



Ohio Revised Code

Section 4731.2210

Effective: March 21, 2025

Legislation: Senate Bill 109

(A) As used in this section:

(1) "Key third party" means an individual closely involved in a patient's decision-making regarding health care services, including a patient's spouse or partner, parents, children, siblings, or guardians. An individual's status as a key third party ceases upon termination of a practitioner-patient relationship or termination of the relationship between a patient and the individual.

(2) "Practitioner" means any of the following:

(a) An individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine;

(b) An individual licensed under Chapter 4730. of the Revised Code to practice as a physician assistant;

(c) An individual authorized under Chapter 4759. of the Revised Code to practice as a dietitian;

(d) An individual authorized under Chapter 4760. of the Revised Code to practice as an anesthesiologist assistant;

(e) An individual authorized under Chapter 4761. of the Revised Code to practice respiratory care;

(f) An individual authorized under Chapter 4762. of the Revised Code to practice as an acupuncturist or oriental medicine practitioner;

(g) An individual authorized under Chapter 4774. of the Revised Code to practice as a radiologist assistant;



(h) An individual licensed under Chapter 4778. of the Revised Code to practice as a genetic counselor.

(3) "Sexual misconduct" has the same meaning as in section 4731.224 of the Revised Code.

(B) Except as provided in division (D) of this section, the state medical board may require a practitioner that is subject to a probationary order of the board that is made on or after the effective date of this section, and that involves a circumstance described in division (C) of this section, to provide to each patient, or to the patient's guardian or a key third party, a written disclosure signed by the practitioner that includes all of the following:

(1) The practitioner's probation status;

(2) The total length of the probation;

(3) The probation end date;

(4) Practice restrictions placed on the practitioner by the board;

(5) The board's telephone number;

(6) An explanation of how the patient can find additional information regarding the probation on the practitioner's profile page on the board's internet web site.

The written disclosure, if required by the board, shall be provided before the patient's first visit following the probationary order of the board. The practitioner shall obtain a copy of the disclosure signed by the patient, or the patient's guardian or a key third party, and maintain the signed copy in the patient's medical record. The signed copy shall be made available to the board immediately upon request.

(C) The written disclosure described in division (B) of this section applies in both of the following circumstances:



(1) Issuance by the board of a final order, final adjudicative order under Chapter 119. of the Revised Code, or a consent agreement that is ratified by an affirmative vote of not fewer than six members of the board establishing any of the following:

(a) Commission of any act of sexual misconduct with a patient or key third party;

(b) Drug or alcohol abuse directly resulting in patient harm, or that impairs the ability of the practitioner to practice safely;

(c) Criminal conviction directly resulting in harm to patient health;

(d) Inappropriate prescribing directly resulting in patient harm.

(2) A statement of issues alleged that the practitioner committed any of the acts described in divisions (C)(1)(a) through (d) and, notwithstanding a lack of admission of guilt, a consent agreement ratified by an affirmative vote of not fewer than six members of the board includes express acknowledgement that the disclosure requirements of this section would serve to protect the public interest.

(D) Written disclosure as described in this section is not required in the following circumstances:

(1) The patient is unconscious or otherwise unable to comprehend the disclosure and sign it, and a guardian or a key third party is unavailable to comprehend and sign it;

(2) The direct patient interaction occurs in an emergency department or otherwise occurs as an immediate result of a medical emergency;

(3) The practitioner does not have a direct treatment relationship with the patient and does not have direct contact or direct communication with the patient.

(E) The board shall provide the following information regarding practitioners on probation and those practicing under probationary status, in plain view on a practitioner's profile page on the board's internet web site:



- (1) Formal action documents detailing the citation, reports and recommendations, board order, and consent agreement;
 - (2) The length of the probation and the end date;
 - (3) Practice restrictions placed on the practitioner by the board.
- (F) The board shall provide a sample probation disclosure letter on its internet web site to be used by practitioners to comply with this section.