an 1190  
affirmative vote of not fewer than six of its members, may 1191  
limit, revoke, or suspend a license or certificate to practice 1192  
or certificate to recommend, refuse to grant a license or 1193  
certificate, refuse to renew a license or certificate, refuse to 1194  
reinstate a license or certificate, or reprimand or place on 1195  
probation the holder of a license or certificate if the 1196  
individual applying for or holding the license or certificate is 1197  
found by the board to have committed fraud during the 1198  
administration of the examination for a license or certificate 1199  
to practice or to have committed fraud, misrepresentation, or 1200  
deception in applying for, renewing, or securing any license or 1201  
certificate to practice or certificate to recommend issued by 1202  
the board. 1203

(B) The board, by an affirmative vote of not fewer than 1204  
six members, shall, to the extent permitted by law, limit, 1205  
revoke, or suspend a license or certificate to practice or 1206  
certificate to recommend, refuse to issue a license or 1207  
certificate, refuse to renew a license or certificate, refuse to 1208

reinstate a license or certificate, or reprimand or place on 1209  
probation the holder of a license or certificate for one or more 1210  
of the following reasons: 1211

(1) Permitting one's name or one's license or certificate 1212  
to practice to be used by a person, group, or corporation when 1213  
the individual concerned is not actually directing the treatment 1214  
given; 1215

(2) Failure to maintain minimal standards applicable to 1216  
the selection or administration of drugs, or failure to employ 1217  
acceptable scientific methods in the selection of drugs or other 1218  
modalities for treatment of disease; 1219

(3) Except as provided in section 4731.97 of the Revised 1220  
Code, selling, giving away, personally furnishing, prescribing, 1221  
or administering drugs for other than legal and legitimate 1222  
therapeutic purposes or a plea of guilty to, a judicial finding 1223  
of guilt of, or a judicial finding of eligibility for 1224  
intervention in lieu of conviction of, a violation of any 1225  
federal or state law regulating the possession, distribution, or 1226  
use of any drug; 1227

(4) Willfully betraying a professional confidence. 1228

For purposes of this division, "willfully betraying a 1229  
professional confidence" does not include providing any 1230  
information, documents, or reports under sections 307.621 to 1231  
307.629 of the Revised Code to a child fatality review board; 1232  
does not include providing any information, documents, or 1233  
reports to the director of health pursuant to guidelines 1234  
established under section 3701.70 of the Revised Code; does not 1235  
include written notice to a mental health professional under 1236  
section 4731.62 of the Revised Code; and does not include the 1237

making of a report of an employee's use of a drug of abuse, or a 1238  
report of a condition of an employee other than one involving 1239  
the use of a drug of abuse, to the employer of the employee as 1240  
described in division (B) of section 2305.33 of the Revised 1241  
Code. Nothing in this division affects the immunity from civil 1242  
liability conferred by section 2305.33 or 4731.62 of the Revised 1243  
Code upon a physician who makes a report in accordance with 1244  
section 2305.33 or notifies a mental health professional in 1245  
accordance with section 4731.62 of the Revised Code. As used in 1246  
this division, "employee," "employer," and "physician" have the 1247  
same meanings as in section 2305.33 of the Revised Code. 1248

(5) Making a false, fraudulent, deceptive, or misleading 1249  
statement in the solicitation of or advertising for patients; in 1250  
relation to the practice of medicine and surgery, osteopathic 1251  
medicine and surgery, podiatric medicine and surgery, or a 1252  
limited branch of medicine; or in securing or attempting to 1253  
secure any license or certificate to practice issued by the 1254  
board. 1255

As used in this division, "false, fraudulent, deceptive, 1256  
or misleading statement" means a statement that includes a 1257  
misrepresentation of fact, is likely to mislead or deceive 1258  
because of a failure to disclose material facts, is intended or 1259  
is likely to create false or unjustified expectations of 1260  
favorable results, or includes representations or implications 1261  
that in reasonable probability will cause an ordinarily prudent 1262  
person to misunderstand or be deceived. 1263

(6) A departure from, or the failure to conform to, 1264  
minimal standards of care of similar practitioners under the 1265  
same or similar circumstances, whether or not actual injury to a 1266  
patient is established; 1267

- (7) Representing, with the purpose of obtaining 1268  
compensation or other advantage as personal gain or for any 1269  
other person, that an incurable disease or injury, or other 1270  
incurable condition, can be permanently cured; 1271
- (8) The obtaining of, or attempting to obtain, money or 1272  
anything of value by fraudulent misrepresentations in the course 1273  
of practice; 1274
- (9) A plea of guilty to, a judicial finding of guilt of, 1275  
or a judicial finding of eligibility for intervention in lieu of 1276  
conviction for, a felony; 1277
- (10) Commission of an act that constitutes a felony in 1278  
this state, regardless of the jurisdiction in which the act was 1279  
committed; 1280
- (11) A plea of guilty to, a judicial finding of guilt of, 1281  
or a judicial finding of eligibility for intervention in lieu of 1282  
conviction for, a misdemeanor committed in the course of 1283  
practice; 1284
- (12) Commission of an act in the course of practice that 1285  
constitutes a misdemeanor in this state, regardless of the 1286  
jurisdiction in which the act was committed; 1287
- (13) A plea of guilty to, a judicial finding of guilt of, 1288  
or a judicial finding of eligibility for intervention in lieu of 1289  
conviction for, a misdemeanor involving moral turpitude; 1290
- (14) Commission of an act involving moral turpitude that 1291  
constitutes a misdemeanor in this state, regardless of the 1292  
jurisdiction in which the act was committed; 1293
- (15) Violation of the conditions of limitation placed by 1294  
the board upon a license or certificate to practice; 1295

