

**As Reported by the Senate Health, Human Services and Medicaid  
Committee**

**132nd General Assembly**

**Regular Session  
2017-2018**

**Sub. H. B. No. 111**

**Representatives Carfagna, Ryan**

**Cosponsors: Representatives Brenner, Butler, Cupp, Dever, Duffey, Goodman,  
Hambley, LaTourette, Riedel, Schaffer, Seitz, Stein, Wiggam, Young, Holmes,  
O'Brien, Bishoff, Anielski, Antonio, Arndt, Blessing, Bocchieri, Boyd, Celebrezze,  
Clyde, Craig, Edwards, Fedor, Gavarone, Ginter, Green, Greenspan, Householder,  
Howse, Huffman, Ingram, Keller, Kent, Kick, Landis, Leland, Lepore-Hagan,  
Manning, Miller, Patton, Pelanda, Perales, Ramos, Reece, Reineke, Rogers,  
Scherer, Sprague, Strahorn, Sweeney, West**

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**A BILL**

To amend sections 140.01, 339.01, 2925.03, 3715.08, 1  
3719.13, 3719.27, 3719.61, 3721.01, 4723.41, 2  
4723.431, 4723.44, 4723.482, 4723.75, 4729.291, 3  
4729.292, 4730.19, 4731.09, 4731.19, 4731.22, 4  
4731.222, 4731.27, 4731.291, 4731.295, 4731.297, 5  
4731.52, 4759.05, 4761.03, 4761.05, 4761.06, 6  
4779.08, 4779.19, 4779.20, 5119.01, 5119.21, 7  
5119.34, 5119.36, 5119.361, 5119.37, 5119.39, 8  
5119.391, 5119.392, 5119.99, 5122.01, and 9  
5122.10; to amend, for the purpose of adopting 10  
new section numbers as indicated in parentheses, 11  
sections 5119.37 (5119.431) and 5119.39 12  
(5119.43); to enact new section 5119.37 and 13  
sections 5119.35 and 5119.371 of the Revised 14  
Code; and to amend Section 757.20 of Am. Sub. 15  
H.B. 49 of the 132nd General Assembly to 16  
authorize certain advanced practice registered 17  
nurses (APRNs) to have a person involuntarily 18

transported to a hospital for a mental health 19  
examination; to modify APRN standard care 20  
arrangement requirements; to clarify APRN 21  
license application requirements; to grandfather 22  
certain APRNs from meeting educational and 23  
examination requirements for licensure; to 24  
reduce the pre-examination practice requirement 25  
for certain dialysis technician applicants; to 26  
make changes in the laws administered by the 27  
State Medical Board, including those related to 28  
physician training certificates and limited 29  
permits to practice respiratory care; to 30  
coordinate procedures for investigating 31  
Respiratory Care Law violations with procedures 32  
governing State Medical Board investigations; to 33  
make changes relating to physician assistant 34  
supervision agreements; to authorize a board of 35  
county hospital trustees of a charter county 36  
hospital to have hospital facilities in a county 37  
contiguous to any charter county; to establish a 38  
biennial license renewal system for orthotists, 39  
prosthetists, and pedorthists; to modify an 40  
allocation to children's crisis care facilities; 41  
to require certification of certain addiction 42  
services; to modify the requirements for 43  
licensure of methadone treatment programs and to 44  
require licensure of other opioid treatment 45  
programs; to repeal sections 5119.367, 5119.391, 46  
and 5119.392 of the Revised Code twelve months 47  
after the effective date of this act; and to 48  
declare an emergency. 49

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

**Section 1.** That sections 140.01, 339.01, 2925.03, 3715.08, 50  
3719.13, 3719.27, 3719.61, 3721.01, 4723.41, 4723.431, 4723.44, 51  
4723.482, 4723.75, 4729.291, 4729.292, 4730.19, 4731.09, 52  
4731.19, 4731.22, 4731.222, 4731.27, 4731.291, 4731.295, 53  
4731.297, 4731.52, 4759.05, 4761.03, 4761.05, 4761.06, 4779.08, 54  
4779.19, 4779.20, 5119.01, 5119.21, 5119.34, 5119.36, 5119.361, 55  
5119.37, 5119.39, 5119.391, 5119.392, 5119.99, 5122.01, and 56  
5122.10 be amended; sections 5119.37 (5119.431) and 5119.39 57  
(5119.43) be amended for the purpose of adopting new section 58  
numbers as indicated in parentheses; and new section 5119.37 and 59  
sections 5119.35 and 5119.371 of the Revised Code be enacted to 60  
read as follows: 61

**Sec. 140.01.** As used in this chapter: 62

(A) "Hospital agency" means any public hospital agency or 63  
any nonprofit hospital agency. 64

(B) "Public hospital agency" means any county, board of 65  
county hospital trustees established pursuant to section 339.02 66  
of the Revised Code, county hospital commission established 67  
pursuant to section 339.14 of the Revised Code, municipal 68  
corporation, new community authority organized under Chapter 69  
349. of the Revised Code, joint township hospital district, 70  
state or municipal university or college operating or authorized 71  
to operate a hospital facility, or the state. 72

(C) "Nonprofit hospital agency" means a corporation or 73  
association not for profit, no part of the net earnings of which 74  
inures or may lawfully inure to the benefit of any private 75  
shareholder or individual, that has authority to own or operate 76

a hospital facility or provides or is to provide services to one 77  
or more other hospital agencies. 78

(D) "Governing body" means, in the case of a county, the 79  
board of county commissioners or other legislative body; in the 80  
case of a board of county hospital trustees, the board; in the 81  
case of a county hospital commission, the commission; in the 82  
case of a municipal corporation, the council or other 83  
legislative authority; in the case of a new community authority, 84  
its board of trustees; in the case of a joint township hospital 85  
district, the joint township district hospital board; in the 86  
case of a state or municipal university or college, its board of 87  
trustees or board of directors; in the case of a nonprofit 88  
hospital agency, the board of trustees or other body having 89  
general management of the agency; and, in the case of the state, 90  
the director of development services or the Ohio higher 91  
educational facility commission. 92

(E) "Hospital facilities" means buildings, structures and 93  
other improvements, additions thereto and extensions thereof, 94  
furnishings, equipment, and real estate and interests in real 95  
estate, used or to be used for or in connection with one or more 96  
hospitals, emergency, intensive, intermediate, extended, long- 97  
term, or self-care facilities, diagnostic and treatment and out- 98  
patient facilities, facilities related to programs for home 99  
health services, clinics, laboratories, public health centers, 100  
research facilities, and rehabilitation facilities, for or 101  
pertaining to diagnosis, treatment, care, or rehabilitation of 102  
sick, ill, injured, infirm, impaired, disabled, or handicapped 103  
persons, or the prevention, detection, and control of disease, 104  
and also includes education, training, and food service 105  
facilities for health professions personnel, housing facilities 106  
for such personnel and their families, and parking and service 107

facilities in connection with any of the foregoing; and includes 108  
any one, part of, or any combination of the foregoing; and 109  
further includes site improvements, utilities, machinery, 110  
facilities, furnishings, and any separate or connected 111  
buildings, structures, improvements, sites, utilities, 112  
facilities, or equipment to be used in, or in connection with 113  
the operation or maintenance of, or supplementing or otherwise 114  
related to the services or facilities to be provided by, any one 115  
or more of such hospital facilities. 116

(F) "Costs of hospital facilities" means the costs of 117  
acquiring hospital facilities or interests in hospital 118  
facilities, including membership interests in nonprofit hospital 119  
agencies, costs of constructing hospital facilities, costs of 120  
improving one or more hospital facilities, including 121  
reconstructing, rehabilitating, remodeling, renovating, and 122  
enlarging, costs of equipping and furnishing such facilities, 123  
and all financing costs pertaining thereto, including, without 124  
limitation thereto, costs of engineering, architectural, and 125  
other professional services, designs, plans, specifications and 126  
surveys, and estimates of cost, costs of tests and inspections, 127  
the costs of any indemnity or surety bonds and premiums on 128  
insurance, all related direct or allocable administrative 129  
expenses pertaining thereto, fees and expenses of trustees, 130  
depositories, and paying agents for the obligations, cost of 131  
issuance of the obligations and financing charges and fees and 132  
expenses of financial advisors, attorneys, accountants, 133  
consultants and rating services in connection therewith, 134  
capitalized interest on the obligations, amounts necessary to 135  
establish reserves as required by the bond proceedings, the 136  
reimbursement of all moneys advanced or applied by the hospital 137  
agency or others or borrowed from others for the payment of any 138

item or items of costs of such facilities, and all other 139  
expenses necessary or incident to planning or determining 140  
feasibility or practicability with respect to such facilities, 141  
and such other expenses as may be necessary or incident to the 142  
acquisition, construction, reconstruction, rehabilitation, 143  
remodeling, renovation, enlargement, improvement, equipment, and 144  
furnishing of such facilities, the financing thereof, and the 145  
placing of the same in use and operation, including any one, 146  
part of, or combination of such classes of costs and expenses, 147  
and means the costs of refinancing obligations issued by, or 148  
reimbursement of money advanced by, nonprofit hospital agencies 149  
or others the proceeds of which were used for the payment of 150  
costs of hospital facilities, if the governing body of the 151  
public hospital agency determines that the refinancing or 152  
reimbursement advances the purposes of this chapter, whether or 153  
not the refinancing or reimbursement is in conjunction with the 154  
acquisition or construction of additional hospital facilities. 155

(G) "Hospital receipts" means all moneys received by or on 156  
behalf of a hospital agency from or in connection with the 157  
ownership, operation, acquisition, construction, improvement, 158  
equipping, or financing of any hospital facilities, including, 159  
without limitation thereto, any rentals and other moneys 160  
received from the lease, sale, or other disposition of hospital 161  
facilities, and any gifts, grants, interest subsidies, or other 162  
moneys received under any federal program for assistance in 163  
financing the costs of hospital facilities, and any other gifts, 164  
grants, and donations, and receipts therefrom, available for 165  
financing the costs of hospital facilities. 166

(H) "Obligations" means bonds, notes, or other evidences 167  
of indebtedness or obligation, including interest coupons 168  
pertaining thereto, issued or issuable by a public hospital 169

agency to pay costs of hospital facilities.	170
(I) "Bond service charges" means principal, interest, and call premium, if any, required to be paid on obligations.	171 172
(J) "Bond proceedings" means one or more ordinances, resolutions, trust agreements, indentures, and other agreements or documents, and amendments and supplements to the foregoing, or any combination thereof, authorizing or providing for the terms, including any variable interest rates, and conditions applicable to, or providing for the security of, obligations and the provisions contained in such obligations.	173 174 175 176 177 178 179
(K) "Nursing home" has the same meaning as in division (A) (1) of section 5701.13 of the Revised Code.	180 181
(L) "Residential care facility" has the same meaning as in division (A) (2) of section 5701.13 of the Revised Code.	182 183
(M) "Independent living facility" means any self-care facility or other housing facility designed or used as a residence for elderly persons. An "independent living facility" does not include a residential facility, or that part of a residential facility, that is any of the following:	184 185 186 187 188
(1) A hospital required to be certified by section 3727.02 of the Revised Code;	189 190
(2) A nursing home or residential care facility;	191
(3) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code and used for the program's hospice patients;	192 193 194
(4) A residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code that provides accommodations, supervision, and	195 196 197

personal care services for three to sixteen unrelated adults;	198
(5) A residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code that is not a residential facility described in division (M)(4) of this section;	199 200 201 202
(6) A facility licensed to <del>provide methadone</del> <u>operate an opioid treatment program</u> under section <del>5119.391</del> <u>5119.37</u> of the Revised Code;	203 204 205
(7) A community addiction services provider, as defined in section 5119.01 of the Revised Code;	206 207
(8) A residential facility licensed under section 5123.19 of the Revised Code or a facility providing services under a contract with the department of developmental disabilities under section 5123.18 of the Revised Code;	208 209 210 211
(9) A residential facility used as part of a hospital to provide housing for staff of the hospital or students pursuing a course of study at the hospital.	212 213 214
<b>Sec. 339.01.</b> (A) As used in sections 339.01 to 339.17 of the Revised Code:	215 216
(1) "Hospital facilities" has the meaning given in section 140.01 of the Revised Code.	217 218
(2) "County hospital" includes all of the county hospital's branches and hospital facilities, wherever located.	219 220
(3) "Outpatient health facility" means a facility where medical care and preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services are provided to outpatients by or under the direction of a physician or dentist.	221 222 223 224



(B) A board of county commissioners may purchase, acquire, 225  
lease, appropriate, and construct a county hospital or hospital 226  
facilities thereof. After a county hospital or hospital 227  
facilities have been fully completed and sufficiently equipped 228  
for occupancy, any subsequent improvements, enlargements, or 229  
rebuilding of any such facility shall be made by the board of 230  
county hospital trustees or a hospital commission appointed 231  
pursuant to section 339.14 of the Revised Code. 232

(C) (1) A board of county commissioners, board of county 233  
hospital trustees, or hospital commission may purchase, acquire, 234  
lease, appropriate, or construct an outpatient health facility 235  
in another county to serve as a branch of the county hospital. 236  
The outpatient health facility may include office space for 237  
physicians. The facility shall be operated pursuant to the law 238  
that regulates the operation of the county hospital. 239

