

TO BE RESCINDED

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 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) "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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Certification

Date

Promulgated Under: 119.03

Statutory Authority: 4731.05

Rule Amplifies: 4731.091, 4731.294, 4731.293, 4731.291, 4731.142,
4731.13, 4731.12

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(Emer.), 12/19/1988, 02/10/1989, 08/15/1993,
03/27/1997, 12/01/1999, 10/31/2004, 08/31/2017

4731-6-01

Definitions.

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

- (A) "AOA" means the American osteopathic association.
- (B) "Board" means the state medical board of Ohio.
- (C) "COMLEX-USA" means the comprehensive osteopathic medical licensing examination prepared by the national board of osteopathic medical examiners.
- (D) "COMVEX-USA" means the comprehensive osteopathic medical variable purpose examination prepared by the national board of osteopathic medical examiners.
- (E) "ECFMG" means the educational commission for foreign medical graduates.
- (F) "FCVS" means the federation credentials verification service.
- (G) "Federation" means the federation of state medical boards of the United States, Inc.
- (H) "FLEX" means the federation licensing examination as prepared by the federation.
- (I) "LCME" means the liaison committee on medical education.
- (J) "License" means a license to practice medicine and surgery or osteopathic medicine and surgery issued under section 4731.14 of the Revised Code.
- (K) "LMCC" means licentiate of the medical council of Canada.
- (L) "Medical and osteopathic examinations" means the examinations to determine competency to practice medicine and surgery or osteopathic medicine and surgery under section 4731.09 of the Revised Code.
- (M) "SPEX" means the special purpose examination as prepared by the federation.
- (N) "TOEFL iBT" means the test of spoken English of the educational testing service.
- (O) "Training Program" means an internship, residency, clinical fellowship, or elective clinical rotation that meets the requirements of division (A)(2) of section 4731.291 of the Revised Code.
- (P) "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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TO BE RESCINDED

4731-6-02

Preliminary education for medical and osteopathic licensure.

- (A) Production of a diploma from a medical or osteopathic medical school that, at the time the diploma was issued, was a medical school accredited by the LCME or an osteopathic medical school accredited by the AOA constitutes prima facie evidence that the individual has completed the requisite preliminary education under section 4731.09 of the Revised Code.
- (B) Production of an ECFMG certificate constitutes prima facie evidence that the individual has completed the requisite preliminary education under section 4731.09 of the Revised Code.
- (C) Sixty semester hours or its equivalent shall be considered two years of undergraduate work as required by section 4731.09 of the Revised Code.

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4731.142, 4731.13, 4731.12, 4731.091
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11/01/1988, 12/19/1988, 02/10/1993, 08/15/1993,
12/01/1999

4731-6-02**Preliminary education for medical and osteopathic licensure.**

(A) The following constitutes prima facie evidence that an applicant for a license has met the requirements of divisions (A)(2) and (A)(3) of section 4731.09 of the Revised Code.

(1) The applicant holds a diploma from a medical or osteopathic medical school that, at the time the diploma was issued, was a medical school accredited by the LCME or an osteopathic medical school accredited by the AOA; or

(2) The applicant holds certification from the ECFMG .

(B) Sixty semester hours or its equivalent shall be considered two years of undergraduate work as required by division (A)(3) of section 4731.09 of the Revised Code.

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11/01/1988, 12/19/1988, 02/10/1993, 08/15/1993,
12/01/1999

TO BE RESCINDED

4731-6-03

Eligibility for the medical and osteopathic examination.

- (A) An applicant for consideration to take the medical and osteopathic examination must satisfy the requisite preliminary education pursuant to section 4731.09 of the Revised Code and must meet the educational requirements of section 4731.091 of the Revised Code.
- (B) An applicant must have successfully completed one of the following:
- (1) Step 1 and step 2 of the USMLE; or
 - (2) Level 1 and level 2 of the COMLEX-USA.
- (C) Successful completion of step 1 or step 2 of the USMLE means attaining that figure established by the USMLE program as a passing performance for that step.
- (D) Successful completion of level 1 and level 2 of the COMLEX-USA means attaining that figure established by the NBOME as a passing performance for that level.

