

**As Reported by the House Finance Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. S. B. No. 319**

**Senator Eklund**

**Cosponsors: Senators Manning, Beagle, Tavares, Brown, Coley, Faber, Hackett, Hite, Jones, Obhof, Skindell, Thomas, Uecker, Williams Representatives Green, Sprague**

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**A BILL**

To amend sections 307.86, 321.44, 340.01, 340.011, 1  
340.03, 340.031, 340.032, 340.033, 340.034, 2  
340.04, 340.05, 340.07, 340.08, 340.09, 340.091, 3  
340.10, 340.12, 340.13, 340.15, 340.20, 1739.05, 4  
2921.22, 2925.61, 2929.13, 2929.14, 2929.15, 5  
2947.231, 3313.65, 3707.56, 3707.57, 3719.121, 6  
3719.13, 3719.21, 3719.27, 3959.111, 4511.191, 7  
4729.06, 4729.071, 4729.16, 4729.18, 4729.19, 8  
4729.291, 4729.38, 4729.51, 4729.54, 4729.541, 9  
4729.55, 4729.571, 4729.60, 4729.68, 4729.99, 10  
4731.22, 4731.62, 4731.94, 4776.02, 4776.04, 11  
5107.42, 5119.01, 5119.10, 5119.11, 5119.17, 12  
5119.21, 5119.22, 5119.23, 5119.25, 5119.28, 13  
5119.36, 5119.361, 5119.362, 5119.364, 5119.371, 14  
5119.391, 5119.392, 5119.41, 5119.42, 5119.60, 15  
5119.61, 5120.035, 5122.31, 5139.01, and 16  
5167.12; to amend, for the purpose of adopting 17  
new section numbers as indicated in parentheses, 18  
sections 340.032 (340.04), 340.04 (340.041), 19  
5119.361 (5119.366), 5119.371 (5119.361), and 20  
5119.372 (5119.367); to enact new section 21  
340.032 and sections 340.036, 340.037, 1751.691, 22

2151.26, 2945.65, 3701.59, 3707.561, 3707.562, 23  
3719.062, 3923.851, 4729.10, 4729.40, 4729.45, 24  
4729.513, 4729.514, 4729.553, 4729.90, 4729.901, 25  
4729.902, 4729.91, 4729.92, 4729.921, 4729.93, 26  
4729.94, 4729.95, 4729.96, 4731.943, 5119.221, 27  
and 5164.091; and to repeal section 4729.42 of 28  
the Revised Code and to amend Sections 331.90 29  
and 331.120 of Am. Sub. H.B. 64 of the 131st 30  
General Assembly to revise certain laws 31  
regarding the regulation of drugs, the practice 32  
of pharmacy, the procedures used by pharmacy 33  
benefit managers, and the provision of addiction 34  
and mental health services. 35

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 307.86, 321.44, 340.01, 340.011, 36  
340.03, 340.031, 340.032, 340.033, 340.034, 340.04, 340.05, 37  
340.07, 340.08, 340.09, 340.091, 340.10, 340.12, 340.13, 340.15, 38  
340.20, 1739.05, 2921.22, 2925.61, 2929.13, 2929.14, 2929.15, 39  
2947.231, 3313.65, 3707.56, 3707.57, 3719.121, 3719.13, 3719.21, 40  
3719.27, 3959.111, 4511.191, 4729.06, 4729.071, 4729.16, 41  
4729.18, 4729.19, 4729.291, 4729.38, 4729.51, 4729.54, 4729.541, 42  
4729.55, 4729.571, 4729.60, 4729.68, 4729.99, 4731.22, 4731.62, 43  
4731.94, 4776.02, 4776.04, 5107.42, 5119.01, 5119.10, 5119.11, 44  
5119.17, 5119.21, 5119.22, 5119.23, 5119.25, 5119.28, 5119.36, 45  
5119.361, 5119.362, 5119.364, 5119.371, 5119.391, 5119.392, 46  
5119.41, 5119.42, 5119.60, 5119.61, 5120.035, 5122.31, 5139.01, 47  
and 5167.12 be amended; sections 340.032 (340.04), 340.04 48  
(340.041), 5119.361 (5119.366), 5119.371 (5119.361), and 49

5119.372 (5119.367) be amended for the purpose of adopting new 50  
section numbers as indicated in parentheses; and new section 51  
340.032 and sections 340.036, 340.037, 1751.691, 2151.26, 52  
2945.65, 3701.59, 3707.561, 3707.562, 3719.062, 3923.851, 53  
4729.10, 4729.40, 4729.45, 4729.513, 4729.514, 4729.553, 54  
4729.90, 4729.901, 4729.902, 4729.91, 4729.92, 4729.921, 55  
4729.93, 4729.94, 4729.95, 4729.96, 4731.943, 5119.221, and 56  
5164.091 of the Revised Code be enacted to read as follows: 57

**Sec. 307.86.** Anything to be purchased, leased, leased with 58  
an option or agreement to purchase, or constructed, including, 59  
but not limited to, any product, structure, construction, 60  
reconstruction, improvement, maintenance, repair, or service, 61  
except the services of an accountant, architect, attorney at 62  
law, physician, professional engineer, construction project 63  
manager, consultant, surveyor, or appraiser, by or on behalf of 64  
the county or contracting authority, as defined in section 65  
307.92 of the Revised Code, at a cost in excess of fifty 66  
thousand dollars, except as otherwise provided in division (D) 67  
of section 713.23 and in sections 9.48, 125.04, 125.60 to 68  
125.6012, 307.022, 307.041, 307.861, 339.05, ~~340.03~~ 340.036, 69  
4115.31 to 4115.35, 5119.44, 5513.01, 5543.19, 5713.01, and 70  
6137.05 of the Revised Code, shall be obtained through 71  
competitive bidding. However, competitive bidding is not 72  
required when any of the following applies: 73

(A) The board of county commissioners, by a unanimous vote 74  
of its members, makes a determination that a real and present 75  
emergency exists, and that determination and the reasons for it 76  
are entered in the minutes of the proceedings of the board, when 77  
either of the following applies: 78

(1) The estimated cost is less than one hundred thousand 79

dollars.	80
(2) There is actual physical disaster to structures, radio communications equipment, or computers.	81 82
For purposes of this division, "unanimous vote" means all three members of a board of county commissioners when all three members are present, or two members of the board if only two members, constituting a quorum, are present.	83 84 85 86
Whenever a contract of purchase, lease, or construction is exempted from competitive bidding under division (A)(1) of this section because the estimated cost is less than one hundred thousand dollars, but the estimated cost is fifty thousand dollars or more, the county or contracting authority shall solicit informal estimates from no fewer than three persons who could perform the contract, before awarding the contract. With regard to each such contract, the county or contracting authority shall maintain a record of such estimates, including the name of each person from whom an estimate is solicited. The county or contracting authority shall maintain the record for the longer of at least one year after the contract is awarded or the amount of time the federal government requires.	87 88 89 90 91 92 93 94 95 96 97 98 99
(B)(1) The purchase consists of supplies or a replacement or supplemental part or parts for a product or equipment owned or leased by the county, and the only source of supply for the supplies, part, or parts is limited to a single supplier.	100 101 102 103
(2) The purchase consists of services related to information technology, such as programming services, that are proprietary or limited to a single source.	104 105 106
(C) The purchase is from the federal government, the state, another county or contracting authority of another	107 108

county, or a board of education, educational service center, 109  
township, or municipal corporation. 110

(D) The purchase is made by a county department of job and 111  
family services under section 329.04 of the Revised Code and 112  
consists of family services duties or workforce development 113  
activities or is made by a county board of developmental 114  
disabilities under section 5126.05 of the Revised Code and 115  
consists of program services, such as direct and ancillary 116  
client services, child care, case management services, 117  
residential services, and family resource services. 118

(E) The purchase consists of criminal justice services, 119  
social services programs, family services, or workforce 120  
development activities by the board of county commissioners from 121  
nonprofit corporations or associations under programs funded by 122  
the federal government or by state grants. 123

(F) The purchase consists of any form of an insurance 124  
policy or contract authorized to be issued under Title XXXIX of 125  
the Revised Code or any form of health care plan authorized to 126  
be issued under Chapter 1751. of the Revised Code, or any 127  
combination of such policies, contracts, plans, or services that 128  
the contracting authority is authorized to purchase, and the 129  
contracting authority does all of the following: 130

(1) Determines that compliance with the requirements of 131  
this section would increase, rather than decrease, the cost of 132  
the purchase; 133

(2) Requests issuers of the policies, contracts, plans, or 134  
services to submit proposals to the contracting authority, in a 135  
form prescribed by the contracting authority, setting forth the 136  
coverage and cost of the policies, contracts, plans, or services 137

as the contracting authority desires to purchase;	138
(3) Negotiates with the issuers for the purpose of purchasing the policies, contracts, plans, or services at the best and lowest price reasonably possible.	139 140 141
(G) The purchase consists of computer hardware, software, or consulting services that are necessary to implement a computerized case management automation project administered by the Ohio prosecuting attorneys association and funded by a grant from the federal government.	142 143 144 145 146
(H) Child care services are purchased for provision to county employees.	147 148
(I) (1) Property, including land, buildings, and other real property, is leased for offices, storage, parking, or other purposes, and all of the following apply:	149 150 151
(a) The contracting authority is authorized by the Revised Code to lease the property.	152 153
(b) The contracting authority develops requests for proposals for leasing the property, specifying the criteria that will be considered prior to leasing the property, including the desired size and geographic location of the property.	154 155 156 157
(c) The contracting authority receives responses from prospective lessors with property meeting the criteria specified in the requests for proposals by giving notice in a manner substantially similar to the procedures established for giving notice under section 307.87 of the Revised Code.	158 159 160 161 162
(d) The contracting authority negotiates with the prospective lessors to obtain a lease at the best and lowest price reasonably possible considering the fair market value of	163 164 165

the property and any relocation and operational costs that may 166  
be incurred during the period the lease is in effect. 167

(2) The contracting authority may use the services of a 168  
real estate appraiser to obtain advice, consultations, or other 169  
recommendations regarding the lease of property under this 170  
division. 171

(J) The purchase is made pursuant to section 5139.34 or 172  
sections 5139.41 to 5139.46 of the Revised Code and is of 173  
programs or services that provide case management, treatment, or 174  
prevention services to any felony or misdemeanor delinquent, 175  
unruly youth, or status offender under the supervision of the 176  
juvenile court, including, but not limited to, community 177  
residential care, day treatment, services to children in their 178  
home, or electronic monitoring. 179

(K) The purchase is made by a public children services 180  
agency pursuant to section 307.92 or 5153.16 of the Revised Code 181  
and consists of family services, programs, or ancillary services 182  
that provide case management, prevention, or treatment services 183  
for children at risk of being or alleged to be abused, 184  
neglected, or dependent children. 185

(L) The purchase is to obtain the services of emergency 186  
medical service organizations under a contract made by the board 187  
of county commissioners pursuant to section 307.05 of the 188  
Revised Code with a joint emergency medical services district. 189

(M) The county contracting authority determines that the 190  
use of competitive sealed proposals would be advantageous to the 191  
county and the contracting authority complies with section 192  
307.862 of the Revised Code. 193

Any issuer of policies, contracts, plans, or services 194

listed in division (F) of this section and any prospective 195  
lessor under division (I) of this section may have the issuer's 196  
or prospective lessor's name and address, or the name and 197  
address of an agent, placed on a special notification list to be 198  
kept by the contracting authority, by sending the contracting 199  
authority that name and address. The contracting authority shall 200  
send notice to all persons listed on the special notification 201  
list. Notices shall state the deadline and place for submitting 202  
proposals. The contracting authority shall mail the notices at 203  
least six weeks prior to the deadline set by the contracting 204  
authority for submitting proposals. Every five years the 205  
contracting authority may review this list and remove any person 206  
from the list after mailing the person notification of that 207  
action. 208

Any contracting authority that negotiates a contract under 209  
division (F) of this section shall request proposals and 210  
negotiate with issuers in accordance with that division at least 211  
every three years from the date of the signing of such a 212  
contract, unless the parties agree upon terms for extensions or 213  
renewals of the contract. Such extension or renewal periods 214  
shall not exceed six years from the date the initial contract is 215  
signed. 216

Any real estate appraiser employed pursuant to division 217  
(I) of this section shall disclose any fees or compensation 218  
received from any source in connection with that employment. 219

**Sec. 321.44.** (A) (1) A county probation services fund shall 220  
be established in the county treasury of each county. The fund a 221  
county establishes under this division shall contain all moneys 222  
paid to the treasurer of the county under section 2951.021 of 223  
the Revised Code for deposit into the fund. The moneys paid into 224



the fund shall be deposited by the treasurer of the county into 225  
the appropriate account established under divisions (A) (1) (a) to 226  
(d) of this section. Separate accounts shall be maintained in 227  
accordance with the following criteria in the fund a county 228  
establishes under this division: 229

(a) If a county department of probation is established in 230  
the county, a separate account shall be maintained in the fund 231  
for the county department of probation. 232

(b) If the judges of the court of common pleas of the 233  
county have affiliated with the judges of the court of common 234  
pleas of one or more other counties and have established a 235  
multicounty department of probation, a separate account shall be 236  
maintained in the fund for the multicounty department of 237  
probation. 238

(c) If a department of probation is established in a 239  
county-operated municipal court that has jurisdiction within the 240  
county, a separate account shall be maintained in the fund for 241  
the municipal court department of probation. 242

(d) If a county department of probation has not been 243  
established in the county and if the court of common pleas of 244  
the county, pursuant to section 2301.32 of the Revised Code, has 245  
entered into an agreement with the adult parole authority under 246  
which the court may place defendants under a community control 247  
sanction in charge of the authority, a separate account shall be 248  
maintained in the fund for the court of common pleas. 249

(2) For any county, if a county department of probation is 250  
established in the county or if a department of probation is 251  
established in a county-operated municipal court that has 252  
jurisdiction within the county, the board of county 253

commissioners of the county shall appropriate to the county 254  
department of probation or municipal court department of 255  
probation all money that is contained in the department's 256  
account in the county probation services fund established in the 257  
county for use only for specialized staff, purchase of 258  
equipment, purchase of services, reconciliation programs for 259  
offenders and victims, other treatment programs, including 260  
~~community alcohol and drug addiction services providers~~ 261  
certified under section 5119.36 of the Revised Code, determined 262  
to be appropriate by the chief probation officer of the 263  
department of probation, and other similar expenses related to 264  
placing offenders under a community control sanction. 265

For any county, if the judges of the court of common pleas 266  
of the county have affiliated with the judges of the court of 267  
common pleas of one or more other counties and have established 268  
a multicounty department of probation to serve the counties, the 269  
board of county commissioners of the county shall appropriate 270  
and the county treasurer shall transfer to the multicounty 271  
probation services fund established for the multicounty 272  
department of probation under division (B) of this section all 273  
money that is contained in the multicounty department of 274  
probation account in the county probation services fund 275  
established in the county for use in accordance with that 276  
division. 277

For any county, if a county department of probation has 278  
not been established in the county and if the court of common 279  
pleas of the county, pursuant to section 2301.32 of the Revised 280  
Code, has entered into an agreement with the adult parole 281  
authority under which the court may place defendants under a 282  
community control sanction in charge of the authority, the board 283  
of county commissioners of the county shall appropriate to the 284

court all money that is contained in the court's account in the 285  
county probation services fund established in the county for use 286  
only for specialized staff, purchase of equipment, purchase of 287  
services, reconciliation programs for offenders and victims, 288  
other treatment and recovery support services, including 289  
properly credentialed treatment and recovery support services 290  
program providers or ~~those~~ alcohol and drug addiction services 291  
certified under section 5119.36 of the Revised Code, determined 292  
to be appropriate by the authority, and other similar uses 293  
related to placing offenders under a community control sanction. 294

(B) If the judges of the courts of common pleas of two or 295  
more counties have established a multicounty department of 296  
probation, a multicounty probation services fund shall be 297  
established in the county treasury of the county whose 298  
treasurer, in accordance with section 2301.27 of the Revised 299  
Code, is designated by the judges of the courts of common pleas 300  
as the treasurer to whom monthly supervision fees are to be 301  
appropriated and transferred under division (A) (2) of this 302  
section for deposit into the fund. The fund shall contain all 303  
moneys that are paid to the treasurer of any member county under 304  
section 2951.021 of the Revised Code for deposit into the 305  
county's probation services fund and that subsequently are 306  
appropriated and transferred to the multicounty probation 307  
services fund under division (A) (2) of this section. The board 308  
of county commissioners of the county in which the multicounty 309  
probation services fund is established shall appropriate the 310  
money contained in that fund to the multicounty department of 311  
probation, for use only for specialized staff, purchase of 312  
equipment, purchase of services, reconciliation programs for 313  
offenders and victims, other treatment programs, including 314  
~~community alcohol and drug addiction services providers~~ 315

certified under section 5119.36 of the Revised Code, determined 316  
to be appropriate by the chief probation officer, and for other 317  
similar expenses related to placing offenders under a community 318  
control sanction. 319

(C) Any money in a county or multicounty probation 320  
services fund at the end of a fiscal year shall not revert to 321  
the general fund of the county but shall be retained in the 322  
fund. 323

(D) As used in this section: 324

(1) "County-operated municipal court" has the same meaning 325  
as in section 1901.03 of the Revised Code. 326

(2) "Multicounty department of probation" means a 327  
probation department established under section 2301.27 of the 328  
Revised Code to serve more than one county. 329

(3) "Community control sanction" has the same meaning as 330  
in section 2929.01 of the Revised Code. 331

**Sec. 340.01.** (A) As used in this chapter: 332

(1) "Addiction," "addiction services," "alcohol and drug 333  
addiction services," "alcoholism," "certifiable services and 334  
supports," "community addiction services provider," "community 335  
mental health services provider," "drug addiction," "gambling 336  
addiction services," "included opioid and co-occurring drug 337  
addiction services and recovery supports," "mental health 338  
services," ~~and~~ "mental illness," and "recovery supports" have 339  
the same meanings as in section 5119.01 of the Revised Code. 340

(2) "Medication-assisted treatment" means alcohol and drug 341  
addiction services that are accompanied by medication approved 342  
by the United States food and drug administration for the 343

treatment of alcoholism or drug addiction, prevention of relapse 344  
of alcoholism or drug addiction, or both. 345

(3) "Recovery housing" means housing for individuals 346  
recovering from alcoholism or drug addiction that provides an 347  
alcohol and drug-free living environment, peer support, 348  
assistance with obtaining alcohol and drug addiction services, 349  
and other alcoholism and drug addiction recovery assistance. 350

(B) An alcohol, drug addiction, and mental health service 351  
district shall be established in any county or combination of 352  
counties having a population of at least fifty thousand ~~to~~ 353  
~~provide addiction services and mental health services~~. With the 354  
approval of the director of mental health and addiction 355  
services, any county or combination of counties having a 356  
population of less than fifty thousand may establish such a 357  
district. Districts comprising more than one county shall be 358  
known as joint-county districts. 359

The board of county commissioners of any county 360  
participating in a joint-county district may submit a resolution 361  
requesting withdrawal from the district together with a 362  
comprehensive plan or plans that are in compliance with rules 363  
adopted by the director of mental health and addiction services 364  
under section 5119.22 of the Revised Code, and that provide for 365  
the equitable adjustment and division of all services, assets, 366  
property, debts, and obligations, if any, of the joint-county 367  
district to the board of alcohol, drug addiction, and mental 368  
health services, to the boards of county commissioners of each 369  
county in the district, and to the director. No county 370  
participating in a joint-county service district may withdraw 371  
from the district without the consent of the director of mental 372  
health and addiction services nor earlier than one year after 373

the submission of such resolution unless all of the 374  
participating counties agree to an earlier withdrawal. Any 375  
county withdrawing from a joint-county district shall continue 376  
to have levied against its tax list and duplicate any tax levied 377  
by the district during the period in which the county was a 378  
member of the district until such time as the levy expires or is 379  
renewed or replaced. 380

**Sec. 340.011.** (A) This chapter shall be interpreted to 381  
accomplish all of the following: 382

(1) Establish a unified system of treatment for mentally 383  
ill persons and persons with addictions; 384

(2) Establish a community support system available for 385  
every alcohol, drug addiction, and mental health service 386  
district; 387

(3) Protect the personal liberty of mentally ill persons 388  
so that they may be treated in the least restrictive 389  
environment; 390

(4) Encourage the development of high quality, cost 391  
effective, and comprehensive services, including culturally 392  
sensitive services; 393

(5) Foster the development of comprehensive community 394  
mental health services, based on recognized local needs, 395  
especially for severely mentally disabled children, adolescents, 396  
and adults; 397

(6) Ensure that services provided meet minimum standards 398  
established by the director of mental health and addiction 399  
services; 400

(7) Promote the delivery of high quality and cost- 401

effective addiction and mental health services; 402

(8) Promote the participation of persons receiving mental 403  
health services and addiction services in the planning, 404  
delivery, and evaluation of these services. 405

(B) Nothing in Chapter 340., 5119., or 5122. of the 406  
Revised Code shall be construed as requiring a board of county 407  
commissioners to provide resources beyond the total amount set 408  
forth in a budget and ~~statement~~ list of addiction services to be 409  
~~provided by the alcohol, drug addiction, and mental health~~ 410  
~~services board, as developed and submitted under, mental health~~ 411  
services, and recovery supports required by section 340.08 of 412  
the Revised Code and approved by the department of mental health 413  
and addiction services under section 5119.22 of the Revised 414  
Code. 415

**Sec. 340.03.** (A) Subject to rules issued by the director 416  
of mental health and addiction services after consultation with 417  
relevant constituencies as required by division (A) (10) of 418  
section 5119.21 of the Revised Code, ~~the each~~ board of alcohol, 419  
drug addiction, and mental health services shall: 420

(1) Serve as the community addiction and mental health 421  
~~services~~ planning agency for the county or counties under its 422  
jurisdiction, and in so doing it shall: 423

(a) Evaluate the need for ~~facilities and community~~ 424  
facility services, addiction and services, mental health 425  
services, and recovery supports; 426

(b) In cooperation with other local and regional planning 427  
and funding bodies and with relevant ethnic organizations, 428  
~~assess the community addiction and mental health needs, evaluate~~ 429  
strengths and challenges, and set priorities for ~~community~~ 430

addiction ~~and services,~~ mental health services, ~~including~~ 431  
~~treatment and prevention and recovery supports.~~ A board shall 432  
include treatment and prevention services when setting 433  
priorities for addiction services and mental health services. 434  
When ~~the a~~ board sets priorities for ~~the operation of~~ addiction 435  
services, the board shall consult with the county commissioners 436  
of the counties in the board's service district regarding the 437  
services described in section 340.15 of the Revised Code and 438  
shall give priority to those services, except that those 439  
services shall not have a priority over services provided to 440  
pregnant women under programs developed in relation to the 441  
mandate established in section 5119.17 of the Revised Code~~;~~. 442

(c) In accordance with guidelines issued by the director 443  
of mental health and addiction services ~~after consultation with~~ 444  
~~board representatives~~ under division (F) of section 5119.22 of 445  
the Revised Code, annually develop and submit to the department 446  
of mental health and addiction services a community addiction 447  
and mental health ~~services plan listing community addiction and~~ 448  
~~mental health services needs, including the~~ that addresses both 449  
of the following: 450

(i) The needs of all residents of the district currently 451  
receiving inpatient services in state-operated hospitals, the 452  
needs of other populations as required by state or federal law 453  
or programs, and the needs of all children subject to a 454  
determination made pursuant to section 121.38 of the Revised 455  
Code, ~~and ;~~ 456

(ii) The department's priorities for facilities and 457  
~~community facility services,~~ addiction and services, mental 458  
health services, and recovery supports during the period for 459  
which the plan will be in effect. The department shall inform 460



all of the boards of the department's priorities in a timely 461  
manner that enables the boards to know the department's 462  
priorities before the boards develop and submit the plans. 463

In alcohol, drug addiction, and mental health service 464  
districts that have separate alcohol and drug addiction services 465  
and community mental health boards, the alcohol and drug 466  
addiction services board shall submit a community addiction 467  
~~services~~ plan and the community mental health board shall submit 468  
a community mental health ~~services~~ plan. Each board shall 469  
consult with its counterpart in developing its plan and address 470  
the interaction between the local addiction ~~services~~ and mental 471  
health ~~services~~ systems and populations with regard to needs and 472  
priorities in developing its plan. 473

The department shall approve or disapprove the plan, in 474  
whole or in part, ~~according to the criteria developed pursuant~~ 475  
~~to~~ in accordance with division (G) of section 5119.22 of the 476  
Revised Code. Eligibility for state and federal funding shall be 477  
contingent upon an approved plan or relevant part of a plan. 478

If a board determines that it is necessary to amend ~~a~~ an 479  
approved plan that has been approved under this division, the 480  
board shall submit a proposed amendment to the director. The 481  
director ~~may~~ shall approve or disapprove all or part of the 482  
amendment in accordance with division (H) of section 5119.22 of 483  
the Revised Code. The director shall inform the board of the 484  
~~reasons for disapproval of all or part of an amendment and of~~ 485  
~~the criteria that must be met before the amendment may be~~ 486  
~~approved. The director shall provide the board an opportunity to~~ 487  
~~present its case on behalf of the amendment. The director shall~~ 488  
~~give the board a reasonable time in which to meet the criteria,~~ 489  
~~and shall offer the board technical assistance to help it meet~~ 490

<del>the criteria.</del>	491
The board shall operate in accordance with the plan	492
approved by the department.	493
(d) Promote, arrange, and implement working agreements	494
with social agencies, both public and private, and with judicial	495
agencies.	496
(2) Investigate, or request another agency to investigate,	497
any complaint alleging abuse or neglect of any person receiving	498
<u>addiction services, mental health services, or recovery supports</u>	499
from a community addiction <del>or mental health</del> services provider <u>or</u>	500
<u>community mental health services provider</u> or alleging abuse or	501
neglect of a resident receiving addiction services or with	502
mental illness or severe mental disability residing in a	503
residential facility licensed under section 5119.34 of the	504
Revised Code. If the investigation substantiates the charge of	505
abuse or neglect, the board shall take whatever action it	506
determines is necessary to correct the situation, including	507
notification of the appropriate authorities. Upon request, the	508
board shall provide information about such investigations to the	509
department.	510
(3) For the purpose of section 5119.36 of the Revised	511
Code, cooperate with the director of mental health and addiction	512
services in visiting and evaluating whether the <del>addiction or</del>	513
<del>mental health certifiable</del> services <u>and supports</u> of a community	514
addiction <u>services provider</u> or <u>community mental health services</u>	515
provider satisfy the certification standards established by	516
rules adopted under that section;	517
(4) In accordance with criteria established under division	518
<del>(E)</del> <u>(D)</u> of section 5119.22 of the Revised Code, conduct program	519

audits that review and evaluate the quality, effectiveness, and 520  
efficiency of addiction ~~and services,~~ mental health services, 521  
and recovery supports provided ~~through its~~ by community 522  
addiction services providers and community mental health 523  
services providers under contract with the board and submit ~~its~~ 524  
the board's findings and recommendations to the department of 525  
mental health and addiction services; 526

(5) In accordance with section 5119.34 of the Revised 527  
Code, review an application for a residential facility license 528  
and provide to the department of mental health and addiction 529  
services any information about the applicant or facility that 530  
the board would like the department to consider in reviewing the 531  
application; 532

(6) Audit, in accordance with rules adopted by the auditor 533  
of state pursuant to section 117.20 of the Revised Code, at 534  
least annually all programs ~~and,~~ addiction services, mental 535  
health services, and recovery supports provided under contract 536  
with the board. In so doing, the board may contract for or 537  
employ the services of private auditors. A copy of the fiscal 538  
audit report shall be provided to the director of mental health 539  
and addiction services, the auditor of state, and the county 540  
auditor of each county in the board's district. 541

(7) Recruit and promote local financial support for 542  
addiction ~~and services,~~ mental health services, and recovery 543  
supports from private and public sources; 544

~~(8) (a) Enter into contracts with public and private 545  
facilities for the operation of facility services and enter into 546  
contracts with public and private community addiction and mental 547  
health services providers for the provision of addiction and 548  
mental health services. The board may not contract with a 549~~

~~residential facility subject to section 5119.34 of the Revised Code unless the facility is licensed by the director of mental health and addiction services. The board may not contract with a community addiction or mental health services provider to provide addiction or mental health services unless the services are certified by the director of mental health and addiction services under section 5119.36 of the Revised Code. Section 307.86 of the Revised Code does not apply to contracts entered into under this division. In contracting with a community addiction or mental health services provider, a board shall consider the cost effectiveness of addiction or mental health services provided by that provider and the quality and continuity of care, and may review cost elements, including salary costs, of the services to be provided. A utilization review process may be established as part of the contract for services entered into between a board and a community addiction or mental health services provider. The board may establish this process in a way that is most effective and efficient in meeting local needs.~~

~~If either the board or a facility or community addiction or mental health services provider with which the board contracts under this division proposes not to renew the contract or proposes substantial changes in contract terms, the other party shall be given written notice at least one hundred twenty days before the expiration date of the contract. During the first sixty days of this one hundred twenty day period, both parties shall attempt to resolve any dispute through good faith collaboration and negotiation in order to continue to provide services to persons in need. If the dispute has not been resolved sixty days before the expiration date of the contract, either party may notify the department of mental health and~~

~~addiction services of the unresolved dispute. The director may~~ 581  
~~require both parties to submit the dispute to a third party with~~ 582  
~~the cost to be shared by the board and the facility or provider.~~ 583  
~~The third party shall issue to the board, the facility or~~ 584  
~~provider, and the department recommendations on how the dispute~~ 585  
~~may be resolved twenty days prior to the expiration date of the~~ 586  
~~contract, unless both parties agree to a time extension. The~~ 587  
~~director shall adopt rules establishing the procedures of this~~ 588  
~~dispute resolution process.~~ 589

~~(b) With the prior approval of the director of mental~~ 590  
~~health and addiction services, a board may operate a facility or~~ 591  
~~provide an addiction or mental health service as follows, if~~ 592  
~~there is no other qualified private or public facility or~~ 593  
~~community addiction or mental health services provider that is~~ 594  
~~immediately available and willing to operate such a facility or~~ 595  
~~provide the service.~~ 596

~~(i) In an emergency situation, any board may operate a~~ 597  
~~facility or provide an addiction or mental health service in~~ 598  
~~order to provide essential services for the duration of the~~ 599  
~~emergency.~~ 600

~~(ii) In a service district with a population of at least~~ 601  
~~one hundred thousand but less than five hundred thousand, a~~ 602  
~~board may operate a facility or provide an addiction or mental~~ 603  
~~health service for no longer than one year.~~ 604

~~(iii) In a service district with a population of less than~~ 605  
~~one hundred thousand, a board may operate a facility or provide~~ 606  
~~an addiction or mental health service for no longer than one~~ 607  
~~year, except that such a board may operate a facility or provide~~ 608  
~~an addiction or mental health service for more than one year~~ 609  
~~with the prior approval of the director and the prior approval~~ 610

~~of the board of county commissioners, or of a majority of the~~ 611  
~~boards of county commissioners if the district is a joint county~~ 612  
~~district.~~ 613

~~The director shall not give a board approval to operate a~~ 614  
~~facility or provide an addiction or mental health service under~~ 615  
~~division (A) (8) (b) (ii) or (iii) of this section unless the~~ 616  
~~director determines that it is not feasible to have the~~ 617  
~~department operate the facility or provide the service.~~ 618

~~The director shall not give a board approval to operate a~~ 619  
~~facility or provide an addiction or mental health service under~~ 620  
~~division (A) (8) (b) (iii) of this section unless the director~~ 621  
~~determines that the board will provide greater administrative~~ 622  
~~efficiency and more or better services than would be available~~ 623  
~~if the board contracted with a private or public facility or~~ 624  
~~community addiction or mental health services provider.~~ 625

~~The director shall not give a board approval to operate a~~ 626  
~~facility previously operated by a person or other government~~ 627  
~~entity unless the board has established to the director's~~ 628  
~~satisfaction that the person or other government entity cannot~~ 629  
~~effectively operate the facility or that the person or other~~ 630  
~~government entity has requested the board to take over operation~~ 631  
~~of the facility. The director shall not give a board approval to~~ 632  
~~provide an addiction or mental health service previously~~ 633  
~~provided by a community addiction or mental health services~~ 634  
~~provider unless the board has established to the director's~~ 635  
~~satisfaction that the provider cannot effectively provide the~~ 636  
~~service or that the provider has requested the board take over~~ 637  
~~providing the service.~~ 638

~~The director shall review and evaluate a board's operation~~ 639  
~~of a facility and provision of addiction or mental health~~ 640

~~services under division (A) (8) (b) of this section.~~ 641

~~Nothing in division (A) (8) (b) of this section authorizes a board to administer or direct the daily operation of any facility or community addiction or mental health services provider, but a facility or provider may contract with a board to receive administrative services or staff direction from the board under the direction of the governing body of the facility or provider.~~ 642  
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~~(9) Approve~~ In accordance with guidelines issued by the department as necessary to comply with state and federal laws pertaining to financial assistance, approve fee schedules and related charges or adopt a unit cost schedule or other methods of payment for ~~contract~~ addiction services, mental health services, and recovery supports provided by community addiction or mental health services providers in accordance with guidelines issued by the department as necessary to comply with state and federal laws pertaining to financial assistance and community mental health services providers that have contracted with the board under section 340.036 of the Revised Code; 649  
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~~(10)~~ (9) Submit to the director and the county commissioners of the county or counties served by the board, and make available to the public, an annual report of the addiction services, mental health services, and recovery supports under the jurisdiction of the board, including a fiscal accounting; 660  
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~~(11) Establish, to the extent resources are available, a continuum of care that provides for prevention, treatment, support, and rehabilitation services and opportunities. The essential elements of the continuum of care shall include the following components:~~ 665  
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<del>(a) To locate persons in need of addiction or mental health services to inform them of available services and benefits;</del>	670
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	672
<del>(b) Assistance for persons receiving addiction or mental health services to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income;</del>	673
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<del>(c) Addiction and mental health services, including all of the following:</del>	677
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<del>(i) Outpatient;</del>	679
<del>(ii) Residential;</del>	680
<del>(iii) Partial hospitalization;</del>	681
<del>(iv) Where appropriate, inpatient care;</del>	682
<del>(v) Sub-acute detoxification;</del>	683
<del>(vi) Intensive and other supports;</del>	684
<del>(vii) Recovery support;</del>	685
<del>(viii) Prevention and wellness management;</del>	686
<del>(ix) In accordance with section 340.033 of the Revised Code, an array of treatment and support services for all levels of opioid and co-occurring drug addiction.</del>	687
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<del>(d) Emergency services and crisis intervention;</del>	690
<del>(e) Assistance for persons receiving services to obtain vocational services and opportunities for jobs;</del>	691
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<del>(f) The provision of services designed to develop social, community, and personal living skills;</del>	693
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<del>(g) Access to a wide range of housing and the provision of residential treatment and support;</del>	695
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<del>(h) Support, assistance, consultation, and education for families, friends, persons receiving addiction or mental health services, and others;</del>	697
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<del>(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and community employment as natural supports for persons receiving addiction or mental health services;</del>	700
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<del>(j) Grievance procedures and protection of the rights of persons receiving addiction or mental health services;</del>	705
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<del>(k) Community psychiatric supportive treatment services, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured;</del>	707
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<del>(l) Any additional component the department, pursuant to section 5119.21 of the Revised Code, determines is necessary to establish the continuum of care.</del>	710
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	712
<del>(12)-(10) Establish a method for evaluating referrals for court-ordered treatment and affidavits filed pursuant to section 5122.11 of the Revised Code in order to assist the probate division of the court of common pleas in determining whether there is probable cause that a respondent is subject to court-ordered treatment and whether alternatives to hospitalization are available and appropriate;</del>	713
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<del>(13)-(11) Designate the treatment services, provider, facility, or other placement for each person involuntarily committed to the board pursuant to Chapter 5122. of the Revised Code. The board shall provide the least restrictive and most</del>	720
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appropriate alternative that is available for any person 724  
involuntarily committed to it and shall assure that the ~~listed-~~ 725  
list of addiction services, mental health services, and recovery 726  
supports submitted and approved in accordance with division (B) 727  
of section 340.08 of the Revised Code are available to severely 728  
mentally disabled persons residing within its service district. 729  
The board shall establish the procedure for authorizing payment 730  
for the services and supports, which may include prior 731  
authorization in appropriate circumstances. In accordance with 732  
~~division (A) (8) (b) of this section 340.037 of the Revised Code,~~ 733  
the board may provide ~~for~~ addiction services and mental health 734  
services directly to a severely mentally disabled person when 735  
life or safety is endangered and when no community addiction 736  
services provider or community mental health services provider 737  
is available to provide the service. 738

~~(14)~~ (12) Ensure that housing built, subsidized, 739  
renovated, rented, owned, or leased by the board or a community 740  
addiction services provider or community mental health services 741  
provider has been approved as meeting minimum fire safety 742  
standards and that persons residing in the housing have access 743  
to appropriate and necessary services, including culturally 744  
relevant services, from a community addiction services provider 745  
or community mental health services provider. This division does 746  
not apply to residential facilities licensed pursuant to section 747  
5119.34 of the Revised Code. 748

~~(15)~~ (13) Establish a mechanism for obtaining advice and 749  
involvement of persons receiving addiction ~~or~~ services, mental 750  
health services, or recovery supports on matters pertaining to 751  
~~addiction and mental health services~~ and supports in the 752  
alcohol, drug addiction, and mental health service district; 753

~~(16)~~-(14) Perform the duties required by rules adopted 754  
under section 5119.22 of the Revised Code regarding referrals by 755  
the board or community mental health services providers under 756  
contract with the board of individuals with mental illness or 757  
severe mental disability to class two residential facilities 758  
licensed under section 5119.34 of the Revised Code and effective 759  
arrangements for ongoing mental health services for the 760  
individuals. The board is accountable in the manner specified in 761  
the rules for ensuring that the ongoing mental health services 762  
are effectively arranged for the individuals. 763

(B) ~~The~~ Each board of alcohol, drug addiction, and mental 764  
health services shall establish such rules, operating 765  
procedures, standards, and bylaws, and perform such other duties 766  
as may be necessary or proper to carry out the purposes of this 767  
chapter. 768

(C) A board of alcohol, drug addiction, and mental health 769  
services may receive by gift, grant, devise, or bequest any 770  
moneys, lands, or property for the benefit of the purposes for 771  
which the board is established, and may hold and apply it 772  
according to the terms of the gift, grant, or bequest. All money 773  
received, including accrued interest, by gift, grant, or bequest 774  
shall be deposited in the treasury of the county, the treasurer 775  
of which is custodian of the alcohol, drug addiction, and mental 776  
health services funds to the credit of the board and shall be 777  
available for use by the board for purposes stated by the donor 778  
or grantor. 779

(D) No ~~board~~-member or employee of a board of alcohol, 780  
drug addiction, and mental health services shall be liable for 781  
injury or damages caused by any action or inaction taken within 782  
the scope of the ~~board~~-member's official duties or the 783

employee's employment, whether or not such action or inaction is 784  
expressly authorized by this section or any other section of the 785  
Revised Code, unless such action or inaction constitutes willful 786  
or wanton misconduct. Chapter 2744. of the Revised Code applies 787  
to any action or inaction by a ~~board~~-member or employee of a 788  
board taken within the scope of the ~~board~~-member's official 789  
duties or employee's employment. For the purposes of this 790  
division, the conduct of a ~~board~~-member or employee shall not be 791  
considered willful or wanton misconduct if the ~~board~~-member or 792  
employee acted in good faith and in a manner that the ~~board~~- 793  
member or employee reasonably believed was in or was not opposed 794  
to the best interests of the board and, with respect to any 795  
criminal action or proceeding, had no reasonable cause to 796  
believe the conduct was unlawful. 797

(E) The meetings held by any committee established by a 798  
board of alcohol, drug addiction, and mental health services 799  
shall be considered to be meetings of a public body subject to 800  
section 121.22 of the Revised Code. 801

**Sec. 340.031.** A board of alcohol, drug addiction, and 802  
mental health services may: 803

(A) Inspect any residential facility licensed under 804  
section 5119.34 of the Revised Code and located in its service 805  
district; 806

(B) Acquire, convey, lease, or enter into a contract to 807  
purchase, lease, or sell property for ~~community~~-addiction and- 808  
services, mental health services, and related purposes, and 809  
enter into loan agreements, including mortgages, for the 810  
acquisition of such property. 811

**Sec. 340.032.** Subject to rules adopted by the director of 812

mental health and addiction services after consultation with 813  
relevant constituencies as required by division (A) (10) of 814  
section 5119.21 of the Revised Code, each board of alcohol, drug 815  
addiction, and mental health services shall do all of the 816  
following: 817

(A) Establish, to the extent resources are available, a 818  
community-based continuum of care that includes, except as 819  
otherwise authorized by a time-limited waiver issued under 820  
division (A) (1) of section 5119.221 of the Revised Code, all of 821  
the following as essential elements: 822

(1) Prevention and wellness management services; 823

(2) At least both of the following outreach and engagement 824  
activities: 825

(a) Locating persons in need of addiction services and 826  
persons in need of mental health services to inform them of 827  
available addiction services, mental health services, and 828  
recovery supports; 829

(b) Helping persons who receive addiction services and 830  
persons who receive mental health services obtain services 831  
necessary to meet basic human needs for food, clothing, shelter, 832  
medical care, personal safety, and income. 833

(3) Assessment services; 834

(4) Care coordination; 835

(5) Residential services; 836

(6) At least the following outpatient services: 837

(a) Nonintensive; 838

(b) Intensive, such as partial hospitalization and 839

<u>assertive community treatment;</u>	840
<u>(c) Withdrawal management;</u>	841
<u>(d) Emergency and crisis.</u>	842
<u>(7) Where appropriate, at least the following inpatient</u>	843
<u>services:</u>	844
<u>(a) Psychiatric care;</u>	845
<u>(b) Medically managed alcohol or drug treatment.</u>	846
<u>(8) At least all of the following recovery supports:</u>	847
<u>(a) Peer support;</u>	848
<u>(b) A wide range of housing and support services,</u>	849
<u>including recovery housing;</u>	850
<u>(c) Employment, vocational, and educational opportunities;</u>	851
<u>(d) Assistance with social, personal, and living skills;</u>	852
<u>(e) Multiple paths to recovery such as twelve-step</u>	853
<u>approaches and parent advocacy connection;</u>	854
<u>(f) Support, assistance, consultation, and education for</u>	855
<u>families, friends, and persons receiving addiction services,</u>	856
<u>mental health services, and recovery supports.</u>	857
<u>(9) In accordance with section 340.033 of the Revised</u>	858
<u>Code, an array of addiction services and recovery supports for</u>	859
<u>all levels of opioid and co-occurring drug addiction;</u>	860
<u>(10) Any additional elements the department of mental</u>	861
<u>health and addiction services, pursuant to section 5119.21 of</u>	862
<u>the Revised Code, determines are necessary to establish the</u>	863
<u>community-based continuum of care.</u>	864

(B) Ensure that the rights of persons receiving any 865  
elements of the community-based continuum of care are protected; 866

(C) Ensure that persons receiving any elements of the 867  
community-based continuum of care are able to utilize grievance 868  
procedures applicable to the elements. 869

**Sec. 340.033.** The array of ~~treatment and support~~ addiction 870  
services and recovery supports for all levels of opioid and co- 871  
occurring drug addiction required by ~~division (A) (11) (c) (ix) of~~ 872  
section 340.03-340.032 of the Revised Code to be included in a 873  
community-based continuum of care established under that section 874  
shall include, except as otherwise authorized by a waiver issued 875  
under division (A) (2) of section 5119.221 of the Revised Code, 876  
at least ambulatory and sub-acute detoxification, non-intensive 877  
and intensive outpatient services, medication-assisted 878  
treatment, peer-mentoring support, residential ~~treatment~~ 879  
services, recovery housing pursuant to section 340.034 of the 880  
Revised Code, and multiple paths to recovery such as twelve-step 881  
approaches. The ~~treatment and support~~ services and supports 882  
shall be made available in the service district of each board of 883  
alcohol, drug addiction, and mental health services, except that 884  
sub-acute detoxification and residential ~~treatment~~ services may 885  
be made available through a contract with one or more providers 886  
of sub-acute detoxification or residential ~~treatment~~ services 887  
located in other service districts. The ~~treatment and support~~ 888  
services and supports shall be made available in a manner that 889  
ensures that ~~service~~ recipients are able to access the services 890  
and supports they need for opioid and co-occurring drug 891  
addiction in an integrated manner and without delay in 892  
accordance with their assessed needs when changing or obtaining 893  
additional ~~treatment or support~~ addiction services or recovery 894  
supports for such addiction. An individual seeking a ~~treatment~~ 895

service or support ~~service~~ for opioid and co-occurring drug 896  
addiction included in a community-based continuum of care shall 897  
not be denied the service or support on the basis ~~that~~ of the 898  
~~service previously failed~~ individual's prior experience with the 899  
service or support. 900

**Sec. 340.034.** All of the following apply to the recovery 901  
housing required by section 340.033 of the Revised Code to be 902  
part of included in the array of treatment services and recovery 903  
~~support for all levels of~~ opioid and co-occurring drug addiction 904  
~~that are part of the continuum of care established by each board~~ 905  
~~of alcohol, drug addiction, and mental health services pursuant~~ 906  
~~to division (A) (11) of section 340.03 of the Revised Code~~ 907  
services and recovery supports: 908

(A) The recovery housing shall not be subject to 909  
residential facility licensure by the department of mental 910  
health and addiction services under section 5119.34 of the 911  
Revised Code. ~~In addition, the~~ 912

(B) The recovery housing shall not be subject to 913  
certification as a recovery support under section 5119.36 of the 914  
Revised Code. 915

(C) The recovery housing shall not be owned and operated 916  
by a board of alcohol, drug addiction, and mental health 917  
services unless any of the following applies: 918

(1) The board owns and operates the recovery housing on 919  
July 1, 2017. 920

(2) The board utilizes local funds in the development, 921  
purchase, or operation of the recovery housing. 922

(3) The board determines that there is a need for the 923  
board to assume the ownership and operation of the recovery 924



housing such as when an existing owner and operator of the 925  
recovery housing goes out of business, and the board considers 926  
the assumption of ownership and operation of the recovery 927  
housing to be in the best interest of the community. 928

~~(B)~~ (D) The recovery housing shall have protocols for all 929  
of the following: 930

(1) Administrative oversight; 931

(2) Quality standards; 932

(3) Policies and procedures, including house rules, for 933  
its residents to which the residents must agree to adhere. 934

~~(C)~~ (E) Family members of the recovery housing's residents 935  
may reside in the recovery housing to the extent the recovery 936  
housing's protocols permit. 937

~~(D)~~ (F) The recovery housing shall not limit a resident's 938  
duration of stay to an arbitrary or fixed amount of time. 939  
Instead, each resident's duration of stay shall be determined by 940  
the resident's needs, progress, and willingness to abide by the 941  
recovery housing's protocols, in collaboration with the recovery 942  
housing's owner and operator, and, if appropriate, in 943  
consultation and integration with a community addiction services 944  
provider. 945

~~(E)~~ (G) The recovery housing may permit its residents to 946  
receive medication-assisted treatment. 947

~~(F)~~ (H) A recovery housing resident may receive addiction 948  
services that are certified by the department of mental health 949  
and addiction services under section 5119.36 of the Revised 950  
Code. 951

**Sec. 340.036.** (A) Subject to division (B) of this section 952

and rules adopted by the director of mental health and addiction 953  
services after consultation with relevant constituencies as 954  
required by division (A) (10) of section 5119.21 of the Revised 955  
Code, each board of alcohol, drug addiction, and mental health 956  
services shall enter into contracts with all of the following: 957

(1) Public and private facilities for the operation of 958  
facility services; 959

(2) Community addiction services providers for addiction 960  
services and recovery supports; 961

(3) Community mental health services providers for mental 962  
health services and recovery supports. 963

(B) No board shall do any of the following: 964

(1) Contract with a residential facility required to be 965  
licensed under section 5119.34 of the Revised Code unless the 966  
facility is so licensed; 967

(2) Contract with a community addiction services provider 968  
or community mental health services provider for certifiable 969  
services and supports unless the certifiable services and 970  
supports are certified under section 5119.36 of the Revised 971  
Code; 972

(3) Contract with a community addiction services provider 973  
or community mental health services provider for recovery 974  
supports that are required by the director to meet quality 975  
criteria or core competencies unless the recovery supports meet 976  
the criteria or competencies. 977

(C) When a board contracts with a community addiction 978  
services provider or community mental health services provider 979  
for addiction services, mental health services, or recovery 980

<u>supports, all of the following apply:</u>	981
<u>(1) The board shall consider both of the following:</u>	982
<u>(a) The cost effectiveness and quality of the provider's</u> <u>services and supports;</u>	983 984
<u>(b) Continuity of care.</u>	985
<u>(2) The board may review cost elements, including salary</u> <u>costs, of the services and supports.</u>	986 987
<u>(3) The board may establish, in a way that is most</u> <u>effective and efficient in meeting local needs, a utilization</u> <u>review process as part of the contract.</u>	988 989 990
<u>(D) If a party to a contract entered into under this</u> <u>section proposes not to renew the contract or proposes</u> <u>substantial changes in contract terms, the other party shall be</u> <u>given written notice at least one hundred twenty days before the</u> <u>expiration date of the contract. During the first sixty days of</u> <u>this one-hundred-twenty-day period, both parties shall attempt</u> <u>to resolve any dispute through good faith collaboration and</u> <u>negotiation in order to continue to provide services and</u> <u>supports to persons in need. If the dispute has not been</u> <u>resolved sixty days before the expiration date of the contract,</u> <u>either party may notify the director of the unresolved dispute.</u> <u>The director may require both parties to submit the dispute to</u> <u>another entity with the cost to be shared by the parties. Not</u> <u>later than twenty days before the expiration date of the</u> <u>contract or a later date to which both parties agree, the other</u> <u>entity shall issue to the parties and director recommendations</u> <u>on how the dispute may be resolved. The director shall adopt</u> <u>rules establishing the procedures of this dispute resolution</u> <u>process.</u>	991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009

(E) Section 307.86 of the Revised Code does not apply to 1010  
contracts entered into under this section. 1011

Sec. 340.037. (A) Subject to division (B) of this section 1012  
and rules adopted by the director of mental health and addiction 1013  
services after consultation with relevant constituencies as 1014  
required by division (A)(10) of section 5119.21 of the Revised 1015  
Code, a board of alcohol, drug addiction, and mental health 1016  
services may operate a facility or provide an addiction service 1017  
or mental health service if both of the following apply: 1018

(1) The director gives the board prior approval; 1019

(2) There is no other qualified private or public 1020  
facility, community addiction services provider, or community 1021  
mental health services provider that is immediately available 1022  
and willing to operate such a facility or provide the service. 1023

(B)(1) In an emergency situation, a board may operate a 1024  
facility or provide an addiction service or mental health 1025  
service in order to provide essential services for the duration 1026  
of the emergency. 1027

(2) In a service district with a population of at least 1028  
one hundred thousand but less than five hundred thousand, a 1029  
board may operate a facility or provide an addiction service or 1030  
mental health service for not longer than one year. 1031

(3) In a service district with a population of less than 1032  
one hundred thousand, a board may operate a facility or provide 1033  
an addiction service or mental health service for not longer 1034  
than one year, except that the board may operate a facility or 1035  
provide an addiction service or mental health service for more 1036  
than one year with the prior approval of both of the following: 1037

(a) The director; 1038

(b) The board of county commissioners with jurisdiction 1039  
over the service district or, if the service district is a 1040  
joint-county district, a majority of the boards of county 1041  
commissioners with jurisdiction over the district. 1042

(C) The director shall not do any of the following: 1043

(1) Except in an emergency situation, give a board 1044  
approval to operate a facility or provide an addiction service 1045  
or mental health service unless the director determines that it 1046  
is not feasible to have the department operate the facility or 1047  
provide the service; 1048

(2) Give a board that serves a service district with a 1049  
population of less than one hundred thousand approval to operate 1050  
a facility or provide an addiction service or mental health 1051  
service unless the director determines that the board will 1052  
provide greater administrative efficiency and more or better 1053  
services than would be available if the board contracted with a 1054  
private or public facility, community addiction services 1055  
provider, or community mental health services provider; 1056

(3) Give a board approval to operate a facility previously 1057  
operated by a person or other government entity unless the board 1058  
has established to the director's satisfaction that the person 1059  
or other government entity cannot effectively operate the 1060  
facility or that the person or other government entity has 1061  
requested the board to take over operation of the facility; 1062

(4) Give a board approval to provide an addiction service 1063  
or mental health service previously provided by a community 1064  
addiction services provider or community mental health services 1065  
provider unless the board has established to the director's 1066  
satisfaction that the provider cannot effectively provide the 1067

service or that the provider has requested the board to take 1068  
over providing the service. 1069

(D) The director shall review and evaluate a board's 1070  
operation of a facility and provision of addiction services or 1071  
mental health services under this section. 1072

(E) Nothing in this section authorizes a board to 1073  
administer or direct the daily operation of any facility, 1074  
community addiction services provider, or community mental 1075  
health services provider. However, a facility or provider may 1076  
contract with a board to receive administrative services or 1077  
staff direction from the board under the direction of the 1078  
governing body of the facility or provider. 1079

**Sec. ~~340.032~~ 340.04.** ~~The~~ Each board of alcohol, drug 1080  
addiction, and mental health services shall employ a qualified 1081  
mental health or addiction services professional with experience 1082  
in administration or a professional administrator with 1083  
experience in mental health services or addiction services to 1084  
serve as executive director of the board and shall prescribe the 1085  
director's duties. 1086

The board shall fix the compensation of the executive 1087  
director. In addition to such compensation, the director shall 1088  
be reimbursed for actual and necessary expenses incurred in the 1089  
performance of the director's official duties. The board, by 1090  
majority vote of the full membership, may remove the director 1091  
for cause, upon written charges, after an opportunity has been 1092  
afforded the director for a hearing before the board on request. 1093

The board may delegate to its executive director the 1094  
authority to act in its behalf in the performance of its 1095  
administrative duties. 1096

As used in this section, "mental health professional" and 1097  
"addiction services professional" mean an individual who is 1098  
qualified to work with mentally ill persons or persons receiving 1099  
addiction services, pursuant to standards established by the 1100  
director of mental health and addiction services under Chapter 1101  
5119. of the Revised Code. 1102

~~Sec. 340.04~~ 340.041. In addition to such other duties as 1103  
may be lawfully imposed, the executive director of a board of 1104  
alcohol, drug addiction, and mental health services shall: 1105

(A) Serve as executive officer of the board and subject to 1106  
the prior approval of the board for each contract, execute 1107  
contracts on its behalf; 1108

(B) Supervise addiction services, mental health services, 1109  
recovery supports, and facilities provided, operated, 1110  
contracted, or supported by the board to the extent of 1111  
determining that services, supports, and facilities are being 1112  
administered in conformity with this chapter and rules of the 1113  
director of mental health and addiction services; 1114

(C) Provide consultation to community addiction services 1115  
providers and community mental health services providers 1116  
~~providing services supported by the board;~~ 1117

(D) Recommend to the board the changes necessary to 1118  
increase the effectiveness of addiction ~~and services,~~ mental 1119  
health services, and recovery supports and other matters 1120  
necessary or desirable to carry out this chapter; 1121

(E) Employ and remove from office such employees and 1122  
consultants in the classified civil service and, subject to the 1123  
approval of the board, employ and remove from office such other 1124  
employees and consultants as may be necessary for the work of 1125

the board, and fix their compensation and reimbursement within 1126  
the limits set by the salary schedule and the budget approved by 1127  
the board; 1128

(F) Encourage the development and expansion of preventive, 1129  
treatment, ~~rehabilitative,~~ and consultative services, as well as 1130  
recovery supports, in the ~~field~~ fields of addiction services and 1131  
mental health services with emphasis on continuity of care; 1132

(G) Prepare for board approval an annual report of the 1133  
addiction services, mental health services, recovery supports, 1134  
and facilities under the jurisdiction of the board, including a 1135  
fiscal accounting of all services and supports; 1136

(H) Conduct such studies as may be necessary and 1137  
practicable for the promotion of mental health, promotion of 1138  
addiction services, and the prevention of mental illness, 1139  
emotional disorders, and addiction; 1140

(I) Authorize the county auditor, or in a joint-county 1141  
district the county auditor designated as the auditor for the 1142  
district, to issue warrants for the payment of board obligations 1143  
approved by the board, provided that all payments from funds 1144  
distributed to the board by the department of mental health and 1145  
addiction services are in accordance with the budget submitted 1146  
pursuant to section 340.08 of the Revised Code, as approved by 1147  
the department of mental health and addiction services. 1148

**Sec. 340.05.** ~~A~~ If a community addiction services provider 1149  
or community mental health services provider ~~that~~ receives a 1150  
complaint alleging abuse or neglect of an individual with mental 1151  
illness or severe mental disability, or an individual receiving 1152  
addiction services, who resides in a residential facility 1153  
licensed under section 5119.34 of the Revised Code, the provider 1154



shall report the complaint to the board of alcohol, drug 1155  
addiction, and mental health services serving the alcohol, drug 1156  
addiction, and mental health service district in which the 1157  
residential facility is located. A board of alcohol, drug 1158  
addiction, and mental health services that receives such a 1159  
~~complaint or a~~ report from a community addiction services 1160  
provider or community mental health services provider of such a 1161  
complaint shall report the complaint to the director of mental 1162  
health and addiction services for the purpose of the director 1163  
conducting an investigation under section 5119.34 of the Revised 1164  
Code. The board may enter the facility with or without the 1165  
director and, if the health and safety of a resident is in 1166  
immediate danger, take any necessary action to protect the 1167  
resident. The board's action shall not violate any resident's 1168  
rights specified in rules adopted by the department of mental 1169  
health and addiction services under section 5119.34 of the 1170  
Revised Code. The board shall immediately report to the director 1171  
regarding the board's actions under this section. 1172

**Sec. 340.07.** The board of county commissioners of any 1173  
county participating in an alcohol, drug addiction, and mental 1174  
health service district or joint-county district, upon receipt 1175  
from the board of alcohol, drug ~~addition~~ addiction, and mental 1176  
health services of a resolution so requesting, may appropriate 1177  
money to such board for the operation, lease, acquisition, 1178  
construction, renovation, and maintenance of community addiction 1179  
~~or services providers, community~~ mental health services 1180  
providers, and facilities in accordance with the ~~comprehensive~~ 1181  
~~community mental health and addiction services~~ budget required 1182  
by section 340.08 of the Revised Code and approved by the 1183  
department of mental health and addiction services pursuant to 1184  
section 5119.22 of the Revised Code. 1185

**Sec. 340.08.** In accordance with rules or guidelines issued 1186  
by the director of mental health and addiction services, each 1187  
board of alcohol, drug addiction, and mental health services 1188  
shall do all of the following: 1189

(A) Submit to the department of mental health and 1190  
addiction services a ~~report~~ proposed budget of receipts and 1191  
expenditures for all federal, state, and local moneys the board 1192  
expects to receive. 1193

(1) The ~~report~~ proposed budget shall identify funds the 1194  
board has available for ~~the array of treatment and support~~ 1195  
~~services for all levels of~~ included opioid and co-occurring drug 1196  
addiction ~~required by division (A) (11) (c) (ix) of section 340.03~~ 1197  
~~of the Revised Code to be included in the continuum of care~~ 1198  
~~established under that section~~ services and recovery supports. 1199

(2) The ~~report~~ proposed budget shall identify funds the 1200  
board and public children services agencies in the board's 1201  
service district have available to fund jointly the services 1202  
described in section 340.15 of the Revised Code. 1203

(3) The board's proposed budget for expenditures of state 1204  
and federal funds distributed to the board by the department 1205  
shall be deemed an application for funds, and the department 1206  
shall approve or disapprove the budget for these expenditures in 1207  
accordance with division (G) of section 5119.22 of the Revised 1208  
Code. ~~The department shall disapprove the board's proposed~~ 1209  
~~budget if the proposed budget would not make available in the~~ 1210  
~~board's service district the essential elements of the continuum~~ 1211  
~~of care required by division (A) (11) of section 340.03 of the~~ 1212  
~~Revised Code. The department shall inform the board of the~~ 1213  
~~reasons for disapproval of the budget for the expenditure of~~ 1214  
~~state and federal funds and of the criteria that must be met~~ 1215

~~before the budget may be approved. The director shall provide~~ 1216  
~~the board an opportunity to present its case on behalf of the~~ 1217  
~~submitted budget. The director shall give the board a reasonable~~ 1218  
~~time in which to meet the criteria and shall offer the board~~ 1219  
~~technical assistance to help it meet the criteria.~~ 1220

If a board determines that it is necessary to amend ~~a~~an 1221  
approved budget ~~that has been approved under this section,~~ 1222  
the board shall submit a proposed amendment to the director. The 1223  
director ~~may~~shall approve or disapprove all or part of the 1224  
amendment in accordance with division (H) of section 5119.22 of 1225  
the Revised Code. ~~The director shall inform the board of the~~ 1226  
~~reasons for disapproval of all or part of the amendment and of~~ 1227  
~~the criteria that must be met before the amendment may be~~ 1228  
~~approved. The director shall provide the board an opportunity to~~ 1229  
~~present its case on behalf of the amendment. The director shall~~ 1230  
~~give the board a reasonable time in which to meet the criteria~~ 1231  
~~and shall offer the board technical assistance to help it meet~~ 1232  
~~the criteria.~~ 1233

~~(4) The director of mental health and addiction services~~ 1234  
~~shall withhold funds otherwise to be allocated to a board of~~ 1235  
~~alcohol, drug addiction, and mental health services under~~ 1236  
~~Chapter 5119. of the Revised Code if the board's use of state~~ 1237  
~~and federal funds fails to comply with the approved budget, as~~ 1238  
~~it may be amended with the approval of the department.~~ 1239

(B) Submit to the department a ~~statement identifying the~~ 1240  
proposed list of addiction services, mental health services, and 1241  
recovery supports the board intends to make available. ~~The~~ 1242  
Except as otherwise authorized by a time-limited waiver issued 1243  
under division (A) (1) of section 5119.221 of the Revised Code, 1244  
the board shall include the services and supports required by 1245

~~division (A) (11) of section 340.03-340.032 of the Revised Code~~ 1246  
to be included in the community-based continuum of care and the 1247  
services required by section 340.15 of the Revised Code. The 1248  
board shall explain the manner in which the board intends to 1249  
make such services and supports available. The list ~~of services-~~ 1250  
shall be compatible with the budget submitted pursuant to 1251  
division (A) of this section. The department shall approve or 1252  
disapprove the ~~proposed listing of services to be made available-~~ 1253  
list in accordance with division (G) of section 5119.22 of the 1254  
Revised Code. ~~The department shall inform the board of the~~ 1255  
~~reasons for disapproval of the listing of proposed services and~~ 1256  
~~of the criteria that must be met before listing of proposed~~ 1257  
~~services may be approved. The director shall provide the board~~ 1258  
~~an opportunity to present its case on behalf of the submitted~~ 1259  
~~listing of proposed services. The director shall give the board~~ 1260  
~~a reasonable time in which to meet the criteria and shall offer~~ 1261  
~~the board technical assistance to help it meet the criteria.~~ 1262

If a board determines that it is necessary to amend an 1263  
approved list, the board shall submit a proposed amendment to 1264  
the director. The director shall approve or disapprove all or 1265  
part of the amendment in accordance with division (H) of section 1266  
5119.22 of the Revised Code. 1267

(C) Enter into a continuity of care agreement with the 1268  
state institution operated by the department of mental health 1269  
and addiction services and designated as the institution serving 1270  
the district encompassing the board's service district. The 1271  
continuity of care agreement shall outline the department's and 1272  
the board's responsibilities to plan for and coordinate with 1273  
each other to address the needs of board residents who are 1274  
patients in the institution, with an emphasis on managing 1275  
appropriate hospital bed day use and discharge planning. The 1276

continuity of care agreement shall not require the board to 1277  
provide addiction services, mental health services, or recovery 1278  
supports other than those on the list of services and supports 1279  
submitted by the board ~~and approved by the department~~ pursuant 1280  
to division (B) of this section and approved by the department 1281  
in accordance with division (G) of section 5119.22 of the 1282  
Revised Code. 1283

(D) In conjunction with the department ~~of mental health~~ 1284  
~~and addiction services~~, operate a coordinated system for 1285  
tracking and monitoring persons found not guilty by reason of 1286  
insanity and committed pursuant to section 2945.40 of the 1287  
Revised Code who have been granted a conditional release and 1288  
persons found incompetent to stand trial and committed pursuant 1289  
to section 2945.39 of the Revised Code who have been granted a 1290  
conditional release. The system shall do all of the following: 1291

(1) Centralize responsibility for the tracking of those 1292  
persons; 1293

(2) Provide for uniformity in monitoring those persons; 1294

(3) Provide a mechanism to allow prompt rehospitalization, 1295  
reinstitutionalization, or detention when a violation of the 1296  
conditional release or decompensation occurs. 1297

(E) Submit to the department a report summarizing 1298  
~~complaints~~ all of the following: 1299

(1) Complaints and grievances received by the board 1300  
concerning the rights of persons seeking or receiving addiction 1301  
services, investigations ~~mental health services, or recovery~~ 1302  
supports; 1303

(2) Investigations of the complaints and grievances, ~~and~~ 1304  
~~outcomes;~~ 1305

(3) <u>Outcomes</u> of the investigations.	1306
(F) Provide to the department information to be submitted to the community <del>addiction and mental</del> <u>behavioral</u> health information system or systems established by the department under Chapter 5119. of the Revised Code.	1307 1308 1309 1310
(G) Annually, and upon any change in membership, submit to the department a list of all current members of the board of alcohol, drug addiction, and mental health services, including the appointing authority for each member, and the member's specific qualification for appointment pursuant to section 340.02 or 340.021 of the Revised Code, if applicable.	1311 1312 1313 1314 1315 1316
(H) Submit to the department other information as is reasonably required for purposes of the department's operations, service evaluation, reporting activities, research, system administration, and oversight.	1317 1318 1319 1320
<b>Sec. 340.09.</b> (A) Using funds the general assembly appropriates for these purposes, the department of mental health and addiction services shall provide <u>any county</u> assistance <del>to each county for all</del> <u>one or more</u> of the following:	1321 1322 1323 1324
(1) The operation of the board of alcohol, drug addiction, and mental health services serving the county;	1325 1326
(2) The provision of <u>addiction services, mental health services, and recovery supports included in the board's list of services and supports required by section 340.08 of the Revised Code and</u> approved by the department <del>within the continuum of care established pursuant to division (A)(11) of</del> <u>section 340.03-5119.22</u> of the Revised Code;	1327 1328 1329 1330 1331 1332
(3) The provision of approved support functions;	1333

