
STATE MEDICAL BOARD

Licenses to practice

- Eliminates statutory references to certificates to practice issued by the State Medical Board and, instead, refers to licenses to practice for the following: massage therapists, cosmetic therapists, anesthesiologist assistants, acupuncturists, Oriental medicine practitioners, and radiologist assistants.
- Replaces obsolete statutory references to certificates to practice for physicians and physician assistants with references to licenses to practice.
- Eliminates a requirement under which an affirmative vote of at least six Board members is necessary to determine whether various license types may be issued.

Expedited license eligibility – malpractice claims

- Modifies an eligibility requirement for a physician seeking an expedited license by endorsement, by specifying that the applicant must not have been the subject of more than two malpractice claims resulting in a finding of liability in the preceding ten years.

Limited branches of medicine – reciprocity

- Modifies an eligibility requirement for a person seeking a license to practice a limited branch of medicine based on holding a license in another state, by specifying that the applicant must have held a license to practice massage therapy or cosmetic therapy during the five-year period preceding the date of application.

License renewal dates

- Eliminates dates established in statute for the Board's renewal of licenses and, instead, provides that each license is valid for a two-year period, expires two years after the date of issuance, and may be renewed for additional two-year periods.

Continuing education

- Reduces to 50 (from 100) the continuing education hours that a physician or podiatrist must complete every two years for license renewal.
- Reduces the continuing education hours that a physician or podiatrist may earn by providing health care services as a volunteer.
- Eliminates the requirement that a physician assistant complete at least 100 hours of continuing education every two years and, instead, requires the physician assistant to complete the continuing education necessary to maintain certification from the National Commission on Certification of Physician Assistants.
- Authorizes the Board to impose on a cosmetic therapist, massage therapist, dietitian, or respiratory care professional a civil penalty of up to \$5,000 if the practitioner fails to complete the required continuing education.

Fitness to practice – license issuance and restoration

- Authorizes the Board to impose terms and conditions regarding an applicant’s fitness to practice, as follows: (1) when seeking issuance of a license without having engaged in practice or participating in a training or educational program for more than two years and (2) when seeking restoration of a license suspended for more than two years.

Eliminated certificates

- Eliminates telemedicine certificates and requires the Board to convert previously issued certificates into standard physician licenses.
- Eliminates limited certificates, which authorized the practice of medicine in state-operated hospitals by individuals who are not U.S. citizens.

Training certificates

- Allows an individual in an internship, residency, or clinical fellowship program seeking to renew a training certificate to apply for renewal not more than 30 days after the certificate’s expiration date if the individual pays a \$150 reinstatement fee.

Clinical fellowship programs

- Specifies that an accredited clinical fellowship program constitutes (1) graduate medical education recognized by the Board and (2) a program that an individual may participate in by obtaining a training certificate.

Physician assistants

- Limits a physician assistant’s authority to personally furnish samples of drugs and therapeutic devices to the drugs and devices included in the physician assistant’s physician-delegated prescriptive authority.
- Requires that medical care provided by an out-of-state physician assistant at a charitable event in Ohio be supervised by the event’s medical director or another physician authorized to practice in Ohio.
- Requires a physician assistant to retain a copy of the supervision agreement with a physician in the records maintained by the physician assistant.
- Authorizes the Board, if it finds that a supervision agreement has not been maintained in the records of a physician or physician assistant, to permit the individual in violation to correct the violation and pay a civil penalty.
- Reduces to \$400 (from \$500) the fee that must be paid to the Board when applying for an initial license to practice as a physician assistant.

License to practice

(R.C. Chapters 4731, 4760, 4762, and 4774, generally; Section 747.40; conforming changes in numerous other R.C. sections)

With respect to massage therapists, cosmetic therapists, anesthesiologist assistants, acupuncturists, Oriental medicine practitioners, and radiologist assistants, who are authorized to practice by the State Medical Board, the act eliminates statutory references to certificates to practice issued by the Board and, instead, refers to licenses to practice. The act also eliminates obsolete statutory references to certificates to practice issued by the Board to physicians and physician assistants and, instead, refers to licenses to practice.

