

As Concurred by the House

131st General Assembly

Regular Session

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Am. Sub. H. B. No. 493

Representatives Sears, Ryan

**Cosponsors: Representatives Perales, Baker, Brown, LaTourette, Manning,
McClain, Rezabek, Sheehy, Slaby**

Senators Bacon, Faber, Hite, Hottinger, Jones, Jordan, Uecker

A BILL

To amend sections 307.627, 2151.421, 2151.422, 1
2151.99, 2317.56, 2919.171, 2919.19, 2919.191, 2
2919.192, 2919.193, 3701.701, 4731.22, 5153.16, 3
5153.175, and 5153.176; to amend, for the 4
purpose of adopting new section numbers as 5
indicated in parentheses, sections 2919.191 6
(2919.192), 2919.192 (2919.194), and 2919.193 7
(2919.198); and to enact new sections 2919.191 8
and 2919.193 and sections 2919.195, 2919.196, 9
2919.197, 2919.199, 2919.1910, and 2919.1911 of 10
the Revised Code to make changes in the child 11
abuse and neglect reporting law, to generally 12
prohibit an abortion of an unborn human 13
individual with a detectable heartbeat, to 14
create the Joint Legislative Committee on 15
Adoption Promotion and Support, and to make an 16
appropriation. 17

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

Section 1. That sections 307.627, 2151.421, 2151.422, 18
2151.99, 2317.56, 2919.171, 2919.19, 2919.191, 2919.192, 19
2919.193, 3701.701, 4731.22, 5153.16, 5153.175, and 5153.176 be 20
amended; sections 2919.191 (2919.192), 2919.192 (2919.194), and 21
2919.193 (2919.198) be amended for the purpose of adopting new 22
section numbers as indicated in parentheses; and new sections 23
2919.191 and 2919.193 and sections 2919.195, 2919.196, 2919.197, 24
2919.199, 2919.1910, and 2919.1911 of the Revised Code be 25
enacted to read as follows: 26

Sec. 307.627. (A) (1) Notwithstanding section 3701.243 and 27
any other section of the Revised Code pertaining to 28
confidentiality, any individual; public children services 29
agency, private child placing agency, or agency that provides 30
services specifically to individuals or families; law 31
enforcement agency; or other public or private entity that 32
provided services to a child whose death is being reviewed by a 33
child fatality review board, on the request of the review board, 34
shall submit to the review board a summary sheet of information. 35

(a) With respect to a request made to a health care 36
entity, the summary sheet shall contain only information 37
available and reasonably drawn from the child's medical record 38
created by the health care entity. 39

(b) With respect to a request made to any other individual 40
or entity, the summary shall contain only information available 41
and reasonably drawn from any record involving the child that 42
the individual or entity develops in the normal course of 43
business. 44

(c) On the request of the review board, an individual or 45
entity may, at the individual or entity's discretion, make any 46
additional information, documents, or reports available to the 47

review board.

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(2) Notwithstanding section 3701.243 and any other section
of the Revised Code pertaining to confidentiality, in the case
of a child one year of age or younger whose death is being
reviewed by a child fatality review board, on the request of the
review board, a health care entity that provided services to the
child's mother shall submit to the review board a summary sheet
of information available and reasonably drawn from the mother's
medical record created by the health care entity. Before
submitting the summary sheet, the health care entity shall
attempt to obtain the mother's consent to do so, but lack of
consent shall not preclude the entity from submitting the
summary sheet.

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(3) For purposes of the review, the review board shall
have access to confidential information provided to the review
board under this section or division ~~(H)~~(I) (4) of section
2151.421 of the Revised Code, and each member of the review
board shall preserve the confidentiality of that information.

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(B) Notwithstanding division (A) of this section, no
person, entity, law enforcement agency, or prosecuting attorney
shall provide any information regarding the death of a child to
a child fatality review board while an investigation of the
death or prosecution of a person for causing the death is
pending unless the prosecuting attorney has agreed pursuant to
section 307.625 of the Revised Code to allow review of the
death.

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Sec. 2151.421. (A) (1) (a) No person described in division
(A) (1) (b) of this section who is acting in an official or
professional capacity and knows, or has reasonable cause to
suspect based on facts that would cause a reasonable person in a

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similar position to suspect, that a child under eighteen years 78
of age or a mentally retarded, developmentally disabled, or 79
physically impaired child under twenty-one years of age has 80
suffered or faces a threat of suffering any physical or mental 81
wound, injury, disability, or condition of a nature that 82
reasonably indicates abuse or neglect of the child shall fail to 83
immediately report that knowledge or reasonable cause to suspect 84
to the entity or persons specified in this division. Except as 85
provided in section 5120.173 of the Revised Code, the person 86
making the report shall make it to the public children services 87
agency or a municipal or county peace officer in the county in 88
which the child resides or in which the abuse or neglect is 89
occurring or has occurred. In the circumstances described in 90
section 5120.173 of the Revised Code, the person making the 91
report shall make it to the entity specified in that section. 92

(b) Division (A) (1) (a) of this section applies to any 93
person who is an attorney; ~~physician, including a hospital-~~ 94
~~intern or resident; dentist; podiatrist~~ health care 95
professional; practitioner of a limited branch of medicine as 96
specified in section 4731.15 of the Revised Code; ~~registered-~~ 97
~~nurse; licensed practical nurse; visiting nurse; other health-~~ 98
~~care professional; licensed psychologist;~~ licensed school 99
psychologist; independent marriage and family therapist or 100
marriage and family therapist; ~~speech pathologist or~~ 101
~~audiologist;~~ coroner; administrator or employee of a child day- 102
care center; administrator or employee of a residential camp, 103
child day camp, or private, nonprofit therapeutic wilderness 104
camp; administrator or employee of a certified child care agency 105
or other public or private children services agency; school 106
teacher; school employee; school authority; ~~person engaged in-~~ 107
~~social work or the practice of professional counseling;~~ agent of 108

a county humane society; person, other than a cleric, rendering 109
spiritual treatment through prayer in accordance with the tenets 110
of a well-recognized religion; employee of a county department 111
of job and family services who is a professional and who works 112
with children and families; superintendent or regional 113
administrator employed by the department of youth services; 114
superintendent, board member, or employee of a county board of 115
developmental disabilities; investigative agent contracted with 116
by a county board of developmental disabilities; employee of the 117
department of developmental disabilities; employee of a facility 118
or home that provides respite care in accordance with section 119
5123.171 of the Revised Code; ~~employee of a home health agency;~~ 120
employee of an entity that provides homemaker services; a person 121
performing the duties of an assessor pursuant to Chapter 3107. 122
or 5103. of the Revised Code; third party employed by a public 123
children services agency to assist in providing child or family 124
related services; court appointed special advocate; or guardian 125
ad litem. 126

(c) If two or more health care professionals, after 127
providing health care services to a child, determine or suspect 128
that the child has been or is being abused or neglected, the 129
health care professionals may designate one of the health care 130
professionals to report the abuse or neglect. A single report 131
made under this division shall meet the reporting requirements 132
of division (A)(1) of this section. 133

(2) Except as provided in division (A)(3) of this section, 134
an attorney or a physician is not required to make a report 135
pursuant to division (A)(1) of this section concerning any 136
communication the attorney or physician receives from a client 137
or patient in an attorney-client or physician-patient 138
relationship, if, in accordance with division (A) or (B) of 139

section 2317.02 of the Revised Code, the attorney or physician 140
could not testify with respect to that communication in a civil 141
or criminal proceeding. 142

(3) The client or patient in an attorney-client or 143
physician-patient relationship described in division (A)(2) of 144
this section is deemed to have waived any testimonial privilege 145
under division (A) or (B) of section 2317.02 of the Revised Code 146
with respect to any communication the attorney or physician 147
receives from the client or patient in that attorney-client or 148
physician-patient relationship, and the attorney or physician 149
shall make a report pursuant to division (A)(1) of this section 150
with respect to that communication, if all of the following 151
apply: 152

(a) The client or patient, at the time of the 153
communication, is either a child under eighteen years of age or 154
a mentally retarded, developmentally disabled, or physically 155
impaired person under twenty-one years of age. 156

(b) The attorney or physician knows, or has reasonable 157
cause to suspect based on facts that would cause a reasonable 158
person in similar position to suspect, ~~as a result of the~~ 159
~~communication or any observations made during that~~ 160
~~communication,~~ that the client or patient has suffered or faces 161
a threat of suffering any physical or mental wound, injury, 162
disability, or condition of a nature that reasonably indicates 163
abuse or neglect of the client or patient. 164

(c) The abuse or neglect does not arise out of the 165
client's or patient's attempt to have an abortion without the 166
notification of her parents, guardian, or custodian in 167
accordance with section 2151.85 of the Revised Code. 168

(4) (a) No cleric and no person, other than a volunteer, 169
designated by any church, religious society, or faith acting as 170
a leader, official, or delegate on behalf of the church, 171
religious society, or faith who is acting in an official or 172
professional capacity, who knows, or has reasonable cause to 173
believe based on facts that would cause a reasonable person in a 174
similar position to believe, that a child under eighteen years 175
of age or a mentally retarded, developmentally disabled, or 176
physically impaired child under twenty-one years of age has 177
suffered or faces a threat of suffering any physical or mental 178
wound, injury, disability, or condition of a nature that 179
reasonably indicates abuse or neglect of the child, and who 180
knows, or has reasonable cause to believe based on facts that 181
would cause a reasonable person in a similar position to 182
believe, that another cleric or another person, other than a 183
volunteer, designated by a church, religious society, or faith 184
acting as a leader, official, or delegate on behalf of the 185
church, religious society, or faith caused, or poses the threat 186
of causing, the wound, injury, disability, or condition that 187
reasonably indicates abuse or neglect shall fail to immediately 188
report that knowledge or reasonable cause to believe to the 189
entity or persons specified in this division. Except as provided 190
in section 5120.173 of the Revised Code, the person making the 191
report shall make it to the public children services agency or a 192
municipal or county peace officer in the county in which the 193
child resides or in which the abuse or neglect is occurring or 194
has occurred. In the circumstances described in section 5120.173 195
of the Revised Code, the person making the report shall make it 196
to the entity specified in that section. 197

(b) Except as provided in division (A) (4) (c) of this 198
section, a cleric is not required to make a report pursuant to 199

division (A) (4) (a) of this section concerning any communication 200
the cleric receives from a penitent in a cleric-penitent 201
relationship, if, in accordance with division (C) of section 202
2317.02 of the Revised Code, the cleric could not testify with 203
respect to that communication in a civil or criminal proceeding. 204

(c) The penitent in a cleric-penitent relationship 205
described in division (A) (4) (b) of this section is deemed to 206
have waived any testimonial privilege under division (C) of 207
section 2317.02 of the Revised Code with respect to any 208
communication the cleric receives from the penitent in that 209
cleric-penitent relationship, and the cleric shall make a report 210
pursuant to division (A) (4) (a) of this section with respect to 211
that communication, if all of the following apply: 212

(i) The penitent, at the time of the communication, is 213
either a child under eighteen years of age or a mentally 214
retarded, developmentally disabled, or physically impaired 215
person under twenty-one years of age. 216

(ii) The cleric knows, or has reasonable cause to believe 217
based on facts that would cause a reasonable person in a similar 218
position to believe, as a result of the communication or any 219
observations made during that communication, the penitent has 220
suffered or faces a threat of suffering any physical or mental 221
wound, injury, disability, or condition of a nature that 222
reasonably indicates abuse or neglect of the penitent. 223

(iii) The abuse or neglect does not arise out of the 224
penitent's attempt to have an abortion performed upon a child 225
under eighteen years of age or upon a mentally retarded, 226
developmentally disabled, or physically impaired person under 227
twenty-one years of age without the notification of her parents, 228
guardian, or custodian in accordance with section 2151.85 of the 229

Revised Code. 230

(d) Divisions (A) (4) (a) and (c) of this section do not 231
apply in a cleric-penitent relationship when the disclosure of 232
any communication the cleric receives from the penitent is in 233
violation of the sacred trust. 234

(e) As used in divisions (A) (1) and (4) of this section, 235
"cleric" and "sacred trust" have the same meanings as in section 236
2317.02 of the Revised Code. 237

(B) Anyone who knows, or has reasonable cause to suspect 238
based on facts that would cause a reasonable person in similar 239
circumstances to suspect, that a child under eighteen years of 240
age or a mentally retarded, developmentally disabled, or 241
physically impaired person under twenty-one years of age has 242
suffered or faces a threat of suffering any physical or mental 243
wound, injury, disability, or other condition of a nature that 244
reasonably indicates abuse or neglect of the child may report or 245
cause reports to be made of that knowledge or reasonable cause 246
to suspect to the entity or persons specified in this division. 247
Except as provided in section 5120.173 of the Revised Code, a 248
person making a report or causing a report to be made under this 249
division shall make it or cause it to be made to the public 250
children services agency or to a municipal or county peace 251
officer. In the circumstances described in section 5120.173 of 252
the Revised Code, a person making a report or causing a report 253
to be made under this division shall make it or cause it to be 254
made to the entity specified in that section. 255

(C) Any report made pursuant to division (A) or (B) of 256
this section shall be made forthwith either by telephone or in 257
person and shall be followed by a written report, if requested 258
by the receiving agency or officer. The written report shall 259

contain: 260

(1) The names and addresses of the child and the child's 261
parents or the person or persons having custody of the child, if 262
known; 263

(2) The child's age and the nature and extent of the 264
child's injuries, abuse, or neglect that is known or reasonably 265
suspected or believed, as applicable, to have occurred or of the 266
threat of injury, abuse, or neglect that is known or reasonably 267
suspected or believed, as applicable, to exist, including any 268
evidence of previous injuries, abuse, or neglect; 269

(3) Any other information, including, but not limited to, 270
results and reports of any medical examinations, tests, or 271
procedures performed under division (D) of this section, that 272
might be helpful in establishing the cause of the injury, abuse, 273
or neglect that is known or reasonably suspected or believed, as 274
applicable, to have occurred or of the threat of injury, abuse, 275
or neglect that is known or reasonably suspected or believed, as 276
applicable, to exist. 277

(D) (1) Any person, who is required by division (A) of this 278
section to report child abuse or child neglect that is known or 279
reasonably suspected or believed to have occurred, may take or 280
cause to be taken color photographs of areas of trauma visible 281
on a child and, if medically indicated, necessary for the purpose 282
of diagnosing or treating injuries that are suspected to have 283
occurred as a result of child abuse or child neglect, perform or 284
cause to be performed radiological examinations of the child and 285
any other medical examinations of, and tests or procedures on, 286
the child. 287

~~(D) As used in this division, "children's advocacy center"~~ 288

and ~~"sexual abuse of a child" have the same meanings as in~~ 289
~~section 2151.425 of the Revised Code~~ 290

(2) The results and any available reports of examinations, 291
tests, or procedures made under division (D)(1) of this section 292
shall be included in a report made pursuant to division (A) of 293
this section. Any additional reports of examinations, tests, or 294
procedures that become available shall be provided to the public 295
children services agency, upon request. 296

(3) If a health care professional provides health care 297
services in a hospital, children's advocacy center, or emergency 298
medical facility to a child about whom a report has been made 299
under division (A) of this section, the health care professional 300
may take any steps that are reasonably necessary for the release 301
or discharge of the child to an appropriate environment. Before 302
the child's release or discharge, the health care professional 303
may obtain information, or consider information obtained, from 304
other entities or individuals that have knowledge about the 305
child. Nothing in division (D)(3) of this section shall be 306
construed to alter the responsibilities of any person under 307
sections 2151.27 and 2151.31 of the Revised Code. 308

(4) A health care professional may conduct medical 309
examinations, tests, or procedures on the siblings of a child 310
about whom a report has been made under division (A) of this 311
section and on other children who reside in the same home as the 312
child, if the professional determines that the examinations, 313
tests, or procedures are medically necessary to diagnose or 314
treat the siblings or other children in order to determine 315
whether reports under division (A) of this section are warranted 316
with respect to such siblings or other children. The results of 317
the examinations, tests, or procedures on the siblings and other 318

children may be included in a report made pursuant to division 319
(A) of this section. 320

(5) Medical examinations, tests, or procedures conducted 321
under divisions (D)(1) and (4) of this section and decisions 322
regarding the release or discharge of a child under division (D) 323
(3) of this section do not constitute a law enforcement 324
investigation or activity. 325

(E)(1) When a municipal or county peace officer receives a 326
report concerning the possible abuse or neglect of a child or 327
the possible threat of abuse or neglect of a child, upon receipt 328
of the report, the municipal or county peace officer who 329
receives the report shall refer the report to the appropriate 330
public children services agency. 331