(4) The partnership in, or support for, approved	1334
<u>community-based</u> continuum of care-related activities.	1335
(B) Support functions may include the following:	1336
(1) Consultation;	1337
(2) Research;	1338
(3) Administrative;	1339
(4) Referral and information;	1340
(5) Training;	1341
(6) Service and program evaluation.	1342
<b>Sec. 340.091.</b> Each board of alcohol, drug addiction, and	1343
mental health services shall contract with a community mental	1344
health services provider under <del>division (A) (8) (a) of section</del>	1345
<del>340.03</del> <u>340.036</u> of the Revised Code for the provider to do all of	1346
the following in accordance with rules adopted under section	1347
5119.22 of the Revised Code for an individual referred to the	1348
provider under division (D) (2) of section 5119.41 of the Revised	1349
Code:	1350
(A) Assess the individual and, if the provider determines	1351
that the environment in which the individual will be living	1352
while receiving residential state supplement payments is	1353
appropriate for the individual's needs, issue a recommendation	1354
to the referring residential state supplement administrative	1355
agency that the referring agency should conclude that the living	1356
environment is appropriate when it makes its determination	1357
regarding the appropriateness of the environment;	1358
(B) Provide ongoing monitoring to ensure that <del>listed the</del>	1359
<u>approved list of addiction services, mental health services, and</u>	1360

recovery supports submitted ~~and approved~~ under division (B) of 1361  
section 340.08 of the Revised Code are available to the 1362  
individual; 1363

(C) Provide discharge planning to ensure the individual's 1364  
earliest possible transition to a less restrictive environment. 1365

**Sec. 340.10.** The county auditor or, in a joint-county 1366  
alcohol, drug addiction, and mental health service district, the 1367  
auditor of the county, the treasurer of which has been 1368  
designated in the agreement between the counties of the district 1369  
as custodian of the ~~community funds for addiction and services,~~ 1370  
mental health services ~~funds,~~ and recovery supports, is hereby 1371  
designated as the auditor and fiscal officer of an alcohol, drug 1372  
addiction, and mental health service district or joint-county 1373  
district. State funds allocated for the support of a service 1374  
district shall be paid to the county treasurer or, in a joint- 1375  
county district, to the treasurer of that county designated in 1376  
the agreement as custodian of the ~~community funds for addiction~~ 1377  
~~and services,~~ mental health services ~~funds,~~ and recovery 1378  
supports and authorized to make payments from such funds on 1379  
order of the county auditor and on recommendation of the board 1380  
of alcohol, drug addiction, and mental health services, or the 1381  
executive director of the board when authorized by the board. 1382  
The auditor shall submit to the board a detailed monthly 1383  
statement of all receipts, disbursements, and ending balances 1384  
for the ~~community funds for addiction and services,~~ mental 1385  
health services ~~funds,~~ and recovery supports. 1386

**Sec. 340.12.** As used in this section, "disability" has the 1387  
same meaning as in section 4112.01 of the Revised Code. 1388

No board of alcohol, drug addiction, and mental health 1389  
services or any community addiction services provider or 1390



community mental health services provider under contract with 1391  
such a board shall discriminate in the provision of addiction 1392  
services, mental health services, or recovery supports under its 1393  
authority, in employment, or under a contract on the basis of 1394  
race, color, religion, ~~creed~~ ancestry, military status, sex, 1395  
age, national origin, or disability. 1396

Each board ~~and each~~, community addiction ~~or services~~ 1397  
provider, and community mental health services provider shall 1398  
have a written affirmative action program. The affirmative 1399  
action program shall include goals for the employment and 1400  
effective utilization of, including contracts with, members of 1401  
economically disadvantaged groups as defined in division (E)(1) 1402  
of section 122.71 of the Revised Code in percentages reflecting 1403  
as nearly as possible the composition of the alcohol, drug 1404  
addiction, and mental health service district served by the 1405  
board. Each board and provider shall file a description of the 1406  
affirmative action program and a progress report on its 1407  
implementation with the department of mental health and 1408  
addiction services. 1409

**Sec. 340.13.** (A) As used in this section: 1410

(1) "Minority business enterprise" has the same meaning as 1411  
in section 122.71 of the Revised Code. 1412

(2) "EDGE business enterprise" has the same meaning as in 1413  
section 123.152 of the Revised Code. 1414

(B) Any minority business enterprise that desires to bid 1415  
on a contract under division (C) of this section shall first 1416  
apply to the equal employment opportunity coordinator in the 1417  
department of administrative services for certification as a 1418  
minority business enterprise. Any EDGE business enterprise that 1419

desires to bid on a contract under division (D) of this section 1420  
shall first apply to the equal employment opportunity 1421  
coordinator of the department of administrative services for 1422  
certification as an EDGE business enterprise. The coordinator 1423  
shall approve the application of any minority business 1424  
enterprise or EDGE business enterprise that complies with the 1425  
rules adopted under section 122.71 or 123.152 of the Revised 1426  
Code, respectively. The coordinator shall prepare and maintain a 1427  
list of minority business enterprises and EDGE business 1428  
enterprises certified under those sections. 1429

(C) From the contracts to be awarded for the purchases of 1430  
equipment, materials, supplies, or services, other than 1431  
contracts entered into under section ~~340.03~~340.036 of the 1432  
Revised Code, each board of alcohol, drug addiction, and mental 1433  
health services shall select a number of contracts with an 1434  
aggregate value of approximately fifteen per cent of the total 1435  
estimated value of contracts to be awarded in the current fiscal 1436  
year. The board shall set aside the contracts so selected for 1437  
bidding by minority business enterprises only. The bidding 1438  
procedures for such contracts shall be the same as for all other 1439  
contracts awarded under section 307.86 of the Revised Code, 1440  
except that only minority business enterprises certified and 1441  
listed pursuant to division (B) of this section shall be 1442  
qualified to submit bids. 1443

(D) To the extent that a board is authorized to enter into 1444  
contracts for construction, the board shall strive to attain a 1445  
yearly contract dollar procurement goal the aggregate value of 1446  
which equals approximately five per cent of the aggregate value 1447  
of construction contracts for the current fiscal year for EDGE 1448  
business enterprises only. 1449

(E) (1) In the case of contracts set aside under division 1450  
(C) of this section, if no bid is submitted by a minority 1451  
business enterprise, the contract shall be awarded according to 1452  
normal bidding procedures. The board shall from time to time set 1453  
aside such additional contracts as are necessary to replace 1454  
those contracts previously set aside on which no minority 1455  
business enterprise bid. 1456

(2) If a board, after having made a good faith effort, is 1457  
unable to comply with the goal of procurement for contracting 1458  
with EDGE business enterprises pursuant to division (D) of this 1459  
section, the board may apply in writing, on a form prescribed by 1460  
the department of administrative services, to the director of 1461  
mental health and addiction services for a waiver or 1462  
modification of the goal. 1463

(F) This section does not preclude any minority business 1464  
enterprise or EDGE business enterprise from bidding on any other 1465  
contract not specifically set aside for minority business 1466  
enterprises or subject to procurement goals for EDGE business 1467  
enterprises. 1468

(G) Within ninety days after the beginning of each fiscal 1469  
year, each board shall file a report with the department of 1470  
mental health and addiction services that shows for that fiscal 1471  
year the name of each minority business enterprise and EDGE 1472  
business enterprise with which the board entered into a 1473  
contract, the value and type of each such contract, the total 1474  
value of contracts awarded under divisions (C) and (D) of this 1475  
section, the total value of contracts awarded for the purchases 1476  
of equipment, materials, supplies, or services, other than 1477  
contracts entered into under section ~~340.03~~340.036 of the 1478  
Revised Code, and the total value of contracts entered into for 1479

construction. 1480

(H) Any person who intentionally misrepresents self as 1481  
owning, controlling, operating, or participating in a minority 1482  
business enterprise or an EDGE business enterprise for the 1483  
purpose of obtaining contracts or any other benefits under this 1484  
section shall be guilty of theft by deception as provided for in 1485  
section 2913.02 of the Revised Code. 1486

**Sec. 340.15.** (A) A public children services agency that 1487  
identifies a child by a risk assessment conducted pursuant to 1488  
section 5153.16 of the Revised Code as being at imminent risk of 1489  
being abused or neglected because of an addiction of a parent, 1490  
guardian, or custodian of the child to a drug of abuse or 1491  
alcohol shall refer the child's addicted parent, guardian, or 1492  
custodian and, if the agency determines that the child needs 1493  
alcohol ~~or other~~ and drug addiction services, the child to a 1494  
community addiction services provider. A public children 1495  
services agency that is sent a court order issued pursuant to 1496  
division (B) of section 2151.3514 of the Revised Code shall 1497  
refer the addicted parent or other caregiver of the child 1498  
identified in the court order to a community addiction services 1499  
provider. On receipt of a referral under this division and to 1500  
the extent funding identified under division (A) (2) of section 1501  
340.08 of the Revised Code is available, the provider shall 1502  
provide the following services to the addicted parent, guardian, 1503  
custodian, or caregiver and child in need of addiction services: 1504

(1) If it is determined pursuant to an initial screening 1505  
to be needed, assessment and appropriate treatment; 1506

(2) Documentation of progress in accordance with a 1507  
treatment plan developed for the addicted parent, guardian, 1508  
custodian, caregiver, or child; 1509

(3) If the referral is based on a court order issued 1510  
pursuant to division (B) of section 2151.3514 of the Revised 1511  
Code and the order requires the specified parent or other 1512  
caregiver of the child to submit to alcohol or other drug 1513  
testing during, after, or both during and after, treatment, 1514  
testing in accordance with the court order. 1515

(B) The services described in division (A) of this section 1516  
shall have a priority as provided in the community addiction and 1517  
mental health ~~services~~ plan and budget established pursuant to 1518  
sections 340.03 and 340.08 of the Revised Code. Once a referral 1519  
has been received pursuant to this section, the public children 1520  
services agency and the community addiction services provider 1521  
shall, in accordance with 42 C.F.R. Part 2, share with each 1522  
other any information concerning the persons and services 1523  
described in that division that the agency and provider 1524  
determine are necessary to share. If the referral is based on a 1525  
court order issued pursuant to division (B) of section 2151.3514 1526  
of the Revised Code, the results and recommendations of the 1527  
community addiction services provider also shall be provided and 1528  
used as described in division (D) of that section. Information 1529  
obtained or maintained by the agency or provider pursuant to 1530  
this section that could enable the identification of any person 1531  
described in division (A) of this section is not a public record 1532  
subject to inspection or copying under section 149.43 of the 1533  
Revised Code. 1534

**Sec. 340.20.** ~~(A)~~—In accordance with the rules adopted 1535  
under section 5119.363 of the Revised Code, each board of 1536  
alcohol, drug addiction, and mental health services ~~monthly~~ 1537  
shall do all of the following: 1538

~~(1) Compile on an aggregate basis~~ (A) Acknowledge to the 1539

department of mental health and addiction services that the 1540  
board has received and reviewed the information made available 1541  
to the board receives that month from community addiction 1542  
services providers under division (A) (2) of section 5119.362- 1543  
5119.364 of the Revised Code; 1544

~~(2) Determine the number of applications for treatment and~~ 1545  
~~support services included, pursuant to section 340.033 of the~~ 1546  
~~Revised Code, in the array of treatment and support services for~~ 1547  
~~all levels of opioid and co-occurring drug addiction that the~~ 1548  
~~board received in the immediately preceding month and that the~~ 1549  
~~board denied that month, each type of service so denied, and the~~ 1550  
~~reasons for the denials~~ 1551

(B) Using the information received and reviewed under 1552  
division (A) of this section, determine whether any included 1553  
opioid and co-occurring drug addiction services and recovery 1554  
supports are not meeting the needs for addiction services and 1555  
recovery supports in the alcohol, drug addiction, and mental 1556  
health service district that the board serves; 1557

~~(3) Subject to division (B) of this section, report all of~~ 1558  
~~the following to the department of mental health and addiction~~ 1559  
~~services:~~ 1560

~~(a) The information that the board compiles under division~~ 1561  
~~(A) (1) of this section that month;~~ 1562

~~(b) The information that the board determines under~~ 1563  
~~division (A) (2) of this section that month;~~ 1564

~~(c) All other information required by the rules~~ 1565

(C) Inform the department, with any commentary the board 1566  
determines necessary, of the determination the board makes under 1567  
division (B) of this section. 1568

~~(B) Each board shall report the information required by  
division (A) (3) of this section as follows:~~ 1569  
1570

~~(1) In an electronic format;~~ 1571

~~(2) In a manner that maintains the confidentiality of all  
individuals for whom information is included in the report;~~ 1572  
1573

~~(3) In a manner that presents the information about the  
individuals whose information is included in the report by their  
counties of residence.~~ 1574  
1575  
1576

**Sec. 1739.05.** (A) A multiple employer welfare arrangement 1577  
that is created pursuant to sections 1739.01 to 1739.22 of the 1578  
Revised Code and that operates a group self-insurance program 1579  
may be established only if any of the following applies: 1580

(1) The arrangement has and maintains a minimum enrollment 1581  
of three hundred employees of two or more employers. 1582

(2) The arrangement has and maintains a minimum enrollment 1583  
of three hundred self-employed individuals. 1584

(3) The arrangement has and maintains a minimum enrollment 1585  
of three hundred employees or self-employed individuals in any 1586  
combination of divisions (A) (1) and (2) of this section. 1587

(B) A multiple employer welfare arrangement that is 1588  
created pursuant to sections 1739.01 to 1739.22 of the Revised 1589  
Code and that operates a group self-insurance program shall 1590  
comply with all laws applicable to self-funded programs in this 1591  
state, including sections 3901.04, 3901.041, 3901.19 to 3901.26, 1592  
3901.38, 3901.381 to 3901.3814, 3901.40, 3901.45, 3901.46, 1593  
3901.491, 3902.01 to 3902.14, 3923.041, 3923.24, 3923.282, 1594  
3923.30, 3923.301, 3923.38, 3923.581, 3923.602, 3923.63, 1595  
3923.80, 3923.85, 3923.851, 3924.031, 3924.032, and 3924.27 of 1596

the Revised Code. 1597

(C) A multiple employer welfare arrangement created 1598  
pursuant to sections 1739.01 to 1739.22 of the Revised Code 1599  
shall solicit enrollments only through agents or solicitors 1600  
licensed pursuant to Chapter 3905. of the Revised Code to sell 1601  
or solicit sickness and accident insurance. 1602

(D) A multiple employer welfare arrangement created 1603  
pursuant to sections 1739.01 to 1739.22 of the Revised Code 1604  
shall provide benefits only to individuals who are members, 1605  
employees of members, or the dependents of members or employees, 1606  
or are eligible for continuation of coverage under section 1607  
1751.53 or 3923.38 of the Revised Code or under Title X of the 1608  
"Consolidated Omnibus Budget Reconciliation Act of 1985," 100 1609  
Stat. 227, 29 U.S.C.A. 1161, as amended. 1610

(E) A multiple employer welfare arrangement created 1611  
pursuant to sections 1739.01 to 1739.22 of the Revised Code is 1612  
subject to, and shall comply with, sections 3903.81 to 3903.93 1613  
of the Revised Code in the same manner as other life or health 1614  
insurers, as defined in section 3903.81 of the Revised Code. 1615

**Sec. 1751.691.** (A) As used in this section: 1616

(1) "Benzodiazepine" has the same meaning as in section 1617  
3719.01 of the Revised Code. 1618

(2) "Chronic pain" has the same meaning as in section 1619  
4731.052 of the Revised Code. 1620

(3) "Hospice care program" and "hospice patient" have the 1621  
same meanings as in section 3712.01 of the Revised Code. 1622

(4) "Opioid analgesic" has the same meaning as in section 1623  
3719.01 of the Revised Code. 1624



(5) "Prescriber" has the same meaning as in section 1625  
4729.01 of the Revised Code. 1626

(6) "Terminal condition" means an irreversible, incurable, 1627  
and untreatable condition that is caused by disease, illness, or 1628  
injury and will likely result in death. A terminal condition is 1629  
one in which there can be no recovery, although there may be 1630  
periods of remission. 1631

(B)(1) An individual or group health insuring corporation 1632  
policy, contract, or agreement that is delivered, issued for 1633  
delivery, or renewed in this state and covers prescription drugs 1634  
shall contain prior authorization requirements or other 1635  
utilization review measures as conditions of providing coverage 1636  
of an opioid analgesic prescribed for the treatment of chronic 1637  
pain, except when the drug is prescribed under one of the 1638  
following circumstances: 1639

(a) To an individual who is a hospice patient in a hospice 1640  
care program; 1641

(b) To an individual who has been diagnosed with a 1642  
terminal condition but is not a hospice patient in a hospice 1643  
care program; 1644

(c) To an individual who has cancer or another condition 1645  
associated with the individual's cancer or history of cancer. 1646

(2) When implementing division (B)(1) of this section, the 1647  
health insuring corporation shall consider either or both of the 1648  
following, as applicable to the case in which the opioid 1649  
analgesic is prescribed: 1650

(a) If the course of treatment with the drug continues for 1651  
more than ninety days, the requirements of section 4731.052 of 1652  
the Revised Code; 1653

(b) If the morphine equivalent daily dose for the drug exceeds eighty milligrams or the individual is being treated with a benzodiazepine at the time the opioid analgesic is prescribed, the guidelines established by the governor's cabinet opiate action team and presented in the document titled "Ohio Guidelines for Prescribing Opioids for the Treatment of Chronic, Non-terminal Pain 80 mg of a Morphine Equivalent Daily Dose (MED) 'Trigger Point'" or a successor document, unless the guidelines are no longer in effect at the time the opioid analgesic is prescribed. 1654  
1655  
1656  
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1663

(C) If a health insuring corporation measures the efficiency, quality of care, or clinical performance of a prescriber, including through the use of patient satisfaction surveys, it shall not penalize the prescriber, financially or otherwise, for deciding not to prescribe an opioid analgesic. 1664  
1665  
1666  
1667  
1668

**Sec. 2151.26. (A) As used in this section:** 1669

(1) "Addiction services" and "alcohol and drug addiction services" have the same meanings as in section 5119.01 of the Revised Code. 1670  
1671  
1672

(2) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 1673  
1674

(3) "Newborn" means a child who is less than thirty days old. 1675  
1676

(B) A public children services agency shall not file a complaint pursuant to section 2151.27 of the Revised Code regarding a newborn solely because the newborn's mother used a controlled substance while pregnant if the mother did all of the following: 1677  
1678  
1679  
1680  
1681

(1) Before the end of the twentieth week of pregnancy, 1682

enrolled in a drug treatment program provided by a provider of 1683  
addiction services or alcohol and drug addiction services; 1684

(2) Successfully completed the program or is in the 1685  
process of completing the program and is in compliance with the 1686  
program's terms and conditions as determined by the program; 1687

(3) Maintained her regularly scheduled appointments and 1688  
prenatal care recommended by her health care provider for the 1689  
remaining duration of her pregnancy. 1690

(C) If a pregnant woman enrolled in a drug treatment 1691  
program after the end of the twentieth week of pregnancy, the 1692  
court, in its discretion, may do either of the following in lieu 1693  
of considering a complaint filed pursuant to section 2151.27 of 1694  
the Revised Code based solely on the newborn's mother's use of a 1695  
controlled substance while pregnant: 1696

(1) Hold the complaint in abeyance if the court finds that 1697  
the woman is in the process of completing the program and 1698  
maintained her regularly scheduled appointments and prenatal 1699  
care recommended by her health care provider for the remaining 1700  
duration of her pregnancy; 1701

(2) Dismiss the complaint if the court finds that the 1702  
woman successfully completed the program and maintained her 1703  
regularly scheduled appointments and prenatal care recommended 1704  
by her health care provider for the remaining duration of her 1705  
pregnancy. 1706

(D) This section does not prevent a public children 1707  
services agency from filing a complaint pursuant to section 1708  
2151.27 of the Revised Code if the public children services 1709  
agency determines that the newborn's mother, or any other adult 1710  
caring for the newborn, is unable to provide adequate parental 1711

care. 1712

**Sec. 2921.22.** (A) (1) Except as provided in division (A) (2) 1713  
of this section, no person, knowing that a felony has been or is 1714  
being committed, shall knowingly fail to report such information 1715  
to law enforcement authorities. 1716

(2) No person, knowing that a violation of division (B) of 1717  
section 2913.04 of the Revised Code has been, or is being 1718  
committed or that the person has received information derived 1719  
from such a violation, shall knowingly fail to report the 1720  
violation to law enforcement authorities. 1721

(B) Except for conditions that are within the scope of 1722  
division (E) of this section, no physician, limited 1723  
practitioner, nurse, or other person giving aid to a sick or 1724  
injured person shall negligently fail to report to law 1725  
enforcement authorities any gunshot or stab wound treated or 1726  
observed by the physician, limited practitioner, nurse, or 1727  
person, or any serious physical harm to persons that the 1728  
physician, limited practitioner, nurse, or person knows or has 1729  
reasonable cause to believe resulted from an offense of 1730  
violence. 1731

(C) No person who discovers the body or acquires the first 1732  
knowledge of the death of a person shall fail to report the 1733  
death immediately to a physician whom the person knows to be 1734  
treating the deceased for a condition from which death at such 1735  
time would not be unexpected, or to a law enforcement officer, 1736  
an ambulance service, an emergency squad, or the coroner in a 1737  
political subdivision in which the body is discovered, the death 1738  
is believed to have occurred, or knowledge concerning the death 1739  
is obtained. 1740

(D) No person shall fail to provide upon request of the 1741  
person to whom a report required by division (C) of this section 1742  
was made, or to any law enforcement officer who has reasonable 1743  
cause to assert the authority to investigate the circumstances 1744  
surrounding the death, any facts within the person's knowledge 1745  
that may have a bearing on the investigation of the death. 1746

(E) (1) As used in this division, "burn injury" means any 1747  
of the following: 1748

(a) Second or third degree burns; 1749

(b) Any burns to the upper respiratory tract or laryngeal 1750  
edema due to the inhalation of superheated air; 1751

(c) Any burn injury or wound that may result in death; 1752

(d) Any physical harm to persons caused by or as the 1753  
result of the use of fireworks, novelties and trick noisemakers, 1754  
and wire sparklers, as each is defined by section 3743.01 of the 1755  
Revised Code. 1756

(2) No physician, nurse, or limited practitioner who, 1757  
outside a hospital, sanitarium, or other medical facility, 1758  
attends or treats a person who has sustained a burn injury that 1759  
is inflicted by an explosion or other incendiary device or that 1760  
shows evidence of having been inflicted in a violent, malicious, 1761  
or criminal manner shall fail to report the burn injury 1762  
immediately to the local arson, or fire and explosion 1763  
investigation, bureau, if there is a bureau of this type in the 1764  
jurisdiction in which the person is attended or treated, or 1765  
otherwise to local law enforcement authorities. 1766

(3) No manager, superintendent, or other person in charge 1767  
of a hospital, sanitarium, or other medical facility in which a 1768  
person is attended or treated for any burn injury that is 1769

inflicted by an explosion or other incendiary device or that 1770  
shows evidence of having been inflicted in a violent, malicious, 1771  
or criminal manner shall fail to report the burn injury 1772  
immediately to the local arson, or fire and explosion 1773  
investigation, bureau, if there is a bureau of this type in the 1774  
jurisdiction in which the person is attended or treated, or 1775  
otherwise to local law enforcement authorities. 1776

(4) No person who is required to report any burn injury 1777  
under division (E) (2) or (3) of this section shall fail to file, 1778  
within three working days after attending or treating the 1779  
victim, a written report of the burn injury with the office of 1780  
the state fire marshal. The report shall comply with the uniform 1781  
standard developed by the state fire marshal pursuant to 1782  
division (A) (15) of section 3737.22 of the Revised Code. 1783

(5) Anyone participating in the making of reports under 1784  
division (E) of this section or anyone participating in a 1785  
judicial proceeding resulting from the reports is immune from 1786  
any civil or criminal liability that otherwise might be incurred 1787  
or imposed as a result of such actions. Notwithstanding section 1788  
4731.22 of the Revised Code, the physician-patient relationship 1789  
is not a ground for excluding evidence regarding a person's burn 1790  
injury or the cause of the burn injury in any judicial 1791  
proceeding resulting from a report submitted under division (E) 1792  
of this section. 1793

(F) (1) Any doctor of medicine or osteopathic medicine, 1794  
hospital intern or resident, registered or licensed practical 1795  
nurse, psychologist, social worker, independent social worker, 1796  
social work assistant, licensed professional clinical counselor, 1797  
licensed professional counselor, independent marriage and family 1798  
therapist, or marriage and family therapist who knows or has 1799

reasonable cause to believe that a patient or client has been 1800  
the victim of domestic violence, as defined in section 3113.31 1801  
of the Revised Code, shall note that knowledge or belief and the 1802  
basis for it in the patient's or client's records. 1803

(2) Notwithstanding section 4731.22 of the Revised Code, 1804  
the doctor-patient privilege shall not be a ground for excluding 1805  
any information regarding the report containing the knowledge or 1806  
belief noted under division (F)(1) of this section, and the 1807  
information may be admitted as evidence in accordance with the 1808  
Rules of Evidence. 1809

(G) Divisions (A) and (D) of this section do not require 1810  
disclosure of information, when any of the following applies: 1811

(1) The information is privileged by reason of the 1812  
relationship between attorney and client; doctor and patient; 1813  
licensed psychologist or licensed school psychologist and 1814  
client; licensed professional clinical counselor, licensed 1815  
professional counselor, independent social worker, social 1816  
worker, independent marriage and family therapist, or marriage 1817  
and family therapist and client; member of the clergy, rabbi, 1818  
minister, or priest and any person communicating information 1819  
confidentially to the member of the clergy, rabbi, minister, or 1820  
priest for a religious counseling purpose of a professional 1821  
character; husband and wife; or a communications assistant and 1822  
those who are a party to a telecommunications relay service 1823  
call. 1824

(2) The information would tend to incriminate a member of 1825  
the actor's immediate family. 1826

(3) Disclosure of the information would amount to 1827  
revealing a news source, privileged under section 2739.04 or 1828

2739.12 of the Revised Code. 1829

(4) Disclosure of the information would amount to 1830  
disclosure by a member of the ordained clergy of an organized 1831  
religious body of a confidential communication made to that 1832  
member of the clergy in that member's capacity as a member of 1833  
the clergy by a person seeking the aid or counsel of that member 1834  
of the clergy. 1835

(5) Disclosure would amount to revealing information 1836  
acquired by the actor in the course of the actor's duties in 1837  
connection with a bona fide program of treatment or services for 1838  
drug dependent persons or persons in danger of drug dependence, 1839  
which program is maintained or conducted by a hospital, clinic, 1840  
person, agency, or community addiction services provider whose 1841  
alcohol and drug addiction services are certified pursuant to 1842  
section 5119.36 of the Revised Code. 1843

(6) Disclosure would amount to revealing information 1844  
acquired by the actor in the course of the actor's duties in 1845  
connection with a bona fide program for providing counseling 1846  
services to victims of crimes that are violations of section 1847  
2907.02 or 2907.05 of the Revised Code or to victims of 1848  
felonious sexual penetration in violation of former section 1849  
2907.12 of the Revised Code. As used in this division, 1850  
"counseling services" include services provided in an informal 1851  
setting by a person who, by education or experience, is 1852  
competent to provide those services. 1853

(H) No disclosure of information pursuant to this section 1854  
gives rise to any liability or recrimination for a breach of 1855  
privilege or confidence. 1856

(I) Whoever violates division (A) or (B) of this section 1857



is guilty of failure to report a crime. Violation of division 1858  
(A) (1) of this section is a misdemeanor of the fourth degree. 1859  
Violation of division (A) (2) or (B) of this section is a 1860  
misdemeanor of the second degree. 1861

(J) Whoever violates division (C) or (D) of this section 1862  
is guilty of failure to report knowledge of a death, a 1863  
misdemeanor of the fourth degree. 1864

(K) (1) Whoever negligently violates division (E) of this 1865  
section is guilty of a minor misdemeanor. 1866

(2) Whoever knowingly violates division (E) of this 1867  
section is guilty of a misdemeanor of the second degree. 1868

**Sec. 2925.61.** (A) As used in this section: 1869

(1) "Law enforcement agency" means a government entity 1870  
that employs peace officers to perform law enforcement duties. 1871

(2) "Licensed health professional" means all of the 1872  
following: 1873

(a) A physician; 1874

(b) A physician assistant who is licensed under Chapter 1875  
4730. of the Revised Code, holds a valid prescriber number 1876  
issued by the state medical board, and has been granted 1877  
physician-delegated prescriptive authority; 1878

(c) A clinical nurse specialist, certified nurse-midwife, 1879  
or certified nurse practitioner who holds a certificate to 1880  
prescribe issued under section 4723.48 of the Revised Code. 1881

(3) "Peace officer" has the same meaning as in section 1882  
2921.51 of the Revised Code. 1883

(4) "Physician" means an individual who is authorized 1884

under Chapter 4731. of the Revised Code to practice medicine and 1885  
surgery, osteopathic medicine and surgery, or podiatric medicine 1886  
and surgery. 1887

(B) A family member, friend, or other individual who is in 1888  
a position to assist an individual who is apparently 1889  
experiencing or at risk of experiencing an opioid-related 1890  
overdose, is not subject to criminal prosecution for a violation 1891  
of section 4731.41 of the Revised Code or criminal prosecution 1892  
under this chapter if the individual, acting in good faith, does 1893  
all of the following: 1894

(1) Obtains naloxone pursuant to a prescription issued by 1895  
a licensed health professional or obtains naloxone from one of 1896  
the following: a 1897

(a) A licensed health professional,~~an~~; 1898

(b) An individual who is authorized by either a physician 1899  
under section 4731.941 of the Revised Code or a board of health 1900  
under section 3707.561 of the Revised Code to personally furnish 1901  
naloxone, ~~or a~~; 1902

(c) A pharmacist or pharmacy intern who is authorized by a 1903  
physician or board of health under section 4729.44 of the 1904  
Revised Code to dispense naloxone without a prescription~~.~~ 1905

(2) Administers the naloxone obtained as described in 1906  
division (B)(1) of this section to an individual who is 1907  
apparently experiencing an opioid-related overdose; 1908

(3) Attempts to summon emergency services as soon as 1909  
practicable either before or after administering the naloxone. 1910

(C) ~~Division~~ An individual who is an employee, volunteer, 1911  
or contractor of a service entity, as defined in section 1912

4729.514 of the Revised Code, and has been authorized under 1913  
section 3707.562 or 4731.943 of the Revised Code to administer 1914  
naloxone is not subject to criminal prosecution for a violation 1915  
of section 4731.41 of the Revised Code or criminal prosecution 1916  
under this chapter if the individual, acting in good faith, does 1917  
all of the following: 1918

(1) Obtains naloxone from the service entity of which the 1919  
individual is an employee, volunteer, or contractor; 1920

(2) Administers the naloxone obtained to an individual who 1921  
is apparently experiencing an opioid-related overdose; 1922

(3) Attempts to summon emergency services as soon as 1923  
practicable either before or after administering the naloxone. 1924

(D) Divisions (B) and (C) of this section does do not 1925  
apply to a peace officer or to an emergency medical technician- 1926  
basic, emergency medical technician-intermediate, or emergency 1927  
medical technician-paramedic, as defined in section 4765.01 of 1928  
the Revised Code. 1929

~~(D) A (E) (1) If a peace officer employed by a law~~ 1930  
~~enforcement agency is not subject to administrative action,~~ 1931  
~~criminal prosecution for a violation of section 4731.41 of the~~ 1932  
~~Revised Code, or criminal prosecution under this chapter if the~~ 1933  
~~peace officer, acting in good faith, obtains naloxone from the~~ 1934  
~~peace officer's law enforcement agency and administers the~~ 1935  
naloxone to an individual who is apparently experiencing an 1936  
opioid-related overdose, both of the following apply: 1937

(a) The peace officer is not subject to administrative 1938  
action, criminal prosecution for a violation of section 4731.41 1939  
of the Revised Code, or criminal prosecution under this chapter. 1940

(b) The peace officer is not liable for damages in a civil 1941

action for injury, death, or loss to person or property for an 1942  
act or omission that allegedly arises from obtaining, 1943  
maintaining, accessing, or administering the naloxone. 1944

(2) Division (E)(1)(b) of this section does not eliminate, 1945  
limit, or reduce any other immunity or defense that an entity or 1946  
person may be entitled to under section 9.86 or Chapter 2744. of 1947  
the Revised Code, any other provision of the Revised Code, or 1948  
the common law of this state. 1949

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 1950  
or (G) of this section and unless a specific sanction is 1951  
required to be imposed or is precluded from being imposed 1952  
pursuant to law, a court that imposes a sentence upon an 1953  
offender for a felony may impose any sanction or combination of 1954  
sanctions on the offender that are provided in sections 2929.14 1955  
to 2929.18 of the Revised Code. 1956

If the offender is eligible to be sentenced to community 1957  
control sanctions, the court shall consider the appropriateness 1958  
of imposing a financial sanction pursuant to section 2929.18 of 1959  
the Revised Code or a sanction of community service pursuant to 1960  
section 2929.17 of the Revised Code as the sole sanction for the 1961  
offense. Except as otherwise provided in this division, if the 1962  
court is required to impose a mandatory prison term for the 1963  
offense for which sentence is being imposed, the court also 1964  
shall impose any financial sanction pursuant to section 2929.18 1965  
of the Revised Code that is required for the offense and may 1966  
impose any other financial sanction pursuant to that section but 1967  
may not impose any additional sanction or combination of 1968  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 1969

If the offender is being sentenced for a fourth degree 1970  
felony OVI offense or for a third degree felony OVI offense, in 1971

addition to the mandatory term of local incarceration or the 1972  
mandatory prison term required for the offense by division (G) 1973  
(1) or (2) of this section, the court shall impose upon the 1974  
offender a mandatory fine in accordance with division (B) (3) of 1975  
section 2929.18 of the Revised Code and may impose whichever of 1976  
the following is applicable: 1977

(1) For a fourth degree felony OVI offense for which 1978  
sentence is imposed under division (G) (1) of this section, an 1979  
additional community control sanction or combination of 1980  
community control sanctions under section 2929.16 or 2929.17 of 1981  
the Revised Code. If the court imposes upon the offender a 1982  
community control sanction and the offender violates any 1983  
condition of the community control sanction, the court may take 1984  
any action prescribed in division (B) of section 2929.15 of the 1985  
Revised Code relative to the offender, including imposing a 1986  
prison term on the offender pursuant to that division. 1987

(2) For a third or fourth degree felony OVI offense for 1988  
which sentence is imposed under division (G) (2) of this section, 1989  
an additional prison term as described in division (B) (4) of 1990  
section 2929.14 of the Revised Code or a community control 1991  
sanction as described in division (G) (2) of this section. 1992

(B) (1) (a) Except as provided in division (B) (1) (b) of this 1993  
section, if an offender is convicted of or pleads guilty to a 1994  
felony of the fourth or fifth degree that is not an offense of 1995  
violence or that is a qualifying assault offense, the court 1996  
shall sentence the offender to a community control sanction of 1997  
at least one year's duration if all of the following apply: 1998

(i) The offender previously has not been convicted of or 1999  
pleaded guilty to a felony offense. 2000

(ii) The most serious charge against the offender at the time of sentencing is a felony of the fourth or fifth degree.	2001 2002
(iii) If the court made a request of the department of rehabilitation and correction pursuant to division (B)(1)(c) of this section, the department, within the forty-five-day period specified in that division, provided the court with the names of, contact information for, and program details of one or more community control sanctions of at least one year's duration that are available for persons sentenced by the court.	2003 2004 2005 2006 2007 2008 2009
(iv) The offender previously has not been convicted of or pleaded guilty to a misdemeanor offense of violence that the offender committed within two years prior to the offense for which sentence is being imposed.	2010 2011 2012 2013
(b) The court has discretion to impose a prison term upon an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense if any of the following apply:	2014 2015 2016 2017 2018
(i) The offender committed the offense while having a firearm on or about the offender's person or under the offender's control.	2019 2020 2021
(ii) If the offense is a qualifying assault offense, the offender caused serious physical harm to another person while committing the offense, and, if the offense is not a qualifying assault offense, the offender caused physical harm to another person while committing the offense.	2022 2023 2024 2025 2026
(iii) The offender violated a term of the conditions of bond as set by the court.	2027 2028
(iv) The court made a request of the department of	2029

rehabilitation and correction pursuant to division (B)(1)(c) of 2030  
this section, and the department, within the forty-five-day 2031  
period specified in that division, did not provide the court 2032  
with the name of, contact information for, and program details 2033  
of any community control sanction of at least one year's 2034  
duration that is available for persons sentenced by the court. 2035

(v) The offense is a sex offense that is a fourth or fifth 2036  
degree felony violation of any provision of Chapter 2907. of the 2037  
Revised Code. 2038

(vi) In committing the offense, the offender attempted to 2039  
cause or made an actual threat of physical harm to a person with 2040  
a deadly weapon. 2041

(vii) In committing the offense, the offender attempted to 2042  
cause or made an actual threat of physical harm to a person, and 2043  
the offender previously was convicted of an offense that caused 2044  
physical harm to a person. 2045

(viii) The offender held a public office or position of 2046  
trust, and the offense related to that office or position; the 2047  
offender's position obliged the offender to prevent the offense 2048  
or to bring those committing it to justice; or the offender's 2049  
professional reputation or position facilitated the offense or 2050  
was likely to influence the future conduct of others. 2051

(ix) The offender committed the offense for hire or as 2052  
part of an organized criminal activity. 2053

(x) The offender at the time of the offense was serving, 2054  
or the offender previously had served, a prison term. 2055

(xi) The offender committed the offense while under a 2056  
community control sanction, while on probation, or while 2057  
released from custody on a bond or personal recognizance. 2058

(c) If a court that is sentencing an offender who is 2059  
convicted of or pleads guilty to a felony of the fourth or fifth 2060  
degree that is not an offense of violence or that is a 2061  
qualifying assault offense believes that no community control 2062  
sanctions are available for its use that, if imposed on the 2063  
offender, will adequately fulfill the overriding principles and 2064  
purposes of sentencing, the court shall contact the department 2065  
of rehabilitation and correction and ask the department to 2066  
provide the court with the names of, contact information for, 2067  
and program details of one or more community control sanctions 2068  
of at least one year's duration that are available for persons 2069  
sentenced by the court. Not later than forty-five days after 2070  
receipt of a request from a court under this division, the 2071  
department shall provide the court with the names of, contact 2072  
information for, and program details of one or more community 2073  
control sanctions of at least one year's duration that are 2074  
available for persons sentenced by the court, if any. Upon 2075  
making a request under this division that relates to a 2076  
particular offender, a court shall defer sentencing of that 2077  
offender until it receives from the department the names of, 2078  
contact information for, and program details of one or more 2079  
community control sanctions of at least one year's duration that 2080  
are available for persons sentenced by the court or for forty- 2081  
five days, whichever is the earlier. 2082

If the department provides the court with the names of, 2083  
contact information for, and program details of one or more 2084  
community control sanctions of at least one year's duration that 2085  
are available for persons sentenced by the court within the 2086  
forty-five-day period specified in this division, the court 2087  
shall impose upon the offender a community control sanction 2088  
under division (B)(1)(a) of this section, except that the court 2089



may impose a prison term under division (B) (1) (b) of this 2090  
section if a factor described in division (B) (1) (b) (i) or (ii) 2091  
of this section applies. If the department does not provide the 2092  
court with the names of, contact information for, and program 2093  
details of one or more community control sanctions of at least 2094  
one year's duration that are available for persons sentenced by 2095  
the court within the forty-five-day period specified in this 2096  
division, the court may impose upon the offender a prison term 2097  
under division (B) (1) (b) (iv) of this section. 2098

(d) A sentencing court may impose an additional penalty 2099  
under division (B) of section 2929.15 of the Revised Code upon 2100  
an offender sentenced to a community control sanction under 2101  
division (B) (1) (a) of this section if the offender violates the 2102  
conditions of the community control sanction, violates a law, or 2103  
leaves the state without the permission of the court or the 2104  
offender's probation officer. 2105

(2) If division (B) (1) of this section does not apply, 2106  
except as provided in division (E), (F), or (G) of this section, 2107  
in determining whether to impose a prison term as a sanction for 2108  
a felony of the fourth or fifth degree, the sentencing court 2109  
shall comply with the purposes and principles of sentencing 2110  
under section 2929.11 of the Revised Code and with section 2111  
2929.12 of the Revised Code. 2112

(C) Except as provided in division (D), (E), (F), or (G) 2113  
of this section, in determining whether to impose a prison term 2114  
as a sanction for a felony of the third degree or a felony drug 2115  
offense that is a violation of a provision of Chapter 2925. of 2116  
the Revised Code and that is specified as being subject to this 2117  
division for purposes of sentencing, the sentencing court shall 2118  
comply with the purposes and principles of sentencing under 2119

section 2929.11 of the Revised Code and with section 2929.12 of 2120  
the Revised Code. 2121

(D) (1) Except as provided in division (E) or (F) of this 2122  
section, for a felony of the first or second degree, for a 2123  
felony drug offense that is a violation of any provision of 2124  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 2125  
presumption in favor of a prison term is specified as being 2126  
applicable, and for a violation of division (A) (4) or (B) of 2127  
section 2907.05 of the Revised Code for which a presumption in 2128  
favor of a prison term is specified as being applicable, it is 2129  
presumed that a prison term is necessary in order to comply with 2130  
the purposes and principles of sentencing under section 2929.11 2131  
of the Revised Code. Division (D) (2) of this section does not 2132  
apply to a presumption established under this division for a 2133  
violation of division (A) (4) of section 2907.05 of the Revised 2134  
Code. 2135

(2) Notwithstanding the presumption established under 2136  
division (D) (1) of this section for the offenses listed in that 2137  
division other than a violation of division (A) (4) or (B) of 2138  
section 2907.05 of the Revised Code, the sentencing court may 2139  
impose a community control sanction or a combination of 2140  
community control sanctions instead of a prison term on an 2141  
offender for a felony of the first or second degree or for a 2142  
felony drug offense that is a violation of any provision of 2143  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 2144  
presumption in favor of a prison term is specified as being 2145  
applicable if it makes both of the following findings: 2146

(a) A community control sanction or a combination of 2147  
community control sanctions would adequately punish the offender 2148  
and protect the public from future crime, because the applicable 2149

factors under section 2929.12 of the Revised Code indicating a 2150  
lesser likelihood of recidivism outweigh the applicable factors 2151  
under that section indicating a greater likelihood of 2152  
recidivism. 2153

(b) A community control sanction or a combination of 2154  
community control sanctions would not demean the seriousness of 2155  
the offense, because one or more factors under section 2929.12 2156  
of the Revised Code that indicate that the offender's conduct 2157  
was less serious than conduct normally constituting the offense 2158  
are applicable, and they outweigh the applicable factors under 2159  
that section that indicate that the offender's conduct was more 2160  
serious than conduct normally constituting the offense. 2161

(E) (1) Except as provided in division (F) of this section, 2162  
for any drug offense that is a violation of any provision of 2163  
Chapter 2925. of the Revised Code and that is a felony of the 2164  
third, fourth, or fifth degree, the applicability of a 2165  
presumption under division (D) of this section in favor of a 2166  
prison term or of division (B) or (C) of this section in 2167  
determining whether to impose a prison term for the offense 2168  
shall be determined as specified in section 2925.02, 2925.03, 2169  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2170  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 2171  
regarding the violation. 2172

(2) If an offender who was convicted of or pleaded guilty 2173  
to a felony violates the conditions of a community control 2174  
sanction imposed for the offense solely by reason of producing 2175  
positive results on a drug test or by acting pursuant to 2176  
division (B) (2) (b) of section 2925.11 of the Revised Code with 2177  
respect to a minor drug possession offense, the court, as 2178  
punishment for the violation of the sanction, shall not order 2179

that the offender be imprisoned unless the court determines on 2180  
the record either of the following: 2181

(a) The offender had been ordered as a sanction for the 2182  
felony to participate in a drug treatment program, in a drug 2183  
education program, or in narcotics anonymous or a similar 2184  
program, and the offender continued to use illegal drugs after a 2185  
reasonable period of participation in the program. 2186

(b) The imprisonment of the offender for the violation is 2187  
consistent with the purposes and principles of sentencing set 2188  
forth in section 2929.11 of the Revised Code. 2189

(3) A court that sentences an offender for a drug abuse 2190  
offense that is a felony of the third, fourth, or fifth degree 2191  
may require that the offender be assessed by a properly 2192  
credentialed professional within a specified period of time. The 2193  
court shall require the professional to file a written 2194  
assessment of the offender with the court. If the offender is 2195  
eligible for a community control sanction and after considering 2196  
the written assessment, the court may impose a community control 2197  
sanction that includes ~~treatment and recovery support~~ addiction 2198  
services authorized by division (A) (11) of and recovery supports 2199  
included in a community-based continuum of care established 2200  
under section ~~340.03-340.032~~ of the Revised Code. If the court 2201  
imposes ~~treatment and recovery support~~ addiction services and 2202  
recovery supports as a community control sanction, the court 2203  
shall direct the level and type of ~~treatment and recovery~~ 2204  
~~support~~ addiction services and recovery supports after 2205  
considering the assessment and recommendation of community 2206  
addiction services providers. 2207

(F) Notwithstanding divisions (A) to (E) of this section, 2208  
the court shall impose a prison term or terms under sections 2209

2929.02 to 2929.06, section 2929.14, section 2929.142, or 2210  
section 2971.03 of the Revised Code and except as specifically 2211  
provided in section 2929.20, divisions (C) to (I) of section 2212  
2967.19, or section 2967.191 of the Revised Code or when parole 2213  
is authorized for the offense under section 2967.13 of the 2214  
Revised Code shall not reduce the term or terms pursuant to 2215  
section 2929.20, section 2967.19, section 2967.193, or any other 2216  
provision of Chapter 2967. or Chapter 5120. of the Revised Code 2217  
for any of the following offenses: 2218

(1) Aggravated murder when death is not imposed or murder; 2219

(2) Any rape, regardless of whether force was involved and 2220  
regardless of the age of the victim, or an attempt to commit 2221  
rape if, had the offender completed the rape that was attempted, 2222  
the offender would have been guilty of a violation of division 2223  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 2224  
sentenced under section 2971.03 of the Revised Code; 2225

(3) Gross sexual imposition or sexual battery, if the 2226  
victim is less than thirteen years of age and if any of the 2227  
following applies: 2228

(a) Regarding gross sexual imposition, the offender 2229  
previously was convicted of or pleaded guilty to rape, the 2230  
former offense of felonious sexual penetration, gross sexual 2231  
imposition, or sexual battery, and the victim of the previous 2232  
offense was less than thirteen years of age; 2233

(b) Regarding gross sexual imposition, the offense was 2234  
committed on or after August 3, 2006, and evidence other than 2235  
the testimony of the victim was admitted in the case 2236  
corroborating the violation. 2237

(c) Regarding sexual battery, either of the following 2238

applies: 2239

(i) The offense was committed prior to August 3, 2006, the 2240  
offender previously was convicted of or pleaded guilty to rape, 2241  
the former offense of felonious sexual penetration, or sexual 2242  
battery, and the victim of the previous offense was less than 2243  
thirteen years of age. 2244

(ii) The offense was committed on or after August 3, 2006. 2245

(4) A felony violation of section 2903.04, 2903.06, 2246  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 2247  
or 2923.132 of the Revised Code if the section requires the 2248  
imposition of a prison term; 2249

(5) A first, second, or third degree felony drug offense 2250  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2251  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 2252  
or 4729.99 of the Revised Code, whichever is applicable 2253  
regarding the violation, requires the imposition of a mandatory 2254  
prison term; 2255

(6) Any offense that is a first or second degree felony 2256  
and that is not set forth in division (F)(1), (2), (3), or (4) 2257  
of this section, if the offender previously was convicted of or 2258  
pleaded guilty to aggravated murder, murder, any first or second 2259  
degree felony, or an offense under an existing or former law of 2260  
this state, another state, or the United States that is or was 2261  
substantially equivalent to one of those offenses; 2262

(7) Any offense that is a third degree felony and either 2263  
is a violation of section 2903.04 of the Revised Code or an 2264  
attempt to commit a felony of the second degree that is an 2265  
offense of violence and involved an attempt to cause serious 2266  
physical harm to a person or that resulted in serious physical 2267

harm to a person if the offender previously was convicted of or	2268
pleaded guilty to any of the following offenses:	2269
(a) Aggravated murder, murder, involuntary manslaughter,	2270
rape, felonious sexual penetration as it existed under section	2271
2907.12 of the Revised Code prior to September 3, 1996, a felony	2272
of the first or second degree that resulted in the death of a	2273
person or in physical harm to a person, or complicity in or an	2274
attempt to commit any of those offenses;	2275
(b) An offense under an existing or former law of this	2276
state, another state, or the United States that is or was	2277
substantially equivalent to an offense listed in division (F) (7)	2278
(a) of this section that resulted in the death of a person or in	2279
physical harm to a person.	2280
(8) Any offense, other than a violation of section 2923.12	2281
of the Revised Code, that is a felony, if the offender had a	2282
firearm on or about the offender's person or under the	2283
offender's control while committing the felony, with respect to	2284
a portion of the sentence imposed pursuant to division (B) (1) (a)	2285
of section 2929.14 of the Revised Code for having the firearm;	2286
(9) Any offense of violence that is a felony, if the	2287
offender wore or carried body armor while committing the felony	2288
offense of violence, with respect to the portion of the sentence	2289
imposed pursuant to division (B) (1) (d) of section 2929.14 of the	2290
Revised Code for wearing or carrying the body armor;	2291
(10) Corrupt activity in violation of section 2923.32 of	2292
the Revised Code when the most serious offense in the pattern of	2293
corrupt activity that is the basis of the offense is a felony of	2294
the first degree;	2295
(11) Any violent sex offense or designated homicide,	2296

assault, or kidnapping offense if, in relation to that offense, 2297  
the offender is adjudicated a sexually violent predator; 2298

(12) A violation of division (A) (1) or (2) of section 2299  
2921.36 of the Revised Code, or a violation of division (C) of 2300  
that section involving an item listed in division (A) (1) or (2) 2301  
of that section, if the offender is an officer or employee of 2302  
the department of rehabilitation and correction; 2303

(13) A violation of division (A) (1) or (2) of section 2304  
2903.06 of the Revised Code if the victim of the offense is a 2305  
peace officer, as defined in section 2935.01 of the Revised 2306  
Code, or an investigator of the bureau of criminal 2307  
identification and investigation, as defined in section 2903.11 2308  
of the Revised Code, with respect to the portion of the sentence 2309  
imposed pursuant to division (B) (5) of section 2929.14 of the 2310  
Revised Code; 2311

(14) A violation of division (A) (1) or (2) of section 2312  
2903.06 of the Revised Code if the offender has been convicted 2313  
of or pleaded guilty to three or more violations of division (A) 2314  
or (B) of section 4511.19 of the Revised Code or an equivalent 2315  
offense, as defined in section 2941.1415 of the Revised Code, or 2316  
three or more violations of any combination of those divisions 2317  
and offenses, with respect to the portion of the sentence 2318  
imposed pursuant to division (B) (6) of section 2929.14 of the 2319  
Revised Code; 2320

(15) Kidnapping, in the circumstances specified in section 2321  
2971.03 of the Revised Code and when no other provision of 2322  
division (F) of this section applies; 2323

(16) Kidnapping, abduction, compelling prostitution, 2324  
promoting prostitution, engaging in a pattern of corrupt 2325



activity, illegal use of a minor in a nudity-oriented material 2326  
or performance in violation of division (A) (1) or (2) of section 2327  
2907.323 of the Revised Code, or endangering children in 2328  
violation of division (B) (1), (2), (3), (4), or (5) of section 2329  
2919.22 of the Revised Code, if the offender is convicted of or 2330  
pleads guilty to a specification as described in section 2331  
2941.1422 of the Revised Code that was included in the 2332  
indictment, count in the indictment, or information charging the 2333  
offense; 2334

(17) A felony violation of division (A) or (B) of section 2335  
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 2336  
that section, and division (D) (6) of that section, require the 2337  
imposition of a prison term; 2338

(18) A felony violation of section 2903.11, 2903.12, or 2339  
2903.13 of the Revised Code, if the victim of the offense was a 2340  
woman that the offender knew was pregnant at the time of the 2341  
violation, with respect to a portion of the sentence imposed 2342  
pursuant to division (B) (8) of section 2929.14 of the Revised 2343  
Code; 2344

(19) (a) Any violent felony offense if the offender is a 2345  
violent career criminal and had a firearm on or about the 2346  
offender's person or under the offender's control during the 2347  
commission of the violent felony offense and displayed or 2348  
brandished the firearm, indicated that the offender possessed a 2349  
firearm, or used the firearm to facilitate the offense, with 2350  
respect to the portion of the sentence imposed under division 2351  
(K) of section 2929.14 of the Revised Code. 2352

(b) As used in division (F) (19) (a) of this section, 2353  
"violent career criminal" and "violent felony offense" have the 2354  
same meanings as in section 2923.132 of the Revised Code. 2355

(G) Notwithstanding divisions (A) to (E) of this section, 2356  
if an offender is being sentenced for a fourth degree felony OVI 2357  
offense or for a third degree felony OVI offense, the court 2358  
shall impose upon the offender a mandatory term of local 2359  
incarceration or a mandatory prison term in accordance with the 2360  
following: 2361

(1) If the offender is being sentenced for a fourth degree 2362  
felony OVI offense and if the offender has not been convicted of 2363  
and has not pleaded guilty to a specification of the type 2364  
described in section 2941.1413 of the Revised Code, the court 2365  
may impose upon the offender a mandatory term of local 2366  
incarceration of sixty days or one hundred twenty days as 2367  
specified in division (G)(1)(d) of section 4511.19 of the 2368  
Revised Code. The court shall not reduce the term pursuant to 2369  
section 2929.20, 2967.193, or any other provision of the Revised 2370  
Code. The court that imposes a mandatory term of local 2371  
incarceration under this division shall specify whether the term 2372  
is to be served in a jail, a community-based correctional 2373  
facility, a halfway house, or an alternative residential 2374  
facility, and the offender shall serve the term in the type of 2375  
facility specified by the court. A mandatory term of local 2376  
incarceration imposed under division (G)(1) of this section is 2377  
not subject to any other Revised Code provision that pertains to 2378  
a prison term except as provided in division (A)(1) of this 2379  
section. 2380

(2) If the offender is being sentenced for a third degree 2381  
felony OVI offense, or if the offender is being sentenced for a 2382  
fourth degree felony OVI offense and the court does not impose a 2383  
mandatory term of local incarceration under division (G)(1) of 2384  
this section, the court shall impose upon the offender a 2385  
mandatory prison term of one, two, three, four, or five years if 2386

the offender also is convicted of or also pleads guilty to a 2387  
specification of the type described in section 2941.1413 of the 2388  
Revised Code or shall impose upon the offender a mandatory 2389  
prison term of sixty days or one hundred twenty days as 2390  
specified in division (G)(1)(d) or (e) of section 4511.19 of the 2391  
Revised Code if the offender has not been convicted of and has 2392  
not pleaded guilty to a specification of that type. Subject to 2393  
divisions (C) to (I) of section 2967.19 of the Revised Code, the 2394  
court shall not reduce the term pursuant to section 2929.20, 2395  
2967.19, 2967.193, or any other provision of the Revised Code. 2396  
The offender shall serve the one-, two-, three-, four-, or five- 2397  
year mandatory prison term consecutively to and prior to the 2398  
prison term imposed for the underlying offense and consecutively 2399  
to any other mandatory prison term imposed in relation to the 2400  
offense. In no case shall an offender who once has been 2401  
sentenced to a mandatory term of local incarceration pursuant to 2402  
division (G)(1) of this section for a fourth degree felony OVI 2403  
offense be sentenced to another mandatory term of local 2404  
incarceration under that division for any violation of division 2405  
(A) of section 4511.19 of the Revised Code. In addition to the 2406  
mandatory prison term described in division (G)(2) of this 2407  
section, the court may sentence the offender to a community 2408  
control sanction under section 2929.16 or 2929.17 of the Revised 2409  
Code, but the offender shall serve the prison term prior to 2410  
serving the community control sanction. The department of 2411  
rehabilitation and correction may place an offender sentenced to 2412  
a mandatory prison term under this division in an intensive 2413  
program prison established pursuant to section 5120.033 of the 2414  
Revised Code if the department gave the sentencing judge prior 2415  
notice of its intent to place the offender in an intensive 2416  
program prison established under that section and if the judge 2417  
did not notify the department that the judge disapproved the 2418

placement. Upon the establishment of the initial intensive 2419  
program prison pursuant to section 5120.033 of the Revised Code 2420  
that is privately operated and managed by a contractor pursuant 2421  
to a contract entered into under section 9.06 of the Revised 2422  
Code, both of the following apply: 2423

(a) The department of rehabilitation and correction shall 2424  
make a reasonable effort to ensure that a sufficient number of 2425  
offenders sentenced to a mandatory prison term under this 2426  
division are placed in the privately operated and managed prison 2427  
so that the privately operated and managed prison has full 2428  
occupancy. 2429

(b) Unless the privately operated and managed prison has 2430  
full occupancy, the department of rehabilitation and correction 2431  
shall not place any offender sentenced to a mandatory prison 2432  
term under this division in any intensive program prison 2433  
established pursuant to section 5120.033 of the Revised Code 2434  
other than the privately operated and managed prison. 2435

(H) If an offender is being sentenced for a sexually 2436  
oriented offense or child-victim oriented offense that is a 2437  
felony committed on or after January 1, 1997, the judge shall 2438  
require the offender to submit to a DNA specimen collection 2439  
procedure pursuant to section 2901.07 of the Revised Code. 2440

(I) If an offender is being sentenced for a sexually 2441  
oriented offense or a child-victim oriented offense committed on 2442  
or after January 1, 1997, the judge shall include in the 2443  
sentence a summary of the offender's duties imposed under 2444  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 2445  
Code and the duration of the duties. The judge shall inform the 2446  
offender, at the time of sentencing, of those duties and of 2447  
their duration. If required under division (A) (2) of section 2448

2950.03 of the Revised Code, the judge shall perform the duties 2449  
specified in that section, or, if required under division (A) (6) 2450  
of section 2950.03 of the Revised Code, the judge shall perform 2451  
the duties specified in that division. 2452

(J) (1) Except as provided in division (J) (2) of this 2453  
section, when considering sentencing factors under this section 2454  
in relation to an offender who is convicted of or pleads guilty 2455  
to an attempt to commit an offense in violation of section 2456  
2923.02 of the Revised Code, the sentencing court shall consider 2457  
the factors applicable to the felony category of the violation 2458  
of section 2923.02 of the Revised Code instead of the factors 2459  
applicable to the felony category of the offense attempted. 2460

(2) When considering sentencing factors under this section 2461  
in relation to an offender who is convicted of or pleads guilty 2462  
to an attempt to commit a drug abuse offense for which the 2463  
penalty is determined by the amount or number of unit doses of 2464  
the controlled substance involved in the drug abuse offense, the 2465  
sentencing court shall consider the factors applicable to the 2466  
felony category that the drug abuse offense attempted would be 2467  
if that drug abuse offense had been committed and had involved 2468  
an amount or number of unit doses of the controlled substance 2469  
that is within the next lower range of controlled substance 2470  
amounts than was involved in the attempt. 2471

(K) As used in this section: 2472

(1) "Community addiction services provider" has the same 2473  
meaning as in section 5119.01 of the Revised Code. 2474

(2) "Drug abuse offense" has the same meaning as in 2475  
section 2925.01 of the Revised Code. 2476

(3) "Minor drug possession offense" has the same meaning 2477

as in section 2925.11 of the Revised Code. 2478

(4) "Qualifying assault offense" means a violation of 2479  
section 2903.13 of the Revised Code for which the penalty 2480  
provision in division (C) (8) (b) or (C) (9) (b) of that section 2481  
applies. 2482

(L) At the time of sentencing an offender for any sexually 2483  
oriented offense, if the offender is a tier III sex 2484  
offender/child-victim offender relative to that offense and the 2485  
offender does not serve a prison term or jail term, the court 2486  
may require that the offender be monitored by means of a global 2487  
positioning device. If the court requires such monitoring, the 2488  
cost of monitoring shall be borne by the offender. If the 2489  
offender is indigent, the cost of compliance shall be paid by 2490  
the crime victims reparations fund. 2491

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 2492  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (E), 2493  
(G), (H), (J), or (K) of this section or in division (D) (6) of 2494  
section 2919.25 of the Revised Code and except in relation to an 2495  
offense for which a sentence of death or life imprisonment is to 2496  
be imposed, if the court imposing a sentence upon an offender 2497  
for a felony elects or is required to impose a prison term on 2498  
the offender pursuant to this chapter, the court shall impose a 2499  
definite prison term that shall be one of the following: 2500

(1) For a felony of the first degree, the prison term 2501  
shall be three, four, five, six, seven, eight, nine, ten, or 2502  
eleven years. 2503

(2) For a felony of the second degree, the prison term 2504  
shall be two, three, four, five, six, seven, or eight years. 2505

(3) (a) For a felony of the third degree that is a 2506

violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 2507  
2907.05 of the Revised Code or that is a violation of section 2508  
2911.02 or 2911.12 of the Revised Code if the offender 2509  
previously has been convicted of or pleaded guilty in two or 2510  
more separate proceedings to two or more violations of section 2511  
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 2512  
prison term shall be twelve, eighteen, twenty-four, thirty, 2513  
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 2514

(b) For a felony of the third degree that is not an 2515  
offense for which division (A) (3) (a) of this section applies, 2516  
the prison term shall be nine, twelve, eighteen, twenty-four, 2517  
thirty, or thirty-six months. 2518

(4) For a felony of the fourth degree, the prison term 2519  
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 2520  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 2521

(5) For a felony of the fifth degree, the prison term 2522  
shall be six, seven, eight, nine, ten, eleven, or twelve months. 2523

(B) (1) (a) Except as provided in division (B) (1) (e) of this 2524  
section, if an offender who is convicted of or pleads guilty to 2525  
a felony also is convicted of or pleads guilty to a 2526  
specification of the type described in section 2941.141, 2527  
2941.144, or 2941.145 of the Revised Code, the court shall 2528  
impose on the offender one of the following prison terms: 2529

(i) A prison term of six years if the specification is of 2530  
the type described in division (A) of section 2941.144 of the 2531  
Revised Code that charges the offender with having a firearm 2532  
that is an automatic firearm or that was equipped with a firearm 2533  
muffler or suppressor on or about the offender's person or under 2534  
the offender's control while committing the offense; 2535

(ii) A prison term of three years if the specification is 2536  
of the type described in division (A) of section 2941.145 of the 2537  
Revised Code that charges the offender with having a firearm on 2538  
or about the offender's person or under the offender's control 2539  
while committing the offense and displaying the firearm, 2540  
brandishing the firearm, indicating that the offender possessed 2541  
the firearm, or using it to facilitate the offense; 2542

(iii) A prison term of one year if the specification is of 2543  
the type described in division (A) of section 2941.141 of the 2544  
Revised Code that charges the offender with having a firearm on 2545  
or about the offender's person or under the offender's control 2546  
while committing the offense; 2547

(iv) A prison term of nine years if the specification is 2548  
of the type described in division (D) of section 2941.144 of the 2549  
Revised Code that charges the offender with having a firearm 2550  
that is an automatic firearm or that was equipped with a firearm 2551  
muffler or suppressor on or about the offender's person or under 2552  
the offender's control while committing the offense and 2553  
specifies that the offender previously has been convicted of or 2554  
pleaded guilty to a specification of the type described in 2555  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 2556  
the Revised Code; 2557

(v) A prison term of fifty-four months if the 2558  
specification is of the type described in division (D) of 2559  
section 2941.145 of the Revised Code that charges the offender 2560  
with having a firearm on or about the offender's person or under 2561  
the offender's control while committing the offense and 2562  
displaying the firearm, brandishing the firearm, indicating that 2563  
the offender possessed the firearm, or using the firearm to 2564  
facilitate the offense and that the offender previously has been 2565



convicted of or pleaded guilty to a specification of the type 2566  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2567  
2941.1412 of the Revised Code; 2568

(vi) A prison term of eighteen months if the specification 2569  
is of the type described in division (D) of section 2941.141 of 2570  
the Revised Code that charges the offender with having a firearm 2571  
on or about the offender's person or under the offender's 2572  
control while committing the offense and that the offender 2573  
previously has been convicted of or pleaded guilty to a 2574  
specification of the type described in section 2941.141, 2575  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 2576

(b) If a court imposes a prison term on an offender under 2577  
division (B)(1)(a) of this section, the prison term shall not be 2578  
reduced pursuant to section 2967.19, section 2929.20, section 2579  
2967.193, or any other provision of Chapter 2967. or Chapter 2580  
5120. of the Revised Code. Except as provided in division (B)(1) 2581  
(g) of this section, a court shall not impose more than one 2582  
prison term on an offender under division (B)(1)(a) of this 2583  
section for felonies committed as part of the same act or 2584  
transaction. 2585

(c) (i) Except as provided in division (B)(1)(e) of this 2586  
section, if an offender who is convicted of or pleads guilty to 2587  
a violation of section 2923.161 of the Revised Code or to a 2588  
felony that includes, as an essential element, purposely or 2589  
knowingly causing or attempting to cause the death of or 2590  
physical harm to another, also is convicted of or pleads guilty 2591  
to a specification of the type described in division (A) of 2592  
section 2941.146 of the Revised Code that charges the offender 2593  
with committing the offense by discharging a firearm from a 2594  
motor vehicle other than a manufactured home, the court, after 2595

imposing a prison term on the offender for the violation of 2596  
section 2923.161 of the Revised Code or for the other felony 2597  
offense under division (A), (B) (2), or (B) (3) of this section, 2598  
shall impose an additional prison term of five years upon the 2599  
offender that shall not be reduced pursuant to section 2929.20, 2600  
section 2967.19, section 2967.193, or any other provision of 2601  
Chapter 2967. or Chapter 5120. of the Revised Code. 2602

(ii) Except as provided in division (B) (1) (e) of this 2603  
section, if an offender who is convicted of or pleads guilty to 2604  
a violation of section 2923.161 of the Revised Code or to a 2605  
felony that includes, as an essential element, purposely or 2606  
knowingly causing or attempting to cause the death of or 2607  
physical harm to another, also is convicted of or pleads guilty 2608  
to a specification of the type described in division (C) of 2609  
section 2941.146 of the Revised Code that charges the offender 2610  
with committing the offense by discharging a firearm from a 2611  
motor vehicle other than a manufactured home and that the 2612  
offender previously has been convicted of or pleaded guilty to a 2613  
specification of the type described in section 2941.141, 2614  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 2615  
the court, after imposing a prison term on the offender for the 2616  
violation of section 2923.161 of the Revised Code or for the 2617  
other felony offense under division (A), (B) (2), or (3) of this 2618  
section, shall impose an additional prison term of ninety months 2619  
upon the offender that shall not be reduced pursuant to section 2620  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 2621  
2967. or Chapter 5120. of the Revised Code. 2622

(iii) A court shall not impose more than one additional 2623  
prison term on an offender under division (B) (1) (c) of this 2624  
section for felonies committed as part of the same act or 2625  
transaction. If a court imposes an additional prison term on an 2626

offender under division (B) (1) (c) of this section relative to an 2627  
offense, the court also shall impose a prison term under 2628  
division (B) (1) (a) of this section relative to the same offense, 2629  
provided the criteria specified in that division for imposing an 2630  
additional prison term are satisfied relative to the offender 2631  
and the offense. 2632

(d) If an offender who is convicted of or pleads guilty to 2633  
an offense of violence that is a felony also is convicted of or 2634  
pleads guilty to a specification of the type described in 2635  
section 2941.1411 of the Revised Code that charges the offender 2636  
with wearing or carrying body armor while committing the felony 2637  
offense of violence, the court shall impose on the offender a 2638  
prison term of two years. The prison term so imposed, subject to 2639  
divisions (C) to (I) of section 2967.19 of the Revised Code, 2640  
shall not be reduced pursuant to section 2929.20, section 2641  
2967.19, section 2967.193, or any other provision of Chapter 2642  
2967. or Chapter 5120. of the Revised Code. A court shall not 2643  
impose more than one prison term on an offender under division 2644  
(B) (1) (d) of this section for felonies committed as part of the 2645  
same act or transaction. If a court imposes an additional prison 2646  
term under division (B) (1) (a) or (c) of this section, the court 2647  
is not precluded from imposing an additional prison term under 2648  
division (B) (1) (d) of this section. 2649

(e) The court shall not impose any of the prison terms 2650  
described in division (B) (1) (a) of this section or any of the 2651  
additional prison terms described in division (B) (1) (c) of this 2652  
section upon an offender for a violation of section 2923.12 or 2653  
2923.123 of the Revised Code. The court shall not impose any of 2654  
the prison terms described in division (B) (1) (a) or (b) of this 2655  
section upon an offender for a violation of section 2923.122 2656  
that involves a deadly weapon that is a firearm other than a 2657

dangerous ordnance, section 2923.16, or section 2923.121 of the Revised Code. The court shall not impose any of the prison terms described in division (B)(1)(a) of this section or any of the additional prison terms described in division (B)(1)(c) of this section upon an offender for a violation of section 2923.13 of the Revised Code unless all of the following apply:

(i) The offender previously has been convicted of aggravated murder, murder, or any felony of the first or second degree.

