

4731-6-01 **Definitions.**

As used in Chapter 4731-6 of the Administrative Code, the following definitions are applicable:

- (A) "ACGME" means the accreditation council for graduate medical education.
- (B) "AMA" means the American medical association.
- (C) "AOA" means the American osteopathic association.
- (D) "Board" means the state medical board of Ohio.
- (E) "Combined post-graduate training program" means a training program in which two recognized specialties, each of which is separately accredited at the sponsoring institution, are combined into a single program, leading to eligibility for specialty board certification in both specialties.
- (F) "COMLEX-USA" means the comprehensive osteopathic medical licensing examination as prepared by the national board of osteopathic medical examiners.
- (G) "COMVEX-USA" means the comprehensive osteopathic medical variable purpose examination prepared by the national board of osteopathic medical examiners.
- (H) "ECFMG" means the educational commission for foreign medical graduates.
- (I) "FCVS" means the federation credentials verification service, a permanent, central repository of documents verifying licensure applicants' core credentials compiled by the federation.
- (J) "Federation" means the federation of state medical boards of the United States, Inc.
- (K) "FLEX" means the federation licensing examination as prepared by the federation.
- (L) "LCME" means the liaison committee on medical education.
- (M) "LMCC" means licentiate of the medical council of Canada.
- (N) "Medical and osteopathic examination" means the examination conducted under section 4731.13 of the Revised Code.

- (O) "Resident," "intern" or "clinical fellow" means any individual participating at any level in graduate medical education as defined in divisions (A)(1)(a) and (A)(1)(b) of section 4731.091 of the Revised Code, including individuals serving as house officers, house staff, trainees, fellows and junior faculty who are participating in such graduate medical education.
- (P) "SPEX" means the special purpose examination as prepared by the federation.
- (Q) "~~TSE~~ TOEFLiBT" means the test of spoken English of the educational testing service.
- (R) "USMLE" means the United States medical licensing examination as prepared by the federation and the national board of medical examiners in a joint program.

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4731-6-05**Format of medical and osteopathic examination.**

The medical and osteopathic examinations shall be the USMLE step 3 or the COMLEX-USA level 3. Applicants for the USMLE step 3 or for the COMLEX-USA level 3 examination shall apply directly to the USMLE program or to the COMLEX-USA program, as applicable.

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TO BE RESCINDED

4731-6-05

Format of medical and osteopathic examination.

The medical and osteopathic examinations shall be the USMLE step 3 or the COMLEX-USA level 3. Applicants for the USMLE step 3 or for the COMLEX-USA level 3 examination will not be required to submit an application to the board or to demonstrate to the board that they meet the requirements of section 4731.08, 4731.09, 4731.091 or 4731.11 of the Revised Code in order to gain admission to the examination. Application will be made directly to the USMLE program or to the COMLEX-USA program.

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4731-6-10**Clinical competency examination.**

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(A) For purposes of section 4731.222 of the Revised Code, a passing score on SPEX, as reported by the federation, on the COMVEX-USA, as reported by the NBOME, or a board re-certification examination as reported by the appropriate certification board, shall constitute successful completion of the examination.

(B) The applicant for the SPEX shall apply directly to the federation. An applicant may contact the NBOME regarding application to the COMVEX-USA.

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4731-6-10

Clinical competency examination.

For purposes of consent agreements or board orders a passing score on SPEX, as reported by the federation, or on the COMVEX-USA, as reported by the NBOME, shall constitute successful completion of the examination. Application for the SPEX will be made directly to the federation. An applicant may contact the board regarding application to the COMVEX-USA.

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4731-6-21

Application procedures for certificate issuance; investigation.

- (A) All applicants for medical or osteopathic licensure shall file a written application under oath as required by the board, and provide such other facts and materials as the board requires.
- (B) All applicants for medical or osteopathic licensure shall also file a written application to the FCVS.
- (C) No application shall be considered filed with the board until the appropriate fee has been received by the board.
- (D) No application filed with the board shall be considered complete until the applicant has complied with the requirements of paragraph (A) of rule 4731-4-02 of the Administrative Code and the board has received the results of the criminal records checks .
- (E) The board reserves the right to thoroughly investigate all materials submitted as part of an application. The board may contact individuals, agencies or organizations for recommendations or other information about applicants as the board deems necessary. Applicants may be requested to appear before the board or a representative thereof as part of the application process.

