



DATE: February 12, 2016

RE: Rules in Chapter 4731-22, OAC, Emeritus Registration

The emeritus status honors physicians (M.D., D.O., and D.P.M.), cosmetic therapists, and massage therapists who have practiced at least ten years and end their professional careers without disciplinary action. A person must have an active Ohio license at the time of applying for the emeritus status. The rules then officially authorize the emeritus registrant to use their credential of M.D., D.O., D.P.M., C.T., or M.T. even after their Ohio license expires. The rules only bestow an honorary status on the registrant. They do not give a license, permit a person to practice any profession, or permit the person to do anything they couldn't do without having emeritus status.

After initial review, the Medical Board is proposing amendments to only two of the rules. The rules and proposed action are as follows:

4731-22-01 Definitions: No changes.

4731-22-02 Application: The cumbersome paragraph is proposed to be broken up for ease of reading. New Paragraph (B) now refers to the "practitioner's" license instead of just to a physician's license.

4731-22-03 Status of registrant: No changes

4731-22-04 Continuing education requirements: No changes

4731-22-06 Renewal cycle of fees: No changes

4731-22-07 Change to active status: The current rule will be rescinded and a new rule adopted.

- Paragraph (A) is amended to reflect that the application to re-activate is either a reinstatement or restoration depending on the length of time the license has been expired. The current rule requires restoration even if the Ohio license has been expired for two years or less, which is contrary to the Revised Code.
- New Paragraph (B) includes the required contents of the application to re-activate. Paragraph (B)(2) includes reference to Section 4731.15, ORC, the renewal section for MTs and CTs.
- Former Paragraph (B) is now Paragraph (C). The current language runs the "two year" period from the date the emeritus certificate was effective. Because Section 4731.222, Ohio Revised Code, runs the period from the expiration of the license, the proposal is to amend the language to reflect the statute.

4731-27-08 Cancellation of or refusal to issue an emeritus registration: No changes.

Please send comments to Sallie.Debolt@med.ohio.gov by **March 10, 2016**.

4731-22-01 Definitions.

As used in Chapter 4731-22 of the Administrative Code:

(A) "Active" is a status that means an individual may perform acts that would constitute the practice of medicine requiring a license.

(B) "Board" means the state medical board of Ohio.

(C) "Registrant" means an individual who holds an emeritus registration.

(D) "Retired" is a status that means an individual has no active license in another state, or agrees in the emeritus application that he or she will not apply for renewal or reinstatement of any license held in another state.

Effective: 08/31/2006

R.C. [119.032](#) review dates: 05/18/2006 and 08/31/2011

Promulgated Under: [119.03](#)

Statutory Authority: [4731.05](#)

Rule Amplifies: [4731.22](#), [4731.34](#)

Prior Effective Dates: 7/1/99

4731-22-02

Application.

~~Any practitioner duly licensed to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, massage therapy, or cosmetic therapy in this state for at least ten years who declares that he or she is retired from active practice may apply to the board for emeritus registration. The practitioner may do so by indicating on his or her biennial registration form or in written correspondence to the Board if he or she is in fact retired and has not been the subject of disciplinary action in Ohio resulting in the revocation, suspension, probation, reprimand, or any other limitation of the physician's license to practice.~~

(A) Any practitioner duly licensed to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, massage therapy, or cosmetic therapy in this state for at least ten years who declares that he or she is retired and no longer in active practice in Ohio may apply to the board for emeritus registration.

(B) The practitioner may do so by indicating on his or her biennial registration form or in written correspondence to the board the wish to apply for emeritus status and including the following information:

- (1) He or she is in fact retired as that term is defined in rule 4731-22-01 of the Administrative Code and is no longer in active practice in Ohio; and
- (2) He or she has not been the subject of disciplinary action in Ohio resulting in the revocation, suspension, probation, reprimand, or any other limitation of the practitioner's license to practice.

4731-22-03 Status of registrant.

The emeritus registration is not a license to engage in the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine and surgery. Emeritus registrants shall not engage in the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine and surgery. Emeritus registrants may refer to themselves as doctor, if previously licensed to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, but may not hold themselves out to others as actively engaged in the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine and surgery.