(16) Failure to pay license renewal fees specified in this 1296  
chapter; 1297

(17) Except as authorized in section 4731.31 of the 1298  
Revised Code, engaging in the division of fees for referral of 1299  
patients, or the receiving of a thing of value in return for a 1300  
specific referral of a patient to utilize a particular service 1301  
or business; 1302

(18) Subject to section 4731.226 of the Revised Code, 1303  
violation of any provision of a code of ethics of the American 1304  
medical association, the American osteopathic association, the 1305  
American podiatric medical association, or any other national 1306  
professional organizations that the board specifies by rule. The 1307  
state medical board shall obtain and keep on file current copies 1308  
of the codes of ethics of the various national professional 1309  
organizations. The individual whose license or certificate is 1310  
being suspended or revoked shall not be found to have violated 1311  
any provision of a code of ethics of an organization not 1312  
appropriate to the individual's profession. 1313

For purposes of this division, a "provision of a code of 1314  
ethics of a national professional organization" does not include 1315  
any provision that would preclude the making of a report by a 1316  
physician of an employee's use of a drug of abuse, or of a 1317  
condition of an employee other than one involving the use of a 1318  
drug of abuse, to the employer of the employee as described in 1319  
division (B) of section 2305.33 of the Revised Code. Nothing in 1320  
this division affects the immunity from civil liability 1321  
conferred by that section upon a physician who makes either type 1322  
of report in accordance with division (B) of that section. As 1323  
used in this division, "employee," "employer," and "physician" 1324  
have the same meanings as in section 2305.33 of the Revised 1325

Code. 1326

(19) Inability to practice according to acceptable and 1327  
prevailing standards of care by reason of mental illness or 1328  
physical illness, including, but not limited to, physical 1329  
deterioration that adversely affects cognitive, motor, or 1330  
perceptive skills. 1331

In enforcing this division, the board, upon a showing of a 1332  
possible violation, may compel any individual authorized to 1333  
practice by this chapter or who has submitted an application 1334  
pursuant to this chapter to submit to a mental examination, 1335  
physical examination, including an HIV test, or both a mental 1336  
and a physical examination. The expense of the examination is 1337  
the responsibility of the individual compelled to be examined. 1338  
Failure to submit to a mental or physical examination or consent 1339  
to an HIV test ordered by the board constitutes an admission of 1340  
the allegations against the individual unless the failure is due 1341  
to circumstances beyond the individual's control, and a default 1342  
and final order may be entered without the taking of testimony 1343  
or presentation of evidence. If the board finds an individual 1344  
unable to practice because of the reasons set forth in this 1345  
division, the board shall require the individual to submit to 1346  
care, counseling, or treatment by physicians approved or 1347  
designated by the board, as a condition for initial, continued, 1348  
reinstated, or renewed authority to practice. An individual 1349  
affected under this division shall be afforded an opportunity to 1350  
demonstrate to the board the ability to resume practice in 1351  
compliance with acceptable and prevailing standards under the 1352  
provisions of the individual's license or certificate. For the 1353  
purpose of this division, any individual who applies for or 1354  
receives a license or certificate to practice under this chapter 1355  
accepts the privilege of practicing in this state and, by so 1356

doing, shall be deemed to have given consent to submit to a 1357  
mental or physical examination when directed to do so in writing 1358  
by the board, and to have waived all objections to the 1359  
admissibility of testimony or examination reports that 1360  
constitute a privileged communication. 1361

(20) Except as provided in division (F)(1)(b) of section 1362  
4731.282 of the Revised Code or when civil penalties are imposed 1363  
under section 4731.225 of the Revised Code, and subject to 1364  
section 4731.226 of the Revised Code, violating or attempting to 1365  
violate, directly or indirectly, or assisting in or abetting the 1366  
violation of, or conspiring to violate, any provisions of this 1367  
chapter or any rule promulgated by the board. 1368

This division does not apply to a violation or attempted 1369  
violation of, assisting in or abetting the violation of, or a 1370  
conspiracy to violate, any provision of this chapter or any rule 1371  
adopted by the board that would preclude the making of a report 1372  
by a physician of an employee's use of a drug of abuse, or of a 1373  
condition of an employee other than one involving the use of a 1374  
drug of abuse, to the employer of the employee as described in 1375  
division (B) of section 2305.33 of the Revised Code. Nothing in 1376  
this division affects the immunity from civil liability 1377  
conferred by that section upon a physician who makes either type 1378  
of report in accordance with division (B) of that section. As 1379  
used in this division, "employee," "employer," and "physician" 1380  
have the same meanings as in section 2305.33 of the Revised 1381  
Code. 1382

(21) The violation of section 3701.79 of the Revised Code 1383  
or of any abortion rule adopted by the director of health 1384  
pursuant to section 3701.341 of the Revised Code; 1385

(22) Any of the following actions taken by an agency 1386

responsible for authorizing, certifying, or regulating an 1387  
individual to practice a health care occupation or provide 1388  
health care services in this state or another jurisdiction, for 1389  
any reason other than the nonpayment of fees: the limitation, 1390  
revocation, or suspension of an individual's license to 1391  
practice; acceptance of an individual's license surrender; 1392  
denial of a license; refusal to renew or reinstate a license; 1393  
imposition of probation; or issuance of an order of censure or 1394  
other reprimand; 1395

