

As Introduced

**127th General Assembly
Regular Session
2007-2008**

S. B. No. 68

Senator Miller, R.

Cosponsor: Senator Smith

—

A B I L L

To amend sections 4731.091, 4731.14, and 4731.281 and 1
to enact sections 4731.093 and 4731.284 of the 2
Revised Code to require instruction in cultural 3
competency to qualify to obtain or renew a 4
certificate of registration to practice medicine 5
and surgery or osteopathic medicine and surgery. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4731.091, 4731.14, and 4731.281 be 7
amended and sections 4731.093 and 4731.284 of the Revised Code be 8
enacted to read as follows: 9

Sec. 4731.091. (A) As used in this section and in section 10
4731.092 of the Revised Code: 11

(1) "Graduate medical education" means education received 12
through any of the following: 13

(a) An internship or residency program conducted in the 14
United States and accredited by either the accreditation council 15
for graduate medical education of the American medical association 16
or the American osteopathic association; 17

(b) A clinical fellowship program conducted in the United 18

States at an institution with a residency program accredited by 19
either the accreditation council for graduate medical education of 20
the American medical association or the American osteopathic 21
association that is in a clinical field the same as or related to 22
the clinical field of the fellowship program; 23

(c) An internship program conducted in Canada and accredited 24
by the committee on accreditation of preregistration physician 25
training programs of the federation of provincial medical 26
licensing authorities of Canada; 27

(d) A residency program conducted in Canada and accredited by 28
either the royal college of physicians and surgeons of Canada or 29
the college of family physicians of Canada. 30

(2) "Fifth pathway training" means supervised clinical 31
training obtained in the United States as a substitute for the 32
internship or social service requirements of a foreign medical 33
school. 34

(B) To be eligible for admission to the examination conducted 35
by the state medical board under section 4731.13 of the Revised 36
Code, an applicant must meet the medical education and graduate 37
medical education requirements specified in any one of the 38
following and any additional requirements of ~~division~~ divisions 39
(C) and (D) of this section: 40

(1) Hold a diploma from a medical school or osteopathic 41
medical school that, at the time the diploma was issued, was a 42
medical school accredited by the liaison committee on medical 43
education or an osteopathic medical school accredited by the 44
American osteopathic association and have successfully completed 45
not less than nine months of graduate medical education or its 46
equivalent as determined by the board; 47

(2) Hold certification from the educational commission for 48
foreign medical graduates and have successfully completed not less 49

than nine months of graduate medical education through the 50
first-year level of graduate medical education or its equivalent 51
as determined by the board; 52

(3) Be a qualified graduate of a fifth pathway training 53
program as recognized by the board under section 4731.092 of the 54
Revised Code and have successfully completed, subsequent to 55
completing fifth pathway training, not less than nine months of 56
graduate medical education or its equivalent as determined by the 57
board. 58

(C) An applicant must have completed the number of hours of 59
instruction in cultural competency specified by the state medical 60
board in rules adopted under division (A) of section 4731.093 of 61
the Revised Code. 62

(D) If an applicant holding certification from the 63
educational commission for foreign medical graduates received the 64
core clinical instruction segment of the applicant's medical 65
education at an institution in the United States, the board may 66
require that to be eligible for admission to its examination, the 67
applicant must have received the instruction at either of the 68
following: 69

(1) An institution that, at the time of the instruction, was 70
a formal part of or had formal affiliation with a medical school 71
accredited by the liaison committee on medical education or an 72
osteopathic medical school accredited by the American osteopathic 73
association. 74

(2) An institution with, at the time of the instruction, a 75
graduate medical education program accredited by either the 76
accreditation council for graduate medical education of the 77
American medical association or the American osteopathic 78
association that is in a field the same as or related to the core 79
clinical instruction. 80

Sec. 4731.093. The state medical board shall adopt rules in accordance with Chapter 119. of the Revised Code to establish all of the following:

(A) The number of hours of instruction in cultural competency an applicant must complete to be eligible for admission to the examination conducted by the board under section 4731.13 of the Revised Code as required by division (B) of section 4731.091 of the Revised Code;

(B) The number of hours of continuing medical education in cultural competency required for renewal of a certificate of registration under section 4731.281 of the Revised Code;

(C) The criteria the board will consider in deciding whether to waive certification of completion of continuing medical education hours in cultural competency as required by division (A) of section 4731.281 of the Revised Code. The criteria shall include demonstration to the satisfaction of the board that the certificate holder has attained the substantial equivalent of the number of hours of continuing medical education in cultural competency established under division (B) of this section through a course offered by an institution with a graduate medical education program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association.