(2) When a public children services agency receives a 332
report pursuant to this division or division (A) or (B) of this 333
section, upon receipt of the report, the public children 334
services agency shall do both of the following: 335

(a) Comply with section 2151.422 of the Revised Code; 336

(b) If the county served by the agency is also served by a 337
children's advocacy center and the report alleges sexual abuse 338
of a child or another type of abuse of a child that is specified 339
in the memorandum of understanding that creates the center as 340
being within the center's jurisdiction, comply regarding the 341
report with the protocol and procedures for referrals and 342
investigations, with the coordinating activities, and with the 343
authority or responsibility for performing or providing 344
functions, activities, and services stipulated in the 345
interagency agreement entered into under section 2151.428 of the 346
Revised Code relative to that center. 347

~~(E)~~ (F) No township, municipal, or county peace officer 348
shall remove a child about whom a report is made pursuant to 349
this section from the child's parents, stepparents, or guardian 350
or any other persons having custody of the child without 351
consultation with the public children services agency, unless, 352
in the judgment of the officer, and, if the report was made by 353
physician, the physician, immediate removal is considered 354
essential to protect the child from further abuse or neglect. 355
The agency that must be consulted shall be the agency conducting 356
the investigation of the report as determined pursuant to 357
section 2151.422 of the Revised Code. 358

~~(F)~~ (G) (1) Except as provided in section 2151.422 of the 359
Revised Code or in an interagency agreement entered into under 360
section 2151.428 of the Revised Code that applies to the 361
particular report, the public children services agency shall 362
investigate, within twenty-four hours, each report of child 363
abuse or child neglect that is known or reasonably suspected or 364
believed to have occurred and of a threat of child abuse or 365
child neglect that is known or reasonably suspected or believed 366
to exist that is referred to it under this section to determine 367
the circumstances surrounding the injuries, abuse, or neglect or 368
the threat of injury, abuse, or neglect, the cause of the 369
injuries, abuse, neglect, or threat, and the person or persons 370
responsible. The investigation shall be made in cooperation with 371
the law enforcement agency and in accordance with the memorandum 372
of understanding prepared under division ~~(J)~~ (K) of this 373
section. A representative of the public children services agency 374
shall, at the time of initial contact with the person subject to 375
the investigation, inform the person of the specific complaints 376
or allegations made against the person. The information shall be 377
given in a manner that is consistent with division ~~(H)~~ (I) (1) of 378

this section and protects the rights of the person making the 379
report under this section. 380

A failure to make the investigation in accordance with the 381
memorandum is not grounds for, and shall not result in, the 382
dismissal of any charges or complaint arising from the report or 383
the suppression of any evidence obtained as a result of the 384
report and does not give, and shall not be construed as giving, 385
any rights or any grounds for appeal or post-conviction relief 386
to any person. The public children services agency shall report 387
each case to the uniform statewide automated child welfare 388
information system that the department of job and family 389
services shall maintain in accordance with section 5101.13 of 390
the Revised Code. The public children services agency shall 391
submit a report of its investigation, in writing, to the law 392
enforcement agency. 393

(2) The public children services agency shall make any 394
recommendations to the county prosecuting attorney or city 395
director of law that it considers necessary to protect any 396
children that are brought to its attention. 397

~~(G)-(H) (1) (a) Except as provided in division divisions (H)~~ 398
~~(1) (b) and (I) (3) of this section, anyone or any person, health~~ 399
~~care professional, hospital, institution, school, health~~ 400
~~department, or agency participating in the making of reports~~ 401
~~under division (A) of this section, anyone or any hospital,~~ 402
~~institution, school, health department, or agency participating~~ 403
~~in good faith in the making of reports under division (B) of~~ 404
~~this section, and anyone participating in good faith in a~~ 405
~~judicial proceeding resulting from the reports, shall be immune~~ 406
~~from any civil or criminal liability for injury, death, or loss~~ 407
~~to person or property that otherwise might be incurred or~~ 408

~~imposed as a result of the making of the reports or the~~ 409
~~participation in the judicial proceeding shall be immune from~~ 410
~~any civil or criminal liability for injury, death, or loss to~~ 411
~~person or property that otherwise might be incurred or imposed~~ 412
~~as a result of any of the following:~~ 413

(i) Participating in the making of reports pursuant to 414
division (A) of this section or in the making of reports in good 415
faith, pursuant to division (B) of this section; 416

(ii) Participating in medical examinations, tests, or 417
procedures under division (D) of this section; 418

(iii) Providing information used in a report made pursuant 419
to division (A) of this section or providing information in good 420
faith used in a report made pursuant to division (B) of this 421
section; 422

(iv) Participating in a judicial proceeding resulting from 423
a report made pursuant to division (A) of this section or 424
participating in good faith in a proceeding resulting from a 425
report made pursuant to division (B) of this section. 426

(b) Immunity under division (H)(1)(a)(ii) of this section 427
shall not apply when a health care provider has deviated from 428
the standard of care applicable to the provider's profession. 429

(c) Notwithstanding section 4731.22 of the Revised Code, 430
the physician-patient privilege shall not be a ground for 431
excluding evidence regarding a child's injuries, abuse, or 432
neglect, or the cause of the injuries, abuse, or neglect in any 433
judicial proceeding resulting from a report submitted pursuant 434
to this section. 435

(2) In any civil or criminal action or proceeding in which 436
it is alleged and proved that participation in the making of a 437

report under this section was not in good faith or participation 438
in a judicial proceeding resulting from a report made under this 439
section was not in good faith, the court shall award the 440
prevailing party reasonable attorney's fees and costs and, if a 441
civil action or proceeding is voluntarily dismissed, may award 442
reasonable attorney's fees and costs to the party against whom 443
the civil action or proceeding is brought. 444

~~(H)~~ (I) (1) Except as provided in divisions ~~(H)~~ (I) (4) and 445
~~(N)~~ (O) of this section, a report made under this section is 446
confidential. The information provided in a report made pursuant 447
to this section and the name of the person who made the report 448
shall not be released for use, and shall not be used, as 449
evidence in any civil action or proceeding brought against the 450
person who made the report. Nothing in this division shall 451
preclude the use of reports of other incidents of known or 452
suspected abuse or neglect in a civil action or proceeding 453
brought pursuant to division ~~(M)~~ (N) of this section against a 454
person who is alleged to have violated division (A) (1) of this 455
section, provided that any information in a report that would 456
identify the child who is the subject of the report or the maker 457
of the report, if the maker of the report is not the defendant 458
or an agent or employee of the defendant, has been redacted. In 459
a criminal proceeding, the report is admissible in evidence in 460
accordance with the Rules of Evidence and is subject to 461
discovery in accordance with the Rules of Criminal Procedure. 462

(2) ~~No~~ (a) Except as provided in division (I) (2) (b) of 463
this section, no person shall permit or encourage the 464
unauthorized dissemination of the contents of any report made 465
under this section. 466

(b) A health care professional that obtains the same 467

information contained in a report made under this section from a 468
source other than the report may disseminate the information, if 469
its dissemination is otherwise permitted by law. 470

(3) A person who knowingly makes or causes another person 471
to make a false report under division (B) of this section that 472
alleges that any person has committed an act or omission that 473
resulted in a child being an abused child or a neglected child 474
is guilty of a violation of section 2921.14 of the Revised Code. 475

(4) If a report is made pursuant to division (A) or (B) of 476
this section and the child who is the subject of the report dies 477
for any reason at any time after the report is made, but before 478
the child attains eighteen years of age, the public children 479
services agency or municipal or county peace officer to which 480
the report was made or referred, on the request of the child 481
fatality review board or the director of health pursuant to 482
guidelines established under section 3701.70 of the Revised 483
Code, shall submit a summary sheet of information providing a 484
summary of the report to the review board of the county in which 485
the deceased child resided at the time of death or to the 486
director. On the request of the review board or director, the 487
agency or peace officer may, at its discretion, make the report 488
available to the review board or director. If the county served 489
by the public children services agency is also served by a 490
children's advocacy center and the report of alleged sexual 491
abuse of a child or another type of abuse of a child is 492
specified in the memorandum of understanding that creates the 493
center as being within the center's jurisdiction, the agency or 494
center shall perform the duties and functions specified in this 495
division in accordance with the interagency agreement entered 496
into under section 2151.428 of the Revised Code relative to that 497
advocacy center. 498

(5) A public children services agency shall advise a 499
person alleged to have inflicted abuse or neglect on a child who 500
is the subject of a report made pursuant to this section, 501
including a report alleging sexual abuse of a child or another 502
type of abuse of a child referred to a children's advocacy 503
center pursuant to an interagency agreement entered into under 504
section 2151.428 of the Revised Code, in writing of the 505
disposition of the investigation. The agency shall not provide 506
to the person any information that identifies the person who 507
made the report, statements of witnesses, or police or other 508
investigative reports. 509

~~(I)~~ (J) Any report that is required by this section, other 510
than a report that is made to the state highway patrol as 511
described in section 5120.173 of the Revised Code, shall result 512
in protective services and emergency supportive services being 513
made available by the public children services agency on behalf 514
of the children about whom the report is made, in an effort to 515
prevent further neglect or abuse, to enhance their welfare, and, 516
whenever possible, to preserve the family unit intact. The 517
agency required to provide the services shall be the agency 518
conducting the investigation of the report pursuant to section 519
2151.422 of the Revised Code. 520

~~(J)~~ (K) (1) Each public children services agency shall 521
prepare a memorandum of understanding that is signed by all of 522
the following: 523

(a) If there is only one juvenile judge in the county, the 524
juvenile judge of the county or the juvenile judge's 525
representative; 526

(b) If there is more than one juvenile judge in the 527
county, a juvenile judge or the juvenile judges' representative 528

selected by the juvenile judges or, if they are unable to do so 529
for any reason, the juvenile judge who is senior in point of 530
service or the senior juvenile judge's representative; 531

(c) The county peace officer; 532

(d) All chief municipal peace officers within the county; 533

(e) Other law enforcement officers handling child abuse 534
and neglect cases in the county; 535

(f) The prosecuting attorney of the county; 536

(g) If the public children services agency is not the 537
county department of job and family services, the county 538
department of job and family services; 539

(h) The county humane society; 540

(i) If the public children services agency participated in 541
the execution of a memorandum of understanding under section 542
2151.426 of the Revised Code establishing a children's advocacy 543
center, each participating member of the children's advocacy 544
center established by the memorandum. 545

(2) A memorandum of understanding shall set forth the 546
normal operating procedure to be employed by all concerned 547
officials in the execution of their respective responsibilities 548
under this section and division (C) of section 2919.21, division 549
(B) (1) of section 2919.22, division (B) of section 2919.23, and 550
section 2919.24 of the Revised Code and shall have as two of its 551
primary goals the elimination of all unnecessary interviews of 552
children who are the subject of reports made pursuant to 553
division (A) or (B) of this section and, when feasible, 554
providing for only one interview of a child who is the subject 555
of any report made pursuant to division (A) or (B) of this 556

section. A failure to follow the procedure set forth in the 557
memorandum by the concerned officials is not grounds for, and 558
shall not result in, the dismissal of any charges or complaint 559
arising from any reported case of abuse or neglect or the 560
suppression of any evidence obtained as a result of any reported 561
child abuse or child neglect and does not give, and shall not be 562
construed as giving, any rights or any grounds for appeal or 563
post-conviction relief to any person. 564

(3) A memorandum of understanding shall include all of the 565
following: 566

(a) The roles and responsibilities for handling emergency 567
and nonemergency cases of abuse and neglect; 568

(b) Standards and procedures to be used in handling and 569
coordinating investigations of reported cases of child abuse and 570
reported cases of child neglect, methods to be used in 571
interviewing the child who is the subject of the report and who 572
allegedly was abused or neglected, and standards and procedures 573
addressing the categories of persons who may interview the child 574
who is the subject of the report and who allegedly was abused or 575
neglected. 576

(4) If a public children services agency participated in 577
the execution of a memorandum of understanding under section 578
2151.426 of the Revised Code establishing a children's advocacy 579
center, the agency shall incorporate the contents of that 580
memorandum in the memorandum prepared pursuant to this section. 581

(5) The clerk of the court of common pleas in the county 582
may sign the memorandum of understanding prepared under division 583
~~(J)~~(K) (1) of this section. If the clerk signs the memorandum of 584
understanding, the clerk shall execute all relevant 585

responsibilities as required of officials specified in the 586
memorandum. 587

~~(K)~~ (L) (1) Except as provided in division ~~(K)~~ (L) (4) or (5) 588
of this section, a person who is required to make a report 589
pursuant to division (A) of this section may make a reasonable 590
number of requests of the public children services agency that 591
receives or is referred the report, or of the children's 592
advocacy center that is referred the report if the report is 593
referred to a children's advocacy center pursuant to an 594
interagency agreement entered into under section 2151.428 of the 595
Revised Code, to be provided with the following information: 596

(a) Whether the agency or center has initiated an 597
investigation of the report; 598

(b) Whether the agency or center is continuing to 599
investigate the report; 600

(c) Whether the agency or center is otherwise involved 601
with the child who is the subject of the report; 602

(d) The general status of the health and safety of the 603
child who is the subject of the report; 604

(e) Whether the report has resulted in the filing of a 605
complaint in juvenile court or of criminal charges in another 606
court. 607

(2) A person may request the information specified in 608
division ~~(K)~~ (L) (1) of this section only if, at the time the 609
report is made, the person's name, address, and telephone number 610
are provided to the person who receives the report. 611

When a municipal or county peace officer or employee of a 612
public children services agency receives a report pursuant to 613

division (A) or (B) of this section the recipient of the report 614
shall inform the person of the right to request the information 615
described in division ~~(K)~~(L)(1) of this section. The recipient 616
of the report shall include in the initial child abuse or child 617
neglect report that the person making the report was so informed 618
and, if provided at the time of the making of the report, shall 619
include the person's name, address, and telephone number in the 620
report. 621

Each request is subject to verification of the identity of 622
the person making the report. If that person's identity is 623
verified, the agency shall provide the person with the 624
information described in division ~~(K)~~(L)(1) of this section a 625
reasonable number of times, except that the agency shall not 626
disclose any confidential information regarding the child who is 627
the subject of the report other than the information described 628
in those divisions. 629

(3) A request made pursuant to division ~~(K)~~(L)(1) of this 630
section is not a substitute for any report required to be made 631
pursuant to division (A) of this section. 632

(4) If an agency other than the agency that received or 633
was referred the report is conducting the investigation of the 634
report pursuant to section 2151.422 of the Revised Code, the 635
agency conducting the investigation shall comply with the 636
requirements of division ~~(K)~~(L) of this section. 637

~~(L)~~(5) A health care professional who made a report under 638
division (A) of this section, or on whose behalf such a report 639
was made as provided in division (A)(1)(c) of this section, may 640
authorize a person to obtain the information described in 641
division (L)(1) of this section if the person requesting the 642
information is associated with or acting on behalf of the health 643

care professional who provided health care services to the child 644
about whom the report was made. 645

(M) The director of job and family services shall adopt 646
rules in accordance with Chapter 119. of the Revised Code to 647
implement this section. The department of job and family 648
services may enter into a plan of cooperation with any other 649
governmental entity to aid in ensuring that children are 650
protected from abuse and neglect. The department shall make 651
recommendations to the attorney general that the department 652
determines are necessary to protect children from child abuse 653
and child neglect. 654

~~(M)~~ (N) Whoever violates division (A) of this section is 655
liable for compensatory and exemplary damages to the child who 656
would have been the subject of the report that was not made. A 657
person who brings a civil action or proceeding pursuant to this 658
division against a person who is alleged to have violated 659
division (A)(1) of this section may use in the action or 660
proceeding reports of other incidents of known or suspected 661
abuse or neglect, provided that any information in a report that 662
would identify the child who is the subject of the report or the 663
maker of the report, if the maker is not the defendant or an 664
agent or employee of the defendant, has been redacted. 665

~~(N)~~ (O) (1) As used in this division: 666

(a) "Out-of-home care" includes a nonchartered nonpublic 667
school if the alleged child abuse or child neglect, or alleged 668
threat of child abuse or child neglect, described in a report 669
received by a public children services agency allegedly occurred 670
in or involved the nonchartered nonpublic school and the alleged 671
perpetrator named in the report holds a certificate, permit, or 672
license issued by the state board of education under section 673