The act authorizes the Board to take any action it considers necessary to rename the certificates that have been issued as licenses.

Board procedures for issuing licenses

(R.C. 4730.12, 4731.05, 4731.14, 4731.17, 4731.56, 4760.03, 4762.03, 4774.03, and 4778.03)

The act eliminates a requirement under which an affirmative vote of at least six Board members was needed to issue any of the following licenses to an applicant: physician assistant; medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; limited branches of medicine; anesthesiologist assistant; Oriental medicine practitioner; acupuncturist; radiologist assistant; and genetic counselor.

The act requires instead that the Board adopt internal management rules regarding the issuance of licenses.

Expedited license eligibility – malpractice claims

(R.C. 4731.299)

The act modifies an eligibility requirement (largely unchanged by the act) that applies to individuals seeking an expedited license by endorsement to practice medicine and surgery or osteopathic medicine and surgery. Under prior law, an applicant for an expedited license was required to certify that no more than two malpractice claims had been filed against the applicant within a period of ten years. The act clarifies that the applicant must certify that they had no more than two malpractice claims resulting in a finding of liability in the ten-year period preceding the date of application.

Limited branches of medicine – reciprocity

(R.C. 4731.19)

The act specifies that an applicant for a license to practice a limited branch of medicine may receive a license upon evidence that the applicant has held a license to practice massage therapy or cosmetic therapy in another state during the five-year period preceding the date of application. Former law did not specify when the five years of practice must have occurred.

License renewal dates

(R.C. 4730.14, 4731.15, 4731.281, 4759.06, 4760.04, 4761.06, 4762.04, 4762.06, 4774.04, 4774.06, 4778.05, and 4778.06)

The act eliminates dates established in statute for the Board's renewal of licenses issued to: physicians, podiatrists, physician assistants, massage therapists, cosmetic therapists, dietitians, anesthesiology assistants, respiratory care professionals, acupuncturists, Oriental medicine practitioners, radiologist assistants, and genetic counselors. The act instead provides that each license is valid for a two-year period, expires two years after the date of issuance, and may be renewed for additional two-year periods.

Continuing education

(R.C. 4730.14, 4730.49, 4731.155, 4731.282, 4731.293, 4745.04, 4759.06, 4761.06, and 4778.06)

With respect to physicians and podiatrists, the act reduces to 50 (from 100) the number of continuing education hours that must be completed every two years for license renewal. The act includes a corresponding change for the three-year renewal period that applies to clinical research faculty physicians.

The act also reduces the number of continuing education hours that a physician or podiatrist may earn by providing health care services as a volunteer. Under prior law, one-third of the continuing education requirement could be met by providing volunteer services to indigent and uninsured persons. The act limits the number of hours that may be earned in this manner to three.

In the case of physician assistants, the act eliminates the requirement that a physician assistant complete at least 100 hours of continuing education every two years. Instead, it requires the physician assistant to complete the continuing education necessary to maintain certification from the National Commission on Certification of Physician Assistants. Although the act eliminates the 100-hour requirement, it maintains the requirement to complete at least 12 hours of continuing education in advanced pharmacology every two years.

Failure to complete continuing education

Under continuing law, if a physician or podiatrist fails to complete continuing education requirements, the Board may take disciplinary action, impose a civil penalty, or permit the physician or podiatrist to agree in writing to complete the requirements and pay the civil penalty. The act extends to the Board this same authority with respect to physician assistants, cosmetic therapists, massage therapists, dietitians, respiratory care professionals, or genetic counselors who fail to satisfy continuing education requirements. In such instances, the act permits the Board to do either of the following:

- Take disciplinary action against the practitioner, impose a civil penalty, or both;
- Permit the practitioner to agree in writing to complete the continuing education and pay a civil penalty.

If the Board takes disciplinary action, its finding must be made pursuant to an adjudication under the Administrative Procedure Act and by an affirmative vote of at least six of its 12 members. A civil penalty, whether paid voluntarily or imposed by the Board, must be in an amount specified by the Board, not exceeding \$5,000.

