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## Substitute Bill Comparative Synopsis

**Sub. H.B. 196**

**134<sup>th</sup> General Assembly**

House Health

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_134-0228-3)
<b>Surgical assistant licensure, waivers, and unauthorized practice</b>	
Generally prohibits an individual from knowingly practicing as a surgical assistant without holding a Medical Board-issued license and authorizes the Board to impose a civil penalty in the event of a violation ( <i>R.C. 4785.02</i> ).	Maintains the prohibition, but instead of imposing a civil penalty, specifies that a violation is a first degree misdemeanor on a first offense (punishable by a fine of not more than \$1,000 and a prison term of not more than 180 days) and a fifth degree felony on each subsequent offense (punishable by a fine of not more than \$2,500 and a prison term of not more than six to 12 months) ( <i>R.C. 4785.03 and 4785.99</i> ).

Previous Version (As Introduced)	Latest Version (I_134-0228-3)
<p>Authorizes an individual to practice as a surgical assistant without holding a Board-issued license if all of the following apply:</p> <ul style="list-style-type: none"> <li>▪ The hospital or ambulatory surgical facility at which the individual practices or intends to practice applies to the Board for a waiver from the license requirement;</li> <li>▪ As part of its application, the hospital or facility submits evidence that it is located in an area experiencing special health problems and physician practice patterns that limit access to surgical care;</li> <li>▪ If the Board grants the hospital or facility a waiver, the individual practices only at that hospital or facility (<i>R.C. 4785.09</i>).</li> </ul> <p>No provision.</p>	<p>No provision.</p> <p>Delays for one year after the bill's effective date the bill's prohibition on knowingly practicing as a surgical assistant without holding a Board-issued license (<i>Section 3</i>).</p>
<b>Permitted activities and physician supervision</b>	
<p>Authorizes an individual holding a license to practice as a surgical assistant to assist a physician in the performance of surgical procedures by engaging in specified activities, including providing exposure; maintaining hemostasis; making incisions; closing, suturing, or suctioning surgical sites, placing catheters; and clamping vessels or tissues (<i>R.C. 4785.08</i>).</p> <p>No provision.</p>	<p>Same, but specifies that the activities must be delegated by the physician and performed under the supervision and in the physical presence of the physician (<i>R.C. 4785.08</i>).</p> <p>When supervising a surgical assistant, requires the physician to (1) be in the same room in which the assistant practices and (2) directly observe the assistant as he or she engages in the delegated activities (<i>R.C. 4785.08</i>).</p>

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<b>Medical Board regulation</b>	
<p>Rather than address in statute certain topics governing the licensure and regulation of surgical assistants (e.g., license application and renewal fees, criminal records checks, continuing education requirements, grounds for professional discipline, and procedures for imposing discipline), generally delegates to the Medical Board to provide for that regulation in rule (<i>R.C. 4785.08</i>).</p> <p>No provision.</p>	<p>Addresses the topics directly in statute, including by coordinating the Board’s licensing and regulatory procedures for surgical assistants with those for physicians and other health professionals also regulated by the Board (<i>R.C. Chapter 4785</i>). (Several of these topics and procedures are discussed separately below.)</p> <p>In coordinating the Board’s regulation of surgical assistants with its current law regulation of other health professionals, addresses all of the following other topics: criminal records checks; child support default; license suspension, reinstatement, and restoration; treatment of impaired practitioners; notice of criminal prosecution; and compliance with human trafficking sanctions (<i>R.C. Chapter 4785</i>).</p>
<b>Board discipline</b>	
<p>Requires the Medical Board to limit, revoke, or suspend a license to practice as a surgical assistant, refuse to issue a license, refuse to renew or reinstate a license, or reprimand or place on probation a license holder for any of the reasons specified in Board rules (<i>R.C. 4785.07</i>).</p>	<p>Instead specifies in statute 25 grounds for discipline, including the following:</p> <ul style="list-style-type: none"> <li>▪ Failure to comply with the bill’s requirements;</li> <li>▪ A departure from, or failure to conform to, minimal standards of care of similar practitioners;</li> <li>▪ Impairment of ability to practice because of habitual or excessive drug, alcohol, or other substance use;</li> <li>▪ Commission of a felony;</li> <li>▪ A guilty plea;</li> </ul>

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<p>No provision.</p> <p>No provision.</p> <p>No provision.</p>	<ul style="list-style-type: none"> <li>▪ Failure to maintain one’s status as a credentialed surgical assistant or to notify the Board that the credential has not been maintained;</li> <li>▪ Failure to comply with the profession’s code of ethics (<i>R.C. 4785.10</i>).</li> </ul> <p>Requires an affirmative vote of six Board members before discipline may be imposed (<i>R.C. 4785.10</i>).</p> <p>Establishes standards and procedures for the Board to follow, including the holding of hearings, when imposing professional discipline on a surgical assistant (<i>R.C. 4785.10</i>).</p> <p>Authorizes the Board to impose a civil penalty in the event of a violation and requires the Board to adopt guidelines regarding the amounts of civil penalties to be imposed, with no civil penalty amount to exceed \$20,000 (<i>R.C. 4785.11</i>).</p>
<b>Board investigations</b>	
<p>No provision.</p> <p>No provision.</p>	<p>Requires the Medical Board’s Secretary, if he or she has knowledge or notice of a violation of the law governing surgical assistants, to investigate the matter and upon probable cause, file a complaint and prosecute the offender (<i>R.C. 4785.02</i>).</p> <p>In investigating possible violations, authorizes the Board to administer oaths, order the taking of depositions, inspect and copy books, records, or documents, issue subpoenas, and compel the attendance of witnesses and production of documents (<i>R.C. 4785.10</i>).</p>

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<b>Reporting misconduct</b>	
No provision.	Adds surgical assistants to the existing Medical Board law governing the reporting of practitioner misconduct ( <i>R.C. 4731.224</i> ).
No provision.	Requires a surgical assistant who believes that another assistant may be impaired due to drug, alcohol, or other substance use to report that information to the Board, much as current law does for the other practitioners regulated by the Board ( <i>R.C. 4785.13</i> ).
<b>Licensure fees</b>	
Requires the Medical Board to establish initial license and renewal fees in rule ( <i>R.C. 4785.08</i> ).	Instead specifies in statute the following fees: <ul style="list-style-type: none"> <li>▪ \$200 for an initial license to practice;</li> <li>▪ \$200 for a license renewal;</li> <li>▪ \$35 for a duplicate license;</li> <li>▪ \$50 for license verification;</li> <li>▪ \$225 for license reinstatement;</li> <li>▪ \$250 for license restoration (<i>R.C. 4785.14 and 4785.15</i>).</li> </ul>
<b>Continuing education</b>	
Requires the Medical Board to specify in rule the number of credits, hours, or units of continuing education that must be completed to renew a surgical assistant license ( <i>R.C. 4785.08</i> ).	Instead requires a license holder, as a condition of renewal, to certify to the Board that the holder has completed 38 hours of continuing education over the two-year licensure period ( <i>R.C. 4785.07</i> ).

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No provision.	Authorizes the Board to require a random sample of surgical assistants to submit materials to the Board documenting that the required number of hours of continuing education has been completed <i>(R.C. 4785.07)</i> .
No provision.	If the Board finds, through the random sample, that a license holder certified completion but did not complete the continuing education, allows the Board to take disciplinary action, impose a civil penalty, or both <i>(R.C. 4785.07)</i> .
No provision.	Limits the amount of the civil penalty to not more than \$5,000 <i>(R.C. 4785.07)</i> .