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12/19/1988, 02/10/1989, 08/15/1993, 12/01/1999,
10/31/2004

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 shall apply directly to the USMLE program or to the COMLEX-USA program, as applicable.

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4731.292, 4731.293, 4731.294, 4731.295, 4731.296,
4731.297, 4731.298, 4731.299

Prior Effective Dates: 02/29/1988 (Emer.), 06/06/1988 (Emer.), 08/15/1993,
12/01/1999, 10/31/2004, 08/31/2017

4731-6-05

Medical and osteopathic examination.

- (A) The medical and osteopathic examinations shall be all steps of the USMLE or all levels of the COMLEX-USA.
- (B) An applicant shall have passed all steps of the USMLE or all levels of the COMLEX-USA within a ten-year period, and achieved a recognized passing performance on each step or level. No applicant shall have failed any step or level more than five times.
- (C) The board may grant a good cause waiver to any applicant that does not meet the requirements of paragraph (B) of this rule, if the applicant meets the following:
- (1) Holds current specialty board certification from a member board of the American board of medical specialties or the AOA; or
 - (2) Demonstrates good cause, as determined by the board, for not having passed all three steps or levels within the ten year period, and otherwise meets the requirements set forth in paragraph (B) of this rule.
- (D) Steps or levels of the USMLE and COMLEX-USA cannot be combined to fulfill an acceptable testing sequence as required by this rule.

Replaces: 4731-6-03, 4731-6-05, Part of 4731-6-14

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12/01/1999, 10/31/2004, 12/31/2004, 06/30/2005,
04/30/2009, 10/31/2013, 08/31/2017

TO BE RESCINDED

4731-6-07

Passing average on examination.

- (A) The passing performance for the USMLE step 3 as reported by the USMLE program shall constitute successful completion of the examination.
- (B) The passing performance for the COMLEX-USA level 3, as reported by the COMLEX-USA program shall constitute successful completion of the examination.

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(Emer.), 12/19/1988, 02/10/1989, 08/15/1993,
12/01/1999, 10/31/2004

TO BE RESCINDED

4731-6-10

Clinical competency examination.

- .
- (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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Statutory Authority: 4731.05
Rule Amplifies: 4731.222
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TO BE RESCINDED

4731-6-14

Eligibility for licensure by examination.

- (A) The board shall issue its certificate to each individual who passes the medical and osteopathic examination as provided in rules 4731-6-03, 4731-6-05 and 4731-6-07 of the Administrative Code; who has completed the graduate medical education required by sections 4731.091, 4731.092 and 4731.14 of the Revised Code; who demonstrates proficiency in spoken English as required by section 4731.142 of the Revised Code; and who has paid the certificate issuance fee required by section 4731.14 of the Revised Code.
- (B) If the applicant passed the USMLE step 3 administered by the USMLE program or the COMLEX-USA level 3 administered by the COMLEX-USA program for Ohio, the board shall deny issuance of a certificate if it finds that the applicant does not meet the requirements of section 4731.08, 4731.09 or 4731.091 of the Revised Code or the applicable provisions of this chapter of the Administrative Code.
- (C) An applicant for a certificate to practice medicine or surgery, or osteopathic medicine and surgery who has not previously held a license from another state is eligible for consideration under section 4731.14 of the Revised Code without board examination in Ohio if the applicant otherwise meets the eligibility requirements as set forth in sections 4731.09, 4731.091, 4731.14 and 4731.142 of the Revised Code for licensure by board examination in Ohio and has passed one of the following examinations:
- (1) One of the following examination sequences, with all steps, parts, levels or components having been administered prior to January 2000. The score achieved on each step, part, level or component must have equaled or exceeded the figure established by the USMLE program, the national board of medical examiners, the national board of osteopathic medical examiners or the federation as a passing score for that step, part, level or component, respectively.
 - (a) Part I of the national board of medical examiners examination or step 1 of the USMLE, part II of the national board of medical examiners examination or step 2 of the USMLE, and part III of the national board of medical examiners examination or step 3 of the USMLE or component 2 of the FLEX; or
 - (b) Part I of the national board of osteopathic medical examiners examination or level 1 of the COMLEX-USA, part II of the national board of osteopathic medical examiners examination or level 2 of the COMLEX-USA, and part III of the national board of osteopathic medical examiners examination or level 3 of the COMLEX-USA.

