

TO BE RESCINDED

4755-64-04

Denial and disciplinary action procedures.

- (A) Denial of an application for licensure or examination or any proposed action against a license must be in accordance with Chapter 119. of the Revised Code.
- (1) Pursuant to section 119.07 of the Revised Code, a request for an administrative hearing on the proposed action must be received by the board within thirty days of the mailing of the notice of opportunity for a hearing.
- (2) If a request for an administrative hearing is not received by the board within thirty days of the mailing of the notice of opportunity for a hearing, the board, upon consideration of the charges cited, may take appropriate action in the absence of the applicant or license holder.
- (B) The board may deny, limit, suspend, or revoke the license of any person or reprimand, fine, or place a license holder on probation for violation of any provision of Chapter 4779. of the Revised Code or any lawful order or rule of the board.
- (C) If the physical or mental condition of a license holder is at issue in a disciplinary proceeding, the board may order the license holder to submit to reasonable examinations by a health care practitioner designated or approved by the board at the cost of the license holder.
- (D) In accordance with section 4779.29 of the Revised Code, if the board determines that a license holder poses an immediate threat to the public, the board must immediately suspend the license of the orthotist, prosthetist, prosthetist-orthotist, or pedorthist prior to holding a hearing in accordance with Chapter 119. of the Revised Code. The board must notify the license holder of the suspension in accordance with section 119.07 of the Revised Code. If the license holder fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board must enter a final order permanently revoking the person's license.
- (E) The hearings and investigations related to Chapter 4779. of the Revised Code must be considered civil actions for the purposes of section 3123.43 of the Revised Code. Notwithstanding section 121.22 of the Revised Code, proceedings of the board relative to the investigation of a complaint or the determination whether there are reasonable grounds to believe that a violation of Chapter 4779. of the Revised Code occurred are confidential and are not subject to discovery in any civil action.
- (F) If requested by the board, the prosecuting attorney of a county, the village solicitor, or the city director of law of a municipal corporation, whenever a violation of Chapter

4779. of the Revised Code allegedly occurs, must take charge of and conduct the prosecution.

- (G) In addition to any other remedy provided in Chapter 4779. of the Revised Code, the board may request the attorney general or an appropriate prosecuting attorney to apply to an appropriate court for an order enjoining the violation of Chapter 4779. of the Revised Code. On a showing that a person has violated or is about to violate Chapter 4779. of the Revised Code, the court must grant an injunction, restraining order, or other order as appropriate. The injunction proceedings are in addition to all penalties and other remedies provided in Chapter 4779. of the Revised Code.

Effective:

Five Year Review (FYR) Dates: 8/25/2023

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amplifies: 4779.28, 4779.29, 4779.33
Prior Effective Dates: 10/01/2020