3301.071 or Chapter 3319. of the Revised Code. 674

(b) "Administrator, director, or other chief 675
administrative officer" means the superintendent of the school 676
district if the out-of-home care entity subject to a report made 677
pursuant to this section is a school operated by the district. 678

(2) No later than the end of the day following the day on 679
which a public children services agency receives a report of 680
alleged child abuse or child neglect, or a report of an alleged 681
threat of child abuse or child neglect, that allegedly occurred 682
in or involved an out-of-home care entity, the agency shall 683
provide written notice of the allegations contained in and the 684
person named as the alleged perpetrator in the report to the 685
administrator, director, or other chief administrative officer 686
of the out-of-home care entity that is the subject of the report 687
unless the administrator, director, or other chief 688
administrative officer is named as an alleged perpetrator in the 689
report. If the administrator, director, or other chief 690
administrative officer of an out-of-home care entity is named as 691
an alleged perpetrator in a report of alleged child abuse or 692
child neglect, or a report of an alleged threat of child abuse 693
or child neglect, that allegedly occurred in or involved the 694
out-of-home care entity, the agency shall provide the written 695
notice to the owner or governing board of the out-of-home care 696
entity that is the subject of the report. The agency shall not 697
provide witness statements or police or other investigative 698
reports. 699

(3) No later than three days after the day on which a 700
public children services agency that conducted the investigation 701
as determined pursuant to section 2151.422 of the Revised Code 702
makes a disposition of an investigation involving a report of 703

alleged child abuse or child neglect, or a report of an alleged 704
threat of child abuse or child neglect, that allegedly occurred 705
in or involved an out-of-home care entity, the agency shall send 706
written notice of the disposition of the investigation to the 707
administrator, director, or other chief administrative officer 708
and the owner or governing board of the out-of-home care entity. 709
The agency shall not provide witness statements or police or 710
other investigative reports. 711

~~(0)~~ (P) As used in this section, ~~"investigation"~~: 712

(1) "Children's advocacy center" and "sexual abuse of a 713
child" have the same meanings as in section 2151.425 of the 714
Revised Code. 715

(2) "Health care professional" means an individual who 716
provides health-related services including a physician, hospital 717
intern or resident, dentist, podiatrist, registered nurse, 718
licensed practical nurse, visiting nurse, licensed psychologist, 719
speech pathologist, audiologist, person engaged in social work 720
or the practice of professional counseling, and employee of a 721
home health agency. "Health care professional" does not include 722
a practitioner of a limited branch of medicine as specified in 723
section 4731.15 of the Revised Code, licensed school 724
psychologist, independent marriage and family therapist or 725
marriage and family therapist, or coroner. 726

(3) "Investigation" means the public children services 727
agency's response to an accepted report of child abuse or 728
neglect through either an alternative response or a traditional 729
response. 730

Sec. 2151.422. (A) As used in this section, "Homeless 731
shelter" means a facility that provides accommodations to 732

homeless individuals. 733

(B) On receipt of a notice pursuant to division (A), (B), 734
or ~~(D)~~ (E) of section 2151.421 of the Revised Code, the public 735
children services agency shall determine whether the child 736
subject to the report is living in a shelter for victims of 737
domestic violence or a homeless shelter and whether the child 738
was brought to that shelter pursuant to an agreement with a 739
shelter in another county. If the child is living in a shelter 740
and was brought there from another county, the agency shall 741
immediately notify the public children services agency of the 742
county from which the child was brought of the report and all 743
the information contained in the report. On receipt of the 744
notice pursuant to this division, the agency of the county from 745
which the child was brought shall conduct the investigation of 746
the report required pursuant to section 2151.421 of the Revised 747
Code and shall perform all duties required of the agency under 748
this chapter with respect to the child who is the subject of the 749
report. If the child is not living in a shelter or the child was 750
not brought to the shelter from another county, the agency that 751
received the report pursuant to division (A), (B), or ~~(D)~~ (E) of 752
section 2151.421 of the Revised Code shall conduct the 753
investigation required pursuant to section 2151.421 of the 754
Revised Code and shall perform all duties required of the agency 755
under this chapter with respect to the child who is the subject 756
of the report. The agency of the county in which the shelter is 757
located in which the child is living and the agency of the 758
county from which the child was brought may ask the shelter to 759
provide information concerning the child's residence address and 760
county of residence to the agency. 761

(C) If a child is living in a shelter for victims of 762
domestic violence or a homeless shelter and the child was 763

brought to that shelter pursuant to an agreement with a shelter 764
in another county, the public children services agency of the 765
county from which the child was brought shall provide services 766
to or take custody of the child if services or custody are 767
needed or required under this Chapter or section 5153.16 of the 768
Revised Code. 769

(D) When a homeless shelter provides accommodations to a 770
person, the shelter, on admitting the person to the shelter, 771
shall determine, if possible, the person's last known 772
residential address and county of residence. The information 773
concerning the address and county of residence is confidential 774
and may only be released to a public children services agency 775
pursuant to this section. 776

Sec. 2151.99. (A) (1) Except as otherwise provided in 777
division (A) (2) of this section, whoever violates division (D) 778
(2) or (3) of section 2151.313 or division ~~(A) (4), ~~(H)~~ or (I)~~ 779
(2) of section 2151.421 of the Revised Code is guilty of a 780
misdemeanor of the fourth degree. 781

(2) Whoever violates division (A) (4) of section 2151.421 782
of the Revised Code knowing that a child has been abused or 783
neglected and knowing that the person who committed the abuse or 784
neglect was a cleric or another person, other than a volunteer, 785
designated by a church, religious society, or faith acting as a 786
leader, official, or delegate on behalf of the church, religious 787
society, or faith, is guilty of a misdemeanor of the first 788
degree if the person who violates division (A) (4) of this 789
section and the person who committed the abuse or neglect belong 790
to the same church, religious society, or faith. 791

(B) Whoever violates division (D) (1) of section 2151.313 792
of the Revised Code is guilty of a minor misdemeanor. 793

(C) Whoever violates division (A) (1) of section 2151.421 794
of the Revised Code shall be punished as follows: 795

(1) Except as otherwise provided in division (C) (2) of 796
this section, the offender is guilty of a misdemeanor of the 797
fourth degree. 798

(2) The offender is guilty of a misdemeanor of the first 799
degree if the child who is the subject of the required report 800
that the offender fails to make suffers or faces the threat of 801
suffering the physical or mental wound, injury, disability, or 802
condition that would be the basis of the required report when 803
the child is under the direct care or supervision of the 804
offender who is then acting in the offender's official or 805
professional capacity or when the child is under the direct care 806
or supervision of another person over whom the offender while 807
acting in the offender's official or professional capacity has 808
supervisory control. 809

Sec. 2317.56. (A) As used in this section: 810

(1) "Medical emergency" has the same meaning as in section 811
2919.16 of the Revised Code. 812

(2) "Medical necessity" means a medical condition of a 813
pregnant woman that, in the reasonable judgment of the physician 814
who is attending the woman, so complicates the pregnancy that it 815
necessitates the immediate performance or inducement of an 816
abortion. 817

(3) "Probable gestational age of the embryo or fetus" 818
means the gestational age that, in the judgment of a physician, 819
is, with reasonable probability, the gestational age of the 820
embryo or fetus at the time that the physician informs a 821
pregnant woman pursuant to division (B) (1) (b) of this section. 822

(B) Except when there is a medical emergency or medical 823
necessity, an abortion shall be performed or induced only if all 824
of the following conditions are satisfied: 825

(1) At least twenty-four hours prior to the performance or 826
inducement of the abortion, a physician meets with the pregnant 827
woman in person in an individual, private setting and gives her 828
an adequate opportunity to ask questions about the abortion that 829
will be performed or induced. At this meeting, the physician 830
shall inform the pregnant woman, verbally or, if she is hearing 831
impaired, by other means of communication, of all of the 832
following: 833

(a) The nature and purpose of the particular abortion 834
procedure to be used and the medical risks associated with that 835
procedure; 836

(b) The probable gestational age of the embryo or fetus; 837

(c) The medical risks associated with the pregnant woman 838
carrying the pregnancy to term. 839

The meeting need not occur at the facility where the 840
abortion is to be performed or induced, and the physician 841
involved in the meeting need not be affiliated with that 842
facility or with the physician who is scheduled to perform or 843
induce the abortion. 844

(2) At least twenty-four hours prior to the performance or 845
inducement of the abortion, the physician who is to perform or 846
induce the abortion or the physician's agent does each of the 847
following in person, by telephone, by certified mail, return 848
receipt requested, or by regular mail evidenced by a certificate 849
of mailing: 850

(a) Inform the pregnant woman of the name of the physician 851

who is scheduled to perform or induce the abortion; 852

(b) Give the pregnant woman copies of the published 853
materials described in division (C) of this section; 854

(c) Inform the pregnant woman that the materials given 855
pursuant to division (B) (2) (b) of this section are published by 856
the state and that they describe the embryo or fetus and list 857
agencies that offer alternatives to abortion. The pregnant woman 858
may choose to examine or not to examine the materials. A 859
physician or an agent of a physician may choose to be 860
disassociated from the materials and may choose to comment or 861
not comment on the materials. 862

(3) If it has been determined that the unborn human 863
individual the pregnant woman is carrying has a detectable fetal 864
heartbeat, the physician who is to perform or induce the 865
abortion shall comply with the informed consent requirements in 866
section ~~2919.192-2919.194~~ of the Revised Code in addition to 867
complying with the informed consent requirements in divisions 868
(B) (1), (2), (4), and (5) of this section. 869

(4) Prior to the performance or inducement of the 870
abortion, the pregnant woman signs a form consenting to the 871
abortion and certifies both of the following on that form: 872

(a) She has received the information and materials 873
described in divisions (B) (1) and (2) of this section, and her 874
questions about the abortion that will be performed or induced 875
have been answered in a satisfactory manner. 876

(b) She consents to the particular abortion voluntarily, 877
knowingly, intelligently, and without coercion by any person, 878
and she is not under the influence of any drug of abuse or 879
alcohol. 880

The form shall contain the name and contact information of 881
the physician who provided to the pregnant woman the information 882
described in division (B) (1) of this section. 883

(5) Prior to the performance or inducement of the 884
abortion, the physician who is scheduled to perform or induce 885
the abortion or the physician's agent receives a copy of the 886
pregnant woman's signed form on which she consents to the 887
abortion and that includes the certification required by 888
division (B) (4) of this section. 889

(C) The department of health shall publish in English and 890
in Spanish, in a typeface large enough to be clearly legible, 891
and in an easily comprehensible format, the following materials 892
on the department's web site: 893

(1) Materials that inform the pregnant woman about family 894
planning information, of publicly funded agencies that are 895
available to assist in family planning, and of public and 896
private agencies and services that are available to assist her 897
through the pregnancy, upon childbirth, and while the child is 898
dependent, including, but not limited to, adoption agencies. The 899
materials shall be geographically indexed; include a 900
comprehensive list of the available agencies, a description of 901
the services offered by the agencies, and the telephone numbers 902
and addresses of the agencies; and inform the pregnant woman 903
about available medical assistance benefits for prenatal care, 904
childbirth, and neonatal care and about the support obligations 905
of the father of a child who is born alive. The department shall 906
ensure that the materials described in division (C) (1) of this 907
section are comprehensive and do not directly or indirectly 908
promote, exclude, or discourage the use of any agency or service 909
described in this division. 910

(2) Materials that inform the pregnant woman of the 911
probable anatomical and physiological characteristics of the 912
zygote, blastocyte, embryo, or fetus at two-week gestational 913
increments for the first sixteen weeks of pregnancy and at four- 914
week gestational increments from the seventeenth week of 915
pregnancy to full term, including any relevant information 916
regarding the time at which the fetus possibly would be viable. 917
The department shall cause these materials to be published only 918
after it consults with the Ohio state medical association and 919
the Ohio section of the American college of obstetricians and 920
gynecologists relative to the probable anatomical and 921
physiological characteristics of a zygote, blastocyte, embryo, 922
or fetus at the various gestational increments. The materials 923
shall use language that is understandable by the average person 924
who is not medically trained, shall be objective and 925
nonjudgmental, and shall include only accurate scientific 926
information about the zygote, blastocyte, embryo, or fetus at 927
the various gestational increments. If the materials use a 928
pictorial, photographic, or other depiction to provide 929
information regarding the zygote, blastocyte, embryo, or fetus, 930
the materials shall include, in a conspicuous manner, a scale or 931
other explanation that is understandable by the average person 932
and that can be used to determine the actual size of the zygote, 933
blastocyte, embryo, or fetus at a particular gestational 934
increment as contrasted with the depicted size of the zygote, 935
blastocyte, embryo, or fetus at that gestational increment. 936

(D) Upon the submission of a request to the department of 937
health by any person, hospital, physician, or medical facility 938
for one copy of the materials published in accordance with 939
division (C) of this section, the department shall make the 940
requested copy of the materials available to the person, 941

hospital, physician, or medical facility that requested the 942
copy. 943

(E) If a medical emergency or medical necessity compels 944
the performance or inducement of an abortion, the physician who 945
will perform or induce the abortion, prior to its performance or 946
inducement if possible, shall inform the pregnant woman of the 947
medical indications supporting the physician's judgment that an 948
immediate abortion is necessary. Any physician who performs or 949
induces an abortion without the prior satisfaction of the 950
conditions specified in division (B) of this section because of 951
a medical emergency or medical necessity shall enter the reasons 952
for the conclusion that a medical emergency or medical necessity 953
exists in the medical record of the pregnant woman. 954

(F) If the conditions specified in division (B) of this 955
section are satisfied, consent to an abortion shall be presumed 956
to be valid and effective. 957

(G) The performance or inducement of an abortion without 958
the prior satisfaction of the conditions specified in division 959
(B) of this section does not constitute, and shall not be 960
construed as constituting, a violation of division (A) of 961
section 2919.12 of the Revised Code. The failure of a physician 962
to satisfy the conditions of division (B) of this section prior 963
to performing or inducing an abortion upon a pregnant woman may 964
be the basis of both of the following: 965

(1) A civil action for compensatory and exemplary damages 966
as described in division (H) of this section; 967

(2) Disciplinary action under section 4731.22 of the 968
Revised Code. 969

(H) (1) Subject to divisions (H) (2) and (3) of this 970

section, any physician who performs or induces an abortion with 971
actual knowledge that the conditions specified in division (B) 972
of this section have not been satisfied or with a heedless 973
indifference as to whether those conditions have been satisfied 974
is liable in compensatory and exemplary damages in a civil 975
action to any person, or the representative of the estate of any 976
person, who sustains injury, death, or loss to person or 977
property as a result of the failure to satisfy those conditions. 978
In the civil action, the court additionally may enter any 979
injunctive or other equitable relief that it considers 980
appropriate. 981

(2) The following shall be affirmative defenses in a civil 982
action authorized by division (H)(1) of this section: 983

(a) The physician performed or induced the abortion under 984
the circumstances described in division (E) of this section. 985

(b) The physician made a good faith effort to satisfy the 986
conditions specified in division (B) of this section. 987

(3) An employer or other principal is not liable in 988
damages in a civil action authorized by division (H)(1) of this 989
section on the basis of the doctrine of respondeat superior 990
unless either of the following applies: 991

(a) The employer or other principal had actual knowledge 992
or, by the exercise of reasonable diligence, should have known 993
that an employee or agent performed or induced an abortion with 994
actual knowledge that the conditions specified in division (B) 995
of this section had not been satisfied or with a heedless 996
indifference as to whether those conditions had been satisfied. 997

(b) The employer or other principal negligently failed to 998
secure the compliance of an employee or agent with division (B) 999

of this section. 1000

(4) Notwithstanding division (E) of section 2919.12 of the 1001
Revised Code, the civil action authorized by division (H)(1) of 1002
this section shall be the exclusive civil remedy for persons, or 1003
the representatives of estates of persons, who allegedly sustain 1004
injury, death, or loss to person or property as a result of a 1005
failure to satisfy the conditions specified in division (B) of 1006
this section. 1007

(I) The department of job and family services shall 1008
prepare and conduct a public information program to inform women 1009
of all available governmental programs and agencies that provide 1010
services or assistance for family planning, prenatal care, child 1011
care, or alternatives to abortion. 1012

Sec. 2919.171. (A) (1) A physician who performs or induces 1013
or attempts to perform or induce an abortion on a pregnant woman 1014
shall submit a report to the department of health in accordance 1015
with the forms, rules, and regulations adopted by the department 1016
that includes all of the information the physician is required 1017
to certify in writing or determine under ~~sections~~ section 1018
2919.17 and, section 2919.18, divisions (A) and (C) of section 1019
2919.192, division (C) of section 2919.193, division (B) of 1020
section 2919.195, or division (A) of section 2919.196 of the 1021
Revised Code~~±~~. 1022

(2) If a person other than the physician described in 1023
division (A)(1) of this section makes or maintains a record 1024
required by sections 2919.192 to 2919.196 of the Revised Code on 1025
the physician's behalf or at the physician's direction, that 1026
person shall comply with the reporting requirement described in 1027
division (A)(1) of this section as if the person were the 1028
physician described in that division. 1029

(B) By September 30 of each year, the department of health 1030
shall issue a public report that provides statistics for the 1031
previous calendar year compiled from all of the reports covering 1032
that calendar year submitted to the department in accordance 1033
with this section for each of the items listed in division (A) 1034
of this section. The report shall also provide the statistics 1035
for each previous calendar year in which a report was filed with 1036
the department pursuant to this section, adjusted to reflect any 1037
additional information that a physician provides to the 1038
department in a late or corrected report. The department shall 1039
ensure that none of the information included in the report could 1040
reasonably lead to the identification of any pregnant woman upon 1041
whom an abortion is performed. 1042

(C) (1) The physician shall submit the report described in 1043
division (A) of this section to the department of health within 1044
fifteen days after the woman is discharged. If the physician 1045
fails to submit the report more than thirty days after that 1046
fifteen-day deadline, the physician shall be subject to a late 1047
fee of five hundred dollars for each additional thirty-day 1048
period or portion of a thirty-day period the report is overdue. 1049
A physician who is required to submit to the department of 1050
health a report under division (A) of this section and who has 1051
not submitted a report or has submitted an incomplete report 1052
more than one year following the fifteen-day deadline may, in an 1053
action brought by the department of health, be directed by a 1054
court of competent jurisdiction to submit a complete report to 1055
the department of health within a period of time stated in a 1056
court order or be subject to contempt of court. 1057

(2) If a physician fails to comply with the requirements 1058
of this section, other than filing a late report with the 1059
department of health, or fails to submit a complete report to 1060

the department of health in accordance with a court order, the
physician is subject to division (B) ~~(41)~~ (44) of section 4731.22
of the Revised Code.