(23) The violation of section 2919.12 of the Revised Code 1396  
or the performance or inducement of an abortion upon a pregnant 1397  
woman with actual knowledge that the conditions specified in 1398  
division (B) of section 2317.56 of the Revised Code have not 1399  
been satisfied or with a heedless indifference as to whether 1400  
those conditions have been satisfied, unless an affirmative 1401  
defense as specified in division (H)(2) of that section would 1402  
apply in a civil action authorized by division (H)(1) of that 1403  
section; 1404

(24) The revocation, suspension, restriction, reduction, 1405  
or termination of clinical privileges by the United States 1406  
department of defense or department of veterans affairs or the 1407  
termination or suspension of a certificate of registration to 1408  
prescribe drugs by the drug enforcement administration of the 1409  
United States department of justice; 1410

(25) Termination or suspension from participation in the 1411  
medicare or medicaid programs by the department of health and 1412  
human services or other responsible agency; 1413

(26) Impairment of ability to practice according to 1414  
acceptable and prevailing standards of care because of habitual 1415  
or excessive use or abuse of drugs, alcohol, or other substances 1416



that impair ability to practice. 1417

For the purposes of this division, any individual 1418  
authorized to practice by this chapter accepts the privilege of 1419  
practicing in this state subject to supervision by the board. By 1420  
filing an application for or holding a license or certificate to 1421  
practice under this chapter, an individual shall be deemed to 1422  
have given consent to submit to a mental or physical examination 1423  
when ordered to do so by the board in writing, and to have 1424  
waived all objections to the admissibility of testimony or 1425  
examination reports that constitute privileged communications. 1426

If it has reason to believe that any individual authorized 1427  
to practice by this chapter or any applicant for licensure or 1428  
certification to practice suffers such impairment, the board may 1429  
compel the individual to submit to a mental or physical 1430  
examination, or both. The expense of the examination is the 1431  
responsibility of the individual compelled to be examined. Any 1432  
mental or physical examination required under this division 1433  
shall be undertaken by a treatment provider or physician who is 1434  
qualified to conduct the examination and who is chosen by the 1435  
board. 1436

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

licensure or certification to practice, to submit to treatment. 1447

Before being eligible to apply for reinstatement of a 1448  
license or certificate suspended under this division, the 1449  
impaired practitioner shall demonstrate to the board the ability 1450  
to resume practice in compliance with acceptable and prevailing 1451  
standards of care under the provisions of the practitioner's 1452  
license or certificate. The demonstration shall include, but 1453  
shall not be limited to, the following: 1454

(a) Certification from a treatment provider approved under 1455  
section 4731.25 of the Revised Code that the individual has 1456  
successfully completed any required inpatient treatment; 1457

(b) Evidence of continuing full compliance with an 1458  
aftercare contract or consent agreement; 1459

(c) Two written reports indicating that the individual's 1460  
ability to practice has been assessed and that the individual 1461  
has been found capable of practicing according to acceptable and 1462  
prevailing standards of care. The reports shall be made by 1463  
individuals or providers approved by the board for making the 1464  
assessments and shall describe the basis for their 1465  
determination. 1466

The board may reinstate a license or certificate suspended 1467  
under this division after that demonstration and after the 1468  
individual has entered into a written consent agreement. 1469

When the impaired practitioner resumes practice, the board 1470  
shall require continued monitoring of the individual. The 1471  
monitoring shall include, but not be limited to, compliance with 1472  
the written consent agreement entered into before reinstatement 1473  
or with conditions imposed by board order after a hearing, and, 1474  
upon termination of the consent agreement, submission to the 1475

board for at least two years of annual written progress reports 1476  
made under penalty of perjury stating whether the individual has 1477  
maintained sobriety. 1478

(27) A second or subsequent violation of section 4731.66 1479  
or 4731.69 of the Revised Code; 1480

(28) Except as provided in division (N) of this section: 1481

(a) Waiving the payment of all or any part of a deductible 1482  
or copayment that a patient, pursuant to a health insurance or 1483  
health care policy, contract, or plan that covers the 1484  
individual's services, otherwise would be required to pay if the 1485  
waiver is used as an enticement to a patient or group of 1486  
patients to receive health care services from that individual; 1487

(b) Advertising that the individual will waive the payment 1488  
of all or any part of a deductible or copayment that a patient, 1489  
pursuant to a health insurance or health care policy, contract, 1490  
or plan that covers the individual's services, otherwise would 1491  
be required to pay. 1492

(29) Failure to use universal blood and body fluid 1493  
precautions established by rules adopted under section 4731.051 1494  
of the Revised Code; 1495

(30) Failure to provide notice to, and receive 1496  
acknowledgment of the notice from, a patient when required by 1497  
section 4731.143 of the Revised Code prior to providing 1498  
nonemergency professional services, or failure to maintain that 1499  
notice in the patient's medical record; 1500

(31) Failure of a physician supervising a physician 1501  
assistant to maintain supervision in accordance with the 1502  
requirements of Chapter 4730. of the Revised Code and the rules 1503  
adopted under that chapter; 1504

