



Ohio Revised Code Section 4731.253 Applicant eligibility.

Effective: October 3, 2023

Legislation: House Bill 33

(A) Subject to division (B) of this section, the state medical board shall not limit or suspend a license, certificate, or limited permit, refuse to issue a license, certificate, or limited permit, or reprimand or place on probation an applicant solely on the grounds of impairment occurring prior to the applicant seeking authority to practice in this state.

(B)(1) An applicant who was authorized to practice in another jurisdiction before seeking authority to practice in this state is not subject to disciplinary action, as provided by division (A) of this section, and is eligible to participate in the confidential monitoring program established under section 4731.25 of the Revised Code, only if all of the following are the case:

(a) As part of the process of applying for authority to practice in this state, the applicant disclosed to the board impairment that occurred while practicing in the other jurisdiction.

(b) The applicant does all of the following:

(i) Participates currently in a confidential treatment and monitoring program for impairment in the other jurisdiction;

(ii) Agrees to provide to the board or monitoring organization documentation of the applicant's current participation;

(iii) Waives any right to confidentiality that would prevent the board or monitoring organization from sharing that documentation with each other.

(c) The applicant remains in good standing with the other jurisdiction's licensing authority and confidential treatment and monitoring program.

(d) The applicant certifies a willingness to participate in the program.



(e) At the time the applicant seeks to participate in the program, the applicant is not under the terms of a consent agreement with, or order issued by, the board for impairment.

(2) An applicant who was not authorized to practice in any jurisdiction before seeking authority to practice in this state is not subject to disciplinary action, as provided by division (A) of this section, and is eligible to participate in the confidential monitoring program, only if all of the following are the case:

(a) As part of the process of applying for authority to practice in this state, the applicant disclosed to the board impairment that occurred before applying for authority to practice.

(b) For the impairment disclosed to the board, the applicant meets all of the following:

(i) Participated in and successfully completed a treatment program and any terms of aftercare or continuing care;

(ii) Agrees to provide to the board or monitoring organization documentation of the applicant's participation and successful completion;

(iii) Waives any right to confidentiality that would prevent the board or monitoring organization from sharing that documentation with each other.

(c) The applicant certifies a willingness to participate in the program.

(d) At the time the applicant seeks to participate in the program, the applicant is not under the terms of a consent agreement with, or order issued by, the board for impairment.

(C) The monitoring organization shall evaluate the applicant's treatment and monitoring records and promptly notify the board if the records do not meet the monitoring organization's eligibility standards for the confidential monitoring program.

(D)(1) If the board grants an applicant described in this section a license, certificate, or limited



permit to practice in this state, the board shall refer the practitioner to the monitoring organization conducting the confidential monitoring program.

(2) Upon the board's referral to the monitoring organization conducting the program, all of the following apply:

(a) The practitioner shall enter into a monitoring agreement with the monitoring organization.

(b) Based on an evaluation of the practitioner's prior treatment or monitoring, the monitoring organization shall determine the length and terms of the practitioner's monitoring agreement.

(c) The practitioner shall comply with all terms and conditions for continued participation in and successful completion of the program.

(d) The practitioner shall be responsible for all costs associated with participation in the program.

(e) The practitioner shall be deemed to have waived any right to confidentiality that would prevent the monitoring organization conducting the program from making reports required by section 4731.25 of the Revised Code.