(3) No person shall falsify any report required under this
section. Whoever violates this division is guilty of abortion
report falsification, a misdemeanor of the first degree.

~~(D) Within ninety days of the effective date of this~~
~~section, the~~ The department of health shall adopt rules pursuant
to section 111.15 of the Revised Code to assist in compliance
with this section.

Sec. 2919.19. (A) As used in this section and sections
2919.191 to ~~2919.193~~ 2919.1910 of the Revised Code:

~~(A)~~ (1) "Conception" means fertilization.

(2) "Contraceptive" means a drug, device, or chemical that
prevents conception.

(3) "DNA" means deoxyribonucleic acid.

(4) "Fetal heartbeat" means cardiac activity or the steady
and repetitive rhythmic contraction of the fetal heart within
the gestational sac.

~~(B)~~ (5) "Fetus" means the human offspring developing
during pregnancy from the moment of conception and includes the
embryonic stage of development.

~~(C)~~ (6) "Gestational age" means the age of an unborn human
individual as calculated from the first day of the last
menstrual period of a pregnant woman.

~~(D)~~ (7) "Gestational sac" means the structure that
comprises the extraembryonic membranes that envelop the fetus

and that is typically visible by ultrasound after the fourth 1088
week of pregnancy. 1089

~~(E)~~ (8) "Intrauterine pregnancy" means a pregnancy in 1090
which the fetus is attached to the placenta within the uterus of 1091
the pregnant woman. 1092

(9) "Medical emergency" has the same meaning as in section 1093
2919.16 of the Revised Code. 1094

~~(F)~~ (10) "Physician" has the same meaning as in section 1095
2305.113 of the Revised Code. 1096

~~(G)~~ (11) "Pregnancy" means the human female reproductive 1097
condition that begins with fertilization, when the woman is 1098
carrying the developing human offspring, and that is calculated 1099
from the first day of the last menstrual period of the woman. 1100

~~(H)~~ (12) "Serious risk of the substantial and irreversible 1101
impairment of a major bodily function" has the same meaning as 1102
in section 2919.16 of the Revised Code. 1103

~~(I)~~ (13) "Spontaneous miscarriage" means the natural or 1104
accidental termination of a pregnancy and the expulsion of the 1105
fetus, typically caused by genetic defects in the fetus or 1106
physical abnormalities in the pregnant woman. 1107

(14) "Standard medical practice" means the degree of 1108
skill, care, and diligence that a physician of the same medical 1109
specialty would employ in like circumstances. As applied to the 1110
method used to determine the presence of a fetal heartbeat for 1111
purposes of section ~~2919.191~~ 2919.192 of the Revised Code, 1112
"standard medical practice" includes employing the appropriate 1113
means of detection depending on the estimated gestational age of 1114
the fetus and the condition of the woman and her pregnancy. 1115

~~(J)~~—(15) "Unborn human individual" means an individual 1116
organism of the species homo sapiens from fertilization until 1117
live birth. 1118

(B) If any provision of this section or sections 2919.171 1119
or 2919.191 to 2919.1910 of the Revised Code is held invalid, or 1120
if the application of such provision to any person or 1121
circumstance is held invalid, the invalidity of that provision 1122
does not affect any other provisions or applications of this 1123
section and sections 2919.171 and 2919.191 to 2919.1910 of the 1124
Revised Code that can be given effect without the invalid 1125
provision or application, and to this end the provisions of this 1126
section and sections 2919.171 and 2919.191 to 2919.1910 of the 1127
Revised Code are severable as provided in section 1.50 of the 1128
Revised Code. In particular, it is the intent of the general 1129
assembly that any invalidity or potential invalidity of a 1130
provision of this section or sections 2919.171 or 2919.191 to 1131
2919.1910 of the Revised Code is not to impair the immediate and 1132
continuing enforceability of the remaining provisions. It is 1133
furthermore the intent of the general assembly that the 1134
provisions of this section and sections 2919.171 and 2919.191 to 1135
2919.1910 of the Revised Code are not to have the effect of 1136
repealing or limiting any other laws of this state, except as 1137
specified by this section and sections 2919.171 and 2919.191 to 1138
2919.1910 of the Revised Code. 1139

Sec. 2919.191. (A) The general assembly hereby declares 1140
that it finds, according to contemporary medical research, all 1141
of the following: 1142

(1) As many as thirty per cent of natural pregnancies end 1143
in spontaneous miscarriage. 1144

(2) Less than five per cent of all natural pregnancies end 1145

in spontaneous miscarriage after detection of fetal cardiac 1146
activity. 1147

(3) Over ninety per cent of in vitro pregnancies survive 1148
the first trimester if cardiac activity is detected in the 1149
gestational sac. 1150

(4) Nearly ninety per cent of in vitro pregnancies do not 1151
survive the first trimester where cardiac activity is not 1152
detected in the gestational sac. 1153

(5) Fetal heartbeat, therefore, has become a key medical 1154
predictor that an unborn human individual will reach live birth. 1155

(6) Cardiac activity begins at a biologically identifiable 1156
moment in time, normally when the fetal heart is formed in the 1157
gestational sac. 1158

(7) The state of Ohio has legitimate interests from the 1159
outset of the pregnancy in protecting the health of the woman 1160
and the life of an unborn human individual who may be born. 1161

(8) In order to make an informed choice about whether to 1162
continue her pregnancy, the pregnant woman has a legitimate 1163
interest in knowing the likelihood of the fetus surviving to 1164
full-term birth based upon the presence of cardiac activity. 1165

(B) Sections 2919.192 to 2919.195 of the Revised Code 1166
apply only to intrauterine pregnancies. 1167

Sec. ~~2919.191~~ 2919.192. (A) A person who intends to 1168
perform or induce an abortion on a pregnant woman shall 1169
determine whether there is a detectable fetal heartbeat of the 1170
unborn human individual the pregnant woman is carrying. The 1171
method of determining the presence of a fetal heartbeat shall be 1172
consistent with the person's good faith understanding of 1173

standard medical practice, provided that if rules have been 1174
adopted under division ~~(C)~~ (B) of this section, the method 1175
chosen shall be one that is consistent with the rules. The 1176
person who determines the presence or absence of a fetal 1177
heartbeat shall record in the pregnant woman's medical record 1178
the estimated gestational age of the unborn human individual, 1179
the method used to test for a fetal heartbeat, the date and time 1180
of the test, and the results of the test. 1181

~~(B) (1) Except when a medical emergency exists that~~ 1182
~~prevents compliance with this division, no person shall perform~~ 1183
~~or induce an abortion on a pregnant woman prior to determining~~ 1184
~~if the unborn human individual the pregnant woman is carrying~~ 1185
~~has a detectable fetal heartbeat. Any person who performs or~~ 1186
~~induces an abortion on a pregnant woman based on the exception~~ 1187
~~in this division shall note in the pregnant woman's medical~~ 1188
~~records that a medical emergency necessitating the abortion~~ 1189
~~existed and shall also note the medical condition of the~~ 1190
~~pregnant woman that prevented compliance with this division. The~~ 1191
~~person shall maintain a copy of the notes described in this~~ 1192
~~division in the person's own records for at least seven years~~ 1193
~~after the notes are entered into the medical records.~~ 1194

~~(2)~~ The person who performs the examination for the 1195
presence of a fetal heartbeat shall give the pregnant woman the 1196
option to view or hear the fetal heartbeat. 1197

~~(C)~~ (B) The director of health may ~~promulgate~~ adopt rules 1198
pursuant to section 111.15 of the Revised Code specifying the 1199
appropriate methods of performing an examination for the purpose 1200
of determining the presence of a fetal heartbeat of an unborn 1201
individual based on standard medical practice. The rules shall 1202
require only that an examination shall be performed externally. 1203

~~(D)~~ (C) A person is not in violation of division (A) ~~or~~ ~~(B)~~ of this section if that person has performed an examination for the purpose of determining the presence of a fetal heartbeat ~~in the fetus of an unborn human individual~~ utilizing standard medical practice, that examination does not reveal a fetal heartbeat or the person has been informed by a physician who has performed the examination for a fetal heartbeat that the examination did not reveal a fetal heartbeat, and the person notes in the pregnant woman's medical records the procedure utilized to detect the presence of a fetal heartbeat.

~~(E) Except as provided in division (F) of this section, no person shall knowingly and purposefully perform or induce an abortion on a pregnant woman before determining in accordance with division (A) of this section whether the unborn human individual the pregnant woman is carrying has a detectable heartbeat. The failure of a person to satisfy the requirements of this section prior to performing or inducing an abortion on a pregnant woman may be the basis for either of the following:~~

~~(1) A civil action for compensatory and exemplary damages;~~

~~(2) Disciplinary action under section 4731.22 of the Revised Code.~~

~~(F) Division (E) of this section does not apply to a physician who performs or induces the abortion if the physician believes that a medical emergency exists that prevents compliance with that division.~~

~~(G) The director of health may determine and specify in rules adopted pursuant to section 111.15 of the Revised Code and based upon available medical evidence the statistical probability of bringing an unborn human individual to term based~~

~~on the gestational age of an unborn human individual who~~ 1233
~~possesses a detectable fetal heartbeat.~~ 1234

~~(H) A woman on whom an abortion is performed in violation~~ 1235
~~of division (B) of this section or division (B)(3) of section~~ 1236
~~2317.56 of the Revised Code may file a civil action for the~~ 1237
~~wrongful death of the woman's unborn child and may receive at~~ 1238
~~the mother's election at any time prior to final judgment~~ 1239
~~damages in an amount equal to ten thousand dollars or an amount~~ 1240
~~determined by the trier of fact after consideration of the~~ 1241
~~evidence subject to the same defenses and requirements of proof,~~ 1242
~~except any requirement of live birth, as would apply to a suit~~ 1243
~~for the wrongful death of a child who had been born alive.~~ 1244

Sec. 2919.193. (A) Except as provided in division (B) of 1245
this section, no person shall knowingly and purposefully perform 1246
or induce an abortion on a pregnant woman before determining in 1247
accordance with division (A) of section 2919.192 of the Revised 1248
Code whether the unborn human individual the pregnant woman is 1249
carrying has a detectable heartbeat. 1250

Whoever violates this division is guilty of performing or 1251
inducing an abortion before determining whether there is a 1252
detectable fetal heartbeat, a felony of the fifth degree. A 1253
violation of this division may also be the basis of either of 1254
the following: 1255

(1) A civil action for compensatory and exemplary damages; 1256

(2) Disciplinary action under section 4731.22 of the 1257
Revised Code. 1258

(B) Division (A) of this section does not apply to a 1259
physician who performs or induces the abortion if the physician 1260
believes that a medical emergency exists that prevents 1261

compliance with that division. 1262

(C) A physician who performs or induces an abortion on a 1263
pregnant woman based on the exception in division (B) of this 1264
section shall make written notations in the pregnant woman's 1265
medical records of both of the following: 1266

(1) The physician's belief that a medical emergency 1267
necessitating the abortion existed; 1268

(2) The medical condition of the pregnant woman that 1269
assertedly prevented compliance with division (A) of this 1270
section. 1271

For at least seven years from the date the notations are 1272
made, the physician shall maintain in the physician's own 1273
records a copy of the notations. 1274

(D) A person is not in violation of division (A) of this 1275
section if the person acts in accordance with division (A) of 1276
section 2919.192 of the Revised Code and the method used to 1277
determine the presence of a fetal heartbeat does not reveal a 1278
fetal heartbeat. 1279

Sec. ~~2919.192~~ 2919.194. (A) If a person who intends to 1280
perform or induce an abortion on a pregnant woman has 1281
determined, under section ~~2919.191~~ 2919.192 of the Revised Code, 1282
that the unborn human individual the pregnant woman is carrying 1283
has a detectable heartbeat, the person shall not, except as 1284
provided in division (B) of this section, perform or induce the 1285
abortion until all of the following requirements have been met 1286
and at least twenty-four hours have elapsed after the last of 1287
the requirements is met: 1288

(1) The person intending to perform or induce the abortion 1289
shall inform the pregnant woman in writing that the unborn human 1290

individual the pregnant woman is carrying has a fetal heartbeat. 1291

(2) The person intending to perform or induce the abortion 1292
shall inform the pregnant woman, to the best of the person's 1293
knowledge, of the statistical probability of bringing the unborn 1294
human individual possessing a detectable fetal heartbeat to term 1295
based on the gestational age of the unborn human individual or, 1296
if the director of health has specified statistical probability 1297
information pursuant to rules adopted under division (C) of this 1298
section, shall provide to the pregnant woman that information. 1299

(3) The pregnant woman shall sign a form acknowledging 1300
that the pregnant woman has received information from the person 1301
intending to perform or induce the abortion that the unborn 1302
human individual the pregnant woman is carrying has a fetal 1303
heartbeat and that the pregnant woman is aware of the 1304
statistical probability of bringing the unborn human individual 1305
the pregnant woman is carrying to term. 1306

(B) Division (A) of this section does not apply if the 1307
person who intends to perform or induce the abortion believes 1308
that a medical emergency exists that prevents compliance with 1309
that division. 1310

(C) The director of health may adopt rules that specify 1311
information regarding the statistical probability of bringing an 1312
unborn human individual possessing a detectable heartbeat to 1313
term based on the gestational age of the unborn human 1314
individual. The rules shall be based on available medical 1315
evidence and shall be adopted in accordance with section 111.15 1316
of the Revised Code. 1317

(D) This section does not have the effect of repealing or 1318
limiting any other provision of the Revised Code relating to 1319

informed consent for an abortion, including the provisions in 1320
section 2317.56 of the Revised Code. 1321

(E) Whoever violates division (A) of this section is 1322
guilty of performing or inducing an abortion without informed 1323
consent when there is a detectable fetal heartbeat, a 1324
misdemeanor of the first degree on a first offense and a felony 1325
of the fourth degree on each subsequent offense. 1326

Sec. 2919.195. (A) Except as provided in division (B) of 1327
this section, no person shall knowingly and purposefully perform 1328
or induce an abortion on a pregnant woman with the specific 1329
intent of causing or abetting the termination of the life of the 1330
unborn human individual the pregnant woman is carrying and whose 1331
fetal heartbeat has been detected in accordance with division 1332
(A) of section 2919.192 of the Revised Code. 1333

Whoever violates this division is guilty of performing or 1334
inducing an abortion after the detection of a fetal heartbeat, a 1335
felony of the fifth degree. 1336