(ii) Less than five years have passed since the offender was released from prison or post-release control, whichever is later, for the prior offense.

(f)(i) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in division (A) of section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer as defined in section 2935.01 of the Revised Code or a corrections officer, as defined in section 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (B)(2), or (B)(3) of this section, shall impose an additional prison term of seven years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code.

(ii) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and

also is convicted of or pleads guilty to a specification of the 2688  
type described in division (B) of section 2941.1412 of the 2689  
Revised Code that charges the offender with committing the 2690  
offense by discharging a firearm at a peace officer, as defined 2691  
in section 2935.01 of the Revised Code, or a corrections 2692  
officer, as defined in section 2941.1412 of the Revised Code, 2693  
and that the offender previously has been convicted of or 2694  
pleaded guilty to a specification of the type described in 2695  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 2696  
the Revised Code, the court, after imposing a prison term on the 2697  
offender for the felony offense under division (A), (B) (2), or 2698  
(3) of this section, shall impose an additional prison term of 2699  
one hundred twenty-six months upon the offender that shall not 2700  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 2701  
any other provision of Chapter 2967. or 5120. of the Revised 2702  
Code. 2703

(iii) If an offender is convicted of or pleads guilty to 2704  
two or more felonies that include, as an essential element, 2705  
causing or attempting to cause the death or physical harm to 2706  
another and also is convicted of or pleads guilty to a 2707  
specification of the type described under division (B) (1) (f) of 2708  
this section in connection with two or more of the felonies of 2709  
which the offender is convicted or to which the offender pleads 2710  
guilty, the sentencing court shall impose on the offender the 2711  
prison term specified under division (B) (1) (f) of this section 2712  
for each of two of the specifications of which the offender is 2713  
convicted or to which the offender pleads guilty and, in its 2714  
discretion, also may impose on the offender the prison term 2715  
specified under that division for any or all of the remaining 2716  
specifications. If a court imposes an additional prison term on 2717  
an offender under division (B) (1) (f) of this section relative to 2718

an offense, the court shall not impose a prison term under 2719  
division (B) (1) (a) or (c) of this section relative to the same 2720  
offense. 2721

(g) If an offender is convicted of or pleads guilty to two 2722  
or more felonies, if one or more of those felonies are 2723  
aggravated murder, murder, attempted aggravated murder, 2724  
attempted murder, aggravated robbery, felonious assault, or 2725  
rape, and if the offender is convicted of or pleads guilty to a 2726  
specification of the type described under division (B) (1) (a) of 2727  
this section in connection with two or more of the felonies, the 2728  
sentencing court shall impose on the offender the prison term 2729  
specified under division (B) (1) (a) of this section for each of 2730  
the two most serious specifications of which the offender is 2731  
convicted or to which the offender pleads guilty and, in its 2732  
discretion, also may impose on the offender the prison term 2733  
specified under that division for any or all of the remaining 2734  
specifications. 2735

(2) (a) If division (B) (2) (b) of this section does not 2736  
apply, the court may impose on an offender, in addition to the 2737  
longest prison term authorized or required for the offense, an 2738  
additional definite prison term of one, two, three, four, five, 2739  
six, seven, eight, nine, or ten years if all of the following 2740  
criteria are met: 2741

(i) The offender is convicted of or pleads guilty to a 2742  
specification of the type described in section 2941.149 of the 2743  
Revised Code that the offender is a repeat violent offender. 2744

(ii) The offense of which the offender currently is 2745  
convicted or to which the offender currently pleads guilty is 2746  
aggravated murder and the court does not impose a sentence of 2747  
death or life imprisonment without parole, murder, terrorism and 2748

the court does not impose a sentence of life imprisonment 2749  
without parole, any felony of the first degree that is an 2750  
offense of violence and the court does not impose a sentence of 2751  
life imprisonment without parole, or any felony of the second 2752  
degree that is an offense of violence and the trier of fact 2753  
finds that the offense involved an attempt to cause or a threat 2754  
to cause serious physical harm to a person or resulted in 2755  
serious physical harm to a person. 2756

(iii) The court imposes the longest prison term for the 2757  
offense that is not life imprisonment without parole. 2758

(iv) The court finds that the prison terms imposed 2759  
pursuant to division (B) (2) (a) (iii) of this section and, if 2760  
applicable, division (B) (1) or (3) of this section are 2761  
inadequate to punish the offender and protect the public from 2762  
future crime, because the applicable factors under section 2763  
2929.12 of the Revised Code indicating a greater likelihood of 2764  
recidivism outweigh the applicable factors under that section 2765  
indicating a lesser likelihood of recidivism. 2766

(v) The court finds that the prison terms imposed pursuant 2767  
to division (B) (2) (a) (iii) of this section and, if applicable, 2768  
division (B) (1) or (3) of this section are demeaning to the 2769  
seriousness of the offense, because one or more of the factors 2770  
under section 2929.12 of the Revised Code indicating that the 2771  
offender's conduct is more serious than conduct normally 2772  
constituting the offense are present, and they outweigh the 2773  
applicable factors under that section indicating that the 2774  
offender's conduct is less serious than conduct normally 2775  
constituting the offense. 2776

(b) The court shall impose on an offender the longest 2777  
prison term authorized or required for the offense and shall 2778

impose on the offender an additional definite prison term of 2779  
one, two, three, four, five, six, seven, eight, nine, or ten 2780  
years if all of the following criteria are met: 2781

(i) The offender is convicted of or pleads guilty to a 2782  
specification of the type described in section 2941.149 of the 2783  
Revised Code that the offender is a repeat violent offender. 2784

(ii) The offender within the preceding twenty years has 2785  
been convicted of or pleaded guilty to three or more offenses 2786  
described in division (CC)(1) of section 2929.01 of the Revised 2787  
Code, including all offenses described in that division of which 2788  
the offender is convicted or to which the offender pleads guilty 2789  
in the current prosecution and all offenses described in that 2790  
division of which the offender previously has been convicted or 2791  
to which the offender previously pleaded guilty, whether 2792  
prosecuted together or separately. 2793

(iii) The offense or offenses of which the offender 2794  
currently is convicted or to which the offender currently pleads 2795  
guilty is aggravated murder and the court does not impose a 2796  
sentence of death or life imprisonment without parole, murder, 2797  
terrorism and the court does not impose a sentence of life 2798  
imprisonment without parole, any felony of the first degree that 2799  
is an offense of violence and the court does not impose a 2800  
sentence of life imprisonment without parole, or any felony of 2801  
the second degree that is an offense of violence and the trier 2802  
of fact finds that the offense involved an attempt to cause or a 2803  
threat to cause serious physical harm to a person or resulted in 2804  
serious physical harm to a person. 2805

(c) For purposes of division (B)(2)(b) of this section, 2806  
two or more offenses committed at the same time or as part of 2807  
the same act or event shall be considered one offense, and that 2808



one offense shall be the offense with the greatest penalty. 2809

(d) A sentence imposed under division (B)(2)(a) or (b) of 2810  
this section shall not be reduced pursuant to section 2929.20, 2811  
section 2967.19, or section 2967.193, or any other provision of 2812  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 2813  
shall serve an additional prison term imposed under this section 2814  
consecutively to and prior to the prison term imposed for the 2815  
underlying offense. 2816

(e) When imposing a sentence pursuant to division (B)(2) 2817  
(a) or (b) of this section, the court shall state its findings 2818  
explaining the imposed sentence. 2819

(3) Except when an offender commits a violation of section 2820  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 2821  
for the violation is life imprisonment or commits a violation of 2822  
section 2903.02 of the Revised Code, if the offender commits a 2823  
violation of section 2925.03 or 2925.11 of the Revised Code and 2824  
that section classifies the offender as a major drug offender, 2825  
if the offender commits a felony violation of section 2925.02, 2826  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 2827  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 2828  
division ~~(C)~~(E) of section 4729.51, or division (J) of section 2829  
4729.54 of the Revised Code that includes the sale, offer to 2830  
sell, or possession of a schedule I or II controlled substance, 2831  
with the exception of marihuana, and the court imposing sentence 2832  
upon the offender finds that the offender is guilty of a 2833  
specification of the type described in section 2941.1410 of the 2834  
Revised Code charging that the offender is a major drug 2835  
offender, if the court imposing sentence upon an offender for a 2836  
felony finds that the offender is guilty of corrupt activity 2837  
with the most serious offense in the pattern of corrupt activity 2838

being a felony of the first degree, or if the offender is guilty 2839  
of an attempted violation of section 2907.02 of the Revised Code 2840  
and, had the offender completed the violation of section 2907.02 2841  
of the Revised Code that was attempted, the offender would have 2842  
been subject to a sentence of life imprisonment or life 2843  
imprisonment without parole for the violation of section 2907.02 2844  
of the Revised Code, the court shall impose upon the offender 2845  
for the felony violation a mandatory prison term of the maximum 2846  
prison term prescribed for a felony of the first degree that, 2847  
subject to divisions (C) to (I) of section 2967.19 of the 2848  
Revised Code, cannot be reduced pursuant to section 2929.20, 2849  
section 2967.19, or any other provision of Chapter 2967. or 2850  
5120. of the Revised Code. 2851

(4) If the offender is being sentenced for a third or 2852  
fourth degree felony OVI offense under division (G) (2) of 2853  
section 2929.13 of the Revised Code, the sentencing court shall 2854  
impose upon the offender a mandatory prison term in accordance 2855  
with that division. In addition to the mandatory prison term, if 2856  
the offender is being sentenced for a fourth degree felony OVI 2857  
offense, the court, notwithstanding division (A) (4) of this 2858  
section, may sentence the offender to a definite prison term of 2859  
not less than six months and not more than thirty months, and if 2860  
the offender is being sentenced for a third degree felony OVI 2861  
offense, the sentencing court may sentence the offender to an 2862  
additional prison term of any duration specified in division (A) 2863  
(3) of this section. In either case, the additional prison term 2864  
imposed shall be reduced by the sixty or one hundred twenty days 2865  
imposed upon the offender as the mandatory prison term. The 2866  
total of the additional prison term imposed under division (B) 2867  
(4) of this section plus the sixty or one hundred twenty days 2868  
imposed as the mandatory prison term shall equal a definite term 2869

in the range of six months to thirty months for a fourth degree 2870  
felony OVI offense and shall equal one of the authorized prison 2871  
terms specified in division (A) (3) of this section for a third 2872  
degree felony OVI offense. If the court imposes an additional 2873  
prison term under division (B) (4) of this section, the offender 2874  
shall serve the additional prison term after the offender has 2875  
served the mandatory prison term required for the offense. In 2876  
addition to the mandatory prison term or mandatory and 2877  
additional prison term imposed as described in division (B) (4) 2878  
of this section, the court also may sentence the offender to a 2879  
community control sanction under section 2929.16 or 2929.17 of 2880  
the Revised Code, but the offender shall serve all of the prison 2881  
terms so imposed prior to serving the community control 2882  
sanction. 2883

If the offender is being sentenced for a fourth degree 2884  
felony OVI offense under division (G) (1) of section 2929.13 of 2885  
the Revised Code and the court imposes a mandatory term of local 2886  
incarceration, the court may impose a prison term as described 2887  
in division (A) (1) of that section. 2888

(5) If an offender is convicted of or pleads guilty to a 2889  
violation of division (A) (1) or (2) of section 2903.06 of the 2890  
Revised Code and also is convicted of or pleads guilty to a 2891  
specification of the type described in section 2941.1414 of the 2892  
Revised Code that charges that the victim of the offense is a 2893  
peace officer, as defined in section 2935.01 of the Revised 2894  
Code, or an investigator of the bureau of criminal 2895  
identification and investigation, as defined in section 2903.11 2896  
of the Revised Code, the court shall impose on the offender a 2897  
prison term of five years. If a court imposes a prison term on 2898  
an offender under division (B) (5) of this section, the prison 2899  
term, subject to divisions (C) to (I) of section 2967.19 of the 2900

Revised Code, shall not be reduced pursuant to section 2929.20, 2901  
section 2967.19, section 2967.193, or any other provision of 2902  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 2903  
shall not impose more than one prison term on an offender under 2904  
division (B) (5) of this section for felonies committed as part 2905  
of the same act. 2906

(6) If an offender is convicted of or pleads guilty to a 2907  
violation of division (A) (1) or (2) of section 2903.06 of the 2908  
Revised Code and also is convicted of or pleads guilty to a 2909  
specification of the type described in section 2941.1415 of the 2910  
Revised Code that charges that the offender previously has been 2911  
convicted of or pleaded guilty to three or more violations of 2912  
division (A) or (B) of section 4511.19 of the Revised Code or an 2913  
equivalent offense, as defined in section 2941.1415 of the 2914  
Revised Code, or three or more violations of any combination of 2915  
those divisions and offenses, the court shall impose on the 2916  
offender a prison term of three years. If a court imposes a 2917  
prison term on an offender under division (B) (6) of this 2918  
section, the prison term, subject to divisions (C) to (I) of 2919  
section 2967.19 of the Revised Code, shall not be reduced 2920  
pursuant to section 2929.20, section 2967.19, section 2967.193, 2921  
or any other provision of Chapter 2967. or Chapter 5120. of the 2922  
Revised Code. A court shall not impose more than one prison term 2923  
on an offender under division (B) (6) of this section for 2924  
felonies committed as part of the same act. 2925

(7) (a) If an offender is convicted of or pleads guilty to 2926  
a felony violation of section 2905.01, 2905.02, 2907.21, 2927  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 2928  
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 2929  
the Revised Code and also is convicted of or pleads guilty to a 2930  
specification of the type described in section 2941.1422 of the 2931

Revised Code that charges that the offender knowingly committed 2932  
the offense in furtherance of human trafficking, the court shall 2933  
impose on the offender a mandatory prison term that is one of 2934  
the following: 2935

(i) If the offense is a felony of the first degree, a 2936  
definite prison term of not less than five years and not greater 2937  
than ten years; 2938

(ii) If the offense is a felony of the second or third 2939  
degree, a definite prison term of not less than three years and 2940  
not greater than the maximum prison term allowed for the offense 2941  
by division (A) of section 2929.14 of the Revised Code; 2942

(iii) If the offense is a felony of the fourth or fifth 2943  
degree, a definite prison term that is the maximum prison term 2944  
allowed for the offense by division (A) of section 2929.14 of 2945  
the Revised Code. 2946

(b) Subject to divisions (C) to (I) of section 2967.19 of 2947  
the Revised Code, the prison term imposed under division (B) (7) 2948  
(a) of this section shall not be reduced pursuant to section 2949  
2929.20, section 2967.19, section 2967.193, or any other 2950  
provision of Chapter 2967. of the Revised Code. A court shall 2951  
not impose more than one prison term on an offender under 2952  
division (B) (7) (a) of this section for felonies committed as 2953  
part of the same act, scheme, or plan. 2954

(8) If an offender is convicted of or pleads guilty to a 2955  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 2956  
Revised Code and also is convicted of or pleads guilty to a 2957  
specification of the type described in section 2941.1423 of the 2958  
Revised Code that charges that the victim of the violation was a 2959  
woman whom the offender knew was pregnant at the time of the 2960

violation, notwithstanding the range of prison terms prescribed 2961  
in division (A) of this section for felonies of the same degree 2962  
as the violation, the court shall impose on the offender a 2963  
mandatory prison term that is either a definite prison term of 2964  
six months or one of the prison terms prescribed in section 2965  
2929.14 of the Revised Code for felonies of the same degree as 2966  
the violation. 2967

(C) (1) (a) Subject to division (C) (1) (b) of this section, 2968  
if a mandatory prison term is imposed upon an offender pursuant 2969  
to division (B) (1) (a) of this section for having a firearm on or 2970  
about the offender's person or under the offender's control 2971  
while committing a felony, if a mandatory prison term is imposed 2972  
upon an offender pursuant to division (B) (1) (c) of this section 2973  
for committing a felony specified in that division by 2974  
discharging a firearm from a motor vehicle, or if both types of 2975  
mandatory prison terms are imposed, the offender shall serve any 2976  
mandatory prison term imposed under either division 2977  
consecutively to any other mandatory prison term imposed under 2978  
either division or under division (B) (1) (d) of this section, 2979  
consecutively to and prior to any prison term imposed for the 2980  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 2981  
this section or any other section of the Revised Code, and 2982  
consecutively to any other prison term or mandatory prison term 2983  
previously or subsequently imposed upon the offender. 2984

(b) If a mandatory prison term is imposed upon an offender 2985  
pursuant to division (B) (1) (d) of this section for wearing or 2986  
carrying body armor while committing an offense of violence that 2987  
is a felony, the offender shall serve the mandatory term so 2988  
imposed consecutively to any other mandatory prison term imposed 2989  
under that division or under division (B) (1) (a) or (c) of this 2990  
section, consecutively to and prior to any prison term imposed 2991

for the underlying felony under division (A), (B)(2), or (B)(3) 2992  
of this section or any other section of the Revised Code, and 2993  
consecutively to any other prison term or mandatory prison term 2994  
previously or subsequently imposed upon the offender. 2995

(c) If a mandatory prison term is imposed upon an offender 2996  
pursuant to division (B)(1)(f) of this section, the offender 2997  
shall serve the mandatory prison term so imposed consecutively 2998  
to and prior to any prison term imposed for the underlying 2999  
felony under division (A), (B)(2), or (B)(3) of this section or 3000  
any other section of the Revised Code, and consecutively to any 3001  
other prison term or mandatory prison term previously or 3002  
subsequently imposed upon the offender. 3003

(d) If a mandatory prison term is imposed upon an offender 3004  
pursuant to division (B)(7) or (8) of this section, the offender 3005  
shall serve the mandatory prison term so imposed consecutively 3006  
to any other mandatory prison term imposed under that division 3007  
or under any other provision of law and consecutively to any 3008  
other prison term or mandatory prison term previously or 3009  
subsequently imposed upon the offender. 3010

(2) If an offender who is an inmate in a jail, prison, or 3011  
other residential detention facility violates section 2917.02, 3012  
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 3013  
(2) of section 2921.34 of the Revised Code, if an offender who 3014  
is under detention at a detention facility commits a felony 3015  
violation of section 2923.131 of the Revised Code, or if an 3016  
offender who is an inmate in a jail, prison, or other 3017  
residential detention facility or is under detention at a 3018  
detention facility commits another felony while the offender is 3019  
an escapee in violation of division (A)(1) or (2) of section 3020  
2921.34 of the Revised Code, any prison term imposed upon the 3021

offender for one of those violations shall be served by the 3022  
offender consecutively to the prison term or term of 3023  
imprisonment the offender was serving when the offender 3024  
committed that offense and to any other prison term previously 3025  
or subsequently imposed upon the offender. 3026

(3) If a prison term is imposed for a violation of 3027  
division (B) of section 2911.01 of the Revised Code, a violation 3028  
of division (A) of section 2913.02 of the Revised Code in which 3029  
the stolen property is a firearm or dangerous ordnance, or a 3030  
felony violation of division (B) of section 2921.331 of the 3031  
Revised Code, the offender shall serve that prison term 3032  
consecutively to any other prison term or mandatory prison term 3033  
previously or subsequently imposed upon the offender. 3034

(4) If multiple prison terms are imposed on an offender 3035  
for convictions of multiple offenses, the court may require the 3036  
offender to serve the prison terms consecutively if the court 3037  
finds that the consecutive service is necessary to protect the 3038  
public from future crime or to punish the offender and that 3039  
consecutive sentences are not disproportionate to the 3040  
seriousness of the offender's conduct and to the danger the 3041  
offender poses to the public, and if the court also finds any of 3042  
the following: 3043

(a) The offender committed one or more of the multiple 3044  
offenses while the offender was awaiting trial or sentencing, 3045  
was under a sanction imposed pursuant to section 2929.16, 3046  
2929.17, or 2929.18 of the Revised Code, or was under post- 3047  
release control for a prior offense. 3048

(b) At least two of the multiple offenses were committed 3049  
as part of one or more courses of conduct, and the harm caused 3050  
by two or more of the multiple offenses so committed was so 3051



great or unusual that no single prison term for any of the 3052  
offenses committed as part of any of the courses of conduct 3053  
adequately reflects the seriousness of the offender's conduct. 3054

(c) The offender's history of criminal conduct 3055  
demonstrates that consecutive sentences are necessary to protect 3056  
the public from future crime by the offender. 3057

(5) If a mandatory prison term is imposed upon an offender 3058  
pursuant to division (B) (5) or (6) of this section, the offender 3059  
shall serve the mandatory prison term consecutively to and prior 3060  
to any prison term imposed for the underlying violation of 3061  
division (A) (1) or (2) of section 2903.06 of the Revised Code 3062  
pursuant to division (A) of this section or section 2929.142 of 3063  
the Revised Code. If a mandatory prison term is imposed upon an 3064  
offender pursuant to division (B) (5) of this section, and if a 3065  
mandatory prison term also is imposed upon the offender pursuant 3066  
to division (B) (6) of this section in relation to the same 3067  
violation, the offender shall serve the mandatory prison term 3068  
imposed pursuant to division (B) (5) of this section 3069  
consecutively to and prior to the mandatory prison term imposed 3070  
pursuant to division (B) (6) of this section and consecutively to 3071  
and prior to any prison term imposed for the underlying 3072  
violation of division (A) (1) or (2) of section 2903.06 of the 3073  
Revised Code pursuant to division (A) of this section or section 3074  
2929.142 of the Revised Code. 3075

(6) When consecutive prison terms are imposed pursuant to 3076  
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 3077  
of this section, the term to be served is the aggregate of all 3078  
of the terms so imposed. 3079

(D) (1) If a court imposes a prison term for a felony of 3080  
the first degree, for a felony of the second degree, for a 3081

felony sex offense, or for a felony of the third degree that is 3082  
not a felony sex offense and in the commission of which the 3083  
offender caused or threatened to cause physical harm to a 3084  
person, it shall include in the sentence a requirement that the 3085  
offender be subject to a period of post-release control after 3086  
the offender's release from imprisonment, in accordance with 3087  
that division. If a court imposes a sentence including a prison 3088  
term of a type described in this division on or after July 11, 3089  
2006, the failure of a court to include a post-release control 3090  
requirement in the sentence pursuant to this division does not 3091  
negate, limit, or otherwise affect the mandatory period of post- 3092  
release control that is required for the offender under division 3093  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 3094  
the Revised Code applies if, prior to July 11, 2006, a court 3095  
imposed a sentence including a prison term of a type described 3096  
in this division and failed to include in the sentence pursuant 3097  
to this division a statement regarding post-release control. 3098

(2) If a court imposes a prison term for a felony of the 3099  
third, fourth, or fifth degree that is not subject to division 3100  
(D)(1) of this section, it shall include in the sentence a 3101  
requirement that the offender be subject to a period of post- 3102  
release control after the offender's release from imprisonment, 3103  
in accordance with that division, if the parole board determines 3104  
that a period of post-release control is necessary. Section 3105  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 3106  
a court imposed a sentence including a prison term of a type 3107  
described in this division and failed to include in the sentence 3108  
pursuant to this division a statement regarding post-release 3109  
control. 3110

(E) The court shall impose sentence upon the offender in 3111  
accordance with section 2971.03 of the Revised Code, and Chapter 3112

2971. of the Revised Code applies regarding the prison term or 3113  
term of life imprisonment without parole imposed upon the 3114  
offender and the service of that term of imprisonment if any of 3115  
the following apply: 3116

(1) A person is convicted of or pleads guilty to a violent 3117  
sex offense or a designated homicide, assault, or kidnapping 3118  
offense, and, in relation to that offense, the offender is 3119  
adjudicated a sexually violent predator. 3120

(2) A person is convicted of or pleads guilty to a 3121  
violation of division (A) (1) (b) of section 2907.02 of the 3122  
Revised Code committed on or after January 2, 2007, and either 3123  
the court does not impose a sentence of life without parole when 3124  
authorized pursuant to division (B) of section 2907.02 of the 3125  
Revised Code, or division (B) of section 2907.02 of the Revised 3126  
Code provides that the court shall not sentence the offender 3127  
pursuant to section 2971.03 of the Revised Code. 3128

(3) A person is convicted of or pleads guilty to attempted 3129  
rape committed on or after January 2, 2007, and a specification 3130  
of the type described in section 2941.1418, 2941.1419, or 3131  
2941.1420 of the Revised Code. 3132

(4) A person is convicted of or pleads guilty to a 3133  
violation of section 2905.01 of the Revised Code committed on or 3134  
after January 1, 2008, and that section requires the court to 3135  
sentence the offender pursuant to section 2971.03 of the Revised 3136  
Code. 3137

(5) A person is convicted of or pleads guilty to 3138  
aggravated murder committed on or after January 1, 2008, and 3139  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 3140  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 3141

(d) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires the court to sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code.

(6) A person is convicted of or pleads guilty to murder committed on or after January 1, 2008, and division (B) (2) of section 2929.02 of the Revised Code requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(F) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of imprisonment under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2929.142 of the Revised Code, section 2971.03 of the Revised Code, or any other provision of law, section 5120.163 of the Revised Code applies regarding the person while the person is confined in a state correctional institution.

(G) If an offender who is convicted of or pleads guilty to a felony that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.142 of the Revised Code that charges the offender with having committed the felony while participating in a criminal gang, the court shall impose upon the offender an additional prison term of one, two, or three years.

(H) (1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or

towards a person in a school safety zone, the court shall impose 3172  
upon the offender an additional prison term of two years. The 3173  
offender shall serve the additional two years consecutively to 3174  
and prior to the prison term imposed for the underlying offense. 3175

(2) (a) If an offender is convicted of or pleads guilty to 3176  
a felony violation of section 2907.22, 2907.24, 2907.241, or 3177  
2907.25 of the Revised Code and to a specification of the type 3178  
described in section 2941.1421 of the Revised Code and if the 3179  
court imposes a prison term on the offender for the felony 3180  
violation, the court may impose upon the offender an additional 3181  
prison term as follows: 3182

(i) Subject to division (H) (2) (a) (ii) of this section, an 3183  
additional prison term of one, two, three, four, five, or six 3184  
months; 3185

(ii) If the offender previously has been convicted of or 3186  
pleaded guilty to one or more felony or misdemeanor violations 3187  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 3188  
the Revised Code and also was convicted of or pleaded guilty to 3189  
a specification of the type described in section 2941.1421 of 3190  
the Revised Code regarding one or more of those violations, an 3191  
additional prison term of one, two, three, four, five, six, 3192  
seven, eight, nine, ten, eleven, or twelve months. 3193

(b) In lieu of imposing an additional prison term under 3194  
division (H) (2) (a) of this section, the court may directly 3195  
impose on the offender a sanction that requires the offender to 3196  
wear a real-time processing, continual tracking electronic 3197  
monitoring device during the period of time specified by the 3198  
court. The period of time specified by the court shall equal the 3199  
duration of an additional prison term that the court could have 3200  
imposed upon the offender under division (H) (2) (a) of this 3201

section. A sanction imposed under this division shall commence 3202  
on the date specified by the court, provided that the sanction 3203  
shall not commence until after the offender has served the 3204  
prison term imposed for the felony violation of section 2907.22, 3205  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 3206  
residential sanction imposed for the violation under section 3207  
2929.16 of the Revised Code. A sanction imposed under this 3208  
division shall be considered to be a community control sanction 3209  
for purposes of section 2929.15 of the Revised Code, and all 3210  
provisions of the Revised Code that pertain to community control 3211  
sanctions shall apply to a sanction imposed under this division, 3212  
except to the extent that they would by their nature be clearly 3213  
inapplicable. The offender shall pay all costs associated with a 3214  
sanction imposed under this division, including the cost of the 3215  
use of the monitoring device. 3216

(I) At the time of sentencing, the court may recommend the 3217  
offender for placement in a program of shock incarceration under 3218  
section 5120.031 of the Revised Code or for placement in an 3219  
intensive program prison under section 5120.032 of the Revised 3220  
Code, disapprove placement of the offender in a program of shock 3221  
incarceration or an intensive program prison of that nature, or 3222  
make no recommendation on placement of the offender. In no case 3223  
shall the department of rehabilitation and correction place the 3224  
offender in a program or prison of that nature unless the 3225  
department determines as specified in section 5120.031 or 3226  
5120.032 of the Revised Code, whichever is applicable, that the 3227  
offender is eligible for the placement. 3228

If the court disapproves placement of the offender in a 3229  
program or prison of that nature, the department of 3230  
rehabilitation and correction shall not place the offender in 3231  
any program of shock incarceration or intensive program prison. 3232

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison, and if the offender is subsequently placed in the recommended program or prison, the department shall notify the court of the placement and shall include with the notice a brief description of the placement.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified in section 5120.031 or 5120.032 of the Revised Code and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement.

(J) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division (B) (2) (c) of

that section applies, the person shall be sentenced pursuant to 3263  
section 2929.142 of the Revised Code. 3264

(K) (1) The court shall impose an additional mandatory 3265  
prison term of two, three, four, five, six, seven, eight, nine, 3266  
ten, or eleven years on an offender who is convicted of or 3267  
pleads guilty to a violent felony offense if the offender also 3268  
is convicted of or pleads guilty to a specification of the type 3269  
described in section 2941.1424 of the Revised Code that charges 3270  
that the offender is a violent career criminal and had a firearm 3271  
on or about the offender's person or under the offender's 3272  
control while committing the presently charged violent felony 3273  
offense and displayed or brandished the firearm, indicated that 3274  
the offender possessed a firearm, or used the firearm to 3275  
facilitate the offense. The offender shall serve the prison term 3276  
imposed under this division consecutively to and prior to the 3277  
prison term imposed for the underlying offense. The prison term 3278  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 3279  
any other provision of Chapter 2967. or 5120. of the Revised 3280  
Code. A court may not impose more than one sentence under 3281  
division (B) (2) (a) of this section and this division for acts 3282  
committed as part of the same act or transaction. 3283

(2) As used in division (K) (1) of this section, "violent 3284  
career criminal" and "violent felony offense" have the same 3285  
meanings as in section 2923.132 of the Revised Code. 3286

**Sec. 2929.15.** (A) (1) If in sentencing an offender for a 3287  
felony the court is not required to impose a prison term, a 3288  
mandatory prison term, or a term of life imprisonment upon the 3289  
offender, the court may directly impose a sentence that consists 3290  
of one or more community control sanctions authorized pursuant 3291  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 3292



the court is sentencing an offender for a fourth degree felony 3293  
OVI offense under division (G) (1) of section 2929.13 of the 3294  
Revised Code, in addition to the mandatory term of local 3295  
incarceration imposed under that division and the mandatory fine 3296  
required by division (B) (3) of section 2929.18 of the Revised 3297  
Code, the court may impose upon the offender a community control 3298  
sanction or combination of community control sanctions in 3299  
accordance with sections 2929.16 and 2929.17 of the Revised 3300  
Code. If the court is sentencing an offender for a third or 3301  
fourth degree felony OVI offense under division (G) (2) of 3302  
section 2929.13 of the Revised Code, in addition to the 3303  
mandatory prison term or mandatory prison term and additional 3304  
prison term imposed under that division, the court also may 3305  
impose upon the offender a community control sanction or 3306  
combination of community control sanctions under section 2929.16 3307  
or 2929.17 of the Revised Code, but the offender shall serve all 3308  
of the prison terms so imposed prior to serving the community 3309  
control sanction. 3310

The duration of all community control sanctions imposed 3311  
upon an offender under this division shall not exceed five 3312  
years. If the offender absconds or otherwise leaves the 3313  
jurisdiction of the court in which the offender resides without 3314  
obtaining permission from the court or the offender's probation 3315  
officer to leave the jurisdiction of the court, or if the 3316  
offender is confined in any institution for the commission of 3317  
any offense while under a community control sanction, the period 3318  
of the community control sanction ceases to run until the 3319  
offender is brought before the court for its further action. If 3320  
the court sentences the offender to one or more nonresidential 3321  
sanctions under section 2929.17 of the Revised Code, the court 3322  
shall impose as a condition of the nonresidential sanctions 3323

that, during the period of the sanctions, the offender must 3324  
abide by the law and must not leave the state without the 3325  
permission of the court or the offender's probation officer. The 3326  
court may impose any other conditions of release under a 3327  
community control sanction that the court considers appropriate, 3328  
including, but not limited to, requiring that the offender not 3329  
ingest or be injected with a drug of abuse and submit to random 3330  
drug testing as provided in division (D) of this section to 3331  
determine whether the offender ingested or was injected with a 3332  
drug of abuse and requiring that the results of the drug test 3333  
indicate that the offender did not ingest or was not injected 3334  
with a drug of abuse. 3335

(2) (a) If a court sentences an offender to any community 3336  
control sanction or combination of community control sanctions 3337  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 3338  
the Revised Code, the court shall place the offender under the 3339  
general control and supervision of a department of probation in 3340  
the county that serves the court for purposes of reporting to 3341  
the court a violation of any condition of the sanctions, any 3342  
condition of release under a community control sanction imposed 3343  
by the court, a violation of law, or the departure of the 3344  
offender from this state without the permission of the court or 3345  
the offender's probation officer. Alternatively, if the offender 3346  
resides in another county and a county department of probation 3347  
has been established in that county or that county is served by 3348  
a multicounty probation department established under section 3349  
2301.27 of the Revised Code, the court may request the court of 3350  
common pleas of that county to receive the offender into the 3351  
general control and supervision of that county or multicounty 3352  
department of probation for purposes of reporting to the court a 3353  
violation of any condition of the sanctions, any condition of 3354

release under a community control sanction imposed by the court, 3355  
a violation of law, or the departure of the offender from this 3356  
state without the permission of the court or the offender's 3357  
probation officer, subject to the jurisdiction of the trial 3358  
judge over and with respect to the person of the offender, and 3359  
to the rules governing that department of probation. 3360

If there is no department of probation in the county that 3361  
serves the court, the court shall place the offender, regardless 3362  
of the offender's county of residence, under the general control 3363  
and supervision of the adult parole authority for purposes of 3364  
reporting to the court a violation of any of the sanctions, any 3365  
condition of release under a community control sanction imposed 3366  
by the court, a violation of law, or the departure of the 3367  
offender from this state without the permission of the court or 3368  
the offender's probation officer. 3369

(b) If the court imposing sentence upon an offender 3370  
sentences the offender to any community control sanction or 3371  
combination of community control sanctions authorized pursuant 3372  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 3373  
if the offender violates any condition of the sanctions, any 3374  
condition of release under a community control sanction imposed 3375  
by the court, violates any law, or departs the state without the 3376  
permission of the court or the offender's probation officer, the 3377  
public or private person or entity that operates or administers 3378  
the sanction or the program or activity that comprises the 3379  
sanction shall report the violation or departure directly to the 3380  
sentencing court, or shall report the violation or departure to 3381  
the county or multicounty department of probation with general 3382  
control and supervision over the offender under division (A)(2) 3383  
(a) of this section or the officer of that department who 3384  
supervises the offender, or, if there is no such department with 3385

general control and supervision over the offender under that 3386  
division, to the adult parole authority. If the public or 3387  
private person or entity that operates or administers the 3388  
sanction or the program or activity that comprises the sanction 3389  
reports the violation or departure to the county or multicounty 3390  
department of probation or the adult parole authority, the 3391  
department's or authority's officers may treat the offender as 3392  
if the offender were on probation and in violation of the 3393  
probation, and shall report the violation of the condition of 3394  
the sanction, any condition of release under a community control 3395  
sanction imposed by the court, the violation of law, or the 3396  
departure from the state without the required permission to the 3397  
sentencing court. 3398

(3) If an offender who is eligible for community control 3399  
sanctions under this section admits to being drug addicted or 3400  
the court has reason to believe that the offender is drug 3401  
addicted, and if the offense for which the offender is being 3402  
sentenced was related to the addiction, the court may require 3403  
that the offender be assessed by a properly credentialed 3404  
professional within a specified period of time and shall require 3405  
the professional to file a written assessment of the offender 3406  
with the court. If a court imposes treatment and recovery 3407  
support services as a community control sanction, the court 3408  
shall direct the level and type of treatment and recovery 3409  
support services after consideration of the written assessment, 3410  
if available at the time of sentencing, and recommendations of 3411  
the professional and other treatment and recovery support 3412  
services providers. 3413

(4) If an assessment completed pursuant to division (A) (3) 3414  
of this section indicates that the offender is addicted to drugs 3415  
or alcohol, the court may include in any community control 3416

sanction imposed for a violation of section 2925.02, 2925.03, 3417  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 3418  
2925.36, or 2925.37 of the Revised Code a requirement that the 3419  
offender participate in ~~a treatment and recovery support alcohol~~ 3420  
and drug addiction services program and recovery supports 3421  
certified under section 5119.36 of the Revised Code or offered 3422  
by ~~another~~ a properly credentialed community addiction services 3423  
provider. 3424

(B) (1) If the conditions of a community control sanction 3425  
are violated or if the offender violates a law or leaves the 3426  
state without the permission of the court or the offender's 3427  
probation officer, the sentencing court may impose upon the 3428  
violation one or more of the following penalties: 3429

(a) A longer time under the same sanction if the total 3430  
time under the sanctions does not exceed the five-year limit 3431  
specified in division (A) of this section; 3432

(b) A more restrictive sanction under section 2929.16, 3433  
2929.17, or 2929.18 of the Revised Code; 3434

(c) A prison term on the offender pursuant to section 3435  
2929.14 of the Revised Code. 3436

(2) If an offender was acting pursuant to division (B) (2) 3437  
(b) of section 2925.11 of the Revised Code and in so doing 3438  
violated the conditions of a community control sanction based on 3439  
a minor drug possession offense, as defined in section 2925.11 3440  
of the Revised Code, the sentencing court may consider the 3441  
offender's conduct in seeking or obtaining medical assistance 3442  
for another in good faith or for self or may consider the 3443  
offender being the subject of another person seeking or 3444  
obtaining medical assistance in accordance with that division as 3445

a mitigating factor before imposing any of the penalties 3446  
described in division (B) (1) of this section. 3447

(3) The prison term, if any, imposed upon a violator 3448  
pursuant to this division shall be within the range of prison 3449  
terms available for the offense for which the sanction that was 3450  
violated was imposed and shall not exceed the prison term 3451  
specified in the notice provided to the offender at the 3452  
sentencing hearing pursuant to division (B) (2) of section 3453  
2929.19 of the Revised Code. The court may reduce the longer 3454  
period of time that the offender is required to spend under the 3455  
longer sanction, the more restrictive sanction, or a prison term 3456  
imposed pursuant to this division by the time the offender 3457  
successfully spent under the sanction that was initially 3458  
imposed. 3459

(C) If an offender, for a significant period of time, 3460  
fulfills the conditions of a sanction imposed pursuant to 3461  
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 3462  
exemplary manner, the court may reduce the period of time under 3463  
the sanction or impose a less restrictive sanction, but the 3464  
court shall not permit the offender to violate any law or permit 3465  
the offender to leave the state without the permission of the 3466  
court or the offender's probation officer. 3467

(D) (1) If a court under division (A) (1) of this section 3468  
imposes a condition of release under a community control 3469  
sanction that requires the offender to submit to random drug 3470  
testing, the department of probation or the adult parole 3471  
authority that has general control and supervision of the 3472  
offender under division (A) (2) (a) of this section may cause the 3473  
offender to submit to random drug testing performed by a 3474  
laboratory or entity that has entered into a contract with any 3475

of the governmental entities or officers authorized to enter 3476  
into a contract with that laboratory or entity under section 3477  
341.26, 753.33, or 5120.63 of the Revised Code. 3478

(2) If no laboratory or entity described in division (D) 3479  
(1) of this section has entered into a contract as specified in 3480  
that division, the department of probation or the adult parole 3481  
authority that has general control and supervision of the 3482  
offender under division (A)(2)(a) of this section shall cause 3483  
the offender to submit to random drug testing performed by a 3484  
reputable public laboratory to determine whether the individual 3485  
who is the subject of the drug test ingested or was injected 3486  
with a drug of abuse. 3487

(3) A laboratory or entity that has entered into a 3488  
contract pursuant to section 341.26, 753.33, or 5120.63 of the 3489  
Revised Code shall perform the random drug tests under division 3490  
(D)(1) of this section in accordance with the applicable 3491  
standards that are included in the terms of that contract. A 3492  
public laboratory shall perform the random drug tests under 3493  
division (D)(2) of this section in accordance with the standards 3494  
set forth in the policies and procedures established by the 3495  
department of rehabilitation and correction pursuant to section 3496  
5120.63 of the Revised Code. An offender who is required under 3497  
division (A)(1) of this section to submit to random drug testing 3498  
as a condition of release under a community control sanction and 3499  
whose test results indicate that the offender ingested or was 3500  
injected with a drug of abuse shall pay the fee for the drug 3501  
test if the department of probation or the adult parole 3502  
authority that has general control and supervision of the 3503  
offender requires payment of a fee. A laboratory or entity that 3504  
performs the random drug testing on an offender under division 3505  
(D)(1) or (2) of this section shall transmit the results of the 3506

drug test to the appropriate department of probation or the 3507  
adult parole authority that has general control and supervision 3508  
of the offender under division (A) (2) (a) of this section. 3509

Sec. 2945.65. Evidence of the use of a controlled 3510  
substance obtained as part of a screening or test performed to 3511  
determine pregnancy or provide prenatal care is not admissible 3512  
in a criminal proceeding against the woman who was screened or 3513  
tested. This section does not prohibit criminal prosecution 3514  
based on evidence obtained through methods other than the 3515  
screening or testing described in this section. 3516

**Sec. 2947.231.** If a business entity described in division 3517  
~~(B) (1) (j)~~ (A) (2) or ~~(k) (3)~~ of section ~~4729.51~~ 4729.541 of the 3518  
Revised Code pleads guilty or no contest to or is found guilty 3519  
of any criminal offense, the judge or magistrate shall include 3520  
in the sentence any costs incurred by the state board of 3521  
pharmacy in an investigation leading to the plea or conviction. 3522  
Investigative costs include staff salaries, administrative 3523  
costs, travel expenses, attorney's fees, and any other 3524  
reasonable expense incurred by the board. The board shall set 3525  
forth the costs the entity is required to pay in an itemized 3526  
statement provided to the judge or magistrate. 3527

**Sec. 3313.65.** (A) As used in this section and section 3528  
3313.64 of the Revised Code: 3529

(1) A person is "in a residential facility" if the person 3530  
is a resident or a resident patient of an institution, home, or 3531  
other residential facility that is: 3532

(a) Licensed as a nursing home, residential care facility, 3533  
or home for the aging by the director of health under section 3534  
3721.02 of the Revised Code; 3535



(b) Maintained as a county home or district home by the board of county commissioners or a joint board of county commissioners under Chapter 5155. of the Revised Code;	3536 3537 3538
(c) Operated or administered by a board of alcohol, drug addiction, and mental health services under section <del>340.03</del> <u>340.037</u> of the Revised Code, or provides residential care pursuant to contracts made under section <del>340.03</del> <u>340.036</u> of the Revised Code;	3539 3540 3541 3542 3543
(d) Maintained as a state institution for the mentally ill under Chapter 5119. of the Revised Code;	3544 3545
(e) Licensed by the department of mental health and addiction services under section 5119.33 or 5119.34 of the Revised Code;	3546 3547 3548
(f) Licensed as a residential facility by the department of developmental disabilities under section 5123.19 of the Revised Code;	3549 3550 3551
(g) Operated by the veteran's administration or another agency of the United States government;	3552 3553
(h) Operated by the Ohio veterans' home.	3554
(2) A person is "in a correctional facility" if any of the following apply:	3555 3556
(a) The person is an Ohio resident and is:	3557
(i) Imprisoned, as defined in section 1.05 of the Revised Code;	3558 3559
(ii) Serving a term in a community-based correctional facility or a district community-based correctional facility;	3560 3561
(iii) Required, as a condition of parole, a post-release	3562

control sanction, a community control sanction, transitional 3563  
control, or early release from imprisonment, as a condition of 3564  
shock parole or shock probation granted under the law in effect 3565  
prior to July 1, 1996, or as a condition of a furlough granted 3566  
under the version of section 2967.26 of the Revised Code in 3567  
effect prior to March 17, 1998, to reside in a halfway house or 3568  
other community residential center licensed under section 3569  
2967.14 of the Revised Code or a similar facility designated by 3570  
the court of common pleas that established the condition or by 3571  
the adult parole authority. 3572

(b) The person is imprisoned in a state correctional 3573  
institution of another state or a federal correctional 3574  
institution but was an Ohio resident at the time the sentence 3575  
was imposed for the crime for which the person is imprisoned. 3576

(3) A person is "in a juvenile residential placement" if 3577  
the person is an Ohio resident who is under twenty-one years of 3578  
age and has been removed, by the order of a juvenile court, from 3579  
the place the person resided at the time the person became 3580  
subject to the court's jurisdiction in the matter that resulted 3581  
in the person's removal. 3582

(4) "Community control sanction" has the same meaning as 3583  
in section 2929.01 of the Revised Code. 3584

(5) "Post-release control sanction" has the same meaning 3585  
as in section 2967.01 of the Revised Code. 3586

(B) If the circumstances described in division (C) of this 3587  
section apply, the determination of what school district must 3588  
admit a child to its schools and what district, if any, is 3589  
liable for tuition shall be made in accordance with this 3590  
section, rather than section 3313.64 of the Revised Code. 3591

(C) A child who does not reside in the school district in 3592  
which the child's parent resides and for whom a tuition 3593  
obligation previously has not been established under division 3594  
(C) (2) of section 3313.64 of the Revised Code shall be admitted 3595  
to the schools of the district in which the child resides if at 3596  
least one of the child's parents is in a residential or 3597  
correctional facility or a juvenile residential placement and 3598  
the other parent, if living and not in such a facility or 3599  
placement, is not known to reside in this state. 3600

(D) Regardless of who has custody or care of the child, 3601  
whether the child resides in a home, or whether the child 3602  
receives special education, if a district admits a child under 3603  
division (C) of this section, tuition shall be paid to that 3604  
district as follows: 3605

(1) If the child's parent is in a juvenile residential 3606  
placement, by the district in which the child's parent resided 3607  
at the time the parent became subject to the jurisdiction of the 3608  
juvenile court; 3609

(2) If the child's parent is in a correctional facility, 3610  
by the district in which the child's parent resided at the time 3611  
the sentence was imposed; 3612

(3) If the child's parent is in a residential facility, by 3613  
the district in which the parent resided at the time the parent 3614  
was admitted to the residential facility, except that if the 3615  
parent was transferred from another residential facility, 3616  
tuition shall be paid by the district in which the parent 3617  
resided at the time the parent was admitted to the facility from 3618  
which the parent first was transferred; 3619

(4) In the event of a disagreement as to which school 3620

district is liable for tuition under division (C) (1), (2), or 3621  
(3) of this section, the superintendent of public instruction 3622  
shall determine which district shall pay tuition. 3623

(E) If a child covered by division (D) of this section 3624  
receives special education in accordance with Chapter 3323. of 3625  
the Revised Code, the tuition shall be paid in accordance with 3626  
section 3323.13 or 3323.14 of the Revised Code. Tuition for 3627  
children who do not receive special education shall be paid in 3628  
accordance with division (J) of section 3313.64 of the Revised 3629  
Code. 3630

**Sec. 3701.59.** (A) As used in this section: 3631

(1) "Addiction services" and "alcohol and drug addiction 3632  
services" have the same meanings as in section 5119.01 of the 3633  
Revised Code. 3634

(2) "Controlled substance" has the same meaning as in 3635  
section 3719.01 of the Revised Code. 3636

(B) Any of the following health care professionals who 3637  
attends a pregnant woman for conditions relating to pregnancy 3638  
before the end of the twentieth week of pregnancy and who has 3639  
reason to believe that the woman is using or has used a 3640  
controlled substance in a manner that may place the woman's 3641  
fetus in jeopardy shall encourage the woman to enroll in a drug 3642  
treatment program offered by a provider of addiction services or 3643  
alcohol and drug addiction services: 3644

(1) Physicians authorized under Chapter 4731. of the 3645  
Revised Code to practice medicine and surgery or osteopathic 3646  
medicine and surgery; 3647

(2) Registered nurses and licensed practical nurses 3648  
licensed under Chapter 4723. of the Revised Code; 3649

(3) Physician assistants licensed under Chapter 4730. of 3650  
the Revised Code. 3651

(C) A health care professional is immune from civil 3652  
liability and is not subject to criminal prosecution with regard 3653  
to both of the following: 3654

(1) Failure to recognize that a pregnant woman has used or 3655  
is using a controlled substance in a manner that may place the 3656  
woman's fetus in jeopardy; 3657

(2) Any action taken in good faith compliance with this 3658  
section. 3659

**Sec. 3707.56.** (A) As used in this section and in sections 3660  
3707.561 and 3707.562 of the Revised Code, "board of health" 3661  
means a board of health of a city or general health district or 3662  
the authority having the duties of a board of health under 3663  
section 3709.05 of the Revised Code. 3664

(B) A board of health, through a physician serving as the 3665  
board's health commissioner or medical director, may authorize 3666  
pharmacists and pharmacy interns ~~working~~ practicing pharmacy in 3667  
a county that includes all or part of the board's jurisdiction- 3668  
health district represented by the board to use the protocol 3669  
developed pursuant to rules adopted under section 4729.44 of the 3670  
Revised Code for the purpose of dispensing naloxone under 3671  
section 4729.44 of the Revised Code. 3672

**Sec. 3707.561.** (A) A board of health that establishes a 3673  
protocol under division (C) of this section may, through a 3674  
physician serving as the board's health commissioner or medical 3675  
director, authorize one or more individuals to personally 3676  
furnish a supply of naloxone pursuant to the protocol to either 3677  
of the following: 3678

(1) An individual who there is reason to believe is 3679  
experiencing or at risk of experiencing an opioid-related 3680  
overdose; 3681

(2) A family member, friend, or other person in a position 3682  
to assist an individual who there is reason to believe is at 3683  
risk of experiencing an opioid-related overdose. 3684

(B) (1) An individual authorized under this section may 3685  
personally furnish naloxone to an individual described in 3686  
division (A) of this section if both of the following conditions 3687  
are met: 3688

(a) The authorized individual complies with the protocol 3689  
established by the authorizing board, including having completed 3690  
the training required by the protocol. 3691

(b) The authorized individual instructs the individual to 3692  
whom naloxone is furnished to summon emergency services as soon 3693  
as practicable either before or after administering naloxone. 3694

(2) An individual authorized under this section to 3695  
personally furnish naloxone may do so without having examined 3696  
the individual to whom it may be administered. 3697

(C) A board of health, through a physician serving as the 3698  
board's health commissioner or medical director, may establish a 3699  
protocol for personally furnishing naloxone under division (A) 3700  
of this section. The protocol must be in writing and include all 3701  
of the following: 3702

(1) A description of the clinical pharmacology of 3703  
naloxone; 3704

(2) Precautions and contraindications concerning 3705  
furnishing naloxone; 3706

<u>(3) Any limitations the board specifies concerning the</u>	3707
<u>individuals to whom naloxone may be furnished;</u>	3708
<u>(4) The naloxone dosage that may be furnished and any</u>	3709
<u>variation in the dosage based on circumstances specified in the</u>	3710
<u>protocol;</u>	3711
<u>(5) Labeling, storage, record keeping, and administrative</u>	3712
<u>requirements;</u>	3713
<u>(6) Training requirements that must be met before an</u>	3714
<u>individual can be authorized to furnish naloxone;</u>	3715
<u>(7) Any instructions or training the authorized individual</u>	3716
<u>must provide to an individual to whom naloxone is furnished.</u>	3717
<u>(D) A board that in good faith authorizes an individual to</u>	3718
<u>personally furnish naloxone under this section is not liable for</u>	3719
<u>damages in any civil action for any act or omission of the</u>	3720
<u>individual to whom the naloxone is furnished.</u>	3721
<u>A physician serving as a board's health commissioner or</u>	3722
<u>medical director who in good faith authorizes an individual to</u>	3723
<u>personally furnish naloxone under this section is not liable for</u>	3724
<u>or subject to any of the following for any act or omission of</u>	3725
<u>the individual to whom the naloxone is furnished: damages in any</u>	3726
<u>civil action, prosecution in any criminal proceeding, or</u>	3727
<u>professional disciplinary action.</u>	3728
<u>An individual authorized under this section to personally</u>	3729
<u>furnish naloxone who does so in good faith is not liable for or</u>	3730
<u>subject to any of the following for any act or omission of the</u>	3731
<u>individual to whom the naloxone is furnished: damages in any</u>	3732
<u>civil action, prosecution in any criminal proceeding, or</u>	3733
<u>professional disciplinary action.</u>	3734

Sec. 3707.562. (A) As used in this section, "service 3735  
entity" has the same meaning as in section 4729.514 of the 3736  
Revised Code. 3737

(B) A board of health that has established a protocol 3738  
under division (D) of this section may authorize an individual 3739  
who is an employee, volunteer, or contractor of a service entity 3740  
to administer naloxone to an individual who is apparently 3741  
experiencing an opioid-related overdose. 3742

(C) An individual authorized by a board of health under 3743  
this section may administer naloxone to an individual who is 3744  
apparently experiencing an opioid-related overdose if both of 3745  
the following conditions are met: 3746

(1) The authorized individual complies with the protocol 3747  
established by the board. 3748

(2) The authorized individual summons emergency services 3749  
as soon as practicable either before or after administering the 3750  
naloxone. 3751

(D) A board of health, through a physician serving as the 3752  
board's health commissioner or medical director, may establish a 3753  
protocol for administering naloxone under this section. The 3754  
protocol must be established in writing and include all of the 3755  
following: 3756

(1) A description of the clinical pharmacology of 3757  
naloxone; 3758

(2) Precautions and contraindications concerning the 3759  
administration of naloxone; 3760

(3) Any limitations the board specifies concerning the 3761  
individuals to whom naloxone may be administered; 3762



(4) The naloxone dosage that may be administered and any variation in the dosage based on circumstances specified in the protocol; 3763  
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(5) Labeling, storage, record keeping, and administrative requirements; 3766  
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(6) Training requirements that must be met before an individual can be authorized to administer naloxone. 3768  
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(E) A board that in good faith authorizes an individual to administer naloxone under this section is not liable for damages in any civil action for any act or omission of the authorized individual. 3770  
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A physician serving as a board's health commissioner or medical director who in good faith authorizes an individual to administer naloxone under this section is not liable for or subject to any of the following for any act or omission of the authorized individual: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action. 3774  
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A service entity or an employee, volunteer, or contractor of a service entity is not liable for or subject to any of the following for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using naloxone under this section, unless the act or omission constitutes willful or wanton misconduct: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action. 3780  
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This section does not eliminate, limit, or reduce any other immunity or defense that a service entity or an employee, volunteer, or contractor of a service entity may be entitled to under Chapter 2305. or any other provision of the Revised Code 3788  
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or under the common law of this state. 3792

**Sec. 3707.57.** (A) As used in this section: 3793

(1) "Bloodborne pathogens" means the human 3794  
immunodeficiency virus (HIV), hepatitis B virus, and hepatitis C 3795  
virus. 3796

(2) "Board of health" means the board of health of a city 3797  
or general health district or the authority having the duties of 3798  
a board of health under section 3709.05 of the Revised Code. 3799

(B) A board of health may establish a bloodborne 3800  
infectious disease prevention program. The cost of the program 3801  
is the responsibility of the board of health. 3802

(C) A board of health that establishes a bloodborne 3803  
infectious disease prevention program shall determine the manner 3804  
in which the program is operated and the individuals who are 3805  
eligible to participate. The program shall do all of the 3806  
following: 3807

(1) If resources are available, provide on-site screening 3808  
for bloodborne pathogens; 3809

(2) Provide education to each program participant 3810  
regarding exposure to bloodborne pathogens; 3811

(3) Identify health and supportive services providers and 3812  
substance abuse treatment programs available in the area served 3813  
by the prevention program and, as appropriate, develop and enter 3814  
into referral agreements with the identified providers and 3815  
programs; 3816

(4) Encourage each program participant to seek appropriate 3817  
medical care, mental health services, substance abuse treatment, 3818  
or social services and, as appropriate, make referrals to health 3819

and supportive services providers and substance abuse treatment 3820  
programs with which the prevention program has entered into 3821  
referral agreements; 3822

(5) Use a recordkeeping system that ensures that the 3823  
identity of each program participant remains anonymous; 3824

(6) Comply with applicable state and federal laws 3825  
governing participant confidentiality; 3826

(7) Provide each program participant with documentation 3827  
identifying the individual as an active participant in the 3828  
program. 3829

(D) A bloodborne infectious disease prevention program may 3830  
collect demographic information about each program participant, 3831  
including the zip code applicable to the participant's address, 3832  
and the participant's comorbidity diagnosis, if any. The program 3833  
may report the information to the department of mental health 3834  
and addiction services. 3835

(E) (1) Before establishing a bloodborne infectious disease 3836  
prevention program, the board of health shall consult with all 3837  
of the following: 3838

(a) Interested parties from the health district 3839  
represented by the board, including all of the following: 3840

(i) Law enforcement representatives; 3841

(ii) Prosecutors, as defined in section 2935.01 of the 3842  
Revised Code; 3843

(iii) Representatives of community addiction services 3844  
providers whose alcohol and drug addiction services are 3845  
certified under section 5119.36 of the Revised Code; 3846

(iv) Persons recovering from substance abuse;	3847
(v) Relevant private, nonprofit organizations, including hepatitis C and HIV advocacy organizations;	3848 3849
(vi) Residents of the health district;	3850
(vii) The board of alcohol, drug addiction, and mental health services that serves the area in which the health district is located.	3851 3852 3853
(b) Representatives selected by the governing authority of the city, village, or township in which the program is proposed to be established.	3854 3855 3856
(2) If the board of health, after consulting with the interested parties and representatives listed in division (D) (1) of this section, decides to establish a bloodborne infectious disease prevention program, the board shall provide written notice of the proposed location to the governing authority of the city, village, or township in which the program is to be located. The governing authority retains all zoning rights.	3857 3858 3859 3860 3861 3862 3863
(F) (1) If carrying out a duty under a component of a bloodborne infectious disease prevention program would be considered a violation of any of the following, an employee or volunteer of the program, when carrying out the duty, is not subject to criminal prosecution for the violation:	3864 3865 3866 3867 3868
(a) Section 2923.24 of the Revised Code;	3869
(b) Section 2925.12 of the Revised Code;	3870
(c) Division (C) (1) of section 2925.14 of the Revised Code regarding the prohibition against illegal possession of drug paraphernalia;	3871 3872 3873

(d) Division (C) or (D) of section 3719.172 of the Revised Code regarding the prohibition against furnishing a hypodermic needle to another person. 3874  
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(2) If participating in a component of a bloodborne infectious disease prevention program would be considered a violation of any of the following, a program participant who is within one thousand feet of a program facility and is in possession of documentation from the program identifying the individual as an active participant in the program is not subject to criminal prosecution for the violation: 3877  
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(a) Section 2923.24 of the Revised Code; 3884

(b) Section 2925.12 of the Revised Code; 3885

(c) Division (C)(1) of section 2925.14 of the Revised Code regarding the prohibition against illegal possession of drug paraphernalia. 3886  
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(G) A board of health that establishes a bloodborne infectious disease prevention program shall include details about the program in its annual report prepared under section 3707.47 of the Revised Code. 3889  
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Sec. 3719.062. As used in this section, "health-related licensing board" means a state board authorized to issue a license to engage in the practice of a licensed health professional authorized to prescribe drugs. 3893  
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A health-related licensing board may adopt rules limiting the amount of an opioid analgesic that may be prescribed pursuant to a single prescription by an individual licensed by the board. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 3897  
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**Sec. 3719.121.** (A) Except as otherwise provided in section 3902  
4723.28, 4723.35, 4730.25, 4731.22, 4734.39, or 4734.41 of the 3903  
Revised Code, the license, certificate, or registration of any 3904  
dentist, chiropractor, physician, podiatrist, registered nurse, 3905  
licensed practical nurse, physician assistant, pharmacist, 3906  
pharmacy intern, pharmacy technician trainee, registered 3907  
pharmacy technician, certified pharmacy technician, optometrist, 3908  
or veterinarian who is or becomes addicted to the use of 3909  
controlled substances shall be suspended by the board that 3910  
authorized the person's license, certificate, or registration 3911  
until the person offers satisfactory proof to the board that the 3912  
person no longer is addicted to the use of controlled 3913  
substances. 3914

(B) If the board under which a person has been issued a 3915  
license, certificate, or evidence of registration determines 3916  
that there is clear and convincing evidence that continuation of 3917  
the person's professional practice or method of administering, 3918  
prescribing, preparing, distributing, dispensing, or personally 3919  
furnishing controlled substances or other dangerous drugs 3920  
presents a danger of immediate and serious harm to others, the 3921  
board may suspend the person's license, certificate, or 3922  
registration without a hearing. Except as otherwise provided in 3923  
sections 4715.30, 4723.281, 4729.16, 4730.25, 4731.22, and 3924  
4734.36 of the Revised Code, the board shall follow the 3925  
procedure for suspension without a prior hearing in section 3926  
119.07 of the Revised Code. The suspension shall remain in 3927  
effect, unless removed by the board, until the board's final 3928  
adjudication order becomes effective, except that if the board 3929  
does not issue its final adjudication order within ninety days 3930  
after the hearing, the suspension shall be void on the ninety- 3931  
first day after the hearing. 3932

(C) On receiving notification pursuant to section 2929.42 3933  
or 3719.12 of the Revised Code, the board under which a person 3934  
has been issued a license, certificate, or evidence of 3935  
registration immediately shall suspend the license, certificate, 3936  
or registration of that person on a plea of guilty to, a finding 3937  
by a jury or court of the person's guilt of, or conviction of a 3938  
felony drug abuse offense; a finding by a court of the person's 3939  
eligibility for intervention in lieu of conviction; a plea of 3940  
guilty to, or a finding by a jury or court of the person's guilt 3941  
of, or the person's conviction of an offense in another 3942  
jurisdiction that is essentially the same as a felony drug abuse 3943  
offense; or a finding by a court of the person's eligibility for 3944  
treatment or intervention in lieu of conviction in another 3945  
jurisdiction. The board shall notify the holder of the license, 3946  
certificate, or registration of the suspension, which shall 3947  
remain in effect until the board holds an adjudicatory hearing 3948  
under Chapter 119. of the Revised Code. 3949

**Sec. 3719.13.** Prescriptions, orders, and records, required 3950  
by Chapter 3719. of the Revised Code, and stocks of dangerous 3951  
drugs and controlled substances, shall be open for inspection 3952  
only to federal, state, county, and municipal officers, and 3953  
employees of the state board of pharmacy whose duty it is to 3954  
enforce the laws of this state or of the United States relating 3955  
to controlled substances. Such prescriptions, orders, records, 3956  
and stocks shall be open for inspection by employees of the 3957  
state medical board for purposes of enforcing Chapters 4730. and 3958  
4731. of the Revised Code, employees of the board of nursing for 3959  
purposes of enforcing Chapter 4723. of the Revised Code, and 3960  
employees of the department of mental health and addiction 3961  
services for purposes of section ~~5119.372~~5119.367 of the 3962  
Revised Code. No person having knowledge of any such 3963

prescription, order, or record shall divulge such knowledge, 3964  
except in connection with a prosecution or proceeding in court 3965  
or before a licensing or registration board or officer, to which 3966  
prosecution or proceeding the person to whom such prescriptions, 3967  
orders, or records relate is a party. 3968

**Sec. 3719.21.** Except as provided in division (C) of 3969  
section 2923.42, division (B) of section 2923.44, divisions (D) 3970  
(1), (F), and (H) of section 2925.03, division (D)(1) of section 3971  
2925.02, 2925.04, or 2925.05, division (E)(1) of section 3972  
2925.11, division (E) of section 2925.13, division (F) of 3973  
section 2925.36, division (D) of section 2925.22, division (H) 3974  
of section 2925.23, division (M) of section 2925.37, division 3975  
(B) of section 2925.42, division (B) of section 2929.18, 3976  
division (D) of section 3719.99, division (B)(1) of section 3977  
4729.65, division (E)(3) of section 4729.99, and division (I)~~(4)~~— 3978  
(3) of section 4729.99 of the Revised Code, the clerk of the 3979  
court shall pay all fines or forfeited bail assessed and 3980  
collected under prosecutions or prosecutions commenced for 3981  
violations of this chapter, section 2923.42 of the Revised Code, 3982  
or Chapter 2925. of the Revised Code, within thirty days, to the 3983  
executive director of the state board of pharmacy, and the 3984  
executive director shall deposit the fines into the state 3985  
treasury to the credit of the occupational licensing and 3986  
regulatory fund. 3987