(2) When a proposal to establish an outpatient health 240  
facility in another county is made by a board of hospital 241  
trustees or a hospital commission, all of the following apply: 242

(a) The board of county hospital trustees or hospital 243  
commission shall give written notice to its board of county 244  
commissioners and to the board of county commissioners of the 245  
county where the facility is to be located. The board of county 246  
commissioners where the facility is to be located, by resolution 247  
adopted within forty days after receipt of the notice, may 248  
object to the proposed facility. The resolution shall include an 249  
explanation of the objection and may make any recommendations 250  
the board considers necessary. The board shall send a copy of 251  
the resolution to the board of county hospital trustees or the 252  
hospital commission and to the board of county commissioners of 253  
the county that proposes to locate the facility in the other 254

county. 255

(b) Except as provided in division (C) (2) (c) of this 256  
section, the board of county hospital trustees or the hospital 257  
commission may establish and operate the facility, unless the 258  
board of county commissioners of the county proposing to locate 259  
the facility in the other county, not later than twenty days 260  
after receiving a resolution of objection from the other 261  
county's board of county commissioners pursuant to division (C) 262  
(2) (a) of this section, adopts a resolution denying the trustees 263  
or commission the right to establish the facility. 264

(c) If a board of county commissioners provides a subsidy 265  
for uncompensated care to a board of county hospital trustees or 266  
hospital commission, the board of county hospital trustees or 267  
hospital commission may establish and operate the outpatient 268  
health facility only if that board of county commissioners 269  
approves the establishment of the facility. 270

(D) Notwithstanding division (C) of this section, a board 271  
of county hospital trustees of a charter county hospital, as 272  
defined in section 339.061 of the Revised Code, may purchase, 273  
acquire, lease, construct, own, operate, or manage hospital 274  
facilities in a county contiguous to a charter county. Such 275  
hospital facilities shall be operated pursuant to the law that 276  
regulates the operation of a charter county hospital. 277

(E) A county hospital may be designated as a monument to 278  
commemorate the services of the soldiers, sailors, marines, and 279  
pioneers of the county. 280

**Sec. 2925.03.** (A) No person shall knowingly do any of the 281  
following: 282

(1) Sell or offer to sell a controlled substance or a 283

controlled substance analog;	284
(2) Prepare for shipment, ship, transport, deliver,	285
prepare for distribution, or distribute a controlled substance	286
or a controlled substance analog, when the offender knows or has	287
reasonable cause to believe that the controlled substance or a	288
controlled substance analog is intended for sale or resale by	289
the offender or another person.	290
(B) This section does not apply to any of the following:	291
(1) Manufacturers, licensed health professionals	292
authorized to prescribe drugs, pharmacists, owners of	293
pharmacies, and other persons whose conduct is in accordance	294
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and	295
4741. of the Revised Code;	296
(2) If the offense involves an anabolic steroid, any	297
person who is conducting or participating in a research project	298
involving the use of an anabolic steroid if the project has been	299
approved by the United States food and drug administration;	300
(3) Any person who sells, offers for sale, prescribes,	301
dispenses, or administers for livestock or other nonhuman	302
species an anabolic steroid that is expressly intended for	303
administration through implants to livestock or other nonhuman	304
species and approved for that purpose under the "Federal Food,	305
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301,	306
as amended, and is sold, offered for sale, prescribed,	307
dispensed, or administered for that purpose in accordance with	308
that act.	309
(C) Whoever violates division (A) of this section is	310
guilty of one of the following:	311
(1) If the drug involved in the violation is any compound,	312

mixture, preparation, or substance included in schedule I or 313  
schedule II, with the exception of marihuana, cocaine, L.S.D., 314  
heroin, hashish, and controlled substance analogs, whoever 315  
violates division (A) of this section is guilty of aggravated 316  
trafficking in drugs. The penalty for the offense shall be 317  
determined as follows: 318

(a) Except as otherwise provided in division (C) (1) (b), 319  
(c), (d), (e), or (f) of this section, aggravated trafficking in 320  
drugs is a felony of the fourth degree, and division (C) of 321  
section 2929.13 of the Revised Code applies in determining 322  
whether to impose a prison term on the offender. 323

(b) Except as otherwise provided in division (C) (1) (c), 324  
(d), (e), or (f) of this section, if the offense was committed 325  
in the vicinity of a school or in the vicinity of a juvenile, 326  
aggravated trafficking in drugs is a felony of the third degree, 327  
and division (C) of section 2929.13 of the Revised Code applies 328  
in determining whether to impose a prison term on the offender. 329

(c) Except as otherwise provided in this division, if the 330  
amount of the drug involved equals or exceeds the bulk amount 331  
but is less than five times the bulk amount, aggravated 332  
trafficking in drugs is a felony of the third degree, and, 333  
except as otherwise provided in this division, there is a 334  
presumption for a prison term for the offense. If aggravated 335  
trafficking in drugs is a felony of the third degree under this 336  
division and if the offender two or more times previously has 337  
been convicted of or pleaded guilty to a felony drug abuse 338  
offense, the court shall impose as a mandatory prison term one 339  
of the prison terms prescribed for a felony of the third degree. 340  
If the amount of the drug involved is within that range and if 341  
the offense was committed in the vicinity of a school or in the 342

vicinity of a juvenile, aggravated trafficking in drugs is a 343  
felony of the second degree, and the court shall impose as a 344  
mandatory prison term one of the prison terms prescribed for a 345  
felony of the second degree. 346

(d) Except as otherwise provided in this division, if the 347  
amount of the drug involved equals or exceeds five times the 348  
bulk amount but is less than fifty times the bulk amount, 349  
aggravated trafficking in drugs is a felony of the second 350  
degree, and the court shall impose as a mandatory prison term 351  
one of the prison terms prescribed for a felony of the second 352  
degree. If the amount of the drug involved is within that range 353  
and if the offense was committed in the vicinity of a school or 354  
in the vicinity of a juvenile, aggravated trafficking in drugs 355  
is a felony of the first degree, and the court shall impose as a 356  
mandatory prison term one of the prison terms prescribed for a 357  
felony of the first degree. 358

(e) If the amount of the drug involved equals or exceeds 359  
fifty times the bulk amount but is less than one hundred times 360  
the bulk amount and regardless of whether the offense was 361  
committed in the vicinity of a school or in the vicinity of a 362  
juvenile, aggravated trafficking in drugs is a felony of the 363  
first degree, and the court shall impose as a mandatory prison 364  
term one of the prison terms prescribed for a felony of the 365  
first degree. 366

(f) If the amount of the drug involved equals or exceeds 367  
one hundred times the bulk amount and regardless of whether the 368  
offense was committed in the vicinity of a school or in the 369  
vicinity of a juvenile, aggravated trafficking in drugs is a 370  
felony of the first degree, the offender is a major drug 371  
offender, and the court shall impose as a mandatory prison term 372

the maximum prison term prescribed for a felony of the first 373  
degree. 374

(2) If the drug involved in the violation is any compound, 375  
mixture, preparation, or substance included in schedule III, IV, 376  
or V, whoever violates division (A) of this section is guilty of 377  
trafficking in drugs. The penalty for the offense shall be 378  
determined as follows: 379

(a) Except as otherwise provided in division (C) (2) (b), 380  
(c), (d), or (e) of this section, trafficking in drugs is a 381  
felony of the fifth degree, and division (B) of section 2929.13 382  
of the Revised Code applies in determining whether to impose a 383  
prison term on the offender. 384

(b) Except as otherwise provided in division (C) (2) (c), 385  
(d), or (e) of this section, if the offense was committed in the 386  
vicinity of a school or in the vicinity of a juvenile, 387  
trafficking in drugs is a felony of the fourth degree, and 388  
division (C) of section 2929.13 of the Revised Code applies in 389  
determining whether to impose a prison term on the offender. 390

(c) Except as otherwise provided in this division, if the 391  
amount of the drug involved equals or exceeds the bulk amount 392  
but is less than five times the bulk amount, trafficking in 393  
drugs is a felony of the fourth degree, and division (B) of 394  
section 2929.13 of the Revised Code applies in determining 395  
whether to impose a prison term for the offense. If the amount 396  
of the drug involved is within that range and if the offense was 397  
committed in the vicinity of a school or in the vicinity of a 398  
juvenile, trafficking in drugs is a felony of the third degree, 399  
and there is a presumption for a prison term for the offense. 400

(d) Except as otherwise provided in this division, if the 401

amount of the drug involved equals or exceeds five times the 402  
bulk amount but is less than fifty times the bulk amount, 403  
trafficking in drugs is a felony of the third degree, and there 404  
is a presumption for a prison term for the offense. If the 405  
amount of the drug involved is within that range and if the 406  
offense was committed in the vicinity of a school or in the 407  
vicinity of a juvenile, trafficking in drugs is a felony of the 408  
second degree, and there is a presumption for a prison term for 409  
the offense. 410

(e) Except as otherwise provided in this division, if the 411  
amount of the drug involved equals or exceeds fifty times the 412  
bulk amount, trafficking in drugs is a felony of the second 413  
degree, and the court shall impose as a mandatory prison term 414  
one of the prison terms prescribed for a felony of the second 415  
degree. If the amount of the drug involved equals or exceeds 416  
fifty times the bulk amount and if the offense was committed in 417  
the vicinity of a school or in the vicinity of a juvenile, 418  
trafficking in drugs is a felony of the first degree, and the 419  
court shall impose as a mandatory prison term one of the prison 420  
terms prescribed for a felony of the first degree. 421

(3) If the drug involved in the violation is marihuana or 422  
a compound, mixture, preparation, or substance containing 423  
marihuana other than hashish, whoever violates division (A) of 424  
this section is guilty of trafficking in marihuana. The penalty 425  
for the offense shall be determined as follows: 426

(a) Except as otherwise provided in division (C) (3) (b), 427  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 428  
marihuana is a felony of the fifth degree, and division (B) of 429  
section 2929.13 of the Revised Code applies in determining 430  
whether to impose a prison term on the offender. 431

(b) Except as otherwise provided in division (C) (3) (c), 432  
(d), (e), (f), (g), or (h) of this section, if the offense was 433  
committed in the vicinity of a school or in the vicinity of a 434  
juvenile, trafficking in marihuana is a felony of the fourth 435  
degree, and division (B) of section 2929.13 of the Revised Code 436  
applies in determining whether to impose a prison term on the 437  
offender. 438

(c) Except as otherwise provided in this division, if the 439  
amount of the drug involved equals or exceeds two hundred grams 440  
but is less than one thousand grams, trafficking in marihuana is 441  
a felony of the fourth degree, and division (B) of section 442  
2929.13 of the Revised Code applies in determining whether to 443  
impose a prison term on the offender. If the amount of the drug 444  
involved is within that range and if the offense was committed 445  
in the vicinity of a school or in the vicinity of a juvenile, 446  
trafficking in marihuana is a felony of the third degree, and 447  
division (C) of section 2929.13 of the Revised Code applies in 448  
determining whether to impose a prison term on the offender. 449

(d) Except as otherwise provided in this division, if the 450  
amount of the drug involved equals or exceeds one thousand grams 451  
but is less than five thousand grams, trafficking in marihuana 452  
is a felony of the third degree, and division (C) of section 453  
2929.13 of the Revised Code applies in determining whether to 454  
impose a prison term on the offender. If the amount of the drug 455  
involved is within that range and if the offense was committed 456  
in the vicinity of a school or in the vicinity of a juvenile, 457  
trafficking in marihuana is a felony of the second degree, and 458  
there is a presumption that a prison term shall be imposed for 459  
the offense. 460

(e) Except as otherwise provided in this division, if the 461



amount of the drug involved equals or exceeds five thousand 462  
grams but is less than twenty thousand grams, trafficking in 463  
marihuana is a felony of the third degree, and there is a 464  
presumption that a prison term shall be imposed for the offense. 465  
If the amount of the drug involved is within that range and if 466  
the offense was committed in the vicinity of a school or in the 467  
vicinity of a juvenile, trafficking in marihuana is a felony of 468  
the second degree, and there is a presumption that a prison term 469  
shall be imposed for the offense. 470

(f) Except as otherwise provided in this division, if the 471  
amount of the drug involved equals or exceeds twenty thousand 472  
grams but is less than forty thousand grams, trafficking in 473  
marihuana is a felony of the second degree, and the court shall 474  
impose a mandatory prison term of five, six, seven, or eight 475  
years. If the amount of the drug involved is within that range 476  
and if the offense was committed in the vicinity of a school or 477  
in the vicinity of a juvenile, trafficking in marihuana is a 478  
felony of the first degree, and the court shall impose as a 479  
mandatory prison term the maximum prison term prescribed for a 480  
felony of the first degree. 481

(g) Except as otherwise provided in this division, if the 482  
amount of the drug involved equals or exceeds forty thousand 483  
grams, trafficking in marihuana is a felony of the second 484  
degree, and the court shall impose as a mandatory prison term 485  
the maximum prison term prescribed for a felony of the second 486  
degree. If the amount of the drug involved equals or exceeds 487  
forty thousand grams and if the offense was committed in the 488  
vicinity of a school or in the vicinity of a juvenile, 489  
trafficking in marihuana is a felony of the first degree, and 490  
the court shall impose as a mandatory prison term the maximum 491  
prison term prescribed for a felony of the first degree. 492

(h) Except as otherwise provided in this division, if the offense involves a gift of twenty grams or less of marihuana, trafficking in marihuana is a minor misdemeanor upon a first offense and a misdemeanor of the third degree upon a subsequent offense. If the offense involves a gift of twenty grams or less of marihuana and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a misdemeanor of the third degree.