(32) Failure of a physician or podiatrist to enter into a 1505  
standard care arrangement with a clinical nurse specialist, 1506  
certified nurse-midwife, or certified nurse practitioner with 1507  
whom the physician or podiatrist is in collaboration pursuant to 1508  
section 4731.27 of the Revised Code or failure to fulfill the 1509  
responsibilities of collaboration after entering into a standard 1510  
care arrangement; 1511

(33) Failure to comply with the terms of a consult 1512  
agreement entered into with a pharmacist pursuant to section 1513  
4729.39 of the Revised Code; 1514

(34) Failure to cooperate in an investigation conducted by 1515  
the board under division (F) of this section, including failure 1516  
to comply with a subpoena or order issued by the board or 1517  
failure to answer truthfully a question presented by the board 1518  
in an investigative interview, an investigative office 1519  
conference, at a deposition, or in written interrogatories, 1520  
except that failure to cooperate with an investigation shall not 1521  
constitute grounds for discipline under this section if a court 1522  
of competent jurisdiction has issued an order that either 1523  
quashes a subpoena or permits the individual to withhold the 1524  
testimony or evidence in issue; 1525

(35) Failure to supervise an oriental medicine 1526  
practitioner or acupuncturist in accordance with Chapter 4762. 1527  
of the Revised Code and the board's rules for providing that 1528  
supervision; 1529

(36) Failure to supervise an anesthesiologist assistant in 1530  
accordance with Chapter 4760. of the Revised Code and the 1531  
board's rules for supervision of an anesthesiologist assistant; 1532

(37) Assisting suicide, as defined in section 3795.01 of 1533

the Revised Code; 1534

(38) Failure to comply with the requirements of section 1535  
2317.561 of the Revised Code; 1536

(39) Failure to supervise a radiologist assistant in 1537  
accordance with Chapter 4774. of the Revised Code and the 1538  
board's rules for supervision of radiologist assistants; 1539

(40) Performing or inducing an abortion at an office or 1540  
facility with knowledge that the office or facility fails to 1541  
post the notice required under section 3701.791 of the Revised 1542  
Code; 1543

(41) Failure to comply with the standards and procedures 1544  
established in rules under section 4731.054 of the Revised Code 1545  
for the operation of or the provision of care at a pain 1546  
management clinic; 1547

(42) Failure to comply with the standards and procedures 1548  
established in rules under section 4731.054 of the Revised Code 1549  
for providing supervision, direction, and control of individuals 1550  
at a pain management clinic; 1551

(43) Failure to comply with the requirements of section 1552  
4729.79 or 4731.055 of the Revised Code, unless the state board 1553  
of pharmacy no longer maintains a drug database pursuant to 1554  
section 4729.75 of the Revised Code; 1555

(44) Failure to comply with the requirements of section 1556  
2919.171, 2919.202, or 2919.203 of the Revised Code or failure 1557  
to submit to the department of health in accordance with a court 1558  
order a complete report as described in section 2919.171 or 1559  
2919.202 of the Revised Code; 1560

(45) Practicing at a facility that is subject to licensure 1561

as a category III terminal distributor of dangerous drugs with a 1562  
pain management clinic classification unless the person 1563  
operating the facility has obtained and maintains the license 1564  
with the classification; 1565

(46) Owning a facility that is subject to licensure as a 1566  
category III terminal distributor of dangerous drugs with a pain 1567  
management clinic classification unless the facility is licensed 1568  
with the classification; 1569

(47) Failure to comply with any of the requirements 1570  
regarding making or maintaining medical records or documents 1571  
described in division (A) of section 2919.192, division (C) of 1572  
section 2919.193, division (B) of section 2919.195, or division 1573  
(A) of section 2919.196 of the Revised Code; 1574

(48) Failure to comply with the requirements in section 1575  
3719.061 of the Revised Code before issuing for a minor a 1576  
prescription for an opioid analgesic, as defined in section 1577  
3719.01 of the Revised Code; 1578

(49) Failure to comply with the requirements of section 1579  
4731.30 of the Revised Code or rules adopted under section 1580  
4731.301 of the Revised Code when recommending treatment with 1581  
medical marijuana; 1582

(50) Practicing at a facility, clinic, or other location 1583  
that is subject to licensure as a category III terminal 1584  
distributor of dangerous drugs with an office-based opioid 1585  
treatment classification unless the person operating that place 1586  
has obtained and maintains the license with the classification; 1587

(51) Owning a facility, clinic, or other location that is 1588  
subject to licensure as a category III terminal distributor of 1589  
dangerous drugs with an office-based opioid treatment 1590

classification unless that place is licensed with the 1591  
classification; 1592

(52) A pattern of continuous or repeated violations of 1593  
division (E) (2) or (3) of section 3963.02 of the Revised Code. 1594

(C) Disciplinary actions taken by the board under 1595  
divisions (A) and (B) of this section shall be taken pursuant to 1596  
an adjudication under Chapter 119. of the Revised Code, except 1597  
that in lieu of an adjudication, the board may enter into a 1598  
consent agreement with an individual to resolve an allegation of 1599  
a violation of this chapter or any rule adopted under it. A 1600  
consent agreement, when ratified by an affirmative vote of not 1601  
fewer than six members of the board, shall constitute the 1602  
findings and order of the board with respect to the matter 1603  
addressed in the agreement. If the board refuses to ratify a 1604  
consent agreement, the admissions and findings contained in the 1605  
consent agreement shall be of no force or effect. 1606

