



Fact Sheet Series for the 133rd General Assembly

Senate Bill 166 *Companion Bill to House Bill 290* Revoke Professional Licenses for Criminal Misconduct

Sponsors: Senators Kunze & Craig
Introduced 6/19/2019

Under Current Law:

- Though the Ohio Revised Code provides licensure penalties for mental health professionals found to have violated certain sex offenses, it does not provide the same for licensed healthcare professionals.
- Prosecutors currently do not have the discretion to charge many licensed providers with § 2907.05 Gross Sexual Imposition violations for sexual abuse of persons receiving care. Instead, they may charge such offenders at most with § 2907.06 Sexual Imposition, which carries a much lighter penalty.

This Bill Would:

- Define “healthcare professional” as any of the following: dentists and dental hygienists, registered nurses or licensed practical nurses, optometrists, physician’s assistants, physicians, psychologists, chiropractors, speech-language pathologists, audiologists, occupational therapists, physical therapists, athletic trainers, social workers
- Establish that sexual contact between a healthcare professional and a patient violates § 2907.05 Gross Sexual Imposition when one of the following applies:
 - **The offender knows that the sexual contact is offensive to the patient**
 - **The patient is less than 16-years-old or is a person with a developmental disability.**
- Provide the following felony classifications:
 - If the patient is 16-years-old or older: 5th Degree Felony
 - If the patient is 16-years-old or younger: 3rd Degree Felony
 - If the patient is 13-years-old or younger: 2nd Degree Felony
- Mandate a minimum prison term of 2, 3, 4, 5, 6, 7, or 8 years when the patient is 13-years-old or younger
- Allow for licensure revocation upon a guilty plea or conviction
- Provide that upon a guilty plea or conviction for aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or any substantially equivalent criminal offense in another jurisdiction, a licensed professional is automatically **suspended from practice.**

Why This Bill is Important:

- Any time there is an unequal power dynamic in a relationship, there is a heightened risk of abuse. These changes will help to protect medical patients from being abused by their healthcare providers, and will prevent providers who abuse their patients from further professional abuses through licensure revocation.

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