

(A) Except as provided in paragraph (C) of this rule, a violation of rule 4731-26-02 of the Administrative Code, as determined by the board, shall constitute the following:

(1) For a physician, “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)(6) of section 4731.22 of the Revised Code.

(2) For a physician assistant, “a departure from, or failure to conform to, minimal standards of care of similar physician assistants under the same or similar circumstances, regardless of whether actual injury to a patient is established, as that clause is used in division (B)(19) of section 4730.25 of the Revised Code.

(3) For an anesthesiologist assistant, “a departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established,” as that clause is used in division (B)(4) of section 4760.13 of the Revised Code.

(B) Where the alleged behavior does not in itself constitute sexual misconduct, the board may consider expert testimony or other evidence in making its determination.

(C) Nothing in this rule shall limit the board’s authority to investigate and take action under sections 4730.25, 4731.22, or 4760.13 of the Revised Code.

Effective:

R.C. 119.032 review dates:

Certification

Date

Promulgated Under:	119.03
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