(B) Division (A) of this section does not apply to a 1337
physician who performs a medical procedure that, in the 1338
physician's reasonable medical judgment, is designed or intended 1339
to prevent the death of the pregnant woman or to prevent a 1340
serious risk of the substantial and irreversible impairment of a 1341
major bodily function of the pregnant woman. 1342

A physician who performs a medical procedure as described 1343
in this division shall declare, in a written document, that the 1344
medical procedure is necessary, to the best of the physician's 1345
reasonable medical judgment, to prevent the death of the 1346
pregnant woman or to prevent a serious risk of the substantial 1347
and irreversible impairment of a major bodily function of the 1348

pregnant woman. In the document, the physician shall specify the 1349
pregnant woman's medical condition that the medical procedure is 1350
asserted to address and the medical rationale for the 1351
physician's conclusion that the medical procedure is necessary 1352
to prevent the death of the pregnant woman or to prevent a 1353
serious risk of the substantial and irreversible impairment of a 1354
major bodily function of the pregnant woman. 1355

A physician who performs a medical procedure as described 1356
in this division shall place the written document required by 1357
this division in the pregnant woman's medical records. The 1358
physician shall maintain a copy of the document in the 1359
physician's own records for at least seven years from the date 1360
the document is created. 1361

(C) A person is not in violation of division (A) of this 1362
section if the person acts in accordance with division (A) of 1363
section 2919.192 of the Revised Code and the method used to 1364
determine the presence of a fetal heartbeat does not reveal a 1365
fetal heartbeat. 1366

(D) Division (A) of this section does not have the effect 1367
of repealing or limiting any other provision of the Revised Code 1368
that restricts or regulates the performance or inducement of an 1369
abortion by a particular method or during a particular stage of 1370
a pregnancy. 1371

Sec. 2919.196. (A) A person who performs or induces an 1372
abortion on a pregnant woman shall do whichever of the following 1373
is applicable: 1374

(1) If the reason for the abortion purportedly is to 1375
preserve the health of the pregnant woman, the person shall 1376
specify in a written document the medical condition that the 1377

abortion is asserted to address and the medical rationale for 1378
the person's conclusion that the abortion is necessary to 1379
address that condition. 1380

(2) If the reason for the abortion is other than to 1381
preserve the health of the pregnant woman, the person shall 1382
specify in a written document that maternal health is not the 1383
purpose of the abortion. 1384

(B) The person who specifies the information in the 1385
document described in division (A) of this section shall place 1386
the document in the pregnant woman's medical records. The person 1387
who specifies the information shall maintain a copy of the 1388
document in the person's own records for at least seven years 1389
from the date the document is created. 1390

Sec. 2919.197. Nothing in sections 2919.19 to 2919.196 of 1391
the Revised Code prohibits the sale, use, prescription, or 1392
administration of a drug, device, or chemical that is designed 1393
for contraceptive purposes. 1394

Sec. 2919.193 2919.198. A pregnant woman on whom an 1395
abortion is performed or induced in violation of section 1396
~~2919.191 or 2919.192~~ 2919.193, 2919.194, 2919.195 of the Revised 1397
Code is not guilty of violating any of those sections; is not 1398
guilty of attempting to commit, conspiring to commit, or 1399
complicity in committing a violation of any of those sections; 1400
and is not subject to a civil penalty based on the abortion 1401
being performed or induced in violation of any of those 1402
sections. 1403

Sec. 2919.199. (A) A woman who meets either or both of the 1404
following criteria may file a civil action for the wrongful 1405
death of her unborn child: 1406

(1) A woman on whom an abortion was performed or induced 1407
in violation of division (A) of section 2919.193 or division (A) 1408
of section 2919.195 of the Revised Code; 1409

(2) A woman on whom an abortion was performed or induced 1410
who was not given the information described in divisions (A)(1) 1411
and (2) of section 2919.194 of the Revised Code or who did not 1412
sign a form described in division (A)(3) of section 2919.194 of 1413
the Revised Code. 1414

(B) A woman who prevails in an action filed under division 1415
(A) of this section shall receive both of the following from the 1416
person who committed the one or more acts described in division 1417
(A)(1) or (2) of this section: 1418

(1) Damages in an amount equal to ten thousand dollars or 1419
an amount determined by the trier of fact after consideration of 1420
the evidence at the mother's election at any time prior to final 1421
judgment subject to the same defenses and requirements of proof, 1422
except any requirement of live birth, as would apply to a suit 1423
for the wrongful death of a child who had been born alive; 1424

(2) Court costs and reasonable attorney's fees. 1425

(C) A determination that division (A) of section 2919.193 1426
of the Revised Code, division (A)(1), (2), or (3) of section 1427
2919.194 of the Revised Code, or division (A) of section 1428
2919.195 of the Revised Code is unconstitutional shall be a 1429
defense to an action filed under division (A) of this section 1430
alleging that the defendant violated the division that was 1431
determined to be unconstitutional. 1432

(D) If the defendant in an action filed under division (A) 1433
of this section prevails and all of the following apply the 1434
court shall award reasonable attorney's fees to the defendant in 1435

accordance with section 2323.51 of the Revised Code: 1436

(1) The court finds that the commencement of the action 1437
constitutes frivolous conduct, as defined in section 2323.51 of 1438
the Revised Code. 1439

(2) The court's finding in division (D)(1) of this section 1440
is not based on that court or another court determining that 1441
division (A) of section 2919.193 of the Revised Code, division 1442
(A)(1), (2), or (3) of section 2919.194 of the Revised Code, or 1443
division (A) of section 2919.195 of the Revised Code is 1444
unconstitutional. 1445

(3) The court finds that the defendant was adversely 1446
affected by the frivolous conduct. 1447

Sec. 2919.1910. (A) It is the intent of the general 1448
assembly that women whose pregnancies are protected under 1449
division (A) of section 2919.195 of the Revised Code be informed 1450
of available options for adoption. 1451

(B) In furtherance of the intent expressed in division (A) 1452
of this section, there is hereby created the joint legislative 1453
committee on adoption promotion and support. The committee may 1454
review or study any matter that it considers relevant to the 1455
adoption process in this state, with priority given to the study 1456
or review of mechanisms intended to increase awareness of the 1457
process, increase its effectiveness, or both. 1458

(C) The committee shall consist of three members of the 1459
house of representatives appointed by the speaker of the house 1460
of representatives and three members of the senate appointed by 1461
the president of the senate. Not more than two members appointed 1462
by the speaker of the house of representatives and not more than 1463
two members appointed by the president of the senate may be of 1464

the same political party.

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Each member of the committee shall hold office during the
general assembly in which the member is appointed and until a
successor has been appointed, notwithstanding the adjournment
sine die of the general assembly in which the member was
appointed or the expiration of the member's term as a member of
the general assembly. Any vacancies occurring among the members
of the committee shall be filled in the manner of the original
appointment.

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(D) The committee has the same powers as other standing or
select committees of the general assembly.

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Sec. 2919.1911. The department of health shall inspect the
medical records from any facility that performs abortions to
ensure that the physicians or other persons who perform
abortions at that facility are in compliance with the reporting
requirements under section 2919.171 of the Revised Code. The
facility shall make the medical records available for inspection
to the department of health but shall not release any personal
medical information in the medical records that is prohibited by
law.

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Sec. 3701.701. (A) (1) Notwithstanding section 3701.243 and
any other section of the Revised Code pertaining to
confidentiality, any individual, public children services
agency, private child placing agency, or agency that provides
services specifically to individuals or families, law
enforcement agency, or other public or private entity that
provided services to a child whose death is being reviewed by
the director of health pursuant to guidelines established under
section 3701.70 of the Revised Code, on the request of the
director, shall submit to the director a summary sheet of

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information. 1495

(a) With respect to a request made to a health care 1496
entity, the summary sheet shall contain only information 1497
available and reasonably drawn from the child's medical record 1498
created by the health care entity. 1499

(b) With respect to a request made to any other individual 1500
or entity, the summary sheet shall contain only information 1501
available and reasonably drawn from any record involving the 1502
child that the individual or entity develops in the normal 1503
course of business. 1504

(c) On the request of the director, an individual or 1505
entity may, at the individual's or entity's discretion, make any 1506
additional information, documents, or reports available to the 1507
director. 1508

(2) Notwithstanding section 3701.243 and any other section 1509
of the Revised Code pertaining to confidentiality, in the case 1510
of a child one year of age or younger whose death is being 1511
reviewed by the director, on the request of the director, a 1512
health care entity that provided services to the child's mother 1513
shall submit to the director a summary sheet of information 1514
available and reasonably drawn from the mother's medical record 1515
created by the health care entity. Before submitting the summary 1516
sheet, the health care entity shall attempt to obtain the 1517
mother's consent to do so, but lack of consent shall not 1518
preclude the entity from submitting the summary sheet. 1519

(3) For purposes of the review, the director shall have 1520
access to confidential information provided to the director 1521
under this section or division ~~(H)~~(I)(4) of section 2151.421 of 1522
the Revised Code, and the director shall preserve the 1523

confidentiality of that information. 1524

(B) Notwithstanding division (A) of this section, no 1525
person, entity, law enforcement agency, or prosecuting attorney 1526
shall provide any information regarding the death of a child to 1527
the director pursuant to guidelines established under section 1528
3701.70 of the Revised Code while an investigation of the death 1529
or prosecution of a person for causing the death is pending, 1530
unless the prosecuting attorney agrees to allow the review. 1531

Sec. 4731.22. (A) The state medical board, by an 1532
affirmative vote of not fewer than six of its members, may 1533
limit, revoke, or suspend an individual's certificate to 1534
practice or certificate to recommend, refuse to grant a 1535
certificate to an individual, refuse to renew a certificate, 1536
refuse to reinstate a certificate, or reprimand or place on 1537
probation the holder of a certificate if the individual or 1538
certificate holder is found by the board to have committed fraud 1539
during the administration of the examination for a certificate 1540
to practice or to have committed fraud, misrepresentation, or 1541
deception in applying for, renewing, or securing any certificate 1542
to practice or certificate to recommend issued by the board. 1543

(B) The board, by an affirmative vote of not fewer than 1544
six members, shall, to the extent permitted by law, limit, 1545
revoke, or suspend an individual's certificate to practice or 1546
certificate to recommend, refuse to issue a certificate to an 1547
individual, refuse to renew a certificate, refuse to reinstate a 1548
certificate, or reprimand or place on probation the holder of a 1549
certificate for one or more of the following reasons: 1550

(1) Permitting one's name or one's certificate to practice 1551
to be used by a person, group, or corporation when the 1552
individual concerned is not actually directing the treatment 1553

given; 1554

(2) Failure to maintain minimal standards applicable to 1555
the selection or administration of drugs, or failure to employ 1556
acceptable scientific methods in the selection of drugs or other 1557
modalities for treatment of disease; 1558

(3) Selling, giving away, personally furnishing, 1559
prescribing, or administering drugs for other than legal and 1560
legitimate therapeutic purposes or a plea of guilty to, a 1561
judicial finding of guilt of, or a judicial finding of 1562
eligibility for intervention in lieu of conviction of, a 1563
violation of any federal or state law regulating the possession, 1564
distribution, or use of any drug; 1565

(4) Willfully betraying a professional confidence. 1566

For purposes of this division, "willfully betraying a 1567
professional confidence" does not include providing any 1568
information, documents, or reports under sections 307.621 to 1569
307.629 of the Revised Code to a child fatality review board; 1570
does not include providing any information, documents, or 1571
reports to the director of health pursuant to guidelines 1572
established under section 3701.70 of the Revised Code; does not 1573
include written notice to a mental health professional under 1574
section 4731.62 of the Revised Code; and does not include the 1575
making of a report of an employee's use of a drug of abuse, or a 1576
report of a condition of an employee other than one involving 1577
the use of a drug of abuse, to the employer of the employee as 1578
described in division (B) of section 2305.33 of the Revised 1579
Code. Nothing in this division affects the immunity from civil 1580
liability conferred by section 2305.33 or 4731.62 of the Revised 1581
Code upon a physician who makes a report in accordance with 1582
section 2305.33 or notifies a mental health professional in 1583

accordance with section 4731.62 of the Revised Code. As used in 1584
this division, "employee," "employer," and "physician" have the 1585
same meanings as in section 2305.33 of the Revised Code. 1586

(5) Making a false, fraudulent, deceptive, or misleading 1587
statement in the solicitation of or advertising for patients; in 1588
relation to the practice of medicine and surgery, osteopathic 1589
medicine and surgery, podiatric medicine and surgery, or a 1590
limited branch of medicine; or in securing or attempting to 1591
secure any certificate to practice issued by the board. 1592

As used in this division, "false, fraudulent, deceptive, 1593
or misleading statement" means a statement that includes a 1594
misrepresentation of fact, is likely to mislead or deceive 1595
because of a failure to disclose material facts, is intended or 1596
is likely to create false or unjustified expectations of 1597
favorable results, or includes representations or implications 1598
that in reasonable probability will cause an ordinarily prudent 1599
person to misunderstand or be deceived. 1600

(6) A departure from, or the failure to conform to, 1601
minimal standards of care of similar practitioners under the 1602
same or similar circumstances, whether or not actual injury to a 1603
patient is established; 1604

(7) Representing, with the purpose of obtaining 1605
compensation or other advantage as personal gain or for any 1606
other person, that an incurable disease or injury, or other 1607
incurable condition, can be permanently cured; 1608

(8) The obtaining of, or attempting to obtain, money or 1609
anything of value by fraudulent misrepresentations in the course 1610
of practice; 1611

(9) A plea of guilty to, a judicial finding of guilt of, 1612

or a judicial finding of eligibility for intervention in lieu of 1613
conviction for, a felony; 1614

(10) Commission of an act that constitutes a felony in 1615
this state, regardless of the jurisdiction in which the act was 1616
committed; 1617

(11) A plea of guilty to, a judicial finding of guilt of, 1618
or a judicial finding of eligibility for intervention in lieu of 1619
conviction for, a misdemeanor committed in the course of 1620
practice; 1621

(12) Commission of an act in the course of practice that 1622
constitutes a misdemeanor in this state, regardless of the 1623
jurisdiction in which the act was committed; 1624

(13) A plea of guilty to, a judicial finding of guilt of, 1625
or a judicial finding of eligibility for intervention in lieu of 1626
conviction for, a misdemeanor involving moral turpitude; 1627

(14) Commission of an act involving moral turpitude that 1628
constitutes a misdemeanor in this state, regardless of the 1629
jurisdiction in which the act was committed; 1630

(15) Violation of the conditions of limitation placed by 1631
the board upon a certificate to practice; 1632

(16) Failure to pay license renewal fees specified in this 1633
chapter; 1634

(17) Except as authorized in section 4731.31 of the 1635
Revised Code, engaging in the division of fees for referral of 1636
patients, or the receiving of a thing of value in return for a 1637
specific referral of a patient to utilize a particular service 1638
or business; 1639

(18) Subject to section 4731.226 of the Revised Code, 1640

violation of any provision of a code of ethics of the American 1641
medical association, the American osteopathic association, the 1642
American podiatric medical association, or any other national 1643
professional organizations that the board specifies by rule. The 1644
state medical board shall obtain and keep on file current copies 1645
of the codes of ethics of the various national professional 1646
organizations. The individual whose certificate is being 1647
suspended or revoked shall not be found to have violated any 1648
provision of a code of ethics of an organization not appropriate 1649
to the individual's profession. 1650

For purposes of this division, a "provision of a code of 1651
ethics of a national professional organization" does not include 1652
any provision that would preclude the making of a report by a 1653
physician of an employee's use of a drug of abuse, or of a 1654
condition of an employee other than one involving the use of a 1655
drug of abuse, to the employer of the employee as described in 1656
division (B) of section 2305.33 of the Revised Code. Nothing in 1657
this division affects the immunity from civil liability 1658
conferred by that section upon a physician who makes either type 1659
of report in accordance with division (B) of that section. As 1660
used in this division, "employee," "employer," and "physician" 1661
have the same meanings as in section 2305.33 of the Revised 1662
Code. 1663

(19) Inability to practice according to acceptable and 1664
prevailing standards of care by reason of mental illness or 1665
physical illness, including, but not limited to, physical 1666
deterioration that adversely affects cognitive, motor, or 1667
perceptive skills. 1668