- (2) Component 1 of the FLEX and step 3 of the USMLE. The component and step must have been administered prior to January 2000. A performance of seventy-five or above must have been achieved on component 1. The performance achieved on step 3 must have been recognized by the USMLE program as a recommended passing performance; or
- (3) USMLE steps 1, 2 clinical knowledge, 2 clinical skills and 3 or COMLEX-USA levels 1, 2 cognitive evaluation, 2 performance evaluation and 3.
 - (a) An applicant shall have passed the USMLE steps 1, 2 clinical knowledge, 2 clinical skills and 3 or COMLEX-USA levels 1, 2 cognitive evaluation, 2 performance evaluation and 3 within a ten-year period, and achieved a recognized passing performance by the USMLE program on each step or step component or NBOME on each level. No applicant shall have failed any step or level more than five times.
 - (b) The board may grant a good cause waiver to any applicant that does not meet the requirements of paragraph (C)(3)(a) of this rule, if the applicant meets the following:
 - (i) Holds current specialty board certification from the American board of medical specialties or the American osteopathic association; or
 - (ii) Demonstrates good cause, as determined by the board, for not having passed all three steps or levels within the ten year period, and otherwise meets the requirements set forth in paragraph (C)(3)(a) of this rule.
 - (c) USMLE steps 1, 2 clinical knowledge, 2 clinical skills and 3 and COMLEX-USA levels 1, 2 cognitive evaluation, 2 performance evaluation and 3 cannot be combined to fulfill an acceptable testing sequence as required by paragraph (C)(3)(a) of this rule; or
- (4) Component 1 and 2 of the FLEX. Both components must have been administered prior to January 2000. The score achieved on each component must have equaled or exceeded the figure established by the FLEX program as a passing score for that component.

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06/30/2005, 04/30/2009, 10/31/2013

4731-6-14

Eligibility for licensure.

(A) The board shall issue a license to each individual who meets all applicable requirements under section 4731.09 of the Revised Code, and who passes the medical and osteopathic examination in accordance with rule 4731-6-05 of the Administrative Code, or has passed one of the following examinations:

(B)

(1) One of the following examination sequences, with all steps, parts, levels or components having been administered prior to January 2000. The score achieved on each step, part, level or component must have equaled or exceeded the figure established by the USMLE program, the national board of medical examiners, the national board of osteopathic medical examiners or the federation as a passing score for that step, part, level or component, respectively.

(a) Part I of the national board of medical examiners examination or step 1 of the USMLE, part II of the national board of medical examiners examination or step 2 of the USMLE, and part III of the national board of medical examiners examination or step 3 of the USMLE or component 2 of the FLEX; or

(b) Part I of the national board of osteopathic medical examiners examination or level 1 of the COMLEX-USA, part II of the national board of osteopathic medical examiners examination or level 2 of the COMLEX-USA, and part III of the national board of osteopathic medical examiners examination or level 3 of the COMLEX-USA.

(2) Component 1 of the FLEX and step 3 of the USMLE. The component and step must have been administered prior to January 2000. A score of seventy-five or above must have been achieved on component 1. The performance achieved on step 3 must have been recognized by the USMLE program as a recommended passing performance; or

(3) Component 1 and 2 of the FLEX. Both components must have been administered after June 1985 and prior to January 2000. A score of seventy-five or above must have been achieved on each component. Both components must have been passed within a seven year period; or

(4) A written state medical board of the United States licensing examination other than the FLEX, USMLE or COMLEX-USA administered prior to June 1982 without previous or subsequent FLEX, USMLE or COMLEX-USA failure; or

- (5) A single three day FLEX administered prior to June 1985. The FLEX-weighted average score must be seventy-five or above for the entire examination, or must be seventy-two or above if the examination was taken during the first two years of a state's administration of the FLEX and such score was accepted by that state as a passing score; or
- (6) A written examination provided by the national board of osteopathic medical examiners for an administering state.

Replaces: 4731-6-14, 4731-6-16

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TO BE RESCINDED

4731-6-15

Eligibility for licensure of national board diplomates and medical council of Canada licentiates.