Fitness to practice – license issuance and restoration

(R.C. 4730.28, 4731.222, 4759.063, 4760.061, 4761.061, 4762.061, 4774.061, and 4778.071)

Continuing law authorizes the Board to impose terms and conditions related to fitness to practice on a physician, podiatrist, cosmetic therapist, and massage therapist under the following circumstances:

- When the practitioner seeks issuance of a license or certificate and, for more than two years, has not been engaged in practice or participating in a training or educational program;
- When the practitioner seeks restoration of a license or certificate that has been suspended or inactive for any reason for more than two years.

The act extends to the Board this same authority as part of its regulation of anesthesiology assistants, Oriental medicine practitioners, acupuncturists, radiologist assistants, genetic counselors, dietitians, respiratory care professionals, and physician assistants.

The terms and conditions related to fitness to practice that may be imposed include:

- Requiring an applicant to pass an oral or written examination, or both;
- Requiring an applicant to obtain additional training and pass an examination;
- Requiring an assessment of the applicant's physical skills;
- Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions;
- Requiring an applicant to undergo a physical examination; and
- Restricting or limiting the applicant's extent, scope, or type of practice.

Telemedicine certificates

(R.C. 4731.296, repealed, and 109.572, 4731.14, and 4731.294; Section 747.40)

The act eliminates the Board's issuance of telemedicine certificates. Under prior law, a telemedicine certificate authorized the practice of medicine in Ohio through the use of any communication by a physician located outside the state. The act requires the Board to convert all existing telemedicine certificates to licenses to practice medicine and surgery or osteopathic medicine and surgery.

Limited certificates

(R.C. 4731.292, repealed)

The act eliminates the Board's issuance of limited certificates. Under prior law, a limited certificate authorized an individual who was not a U.S. citizen to practice medicine in state-operated hospitals.⁸⁵

Training certificates

(R.C. 4731.291 and 4731.573)

The act allows an individual seeking to renew a training certificate to submit an application for renewal not less than 30 days after the certificate's expiration date if the individual includes with the application a \$150 reinstatement fee.

Under current law, a training certificate may be granted to an unlicensed individual seeking to pursue an internship, residency, or clinical fellowship program related to the practice of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. A training certificate is valid for an initial period of three years, but may be renewed for one additional three-year period.

Clinical fellowship programs

(R.C. 4731.04, 4731.291, and 4731.573)

The act clarifies, for purposes of physician licensure and regulation, that a clinical fellowship program constitutes graduate medical education if it is either accredited or conducted at an institution with an accredited residency program.

Similarly, regarding an individual seeking a training certificate to pursue a clinical fellowship program, the act clarifies that the applicant must provide evidence that the program is either accredited or conducted at an institution with an accredited residency program.

Physician assistants

Furnishing samples

(R.C. 4730.43)

The act limits a physician assistant's authority to personally furnish samples of drugs and therapeutic devices to those that are included in the physician assistant's physician-delegated prescriptive authority. This limitation was in prior law, but was eliminated by S.B. 259 of the 132nd General Assembly (effective March 20, 2019). The act restores the limitation that was eliminated by S.B. 259.

⁸⁵ According to a Board representative, limited certificates have not been issued for a number of years and no longer exist in practice.

Volunteering at charitable events

(R.C. 4730.02)

Law generally unchanged by the act permits an out-of-state physician assistant to practice as a volunteer during an Ohio charitable event that lasts not more than seven days. The act requires that the medical care provided at such an event be supervised by the event's medical director or by another physician authorized to practice in Ohio.

Supervision agreements

(R.C. 4730.19)

To practice as a physician assistant, Ohio law requires a supervision agreement with a supervising physician. The supervising physician must keep a copy of the agreement in the physician's records. The act requires that a physician assistant also keep a copy of the agreement in the physician assistant's records.

If the Board finds that the agreement is not maintained in records as described above, the act authorizes the Board to permit the individual to correct the violation and pay a civil penalty. The act maintains the Board's authority to take disciplinary action against the individual.

License application fee

(R.C. 4730.10)

Under prior law, an applicant for an initial license to practice as a physician assistant was required to pay the Board a \$500 application fee. The act reduces the fee to \$400.