

AN ACT

To enact sections 4731.052 and 4731.283 of the Revised Code regarding the authority of physicians to prescribe, dispense, and administer dangerous drugs for management of intractable pain.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4731.052 and 4731.283 of the Revised Code be enacted to read as follows:

Sec. 4731.052. (A) As used in this section:

(1) "Dangerous drug" has the same meaning as in section 4729.02 Of the Revised Code.

(2) "Intractable pain" means a state of pain that is determined, after reasonable medical efforts have been made to relieve the pain or cure its cause, to have a cause for which no treatment or cure is possible or for which none has been found.

(3) "Physician" means an individual authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery.

(B) The state medical board shall adopt rules in accordance with Chapter 119. of the Revised Code that establish standards and procedures to be followed by physicians in the diagnosis and treatment of intractable pain, including standards for managing intractable pain by prescribing, dispensing, or administering dangerous drugs in amounts or combinations that may not be appropriate when treating other medical conditions. In developing the rules, the board shall consult with and permit review by physicians who are experienced in the diagnosis and treatment of intractable pain.

(C) When a physician diagnoses an individual as having intractable pain, the physician may treat the pain by managing it with dangerous drugs in amounts or combinations that may not be appropriate when treating other medical conditions. The physician's diagnosis shall be made after having the individual evaluated by one or more other physicians who specialize in the treatment of the area, system, or organ of the body perceived as the source of the pain. The physician's diagnosis and treatment decisions shall be made

according to accepted and prevailing standards for medical care. The physician shall maintain a record of all of the following:

- (1) Medical history and physical examination of the individual;
- (2) The diagnosis of intractable pain, including signs, symptoms, and causes;
- (3) The plan of treatment proposed, the patient's response to treatment, and any modification to the plan of treatment;
- (4) The dates on which dangerous drugs were prescribed, dispensed, or administered, the name and address of the individual to or for whom the dangerous drugs were prescribed, dispensed, or administered, and the amounts and dosage forms for the dangerous drugs prescribed, dispensed, or administered;
- (5) A copy of the report made by the physician or the physician to whom referral for evaluation was made under this division.

(D) A physician who treats intractable pain by managing it with dangerous drugs is not subject to disciplinary action by the board under section 4731.22 of the Revised Code solely because the physician treated the intractable pain with dangerous drugs. The physician is subject to disciplinary action only if the dangerous drugs are not prescribed, administered, or dispensed in accordance with this section and the rules adopted under it.

Sec. 4731.283. Not later than ninety days after the effective date of this section, the state medical board shall approve one or more continuing medical education courses of study included within the programs certified by the Ohio state medical association and the Ohio osteopathic association pursuant to section 4731.281 Of the Revised Code that assist doctors of medicine and doctors of osteopathic medicine in diagnosing and treating intractable pain, as defined in section 4731.052 Of the Revised Code.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Sub. H. B. No. 187

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Governor.

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____