In enforcing this division, the board, upon a showing of a 1669
possible violation, may compel any individual authorized to 1670

practice by this chapter or who has submitted an application 1671
pursuant to this chapter to submit to a mental examination, 1672
physical examination, including an HIV test, or both a mental 1673
and a physical examination. The expense of the examination is 1674
the responsibility of the individual compelled to be examined. 1675
Failure to submit to a mental or physical examination or consent 1676
to an HIV test ordered by the board constitutes an admission of 1677
the allegations against the individual unless the failure is due 1678
to circumstances beyond the individual's control, and a default 1679
and final order may be entered without the taking of testimony 1680
or presentation of evidence. If the board finds an individual 1681
unable to practice because of the reasons set forth in this 1682
division, the board shall require the individual to submit to 1683
care, counseling, or treatment by physicians approved or 1684
designated by the board, as a condition for initial, continued, 1685
reinstated, or renewed authority to practice. An individual 1686
affected under this division shall be afforded an opportunity to 1687
demonstrate to the board the ability to resume practice in 1688
compliance with acceptable and prevailing standards under the 1689
provisions of the individual's certificate. For the purpose of 1690
this division, any individual who applies for or receives a 1691
certificate to practice under this chapter accepts the privilege 1692
of practicing in this state and, by so doing, shall be deemed to 1693
have given consent to submit to a mental or physical examination 1694
when directed to do so in writing by the board, and to have 1695
waived all objections to the admissibility of testimony or 1696
examination reports that constitute a privileged communication. 1697

(20) Except when civil penalties are imposed under section 1698
4731.225 or 4731.282 of the Revised Code, and subject to section 1699
4731.226 of the Revised Code, violating or attempting to 1700
violate, directly or indirectly, or assisting in or abetting the 1701

violation of, or conspiring to violate, any provisions of this 1702
chapter or any rule promulgated by the board. 1703

This division does not apply to a violation or attempted 1704
violation of, assisting in or abetting the violation of, or a 1705
conspiracy to violate, any provision of this chapter or any rule 1706
adopted by the board that would preclude the making of a report 1707
by a physician of an employee's use of a drug of abuse, or of a 1708
condition of an employee other than one involving the use of a 1709
drug of abuse, to the employer of the employee as described in 1710
division (B) of section 2305.33 of the Revised Code. Nothing in 1711
this division affects the immunity from civil liability 1712
conferred by that section upon a physician who makes either type 1713
of report in accordance with division (B) of that section. As 1714
used in this division, "employee," "employer," and "physician" 1715
have the same meanings as in section 2305.33 of the Revised 1716
Code. 1717

(21) The violation of section 3701.79 of the Revised Code 1718
or of any abortion rule adopted by the director of health 1719
pursuant to section 3701.341 of the Revised Code; 1720

(22) Any of the following actions taken by an agency 1721
responsible for authorizing, certifying, or regulating an 1722
individual to practice a health care occupation or provide 1723
health care services in this state or another jurisdiction, for 1724
any reason other than the nonpayment of fees: the limitation, 1725
revocation, or suspension of an individual's license to 1726
practice; acceptance of an individual's license surrender; 1727
denial of a license; refusal to renew or reinstate a license; 1728
imposition of probation; or issuance of an order of censure or 1729
other reprimand; 1730

(23) The violation of section 2919.12 of the Revised Code 1731

or the performance or inducement of an abortion upon a pregnant 1732
woman with actual knowledge that the conditions specified in 1733
division (B) of section 2317.56 of the Revised Code have not 1734
been satisfied or with a heedless indifference as to whether 1735
those conditions have been satisfied, unless an affirmative 1736
defense as specified in division (H)(2) of that section would 1737
apply in a civil action authorized by division (H)(1) of that 1738
section; 1739

(24) The revocation, suspension, restriction, reduction, 1740
or termination of clinical privileges by the United States 1741
department of defense or department of veterans affairs or the 1742
termination or suspension of a certificate of registration to 1743
prescribe drugs by the drug enforcement administration of the 1744
United States department of justice; 1745

(25) Termination or suspension from participation in the 1746
medicare or medicaid programs by the department of health and 1747
human services or other responsible agency for any act or acts 1748
that also would constitute a violation of division (B)(2), (3), 1749
(6), (8), or (19) of this section; 1750

(26) Impairment of ability to practice according to 1751
acceptable and prevailing standards of care because of habitual 1752
or excessive use or abuse of drugs, alcohol, or other substances 1753
that impair ability to practice. 1754

For the purposes of this division, any individual 1755
authorized to practice by this chapter accepts the privilege of 1756
practicing in this state subject to supervision by the board. By 1757
filing an application for or holding a certificate to practice 1758
under this chapter, an individual shall be deemed to have given 1759
consent to submit to a mental or physical examination when 1760
ordered to do so by the board in writing, and to have waived all 1761

objections to the admissibility of testimony or examination 1762
reports that constitute privileged communications. 1763

If it has reason to believe that any individual authorized 1764
to practice by this chapter or any applicant for certification 1765
to practice suffers such impairment, the board may compel the 1766
individual to submit to a mental or physical examination, or 1767
both. The expense of the examination is the responsibility of 1768
the individual compelled to be examined. Any mental or physical 1769
examination required under this division shall be undertaken by 1770
a treatment provider or physician who is qualified to conduct 1771
the examination and who is chosen by the board. 1772

Failure to submit to a mental or physical examination 1773
ordered by the board constitutes an admission of the allegations 1774
against the individual unless the failure is due to 1775
circumstances beyond the individual's control, and a default and 1776
final order may be entered without the taking of testimony or 1777
presentation of evidence. If the board determines that the 1778
individual's ability to practice is impaired, the board shall 1779
suspend the individual's certificate or deny the individual's 1780
application and shall require the individual, as a condition for 1781
initial, continued, reinstated, or renewed certification to 1782
practice, to submit to treatment. 1783

Before being eligible to apply for reinstatement of a 1784
certificate suspended under this division, the impaired 1785
practitioner shall demonstrate to the board the ability to 1786
resume practice in compliance with acceptable and prevailing 1787
standards of care under the provisions of the practitioner's 1788
certificate. The demonstration shall include, but shall not be 1789
limited to, the following: 1790

(a) Certification from a treatment provider approved under 1791

section 4731.25 of the Revised Code that the individual has 1792
successfully completed any required inpatient treatment; 1793

(b) Evidence of continuing full compliance with an 1794
aftercare contract or consent agreement; 1795

(c) Two written reports indicating that the individual's 1796
ability to practice has been assessed and that the individual 1797
has been found capable of practicing according to acceptable and 1798
prevailing standards of care. The reports shall be made by 1799
individuals or providers approved by the board for making the 1800
assessments and shall describe the basis for their 1801
determination. 1802

The board may reinstate a certificate suspended under this 1803
division after that demonstration and after the individual has 1804
entered into a written consent agreement. 1805

When the impaired practitioner resumes practice, the board 1806
shall require continued monitoring of the individual. The 1807
monitoring shall include, but not be limited to, compliance with 1808
the written consent agreement entered into before reinstatement 1809
or with conditions imposed by board order after a hearing, and, 1810
upon termination of the consent agreement, submission to the 1811
board for at least two years of annual written progress reports 1812
made under penalty of perjury stating whether the individual has 1813
maintained sobriety. 1814

(27) A second or subsequent violation of section 4731.66 1815
or 4731.69 of the Revised Code; 1816

(28) Except as provided in division (N) of this section: 1817

(a) Waiving the payment of all or any part of a deductible 1818
or copayment that a patient, pursuant to a health insurance or 1819
health care policy, contract, or plan that covers the 1820

individual's services, otherwise would be required to pay if the 1821
waiver is used as an enticement to a patient or group of 1822
patients to receive health care services from that individual; 1823

(b) Advertising that the individual will waive the payment 1824
of all or any part of a deductible or copayment that a patient, 1825
pursuant to a health insurance or health care policy, contract, 1826
or plan that covers the individual's services, otherwise would 1827
be required to pay. 1828

(29) Failure to use universal blood and body fluid 1829
precautions established by rules adopted under section 4731.051 1830
of the Revised Code; 1831

(30) Failure to provide notice to, and receive 1832
acknowledgment of the notice from, a patient when required by 1833
section 4731.143 of the Revised Code prior to providing 1834
nonemergency professional services, or failure to maintain that 1835
notice in the patient's file; 1836

(31) Failure of a physician supervising a physician 1837
assistant to maintain supervision in accordance with the 1838
requirements of Chapter 4730. of the Revised Code and the rules 1839
adopted under that chapter; 1840

(32) Failure of a physician or podiatrist to enter into a 1841
standard care arrangement with a clinical nurse specialist, 1842
certified nurse-midwife, or certified nurse practitioner with 1843
whom the physician or podiatrist is in collaboration pursuant to 1844
section 4731.27 of the Revised Code or failure to fulfill the 1845
responsibilities of collaboration after entering into a standard 1846
care arrangement; 1847

(33) Failure to comply with the terms of a consult 1848
agreement entered into with a pharmacist pursuant to section 1849

4729.39 of the Revised Code; 1850

(34) Failure to cooperate in an investigation conducted by 1851
the board under division (F) of this section, including failure 1852
to comply with a subpoena or order issued by the board or 1853
failure to answer truthfully a question presented by the board 1854
in an investigative interview, an investigative office 1855
conference, at a deposition, or in written interrogatories, 1856
except that failure to cooperate with an investigation shall not 1857
constitute grounds for discipline under this section if a court 1858
of competent jurisdiction has issued an order that either 1859
quashes a subpoena or permits the individual to withhold the 1860
testimony or evidence in issue; 1861

(35) Failure to supervise an oriental medicine 1862
practitioner or acupuncturist in accordance with Chapter 4762. 1863
of the Revised Code and the board's rules for providing that 1864
supervision; 1865

(36) Failure to supervise an anesthesiologist assistant in 1866
accordance with Chapter 4760. of the Revised Code and the 1867
board's rules for supervision of an anesthesiologist assistant; 1868

(37) Assisting suicide, as defined in section 3795.01 of 1869
the Revised Code; 1870

(38) Failure to comply with the requirements of section 1871
2317.561 of the Revised Code; 1872

(39) Failure to supervise a radiologist assistant in 1873
accordance with Chapter 4774. of the Revised Code and the 1874
board's rules for supervision of radiologist assistants; 1875

(40) Performing or inducing an abortion at an office or 1876
facility with knowledge that the office or facility fails to 1877
post the notice required under section 3701.791 of the Revised 1878

Code; 1879

(41) Failure to comply with the standards and procedures 1880
established in rules under section 4731.054 of the Revised Code 1881
for the operation of or the provision of care at a pain 1882
management clinic; 1883

(42) Failure to comply with the standards and procedures 1884
established in rules under section 4731.054 of the Revised Code 1885
for providing supervision, direction, and control of individuals 1886
at a pain management clinic; 1887

(43) Failure to comply with the requirements of section 1888
4729.79 or 4731.055 of the Revised Code, unless the state board 1889
of pharmacy no longer maintains a drug database pursuant to 1890
section 4729.75 of the Revised Code; 1891

(44) Failure to comply with the requirements of section 1892
2919.171 of the Revised Code or failure to submit to the 1893
department of health in accordance with a court order a complete 1894
report as described in section 2919.171 of the Revised Code; 1895

(45) Practicing at a facility that is subject to licensure 1896
as a category III terminal distributor of dangerous drugs with a 1897
pain management clinic classification unless the person 1898
operating the facility has obtained and maintains the license 1899
with the classification; 1900

(46) Owning a facility that is subject to licensure as a 1901
category III terminal distributor of dangerous drugs with a pain 1902
management clinic classification unless the facility is licensed 1903
with the classification; 1904

(47) Failure to comply with any of the ~~requirement~~ 1905
requirements regarding making or maintaining ~~notes~~ medical 1906
records or documents described in division ~~(B) of section~~ 1907

~~2919.191 (A) of section 2919.192, division (c) of section 1908~~
~~2919.193, division (B) of section 2919.195, or division (A) of 1909~~
~~section 2919.196 of the Revised Code or failure to satisfy the 1910~~
~~requirements of section 2919.191 of the Revised Code prior to 1911~~
~~performing or inducing an abortion upon a pregnant woman; 1912~~

(48) Failure to comply with the requirements in section 1913
3719.061 of the Revised Code before issuing for a minor a 1914
prescription for an opioid analgesic, as defined in section 1915
3719.01 of the Revised Code; 1916

(49) Failure to comply with the requirements of section 1917
4731.30 of the Revised Code or rules adopted under section 1918
4731.301 of the Revised Code when recommending treatment with 1919
medical marijuana. 1920

(C) Disciplinary actions taken by the board under 1921
divisions (A) and (B) of this section shall be taken pursuant to 1922
an adjudication under Chapter 119. of the Revised Code, except 1923
that in lieu of an adjudication, the board may enter into a 1924
consent agreement with an individual to resolve an allegation of 1925
a violation of this chapter or any rule adopted under it. A 1926
consent agreement, when ratified by an affirmative vote of not 1927
fewer than six members of the board, shall constitute the 1928
findings and order of the board with respect to the matter 1929
addressed in the agreement. If the board refuses to ratify a 1930
consent agreement, the admissions and findings contained in the 1931
consent agreement shall be of no force or effect. 1932

A telephone conference call may be utilized for 1933
ratification of a consent agreement that revokes or suspends an 1934
individual's certificate to practice or certificate to 1935
recommend. The telephone conference call shall be considered a 1936
special meeting under division (F) of section 121.22 of the 1937

Revised Code. 1938

If the board takes disciplinary action against an 1939
individual under division (B) of this section for a second or 1940
subsequent plea of guilty to, or judicial finding of guilt of, a 1941
violation of section 2919.123 of the Revised Code, the 1942
disciplinary action shall consist of a suspension of the 1943
individual's certificate to practice for a period of at least 1944
one year or, if determined appropriate by the board, a more 1945
serious sanction involving the individual's certificate to 1946
practice. Any consent agreement entered into under this division 1947
with an individual that pertains to a second or subsequent plea 1948
of guilty to, or judicial finding of guilt of, a violation of 1949
that section shall provide for a suspension of the individual's 1950
certificate to practice for a period of at least one year or, if 1951
determined appropriate by the board, a more serious sanction 1952
involving the individual's certificate to practice. 1953

(D) For purposes of divisions (B)(10), (12), and (14) of 1954
this section, the commission of the act may be established by a 1955
finding by the board, pursuant to an adjudication under Chapter 1956
119. of the Revised Code, that the individual committed the act. 1957
The board does not have jurisdiction under those divisions if 1958
the trial court renders a final judgment in the individual's 1959
favor and that judgment is based upon an adjudication on the 1960
merits. The board has jurisdiction under those divisions if the 1961
trial court issues an order of dismissal upon technical or 1962
procedural grounds. 1963

(E) The sealing of conviction records by any court shall 1964
have no effect upon a prior board order entered under this 1965
section or upon the board's jurisdiction to take action under 1966
this section if, based upon a plea of guilty, a judicial finding 1967

of guilt, or a judicial finding of eligibility for intervention 1968
in lieu of conviction, the board issued a notice of opportunity 1969
for a hearing prior to the court's order to seal the records. 1970
The board shall not be required to seal, destroy, redact, or 1971
otherwise modify its records to reflect the court's sealing of 1972
conviction records. 1973

(F) (1) The board shall investigate evidence that appears 1974
to show that a person has violated any provision of this chapter 1975
or any rule adopted under it. Any person may report to the board 1976
in a signed writing any information that the person may have 1977
that appears to show a violation of any provision of this 1978
chapter or any rule adopted under it. In the absence of bad 1979
faith, any person who reports information of that nature or who 1980
testifies before the board in any adjudication conducted under 1981
Chapter 119. of the Revised Code shall not be liable in damages 1982
in a civil action as a result of the report or testimony. Each 1983
complaint or allegation of a violation received by the board 1984
shall be assigned a case number and shall be recorded by the 1985
board. 1986

(2) Investigations of alleged violations of this chapter 1987
or any rule adopted under it shall be supervised by the 1988
supervising member elected by the board in accordance with 1989
section 4731.02 of the Revised Code and by the secretary as 1990
provided in section 4731.39 of the Revised Code. The president 1991
may designate another member of the board to supervise the 1992
investigation in place of the supervising member. No member of 1993
the board who supervises the investigation of a case shall 1994
participate in further adjudication of the case. 1995

(3) In investigating a possible violation of this chapter 1996
or any rule adopted under this chapter, or in conducting an 1997

inspection under division (E) of section 4731.054 of the Revised 1998
Code, the board may question witnesses, conduct interviews, 1999
administer oaths, order the taking of depositions, inspect and 2000
copy any books, accounts, papers, records, or documents, issue 2001
subpoenas, and compel the attendance of witnesses and production 2002
of books, accounts, papers, records, documents, and testimony, 2003
except that a subpoena for patient record information shall not 2004
be issued without consultation with the attorney general's 2005
office and approval of the secretary and supervising member of 2006
the board. 2007