A telephone conference call may be utilized for 1607  
ratification of a consent agreement that revokes or suspends an 1608  
individual's license or certificate to practice or certificate 1609  
to recommend. The telephone conference call shall be considered 1610  
a special meeting under division (F) of section 121.22 of the 1611  
Revised Code. 1612

If the board takes disciplinary action against an 1613  
individual under division (B) of this section for a second or 1614  
subsequent plea of guilty to, or judicial finding of guilt of, a 1615  
violation of section 2919.123 or 2919.124 of the Revised Code, 1616  
the disciplinary action shall consist of a suspension of the 1617  
individual's license or certificate to practice for a period of 1618  
at least one year or, if determined appropriate by the board, a 1619  
more serious sanction involving the individual's license or 1620

certificate to practice. Any consent agreement entered into 1621  
under this division with an individual that pertains to a second 1622  
or subsequent plea of guilty to, or judicial finding of guilt 1623  
of, a violation of that section shall provide for a suspension 1624  
of the individual's license or certificate to practice for a 1625  
period of at least one year or, if determined appropriate by the 1626  
board, a more serious sanction involving the individual's 1627  
license or certificate to practice. 1628

(D) For purposes of divisions (B) (10), (12), and (14) of 1629  
this section, the commission of the act may be established by a 1630  
finding by the board, pursuant to an adjudication under Chapter 1631  
119. of the Revised Code, that the individual committed the act. 1632  
The board does not have jurisdiction under those divisions if 1633  
the trial court renders a final judgment in the individual's 1634  
favor and that judgment is based upon an adjudication on the 1635  
merits. The board has jurisdiction under those divisions if the 1636  
trial court issues an order of dismissal upon technical or 1637  
procedural grounds. 1638

(E) The sealing of conviction records by any court shall 1639  
have no effect upon a prior board order entered under this 1640  
section or upon the board's jurisdiction to take action under 1641  
this section if, based upon a plea of guilty, a judicial finding 1642  
of guilt, or a judicial finding of eligibility for intervention 1643  
in lieu of conviction, the board issued a notice of opportunity 1644  
for a hearing prior to the court's order to seal the records. 1645  
The board shall not be required to seal, destroy, redact, or 1646  
otherwise modify its records to reflect the court's sealing of 1647  
conviction records. 1648

(F) (1) The board shall investigate evidence that appears 1649  
to show that a person has violated any provision of this chapter 1650



or any rule adopted under it. Any person may report to the board 1651  
in a signed writing any information that the person may have 1652  
that appears to show a violation of any provision of this 1653  
chapter or any rule adopted under it. In the absence of bad 1654  
faith, any person who reports information of that nature or who 1655  
testifies before the board in any adjudication conducted under 1656  
Chapter 119. of the Revised Code shall not be liable in damages 1657  
in a civil action as a result of the report or testimony. Each 1658  
complaint or allegation of a violation received by the board 1659  
shall be assigned a case number and shall be recorded by the 1660  
board. 1661

(2) Investigations of alleged violations of this chapter 1662  
or any rule adopted under it shall be supervised by the 1663  
supervising member elected by the board in accordance with 1664  
section 4731.02 of the Revised Code and by the secretary as 1665  
provided in section 4731.39 of the Revised Code. The president 1666  
may designate another member of the board to supervise the 1667  
investigation in place of the supervising member. No member of 1668  
the board who supervises the investigation of a case shall 1669  
participate in further adjudication of the case. 1670

(3) In investigating a possible violation of this chapter 1671  
or any rule adopted under this chapter, or in conducting an 1672  
inspection under division (E) of section 4731.054 of the Revised 1673  
Code, the board may question witnesses, conduct interviews, 1674  
administer oaths, order the taking of depositions, inspect and 1675  
copy any books, accounts, papers, records, or documents, issue 1676  
subpoenas, and compel the attendance of witnesses and production 1677  
of books, accounts, papers, records, documents, and testimony, 1678  
except that a subpoena for patient record information shall not 1679  
be issued without consultation with the attorney general's 1680  
office and approval of the secretary and supervising member of 1681

the board. 1682

(a) Before issuance of a subpoena for patient record 1683  
information, the secretary and supervising member shall 1684  
determine whether there is probable cause to believe that the 1685  
complaint filed alleges a violation of this chapter or any rule 1686  
adopted under it and that the records sought are relevant to the 1687  
alleged violation and material to the investigation. The 1688  
subpoena may apply only to records that cover a reasonable 1689  
period of time surrounding the alleged violation. 1690

(b) On failure to comply with any subpoena issued by the 1691  
board and after reasonable notice to the person being 1692  
subpoenaed, the board may move for an order compelling the 1693  
production of persons or records pursuant to the Rules of Civil 1694  
Procedure. 1695

(c) A subpoena issued by the board may be served by a 1696  
sheriff, the sheriff's deputy, or a board employee or agent 1697  
designated by the board. Service of a subpoena issued by the 1698  
board may be made by delivering a copy of the subpoena to the 1699  
person named therein, reading it to the person, or leaving it at 1700  
the person's usual place of residence, usual place of business, 1701  
or address on file with the board. When serving a subpoena to an 1702  
applicant for or the holder of a license or certificate issued 1703  
under this chapter, service of the subpoena may be made by 1704  
certified mail, return receipt requested, and the subpoena shall 1705  
be deemed served on the date delivery is made or the date the 1706  
person refuses to accept delivery. If the person being served 1707  
refuses to accept the subpoena or is not located, service may be 1708  
made to an attorney who notifies the board that the attorney is 1709  
representing the person. 1710

