

TO BE RESCINDED

4731-19-05

Duty to refrain from certain procedures.

- (A) A licensee who knows he or she is infected with HIV or HBV shall not perform or participate in an exposure-prone invasive procedure, as that term is defined in paragraph (G) of rule 4731-19-01 of the Administrative Code, until the infected licensee has obtained counsel from the ODH review panel or from an institutional review panel approved by ODH and then, only under the circumstances that the counseling panel decides are appropriate. Such circumstances shall include notifying prospective patients of the licensee's seropositivity before they undergo any exposure-prone invasive procedures identified as such by the infected licensee's ODH review panel or institutional review panel approved by the ODH, and adherence to all guidelines published by the centers for disease control, and the United States department of health and human services.
- (B) A licensee who has reason to suspect that he or she may be infected with HIV or HBV shall obtain appropriate testing to reveal the licensee's HIV status and HBV status before the licensee performs or participates in an exposure-prone invasive procedure.
- (C) A licensee who knows or should suspect that he or she is infected with HIV or HBV shall practice recommended surgical technique and shall adhere to universal precautions, as delineated in Chapter 4731-17 of the Administrative Code, when performing invasive procedures other than exposure-prone invasive procedures.
- (D) A violation of any provision of this rule shall also constitute "a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to a patient is established," as that clause is used in division (B)(19) of section 4730.25, division (B)(6) of section 4731.22, division (B)(4) of section 4760.13, division (A)(4) of section 4762.13, and division (B)(4) of section 4774.13 of the Revised Code.

Effective: 11/30/2016

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

CERTIFIED ELECTRONICALLY

Certification

11/09/2016

Date

Promulgated Under: 119.03
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