**Sec. 3719.27.** (A) Persons required by Chapter 3719. of the 3988  
Revised Code to keep files or records shall, upon the written 3989  
request of an officer or employee designated by the state board 3990  
of pharmacy, make such files or records available to such 3991  
officer or employee, at all reasonable hours, for inspection and 3992  
copying, and accord to such officer or employee full opportunity 3993  
to check the correctness of such files or records, including 3994



opportunity to make inventory of all stocks of controlled 3995  
substances on hand. No person shall fail to make such files or 3996  
records available or to accord such opportunity to check their 3997  
correctness. 3998

(B) Persons required by Chapter 3719. of the Revised Code 3999  
to keep files or records shall, upon the written request of an 4000  
employee designated by the director of mental health and 4001  
addiction services, make such files or records available to the 4002  
employee for the purpose of section ~~5119.372~~5119.367 of the 4003  
Revised Code, at all reasonable hours, for inspection and 4004  
copying, and accord to such employee full opportunity to check 4005  
the correctness of such files or records. No person shall fail 4006  
to make such files or records available or to accord such 4007  
opportunity to check their correctness. 4008

Sec. 3923.851. (A) As used in this section: 4009

(1) "Benzodiazepine" has the same meaning as in section 4010  
3719.01 of the Revised Code. 4011

(2) "Chronic pain" has the same meaning as in section 4012  
4731.052 of the Revised Code. 4013

(3) "Hospice care program" and "hospice patient" have the 4014  
same meanings as in section 3712.01 of the Revised Code. 4015

(4) "Opioid analgesic" has the same meaning as in section 4016  
3719.01 of the Revised Code. 4017

(5) "Prescriber" has the same meaning as in section 4018  
4729.01 of the Revised Code. 4019

(6) "Terminal condition" means an irreversible, incurable, 4020  
and untreatable condition that is caused by disease, illness, or 4021  
injury and will likely result in death. A terminal condition is 4022

one in which there can be no recovery, although there may be 4023  
periods of remission. 4024

(B)(1) An individual or group policy of sickness and 4025  
accident insurance or a public employee benefit plan that is 4026  
delivered, issued for delivery, or renewed in this state and 4027  
covers prescription drugs shall contain prior authorization 4028  
requirements or other utilization review measures as conditions 4029  
of providing coverage of an opioid analgesic prescribed for the 4030  
treatment of chronic pain, except when the drug is prescribed 4031  
under one of the following circumstances: 4032

(a) To an individual who is a hospice patient in a hospice 4033  
care program; 4034

(b) To an individual who has been diagnosed with a 4035  
terminal condition but is not a hospice patient in a hospice 4036  
care program; 4037

(c) To an individual who has cancer or another condition 4038  
associated with the individual's cancer or history of cancer. 4039

(2) When implementing division (B)(1) of this section, the 4040  
sickness and accident insurer or public employee benefit plan 4041  
shall consider either or both of the following, as applicable to 4042  
the case in which the opioid analgesic is prescribed: 4043

(a) If the course of treatment with the drug continues for 4044  
more than ninety days, the requirements of section 4731.052 of 4045  
the Revised Code; 4046

(b) If the morphine equivalent daily dose for the drug 4047  
exceeds eighty milligrams or the individual is being treated 4048  
with a benzodiazepine at the time the opioid analgesic is 4049  
prescribed, the guidelines established by the governor's cabinet 4050  
opiate action team and presented in the document titled "Ohio 4051

Guidelines for Prescribing Opioids for the Treatment of Chronic, 4052  
Non-terminal Pain 80 mg of a Morphine Equivalent Daily Dose 4053  
(MED) 'Trigger Point'" or a successor document, unless the 4054  
guidelines are no longer in effect at the time the opioid 4055  
analgesic is prescribed. 4056

(C) If a sickness and accident insurer or public employee 4057  
benefit plan measures the efficiency, quality of care, or 4058  
clinical performance of a prescriber, including through the use 4059  
of patient satisfaction surveys, it shall not penalize the 4060  
prescriber, financially or otherwise, for deciding not to 4061  
prescribe an opioid analgesic. 4062

**Sec. 3959.111.** (A) (1) (a) In each contract between a 4063  
pharmacy benefit manager and a pharmacy, the pharmacy shall be 4064  
given the right to obtain from the pharmacy benefit manager, 4065  
within ten days after any request, a current list of the sources 4066  
used to determine maximum allowable cost pricing. In each 4067  
contract between a pharmacy benefit manager and a pharmacy, the 4068  
pharmacy benefit manager shall be obligated to update and 4069  
implement the pricing information at least every seven days and 4070  
provide a means by which contracted pharmacies may promptly 4071  
review maximum allowable cost pricing updates in a~~an~~ electronic 4072  
format that is readily available~~and~~, accessible, and secure 4073  
and that can be easily searched. 4074

Subject to division (A) (1) of this section, a pharmacy 4075  
benefit manager shall utilize the most up-to-date pricing data 4076  
when calculating drug product reimbursements for all contracting 4077  
pharmacies within one business day of any price update or 4078  
modification. 4079

(b) A pharmacy benefit manager shall maintain a written 4080  
procedure to eliminate products from the list of drugs subject 4081

to maximum allowable cost pricing in a timely manner. The 4082  
written procedure, and any updates, shall promptly be made 4083  
available to a pharmacy upon request. 4084

(2) In each contract between a pharmacy benefit manager 4085  
and a pharmacy, a pharmacy benefit manager shall be obligated to 4086  
ensure that all of the following conditions are met prior to 4087  
placing a prescription drug on a maximum allowable cost list: 4088

(a) The drug is listed as "A" or "B" rated in the most 4089  
recent version of the United States food and drug 4090  
administration's approved drug products with therapeutic 4091  
equivalence evaluations, or has an "NR" or "NA" rating or 4092  
similar rating by nationally recognized reference. 4093

(b) The drug is generally available for purchase by 4094  
pharmacies in this state from a national or regional wholesaler 4095  
and is not obsolete. 4096

(3) Each contract between a pharmacy benefit manager and a 4097  
pharmacy shall include ~~a~~ an electronic process to appeal, 4098  
investigate, and resolve disputes regarding maximum allowable 4099  
cost pricing that includes all of the following: 4100

(a) A twenty-one-day limit on the right to appeal 4101  
following the initial claim; 4102

(b) A requirement that the appeal be investigated and 4103  
resolved within twenty-one days after the appeal; 4104

(c) A telephone number at which the pharmacy may contact 4105  
the pharmacy benefit manager to speak to a person responsible 4106  
for processing appeals; 4107

(d) A requirement that a pharmacy benefit manager provide 4108  
a reason for any appeal denial ~~and the identification of,~~ 4109

~~including the national drug code of a drug that may be purchased~~ 4110  
~~in this state by the pharmacy in this state from a~~ 4111  
~~and the identity of the national or regional wholesaler at a price~~ 4112  
~~wholesalers from whom the drug was generally available for~~ 4113  
~~purchase at or below the benchmark price determined by the~~ 4114  
pharmacy benefit manager; 4115

(e) A requirement that if the appeal is upheld or granted, 4116  
then the pharmacy benefit manager shall adjust the drug product 4117  
reimbursement to the pharmacy's upheld appeal price; 4118

(f) A requirement that a pharmacy benefit manager make an 4119  
adjustment not later than one day after the date of 4120  
determination of the appeal. The adjustment shall be retroactive 4121  
to the date the appeal was made and shall apply to all situated 4122  
pharmacies as determined by the pharmacy benefit manager. This 4123  
requirement does not prohibit a pharmacy benefit manager from 4124  
retroactively adjusting a claim for the appealing pharmacy or 4125  
for any other similarly situated pharmacies. 4126

(B) (1) (a) A pharmacy benefit manager shall disclose to the 4127  
plan sponsor whether or not the pharmacy benefit manager uses 4128  
the same maximum allowable cost list when billing a plan sponsor 4129  
as it does when reimbursing a pharmacy. 4130

(b) If a pharmacy benefit manager uses multiple maximum 4131  
allowable cost lists, the pharmacy benefit manager shall 4132  
disclose in the aggregate to a plan sponsor any differences 4133  
between the amount paid to a pharmacy and the amount charged to 4134  
a plan sponsor. 4135

(2) The disclosures required under division (B) (1) of this 4136  
section shall be made within ten days of a pharmacy benefit 4137  
manager and a plan sponsor signing a contract or ~~within ten days~~ 4138

~~of any applicable update to on a maximum allowable cost list or~~ 4139  
~~lists quarterly basis.~~ 4140

(3) (a) Division (B) of this section does not apply to 4141  
plans governed by the "Employee Retirement Income Security Act 4142  
of 1974," 29 U.S.C. 1001, et seq. or medicare part D. 4143

(b) As used in this division, "medicare part D" means the 4144  
voluntary prescription drug benefit program established under 4145  
Part D of Title XVIII of the "Social Security Act," 42 U.S.C. 4146  
1395w-101, et seq. 4147

(C) Notwithstanding division (B) (5) of section 3959.01 of 4148  
the Revised Code, a health insuring corporation or a sickness 4149  
and accident insurer shall comply with the requirements of this 4150  
section and is subject to the penalties under section 3959.12 of 4151  
the Revised Code if the corporation or insurer is a pharmacy 4152  
benefit manager, as defined in section 3959.01 of the Revised 4153  
Code. 4154

(D) The superintendent of insurance shall adopt rules as 4155  
necessary to implement the requirements of this section. 4156

**Sec. 4511.191.** (A) (1) As used in this section: 4157

(a) "Physical control" has the same meaning as in section 4158  
4511.194 of the Revised Code. 4159

(b) "Alcohol monitoring device" means any device that 4160  
provides for continuous alcohol monitoring, any ignition 4161  
interlock device, any immobilizing or disabling device other 4162  
than an ignition interlock device that is constantly available 4163  
to monitor the concentration of alcohol in a person's system, or 4164  
any other device that provides for the automatic testing and 4165  
periodic reporting of alcohol consumption by a person and that 4166  
court orders a person to use as a sanction imposed as a result 4167

of the person's conviction of or plea of guilty to an offense. 4168

(c) "Community addiction services provider" has the same 4169  
meaning as in section 5119.01 of the Revised Code. 4170

(2) Any person who operates a vehicle, streetcar, or 4171  
trackless trolley upon a highway or any public or private 4172  
property used by the public for vehicular travel or parking 4173  
within this state or who is in physical control of a vehicle, 4174  
streetcar, or trackless trolley shall be deemed to have given 4175  
consent to a chemical test or tests of the person's whole blood, 4176  
blood serum or plasma, breath, or urine to determine the 4177  
alcohol, drug of abuse, controlled substance, metabolite of a 4178  
controlled substance, or combination content of the person's 4179  
whole blood, blood serum or plasma, breath, or urine if arrested 4180  
for a violation of division (A) or (B) of section 4511.19 of the 4181  
Revised Code, section 4511.194 of the Revised Code or a 4182  
substantially equivalent municipal ordinance, or a municipal OVI 4183  
ordinance. 4184

(3) The chemical test or tests under division (A) (2) of 4185  
this section shall be administered at the request of a law 4186  
enforcement officer having reasonable grounds to believe the 4187  
person was operating or in physical control of a vehicle, 4188  
streetcar, or trackless trolley in violation of a division, 4189  
section, or ordinance identified in division (A) (2) of this 4190  
section. The law enforcement agency by which the officer is 4191  
employed shall designate which of the tests shall be 4192  
administered. 4193

(4) Any person who is dead or unconscious, or who 4194  
otherwise is in a condition rendering the person incapable of 4195  
refusal, shall be deemed to have consented as provided in 4196  
division (A) (2) of this section, and the test or tests may be 4197

administered, subject to sections 313.12 to 313.16 of the 4198  
Revised Code. 4199

(5) (a) If a law enforcement officer arrests a person for a 4200  
violation of division (A) or (B) of section 4511.19 of the 4201  
Revised Code, section 4511.194 of the Revised Code or a 4202  
substantially equivalent municipal ordinance, or a municipal OVI 4203  
ordinance and if the person if convicted would be required to be 4204  
sentenced under division (G) (1) (c), (d), or (e) of section 4205  
4511.19 of the Revised Code, the law enforcement officer shall 4206  
request the person to submit, and the person shall submit, to a 4207  
chemical test or tests of the person's whole blood, blood serum 4208  
or plasma, breath, or urine for the purpose of determining the 4209  
alcohol, drug of abuse, controlled substance, metabolite of a 4210  
controlled substance, or combination content of the person's 4211  
whole blood, blood serum or plasma, breath, or urine. A law 4212  
enforcement officer who makes a request pursuant to this 4213  
division that a person submit to a chemical test or tests is not 4214  
required to advise the person of the consequences of submitting 4215  
to, or refusing to submit to, the test or tests and is not 4216  
required to give the person the form described in division (B) 4217  
of section 4511.192 of the Revised Code, but the officer shall 4218  
advise the person at the time of the arrest that if the person 4219  
refuses to take a chemical test the officer may employ whatever 4220  
reasonable means are necessary to ensure that the person submits 4221  
to a chemical test of the person's whole blood or blood serum or 4222  
plasma. The officer shall also advise the person at the time of 4223  
the arrest that the person may have an independent chemical test 4224  
taken at the person's own expense. Divisions (A) (3) and (4) of 4225  
this section apply to the administration of a chemical test or 4226  
tests pursuant to this division. 4227

(b) If a person refuses to submit to a chemical test upon 4228



a request made pursuant to division (A) (5) (a) of this section, 4229  
the law enforcement officer who made the request may employ 4230  
whatever reasonable means are necessary to ensure that the 4231  
person submits to a chemical test of the person's whole blood or 4232  
blood serum or plasma. A law enforcement officer who acts 4233  
pursuant to this division to ensure that a person submits to a 4234  
chemical test of the person's whole blood or blood serum or 4235  
plasma is immune from criminal and civil liability based upon a 4236  
claim for assault and battery or any other claim for the acts, 4237  
unless the officer so acted with malicious purpose, in bad 4238  
faith, or in a wanton or reckless manner. 4239

(B) (1) Upon receipt of the sworn report of a law 4240  
enforcement officer who arrested a person for a violation of 4241  
division (A) or (B) of section 4511.19 of the Revised Code, 4242  
section 4511.194 of the Revised Code or a substantially 4243  
equivalent municipal ordinance, or a municipal OVI ordinance 4244  
that was completed and sent to the registrar of motor vehicles 4245  
and a court pursuant to section 4511.192 of the Revised Code in 4246  
regard to a person who refused to take the designated chemical 4247  
test, the registrar shall enter into the registrar's records the 4248  
fact that the person's driver's or commercial driver's license 4249  
or permit or nonresident operating privilege was suspended by 4250  
the arresting officer under this division and that section and 4251  
the period of the suspension, as determined under this section. 4252  
The suspension shall be subject to appeal as provided in section 4253  
4511.197 of the Revised Code. The suspension shall be for 4254  
whichever of the following periods applies: 4255

(a) Except when division (B) (1) (b), (c), or (d) of this 4256  
section applies and specifies a different class or length of 4257  
suspension, the suspension shall be a class C suspension for the 4258  
period of time specified in division (B) (3) of section 4510.02 4259

of the Revised Code. 4260

(b) If the arrested person, within six years of the date 4261  
on which the person refused the request to consent to the 4262  
chemical test, had refused one previous request to consent to a 4263  
chemical test or had been convicted of or pleaded guilty to one 4264  
violation of division (A) or (B) of section 4511.19 of the 4265  
Revised Code or one other equivalent offense, the suspension 4266  
shall be a class B suspension imposed for the period of time 4267  
specified in division (B) (2) of section 4510.02 of the Revised 4268  
Code. 4269

(c) If the arrested person, within six years of the date 4270  
on which the person refused the request to consent to the 4271  
chemical test, had refused two previous requests to consent to a 4272  
chemical test, had been convicted of or pleaded guilty to two 4273  
violations of division (A) or (B) of section 4511.19 of the 4274  
Revised Code or other equivalent offenses, or had refused one 4275  
previous request to consent to a chemical test and also had been 4276  
convicted of or pleaded guilty to one violation of division (A) 4277  
or (B) of section 4511.19 of the Revised Code or other 4278  
equivalent offenses, which violation or offense arose from an 4279  
incident other than the incident that led to the refusal, the 4280  
suspension shall be a class A suspension imposed for the period 4281  
of time specified in division (B) (1) of section 4510.02 of the 4282  
Revised Code. 4283

(d) If the arrested person, within six years of the date 4284  
on which the person refused the request to consent to the 4285  
chemical test, had refused three or more previous requests to 4286  
consent to a chemical test, had been convicted of or pleaded 4287  
guilty to three or more violations of division (A) or (B) of 4288  
section 4511.19 of the Revised Code or other equivalent 4289

offenses, or had refused a number of previous requests to 4290  
consent to a chemical test and also had been convicted of or 4291  
pleaded guilty to a number of violations of division (A) or (B) 4292  
of section 4511.19 of the Revised Code or other equivalent 4293  
offenses that cumulatively total three or more such refusals, 4294  
convictions, and guilty pleas, the suspension shall be for five 4295  
years. 4296

(2) The registrar shall terminate a suspension of the 4297  
driver's or commercial driver's license or permit of a resident 4298  
or of the operating privilege of a nonresident, or a denial of a 4299  
driver's or commercial driver's license or permit, imposed 4300  
pursuant to division (B)(1) of this section upon receipt of 4301  
notice that the person has entered a plea of guilty to, or that 4302  
the person has been convicted after entering a plea of no 4303  
contest to, operating a vehicle in violation of section 4511.19 4304  
of the Revised Code or in violation of a municipal OVI 4305  
ordinance, if the offense for which the conviction is had or the 4306  
plea is entered arose from the same incident that led to the 4307  
suspension or denial. 4308

The registrar shall credit against any judicial suspension 4309  
of a person's driver's or commercial driver's license or permit 4310  
or nonresident operating privilege imposed pursuant to section 4311  
4511.19 of the Revised Code, or pursuant to section 4510.07 of 4312  
the Revised Code for a violation of a municipal OVI ordinance, 4313  
any time during which the person serves a related suspension 4314  
imposed pursuant to division (B)(1) of this section. 4315

(C)(1) Upon receipt of the sworn report of the law 4316  
enforcement officer who arrested a person for a violation of 4317  
division (A) or (B) of section 4511.19 of the Revised Code or a 4318  
municipal OVI ordinance that was completed and sent to the 4319

registrar and a court pursuant to section 4511.192 of the 4320  
Revised Code in regard to a person whose test results indicate 4321  
that the person's whole blood, blood serum or plasma, breath, or 4322  
urine contained at least the concentration of alcohol specified 4323  
in division (A) (1) (b), (c), (d), or (e) of section 4511.19 of 4324  
the Revised Code or at least the concentration of a listed 4325  
controlled substance or a listed metabolite of a controlled 4326  
substance specified in division (A) (1) (j) of section 4511.19 of 4327  
the Revised Code, the registrar shall enter into the registrar's 4328  
records the fact that the person's driver's or commercial 4329  
driver's license or permit or nonresident operating privilege 4330  
was suspended by the arresting officer under this division and 4331  
section 4511.192 of the Revised Code and the period of the 4332  
suspension, as determined under divisions (C) (1) (a) to (d) of 4333  
this section. The suspension shall be subject to appeal as 4334  
provided in section 4511.197 of the Revised Code. The suspension 4335  
described in this division does not apply to, and shall not be 4336  
imposed upon, a person arrested for a violation of section 4337  
4511.194 of the Revised Code or a substantially equivalent 4338  
municipal ordinance who submits to a designated chemical test. 4339  
The suspension shall be for whichever of the following periods 4340  
applies: 4341

(a) Except when division (C) (1) (b), (c), or (d) of this 4342  
section applies and specifies a different period, the suspension 4343  
shall be a class E suspension imposed for the period of time 4344  
specified in division (B) (5) of section 4510.02 of the Revised 4345  
Code. 4346

(b) The suspension shall be a class C suspension for the 4347  
period of time specified in division (B) (3) of section 4510.02 4348  
of the Revised Code if the person has been convicted of or 4349  
pleaded guilty to, within six years of the date the test was 4350

conducted, one violation of division (A) or (B) of section 4351  
4511.19 of the Revised Code or one other equivalent offense. 4352

(c) If, within six years of the date the test was 4353  
conducted, the person has been convicted of or pleaded guilty to 4354  
two violations of a statute or ordinance described in division 4355  
(C) (1) (b) of this section, the suspension shall be a class B 4356  
suspension imposed for the period of time specified in division 4357  
(B) (2) of section 4510.02 of the Revised Code. 4358

(d) If, within six years of the date the test was 4359  
conducted, the person has been convicted of or pleaded guilty to 4360  
more than two violations of a statute or ordinance described in 4361  
division (C) (1) (b) of this section, the suspension shall be a 4362  
class A suspension imposed for the period of time specified in 4363  
division (B) (1) of section 4510.02 of the Revised Code. 4364

(2) The registrar shall terminate a suspension of the 4365  
driver's or commercial driver's license or permit of a resident 4366  
or of the operating privilege of a nonresident, or a denial of a 4367  
driver's or commercial driver's license or permit, imposed 4368  
pursuant to division (C) (1) of this section upon receipt of 4369  
notice that the person has entered a plea of guilty to, or that 4370  
the person has been convicted after entering a plea of no 4371  
contest to, operating a vehicle in violation of section 4511.19 4372  
of the Revised Code or in violation of a municipal OVI 4373  
ordinance, if the offense for which the conviction is had or the 4374  
plea is entered arose from the same incident that led to the 4375  
suspension or denial. 4376

The registrar shall credit against any judicial suspension 4377  
of a person's driver's or commercial driver's license or permit 4378  
or nonresident operating privilege imposed pursuant to section 4379  
4511.19 of the Revised Code, or pursuant to section 4510.07 of 4380

the Revised Code for a violation of a municipal OVI ordinance, 4381  
any time during which the person serves a related suspension 4382  
imposed pursuant to division (C) (1) of this section. 4383

(D) (1) A suspension of a person's driver's or commercial 4384  
driver's license or permit or nonresident operating privilege 4385  
under this section for the time described in division (B) or (C) 4386  
of this section is effective immediately from the time at which 4387  
the arresting officer serves the notice of suspension upon the 4388  
arrested person. Any subsequent finding that the person is not 4389  
guilty of the charge that resulted in the person being requested 4390  
to take the chemical test or tests under division (A) of this 4391  
section does not affect the suspension. 4392

(2) If a person is arrested for operating a vehicle, 4393  
streetcar, or trackless trolley in violation of division (A) or 4394  
(B) of section 4511.19 of the Revised Code or a municipal OVI 4395  
ordinance, or for being in physical control of a vehicle, 4396  
streetcar, or trackless trolley in violation of section 4511.194 4397  
of the Revised Code or a substantially equivalent municipal 4398  
ordinance, regardless of whether the person's driver's or 4399  
commercial driver's license or permit or nonresident operating 4400  
privilege is or is not suspended under division (B) or (C) of 4401  
this section or Chapter 4510. of the Revised Code, the person's 4402  
initial appearance on the charge resulting from the arrest shall 4403  
be held within five days of the person's arrest or the issuance 4404  
of the citation to the person, subject to any continuance 4405  
granted by the court pursuant to section 4511.197 of the Revised 4406  
Code regarding the issues specified in that division. 4407

(E) When it finally has been determined under the 4408  
procedures of this section and sections 4511.192 to 4511.197 of 4409  
the Revised Code that a nonresident's privilege to operate a 4410

vehicle within this state has been suspended, the registrar 4411  
shall give information in writing of the action taken to the 4412  
motor vehicle administrator of the state of the person's 4413  
residence and of any state in which the person has a license. 4414

(F) At the end of a suspension period under this section, 4415  
under section 4511.194, section 4511.196, or division (G) of 4416  
section 4511.19 of the Revised Code, or under section 4510.07 of 4417  
the Revised Code for a violation of a municipal OVI ordinance 4418  
and upon the request of the person whose driver's or commercial 4419  
driver's license or permit was suspended and who is not 4420  
otherwise subject to suspension, cancellation, or 4421  
disqualification, the registrar shall return the driver's or 4422  
commercial driver's license or permit to the person upon the 4423  
occurrence of all of the conditions specified in divisions (F) 4424  
(1) and (2) of this section: 4425

(1) A showing that the person has proof of financial 4426  
responsibility, a policy of liability insurance in effect that 4427  
meets the minimum standards set forth in section 4509.51 of the 4428  
Revised Code, or proof, to the satisfaction of the registrar, 4429  
that the person is able to respond in damages in an amount at 4430  
least equal to the minimum amounts specified in section 4509.51 4431  
of the Revised Code. 4432

(2) Subject to the limitation contained in division (F)(3) 4433  
of this section, payment by the person to the registrar or an 4434  
eligible deputy registrar of a license reinstatement fee of four 4435  
hundred seventy-five dollars, which fee shall be deposited in 4436  
the state treasury and credited as follows: 4437

(a) One hundred twelve dollars and fifty cents shall be 4438  
credited to the statewide treatment and prevention fund created 4439  
by section 4301.30 of the Revised Code. Money credited to the 4440

fund under this section shall be used for purposes identified 4441  
under section 5119.22 of the Revised Code. 4442

(b) Seventy-five dollars shall be credited to the 4443  
repairs fund created by section 2743.191 of the Revised 4444  
Code. 4445

(c) Thirty-seven dollars and fifty cents shall be credited 4446  
to the indigent drivers alcohol treatment fund, which is hereby 4447  
established in the state treasury. The department of mental 4448  
health and addiction services shall distribute the moneys in 4449  
that fund to the county indigent drivers alcohol treatment 4450  
funds, the county juvenile indigent drivers alcohol treatment 4451  
funds, and the municipal indigent drivers alcohol treatment 4452  
funds that are required to be established by counties and 4453  
municipal corporations pursuant to division (H) of this section 4454  
to be used only as provided in division (H) (3) of this section. 4455  
Moneys in the fund that are not distributed to a county indigent 4456  
drivers alcohol treatment fund, a county juvenile indigent 4457  
drivers alcohol treatment fund, or a municipal indigent drivers 4458  
alcohol treatment fund under division (H) of this section 4459  
because the director of mental health and addiction services 4460  
does not have the information necessary to identify the county 4461  
or municipal corporation where the offender or juvenile offender 4462  
was arrested may be transferred by the director of budget and 4463  
management to the statewide treatment and prevention fund 4464  
created by section 4301.30 of the Revised Code, upon 4465  
certification of the amount by the director of mental health and 4466  
addiction services. 4467

(d) Seventy-five dollars shall be credited to the 4468  
opportunities for Ohioans with disabilities agency established 4469  
by section 3304.15 of the Revised Code, to the services for 4470



rehabilitation fund, which is hereby established. The fund shall 4471  
be used to match available federal matching funds where 4472  
appropriate, and for any other purpose or program of the agency 4473  
to rehabilitate persons with disabilities to help them become 4474  
employed and independent. 4475

(e) Seventy-five dollars shall be deposited into the state 4476  
treasury and credited to the drug abuse resistance education 4477  
programs fund, which is hereby established, to be used by the 4478  
attorney general for the purposes specified in division (F) (4) 4479  
of this section. 4480

(f) Thirty dollars shall be credited to the state bureau 4481  
of motor vehicles fund created by section 4501.25 of the Revised 4482  
Code. 4483

(g) Twenty dollars shall be credited to the trauma and 4484  
emergency medical services fund created by section 4513.263 of 4485  
the Revised Code. 4486

(h) Fifty dollars shall be credited to the indigent 4487  
drivers interlock and alcohol monitoring fund, which is hereby 4488  
established in the state treasury. Moneys in the fund shall be 4489  
distributed by the department of public safety to the county 4490  
indigent drivers interlock and alcohol monitoring funds, the 4491  
county juvenile indigent drivers interlock and alcohol 4492  
monitoring funds, and the municipal indigent drivers interlock 4493  
and alcohol monitoring funds that are required to be established 4494  
by counties and municipal corporations pursuant to this section, 4495  
and shall be used only to pay the cost of an immobilizing or 4496  
disabling device, including a certified ignition interlock 4497  
device, or an alcohol monitoring device used by an offender or 4498  
juvenile offender who is ordered to use the device by a county, 4499  
juvenile, or municipal court judge and who is determined by the 4500

county, juvenile, or municipal court judge not to have the means 4501  
to pay for the person's use of the device. 4502

(3) If a person's driver's or commercial driver's license 4503  
or permit is suspended under this section, under section 4504  
4511.196 or division (G) of section 4511.19 of the Revised Code, 4505  
under section 4510.07 of the Revised Code for a violation of a 4506  
municipal OVI ordinance or under any combination of the 4507  
suspensions described in division (F) (3) of this section, and if 4508  
the suspensions arise from a single incident or a single set of 4509  
facts and circumstances, the person is liable for payment of, 4510  
and shall be required to pay to the registrar or an eligible 4511  
deputy registrar, only one reinstatement fee of four hundred 4512  
seventy-five dollars. The reinstatement fee shall be distributed 4513  
by the bureau in accordance with division (F) (2) of this 4514  
section. 4515

(4) The attorney general shall use amounts in the drug 4516  
abuse resistance education programs fund to award grants to law 4517  
enforcement agencies to establish and implement drug abuse 4518  
resistance education programs in public schools. Grants awarded 4519  
to a law enforcement agency under this section shall be used by 4520  
the agency to pay for not more than fifty per cent of the amount 4521  
of the salaries of law enforcement officers who conduct drug 4522  
abuse resistance education programs in public schools. The 4523  
attorney general shall not use more than six per cent of the 4524  
amounts the attorney general's office receives under division 4525  
(F) (2) (e) of this section to pay the costs it incurs in 4526  
administering the grant program established by division (F) (2) 4527  
(e) of this section and in providing training and materials 4528  
relating to drug abuse resistance education programs. 4529

The attorney general shall report to the governor and the 4530

general assembly each fiscal year on the progress made in 4531  
establishing and implementing drug abuse resistance education 4532  
programs. These reports shall include an evaluation of the 4533  
effectiveness of these programs. 4534

(5) In addition to the reinstatement fee under this 4535  
section, if the person pays the reinstatement fee to a deputy 4536  
registrar, the deputy registrar shall collect a service fee of 4537  
ten dollars to compensate the deputy registrar for services 4538  
performed under this section. The deputy registrar shall retain 4539  
eight dollars of the service fee and shall transmit the 4540  
reinstatement fee, plus two dollars of the service fee, to the 4541  
registrar in the manner the registrar shall determine. 4542

(G) Suspension of a commercial driver's license under 4543  
division (B) or (C) of this section shall be concurrent with any 4544  
period of disqualification under section 3123.611 or 4506.16 of 4545  
the Revised Code or any period of suspension under section 4546  
3123.58 of the Revised Code. No person who is disqualified for 4547  
life from holding a commercial driver's license under section 4548  
4506.16 of the Revised Code shall be issued a driver's license 4549  
under Chapter 4507. of the Revised Code during the period for 4550  
which the commercial driver's license was suspended under 4551  
division (B) or (C) of this section. No person whose commercial 4552  
driver's license is suspended under division (B) or (C) of this 4553  
section shall be issued a driver's license under Chapter 4507. 4554  
of the Revised Code during the period of the suspension. 4555

(H) (1) Each county shall establish an indigent drivers 4556  
alcohol treatment fund and a juvenile indigent drivers alcohol 4557  
treatment fund. Each municipal corporation in which there is a 4558  
municipal court shall establish an indigent drivers alcohol 4559  
treatment fund. All revenue that the general assembly 4560

appropriates to the indigent drivers alcohol treatment fund for 4561  
transfer to a county indigent drivers alcohol treatment fund, a 4562  
county juvenile indigent drivers alcohol treatment fund, or a 4563  
municipal indigent drivers alcohol treatment fund, all portions 4564  
of fees that are paid under division (F) of this section and 4565  
that are credited under that division to the indigent drivers 4566  
alcohol treatment fund in the state treasury for a county 4567  
indigent drivers alcohol treatment fund, a county juvenile 4568  
indigent drivers alcohol treatment fund, or a municipal indigent 4569  
drivers alcohol treatment fund, all portions of additional costs 4570  
imposed under section 2949.094 of the Revised Code that are 4571  
specified for deposit into a county, county juvenile, or 4572  
municipal indigent drivers alcohol treatment fund by that 4573  
section, and all portions of fines that are specified for 4574  
deposit into a county or municipal indigent drivers alcohol 4575  
treatment fund by section 4511.193 of the Revised Code shall be 4576  
deposited into that county indigent drivers alcohol treatment 4577  
fund, county juvenile indigent drivers alcohol treatment fund, 4578  
or municipal indigent drivers alcohol treatment fund. The 4579  
portions of the fees paid under division (F) of this section 4580  
that are to be so deposited shall be determined in accordance 4581  
with division (H) (2) of this section. Additionally, all portions 4582  
of fines that are paid for a violation of section 4511.19 of the 4583  
Revised Code or of any prohibition contained in Chapter 4510. of 4584  
the Revised Code, and that are required under section 4511.19 or 4585  
any provision of Chapter 4510. of the Revised Code to be 4586  
deposited into a county indigent drivers alcohol treatment fund 4587  
or municipal indigent drivers alcohol treatment fund shall be 4588  
deposited into the appropriate fund in accordance with the 4589  
applicable division of the section or provision. 4590

(2) That portion of the license reinstatement fee that is 4591

paid under division (F) of this section and that is credited 4592  
under that division to the indigent drivers alcohol treatment 4593  
fund shall be deposited into a county indigent drivers alcohol 4594  
treatment fund, a county juvenile indigent drivers alcohol 4595  
treatment fund, or a municipal indigent drivers alcohol 4596  
treatment fund as follows: 4597

(a) Regarding a suspension imposed under this section, 4598  
that portion of the fee shall be deposited as follows: 4599

(i) If the fee is paid by a person who was charged in a 4600  
county court with the violation that resulted in the suspension 4601  
or in the imposition of the court costs, the portion shall be 4602  
deposited into the county indigent drivers alcohol treatment 4603  
fund under the control of that court; 4604

(ii) If the fee is paid by a person who was charged in a 4605  
juvenile court with the violation that resulted in the 4606  
suspension or in the imposition of the court costs, the portion 4607  
shall be deposited into the county juvenile indigent drivers 4608  
alcohol treatment fund established in the county served by the 4609  
court; 4610

(iii) If the fee is paid by a person who was charged in a 4611  
municipal court with the violation that resulted in the 4612  
suspension or in the imposition of the court costs, the portion 4613  
shall be deposited into the municipal indigent drivers alcohol 4614  
treatment fund under the control of that court. 4615

(b) Regarding a suspension imposed under section 4511.19 4616  
of the Revised Code or under section 4510.07 of the Revised Code 4617  
for a violation of a municipal OVI ordinance, that portion of 4618  
the fee shall be deposited as follows: 4619

(i) If the fee is paid by a person whose license or permit 4620

was suspended by a county court, the portion shall be deposited 4621  
into the county indigent drivers alcohol treatment fund under 4622  
the control of that court; 4623

(ii) If the fee is paid by a person whose license or 4624  
permit was suspended by a municipal court, the portion shall be 4625  
deposited into the municipal indigent drivers alcohol treatment 4626  
fund under the control of that court. 4627

(3) (a) As used in division (H) (3) of this section, 4628  
"indigent person" means a person who is convicted of a violation 4629  
of division (A) or (B) of section 4511.19 of the Revised Code or 4630  
a substantially similar municipal ordinance or found to be a 4631  
juvenile traffic offender by reason of a violation of division 4632  
(A) or (B) of section 4511.19 of the Revised Code or a 4633  
substantially similar municipal ordinance, who is ordered by the 4634  
court to attend an alcohol and drug addiction treatment program, 4635  
and who is determined by the court under division (H) (5) of this 4636  
section to be unable to pay the cost of the assessment or the 4637  
cost of attendance at the treatment program. 4638

(b) A county, juvenile, or municipal court judge, by 4639  
order, may make expenditures from a county indigent drivers 4640  
alcohol treatment fund, a county juvenile indigent drivers 4641  
alcohol treatment fund, or a municipal indigent drivers alcohol 4642  
treatment fund with respect to an indigent person for any of the 4643  
following: 4644

(i) To pay the cost of an assessment that is conducted by 4645  
an appropriately licensed clinician at either a driver 4646  
intervention program that is certified under section 5119.38 of 4647  
the Revised Code or at a community addiction services provider 4648  
~~that is whose~~ alcohol and drug addiction services are certified 4649  
under section 5119.36 of the Revised Code; 4650

(ii) To pay the cost of alcohol addiction services, drug 4651  
addiction services, or integrated alcohol and drug addiction 4652  
services at a community addiction services provider ~~that is~~ 4653  
whose alcohol and drug addiction services are certified under 4654  
section 5119.36 of the Revised Code; 4655

(iii) To pay the cost of transportation to attend an 4656  
assessment as provided under division (H) (3) (b) (i) of this 4657  
section or addiction services as provided under division (H) (3) 4658  
(b) (ii) of this section. 4659

The alcohol and drug addiction services board or the board 4660  
of alcohol, drug addiction, and mental health services 4661  
established pursuant to section 340.02 or 340.021 of the Revised 4662  
Code and serving the alcohol, drug addiction, and mental health 4663  
service district in which the court is located shall administer 4664  
the indigent drivers alcohol treatment program of the court. 4665  
When a court orders an offender or juvenile traffic offender to 4666  
obtain an assessment or attend an alcohol and drug addiction 4667  
treatment program, the board shall determine which program is 4668  
suitable to meet the needs of the offender or juvenile traffic 4669  
offender, and when a suitable program is located and space is 4670  
available at the program, the offender or juvenile traffic 4671  
offender shall attend the program designated by the board. A 4672  
reasonable amount not to exceed five per cent of the amounts 4673  
credited to and deposited into the county indigent drivers 4674  
alcohol treatment fund, the county juvenile indigent drivers 4675  
alcohol treatment fund, or the municipal indigent drivers 4676  
alcohol treatment fund serving every court whose program is 4677  
administered by that board shall be paid to the board to cover 4678  
the costs it incurs in administering those indigent drivers 4679  
alcohol treatment programs. 4680

(c) Upon exhaustion of moneys in the indigent drivers 4681  
interlock and alcohol monitoring fund for the use of an alcohol 4682  
monitoring device, a county, juvenile, or municipal court judge 4683  
may use moneys in the county indigent drivers alcohol treatment 4684  
fund, county juvenile indigent drivers alcohol treatment fund, 4685  
or municipal indigent drivers alcohol treatment fund in either 4686  
of the following manners: 4687

(i) If the source of the moneys was an appropriation of 4688  
the general assembly, a portion of a fee that was paid under 4689  
division (F) of this section, a portion of a fine that was 4690  
specified for deposit into the fund by section 4511.193 of the 4691  
Revised Code, or a portion of a fine that was paid for a 4692  
violation of section 4511.19 of the Revised Code or of a 4693  
provision contained in Chapter 4510. of the Revised Code that 4694  
was required to be deposited into the fund, to pay for the 4695  
continued use of an alcohol monitoring device by an offender or 4696  
juvenile traffic offender, in conjunction with a treatment 4697  
program approved by the department of mental health and 4698  
addiction services, when such use is determined clinically 4699  
necessary by the treatment program and when the court determines 4700  
that the offender or juvenile traffic offender is unable to pay 4701  
all or part of the daily monitoring or cost of the device; 4702

(ii) If the source of the moneys was a portion of an 4703  
additional court cost imposed under section 2949.094 of the 4704  
Revised Code, to pay for the continued use of an alcohol 4705  
monitoring device by an offender or juvenile traffic offender 4706  
when the court determines that the offender or juvenile traffic 4707  
offender is unable to pay all or part of the daily monitoring or 4708  
cost of the device. The moneys may be used for a device as 4709  
described in this division if the use of the device is in 4710  
conjunction with a treatment program approved by the department 4711



of mental health and addiction services, when the use of the 4712  
device is determined clinically necessary by the treatment 4713  
program, but the use of a device is not required to be in 4714  
conjunction with a treatment program approved by the department 4715  
in order for the moneys to be used for the device as described 4716  
in this division. 4717

(4) If a county, juvenile, or municipal court determines, 4718  
in consultation with the alcohol and drug addiction services 4719  
board or the board of alcohol, drug addiction, and mental health 4720  
services established pursuant to section 340.02 or 340.021 of 4721  
the Revised Code and serving the alcohol, drug addiction, and 4722  
mental health district in which the court is located, that the 4723  
funds in the county indigent drivers alcohol treatment fund, the 4724  
county juvenile indigent drivers alcohol treatment fund, or the 4725  
municipal indigent drivers alcohol treatment fund under the 4726  
control of the court are more than sufficient to satisfy the 4727  
purpose for which the fund was established, as specified in 4728  
divisions (H) (1) to (3) of this section, the court may declare a 4729  
surplus in the fund. If the court declares a surplus in the 4730  
fund, the court may take any of the following actions with 4731  
regard to the amount of the surplus in the fund: 4732

(a) Expend any of the surplus amount for alcohol and drug 4733  
abuse assessment and treatment, and for the cost of 4734  
transportation related to assessment and treatment, of persons 4735  
who are charged in the court with committing a criminal offense 4736  
or with being a delinquent child or juvenile traffic offender 4737  
and in relation to whom both of the following apply: 4738

(i) The court determines that substance abuse was a 4739  
contributing factor leading to the criminal or delinquent 4740  
activity or the juvenile traffic offense with which the person 4741

is charged. 4742

(ii) The court determines that the person is unable to pay 4743  
the cost of the alcohol and drug abuse assessment and treatment 4744  
for which the surplus money will be used. 4745

(b) Expend any of the surplus amount to pay all or part of 4746  
the cost of purchasing alcohol monitoring devices to be used in 4747  
conjunction with division (H) (3) (c) of this section, upon 4748  
exhaustion of moneys in the indigent drivers interlock and 4749  
alcohol monitoring fund for the use of an alcohol monitoring 4750  
device. 4751

(c) Transfer to another court in the same county any of 4752  
the surplus amount to be utilized in a manner consistent with 4753  
division (H) (3) of this section. If surplus funds are 4754  
transferred to another court, the court that transfers the funds 4755  
shall notify the alcohol and drug addiction services board or 4756  
the board of alcohol, drug addiction, and mental health services 4757  
that serves the alcohol, drug addiction, and mental health 4758  
service district in which that court is located. 4759

(d) Transfer to the alcohol and drug addiction services 4760  
board or the board of alcohol, drug addiction, and mental health 4761  
services that serves the alcohol, drug addiction, and mental 4762  
health service district in which the court is located any of the 4763  
surplus amount to be utilized in a manner consistent with 4764  
division (H) (3) of this section or for board contracted recovery 4765  
support services. 4766

(5) In order to determine if an offender does not have the 4767  
means to pay for the offender's attendance at an alcohol and 4768  
drug addiction treatment program for purposes of division (H) (3) 4769  
of this section or if an alleged offender or delinquent child is 4770

unable to pay the costs specified in division (H) (4) of this 4771  
section, the court shall use the indigent client eligibility 4772  
guidelines and the standards of indigency established by the 4773  
state public defender to make the determination. 4774

(6) The court shall identify and refer any community 4775  
addiction services provider that intends to provide alcohol and 4776  
drug addiction services and has not had its alcohol and drug 4777  
addiction services certified under section 5119.36 of the 4778  
Revised Code and that is interested in receiving amounts from 4779  
the surplus in the fund declared under division (H) (4) of this 4780  
section to the department of mental health and addiction 4781  
services in order for the community addiction services provider 4782  
to have its alcohol and drug addiction services certified by the 4783  
department. The department shall keep a record of applicant 4784  
referrals received pursuant to this division and shall submit a 4785  
report on the referrals each year to the general assembly. If a 4786  
community addiction services provider interested in having its 4787  
alcohol and drug addiction services certified makes an 4788  
application pursuant to section 5119.36 of the Revised Code, the 4789  
community addiction services provider is eligible to receive 4790  
surplus funds as long as the application is pending with the 4791  
department. The department of mental health and addiction 4792  
services must offer technical assistance to the applicant. If 4793  
the interested community addiction services provider withdraws 4794  
the certification application, the department must notify the 4795  
court, and the court shall not provide the interested community 4796  
addiction services provider with any further surplus funds. 4797

(7) (a) Each alcohol and drug addiction services board and 4798  
board of alcohol, drug addiction, and mental health services 4799  
established pursuant to section 340.02 or 340.021 of the Revised 4800  
Code shall submit to the department of mental health and 4801

addiction services an annual report for each indigent drivers 4802  
alcohol treatment fund in that board's area. 4803

(b) The report, which shall be submitted not later than 4804  
sixty days after the end of the state fiscal year, shall provide 4805  
the total payment that was made from the fund, including the 4806  
number of indigent consumers that received treatment services 4807  
and the number of indigent consumers that received an alcohol 4808  
monitoring device. The report shall identify the treatment 4809  
program and expenditure for an alcohol monitoring device for 4810  
which that payment was made. The report shall include the fiscal 4811  
year balance of each indigent drivers alcohol treatment fund 4812  
located in that board's area. In the event that a surplus is 4813  
declared in the fund pursuant to division (H) (4) of this 4814  
section, the report also shall provide the total payment that 4815  
was made from the surplus moneys and identify the authorized 4816  
purpose for which that payment was made. 4817

(c) If a board is unable to obtain adequate information to 4818  
develop the report to submit to the department for a particular 4819  
indigent drivers alcohol treatment fund, the board shall submit 4820  
a report detailing the effort made in obtaining the information. 4821

(I) (1) Each county shall establish an indigent drivers 4822  
interlock and alcohol monitoring fund and a juvenile indigent 4823  
drivers interlock and alcohol treatment fund. Each municipal 4824  
corporation in which there is a municipal court shall establish 4825  
an indigent drivers interlock and alcohol monitoring fund. All 4826  
revenue that the general assembly appropriates to the indigent 4827  
drivers interlock and alcohol monitoring fund for transfer to a 4828  
county indigent drivers interlock and alcohol monitoring fund, a 4829  
county juvenile indigent drivers interlock and alcohol 4830  
monitoring fund, or a municipal indigent drivers interlock and 4831

alcohol monitoring fund, all portions of license reinstatement 4832  
fees that are paid under division (F) (2) of this section and 4833  
that are credited under that division to the indigent drivers 4834  
interlock and alcohol monitoring fund in the state treasury, and 4835  
all portions of fines that are paid under division (G) of 4836  
section 4511.19 of the Revised Code and that are credited by 4837  
division (G) (5) (e) of that section to the indigent drivers 4838  
interlock and alcohol monitoring fund in the state treasury 4839  
shall be deposited in the appropriate fund in accordance with 4840  
division (I) (2) of this section. 4841

(2) That portion of the license reinstatement fee that is 4842  
paid under division (F) of this section and that portion of the 4843  
fine paid under division (G) of section 4511.19 of the Revised 4844  
Code and that is credited under either division to the indigent 4845  
drivers interlock and alcohol monitoring fund shall be deposited 4846  
into a county indigent drivers interlock and alcohol monitoring 4847  
fund, a county juvenile indigent drivers interlock and alcohol 4848  
monitoring fund, or a municipal indigent drivers interlock and 4849  
alcohol monitoring fund as follows: 4850

(a) If the fee or fine is paid by a person who was charged 4851  
in a county court with the violation that resulted in the 4852  
suspension or fine, the portion shall be deposited into the 4853  
county indigent drivers interlock and alcohol monitoring fund 4854  
under the control of that court. 4855

(b) If the fee or fine is paid by a person who was charged 4856  
in a juvenile court with the violation that resulted in the 4857  
suspension or fine, the portion shall be deposited into the 4858  
county juvenile indigent drivers interlock and alcohol 4859  
monitoring fund established in the county served by the court. 4860

(c) If the fee or fine is paid by a person who was charged 4861

in a municipal court with the violation that resulted in the 4862  
suspension, the portion shall be deposited into the municipal 4863  
indigent drivers interlock and alcohol monitoring fund under the 4864  
control of that court. 4865

(3) If a county, juvenile, or municipal court determines 4866  
that the funds in the county indigent drivers interlock and 4867  
alcohol monitoring fund, the county juvenile indigent drivers 4868  
interlock and alcohol monitoring fund, or the municipal indigent 4869  
drivers interlock and alcohol monitoring fund under the control 4870  
of that court are more than sufficient to satisfy the purpose 4871  
for which the fund was established as specified in division (F) 4872  
(2) (h) of this section, the court may declare a surplus in the 4873  
fund. The court then may order the transfer of a specified 4874  
amount into the county indigent drivers alcohol treatment fund, 4875  
the county juvenile indigent drivers alcohol treatment fund, or 4876  
the municipal indigent drivers alcohol treatment fund under the 4877  
control of that court to be utilized in accordance with division 4878  
(H) of this section. 4879

**Sec. 4729.06.** The state board of pharmacy shall keep a 4880  
record of its proceedings and a register of all ~~persons to whom~~ 4881  
~~identification cards and~~, licenses, and registrations that have 4882  
been granted ~~as pharmacists or pharmacy interns~~, together with 4883  
each renewal and suspension or revocation of an identification 4884  
card ~~and~~, license, or registration. The books and registers of 4885  
the board shall be prima-facie evidence of the matters therein 4886  
recorded. The books and registers may be in electronic format. 4887

The president and executive director of the board may 4888  
administer oaths. 4889

A statement signed by the executive director to which is 4890  
affixed the official seal of the board to the effect that it 4891

appears from the records of the board that the board has not 4892  
issued an identification card ~~and, license to practice~~ 4893  
~~pharmacy, or any of its branches, or registration~~ to the person 4894  
specified in the statement, or that an identification card ~~and, license,~~ 4895  
~~or registration,~~ if issued, has been revoked or 4896  
suspended, or the holder has been subjected to disciplinary 4897  
action by the board shall be received as prima-facie evidence of 4898  
the record of the board in any court or before any officer of 4899  
this state. 4900

**Sec. 4729.071.** (A) As used in this section, "license" and 4901  
"applicant for an initial license" have the same meanings as in 4902  
section 4776.01 of the Revised Code, except that "license" as 4903  
used in both of those terms refers to the types of 4904  
authorizations otherwise issued or conferred under this chapter. 4905

(B) In addition to any other eligibility requirement set 4906  
forth in this chapter, each applicant for an initial license 4907  
shall comply with sections 4776.01 to 4776.04 of the Revised 4908  
Code. The state board of pharmacy shall not grant a license to 4909  
an applicant for an initial license unless the applicant 4910  
complies with sections 4776.01 to 4776.04 of the Revised Code 4911  
and the board, in its discretion, decides that the results of 4912  
the criminal records check do not make the applicant ineligible 4913  
for a license issued pursuant to section 4729.08, 4729.09, 4914  
4729.11, ~~or 4729.552,~~ or 4729.553 of the Revised Code. 4915

**Sec. 4729.10.** The state board of pharmacy may adopt rules 4916  
under section 4729.26 of the Revised Code requiring a licensee 4917  
or registrant under this chapter to report to the board a 4918  
violation of state or federal law, including any rule adopted 4919  
under this chapter. 4920

In the absence of fraud or bad faith, a person who reports 4921

under this section or testifies in any adjudication conducted 4922  
under Chapter 119. of the Revised Code is not liable to any 4923  
person for damages in a civil action as a result of the report 4924  
or testimony. 4925

**Sec. 4729.16.** (A) (1) The state board of pharmacy, after 4926  
notice and hearing in accordance with Chapter 119. of the 4927  
Revised Code, may ~~revoke,~~ impose any one or more of the 4928  
following sanctions on a pharmacist or pharmacy intern if the 4929  
board finds the individual engaged in any of the conduct set 4930  
forth in division (A) (2) of this section: 4931

(a) Revoke, suspend, restrict, limit, or refuse to grant 4932  
or renew a license; 4933

(b) Reprimand or place the license holder on probation, ~~or~~ 4934  
~~refuse to grant or renew an identification card, or may impose ;~~ 4935

(c) Impose a monetary penalty or forfeiture not to exceed 4936  
in severity any fine designated under the Revised Code for a 4937  
similar offense, or in the case of a violation of a section of 4938  
the Revised Code that does not bear a penalty, a monetary 4939  
penalty or forfeiture of not more than five hundred dollars~~;~~. 4940

(2) The board may impose the sanctions listed in division 4941  
(A) (1) of this section if the board finds a pharmacist or 4942  
pharmacy intern: 4943

~~(1) Guilty of a felony or gross immorality;~~ 4944

~~(2) Guilty of~~ (a) Has been convicted of a felony, or a 4945  
crime of moral turpitude, as defined in section 4776.10 of the 4946  
Revised Code; 4947

(b) Engaged in dishonesty or unprofessional conduct in the 4948  
practice of pharmacy; 4949



~~(3) Addicted~~ (c) Is addicted to or abusing alcohol or 4950  
drugs or is impaired physically or mentally to such a degree as 4951  
to render the pharmacist or pharmacy intern unfit to practice 4952  
pharmacy; 4953

~~(4) (d)~~ Has been convicted of a misdemeanor related to, or 4954  
committed in, the practice of pharmacy; 4955

~~(5) Guilty of willfully violating, conspiring~~ (e) 4956  
Violated, conspired to violate, ~~attempting~~ attempted to violate, 4957  
or ~~aiding and abetting~~ aided and abetted the violation of any of 4958  
the provisions of this chapter, sections 3715.52 to 3715.72 of 4959  
the Revised Code, Chapter 2925. or 3719. of the Revised Code, or 4960  
any rule adopted by the board under those provisions; 4961

~~(6) Guilty of permitting anyone~~ (f) Permitted someone 4962  
other than a pharmacist or pharmacy intern to practice pharmacy; 4963

~~(7) Guilty of knowingly lending~~ (g) Knowingly lent the 4964  
pharmacist's or pharmacy intern's name to an illegal 4965  
practitioner of pharmacy or ~~having had a~~ professional connection 4966  
with an illegal practitioner of pharmacy; 4967

~~(8) Guilty of dividing~~ (h) Divided or agreeing agreed to 4968  
divide remuneration made in the practice of pharmacy with any 4969  
other individual, including, but not limited to, any licensed 4970  
health professional authorized to prescribe drugs or any owner, 4971  
manager, or employee of a health care facility, residential care 4972  
facility, or nursing home; 4973

~~(9) Has violated~~ (i) Violated the terms of a consult 4974  
agreement entered into pursuant to section 4729.39 of the 4975  
Revised Code; 4976

~~(10) Has committed~~ (j) Committed fraud, misrepresentation, 4977  
or deception in applying for or securing a license or 4978

identification card issued by the board under this chapter or 4979  
under Chapter 3715. or 3719. of the Revised Code; 4980

(k) Failed to comply with an order of the board or a 4981  
settlement agreement; 4982

(l) Engaged in any other conduct for which the board may 4983  
impose discipline as set forth in rules adopted under section 4984  
4729.26 of the Revised Code. 4985

(B) Any individual whose identification card or license is 4986  
revoked, suspended, or refused, shall return the identification 4987  
card and license to the offices of the state board of pharmacy 4988  
within ten days after receipt of notice of such action. 4989

(C) As used in this section: 4990

"Unprofessional conduct in the practice of pharmacy" 4991  
includes any of the following: 4992

(1) Advertising or displaying signs that promote dangerous 4993  
drugs to the public in a manner that is false or misleading; 4994

(2) Except as provided in section 4729.281 or 4729.44 of 4995  
the Revised Code, the dispensing or sale of any drug for which a 4996  
prescription is required, without having received a prescription 4997  
for the drug; 4998

(3) Knowingly dispensing medication pursuant to false or 4999  
forged prescriptions; 5000

(4) Knowingly failing to maintain complete and accurate 5001  
records of all dangerous drugs received or dispensed in 5002  
compliance with federal laws and regulations and state laws and 5003  
rules; 5004

(5) Obtaining any remuneration by fraud, 5005

misrepresentation, or deception; 5006

(6) Failing to conform to prevailing standards of care of 5007  
similar pharmacists or pharmacy interns under the same or 5008  
similar circumstances, whether or not actual injury to a patient 5009  
is established; 5010

(7) Engaging in any other conduct that the board specifies 5011  
as unprofessional conduct in the practice of pharmacy in rules 5012  
adopted under section 4729.26 of the Revised Code. 5013

(D) The board may suspend a license or identification card 5014  
under division (B) of section 3719.121 of the Revised Code by 5015  
utilizing a telephone conference call to review the allegations 5016  
and take a vote. 5017

~~(E) If, pursuant to an adjudication under Chapter 119. of~~ 5018  
~~the Revised Code, For purposes of this division, an individual~~ 5019  
authorized to practice as a pharmacist or pharmacy intern 5020  
accepts the privilege of practicing in this state subject to 5021  
supervision by the board. By filing an application for or 5022  
holding a license to practice as a pharmacist or pharmacy 5023  
intern, an individual gives consent to submit to a mental or 5024  
physical examination when ordered to do so by the board in 5025  
writing and waives all objections to the admissibility of 5026  
testimony or examination reports that constitute privileged 5027  
communications. 5028

If the board has reasonable cause to believe that an 5029  
individual who is a pharmacist or pharmacy intern is physically 5030  
or mentally impaired, the board may require the ~~pharmacist or~~ 5031  
~~pharmacy intern~~ individual to submit to a physical or mental 5032  
examination, or both. The expense of the examination is the 5033  
responsibility of the individual required to be examined. 5034

Failure of an individual who is a pharmacist or pharmacy intern to submit to a physical or mental examination ordered by the board, unless the failure is due to circumstances beyond the individual's control, constitutes an admission of the allegations and a suspension order shall be entered without the taking of testimony or presentation of evidence. Any subsequent adjudication hearing under Chapter 119. of the Revised Code concerning failure to submit to an examination is limited to consideration of whether the failure was beyond the individual's control. 5035  
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If, based on the results of an examination ordered under this division, the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license to practice, to submit to a physical or mental examination and treatment. 5045  
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An order of suspension issued under this division shall not be subject to suspension by a court during pendency of any appeal filed under section 119.12 of the Revised Code. 5052  
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(F) If the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant or licensee does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division (A) of this section. 5055  
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(G) Notwithstanding the provision of division (C) (2) of section 2953.32 of the Revised Code specifying that if records 5063  
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pertaining to a criminal case are sealed under that section the 5065  
proceedings in the case must be deemed not to have occurred, 5066  
sealing of the following records on which the board has based an 5067  
action under this section shall have no effect on the board's 5068  
action or any sanction imposed by the board under this section: 5069  
records of any conviction, guilty plea, judicial finding of 5070  
guilt resulting from a plea of no contest, or a judicial finding 5071  
of eligibility for a pretrial diversion program or intervention 5072  
in lieu of conviction. The board shall not be required to seal, 5073  
destroy, redact, or otherwise modify its records to reflect the 5074  
court's sealing of conviction records. 5075

(H) No pharmacist or pharmacy intern shall knowingly 5076  
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 5077  
(e) to (l) of this section. 5078

**Sec. 4729.18.** The state board of pharmacy shall adopt 5079  
rules in accordance with Chapter 119. of the Revised Code 5080  
establishing standards for approving and designating physicians 5081  
and facilities as treatment providers for pharmacists with 5082  
substance abuse problems and shall approve and designate 5083  
treatment providers in accordance with the rules. The rules 5084  
shall include standards for both inpatient and outpatient 5085  
treatment. The rules shall provide that to be approved, a 5086  
treatment provider must be capable of making an initial 5087  
examination to determine the type of treatment required for a 5088  
pharmacist with substance abuse problems. Subject to the rules, 5089  
the board shall review and approve treatment providers on a 5090  
regular basis and may, at its discretion, withdraw or deny 5091  
approval. 5092

An approved treatment provider shall: 5093

(A) Report to the board the name of any pharmacist 5094

suffering or showing evidence of suffering impairment by reason 5095  
of being addicted to or abusing alcohol or drugs as described in 5096  
division (A) ~~(3)~~ (2) (c) of section 4729.16 of the Revised Code who 5097  
fails to comply within one week with a referral for examination; 5098

(B) Report to the board the name of any impaired 5099  
pharmacist who fails to enter treatment within forty-eight hours 5100  
following the provider's determination that the pharmacist needs 5101  
treatment; 5102

(C) Require every pharmacist who enters treatment to agree 5103  
to a treatment contract establishing the terms of treatment and 5104  
aftercare, including any required supervision or restrictions of 5105  
practice during treatment or aftercare; 5106

(D) Require a pharmacist to suspend practice on entering 5107  
any required inpatient treatment; 5108

(E) Report to the board any failure by an impaired 5109  
pharmacist to comply with the terms of the treatment contract 5110  
during inpatient or outpatient treatment or aftercare; 5111

(F) Report to the board the resumption of practice of any 5112  
impaired pharmacist before the treatment provider has made a 5113  
clear determination that the pharmacist is capable of practicing 5114  
according to acceptable and prevailing standards; 5115

(G) Require a pharmacist who resumes practice after 5116  
completion of treatment to comply with an aftercare contract 5117  
that meets the requirements of rules adopted by the board for 5118  
approval of treatment providers; 5119

(H) Report to the board any pharmacist who suffers a 5120  
relapse at any time during or following aftercare. 5121

Any pharmacist who enters into treatment by an approved 5122

treatment provider shall be deemed to have waived any 5123  
confidentiality requirements that would otherwise prevent the 5124  
treatment provider from making reports required under this 5125  
section. 5126

In the absence of fraud or bad faith, no professional 5127  
association of pharmacists licensed under this chapter that 5128  
sponsors a committee or program to provide peer assistance to 5129  
pharmacists with substance abuse problems, no representative or 5130  
agent of such a committee or program, and no member of the state 5131  
board of pharmacy shall be liable to any person for damages in a 5132  
civil action by reason of actions taken to refer a pharmacist to 5133  
a treatment provider designated by the board or actions or 5134  
omissions of the provider in treating a pharmacist. 5135

In the absence of fraud or bad faith, no person who 5136  
reports to the board a pharmacist with a suspected substance 5137  
abuse problem shall be liable to any person for damages in a 5138  
civil action as a result of the report. 5139

**Sec. 4729.19.** Notwithstanding division (B) (4) of section 5140  
2317.02 of the Revised Code, a pharmacist, pharmacy intern, 5141  
pharmacy technician trainee, registered pharmacy technician, 5142  
certified pharmacy technician, licensed terminal distributor of 5143  
dangerous drugs, or registered wholesale distributor of 5144  
dangerous drugs shall cooperate with federal, state, and local 5145  
government investigations and shall divulge all relevant 5146  
information when requested by a government agency. 5147

**Sec. 4729.291.** (A) When a licensed health professional 5148  
authorized to prescribe drugs personally furnishes drugs to a 5149  
patient pursuant to division (B) of section 4729.29 of the 5150  
Revised Code, the prescriber shall ensure that the drugs are 5151  
labeled and packaged in accordance with state and federal drug 5152

laws and any rules and regulations adopted pursuant to those 5153  
laws. Records of purchase and disposition of all drugs 5154  
personally furnished to patients shall be maintained by the 5155  
prescriber in accordance with state and federal drug statutes 5156  
and any rules adopted pursuant to those statutes. 5157

(B) When personally furnishing to a patient RU-486 5158  
(mifepristone), a prescriber is subject to section 2919.123 of 5159  
the Revised Code. A prescription for RU-486 (mifepristone) shall 5160  
be in writing and in accordance with section 2919.123 of the 5161  
Revised Code. 5162

(C) (1) Except as provided in divisions (D) and (E) of this 5163  
section, no prescriber shall do either of the following: 5164

(a) In any thirty-day period, personally furnish to or for 5165  
patients, taken as a whole, controlled substances in an amount 5166  
that exceeds a total of two thousand five hundred dosage units; 5167

(b) In any seventy-two-hour period, personally furnish to 5168  
or for a patient an amount of a controlled substance that 5169  
exceeds the amount necessary for the patient's use in a seventy- 5170  
two-hour period. 5171

(2) The state board of pharmacy may impose a fine of not 5172  
more than five thousand dollars on a prescriber who fails to 5173  
comply with the limits established under division (C) (1) of this 5174  
section. A separate fine may be imposed for each instance of 5175  
failing to comply with the limits. In imposing the fine, the 5176  
board's actions shall be taken in accordance with Chapter 119. 5177  
of the Revised Code. 5178

(D) None of the following shall be counted in determining 5179  
whether the amounts specified in division (C) (1) of this section 5180  
have been exceeded: 5181



(1) Methadone personally furnished to patients for the 5182  
purpose of treating drug dependence or addiction, if the 5183  
prescriber meets the conditions specified in 21 C.F.R. 1306.07; 5184

(2) Buprenorphine personally furnished to patients for the 5185  
purpose of treating drug dependence or addiction as part of an 5186  
opioid treatment program that possesses a terminal distributor 5187  
of dangerous drugs license issued under section 4729.54 of the 5188  
Revised Code, is the subject of a current, valid certification 5189  
from the substance abuse and mental health services 5190  
administration of the United States department of health and 5191  
human services pursuant to 42 C.F.R. 8.11, and meets either of 5192  
the following criteria: 5193

(a) Buprenorphine and methadone are personally furnished 5194  
by physicians treating patients participating in the program. 5195

(b) Buprenorphine, but not methadone, is personally 5196  
furnished by physicians treating patients participating in the 5197  
program, the program is accredited by a national accrediting 5198  
organization approved by the substance abuse and mental health 5199  
services administration, the service of personally furnishing 5200  
buprenorphine has, notwithstanding section ~~5119.371~~ 5119.361 of 5201  
the Revised Code, been certified by the department of mental 5202  
health and addiction services under section 5119.36 of the 5203  
Revised Code, and the program maintains in the record of a 5204  
patient to whom buprenorphine has been administered or 5205  
personally furnished a copy of the physician's signed and dated 5206  
written order for that act. 5207

(c) Controlled substances personally furnished to research 5208  
subjects by a facility conducting clinical research in studies 5209  
approved by a hospital-based institutional review board or an 5210  
institutional review board accredited by the association for the 5211

accreditation of human research protection programs. 5212

(E) Division (C) (1) of this section does not apply to a 5213  
prescriber who is a veterinarian. 5214

**Sec. 4729.38.** (A) Unless instructed otherwise by the 5215  
person receiving the drug pursuant to the prescription, a 5216  
pharmacist filling a prescription for a drug prescribed by its 5217  
brand name may select a generically equivalent drug, as defined 5218  
in section 3715.01 of the Revised Code, subject to the following 5219  
conditions: 5220

(1) The pharmacist shall not select a generically 5221  
equivalent drug if the prescriber handwrites "dispense as 5222  
written," or "D.A.W.," on the written prescription, or, when 5223  
ordering a prescription electronically or orally, the prescriber 5224  
specifies that the prescribed drug is medically necessary. These 5225  
designations shall not be preprinted or stamped on the 5226  
prescription. Division (A) (1) of this section does not preclude 5227  
a reminder of the procedure required to prohibit the selection 5228  
of a generically equivalent drug from being preprinted on the 5229  
prescription. 5230