A diplomate of the national board of medical examiners or the national board of osteopathic medical examiners or an LMCC is eligible for licensure consideration under section 4731.29 of the Revised Code without taking the Ohio medical and osteopathic examination if the applicant meets the requirements of sections 4731.09 and 4731.091 of the Revised Code, and has completed the graduate medical education required by section 4731.14 of the Revised Code for those who apply for licensure by Ohio examination.

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4731.29, 4731.291, 4731.292, 4731.293, 4731.294
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12/19/1988, 02/10/1989, 08/15/1993, 12/01/1999,
10/31/2004

4731-6-15

Eligibility for licensure of national board diplomates and medical council of Canada licentiates.

A diplomate of the national board of medical examiners or the national board of osteopathic medical examiners or an LMCC is eligible for licensure if the applicant meets the requirements of section 4731.09 of the Revised Code.

Replaces: 4731-6-15

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TO BE RESCINDED

4731-16-16

Practice prohibition.

- (A) No individual licensed pursuant to Chapter 4730., 4731., 4760., or 4762. of the Revised Code shall practice while receiving a controlled substance for the treatment of opioid dependence. A violation of this section shall constitute "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 language is used in division (B)(6) of section 4731.22 of the Revised Code, division (B)(19) of section 4730.25 of the Revised Code, division (B)(4) of section 4760.13 of the Revised Code, and in division (B)(4) of section 4762.13 of the Revised Code.

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Prior Effective Dates: 06/30/2007

TO BE RESCINDED

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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4731.297, 4731.298

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(Emer.), 12/19/1988, 02/10/1989, 08/15/1993,
12/01/1999, 05/31/2002, 10/31/2004, 09/30/2008,
08/31/2017

4731-6-21**Application procedures for license issuance; investigation.**

- (A) Pursuant to division (B) of section 4731.09 of the Revised Code, all applicants for a license shall submit to the board an application under oath in the manner determined by the board, and provide such other facts and materials as the board requires. No application shall be considered submitted to the board until the appropriate fee has been received by the board.
- (B) Except for applicants applying for a license under section 4731.299 of the Revised Code, all applicants for a license shall cause the FCVS to release the applicant's Physician Information Profile to the board..
- (C) No application submitted to 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.
- (D) 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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4731-6-22

**Abandonment and withdrawal of ~~medical and osteopathic~~
licensure applications.**

- (A) If ~~the an~~ applicant for ~~medical or osteopathic licensure~~ for any license or certificate issued under sections 4731.14, 4731.291, 4731.292, 4731.293, 4731.294, 4731.295, 4731.296, 4731.297, 4731.298, or 4731.299 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~~ being investigated under section 4731.22 of the Revised Code, may be withdrawn without approval of the board.
- (D) Application fees are not refundable.

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(Emer.), 02/10/1989, 12/01/1999, 08/31/2017

TO BE RESCINDED

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 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) 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 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.

(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;

(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 in this rule, 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 notices are 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 sent their renewal 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.

Effective:

Five Year Review (FYR) Dates: 4/9/2019

Certification

Date

Promulgated Under: 119.03
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4731.41
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12/01/1999, 05/05/2000 (Emer.), 09/01/2000,
10/31/2004, 08/31/2017

4731-6-30

Training certificates.

- (A) A training certificate is mandatory for participation in a training program unless the participant holds a license to practice medicine and surgery or osteopathic medicine and surgery. The participation in the programs prior to receiving an acknowledgment letter or a training certificate from the board is the unlicensed practice of medicine pursuant to section 4731.34 of the Revised Code.
- (B) An individual may not begin participation in a training program unless the individual has been issued one of the following:
- (1) A diploma from an LCME accredited medical school or AOA accredited osteopathic medical school; or
 - (2) An ECFMG certificate or a fifth pathway certificate.
- (C) Evidence that the applicant for a training certificate has been accepted or appointed to a training program meeting the requirements of division (A)(2) of section 4731.291 of the Revised Code must include a certification from the training program of both of the following:
- (1) The training program will verify that the applicant has been issued a diploma, ECFMG certificate, or a fifth pathway certificate before permitting the applicant to begin participation in the training program; and
 - (2) The training program will notify the board if a holder of a training certificate has not been issued a diploma, an ECFMG certificate, or a fifth pathway certificate before the start date of the training program.
- (D) The holder of a training certificate shall immediately notify the board in writing if the holder has not been issued a diploma, an ECFMG certificate, or a fifth pathway certificate before the start date of the training program.
- (E) 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 license that the applicant intends to participate in a training program, and after verifying that the applicant has paid the appropriate fee, the board may issue to the applicant an acknowledgment letter. Fees are neither refundable nor transferable.
- (1) Upon receipt of that acknowledgment letter, the applicant may begin participating in the training program that meets the requirements of section 4731.291 of the Revised Code, and this chapter of the Administrative Code, to which the applicant 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 or training certificate from the board within forty-five days after submitting an application, then the applicant shall immediately inform the board and the director of his or her training program in writing.

