



## Ohio Revised Code

### Section 4761.19 Reporting impairment; liability.

Effective: October 3, 2023

Legislation: House Bill 33

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A respiratory care professional, professional association or society of respiratory care professionals, physician, or professional association or society of physicians that believes a violation of division (A)(14) or (18) of section 4761.09 of the Revised Code has occurred shall report the information upon which the belief is based to the monitoring organization conducting the confidential monitoring program established under section 4731.25 of the Revised Code. If any such report is made to the state medical board, it shall be referred to the monitoring organization unless the board is aware that the individual who is the subject of the report does not meet the program eligibility requirements of section 4731.252 of the Revised Code.

An individual or entity that reports to the board, reports to the monitoring organization described in section 4731.25 of the Revised Code, or refers an impaired respiratory care professional to a treatment provider approved under section 4731.251 of the Revised Code shall not be subject to suit for civil damages as a result of the report, referral, or provision of the information.

In the absence of fraud or bad faith, a professional association or society of respiratory care professionals that sponsors a committee or program to provide peer assistance to a respiratory care professional with substance abuse problems, a representative or agent of such a committee or program, a representative or agent of the monitoring organization described in section 4731.25 of the Revised Code, and a member of the state medical board shall not be held liable in damages to any person by reason of actions taken to refer a respiratory care professional to a treatment provider approved under section 4731.251 of the Revised Code for examination or treatment.

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