

TO BE RESCINDED

4731-19-02

Licensee's duty to report infection with HIV or HBV.

- (A) A licensee who believes or has reason to believe that he or she is infected with HIV or HBV and who performs invasive procedures shall report that fact to the ODH or to an institutional review panel approved by ODH within forty eight hours or shall voluntarily refrain from performing invasive procedures until such time as a report has been made in compliance with this rule.
- (B) A licensee who believes or has reason to believe that he or she is infected with HIV or HBV and who performs invasive procedures may report that fact to the board, consistent with paragraph (A) of this rule, in lieu of reporting to the ODH or to an institutional review panel approved by ODH. However, the board will require the infected licensee to submit to review and monitoring by the ODH or to an institutional review panel approved by ODH as provided in paragraph (B) of rule 4731-19-06 of the Administrative Code.
- (C) A licensee who believes or has reason to believe that another licensee who performs invasive procedures is infected with HIV or HBV shall advise the infected licensee of the infected licensee's duty to report under either paragraph (A) or (B) of this rule within forty eight hours of learning of the licensee's HIV or HBV infected status.
- (D) A licensee who believes or has reason to believe that another licensee is infected with HIV but who is prohibited by section 3701.243 of the Revised Code or any other prevailing state or federal law from divulging the basis of the reporting licensee's belief shall nonetheless report to the board as required by division (B) of section 4731.224 of the Revised Code and rule 4731-15-01 of the Administrative Code if the reporting licensee believes the infected licensee is otherwise practicing below minimum standard of care or is unable to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness or has failed to comply with either paragraph (A) or (B) of this rule. The reporting licensee need not include in his or her report test results or other information which section 3701.243 of the Revised Code or any other prevailing state or federal law prohibits the reporting licensee from divulging.
- (E) For purposes of section 4731.224 of the Revised Code and this rule, "believes" or "reason to believe" does not require absolute certainty or complete unquestioning acceptance; but only an opinion that a licensee is infected with HIV or HBV based upon firsthand knowledge or reliable information.

Effective: 11/30/2016

Five Year Review (FYR) Dates: 08/16/2016

CERTIFIED ELECTRONICALLY

Certification

11/09/2016

Date

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