In developing the rules described in divisions (A) and (B) of this section, the board shall consider the problem of race and gender-based disparities in medical treatment decisions and consult with the association of American medical colleges or another nationally recognized organization that reviews medical school curricula.

Sec. 4731.14. (A) As used in this section, "graduate medical

education" has the same meaning as in section 4731.091 of the Revised Code.

(B) The state medical board shall issue its certificate to practice medicine and surgery or osteopathic medicine and surgery as follows:

(1) The board shall issue its certificate to each individual who ~~was~~ meets the following requirements:

(a) Was admitted to the board's examination by meeting the educational requirements specified in division (B)(1) or (3) of section 4731.091 of the Revised Code if the individual passes the examination, ~~pays;~~

(b) Pays a certificate issuance fee of three hundred dollars, ~~and submits;~~

(c) Submits evidence satisfactory to the board that the individual has successfully completed not less than twelve months of graduate medical education or its equivalent as determined by the board;

(d) Submits evidence satisfactory to the board that the individual has successfully completed instruction in cultural competency as described in division (C) of section 4731.091 of the Revised Code.

(2) Except as provided in section 4731.142 of the Revised Code, the board shall issue its certificate to each individual who ~~was~~ meets the following requirements:

(a) Was admitted to the board's examination by meeting the educational requirements specified in division (B)(2) of section 4731.091 of the Revised Code if the individual passes the examination, ~~pays;~~

(b) Pays a certificate issuance fee of three hundred dollars, ~~submits;~~

(c) Submits evidence satisfactory to the board that the 141
individual has successfully completed not less than twenty-four 142
months of graduate medical education through the second-year level 143
of graduate medical education or its equivalent as determined by 144
the board, and, if the individual passed the examination prior to 145
completing twenty-four months of graduate medical education or its 146
equivalent, the individual continues to meet the moral character 147
requirements for admission to the board's examination; 148

(d) Submits evidence satisfactory to the board that the 149
individual has successfully completed instruction in cultural 150
competency as described in division (C) of section 4731.091 of the 151
Revised Code. 152

(C) Each certificate issued by the board shall be signed by 153
its president and secretary, and attested by its seal. The 154
certificate shall be on a form prescribed by the board and shall 155
indicate the medical degree held by the individual to whom the 156
certificate is issued. If the individual holds the degree of 157
doctor of medicine, the certificate shall state that the 158
individual is authorized to practice medicine and surgery pursuant 159
to the laws of this state. If the individual holds the degree of 160
doctor of osteopathic medicine, the certificate shall state that 161
the individual is authorized to practice osteopathic medicine and 162
surgery pursuant to the laws of this state. If the individual 163
holds a medical degree other than the degree of doctor of medicine 164
or doctor of osteopathic medicine, the certificate shall indicate 165
the diploma, degree, or other document issued by the medical 166
school or institution the individual attended and shall state that 167
the individual is authorized to practice medicine and surgery 168
pursuant to the laws of this state. 169

(D) The certificate shall be prominently displayed in the 170
certificate holder's office or place where a major portion of the 171
certificate holder's practice is conducted and shall entitle the 172

holder to practice either medicine and surgery or osteopathic 173
medicine and surgery provided the certificate holder maintains 174
current registration as required by section 4731.281 of the 175
Revised Code and provided further that such certificate has not 176
been revoked, suspended, or limited by action of the state medical 177
board pursuant to this chapter. 178

(E) An affirmative vote of not less than six members of the 179
board is required for the issuance of a certificate. 180

Sec. 4731.281. (A) On or before the deadline established 181
under division (B) of this section for applying for renewal of a 182
certificate of registration, each person holding a certificate 183
under this chapter to practice medicine and surgery, osteopathic 184
medicine and surgery, or podiatric medicine and surgery shall 185
certify to the state medical board that in the preceding two years 186
the person has completed one hundred hours of continuing medical 187
education and, except if waived pursuant to rules adopted under 188
division (C) of section 4731.093 of the Revised Code, that the 189
person has completed the number of hours of education in cultural 190
competency established by the board in rules adopted under 191
division (B) of section 4731.093 of the Revised Code. The 192
certification shall be made upon the application for biennial 193
registration submitted pursuant to division (B) of this section. 194
The board shall adopt rules providing for pro rata reductions by 195
month of the number of hours of continuing education required for 196
persons who are in their first registration period, who have a 197
registration period of less than two years due to initial 198
implementation of the staggered renewal schedule established under 199
division (B) of this section, who have been disabled due to 200
illness or accident, or who have been absent from the country. 201

