

**NOTICE OF PUBLIC HEARING**

THE STATE MEDICAL BOARD OF OHIO, pursuant to CHAPTER 119. and Section 119.032 (5-year review), OHIO REVISED CODE, hereby gives notice that it will conduct a public hearing for the purpose of considering proposed amended rules 4731-1-05, 4731-1-13, 4731-1-15, 4731-1-16, 4731-9-01, 4731-12-01, 4731-12-02, 4731-12-03, 4731-12-04, 4731-12-05, 4731-12-06, 4731-13-01, 4731-13-02, 4731-13-03, 4731-13-04, 4731-13-06, 4731-13-07, 4731-13-08, 4731-13-09, 4731-13-10, 4731-13-11, 4731-13-12, 4731-13-13, 4731-13-14, 4731-13-15, 4731-13-16, 4731-13-17, 4731-13-18, 4731-13-20, 4731-13-21, 4731-13-22, 4731-13-23, 4731-13-25, 4731-13-26, 4731-13-27, 4731-13-28, 4731-13-30, 4731-14-01, 4731-15-02, 4731-15-03, 4731-15-04, 4731-15-05, 4731-17-01, 4731-17-02, 4731-17-03, 4731-17-04, 4731-17-05, 4731-17-06, 4731-17-07, 4731-19-01, 4731-19-02, 4731-19-03, 4731-19-04, 4731-19-05, 4731-19-06, 4731-19-07, 4731-20-01, 4731-20-02; proposed rescinded rules 4731-1-23, 4731-13-19, 4731-13-29, 4731-15-01; and proposed new rules 4731-1-09, 4731-1-10, 4731-13-31, 4731-13-32, 4731-13-33, 4731-13-34, 4731-13-35, 4731-13-36 and 4731-13-37, 4731-15-01, Ohio Administrative Code (OAC).

Pursuant to Section 119.032, Revised Code, the following rules are being proposed with no changes: 4731-13-05 and 4731-13-24, Ohio Administrative Code (OAC).

The titles of the rules being considered at the public hearing include the following:

Proposed Amended Rules

4731-1-05	Scope of practice: massage	4731-13-21	Prior action by the State Medical Board
4731-1-13	Examination failure; additional training	4731-13-22	Stipulation of facts
4731-1-15	Determination of standing of school, college or institution	4731-13-23	Witnesses
4731-1-16	Curriculum requirements	4731-13-25	Evidence
4731-9-01	Record of board meetings; recording, filming, and photographing of meetings	4731-13-26	Broadcasting and photographing administrative hearings
4731-12-01	Preliminary education for podiatry licensure	4731-13-27	Sexual misconduct evidence
4731-12-02	Standing of colleges of podiatry	4731-13-28	Supervision of hearing examiners

4731-12-03	Eligibility for the podiatry examination; passing average	4731-13-30	Status conference
4731-12-04	Eligibility for podiatry licensure by endorsement from another state	4731-14-01	Pronouncement of death
4731-12-05	Application procedures for podiatry licensure; investigation; notice of hearing rights	4731-15-02	Hospital and surgical center reporting requirement
4731-12-06	Visiting podiatric faculty certificates	4731-15-03	Malpractice reporting requirement
4731-13-01	Representatives; appearances; communications; applicability	4731-15-04	Professional society reporting
4731-13-02	Filing request for hearing	4731-15-05	Liability; reporting forms; confidentiality and disclosure
4731-13-03	Authority and duties of attorney hearing examiners	4731-17-01	Definitions
4731-13-04	Consolidation	4731-17-02	Universal precautions
4731-13-06	Continuance of hearing	4731-17-03	Hand washing
4731-13-07	Motions	4731-17-04	Disinfection and sterilization
		4731-17-05	Handling and disposal of sharps and wastes
4731-13-08	Filing	4731-17-06	Barrier techniques
4731-13-09	Service	4731-17-07	Violations
4731-13-10	Computation and extension of time	4731-19-01	Definitions
4731-13-11	Notice of hearings	4731-19-02	Licensee's duty to report infection with HIV or HBV
4731-13-12	Transcripts	4731-19-03	Confidentiality; reporting by board
4731-13-13	Subpoenas for purposes of hearing	4731-19-04	Voluntary compliance
4731-13-14	Mileage reimbursement and witness fees	4731-19-05	Duty to refrain from certain procedures
4731-13-15	Reports and recommendations	4731-19-06	Board procedures
4731-13-16	Reinstatement of certificate	4731-19-07	Confidential monitoring program
4731-13-17	Settlements, dismissals, and voluntary surrenders	4731-20-01	Definition of foot
4731-13-18	Exchange of documents and witness lists	4731-20-02	Surgery: Ankle joint
4731-13-20	Depositions and transcripts of prior testimony		

### Proposed Rescinded Rules

- 4731-1-23 Home study schools
- 4731-13-19 Prehearing conference
- 4731-13-29 Requirements for pre-hearing exchange of information

### Proposed New Rules

- 4731-1-09 Cosmetic therapy curriculum requirements
- 4731-1-10 Distance education
- 4731-13-31 Testimony of prior testimony
- 4731-13-32 Prior statements of the respondent
- 4731-13-33 Physicians' Desk Reference
- 4731-13-34 Ex parte communication
- 4731-13-35 Severability
- 4731-13-36 Disciplinary actions
- 4731-13-37 Non-disciplinary actions
- 4731-15-01 Licensee reporting requirement; exceptions

### Proposed No Change Rules

- 4731-13-05 Intervention
- 4731-13-24 Conviction of a crime

The public hearing on the proposed action of the State Medical Board will be conducted on Monday, December 22, 2003, beginning at 9:00 a.m. in Room 1960, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio 43215-6127, and from time to time thereafter as may be required by the Board to hear all relevant testimony, oral or written, by any person affected by the proposed action, his/her attorney, or both.

The full text of the proposed rules are available on the Medical Board's website, <http://www.med.ohio.gov/rules/proprules.htm> and at <http://www.registerofohio.state.oh.us/>. All interested persons will be given an opportunity to be heard. Those persons who wish to provide oral testimony at the hearing are encouraged to inform the Board prior to the hearing date and may be given preference in the order of their testimony. Persons interested in providing written comments in lieu of oral testimony may direct them to the attention of Mark Wayda, Chief of Executive Staff, State Medical Board of Ohio, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6127. These written comments must be received by the Board before the close of the hearing record.

Copies of the proposed rules will be filed electronically with the Secretary of State, the Legislative Service Commission, the Joint Committee on Agency Rule Review and the Office of Small Business, Ohio Department of Development, at least thirty days prior to the public hearing, and are available at the State Medical Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6127.

STATE MEDICAL BOARD OF OHIO

Mark Wayda  
Chief of Executive Staff