(4) If the drug involved in the violation is cocaine or a compound, mixture, preparation, or substance containing cocaine, whoever violates division (A) of this section is guilty of trafficking in cocaine. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C) (4) (b), (c), (d), (e), (f), or (g) of this section, trafficking in cocaine is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C) (4) (c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five grams but is less than ten grams of cocaine, trafficking in cocaine is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a

prison term for the offense. If the amount of the drug involved 523  
is within that range and if the offense was committed in the 524  
vicinity of a school or in the vicinity of a juvenile, 525  
trafficking in cocaine is a felony of the third degree, and 526  
there is a presumption for a prison term for the offense. 527

(d) Except as otherwise provided in this division, if the 528  
amount of the drug involved equals or exceeds ten grams but is 529  
less than twenty grams of cocaine, trafficking in cocaine is a 530  
felony of the third degree, and, except as otherwise provided in 531  
this division, there is a presumption for a prison term for the 532  
offense. If trafficking in cocaine is a felony of the third 533  
degree under this division and if the offender two or more times 534  
previously has been convicted of or pleaded guilty to a felony 535  
drug abuse offense, the court shall impose as a mandatory prison 536  
term one of the prison terms prescribed for a felony of the 537  
third degree. If the amount of the drug involved is within that 538  
range and if the offense was committed in the vicinity of a 539  
school or in the vicinity of a juvenile, trafficking in cocaine 540  
is a felony of the second degree, and the court shall impose as 541  
a mandatory prison term one of the prison terms prescribed for a 542  
felony of the second degree. 543

(e) Except as otherwise provided in this division, if the 544  
amount of the drug involved equals or exceeds twenty grams but 545  
is less than twenty-seven grams of cocaine, trafficking in 546  
cocaine is a felony of the second degree, and the court shall 547  
impose as a mandatory prison term one of the prison terms 548  
prescribed for a felony of the second degree. If the amount of 549  
the drug involved is within that range and if the offense was 550  
committed in the vicinity of a school or in the vicinity of a 551  
juvenile, trafficking in cocaine is a felony of the first 552  
degree, and the court shall impose as a mandatory prison term 553

one of the prison terms prescribed for a felony of the first 554  
degree. 555

(f) If the amount of the drug involved equals or exceeds 556  
twenty-seven grams but is less than one hundred grams of cocaine 557  
and regardless of whether the offense was committed in the 558  
vicinity of a school or in the vicinity of a juvenile, 559  
trafficking in cocaine is a felony of the first degree, and the 560  
court shall impose as a mandatory prison term one of the prison 561  
terms prescribed for a felony of the first degree. 562

(g) If the amount of the drug involved equals or exceeds 563  
one hundred grams of cocaine and regardless of whether the 564  
offense was committed in the vicinity of a school or in the 565  
vicinity of a juvenile, trafficking in cocaine is a felony of 566  
the first degree, the offender is a major drug offender, and the 567  
court shall impose as a mandatory prison term the maximum prison 568  
term prescribed for a felony of the first degree. 569

(5) If the drug involved in the violation is L.S.D. or a 570  
compound, mixture, preparation, or substance containing L.S.D., 571  
whoever violates division (A) of this section is guilty of 572  
trafficking in L.S.D. The penalty for the offense shall be 573  
determined as follows: 574

(a) Except as otherwise provided in division (C) (5) (b), 575  
(c), (d), (e), (f), or (g) of this section, trafficking in 576  
L.S.D. is a felony of the fifth degree, and division (B) of 577  
section 2929.13 of the Revised Code applies in determining 578  
whether to impose a prison term on the offender. 579

(b) Except as otherwise provided in division (C) (5) (c), 580  
(d), (e), (f), or (g) of this section, if the offense was 581  
committed in the vicinity of a school or in the vicinity of a 582

juvenile, trafficking in L.S.D. is a felony of the fourth 583  
degree, and division (C) of section 2929.13 of the Revised Code 584  
applies in determining whether to impose a prison term on the 585  
offender. 586

(c) Except as otherwise provided in this division, if the 587  
amount of the drug involved equals or exceeds ten unit doses but 588  
is less than fifty unit doses of L.S.D. in a solid form or 589  
equals or exceeds one gram but is less than five grams of L.S.D. 590  
in a liquid concentrate, liquid extract, or liquid distillate 591  
form, trafficking in L.S.D. is a felony of the fourth degree, 592  
and division (B) of section 2929.13 of the Revised Code applies 593  
in determining whether to impose a prison term for the offense. 594  
If the amount of the drug involved is within that range and if 595  
the offense was committed in the vicinity of a school or in the 596  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 597  
third degree, and there is a presumption for a prison term for 598  
the offense. 599

(d) Except as otherwise provided in this division, if the 600  
amount of the drug involved equals or exceeds fifty unit doses 601  
but is less than two hundred fifty unit doses of L.S.D. in a 602  
solid form or equals or exceeds five grams but is less than 603  
twenty-five grams of L.S.D. in a liquid concentrate, liquid 604  
extract, or liquid distillate form, trafficking in L.S.D. is a 605  
felony of the third degree, and, except as otherwise provided in 606  
this division, there is a presumption for a prison term for the 607  
offense. If trafficking in L.S.D. is a felony of the third 608  
degree under this division and if the offender two or more times 609  
previously has been convicted of or pleaded guilty to a felony 610  
drug abuse offense, the court shall impose as a mandatory prison 611  
term one of the prison terms prescribed for a felony of the 612  
third degree. If the amount of the drug involved is within that 613

range and if the offense was committed in the vicinity of a 614  
school or in the vicinity of a juvenile, trafficking in L.S.D. 615  
is a felony of the second degree, and the court shall impose as 616  
a mandatory prison term one of the prison terms prescribed for a 617  
felony of the second degree. 618

(e) Except as otherwise provided in this division, if the 619  
amount of the drug involved equals or exceeds two hundred fifty 620  
unit doses but is less than one thousand unit doses of L.S.D. in 621  
a solid form or equals or exceeds twenty-five grams but is less 622  
than one hundred grams of L.S.D. in a liquid concentrate, liquid 623  
extract, or liquid distillate form, trafficking in L.S.D. is a 624  
felony of the second degree, and the court shall impose as a 625  
mandatory prison term one of the prison terms prescribed for a 626  
felony of the second degree. If the amount of the drug involved 627  
is within that range and if the offense was committed in the 628  
vicinity of a school or in the vicinity of a juvenile, 629  
trafficking in L.S.D. is a felony of the first degree, and the 630  
court shall impose as a mandatory prison term one of the prison 631  
terms prescribed for a felony of the first degree. 632

(f) If the amount of the drug involved equals or exceeds 633  
one thousand unit doses but is less than five thousand unit 634  
doses of L.S.D. in a solid form or equals or exceeds one hundred 635  
grams but is less than five hundred grams of L.S.D. in a liquid 636  
concentrate, liquid extract, or liquid distillate form and 637  
regardless of whether the offense was committed in the vicinity 638  
of a school or in the vicinity of a juvenile, trafficking in 639  
L.S.D. is a felony of the first degree, and the court shall 640  
impose as a mandatory prison term one of the prison terms 641  
prescribed for a felony of the first degree. 642

(g) If the amount of the drug involved equals or exceeds 643

five thousand unit doses of L.S.D. in a solid form or equals or 644  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 645  
liquid extract, or liquid distillate form and regardless of 646  
whether the offense was committed in the vicinity of a school or 647  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 648  
of the first degree, the offender is a major drug offender, and 649  
the court shall impose as a mandatory prison term the maximum 650  
prison term prescribed for a felony of the first degree. 651

(6) If the drug involved in the violation is heroin or a 652  
compound, mixture, preparation, or substance containing heroin, 653  
whoever violates division (A) of this section is guilty of 654  
trafficking in heroin. The penalty for the offense shall be 655  
determined as follows: 656

(a) Except as otherwise provided in division (C) (6) (b), 657  
(c), (d), (e), (f), or (g) of this section, trafficking in 658  
heroin is a felony of the fifth degree, and division (B) of 659  
section 2929.13 of the Revised Code applies in determining 660  
whether to impose a prison term on the offender. 661

(b) Except as otherwise provided in division (C) (6) (c), 662  
(d), (e), (f), or (g) of this section, if the offense was 663  
committed in the vicinity of a school or in the vicinity of a 664  
juvenile, trafficking in heroin is a felony of the fourth 665  
degree, and division (C) of section 2929.13 of the Revised Code 666  
applies in determining whether to impose a prison term on the 667  
offender. 668

(c) Except as otherwise provided in this division, if the 669  
amount of the drug involved equals or exceeds ten unit doses but 670  
is less than fifty unit doses or equals or exceeds one gram but 671  
is less than five grams, trafficking in heroin is a felony of 672  
the fourth degree, and division (B) of section 2929.13 of the 673

Revised Code applies in determining whether to impose a prison 674  
term for the offense. If the amount of the drug involved is 675  
within that range and if the offense was committed in the 676  
vicinity of a school or in the vicinity of a juvenile, 677  
trafficking in heroin is a felony of the third degree, and there 678  
is a presumption for a prison term for the offense. 679

(d) Except as otherwise provided in this division, if the 680  
amount of the drug involved equals or exceeds fifty unit doses 681  
but is less than one hundred unit doses or equals or exceeds 682  
five grams but is less than ten grams, trafficking in heroin is 683  
a felony of the third degree, and there is a presumption for a 684  
prison term for the offense. If the amount of the drug involved 685  
is within that range and if the offense was committed in the 686  
vicinity of a school or in the vicinity of a juvenile, 687  
trafficking in heroin is a felony of the second degree, and 688  
there is a presumption for a prison term for the offense. 689

(e) Except as otherwise provided in this division, if the 690  
amount of the drug involved equals or exceeds one hundred unit 691  
doses but is less than five hundred unit doses or equals or 692  
exceeds ten grams but is less than fifty grams, trafficking in 693  
heroin is a felony of the second degree, and the court shall 694  
impose as a mandatory prison term one of the prison terms 695  
prescribed for a felony of the second degree. If the amount of 696  
the drug involved is within that range and if the offense was 697  
committed in the vicinity of a school or in the vicinity of a 698  
juvenile, trafficking in heroin is a felony of the first degree, 699  
and the court shall impose as a mandatory prison term one of the 700  
prison terms prescribed for a felony of the first degree. 701

(f) If the amount of the drug involved equals or exceeds 702  
five hundred unit doses but is less than one thousand unit doses 703



or equals or exceeds fifty grams but is less than one hundred 704  
grams and regardless of whether the offense was committed in the 705  
vicinity of a school or in the vicinity of a juvenile, 706  
trafficking in heroin is a felony of the first degree, and the 707  
court shall impose as a mandatory prison term one of the prison 708  
terms prescribed for a felony of the first degree. 709

(g) If the amount of the drug involved equals or exceeds 710  
one thousand unit doses or equals or exceeds one hundred grams 711  
and regardless of whether the offense was committed in the 712  
vicinity of a school or in the vicinity of a juvenile, 713  
trafficking in heroin is a felony of the first degree, the 714  
offender is a major drug offender, and the court shall impose as 715  
a mandatory prison term the maximum prison term prescribed for a 716  
felony of the first degree. 717

(7) If the drug involved in the violation is hashish or a 718  
compound, mixture, preparation, or substance containing hashish, 719  
whoever violates division (A) of this section is guilty of 720  
trafficking in hashish. The penalty for the offense shall be 721  
determined as follows: 722

(a) Except as otherwise provided in division (C) (7) (b), 723  
(c), (d), (e), (f), or (g) of this section, trafficking in 724  
hashish is a felony of the fifth degree, and division (B) of 725  
section 2929.13 of the Revised Code applies in determining 726  
whether to impose a prison term on the offender. 727

(b) Except as otherwise provided in division (C) (7) (c), 728  
(d), (e), (f), or (g) of this section, if the offense was 729  
committed in the vicinity of a school or in the vicinity of a 730  
juvenile, trafficking in hashish is a felony of the fourth 731  
degree, and division (B) of section 2929.13 of the Revised Code 732  
applies in determining whether to impose a prison term on the 733

offender. 734

(c) Except as otherwise provided in this division, if the 735  
amount of the drug involved equals or exceeds ten grams but is 736  
less than fifty grams of hashish in a solid form or equals or 737  
exceeds two grams but is less than ten grams of hashish in a 738  
liquid concentrate, liquid extract, or liquid distillate form, 739  
trafficking in hashish is a felony of the fourth degree, and 740  
division (B) of section 2929.13 of the Revised Code applies in 741  
determining whether to impose a prison term on the offender. If 742  
the amount of the drug involved is within that range and if the 743  
offense was committed in the vicinity of a school or in the 744  
vicinity of a juvenile, trafficking in hashish is a felony of 745  
the third degree, and division (C) of section 2929.13 of the 746  
Revised Code applies in determining whether to impose a prison 747  
term on the offender. 748