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TO BE RESCINDED

4731-6-21

Application procedures for certificate issuance; investigation; notice of hearing rights.

- (A) All applicants for medical or osteopathic licensure shall file a written application under oath on the forms prescribed by the board, and provide such other facts and materials as the board requires.
- (B) All applicants must file a written application to the FCVS. All applicants for medical or osteopathic licensure shall also file a written application to the FCVS.
- (C) No application shall be considered filed until the appropriate fee has been received by the board.
- (D) No application shall be considered complete until the applicant has complied with the requirements of paragraph (A) of rule 4731-4-02 of the Administrative Code and the board has received the results of the criminal records checks and any other forms required to be submitted pursuant to paragraph (A) of rule 4731-4-02 of the Administrative Code.
- (E) All application materials submitted to the board will be thoroughly investigated. The board will contact individuals, agencies or organizations for recommendations or other information about applicants as the board deems necessary. Applicants may be requested to appear before the board or a representative thereof as part of the application process.
- (F) Any applicant to whom the board proposes to deny admission to the examination or certificate issuance pursuant to Chapter 4731. of the Revised Code or because of failure to meet any of the requirements of rules of the state medical board shall be entitled to a hearing on the issue of such proposed denial. Notice and hearing requirements incident to such proposed denial will be in compliance with the provisions of Chapter 119. of the Revised Code and any rules adopted by the board pursuant to Chapter 119. of the Revised Code.

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4731-6-22

Abandonment and withdrawal of medical and osteopathic licensure applications.

- (A) If the applicant for medical or osteopathic licensure fails to complete the application process within six months of initial application filing, the board may notify the applicant in writing of its intention to consider the application abandoned. If no response to that notice is received by the board within thirty days of mailing, the board shall consider the application as abandoned and no further processing shall be undertaken with respect to that application.
- (B) If the application process extends for a period longer than six months, the board may require updated information as it deems necessary.
- (C) No application for medical or osteopathic licensure may be withdrawn without approval of the board.
- (D) ~~Submitted fees shall be neither refundable nor transferable~~ Application fees are not refundable.

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4731-6-30

Training certificates.

- (A) A training certificate is mandatory for participation in an internship or residency accredited by the ACGME or the AOA, a combined post-graduate training program or a clinical fellowship program at an institution with a residency program accredited by the ACGME or the AOA in the same or a related field unless the participant holds a current certificate to practice medicine and surgery or osteopathic medicine and surgery under section ~~4631.14~~ 4731.14 or section 4731.29 of the Revised Code. The participation in the programs prior to receiving an acknowledgment letter from the board is the unlicensed practice of medicine pursuant to section 4731.34 of the Revised Code.
- (B) ~~A training certificate shall be issued to those applicants meeting the requirements of section 4731.291 of the Revised Code and this chapter of the Administrative Code, and who have provided evidence satisfactory to the board of being at least eighteen years of age and having a diploma from an LCME or AOA accredited medical school or an ECFMG certificate or a fifth pathway certificate. The applicant shall identify the training program to which the applicant has been appointed and the effective dates of that appointment. In addition, those applicants who are training as clinical fellows will be eligible to receive a training certificate in sub-specialty areas only if the institution in which they are pursuing a clinical fellowship has a residency program in the same or related clinical field and that residency program is accredited by the ACGME or AOA. In addition to the evidence required to be submitted in section 4731.291 of the Revised Code, an applicant for a training certificate shall submit evidence satisfactory to the board of having been issued one of the following:~~
- (1) A diploma from an LCME or AOA accredited medical school; or
 - (2) An ECFMG certificate or a fifth pathway certificate.
- (C) The holder of a training certificate must limit his or her activities to those set forth in section 4731.291 of the Revised Code. The acknowledgment letter and subsequent training certificate entitle the holder to perform only such acts as may be prescribed by or incidental to the internship, residency or clinical fellowship program, but do not entitle one to otherwise engage in the practice of medicine and surgery or osteopathic medicine and surgery in this state. The holder must train only under the supervision of the physicians responsible for supervision as part of the internship, residency or clinical fellowship program. Further, the holder must limit activities under the acknowledgment letter or training certificate to the programs of the hospital or facilities for which the training certificate is issued. Such activities may include rotations at additional sites that have affiliation agreements with the program.
- (D) A training certificate may be renewed ~~annually for a maximum of six years~~ in