(d) A sheriff's deputy who serves a subpoena shall receive 1711

the same fees as a sheriff. Each witness who appears before the 1712  
board in obedience to a subpoena shall receive the fees and 1713  
mileage provided for under section 119.094 of the Revised Code. 1714

(4) All hearings, investigations, and inspections of the 1715  
board shall be considered civil actions for the purposes of 1716  
section 2305.252 of the Revised Code. 1717

(5) A report required to be submitted to the board under 1718  
this chapter, a complaint, or information received by the board 1719  
pursuant to an investigation or pursuant to an inspection under 1720  
division (E) of section 4731.054 of the Revised Code is 1721  
confidential and not subject to discovery in any civil action. 1722

The board shall conduct all investigations or inspections 1723  
and proceedings in a manner that protects the confidentiality of 1724  
patients and persons who file complaints with the board. The 1725  
board shall not make public the names or any other identifying 1726  
information about patients or complainants unless proper consent 1727  
is given or, in the case of a patient, a waiver of the patient 1728  
privilege exists under division (B) of section 2317.02 of the 1729  
Revised Code, except that consent or a waiver of that nature is 1730  
not required if the board possesses reliable and substantial 1731  
evidence that no bona fide physician-patient relationship 1732  
exists. 1733

The board may share any information it receives pursuant 1734  
to an investigation or inspection, including patient records and 1735  
patient record information, with law enforcement agencies, other 1736  
licensing boards, and other governmental agencies that are 1737  
prosecuting, adjudicating, or investigating alleged violations 1738  
of statutes or administrative rules. An agency or board that 1739  
receives the information shall comply with the same requirements 1740  
regarding confidentiality as those with which the state medical 1741

board must comply, notwithstanding any conflicting provision of 1742  
the Revised Code or procedure of the agency or board that 1743  
applies when it is dealing with other information in its 1744  
possession. In a judicial proceeding, the information may be 1745  
admitted into evidence only in accordance with the Rules of 1746  
Evidence, but the court shall require that appropriate measures 1747  
are taken to ensure that confidentiality is maintained with 1748  
respect to any part of the information that contains names or 1749  
other identifying information about patients or complainants 1750  
whose confidentiality was protected by the state medical board 1751  
when the information was in the board's possession. Measures to 1752  
ensure confidentiality that may be taken by the court include 1753  
sealing its records or deleting specific information from its 1754  
records. 1755

(6) On a quarterly basis, the board shall prepare a report 1756  
that documents the disposition of all cases during the preceding 1757  
three months. The report shall contain the following information 1758  
for each case with which the board has completed its activities: 1759

(a) The case number assigned to the complaint or alleged 1760  
violation; 1761

(b) The type of license or certificate to practice, if 1762  
any, held by the individual against whom the complaint is 1763  
directed; 1764

(c) A description of the allegations contained in the 1765  
complaint; 1766

(d) The disposition of the case. 1767

The report shall state how many cases are still pending 1768  
and shall be prepared in a manner that protects the identity of 1769  
each person involved in each case. The report shall be a public 1770

record under section 149.43 of the Revised Code. 1771

(G) If the secretary and supervising member determine both 1772  
of the following, they may recommend that the board suspend an 1773  
individual's license or certificate to practice or certificate 1774  
to recommend without a prior hearing: 1775

(1) That there is clear and convincing evidence that an 1776  
individual has violated division (B) of this section; 1777

(2) That the individual's continued practice presents a 1778  
danger of immediate and serious harm to the public. 1779

Written allegations shall be prepared for consideration by 1780  
the board. The board, upon review of those allegations and by an 1781  
affirmative vote of not fewer than six of its members, excluding 1782  
the secretary and supervising member, may suspend a license or 1783  
certificate without a prior hearing. A telephone conference call 1784  
may be utilized for reviewing the allegations and taking the 1785  
vote on the summary suspension. 1786

The board shall issue a written order of suspension by 1787  
certified mail or in person in accordance with section 119.07 of 1788  
the Revised Code. The order shall not be subject to suspension 1789  
by the court during pendency of any appeal filed under section 1790  
119.12 of the Revised Code. If the individual subject to the 1791  
summary suspension requests an adjudicatory hearing by the 1792  
board, the date set for the hearing shall be within fifteen 1793  
days, but not earlier than seven days, after the individual 1794  
requests the hearing, unless otherwise agreed to by both the 1795  
board and the individual. 1796

Any summary suspension imposed under this division shall 1797  
remain in effect, unless reversed on appeal, until a final 1798  
adjudicative order issued by the board pursuant to this section 1799

and Chapter 119. of the Revised Code becomes effective. The 1800  
board shall issue its final adjudicative order within seventy- 1801  
five days after completion of its hearing. A failure to issue 1802  
the order within seventy-five days shall result in dissolution 1803  
of the summary suspension order but shall not invalidate any 1804  
subsequent, final adjudicative order. 1805

