Invitation to Comment of Proposed Rules

House Bill 290 became effective on April 6, 2017. This bill enacted section 4745.04 of the Ohio Revised Code, which permits health care professionals to earn continuing education credit by providing volunteer health care services to indigent and uninsured persons. The provisions of this section are applicable to physicians.

The legislation provides that a licensing agency that licenses health care professionals shall apply toward the satisfaction of a portion of a licensee's continuing education requirement the provision of health care services if all the following apply:

1. The licensing agency that licenses health care professionals requires a licensee to complete continuing education as a condition of having a license renewed by the agency.
2. The licensee provides the health care services to an indigent and uninsured person.
3. The licensee provides the health care services as a volunteer.
4. The licensee satisfies the requirements of section 2305.234 of the Revised Code to qualify for the immunity from liability granted under that section.
5. The health care services provided are within the scope of authority of the licensee renewing the license.

The legislation further directs a licensing agency to permit a licensee to satisfy up to one-third of the licensee's continuing education requirement by providing health care services as a volunteer, at a rate of one credit hour for each sixty minutes spent providing health care services as a volunteer.

Accordingly, amendments to the following rules concerning physician CME are being proposed to implement the requirements: Rules 4731-10-02, 4731-10-08, 4731-10-09, and 4731-10-10. In sum, the proposed rules permit physicians to earn up to 33 hours of CME for qualifying activities (credited toward category 2 only), and provide for situations where an individual is initially licensed or restored after the start of a CME period. The rules also instruct licensees how qualifying activities shall be documented.

Send comments, no later than July 6, 2107, to: Sallie.Debolt@med.ohio.gov.
4731-10-02 Requisite hours of continuing medical education for license renewal or reinstatement.

(A) The respective CME program requirements certified by the Ohio state medical association, the Ohio osteopathic association or the Ohio podiatric medical association and approved by the board shall consist of two categories, category 1 and category 2.

(1) Category 1 and category 2 CME shall be defined and identified within the programs certified by the respective state medical associations and approved by the board.

(2) In a two year CME period, a licensee shall be required to earn a total of one hundred hours of CME, of which a minimum of forty hours shall be category 1 as certified by their respective state professional associations and approved by the board. Certification is a process whereby the Ohio state medical association, the Ohio osteopathic medical association and the Ohio podiatric medical association define their respective CME program requirements for periodic submission to the board for approval. The board may approve each association's CME program requirements which consist of CME courses and activities that are deemed acceptable for completing the requisite hours of CME by each licensee.

(3) When undertaking a CME program, a licensee shall be responsible for ascertaining from the sponsor or co-sponsor whether the CME program will be credited toward the category 1 or category 2 requirement.

(B) The board shall keep on file copies of the program requirements of the various state professional associations.

(C) If a licensee has not completed the requisite hours of CME, a licensee is not eligible for license renewal or license reinstatement until such time as the requisite hours have been completed. Any CME undertaken after the end of a renewal period and utilized for purposes of renewing or reinstating a suspended license cannot also be utilized to meet the CME requirement of the current CME period.

(D) Licensees and applicants who are not working in the medical profession or who are retired from practice but wish to renew or reinstate their licenses shall meet the CME requirements of section 4731.281 of the Revised Code and this chapter of the Administrative Code.

(E) Pursuant to the provisions of section 4745.04 of the Revised Code, the board shall permit a licensee to earn one hour of CME for each sixty minutes spent providing health care services in Ohio, as a volunteer, to indigent and uninsured persons, up
to a maximum of thirty-three hours per CME period. Any hours of CME earned under this provision shall be credited toward category two requirements, and shall be documented in the manner required by rule 4731-10-08 of the Administrative Code.
(A) Each applicant for license renewal or license reinstatement shall certify that the applicant has completed the requisite hours of CME since the start of the CME period.

(B) The board may select applications for verification that all CME requirements have been met. Licensees whose applications are selected shall submit additional documentation of compliance with CME requirements as the board may require. Failure to submit the additional documents shall constitute a violation of section 4731.281 of the Revised Code and section 4731.22 of the Revised Code.