compliance with paragraph (J) of this rule.

- (E) The board may take disciplinary action against an applicant or holder of a training certificate upon proof, satisfactory to the board, that the holder has engaged in practice in this state outside the scope of the internship, residency or clinical fellowship program for which the training certificate has been issued, or upon other proof, satisfactory to the Board, that the applicant has engaged in conduct that is grounds for action under section 4731.22 of the Revised Code. In accordance with section 3719.121 or section 4731.22 of the Revised Code, the board may suspend, without a prior hearing, a training certificate or the right to participate in training under an acknowledgment letter issued pursuant to this rule.
- (F) Upon the board's receipt of an application for a training certificate, or upon the board's receipt of written notice from an applicant for a certificate to practice medicine and surgery or osteopathic medicine and surgery under section 4731.14 or section 4731.29 of the Revised Code that the applicant intends to participate in a training program described in paragraph (A) of this rule, and after verifying that the applicant has paid the appropriate fee, the board will issue to the applicant an acknowledgment letter. Fees are neither refundable nor transferable. ~~Upon receipt of that acknowledgment letter, the applicant may begin participating in the program that meets the requirements of section 4731.291 of the Revised Code, and this chapter of the Administrative Code, to which he or she has been appointed while the application is being processed. That acknowledgment letter will serve as proof that the board has received the application and that the applicant is entitled to continue participation in the training program. If an applicant has not received an acknowledgment letter from the board within forty-five days of submitting an application, then the applicant shall immediately inform the board and the director of his or her training program in writing.~~
- (1) Upon receipt of that acknowledgment letter, the applicant may begin participating in the program that meets the requirements of section 4731.291 of the Revised Code, and this chapter of the Administrative Code, to which he or she has been appointed while the application is being processed. The acknowledgment letter will serve as proof that the board has received the application and that the applicant is entitled to continue participation in the training program.
- (2) If an applicant has not received an acknowledgment letter from the board within forty-five days of submitting an application, then the applicant shall immediately inform the board and the director of his or her training program in writing.
- (G) An acknowledgment letter issued under this rule shall authorize participation in a training program for one hundred twenty days, unless prior to that time the board:

- (1) Issues the certificate; or
- (2) Issues an order in accordance with Ohio law suspending without a prior hearing the authority to participate; or
- (3) Accepts a withdrawal of the application; ~~or~~
- (4) Issues a notice of opportunity for hearing in accordance with Chapter 119. of the Revised Code, in which case the authority to participate shall continue until the board's issuance of a final order granting or denying the application, or until the end of the training year, whichever comes first; or
- (5) In the case of an applicant for a certificate under section 4731.14 or section 4731.29 of the Revised Code, advises the applicant in writing that a substantial question of a violation of this chapter or the rules adopted under it exists and that investigation is continuing, in which case the authority to participate shall continue until one of the following occur:
 - (a) The board issues a certificate; or
 - (b) The board issues a final order in accordance with Chapter 119. of the Revised Code; or
 - (c) The training year ends.

Except as provided above, participation in a training program pursuant to an acknowledgment letter cannot be renewed or extended beyond one hundred twenty days.

