



Ohio Revised Code Section 4725.19 Disciplinary actions.

Effective: April 6, 2023

Legislation: House Bill 509

(A) In accordance with Chapter 119. of the Revised Code and by an affirmative vote of a majority of its members, the state vision professionals board, for any of the reasons specified in division (B) of this section, shall refuse to grant a certificate of licensure to practice optometry to an applicant and may, with respect to a licensed optometrist, do one or more of the following:

- (1) Suspend the operation of any certificate of licensure granted by it to the optometrist;
- (2) Permanently revoke the certificate of licensure;
- (3) Limit or otherwise place restrictions on the certificate of licensure;
- (4) Reprimand the optometrist;
- (5) Impose a monetary penalty. If the reason for which the board is imposing the penalty involves a criminal offense that carries a fine under the Revised Code, the penalty shall not exceed the maximum fine that may be imposed for the criminal offense. In any other case, the penalty imposed by the board shall not exceed five hundred dollars.
- (6) Require the optometrist to take corrective action courses.

The amount and content of corrective action courses shall be established by the board in rules adopted under section 4725.09 of the Revised Code.

(B) Except as provided in division (E) of this section, the sanctions specified in division (A) of this section may be taken by the board for any of the following reasons:

- (1) Committing fraud in passing the licensing examination or making false or purposely misleading statements in an application for a certificate of licensure;



- (2) Being at any time guilty of immorality, regardless of the jurisdiction in which the act was committed;
- (3) Being guilty of dishonesty or unprofessional conduct in the practice of optometry;
- (4) Being at any time guilty of a felony, regardless of the jurisdiction in which the act was committed;
- (5) Being at any time guilty of a misdemeanor committed in the course of practice, regardless of the jurisdiction in which the act was committed;
- (6) Violating the conditions of any limitation or other restriction placed by the board on a certificate of licensure issued by the board;
- (7) Engaging in the practice of optometry as provided in section 4725.01 of the Revised Code when the certificate of licensure authorizing that practice is under suspension, in which case the board shall permanently revoke the certificate of licensure;
- (8) Being denied a license to practice optometry in another state or country or being subject to any other sanction by the optometric licensing authority of another state or country, other than sanctions imposed for the nonpayment of fees;
- (9) Departing from or failing to conform to acceptable and prevailing standards of care in the practice of optometry as followed by similar practitioners under the same or similar circumstances, regardless of whether actual injury to a patient is established;
- (10) Failing to maintain comprehensive patient records;
- (11) Advertising a price of optical accessories, eye examinations, or other products or services by any means that would deceive or mislead the public;
- (12) Being addicted to the use of alcohol, stimulants, narcotics, or any other substance which impairs



the intellect and judgment to such an extent as to hinder or diminish the performance of the duties included in the person's practice of optometry;

(13) Engaging in the practice of optometry as provided in section 4725.01 of the Revised Code without authority to do so or, if authorized, in a manner inconsistent with the authority granted;

(14) Failing to make a report to the board as required by division (A) of section 4725.21 or section 4725.31 of the Revised Code;

(15) Soliciting patients from door to door or establishing temporary offices, in which case the board shall suspend the certificate of licensure held by the optometrist;

(16) Except as provided in division (D) of this section:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optometric services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that optometrist.

(b) Advertising that the optometrist will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optometric services, would otherwise be required to pay.

(17) Failing to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an analgesic controlled substance authorized pursuant to section 4725.091 of the Revised Code that is an opioid analgesic, as defined in section 3719.01 of the Revised Code;

(18) Violating the rules adopted under section 4725.66 of the Revised Code;

(19) A pattern of continuous or repeated violations of division (E)(2) or (3) of section 3963.02 of the Revised Code.



(C) Any person who is the holder of a certificate of licensure, or who is an applicant for a certificate of licensure against whom is preferred any charges, shall be furnished by the board with a copy of the complaint and shall have a hearing before the board in accordance with Chapter 119. of the Revised Code.

(D) Sanctions shall not be imposed under division (B)(16) of this section against any optometrist who waives deductibles and copayments:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other optometrist licensed by the board, to the extent allowed by sections 4725.01 to 4725.34 of the Revised Code and the rules of the board.

(E) The board shall not refuse to grant a certificate of licensure to practice optometry to an applicant because of a conviction of or plea of guilty to an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(F) If a violation described in this section has caused, is causing, or is about to cause substantial and material harm, the board may issue an order requiring that person to cease and desist from engaging in the violation. Notice of the order shall be mailed by certified mail, return receipt requested, immediately after its issuance to the person subject to the order and to all persons known to be involved in the violation. The board may thereafter publicize or otherwise make known to all interested parties that the order has been issued.

The notice shall specify the particular act, omission, practice, or transaction that is subject to the cease-and-desist order and shall set a date, not more than fifteen days after the date of the order, for a hearing on the continuation or revocation of the order. The person shall comply with the order immediately upon receipt of notice of the order.

The board may, on the application of a party and for good cause shown, continue the hearing.



Chapter 119. of the Revised Code applies to the hearing to the extent that that chapter does not conflict with the procedures set forth in this section. The board shall, within fifteen days after objections are submitted to the hearing officer's report and recommendation, issue a final order either confirming or revoking the cease-and-desist order. The final order may be appealed as provided under section 119.12 of the Revised Code.

The remedy under this division is cumulative and concurrent with the other remedies available under this section.