In determining whether a course, program, or activity 202
qualifies for credit as continuing medical education, the board 203

shall approve all continuing medical education taken by persons 204
holding a certificate to practice medicine and surgery that is 205
certified by the Ohio state medical association, all continuing 206
medical education taken by persons holding a certificate to 207
practice osteopathic medicine and surgery that is certified by the 208
Ohio osteopathic association, and all continuing medical education 209
taken by persons holding a certificate to practice podiatry that 210
is certified by the Ohio podiatric medical association. Each 211
person holding a certificate to practice under this chapter shall 212
be given sufficient choice of continuing education programs to 213
ensure that the person has had a reasonable opportunity to 214
participate in continuing education programs that are relevant to 215
the person's medical practice in terms of subject matter and 216
level. 217

The board may require a random sample of persons holding a 218
certificate to practice under this chapter to submit materials 219
documenting completion of the continuing medical education 220
requirement during the preceding registration period, but this 221
provision shall not limit the board's authority to investigate 222
pursuant to section 4731.22 of the Revised Code. 223

(B)(1) Every person holding a certificate under this chapter 224
to practice medicine and surgery, osteopathic medicine and 225
surgery, or podiatric medicine and surgery wishing to renew that 226
certificate shall apply to the board for a certificate of 227
registration upon an application furnished by the board, and pay 228
to the board at the time of application a fee of three hundred 229
five dollars, according to the following schedule: 230

(a) Persons whose last name begins with the letters "A" 231
through "B," on or before April 1, 2001, and the first day of 232
April of every odd-numbered year thereafter; 233

(b) Persons whose last name begins with the letters "C" 234
through "D," on or before January 1, 2001, and the first day of 235

January of every odd-numbered year thereafter;	236
(c) Persons whose last name begins with the letters "E"	237
through "G," on or before October 1, 2000, and the first day of	238
October of every even-numbered year thereafter;	239
(d) Persons whose last name begins with the letters "H"	240
through "K," on or before July 1, 2000, and the first day of July	241
of every even-numbered year thereafter;	242
(e) Persons whose last name begins with the letters "L"	243
through "M," on or before April 1, 2000, and the first day of	244
April of every even-numbered year thereafter;	245
(f) Persons whose last name begins with the letters "N"	246
through "R," on or before January 1, 2000, and the first day of	247
January of every even-numbered year thereafter;	248
(g) Persons whose last name begins with the letters "S," on	249
or before October 1, 1999, and the first day of October of every	250
odd-numbered year thereafter;	251
(h) Persons whose last name begins with the letters "T"	252
through "Z," on or before July 1, 1999, and the first day of July	253
of every odd-numbered year thereafter.	254
The board shall deposit the fee in accordance with section	255
4731.24 of the Revised Code, except that the board shall deposit	256
twenty dollars of the fee into the state treasury to the credit of	257
the physician loan repayment fund created by section 3702.78 of	258
the Revised Code.	259
(2) The board shall mail or cause to be mailed to every	260
person registered to practice medicine and surgery, osteopathic	261
medicine and surgery, or podiatric medicine and surgery, an	262
application for registration addressed to the person's last known	263
post-office address or may cause the application to be sent to the	264
person through the secretary of any recognized medical,	265

osteopathic, or podiatric society, according to the following	266
schedule:	267
(a) To persons whose last name begins with the letters "A"	268
through "B," on or before January 1, 2001, and the first day of	269
January of every odd-numbered year thereafter;	270
(b) To persons whose last name begins with the letters "C"	271
through "D," on or before October 1, 2000, and the first day of	272
October of every even-numbered year thereafter;	273
(c) To persons whose last name begins with the letters "E"	274
through "G," on or before July 1, 2000, and the first day of July	275
of every even-numbered year thereafter;	276
(d) To persons whose last name begins with the letters "H"	277
through "K," on or before April 1, 2000, and the first day of	278
April of every even-numbered year thereafter;	279
(e) To persons whose last name begins with the letters "L"	280
through "M," on or before January 1, 2000, and the first day of	281
January of every even-numbered year thereafter;	282
(f) To persons whose last name begins with the letters "N"	283
through "R," on or before October 1, 1999, and the first day of	284
October of every odd-numbered year thereafter;	285
(g) To persons whose last name begins with the letters "S,"	286
on or before July 1, 1999, and the first day of July of every	287
odd-numbered year thereafter;	288
(h) To persons whose last name begins with the letters "T"	289
through "Z," on or before April 1, 1999, and the first day of	290
April of every odd-numbered year thereafter;	291
Failure of any person to receive an application from the	292
board shall not excuse the person from the requirements contained	293
in this section. The application shall contain proper spaces for	294
the applicant's signature and the insertion of the required	295

information, including a statement that the person has fulfilled 296
the continuing education requirements imposed by this section. 297