- (H) If at the end of one hundred twenty days following issuance of an acknowledgment letter to an applicant for a training certificate the board has commenced but not yet concluded investigation or inquiry into issues of possible violations of Chapter 4731. of the Revised Code, it shall issue a training certificate to the applicant but shall not be deemed to have waived any issues which would constitute grounds to impose discipline under Chapter 4731. of the Revised Code.
- (I) If the applicant or training certificate holder changes training programs before the end of the training year while maintaining the same finishing date of his or her post graduate training year (e.g., June thirtieth), the board must be notified in writing immediately. A new application need not be completed. However, acknowledgment by the board of receipt of written notification of change in training programs will

be required prior to starting the new training program. The new training certificate will only be valid for the remainder of the training year for which the applicant has been issued a current certificate.

- (J) A training certificate shall be valid for one training year, but may, at the discretion of the board, be renewed annually five times for a maximum of six years. Renewal ~~applications~~ notices are ~~mailed~~ sent approximately April first for those who initiated their training on July first. Interns, residents or clinical fellows who began their training after July first of the training year will be ~~mailed~~ sent their renewal ~~application~~ notice approximately three months prior to the expiration of their training certificate.
- (K) This rule and section 4731.291 of the Revised Code do not apply to or prohibit any graduate of a podiatric school or college from performing those acts that may be prescribed by or incidental to participation in an accredited podiatric internship, residency or fellowship program accredited by the council on podiatric medical education of the American podiatric medical association.
- (L) A person who holds a suspended certificate to practice medicine and surgery or osteopathic medicine and surgery under section 4731.14 or section 4731.29 of the Revised Code is not eligible for a training certificate. Such a person must restore that certificate in accordance with sections 4731.222 and 4731.281 of the Revised Code before beginning postgraduate training in Ohio. A person whose certificate has been permanently revoked or permanently denied is ineligible to participate in postgraduate training in Ohio.

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4731-6-32

~~Visiting faculty certificates~~Clinical research faculty certificates.

- (A) A ~~visiting faculty~~ clinical research faculty certificate may be issued to an applicant holding a current, unrestricted license to practice medicine and surgery in another state or country if the applicant has been appointed to serve in this state on academic staff of an LCME or AOA accredited school and meets the eligibility requirements of section 4731.293 of the Revised Code. A current, unrestricted license is a license or other authority granted by the appropriate entity or governmental body which lawfully permits the applicant to practice all branches of medicine and surgery or osteopathic medicine and surgery without governmental restriction or limitation.
- (B) The holder of a ~~visiting faculty~~ clinical research faculty certificate may practice only as is incidental to teaching or research duties at the school, or at those teaching hospitals affiliated with the school. Those duties must be set forth upon the application and approved by the board.
- (C) By signing the application for a ~~visiting faculty~~ clinical research faculty certificate, the dean of the school and the medical director of each affiliated teaching hospital are responsible for assuring that the holder of the certificate does not engage in practice outside its scope. They are further responsible for reporting any belief that practice outside its scope has occurred.
- ~~(D) An individual may be granted only one visiting faculty certificate and is ineligible to apply for its renewal or a second visiting faculty certificate.~~

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4731-6-33

Special activity certificates.

- (A) A special activity certificate may be issued to an applicant seeking to practice medicine and surgery or osteopathic medicine and surgery in conjunction with a special activity, program or event taking place in this state. A special activity certificate shall not be issued for purposes of locum tenens.
- (B) The applicant must hold a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state or country and meet the educational requirements for licensure set forth in sections 4731.091 and 4731.14 of the Revised Code. A current, unrestricted license is a license or other authority granted by the appropriate entity or governmental body which lawfully permits the applicant to practice all branches of medicine and surgery or osteopathic medicine and surgery without governmental restriction or limitation.
- (C) Within the two year period immediately preceding application, the applicant must have done one of the following:
- (1) Actively practiced medicine and surgery or osteopathic medicine and surgery in the United States;
 - (2) Participated in graduate medical education accredited by the ACGME, the AOA or a clinical fellowship program as defined in division (A)(1)(b) of section 4731.091 of the Revised Code;
 - (3) Passed USMLE step 3. All three steps must have been passed in accordance with paragraph (C)(3) of rule 4731-6-14 of the Administrative Code or
 - (4) Completed the COMLEX-USA sequence in accordance with paragraph (C)(4) of rule 4731-6-14 of the Administrative Code.
- (D) The holder of a special activity certificate may practice only in conjunction with the special activity, event or program for which the certificate is issued.
- (E) The determination that an applicant's practice in conjunction with the special activity program or event will be in the public interest and that a special activity certificate can thus be issued shall be made by the secretary of the board or, in his or her absence, by another member designated by the board. In making that determination, the secretary of the board or board designee shall take into consideration the nature and length of the activity, the existence of any information warranting investigation prior to issuance of a certificate, the number of prior special activity certificates issued to the applicant, and any available information regarding prior performance while practicing in this state.