(2) The pharmacist shall not select a generically 5231  
equivalent drug unless its price to the patient is less than or 5232  
equal to the price of the prescribed drug. 5233

(3) The pharmacist, or the pharmacist's agent, assistant, 5234  
or employee shall inform the patient or the patient's agent if a 5235  
generically equivalent drug is available at a lower or equal 5236  
cost, and of the person's right to refuse the drug selected. 5237  
Division (A) (3) of this section does not apply to any: 5238

(a) Prescription that is billed to any agency, division, 5239  
or department of this state which will reimburse the pharmacy; 5240

(b) Prescriptions for patients of a hospital, nursing 5241  
home, or similar patient care facility. 5242

(B) Unless the prescriber instructs otherwise, the label 5243  
for every drug dispensed shall include the drug's brand name, if 5244  
any, or its generic name and the name of the distributor, using 5245  
abbreviations if necessary. When dispensing at retail a 5246  
generically equivalent drug for the brand name drug prescribed, 5247  
the pharmacist shall indicate on the drug's label or container 5248  
that a generic substitution was made. The labeling requirements 5249  
established by this division are in addition to all other 5250  
labeling requirements of Chapter 3715. of the Revised Code. 5251

(C) A pharmacist who selects a generically equivalent drug 5252  
pursuant to this section assumes no greater liability for 5253  
selecting the dispensed drug than would be incurred in filling a 5254  
prescription for a drug prescribed by its brand name. 5255

(D) The failure of a prescriber to restrict a prescription 5256  
by specifying "dispense as written," or "D.A.W.," pursuant to 5257  
division (A) (1) of this section shall not constitute evidence of 5258  
the prescriber's negligence unless the prescriber had reasonable 5259  
cause to believe that the health condition of the patient for 5260  
whom the drug was intended warranted the prescription of a 5261  
specific brand name drug and no other. No prescriber shall be 5262  
liable for civil damages or in any criminal prosecution arising 5263  
from the interchange of a generically equivalent drug for a 5264  
prescribed brand name drug by a pharmacist, unless the 5265  
prescribed brand name drug would have reasonably caused the same 5266  
loss, damage, injury, or death. 5267

(E) No pharmacist shall knowingly engage in conduct that 5268  
is prohibited by division (A) or (B) of this section. 5269

Sec. 4729.40. (A) (1) (a) The state board of pharmacy may 5270  
designate one or more attorneys at law who have been admitted to 5271  
the practice of law, and who are classified as either 5272  
administrative law attorney examiners or as administrative law 5273  
attorney examiner administrators under the state job 5274  
classification plan adopted under section 124.14 of the Revised 5275  
Code, as hearing examiners, subject to Chapter 119. of the 5276  
Revised Code, to conduct any hearing the board is empowered to 5277  
hold or undertake pursuant to Chapter 119. of the Revised Code. 5278

(b) Notwithstanding the requirement of division (A) (1) (a) 5279  
of this section that the board designate as a hearing examiner 5280  
an attorney who is classified as either an administrative law 5281  
attorney examiner or an administrative law attorney examiner 5282  
administrator, the board may, subject to section 127.16 of the 5283  
Revised Code, enter into a personal service contract with an 5284  
attorney admitted to the practice of law in this state to serve 5285  
as a hearing examiner. 5286

(2) The hearing examiner shall hear and consider the oral 5287  
and documented evidence introduced by the parties and issue in 5288  
writing proposed findings of fact and conclusions of law to the 5289  
board for their consideration within thirty days following the 5290  
close of the hearing. 5291

(B) The board shall be given copies of the transcript of 5292  
the hearing record and all exhibits and documents presented by 5293  
the parties at the hearing. 5294

(C) The board shall render a decision and take action 5295  
within ninety days following the receipt of the hearing 5296  
examiner's proposed findings of fact and conclusions of law. 5297

(D) The final decision of the board in any hearing shall 5298

be in writing and contain findings of fact and conclusions of 5299  
law. Copies of the decision shall be delivered to the parties 5300  
personally or by certified mail. The decision is final on 5301  
delivery or mailing, but may be appealed as provided by Chapter 5302  
119. of the Revised Code. 5303

Sec. 4729.45. (A) As used in this section, "opioid 5304  
analgesic" has the same meaning as in section 3719.01 of the 5305  
Revised Code. 5306

(B) Except as provided in division (C) of this section or 5307  
in any rules adopted under division (D) of this section, all of 5308  
the following apply with respect to a prescription for an opioid 5309  
analgesic to be used by an individual on an outpatient basis: 5310

(1) A pharmacist, pharmacy intern, or terminal distributor 5311  
of dangerous drugs shall not dispense or sell the opioid 5312  
analgesic in an amount that exceeds a ninety-day supply, as 5313  
determined according to the prescription's directions for use of 5314  
the drug, regardless of whether the prescription was issued for 5315  
a greater amount. 5316

(2) Except as provided in division (B)(3) of this section, 5317  
a pharmacist, pharmacy intern, or terminal distributor of 5318  
dangerous drugs shall not dispense or sell the opioid analgesic 5319  
if more than fourteen days have elapsed since the prescription 5320  
was issued. 5321

(3) A pharmacist, pharmacy intern, or terminal distributor 5322  
of dangerous drugs may dispense or sell the opioid analgesic 5323  
after more than fourteen days have elapsed since the 5324  
prescription was issued if all of the following apply: 5325

(a) The prescription is one of multiple prescriptions for 5326  
the drug issued by a single prescriber to the patient on a 5327

single day. 5328

(b) When combined, the prescriptions do not authorize the patient to receive an amount that exceeds a ninety-day supply of the drug, as determined according to the prescriptions' directions for use of the drug. 5329  
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(c) The prescriber has provided written instructions on the prescription indicating the earliest date on which the prescription may be filled. 5333  
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(d) Not more than fourteen days have elapsed since the date described in division (B) (3) (c) of this section. 5336  
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(C) Division (B) of this section does not apply when a pharmacist, pharmacy intern, or terminal distributor of dangerous drugs dispenses or sells an opioid analgesic to be delivered outside of this state by mail, parcel post, or common carrier to a patient who resides outside of this state. 5338  
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(D) The state board of pharmacy may adopt rules establishing an amount that is less than the ninety-day supply described in division (B) (1) of this section or a period that is less than the fourteen-day period described in division (B) (2) of this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 5343  
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**Sec. 4729.51.** ~~(A) (1) Except as provided in division (A) (2) of this section, no~~ No person other than a registered wholesale distributor of dangerous drugs shall possess for sale, sell, distribute, or deliver, at wholesale, dangerous drugs, except as follows: 5349  
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~~(a) (1) A pharmacist who is a licensed terminal distributor of dangerous drugs or who is employed by a licensed terminal distributor of dangerous drugs that is a pharmacy may~~ 5354  
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make occasional sales of dangerous drugs at wholesale. 5357

~~(b) (2) A licensed terminal distributor of dangerous drugs 5358  
having more than one establishment or place licensed location 5359  
may transfer or deliver dangerous drugs from one establishment- 5360  
or place for which a license has been issued to the terminal- 5361  
distributor licensed location to another establishment or place- 5362  
for which a license has been issued to licensed location owned 5363  
by the terminal distributor if the license issued for each 5364  
establishment or place location is in effect at the time of the 5365  
transfer or delivery. 5366~~

~~(c) (3) A licensed terminal distributor of dangerous drugs 5367  
that is not a pharmacy may make occasional sales of naloxone at 5368  
wholesale to a state or local law enforcement agency if the- 5369  
terminal distributor is any of the following:- 5370~~

~~(i) A board of health of a city or general health 5371  
district;- 5372~~

~~(ii) An authority having the duties of a board of health- 5373  
under section 3709.05 of the Revised Code;- 5374~~

~~(iii) A health department operated by such a board or 5375  
authority.- 5376~~

~~(2) A manufacturer of dangerous drugs may donate inhalers,- 5377  
as defined in section 3313.7113 of the Revised Code, and 5378  
epinephrine autoinjectors to any of the following:- 5379~~

~~(a) The board of education of a city, local, exempted 5380  
village, or joint vocational school district;- 5381~~

~~(b) A community school established under Chapter 3314. of 5382  
the Revised Code;- 5383~~

~~(c) A STEM school established under Chapter 3326. of the 5384~~

<del>Revised Code;</del>	5385
<del>(d) A college preparatory boarding school established under Chapter 3328. of the Revised Code;</del>	5386
<del>(e) A chartered or nonchartered nonpublic school.</del>	5387
<del>(B) (1) No registered wholesale distributor of dangerous drugs shall possess for sale, <del>or</del> sell, <u>or distribute,</u> at wholesale, dangerous drugs to any person other than the following:</del>	5388
<del>(a) Except as provided in division (B) (2) (a) of this section and division (B) of section 4729.541 of the Revised Code, a licensed health professional authorized to prescribe drugs;</del>	5389
<del>(b) An optometrist licensed under Chapter 4725. of the Revised Code who holds a topical ocular pharmaceutical agents certificate;</del>	5390
<del>(c) (1) Subject to division (D) of this section, a licensed terminal distributor of dangerous drugs;</del>	5391
<del>(2) Subject to division (C) of this section, any person exempt from licensure as a terminal distributor of dangerous drugs under section 4729.541 of the Revised Code;</del>	5392
<del>(3) A registered wholesale distributor of dangerous drugs;</del>	5393
<del>(d) A manufacturer of dangerous drugs;</del>	5394
<del>(e) Subject to division (B) (3) of this section, a licensed terminal distributor of dangerous drugs;</del>	5395
<del>(f) Carriers or warehouses for the purpose of carriage or storage;</del>	5396
<del>(g) Terminal (4) A terminal or wholesale distributors</del>	5397
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distributor of dangerous drugs who are that is located in 5412  
another state, is not engaged in the sale of dangerous drugs 5413  
within this state, and is actively licensed to engage in the 5414  
sale of dangerous drugs by the state in which the distributor 5415  
conducts business. 5416

~~(h) An individual who holds a current license,~~ 5417  
~~certificate, or registration issued under Title XLVII of the~~ 5418  
~~Revised Code and has been certified to conduct diabetes~~ 5419  
~~education by a national certifying body specified in rules~~ 5420  
~~adopted by the state board of pharmacy under section 4729.68 of~~ 5421  
~~the Revised Code, but only with respect to insulin that will be~~ 5422  
~~used for the purpose of diabetes education and only if diabetes~~ 5423  
~~education is within the individual's scope of practice under~~ 5424  
~~statutes and rules regulating the individual's profession;~~ 5425

~~(i) An individual who holds a valid certificate issued by~~ 5426  
~~a nationally recognized S.C.U.B.A. diving certifying~~ 5427  
~~organization approved by the state board of pharmacy in rule,~~ 5428  
~~but only with respect to medical oxygen that will be used for~~ 5429  
~~the purpose of emergency care or treatment at the scene of a~~ 5430  
~~diving emergency;~~ 5431

~~(j) Except as provided in division (B) (2) (b) of this~~ 5432  
~~section and division (A) of section 4729.541 of the Revised~~ 5433  
~~Code, a business entity that is a corporation formed under~~ 5434  
~~division (B) of section 1701.03 of the Revised Code, a limited~~ 5435  
~~liability company formed under Chapter 1705. of the Revised~~ 5436  
~~Code, or a professional association formed under Chapter 1785.~~ 5437  
~~of the Revised Code if the entity has a sole shareholder who is~~ 5438  
~~a licensed health professional authorized to prescribe drugs and~~ 5439  
~~is authorized to provide the professional services being offered~~ 5440  
~~by the entity;~~ 5441

~~(k) Except as provided in division (B) (2) (c) of this section and division (A) of section 4729.541 of the Revised Code, a business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership or a limited liability partnership formed under Chapter 1775. of the Revised Code, or a professional association formed under Chapter 1785. of the Revised Code, if, to be a shareholder, member, or partner, an individual is required to be licensed, certified, or otherwise legally authorized under Title XLVII of the Revised Code to perform the professional service provided by the entity and each such individual is a licensed health professional authorized to prescribe drugs;~~

~~(l) With respect to epinephrine autoinjectors that may be possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code, any of the following: the board of education of a city, local, exempted village, or joint-vocational school district; a chartered or nonchartered nonpublic school; a community school established under Chapter 3314. of the Revised Code; a STEM school established under Chapter 3326. of the Revised Code; or a college preparatory boarding school established under Chapter 3328. of the Revised Code;~~

~~(m) With respect to epinephrine autoinjectors that may be possessed under section 5101.76 of the Revised Code, any of the following: a residential camp, as defined in section 2151.011 of the Revised Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district~~

~~created under section 1545.04 of the Revised Code, or joint- 5473  
recreation district established under section 755.14 of the 5474  
Revised Code;— 5475~~

~~(n) With respect to epinephrine autoinjectors that may be 5476  
possessed under Chapter 3728. of the Revised Code, a qualified 5477  
entity, as defined in section 3728.01 of the Revised Code; 5478~~

~~(o) With respect to naloxone that may be possessed under 5479  
section 2925.61 of the Revised Code, a law enforcement agency— 5480  
and its peace officers;— 5481~~

~~(p) With respect to inhalers that may be possessed under 5482  
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 5483  
the Revised Code, any of the following: the board of education 5484  
of a city, local, exempted village, or joint vocational school 5485  
district; a chartered or nonchartered nonpublic school; a 5486  
community school established under Chapter 3314. of the Revised 5487  
Code; a STEM school established under Chapter 3326. of the 5488  
Revised Code; or a college preparatory boarding school— 5489  
established under Chapter 3328. of the Revised Code;— 5490~~

~~(q) With respect to inhalers that may be possessed under 5491  
section 5101.77 of the Revised Code, any of the following: a 5492  
residential camp, as defined in section 2151.011 of the Revised 5493  
Code; a child day camp, as defined in section 5104.01 of the 5494  
Revised Code; or a child day camp operated by any county, 5495  
township, municipal corporation, township park district created 5496  
under section 511.18 of the Revised Code, park district created 5497  
under section 1545.04 of the Revised Code, or joint recreation 5498  
district established under section 755.14 of the Revised Code.— 5499~~

~~(2) (C) No registered wholesale distributor of dangerous 5500  
drugs shall possess for sale, ~~or~~ sell, or distribute, at 5501~~

wholesale, dangerous drugs to ~~any~~ either of the following: 5502

~~(a)~~ (1) A prescriber who is employed by ~~a~~ either of the  
following: 5503  
5504

(a) A pain management clinic that is not licensed as a 5505  
terminal distributor of dangerous drugs with a pain management 5506  
clinic classification issued under section 4729.552 of the 5507  
Revised Code; 5508

(b) A facility, clinic, or other location that provides 5509  
office-based opioid treatment but is not licensed as a terminal 5510  
distributor of dangerous drugs with an office-based opioid 5511  
treatment classification issued under section 4729.553 of the 5512  
Revised Code if such a license is required by that section. 5513

(2) A business entity described in division ~~(B) (1) (j)~~ (A) 5514  
(2) or (3) of this section 4729.541 of the Revised Code that is, 5515  
or is operating, ~~a~~ either of the following: 5516

(a) A pain management clinic without a license as a 5517  
terminal distributor of dangerous drugs with a pain management 5518  
clinic classification issued under section 4729.552 of the 5519  
Revised Code; 5520

~~(c)~~ ~~A business entity described in division (B) (1) (k) of~~ 5521  
~~this section that is, or is operating, a pain management clinic~~ 5522  
~~without a license as a terminal distributor of dangerous drugs~~ 5523  
~~with a pain management clinic classification issued under~~ 5524  
~~section 4729.552 of the Revised Code.~~ (b) A facility, clinic, or 5525  
other location that provides office-based opioid treatment 5526  
without a license as a terminal distributor of dangerous drugs 5527  
with an office-based opioid treatment classification issued 5528  
under section 4729.553 of the Revised Code if such a license is 5529  
required by that section. 5530

~~(3)~~ (D) No registered wholesale distributor of dangerous drugs shall possess dangerous drugs for sale at wholesale, or sell or distribute such drugs at wholesale, to a licensed terminal distributor of dangerous drugs, except as follows:

~~(a)~~ (1) In the case of a terminal distributor with a category I license, only dangerous drugs described in category I, as defined in division (A) (1) of section 4729.54 of the Revised Code;

~~(b)~~ (2) In the case of a terminal distributor with a category II license, only dangerous drugs described in category I and category II, as defined in divisions (A) (1) and (2) of section 4729.54 of the Revised Code;

~~(c)~~ (3) In the case of a terminal distributor with a category III license, dangerous drugs described in category I, category II, and category III, as defined in divisions (A) (1), (2), and (3) of section 4729.54 of the Revised Code;

~~(d)~~ (4) In the case of a terminal distributor with a limited category I, II, or III license, only the dangerous drugs specified in the certificate furnished by the terminal distributor in accordance with section 4729.60 of the Revised Code.

~~(C)~~ (E) (1) Except as provided in division ~~(C) (4)~~ (E) (2) of this section, no person shall ~~sell~~ do any of the following:

(a) Sell or distribute, at retail, dangerous drugs.

~~(2) Except as provided in division (C) (4) of this section, no person shall possess;~~

(b) Possess for sale, at retail, dangerous drugs.

~~(3) Except as provided in division (C) (4) of this section,~~

~~no person shall possess;~~ 5559

(c) Possess dangerous drugs. 5560

~~(4) Divisions (C) (1), (2), and (3)~~ (2) (a) Divisions (E) (1) 5561  
(a), (b), and (c) of this section do not apply to a registered 5562  
wholesale distributor of dangerous drugs or any of the 5563  
following: 5564

(i) A licensed terminal distributor of dangerous drugs; 5565

~~Divisions (C) (1), (2), and (3) of this section do not~~ 5566  
~~apply to a~~ (ii) A person who possesses, or possesses for sale or 5567  
sells, at retail, a dangerous drug in accordance with Chapters 5568  
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 5569  
the Revised Code; 5570

(iii) Any of the persons identified in divisions (A) (1) to 5571  
(5) and (13) of section 4729.541 of the Revised Code, but only 5572  
to the extent specified in that section. 5573

~~Divisions (C) (1), (2), and (3) of this section do not~~ 5574  
~~apply to an individual who holds a current license, certificate,~~ 5575  
~~or registration issued under Title XLVII of the Revised Code and~~ 5576  
~~has been certified to conduct diabetes education by a national~~ 5577  
~~certifying body specified in rules adopted by the state board of~~ 5578  
~~pharmacy under section 4729.68 of the Revised Code, but only to~~ 5579  
~~the extent that the individual possesses insulin or personally~~ 5580  
~~supplies insulin solely for the purpose of diabetes education~~ 5581  
~~and only if diabetes education is within the individual's scope~~ 5582  
~~of practice under statutes and rules regulating the individual's~~ 5583  
~~profession.~~ 5584

~~Divisions (C) (1), (2), and (3) of this section do not~~ 5585  
~~apply to an individual who holds a valid certificate issued by a~~ 5586  
~~nationally recognized S.C.U.B.A. diving certifying organization~~ 5587

~~approved by the state board of pharmacy in rule, but only to the extent that the individual possesses medical oxygen or personally supplies medical oxygen for the purpose of emergency care or treatment at the scene of a diving emergency.~~

~~Division (C) (3) of this section does not apply to the board of education of a city, local, exempted village, or joint-vocational school district, a school building operated by a school district board of education, a chartered or nonchartered nonpublic school, a community school, a STEM school, or a college preparatory boarding school for the purpose of possessing epinephrine autoinjectors under section 3313.7110, 3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code and for the purpose of possessing inhalers under section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of the Revised Code.~~

~~Division (C) (3) of this section does not apply to a residential camp, as defined in section 2151.011 of the Revised Code, a child day camp, as defined in section 5104.01 of the Revised Code, or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code for the purpose of possessing epinephrine autoinjectors under section 5101.76 of the Revised Code and for the purpose of possessing inhalers under section 5101.77 of the Revised Code.~~

~~Division (C) (3) of this section does not apply to a qualified entity, as defined in section 3728.01 of the Revised Code, for the purpose of possessing epinephrine autoinjectors under Chapter 3728. of the Revised Code.~~

~~Division (C) (3) of this section does not apply to a law~~

~~enforcement agency or the agency's peace officers if the agency or officers possess naloxone for administration to individuals who are apparently experiencing opioid-related overdoses (b) Division (E) (1) (c) of this section does not apply to any of the following:~~ 5618  
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5621  
5622

(i) A registered wholesale distributor of dangerous drugs; 5623

(ii) Any of the persons identified in divisions (A) (6) to (12) of section 4729.541 of the Revised Code, but only to the extent specified in that section. 5624  
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5626

~~(D) (F) No licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code shall purchase for the purpose of resale dangerous drugs from any person other than a registered wholesale distributor of dangerous drugs, except as follows:~~ 5627  
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(1) A licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code may make occasional purchases of dangerous drugs for resale from a pharmacist who is a licensed terminal distributor of dangerous drugs or who is employed by a licensed terminal distributor of dangerous drugs, that are sold in accordance with division (A) (1) or (3) of this section. 5632  
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(2) A licensed terminal distributor of dangerous drugs having more than one establishment or place licensed location may transfer or receive-deliver dangerous drugs from one establishment or place for which a license has been issued to the terminal distributor licensed location to another establishment or place for which a license has been issued to the terminal distributor licensed location if the license issued for each establishment or place location is in effect at the 5639  
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time of the transfer or ~~receipt~~ delivery. 5647

~~(E)~~ (G) No licensed terminal distributor of dangerous 5648  
drugs shall engage in the retail sale or other distribution of 5649  
dangerous drugs ~~at retail~~ or maintain possession, custody, or 5650  
control of dangerous drugs for any purpose other than the 5651  
distributor's personal use or consumption, at any establishment 5652  
or place other than that or those described in the license 5653  
issued by the state board of pharmacy to such terminal 5654  
distributor. 5655

~~(F)~~ (H) Nothing in this section shall be construed to 5656  
interfere with the performance of official duties by any law 5657  
enforcement official authorized by municipal, county, state, or 5658  
federal law to collect samples of any drug, regardless of its 5659  
nature or in whose possession it may be. 5660

~~(G)~~ (I) Notwithstanding anything to the contrary in this 5661  
section, the board of education of a city, local, exempted 5662  
village, or joint vocational school district may ~~deliver~~ 5663  
distribute epinephrine autoinjectors ~~to a school under its~~ 5664  
~~control for the purpose of possessing the epinephrine~~ 5665  
~~autoinjectors under~~ for use in accordance with section 3313.7110 5666  
of the Revised Code and may ~~deliver~~ distribute inhalers ~~to a~~ 5667  
~~school under its control for the purpose of possessing the~~ 5668  
~~inhalers under~~ for use in accordance with section 3313.7113 of 5669  
the Revised Code. 5670

**Sec. 4729.513.** A manufacturer of dangerous drugs may 5671  
donate inhalers, as defined in section 3313.7113 of the Revised 5672  
Code, and epinephrine autoinjectors to any of the following: 5673

(A) The board of education of a city, local, exempted 5674  
village, or joint vocational school district; 5675

<u>(B) A community school established under Chapter 3314. of</u>	5676
<u>the Revised Code;</u>	5677
<u>(C) A STEM school established under Chapter 3326. of the</u>	5678
<u>Revised Code;</u>	5679
<u>(D) A college-preparatory boarding school established</u>	5680
<u>under Chapter 3328. of the Revised Code;</u>	5681
<u>(E) A chartered or nonchartered nonpublic school.</u>	5682
<b><u>Sec. 4729.514. (A) As used in this section, "service</u></b>	5683
<b><u>entity" means a public or private entity that provides services</u></b>	5684
<b><u>to individuals who there is reason to believe may be at risk of</u></b>	5685
<b><u>experiencing an opioid-related overdose. "Service entity"</u></b>	5686
<b><u>includes a college or university, school, local health</u></b>	5687
<b><u>department, community addiction services provider, court,</u></b>	5688
<b><u>probation department, halfway house, prison, jail, community</u></b>	5689
<b><u>residential center, homeless shelter, or similar entity.</u></b>	5690
<u>(B) A service entity may procure naloxone for use in</u>	5691
<u>emergency situations.</u>	5692
<u>(C) A service entity or an employee, volunteer, or</u>	5693
<u>contractor of a service entity is not liable for or subject to</u>	5694
<u>any of the following for injury, death, or loss to person or</u>	5695
<u>property that allegedly arises from an act or omission</u>	5696
<u>associated with procuring, maintaining, accessing, or using</u>	5697
<u>naloxone under this section, unless the act or omission</u>	5698
<u>constitutes willful or wanton misconduct: damages in any civil</u>	5699
<u>action, prosecution in any criminal proceeding, or professional</u>	5700
<u>disciplinary action.</u>	5701
<u>This section does not eliminate, limit, or reduce any</u>	5702
<u>other immunity or defense that a service entity or an employee,</u>	5703
<u>volunteer, or contractor of a service entity may be entitled to</u>	5704

under Chapter 2305. or any other provision of the Revised Code 5705  
or under the common law of this state. 5706

**Sec. 4729.54.** (A) As used in this section: 5707

(1) "Category I" means single-dose injections of 5708  
intravenous fluids, including saline, Ringer's lactate, five per 5709  
cent dextrose and distilled water, and other intravenous fluids 5710  
or parenteral solutions included in this category by rule of the 5711  
state board of pharmacy, that have a volume of one hundred 5712  
milliliters or more and that contain no added substances, or 5713  
single-dose injections of epinephrine to be administered 5714  
pursuant to sections 4765.38 and 4765.39 of the Revised Code. 5715

(2) "Category II" means any dangerous drug that is not 5716  
included in category I or III. 5717

(3) "Category III" means any controlled substance that is 5718  
contained in schedule I, II, III, IV, or V. 5719

(4) "Emergency medical service organization" has the same 5720  
meaning as in section 4765.01 of the Revised Code. 5721

(5) "Person" includes an emergency medical service 5722  
organization. 5723

(6) "Schedule I, schedule II, schedule III, schedule IV, 5724  
and schedule V" mean controlled substance schedules I, II, III, 5725  
IV, and V, respectively, as established pursuant to section 5726  
3719.41 of the Revised Code and as amended. 5727

(B) (1) A person who desires to be licensed as a terminal 5728  
distributor of dangerous drugs shall file with the executive 5729  
director of the state board of pharmacy a verified application. 5730  
After it is filed, the application may not be withdrawn without 5731  
approval of the board. 5732

- (2) An application shall contain all the following that 5733  
apply in the applicant's case: 5734
- (a) Information that the board requires relative to the 5735  
qualifications of a terminal distributor of dangerous drugs set 5736  
forth in section 4729.55 of the Revised Code; 5737
- (b) A statement that the person wishes to be licensed as a 5738  
category I, category II, category III, limited category I, 5739  
limited category II, or limited category III terminal 5740  
distributor of dangerous drugs; 5741
- (c) If the person wishes to be licensed as a limited 5742  
category I, limited category II, or limited category III 5743  
terminal distributor of dangerous drugs, a notarized list of the 5744  
dangerous drugs that the person wishes to possess, have custody 5745  
or control of, and distribute, which list shall also specify the 5746  
purpose for which those drugs will be used and their source; 5747
- (d) If the person is an emergency medical service 5748  
organization, the information that is specified in division (C) 5749  
(1) of this section; 5750
- (e) Except for an emergency medical service organization, 5751  
the identity of the one establishment or place at which the 5752  
person intends to engage in the sale or other distribution of 5753  
dangerous drugs at retail, and maintain possession, custody, or 5754  
control of dangerous drugs for purposes other than the person's 5755  
own use or consumption; 5756
- (f) If the application pertains to a pain management 5757  
clinic, information that demonstrates, to the satisfaction of 5758  
the board, compliance with division (A) of section 4729.552 of 5759  
the Revised Code; 5760
- (g) If the application pertains to a facility, clinic, or 5761

other location described in division (B) of section 4729.553 of 5762  
the Revised Code that must hold a category III terminal 5763  
distributor of dangerous drugs license with an office-based 5764  
opioid treatment classification, information that demonstrates, 5765  
to the satisfaction of the board, compliance with division (C) 5766  
of that section. 5767

(C) (1) An emergency medical service organization that 5768  
wishes to be licensed as a terminal distributor of dangerous 5769  
drugs shall list in its application for licensure the following 5770  
additional information: 5771

(a) The units under its control that the organization 5772  
determines will possess dangerous drugs for the purpose of 5773  
administering emergency medical services in accordance with 5774  
Chapter 4765. of the Revised Code; 5775

(b) With respect to each such unit, whether the dangerous 5776  
drugs that the organization determines the unit will possess are 5777  
in category I, II, or III. 5778

(2) An emergency medical service organization that is 5779  
licensed as a terminal distributor of dangerous drugs shall file 5780  
a new application for such licensure if there is any change in 5781  
the number, or location of, any of its units or any change in 5782  
the category of the dangerous drugs that any unit will possess. 5783

(3) A unit listed in an application for licensure pursuant 5784  
to division (C) (1) of this section may obtain the dangerous 5785  
drugs it is authorized to possess from its emergency medical 5786  
service organization or, on a replacement basis, from a hospital 5787  
pharmacy. If units will obtain dangerous drugs from a hospital 5788  
pharmacy, the organization shall file, and maintain in current 5789  
form, the following items with the pharmacist who is responsible 5790

for the hospital's terminal distributor of dangerous drugs 5791  
license: 5792

(a) A copy of its standing orders or protocol; 5793

(b) A list of the personnel employed or used by the 5794  
organization to provide emergency medical services in accordance 5795  
with Chapter 4765. of the Revised Code, who are authorized to 5796  
possess the drugs, which list also shall indicate the personnel 5797  
who are authorized to administer the drugs. 5798

(D) Each emergency medical service organization that 5799  
applies for a terminal distributor of dangerous drugs license 5800  
shall submit with its application the following: 5801

(1) A notarized copy of its standing orders or protocol, 5802  
which orders or protocol shall be signed by a physician and 5803  
specify the dangerous drugs that its units may carry, expressed 5804  
in standard dose units; 5805

(2) A list of the personnel employed or used by the 5806  
organization to provide emergency medical services in accordance 5807  
with Chapter 4765. of the Revised Code. 5808

An emergency medical service organization that is licensed 5809  
as a terminal distributor shall notify the board immediately of 5810  
any changes in its standing orders or protocol. 5811

(E) There shall be six categories of terminal distributor 5812  
of dangerous drugs licenses, which categories shall be as 5813  
follows: 5814

(1) Category I license. A person who obtains this license 5815  
may possess, have custody or control of, and distribute only the 5816  
dangerous drugs described in category I. 5817

(2) Limited category I license. A person who obtains this 5818

license may possess, have custody or control of, and distribute 5819  
only the dangerous drugs described in category I that were 5820  
listed in the application for licensure. 5821

(3) Category II license. A person who obtains this license 5822  
may possess, have custody or control of, and distribute only the 5823  
dangerous drugs described in category I and category II. 5824

(4) Limited category II license. A person who obtains this 5825  
license may possess, have custody or control of, and distribute 5826  
only the dangerous drugs described in category I or category II 5827  
that were listed in the application for licensure. 5828

(5) Category III license, which may include a pain 5829  
management clinic classification issued under section 4729.552 5830  
of the Revised Code. A person who obtains this license may 5831  
possess, have custody or control of, and distribute the 5832  
dangerous drugs described in category I, category II, and 5833  
category III. If the license includes a pain management clinic 5834  
classification, the person may operate a pain management clinic. 5835

(6) Limited category III license. A person who obtains 5836  
this license may possess, have custody or control of, and 5837  
distribute only the dangerous drugs described in category I, 5838  
category II, or category III that were listed in the application 5839  
for licensure. 5840

(F) Except for an application made on behalf of an animal 5841  
shelter, if an applicant for licensure as a limited category I, 5842  
II, or III terminal distributor of dangerous drugs intends to 5843  
administer dangerous drugs to a person or animal, the applicant 5844  
shall submit, with the application, a notarized copy of its 5845  
protocol or standing orders, which protocol or orders shall be 5846  
signed by a licensed health professional authorized to prescribe 5847

drugs, specify the dangerous drugs to be administered, and list 5848  
personnel who are authorized to administer the dangerous drugs 5849  
in accordance with federal law or the law of this state. An 5850  
application made on behalf of an animal shelter shall include a 5851  
notarized list of the dangerous drugs to be administered to 5852  
animals and the personnel who are authorized to administer the 5853  
drugs to animals in accordance with section 4729.532 of the 5854  
Revised Code. After obtaining a terminal distributor license, a 5855  
licensee shall notify the board immediately of any changes in 5856  
its protocol or standing orders, or in such personnel. 5857

(G) (1) Except as provided in division (G) (2) of this 5858  
section, each applicant for licensure as a terminal distributor 5859  
of dangerous drugs shall submit, with the application, a license 5860  
fee determined as follows: 5861

(a) For a category I or limited category I license, forty- 5862  
five dollars; 5863

(b) For a category II or limited category II license, one 5864  
hundred twelve dollars and fifty cents; 5865

(c) For a category III license, including a license with a 5866  
pain management clinic classification issued under section 5867  
4729.552 of the Revised Code, or a limited category III license, 5868  
one hundred fifty dollars. 5869

(2) (a) Except as provided in division (G) (2) (b) of this 5870  
section, for a person who is required to hold a license as a 5871  
terminal distributor of dangerous drugs pursuant to division (D) 5872  
of section 4729.541 of the Revised Code, the fee shall be sixty 5873  
dollars. 5874

(b) For a professional association, corporation, 5875  
partnership, or limited liability company organized for the 5876



purpose of practicing veterinary medicine, the fee shall be 5877  
forty dollars. 5878

(3) Fees assessed under divisions (G) (1) and (2) of this 5879  
section shall not be returned if the applicant fails to qualify 5880  
for registration. 5881

(H) (1) The board shall issue a terminal distributor of 5882  
dangerous drugs license to each person who submits an 5883  
application for such licensure in accordance with this section, 5884  
pays the required license fee, is determined by the board to 5885  
meet the requirements set forth in section 4729.55 of the 5886  
Revised Code, and satisfies any other applicable requirements of 5887  
this section. 5888

(2) The license of a person other than an emergency 5889  
medical service organization shall describe the one 5890  
establishment or place at which the licensee may engage in the 5891  
sale or other distribution of dangerous drugs at retail and 5892  
maintain possession, custody, or control of dangerous drugs for 5893  
purposes other than the licensee's own use or consumption. The 5894  
one establishment or place shall be that which is described in 5895  
the application for licensure. 5896

No such license shall authorize or permit the terminal 5897  
distributor of dangerous drugs named in it to engage in the sale 5898  
or other distribution of dangerous drugs at retail or to 5899  
maintain possession, custody, or control of dangerous drugs for 5900  
any purpose other than the distributor's own use or consumption, 5901  
at any establishment or place other than that described in the 5902  
license, except that an agent or employee of an animal shelter 5903  
may possess and use dangerous drugs in the course of business as 5904  
provided in division (D) of section 4729.532 of the Revised 5905  
Code. 5906

(3) The license of an emergency medical service organization shall cover and describe all the units of the organization listed in its application for licensure.

(4) The license of every terminal distributor of dangerous drugs shall indicate, on its face, the category of licensure. If the license is a limited category I, II, or III license, it shall specify, and shall authorize the licensee to possess, have custody or control of, and distribute only, the dangerous drugs that were listed in the application for licensure.

(I) All licenses issued pursuant to this section shall be effective for a period of twelve months from the first day of April of each year. A license shall be renewed by the board for a like period, annually, according to the provisions of this section, and the standard renewal procedure of Chapter 4745. of the Revised Code. A person who desires to renew a license shall submit an application for renewal and pay the required fee on or before the thirty-first day of March each year. The fee required for the renewal of a license shall be the same as the fee paid for the license being renewed, and shall accompany the application for renewal.

A license that has not been renewed during March in any year and by the first day of May of the same year may be reinstated only upon payment of the required renewal fee and a penalty fee of fifty-five dollars.

(J) (1) No emergency medical service organization that is licensed as a terminal distributor of dangerous drugs shall fail to comply with division (C) (2) or (3) of this section.

(2) No emergency medical service organization that is licensed as a terminal distributor of dangerous drugs shall fail

to comply with division (D) of this section. 5936

(3) No licensed terminal distributor of dangerous drugs 5937  
shall possess, have custody or control of, or distribute 5938  
dangerous drugs that the terminal distributor is not entitled to 5939  
possess, have custody or control of, or distribute by virtue of 5940  
its category of licensure. 5941

(4) No licensee that is required by division (F) of this 5942  
section to notify the board of changes in its protocol or 5943  
standing orders, or in personnel, shall fail to comply with that 5944  
division. 5945

**Sec. 4729.541.** (A) ~~(1)~~ Except as provided in divisions ~~(A)~~ 5946  
~~(2) and (3)~~ (B) to (D) of this section, a ~~business entity~~ 5947  
~~described in division (B) (1) (j) or (k) of section 4729.51 of the~~ 5948  
~~Revised Code may possess, have custody or control of, and~~ 5949  
~~distribute the dangerous drugs in category I, category II, and~~ 5950  
~~category III, as defined in section 4729.54 of the Revised Code,~~ 5951  
~~without holding a terminal distributor of dangerous drugs~~ 5952  
~~license issued under that section. all of the following are~~ 5953  
exempt from licensure as a terminal distributor of dangerous 5954  
drugs: 5955

(1) A licensed health professional authorized to prescribe 5956  
drugs; 5957

(2) A business entity that is a corporation formed under 5958  
division (B) of section 1701.03 of the Revised Code, a limited 5959  
liability company formed under Chapter 1705. of the Revised 5960  
Code, or a professional association formed under Chapter 1785. 5961  
of the Revised Code if the entity has a sole shareholder who is 5962  
a prescriber and is authorized to provide the professional 5963  
services being offered by the entity; 5964

(3) A business entity that is a corporation formed under 5965  
division (B) of section 1701.03 of the Revised Code, a limited 5966  
liability company formed under Chapter 1705. of the Revised 5967  
Code, a partnership or a limited liability partnership formed 5968  
under Chapter 1775. of the Revised Code, or a professional 5969  
association formed under Chapter 1785. of the Revised Code, if, 5970  
to be a shareholder, member, or partner, an individual is 5971  
required to be licensed, certified, or otherwise legally 5972  
authorized under Title XLVII of the Revised Code to perform the 5973  
professional service provided by the entity and each such 5974  
individual is a prescriber; 5975

(4) An individual who holds a current license, 5976  
certificate, or registration issued under Title XLVII of the 5977  
Revised Code and has been certified to conduct diabetes 5978  
education by a national certifying body specified in rules 5979  
adopted by the state board of pharmacy under section 4729.68 of 5980  
the Revised Code, but only with respect to insulin that will be 5981  
used for the purpose of diabetes education and only if diabetes 5982  
education is within the individual's scope of practice under 5983  
statutes and rules regulating the individual's profession; 5984

(5) An individual who holds a valid certificate issued by 5985  
a nationally recognized S.C.U.B.A. diving certifying 5986  
organization approved by the state board of pharmacy under rules 5987  
adopted by the board, but only with respect to medical oxygen 5988  
that will be used for the purpose of emergency care or treatment 5989  
at the scene of a diving emergency; 5990

(6) With respect to epinephrine autoinjectors that may be 5991  
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 5992  
or 3328.29 of the Revised Code, any of the following: the board 5993  
of education of a city, local, exempted village, or joint 5994

vocational school district; a chartered or nonchartered 5995  
nonpublic school; a community school established under Chapter 5996  
3314. of the Revised Code; a STEM school established under 5997  
Chapter 3326. of the Revised Code; or a college-preparatory 5998  
boarding school established under Chapter 3328. of the Revised 5999  
Code; 6000

(7) With respect to epinephrine autoinjectors that may be 6001  
possessed under section 5101.76 of the Revised Code, any of the 6002  
following: a residential camp, as defined in section 2151.011 of 6003  
the Revised Code; a child day camp, as defined in section 6004  
5104.01 of the Revised Code; or a child day camp operated by any 6005  
county, township, municipal corporation, township park district 6006  
created under section 511.18 of the Revised Code, park district 6007  
created under section 1545.04 of the Revised Code, or joint 6008  
recreation district established under section 755.14 of the 6009  
Revised Code; 6010

(8) With respect to epinephrine autoinjectors that may be 6011  
possessed under Chapter 3728. of the Revised Code, a qualified 6012  
entity, as defined in section 3728.01 of the Revised Code; 6013

(9) With respect to inhalers that may be possessed under 6014  
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 6015  
the Revised Code, any of the following: the board of education 6016  
of a city, local, exempted village, or joint vocational school 6017  
district; a chartered or nonchartered nonpublic school; a 6018  
community school established under Chapter 3314. of the Revised 6019  
Code; a STEM school established under Chapter 3326. of the 6020  
Revised Code; or a college-preparatory boarding school 6021  
established under Chapter 3328. of the Revised Code; 6022

(10) With respect to inhalers that may be possessed under 6023  
section 5101.77 of the Revised Code, any of the following: a 6024

residential camp, as defined in section 2151.011 of the Revised 6025  
Code; a child day camp, as defined in section 5104.01 of the 6026  
Revised Code; or a child day camp operated by any county, 6027  
township, municipal corporation, township park district created 6028  
under section 511.18 of the Revised Code, park district created 6029  
under section 1545.04 of the Revised Code, or joint recreation 6030  
district established under section 755.14 of the Revised Code; 6031

(11) With respect to naloxone that may be possessed under 6032  
section 2925.61 of the Revised Code, a law enforcement agency 6033  
and its peace officers; 6034

(12) With respect to naloxone that may be possessed under 6035  
section 4729.514 of the Revised Code, a service entity, as 6036  
defined in that section; 6037

(13) A facility that is owned and operated by the United 6038  
States department of defense, the United States department of 6039  
veterans affairs, or any other federal agency. 6040

(B) If a ~~business entity person~~ described in division (B) 6041  
~~(1) (j) or (k) (A)~~ of ~~this~~ section 4729.51 of the Revised Code is 6042  
a pain management clinic or is operating a pain management 6043  
clinic, the ~~entity person~~ shall hold a license as a terminal 6044  
distributor of dangerous drugs with a pain management clinic 6045  
classification issued under section 4729.552 of the Revised 6046  
Code. 6047

(C) If a person described in division (A) of this section 6048  
is operating a facility, clinic, or other location described in 6049  
division (B) of section 4729.553 of the Revised Code that must 6050  
hold a category III terminal distributor of dangerous drugs 6051  
license with an office-based opioid treatment classification, 6052  
the person shall hold a license with that classification. 6053

~~(3) A business entity (D) Any of the persons described in~~ 6054  
~~division (B) (1) (j) or (k) divisions (A) (1) to (12) of this~~ 6055  
section 4729.51 of the Revised Code shall hold a license as a 6056  
terminal distributor of dangerous drugs in order to possess, 6057  
have custody or control of, and distribute ~~either any~~ of the 6058  
following: 6059

~~(a) (1) Dangerous drugs that are compounded or used for~~ 6060  
the purpose of compounding; 6061

~~(b) Controlled substances containing buprenorphine that~~ 6062  
~~are used for the purpose of treating drug dependence or~~ 6063  
~~addiction (2) A schedule I, II, III, IV, or V controlled~~ 6064  
~~substance, as defined in section 3719.01 of the Revised Code.~~ 6065

~~(B) A licensed health professional authorized to prescribe~~ 6066  
~~drugs who does not practice in the form of a business entity~~ 6067  
~~described in division (B) (1) (j) or (k) of section 4729.51 of the~~ 6068  
~~Revised Code shall hold a license as a terminal distributor of~~ 6069  
~~dangerous drugs in order to possess, have custody or control of,~~ 6070  
~~and distribute, including personally furnish, either of the~~ 6071  
~~following:—~~ 6072

~~(1) Dangerous drugs that are compounded or used for the~~ 6073  
~~purpose of compounding;—~~ 6074

~~(2) Controlled substances containing buprenorphine that~~ 6075  
~~are used for the purpose of treating drug dependence or~~ 6076  
~~addiction.—~~ 6077

**Sec. 4729.55.** No license shall be issued to an applicant 6078  
for licensure as a terminal distributor of dangerous drugs 6079  
unless the applicant has furnished satisfactory proof to the 6080  
state board of pharmacy that: 6081

(A) The applicant is equipped as to land, buildings, and 6082

equipment to properly carry on the business of a terminal 6083  
distributor of dangerous drugs within the category of licensure 6084  
approved by the board. 6085

(B) A pharmacist, licensed health professional authorized 6086  
to prescribe drugs, animal shelter licensed with the state board 6087  
of pharmacy under section 4729.531 of the Revised Code, or a 6088  
laboratory as defined in section 3719.01 of the Revised Code 6089  
will maintain supervision and control over the possession and 6090  
custody of dangerous drugs that may be acquired by or on behalf 6091  
of the applicant. 6092

(C) Adequate safeguards are assured to prevent the sale or 6093  
other distribution of dangerous drugs by any person other than a 6094  
pharmacist or licensed health professional authorized to 6095  
prescribe drugs. 6096

(D) Adequate safeguards are assured that the applicant 6097  
will carry on the business of a terminal distributor of 6098  
dangerous drugs in a manner that allows pharmacists and pharmacy 6099  
interns employed by the terminal distributor to practice 6100  
pharmacy in a safe and effective manner. 6101

(E) If the applicant, or any agent or employee of the 6102  
applicant, has been found guilty of violating section 4729.51 of 6103  
the Revised Code, the "Federal Food, Drug, and Cosmetic Act," 52 6104  
Stat. 1040 (1938), 21 U.S.C.A. 301, the federal drug abuse 6105  
control laws, Chapter 2925., 3715., 3719., or 4729. of the 6106  
Revised Code, or any rule of the board, adequate safeguards are 6107  
assured to prevent the recurrence of the violation. 6108

(F) In the case of an applicant who is a food processor or 6109  
retail seller of food, the applicant will maintain supervision 6110  
and control over the possession and custody of nitrous oxide. 6111



(G) In the case of an applicant who is a retail seller of oxygen in original packages labeled as required by the "Federal Food, Drug, and Cosmetic Act," the applicant will maintain supervision and control over the possession, custody, and retail sale of the oxygen.

(H) If the application is made on behalf of an animal shelter, at least one of the agents or employees of the animal shelter is certified in compliance with section 4729.532 of the Revised Code.

(I) In the case of an applicant who is a retail seller of peritoneal dialysis solutions in original packages labeled as required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, the applicant will maintain supervision and control over the possession, custody, and retail sale of the peritoneal dialysis solutions.

(J) In the case of an applicant who is a pain management clinic, the applicant meets the requirements to receive a license with a pain management clinic classification issued under section 4729.552 of the Revised Code.

(K) In the case of an applicant who is operating a facility, clinic, or other location described in division (B) of section 4729.553 of the Revised Code that must hold a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification, the applicant meets the requirements to receive that license with that classification.

**Sec. 4729.553.** (A) As used in this section:

(1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(2) "Hospital" means a hospital registered with the 6141  
department of health under section 3701.07 of the Revised Code. 6142

(3) "Office-based opioid treatment" means the treatment of 6143  
opioid dependence or addiction using a controlled substance. 6144

(B) (1) Except as provided in division (B) (2) of this 6145  
section, no person shall knowingly operate a facility, clinic, 6146  
or other location where a prescriber provides office-based 6147  
opioid treatment to more than thirty patients or that meets any 6148  
other identifying criteria established in rules adopted under 6149  
division (G) of this section without holding a category III 6150  
terminal distributor of dangerous drugs license with an office- 6151  
based opioid treatment classification. 6152

(2) Division (B) (1) of this section does not apply to any 6153  
of the following: 6154

(a) A hospital; 6155

(b) A facility for the treatment of opioid dependence or 6156  
addiction that is operated by a hospital; 6157

(c) A physician practice owned or controlled, in whole or 6158  
in part, by a hospital or by an entity that owns or controls, in 6159  
whole or in part, one or more hospitals; 6160

(d) A facility that conducts only clinical research and 6161  
uses controlled substances in studies approved by a hospital- 6162  
based institutional review board or an institutional review 6163  
board that is accredited by the association for the 6164  
accreditation of human research protection programs, inc.; 6165

(e) A facility that holds a category III terminal 6166  
distributor of dangerous drugs license in accordance with 6167  
section 4729.54 of the Revised Code for the purpose of treating 6168

drug dependence or addiction as part of an opioid treatment 6169  
program and is the subject of a current, valid certification 6170  
from the substance abuse and mental health services 6171  
administration of the United States department of health and 6172  
human services pursuant to 42 C.F.R. 8.11; 6173

(f) A program or facility that is licensed or certified by 6174  
the department of mental health and addiction services under 6175  
Chapter 5119. of the Revised Code. 6176

(C) To be eligible to receive a license as a category III 6177  
terminal distributor of dangerous drugs with an office-based 6178  
opioid treatment classification, an applicant shall submit 6179  
evidence satisfactory to the state board of pharmacy that the 6180  
applicant's office-based opioid treatment will be operated in 6181  
accordance with the requirements specified in division (D) of 6182  
this section and that the applicant meets any other applicable 6183  
requirements of this chapter. 6184

If the board determines that an applicant meets all of the 6185  
requirements, the board shall issue to the applicant a license 6186  
as a category III terminal distributor of dangerous drugs with 6187  
an office-based opioid treatment classification. 6188

(D) The holder of a category III terminal distributor 6189  
license with an office-based opioid treatment classification 6190  
shall do all of the following: 6191

(1) Be in control of a facility that is owned and operated 6192  
solely by one or more physicians authorized under Chapter 4731. 6193  
of the Revised Code to practice medicine and surgery or 6194  
osteopathic medicine and surgery, unless the state board of 6195  
pharmacy has exempted the holder from this requirement; 6196

(2) Comply with the requirements for conducting office- 6197

based opioid treatment, as established by the state medical 6198  
board in rules adopted under section 4731.056 of the Revised 6199  
Code; 6200

(3) Require any person with ownership of the facility to 6201  
submit to a criminal records check in accordance with section 6202  
4776.02 of the Revised Code and send the results of the criminal 6203  
records check directly to the state board of pharmacy for review 6204  
and decision under section 4729.071 of the Revised Code; 6205

(4) Require all employees of the facility to submit to a 6206  
criminal records check in accordance with section 4776.02 of the 6207  
Revised Code and ensure that no person is employed who has 6208  
previously been convicted of, or pleaded guilty to, either of 6209  
the following: 6210

(a) A theft offense, described in division (K) (3) of 6211  
section 2913.01 of the Revised Code, that would constitute a 6212  
felony under the laws of this state, any other state, or the 6213  
United States; 6214

(b) A felony drug offense, as defined in section 2925.01 6215  
of the Revised Code. 6216

(5) Maintain a list of each person with ownership of the 6217  
facility and notify the state board of pharmacy of any change to 6218  
that list. 6219

(E) No person subject to licensure as a category III 6220  
terminal distributor of dangerous drugs with an office-based 6221  
opioid treatment classification shall knowingly fail to remain 6222  
in compliance with the requirements of division (D) of this 6223  
section and any other applicable requirements of this chapter. 6224

(F) The state board of pharmacy may impose a fine of not 6225  
more than five thousand dollars on a person who violates 6226

division (B) or (E) of this section. A separate fine may be 6227  
imposed for each day the violation continues. In imposing the 6228  
fine, the board's actions shall be taken in accordance with 6229  
Chapter 119. of the Revised Code. 6230

(G) The state board of pharmacy shall adopt rules as it 6231  
considers necessary to implement and administer this section. 6232  
The rules shall be adopted in accordance with Chapter 119. of 6233  
the Revised Code. 6234

**Sec. 4729.571.** If the state board of pharmacy determines 6235  
that there is clear and convincing evidence that the method used 6236  
by a terminal distributor of dangerous drugs to distribute or 6237  
prescribe dangerous drugs presents a danger of immediate and 6238  
serious harm to others, the board may suspend the terminal 6239  
distributor's license without a hearing. The board shall follow 6240  
the procedure for suspension without a prior hearing in section 6241  
119.07 of the Revised Code. The suspension shall remain in 6242  
effect, unless removed by the board, until the board's final 6243  
adjudication order becomes effective, except that if the board 6244  
does not issue its final adjudication order within ninety days 6245  
after the hearing, the suspension shall be void on the ninety- 6246  
first day after the suspension. 6247

If the terminal distributor holds a license with a pain 6248  
management clinic classification issued under section 4729.552 6249  
of the Revised Code or a license with an office-based opioid 6250  
treatment classification issued under section 4729.553 of the 6251  
Revised Code and the person holding the license also holds a 6252  
certificate issued under Chapter 4731. of the Revised Code to 6253  
practice medicine and surgery or osteopathic medicine and 6254  
surgery, prior to suspending the license without a hearing, the 6255  
board shall consult with the secretary of the state medical 6256

board or, if the secretary is unavailable, another physician 6257  
member of the board. 6258

**Sec. 4729.60.** (A) (1) Before a registered wholesale 6259  
distributor of dangerous drugs may sell dangerous drugs at 6260  
wholesale to any person, ~~other than the persons specified in~~ 6261  
~~divisions (B) (1) (a) to (d), (f) to (h), and (l) to (q) of~~ 6262  
~~section 4729.51 of the Revised Code~~ except as provided in 6263  
division (A) (2) of this section, ~~such the~~ wholesale distributor 6264  
shall obtain from the purchaser and the purchaser shall furnish 6265  
to the wholesale distributor a certificate indicating that the 6266  
purchaser is a licensed terminal distributor of dangerous drugs. 6267  
The certificate shall be in the form that the state board of 6268  
pharmacy shall prescribe, and shall set forth the name of the 6269  
licensee, the number of the license, a description of the place 6270  
or establishment or each place or establishment for which the 6271  
license was issued, the category of licensure, and, if the 6272  
license is a limited category I, II, or III license, the 6273  
dangerous drugs that the licensee is authorized to possess, have 6274  
custody or control of, and distribute. 6275

If no certificate is obtained or furnished before a sale 6276  
is made, it shall be presumed that the sale of dangerous drugs 6277  
by the wholesale distributor is in violation of division (B) of 6278  
section 4729.51 of the Revised Code and the purchase of 6279  
dangerous drugs by the purchaser is in violation of division ~~(C)~~ 6280  
(E) of section 4729.51 of the Revised Code. If a registered 6281  
wholesale distributor of dangerous drugs obtains or is furnished 6282  
a certificate from a terminal distributor of dangerous drugs and 6283  
relies on the certificate in selling dangerous drugs at 6284  
wholesale to the terminal distributor of dangerous drugs, the 6285  
wholesale distributor of dangerous drugs shall be deemed not to 6286  
have violated division (B) of section 4729.51 of the Revised 6287

Code in making the sale. 6288

(2) Division (A)(1) of this section does not apply when a 6289  
wholesale distributor sells dangerous drugs at wholesale to any 6290  
of the following: 6291

(a) A person specified in division (B)(4) of section 6292  
4729.51 of the Revised Code; 6293

(b) Any of the persons described in divisions (A)(1) to 6294  
(13) of section 4729.541 of the Revised Code, but only if the 6295  
purchaser is not required to obtain licensure as provided in 6296  
divisions (B) to (D) of that section. 6297

(B) Before a licensed terminal distributor of dangerous 6298  
drugs may purchase dangerous drugs at wholesale, the terminal 6299  
distributor shall obtain from the seller and the seller shall 6300  
furnish to the terminal distributor the number of the seller's 6301  
registration certificate to engage in the sale of dangerous 6302  
drugs at wholesale. 6303

If no registration number is obtained or furnished before 6304  
a purchase is made, it shall be presumed that the purchase of 6305  
dangerous drugs by the terminal distributor is in violation of 6306  
division ~~(D)~~(F) of section 4729.51 of the Revised Code and the 6307  
sale of dangerous drugs by the seller is in violation of 6308  
division (A) of section 4729.51 of the Revised Code. If a 6309  
licensed terminal distributor of dangerous drugs obtains or is 6310  
furnished a registration number from a wholesale distributor of 6311  
dangerous drugs and relies on the registration number in 6312  
purchasing dangerous drugs at wholesale from the wholesale 6313  
distributor of dangerous drugs, the terminal distributor shall 6314  
be deemed not to have violated division ~~(D)~~(F) of section 6315  
4729.51 of the Revised Code in making the purchase. 6316

**Sec. 4729.68.** The state board of pharmacy shall adopt 6317  
rules pursuant to Chapter 119. of the Revised Code specifying 6318  
for the purposes of sections 3719.172 and ~~4729.51~~4729.541 of 6319  
the Revised Code the national bodies recognized by the board 6320  
that certify persons who successfully complete diabetes 6321  
education programs. 6322

**Sec. 4729.90.** (A) As used in this section, "responsible 6323  
person" has the same meaning as in rules adopted by the state 6324  
board of pharmacy under section 4729.26 of the Revised Code. 6325

(B) (1) An applicant for registration as a registered 6326  
pharmacy technician shall: 6327

(a) Be at least eighteen years of age; 6328

(b) Possess a high school diploma or a certificate of high 6329  
school equivalence or have been employed continuously since 6330  
prior to April 8, 2009, as a pharmacy technician without a high 6331  
school diploma or certificate of high school equivalence; 6332

(c) Be of good moral character, as defined in rules 6333  
adopted by the state board of pharmacy under section 4729.26 of 6334  
the Revised Code; 6335

(d) Except as provided in division (D) of this section, 6336  
comply with sections 4776.01 to 4776.04 of the Revised Code; 6337

(e) Except as provided in division (E) (1) of this section, 6338  
obtain from a pharmacy's responsible person an attestation that 6339  
the applicant has successfully completed education and training 6340  
that meets the requirements established by the board in rules 6341  
adopted under section 4729.94 of the Revised Code. 6342

(2) An applicant for registration as a certified pharmacy 6343  
technician shall: 6344



- (a) Comply with divisions (B) (1) (a), (c), and (d) of this section; 6345  
6346
- (b) Possess a high school diploma or a certificate of high school equivalence; 6347  
6348
- (c) Except as provided in division (E) (2) of this section, obtain from a pharmacy's responsible person an attestation that the applicant has successfully completed education and training that meets the requirements established by the board in rules adopted under section 4729.94 of the Revised Code; 6349  
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- (d) Have a current pharmacy technician certification from an organization that has been recognized by the board. 6354  
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- (C) A pharmacist or pharmacy intern whose license has been denied, revoked, suspended, or otherwise restricted by the board shall not be registered as a registered pharmacy technician or certified pharmacy technician. 6356  
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- (D) Until the date that is two years after the effective date of this section, an applicant for registration as a registered pharmacy technician or certified pharmacy technician who meets the requirements to be a qualified pharmacy technician under section 4729.42 of the Revised Code, as it existed immediately prior to the effective date of section 4729.95 of the Revised Code, may, instead of complying with division (B) (1) (d) of this section, authorize the superintendent of the bureau of criminal identification and investigation to make the results of a criminal records check of the applicant available to the state board of pharmacy. The criminal records check must have been conducted not earlier than twenty-four months before the date of the application for registration. 6360  
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- (E) (1) Until the date that is two years after the 6373

effective date of this section, an applicant for registration as 6374  
a registered pharmacy technician who meets the requirements to 6375  
be a qualified pharmacy technician under section 4729.42 of the 6376  
Revised Code, as it existed immediately prior to the effective 6377  
date of section 4729.95 of the Revised Code, may, instead of 6378  
complying with division (B)(1)(e) of this section, submit an 6379  
attestation from a pharmacy's responsible person that the 6380  
applicant has completed a pharmacy technician training program 6381  
that is of appropriate breadth and depth to clearly address the 6382  
competencies for a technician to safely and effectively work in 6383  
that particular setting and includes instruction in all of the 6384  
following: 6385

(a) Packaging and labeling drugs; 6386

(b) Pharmacy terminology; 6387

(c) Basic drug information; 6388

(d) Basic calculations; 6389

(e) Quality control procedures; 6390

(f) State and federal statutes, rules, and regulations 6391  
regarding pharmacy technician duties, pharmacist duties, 6392  
pharmacy intern duties, prescription or drug order processing 6393  
procedures, non-sterile drug compounding, drug record-keeping 6394  
requirements, patient confidentiality, security requirements, 6395  
and storage requirements. 6396

(2) Until the date that is two years after the effective 6397  
date of this section, an applicant for registration as a 6398  
certified pharmacy technician who meets the requirements to be a 6399  
qualified pharmacy technician under section 4729.42 of the 6400  
Revised Code, as it existed immediately prior to the effective 6401  
date of section 4729.95 of the Revised Code, may, instead of 6402

complying with division (B) (2) (c) of this section, submit an 6403  
attestation from a pharmacy's responsible person that the 6404  
applicant has completed a pharmacy technician training program 6405  
that is of appropriate breadth and depth to clearly address the 6406  
competencies for a technician to safely and effectively work in 6407  
that particular setting and includes instruction in all of the 6408  
following: 6409

(a) The topics listed in divisions (E) (1) (a) to (f) of 6410  
this section; 6411

(b) Sterile drug compounding; 6412

(c) Preparing and mixing intravenous drugs to be injected 6413  
into a human being. 6414

**Sec. 4729.901.** An applicant for registration under section 6415  
4729.90 of the Revised Code shall file with the state board of 6416  
pharmacy an application in the form and manner prescribed in 6417  
rules adopted under section 4729.94 of the Revised Code. The 6418  
application shall be accompanied by an application fee of fifty 6419  
dollars, which shall not be returned if the applicant fails to 6420  
qualify for registration. 6421

If the board is satisfied that the applicant meets the 6422  
requirements of section 4729.90 of the Revised Code and any 6423  
additional requirements established by the board and determines 6424  
that the results of a criminal records check do not make the 6425  
applicant ineligible, the board shall register the applicant as 6426  
a registered pharmacy technician or certified pharmacy 6427  
technician, as applicable. 6428

Registration under this section is valid for the period 6429  
specified by the board in rules adopted under section 4729.94 of 6430  
the Revised Code. The period shall not exceed twenty-four months 6431

unless the board extends the period in the rules to adjust 6432  
license renewal schedules. 6433

**Sec. 4729.902.** (A) A registered pharmacy technician or 6434  
certified pharmacy technician shall file an application for 6435  
registration renewal in the form and manner prescribed by the 6436  
state board of pharmacy in rules adopted under section 4729.94 6437  
of the Revised Code. Registrations shall be renewed in 6438  
accordance with the rules and the standard renewal procedure set 6439  
forth in Chapter 4745. of the Revised Code. The renewal fee is 6440  
twenty-five dollars per year. 6441

(B) (1) A registered pharmacy technician or certified 6442  
pharmacy technician who fails to renew registration in 6443  
accordance with division (A) of this section is prohibited from 6444  
engaging in the activities authorized by section 4729.91 of the 6445  
Revised Code. 6446

(2) (a) A registration that is not renewed by a date 6447  
determined under division (A) of this section but has not lapsed 6448  
for more than ninety days may be reinstated if the applicant 6449  
does both of the following: 6450

(i) Submits a renewal application in a form prescribed by 6451  
the board in rules adopted under section 4729.94 of the Revised 6452  
Code; 6453

(ii) Pays the renewal fee and a late fee of fifty dollars. 6454

(b) A registration that has lapsed for more than ninety 6455  
days cannot be renewed, but the registration holder may reapply 6456  
for registration. 6457

**Sec. 4729.91.** (A) A registered pharmacy technician may, 6458  
under the direct supervision of a pharmacist, engage in the 6459  
following activities at a location licensed as a terminal 6460

<u>distributor of dangerous drugs to the extent that the activities</u>	6461
<u>do not require the exercise of professional judgment:</u>	6462
<u>(1) Accepting new written or electronic prescription</u>	6463
<u>orders from a prescriber or a prescriber's agent;</u>	6464
<u>(2) Entering information into and retrieving information</u>	6465
<u>from a database or patient profile;</u>	6466
<u>(3) Preparing and affixing labels;</u>	6467
<u>(4) Stocking dangerous drugs and retrieving those drugs</u>	6468
<u>from inventory;</u>	6469
<u>(5) Counting and pouring dangerous drugs into containers;</u>	6470
<u>(6) Placing dangerous drugs into patient storage</u>	6471
<u>containers;</u>	6472
<u>(7) Non-sterile drug compounding as authorized by the</u>	6473
<u>state board of pharmacy in rules adopted under section 4729.94</u>	6474
<u>of the Revised Code;</u>	6475
<u>(8) Other activities specified by the board in rules</u>	6476
<u>adopted under section 4729.94 of the Revised Code.</u>	6477
<u>(B) A certified pharmacy technician may, under the direct</u>	6478
<u>supervision of a pharmacist, engage in the following activities</u>	6479
<u>at a location licensed as a terminal distributor of dangerous</u>	6480
<u>drugs to the extent that the activities do not require the</u>	6481
<u>exercise of professional judgment:</u>	6482
<u>(1) Any activity listed in division (A) of this section;</u>	6483
<u>(2) Accepting or requesting refill authorizations for</u>	6484
<u>dangerous drugs that are not controlled substances from a</u>	6485
<u>prescriber or the prescriber's agent, so long as there is no</u>	6486
<u>change from the original prescription;</u>	6487

(3) Sterile and non-sterile drug compounding as authorized 6488  
by the board in rules adopted under section 4729.94 of the 6489  
Revised Code; 6490

(4) Other activities specified by the board in rules 6491  
adopted under section 4729.94 of the Revised Code. 6492

**Sec. 4729.92.** (A) An applicant for registration as a 6493  
pharmacy technician trainee shall: 6494

(1) Comply with divisions (B)(1)(a) to (c) of section 6495  
4729.90 of the Revised Code; 6496

(2) Be enrolled in or plan to enroll in education and 6497  
training that will allow the applicant to meet the requirements 6498  
established by the state board of pharmacy in rules adopted 6499  
under section 4729.94 of the Revised Code; 6500

(3) Comply with sections 4776.01 to 4776.04 of the Revised 6501  
Code. 6502

(B) A pharmacist or pharmacy intern whose license has been 6503  
denied, revoked, suspended, or otherwise restricted by the board 6504  
shall not be registered as a pharmacy technician trainee. 6505

**Sec. 4729.921.** An applicant for registration as a pharmacy 6506  
technician trainee shall file with the state board of pharmacy 6507  
an application in the form and manner prescribed in rules 6508  
adopted under section 4729.94 of the Revised Code. The 6509  
application shall be accompanied by an application fee of 6510  
twenty-five dollars, which shall not be returned if the 6511  
applicant fails to qualify for registration. 6512

If the board is satisfied that an applicant meets the 6513  
requirements of section 4729.92 of the Revised Code and any 6514  
additional requirements established by the board and determines 6515

that the results of a criminal records check do not make the 6516  
applicant ineligible, the board shall register the applicant as 6517  
a pharmacy technician trainee. 6518

Registration is valid for one year from the date of 6519  
registration. Registration is not renewable, but an individual 6520  
may reapply for registration if the individual's previous 6521  
registration has lapsed for more than five years or the board 6522  
grants its approval. 6523

Sec. 4729.93. A pharmacy technician trainee may, under the 6524  
direct supervision of a pharmacist, engage in the same 6525  
activities as a registered pharmacy technician, as listed in 6526  
division (A) of section 4729.91 of the Revised Code. 6527

Sec. 4729.94. The state board of pharmacy shall adopt 6528  
rules under section 4729.26 of the Revised Code governing 6529  
registration of registered pharmacy technicians, certified 6530  
pharmacy technicians, and pharmacy technician trainees. The 6531  
rules shall include all of the following: 6532

(A) Application and renewal forms and procedures; 6533

(B) Reapplication forms and procedures for individuals 6534  
whose registration has lapsed more than ninety days; 6535

(C) Education and training requirements, requirements for 6536  
employer-administered training programs, and other requirements 6537  
considered appropriate by the board; 6538

(D) Additional activities permitted by divisions (A) (7) 6539  
and (B) (4) of section 4729.91 of the Revised Code; 6540

(E) Requirements for sterile and non-sterile drug 6541  
compounding; 6542

(F) Continuing education requirements; 6543

(G) Conduct that constitutes dishonesty or unprofessional conduct by a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee; 6544  
6545  
6546

(H) Additional conduct for which the board may impose discipline under section 4729.96 of the Revised Code on a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee; 6547  
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(I) Any other rules the board considers appropriate to implement sections 4729.90 to 4729.96 of the Revised Code. 6551  
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**Sec. 4729.95.** (A) No person who is not a pharmacist, pharmacy intern, registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee shall knowingly engage in any of the activities listed in section 4729.91 of the Revised Code in a location licensed as a terminal distributor of dangerous drugs or while performing the function of a terminal distributor, except that this division does not prevent a licensed health care professional from engaging in activities that are authorized by law as part of the licensed professional's practice. 6553  
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(B) No pharmacist shall knowingly allow any person employed or otherwise under the control of the pharmacist to violate division (A) of this section. 6563  
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(C) No terminal distributor of dangerous drugs shall knowingly allow any person employed or otherwise under the control of the person who owns, manages, or conducts the terminal distributor to violate division (A) of this section. 6566  
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**Sec. 4729.96.** (A) (1) The state board of pharmacy, after notice and hearing in accordance with Chapter 119. of the Revised Code, may impose one or more of the following sanctions 6570  
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on a pharmacy technician trainee, registered pharmacy 6573  
technician, or certified pharmacy technician if the board finds 6574  
the individual engaged in any of the conduct set forth in 6575  
division (A) (2) of this section: 6576

(a) Revoke, suspend, restrict, limit, or refuse to grant 6577  
or renew a registration; 6578

(b) Reprimand or place the holder of the registration on 6579  
probation; 6580

(c) Impose a monetary penalty or forfeiture not to exceed 6581  
in severity any fine designated under the Revised Code for a 6582  
similar offense, or in the case of a violation of a section of 6583  
the Revised Code that does not bear a penalty, a monetary 6584  
penalty or forfeiture of not more than five hundred dollars. 6585

(2) The board may impose the sanctions listed in division 6586  
(A) (1) of this section if the board finds a pharmacy technician 6587  
trainee, registered pharmacy technician, or certified pharmacy 6588  
technician: 6589

(a) Has been convicted of a felony, or a crime of moral 6590  
turpitude, as defined in section 4776.10 of the Revised Code; 6591

(b) Engaged in dishonesty or unprofessional conduct, as 6592  
prescribed in rules adopted by the board under section 4729.94 6593  
of the Revised Code; 6594

(c) Is addicted to or abusing alcohol or drugs or impaired 6595  
physically or mentally to such a degree as to render the 6596  
individual unable to perform the individual's duties; 6597

(d) Violated, conspired to violate, attempted to violate, 6598  
or aided and abetted the violation of any of the provisions of 6599  
this chapter, sections 3715.52 to 3715.72 of the Revised Code, 6600

Chapter 2925. or 3719. of the Revised Code, or any rule adopted 6601  
by the board under those provisions; 6602

(e) Committed fraud, misrepresentation, or deception in 6603  
applying for or securing a registration issued by the board 6604  
under this chapter; 6605

(f) Failed to comply with an order of the board or a 6606  
settlement agreement; 6607

(g) Engaged in any other conduct for which the board may 6608  
impose discipline as set forth in rules adopted by the board 6609  
under section 4729.94 of the Revised Code. 6610

(B) The board may suspend a registration under division 6611  
(B) of section 3719.121 of the Revised Code by utilizing a 6612  
telephone conference call to review the allegations and take a 6613  
vote. 6614

(C) For purposes of this division, an individual 6615  
authorized to practice as a pharmacy technician trainee, 6616  
registered pharmacy technician, or certified pharmacy technician 6617  
accepts the privilege of practicing in this state subject to 6618  
supervision by the board. By filing an application for or 6619  
holding a registration under this chapter, the individual gives 6620  
consent to submit to a mental or physical examination when 6621  
ordered to do so by the board in writing and waives all 6622  
objections to the admissibility of testimony or examination 6623  
reports that constitute privileged communications. 6624

If the board has reasonable cause to believe that an 6625  
individual who is a pharmacy technician trainee, registered 6626  
pharmacy technician, or certified pharmacy technician is 6627  
physically or mentally impaired, the board may require the 6628  
individual to submit to a physical or mental examination, or 6629

both. The expense of the examination is the responsibility of 6630  
the individual required to be examined. 6631

Failure of an individual who is a pharmacy technician 6632  
trainee, registered pharmacy technician, or certified pharmacy 6633  
technician to submit to a physical or mental examination ordered 6634  
by the board, unless the failure is due to circumstances beyond 6635  
the individual's control, constitutes an admission of the 6636  
allegations and a suspension order shall be entered without the 6637  
taking of testimony or presentation of evidence. Any subsequent 6638  
adjudication hearing under Chapter 119. of the Revised Code 6639  
concerning failure to submit to an examination is limited to 6640  
consideration of whether the failure was beyond the individual's 6641  
control. 6642

If, based on the results of an examination ordered under 6643  
this division, the board determines that the individual's 6644  
ability to practice is impaired, the board shall suspend the 6645  
individual's registration or deny the individual's application 6646  
and shall require the individual, as a condition for an initial, 6647  
continued, reinstated, or renewed registration to practice, to 6648  
submit to a physical or mental examination and treatment. 6649

An order of suspension issued under this division shall 6650  
not be subject to suspension by a court during pendency of any 6651  
appeal filed under section 119.12 of the Revised Code. 6652

(D) If the board is required under Chapter 119. of the 6653  
Revised Code to give notice of an opportunity for a hearing and 6654  
the applicant or registrant does not make a timely request for a 6655  
hearing in accordance with section 119.07 of the Revised Code, 6656  
the board is not required to hold a hearing, but may adopt a 6657  
final order that contains the board's findings. In the final 6658  
order, the board may impose any of the sanctions listed in 6659

division (A) of this section. 6660

(E) Notwithstanding the provision of division (C) (2) of 6661  
section 2953.32 of the Revised Code specifying that if records 6662  
pertaining to a criminal case are sealed under that section the 6663  
proceedings in the case must be deemed not to have occurred, 6664  
sealing of the following records on which the board has based an 6665  
action under this section shall have no effect on the board's 6666  
action or any sanction imposed by the board under this section: 6667  
records of any conviction, guilty plea, judicial finding of 6668  
guilt resulting from a plea of no contest, or a judicial finding 6669  
of eligibility for a pretrial diversion program or intervention 6670  
in lieu of conviction. The board shall not be required to seal, 6671  
destroy, redact, or otherwise modify its records to reflect the 6672  
court's sealing of conviction records. 6673

(F) No pharmacy technician trainee, registered pharmacy 6674  
technician, or certified pharmacy technician shall knowingly 6675  
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 6676  
(d) to (g) of this section. 6677

**Sec. 4729.99.** (A) Whoever violates division (H) of section 6678  
4729.16, division ~~(A) or (B)~~(E) of section 4729.38, ~~or~~ section 6679  
4729.57, or division (F) of section 4729.96 of the Revised Code 6680  
is guilty of a minor misdemeanor, unless a different penalty is 6681  
otherwise specified in the Revised Code. Each day's violation 6682  
constitutes a separate offense. 6683

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 6684  
of the Revised Code is guilty of a misdemeanor of the third 6685  
degree. Each day's violation constitutes a separate offense. If 6686  
the offender previously has been convicted of or pleaded guilty 6687  
to a violation of this chapter, that person is guilty of a 6688  
misdemeanor of the second degree. 6689

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 of the Revised Code is guilty of a misdemeanor.