(d) Except as otherwise provided in this division, if the 749  
amount of the drug involved equals or exceeds fifty grams but is 750  
less than two hundred fifty grams of hashish in a solid form or 751  
equals or exceeds ten grams but is less than fifty grams of 752  
hashish in a liquid concentrate, liquid extract, or liquid 753  
distillate form, trafficking in hashish is a felony of the third 754  
degree, and division (C) of section 2929.13 of the Revised Code 755  
applies in determining whether to impose a prison term on the 756  
offender. If the amount of the drug involved is within that 757  
range and if the offense was committed in the vicinity of a 758  
school or in the vicinity of a juvenile, trafficking in hashish 759  
is a felony of the second degree, and there is a presumption 760  
that a prison term shall be imposed for the offense. 761

(e) Except as otherwise provided in this division, if the 762  
amount of the drug involved equals or exceeds two hundred fifty 763

grams but is less than one thousand grams of hashish in a solid 764  
form or equals or exceeds fifty grams but is less than two 765  
hundred grams of hashish in a liquid concentrate, liquid 766  
extract, or liquid distillate form, trafficking in hashish is a 767  
felony of the third degree, and there is a presumption that a 768  
prison term shall be imposed for the offense. If the amount of 769  
the drug involved is within that range and if the offense was 770  
committed in the vicinity of a school or in the vicinity of a 771  
juvenile, trafficking in hashish is a felony of the second 772  
degree, and there is a presumption that a prison term shall be 773  
imposed for the offense. 774

(f) Except as otherwise provided in this division, if the 775  
amount of the drug involved equals or exceeds one thousand grams 776  
but is less than two thousand grams of hashish in a solid form 777  
or equals or exceeds two hundred grams but is less than four 778  
hundred grams of hashish in a liquid concentrate, liquid 779  
extract, or liquid distillate form, trafficking in hashish is a 780  
felony of the second degree, and the court shall impose a 781  
mandatory prison term of five, six, seven, or eight years. If 782  
the amount of the drug involved is within that range and if the 783  
offense was committed in the vicinity of a school or in the 784  
vicinity of a juvenile, trafficking in hashish is a felony of 785  
the first degree, and the court shall impose as a mandatory 786  
prison term the maximum prison term prescribed for a felony of 787  
the first degree. 788

(g) Except as otherwise provided in this division, if the 789  
amount of the drug involved equals or exceeds two thousand grams 790  
of hashish in a solid form or equals or exceeds four hundred 791  
grams of hashish in a liquid concentrate, liquid extract, or 792  
liquid distillate form, trafficking in hashish is a felony of 793  
the second degree, and the court shall impose as a mandatory 794

prison term the maximum prison term prescribed for a felony of 795  
the second degree. If the amount of the drug involved equals or 796  
exceeds two thousand grams of hashish in a solid form or equals 797  
or exceeds four hundred grams of hashish in a liquid 798  
concentrate, liquid extract, or liquid distillate form and if 799  
the offense was committed in the vicinity of a school or in the 800  
vicinity of a juvenile, trafficking in hashish is a felony of 801  
the first degree, and the court shall impose as a mandatory 802  
prison term the maximum prison term prescribed for a felony of 803  
the first degree. 804

(8) If the drug involved in the violation is a controlled 805  
substance analog or compound, mixture, preparation, or substance 806  
that contains a controlled substance analog, whoever violates 807  
division (A) of this section is guilty of trafficking in a 808  
controlled substance analog. The penalty for the offense shall 809  
be determined as follows: 810

(a) Except as otherwise provided in division (C) (8) (b), 811  
(c), (d), (e), (f), or (g) of this section, trafficking in a 812  
controlled substance analog is a felony of the fifth degree, and 813  
division (C) of section 2929.13 of the Revised Code applies in 814  
determining whether to impose a prison term on the offender. 815

(b) Except as otherwise provided in division (C) (8) (c), 816  
(d), (e), (f), or (g) of this section, if the offense was 817  
committed in the vicinity of a school or in the vicinity of a 818  
juvenile, trafficking in a controlled substance analog is a 819  
felony of the fourth degree, and division (C) of section 2929.13 820  
of the Revised Code applies in determining whether to impose a 821  
prison term on the offender. 822

(c) Except as otherwise provided in this division, if the 823  
amount of the drug involved equals or exceeds ten grams but is 824

less than twenty grams, trafficking in a controlled substance 825  
analog is a felony of the fourth degree, and division (B) of 826  
section 2929.13 of the Revised Code applies in determining 827  
whether to impose a prison term for the offense. If the amount 828  
of the drug involved is within that range and if the offense was 829  
committed in the vicinity of a school or in the vicinity of a 830  
juvenile, trafficking in a controlled substance analog is a 831  
felony of the third degree, and there is a presumption for a 832  
prison term for the offense. 833

(d) Except as otherwise provided in this division, if the 834  
amount of the drug involved equals or exceeds twenty grams but 835  
is less than thirty grams, trafficking in a controlled substance 836  
analog is a felony of the third degree, and there is a 837  
presumption for a prison term for the offense. If the amount of 838  
the drug involved is within that range and if the offense was 839  
committed in the vicinity of a school or in the vicinity of a 840  
juvenile, trafficking in a controlled substance analog is a 841  
felony of the second degree, and there is a presumption for a 842  
prison term for the offense. 843

(e) Except as otherwise provided in this division, if the 844  
amount of the drug involved equals or exceeds thirty grams but 845  
is less than forty grams, trafficking in a controlled substance 846  
analog is a felony of the second degree, and the court shall 847  
impose as a mandatory prison term one of the prison terms 848  
prescribed for a felony of the second degree. If the amount of 849  
the drug involved is within that range and if the offense was 850  
committed in the vicinity of a school or in the vicinity of a 851  
juvenile, trafficking in a controlled substance analog is a 852  
felony of the first degree, and the court shall impose as a 853  
mandatory prison term one of the prison terms prescribed for a 854  
felony of the first degree. 855

(f) If the amount of the drug involved equals or exceeds 856  
forty grams but is less than fifty grams and regardless of 857  
whether the offense was committed in the vicinity of a school or 858  
in the vicinity of a juvenile, trafficking in a controlled 859  
substance analog is a felony of the first degree, and the court 860  
shall impose as a mandatory prison term one of the prison terms 861  
prescribed for a felony of the first degree. 862

(g) If the amount of the drug involved equals or exceeds 863  
fifty grams and regardless of whether the offense was committed 864  
in the vicinity of a school or in the vicinity of a juvenile, 865  
trafficking in a controlled substance analog is a felony of the 866  
first degree, the offender is a major drug offender, and the 867  
court shall impose as a mandatory prison term the maximum prison 868  
term prescribed for a felony of the first degree. 869

(D) In addition to any prison term authorized or required 870  
by division (C) of this section and sections 2929.13 and 2929.14 871  
of the Revised Code, and in addition to any other sanction 872  
imposed for the offense under this section or sections 2929.11 873  
to 2929.18 of the Revised Code, the court that sentences an 874  
offender who is convicted of or pleads guilty to a violation of 875  
division (A) of this section may suspend the driver's or 876  
commercial driver's license or permit of the offender in 877  
accordance with division (G) of this section. However, if the 878  
offender pleaded guilty to or was convicted of a violation of 879  
section 4511.19 of the Revised Code or a substantially similar 880  
municipal ordinance or the law of another state or the United 881  
States arising out of the same set of circumstances as the 882  
violation, the court shall suspend the offender's driver's or 883  
commercial driver's license or permit in accordance with 884  
division (G) of this section. If applicable, the court also 885  
shall do the following: 886

(1) If the violation of division (A) of this section is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B)(1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. Except as otherwise provided in division (H)(1) of this section, a mandatory fine or any other fine imposed for a violation of this section is subject to division (F) of this section. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk of the court shall pay the forfeited bail pursuant to divisions (D)(1) and (F) of this section, as if the forfeited bail was a fine imposed for a violation of this section. If any amount of the forfeited bail remains after that payment and if a fine is imposed under division (H)(1) of this section, the clerk of the court shall pay the remaining amount of the forfeited bail pursuant to divisions (H)(2) and (3) of this section, as if that remaining amount was a fine imposed under division (H)(1) of this section.

(2) If the offender is a professionally licensed person, the court immediately shall comply with section 2925.38 of the Revised Code.

(E) When a person is charged with the sale of or offer to sell a bulk amount or a multiple of a bulk amount of a controlled substance, the jury, or the court trying the accused, shall determine the amount of the controlled substance involved at the time of the offense and, if a guilty verdict is returned, shall return the findings as part of the verdict. In any such case, it is unnecessary to find and return the exact amount of the controlled substance involved, and it is sufficient if the

finding and return is to the effect that the amount of the 918  
controlled substance involved is the requisite amount, or that 919  
the amount of the controlled substance involved is less than the 920  
requisite amount. 921

(F) (1) Notwithstanding any contrary provision of section 922  
3719.21 of the Revised Code and except as provided in division 923  
(H) of this section, the clerk of the court shall pay any 924  
mandatory fine imposed pursuant to division (D) (1) of this 925  
section and any fine other than a mandatory fine that is imposed 926  
for a violation of this section pursuant to division (A) or (B) 927  
(5) of section 2929.18 of the Revised Code to the county, 928  
township, municipal corporation, park district, as created 929  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 930  
state law enforcement agencies in this state that primarily were 931  
responsible for or involved in making the arrest of, and in 932  
prosecuting, the offender. However, the clerk shall not pay a 933  
mandatory fine so imposed to a law enforcement agency unless the 934  
agency has adopted a written internal control policy under 935  
division (F) (2) of this section that addresses the use of the 936  
fine moneys that it receives. Each agency shall use the 937  
mandatory fines so paid to subsidize the agency's law 938  
enforcement efforts that pertain to drug offenses, in accordance 939  
with the written internal control policy adopted by the 940  
recipient agency under division (F) (2) of this section. 941

(2) Prior to receiving any fine moneys under division (F) 942  
(1) of this section or division (B) of section 2925.42 of the 943  
Revised Code, a law enforcement agency shall adopt a written 944  
internal control policy that addresses the agency's use and 945  
disposition of all fine moneys so received and that provides for 946  
the keeping of detailed financial records of the receipts of 947  
those fine moneys, the general types of expenditures made out of 948



those fine moneys, and the specific amount of each general type 949  
of expenditure. The policy shall not provide for or permit the 950  
identification of any specific expenditure that is made in an 951  
ongoing investigation. All financial records of the receipts of 952  
those fine moneys, the general types of expenditures made out of 953  
those fine moneys, and the specific amount of each general type 954  
of expenditure by an agency are public records open for 955  
inspection under section 149.43 of the Revised Code. 956  
Additionally, a written internal control policy adopted under 957  
this division is such a public record, and the agency that 958  
adopted it shall comply with it. 959

(3) As used in division (F) of this section: 960

(a) "Law enforcement agencies" includes, but is not 961  
limited to, the state board of pharmacy and the office of a 962  
prosecutor. 963

(b) "Prosecutor" has the same meaning as in section 964  
2935.01 of the Revised Code. 965

(G) (1) If the sentencing court suspends the offender's 966  
driver's or commercial driver's license or permit under division 967  
(D) of this section or any other provision of this chapter, the 968  
court shall suspend the license, by order, for not more than 969  
five years. If an offender's driver's or commercial driver's 970  
license or permit is suspended pursuant to this division, the 971  
offender, at any time after the expiration of two years from the 972  
day on which the offender's sentence was imposed or from the day 973  
on which the offender finally was released from a prison term 974  
under the sentence, whichever is later, may file a motion with 975  
the sentencing court requesting termination of the suspension; 976  
upon the filing of such a motion and the court's finding of good 977  
cause for the termination, the court may terminate the 978

suspension. 979

(2) Any offender who received a mandatory suspension of 980  
the offender's driver's or commercial driver's license or permit 981  
under this section prior to ~~the effective date of this amendment~~ 982  
September 13, 2016, may file a motion with the sentencing court 983  
requesting the termination of the suspension. However, an 984  
offender who pleaded guilty to or was convicted of a violation 985  
of section 4511.19 of the Revised Code or a substantially 986  
similar municipal ordinance or law of another state or the 987  
United States that arose out of the same set of circumstances as 988  
the violation for which the offender's license or permit was 989  
suspended under this section shall not file such a motion. 990

Upon the filing of a motion under division (G)(2) of this 991  
section, the sentencing court, in its discretion, may terminate 992  
the suspension. 993

(H)(1) In addition to any prison term authorized or 994  
required by division (C) of this section and sections 2929.13 995  
and 2929.14 of the Revised Code, in addition to any other 996  
penalty or sanction imposed for the offense under this section 997  
or sections 2929.11 to 2929.18 of the Revised Code, and in 998  
addition to the forfeiture of property in connection with the 999  
offense as prescribed in Chapter 2981. of the Revised Code, the 1000  
court that sentences an offender who is convicted of or pleads 1001  
guilty to a violation of division (A) of this section may impose 1002  
upon the offender an additional fine specified for the offense 1003  
in division (B)(4) of section 2929.18 of the Revised Code. A 1004  
fine imposed under division (H)(1) of this section is not 1005  
subject to division (F) of this section and shall be used solely 1006  
for the support of one or more eligible community addiction 1007  
services providers in accordance with divisions (H)(2) and (3) 1008

of this section. 1009

(2) The court that imposes a fine under division (H) (1) of 1010  
this section shall specify in the judgment that imposes the fine 1011  
one or more eligible community addiction services providers for 1012  
the support of which the fine money is to be used. No community 1013  
addiction services provider shall receive or use money paid or 1014  
collected in satisfaction of a fine imposed under division (H) 1015  
(1) of this section unless the services provider is specified in 1016  
the judgment that imposes the fine. No community addiction 1017  
services provider shall be specified in the judgment unless the 1018  
services provider is an eligible community addiction services 1019  
provider and, except as otherwise provided in division (H) (2) of 1020  
this section, unless the services provider is located in the 1021  
county in which the court that imposes the fine is located or in 1022  
a county that is immediately contiguous to the county in which 1023  
that court is located. If no eligible community addiction 1024  
services provider is located in any of those counties, the 1025  
judgment may specify an eligible community addiction services 1026  
provider that is located anywhere within this state. 1027