(a) Before issuance of a subpoena for patient record 2008
information, the secretary and supervising member shall 2009
determine whether there is probable cause to believe that the 2010
complaint filed alleges a violation of this chapter or any rule 2011
adopted under it and that the records sought are relevant to the 2012
alleged violation and material to the investigation. The 2013
subpoena may apply only to records that cover a reasonable 2014
period of time surrounding the alleged violation. 2015

(b) On failure to comply with any subpoena issued by the 2016
board and after reasonable notice to the person being 2017
subpoenaed, the board may move for an order compelling the 2018
production of persons or records pursuant to the Rules of Civil 2019
Procedure. 2020

(c) A subpoena issued by the board may be served by a 2021
sheriff, the sheriff's deputy, or a board employee designated by 2022
the board. Service of a subpoena issued by the board may be made 2023
by delivering a copy of the subpoena to the person named 2024
therein, reading it to the person, or leaving it at the person's 2025
usual place of residence, usual place of business, or address on 2026
file with the board. When serving a subpoena to an applicant for 2027

or the holder of a certificate issued under this chapter, 2028
service of the subpoena may be made by certified mail, return 2029
receipt requested, and the subpoena shall be deemed served on 2030
the date delivery is made or the date the person refuses to 2031
accept delivery. If the person being served refuses to accept 2032
the subpoena or is not located, service may be made to an 2033
attorney who notifies the board that the attorney is 2034
representing the person. 2035

(d) A sheriff's deputy who serves a subpoena shall receive 2036
the same fees as a sheriff. Each witness who appears before the 2037
board in obedience to a subpoena shall receive the fees and 2038
mileage provided for under section 119.094 of the Revised Code. 2039

(4) All hearings, investigations, and inspections of the 2040
board shall be considered civil actions for the purposes of 2041
section 2305.252 of the Revised Code. 2042

(5) A report required to be submitted to the board under 2043
this chapter, a complaint, or information received by the board 2044
pursuant to an investigation or pursuant to an inspection under 2045
division (E) of section 4731.054 of the Revised Code is 2046
confidential and not subject to discovery in any civil action. 2047

The board shall conduct all investigations or inspections 2048
and proceedings in a manner that protects the confidentiality of 2049
patients and persons who file complaints with the board. The 2050
board shall not make public the names or any other identifying 2051
information about patients or complainants unless proper consent 2052
is given or, in the case of a patient, a waiver of the patient 2053
privilege exists under division (B) of section 2317.02 of the 2054
Revised Code, except that consent or a waiver of that nature is 2055
not required if the board possesses reliable and substantial 2056
evidence that no bona fide physician-patient relationship 2057

exists. 2058

The board may share any information it receives pursuant 2059
to an investigation or inspection, including patient records and 2060
patient record information, with law enforcement agencies, other 2061
licensing boards, and other governmental agencies that are 2062
prosecuting, adjudicating, or investigating alleged violations 2063
of statutes or administrative rules. An agency or board that 2064
receives the information shall comply with the same requirements 2065
regarding confidentiality as those with which the state medical 2066
board must comply, notwithstanding any conflicting provision of 2067
the Revised Code or procedure of the agency or board that 2068
applies when it is dealing with other information in its 2069
possession. In a judicial proceeding, the information may be 2070
admitted into evidence only in accordance with the Rules of 2071
Evidence, but the court shall require that appropriate measures 2072
are taken to ensure that confidentiality is maintained with 2073
respect to any part of the information that contains names or 2074
other identifying information about patients or complainants 2075
whose confidentiality was protected by the state medical board 2076
when the information was in the board's possession. Measures to 2077
ensure confidentiality that may be taken by the court include 2078
sealing its records or deleting specific information from its 2079
records. 2080

(6) On a quarterly basis, the board shall prepare a report 2081
that documents the disposition of all cases during the preceding 2082
three months. The report shall contain the following information 2083
for each case with which the board has completed its activities: 2084

(a) The case number assigned to the complaint or alleged 2085
violation; 2086

(b) The type of certificate to practice, if any, held by 2087

the individual against whom the complaint is directed; 2088

(c) A description of the allegations contained in the 2089
complaint; 2090

(d) The disposition of the case. 2091

The report shall state how many cases are still pending 2092
and shall be prepared in a manner that protects the identity of 2093
each person involved in each case. The report shall be a public 2094
record under section 149.43 of the Revised Code. 2095

(G) If the secretary and supervising member determine both 2096
of the following, they may recommend that the board suspend an 2097
individual's certificate to practice or certificate to recommend 2098
without a prior hearing: 2099

(1) That there is clear and convincing evidence that an 2100
individual has violated division (B) of this section; 2101

(2) That the individual's continued practice presents a 2102
danger of immediate and serious harm to the public. 2103

Written allegations shall be prepared for consideration by 2104
the board. The board, upon review of those allegations and by an 2105
affirmative vote of not fewer than six of its members, excluding 2106
the secretary and supervising member, may suspend a certificate 2107
without a prior hearing. A telephone conference call may be 2108
utilized for reviewing the allegations and taking the vote on 2109
the summary suspension. 2110

The board shall issue a written order of suspension by 2111
certified mail or in person in accordance with section 119.07 of 2112
the Revised Code. The order shall not be subject to suspension 2113
by the court during pendency of any appeal filed under section 2114
119.12 of the Revised Code. If the individual subject to the 2115

summary suspension requests an adjudicatory hearing by the 2116
board, the date set for the hearing shall be within fifteen 2117
days, but not earlier than seven days, after the individual 2118
requests the hearing, unless otherwise agreed to by both the 2119
board and the individual. 2120

Any summary suspension imposed under this division shall 2121
remain in effect, unless reversed on appeal, until a final 2122
adjudicative order issued by the board pursuant to this section 2123
and Chapter 119. of the Revised Code becomes effective. The 2124
board shall issue its final adjudicative order within seventy- 2125
five days after completion of its hearing. A failure to issue 2126
the order within seventy-five days shall result in dissolution 2127
of the summary suspension order but shall not invalidate any 2128
subsequent, final adjudicative order. 2129

(H) If the board takes action under division (B) (9), (11), 2130
or (13) of this section and the judicial finding of guilt, 2131
guilty plea, or judicial finding of eligibility for intervention 2132
in lieu of conviction is overturned on appeal, upon exhaustion 2133
of the criminal appeal, a petition for reconsideration of the 2134
order may be filed with the board along with appropriate court 2135
documents. Upon receipt of a petition of that nature and 2136
supporting court documents, the board shall reinstate the 2137
individual's certificate to practice. The board may then hold an 2138
adjudication under Chapter 119. of the Revised Code to determine 2139
whether the individual committed the act in question. Notice of 2140
an opportunity for a hearing shall be given in accordance with 2141
Chapter 119. of the Revised Code. If the board finds, pursuant 2142
to an adjudication held under this division, that the individual 2143
committed the act or if no hearing is requested, the board may 2144
order any of the sanctions identified under division (B) of this 2145
section. 2146

(I) The certificate to practice issued to an individual 2147
under this chapter and the individual's practice in this state 2148
are automatically suspended as of the date of the individual's 2149
second or subsequent plea of guilty to, or judicial finding of 2150
guilt of, a violation of section 2919.123 of the Revised Code. 2151
In addition, the certificate to practice or certificate to 2152
recommend issued to an individual under this chapter and the 2153
individual's practice in this state are automatically suspended 2154
as of the date the individual pleads guilty to, is found by a 2155
judge or jury to be guilty of, or is subject to a judicial 2156
finding of eligibility for intervention in lieu of conviction in 2157
this state or treatment or intervention in lieu of conviction in 2158
another jurisdiction for any of the following criminal offenses 2159
in this state or a substantially equivalent criminal offense in 2160
another jurisdiction: aggravated murder, murder, voluntary 2161
manslaughter, felonious assault, kidnapping, rape, sexual 2162
battery, gross sexual imposition, aggravated arson, aggravated 2163
robbery, or aggravated burglary. Continued practice after 2164
suspension shall be considered practicing without a certificate. 2165

The board shall notify the individual subject to the 2166
suspension by certified mail or in person in accordance with 2167
section 119.07 of the Revised Code. If an individual whose 2168
certificate is automatically suspended under this division fails 2169
to make a timely request for an adjudication under Chapter 119. 2170
of the Revised Code, the board shall do whichever of the 2171
following is applicable: 2172

(1) If the automatic suspension under this division is for 2173
a second or subsequent plea of guilty to, or judicial finding of 2174
guilt of, a violation of section 2919.123 of the Revised Code, 2175
the board shall enter an order suspending the individual's 2176
certificate to practice for a period of at least one year or, if 2177

determined appropriate by the board, imposing a more serious 2178
sanction involving the individual's certificate to practice. 2179

(2) In all circumstances in which division (I) (1) of this 2180
section does not apply, enter a final order permanently revoking 2181
the individual's certificate to practice. 2182

(J) If the board is required by Chapter 119. of the 2183
Revised Code to give notice of an opportunity for a hearing and 2184
if the individual subject to the notice does not timely request 2185
a hearing in accordance with section 119.07 of the Revised Code, 2186
the board is not required to hold a hearing, but may adopt, by 2187
an affirmative vote of not fewer than six of its members, a 2188
final order that contains the board's findings. In that final 2189
order, the board may order any of the sanctions identified under 2190
division (A) or (B) of this section. 2191

(K) Any action taken by the board under division (B) of 2192
this section resulting in a suspension from practice shall be 2193
accompanied by a written statement of the conditions under which 2194
the individual's certificate to practice may be reinstated. The 2195
board shall adopt rules governing conditions to be imposed for 2196
reinstatement. Reinstatement of a certificate suspended pursuant 2197
to division (B) of this section requires an affirmative vote of 2198
not fewer than six members of the board. 2199

(L) When the board refuses to grant or issue a certificate 2200
to practice to an applicant, revokes an individual's certificate 2201
to practice, refuses to renew an individual's certificate to 2202
practice, or refuses to reinstate an individual's certificate to 2203
practice, the board may specify that its action is permanent. An 2204
individual subject to a permanent action taken by the board is 2205
forever thereafter ineligible to hold a certificate to practice 2206
and the board shall not accept an application for reinstatement 2207

of the certificate or for issuance of a new certificate. 2208

(M) Notwithstanding any other provision of the Revised 2209
Code, all of the following apply: 2210

(1) The surrender of a certificate issued under this 2211
chapter shall not be effective unless or until accepted by the 2212
board. A telephone conference call may be utilized for 2213
acceptance of the surrender of an individual's certificate to 2214
practice. The telephone conference call shall be considered a 2215
special meeting under division (F) of section 121.22 of the 2216
Revised Code. Reinstatement of a certificate surrendered to the 2217
board requires an affirmative vote of not fewer than six members 2218
of the board. 2219

(2) An application for a certificate made under the 2220
provisions of this chapter may not be withdrawn without approval 2221
of the board. 2222

(3) Failure by an individual to renew a certificate to 2223
practice in accordance with this chapter or a certificate to 2224
recommend in accordance with rules adopted under section 2225
4731.301 of the Revised Code shall not remove or limit the 2226
board's jurisdiction to take any disciplinary action under this 2227
section against the individual. 2228

(4) At the request of the board, a certificate holder 2229
shall immediately surrender to the board a certificate that the 2230
board has suspended, revoked, or permanently revoked. 2231

(N) Sanctions shall not be imposed under division (B) (28) 2232
of this section against any person who waives deductibles and 2233
copayments as follows: 2234

(1) In compliance with the health benefit plan that 2235
expressly allows such a practice. Waiver of the deductibles or 2236

copayments shall be made only with the full knowledge and 2237
consent of the plan purchaser, payer, and third-party 2238
administrator. Documentation of the consent shall be made 2239
available to the board upon request. 2240

(2) For professional services rendered to any other person 2241
authorized to practice pursuant to this chapter, to the extent 2242
allowed by this chapter and rules adopted by the board. 2243

(0) Under the board's investigative duties described in 2244
this section and subject to division (F) of this section, the 2245
board shall develop and implement a quality intervention program 2246
designed to improve through remedial education the clinical and 2247
communication skills of individuals authorized under this 2248
chapter to practice medicine and surgery, osteopathic medicine 2249
and surgery, and podiatric medicine and surgery. In developing 2250
and implementing the quality intervention program, the board may 2251
do all of the following: 2252

(1) Offer in appropriate cases as determined by the board 2253
an educational and assessment program pursuant to an 2254
investigation the board conducts under this section; 2255

(2) Select providers of educational and assessment 2256
services, including a quality intervention program panel of case 2257
reviewers; 2258

(3) Make referrals to educational and assessment service 2259
providers and approve individual educational programs 2260
recommended by those providers. The board shall monitor the 2261
progress of each individual undertaking a recommended individual 2262
educational program. 2263

(4) Determine what constitutes successful completion of an 2264
individual educational program and require further monitoring of 2265

the individual who completed the program or other action that 2266
the board determines to be appropriate; 2267

(5) Adopt rules in accordance with Chapter 119. of the 2268
Revised Code to further implement the quality intervention 2269
program. 2270

An individual who participates in an individual 2271
educational program pursuant to this division shall pay the 2272
financial obligations arising from that educational program. 2273

Sec. 5153.16. (A) Except as provided in section 2151.422 2274
of the Revised Code, in accordance with rules adopted under 2275
section 5153.166 of the Revised Code, and on behalf of children 2276
in the county whom the public children services agency considers 2277
to be in need of public care or protective services, the public 2278
children services agency shall do all of the following: 2279

(1) Make an investigation concerning any child alleged to 2280
be an abused, neglected, or dependent child; 2281

(2) Enter into agreements with the parent, guardian, or 2282
other person having legal custody of any child, or with the 2283
department of job and family services, department of mental 2284
health and addiction services, department of developmental 2285
disabilities, other department, any certified organization 2286
within or outside the county, or any agency or institution 2287
outside the state, having legal custody of any child, with 2288
respect to the custody, care, or placement of any child, or with 2289
respect to any matter, in the interests of the child, provided 2290
the permanent custody of a child shall not be transferred by a 2291
parent to the public children services agency without the 2292
consent of the juvenile court; 2293

(3) Accept custody of children committed to the public 2294

children services agency by a court exercising juvenile 2295
jurisdiction; 2296

(4) Provide such care as the public children services 2297
agency considers to be in the best interests of any child 2298
adjudicated to be an abused, neglected, or dependent child the 2299
agency finds to be in need of public care or service; 2300

(5) Provide social services to any unmarried girl 2301
adjudicated to be an abused, neglected, or dependent child who 2302
is pregnant with or has been delivered of a child; 2303

(6) Make available to the bureau for children with medical 2304
handicaps of the department of health at its request any 2305
information concerning a crippled child found to be in need of 2306
treatment under sections 3701.021 to 3701.028 of the Revised 2307
Code who is receiving services from the public children services 2308
agency; 2309

(7) Provide temporary emergency care for any child 2310
considered by the public children services agency to be in need 2311
of such care, without agreement or commitment; 2312

(8) Find certified foster homes, within or outside the 2313
county, for the care of children, including handicapped children 2314
from other counties attending special schools in the county; 2315

(9) Subject to the approval of the board of county 2316
commissioners and the state department of job and family 2317
services, establish and operate a training school or enter into 2318
an agreement with any municipal corporation or other political 2319
subdivision of the county respecting the operation, acquisition, 2320
or maintenance of any children's home, training school, or other 2321
institution for the care of children maintained by such 2322
municipal corporation or political subdivision; 2323

(10) Acquire and operate a county children's home, 2324
establish, maintain, and operate a receiving home for the 2325
temporary care of children, or procure certified foster homes 2326
for this purpose; 2327

(11) Enter into an agreement with the trustees of any 2328
district children's home, respecting the operation of the 2329
district children's home in cooperation with the other county 2330
boards in the district; 2331

(12) Cooperate with, make its services available to, and 2332
act as the agent of persons, courts, the department of job and 2333
family services, the department of health, and other 2334
organizations within and outside the state, in matters relating 2335
to the welfare of children, except that the public children 2336
services agency shall not be required to provide supervision of 2337
or other services related to the exercise of parenting time 2338
rights granted pursuant to section 3109.051 or 3109.12 of the 2339
Revised Code or companionship or visitation rights granted 2340
pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised 2341
Code unless a juvenile court, pursuant to Chapter 2151. of the 2342
Revised Code, or a common pleas court, pursuant to division (E) 2343
(6) of section 3113.31 of the Revised Code, requires the 2344
provision of supervision or other services related to the 2345
exercise of the parenting time rights or companionship or 2346
visitation rights; 2347