(D) Whoever violates division (A), (B), ~~(C)~~, (D), (E) or ~~(E)~~ ~~(G)~~ of section 4729.51 of the Revised Code is guilty of a misdemeanor of the first degree.

(E) (1) Whoever violates section 4729.37, division ~~(C)~~ ~~(2)~~ (E) (1) (b) of section 4729.51, division (J) of section 4729.54, division (B) or (D) of section 4729.553, or section 4729.61 of the Revised Code is guilty of a felony of the fifth degree. If the offender previously has been convicted of or pleaded guilty to a violation of this chapter or a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony of the fourth degree.

(2) If an offender is convicted of or pleads guilty to a violation of section 4729.37, division ~~(C)~~ (E) of section 4729.51, division (J) of section 4729.54, or section 4729.61 of the Revised Code, if the violation involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender, as defined in section 2929.01 of the Revised Code, and is guilty of a specification of the type described in section 2941.1410 of the Revised Code, the court, in lieu of the prison term authorized or required by division (E) (1) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under sections 2929.11 to 2929.18 of the Revised Code, shall impose upon the offender, in accordance with division (B) (3) of section 2929.14 of the Revised Code, the mandatory prison term specified in that division.

(3) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of court shall pay any fine imposed for a violation of section 4729.37, division ~~(C)~~ (E) of section 4729.51, division (J) of section 4729.54, or section 4729.61 of the Revised Code pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code.

(F) Whoever violates section 4729.531 of the Revised Code or any rule adopted thereunder or section 4729.532 of the Revised Code is guilty of a misdemeanor of the first degree.

(G) Whoever violates division ~~(C)(1)~~ (E)(1)(a) of section 4729.51 of the Revised Code is guilty of a felony of the fourth degree. If the offender has previously been convicted of or pleaded guilty to a violation of this chapter, or of a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony of the third degree.

(H) Whoever violates division ~~(C)(3)~~ (E)(1)(c) of section 4729.51 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender has previously been convicted of or pleaded guilty to a violation of this chapter, or of a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony of the fifth degree.

(I) (1) Whoever violates division ~~(B)~~ (A) of section ~~4729.42-4729.95~~ of the Revised Code is guilty of unauthorized pharmacy-related drug conduct. Except as otherwise provided in this section, unauthorized pharmacy-related drug conduct is a misdemeanor of the second degree. If the offender previously has

been convicted of or pleaded guilty to a violation of division 6750  
(A), (B), or (C), ~~(D), or (E)~~ of that section, unauthorized 6751  
pharmacy-related drug conduct is a misdemeanor of the first 6752  
degree on a second offense and a felony of the fifth degree on a 6753  
third or subsequent offense. 6754

(2) Whoever violates division (B) or (C) ~~or (D)~~ of section 6755  
~~4729.42~~ 4729.95 of the Revised Code is guilty of permitting 6756  
unauthorized pharmacy-related drug conduct. Except as otherwise 6757  
provided in this section, permitting unauthorized pharmacy- 6758  
related drug conduct is a misdemeanor of the second degree. If 6759  
the offender previously has been convicted of or pleaded guilty 6760  
to a violation of division (A), (B), or (C), ~~(D), or (E)~~ of that 6761  
section, permitting unauthorized pharmacy-related drug conduct 6762  
is a misdemeanor of the first degree on a second offense and a 6763  
felony of the fifth degree on a third or subsequent offense. 6764

~~(3) Whoever violates division (E) of section 4729.42 of~~ 6765  
~~the Revised Code is guilty of the offense of falsification under~~ 6766  
~~section 2921.13 of the Revised Code. In addition to any other~~ 6767  
~~sanction imposed for the violation, the offender is forever~~ 6768  
~~disqualified from engaging in any activity specified in division~~ 6769  
~~(B) (1), (2), or (3) of section 4729.42 of the Revised Code and~~ 6770  
~~from performing any function as a health care professional or~~ 6771  
~~health care worker. As used in this division, "health care~~ 6772  
~~professional" and "health care worker" have the same meanings as~~ 6773  
~~in section 2305.234 of the Revised Code.~~ 6774

~~(4)~~ Notwithstanding any contrary provision of section 6775  
3719.21 of the Revised Code or any other provision of law that 6776  
governs the distribution of fines, the clerk of the court shall 6777  
pay any fine imposed pursuant to division (I) (1), or (2), ~~or (3)~~ 6778  
of this section to the state board of pharmacy if the board has 6779

adopted a written internal control policy under division (F) (2) 6780  
of section 2925.03 of the Revised Code that addresses fine 6781  
moneys that it receives under Chapter 2925. of the Revised Code 6782  
and if the policy also addresses fine moneys paid under this 6783  
division. The state board of pharmacy shall use the fines so 6784  
paid in accordance with the written internal control policy to 6785  
subsidize the board's law enforcement efforts that pertain to 6786  
drug offenses. 6787

(J) (1) Whoever violates division (A) (1) of section 4729.86 6788  
of the Revised Code is guilty of a misdemeanor of the third 6789  
degree. If the offender has previously been convicted of or 6790  
pleaded guilty to a violation of division (A) (1), (2), or (3) of 6791  
section 4729.86 of the Revised Code, that person is guilty of a 6792  
misdemeanor of the first degree. 6793

(2) Whoever violates division (A) (2) of section 4729.86 of 6794  
the Revised Code is guilty of a misdemeanor of the first degree. 6795  
If the offender has previously been convicted of or pleaded 6796  
guilty to a violation of division (A) (1), (2), or (3) of section 6797  
4729.86 of the Revised Code, that person is guilty of a felony 6798  
of the fifth degree. 6799

(3) Whoever violates division (A) (3) of section 4729.86 of 6800  
the Revised Code is guilty of a felony of the fifth degree. If 6801  
the offender has previously been convicted of or pleaded guilty 6802  
to a violation of division (A) (1), (2), or (3) of section 6803  
4729.86 of the Revised Code, that person is guilty of a felony 6804  
of the fourth degree. 6805

(K) A person who violates division (C) of section 4729.552 6806  
of the Revised Code is guilty of a misdemeanor of the first 6807  
degree. If the person previously has been convicted of or 6808  
pleaded guilty to a violation of division (C) of section 6809



4729.552 of the Revised Code, that person is guilty of a felony 6810  
of the fifth degree. 6811

**Sec. 4731.22.** (A) The state medical board, by an 6812  
affirmative vote of not fewer than six of its members, may 6813  
limit, revoke, or suspend an individual's certificate to 6814  
practice or certificate to recommend, refuse to grant a 6815  
certificate to an individual, refuse to renew a certificate, 6816  
refuse to reinstate a certificate, or reprimand or place on 6817  
probation the holder of a certificate if the individual or 6818  
certificate holder is found by the board to have committed fraud 6819  
during the administration of the examination for a certificate 6820  
to practice or to have committed fraud, misrepresentation, or 6821  
deception in applying for, renewing, or securing any certificate 6822  
to practice or certificate to recommend issued by the board. 6823

(B) The board, by an affirmative vote of not fewer than 6824  
six members, shall, to the extent permitted by law, limit, 6825  
revoke, or suspend an individual's certificate to practice or 6826  
certificate to recommend, refuse to issue a certificate to an 6827  
individual, refuse to renew a certificate, refuse to reinstate a 6828  
certificate, or reprimand or place on probation the holder of a 6829  
certificate for one or more of the following reasons: 6830

(1) Permitting one's name or one's certificate to practice 6831  
to be used by a person, group, or corporation when the 6832  
individual concerned is not actually directing the treatment 6833  
given; 6834

(2) Failure to maintain minimal standards applicable to 6835  
the selection or administration of drugs, or failure to employ 6836  
acceptable scientific methods in the selection of drugs or other 6837  
modalities for treatment of disease; 6838

(3) Selling, giving away, personally furnishing, 6839  
prescribing, or administering drugs for other than legal and 6840  
legitimate therapeutic purposes or a plea of guilty to, a 6841  
judicial finding of guilt of, or a judicial finding of 6842  
eligibility for intervention in lieu of conviction of, a 6843  
violation of any federal or state law regulating the possession, 6844  
distribution, or use of any drug; 6845

(4) Willfully betraying a professional confidence. 6846

For purposes of this division, "willfully betraying a 6847  
professional confidence" does not include providing any 6848  
information, documents, or reports under sections 307.621 to 6849  
307.629 of the Revised Code to a child fatality review board; 6850  
does not include providing any information, documents, or 6851  
reports to the director of health pursuant to guidelines 6852  
established under section 3701.70 of the Revised Code; does not 6853  
include written notice to a mental health professional under 6854  
section 4731.62 of the Revised Code; and does not include the 6855  
making of a report of an employee's use of a drug of abuse, or a 6856  
report of a condition of an employee other than one involving 6857  
the use of a drug of abuse, to the employer of the employee as 6858  
described in division (B) of section 2305.33 of the Revised 6859  
Code. Nothing in this division affects the immunity from civil 6860  
liability conferred by section 2305.33 or 4731.62 of the Revised 6861  
Code upon a physician who makes a report in accordance with 6862  
section 2305.33 or notifies a mental health professional in 6863  
accordance with section 4731.62 of the Revised Code. As used in 6864  
this division, "employee," "employer," and "physician" have the 6865  
same meanings as in section 2305.33 of the Revised Code. 6866

(5) Making a false, fraudulent, deceptive, or misleading 6867  
statement in the solicitation of or advertising for patients; in 6868

relation to the practice of medicine and surgery, osteopathic 6869  
medicine and surgery, podiatric medicine and surgery, or a 6870  
limited branch of medicine; or in securing or attempting to 6871  
secure any certificate to practice issued by the board. 6872

As used in this division, "false, fraudulent, deceptive, 6873  
or misleading statement" means a statement that includes a 6874  
misrepresentation of fact, is likely to mislead or deceive 6875  
because of a failure to disclose material facts, is intended or 6876  
is likely to create false or unjustified expectations of 6877  
favorable results, or includes representations or implications 6878  
that in reasonable probability will cause an ordinarily prudent 6879  
person to misunderstand or be deceived. 6880

(6) A departure from, or the failure to conform to, 6881  
minimal standards of care of similar practitioners under the 6882  
same or similar circumstances, whether or not actual injury to a 6883  
patient is established; 6884

(7) Representing, with the purpose of obtaining 6885  
compensation or other advantage as personal gain or for any 6886  
other person, that an incurable disease or injury, or other 6887  
incurable condition, can be permanently cured; 6888

(8) The obtaining of, or attempting to obtain, money or 6889  
anything of value by fraudulent misrepresentations in the course 6890  
of practice; 6891

(9) A plea of guilty to, a judicial finding of guilt of, 6892  
or a judicial finding of eligibility for intervention in lieu of 6893  
conviction for, a felony; 6894

(10) Commission of an act that constitutes a felony in 6895  
this state, regardless of the jurisdiction in which the act was 6896  
committed; 6897

(11) A plea of guilty to, a judicial finding of guilt of, 6898  
or a judicial finding of eligibility for intervention in lieu of 6899  
conviction for, a misdemeanor committed in the course of 6900  
practice; 6901

(12) Commission of an act in the course of practice that 6902  
constitutes a misdemeanor in this state, regardless of the 6903  
jurisdiction in which the act was committed; 6904

(13) A plea of guilty to, a judicial finding of guilt of, 6905  
or a judicial finding of eligibility for intervention in lieu of 6906  
conviction for, a misdemeanor involving moral turpitude; 6907

(14) Commission of an act involving moral turpitude that 6908  
constitutes a misdemeanor in this state, regardless of the 6909  
jurisdiction in which the act was committed; 6910

(15) Violation of the conditions of limitation placed by 6911  
the board upon a certificate to practice; 6912

(16) Failure to pay license renewal fees specified in this 6913  
chapter; 6914

(17) Except as authorized in section 4731.31 of the 6915  
Revised Code, engaging in the division of fees for referral of 6916  
patients, or the receiving of a thing of value in return for a 6917  
specific referral of a patient to utilize a particular service 6918  
or business; 6919

(18) Subject to section 4731.226 of the Revised Code, 6920  
violation of any provision of a code of ethics of the American 6921  
medical association, the American osteopathic association, the 6922  
American podiatric medical association, or any other national 6923  
professional organizations that the board specifies by rule. The 6924  
state medical board shall obtain and keep on file current copies 6925  
of the codes of ethics of the various national professional 6926

organizations. The individual whose certificate is being 6927  
suspended or revoked shall not be found to have violated any 6928  
provision of a code of ethics of an organization not appropriate 6929  
to the individual's profession. 6930

For purposes of this division, a "provision of a code of 6931  
ethics of a national professional organization" does not include 6932  
any provision that would preclude the making of a report by a 6933  
physician of an employee's use of a drug of abuse, or of a 6934  
condition of an employee other than one involving the use of a 6935  
drug of abuse, to the employer of the employee as described in 6936  
division (B) of section 2305.33 of the Revised Code. Nothing in 6937  
this division affects the immunity from civil liability 6938  
conferred by that section upon a physician who makes either type 6939  
of report in accordance with division (B) of that section. As 6940  
used in this division, "employee," "employer," and "physician" 6941  
have the same meanings as in section 2305.33 of the Revised 6942  
Code. 6943

(19) Inability to practice according to acceptable and 6944  
prevailing standards of care by reason of mental illness or 6945  
physical illness, including, but not limited to, physical 6946  
deterioration that adversely affects cognitive, motor, or 6947  
perceptive skills. 6948

In enforcing this division, the board, upon a showing of a 6949  
possible violation, may compel any individual authorized to 6950  
practice by this chapter or who has submitted an application 6951  
pursuant to this chapter to submit to a mental examination, 6952  
physical examination, including an HIV test, or both a mental 6953  
and a physical examination. The expense of the examination is 6954  
the responsibility of the individual compelled to be examined. 6955  
Failure to submit to a mental or physical examination or consent 6956

to an HIV test ordered by the board constitutes an admission of 6957  
the allegations against the individual unless the failure is due 6958  
to circumstances beyond the individual's control, and a default 6959  
and final order may be entered without the taking of testimony 6960  
or presentation of evidence. If the board finds an individual 6961  
unable to practice because of the reasons set forth in this 6962  
division, the board shall require the individual to submit to 6963  
care, counseling, or treatment by physicians approved or 6964  
designated by the board, as a condition for initial, continued, 6965  
reinstated, or renewed authority to practice. An individual 6966  
affected under this division shall be afforded an opportunity to 6967  
demonstrate to the board the ability to resume practice in 6968  
compliance with acceptable and prevailing standards under the 6969  
provisions of the individual's certificate. For the purpose of 6970  
this division, any individual who applies for or receives a 6971  
certificate to practice under this chapter accepts the privilege 6972  
of practicing in this state and, by so doing, shall be deemed to 6973  
have given consent to submit to a mental or physical examination 6974  
when directed to do so in writing by the board, and to have 6975  
waived all objections to the admissibility of testimony or 6976  
examination reports that constitute a privileged communication. 6977

(20) Except when civil penalties are imposed under section 6978  
4731.225 or 4731.282 of the Revised Code, and subject to section 6979  
4731.226 of the Revised Code, violating or attempting to 6980  
violate, directly or indirectly, or assisting in or abetting the 6981  
violation of, or conspiring to violate, any provisions of this 6982  
chapter or any rule promulgated by the board. 6983

This division does not apply to a violation or attempted 6984  
violation of, assisting in or abetting the violation of, or a 6985  
conspiracy to violate, any provision of this chapter or any rule 6986  
adopted by the board that would preclude the making of a report 6987

by a physician of an employee's use of a drug of abuse, or of a 6988  
condition of an employee other than one involving the use of a 6989  
drug of abuse, to the employer of the employee as described in 6990  
division (B) of section 2305.33 of the Revised Code. Nothing in 6991  
this division affects the immunity from civil liability 6992  
conferred by that section upon a physician who makes either type 6993  
of report in accordance with division (B) of that section. As 6994  
used in this division, "employee," "employer," and "physician" 6995  
have the same meanings as in section 2305.33 of the Revised 6996  
Code. 6997

(21) The violation of section 3701.79 of the Revised Code 6998  
or of any abortion rule adopted by the director of health 6999  
pursuant to section 3701.341 of the Revised Code; 7000

(22) Any of the following actions taken by an agency 7001  
responsible for authorizing, certifying, or regulating an 7002  
individual to practice a health care occupation or provide 7003  
health care services in this state or another jurisdiction, for 7004  
any reason other than the nonpayment of fees: the limitation, 7005  
revocation, or suspension of an individual's license to 7006  
practice; acceptance of an individual's license surrender; 7007  
denial of a license; refusal to renew or reinstate a license; 7008  
imposition of probation; or issuance of an order of censure or 7009  
other reprimand; 7010

(23) The violation of section 2919.12 of the Revised Code 7011  
or the performance or inducement of an abortion upon a pregnant 7012  
woman with actual knowledge that the conditions specified in 7013  
division (B) of section 2317.56 of the Revised Code have not 7014  
been satisfied or with a heedless indifference as to whether 7015  
those conditions have been satisfied, unless an affirmative 7016  
defense as specified in division (H) (2) of that section would 7017

apply in a civil action authorized by division (H) (1) of that section; 7018  
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(24) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice; 7020  
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(25) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (B) (2), (3), (6), (8), or (19) of this section; 7026  
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(26) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. 7031  
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For the purposes of this division, any individual authorized to practice by this chapter accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a certificate to practice under this chapter, an individual shall be deemed to have given consent to submit to a mental or physical examination when ordered to do so by the board in writing, and to have waived all objections to the admissibility of testimony or examination reports that constitute privileged communications. 7035  
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If it has reason to believe that any individual authorized to practice by this chapter or any applicant for certification to practice suffers such impairment, the board may compel the 7044  
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individual to submit to a mental or physical examination, or 7047  
both. The expense of the examination is the responsibility of 7048  
the individual compelled to be examined. Any mental or physical 7049  
examination required under this division shall be undertaken by 7050  
a treatment provider or physician who is qualified to conduct 7051  
the examination and who is chosen by the board. 7052

Failure to submit to a mental or physical examination 7053  
ordered by the board constitutes an admission of the allegations 7054  
against the individual unless the failure is due to 7055  
circumstances beyond the individual's control, and a default and 7056  
final order may be entered without the taking of testimony or 7057  
presentation of evidence. If the board determines that the 7058  
individual's ability to practice is impaired, the board shall 7059  
suspend the individual's certificate or deny the individual's 7060  
application and shall require the individual, as a condition for 7061  
initial, continued, reinstated, or renewed certification to 7062  
practice, to submit to treatment. 7063

Before being eligible to apply for reinstatement of a 7064  
certificate suspended under this division, the impaired 7065  
practitioner shall demonstrate to the board the ability to 7066  
resume practice in compliance with acceptable and prevailing 7067  
standards of care under the provisions of the practitioner's 7068  
certificate. The demonstration shall include, but shall not be 7069  
limited to, the following: 7070

(a) Certification from a treatment provider approved under 7071  
section 4731.25 of the Revised Code that the individual has 7072  
successfully completed any required inpatient treatment; 7073

(b) Evidence of continuing full compliance with an 7074  
aftercare contract or consent agreement; 7075

(c) Two written reports indicating that the individual's 7076  
ability to practice has been assessed and that the individual 7077  
has been found capable of practicing according to acceptable and 7078  
prevailing standards of care. The reports shall be made by 7079  
individuals or providers approved by the board for making the 7080  
assessments and shall describe the basis for their 7081  
determination. 7082

The board may reinstate a certificate suspended under this 7083  
division after that demonstration and after the individual has 7084  
entered into a written consent agreement. 7085

When the impaired practitioner resumes practice, the board 7086  
shall require continued monitoring of the individual. The 7087  
monitoring shall include, but not be limited to, compliance with 7088  
the written consent agreement entered into before reinstatement 7089  
or with conditions imposed by board order after a hearing, and, 7090  
upon termination of the consent agreement, submission to the 7091  
board for at least two years of annual written progress reports 7092  
made under penalty of perjury stating whether the individual has 7093  
maintained sobriety. 7094

(27) A second or subsequent violation of section 4731.66 7095  
or 4731.69 of the Revised Code; 7096

(28) Except as provided in division (N) of this section: 7097

(a) Waiving the payment of all or any part of a deductible 7098  
or copayment that a patient, pursuant to a health insurance or 7099  
health care policy, contract, or plan that covers the 7100  
individual's services, otherwise would be required to pay if the 7101  
waiver is used as an enticement to a patient or group of 7102  
patients to receive health care services from that individual; 7103

(b) Advertising that the individual will waive the payment 7104

of all or any part of a deductible or copayment that a patient, 7105  
pursuant to a health insurance or health care policy, contract, 7106  
or plan that covers the individual's services, otherwise would 7107  
be required to pay. 7108

(29) Failure to use universal blood and body fluid 7109  
precautions established by rules adopted under section 4731.051 7110  
of the Revised Code; 7111

(30) Failure to provide notice to, and receive 7112  
acknowledgment of the notice from, a patient when required by 7113  
section 4731.143 of the Revised Code prior to providing 7114  
nonemergency professional services, or failure to maintain that 7115  
notice in the patient's file; 7116

(31) Failure of a physician supervising a physician 7117  
assistant to maintain supervision in accordance with the 7118  
requirements of Chapter 4730. of the Revised Code and the rules 7119  
adopted under that chapter; 7120

(32) Failure of a physician or podiatrist to enter into a 7121  
standard care arrangement with a clinical nurse specialist, 7122  
certified nurse-midwife, or certified nurse practitioner with 7123  
whom the physician or podiatrist is in collaboration pursuant to 7124  
section 4731.27 of the Revised Code or failure to fulfill the 7125  
responsibilities of collaboration after entering into a standard 7126  
care arrangement; 7127

(33) Failure to comply with the terms of a consult 7128  
agreement entered into with a pharmacist pursuant to section 7129  
4729.39 of the Revised Code; 7130

(34) Failure to cooperate in an investigation conducted by 7131  
the board under division (F) of this section, including failure 7132  
to comply with a subpoena or order issued by the board or 7133

failure to answer truthfully a question presented by the board 7134  
in an investigative interview, an investigative office 7135  
conference, at a deposition, or in written interrogatories, 7136  
except that failure to cooperate with an investigation shall not 7137  
constitute grounds for discipline under this section if a court 7138  
of competent jurisdiction has issued an order that either 7139  
quashes a subpoena or permits the individual to withhold the 7140  
testimony or evidence in issue; 7141

(35) Failure to supervise an oriental medicine 7142  
practitioner or acupuncturist in accordance with Chapter 4762. 7143  
of the Revised Code and the board's rules for providing that 7144  
supervision; 7145

(36) Failure to supervise an anesthesiologist assistant in 7146  
accordance with Chapter 4760. of the Revised Code and the 7147  
board's rules for supervision of an anesthesiologist assistant; 7148

(37) Assisting suicide, as defined in section 3795.01 of 7149  
the Revised Code; 7150

(38) Failure to comply with the requirements of section 7151  
2317.561 of the Revised Code; 7152

(39) Failure to supervise a radiologist assistant in 7153  
accordance with Chapter 4774. of the Revised Code and the 7154  
board's rules for supervision of radiologist assistants; 7155

(40) Performing or inducing an abortion at an office or 7156  
facility with knowledge that the office or facility fails to 7157  
post the notice required under section 3701.791 of the Revised 7158  
Code; 7159

(41) Failure to comply with the standards and procedures 7160  
established in rules under section 4731.054 of the Revised Code 7161  
for the operation of or the provision of care at a pain 7162

management clinic;	7163
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	7164 7165 7166 7167
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	7168 7169 7170 7171
(44) Failure to comply with the requirements of section 2919.171 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 of the Revised Code;	7172 7173 7174 7175
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	7176 7177 7178 7179 7180
(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	7181 7182 7183 7184
(47) Failure to comply with the requirement regarding maintaining notes described in division (B) of section 2919.191 of the Revised Code or failure to satisfy the requirements of section 2919.191 of the Revised Code prior to performing or inducing an abortion upon a pregnant woman;	7185 7186 7187 7188 7189
(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a	7190 7191

prescription for an opioid analgesic, as defined in section 7192  
3719.01 of the Revised Code; 7193

(49) Failure to comply with the requirements of section 7194  
4731.30 of the Revised Code or rules adopted under section 7195  
4731.301 of the Revised Code when recommending treatment with 7196  
medical marijuana; 7197

(50) Practicing at a facility, clinic, or other location 7198  
that is subject to licensure as a category III terminal 7199  
distributor of dangerous drugs with an office-based opioid 7200  
treatment classification unless the person operating that place 7201  
has obtained and maintains the license with the classification; 7202

(51) Owning a facility, clinic, or other location that is 7203  
subject to licensure as a category III terminal distributor of 7204  
dangerous drugs with an office-based opioid treatment 7205  
classification unless that place is licensed with the 7206  
classification. 7207

(C) Disciplinary actions taken by the board under 7208  
divisions (A) and (B) of this section shall be taken pursuant to 7209  
an adjudication under Chapter 119. of the Revised Code, except 7210  
that in lieu of an adjudication, the board may enter into a 7211  
consent agreement with an individual to resolve an allegation of 7212  
a violation of this chapter or any rule adopted under it. A 7213  
consent agreement, when ratified by an affirmative vote of not 7214  
fewer than six members of the board, shall constitute the 7215  
findings and order of the board with respect to the matter 7216  
addressed in the agreement. If the board refuses to ratify a 7217  
consent agreement, the admissions and findings contained in the 7218  
consent agreement shall be of no force or effect. 7219

A telephone conference call may be utilized for 7220

ratification of a consent agreement that revokes or suspends an 7221  
individual's certificate to practice or certificate to 7222  
recommend. The telephone conference call shall be considered a 7223  
special meeting under division (F) of section 121.22 of the 7224  
Revised Code. 7225

If the board takes disciplinary action against an 7226  
individual under division (B) of this section for a second or 7227  
subsequent plea of guilty to, or judicial finding of guilt of, a 7228  
violation of section 2919.123 of the Revised Code, the 7229  
disciplinary action shall consist of a suspension of the 7230  
individual's certificate to practice for a period of at least 7231  
one year or, if determined appropriate by the board, a more 7232  
serious sanction involving the individual's certificate to 7233  
practice. Any consent agreement entered into under this division 7234  
with an individual that pertains to a second or subsequent plea 7235  
of guilty to, or judicial finding of guilt of, a violation of 7236  
that section shall provide for a suspension of the individual's 7237  
certificate to practice for a period of at least one year or, if 7238  
determined appropriate by the board, a more serious sanction 7239  
involving the individual's certificate to practice. 7240

(D) For purposes of divisions (B) (10), (12), and (14) of 7241  
this section, the commission of the act may be established by a 7242  
finding by the board, pursuant to an adjudication under Chapter 7243  
119. of the Revised Code, that the individual committed the act. 7244  
The board does not have jurisdiction under those divisions if 7245  
the trial court renders a final judgment in the individual's 7246  
favor and that judgment is based upon an adjudication on the 7247  
merits. The board has jurisdiction under those divisions if the 7248  
trial court issues an order of dismissal upon technical or 7249  
procedural grounds. 7250

(E) The sealing of conviction records by any court shall 7251  
have no effect upon a prior board order entered under this 7252  
section or upon the board's jurisdiction to take action under 7253  
this section if, based upon a plea of guilty, a judicial finding 7254  
of guilt, or a judicial finding of eligibility for intervention 7255  
in lieu of conviction, the board issued a notice of opportunity 7256  
for a hearing prior to the court's order to seal the records. 7257  
The board shall not be required to seal, destroy, redact, or 7258  
otherwise modify its records to reflect the court's sealing of 7259  
conviction records. 7260

(F) (1) The board shall investigate evidence that appears 7261  
to show that a person has violated any provision of this chapter 7262  
or any rule adopted under it. Any person may report to the board 7263  
in a signed writing any information that the person may have 7264  
that appears to show a violation of any provision of this 7265  
chapter or any rule adopted under it. In the absence of bad 7266  
faith, any person who reports information of that nature or who 7267  
testifies before the board in any adjudication conducted under 7268  
Chapter 119. of the Revised Code shall not be liable in damages 7269  
in a civil action as a result of the report or testimony. Each 7270  
complaint or allegation of a violation received by the board 7271  
shall be assigned a case number and shall be recorded by the 7272  
board. 7273

(2) Investigations of alleged violations of this chapter 7274  
or any rule adopted under it shall be supervised by the 7275  
supervising member elected by the board in accordance with 7276  
section 4731.02 of the Revised Code and by the secretary as 7277  
provided in section 4731.39 of the Revised Code. The president 7278  
may designate another member of the board to supervise the 7279  
investigation in place of the supervising member. No member of 7280  
the board who supervises the investigation of a case shall 7281



participate in further adjudication of the case. 7282

(3) In investigating a possible violation of this chapter 7283  
or any rule adopted under this chapter, or in conducting an 7284  
inspection under division (E) of section 4731.054 of the Revised 7285  
Code, the board may question witnesses, conduct interviews, 7286  
administer oaths, order the taking of depositions, inspect and 7287  
copy any books, accounts, papers, records, or documents, issue 7288  
subpoenas, and compel the attendance of witnesses and production 7289  
of books, accounts, papers, records, documents, and testimony, 7290  
except that a subpoena for patient record information shall not 7291  
be issued without consultation with the attorney general's 7292  
office and approval of the secretary and supervising member of 7293  
the board. 7294

(a) Before issuance of a subpoena for patient record 7295  
information, the secretary and supervising member shall 7296  
determine whether there is probable cause to believe that the 7297  
complaint filed alleges a violation of this chapter or any rule 7298  
adopted under it and that the records sought are relevant to the 7299  
alleged violation and material to the investigation. The 7300  
subpoena may apply only to records that cover a reasonable 7301  
period of time surrounding the alleged violation. 7302

(b) On failure to comply with any subpoena issued by the 7303  
board and after reasonable notice to the person being 7304  
subpoenaed, the board may move for an order compelling the 7305  
production of persons or records pursuant to the Rules of Civil 7306  
Procedure. 7307

(c) A subpoena issued by the board may be served by a 7308  
sheriff, the sheriff's deputy, or a board employee designated by 7309  
the board. Service of a subpoena issued by the board may be made 7310  
by delivering a copy of the subpoena to the person named 7311

therein, reading it to the person, or leaving it at the person's  
usual place of residence, usual place of business, or address on  
file with the board. When serving a subpoena to an applicant for  
or the holder of a certificate issued under this chapter,  
service of the subpoena may be made by certified mail, return  
receipt requested, and the subpoena shall be deemed served on  
the date delivery is made or the date the person refuses to  
accept delivery. If the person being served refuses to accept  
the subpoena or is not located, service may be made to an  
attorney who notifies the board that the attorney is  
representing the person.

(d) A sheriff's deputy who serves a subpoena shall receive  
the same fees as a sheriff. Each witness who appears before the  
board in obedience to a subpoena shall receive the fees and  
mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the  
board shall be considered civil actions for the purposes of  
section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under  
this chapter, a complaint, or information received by the board  
pursuant to an investigation or pursuant to an inspection under  
division (E) of section 4731.054 of the Revised Code is  
confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections  
and proceedings in a manner that protects the confidentiality of  
patients and persons who file complaints with the board. The  
board shall not make public the names or any other identifying  
information about patients or complainants unless proper consent  
is given or, in the case of a patient, a waiver of the patient  
privilege exists under division (B) of section 2317.02 of the

Revised Code, except that consent or a waiver of that nature is 7342  
not required if the board possesses reliable and substantial 7343  
evidence that no bona fide physician-patient relationship 7344  
exists. 7345

The board may share any information it receives pursuant 7346  
to an investigation or inspection, including patient records and 7347  
patient record information, with law enforcement agencies, other 7348  
licensing boards, and other governmental agencies that are 7349  
prosecuting, adjudicating, or investigating alleged violations 7350  
of statutes or administrative rules. An agency or board that 7351  
receives the information shall comply with the same requirements 7352  
regarding confidentiality as those with which the state medical 7353  
board must comply, notwithstanding any conflicting provision of 7354  
the Revised Code or procedure of the agency or board that 7355  
applies when it is dealing with other information in its 7356  
possession. In a judicial proceeding, the information may be 7357  
admitted into evidence only in accordance with the Rules of 7358  
Evidence, but the court shall require that appropriate measures 7359  
are taken to ensure that confidentiality is maintained with 7360  
respect to any part of the information that contains names or 7361  
other identifying information about patients or complainants 7362  
whose confidentiality was protected by the state medical board 7363  
when the information was in the board's possession. Measures to 7364  
ensure confidentiality that may be taken by the court include 7365  
sealing its records or deleting specific information from its 7366  
records. 7367

(6) On a quarterly basis, the board shall prepare a report 7368  
that documents the disposition of all cases during the preceding 7369  
three months. The report shall contain the following information 7370  
for each case with which the board has completed its activities: 7371

(a) The case number assigned to the complaint or alleged violation; 7372  
7373

(b) The type of certificate to practice, if any, held by the individual against whom the complaint is directed; 7374  
7375

(c) A description of the allegations contained in the complaint; 7376  
7377

(d) The disposition of the case. 7378

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code. 7379  
7380  
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(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's certificate to practice or certificate to recommend without a prior hearing: 7383  
7384  
7385  
7386

(1) That there is clear and convincing evidence that an individual has violated division (B) of this section; 7387  
7388

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public. 7389  
7390

Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension. 7391  
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The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of 7398  
7399

the Revised Code. The order shall not be subject to suspension 7400  
by the court during pendency of any appeal filed under section 7401  
119.12 of the Revised Code. If the individual subject to the 7402  
summary suspension requests an adjudicatory hearing by the 7403  
board, the date set for the hearing shall be within fifteen 7404  
days, but not earlier than seven days, after the individual 7405  
requests the hearing, unless otherwise agreed to by both the 7406  
board and the individual. 7407

Any summary suspension imposed under this division shall 7408  
remain in effect, unless reversed on appeal, until a final 7409  
adjudicative order issued by the board pursuant to this section 7410  
and Chapter 119. of the Revised Code becomes effective. The 7411  
board shall issue its final adjudicative order within seventy- 7412  
five days after completion of its hearing. A failure to issue 7413  
the order within seventy-five days shall result in dissolution 7414  
of the summary suspension order but shall not invalidate any 7415  
subsequent, final adjudicative order. 7416

(H) If the board takes action under division (B) (9), (11), 7417  
or (13) of this section and the judicial finding of guilt, 7418  
guilty plea, or judicial finding of eligibility for intervention 7419  
in lieu of conviction is overturned on appeal, upon exhaustion 7420  
of the criminal appeal, a petition for reconsideration of the 7421  
order may be filed with the board along with appropriate court 7422  
documents. Upon receipt of a petition of that nature and 7423  
supporting court documents, the board shall reinstate the 7424  
individual's certificate to practice. The board may then hold an 7425  
adjudication under Chapter 119. of the Revised Code to determine 7426  
whether the individual committed the act in question. Notice of 7427  
an opportunity for a hearing shall be given in accordance with 7428  
Chapter 119. of the Revised Code. If the board finds, pursuant 7429  
to an adjudication held under this division, that the individual 7430

committed the act or if no hearing is requested, the board may 7431  
order any of the sanctions identified under division (B) of this 7432  
section. 7433

(I) The certificate to practice issued to an individual 7434  
under this chapter and the individual's practice in this state 7435  
are automatically suspended as of the date of the individual's 7436  
second or subsequent plea of guilty to, or judicial finding of 7437  
guilt of, a violation of section 2919.123 of the Revised Code. 7438  
In addition, the certificate to practice or certificate to 7439  
recommend issued to an individual under this chapter and the 7440  
individual's practice in this state are automatically suspended 7441  
as of the date the individual pleads guilty to, is found by a 7442  
judge or jury to be guilty of, or is subject to a judicial 7443  
finding of eligibility for intervention in lieu of conviction in 7444  
this state or treatment or intervention in lieu of conviction in 7445  
another jurisdiction for any of the following criminal offenses 7446  
in this state or a substantially equivalent criminal offense in 7447  
another jurisdiction: aggravated murder, murder, voluntary 7448  
manslaughter, felonious assault, kidnapping, rape, sexual 7449  
battery, gross sexual imposition, aggravated arson, aggravated 7450  
robbery, or aggravated burglary. Continued practice after 7451  
suspension shall be considered practicing without a certificate. 7452

The board shall notify the individual subject to the 7453  
suspension by certified mail or in person in accordance with 7454  
section 119.07 of the Revised Code. If an individual whose 7455  
certificate is automatically suspended under this division fails 7456  
to make a timely request for an adjudication under Chapter 119. 7457  
of the Revised Code, the board shall do whichever of the 7458  
following is applicable: 7459

(1) If the automatic suspension under this division is for 7460

a second or subsequent plea of guilty to, or judicial finding of 7461  
guilt of, a violation of section 2919.123 of the Revised Code, 7462  
the board shall enter an order suspending the individual's 7463  
certificate to practice for a period of at least one year or, if 7464  
determined appropriate by the board, imposing a more serious 7465  
sanction involving the individual's certificate to practice. 7466

(2) In all circumstances in which division (I)(1) of this 7467  
section does not apply, enter a final order permanently revoking 7468  
the individual's certificate to practice. 7469

(J) If the board is required by Chapter 119. of the 7470  
Revised Code to give notice of an opportunity for a hearing and 7471  
if the individual subject to the notice does not timely request 7472  
a hearing in accordance with section 119.07 of the Revised Code, 7473  
the board is not required to hold a hearing, but may adopt, by 7474  
an affirmative vote of not fewer than six of its members, a 7475  
final order that contains the board's findings. In that final 7476  
order, the board may order any of the sanctions identified under 7477  
division (A) or (B) of this section. 7478

(K) Any action taken by the board under division (B) of 7479  
this section resulting in a suspension from practice shall be 7480  
accompanied by a written statement of the conditions under which 7481  
the individual's certificate to practice may be reinstated. The 7482  
board shall adopt rules governing conditions to be imposed for 7483  
reinstatement. Reinstatement of a certificate suspended pursuant 7484  
to division (B) of this section requires an affirmative vote of 7485  
not fewer than six members of the board. 7486

(L) When the board refuses to grant or issue a certificate 7487  
to practice to an applicant, revokes an individual's certificate 7488  
to practice, refuses to renew an individual's certificate to 7489  
practice, or refuses to reinstate an individual's certificate to 7490

practice, the board may specify that its action is permanent. An 7491  
individual subject to a permanent action taken by the board is 7492  
forever thereafter ineligible to hold a certificate to practice 7493  
and the board shall not accept an application for reinstatement 7494  
of the certificate or for issuance of a new certificate. 7495

(M) Notwithstanding any other provision of the Revised 7496  
Code, all of the following apply: 7497

(1) The surrender of a certificate issued under this 7498  
chapter shall not be effective unless or until accepted by the 7499  
board. A telephone conference call may be utilized for 7500  
acceptance of the surrender of an individual's certificate to 7501  
practice. The telephone conference call shall be considered a 7502  
special meeting under division (F) of section 121.22 of the 7503  
Revised Code. Reinstatement of a certificate surrendered to the 7504  
board requires an affirmative vote of not fewer than six members 7505  
of the board. 7506

(2) An application for a certificate made under the 7507  
provisions of this chapter may not be withdrawn without approval 7508  
of the board. 7509

(3) Failure by an individual to renew a certificate to 7510  
practice in accordance with this chapter or a certificate to 7511  
recommend in accordance with rules adopted under section 7512  
4731.301 of the Revised Code shall not remove or limit the 7513  
board's jurisdiction to take any disciplinary action under this 7514  
section against the individual. 7515

(4) At the request of the board, a certificate holder 7516  
shall immediately surrender to the board a certificate that the 7517  
board has suspended, revoked, or permanently revoked. 7518

(N) Sanctions shall not be imposed under division (B) (28) 7519



of this section against any person who waives deductibles and 7520  
copayments as follows: 7521

(1) In compliance with the health benefit plan that 7522  
expressly allows such a practice. Waiver of the deductibles or 7523  
copayments shall be made only with the full knowledge and 7524  
consent of the plan purchaser, payer, and third-party 7525  
administrator. Documentation of the consent shall be made 7526  
available to the board upon request. 7527

(2) For professional services rendered to any other person 7528  
authorized to practice pursuant to this chapter, to the extent 7529  
allowed by this chapter and rules adopted by the board. 7530

(0) Under the board's investigative duties described in 7531  
this section and subject to division (F) of this section, the 7532  
board shall develop and implement a quality intervention program 7533  
designed to improve through remedial education the clinical and 7534  
communication skills of individuals authorized under this 7535  
chapter to practice medicine and surgery, osteopathic medicine 7536  
and surgery, and podiatric medicine and surgery. In developing 7537  
and implementing the quality intervention program, the board may 7538  
do all of the following: 7539

(1) Offer in appropriate cases as determined by the board 7540  
an educational and assessment program pursuant to an 7541  
investigation the board conducts under this section; 7542

(2) Select providers of educational and assessment 7543  
services, including a quality intervention program panel of case 7544  
reviewers; 7545

(3) Make referrals to educational and assessment service 7546  
providers and approve individual educational programs 7547  
recommended by those providers. The board shall monitor the 7548

progress of each individual undertaking a recommended individual 7549  
educational program. 7550

(4) Determine what constitutes successful completion of an 7551  
individual educational program and require further monitoring of 7552  
the individual who completed the program or other action that 7553  
the board determines to be appropriate; 7554

(5) Adopt rules in accordance with Chapter 119. of the 7555  
Revised Code to further implement the quality intervention 7556  
program. 7557

An individual who participates in an individual 7558  
educational program pursuant to this division shall pay the 7559  
financial obligations arising from that educational program. 7560

**Sec. 4731.62.** (A) As used in this section: 7561

(1) "Controlled substance" and "controlled substance 7562  
analog" have the same meanings as in section 3719.01 of the 7563  
Revised Code. 7564

(2) "Dangerous drug" has the same meaning as in section 7565  
4729.01 of the Revised Code. 7566

(3) "Mental health professional" has the same meaning as 7567  
in section ~~340.032~~340.04 of the Revised Code. 7568

(B) A physician who is acting in a professional capacity 7569  
and who knows, or has reasonable cause to suspect based on facts 7570  
that would cause a reasonable person in a similar position to 7571  
suspect, that a patient is experiencing an overdose of a 7572  
dangerous drug, controlled substance, controlled substance 7573  
analog, or metabolite of a controlled substance may refer the 7574  
patient to a mental health professional. If the physician refers 7575  
the patient to a mental health professional, the physician shall 7576

promptly notify the mental health professional in writing of the 7577  
referral. Within thirty days after receiving the written 7578  
notification, the mental health professional shall inform the 7579  
physician in writing of the status of treatment of the patient 7580  
provided by the mental health professional. 7581

(C) A communication between a physician and a mental 7582  
health professional made under this section shall not be 7583  
considered a breach of confidentiality between a physician or 7584  
psychologist or other mental health professional and a patient 7585  
or a waiver of a testimonial privilege by the patient. 7586

(D) A physician or mental health professional is not 7587  
liable in damages in a civil action for harm allegedly incurred 7588  
as a result of a communication made under this section. 7589

**Sec. 4731.94.** (A) As used in this section and sections 7590  
4731.941 ~~and~~ 4731.942, and 4731.943 of the Revised Code, 7591  
"physician" means an individual authorized under this chapter to 7592  
practice medicine and surgery, osteopathic medicine and surgery, 7593  
or podiatric medicine and surgery. 7594

(B) Notwithstanding any provision of this chapter or rule 7595  
adopted by the state medical board, a physician may personally 7596  
furnish a supply of naloxone, or issue a prescription for 7597  
naloxone, without having examined the individual to whom it may 7598  
be administered if both of the following conditions are met: 7599

(1) The naloxone supply is furnished to, or the 7600  
prescription is issued to and in the name of, a family member, 7601  
friend, or other individual in a position to assist an 7602  
individual who there is reason to believe is at risk of 7603  
experiencing an opioid-related overdose. 7604

(2) The physician instructs the individual receiving the 7605

naloxone supply or prescription to summon emergency services as 7606  
soon as practicable either before or after administering the 7607  
naloxone to an individual apparently experiencing an opioid- 7608  
related overdose. 7609

(C) A physician who under division (B) of this section in 7610  
good faith furnishes a supply of naloxone or issues a 7611  
prescription for naloxone is not liable for or subject to any of 7612  
the following for any ~~action~~act or omission of the individual 7613  
to whom the naloxone is furnished or the prescription is issued: 7614  
damages in any civil action, prosecution in any criminal 7615  
proceeding, or professional disciplinary action. 7616

Sec. 4731.943. (A) As used in this section, "service 7617  
entity" has the same meaning as in section 4729.514 of the 7618  
Revised Code. 7619

(B) A physician who has established a protocol under 7620  
division (D) of this section may authorize an individual who is 7621  
an employee, volunteer, or contractor of a service entity to 7622  
administer naloxone to an individual who is apparently 7623  
experiencing an opioid-related overdose. 7624

(C) An individual authorized by a physician under this 7625  
section may administer naloxone to an individual who is 7626  
apparently experiencing an opioid-related overdose if all of the 7627  
following conditions are met: 7628

(1) The naloxone is obtained from a service entity of 7629  
which the authorized individual is an employee, volunteer, or 7630  
contractor. 7631

(2) The authorized individual complies with the protocol 7632  
established by the authorizing physician. 7633

(3) The authorized individual summons emergency services 7634

as soon as practicable either before or after administering the naloxone. 7635  
7636

(D) A protocol established by a physician for purposes of this section must be in writing and include all of the following: 7637  
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7639

(1) A description of the clinical pharmacology of naloxone; 7640  
7641

(2) Precautions and contraindications concerning the administration of naloxone; 7642  
7643

(3) Any limitations the physician specifies concerning the individuals to whom naloxone may be administered; 7644  
7645

(4) The naloxone dosage that may be administered and any variation in the dosage based on circumstances specified in the protocol; 7646  
7647  
7648

(5) Labeling, storage, record-keeping, and administrative requirements; 7649  
7650

(6) Training requirements that must be met before an individual can be authorized to administer naloxone. 7651  
7652

(E) A physician who in good faith authorizes an individual to administer naloxone under this section is not liable for or subject to any of the following for any act or omission of the authorized individual: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action. 7653  
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A service entity or an employee, volunteer, or contractor of a service entity is not liable for or subject to any of the following for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or administering naloxone 7658  
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under this section, unless the act or omission constitutes 7663  
willful or wanton misconduct: damages in any civil action, 7664  
prosecution in any criminal proceeding, or professional 7665  
disciplinary action. 7666

This section does not eliminate, limit, or reduce any 7667  
other immunity or defense that a service entity or an employee, 7668  
volunteer, or contractor of a service entity may be entitled to 7669  
under Chapter 2305. or any other provision of the Revised Code 7670  
or under the common law of this state. 7671

**Sec. 4776.02.** (A) An applicant for an initial license or 7672  
restored license from a licensing agency, ~~a person seeking to~~ 7673  
~~satisfy the criteria for being a qualified pharmacy technician~~ 7674  
~~that are specified in section 4729.42 of the Revised Code,~~ a 7675  
person seeking to satisfy the requirements to be an employee of 7676  
a pain management clinic as specified in section 4729.552 of the 7677  
Revised Code, a person seeking to satisfy the requirements to be 7678  
an employee of a facility, clinic, or other location that is 7679  
subject to licensure as a category III terminal distributor of 7680  
dangerous drugs with an office-based opioid treatment 7681  
classification under section 4729.553 of the Revised Code, or a 7682  
person seeking employment with an entity holding a license 7683  
issued under Chapter 3796. of the Revised Code shall submit a 7684  
request to the bureau of criminal identification and 7685  
investigation for a criminal records check of the applicant or 7686  
person. The request shall be accompanied by a completed copy of 7687  
the form prescribed under division (C) (1) of section 109.572 of 7688  
the Revised Code, a set of fingerprint impressions obtained as 7689  
described in division (C) (2) of that section, and the fee 7690  
prescribed under division (C) (3) of that section. The applicant 7691  
or person shall ask the superintendent of the bureau of criminal 7692  
identification and investigation in the request to obtain from 7693

the federal bureau of investigation any information it has 7694  
pertaining to the applicant or person. 7695

An applicant or person requesting a criminal records check 7696  
shall provide the bureau of criminal identification and 7697  
investigation with the applicant's or person's name and address 7698  
and, regarding an applicant, with the licensing agency's name 7699  
and address. If the person requesting the criminal records check 7700  
is a person seeking employment with an entity holding a license 7701  
under Chapter 3796. of the Revised Code, the person also shall 7702  
provide the bureau with the name and address of the entity 7703  
holding the license. 7704

(B) Upon receipt of the completed form, the set of 7705  
fingerprint impressions, and the fee provided for in division 7706  
(A) of this section, the superintendent of the bureau of 7707  
criminal identification and investigation shall conduct a 7708  
criminal records check of the applicant or person under division 7709  
(B) of section 109.572 of the Revised Code. Upon completion of 7710  
the criminal records check, the superintendent shall do 7711  
whichever of the following is applicable: 7712

(1) If the request was submitted by an applicant for an 7713  
initial license or restored license, report the results of the 7714  
criminal records check and any information the federal bureau of 7715  
investigation provides to the licensing agency identified in the 7716  
request for a criminal records check; 7717

(2) If the request was submitted by ~~a person seeking to~~ 7718  
~~satisfy the criteria for being a qualified pharmacy technician~~ 7719  
~~that are specified in section 4729.42 of the Revised Code or a~~ 7720  
person seeking to satisfy the requirements to be an employee of 7721  
a pain management clinic ~~as specified in section 4729.552 of the~~ 7722  
~~Revised Code~~ or a person seeking to satisfy the requirements to 7723

be an employee of a facility, clinic, or other location that is 7724  
subject to licensure as a category III terminal distributor of 7725  
dangerous drugs with an office-based opioid treatment 7726  
classification, do both of the following: 7727

(a) Report the results of the criminal records check and 7728  
any information the federal bureau of investigation provides to 7729  
the person who submitted the request; 7730

(b) Report the results of the portion of the criminal 7731  
records check performed by the bureau of criminal identification 7732  
and investigation under division (B)(1) of section 109.572 of 7733  
the Revised Code to the employer or potential employer specified 7734  
in the request of the person who submitted the request and send 7735  
a letter to that employer or potential employer regarding the 7736  
information provided by the federal bureau of investigation that 7737  
states ~~either that~~ whichever of the following is applicable: 7738

(i) That based on that information there is no record of 7739  
any conviction ~~or that~~; 7740

(ii) That based on that information the person who 7741  
submitted the request may not meet the criteria that are 7742  
specified in section ~~4729.42~~ 4729.552 or 4729.553 of the Revised 7743  
Code, whichever is applicable. 7744

(3) If the request was submitted by a person seeking 7745  
employment with an entity holding a license issued under Chapter 7746  
3796. of the Revised Code, report the results of the criminal 7747  
records check, including any information the federal bureau of 7748  
investigation provides as part of the criminal records check, to 7749  
both of the following: 7750

(a) The person who submitted the request; 7751

(b) The entity holding a license issued under Chapter 7752



3796. of the Revised Code from which the person who submitted 7753  
the request is seeking employment. 7754

**Sec. 4776.04.** The results of any criminal records check 7755  
conducted pursuant to a request made under this chapter and any 7756  
report containing those results, including any information the 7757  
federal bureau of investigation provides, are not public records 7758  
for purposes of section 149.43 of the Revised Code and shall not 7759  
be made available to any person or for any purpose other than as 7760  
follows: 7761

(A) If the request for the criminal records check was 7762  
submitted by an applicant for an initial license or restored 7763  
license, as follows: 7764

(1) The superintendent of the bureau of criminal 7765  
identification and investigation shall make the results 7766  
available to the licensing agency for use in determining, under 7767  
the agency's authorizing chapter of the Revised Code, whether 7768  
the applicant who is the subject of the criminal records check 7769  
should be granted a license under that chapter. 7770

(2) The licensing agency shall make the results available 7771  
to the applicant who is the subject of the criminal records 7772  
check. 7773

(B) If the request for the criminal records check was 7774  
submitted by ~~a person seeking to satisfy the criteria for being~~ 7775  
~~a qualified pharmacy technician that are specified in section~~ 7776  
~~4729.42 of the Revised Code or a person seeking to satisfy the~~ 7777  
requirements to be an employee of a pain management clinic as 7778  
specified in section 4729.552 of the Revised Code or a person 7779  
seeking to satisfy the requirements to be an employee of a 7780  
facility, clinic, or other location that is subject to licensure 7781

as a category III terminal distributor of dangerous drugs with 7782  
an office-based opioid treatment classification, the 7783  
superintendent of the bureau of criminal identification and 7784  
investigation shall make the results available in accordance 7785  
with the following: 7786

(1) The superintendent shall make the results of the 7787  
criminal records check, including any information the federal 7788  
bureau of investigation provides, available to the person who 7789  
submitted the request and is the subject of the criminal records 7790  
check. 7791

(2) The superintendent shall make the results of the 7792  
portion of the criminal records check performed by the bureau of 7793  
criminal identification and investigation under division (B)(1) 7794  
of section 109.572 of the Revised Code available to the employer 7795  
or potential employer specified in the request of the person who 7796  
submitted the request and shall send a letter of the type 7797  
described in division (B)(2) of section 4776.02 of the Revised 7798  
Code to that employer or potential employer regarding the 7799  
information provided by the federal bureau of investigation that 7800  
contains one of the types of statements described in that 7801  
division. 7802

(C) If the request for the criminal records check was 7803  
submitted by an applicant for a trainee license under section 7804  
4776.021 of the Revised Code, as follows: 7805

(1) The superintendent of the bureau of criminal 7806  
identification and investigation shall make the results 7807  
available to the licensing agency or other agency identified in 7808  
division (B) of section 4776.021 of the Revised Code for use in 7809  
determining, under the agency's authorizing chapter of the 7810  
Revised Code and division (D) of section 4776.021 of the Revised 7811

Code, whether the applicant who is the subject of the criminal 7812  
records check should be granted a trainee license under that 7813  
chapter and that division. 7814

(2) The licensing agency or other agency identified in 7815  
division (B) of section 4776.021 of the Revised Code shall make 7816  
the results available to the applicant who is the subject of the 7817  
criminal records check. 7818

(D) If the request for the criminal records check was 7819  
submitted by a person seeking employment with an entity holding 7820  
a license issued under Chapter 3796. of the Revised Code, the 7821  
superintendent shall make the results available in accordance 7822  
with division (B) (3) of section 4776.02 of the Revised Code. 7823

**Sec. 5107.42.** (A) Except as provided in divisions (B) and 7824  
(C) of this section, county departments of job and family 7825  
services shall assign each minor head of household and adult 7826  
participating in Ohio works first, other than a minor head of 7827  
household participating in the LEAP program, to one or more work 7828  
activities and developmental activities. 7829

If a county department assigns a minor head of household 7830  
or adult to the work activity established under division (H) of 7831  
section 5107.60 of the Revised Code, the county department shall 7832  
make reasonable efforts to assign the minor head of household or 7833  
adult to at least one other work activity at the same time. If a 7834  
county department assigns a minor head of household or adult to 7835  
the work activity established under section 5107.58 of the 7836  
Revised Code, the county department shall assign the minor head 7837  
of household or adult to at least one other work activity at the 7838  
same time. 7839

A county department may not assign a minor head of 7840

household or adult to a work activity established under division 7841  
(D) of section 5107.60 of the Revised Code for more than twelve 7842  
months. 7843

(B) If a county department determines that a minor head of 7844  
household or adult has a temporary or permanent barrier to 7845  
participation in a work activity, it may assign the minor head 7846  
of household or adult to one or more alternative work activities 7847  
instead of assigning the minor head of household or adult to one 7848  
or more work activities or developmental activities. A county 7849  
department may not assign more than twenty per cent of minor 7850  
heads of household and adults participating in Ohio works first 7851  
to an alternative work activity. 7852

County departments shall establish standards for 7853  
determining whether a minor head of household or adult has a 7854  
temporary or permanent barrier to participating in a work 7855  
activity. The following are examples of circumstances that a 7856  
county department may consider when it develops its standards: 7857

(1) A minor head of household or adult provides the county 7858  
department documented evidence that one or more members of the 7859  
assistance group have been the victim of domestic violence and 7860  
are in imminent danger of suffering continued domestic violence; 7861

(2) A minor head of household or adult is actively 7862  
participating in ~~a community alcohol and drug~~ addiction services 7863  
~~provider~~ certified by the department of mental health and 7864  
addiction services under section 5119.36 of the Revised Code; 7865

(3) An assistance group is homeless. 7866

(C) A county department may exempt a minor head of 7867  
household or adult who is unmarried and caring for a minor child 7868  
under twelve months of age from the work requirements of 7869

sections 5107.40 to 5107.69 of the Revised Code for not more 7870  
than twelve months. While exempt, the minor head of household or 7871  
adult shall be disregarded in determining whether the county 7872  
department is meeting the requirement of section 5107.44 of the 7873  
Revised Code. The county department shall assign the exempt 7874  
minor head of household or adult to at least one developmental 7875  
activity for a number of hours a week the county department 7876  
determines. The county department may assign the exempt minor 7877  
head of household or adult to one or more work activities, in 7878  
addition to developmental activities, for a number of hours the 7879  
county department determines. Division (B) of section 5107.43 of 7880  
the Revised Code does not apply to the exempt minor head of 7881  
household or adult. 7882

(D) A county department may reassign a minor head of 7883  
household or adult when the county department determines 7884  
reassignment will aid the assistance group in achieving self 7885  
sufficiency and personal responsibility and shall make 7886  
reassignments when circumstances requiring reassignment occur, 7887  
including when a temporary barrier to participating in a work 7888  
activity is eliminated. 7889

A county department shall include assignments in the self- 7890  
sufficiency contract entered into under section 5107.14 of the 7891  
Revised Code and shall amend the contract when a reassignment is 7892  
made to include the reassignment in the contract. 7893

**Sec. 5119.01.** (A) As used in this chapter: 7894

(1) "Addiction" means the chronic and habitual use of 7895  
alcoholic beverages, the use of a drug of abuse as defined in 7896  
section 3719.011 of the Revised Code, or the use of gambling by 7897  
an individual to the extent that the individual no longer can 7898  
control the individual's use of alcohol, the individual becomes 7899

physically or psychologically dependent on the drug, the 7900  
individual's use of alcohol or drugs endangers the health, 7901  
safety, or welfare of the individual or others, or the 7902  
individual's gambling causes psychological, financial, 7903  
emotional, marital, legal, or other difficulties endangering the 7904  
health, safety, or welfare of the individual or others. 7905