(C) Applicants and licensees have a continuing obligation to maintain detailed records of CME hours earned. Each applicant or licensee shall be responsible for and shall retain written verification obtained from the sponsoring entity of attendance at category 1 CME programs. Written verification shall include a description of the CME activity, the location of the CME activity, the dates of attendance, the hours of each CME activity and the category of CME. Each applicant or licensee shall retain written documentation of category 2 CME completed during the CME period. Records of all CME undertaken shall be retained by the licensee for two years after the end of the CME period and shall be made available to the board upon request.

(D) Licensees seeking to receive credit toward category two CME requirements pursuant to paragraph (E) of rule 4731-10-02, paragraph (B) of rule 4731-10-09, or paragraph (B) of rule 4731-10-10 of the Administrative Code shall maintain a log of their qualifying activities. The log shall indicate the dates the health care services were provided, the number of hours spent providing health care services on those dates, and the location where the health care services were provided.

(E) Notwithstanding the provisions of paragraph (C) of this rule, applicants and licensees shall not destroy or otherwise make unavailable written documentation of CME activity after the board has requested verification of CME pursuant to this rule or section 4731.22 of the Revised Code. Upon verification that all CME requirements have been met, the board shall provide written notice to the applicant or licensee that the requested records may be destroyed.

(F) Nothing in this rule shall limit the board's authority to investigate and take action under section 4731.22 of the Revised Code.
Continuing medical education requirement for mid-term licensees.

(A) The CME requirements for individuals licensed after the start of a CME period shall be computed as follows:

If the license is initially issued prior to the first day of the second year of a CME period, an individual shall be required to earn fifty total hours, of which at least twenty shall be category 1; if the license is issued on or after the first day of the second year of a CME period and prior to the first day of the eighteenth month of that CME period, the licensee shall be required to earn twenty-five hours, of which at least ten hours shall be category 1; if the license is issued on or after the first day of the eighteenth month of a CME period, the licensee shall not be required to earn any hours of CME credits for that CME period.

(B) Pursuant to the provisions of section 4745.04 of the Revised Code, the board shall permit a licensee to earn one hour of CME for each sixty minutes spent providing health care services in Ohio, as a volunteer, to indigent and uninsured persons, up to the following maximums:

(1) For a licensee required to earn fifty total hours, a maximum of sixteen hours for that CME period.

(2) For a licensee required to earn twenty-five total hours, a maximum of eight hours for that CME period.

Any hours of CME earned under this provision shall be credited toward category two requirements, and shall be documented in the manner required by paragraph (D) of rule 4731-10-08 of the Administrative Code.

(C) Nothing in this rule shall limit the board's authority to require additional training under the provisions of section 4731.222 of the Revised Code. Training required by section 4731.222 of the Revised Code shall not be used to satisfy the CME requirement of this rule and of section 4731.281 of the Revised Code.

(D) Only those hours earned from the date of initial licensure to the end of the CME period shall be used towards the total hour requirement as contained in paragraph (A) of this rule.
Continuing medical education requirements following license restoration.

(A) After license restoration, the CME requirement for the CME period shall be computed as follows:

If the date of restoration is prior to the first day of the second year of a CME period, an individual shall be required to earn fifty total hours, of which at least twenty shall be category 1; if the date of restoration is on or after the first day of the second year of a CME period and prior to the first day of the eighteenth month of that CME period, the licensee shall be required to earn twenty-five hours, of which at least ten hours shall be category 1; if the date of restoration is on or after the first day of the eighteenth month of a CME period, the licensee shall not be required to earn any hours of CME credits for that CME period.

(B) Pursuant to the provisions of section 4745.04 of the Revised Code, the board shall permit a licensee to earn one hour of CME for each sixty minutes spent providing health care services in Ohio, as a volunteer, to indigent and uninsured persons, up to the following maximums:

1. For a licensee required to earn fifty total hours, a maximum of sixteen hours for the CME period.
2. For a licensee required to earn twenty-five total hours, a maximum of eight hours for that CME period.

Any hours of CME earned under this provision shall be credited toward category two requirements, and shall be documented in the manner required by paragraph (D) of rule 4731-10-08 of the Administrative Code.

(C) Nothing in this rule shall limit the board's authority to require additional training under the provisions of section 4731.222 of the Revised Code. Training required by section 4731.222 of the Revised Code shall not be used to satisfy the CME requirement of this rule and of section 4731.281 of the Revised Code.