(3) Notwithstanding any contrary provision of section 1028  
3719.21 of the Revised Code, the clerk of the court shall pay 1029  
any fine imposed under division (H) (1) of this section to the 1030  
eligible community addiction services provider specified 1031  
pursuant to division (H) (2) of this section in the judgment. The 1032  
eligible community addiction services provider that receives the 1033  
fine moneys shall use the moneys only for the alcohol and drug 1034  
addiction services identified in the application for 1035  
certification of services under section 5119.36 of the Revised 1036  
Code or in the application for a license under section ~~5119.391~~ 1037  
5119.37 of the Revised Code filed with the department of mental 1038  
health and addiction services by the community addiction 1039

services provider specified in the judgment. 1040

(4) Each community addiction services provider that 1041  
receives in a calendar year any fine moneys under division (H) 1042  
(3) of this section shall file an annual report covering that 1043  
calendar year with the court of common pleas and the board of 1044  
county commissioners of the county in which the services 1045  
provider is located, with the court of common pleas and the 1046  
board of county commissioners of each county from which the 1047  
services provider received the moneys if that county is 1048  
different from the county in which the services provider is 1049  
located, and with the attorney general. The community addiction 1050  
services provider shall file the report no later than the first 1051  
day of March in the calendar year following the calendar year in 1052  
which the services provider received the fine moneys. The report 1053  
shall include statistics on the number of persons served by the 1054  
community addiction services provider, identify the types of 1055  
alcohol and drug addiction services provided to those persons, 1056  
and include a specific accounting of the purposes for which the 1057  
fine moneys received were used. No information contained in the 1058  
report shall identify, or enable a person to determine the 1059  
identity of, any person served by the community addiction 1060  
services provider. Each report received by a court of common 1061  
pleas, a board of county commissioners, or the attorney general 1062  
is a public record open for inspection under section 149.43 of 1063  
the Revised Code. 1064

(5) As used in divisions (H) (1) to (5) of this section: 1065

(a) "Community addiction services provider" and "alcohol 1066  
and drug addiction services" have the same meanings as in 1067  
section 5119.01 of the Revised Code. 1068

(b) "Eligible community addiction services provider" means 1069

a community addiction services provider, ~~as defined in section~~ 1070  
~~5119.01 of the Revised Code, or including a~~ community addiction 1071  
services provider that ~~maintains a methadone~~ operates an opioid 1072  
treatment program licensed under section ~~5119.391~~ 5119.37 of the 1073  
Revised Code. 1074

(I) As used in this section, "drug" includes any substance 1075  
that is represented to be a drug. 1076

(J) It is an affirmative defense to a charge of 1077  
trafficking in a controlled substance analog under division (C) 1078  
(8) of this section that the person charged with violating that 1079  
offense sold or offered to sell, or prepared for shipment, 1080  
shipped, transported, delivered, prepared for distribution, or 1081  
distributed an item described in division (HH) (2) (a), (b), or 1082  
(c) of section 3719.01 of the Revised Code. 1083

**Sec. 3715.08.** (A) As used in this section: 1084

(1) "Medication-assisted treatment" has the same meaning 1085  
as in section 340.01 of the Revised Code. 1086

(2) "Prescriber" means any of the following: 1087

(a) An advanced practice registered nurse who holds a 1088  
current, valid license issued under Chapter 4723. of the Revised 1089  
Code and is designated as a clinical nurse specialist, certified 1090  
nurse-midwife, or certified nurse practitioner; 1091

(b) A physician authorized under Chapter 4731. of the 1092  
Revised Code to practice medicine and surgery or osteopathic 1093  
medicine and surgery; 1094

(c) A physician assistant who is licensed under Chapter 1095  
4730. of the Revised Code, holds a valid prescriber number 1096  
issued by the state medical board, and has been granted 1097

physician-delegated prescriptive authority. 1098

(3) "Qualifying practitioner" has the same meaning as in 1099  
section 303(g) (2) (G) (iii) of the "Controlled Substances Act of 1100  
1970," 21 U.S.C. 823(g) (2) (G) (iii), as amended. 1101

(B) Before initiating medication-assisted treatment, a 1102  
prescriber shall give the patient or the patient's 1103  
representative information about all drugs approved by the 1104  
United States food and drug administration for use in 1105  
medication-assisted treatment. The information must be provided 1106  
both orally and in writing. The prescriber or the prescriber's 1107  
delegate shall note in the patient's medical record when this 1108  
information was provided and make the record available to 1109  
employees of the board of nursing or state medical board on 1110  
their request. 1111

If the prescriber is not a qualifying practitioner and the 1112  
patient's choice is opioid treatment ~~with a controlled substance~~ 1113  
~~containing buprenorphine~~ and the prescriber determines that such 1114  
treatment is clinically appropriate and meets generally accepted 1115  
standards of medicine, the prescriber shall refer the patient to 1116  
an opioid treatment program licensed under section 5119.37 of 1117  
the Revised Code or a qualifying practitioner. ~~If the patient's~~ 1118  
~~choice is methadone treatment and the prescriber determines that~~ 1119  
~~such treatment is clinically appropriate and meets generally~~ 1120  
~~accepted standards of medicine, the prescriber shall refer the~~ 1121  
~~patient to a community addiction services provider licensed~~ 1122  
~~under section 5119.391 of the Revised Code. In either case, the~~ 1123  
The prescriber or the prescriber's delegate shall make a 1124  
notation in the patient's medical record naming the program or 1125  
practitioner ~~or provider~~ to whom the patient was referred and 1126  
specifying when the referral was made. 1127

**Sec. 3719.13.** Prescriptions, orders, and records, required 1128  
by Chapter 3719. of the Revised Code, and stocks of dangerous 1129  
drugs and controlled substances, shall be open for inspection 1130  
only to federal, state, county, and municipal officers, and 1131  
employees of the state board of pharmacy whose duty it is to 1132  
enforce the laws of this state or of the United States relating 1133  
to controlled substances. Such prescriptions, orders, records, 1134  
and stocks shall be open for inspection by employees of the 1135  
state medical board for purposes of enforcing Chapters 4730. and 1136  
4731. of the Revised Code, employees of the board of nursing for 1137  
purposes of enforcing Chapter 4723. of the Revised Code, and 1138  
employees of the department of mental health and addiction 1139  
services for purposes of section ~~5119.367~~5119.37 of the Revised 1140  
Code. No person having knowledge of any such prescription, 1141  
order, or record shall divulge such knowledge, except in 1142  
connection with a prosecution or proceeding in court or before a 1143  
licensing or registration board or officer, to which prosecution 1144  
or proceeding the person to whom such prescriptions, orders, or 1145  
records relate is a party. 1146

**Sec. 3719.27.** (A) Persons required by Chapter 3719. of the 1147  
Revised Code to keep files or records shall, upon the written 1148  
request of an officer or employee designated by the state board 1149  
of pharmacy, make such files or records available to such 1150  
officer or employee, at all reasonable hours, for inspection and 1151  
copying, and accord to such officer or employee full opportunity 1152  
to check the correctness of such files or records, including 1153  
opportunity to make inventory of all stocks of controlled 1154  
substances on hand. No person shall fail to make such files or 1155  
records available or to accord such opportunity to check their 1156  
correctness. 1157

(B) Persons required by Chapter 3719. of the Revised Code 1158

to keep files or records shall, upon the written request of an 1159  
employee designated by the director of mental health and 1160  
addiction services, make such files or records available to the 1161  
employee for the purpose of section ~~5119.367~~ 5119.37 of the 1162  
Revised Code, at all reasonable hours, for inspection and 1163  
copying, and accord to such employee full opportunity to check 1164  
the correctness of such files or records. No person shall fail 1165  
to make such files or records available or to accord such 1166  
opportunity to check their correctness. 1167

**Sec. 3719.61.** Nothing in the laws dealing with drugs of 1168  
abuse shall be construed to prohibit treatment of narcotic drug 1169  
dependent persons by the continuing maintenance of their 1170  
dependence through ~~the administration of methadone in accordance~~ 1171  
~~with the rules adopted by the department of mental health and~~ 1172  
~~addiction services under section 5119.391 of the Revised Code,~~ 1173  
~~when all of the following apply:~~ 1174

~~(A) The likelihood that any person undergoing maintenance~~ 1175  
~~treatment will be cured of dependence on narcotic drugs is~~ 1176  
~~remote, the treatment is prescribed for the purpose of~~ 1177  
~~alleviating or controlling the patient's drug dependence, and~~ 1178  
~~the patient's prognosis while undergoing treatment is at least a~~ 1179  
~~partial improvement in the patient's asocial or antisocial~~ 1180  
~~behavior patterns;~~ 1181

~~(B) In the case of an inpatient in a hospital or clinic,~~ 1182  
~~the amount of the maintenance drug dispensed at any one time~~ 1183  
~~does not exceed the quantity necessary for a single dose, and~~ 1184  
~~the dose is administered to the patient immediately;~~ 1185

~~(C) In the case of an outpatient, the amount of the~~ 1186  
~~maintenance drug dispensed at any one time shall be determined~~ 1187  
~~by the patient's treatment provider taking into account the~~ 1188



~~patient's progress in the treatment program and the patient's~~ 1189  
~~needs for gainful employment, education, and responsible~~ 1190  
~~homemaking, except that in no event shall the dosage be greater~~ 1191  
~~than the amount permitted by federal law and rules adopted by~~ 1192  
~~the department pursuant to section 5119.391 of the Revised Code;~~ 1193

~~(D) The drug is not dispensed in any case to replace or~~ 1194  
~~supplement any part of a supply of the drug previously~~ 1195  
~~dispensed, or when there is reasonable cause to believe it will~~ 1196  
~~be used or disposed of unlawfully;~~ 1197

~~(E) The drug is dispensed through a an opioid treatment~~ 1198  
program licensed and operated in accordance with section 1199  
~~5119.391-5119.37 of the Revised Code and the rules adopted under~~ 1200  
~~that section.~~ 1201

**Sec. 3721.01.** (A) As used in sections 3721.01 to 3721.09 1202  
and 3721.99 of the Revised Code: 1203

(1) (a) "Home" means an institution, residence, or facility 1204  
that provides, for a period of more than twenty-four hours, 1205  
whether for a consideration or not, accommodations to three or 1206  
more unrelated individuals who are dependent upon the services 1207  
of others, including a nursing home, residential care facility, 1208  
home for the aging, and a veterans' home operated under Chapter 1209  
5907. of the Revised Code. 1210

(b) "Home" also means both of the following: 1211

(i) Any facility that a person, as defined in section 1212  
3702.51 of the Revised Code, proposes for certification as a 1213  
skilled nursing facility or nursing facility under Title XVIII 1214  
or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 1215  
U.S.C.A. 301, as amended, and for which a certificate of need, 1216  
other than a certificate to recategorize hospital beds as 1217

described in section 3702.521 of the Revised Code or division 1218  
(R) (7) (d) of the version of section 3702.51 of the Revised Code 1219  
in effect immediately prior to April 20, 1995, has been granted 1220  
to the person under sections 3702.51 to 3702.62 of the Revised 1221  
Code after August 5, 1989; 1222

(ii) A county home or district home that is or has been 1223  
licensed as a residential care facility. 1224

(c) "Home" does not mean any of the following: 1225

(i) Except as provided in division (A) (1) (b) of this 1226  
section, a public hospital or hospital as defined in section 1227  
3701.01 or 5122.01 of the Revised Code; 1228

(ii) A residential facility as defined in section 5119.34 1229  
of the Revised Code; 1230

(iii) A residential facility as defined in section 5123.19 1231  
of the Revised Code; 1232

(iv) A community addiction services provider as defined in 1233  
section 5119.01 of the Revised Code; 1234

(v) A facility licensed ~~to provide methadone treatment~~ 1235  
under section ~~5119.391~~ 5119.37 of the Revised Code to operate an 1236  
opioid treatment program; 1237

(vi) A facility providing services under contract with the 1238  
department of developmental disabilities under section 5123.18 1239  
of the Revised Code; 1240

(vii) A facility operated by a hospice care program 1241  
licensed under section 3712.04 of the Revised Code that is used 1242  
exclusively for care of hospice patients; 1243

(viii) A facility operated by a pediatric respite care 1244

program licensed under section 3712.041 of the Revised Code that 1245  
is used exclusively for care of pediatric respite care patients; 1246

(ix) A facility, infirmary, or other entity that is 1247  
operated by a religious order, provides care exclusively to 1248  
members of religious orders who take vows of celibacy and live 1249  
by virtue of their vows within the orders as if related, and 1250  
does not participate in the medicare program or the medicaid 1251  
program if on January 1, 1994, the facility, infirmary, or 1252  
entity was providing care exclusively to members of the 1253  
religious order; 1254

(x) A county home or district home that has never been 1255  
licensed as a residential care facility. 1256