(H) If the board takes action under division (B) (9), (11), 1806  
or (13) of this section and the judicial finding of guilt, 1807  
guilty plea, or judicial finding of eligibility for intervention 1808  
in lieu of conviction is overturned on appeal, upon exhaustion 1809  
of the criminal appeal, a petition for reconsideration of the 1810  
order may be filed with the board along with appropriate court 1811  
documents. Upon receipt of a petition of that nature and 1812  
supporting court documents, the board shall reinstate the 1813  
individual's license or certificate to practice. The board may 1814  
then hold an adjudication under Chapter 119. of the Revised Code 1815  
to determine whether the individual committed the act in 1816  
question. Notice of an opportunity for a hearing shall be given 1817  
in accordance with Chapter 119. of the Revised Code. If the 1818  
board finds, pursuant to an adjudication held under this 1819  
division, that the individual committed the act or if no hearing 1820  
is requested, the board may order any of the sanctions 1821  
identified under division (B) of this section. 1822

(I) The license or certificate to practice issued to an 1823  
individual under this chapter and the individual's practice in 1824  
this state are automatically suspended as of the date of the 1825  
individual's second or subsequent plea of guilty to, or judicial 1826  
finding of guilt of, a violation of section 2919.123 or 2919.124 1827  
of the Revised Code. In addition, the license or certificate to 1828  
practice or certificate to recommend issued to an individual 1829  
under this chapter and the individual's practice in this state 1830

are automatically suspended as of the date the individual pleads 1831  
guilty to, is found by a judge or jury to be guilty of, or is 1832  
subject to a judicial finding of eligibility for intervention in 1833  
lieu of conviction in this state or treatment or intervention in 1834  
lieu of conviction in another jurisdiction for any of the 1835  
following criminal offenses in this state or a substantially 1836  
equivalent criminal offense in another jurisdiction: aggravated 1837  
murder, murder, voluntary manslaughter, felonious assault, 1838  
kidnapping, rape, sexual battery, gross sexual imposition, 1839  
aggravated arson, aggravated robbery, or aggravated burglary. 1840  
Continued practice after suspension shall be considered 1841  
practicing without a license or certificate. 1842

The board shall notify the individual subject to the 1843  
suspension by certified mail or in person in accordance with 1844  
section 119.07 of the Revised Code. If an individual whose 1845  
license or certificate is automatically suspended under this 1846  
division fails to make a timely request for an adjudication 1847  
under Chapter 119. of the Revised Code, the board shall do 1848  
whichever of the following is applicable: 1849

(1) If the automatic suspension under this division is for 1850  
a second or subsequent plea of guilty to, or judicial finding of 1851  
guilt of, a violation of section 2919.123 or 2919.124 of the 1852  
Revised Code, the board shall enter an order suspending the 1853  
individual's license or certificate to practice for a period of 1854  
at least one year or, if determined appropriate by the board, 1855  
imposing a more serious sanction involving the individual's 1856  
license or certificate to practice. 1857

(2) In all circumstances in which division (I)(1) of this 1858  
section does not apply, enter a final order permanently revoking 1859  
the individual's license or certificate to practice. 1860

(J) If the board is required by Chapter 119. of the 1861  
Revised Code to give notice of an opportunity for a hearing and 1862  
if the individual subject to the notice does not timely request 1863  
a hearing in accordance with section 119.07 of the Revised Code, 1864  
the board is not required to hold a hearing, but may adopt, by 1865  
an affirmative vote of not fewer than six of its members, a 1866  
final order that contains the board's findings. In that final 1867  
order, the board may order any of the sanctions identified under 1868  
division (A) or (B) of this section. 1869

(K) Any action taken by the board under division (B) of 1870  
this section resulting in a suspension from practice shall be 1871  
accompanied by a written statement of the conditions under which 1872  
the individual's license or certificate to practice may be 1873  
reinstated. The board shall adopt rules governing conditions to 1874  
be imposed for reinstatement. Reinstatement of a license or 1875  
certificate suspended pursuant to division (B) of this section 1876  
requires an affirmative vote of not fewer than six members of 1877  
the board. 1878

(L) When the board refuses to grant or issue a license or 1879  
certificate to practice to an applicant, revokes an individual's 1880  
license or certificate to practice, refuses to renew an 1881  
individual's license or certificate to practice, or refuses to 1882  
reinstate an individual's license or certificate to practice, 1883  
the board may specify that its action is permanent. An 1884  
individual subject to a permanent action taken by the board is 1885  
forever thereafter ineligible to hold a license or certificate 1886  
to practice and the board shall not accept an application for 1887  
reinstatement of the license or certificate or for issuance of a 1888  
new license or certificate. 1889

(M) Notwithstanding any other provision of the Revised 1890



Code, all of the following apply: 1891

(1) The surrender of a license or certificate issued under 1892  
this chapter shall not be effective unless or until accepted by 1893  
the board. A telephone conference call may be utilized for 1894  
acceptance of the surrender of an individual's license or 1895  
certificate to practice. The telephone conference call shall be 1896  
considered a special meeting under division (F) of section 1897  
121.22 of the Revised Code. Reinstatement of a license or 1898  
certificate surrendered to the board requires an affirmative 1899  
vote of not fewer than six members of the board. 1900

(2) An application for a license or certificate made under 1901  
the provisions of this chapter may not be withdrawn without 1902  
approval of the board. 1903

(3) Failure by an individual to renew a license or 1904  
certificate to practice in accordance with this chapter or a 1905  
certificate to recommend in accordance with rules adopted under 1906  
section 4731.301 of the Revised Code shall not remove or limit 1907  
the board's jurisdiction to take any disciplinary action under 1908  
this section against the individual. 1909