- (F) If the application is complete and the secretary or board designee refuses or fails to authorize issuance of a special activity certificate prior to the initial date of the activity program or event, the special activity certificate application shall be deemed converted to an application for a full license to practice medicine and surgery or osteopathic medicine and surgery to be processed under the provisions of Chapter 4731. of the Revised Code and this chapter of the Administrative Code. Failure to submit additional required fees or information required for full licensure may result in the application being considered abandoned as provided under rule 4731-6-22 of the Administrative Code.
- (G) An individual may only apply six times within a consecutive two year period for a special activity certificate.

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4731-6-34

Volunteer's certificates.

- (A) A volunteer's certificate may be issued, without examination, to an applicant who is retired from practice and meets the eligibility requirements of section 4731.295 of the Revised Code, including having maintained full licensure in good standing for at least ten years prior to retirement ~~full licensure in good standing~~ in each jurisdiction in the United States that the applicant held ~~such~~ licensure or practiced for at least ten years in one or more branches of the armed services. Full licensure in good standing is a license or other authority granted by the appropriate entity or governmental body which lawfully permits the applicant to practice all branches of medicine and surgery or osteopathic medicine and surgery without government restriction or limitation.
- (B) For purposes of issuance of a volunteer's certificate, an applicant shall be considered retired from practice if their license or certificate has been surrendered or allowed to expire with the intention of ceasing to practice medicine and surgery or osteopathic medicine and surgery for remuneration in this or any other state, without request to do so by the proper licensing authority of the state and without knowledge that they are the subject of an active investigation by the proper licensing authority of the state.
- (C) The board may require the applicant to demonstrate present fitness to practice in the manner provided in section 4731.222 of the Revised Code before issuing a volunteer's certificate to an applicant whose certificate has been in an inactive status for more than two years or who has not been engaged in the active practice of his or her profession for more than two years.
- (D) The holder of a volunteer's certificate may provide medical services ~~only on the premises of a nonprofit shelter or health care facility and~~ only to indigent and uninsured persons at any location, including a free clinic. The holder shall not accept any form of remuneration for providing medical services while in possession of the certificate.
- (E) The holder of a volunteer's certificate shall not perform any operation or deliver babies, except in a medical emergency.
- (F) The Board, pursuant to adjudicatory hearing under Chapter 119. of the Revised Code and by a vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke or suspend a certificate, refuse to register or refuse to reinstate an applicant or reprimand or place on probation the holder of a certificate for a violation of a grounds for discipline pursuant to section 4731.22 of the Revised Code, including engaging in practice outside the scope of the volunteer's certificate.
- (G) A volunteer's certificate shall be valid for a period of three years from its date of

issuance. The board may renew a certificate upon proper application. The board shall not charge a fee for issuing or renewing a volunteer's certificate.

- (H) To be eligible for renewal of a volunteer's certificate the holder of the certificate shall certify to the board completion of one hundred fifty hours of continuing medical education or its pro rata equivalent that meets the requirements of section ~~4731.281~~ 4731.282 of the Revised Code and the rules adopted under that section. The Board shall not renew a certificate if the holder has not complied with the continuing medical education requirements. The nonprofit shelter or health care facility in which the holder provides medical services may pay for or reimburse the holder for any costs incurred in obtaining the required continuing medical education credits.

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