



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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H.B. 273

132nd General Assembly
(As Introduced)

Reps. Gavarone, T. Johnson

BILL SUMMARY

- Prohibits physicians from being required to secure maintenance of certification in order to obtain licensure, reimbursement, employment, or admitting privileges.
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CONTENT AND OPERATION

Maintenance of certification – background

For physicians, board certification is a voluntary process that differs from medical licensure. While licensure by a state regulatory board establishes minimum competency requirements, it is not specific to a medical specialty. Board certification allows a physician to demonstrate the physician's knowledge and expertise in a particular field.¹

At present, a physician is board certified in a medical specialty if the physician has graduated from medical school, completed residency, trained under supervision in a medical specialty, and passed a qualifying examination given by a private medical specialty board.² Once board certified, in order to keep that certification active, the physician must participate in certain continuing education approved by the medical specialty board. This is often referred to as maintenance of certification.³ In general, current Ohio law governing physicians addresses licensure by the State Medical Board

¹ See American Board of Medical Specialties, *Board Certification*, available at <http://www.abms.org/board-certification/>.

² <https://www.merriam-webster.com/dictionary/board-certified#medicalDictionary>.

³ See American Board of Medical Specialties, *Board Certification, Steps Toward Initial Certification and MOC*, available at <http://www.abms.org/board-certification/steps-toward-initial-certification-and-moc/>.

of Ohio, but does not speak to board certification or maintenance of certification obtained through a private medical specialty board.⁴

For purposes of the bill, "maintenance of certification" is defined as a continuing education program that measures core competencies in the practice of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery and is approved by a national organization that certifies or accredits such continuing education programs.⁵ This continuing education differs from that required to renew a physician's authority to practice in Ohio.⁶

Prohibition on maintenance of certification requirements

State medical board licensure

With respect to an individual's authority to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, the bill prohibits the State Medical Board of Ohio from requiring the individual to secure a maintenance of certification as a condition of issuance or renewal.⁷

Reimbursement

The Ohio Department of Medicaid cannot require a physician to secure a maintenance of certification as a condition of entering into or revalidating a provider agreement with the Department.⁸ In addition, a third-party payer cannot require a physician to secure a maintenance of certification in order to contract with or be reimbursed by the payer.⁹ A third-party payer includes an insurance company, health insuring corporation, labor organization, employer, or any other person obligated by contract to reimburse for covered health services.¹⁰

Hospitals and other health care facilities

Under the bill, a physician cannot be required to secure a maintenance of certification in order to be employed by, contract with, or have surgical, admitting, or

⁴ R.C. Chapter 4731.

⁵ R.C. 3721.061, 3901.89, 4731.14, 4731.281(B), 4731.56, and 5164.302.

⁶ R.C. 4731.282, not in the bill.

⁷ R.C. 4731.14, 4731.281, 4731.29, 4731.56, and 4731.57.

⁸ R.C. 5164.302.

⁹ R.C. 3901.89.

¹⁰ R.C. 3901.38, not in the bill.



other privileges at a hospital or health care facility.¹¹ For purposes of the bill, a health care facility includes an ambulatory surgical facility, freestanding dialysis center, freestanding inpatient rehabilitation facility, freestanding birthing center, freestanding radiation therapy center, and freestanding or mobile diagnostic imaging center.¹²

Injunctive relief

The bill authorizes the Director of the Ohio Department of Health, in the case of a hospital, and the Superintendent of Insurance, in the case of a third-party payer, to ask the court for an order stopping the hospital or payer from requiring a physician to secure a maintenance of certification.¹³ The court may grant the order on a showing that the hospital or payer is demanding such a certification.

HISTORY

ACTION	DATE
Introduced	06-14-17

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¹¹ R.C. 3702.30 and 3727.061.

¹² R.C. 3702.30(A).

¹³ R.C. 3727.05 and 3901.89(C).