R.C. [119.032](#) review dates: 05/18/2006 and 05/18/2011

Promulgated Under: [119.03](#)

Statutory Authority: [4731.05](#)

Rule Amplifies: [4731.22](#), [4731.34](#)

Prior Effective Dates: 7/1/99

4731-22-04 Continuing education requirements.

The continuing medical education requirements of chapter 4731. of the Revised Code and agency-level 4731 of the Administrative Code are not applicable to emeritus registration.

R.C. [119.032](#) review dates: 05/18/2006 and 05/18/2011

Promulgated Under: [119.03](#)

Statutory Authority: [4731.05](#), [4731.15](#)

Rule Amplifies: [4731.22](#), [4731.281](#)

Prior Effective Dates: 7/1/99

4731-22-06 Renewal cycle of fees.

Being registered as emeritus will not subject an individual to the annual renewal cycle or renewal fees.

R.C. [119.032](#) review dates: 05/18/2006 and 05/18/2011

Promulgated Under: [119.03](#)

Statutory Authority: [4731.05](#)

Rule Amplifies: [4731.15](#), [4731.281](#)

Prior Effective Dates: 7/1/99

4731-22-07

Change to active status.

(A) A registrant may apply to change to active status by completing a ~~restoration application, which shall include the following~~ the following:

(1) IF THE APPLICATION IS RECEIVED NO MORE THAN TWO YEARS AFTER THE DATE THE REGISTRANT'S OHIO LICENSE EXPIRED, THE REGISTRANT SHALL SUBMIT A REINSTATEMENT APPLICATION.

(2) IF THE APPLICATION IS RECEIVED MORE THAN TWO YEARS AFTER DATE THE REGISTRANT'S OHIO LICENSE EXPIRED, THE REGISTRANT SHALL SUBMIT A RESTORATION APPLICATION.

~~(1) Documentation of compliance with the continuing medical education requirements for an active licensee for the time period in which the registrant's license was in inactive status. This requirement must be fulfilled prior to submission of the application.~~

~~(2) Submission of appropriate renewal fees and any applicable monetary penalty pursuant to section 4731.281 of the Revised Code.~~

~~(3) Submission of any other information required by the board.~~

(B) THE REINSTATEMENT OR RESTORATION APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING:

(1) Documentation of compliance with the continuing medical education requirements for an active licensee for the time period in which the registrant's license was in inactive status. This requirement must be fulfilled prior to submission of the application.

(2) Submission of appropriate renewal fees and any applicable monetary penalty pursuant to section 4731.281 of the Revised Code IF THE REGISTRANT IS A PHYSICIAN OR PURSUANT TO SECTION 4731.15 OF THE REVISED CODE IF THE REGISTRANT IS A MASSAGE THERAPIST OR COSMETIC THERAPIST.

(3) Submission of any other information required by the board.

~~(B)~~(C) . In the event the holder of an emeritus certificate applies for restoration after two years from the ~~effective date of emeritus certificate~~ the registrant's Ohio license expired or if the registrant has not engaged in practice for more than two years, the board may require the applicant to demonstrate present fitness to practice pursuant to section 4731.222 of the Revised Code.

4731-22-08 Cancellation of or refusal to issue an emeritus registration.

The board may refuse to issue or may cancel a registrant's emeritus registration for acts or conduct that the secretary and supervising member deem to be a violation of any provision of Chapter 4731. of the Revised Code or this chapter of the Administrative Code. The decision to refuse to issue or to cancel a registrant's emeritus registration is not subject to hearing rights or appeal under Chapter 119. of the Revised Code.

Effective: 08/31/2006

R.C. [119.032](#) review dates: 05/18/2006 and 08/31/2011

Promulgated Under: [119.03](#)

Statutory Authority: [4731.05](#), [4731.07](#), [4731.15](#)

Rule Amplifies: [4731.22](#), [4731.281](#)

Prior Effective Dates: 7/1/99