(3) 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:

(a) Issues the certificate; or

(b) Issues an order in accordance with Ohio law suspending without a prior hearing the authority to participate; or

(c) Accepts a withdrawal of the application;

(d) 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

(e) In the case of an applicant for a license, 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:

(i) The board issues a license; or

(ii) The board issues a final order in accordance with Chapter 119. of the Revised Code; or

(iii) The training year ends.

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

(F) 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.

(G) If the applicant or training certificate holder changes training programs, the board must be notified in writing immediately. A new application need not be completed and a new training certificate will not be issued. The training certificate will continue to be valid until its date of expiration.

(H) A person who holds a suspended license to practice medicine and surgery or osteopathic medicine and surgery is not eligible for a training certificate. Such a person must restore that license in accordance with sections 4731.222 and 4731.281 of the Revised Code before beginning postgraduate training in Ohio. A person whose license to practice medicine and surgery or osteopathic medicine and surgery has been permanently revoked or permanently denied is ineligible to participate in a training program in Ohio.

Replaces: 4731-6-30

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TO BE RESCINDED

4731-6-31

Limited preexamination registration and limited certification.

- (A) An applicant for a limited preexamination registration to practice in state-operated institutions under section 4731.292 of the Revised Code must be a graduate of a medical or osteopathic school or college that was reputable and in good standing in the judgment of the board at the time the diploma was issued. A school shall be considered reputable and in good standing if it is accredited by the LCME or the AOA, or if its graduates are eligible for ECFMG certification. In addition, an applicant for limited preexamination registration must:
- (1) Submit an application for examination under section 4731.08 of the Revised Code acceptable to the board; and
 - (2) Submit the required examination and registration fee; and
 - (3) Submit an application for limited preexamination registration.
 - (4) After December 1993 an applicant must have successfully completed step 1 and step 2 of the USMLE or one of the following:
 - (a) Part 1 of the national board of medical examiners examination or step 1 of the USMLE, and part II of the national board of medical examiners examination or step 2 of the USMLE.
 - (b) Component 1 of the FLEX.
 - (c) Component 2 of the FLEX, if the applicant is applying to take component 1 of the FLEX during 1994.
 - (5) After December 1999 an applicant must have successfully completed step 1 and step 2 of the USMLE.
 - (6) Successful completion of part I or part II of the national board of medical examiners means attaining or exceeding that figure established by the national board of medical examiners as a passing score for that part.
 - (7) Successful completion of step 1 or step 2 of the USMLE means the score achieved for that step must have been reported by the USMLE program as a passing score.
 - (8) Successful completion of component I of the FLEX means attaining a score of seventy-five or above as reported by the federation.