(4) At the request of the board, a license or certificate 1910  
holder shall immediately surrender to the board a license or 1911  
certificate that the board has suspended, revoked, or 1912  
permanently revoked. 1913

(N) Sanctions shall not be imposed under division (B) (28) 1914  
of this section against any person who waives deductibles and 1915  
copayments as follows: 1916

(1) In compliance with the health benefit plan that 1917  
expressly allows such a practice. Waiver of the deductibles or 1918  
copayments shall be made only with the full knowledge and 1919

consent of the plan purchaser, payer, and third-party 1920  
administrator. Documentation of the consent shall be made 1921  
available to the board upon request. 1922

(2) For professional services rendered to any other person 1923  
authorized to practice pursuant to this chapter, to the extent 1924  
allowed by this chapter and rules adopted by the board. 1925

(0) Under the board's investigative duties described in 1926  
this section and subject to division (F) of this section, the 1927  
board shall develop and implement a quality intervention program 1928  
designed to improve through remedial education the clinical and 1929  
communication skills of individuals authorized under this 1930  
chapter to practice medicine and surgery, osteopathic medicine 1931  
and surgery, and podiatric medicine and surgery. In developing 1932  
and implementing the quality intervention program, the board may 1933  
do all of the following: 1934

(1) Offer in appropriate cases as determined by the board 1935  
an educational and assessment program pursuant to an 1936  
investigation the board conducts under this section; 1937

(2) Select providers of educational and assessment 1938  
services, including a quality intervention program panel of case 1939  
reviewers; 1940

(3) Make referrals to educational and assessment service 1941  
providers and approve individual educational programs 1942  
recommended by those providers. The board shall monitor the 1943  
progress of each individual undertaking a recommended individual 1944  
educational program. 1945

(4) Determine what constitutes successful completion of an 1946  
individual educational program and require further monitoring of 1947  
the individual who completed the program or other action that 1948

the board determines to be appropriate; 1949

(5) Adopt rules in accordance with Chapter 119. of the 1950  
Revised Code to further implement the quality intervention 1951  
program. 1952

An individual who participates in an individual 1953  
educational program pursuant to this division shall pay the 1954  
financial obligations arising from that educational program. 1955

**Sec. 4731.223.** (A) As used in this section, "prosecutor" 1956  
has the same meaning as in section 2935.01 of the Revised Code. 1957

(B) Whenever any person holding a valid license or 1958  
certificate issued pursuant to this chapter pleads guilty to, is 1959  
subject to a judicial finding of guilt of, or is subject to a 1960  
judicial finding of eligibility for intervention in lieu of 1961  
conviction for a violation of Chapter 2907., 2925., or 3719. of 1962  
the Revised Code or of any substantively comparable ordinance of 1963  
a municipal corporation in connection with the person's 1964  
practice, or for a second or subsequent time pleads guilty to, 1965  
or is subject to a judicial finding of guilt of, a violation of 1966  
section 2919.123 or 2919.124 of the Revised Code, the prosecutor 1967  
in the case, on forms prescribed and provided by the state 1968  
medical board, shall promptly notify the board of the conviction 1969  
or guilty plea. Within thirty days of receipt of that 1970  
information, the board shall initiate action in accordance with 1971  
Chapter 119. of the Revised Code to determine whether to suspend 1972  
or revoke the license or certificate under section 4731.22 of 1973  
the Revised Code. 1974

(C) The prosecutor in any case against any person holding 1975  
a valid license or certificate issued pursuant to this chapter, 1976  
on forms prescribed and provided by the state medical board, 1977

shall notify the board of any of the following: 1978

(1) A plea of guilty to, a finding of guilt by a jury or 1979  
court of, or judicial finding of eligibility for intervention in 1980  
lieu of conviction for a felony, or a case in which the trial 1981  
court issues an order of dismissal upon technical or procedural 1982  
grounds of a felony charge; 1983

(2) A plea of guilty to, a finding of guilt by a jury or 1984  
court of, or judicial finding of eligibility for intervention in 1985  
lieu of conviction for a misdemeanor committed in the course of 1986  
practice, or a case in which the trial court issues an order of 1987  
dismissal upon technical or procedural grounds of a charge of a 1988  
misdemeanor, if the alleged act was committed in the course of 1989  
practice; 1990

(3) A plea of guilty to, a finding of guilt by a jury or 1991  
court of, or judicial finding of eligibility for intervention in 1992  
lieu of conviction for a misdemeanor involving moral turpitude, 1993  
or a case in which the trial court issues an order of dismissal 1994  
upon technical or procedural grounds of a charge of a 1995  
misdemeanor involving moral turpitude. 1996

The report shall include the name and address of the 1997  
license or certificate holder, the nature of the offense for 1998  
which the action was taken, and the certified court documents 1999  
recording the action. 2000

**Section 2.** That existing sections 109.572, 2919.123, 2001  
2953.25, 4729.291, 4731.22, and 4731.223 of the Revised Code are 2002  
hereby repealed. 2003

**Section 3.** Section 109.572 of the Revised Code is 2004  
presented in this act as a composite of the section as amended 2005  
by both H.B. 166 and S.B. 57 of the 133rd General Assembly. The 2006

General Assembly, applying the principle stated in division (B)	2007
of section 1.52 of the Revised Code that amendments are to be	2008
harmonized if reasonably capable of simultaneous operation,	2009
finds that the composite is the resulting version of the section	2010
in effect prior to the effective date of the section as	2011
presented in this act.	2012