(2) "Unrelated individual" means one who is not related to 1257  
the owner or operator of a home or to the spouse of the owner or 1258  
operator as a parent, grandparent, child, grandchild, brother, 1259  
sister, niece, nephew, aunt, uncle, or as the child of an aunt 1260  
or uncle. 1261

(3) "Mental impairment" does not mean mental illness, as 1262  
defined in section 5122.01 of the Revised Code, or developmental 1263  
disability, as defined in section 5123.01 of the Revised Code. 1264

(4) "Skilled nursing care" means procedures that require 1265  
technical skills and knowledge beyond those the untrained person 1266  
possesses and that are commonly employed in providing for the 1267  
physical, mental, and emotional needs of the ill or otherwise 1268  
incapacitated. "Skilled nursing care" includes, but is not 1269  
limited to, the following: 1270

(a) Irrigations, catheterizations, application of 1271  
dressings, and supervision of special diets; 1272

(b) Objective observation of changes in the patient's 1273

condition as a means of analyzing and determining the nursing 1274  
care required and the need for further medical diagnosis and 1275  
treatment; 1276

(c) Special procedures contributing to rehabilitation; 1277

(d) Administration of medication by any method ordered by 1278  
a physician, such as hypodermically, rectally, or orally, 1279  
including observation of the patient after receipt of the 1280  
medication; 1281

(e) Carrying out other treatments prescribed by the 1282  
physician that involve a similar level of complexity and skill 1283  
in administration. 1284

(5) (a) "Personal care services" means services including, 1285  
but not limited to, the following: 1286

(i) Assisting residents with activities of daily living; 1287

(ii) Assisting residents with self-administration of 1288  
medication, in accordance with rules adopted under section 1289  
3721.04 of the Revised Code; 1290

(iii) Preparing special diets, other than complex 1291  
therapeutic diets, for residents pursuant to the instructions of 1292  
a physician or a licensed dietitian, in accordance with rules 1293  
adopted under section 3721.04 of the Revised Code. 1294

(b) "Personal care services" does not include "skilled 1295  
nursing care" as defined in division (A) (4) of this section. A 1296  
facility need not provide more than one of the services listed 1297  
in division (A) (5) (a) of this section to be considered to be 1298  
providing personal care services. 1299

(6) "Nursing home" means a home used for the reception and 1300  
care of individuals who by reason of illness or physical or 1301

mental impairment require skilled nursing care and of 1302  
individuals who require personal care services but not skilled 1303  
nursing care. A nursing home is licensed to provide personal 1304  
care services and skilled nursing care. 1305

(7) "Residential care facility" means a home that provides 1306  
either of the following: 1307

(a) Accommodations for seventeen or more unrelated 1308  
individuals and supervision and personal care services for three 1309  
or more of those individuals who are dependent on the services 1310  
of others by reason of age or physical or mental impairment; 1311

(b) Accommodations for three or more unrelated 1312  
individuals, supervision and personal care services for at least 1313  
three of those individuals who are dependent on the services of 1314  
others by reason of age or physical or mental impairment, and, 1315  
to at least one of those individuals, any of the skilled nursing 1316  
care authorized by section 3721.011 of the Revised Code. 1317

(8) "Home for the aging" means a home that provides 1318  
services as a residential care facility and a nursing home, 1319  
except that the home provides its services only to individuals 1320  
who are dependent on the services of others by reason of both 1321  
age and physical or mental impairment. 1322

The part or unit of a home for the aging that provides 1323  
services only as a residential care facility is licensed as a 1324  
residential care facility. The part or unit that may provide 1325  
skilled nursing care beyond the extent authorized by section 1326  
3721.011 of the Revised Code is licensed as a nursing home. 1327

(9) "County home" and "district home" mean a county home 1328  
or district home operated under Chapter 5155. of the Revised 1329  
Code. 1330

(B) The director of health may further classify homes. For 1331  
the purposes of this chapter, any residence, institution, hotel, 1332  
congregate housing project, or similar facility that meets the 1333  
definition of a home under this section is such a home 1334  
regardless of how the facility holds itself out to the public. 1335

(C) For purposes of this chapter, personal care services 1336  
or skilled nursing care shall be considered to be provided by a 1337  
facility if they are provided by a person employed by or 1338  
associated with the facility or by another person pursuant to an 1339  
agreement to which neither the resident who receives the 1340  
services nor the resident's sponsor is a party. 1341

(D) Nothing in division (A) (4) of this section shall be 1342  
construed to permit skilled nursing care to be imposed on an 1343  
individual who does not require skilled nursing care. 1344

Nothing in division (A) (5) of this section shall be 1345  
construed to permit personal care services to be imposed on an 1346  
individual who is capable of performing the activity in question 1347  
without assistance. 1348

(E) Division (A) (1) (c) (ix) of this section does not 1349  
prohibit a facility, infirmary, or other entity described in 1350  
that division from seeking licensure under sections 3721.01 to 1351  
3721.09 of the Revised Code or certification under Title XVIII 1352  
or XIX of the "Social Security Act." However, such a facility, 1353  
infirmary, or entity that applies for licensure or certification 1354  
must meet the requirements of those sections or titles and the 1355  
rules adopted under them and obtain a certificate of need from 1356  
the director of health under section 3702.52 of the Revised 1357  
Code. 1358

(F) Nothing in this chapter, or rules adopted pursuant to 1359

it, shall be construed as authorizing the supervision, 1360  
regulation, or control of the spiritual care or treatment of 1361  
residents or patients in any home who rely upon treatment by 1362  
prayer or spiritual means in accordance with the creed or tenets 1363  
of any recognized church or religious denomination. 1364

**Sec. 4723.41.** (A) Each person who desires to practice 1365  
nursing as a certified nurse-midwife and has not been authorized 1366  
to practice midwifery prior to December 1, 1967, and each person 1367  
who desires to practice nursing as a certified registered nurse 1368  
anesthetist, clinical nurse specialist, or certified nurse 1369  
practitioner shall file with the board of nursing a written 1370  
application for a license to practice nursing as an advanced 1371  
practice registered nurse and designation in the desired 1372  
specialty. The application must be filed, under oath, on a form 1373  
prescribed by the board accompanied by the application fee 1374  
required by section 4723.08 of the Revised Code. 1375

Except as provided in division (B), (C), or (D) of this 1376  
section, at the time of making application, the applicant shall 1377  
meet all of the following requirements: 1378

(1) Be a registered nurse; 1379

(2) Submit documentation satisfactory to the board that 1380  
the applicant has earned a master's or doctoral degree with a 1381  
major in a nursing specialty or in a related field that 1382  
qualifies the applicant to sit for the certification examination 1383  
of a national certifying organization approved by the board 1384  
under section 4723.46 of the Revised Code; 1385

(3) Submit documentation satisfactory to the board of 1386  
having passed the certification examination of a national 1387  
certifying organization approved by the board under section 1388

4723.46 of the Revised Code to examine and certify, as 1389  
applicable, nurse-midwives, registered nurse anesthetists, 1390  
clinical nurse specialists, or nurse practitioners; 1391

(4) Submit an affidavit with the application that states 1392  
all of the following: 1393

(a) That the applicant is the person named in the 1394  
documents submitted under ~~divisions (A) (2) and (3) of this~~ 1395  
section and is the lawful possessor thereof; 1396

(b) The applicant's age, residence, the school at which 1397  
the applicant obtained education in the applicant's nursing 1398  
specialty, and any other facts that the board requires; 1399

(c) The specialty in which the applicant seeks 1400  
designation. 1401

(B) (1) A certified registered nurse anesthetist, clinical 1402  
nurse specialist, certified nurse-midwife, or certified nurse 1403  
practitioner who is practicing or has practiced as such in 1404  
another jurisdiction may apply for a license by endorsement to 1405  
practice nursing as an advanced practice registered nurse and 1406  
designation as a certified registered nurse anesthetist, 1407  
clinical nurse specialist, certified nurse-midwife, or certified 1408  
nurse practitioner in this state if the nurse meets the 1409  
requirements set forth in division (A) of this section or 1410  
division (B) (2) of this section. 1411

(2) If an applicant who is practicing or has practiced in 1412  
another jurisdiction applies for designation under division (B) 1413  
(2) of this section, the application shall be submitted to the 1414  
board in the form prescribed by rules of the board and be 1415  
accompanied by the application fee required by section 4723.08 1416  
of the Revised Code. The application shall include evidence that 1417



the applicant meets the requirements of division (B) (2) of this 1418  
section, holds authority to practice nursing and is in good 1419  
standing in another jurisdiction granted after meeting 1420  
requirements approved by the entity of that jurisdiction that 1421  
regulates nurses, and other information required by rules of the 1422  
board of nursing. 1423

With respect to the educational requirements and national 1424  
certification requirements that an applicant under division (B) 1425  
(2) of this section must meet, both of the following apply: 1426

(a) If the applicant is a certified registered nurse 1427  
anesthetist, certified nurse-midwife, or certified nurse 1428  
practitioner who, on or before December 31, 2000, obtained 1429  
certification in the applicant's nursing specialty with a 1430  
national certifying organization listed in division (A) (3) of 1431  
section 4723.41 of the Revised Code as that division existed 1432  
prior to March 20, 2013, or that was at that time approved by 1433  
the board under section 4723.46 of the Revised Code, the 1434  
applicant must have maintained the certification. The applicant 1435  
is not required to have earned a master's or doctoral degree 1436  
with a major in a nursing specialty or in a related field that 1437  
qualifies the applicant to sit for the certification 1438  
examination. 1439

(b) If the applicant is a clinical nurse specialist, one 1440  
of the following must apply to the applicant: 1441

(i) On or before December 31, 2000, the applicant obtained 1442  
a master's or doctoral degree with a major in a clinical area of 1443  
nursing from an educational institution accredited by a national 1444  
or regional accrediting organization. The applicant is not 1445  
required to have passed a certification examination. 1446

(ii) On or before December 31, 2000, the applicant 1447  
obtained a master's or doctoral degree in nursing or a related 1448  
field and was certified as a clinical nurse specialist by the 1449  
American nurses credentialing center or another national 1450  
certifying organization that was at that time approved by the 1451  
board under section 4723.46 of the Revised Code. 1452

(3) The board may grant a nonrenewable temporary permit to 1453  
practice nursing as an advanced practice registered nurse to an 1454  
applicant for licensure by endorsement if the board is satisfied 1455  
by the evidence that the applicant holds a valid, unrestricted 1456  
license in or equivalent authorization from another 1457  
jurisdiction. The temporary permit shall expire at the earlier 1458  
of one hundred eighty days after issuance or upon the issuance 1459  
of a license by endorsement. 1460

(C) An applicant who desires to practice nursing as a 1461  
certified registered nurse anesthetist, certified nurse-midwife, 1462  
or certified nurse practitioner is exempt from the educational 1463  
requirements in division (A) (2) of this section if all of the 1464  
following are the case: 1465

(1) Before January 1, 2001, the board issued to the 1466  
applicant a certificate of authority to practice as a certified 1467  
registered nurse anesthetist, certified nurse-midwife, or 1468  
certified nurse practitioner; 1469

(2) The applicant submits documentation satisfactory to 1470  
the board that the applicant obtained certification in the 1471  
applicant's nursing specialty with a national certifying 1472  
organization listed in division (A) (3) of section 4723.41 of the 1473  
Revised Code as that division existed prior to March 20, 2013, 1474  
or that was at that time approved by the board under section 1475  
4723.46 of the Revised Code; 1476

(3) The applicant submits documentation satisfactory to 1477  
the board that the applicant has maintained the certification 1478  
described in division (C) (2) of this section. 1479

(D) An applicant who desires to practice as a clinical 1480  
nurse specialist is exempt from the examination requirement in 1481  
division (A) (3) of this section if both of the following are the 1482  
case: 1483

(1) Before January 1, 2001, the board issued to the 1484  
applicant a certificate of authority to practice as a clinical 1485  
nurse specialist; 1486

(2) The applicant submits documentation satisfactory to 1487  
the board that the applicant earned either of the following: 1488

(a) A master's or doctoral degree with a major in a 1489  
clinical area of nursing from an educational institution 1490  
accredited by a national or regional accrediting organization; 1491

(b) A master's or doctoral degree in nursing or a related 1492  
field and was certified as a clinical nurse specialist by the 1493  
American nurses credentialing center or another national 1494  
certifying organization that was at that time approved by the 1495  
board under section 4723.46 of the Revised Code. 1496

**Sec. 4723.431.** (A) (1) An advanced practice registered 1497  
nurse who is designated as a clinical nurse specialist, 1498  
certified nurse-midwife, or certified nurse practitioner may 1499  
practice only in accordance with a standard care arrangement 1500  
entered into with each physician or podiatrist with whom the 1501  
nurse collaborates. A copy of the standard care arrangement 1502  
shall be retained on file by the nurse's employer. Prior 1503  
approval of the standard care arrangement by the board of 1504  
nursing is not required, but the board may periodically review 1505

it for compliance with this section. 1506

A clinical nurse specialist, certified nurse-midwife, or 1507  
certified nurse practitioner may enter into a standard care 1508  
arrangement with one or more collaborating physicians or 1509  
podiatrists. ~~Not~~If a collaborating physician or podiatrist 1510  
enters into standard care arrangements with more than five 1511  
nurses, the physician or podiatrist shall not collaborate at the 1512  
same time with more than five nurses in the prescribing 1513  
component of their practices. 1514

Not later than thirty days after first engaging in the 1515  
practice of nursing as a clinical nurse specialist, certified 1516  
nurse-midwife, or certified nurse practitioner, the nurse shall 1517  
submit to the board the name and business address of each 1518  
collaborating physician or podiatrist. Thereafter, the nurse 1519  
shall notify the board of any additions or deletions to the 1520  
nurse's collaborating physicians or podiatrists. Except as 1521  
provided in division ~~(E)~~(D) of this section, the notice must be 1522  
provided not later than thirty days after the change takes 1523  
effect. 1524

~~Each collaborating~~ (2) All of the following conditions 1525  
apply with respect to the practice of a collaborating physician 1526  
or podiatrist with whom a clinical nurse specialist, certified 1527  
nurse-midwife, or certified nurse practitioner may enter into a 1528  
standard care arrangement: 1529

(a) The physician or podiatrist must be authorized to 1530  
practice in this state ~~and, except~~. 1531

(b) Except as provided in division ~~(D)~~(A) (2) (c) of this 1532  
section, practice the physician or podiatrist must be practicing 1533  
in a specialty that is the same as or similar to the nurse's 1534

~~nursing specialty. If a collaborating physician or podiatrist enters into standard care arrangements with more than five nurses, the physician or podiatrist shall not collaborate at the same time with more than five nurses in the prescribing component of their practices.~~

(c) If the nurse is a clinical nurse specialist who is certified as a psychiatric-mental health CNS by the American nurses credentialing center or a certified nurse practitioner who is certified as a psychiatric-mental health NP by the American nurses credentialing center, the nurse may enter into a standard care arrangement with a physician but not a podiatrist and the collaborating physician must be practicing in one of the following specialties:

(i) Psychiatry;

(ii) Pediatrics;

(iii) Primary care or family practice.

