



Ohio Revised Code

Section 1349.05 Solicitation of employment by health care practitioner.

Effective: November 22, 2020

Legislation: House Bill 151 - 133rd General Assembly

(A) As used in this section:

(1) "Agency" and "license" have the same meanings as in section 119.01 of the Revised Code.

(2) "Crime" has the same meaning as in section 2930.01 of the Revised Code.

(3) "Health care practitioner" means any of the following:

(a) An individual licensed under Chapter 4731. of the Revised Code to practice medicine and surgery;

(b) An individual licensed under Chapter 4723. of the Revised Code to practice as an advanced practice registered nurse;

(c) An individual licensed under Chapter 4730. of the Revised Code to practice as a physician assistant;

(d) An individual licensed under Chapter 4732. of the Revised Code to practice as a psychologist;

(e) An individual licensed under Chapter 4734. of the Revised Code to practice as a chiropractor.

(4) "Victim" has the same meaning as in section 2930.01 of the Revised Code, except that it excludes any party to a motor vehicle accident.

(B) No health care practitioner, with the intent to obtain professional employment for the health care practitioner, shall directly contact in person, by telephone, or by electronic means any victim of a crime, or any witness to a motor vehicle accident or crime, other than a witness that was a party to a motor vehicle accident, until thirty days after the date of the motor vehicle accident or crime.



(C) No person who has been paid or given, or was offered to be paid or given, money or anything of value to solicit employment on behalf of another shall directly contact in person, by telephone, or by electronic means any victim of a crime, or any witness to a motor vehicle accident or crime, other than a witness that was a party to a motor vehicle accident, until thirty days after the date of the motor vehicle accident or crime.

(D)(1) Except as provided in division (D)(3) of this section, all of the following apply to a health care practitioner who, for the purpose of obtaining professional employment, contacts any party to a motor vehicle accident:

(a) The health care practitioner shall not contact the party in person at any time for the purpose of obtaining professional employment.

(b) Beginning twenty-four hours after the time of the accident, the health care practitioner may initiate contact with the party for the purpose of obtaining professional employment as follows:

(i) Through telephone, but not more than once in any forty-eight hour period;

(ii) Once through electronic mail;

(iii) Once through a text message;

(iv) Once in writing delivered through the United States postal service.

(2) Except as provided in division (D)(3) of this section, all of the following apply to a person who has been paid or given, or was offered to be paid or given, money or anything of value to contact, for the purpose of obtaining professional employment on behalf of another, any party to a motor vehicle accident:

(a) The person shall not contact the party in person at any time for the purpose of obtaining professional employment on behalf of another.



(b) Beginning twenty-four hours after the time of the accident, the person may initiate contact with the party for the purpose of obtaining professional employment on behalf of another as follows:

(i) Through telephone, but not more than once in any forty-eight hour period;

(ii) Once through electronic mail;

(iii) Once through a text message;

(iv) Once in writing delivered through the United States postal service.

(3) Divisions (D)(1) and (2) of this section do not apply to any person who solicits professional services to any party to a motor vehicle accident if the party being solicited was a previous purchaser of services from the person soliciting employment, or from the person on whose behalf employment is being solicited, and if both of the following apply:

(a) The solicitation is made under the same business or professional name that was previously used to sell services to the party to the motor vehicle accident.

(b) The person who will be providing the services has, for a period of not less than three years, operated a business or professional occupation under the same business or professional name as the name used in the solicitation.

(E) If an agency that has issued a license to a person believes that the person has violated this section, the agency shall issue a notice and conduct a hearing in accordance with Chapter 119. of the Revised Code. After determining that a person has violated this section on three separate occasions, the agency shall suspend the person's license.