- (B) Limited preexamination registration shall permit practice of medicine or surgery or osteopathic medicine and surgery only in the state institution for which the registration is issued and only under the supervision of the medical staff of that institution. The preexamination registration shall be valid only until such time as the applicant takes and receives the results from the licensure examination specified by rule 4731-6-05 of the Administrative Code. That examination must be taken at the applicant's first reasonable opportunity. "First reasonable opportunity" shall mean the first examination for which the applicant is scheduled by the board. The applicant shall be allowed to take two consecutive examinations before registration expires. A choice to defer the first examination for which the applicant is scheduled by the board will be permitted, but will be counted as one of the two consecutive examinations.
- (C) If the holder of a preexamination registration passes the examination administered under paragraph (B) of this rule, he or she shall be granted a limited certificate under section 4731.292 of the Revised Code upon submitting an application for a limited certificate and furnishing proof satisfactory to the board that:
- (1) The applicant has filed an application for naturalization and that such application has not been rejected or withdrawn, or if not yet eligible to file an application for naturalization, the applicant has filed a declaration of intention to become a citizen of the United States in an appropriate court of record; and
 - (2) The applicant has successfully passed the ECFMG test; and
 - (3) The applicant is at least eighteen years of age and of good moral character; and
 - (4) The applicant will limit his or her practice and training within the physical confines of the institution for which the limited certificate to practice is granted; and
 - (5) The medical staff of the institution for which the limited certificate to practice is granted has approved in writing his or her application for such certificate; and
 - (6) The applicant will practice medicine or surgery or osteopathic medicine and surgery only under the supervision of the attending medical staff of the institution for which the limited certificate is granted.
- (D) A holder of a limited certificate, upon completion of requisite training and upon receipt of United States citizenship, shall be entitled to receive an unlimited certificate to practice. "Requisite training" shall be defined to mean that the holder of a limited certificate has completed a total of two years of training, which shall include:
- (1) Training at an institution or institutions under a preexamination registration or registrations; or

- (2) Training at an institution or institutions under a limited certificate or certificates;
or
 - (3) Training in an approved internship, residency or fellowship as defined in section 4731.091 of the Revised Code.
- (E) A limited certificate shall be valid for a period of one year, but can be renewed annually not more than four times. The applicant for renewal shall:
- (1) Submit a renewal application containing such information as required by the board; and
 - (2) Submit evidence of written approval of the medical staff of the institution for which the certificate is issued; and
 - (3) Submit the required renewal fee.
- (F) In the case of Mexican diplomas, only the titulo or the acta, along with appropriate evidence of nonconcurrent internship and social service, is considered equivalent to the degree of doctor of medicine.
- (G) Chapter 4731-5 of the Administrative Code and rules 4731-6-02, 4731-6-07, 4731-6-21 and 4731-6-22 of the Administrative Code shall apply to applicants for limited certificates under section 4731.292 of the Revised Code.

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Certification

Date

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(Emer.), 12/19/1988, 02/10/1989, 08/15/1993,
12/01/1999, 09/01/2000, 10/31/2004

4731-6-31

Limited preexamination registration and limited certification.

(A) An applicant for a limited preexamination registration to practice in state-operated institutions under section 4731.292 of the Revised Code must be a graduate of a medical or osteopathic school or college that was reputable and in good standing in the judgment of the board at the time the diploma was issued. A school shall be considered reputable and in good standing if it is accredited by the LCME or the AOA, or if its graduates are eligible for ECFMG certification. In addition, an applicant for limited preexamination registration must:

(1) Submit an application for limited preexamination registration and pay the appropriate fee.

(2) Have achieved a recognized passing performance on step 1 and step 2 of the USMLE or levels 1 and 2 of the COMLEX-USA.

(B) Limited preexamination registration shall permit practice of medicine or surgery or osteopathic medicine and surgery only in the state institution for which the registration is issued and only under the supervision of the medical staff of that institution. The preexamination registration shall be valid only until such time as the applicant takes and receives the results from step 3 or level 3, as applicable, of the licensure examination specified by rule 4731-6-05 of the Administrative Code. That examination must be taken at the applicant's first reasonable opportunity. "First reasonable opportunity" shall mean the first examination for which the applicant can make a timely registration. The applicant shall be allowed to take two consecutive examinations before the applicant's registration expires.

(C) If the holder of a preexamination registration passes the examination identified in paragraph (B) of this rule, the holder shall be granted a limited certificate under section 4731.292 of the Revised Code upon submitting an application for a limited certificate and furnishing proof satisfactory to the board that the applicant has met all applicable requirements of section 4731.292 of the Revised Code.

(D) A holder of a limited certificate, upon completion of requisite training and upon receipt of United States citizenship, shall be entitled to receive a license. "Requisite training" shall be defined to mean that the holder of a limited certificate has completed a total of two years of training, which shall include:

(1) Training at an institution or institutions under a preexamination registration or registrations; or

(2) Training at an institution or institutions under a limited certificate or certificates;
or

(3) Training in graduate medical education as defined in section 4731.04 of the Revised Code.