(B) A standard care arrangement shall be in writing and shall contain all of the following:

(1) Criteria for referral of a patient by the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to a collaborating physician or podiatrist or another physician or podiatrist;

(2) A process for the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to obtain a consultation with a collaborating physician or podiatrist or another physician or podiatrist;

(3) A plan for coverage in instances of emergency or planned absences of either the clinical nurse specialist,

certified nurse-midwife, or certified nurse practitioner or a 1563  
collaborating physician or podiatrist that provides the means 1564  
whereby a physician or podiatrist is available for emergency 1565  
care; 1566

(4) The process for resolution of disagreements regarding 1567  
matters of patient management between the clinical nurse 1568  
specialist, certified nurse-midwife, or certified nurse 1569  
practitioner and a collaborating physician or podiatrist; 1570

(5) Any other criteria required by rule of the board 1571  
adopted pursuant to section 4723.07 or 4723.50 of the Revised 1572  
Code. 1573

(C) (1) A standard care arrangement entered into pursuant 1574  
to this section may permit a clinical nurse specialist, 1575  
certified nurse-midwife, or certified nurse practitioner to 1576  
supervise services provided by a home health agency as defined 1577  
in section 3701.881 of the Revised Code. 1578

(2) A standard care arrangement entered into pursuant to 1579  
this section may permit a clinical nurse specialist, certified 1580  
nurse-midwife, or certified nurse practitioner to admit a 1581  
patient to a hospital in accordance with section 3727.06 of the 1582  
Revised Code. 1583

~~(D) A collaborating physician who enters into a standard-~~ 1584  
~~care arrangement with a clinical nurse specialist whose nursing-~~ 1585  
~~specialty is mental health or psychiatric mental health, as-~~ 1586  
~~determined by the board, must practice in one of the following-~~ 1587  
~~specialties:~~ 1588

~~(1) A specialty that is the same as or similar to the-~~ 1589  
~~nurse's nursing specialty;~~ 1590

~~(2) Pediatrics;~~ 1591

<del>(3) Primary care or family practice.</del>	1592
<del>(E)</del> (1) Except as provided in division <del>(E)</del> <u>(D)</u> (2) of this section, if a physician or podiatrist terminates the collaboration between the physician or podiatrist and a certified nurse-midwife, certified nurse practitioner, or clinical nurse specialist before their standard care arrangement expires, all of the following apply:	1593 1594 1595 1596 1597 1598
(a) The physician or podiatrist must give the nurse written or electronic notice of the termination.	1599 1600
(b) Once the nurse receives the termination notice, the nurse must notify the board of nursing of the termination as soon as practicable by submitting to the board a copy of the physician's or podiatrist's termination notice.	1601 1602 1603 1604
(c) Notwithstanding the requirement of section 4723.43 of the Revised Code that the nurse practice in collaboration with a physician or podiatrist, the nurse may continue to practice under the existing standard care arrangement without a collaborating physician or podiatrist for not more than one hundred twenty days after submitting to the board a copy of the termination notice.	1605 1606 1607 1608 1609 1610 1611
(2) In the event that the collaboration between a physician or podiatrist and a certified nurse-midwife, certified nurse practitioner, or clinical nurse specialist terminates because of the physician's or podiatrist's death, the nurse must notify the board of the death as soon as practicable. The nurse may continue to practice under the existing standard care arrangement without a collaborating physician or podiatrist for not more than one hundred twenty days after notifying the board of the physician's or podiatrist's death.	1612 1613 1614 1615 1616 1617 1618 1619 1620

~~(F)~~(E) Nothing in this section prohibits a hospital from 1621  
hiring a clinical nurse specialist, certified nurse-midwife, or 1622  
certified nurse practitioner as an employee and negotiating 1623  
standard care arrangements on behalf of the employee as 1624  
necessary to meet the requirements of this section. A standard 1625  
care arrangement between the hospital's employee and the 1626  
employee's collaborating physician is subject to approval by the 1627  
medical staff and governing body of the hospital prior to 1628  
implementation of the arrangement at the hospital. 1629

**Sec. 4723.44.** (A) No person shall knowingly do any of the 1630  
following unless the person holds a current, valid license 1631  
issued by the board of nursing under this chapter to practice 1632  
nursing as an advanced practice registered nurse in the 1633  
specialty indicated by the designation: 1634

(1) Engage in the practice of nursing as an advanced 1635  
practice registered nurse for a fee, salary, or other 1636  
consideration, or as a volunteer; 1637

(2) Represent the person as being an advanced practice 1638  
registered nurse, including representing the person as being a 1639  
certified registered nurse anesthetist, clinical nurse 1640  
specialist, certified nurse-midwife, or certified nurse 1641  
practitioner; 1642

(3) Use any title or initials implying that the person is 1643  
an advanced practice registered nurse, including using any title 1644  
or initials implying the person is a certified registered nurse 1645  
anesthetist, clinical nurse specialist, certified nurse-midwife, 1646  
or certified nurse practitioner. 1647

(B) No advanced practice registered nurse shall knowingly 1648  
do any of the following: 1649



(1) Engage, for a fee, salary, or other consideration, or  
as a volunteer, in the practice of a nursing specialty other  
than the specialty designated on the nurse's current, valid  
license issued by the board under this chapter to practice  
nursing as an advanced practice registered nurse;

(2) Represent the person as being authorized to practice  
any nursing specialty other than the specialty designated on the  
current, valid license to practice nursing as an advanced  
practice registered nurse;

(3) Use the title "certified registered nurse anesthetist"  
or the initials "N.A." or "C.R.N.A.," the title "clinical nurse  
specialist" or the initials "C.N.S.," the title "certified  
nurse-midwife" or the initials "C.N.M.," the title "certified  
nurse practitioner" or the initials "C.N.P.," the title  
"advanced practice registered nurse" or the initials "A.P.R.N.,"  
or any other title or initials implying that the nurse is  
authorized to practice any nursing specialty other than the  
specialty designated on the nurse's current, valid license to  
practice nursing as an advanced practice registered nurse;

(4) Except as provided in division ~~(D)~~ (A) (2) (c) of  
section 4723.431 of the Revised Code, enter into a standard care  
arrangement with a physician or podiatrist ~~whose practice who is~~  
practicing in a specialty that is not the same as or similar to  
the nurse's nursing specialty;

(5) Prescribe drugs or therapeutic devices in a manner  
that does not comply with section 4723.481 of the Revised Code;

(6) Prescribe any drug or device to perform or induce an  
abortion, or otherwise perform or induce an abortion.

(C) No person shall knowingly employ a person to engage in

the practice of nursing as an advanced practice registered nurse 1679  
unless the person so employed holds a current, valid license and 1680  
designation issued by the board under this chapter to practice 1681  
as an advanced practice registered nurse in the specialty 1682  
indicated by the designation. 1683

(D) A document certified by the executive director of the 1684  
board, under the official seal of the board, to the effect that 1685  
it appears from the records of the board that no license to 1686  
practice nursing as an advanced practice registered nurse has 1687  
been issued to the person specified in the document, or that a 1688  
license to practice nursing as an advanced practice registered 1689  
nurse, if issued, has been revoked or suspended, shall be 1690  
received as prima-facie evidence of the record of the board in 1691  
any court or before any officer of the state. 1692

**Sec. 4723.482.** (A) ~~An~~ Except as provided in divisions (C) 1693  
and (D) of this section, an applicant for a license to practice 1694  
nursing as an advanced practice registered nurse who seeks 1695  
designation as a clinical nurse specialist, certified nurse- 1696  
midwife, or certified nurse practitioner shall include with the 1697  
application submitted under section 4723.41 of the Revised Code 1698  
evidence of successfully completing the course of study in 1699  
advanced pharmacology and related topics in accordance with the 1700  
requirements specified in division (B) of this section. 1701

(B) With respect to the course of study in advanced 1702  
pharmacology and related topics, all of the following 1703  
requirements apply: 1704

(1) The course of study shall be completed not longer than 1705  
five years before the application is filed. 1706

(2) The course of study shall be not less than forty-five 1707

contact hours. 1708

(3) The course of study shall meet the requirements to be 1709  
approved by the board in accordance with standards established 1710  
in rules adopted under section 4723.50 of the Revised Code. 1711

(4) The content of the course of study shall be specific 1712  
to the applicant's nursing specialty. 1713

(5) The instruction provided in the course of study shall 1714  
include all of the following: 1715

(a) A minimum of thirty-six contact hours of instruction 1716  
in advanced pharmacology that includes pharmacokinetic 1717  
principles and clinical application and the use of drugs and 1718  
therapeutic devices in the prevention of illness and maintenance 1719  
of health; 1720

(b) Instruction in the fiscal and ethical implications of 1721  
prescribing drugs and therapeutic devices; 1722

(c) Instruction in the state and federal laws that apply 1723  
to the authority to prescribe; 1724

(d) Instruction that is specific to schedule II controlled 1725  
substances, including instruction in all of the following: 1726

(i) Indications for the use of schedule II controlled 1727  
substances in drug therapies; 1728

(ii) The most recent guidelines for pain management 1729  
therapies, as established by state and national organizations 1730  
such as the Ohio pain initiative and the American pain society; 1731

(iii) Fiscal and ethical implications of prescribing 1732  
schedule II controlled substances; 1733

(iv) State and federal laws that apply to the authority to 1734

prescribe schedule II controlled substances;	1735
(v) Prevention of abuse and diversion of schedule II controlled substances, including identification of the risk of abuse and diversion, recognition of abuse and diversion, types of assistance available for prevention of abuse and diversion, and methods of establishing safeguards against abuse and diversion.	1736 1737 1738 1739 1740 1741
(C) An applicant who practiced or is practicing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner in another jurisdiction or as an employee of the United States government shall include with the application submitted under section 4723.41 of the Revised Code all of the following:	1742 1743 1744 1745 1746 1747
(1) Evidence of having completed a two-hour course of instruction approved by the board in the laws of this state that govern drugs and prescriptive authority;	1748 1749 1750
(2) Either of the following:	1751
(a) Evidence of having held, for a continuous period of at least one year during the three years immediately preceding the date of application, valid authority issued by another jurisdiction to prescribe therapeutic devices and drugs, including at least some controlled substances;	1752 1753 1754 1755 1756
(b) Evidence of having been employed by the United States government and authorized, for a continuous period of at least one year during the three years immediately preceding the date of application, to prescribe therapeutic devices and drugs, including at least some controlled substances, in conjunction with that employment.	1757 1758 1759 1760 1761 1762
<u>(D) In lieu of including with an application submitted</u>	1763

under section 4723.41 of the Revised Code the evidence described 1764  
in division (A) of this section, an applicant described in 1765  
division (C) or (D) of section 4723.41 of the Revised Code may 1766  
include evidence of all of the following: 1767

(1) Successfully completing the course of study in 1768  
advanced pharmacology and related topics more than five years 1769  
before the date the application is filed; 1770

(2) Holding, for a continuous period of at least one year 1771  
during the three years immediately preceding the date of 1772  
application, valid authority in any jurisdiction to prescribe 1773  
therapeutic devices and drugs, including at least some 1774  
controlled substances; 1775

(3) Exercising the prescriptive authority described in 1776  
division (D)(2) of this section for the minimum one-year period. 1777

**Sec. 4723.75.** (A) The board of nursing shall issue a 1778  
certificate to practice as a dialysis technician to an applicant 1779  
if the conditions of divisions (A)(1) to (5) of this section 1780  
have been met: 1781

(1) The application is submitted to the board in 1782  
accordance with rules adopted under section 4723.79 of the 1783  
Revised Code and includes both of the following: 1784