The applicant shall write or cause to be written upon the 298
application so furnished the applicant's full name, principal 299
practice address and residence address, the number of the 300
applicant's certificate to practice, and any other facts for the 301
identification of the applicant as a person holding a certificate 302
to practice under this chapter as the board considers necessary. 303
The applicant shall include with the application a list of the 304
names and addresses of any clinical nurse specialists, certified 305
nurse-midwives, or certified nurse practitioners with whom the 306
applicant is currently collaborating, as defined in section 307
4723.01 of the Revised Code. The applicant shall execute and 308
deliver the application to the board by mail or in person. Every 309
person registered under this section shall give written notice to 310
the board of any change of principal practice address or residence 311
address or in the list within thirty days of the change. 312

The applicant shall report any criminal offense that 313
constitutes grounds for refusal of registration under section 314
4731.22 of the Revised Code to which the applicant has pleaded 315
guilty, of which the applicant has been found guilty, or for which 316
the applicant has been found eligible for intervention in lieu of 317
conviction, since last signing an application for a certificate of 318
registration. 319

(C) The board shall issue to any person holding a certificate 320
under this chapter to practice medicine and surgery, osteopathic 321
medicine and surgery, or podiatric medicine and surgery, upon 322
application and qualification therefor in accordance with this 323
section, a certificate of registration under the seal of the 324
board. A certificate of registration shall be valid for a two-year 325
period, commencing on the first day of the third month after the 326
registration fee is due and expiring on the last day of the month 327

two years thereafter. 328

The board shall publish and cause to be mailed to each person 329
registered under this section, upon request, a printed list of the 330
persons so registered. 331

(D) Failure of any certificate holder to register and comply 332
with this section shall operate automatically to suspend the 333
holder's certificate to practice. Continued practice after the 334
suspension of the certificate to practice shall be considered as 335
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 336
the Revised Code. If the certificate has been suspended pursuant 337
to this division for two years or less, it may be reinstated. The 338
board shall reinstate a certificate to practice for failure to 339
register upon an applicant's submission of the biennial 340
registration fee, the applicable monetary penalty, and 341
certification by signature of the applicant that the applicant has 342
completed the requisite continuing medical education. The penalty 343
for reinstatement shall be fifty dollars. If the certificate has 344
been suspended pursuant to this division for more than two years, 345
it may be restored. In accordance with section 4731.222 of the 346
Revised Code, the board may restore a certificate to practice for 347
failure to register upon an applicant's submission of a 348
restoration application, the biennial registration fee, and the 349
applicable monetary penalty. The penalty for restoration shall be 350
one hundred dollars. The board shall deposit the penalties in 351
accordance with section 4731.24 of the Revised Code. 352

(E) If an individual certifies completion of the number of 353
hours and type of continuing medical education required to receive 354
a certificate of registration or reinstatement of a certificate to 355
practice, and the board finds through the random samples it 356
conducts under this section or through any other means that the 357
individual did not complete the requisite continuing medical 358
education, the board may impose a civil penalty of not more than 359

five thousand dollars. The board's finding shall be made pursuant 360
to an adjudication under Chapter 119. of the Revised Code and by 361
an affirmative vote of not fewer than six members. 362

A civil penalty imposed under this division may be in 363
addition to or in lieu of any other action the board may take 364
under section 4731.22 of the Revised Code. The board shall deposit 365
civil penalties in accordance with section 4731.24 of the Revised 366
Code. 367

(F) The state medical board may obtain information not 368
protected by statutory or common law privilege from courts and 369
other sources concerning malpractice claims against any person 370
holding a certificate to practice under this chapter or practicing 371
as provided in section 4731.36 of the Revised Code. 372

Sec. 4731.284. Not later than ninety days after the effective 373
date of this section, the state medical board shall approve one or 374
more continuing medical education courses of study included within 375
the programs certified by the Ohio state medical association and 376
the Ohio osteopathic association pursuant to section 4731.281 of 377
the Revised Code to address cultural competency in health care 378
treatment. The course or courses shall provide instruction in 379
addressing the problem of race and gender-based disparities in 380
medical treatment decisions. 381

Section 2. That existing sections 4731.091, 4731.14, and 382
4731.281 of the Revised Code are hereby repealed. 383