(E) A limited certificate shall be valid for a period of one year, but can be renewed annually not more than four times. The applicant for renewal shall:

(1) Submit a renewal application containing such information as required by the board; and

(2) Submit evidence of written approval of the medical staff of the institution for which the certificate is issued; and

(3) Submit the required renewal fee.

(F) In the case of Mexican diplomas, only the titulo or the acta, along with appropriate evidence of nonconcurrent internship and social service, is considered equivalent to the degree of doctor of medicine.

(G) Rule 4731-6-05, and 4731-6-21 of the Administrative Code shall apply to applicants for limited certificates under section 4731.292 of the Revised Code.

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TO BE RESCINDED

4731-6-32

Clinical research faculty certificates.

- (A) A 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 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 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.

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Date

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TO BE RESCINDED

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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4731-6-33**Special activity certificates.**

- (A) A special activity certificate shall not be issued for purposes of locum tenens.
- (B) For purposes of meeting the requirement of division (B)(1)(c) of section 4731.294 of the Revised Code, the applicant must have done one of the following:
- (1) Passed step 3 of the USMLE or level 3 of the COMLEX-USA, as applicable. All three steps must have been passed in accordance with rule 4731-6-05 of the Administrative Code; or
 - (2) Passed the SPEX or the COMVEX-USA.
- (C) 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.
- (D) 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.
- (E) An individual may only apply six times within a consecutive two year period for a special activity certificate.

Replaces: 4731-6-33

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TO BE RESCINDED

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 in each jurisdiction in the United States that the applicant held 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 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 4731.282 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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4731-6-34**Volunteer certificates.**

- (A) . For purposes of meeting the requirement of division (C)(3) of section 4731.295 of the Revised Code, good standing means the authority to practice 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 the applicant's license 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 the applicant is 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 license has been in an inactive status for more than two years or who has not been engaged in the active practice of the applicant's profession for more than two years.

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4731-6-35

Processing applications from service members, veterans, or spouses of service members or veterans.

(A) The board shall include questions on all applications for licensure, biennial renewal, or restoration of licensure that inquire as to whether the applicant is:

- (1) A service member;
- (2) A veteran; or
- (3) The spouse or surviving spouse of a service member or veteran.

(B) If the applicant for licensure, biennial renewal submitted by regular mail, or restoration of licensure responds affirmatively to any of the questions discussed in paragraph (A) of this rule, the board shall process the application in the following manner:

- (1) Route the application to a board staff member who is responsible for monitoring the application and communicating with the applicant regarding the status of the application, including informing the applicant of any documentation needed for the board to process the application;
- (2) Expedite the processing of the application, even if the application was received later in time than other applications that are pending processing;
- (3) Provide information regarding available continuing education waivers to applicants if the applicant or ~~their~~ the applicant's spouse will be imminently deployed; and
- ~~(4) Request that the applicant who is seeking licensure as a physician assistant by meeting the requirements of division (C)(3) of section 4730.11 of the Revised Code or a certificate to prescribe by meeting the requirements of division (B)(4) of section 4730.44 of the Revised Code, submit documentation to the board demonstrating that the requirements of that section are met; and~~
- ~~(5)~~(4) Track, on an annual basis, the total number of applications submitted by service members, veterans, spouses or surviving spouses of service members or veterans, and the average number of business days expended by the board to process those applications.

~~(C) For purposes of paragraph (B)(4) of this rule:~~

- ~~(1) Acceptable forms of documentation for the application for licensure as a physician assistant includes a document issued by the appropriate office of the armed forces, as that term is defined in section 5903.01 of the Revised Code, showing the applicant is a service member or veteran who has experience practicing as~~

~~a physician assistant for at least three consecutive years while on active duty, with evidence of service under honorable conditions, in any of the armed forces.~~

- ~~(2) Acceptable forms of documentation for the applicant for a physician assistant's certificate to prescribe includes an affidavit from an appropriate office of the armed forces, as that term is defined in section 5903.01 of the Revised Code, attesting that the applicant has held valid authority to prescribe therapeutic devices and drugs, including at least some controlled substances during service in the armed forces.~~

Effective:

Five Year Review (FYR) Dates: 4/9/2019

Certification

Date

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