(13) Make investigations at the request of any 2348
superintendent of schools in the county or the principal of any 2349
school concerning the application of any child adjudicated to be 2350
an abused, neglected, or dependent child for release from 2351
school, where such service is not provided through a school 2352
attendance department; 2353

(14) Administer funds provided under Title IV-E of the 2354
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 2355
amended, in accordance with rules adopted under section 5101.141 2356
of the Revised Code; 2357

(15) In addition to administering Title IV-E adoption 2358
assistance funds, enter into agreements to make adoption 2359
assistance payments under section 5153.163 of the Revised Code; 2360

(16) Implement a system of safety and risk assessment, in 2361
accordance with rules adopted by the director of job and family 2362
services, to assist the public children services agency in 2363
determining the risk of abuse or neglect to a child; 2364

(17) Enter into a plan of cooperation with the board of 2365
county commissioners under section 307.983 of the Revised Code 2366
and comply with each fiscal agreement the board enters into 2367
under section 307.98 of the Revised Code that include family 2368
services duties of public children services agencies and 2369
contracts the board enters into under sections 307.981 and 2370
307.982 of the Revised Code that affect the public children 2371
services agency; 2372

(18) Make reasonable efforts to prevent the removal of an 2373
alleged or adjudicated abused, neglected, or dependent child 2374
from the child's home, eliminate the continued removal of the 2375
child from the child's home, or make it possible for the child 2376
to return home safely, except that reasonable efforts of that 2377
nature are not required when a court has made a determination 2378
under division (A) (2) of section 2151.419 of the Revised Code; 2379

(19) Make reasonable efforts to place the child in a 2380
timely manner in accordance with the permanency plan approved 2381
under division (E) of section 2151.417 of the Revised Code and 2382

to complete whatever steps are necessary to finalize the 2383
permanent placement of the child; 2384

(20) Administer a Title IV-A program identified under 2385
division (A)(4)(c) or (g) of section 5101.80 of the Revised Code 2386
that the department of job and family services provides for the 2387
public children services agency to administer under the 2388
department's supervision pursuant to section 5101.801 of the 2389
Revised Code; 2390

(21) Administer the kinship permanency incentive program 2391
created under section 5101.802 of the Revised Code under the 2392
supervision of the director of job and family services; 2393

(22) Provide independent living services pursuant to 2394
sections 2151.81 to 2151.84 of the Revised Code; 2395

(23) File a missing child report with a local law 2396
enforcement agency upon becoming aware that a child in the 2397
custody of the public children services agency is or may be 2398
missing. 2399

(B) The public children services agency shall use the 2400
system implemented pursuant to division (A)(16) of this section 2401
in connection with an investigation undertaken pursuant to 2402
division ~~(F)~~(G)(1) of section 2151.421 of the Revised Code to 2403
assess both of the following: 2404

(1) The ongoing safety of the child; 2405

(2) The appropriateness of the intensity and duration of 2406
the services provided to meet child and family needs throughout 2407
the duration of a case. 2408

(C) Except as provided in section 2151.422 of the Revised 2409
Code, in accordance with rules of the director of job and family 2410

services, and on behalf of children in the county whom the 2411
public children services agency considers to be in need of 2412
public care or protective services, the public children services 2413
agency may do the following: 2414

(1) Provide or find, with other child serving systems, 2415
specialized foster care for the care of children in a 2416
specialized foster home, as defined in section 5103.02 of the 2417
Revised Code, certified under section 5103.03 of the Revised 2418
Code; 2419

(2) (a) Except as limited by divisions (C) (2) (b) and (c) of 2420
this section, contract with the following for the purpose of 2421
assisting the agency with its duties: 2422

(i) County departments of job and family services; 2423

(ii) Boards of alcohol, drug addiction, and mental health 2424
services; 2425

(iii) County boards of developmental disabilities; 2426

(iv) Regional councils of political subdivisions 2427
established under Chapter 167. of the Revised Code; 2428

(v) Private and government providers of services; 2429

(vi) Managed care organizations and prepaid health plans. 2430

(b) A public children services agency contract under 2431
division (C) (2) (a) of this section regarding the agency's duties 2432
under section 2151.421 of the Revised Code may not provide for 2433
the entity under contract with the agency to perform any service 2434
not authorized by the department's rules. 2435

(c) Only a county children services board appointed under 2436
section 5153.03 of the Revised Code that is a public children 2437

services agency may contract under division (C) (2) (a) of this 2438
section. If an entity specified in division (B) or (C) of 2439
section 5153.02 of the Revised Code is the public children 2440
services agency for a county, the board of county commissioners 2441
may enter into contracts pursuant to section 307.982 of the 2442
Revised Code regarding the agency's duties. 2443

Sec. 5153.175. (A) Notwithstanding division ~~(H)~~ (I) (1) of 2444
section 2151.421, section 5153.17, and any other section of the 2445
Revised Code pertaining to confidentiality, when a public 2446
children services agency has determined that child abuse or 2447
neglect occurred and that abuse or neglect involves a person who 2448
has applied for licensure as a type A family day-care home or 2449
type B family day-care home, the agency shall promptly provide 2450
to the department of job and family services any information the 2451
agency determines to be relevant for the purpose of evaluating 2452
the fitness of the person, including, but not limited to, both 2453
of the following: 2454

(1) A summary report of the chronology of abuse and 2455
neglect reports made pursuant to section 2151.421 of the Revised 2456
Code of which the person is the subject where the agency 2457
determined that abuse or neglect occurred and the final 2458
disposition of the investigation of the reports or, if the 2459
investigations have not been completed, the status of the 2460
investigations; 2461

(2) Any underlying documentation concerning those reports. 2462

(B) The agency shall not include in the information 2463
provided to the department under division (A) of this section 2464
the name of the person or entity that made the report or 2465
participated in the making of the report of child abuse or 2466
neglect. 2467

(C) Upon provision of information under division (A) of 2468
this section, the agency shall notify the department of both of 2469
the following: 2470

(1) That the information is confidential; 2471

(2) That unauthorized dissemination of the information is 2472
a violation of division ~~(H)~~(I) (2) of section 2151.421 of the 2473
Revised Code and any person who permits or encourages 2474
unauthorized dissemination of the information is guilty of a 2475
misdemeanor of the fourth degree pursuant to section 2151.99 of 2476
the Revised Code. 2477

Sec. 5153.176. As used in this section, "license" has the 2478
same meaning as in section 3319.31 of the Revised Code. 2479

(A) Notwithstanding division ~~(H)~~(I) (1) of section 2480
2151.421, section 5153.17, or any other section of the Revised 2481
Code pertaining to confidentiality, the director of a public 2482
children services agency shall promptly provide to the 2483
superintendent of public instruction information regarding the 2484
agency's investigation of a report of child abuse or neglect 2485
made pursuant to section 2151.421 of the Revised Code involving 2486
a person who holds a license issued by the state board of 2487
education where the agency has determined that child abuse or 2488
neglect occurred and that abuse or neglect is related to the 2489
person's duties and responsibilities under the license. The 2490
information provided by the director shall include the 2491
following: 2492

(1) A summary of the nature of the allegations contained 2493
in the report of which the person is the subject and the final 2494
disposition of the investigation conducted in response to that 2495
report or, if the investigation is not complete, the status of 2496

the investigation; 2497

(2) Upon written request of the superintendent of public 2498
instruction, the additional information described in division 2499
(C) of this section regarding the agency's investigation of the 2500
report, unless the prosecuting attorney of the county served by 2501
the agency determines that such information may not be released 2502
pursuant to division (B) of this section. 2503

(B) Upon receipt of a written request from the 2504
superintendent of public instruction for the additional 2505
information described in division (C) of this section, the 2506
director shall determine if the prosecuting attorney of the 2507
county served by the public children services agency intends to 2508
prosecute the subject of the report based on the allegations 2509
contained in the report. If the prosecuting attorney intends to 2510
prosecute the subject of the report, the prosecuting attorney 2511
shall determine the information described in division (C) of 2512
this section that may be released, if any, and shall provide the 2513
director with written authorization to release the information 2514
so determined. The director shall provide the superintendent of 2515
public instruction with any information described in division 2516
(C) of this section that the prosecuting attorney determines may 2517
be released, but in no case shall the director provide any 2518
information that the prosecuting attorney determines shall not 2519
be released. If the prosecuting attorney does not intend to 2520
prosecute the subject of the report, the prosecuting attorney 2521
shall notify the director of that fact and the director shall 2522
provide all of the information described in division (C) of this 2523
section to the superintendent of public instruction. 2524

(C) In accordance with division (B) of this section, the 2525
director shall provide information to the superintendent of 2526

public instruction regarding the public children services 2527
agency's investigation of the report described in division (A) 2528
of this section, including, but not limited to, the following: 2529

(1) The following information about the alleged child 2530
victim of the abuse or neglect: 2531

(a) Full name; 2532

(b) Date of birth; 2533

(c) Address and telephone number; 2534

(d) Grade level; 2535

(e) Name and contact information of the child's parent, 2536
guardian, or legal custodian; 2537

(f) Name and contact information of any medical facility 2538
that provided treatment to the child, if the child was injured 2539
in connection with the abuse or neglect and if that information 2540
is available; 2541

(g) A summary of interviews with the child or, if an 2542
entity other than the agency conducted the interviews, the 2543
contact information for that entity. The summary shall include 2544
an accounting of the facts and circumstances of the alleged 2545
abuse or neglect, including, but not limited to, the time and 2546
place that the abuse or neglect occurred. 2547

(h) Copies of any written correspondence between the child 2548
and the alleged perpetrator of the abuse or neglect that was 2549
used by the agency to determine that abuse or neglect occurred, 2550
the release of which is not otherwise prohibited by law. 2551

(2) The following information about the alleged 2552
perpetrator of the abuse or neglect: 2553

(a) Full name; 2554

(b) Date of birth; 2555

(c) Address and telephone number; 2556

(d) Name of school district and school building that 2557
employed the alleged perpetrator at the time the report was 2558
made; 2559

(e) Name and contact information of any medical facility 2560
that provided treatment to the alleged perpetrator, if the 2561
alleged perpetrator was injured in connection with the abuse or 2562
neglect and if that information is available; 2563

(f) A summary of interviews with the alleged perpetrator 2564
or, if an entity other than the agency conducted the interviews, 2565
the contact information for that entity. The summary shall 2566
include an accounting of the facts and circumstances of the 2567
alleged abuse or neglect, including, but not limited to, the 2568
time and place that the abuse or neglect occurred. 2569

(g) Copies of any written correspondence between the 2570
alleged child victim and the alleged perpetrator that was used 2571
by the agency to determine that abuse or neglect occurred, the 2572
release of which is not otherwise prohibited by law; 2573

(h) If the alleged perpetrator has been the subject of any 2574
previous reports made pursuant to section 2151.421 of the 2575
Revised Code where the agency determined that physical or sexual 2576
child abuse occurred, a summary of the chronology of those 2577
reports; the final disposition of the investigations conducted 2578
in response to those reports, or if an investigation is not 2579
complete, the status of that investigation; and any underlying 2580
documentation concerning those reports. 2581

(3) The following information about each person, other 2582
than the alleged child victim and the alleged perpetrator, whom 2583
the agency has determined to be important to the investigation, 2584
except that the information shall not be provided about the 2585
person who made the report unless that person grants written 2586
permission for the director to release the information: 2587

(a) Full name; 2588

(b) Address and telephone number; 2589

(c) If the person has been interviewed regarding the 2590
alleged abuse or neglect, a summary of those interviews or, if 2591
an entity other than the agency conducted the interviews, the 2592
contact information for such entity. 2593

(D) Upon provision of any information to the 2594
superintendent of public instruction under this section, the 2595
director shall notify the superintendent of both of the 2596
following: 2597

(1) That the information is confidential; 2598

(2) That unauthorized dissemination of the information is 2599
a violation of division ~~(H)~~ (I) (2) of section 2151.421 and 2600
section 3319.311 of the Revised Code and any person who permits 2601
or encourages unauthorized dissemination of the information is 2602
guilty of a misdemeanor of the fourth degree pursuant to section 2603
2151.99 of the Revised Code. 2604

If the director determines that the superintendent of 2605
public instruction or any person involved in the conduct of an 2606
investigation under section 3319.311 of the Revised Code 2607
committed, caused, permitted, or encouraged the unauthorized 2608
dissemination of any information provided under this section, 2609
the director shall provide written notification of the 2610

unauthorized dissemination to the prosecuting attorney of the 2611
county or the village solicitor, city director of law, or 2612
similar chief legal officer of the municipal corporation in 2613
which the unauthorized dissemination occurred. A copy of the 2614
notification shall be retained in the investigative record 2615
maintained by the public children services agency. 2616

(E) The director shall include documentation of the 2617
information provided to the superintendent of public instruction 2618
under this section in the investigative record maintained by the 2619
public children services agency. The documentation shall include 2620
the following: 2621

(1) A list of the information provided; 2622

(2) The date the information was provided; 2623

(3) If the superintendent of public instruction designates 2624
a person to receive the information on the superintendent's 2625
behalf, the name of that person; 2626

(4) The reason for providing the information; 2627

(5) If written authorization to provide the information is 2628
required from the prosecuting attorney under division (B) of 2629
this section, a copy of that authorization. 2630

(F) No director of a public children services agency shall 2631
knowingly fail to comply with division (A) or (C) of this 2632
section. 2633

(G) A director of a public children services agency who 2634
provides information to the superintendent of public instruction 2635
in accordance with this section in good faith shall be immune 2636
from any civil or criminal liability that otherwise might be 2637
incurred or imposed for injury, death, or loss to person or 2638

property as a result of the provision of that information. 2639

(H) Notwithstanding any provision to the contrary in 2640
Chapter 4117. of the Revised Code, the provisions of this 2641
section prevail over any conflicting provisions of a collective 2642
bargaining agreement or contract for employment entered into 2643
after March 30, 2007. 2644

Section 2. That existing sections 307.627, 2151.421, 2645
2151.422, 2151.99, 2317.56, 2919.171, 2919.19, 2919.191, 2646
2919.192, 2919.193, 3701.701, 4731.22, 5153.16, 5153.175, and 2647
5153.176 of the Revised Code are hereby repealed. 2648

Section 3. Section 2151.99 of the Revised Code is 2649
presented in this act as a composite of the section as amended 2650
by both Am. Sub. S.B. 17 and Sub. S.B. 137 of the 126th General 2651
Assembly. The General Assembly, applying the principle stated in 2652
division (B) of section 1.52 of the Revised Code that amendments 2653
are to be harmonized if reasonably capable of simultaneous 2654
operation, finds that the composite is the resulting version of 2655
the section in effect prior to the effective date of the section 2656
as presented in this act. 2657

Section 4. All items in this section are hereby 2658
appropriated as designated out of any moneys in the state 2659
treasury to the credit of the designated fund. For all 2660
appropriations made in this act, those in the first column are 2661
for fiscal year 2016 and those in the second column are for 2662
fiscal year 2017. The appropriations made in this act are in 2663
addition to any other appropriations made for the FY 2016-FY 2664
2017 biennium. 2665

JFS DEPARTMENT OF JOB AND FAMILY SERVICES 2666

General Revenue Fund 2667

GRF 600528 Adoption Services	\$	0	\$	100,000	2668
State					2669

TOTAL GRF General Revenue Fund	\$	0	\$	100,000	2670
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TOTAL ALL BUDGET FUND GROUPS	\$	0	\$	100,000	2671
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Section 5. Within the limits set forth in this act, the 2672
Director of Budget and Management shall establish accounts 2673
indicating the source and amount of funds for each appropriation 2674
made in this act, and shall determine the form and manner in 2675
which appropriation accounts shall be maintained. Expenditures 2676
from appropriations contained in this act shall be accounted for 2677
as though made in Am. Sub. H.B. 64 of the 131st General 2678
Assembly. 2679

The appropriations made in this act are subject to all 2680
provisions of Am. Sub. H.B. 64 of the 131st General Assembly 2681
that are generally applicable to such appropriations. 2682

Section 6. If any provisions of a section as amended or 2683
enacted by this act, or the application thereof to any person or 2684
circumstance is held invalid, the invalidity does not affect 2685
other provisions or applications of the section or related 2686
sections which can be given effect without the invalid provision 2687
or application, and to this end the provisions are severable. 2688