(2) "Addiction services" means services, including 7906  
intervention, for the treatment of persons with alcohol, drug, 7907  
or gambling addictions, and for the prevention of such 7908  
addictions. 7909

(3) "Alcohol and drug addiction services" means services, 7910  
including intervention, for the treatment of alcoholics or 7911  
persons who abuse drugs of abuse and for the prevention of 7912  
alcoholism and drug addiction. 7913

(4) "Alcoholic" means a person suffering from alcoholism. 7914

(5) "Alcoholism" means the chronic and habitual use of 7915  
alcoholic beverages by an individual to the extent that the 7916  
individual no longer can control the individual's use of alcohol 7917  
or endangers the health, safety, or welfare of the individual or 7918  
others. 7919

(6) "Certifiable services and supports" means all of the 7920  
following: 7921

(a) Alcohol and drug addiction services; 7922

(b) Mental health services; 7923

(c) The types of recovery supports that are specified in 7924  
rules adopted under section 5119.36 of the Revised Code as 7925  
requiring certification under that section. 7926

(7) "Community addiction services provider" means an 7927

agency, association, corporation, individual, or program that 7928  
provides ~~alcohol~~, one or more of the following: 7929

(a) Alcohol and drug addiction, or gambling addiction 7930  
services that are certified by the department of mental health 7931  
and addiction services under section 5119.36 of the Revised 7932  
Code; 7933

(b) Gambling addiction services; 7934

(c) Recovery supports that are related to alcohol and drug 7935  
addiction services or gambling addiction services and paid for 7936  
with federal, state, or local funds administered by the 7937  
department of mental health and addiction services or a board of 7938  
alcohol, drug addiction, and mental health services. 7939

~~(7)~~ (8) "Community mental health services provider" means 7940  
an agency, association, corporation, individual, or program that 7941  
provides ~~mental~~ either of the following: 7942

(a) Mental health services that are certified by the 7943  
department of mental health and addiction services under section 7944  
5119.36 of the Revised Code; 7945

(b) Recovery supports that are related to mental health 7946  
services and paid for with federal, state, or local funds 7947  
administered by the department of mental health and addiction 7948  
services or a board of alcohol, drug addiction, and mental 7949  
health services. 7950

~~(8)~~ (9) "Drug addiction" means the use of a drug of abuse, 7951  
as defined in section 3719.011 of the Revised Code, by an 7952  
individual to the extent that the individual becomes physically 7953  
or psychologically dependent on the drug or endangers the 7954  
health, safety, or welfare of the individual or others. 7955

~~(9)~~-(10) "Gambling addiction" means the use of gambling by 7956  
an individual to the extent that it causes psychological, 7957  
financial, emotional, marital, legal, or other difficulties 7958  
endangering the health, safety, or welfare of the individual or 7959  
others. 7960

~~(10)~~-(11) "Gambling addiction services" means services for 7961  
the treatment of persons who have a gambling addiction and for 7962  
the prevention of gambling addiction. 7963

~~(11)~~-(12) "Hospital" means a hospital or inpatient unit 7964  
licensed by the department of mental health and addiction 7965  
services under section 5119.33 of the Revised Code, and any 7966  
institution, hospital, or other place established, controlled, 7967  
or supervised by the department under Chapter 5119. of the 7968  
Revised Code. 7969

~~(12)~~-(13) "Included opioid and co-occurring drug addiction 7970  
services and recovery supports" means the addiction services and 7971  
recovery supports that, pursuant to section 340.033 of the 7972  
Revised Code, are included in the array of services and recovery 7973  
supports for all levels of opioid and co-occurring drug 7974  
addiction required, except as otherwise authorized by a time- 7975  
limited waiver issued under division (A) (1) of section 5119.221 7976  
of the Revised Code, to be included in the community-based 7977  
continuum of care established under section 340.032 of the 7978  
Revised Code. 7979

~~(14)~~ "Mental illness" means a substantial disorder of 7980  
thought, mood, perception, orientation, or memory that grossly 7981  
impairs judgment, behavior, capacity to recognize reality, or 7982  
ability to meet the ordinary demands of life. 7983

~~(13)~~-(15) "Mental health services" means services for the 7984



assessment, care, or treatment of persons who have a mental 7985  
illness ~~as defined in this section~~ and for the prevention of 7986  
mental illness. 7987

~~(14)~~(16) "Recovery supports" means assistance that is 7988  
intended to help an individual who is an alcoholic or has a drug 7989  
addiction or mental illness, or a member of such an individual's 7990  
family, initiate and sustain the individual's recovery from 7991  
alcoholism, drug addiction, or mental illness. "Recovery 7992  
supports" does not mean alcohol and drug addiction services or 7993  
mental health services. 7994

(17)(a) "Residence" means a person's physical presence in 7995  
a county with intent to remain there, except in either of the 7996  
following circumstances: 7997

(i) If a person is receiving a mental health treatment 7998  
service at a facility that includes nighttime sleeping 7999  
accommodations, "residence" means that county in which the 8000  
person maintained the person's primary place of residence at the 8001  
time the person entered the facility; 8002

(ii) If a person is committed pursuant to section 2945.38, 8003  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 8004  
"residence" means the county where the criminal charges were 8005  
filed. 8006

(b) When the residence of a person is disputed, the matter 8007  
of residence shall be referred to the department of mental 8008  
health and addiction services for investigation and 8009  
determination. Residence shall not be a basis for a board of 8010  
alcohol, drug addiction, and mental health services to deny 8011  
services to any person present in the board's service district, 8012  
and the board shall provide services for a person whose 8013

residence is in dispute while residence is being determined and 8014  
for a person in an emergency situation. 8015

(B) Any reference in this chapter to a board of alcohol, 8016  
drug addiction, and mental health services also refers to an 8017  
alcohol and drug addiction services board or a community mental 8018  
health board in a service district in which an alcohol and drug 8019  
addiction services board or a community mental health board has 8020  
been established under section 340.021 or former section 340.02 8021  
of the Revised Code. 8022

**Sec. 5119.10.** (A) The director of mental health and 8023  
addiction services is the chief executive and appointing 8024  
authority of the department of mental health and addiction 8025  
services. The director may organize the department for its 8026  
efficient operation, including creating divisions or offices as 8027  
necessary. The director may establish procedures for the 8028  
governance of the department, conduct of its employees and 8029  
officers, performance of its business, and custody, use, and 8030  
preservation of departmental records, papers, books, documents, 8031  
and property. Whenever the Revised Code imposes a duty upon or 8032  
requires an action of the department or any of its institutions, 8033  
the director or the director's designee shall perform the action 8034  
or duty in the name of the department, except that the medical 8035  
director appointed pursuant to section 5119.11 of the Revised 8036  
Code shall be responsible for decisions relating to medical 8037  
diagnosis, treatment, rehabilitation, quality assurance, and the 8038  
clinical aspects of the following: licensure of hospitals and 8039  
residential facilities, research, community addiction and mental 8040  
health ~~services~~ plans, and certification and delivery of 8041  
addiction services and mental health services. 8042

(B) The director shall: 8043

(1) Adopt rules for the proper execution of the powers and 8044  
duties of the department with respect to the institutions under 8045  
its control, and require the performance of additional duties by 8046  
the officers of the institutions as necessary to fully meet the 8047  
requirements, intents, and purposes of this chapter. In case of 8048  
an apparent conflict between the powers conferred upon any 8049  
managing officer and those conferred by such sections upon the 8050  
department, the presumption shall be conclusive in favor of the 8051  
department. 8052

(2) Adopt rules for the nonpartisan management of the 8053  
institutions under the department's control. An officer or 8054  
employee of the department or any officer or employee of any 8055  
institution under its control who, by solicitation or otherwise, 8056  
exerts influence directly or indirectly to induce any other 8057  
officer or employee of the department or any of its institutions 8058  
to adopt the exerting officer's or employee's political views or 8059  
to favor any particular person, issue, or candidate for office 8060  
shall be removed from the exerting officer's or employee's 8061  
office or position, by the department in case of an officer or 8062  
employee, and by the governor in case of the director. 8063

(3) Appoint such employees, including the medical 8064  
director, as are necessary for the efficient conduct of the 8065  
department, and prescribe their titles and duties; 8066

(4) Prescribe the forms of affidavits, applications, 8067  
medical certificates, orders of hospitalization and release, and 8068  
all other forms, reports, and records that are required in the 8069  
hospitalization or admission and release of all persons to the 8070  
institutions under the control of the department, or are 8071  
otherwise required under this chapter or Chapter 5122. of the 8072  
Revised Code; 8073

(5) Exercise the powers and perform the duties relating to 8074  
addiction and mental health facilities ~~and~~, addiction services, 8075  
mental health services, and recovery supports that are assigned 8076  
to the director under this chapter and Chapter 340. of the 8077  
Revised Code; 8078

(6) Develop and implement clinical evaluation and 8079  
monitoring of services that are operated by the department; 8080

(7) Adopt rules establishing standards for the performance 8081  
of evaluations by a forensic center or other psychiatric program 8082  
or facility of the mental condition of defendants ordered by the 8083  
court under section 2919.271, or 2945.371 of the Revised Code, 8084  
and for the treatment of defendants who have been found 8085  
incompetent to stand trial and ordered by the court under 8086  
section 2945.38, 2945.39, 2945.401, or 2945.402 of the Revised 8087  
Code to receive treatment in facilities; 8088

(8) On behalf of the department, have the authority and 8089  
responsibility for entering into contracts and other agreements 8090  
with providers, agencies, institutions, and other entities, both 8091  
public and private, as necessary for the department to carry out 8092  
its duties under this chapter and Chapters 340., 2919., 2945., 8093  
and 5122. of the Revised Code. Chapter 125. of the Revised Code 8094  
does not apply to contracts the director enters into under this 8095  
section for addiction services, mental health services, or 8096  
recovery supports provided to individuals ~~with~~ who have an 8097  
addiction or mental illness by providers, agencies, 8098  
institutions, and other entities not owned or operated by the 8099  
department. 8100

(9) Adopt rules in accordance with Chapter 119. of the 8101  
Revised Code specifying the supplemental services that may be 8102  
provided through a trust authorized by section 5815.28 of the 8103

Revised Code; 8104

(10) Adopt rules in accordance with Chapter 119. of the 8105  
Revised Code establishing standards for the maintenance and 8106  
distribution to a beneficiary of assets of a trust authorized by 8107  
section 5815.28 of the Revised Code. 8108

(C) The director may contract with hospitals licensed by 8109  
the department under section 5119.33 of the Revised Code for the 8110  
care and treatment of mentally ill patients, or with persons, 8111  
organizations, or agencies for the custody, evaluation, 8112  
supervision, care, or treatment of mentally ill persons 8113  
receiving services elsewhere than within the enclosure of a 8114  
hospital operated under section 5119.14 of the Revised Code. 8115

**Sec. 5119.11.** (A) The director of mental health and 8116  
addiction services shall appoint a medical director who is 8117  
eligible or certified by the American board of psychiatry and 8118  
neurology or the American osteopathic board of neurology and 8119  
psychiatry, and has at least five years of clinical and two 8120  
years of administrative experience. The medical director shall 8121  
also have certification or substantial training and experience 8122  
in the field of addiction medicine or addiction psychiatry. The 8123  
medical director shall be responsible for decisions relating to 8124  
medical diagnosis, treatment, prevention, rehabilitation, 8125  
quality assurance, and the clinical aspects of addiction 8126  
services and mental health services involving all of the 8127  
following: 8128

(1) Licensure of hospitals, residential facilities, and 8129  
outpatient facilities; 8130

(2) Research; 8131

(3) Community addiction and mental health ~~services~~ plans; 8132

(4) Certification and delivery of addiction and mental health services. 8133  
8134

(B) The medical director shall also exercise clinical supervision of the chief clinical officers of hospitals and institutions under the jurisdiction of the department and shall review and approve decisions relating to the employment of the chief clinical officers. The medical director or the medical director's designee shall advise the director on matters relating to licensure, research, ~~and~~ the certification and delivery of addiction services and mental health services, and community addiction and mental health plans. The medical director shall participate in the development of guidelines for community addiction and mental health ~~services~~ plans. The director of mental health and addiction services may establish other duties of the medical director. 8135  
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**Sec. 5119.17.** (A) The department of mental health and addiction services, in accordance with division (B) of this section, shall give priority to developing, and promptly shall develop, with available public and private resources a program that does all of the following: 8148  
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(1) Provides a manner of identifying the aggregate number of pregnant women in this state who are addicted to a drug of abuse; 8153  
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8155

(2) Provides for an effective means of intervention to eliminate the addiction of pregnant women to drugs of abuse prior to the birth of their children; 8156  
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(3) Gives priority to the treatment of pregnant women addicted to drugs of abuse, including by requiring community addiction services providers that receive public funds to give 8159  
8160  
8161

priority to pregnant women referred for treatment; 8162

(4) Provides for the continued monitoring of women who 8163  
were addicted to a drug of abuse during their pregnancies, after 8164  
the birth of their children, and for the availability of 8165  
treatment and rehabilitation for those women; 8166

~~(4)~~(5) Provides a manner of determining the aggregate 8167  
number of children who are born in this state to women who are 8168  
addicted, at the time of birth, to a drug of abuse, and of 8169  
children who are born in this state with an addiction to or a 8170  
dependency on a drug of abuse; 8171

~~(5)~~(6) Provides for the continued monitoring of children 8172  
who are born in this state to women who are addicted, at the 8173  
time of birth, to a drug of abuse, or who are born in this state 8174  
with an addiction to or dependency on a drug of abuse, after 8175  
their birth; 8176

~~(6)~~(7) Provides for the treatment and rehabilitation of 8177  
any child who is born to a woman who is addicted, at the time of 8178  
birth, to a drug of abuse, and of any child who is born with an 8179  
addiction to or dependency on a drug of abuse. 8180

(B) In developing the program described in division (A) of 8181  
this section, the department may obtain information from the 8182  
department of health and the department of job and family 8183  
services, and those departments shall cooperate with the 8184  
department of mental health and addiction services in its 8185  
development and implementation of the program. 8186

(C) Immediately upon its development of the program 8187  
described in division (A) of this section, the department shall 8188  
implement the program. 8189

(D) Any record or information that is obtained or 8190

maintained by the department in connection with the program 8191  
described in division (A) of this section and could enable the 8192  
identification of any woman or child described in division (A) 8193  
(1) or ~~(4)~~ (5) of this section is not a public record subject to 8194  
inspection or copying under section 149.43 of the Revised Code. 8195

(E) A community addiction services provider that receives 8196  
public funds shall not refuse to treat a person solely because 8197  
the person is pregnant if appropriate treatment is offered by 8198  
the provider. 8199

**Sec. 5119.21.** (A) The department of mental health and 8200  
addiction services shall: 8201

(1) To the extent the department has available resources 8202  
and in consultation with boards of alcohol, drug addiction, and 8203  
mental health services, support the community-based continuum of 8204  
care that the boards are required by ~~division (A) (11) of section~~ 8205  
~~340.03-340.032~~ of the Revised Code to establish. The department 8206  
shall provide the support on a district or multi-district basis. 8207  
The department shall assist in identifying resources, and may 8208  
prioritize support, for one or more of the elements of the 8209  
community-based continuum of care. For the purpose of division 8210  
(A) ~~(11)~~ (10) of section ~~340.03-340.032~~ of the Revised Code and 8211  
to the extent the department determines is necessary, the 8212  
department shall define additional ~~components to be included in~~ 8213  
~~the essential elements of~~ to be included in the community-based 8214  
continuum of care. 8215

(2) Provide training, consultation, and technical 8216  
assistance regarding addiction ~~and services,~~ mental health 8217  
services, recovery supports, and appropriate prevention, 8218  
recovery, and mental health promotion activities, including 8219  
those that are culturally competent, to employees of the 8220



department, community addiction services providers, community 8221  
mental health ~~and addiction services providers~~, and boards of 8222  
alcohol, drug addiction, and mental health services, ~~and other~~ 8223  
~~agencies providing addiction and mental health services;~~ 8224

(3) To the extent the department has available resources, 8225  
promote and support a full range of addiction ~~and services~~, 8226  
mental health services, and recovery supports that are available 8227  
and accessible to all residents of this state, especially for 8228  
severely emotionally disturbed children and adolescents, 8229  
severely mentally disabled adults, pregnant women, parents, 8230  
guardians or custodians of children at risk of abuse or neglect, 8231  
and other special target populations, including racial and 8232  
ethnic minorities, as determined by the department; 8233

(4) Develop standards and measures for ~~evaluating both of~~ 8234  
the following: 8235

(a) Evaluating the effectiveness of addiction ~~and mental~~ 8236  
~~health services~~, including ~~services those~~ that use methadone 8237  
treatment, of ~~gambling addiction mental health services~~, and ~~for~~ 8238  
~~increasing~~ recovery supports; 8239

(b) Increasing the accountability of community addiction 8240  
services providers and community mental health ~~and addiction~~ 8241  
~~services providers;~~ 8242

(5) Design and set criteria for the determination of 8243  
priority populations; 8244

(6) Promote, direct, conduct, and coordinate scientific 8245  
research, taking ethnic and racial differences into 8246  
consideration, concerning ~~the all of the following:~~ 8247

(a) The causes and prevention of mental illness and 8248  
~~addiction, methods;~~ 8249

<u>(b) Methods of providing effective addiction services,</u>	8250
<u>mental health services, and <del>treatment, and means</del> recovery</u>	8251
<u>supports;</u>	8252
<u>(c) Means of enhancing the mental health of and recovery</u>	8253
<u>from addiction of all residents of this state<del>+</del>.</u>	8254
(7) Foster the establishment and availability of	8255
vocational rehabilitation services and the creation of	8256
employment opportunities for individuals with addiction and	8257
mental health needs, including members of racial and ethnic	8258
minorities;	8259
(8) Establish a program to protect and promote the rights	8260
of persons receiving addiction <del>and services,</del> mental health	8261
services, <u>and recovery supports,</u> including the issuance of	8262
guidelines on informed consent and other rights;	8263
(9) Promote the involvement of persons who are receiving	8264
or have received addiction <del>and services,</del> mental health services,	8265
<u>and recovery supports</u> including families and other persons	8266
having a close relationship to a person receiving those services	8267
<u>and supports,</u> in the planning, evaluation, delivery, and	8268
operation of addiction <del>and services,</del> mental health services, <u>and</u>	8269
<u>recovery supports;</u>	8270
(10) Notify and consult with the relevant constituencies	8271
that may be affected by rules, standards, and guidelines issued	8272
by the department of mental health and addiction services. These	8273
constituencies shall include consumers of addiction <del>and</del>	8274
<u>services,</u> mental health services <del>and their,</del> <u>and recovery</u>	8275
<u>supports and the families,</u> <del>and of</del> such consumers. These	8276
<u>constituencies</u> may include public and private providers,	8277
employee organizations, and others when appropriate. Whenever	8278

the department proposes the adoption, amendment, or rescission 8279  
of rules under Chapter 119. of the Revised Code, the 8280  
notification and consultation required by this division shall 8281  
occur prior to the commencement of proceedings under Chapter 8282  
119. The department shall adopt rules under Chapter 119. of the 8283  
Revised Code that establish procedures for the notification and 8284  
consultation required by this division. 8285

(11) Provide consultation to the department of 8286  
rehabilitation and correction concerning the delivery of 8287  
addiction services and mental health services in state 8288  
correctional institutions; 8289

(12) Promote and coordinate efforts in the provision of 8290  
~~alcohol and drug~~ addiction services ~~and of gambling addiction~~ 8291  
~~services~~ by other state agencies, as defined in section 1.60 of 8292  
the Revised Code; courts; hospitals; clinics; physicians in 8293  
private practice; public health authorities; boards of alcohol, 8294  
drug addiction, and mental health services; community addiction 8295  
services providers; law enforcement agencies; and related 8296  
groups; 8297

(13) Provide to each court of record, and biennially 8298  
update, a list of the treatment and education programs within 8299  
that court's jurisdiction that the court may require an 8300  
offender, sentenced pursuant to section 4511.19 of the Revised 8301  
Code, to attend; 8302

(14) Make the warning sign described in sections 3313.752, 8303  
3345.41, and 3707.50 of the Revised Code available on the 8304  
department's internet web site; 8305

(15) Provide a program of gambling addiction services on 8306  
behalf of the state lottery commission, pursuant to an agreement 8307

entered into with the director of the commission under division 8308  
(K) of section 3770.02 of the Revised Code, and provide a 8309  
program of gambling addiction services on behalf of the Ohio 8310  
casino control commission, under an agreement entered into with 8311  
the executive director of the commission under section 3772.062 8312  
of the Revised Code. Under Section 6(C)(3) of Article XV, Ohio 8313  
Constitution, the department may enter into agreements with 8314  
boards of alcohol, drug addiction, and mental health services, 8315  
including boards with districts in which a casino facility is 8316  
not located, and nonprofit organizations to provide ~~gambling-~~ 8317  
~~addiction services and alcohol and drug addiction services,~~ and 8318  
with state institutions of higher education or private nonprofit 8319  
institutions that possess a certificate of authorization issued 8320  
under Chapter 1713. of the Revised Code to perform related 8321  
research. 8322

(B) The department may accept and administer grants from 8323  
public or private sources for carrying out any of the duties 8324  
enumerated in this section. 8325

(C) The department may adopt rules in accordance with 8326  
Chapter 119. of the Revised Code as necessary to implement the 8327  
requirements of this chapter. 8328

**Sec. 5119.22.** The director of mental health and addiction 8329  
services, with respect to all mental health and addiction 8330  
facilities and, addiction services, mental health services, and 8331  
recovery supports established and operated or provided under 8332  
Chapter 340. of the Revised Code, shall do all of the following: 8333

(A) Adopt rules pursuant to Chapter 119. of the Revised 8334  
Code that may be necessary to carry out the purposes of this 8335  
chapter and Chapters 340. and 5122. of the Revised Code. 8336

(B) Review and evaluate the community-based continuum of 8337  
care required by ~~division (A) (11) of section 340.03-340.032~~ of 8338  
the Revised Code to be established in each service district, 8339  
taking into account the findings and recommendations of the 8340  
board of alcohol, drug addiction, and mental health services of 8341  
the district submitted under division (A) (4) of section 340.03 8342  
of the Revised Code and the priorities and plans of the 8343  
department of mental health and addiction services, including 8344  
the needs of residents of the district currently receiving 8345  
services in state-operated hospitals, and make recommendations 8346  
for needed improvements to boards of alcohol, drug addiction, 8347  
and mental health services; 8348

(C) At the director's discretion, provide to boards of 8349  
alcohol, drug addiction, and mental health services state or 8350  
federal funds, in addition to those allocated under section 8351  
5119.23 of the Revised Code, for special programs or projects 8352  
the director considers necessary but for which local funds are 8353  
not available; 8354

~~(D) Establish, in consultation with board of alcohol, drug- 8355  
addiction, and mental health service representatives and after- 8356  
consideration of the recommendations of the medical director, 8357  
guidelines for the development of community mental health and 8358  
addiction services plans and the review and approval or 8359  
disapproval of such plans submitted pursuant to section 340.03- 8360  
of the Revised Code. 8361~~

~~(E) Establish criteria by which a each board of alcohol, 8362  
drug addiction, and mental health services reviews and evaluates 8363  
the quality, effectiveness, and efficiency of ~~its contracted the~~ 8364  
facility services, addiction services, mental health services, 8365  
and recovery supports for which it contracts under section 8366~~

340.036 of the Revised Code. The criteria shall include 8367  
requirements ensuring appropriate ~~service~~-utilization of the 8368  
services and supports. The department shall assess ~~a~~-each 8369  
board's evaluation of the services and supports and the 8370  
compliance of each board with this section, Chapter 340. of the 8371  
Revised Code, and other state or federal law and regulations. 8372  
The department, in cooperation with the board, periodically 8373  
shall review and evaluate the quality, effectiveness, and 8374  
efficiency of the facility services, addiction services, mental 8375  
health services, and recovery supports for which each board 8376  
contracts under section 340.036 of the Revised Code and the 8377  
facilities, addiction services provided through each board, and 8378  
mental health services that each board operates or provides 8379  
under section 340.037 of the Revised Code. The department shall 8380  
collect information that is necessary to perform these 8381  
functions. 8382

~~(F)~~-(E) To the extent the director determines necessary 8383  
and after consulting with boards of alcohol, drug addiction, and 8384  
mental health services ~~and~~, community addiction services 8385  
providers, and community mental health services providers, 8386  
develop and operate, or contract for the operation of, a 8387  
community behavioral health information system or systems. The 8388  
department shall specify the information that must be provided 8389  
by the boards of alcohol, drug addiction, and mental health 8390  
services and by community addiction and mental health services 8391  
providers for inclusion in the system or systems. 8392

Boards of alcohol, drug addiction, and mental health 8393  
services ~~and~~, community addiction services providers, and 8394  
community mental health services providers shall submit 8395  
information requested by the department in the form and manner 8396  
and in accordance with time frames prescribed by the department. 8397

Information collected by the department may include all of the 8398  
following: 8399

(1) Information on addiction services, mental health 8400  
services, and recovery supports provided; 8401

(2) Financial information regarding expenditures of 8402  
federal, state, or local funds; 8403

(3) Information about persons served. 8404

The department shall not collect any personal information 8405  
from the boards or providers except as required or permitted by 8406  
state or federal law for purposes related to payment, health 8407  
care operations, program and service evaluation, reporting 8408  
activities, research, system administration, and oversight. 8409

(F) In consultation with representatives of boards of 8410  
alcohol, drug addiction, and mental health services and after 8411  
consideration of recommendations made by the medical director 8412  
appointed under section 5119.11 of the Revised Code, establish 8413  
all of the following: 8414

(1) Guidelines, including a timetable, for the boards' 8415  
development and submission of proposed community addiction and 8416  
mental health plans, budgets, and lists of addiction services, 8417  
mental health services, and recovery supports under sections 8418  
340.03 and 340.08 of the Revised Code; 8419

(2) Procedures, including a timetable, for the director's 8420  
review and approval or disapproval of the plans, budgets, and 8421  
lists; 8422

(3) Procedures for corrective action regarding the plans, 8423  
budgets, and lists, including submission of revised or new 8424  
plans, budgets, and lists; 8425

(4) Procedures for the director to follow in offering technical assistance to boards to assist them in making the plans, budgets, and lists acceptable or in making proposed amendments to approved plans, budgets, and lists meet criteria for approval; 8426  
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(5) Procedures for issuing time-limited waivers under division (A) (1) of section 5119.221 of the Revised Code and waivers under division (A) (2) of that section. 8431  
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~~(G)(1)~~ Review each board's proposed community addiction and mental health and addiction services plan, budget, and statement list of addiction services, mental health services, and recovery supports submitted pursuant to sections 340.03 and 340.08 of the Revised Code and approve or disapprove the plan, the budget, and the ~~statement of services list~~ in whole or in part. Except as otherwise authorized by a time-limited waiver issued under division (A) (1) of section 5119.221 of the Revised Code, the director shall disapprove a board's proposed budget in whole if the proposed budget would not make available in the board's service district the essential elements of the community-based continuum of care required by section 340.032 of the Revised Code. 8434  
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~~The department shall withhold all or part of the funds allocated to a board if it disapproves all or part of a plan, budget, or statement of services. Prior to a final decision to disapprove a plan, budget, or statement of services list, or to withhold funds from a board, a representative of the director of mental health and addiction services shall meet with the board and discuss the reason for the action the department director proposes to take and any corrective action that should be taken to make the plan, budget, or statement of services list~~ 8447  
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acceptable to the ~~department director~~. In addition, the 8456  
~~department director~~ shall offer technical assistance to the 8457  
board to assist it to make the plan, budget, or ~~statement of~~  
~~services list~~ acceptable. The ~~department director~~ shall give the 8458  
board a reasonable time in which to revise the plan, budget, or 8459  
~~statement of services list~~. The board thereafter shall submit a 8460  
revised plan, budget, or ~~statement of services list~~ or a new 8461  
plan, budget, or ~~statement of services list~~. 8462  
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~~(2) If a board determines that it is necessary to amend~~ 8464  
~~the plan, budget, or statement of services that has been~~ 8465  
~~approved under this section, the board shall submit the proposed~~ 8466  
~~amendment to the department. The department may approve (H)~~ 8467  
Approve or disapprove all or part of ~~the amendment proposed~~ 8468  
amendments that a board of alcohol, drug addiction, or mental 8469  
health services submits under section 340.03 or 340.08 of the 8470  
Revised Code to an approved community addiction and mental 8471  
health plan, budget, or list of addiction services, mental 8472  
health services, and recovery supports. 8473

~~(3) If the director disapproves of all or part of any~~ 8474  
~~proposed amendment, the director shall provide the board an~~ 8475  
~~opportunity to present its position. The director shall inform~~ 8476  
~~the board of the reasons for the disapproval and of the criteria~~ 8477  
~~that must be met before the proposed amendment may be approved.~~ 8478  
The director shall give the board a reasonable time within which 8479  
to meet the criteria and shall offer technical assistance to the 8480  
board to help it meet the criteria. 8481

~~(4) The department shall establish procedures for the~~ 8482  
~~review of plans, budgets, and statements of services, and a~~ 8483  
~~timetable for submission and review of plans, budgets, and~~ 8484  
~~statements of services and for corrective action and submission~~ 8485

~~of new or revised plans, budgets, and statements of services.~~ 8486

Sec. 5119.221. (A) The director of mental health and 8487  
addiction services, in accordance with procedures established 8488  
under division (F) (5) of section 5119.22 of the Revised Code, 8489  
may do either or both of the following: 8490

(1) Subject to division (B) of this section, issue to a 8491  
board of alcohol, drug addiction, and mental health services a 8492  
time-limited waiver of the requirement of section 340.032 of the 8493  
Revised Code that a community-based continuum of care include 8494  
all of the essential elements specified in that section; 8495

(2) Subject to division (C) of this section, issue to a 8496  
board a waiver of the requirement of section 340.033 of the 8497  
Revised Code that ambulatory detoxification and medication- 8498  
assisted treatment be included in the array of addiction 8499  
services and recovery supports for all levels of opioid and co- 8500  
occurring drug addiction. 8501

(B) The director may not issue a time-limited waiver under 8502  
division (A) (1) of this section unless the director determines 8503  
that the board seeking the waiver has made reasonable efforts to 8504  
include in the community-based continuum of care the essential 8505  
elements being waived. The waiver shall specify the amount of 8506  
time for which it is issued and which of the essential elements 8507  
are waived. 8508

(C) The director may not issue a waiver under division (A) 8509  
(2) of this section unless the director determines that both of 8510  
the following apply: 8511

(1) Ambulatory detoxification and medication-assisted 8512  
treatment can be made available through one or more contracts 8513  
between the board seeking the waiver and community addiction 8514

services providers that are located not more than thirty miles 8515  
beyond the borders of the service district the board serves; 8516

(2) The amount of time it takes for residents of the 8517  
service district the board serves to travel to a community 8518  
addiction services provider that provides ambulatory 8519  
detoxification and medication-assisted treatment does not impose 8520  
a significant barrier to successful treatment. 8521

**Sec. 5119.23.** (A) The department of mental health and 8522  
addiction services shall establish a methodology for allocating 8523  
to boards of alcohol, drug addiction, and mental health services 8524  
the funds appropriated by the general assembly to the department 8525  
for the purpose of the community-based continuum of care that 8526  
each board establishes under section ~~340.03~~ 340.032 of the 8527  
Revised Code. The department shall establish the methodology 8528  
after notifying and consulting with relevant constituencies as 8529  
required by division (A) (10) of section 5119.21 of the Revised 8530  
Code. The methodology may provide for the funds to be allocated 8531  
to boards on a district or multi-district basis. 8532

(B) Subject to section 5119.25 of the Revised Code, and to 8533  
required submissions and approvals under ~~section~~ sections 340.08 8534  
and 5119.22 of the Revised Code, the department shall allocate 8535  
the funds to the boards in a manner consistent with the 8536  
methodology, this section, other state and federal laws, rules, 8537  
and regulations. 8538

(C) In consultation with boards, community addiction 8539  
services providers, community mental health services providers, 8540  
and persons receiving addiction services, mental health 8541  
services, and recovery supports, the department shall establish 8542  
guidelines for the use of funds allocated under this section. 8543

**Sec. 5119.25.** (A) The director of mental health and 8544  
addiction services, ~~in whole or in part,~~ may withhold funds, in 8545  
whole or in part, that otherwise are to be allocated to a board 8546  
of alcohol, drug addiction, and mental health services under 8547  
section 5119.23 of the Revised Code if ~~the~~ either of the 8548  
following circumstances apply: 8549

(1) The board fails to comply with Chapter 340. or 5119. 8550  
of the Revised Code or rules of the department of mental health 8551  
and addiction services. However, beginning July 1, 2017, the 8552  
director shall withhold all such funds from the board when 8553  
required to do so under division (A) (4) of section 340.08 of the 8554  
Revised Code or division (G) (1) of section 5119.22 of the 8555  
Revised Code. 8556

~~(B) The director of mental health and addiction services~~ 8557  
~~may withhold funds otherwise to be allocated to a board of~~ 8558  
~~alcohol, drug addiction, and mental health services under~~ 8559  
~~section 5119.23 of the Revised Code if the ;~~ 8560

(2) The board denies available service on the basis of 8561  
race, color, religion, ~~creed~~ ancestry, military status, sex, 8562  
age, national origin, disability as defined in section 4112.01 8563  
of the Revised Code, or developmental disability. 8564

(B) The director shall withhold funds, in whole or in 8565  
part, that otherwise are to be allocated to a board under 8566  
section 5119.23 of the Revised Code if either of the following 8567  
circumstances apply: 8568

(1) The director, under division (G) of section 5119.22 of 8569  
the Revised Code, disapproves all or part of the board's 8570  
proposed community addiction and mental health plan, budget, or 8571  
list of addiction services, mental health services, and recovery 8572

supports; 8573

(2) The board's use of state and federal funds fails to 8574  
comply with the board's approved budget, including approved 8575  
amendments to the budget. 8576

(C) The director shall issue a notice identifying the 8577  
areas of noncompliance and the action necessary to achieve 8578  
compliance. The director may offer technical assistance to the 8579  
board to achieve compliance. The board shall have thirty days 8580  
from receipt of the notice of noncompliance to present its 8581  
position that it is in compliance or to submit to the director 8582  
evidence of corrective action the board took to achieve 8583  
compliance. Before withholding funds, the director or the 8584  
director's designee shall hold a hearing within thirty days of 8585  
receipt of the board's position or evidence to determine if 8586  
there are continuing violations and that either assistance is 8587  
rejected or the board is unable, or has failed, to achieve 8588  
compliance. The director may appoint a representative from 8589  
another board of alcohol, drug addiction, and mental health 8590  
services to serve as a mentor for the board in developing and 8591  
executing a plan of corrective action to achieve compliance. Any 8592  
such representative shall be from a board that is in compliance 8593  
with Chapter 340. of the Revised Code, this chapter, and the 8594  
department's rules. Subsequent to the hearing process, if it is 8595  
determined that compliance has not been achieved, the director 8596  
may allocate all or part of the withheld funds to one or more 8597  
community mental health services providers or community 8598  
addiction services providers to provide the mental health 8599  
service ~~or~~, addiction service, or recovery support for which 8600  
the board is not in compliance until the time that there is 8601  
compliance. ~~The~~ 8602

(D) The director shall adopt rules in accordance with 8603  
Chapter 119. of the Revised Code to implement this section. 8604

**Sec. 5119.28.** (A) All records, and reports, other than 8605  
court journal entries or court docket entries, identifying a 8606  
person and pertaining to the person's mental health condition, 8607  
assessment, provision of care ~~or~~, treatment, or recovery 8608  
supports, or payment for assessment, care ~~or~~, treatment, or 8609  
recovery supports that are maintained in connection with any 8610  
services certified by the department of mental health and 8611  
addiction services, any recovery supports paid for with funds 8612  
administered by the department or a board of alcohol, drug 8613  
addiction, and mental health services, or any hospitals or 8614  
facilities licensed or operated by the department, shall be kept 8615  
confidential and shall not be disclosed by any person except: 8616

(1) If the person identified, or the person's legal 8617  
guardian, if any, or if the person is a minor, the person's 8618  
parent or legal guardian, consents; 8619

(2) When disclosure is provided for in this chapter or 8620  
Chapter 340. or 5122. of the Revised Code or in accordance with 8621  
other provisions of state or federal law authorizing such 8622  
disclosure; 8623

(3) That hospitals, boards of alcohol, drug addiction, and 8624  
mental health services, licensed facilities, and community 8625  
mental health services providers may release necessary 8626  
information to insurers and other third-party payers, including 8627  
government entities responsible for processing and authorizing 8628  
payment, to obtain payment for goods and services furnished to 8629  
the person; 8630

(4) Pursuant to a court order signed by a judge; 8631

(5) That a person shall be granted access to the person's own psychiatric and medical records, unless access specifically is restricted in a person's treatment plan for clear treatment reasons;

(6) That the department of mental health and addiction services may exchange psychiatric records and other pertinent information with community mental health services providers and boards of alcohol, drug addiction, and mental health services relating to the person's care or services. Records and information that may be exchanged pursuant to this division shall be limited to medication history, physical health status and history, financial status, summary of course of treatment, summary of treatment needs, and a discharge summary, if any.

(7) That the department of mental health and addiction services, hospitals and community providers operated by the department, hospitals licensed by the department under section 5119.33 of the Revised Code, and community mental health services providers may exchange psychiatric records and other pertinent information with payers and other providers of treatment and health services if the purpose of the exchange is to facilitate continuity of care for the person or for the emergency treatment of the person;

(8) That the department of mental health and addiction services and community mental health services providers may exchange psychiatric records and other pertinent information with boards of alcohol, drug addiction, and mental health services for purposes of any board function set forth in Chapter 340. of the Revised Code. Boards of alcohol, drug addiction, and mental health services shall not access any personal information from the department or providers except as required or permitted

by this section, or Chapter 340. or 5122. of the Revised Code 8662  
for purposes related to payment, care coordination, health care 8663  
operations, program and service evaluation, reporting 8664  
activities, research, system administration, oversight, or other 8665  
authorized purposes. 8666

(9) That a person's family member who is involved in the 8667  
provision, planning, and monitoring of services to the person 8668  
may receive medication information, a summary of the person's 8669  
diagnosis and prognosis, and a list of the services and 8670  
personnel available to assist the person and the person's 8671  
family, if the person's treatment provider determines that the 8672  
disclosure would be in the best interests of the person. No such 8673  
disclosure shall be made unless the person is notified first and 8674  
receives the information and does not object to the disclosure. 8675

(10) That community mental health services providers may 8676  
exchange psychiatric records and certain other information with 8677  
the board of alcohol, drug addiction, and mental health services 8678  
and other providers in order to provide services to a person 8679  
involuntarily committed to a board. Release of records under 8680  
this division shall be limited to medication history, physical 8681  
health status and history, financial status, summary of course 8682  
of treatment, summary of treatment needs, and discharge summary, 8683  
if any. 8684

(11) That information may be disclosed to the executor or 8685  
the administrator of an estate of a deceased person when the 8686  
information is necessary to administer the estate; 8687

(12) That information may be disclosed to staff members of 8688  
the appropriate board or to staff members designated by the 8689  
director of mental health and addiction services for the purpose 8690  
of evaluating the quality, effectiveness, and efficiency of 8691



mental health services and recovery supports and determining if 8692  
the services and supports meet minimum standards. Information 8693  
obtained during such evaluations shall not be retained with the 8694  
name of any person. 8695

(13) That records pertaining to the person's diagnosis, 8696  
course of treatment, treatment needs, and prognosis shall be 8697  
disclosed and released to the appropriate prosecuting attorney 8698  
if the person was committed pursuant to section 2945.38, 8699  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or 8700  
to the attorney designated by the board for proceedings pursuant 8701  
to involuntary commitment under Chapter 5122. of the Revised 8702  
Code; 8703

(14) That the department of mental health and addiction 8704  
services may exchange psychiatric hospitalization records, other 8705  
mental health treatment records, and other pertinent information 8706  
with the department of rehabilitation and correction and with 8707  
the department of youth services to ensure continuity of care 8708  
for inmates and offenders who are receiving mental health 8709  
services in an institution of the department of rehabilitation 8710  
and correction or the department of youth services and may 8711  
exchange psychiatric hospitalization records, other mental 8712  
health treatment records, and other pertinent information with 8713  
boards of alcohol, drug addiction, and mental health services 8714  
and community mental health services providers to ensure 8715  
continuity of care for inmates or offenders who are receiving 8716  
mental health services in an institution and are scheduled for 8717  
release within six months. The release of records under this 8718  
division is limited to records regarding an inmate's or 8719  
offender's medication history, physical health status and 8720  
history, summary of course of treatment, summary of treatment 8721  
needs, and a discharge summary, if any. 8722

(15) That a community mental health services provider that ceases to operate may transfer to either a community mental health services provider that assumes its caseload or to the board of alcohol, drug addiction, and mental health services of the service district in which the person resided at the time mental health services or recovery supports were most recently provided any records concerning ~~treatment~~ the services or supports that have not been transferred elsewhere at the person's request;

(16) That records and reports relating to a person who has been deceased for fifty years or more are no longer considered confidential.

(B) Before records are disclosed pursuant to divisions (A) (3), (6), and (10) of this section, the custodian of the records shall attempt to obtain the person's consent for the disclosure.

(C) No person shall reveal the content of a medical record of a person that is confidential pursuant to this section, except as authorized by law.

**Sec. 5119.36.** (A) A community mental health services provider applicant or community addiction services provider applicant that seeks certification of its ~~mental health services or addiction~~ certifiable services and supports shall submit an application to the director of mental health and addiction services. On receipt of the application, the director may conduct an on-site review and shall evaluate the applicant to determine whether its certifiable services and supports satisfy the standards established by rules adopted under ~~division (E) of~~ this section. The director shall make the evaluation, and, if the director conducts an on-site review of the applicant, may make the review, in cooperation with ~~the~~ a board of alcohol,

drug addiction, and mental health services ~~for treatment or~~ 8753  
~~prevention services that seeks to contract with which the~~ 8754  
applicant ~~seeks to contract under division (A) (8) (a) of section~~ 8755  
~~340.03 340.036~~ of the Revised Code. 8756

(B) Subject to section ~~5119.371~~5119.361 of the Revised 8757  
Code, the director shall determine whether the certifiable 8758  
services and supports of a community mental health services 8759  
provider applicant or community addiction services provider 8760  
applicant satisfy the standards for certification ~~of the~~ 8761  
~~services~~. If the director determines that an applicant's 8762  
certifiable services and supports satisfy the standards for 8763  
certification and the applicant has paid the fee required ~~under~~ 8764  
~~division (D) of by~~ this section, the director shall certify the 8765  
certifiable services and supports. No community mental health 8766  
services provider or community addiction services provider shall 8767  
be eligible to receive state or federal funds, or funds 8768  
administered by a board of alcohol, drug addiction, and mental 8769  
health services for ~~treatment or prevention~~ certifiable services 8770  
and supports unless its certifiable services and supports have 8771  
been certified by the ~~department~~ director. 8772

(C) If the director determines that a community mental 8773  
health services provider applicant's or a community addiction 8774  
services provider applicant's certifiable services and supports 8775  
do not satisfy the standards for certification, the director 8776  
shall identify the areas of noncompliance, specify what action 8777  
is necessary to satisfy the standards, and may offer technical 8778  
assistance to the applicant and to ~~the a~~ board of alcohol, drug 8779  
addiction, and mental health services so that the board may 8780  
assist the applicant in satisfying the standards. The director 8781  
shall give the applicant a reasonable time within which to 8782  
demonstrate that its certifiable services and supports satisfy 8783

the standards or to bring ~~the services them~~ into compliance with 8784  
the standards. If the director concludes that the certifiable 8785  
services and supports continue to fail to satisfy the standards, 8786  
the director may request that the board reallocate any funds for 8787  
the ~~mental health or addiction~~ certifiable services and supports 8788  
the applicant was to provide to another community mental health 8789  
services provider or community addiction services provider whose 8790  
~~mental health or addiction~~ certifiable services and supports 8791  
satisfy the standards. If the board does not reallocate such 8792  
funds in a reasonable period of time, the director may withhold 8793  
state and federal funds for the certifiable services and 8794  
supports and allocate those funds directly to a community mental 8795  
health services provider or community addiction services 8796  
provider whose certifiable services and supports satisfy the 8797  
standards. 8798

(D) Each community mental health services provider 8799  
applicant or community addiction services provider applicant 8800  
seeking certification of its ~~addiction or mental health~~ 8801  
certifiable services and supports under this section shall pay a 8802  
fee for the certification required by this section, unless the 8803  
applicant is exempt under rules adopted under ~~division (E) of~~ 8804  
this section. Fees shall be paid into the state treasury to the 8805  
credit of the sale of goods and services fund created pursuant 8806  
to section 5119.45 of the Revised Code. 8807

(E) The director shall adopt rules in accordance with 8808  
Chapter 119. of the Revised Code to implement this section. The 8809  
rules shall do all of the following: 8810

(1) Subject to section 340.034 of the Revised Code, 8811  
specify the types of recovery supports that are required to be 8812  
certified under this section; 8813

(2) Establish certification standards for ~~mental health-~~ 8814  
~~services and addiction-certifiable services and supports~~ that 8815  
are consistent with nationally recognized applicable standards 8816  
and facilitate participation in federal assistance programs. The 8817  
rules shall include as certification standards only requirements 8818  
that improve the quality of certifiable services and supports or 8819  
the health and safety of persons receiving ~~addiction and mental-~~ 8820  
~~health-certifiable services and supports~~. The standards shall 8821  
address at a minimum all of the following: 8822

(a) Reporting major unusual incidents to the director; 8823

(b) Procedures for applicants for and persons receiving 8824  
~~addiction and mental health-certifiable services and supports~~ to 8825  
file grievances and complaints; 8826

(c) Seclusion; 8827

(d) Restraint; 8828

(e) Requirements regarding the physical facilities of- 8829  
~~service delivery sites in which certifiable services and~~ 8830  
supports are provided; 8831

(f) Requirements with regard to health, safety, adequacy, 8832  
and cultural specificity and sensitivity; 8833

(g) Standards for evaluating certifiable services and 8834  
supports; 8835

(h) Standards and procedures for granting full, 8836  
probationary, and interim certification ~~to~~ of the certifiable 8837  
services and supports of a community mental health services 8838  
provider applicant or community addiction services provider 8839  
applicant; 8840

(i) Standards and procedures for revoking the 8841

certification of a community mental health services provider's 8842  
or community addiction services provider's certifiable services 8843  
and supports that do not continue to meet the minimum standards 8844  
established pursuant to this section; 8845

(j) The limitations to be placed on a provider ~~that is~~ 8846  
whose certifiable services and supports are granted probationary 8847  
or interim certification; 8848

(k) Development of written policies addressing the rights 8849  
of persons receiving certifiable services and supports, 8850  
including all of the following: 8851

(i) The right to a copy of the written policies addressing 8852  
the rights of persons receiving certifiable services and 8853  
supports; 8854

(ii) The right at all times to be treated with 8855  
consideration and respect for the person's privacy and dignity; 8856

(iii) The right to have access to the person's own 8857  
psychiatric, medical, or other treatment records unless access 8858  
is specifically restricted in the person's treatment plan for 8859  
clear treatment reasons; 8860

(iv) The right to have a client rights officer provided by 8861  
the provider or board of alcohol, drug addiction, and mental 8862  
health services advise the person of the person's rights, 8863  
including the person's rights under Chapter 5122. of the Revised 8864  
Code if the person is committed to the provider or board. 8865

~~(2)~~ (3) Establish the process for certification of 8866  
~~addiction and mental health~~ certifiable services and supports; 8867

~~(3)~~ (4) Set the amount of certification review fees; 8868

~~(4)~~ (5) Specify the type of notice and hearing to be 8869

provided prior to a decision on whether to reallocate funds. 8870

(F) The ~~department~~ director may issue an order suspending 8871  
admissions to a community addiction services provider that 8872  
provides overnight accommodations if ~~it~~ the director finds 8873  
either of the following: 8874

(1) The ~~provider is~~ provider's certifiable services and 8875  
supports are not in compliance with rules adopted ~~by the~~ 8876  
~~director pursuant to division (E) of~~ under this section; 8877

(2) The provider has been cited for more than one 8878  
violation of statutes or rules during any previous certification 8879  
period of the provider. 8880

(G) The department of mental health and addiction services 8881  
shall maintain a current list of community addiction services 8882  
providers and shall provide a copy of the list to a judge of a 8883  
court of common pleas who requests a copy for the use of the 8884  
judge under division (H) of section 2925.03 of the Revised Code. 8885  
The list shall identify each provider by its name, its address, 8886  
and the county in which it is located. 8887

(H) No person shall represent in any manner that a 8888  
~~provider is~~ community mental health services provider's or 8889  
community addiction services provider's certifiable services and 8890  
supports are certified by the ~~department~~ director if the 8891  
~~provider is~~ certifiable services and supports are not so 8892  
certified at the time the representation is made. 8893

**Sec. ~~5119.371~~ 5119.361.** (A) In lieu of a determination by 8894  
the director of mental health and addiction services of whether 8895  
the mental health services of a community mental health services 8896  
provider or the alcohol and drug addition services of a 8897  
community addiction services provider satisfy the standards for 8898

certification under section 5119.36 of the Revised Code, the 8899  
director shall accept appropriate accreditation of an 8900  
applicant's mental health services, alcohol and drug addiction 8901  
services, integrated mental health services and alcohol and 8902  
~~other~~ drug addiction services, integrated mental health services 8903  
and physical health services, or integrated alcohol and ~~other~~ 8904  
drug addiction services and physical health services being 8905  
provided in this state from any of the following national 8906  
accrediting organizations as evidence that the applicant 8907  
satisfies the standards for certification: 8908

(1) The joint commission; 8909

(2) The commission on accreditation of rehabilitation 8910  
facilities; 8911

(3) The council on accreditation; 8912

(4) Other behavioral health accreditation as determined by 8913  
the director. 8914

(B) If the director determines that an applicant's 8915  
accreditation is current, is appropriate for the services for 8916  
which the applicant is seeking certification, and the applicant 8917  
meets any other requirements established under this section or 8918  
in rules adopted under this section, the director shall certify 8919  
under section 5119.36 of the Revised Code the applicant's 8920  
services that are accredited. Except as provided in division (C) 8921  
(2) of this section, the director shall issue the certification 8922  
without further evaluation of the services. 8923

(C) For purposes of this section, all of the following 8924  
apply: 8925

(1) The director may review the accrediting organizations 8926  
listed in division (A) of this section to evaluate whether the 8927



accreditation standards and processes used by the organizations 8928  
are consistent with service delivery models the director 8929  
considers appropriate for mental health services, alcohol ~~or~~ 8930  
~~other and~~ drug addiction services, or physical health services, 8931  
~~or both~~. The director may communicate to an accrediting 8932  
organization any identified concerns, trends, needs, and 8933  
recommendations. 8934

(2) The director may conduct an on-site review or 8935  
otherwise evaluate a community mental health services provider 8936  
or a community addiction services provider at any time based on 8937  
cause, including complaints made by or on behalf of persons 8938  
receiving mental health services or alcohol and drug addiction 8939  
services and confirmed or alleged deficiencies brought to the 8940  
attention of the director. This authority does not affect the 8941  
director's duty to conduct the annual inspections required by 8942  
section ~~5119.372~~ 5119.367 of the Revised Code. 8943

(3) The director shall require a community mental health 8944  
services provider and a community addiction services provider to 8945  
notify the director not later than ten days after any change in 8946  
the provider's accreditation status. The provider may notify the 8947  
director by providing a copy of the relevant document the 8948  
provider received from the accrediting organization. 8949

(4) The director shall require a community mental health 8950  
services provider and a community addiction services provider to 8951  
submit to the director reports of major unusual incidents. 8952

(5) The director may require a community mental health 8953  
services provider or a community addiction services provider to 8954  
submit to the director cost reports pertaining to the provider. 8955

(D) The director shall adopt rules in accordance with 8956

Chapter 119. of the Revised Code to implement this section. In 8957  
adopting the rules, the director shall do all of the following: 8958

(1) Specify the documentation that must be submitted as 8959  
evidence of holding appropriate accreditation; 8960

(2) Establish a process by which the director may review 8961  
the accreditation standards and processes used by the national 8962  
accrediting organizations listed in division (A) of this 8963  
section; 8964

(3) Specify the circumstances under which reports of major 8965  
unusual incidents and provider cost reports must be submitted to 8966  
the director; 8967

(4) Specify the circumstances under which the director may 8968  
conduct an on-site review or otherwise evaluate a community 8969  
mental health services provider and a community addiction 8970  
services provider for cause; 8971

(5) Establish a process by which the director, based on 8972  
deficiencies identified as a result of conducting an on-site 8973  
review or evaluating a community mental health services provider 8974  
or a community addiction services provider under division (C) (2) 8975  
of this section, may take any of a range of corrective actions, 8976  
with the most stringent being revocation of the certification of 8977  
the provider's mental health services or alcohol and drug 8978  
addiction services. 8979

**Sec. 5119.362.** (A) In accordance with rules adopted under 8980  
section 5119.363 of the Revised Code, each community addiction 8981  
services provider shall do all of the following: 8982

(1) ~~Maintain, in an aggregate form, a waiting list of~~ 8983  
~~individuals to whom all of the following apply:~~ 8984

~~(a) The individual has been documented as having a clinical need for alcohol and drug addiction services due to an opioid or co-occurring drug addiction.~~ 8985  
8986  
8987

~~(b) The individual has applied to the provider for a clinically necessary treatment or support service required by division (A) (11) (c) (ix) of section 340.03 of the Revised Code to be included in the continuum of care established under that section.~~ 8988  
8989  
8990  
8991  
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~~(c) The individual has not begun to receive the clinically necessary treatment or support service within five days of the individual's application for the service because the provider lacks an available slot for the individual. for the provider's included opioid and co-occurring drug addiction services and recovery supports;~~ 8993  
8994  
8995  
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(2) Notify an individual included on the provider's waiting list when the provider has a slot available for the individual and, if the individual does not contact the provider about the slot within a period of time specified in the rules, contact the individual to determine why the individual did not contact the provider and to assess whether the individual still needs the treatment or support service included opioid and co-occurring drug addiction services and recovery supports; 8999  
9000  
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(3) Remove an individual from the waiting list if either of the following applies: 9007  
9008

(a) The individual withdraws the individual's request for included opioid and co-occurring drug addiction services and recovery supports; 9009  
9010  
9011

(b) When the provider notifies the individual about an available slot, the individual does not contact the provider 9012  
9013

about the slot within the period of time specified in the rules 9014  
or otherwise vacates the slot before beginning to receive the 9015  
services and supports. 9016

(4) As part of the process of maintaining the waiting 9017  
list, determine both of the following: 9018

(a) For each individual who seeks from the provider 9019  
included opioid and co-occurring drug addiction services and 9020  
recovery supports, the number of days that starts with the day 9021  
the individual first contacts the provider about accessing the 9022  
services and supports and ends on the following day: 9023

(i) If the individual is required to be assessed for the 9024  
individual's clinical need for the services and supports, the 9025  
day of the assessment; 9026

(ii) If the individual is not required to be assessed for 9027  
the individual's clinical need for the services and supports, 9028  
the first day of the individual's access to the services and 9029  
supports. 9030

(b) For each such individual who is required to be 9031  
assessed for the individual's clinical need for the services and 9032  
supports, the number of days that starts with the day of the 9033  
assessment and ends with the first day of the individual's 9034  
access to the services and supports. 9035

(5) Using information the provider acquires by maintaining 9036  
the waiting list, determine whether included opioid and co- 9037  
occurring drug addiction services and recovery supports are 9038  
insufficient to meet the needs of individuals on the waiting 9039  
list; 9040

(6) Subject to ~~divisions~~ division (B) and (C) of this 9041  
section, report all of the following information not later than 9042

~~the last day of each month to the board of alcohol, drug~~ 9043  
~~addiction, and mental health services that serves the county or~~ 9044  
~~counties in which the provider provides alcohol and drug~~ 9045  
~~addiction services~~ department of mental health and addiction 9046  
services: 9047

(a) An unduplicated count of all individuals who ~~reside in~~ 9048  
~~a county that the board serves and were included on the~~ 9049  
provider's waiting list ~~as of the last day of~~ during the 9050  
immediately preceding month and each type of ~~treatment and~~ 9051  
~~support service~~ included opioid and co-occurring drug addiction 9052  
services and recovery supports for which they were waiting; 9053

(b) The total number of days ~~all each such individuals~~ 9054  
individual had been on the provider's waiting list ~~as of the~~ 9055  
~~last day of~~ during the immediately preceding month; 9056

(c) The last known ~~types type~~ of residential ~~settings~~ 9057  
setting in which ~~all each such individuals individual~~ resided ~~as~~ 9058  
~~of the last day of~~ during the immediately preceding month; 9059

(d) The total number of ~~all such~~ individuals who did not 9060  
contact the provider after receiving, during the immediately 9061  
preceding month, the notices under division (A) (2) of this 9062  
section about the provider having slots available for the 9063  
individuals, ~~and,~~ if known, the reasons the contacts were not 9064  
made; 9065

(e) The total number ~~of all such~~ individuals who withdrew, 9066  
in the immediately preceding month, their ~~applications~~ requests 9067  
for ~~the treatment and support~~ included opioid and co-occurring 9068  
drug addiction services and recovery supports, each type of 9069  
service ~~for which and support that~~ those individuals had ~~applied~~ 9070  
requested or been assessed as having a clinical need for, and, 9071

if known, the reasons the applications were withdrawn those 9072  
individuals withdrew their requests; 9073

(f) An unduplicated count of all individuals who were 9074  
referred to another community addiction services provider 9075  
because the referring provider does not provide the type of 9076  
included opioid and co-occurring drug addiction services and 9077  
recovery supports that those individuals had requested or been 9078  
assessed as having a clinical need for and each type of service 9079  
and support for which those individuals were referred; 9080

(g) All other information specified in the rules. 9081

~~(B) If a community addiction services provider provides~~ 9082  
~~alcohol and drug addiction services in more than one county and~~ 9083  
~~those counties are served by different boards of alcohol, drug~~ 9084  
~~addiction, and mental health services, the provider shall~~ 9085  
~~provide separate reports under division (C)(3) of this section~~ 9086  
~~to each of the boards serving the counties in which the provider~~ 9087  
~~provides the services. The report provided to a board shall be~~ 9088  
~~specific to the county or counties the board serves and not~~ 9089  
~~include information for individuals residing in other counties.~~ 9090

~~(C) Each report that a community addiction services~~ 9091  
~~provider provides to a board of alcohol, drug addiction, and~~ 9092  
~~mental health services the department under this section shall~~ 9093  
~~do all both of the following:~~ 9094

~~(1) Maintain the confidentiality of all individuals for~~ 9095  
~~whom information is included in the report For the purposes of~~ 9096  
~~divisions (A)(6)(a) and (f) of this section, specify the~~ 9097  
~~counties of residence of the individuals in the unduplicated~~ 9098  
~~counts and include identifying information required by the rules~~ 9099  
~~adopted under section 5119.363 of the Revised Code so that the~~ 9100

department is able to identify any individuals who are 9101  
inadvertently duplicated in the counts; 9102

(2) For the purpose of the information reported under 9103  
division (A) ~~(3)~~ (6)(c) of this section, identify the types of 9104  
residential settings at least as either institutional or 9105  
noninstitutional. 9106

~~(3) If the report is provided to a board that serves more-~~ 9107  
~~than one county, present the information included in the report~~ 9108  
~~in a manner that is broken down for each of the counties the~~ 9109  
~~board serves.~~ 9110

**Sec. 5119.364.** (A) The department of mental health and 9111  
addiction services shall do both of the following with the 9112  
reports it receives from community addiction services providers 9113  
under section 5119.362 of the Revised Code: 9114

(1) Subject to division (B) of this section, make the 9115  
reports it receives under section 340.20 of the Revised Code 9116  
from boards of alcohol, drug addiction, and mental health 9117  
services available on the department's internet web site; 9118

(2) Make the reports available in an electronic format to 9119  
boards of alcohol, drug addiction, and mental health services in 9120  
a manner that provides the information about an individual 9121  
contained in a report to the board that serves the individual's 9122  
county. The 9123

(B) In making the reports available on the department's 9124  
web site, the department shall present the information contained 9125  
in the reports shall be presented on the web site on both a 9126  
statewide aggregate basis and county-level aggregate basis. The 9127  
information on the web site shall be updated monthly after the 9128  
boards community addiction services providers submit new reports 9129

to the department. 9130

**Sec. ~~5119.361~~ 5119.366.** The director of mental health and 9131  
addiction services shall require that each board of alcohol, 9132  
drug addiction, and mental health services ensure that each 9133  
community mental health services provider and community 9134  
addiction services provider with which it contracts under 9135  
~~division (A) (8) (a) of section 340.03~~ 340.036 of the Revised Code 9136  
to provide ~~addiction or mental health~~ certifiable services and 9137  
supports establish grievance procedures consistent with rules 9138  
adopted under section 5119.36 of the Revised Code that are 9139  
available to all persons seeking or receiving certifiable 9140  
services and supports from a community mental health services 9141  
provider or community addiction services provider. 9142

**Sec. ~~5119.372~~ 5119.367.** The director of mental health and 9143  
addiction services shall annually conduct an on-site review of 9144  
each community mental health services provider and community 9145  
addiction services provider that is an opioid treatment program 9146  
described in division (D) (2) (b) of section 4729.291 of the 9147  
Revised Code. The review may include an inspection of pharmacy 9148  
records as described in section 3719.13 of the Revised Code and 9149  
an inspection of patient treatment records. If the director has 9150  
reason to believe that a violation of local, state, or federal 9151  
drug law, including any provision of Chapter 2925., 3715., 9152  
3719., or 4729. of the Revised Code, has occurred, the director 9153  
shall report that information to the state board of pharmacy. 9154

The director may adopt rules in accordance with Chapter 9155  
119. of the Revised Code to implement this section. 9156

**Sec. 5119.391.** (A) No community addiction services 9157  
provider shall employ methadone treatment or prescribe, 9158  
dispense, or administer methadone unless the program is licensed 9159



under this section. No community addiction services provider 9160  
licensed under this section shall maintain methadone treatment 9161  
in a manner inconsistent with this section and the rules adopted 9162  
under it. 9163

(B) A community addiction services provider may apply to 9164  
the department of mental health and addiction services for a 9165  
license to maintain methadone treatment. The department shall 9166  
review all applications received. 9167

(C) The department may issue a license to maintain 9168  
methadone treatment to a community addiction services provider 9169  
only if all of the following apply: 9170

~~(1) The provider is operated by a private, nonprofit 9171  
organization or by a government entity;~~ 9172

~~(2) For at least two years immediately preceding the date 9173  
of application, the provider has been fully certified under 9174  
section 5119.36 of the Revised Code;~~ 9175

~~(3) The provider has not been denied a license to maintain 9176  
methadone treatment or had its license withdrawn or revoked 9177  
within the five-year period immediately preceding the date of 9178  
application;~~ 9179

~~(4)~~ (2) It affirmatively appears to the department that 9180  
the provider is adequately staffed and equipped to maintain 9181  
methadone treatment; 9182

~~(5)~~ (3) It affirmatively appears to the department that 9183  
the provider will maintain methadone treatment in strict 9184  
compliance with section 3719.61 of the Revised Code, all other 9185  
laws relating to drug abuse, and the rules adopted by the 9186  
department; 9187

~~(6)~~-(4) Except as provided in division (D) of this section 9188  
and section 5119.392 of the Revised Code, there is no public or 9189  
private school, licensed child day-care center, or other child- 9190  
serving agency within a radius of five hundred linear feet of 9191  
the location where the program is to maintain methadone 9192  
treatment; 9193

(5) The provider meets any additional requirements 9194  
established by the department in rules adopted under division 9195  
(F) of this section. 9196

(D) The department may waive the requirement of division 9197  
(C)~~(6)~~-(4) of this section if it receives, from each public or 9198  
private school, licensed child day-care center, or other child- 9199  
serving agency that is within the five hundred linear feet 9200  
radius of the location where the program is to maintain 9201  
methadone treatment, a letter of support for the location. The 9202  
department shall determine whether a letter of support is 9203  
satisfactory for purposes of waiving the requirement. 9204

(E) A license to maintain methadone treatment shall expire 9205  
one year from the date of issuance. Licenses may be renewed. 9206

(F) The department shall establish procedures and adopt 9207  
rules for licensing, inspection, and supervision of community 9208  
addiction services providers that maintain methadone treatment. 9209  
The rules shall establish standards for the control, storage, 9210  
furnishing, use, and dispensing of methadone; prescribe minimum 9211  
standards for the operation of the methadone treatment component 9212  
of the provider's operations; and comply with federal laws and 9213  
regulations. 9214

All rules adopted under this division shall be adopted in 9215  
accordance with Chapter 119. of the Revised Code. All actions 9216

taken by the department regarding the licensing of providers to 9217  
maintain methadone treatment shall be conducted in accordance 9218  
with Chapter 119. of the Revised Code, except as provided in 9219  
division (L) of this section. 9220

(G) The department of mental health and addiction services 9221  
shall inspect all community addiction services providers 9222  
licensed to maintain methadone treatment. Inspections shall be 9223  
conducted at least annually and may be conducted more 9224  
frequently. No person or government entity shall interfere with 9225  
a state or local government official acting on behalf of the 9226  
department while conducting an inspection. 9227

(H) A community addiction services provider shall not 9228  
administer or dispense methadone in a tablet, powder, or 9229  
intravenous form. Methadone shall be administered or dispensed 9230  
only in a liquid form intended for ingestion. A services 9231  
provider shall not administer or dispense methadone to an 9232  
individual for pain or other medical reasons. 9233

(I) As used in this division, "program sponsor" means a 9234  
person who assumes responsibility for the operation and 9235  
employees of the methadone treatment component of a community 9236  
addiction services provider. 9237

A community addiction services provider shall not employ 9238  
an individual who receives methadone treatment from that 9239  
services provider. A program shall not permit an individual to 9240  
act as a provider sponsor, medical director, or director of the 9241  
provider if the individual is receiving methadone treatment from 9242  
any community addiction services provider. 9243

(J) The department may issue orders to assure compliance 9244  
with section 3719.61 of the Revised Code, all other laws 9245

relating to drug abuse, and the rules adopted under this 9246  
section. Subject to section 5119.27 of the Revised Code, the 9247  
department may hold hearings, require the production of relevant 9248  
matter, compel testimony, issue subpoenas, and make 9249  
adjudications. Upon failure of a person without lawful excuse to 9250  
obey a subpoena or to produce relevant matter, the department 9251  
may apply to a court of common pleas for an order compelling 9252  
compliance. 9253

(K) The department may refuse to issue, or may withdraw or 9254  
revoke, a license to maintain methadone treatment. A license may 9255  
be refused if a community addiction services provider does not 9256  
meet the requirements of division (C) of this section. A license 9257  
may be withdrawn at any time the department determines that the 9258  
program no longer meets the requirements for receiving the 9259  
license. A license may be revoked in accordance with division 9260  
(L) of this section. 9261

Once a license is issued under this section, the 9262  
department shall not consider the requirement of division (C) ~~(6)~~ 9263  
(4) of this section in determining whether to renew, withdraw, 9264  
or revoke the license or whether to reissue the license as a 9265  
result of a change in ownership. 9266

(L) If the department of mental health and addiction 9267  
services finds reasonable cause to believe that a community 9268  
addiction services provider licensed under this section is in 9269  
violation of any provision of section 3719.61 of the Revised 9270  
Code, or of any other state or federal law or rule relating to 9271  
drug abuse, the department may issue an order immediately 9272  
revoking the license, subject to division (M) of this section. 9273  
The department shall set a date not more than fifteen days later 9274  
than the date of the order of revocation for a hearing on the 9275

continuation or cancellation of the revocation. For good cause, 9276  
the department may continue the hearing on application of any 9277  
interested party. In conducting hearings, the department has all 9278  
the authority and power set forth in division (J) of this 9279  
section. Following the hearing, the department shall either 9280  
confirm or cancel the revocation. The hearing shall be conducted 9281  
in accordance with Chapter 119. of the Revised Code, except that 9282  
the provider shall not be permitted to maintain methadone 9283  
treatment pending the hearing or pending any appeal from an 9284  
adjudication made as a result of the hearing. Notwithstanding 9285  
any provision of Chapter 119. of the Revised Code to the 9286  
contrary, a court shall not stay or suspend any order of 9287  
revocation issued by the director under this division pending 9288  
judicial appeal. 9289

(M) The department shall not revoke a license to maintain 9290  
methadone treatment unless all services recipients receiving 9291  
methadone treatment from the community addiction services 9292  
provider are provided adequate substitute treatment. For 9293  
purposes of this division, the department may transfer the 9294  
services recipients to other programs licensed to maintain 9295  
methadone treatment or replace any or all of the administrators 9296  
and staff of the provider with representatives of the department 9297  
who shall continue on a provisional basis the methadone 9298  
treatment component of the program. 9299

(N) Each time the department receives an application from 9300  
a community addiction services provider for a license to 9301  
maintain methadone treatment, issues or refuses to issue a 9302  
license, or withdraws or revokes a license, the department shall 9303  
notify the board of alcohol, drug addiction, and mental health 9304  
services of each alcohol, drug addiction, and mental health 9305  
service district in which the provider operates. 9306

(O) Whenever it appears to the department from files, upon 9307  
complaint, or otherwise, that a community addiction services 9308  
provider has engaged in any practice declared to be illegal or 9309  
prohibited by section 3719.61 of the Revised Code, or any other 9310  
state or federal laws or regulations relating to drug abuse, or 9311  
when the department believes it to be in the best interest of 9312  
the public and necessary for the protection of the citizens of 9313  
the state, the department may request criminal proceedings by 9314  
laying before the prosecuting attorney of the proper county any 9315  
evidence of criminality which may come to its knowledge. 9316

(P) The department shall maintain a current list of 9317  
community addiction services providers licensed by the 9318  
department under this section and shall provide a copy of the 9319  
current list to a judge of a court of common pleas who requests 9320  
a copy for the use of the judge under division (H) of section 9321  
2925.03 of the Revised Code. The list of licensed community 9322  
addiction services providers shall identify each licensed 9323  
provider by its name, its address, and the county in which it is 9324  
located. 9325

**Sec. 5119.392.** (A) On application by a community addiction 9326  
services provider that has purchased or leased real property to 9327  
be used as the location of a methadone treatment program 9328  
licensed under section 5119.391 of the Revised Code, the 9329  
department of mental health and addiction services shall 9330  
determine whether there is a public or private school, licensed 9331  
child day-care center, or other child-serving agency within a 9332  
radius of five hundred linear feet of the location of the 9333  
property. 9334

If it determines there is not a public or private school, 9335  
licensed child day-care center, or other child-serving agency 9336

within a radius of five hundred linear feet of the location, the 9337  
department shall issue a declaration that the location is in 9338  
compliance with division (C) ~~(6)~~ (4) section 5119.391 of the 9339  
Revised Code. 9340

The declaration is valid for one year and shall be 9341  
extended for up to two six-month periods on application by the 9342  
provider to the department. 9343

The department shall provide to the provider either a copy 9344  
of the declaration or notice that the department has determined 9345  
that the location is not in compliance with division (C) ~~(6)~~ (4) 9346  
of section 5119.391 of the Revised Code. 9347

If, before expiration of the declaration and any 9348  
extensions, a community addiction services provider applies for 9349  
a license to maintain a methadone treatment program, the 9350  
department shall not consider the requirement of division (C) ~~(6)~~ 9351  
(4) of section 5119.391 of the Revised Code in determining 9352  
whether to issue the license. 9353

(B) A community addiction services provider that desires 9354  
to relocate a methadone treatment program licensed under section 9355  
5119.391 of the Revised Code may apply for and be granted a 9356  
declaration under division (A) of this section. If, before 9357  
expiration of the declaration and any extensions, the provider 9358  
applies for issuance of a license due to relocation, the 9359  
department shall not consider the requirement of division (C) ~~(6)~~ 9360  
(4) of section 5119.391 of the Revised Code in determining 9361  
whether to reissue the license due to relocation. 9362

**Sec. 5119.41.** (A) As used in this section: 9363

(1) "Nursing facility" has the same meaning as in section 9364  
5165.01 of the Revised Code. 9365

(2) "Residential state supplement administrative agency" 9366  
means the department of mental health and addiction services or, 9367  
if the department designates an entity under division (C) of 9368  
this section for a particular area, the designated entity. 9369

(3) "Residential state supplement program" means the 9370  
program administered pursuant to this section. 9371

(B) The department of mental health and addiction services 9372  
shall implement the residential state supplement program under 9373  
which the state supplements the supplemental security income 9374  
payments received by aged, blind, or disabled adults under Title 9375  
XVI of the "Social Security Act," 42 U.S.C. 1381 et seq. 9376  
Residential state supplement payments shall be used for the 9377  
provision of accommodations, supervision, and personal care 9378  
services to social security, supplemental security income, and 9379  
social security disability insurance recipients who the 9380  
department determines are at risk of needing institutional care. 9381

(C) In implementing the program, the department may 9382  
designate one or more entities to be responsible for providing 9383  
administrative services regarding the program. The department 9384  
may designate an entity to be a residential state supplement 9385  
administrative agency under this division either by entering 9386  
into a contract with the entity to serve in that capacity or by 9387  
otherwise delegating to the entity the responsibility to serve 9388  
in that capacity. 9389

(D) For an individual to be eligible for residential state 9390  
supplement payments, all of the following must be the case: 9391

(1) Except as provided by division (G) of this section, 9392  
the individual must reside in one of the following living 9393  
arrangements: 9394



(a) A residential care facility licensed by the department 9395  
of health under Chapter 3721. of the Revised Code or an assisted 9396  
living program as defined in section ~~5111.89~~173.51 of the 9397  
Revised Code; 9398

(b) A class two residential facility licensed by the 9399  
department of mental health and addiction services under section 9400  
5119.34 of the Revised Code. 9401

(2) If a residential state supplement administrative 9402  
agency is aware that an individual enrolled in the program has 9403  
mental health needs, the agency shall refer the individual for 9404  
an assessment pursuant to division (A) of section 340.091 of the 9405  
Revised Code. 9406

(3) The individual satisfies all eligibility requirements 9407  
established by rules adopted under division (E) of this section. 9408

(4) An individual residing in a living arrangement housing 9409  
more than sixteen individuals shall not be eligible for 9410  
inclusion in the program unless the director of mental health 9411  
and addiction services specifically waives this size limitation 9412  
with respect to that individual in that living arrangement. An 9413  
individual with such a waiver as of October 1, 2015, shall 9414  
remain eligible for the program as long as the individual 9415  
remains in that living arrangement. 9416

(E) The director of mental health and addiction services 9417  
and medicaid director shall adopt rules in accordance with 9418  
Chapter 119. of the Revised Code as necessary to implement the 9419  
residential state supplement program. 9420

To the extent permitted by Title XVI of the "Social 9421  
Security Act," and any other provision of federal law, the 9422  
medicaid director may adopt rules establishing standards for 9423

adjusting the eligibility requirements concerning the level of 9424  
impairment a person must have so that the amount appropriated 9425  
for the program by the general assembly is adequate for the 9426  
number of eligible individuals. The rules shall not limit the 9427  
eligibility of disabled persons solely on a basis classifying 9428  
disabilities as physical or mental. The medicaid director also 9429  
may adopt rules that establish eligibility standards for aged, 9430  
blind, or disabled individuals who reside in one of the homes or 9431  
facilities specified in division (D)(1) of this section but who, 9432  
because of their income, do not receive supplemental security 9433  
income payments. The rules may provide that these individuals 9434  
may include individuals who receive other types of benefits, 9435  
including, social security payments or social security 9436  
disability insurance benefits provided under Title II of the 9437  
"Social Security Act," 42 U.S.C. 401, et seq. Notwithstanding 9438  
division (B) of this section, such payments may be made if funds 9439  
are available for them. 9440

The director of mental health and addiction services may 9441  
adopt rules establishing the method to be used to determine the 9442  
amount an eligible individual will receive under the program. 9443  
The amount the general assembly appropriates for the program may 9444  
be a factor included in the method that director establishes. 9445

(F) The county department of job and family services of 9446  
the county in which an applicant for the residential state 9447  
supplement program resides or the department of medicaid shall 9448  
determine whether the applicant meets income and resource 9449  
requirements for the program. 9450

(G) An individual in a licensed or certified living 9451  
arrangement receiving state supplementation on November 15, 9452  
1990, under former section 5101.531 of the Revised Code shall 9453

not become ineligible for payments under this section solely by 9454  
reason of the individual's living arrangement as long as the 9455  
individual remains in the living arrangement in which the 9456  
individual resided on November 15, 1990. 9457

(H) The county department of job and family services from 9458  
which the person is receiving benefits or the department of 9459  
medicaid shall notify each person denied approval for payments 9460  
under this section of the person's right to a hearing. On 9461  
request, the hearing shall be provided in accordance with 9462  
section 5101.35 of the Revised Code. 9463

**Sec. 5119.42.** (A) As used in this section, "private, 9464  
nonprofit organization" means a private association, 9465  
organization, corporation, or other entity that is tax exempt 9466  
under section 501(a) and described in section 501(c) of the 9467  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501. 9468

(B) To the extent funds are available and on application 9469  
by boards of alcohol, drug addiction, and mental health 9470  
services, the director of mental health and addiction services 9471  
may approve state reimbursement of, or state grants for, 9472  
community construction programs including residential housing 9473  
for severely mentally disabled persons and persons with 9474  
substance use disorders. The director may also approve an 9475  
application for reimbursement or a grant for such programs 9476  
submitted by other governmental entities or by private, 9477  
nonprofit organizations, after the application has been reviewed 9478  
and recommended for approval or disapproval by the board of 9479  
alcohol, drug addiction, and mental health services for the 9480  
district from which the application came, and the application is 9481  
consistent with the ~~plan submitted by the board~~ board's approved 9482  
community addiction and mental health plan submitted under 9483

division (A) of section 340.03 of the Revised Code and the 9484  
board's approved budget and ~~statement-list of~~ addiction 9485  
services, mental health services, and recovery supports 9486  
submitted ~~by the board~~ under divisions (A) and (B) of section 9487  
340.08 of the Revised Code. 9488

(C) (1) The director of mental health and addiction 9489  
services shall adopt rules in accordance with Chapter 119. of 9490  
the Revised Code that specify procedures for applying for state 9491  
reimbursement of and state grants for community construction 9492  
programs, including residential housing for severely mentally 9493  
disabled persons and persons with substance use disorders and 9494  
procedures and criteria for approval of such reimbursement and 9495  
grants. 9496

(2) The director of mental health and addiction services 9497  
shall not approve state reimbursement or a state grant unless 9498  
all of the following conditions are met: 9499

(a) The applicant includes with the application a plan 9500  
specifying the services, in addition to housing, that will be 9501  
provided to persons who will reside in the residential housing. 9502  
Services specified may include any of the services described in 9503  
section 340.09 of the Revised Code. 9504

(b) The director is satisfied that the residential housing 9505  
for severely mentally disabled persons will be developed to 9506  
promote the maximum practical integration of severely mentally 9507  
disabled persons with persons at the same site who are not 9508  
severely mentally disabled. 9509

(c) The use of any funds distributed pursuant to the 9510  
reimbursement or grant will not subject any obligation from 9511  
which the funds are derived to federal income taxation. 9512

(3) The director may enter into an agreement establishing 9513  
terms for any reimbursement or grant approved under this 9514  
division with the organization, board, or other government 9515  
entity that is the recipient of the reimbursement or grant. Any 9516  
such agreement is subject to any covenant or agreement 9517  
pertaining to any obligation issued to provide funds for the 9518  
reimbursement or grant. 9519

**Sec. 5119.60.** The department of mental health and 9520  
addiction services shall submit an annual report to the governor 9521  
that shall describe the services the department offers and how 9522  
appropriated funds have been spent. The report shall include all 9523  
of the following: 9524

(A) The utilization of state hospitals by each alcohol, 9525  
drug addiction, and mental health service district; 9526

(B) The number of persons served by community addiction 9527  
services providers that receive funds distributed by the 9528  
department, with a breakdown into categories including age, sex, 9529  
race, the type of drug to which the person is addicted, and any 9530  
other categories the director of mental health and addiction 9531  
services considers significant; 9532

(C) The number of severely mentally disabled persons 9533  
served in each district; 9534

(D) The number and types of addiction services, mental 9535  
health services, and recovery supports provided to severely 9536  
mentally disabled persons through state-operated services, 9537  
community addiction services providers, and community mental 9538  
health services providers; 9539

(E) A report measuring the success of community addiction 9540  
services providers, based on the measures for accountability 9541

developed by the department, including the percentage of persons 9542  
served by such community addiction services providers who have 9543  
not relapsed; 9544

(F) Any other information that the director considers 9545  
significant or is requested by the governor. 9546

**Sec. 5119.61.** (A) The department of mental health and 9547  
addiction services shall collect and compile statistics and 9548  
other information on the care and treatment of mentally disabled 9549  
persons, and the care, treatment, and rehabilitation of 9550  
alcoholics, drug dependent persons, ~~and persons in danger of~~ 9551  
~~drug dependence, and persons with or in danger of developing a~~ 9552  
~~gambling addiction in this state, including. The information~~ 9553  
~~shall include,~~ without limitation, information on the number of 9554  
such persons, the type of drug involved, if any, the type of 9555  
care, treatment, or rehabilitation prescribed or undertaken, and 9556  
the success or failure of the care, treatment, or 9557  
rehabilitation. The department shall collect information about 9558  
addiction services, mental health services, and recovery 9559  
supports delivered and persons served as required for reporting 9560  
and evaluation relating to state and federal funds expended for 9561  
such purposes. 9562

(B) No ~~alcohol, drug community addiction, services~~ 9563  
provider or community mental health services provider shall fail 9564  
to supply statistics and other information within its knowledge 9565  
and with respect to its addiction services, mental health 9566  
services, and recovery supports upon request of the department. 9567

(C) Communications by a person seeking aid in good faith 9568  
for alcoholism or drug dependence are confidential, and this 9569  
section does not require the collection or permit the disclosure 9570  
of information which reveals or comprises the identity of any 9571

person seeking aid. 9572

(D) Based on the information collected and compiled under 9573  
division (A) of this section, the department shall develop a 9574  
project to assess the outcomes of persons served by community 9575  
~~alcohol and drug~~-addiction services providers and community 9576  
mental health services providers that receive funds distributed 9577  
by the department. 9578

**Sec. 5120.035.** (A) As used in this section: 9579

(1) "Community treatment provider" means a program that 9580  
provides substance use disorder assessment and treatment for 9581  
persons and that satisfies all of the following: 9582

(a) It is located outside of a state correctional 9583  
institution. 9584

(b) It shall provide the assessment and treatment for 9585  
qualified prisoners referred and transferred to it under this 9586  
section in a suitable facility that is licensed pursuant to 9587  
division (C) of section 2967.14 of the Revised Code. 9588

(c) All qualified prisoners referred and transferred to it 9589  
under this section shall reside initially in the suitable 9590  
facility specified in division (A) (1) (b) of this section while 9591  
undergoing the assessment and treatment. 9592

(2) "Electronic monitoring device" has the same meaning as 9593  
in section 2929.01 of the Revised Code. 9594

(3) "State correctional institution" has the same meaning 9595  
as in section 2967.01 of the Revised Code. 9596

(4) "Qualified prisoner" means a person who satisfies all 9597  
of the following: 9598

(a) The person is confined in a state correctional institution under a prison term imposed for a felony of the fourth or fifth degree that is not an offense of violence. 9599  
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(b) The person has not previously been convicted of or pleaded guilty to an offense of violence. 9602  
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(c) The department of rehabilitation and correction determines, using a standardized assessment tool, that the person has a substance use disorder. 9604  
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(d) The person has not more than twelve months remaining to be served under the prison term described in division (A) (4) (a) of this section. 9607  
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(e) The person is not serving any prison term other than the term described in division (A) (4) (a) of this section. 9610  
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(f) The person is eighteen years of age or older. 9612

(g) The person does not show signs of drug or alcohol withdrawal and does not require medical detoxification. 9613  
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(h) As determined by the department of rehabilitation and correction, the person is physically and mentally capable of uninterrupted participation in the substance use disorder treatment program established under division (B) of this section. 9615  
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(B) The department of rehabilitation and correction shall establish and operate a program for community-based substance use disorder treatment for qualified prisoners. The purpose of the program shall be to provide substance use disorder assessment and treatment through community treatment providers to help reduce substance use relapses and recidivism for qualified prisoners while preparing them for reentry into the 9620  
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community and improving public safety. 9627

(C) (1) The department shall determine which qualified 9628  
prisoners in its custody should be placed in the substance use 9629  
disorder treatment program established under division (B) of 9630  
this section. The department has full discretion in making that 9631  
determination. If the department determines that a qualified 9632  
prisoner should be placed in the program, the department may 9633  
refer the prisoner to a community treatment provider the 9634  
department has approved under division (E) of this section for 9635  
participation in the program and transfer the prisoner from the 9636  
state correctional institution to the provider's approved and 9637  
licensed facility. Except as otherwise provided in division (C) 9638  
(3) of this section, no prisoner shall be placed under the 9639  
program in any facility other than a facility of a community 9640  
treatment provider that has been so approved. If the department 9641  
places a prisoner in the program, the prisoner shall receive 9642  
credit against the prisoner's prison term for all time served in 9643  
the provider's approved and licensed facility and may earn days 9644  
of credit under section 2967.193 of the Revised Code, but 9645  
otherwise neither the placement nor the prisoner's participation 9646  
in or completion of the program shall result in any reduction of 9647  
the prisoner's prison term. 9648

(2) If the department places a prisoner in the substance 9649  
use disorder treatment program, the prisoner does not 9650  
satisfactorily participate in the program, and the prisoner has 9651  
not served the prisoner's entire prison term, the department may 9652  
remove the prisoner from the program and return the prisoner to 9653  
a state correctional institution. 9654

(3) If the department places a prisoner in the substance 9655  
use disorder treatment program and the prisoner is 9656

satisfactorily participating in the program, the department may 9657  
permit the prisoner to reside at a residence approved by the 9658  
department if the department determines, with input from the 9659  
community treatment provider, that residing at the approved 9660  
residence will help the prisoner prepare for reentry into the 9661  
community and will help reduce substance use relapses and 9662  
recidivism for the prisoner. If a prisoner is permitted under 9663  
this division to reside at a residence approved by the 9664  
department, the prisoner shall be monitored during the period of 9665  
that residence by an electronic monitoring device. 9666

(D) (1) When a prisoner has been placed in the substance 9667  
use disorder treatment program established under division (B) of 9668  
this section, before the prisoner is released from custody of 9669  
the department upon completion of the prisoner's prison term, 9670  
the department shall conduct and prepare an evaluation of the 9671  
prisoner, the prisoner's participation in the program, and the 9672  
prisoner's needs regarding substance use disorder treatment upon 9673  
release. Before the prisoner is released from custody of the 9674  
department upon completion of the prisoner's prison term, the 9675  
parole board or the court acting pursuant to an agreement under 9676  
section 2967.29 of the Revised Code shall consider the 9677  
evaluation, in addition to all other information and materials 9678  
considered, as follows: 9679

(a) If the prisoner is a prisoner for whom post-release 9680  
control is mandatory under section 2967.28 of the Revised Code, 9681  
the board or court shall consider it in determining which post- 9682  
release control sanction or sanctions to impose upon the 9683  
prisoner under that section. 9684

(b) If the prisoner is a prisoner for whom post-release 9685  
control is not mandatory under section 2967.28 of the Revised 9686

Code, the board or court shall consider it in determining 9687  
whether a post-release control sanction is necessary and, if so, 9688  
which post-release control sanction or sanctions to impose upon 9689  
the prisoner under that section. 9690

(2) If the department determines that a prisoner it placed 9691  
in the substance use disorder treatment program successfully 9692  
completed the program and successfully completed a term of post- 9693  
release control, if applicable, and if the prisoner submits an 9694  
application under section 2953.32 of the Revised Code for 9695  
sealing the record of the conviction, the director may issue a 9696  
letter to the court in support of the application. 9697

(E) (1) The department shall accept applications from 9698  
community treatment providers that satisfy the requirement 9699  
specified in division (E) (2) of this section and that wish to 9700  
participate in the substance use disorder treatment program 9701  
established under division (B) of this section, and shall 9702  
approve for participation in the program at least four and not 9703  
more than eight of the providers that apply. To the extent 9704  
feasible, the department shall approve one or more providers 9705  
from each geographical quadrant of the state. 9706

(2) Each community treatment provider that applies under 9707  
division (E) (1) of this section to participate in the program 9708  
shall ~~be~~ have the provider's alcohol and drug addiction services 9709  
that provide substance use disorder treatment certified by the 9710  
department of mental health and addiction services under section 9711  
5119.36 of the Revised Code ~~to provide substance use disorder~~ 9712  
~~treatment, but shall~~. A community treatment provider is not be 9713  
required to ~~be~~ have the provider's halfway house or residential 9714  
treatment certified by the department of mental health and 9715  
addiction services ~~to provide halfway house or residential~~ 9716

treatment. 9717

(F) The department of rehabilitation and correction shall 9718  
adopt rules for the operation of the substance use disorder 9719  
treatment program it establishes under division (B) of this 9720  
section and shall operate the program in accordance with this 9721  
section and those rules. The rules shall establish, at a 9722  
minimum, all of the following: 9723

(1) Criteria that establish which qualified prisoners are 9724  
eligible for the program; 9725

(2) Criteria that must be satisfied to transfer a 9726  
qualified prisoner to a residence pursuant to division (C) (3) of 9727  
this section; 9728

(3) Criteria for the removal of a prisoner from the 9729  
program pursuant to division (C) (2) of this section; 9730

(4) Criteria for determining when an offender has 9731  
successfully completed the program for purposes of division (D) 9732  
(2) of this section; 9733

(5) Criteria for community treatment providers to provide 9734  
assessment and treatment, including minimum standards for 9735  
treatment. 9736

**Sec. 5122.31.** (A) All certificates, applications, records, 9737  
and reports made for the purpose of this chapter and sections 9738  
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 9739  
Code, other than court journal entries or court docket entries, 9740  
and directly or indirectly identifying a patient or former 9741  
patient or person whose hospitalization or commitment has been 9742  
sought under this chapter, shall be kept confidential and shall 9743  
not be disclosed by any person except: 9744

(1) If the person identified, or the person's legal guardian, if any, or if the person is a minor, the person's parent or legal guardian, consents, and if the disclosure is in the best interests of the person, as may be determined by the court for judicial records and by the chief clinical officer for medical records;

(2) When disclosure is provided for in this chapter or Chapters 340. or 5119. of the Revised Code or in accordance with other provisions of state or federal law authorizing such disclosure;

(3) That hospitals, boards of alcohol, drug addiction, and mental health services, and community mental health services providers may release necessary medical information to insurers and other third-party payers, including government entities responsible for processing and authorizing payment, to obtain payment for goods and services furnished to the patient;

(4) Pursuant to a court order signed by a judge;

(5) That a patient shall be granted access to the patient's own psychiatric and medical records, unless access specifically is restricted in a patient's treatment plan for clear treatment reasons;

(6) That hospitals and other institutions and facilities within the department of mental health and addiction services may exchange psychiatric records and other pertinent information with other hospitals, institutions, and facilities of the department, and with community mental health services providers and boards of alcohol, drug addiction, and mental health services with which the department has a current agreement for patient care or services. Records and information that may be

released pursuant to this division shall be limited to 9774  
medication history, physical health status and history, 9775  
financial status, summary of course of treatment in the 9776  
hospital, summary of treatment needs, and a discharge summary, 9777  
if any. 9778

(7) That hospitals within the department and other 9779  
institutions and facilities within the department may exchange 9780  
psychiatric records and other pertinent information with payers 9781  
and other providers of treatment ~~and~~, health services, and 9782  
recovery supports if the purpose of the exchange is to 9783  
facilitate continuity of care for a patient or for the emergency 9784  
treatment of an individual; 9785

(8) That a patient's family member who is involved in the 9786  
provision, planning, and monitoring of services to the patient 9787  
may receive medication information, a summary of the patient's 9788  
diagnosis and prognosis, and a list of the services and 9789  
personnel available to assist the patient and the patient's 9790  
family, if the patient's treating physician determines that the 9791  
disclosure would be in the best interests of the patient. No 9792  
such disclosure shall be made unless the patient is notified 9793  
first and receives the information and does not object to the 9794  
disclosure. 9795

(9) That community mental health services providers may 9796  
exchange psychiatric records and certain other information with 9797  
the board of alcohol, drug addiction, and mental health services 9798  
and other services providers in order to provide services to a 9799  
person involuntarily committed to a board. Release of records 9800  
under this division shall be limited to medication history, 9801  
physical health status and history, financial status, summary of 9802  
course of treatment, summary of treatment needs, and discharge 9803

summary, if any. 9804

(10) That information may be disclosed to the executor or 9805  
the administrator of an estate of a deceased patient when the 9806  
information is necessary to administer the estate; 9807

(11) That records in the possession of the Ohio history 9808  
connection may be released to the closest living relative of a 9809  
deceased patient upon request of that relative; 9810

(12) That records pertaining to the patient's diagnosis, 9811  
course of treatment, treatment needs, and prognosis shall be 9812  
disclosed and released to the appropriate prosecuting attorney 9813  
if the patient was committed pursuant to section 2945.38, 9814  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or 9815  
to the attorney designated by the board for proceedings pursuant 9816  
to involuntary commitment under this chapter. 9817

(13) That the department of mental health and addiction 9818  
services may exchange psychiatric hospitalization records, other 9819  
mental health treatment records, and other pertinent information 9820  
with the department of rehabilitation and correction and with 9821  
the department of youth services to ensure continuity of care 9822  
for inmates or offenders who are receiving mental health 9823  
services in an institution of the department of rehabilitation 9824  
and correction or the department of youth services and may 9825  
exchange psychiatric hospitalization records, other mental 9826  
health treatment records, and other pertinent information with 9827  
boards of alcohol, drug addiction, and mental health services 9828  
and community mental health services providers to ensure 9829  
continuity of care for inmates or offenders who are receiving 9830  
mental health services in an institution and are scheduled for 9831  
release within six months. ~~The department shall not disclose~~ 9832  
~~those records unless the inmate or offender is notified,~~ 9833

~~receives the information, and does not object to the disclosure.~~ 9834  
The release of records under this division is limited to records 9835  
regarding an inmate's or offender's medication history, physical 9836  
health status and history, summary of course of treatment, 9837  
summary of treatment needs, and a discharge summary, if any; 9838

(14) That records and reports relating to a person who has 9839  
been deceased for fifty years or more are no longer considered 9840  
confidential. 9841

(B) Before records are disclosed pursuant to divisions (A) 9842  
(3), (6), and (9) of this section, the custodian of the records 9843  
shall attempt to obtain the patient's consent for the 9844  
disclosure. No person shall reveal the contents of a medical 9845  
record of a patient except as authorized by law. 9846

(C) The managing officer of a hospital who releases 9847  
necessary medical information under division (A) (3) of this 9848  
section to allow an insurance carrier or other third party payor 9849  
to comply with section 5121.43 of the Revised Code shall neither 9850  
be subject to criminal nor civil liability. 9851

**Sec. 5139.01.** (A) As used in this chapter: 9852

(1) "Commitment" means the transfer of the physical 9853  
custody of a child or youth from the court to the department of 9854  
youth services. 9855

(2) "Permanent commitment" means a commitment that vests 9856  
legal custody of a child in the department of youth services. 9857

(3) "Legal custody," insofar as it pertains to the status 9858  
that is created when a child is permanently committed to the 9859  
department of youth services, means a legal status in which the 9860  
department has the following rights and responsibilities: the 9861  
right to have physical possession of the child; the right and 9862



duty to train, protect, and control the child; the 9863  
responsibility to provide the child with food, clothing, 9864  
shelter, education, and medical care; and the right to determine 9865  
where and with whom the child shall live, subject to the minimum 9866  
periods of, or periods of, institutional care prescribed in 9867  
sections 2152.13 to 2152.18 of the Revised Code; provided, that 9868  
these rights and responsibilities are exercised subject to the 9869  
powers, rights, duties, and responsibilities of the guardian of 9870  
the person of the child, and subject to any residual parental 9871  
rights and responsibilities. 9872

(4) Unless the context requires a different meaning, 9873  
"institution" means a state facility that is created by the 9874  
general assembly and that is under the management and control of 9875  
the department of youth services or a private entity with which 9876  
the department has contracted for the institutional care and 9877  
custody of felony delinquents. 9878

(5) "Full-time care" means care for twenty-four hours a 9879  
day for over a period of at least two consecutive weeks. 9880

(6) "Placement" means the conditional release of a child 9881  
under the terms and conditions that are specified by the 9882  
department of youth services. The department shall retain legal 9883  
custody of a child released pursuant to division (C) of section 9884  
2152.22 of the Revised Code or division (C) of section 5139.06 9885  
of the Revised Code until the time that it discharges the child 9886  
or until the legal custody is terminated as otherwise provided 9887  
by law. 9888

(7) "Home placement" means the placement of a child in the 9889  
home of the child's parent or parents or in the home of the 9890  
guardian of the child's person. 9891

(8) "Discharge" means that the department of youth services' legal custody of a child is terminated. 9892  
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(9) "Release" means the termination of a child's stay in an institution and the subsequent period during which the child returns to the community under the terms and conditions of supervised release. 9894  
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(10) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code. 9898  
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(11) "Felony delinquent" means any child who is at least ten years of age but less than eighteen years of age and who is adjudicated a delinquent child for having committed an act that if committed by an adult would be a felony. "Felony delinquent" includes any adult who is between the ages of eighteen and twenty-one and who is in the legal custody of the department of youth services for having committed an act that if committed by an adult would be a felony. 9900  
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(12) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code. 9908  
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(13) "Public safety beds" means all of the following: 9910

(a) Felony delinquents who have been committed to the department of youth services for the commission of an act, other than a violation of section 2911.01 or 2911.11 of the Revised Code, that is a category one offense or a category two offense and who are in the care and custody of an institution or have been diverted from care and custody in an institution and placed in a community corrections facility; 9911  
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(b) Felony delinquents who, while committed to the department of youth services and in the care and custody of an institution or a community corrections facility, are adjudicated 9918  
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delinquent children for having committed in that institution or 9921  
community corrections facility an act that if committed by an 9922  
adult would be a misdemeanor or a felony; 9923

(c) Children who satisfy all of the following: 9924

(i) They are at least ten years of age but less than 9925  
eighteen years of age. 9926

(ii) They are adjudicated delinquent children for having 9927  
committed acts that if committed by an adult would be a felony. 9928

(iii) They are committed to the department of youth 9929  
services by the juvenile court of a county that has had one- 9930  
tenth of one per cent or less of the statewide adjudications for 9931  
felony delinquents as averaged for the past four fiscal years. 9932

(iv) They are in the care and custody of an institution or 9933  
a community corrections facility. 9934

(d) Felony delinquents who, while committed to the 9935  
department of youth services and in the care and custody of an 9936  
institution are serving disciplinary time for having committed 9937  
an act described in division (A)(18)(a), (b), or (c) of this 9938  
section, and who have been institutionalized or 9939  
institutionalized in a secure facility for the minimum period of 9940  
time specified in divisions (A)(1)(b) to (e) of section 2152.16 9941  
of the Revised Code. 9942

(e) Felony delinquents who are subject to and serving a 9943  
three-year period of commitment order imposed by a juvenile 9944  
court pursuant to divisions (A) and (B) of section 2152.17 of 9945  
the Revised Code for an act, other than a violation of section 9946  
2911.11 of the Revised Code, that would be a category one 9947  
offense or category two offense if committed by an adult. 9948

(f) Felony delinquents who are described in divisions (A) 9949  
(13)(a) to (e) of this section, who have been granted a judicial 9950  
release to court supervision under division (B) or (D) of 9951  
section 2152.22 of the Revised Code or a judicial release to the 9952  
department of youth services supervision under division (C) or 9953  
(D) of that section from the commitment to the department of 9954  
youth services for the act described in divisions (A)(13)(a) to 9955  
(e) of this section, who have violated the terms and conditions 9956  
of that release, and who, pursuant to an order of the court of 9957  
the county in which the particular felony delinquent was placed 9958  
on release that is issued pursuant to division (E) of section 9959  
2152.22 of the Revised Code, have been returned to the 9960  
department for institutionalization or institutionalization in a 9961  
secure facility. 9962

(g) Felony delinquents who have been committed to the 9963  
custody of the department of youth services, who have been 9964  
granted supervised release from the commitment pursuant to 9965  
section 5139.51 of the Revised Code, who have violated the terms 9966  
and conditions of that supervised release, and who, pursuant to 9967  
an order of the court of the county in which the particular 9968  
child was placed on supervised release issued pursuant to 9969  
division (F) of section 5139.52 of the Revised Code, have had 9970  
the supervised release revoked and have been returned to the 9971  
department for institutionalization. A felony delinquent 9972  
described in this division shall be a public safety bed only for 9973  
the time during which the felony delinquent is institutionalized 9974  
as a result of the revocation subsequent to the initial ninety- 9975  
day period of institutionalization required by division (F) of 9976  
section 5139.52 of the Revised Code. 9977

(14) Unless the context requires a different meaning, 9978  
"community corrections facility" means a county or multicounty 9979

rehabilitation center for felony delinquents who have been 9980  
committed to the department of youth services and diverted from 9981  
care and custody in an institution and placed in the 9982  
rehabilitation center pursuant to division (E) of section 9983  
5139.36 of the Revised Code. 9984

(15) "Secure facility" means any facility that is designed 9985  
and operated to ensure that all of its entrances and exits are 9986  
under the exclusive control of its staff and to ensure that, 9987  
because of that exclusive control, no child who has been 9988  
institutionalized in the facility may leave the facility without 9989  
permission or supervision. 9990

(16) "Community residential program" means a program that 9991  
satisfies both of the following: 9992

(a) It is housed in a building or other structure that has 9993  
no associated major restraining construction, including, but not 9994  
limited to, a security fence. 9995

(b) It provides twenty-four-hour care, supervision, and 9996  
programs for felony delinquents who are in residence. 9997

(17) "Category one offense" and "category two offense" 9998  
have the same meanings as in section ~~2151.26~~2152.02 of the 9999  
Revised Code. 10000

(18) "Disciplinary time" means additional time that the 10001  
department of youth services requires a felony delinquent to 10002  
serve in an institution, that delays the felony delinquent's 10003  
planned release, and that the department imposes upon the felony 10004  
delinquent following the conduct of an internal due process 10005  
hearing for having committed any of the following acts while 10006  
committed to the department and in the care and custody of an 10007  
institution: 10008

(a) An act that if committed by an adult would be a felony;	10009 10010
(b) An act that if committed by an adult would be a misdemeanor;	10011 10012
(c) An act that is not described in division (A) (18) (a) or (b) of this section and that violates an institutional rule of conduct of the department.	10013 10014 10015
(19) "Unruly child" has the same meaning as in section 2151.022 of the Revised Code.	10016 10017
(20) "Revocation" means the act of revoking a child's supervised release for a violation of a term or condition of the child's supervised release in accordance with section 5139.52 of the Revised Code.	10018 10019 10020 10021
(21) "Release authority" means the release authority of the department of youth services that is established by section 5139.50 of the Revised Code.	10022 10023 10024
(22) "Supervised release" means the event of the release of a child under this chapter from an institution and the period after that release during which the child is supervised and assisted by an employee of the department of youth services under specific terms and conditions for reintegration of the child into the community.	10025 10026 10027 10028 10029 10030
(23) "Victim" means the person identified in a police report, complaint, or information as the victim of an act that would have been a criminal offense if committed by an adult and that provided the basis for adjudication proceedings resulting in a child's commitment to the legal custody of the department of youth services.	10031 10032 10033 10034 10035 10036

(24) "Victim's representative" means a member of the 10037  
victim's family or another person whom the victim or another 10038  
authorized person designates in writing, pursuant to section 10039  
5139.56 of the Revised Code, to represent the victim with 10040  
respect to proceedings of the release authority of the 10041  
department of youth services and with respect to other matters 10042  
specified in that section. 10043

(25) "Member of the victim's family" means a spouse, 10044  
child, stepchild, sibling, parent, stepparent, grandparent, 10045  
other relative, or legal guardian of a child but does not 10046  
include a person charged with, convicted of, or adjudicated a 10047  
delinquent child for committing a criminal or delinquent act 10048  
against the victim or another criminal or delinquent act arising 10049  
out of the same conduct, criminal or delinquent episode, or plan 10050  
as the criminal or delinquent act committed against the victim. 10051

(26) "Judicial release to court supervision" means a 10052  
release of a child from institutional care or institutional care 10053  
in a secure facility that is granted by a court pursuant to 10054  
division (B) of section 2152.22 of the Revised Code during the 10055  
period specified in that division or that is granted by a court 10056  
to court supervision pursuant to division (D) of that section 10057  
during the period specified in that division. 10058

(27) "Judicial release to department of youth services 10059  
supervision" means a release of a child from institutional care 10060  
or institutional care in a secure facility that is granted by a 10061  
court pursuant to division (C) of section 2152.22 of the Revised 10062  
Code during the period specified in that division or that is 10063  
granted to department supervision by a court pursuant to 10064  
division (D) of that section during the period specified in that 10065  
division. 10066

(28) "Juvenile justice system" includes all of the 10067  
functions of the juvenile courts, the department of youth 10068  
services, any public or private agency whose purposes include 10069  
the prevention of delinquency or the diversion, adjudication, 10070  
detention, or rehabilitation of delinquent children, and any of 10071  
the functions of the criminal justice system that are applicable 10072  
to children. 10073

(29) "Metropolitan county criminal justice services 10074  
agency" means an agency that is established pursuant to division 10075  
(A) of section 5502.64 of the Revised Code. 10076

(30) "Administrative planning district" means a district 10077  
that is established pursuant to division (A) or (B) of section 10078  
5502.66 of the Revised Code. 10079

(31) "Criminal justice coordinating council" means a 10080  
criminal justice services agency that is established pursuant to 10081  
division (D) of section 5502.66 of the Revised Code. 10082

(32) "Comprehensive plan" means a document that 10083  
coordinates, evaluates, and otherwise assists, on an annual or 10084  
multi-year basis, all of the functions of the juvenile justice 10085  
systems of the state or a specified area of the state, that 10086  
conforms to the priorities of the state with respect to juvenile 10087  
justice systems, and that conforms with the requirements of all 10088  
federal criminal justice acts. These functions include, but are 10089  
not limited to, all of the following: 10090

(a) Delinquency; 10091

(b) Identification, detection, apprehension, and detention 10092  
of persons charged with delinquent acts; 10093

(c) Assistance to crime victims or witnesses, except that 10094  
the comprehensive plan does not include the functions of the 10095



attorney general pursuant to sections 109.91 and 109.92 of the Revised Code; 10096  
10097

(d) Adjudication or diversion of persons charged with delinquent acts; 10098  
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(e) Custodial treatment of delinquent children; 10100

(f) Institutional and noninstitutional rehabilitation of delinquent children. 10101  
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(B) There is hereby created the department of youth services. The governor shall appoint the director of the department with the advice and consent of the senate. The director shall hold office during the term of the appointing governor but subject to removal at the pleasure of the governor. Except as otherwise authorized in section 108.05 of the Revised Code, the director shall devote the director's entire time to the duties of the director's office and shall hold no other office or position of trust or profit during the director's term of office. 10103  
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The director is the chief executive and administrative officer of the department and has all the powers of a department head set forth in Chapter 121. of the Revised Code. The director may adopt rules for the government of the department, the conduct of its officers and employees, the performance of its business, and the custody, use, and preservation of the department's records, papers, books, documents, and property. The director shall be an appointing authority within the meaning of Chapter 124. of the Revised Code. Whenever this or any other chapter or section of the Revised Code imposes a duty on or requires an action of the department, the duty or action shall be performed by the director or, upon the director's order, in 10113  
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the name of the department. 10125

Sec. 5164.091. (A) As used in this section: 10126

(1) "Benzodiazepine" has the same meaning as in section 3719.01 of the Revised Code. 10127  
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(2) "Chronic pain" has the same meaning as in section 4731.052 of the Revised Code. 10129  
10130

(3) "Hospice care program" and "hospice patient" have the same meanings as in section 3712.01 of the Revised Code. 10131  
10132

(4) "Opioid analgesic" has the same meaning as in section 3719.01 of the Revised Code. 10133  
10134

(5) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code. 10135  
10136

(6) "Terminal condition" means an irreversible, incurable, and untreatable condition that caused by disease, illness, or injury and will likely result in death. A terminal condition is one in which there can be no recovery, although there may be periods of remission. 10137  
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(B) (1) With respect to the medicaid program's coverage of prescribed drugs, the department of medicaid shall apply prior authorization requirements or other utilization review measures as conditions of providing coverage of an opioid analgesic prescribed for the treatment of chronic pain, except when the drug is prescribed under one of the following circumstances: 10142  
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(a) To an individual who is a hospice patient in a hospice care program; 10148  
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(b) To an individual who has been diagnosed with a terminal condition but is not a hospice patient in a hospice 10150  
10151

care program; 10152

(c) To an individual who has cancer or another condition 10153  
associated with the individual's cancer or history of cancer. 10154

(2) When implementing division (B)(1) of this section, the 10155  
department shall consider either or both of the following, as 10156  
applicable to the case in which the opioid analgesic is 10157  
prescribed: 10158

(a) If the course of treatment with the drug continues for 10159  
more than ninety days, the requirements of section 4731.052 of 10160  
the Revised Code; 10161

(b) If the morphine equivalent daily dose for the drug 10162  
exceeds eighty milligrams or the individual is being treated 10163  
with a benzodiazepine at the time the opioid analgesic is 10164  
prescribed, the guidelines established by the governor's cabinet 10165  
opiate action team and presented in the document titled "Ohio 10166  
Guidelines for Prescribing Opioids for the Treatment of Chronic, 10167  
Non-terminal Pain 80 mg of a Morphine Equivalent Daily Dose 10168  
(MED) 'Trigger Point'" or a successor document, unless the 10169  
guidelines are no longer in effect at the time the opioid 10170  
analgesic is prescribed. 10171

(C) If the department measures the efficiency, quality of 10172  
care, or clinical performance of a prescriber, including through 10173  
the use of patient satisfaction surveys, it shall not penalize 10174  
the prescriber, financially or otherwise, for deciding not to 10175  
prescribe an opioid analgesic. 10176

**Sec. 5167.12.** (A) When contracting under section 5167.10 10177  
of the Revised Code with a managed care organization that is a 10178  
health insuring corporation, the department of medicaid shall 10179  
require the health insuring corporation to provide coverage of 10180

prescribed drugs for medicaid recipients enrolled in the health 10181  
insuring corporation. In providing the required coverage, the 10182  
health insuring corporation may, ~~subject to the department's~~ 10183  
~~approval and the limitations specified in division (B) of this~~ 10184  
~~section,~~ use strategies for the management of drug utilization, 10185  
but any such strategies are subject to divisions (B) and (E) of 10186  
this section and the department's approval. 10187

(B) The department shall not permit a health insuring 10188  
corporation to impose a prior authorization requirement in the 10189  
case of a drug to which all of the following apply: 10190

(1) The drug is an antidepressant or antipsychotic. 10191

(2) The drug is administered or dispensed in a standard 10192  
tablet or capsule form, except that in the case of an 10193  
antipsychotic, the drug also may be administered or dispensed in 10194  
a long-acting injectable form. 10195

(3) The drug is prescribed by either of the following: 10196

(a) A physician whom the health insuring corporation, 10197  
pursuant to division (C) of section 5167.10 of the Revised Code, 10198  
has credentialed to provide care as a psychiatrist; 10199

(b) A psychiatrist practicing at a community mental health 10200  
services provider whose mental health services are certified by 10201  
the department of mental health and addiction services under 10202  
section 5119.36 of the Revised Code. 10203

(4) The drug is prescribed for a use that is indicated on 10204  
the drug's labeling, as approved by the federal food and drug 10205  
administration. 10206

(C) ~~The~~ Subject to division (E) of this section, the 10207  
department shall ~~permit~~ authorize a health insuring corporation 10208

to develop and implement a pharmacy utilization management 10209  
program under which prior authorization through the program is 10210  
established as a condition of obtaining a controlled substance 10211  
pursuant to a prescription. 10212

(D) The department shall require a health insuring 10213  
corporation to comply with section 5164.7511 of the Revised Code 10214  
with respect to medication synchronization. 10215

(E) The department shall require a health insuring 10216  
corporation to comply with section 5164.091 of the Revised Code 10217  
as if the health insuring corporation were the department. 10218

**Section 2.** That existing sections 307.86, 321.44, 340.01, 10219  
340.011, 340.03, 340.031, 340.032, 340.033, 340.034, 340.04, 10220  
340.05, 340.07, 340.08, 340.09, 340.091, 340.10, 340.12, 340.13, 10221  
340.15, 340.20, 1739.05, 2921.22, 2925.61, 2929.13, 2929.14, 10222  
2929.15, 2947.231, 3313.65, 3707.56, 3707.57, 3719.121, 3719.13, 10223  
3719.21, 3719.27, 3959.111, 4511.191, 4729.06, 4729.071, 10224  
4729.16, 4729.18, 4729.19, 4729.291, 4729.38, 4729.51, 4729.54, 10225  
4729.541, 4729.55, 4729.571, 4729.60, 4729.68, 4729.99, 4731.22, 10226  
4731.62, 4731.94, 4776.02, 4776.04, 5107.42, 5119.01, 5119.10, 10227  
5119.11, 5119.17, 5119.21, 5119.22, 5119.23, 5119.25, 5119.28, 10228  
5119.36, 5119.361, 5119.362, 5119.364, 5119.371, 5119.372, 10229  
5119.391, 5119.392, 5119.41, 5119.42, 5119.60, 5119.61, 10230  
5120.035, 5122.31, 5139.01, and 5167.12 and section 4729.42 of 10231  
the Revised Code are hereby repealed. 10232

**Section 3.** That Sections 331.90 and 331.120 of Am. Sub. 10233  
H.B. 64 of the 131st General Assembly be amended to read as 10234  
follows: 10235

**Sec. 331.90.** MEDICATION-ASSISTED TREATMENT DRUG COURT 10236  
PROGRAM FOR SPECIALIZED DOCKET PROGRAMS 10237

(A) As used in this section:	10238
(1) "Medication-assisted treatment <del>(MAT)</del> drug court program" or " <u>MAT drug court program</u> " means a session of any of the following that holds initial or final certification from the Supreme Court of Ohio as a specialized docket program for drugs: a common pleas court, municipal court, or county court, or a division of any of those courts.	10239 10240 10241 10242 10243 10244
(2) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.	10245 10246
(B) (1) The Department of Mental Health and Addiction Services shall conduct a program to provide addiction treatment, including medication-assisted treatment, to persons who are offenders within the Criminal Justice System, eligible to participate in a <del>MAT</del> <u>medication-assisted treatment</u> drug court program, and are selected under this section to be participants in the program because of their dependence on opioids, alcohol, or both.	10247 10248 10249 10250 10251 10252 10253 10254
(2) The Department shall conduct the program in those courts of Allen, Clinton, Crawford, Cuyahoga, Franklin, Gallia, Hamilton, Hardin, Hocking, Jackson, Marion, Mercer, Montgomery, Summit, and Warren counties that are conducting MAT drug court programs. If in any of these counties there is no court conducting a MAT drug court program, the Department shall conduct the program in a court that is conducting a MAT drug court program in another county.	10255 10256 10257 10258 10259 10260 10261 10262
(3) In addition to conducting the program in accordance with division (B) (2) of this section, the Department may conduct the program in any court that is conducting a MAT drug court program.	10263 10264 10265 10266

(C) In conducting the program, the Department shall 10267  
collaborate with the Supreme Court, the Department of 10268  
Rehabilitation and Correction, and any agency of the state that 10269  
the Department determines may be of assistance in accomplishing 10270  
the objectives of the program. The Department may collaborate 10271  
with the boards of alcohol, drug addiction, and mental health 10272  
services and with local law enforcement agencies that serve the 10273  
counties in which a court participating in the program is 10274  
located. 10275

(D) (1) A MAT drug court program shall select persons who 10276  
are criminal offenders to be participants in the program. A 10277  
person shall not be selected to be a participant unless the 10278  
person meets the legal and clinical eligibility criteria for the 10279  
MAT drug court program and is an active participant in the 10280  
program. 10281

(2) The total number of persons participating in a program 10282  
at any time shall not exceed one thousand five hundred, subject 10283  
to available funding, except that the Department of Mental 10284  
Health and Addiction Services may authorize the maximum number 10285  
to be exceeded in circumstances that the Department considers to 10286  
be appropriate. 10287

(3) After being enrolled in a MAT drug court program, a 10288  
participant shall comply with all requirements of the MAT drug 10289  
court program. 10290

(E) The treatment provided in a MAT drug court program 10291  
shall be provided by a community addiction services provider 10292  
that is certified under section 5119.36 of the Revised Code. In 10293  
serving as a community addiction services provider, ~~a~~ both of 10294  
the following apply: 10295

<u>(1) The provider shall do all of the following:</u>	10296
<del>(1)(a)</del> Provide treatment based on an integrated service delivery model that consists of the coordination of care between a prescriber and the community addiction services provider;	10297 10298 10299
<del>(2)(b)</del> Conduct professional, comprehensive substance abuse and mental health diagnostic assessments of a person under consideration for selection as a program participant to determine whether the person would benefit from substance abuse treatment and monitoring;	10300 10301 10302 10303 10304
<del>(3)(c)</del> Determine, based on the assessment described in division (E) <del>(2)(1)(b)</del> of this section, the treatment needs of the participants served by the treatment provider;	10305 10306 10307
<del>(4)(d)</del> Develop, for participants served by the treatment provider, individualized goals and objectives;	10308 10309
<del>(5)(e)</del> Provide access to the long-acting antagonist therapies, partial agonist therapies, or both, that are included in the program's medication-assisted treatment;	10310 10311 10312
<del>(6)(f)</del> Provide other types of therapies, including psychosocial therapies, for both substance abuse and any disorders that are considered by the treatment provider to be co-occurring disorders;	10313 10314 10315 10316
<del>(7)(g)</del> Monitor program compliance through the use of regular drug testing, including urinalysis, of the participants being served by the community addiction services provider.	10317 10318 10319
<u>(2) The provider may provide access to time-limited recovery supports. For purposes of this division:</u>	10320 10321
<u>(a) A recovery support is a form of assistance intended to help an individual with addiction or mental health needs, or a</u>	10322 10323



member of the family of such an individual, to initiate and 10324  
sustain the individual's recovery from alcoholism, drug 10325  
addiction, or mental illness. 10326

(b) A recovery support does not include an addiction or 10327  
mental health treatment or prevention service. 10328

(F) In the case of medication-assisted treatment provided 10329  
under the program, all of the following conditions apply: 10330

(1) A drug may be used only if the drug has been approved 10331  
by the United States Food and Drug Administration for use in 10332  
treating dependence on opioids, alcohol, or both, or for 10333  
preventing relapse into the use of opioids, alcohol, or both. 10334

(2) One or more drugs may be used, but each drug that is 10335  
used must constitute long-acting antagonist therapy or partial 10336  
agonist therapy. 10337

(3) If a drug constituting partial agonist therapy is 10338  
used, the program shall provide safeguards to minimize abuse and 10339  
diversion of the drug, including such safeguards as routine drug 10340  
testing of program participants. 10341

(G) It is anticipated and expected that drug courts will 10342  
expand their ability to serve more drug court participants as a 10343  
result of increased access to commercial or publicly funded 10344  
health insurance. In order to ensure that funds appropriated to 10345  
support this MAT drug court program are used in the most 10346  
efficient manner with a goal of enrolling the maximum number of 10347  
participants, the Medicaid Director with major Ohio healthcare 10348  
plans, shall develop plans consistent with this division. There 10349  
shall be no prior authorizations or step therapy for medication- 10350  
assisted treatment for participants in the MAT drug court 10351  
program. The plans developed under this division shall ensure 10352

all of the following: 10353

(1) The development of an efficient and timely process for 10354  
review of eligibility for health benefits for all offenders 10355  
selected to participate in the MAT drug court program; 10356

(2) A rapid conversion to reimbursement for all healthcare 10357  
services by the participant's health insurance company following 10358  
approval for coverage of healthcare benefits; 10359

(3) The development of a consistent benefit package that 10360  
provides ready access to and reimbursement for essential 10361  
healthcare services including, but not limited to, primary 10362  
healthcare, alcohol and opiate detoxification services, 10363  
appropriate psychosocial services, and medication for long- 10364  
acting injectable antagonist therapies and partial agonist 10365  
therapies; 10366

(4) The development of guidelines that require the 10367  
provision of all treatment services, including medication, with 10368  
minimal administrative barriers and within a ~~timeframe~~time 10369  
frame that meets the requirements of individual patient care 10370  
plans. 10371

(H) A report of the findings obtained from the addiction 10372  
treatment pilot program established by Section 327.120 of Am. 10373  
Sub. H.B. 59 of the 130th General Assembly shall be prepared by 10374  
a research institution and include data derived from the drug 10375  
testing and performance measures used in the program. The 10376  
research institution shall complete its report not later than 10377  
December 31, 2015. Upon completion, the institution shall submit 10378  
the report to the Governor, Chief Justice of the Supreme Court, 10379  
President of the Senate, Speaker of the House of 10380  
Representatives, Department of Mental Health and Addiction 10381

Services, Department of Rehabilitation and Correction, and any 10382  
other state agency that the Department of Mental Health and 10383  
Addiction Services collaborates with in conducting the program. 10384

(I) Within 90 days after the effective date of this 10385  
section, June 30, 2015, the Department shall select a research 10386  
institution with experience in evaluating multiple court systems 10387  
across jurisdictions in both rural and urban regions. The 10388  
research institution shall have demonstrated experience 10389  
evaluating the use of agonist and antagonist medication assisted 10390  
treatment in drug courts, a track record of scientific 10391  
publications, experience in health economics, and ethical and 10392  
patient selection and consent issues. The institution shall also 10393  
have an internal institutional review board. The institution 10394  
shall prepare the report described in division (J) of this 10395  
section. 10396

(J) A report of the findings obtained from the MAT drug 10397  
court program established under this section shall be prepared 10398  
by a research institution and include data derived from the drug 10399  
testing and performance measures used in the program. The 10400  
research institution shall complete its report not later than 10401  
June 30, 2017. Upon completion, the institution shall submit the 10402  
report to the Governor, Chief Justice of the Supreme Court, 10403  
President of the Senate, Speaker of the House of 10404  
Representatives, Department of Mental Health and Addiction 10405  
Services, Department of Rehabilitation and Correction, and any 10406  
other state agency that the Department of Mental Health and 10407  
Addiction Services collaborates with in conducting the program. 10408

(K) Of the foregoing appropriation item 336422, Criminal 10409  
Justice Services, not more than \$5.5 million in each fiscal year 10410  
shall be used to support the Medication-Assisted Treatment Drug 10411

Court Program for Specialized Docket Programs. 10412

**Sec. 331.120. COMMUNITY INNOVATIONS** 10413

The foregoing appropriation item 336504, Community 10414  
Innovations, may be used by the Department of Mental Health and 10415  
Addiction Services to make targeted investments in programs, 10416  
projects, or systems operated by or under the authority of other 10417  
state agencies, governmental entities, or private not-for-profit 10418  
agencies that impact, or are impacted by, the operations and 10419  
functions of the Department, with the goal of achieving a net 10420  
reduction in expenditure of state general revenue funds and/or 10421  
improved outcomes for Ohio citizens without a net increase in 10422  
state general revenue fund spending. 10423

The Director shall identify and evaluate programs, 10424  
projects, or systems proposed or operated, in whole or in part, 10425  
outside of the authority of the Department, where targeted 10426  
investment of these funds in the program, project, or system is 10427  
expected to decrease demand for the Department or other 10428  
resources funded with state general revenue funds, and/or to 10429  
measurably improve outcomes for Ohio citizens with mental 10430  
illness or with alcohol, drug, or gambling addictions. The 10431  
Director shall have discretion to transfer money from the 10432  
appropriation item to other state agencies, governmental 10433  
entities, or private not-for-profit agencies in amounts, and 10434  
subject to conditions, that the Director determines most likely 10435  
to achieve state savings and/or improved outcomes. Distribution 10436  
of moneys from this appropriation item shall not be subject to 10437  
sections 9.23 to 9.239 or Chapter 125. of the Revised Code. 10438

The Department shall enter into an agreement with each 10439  
recipient of community innovation funds, identifying: allowable 10440  
expenditure of the funds; other commitment of funds or other 10441

resources to the program, project, or system; expected state 10442  
savings and/or improved outcomes and proposed mechanisms for 10443  
measurement of such savings or outcomes; and required reporting 10444  
regarding expenditure of funds and savings or outcomes achieved. 10445

Of the foregoing appropriation item 336504, Community 10446  
Innovations, up to \$3,000,000 in each fiscal year shall be used 10447  
to provide funding for community projects across the state that 10448  
focus on support for families, assisting families in avoiding 10449  
crisis, and crisis intervention. 10450

Of the foregoing appropriation item 336504, Community 10451  
Innovations, up to \$500,000 in each fiscal year shall be used to 10452  
enhance access to Naloxone across the state for county health 10453  
departments to then disperse through a grant program to local 10454  
law enforcement, emergency personnel, and first responders. If 10455  
local law enforcement, emergency personnel, and first responders 10456  
are not making use of the Naloxone grant, the county health 10457  
department may use grant funding to provide Naloxone through a 10458  
Project DAWN program within the county. 10459

Of the foregoing appropriation item 336504, Community 10460  
Innovations, up to \$3,000,000 in each fiscal year shall be used 10461  
to improve collaboration between local jails, state hospitals, 10462  
and community addiction and mental health services providers in 10463  
order to reduce transfers, improve safety and judicial oversight 10464  
as well as address capacity issues in both jails and state 10465  
hospitals. 10466

Of the foregoing appropriation item 336504, Community 10467  
Innovations, up to \$100,000 in each fiscal year shall be used to 10468  
continue the Department of Mental Health and Addiction Services 10469  
cross-agency efforts to share evidence-based practices that 10470  
encourage the use of trauma-informed care. 10471

Of the foregoing appropriation item 336504, Community 10472  
Innovations, up to \$1,000,000 in each fiscal year shall be used 10473  
to implement strategies to increase job opportunities, reduce 10474  
the number of positive drug screens, and improve workforce 10475  
readiness for individuals in recovery. 10476

**Section 4.** That existing Sections 331.90 and 331.120 of 10477  
Am. Sub. H.B. 64 of the 131st General Assembly are hereby 10478  
repealed. 10479

**Section 5.** (A) The Department of Mental Health and 10480  
Addiction Services shall adopt rules pursuant to division (F) of 10481  
section 5119.391 of the Revised Code that revise the 10482  
requirements governing licensure of methadone treatment 10483  
providers. The rules shall include the following as requirements 10484  
for licensure: 10485

(1) Being in good standing with the Medicaid program, 10486  
Medicare program, and United States Drug Enforcement 10487  
Administration; 10488

(2) Being in good standing in any other jurisdiction in 10489  
which the community addiction services provider provides 10490  
services that are comparable to the methadone treatment services 10491  
authorized under section 5119.391 of the Revised Code; 10492

(3) The ability to meet, and a plan to provide treatment 10493  
in accordance with, treatment standards established in 42 C.F.R. 10494  
8.12 and the accepted standards of medical care for opioid 10495  
treatment services established by a nationally recognized 10496  
standards organization selected by the Director of Mental Health 10497  
and Addiction Services. 10498

If the Department has not adopted the rules to revise the 10499  
requirements governing licensure of methadone treatment 10500

providers by, or if the rules are not in effect on, June 1, 10501  
2017, it shall not issue any licenses under section 5119.391 of 10502  
the Revised Code until those rules are adopted and in effect. 10503

(B) Not later than two years after the effective date of 10504  
this section, the Department shall conduct an analysis of unmet 10505  
needs for methadone treatment in Ohio and the impact of the 10506  
changes made by this act to division (C) of section 5119.391 of 10507  
the Revised Code on the overall treatment capacity in Ohio. The 10508  
Department shall complete a report of its findings not later 10509  
than 180 days after beginning the analysis. The Department shall 10510  
publish a copy of the report on its Internet website. 10511

**Section 6.** Notwithstanding sections 4776.02 and 4776.04 of 10512  
the Revised Code, as amended by this act, the provisions of 10513  
those sections that were in effect immediately prior to the 10514  
effective date of this act and referred to a person seeking to 10515  
satisfy the criteria for being a qualified pharmacy technician 10516  
that are specified in section 4729.42 of the Revised Code 10517  
continue to apply for one year after the effective date of this 10518  
section as if the provisions had not been removed from those 10519  
sections by this act. 10520

**Section 7.** Sections 1739.05 and 1751.691 of the Revised 10521  
Code, as amended or enacted by this act, apply only to 10522  
arrangements, policies, contracts, and agreements that are 10523  
created, delivered, issued for delivery, or renewed in this 10524  
state on or after January 1, 2018. Section 3923.851 of the 10525  
Revised Code, as enacted by this act, applies only to policies 10526  
of sickness and accident insurance delivered, issued for 10527  
delivery, or renewed in this state on or after January 1, 2018, 10528  
and only to public employee benefit plans that are established 10529  
or modified in this state on or after January 1, 2018. Sections 10530

5164.091 and 5167.12 of the Revised Code, as amended or enacted 10531  
by this act, apply to the Medicaid program beginning January 1, 10532  
2018, and to contracts the Department of Medicaid enters into 10533  
with Medicaid managed care organizations on or after January 1, 10534  
2018. 10535

**Section 8.** Sections 5119.17 and 5139.01, as amended by 10536  
this act, and sections 2151.26, 2945.65, and 3701.59 of the 10537  
Revised Code, as enacted by this act, shall be known as 10538  
"Maiden's Law." 10539

**Section 9.** (A) The amendment by this act of sections 10540  
5119.391 and 5119.392 of the Revised Code takes effect June 1, 10541  
2017. 10542

(B) All of the following take effect July 1, 2017: 10543

(1) The amendment by this act of sections 307.86, 321.44, 10544  
340.01, 340.011, 340.03, 340.031, 340.032, 340.033, 340.034, 10545  
340.04, 340.05, 340.07, 340.08, 340.09, 340.091, 340.10, 340.12, 10546  
340.13, 340.15, 340.20, 2921.22, 2929.13, 2929.15, 3313.65, 10547  
3707.57, 3719.13, 3719.27, 4511.191, 4729.291, 4731.62, 5107.42, 10548  
5119.01, 5119.10, 5119.11, 5119.21, 5119.22, 5119.23, 5119.25, 10549  
5119.28, 5119.36, 5119.361, 5119.362, 5119.364, 5119.371, 10550  
5119.41, 5119.42, 5119.60, 5119.61, 5120.035, 5122.31, and 10551  
5167.12 of the Revised Code; 10552

(2) The amendment by this act, for the purpose of adopting 10553  
new section numbers as shown in parentheses, of sections 340.032 10554  
(340.04), 340.04 (340.041), 5119.361 (5119.366), 5119.371 10555  
(5119.361), and 5119.372 (5119.367) of the Revised Code; 10556

(3) The enactment by this act of new section 340.032 of 10557  
the Revised Code; 10558

(4) The enactment by this act of sections 340.036, 10559



340.037, and 5119.221 of the Revised Code. 10560

(C) The enactment by this act of section 4729.553 of the 10561  
Revised Code takes effect 120 days after the effective date of 10562  
this section. 10563

(D) All of the following take effect one year after the 10564  
effective date of this section: 10565

(1) The amendment by this act of section 3719.21 of the 10566  
Revised Code; 10567

(2) The amendment by this act of division (I) of section 10568  
4729.99 of the Revised Code; 10569

(3) The enactment by this act of section 4729.95 of the 10570  
Revised Code; 10571

(4) The repeal by this act of section 4729.42 of the 10572  
Revised Code. 10573

**Section 10.** The General Assembly, applying the principle 10574  
stated in division (B) of section 1.52 of the Revised Code that 10575  
amendments are to be harmonized if reasonably capable of 10576  
simultaneous operation, finds that the following sections, 10577  
presented in this act as composites of the sections as amended 10578  
by the acts indicated, are the resulting versions of the 10579  
sections in effect prior to the effective date of the sections 10580  
as presented in this act: 10581

Section 1739.05 of the Revised Code as amended by Am. Sub. 10582  
H.B. 64, Sub. H.B. 116, and Sub. S.B. 129, all of the 131st 10583  
General Assembly. 10584

Section 2925.61 of the Revised Code as amended by both Am. 10585  
Sub. H.B. 4 and Sub. S.B. 110 of the 131st General Assembly. 10586

Section 2929.13 of the Revised Code as amended by Sub.	10587
H.B. 60, Sub. H.B. 110, and Am. Sub. S.B. 97, all of the 131st	10588
General Assembly.	10589
Section 4729.16 of the Revised Code as amended by Am. Sub.	10590
H.B. 4 of the 131st General Assembly and Am. Sub. H.B. 394 and	10591
Am. Sub. S.B. 276, both of the 130th General Assembly.	10592
Section 5122.31 of the Revised Code as amended by both Am.	10593
Sub. H.B. 64 and Am. H.B. 141 of the 131st General Assembly.	10594