(a) The fee established in rules adopted under section 1785  
4723.79 of the Revised Code; 1786

(b) The name and address of each approved dialysis 1787  
training program in which the applicant has enrolled and the 1788  
dates during which the applicant was enrolled in each program. 1789

(2) The applicant meets the requirements established by 1790  
the board's rules. 1791

(3) The applicant demonstrates competency to practice as a dialysis technician, as specified in division (B) of this section. 1792  
1793  
1794

(4) In the case of an applicant who entered a dialysis training program on or after June 1, 2003, the results of a criminal records check conducted in accordance with section 4723.091 of the Revised Code demonstrate that the applicant is not ineligible for certification as specified in section 4723.092 of the Revised Code. 1795  
1796  
1797  
1798  
1799  
1800

(5) The applicant is not required to register under Chapter 2950. of the Revised Code or a substantially similar law of another state, the United States, or another country. 1801  
1802  
1803

(B) For an applicant to demonstrate competence to practice as a dialysis technician, one of the following must apply: 1804  
1805

(1) The applicant has successfully completed a dialysis training program approved by the board under section 4723.74 of the Revised Code and meets both of the following requirements: 1806  
1807  
1808

(a) Has performed dialysis care for a dialysis provider for not less than ~~twelve~~six months immediately prior to the date of application; 1809  
1810  
1811

(b) Has passed a certification examination demonstrating competence to perform dialysis care not later than eighteen months after successfully completing a dialysis training program approved by the board under section 4723.74 of the Revised Code. 1812  
1813  
1814  
1815

(2) The applicant does all of the following: 1816

(a) Has a testing organization approved by the board submit evidence satisfactory to the board that the applicant passed an examination, in another jurisdiction, that 1817  
1818  
1819

demonstrates the applicant's competence to provide dialysis care; 1820  
1821

(b) Submits evidence satisfactory to the board that the applicant has been employed to perform dialysis care in another jurisdiction for not less than ~~twelve~~six months immediately prior to the date of application for certification under this section; 1822  
1823  
1824  
1825  
1826

(c) Submits evidence satisfactory to the board that the applicant completed at least two hours of education directly related to this chapter and the rules adopted under it. 1827  
1828  
1829

(C) An applicant who does not pass the certification examination described in division (B) (1) (b) of this section within the time period prescribed in that division may continue to pursue certification by repeating the entire training and application process, including doing all of the following: 1830  
1831  
1832  
1833  
1834

(1) Enrolling in and successfully completing a dialysis training program approved by the board; 1835  
1836

(2) Submitting a request to the bureau of criminal identification and investigation for a criminal records check and check of federal bureau of investigation records pursuant to section 4723.091 of the Revised Code; 1837  
1838  
1839  
1840

(3) Submitting an application for a dialysis technician intern certificate in accordance with section 4723.76 of the Revised Code; 1841  
1842  
1843

(4) Demonstrating competence to perform dialysis care in accordance with division (B) of this section. 1844  
1845

**Sec. 4729.291.** (A) Except when provided under section 4731.97 of the Revised Code, when a licensed health professional 1846  
1847

authorized to prescribe drugs personally furnishes drugs to a 1848  
patient pursuant to division (B) of section 4729.29 of the 1849  
Revised Code, the prescriber shall ensure that the drugs are 1850  
labeled and packaged in accordance with state and federal drug 1851  
laws and any rules and regulations adopted pursuant to those 1852  
laws. Records of purchase and disposition of all drugs 1853  
personally furnished to patients shall be maintained by the 1854  
prescriber in accordance with state and federal drug statutes 1855  
and any rules adopted pursuant to those statutes. 1856

(B) When personally furnishing to a patient RU-486 1857  
(mifepristone), a prescriber is subject to section 2919.123 of 1858  
the Revised Code. A prescription for RU-486 (mifepristone) shall 1859  
be in writing and in accordance with section 2919.123 of the 1860  
Revised Code. 1861

(C) (1) Except as provided in divisions (D) and (E) of this 1862  
section, no prescriber shall do either of the following: 1863

(a) In any thirty-day period, personally furnish to or for 1864  
patients, taken as a whole, controlled substances in an amount 1865  
that exceeds a total of two thousand five hundred dosage units; 1866

(b) In any seventy-two-hour period, personally furnish to 1867  
or for a patient an amount of a controlled substance that 1868  
exceeds the amount necessary for the patient's use in a seventy- 1869  
two-hour period. 1870

(2) The state board of pharmacy may impose a fine of not 1871  
more than five thousand dollars on a prescriber who fails to 1872  
comply with the limits established under division (C) (1) of this 1873  
section. A separate fine may be imposed for each instance of 1874  
failing to comply with the limits. In imposing the fine, the 1875  
board's actions shall be taken in accordance with Chapter 119. 1876



of the Revised Code. 1877

(D) None of the following shall be counted in determining 1878  
whether the amounts specified in division (C) (1) of this section 1879  
have been exceeded: 1880

(1) Methadone personally furnished to patients for the 1881  
purpose of treating drug dependence or addiction, if the 1882  
prescriber meets the conditions specified in 21 C.F.R. 1306.07; 1883

(2) Buprenorphine personally furnished to patients for the 1884  
purpose of treating drug dependence or addiction as part of an 1885  
opioid treatment program ~~that possesses a terminal distributor~~ 1886  
~~of dangerous drugs license issued under section 4729.54 of the~~ 1887  
~~Revised Code, is the subject of a current, valid certification~~ 1888  
~~from the substance abuse and mental health services~~ 1889  
~~administration of the United States department of health and~~ 1890  
~~human services pursuant to 42 C.F.R. 8.11, and meets either of~~ 1891  
~~the following criteria:~~ 1892

~~(a) Buprenorphine and methadone are personally furnished~~ 1893  
~~by physicians treating patients participating in the program.~~ 1894

~~(b) Buprenorphine, but not methadone, is personally~~ 1895  
~~furnished by physicians treating patients participating in the~~ 1896  
~~program, the program is accredited by a national accrediting~~ 1897  
~~organization approved by the substance abuse and mental health~~ 1898  
~~services administration, the service of personally furnishing~~ 1899  
~~buprenorphine has, notwithstanding section 5119.361 of the~~ 1900  
~~Revised Code, been certified by the department of mental health~~ 1901  
~~and addiction services under section 5119.36 of the Revised~~ 1902  
~~Code, and the program maintains in the record of a patient to~~ 1903  
~~whom buprenorphine has been administered or personally furnished~~ 1904  
~~a copy of the physician's signed and dated written order for~~ 1905

~~that act licensed under section 5119.37 of the Revised Code.~~ 1906

~~(e) (3) Controlled substances personally furnished to~~ 1907  
research subjects by a facility conducting clinical research in 1908  
studies approved by a hospital-based institutional review board 1909  
or an institutional review board accredited by the association 1910  
for the accreditation of human research protection programs. 1911

(E) Division (C) (1) of this section does not apply to a 1912  
prescriber who is a veterinarian. 1913

**Sec. 4729.292.** The state board of pharmacy shall annually 1914  
conduct an on-site inspection of ~~a community mental health~~ 1915  
~~services provider or community addiction services provider that~~ 1916  
~~is an~~ each opioid treatment program ~~described in division (D) (2)~~ 1917  
~~(b) of licensed under section 4729.291-5119.37 of the Revised~~ 1918  
Code. 1919

**Sec. 4730.19.** (A) Before initiating supervision of one or 1920  
more physician assistants licensed under this chapter, a 1921  
physician shall enter into a supervision agreement with each 1922  
physician assistant who will be supervised. A supervision 1923  
agreement may apply to one or more physician assistants, but, 1924  
except as provided in division (B) (2) (e) of this section, may 1925  
apply to not more than one physician. The supervision agreement 1926  
shall specify that the physician agrees to supervise the 1927  
physician assistant and the physician assistant agrees to 1928  
practice under that physician's supervision. 1929

The agreement shall clearly state that the supervising 1930  
physician is legally responsible and assumes legal liability for 1931  
the services provided by the physician assistant. The agreement 1932  
shall be signed by the physician and the physician assistant. 1933

(B) A supervision agreement shall include either or both 1934

of the following:	1935
(1) If a physician assistant will practice within a health care facility, the agreement shall include terms that require the physician assistant to practice in accordance with the policies of the health care facility.	1936 1937 1938 1939
(2) If a physician assistant will practice outside a health care facility, the agreement shall include terms that specify all of the following:	1940 1941 1942
(a) The responsibilities to be fulfilled by the physician in supervising the physician assistant;	1943 1944
(b) The responsibilities to be fulfilled by the physician assistant when performing services under the physician's supervision;	1945 1946 1947
(c) Any limitations on the responsibilities to be fulfilled by the physician assistant;	1948 1949
(d) The circumstances under which the physician assistant is required to refer a patient to the supervising physician;	1950 1951
(e) If the supervising physician chooses to designate physicians to act as alternate supervising physicians, the names, business addresses, and business telephone numbers of the physicians who have agreed to act in that capacity.	1952 1953 1954 1955
<del>(C) (1) The supervising physician shall submit a copy of each supervision agreement to the board. The board may review the supervision agreement at any time for compliance with this section and for verification of licensure of the supervising physician and the physician assistant. All of the following apply to the submission and review process:</del>	1956 1957 1958 1959 1960 1961
<del>(a) If the board reviews a supervision agreement, the</del>	1962

~~board shall notify the supervising physician of any way that the agreement fails to comply with this section.~~ 1963  
1964

~~(b) A supervision agreement becomes effective at the end of the fifth business day after the day the board receives the agreement unless the board notifies the supervising physician that the agreement fails to comply with this section.~~ 1965  
1966  
1967  
1968

~~(c) If a physician receives a notice under division (C) (1) (a) of this section, the physician may revise the supervision agreement and resubmit the agreement to the board. The board may review the agreement as provided in division (C) (1) of this section.~~ 1969  
1970  
1971  
1972  
1973

~~(2) A supervision agreement expires two years after the day it takes effect. The agreement may be renewed by submitting a copy of it to the board.~~ 1974  
1975  
1976

~~Before expiration, a A supervision agreement may be amended by including to modify the responsibilities of one or more physician assistants or to include one or more additional physician assistants. An amendment to a supervision agreement shall be submitted to the board for review in the manner provided for review of an initial agreement under division (C) (1) of this section. The amendment does not alter the agreement's expiration date.~~ 1977  
1978  
1979  
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1981  
1982  
1983  
1984

(D) A supervision agreement shall be kept in the records maintained by the supervising physician who entered into the agreement. 1985  
1986  
1987

(E) (1) The board may impose a civil penalty of not more than ~~one~~ five thousand dollars if it finds through a review conducted under this section or through any other means ~~either~~ any of the following: 1988  
1989  
1990  
1991

(a) That a physician assistant has practiced in a manner 1992  
that departs from, or fails to conform to, the terms of a 1993  
supervision agreement entered into under this section; 1994

(b) That a physician has supervised a physician assistant 1995  
in a manner that departs from, or fails to conform to, the terms 1996  
of a supervision agreement entered into under this section; 1997

(c) That a physician failed to comply with this section. 1998

(2) The board's finding under division (A) (1) of this 1999  
section shall be made pursuant to an adjudication conducted 2000  
under Chapter 119. of the Revised Code. A civil penalty imposed 2001  
under that division may be in addition to or in lieu of any 2002  
other action the board may take under section 4730.25 or 4731.22 2003  
of the Revised Code. 2004

**Sec. 4731.09.** (A) An applicant for a license to practice 2005  
medicine and surgery or osteopathic medicine and surgery must 2006  
meet all of the following requirements: 2007

(1) Be at least eighteen years of age and of good moral 2008  
character; 2009

(2) Possess a high school diploma or a certificate of high 2010  
school equivalence or have obtained the equivalent of such 2011  
education as determined by the state medical board; 2012

(3) Have completed two years of undergraduate work in a 2013  
college of arts and sciences or the equivalent of such education 2014  
as determined by the board; 2015

(4) Meet one of the following medical education and 2016  
graduate medical education requirements: 2017

(a) Hold a diploma from a medical school or osteopathic 2018  
medical school that, at the time the diploma was issued, was a 2019

medical school accredited by the liaison committee on medical 2020  
education or an osteopathic medical school accredited by the 2021  
American osteopathic association and have successfully completed 2022  
not less than twelve months of graduate medical education 2023  
through the first-year level of graduate medical education or 2024  
its equivalent as determined by the board; 2025

(b) Hold certification from the educational commission for 2026  
foreign medical graduates and have successfully completed not 2027  
less than twenty-four months of graduate medical education 2028  
through the second-year level of graduate medical education or 2029  
its equivalent as determined by the board; 2030

(c) Be a qualified graduate of a fifth pathway training 2031  
program as recognized by the board under section 4731.091 of the 2032  
Revised Code and have successfully completed, subsequent to 2033  
completing fifth pathway training, not less than twelve months 2034  
of graduate medical education or its equivalent as determined by 2035  
the board. 2036

(5) Have successfully passed an examination prescribed in 2037  
rules adopted by the board to determine competency to practice 2038  
medicine and surgery or osteopathic medicine and surgery; 2039

(6) Comply with section 4731.08 of the Revised Code; 2040

(7) Meet the requirements of section 4731.142 of the 2041  
Revised Code if eligibility for the license applied for is based 2042  
in part on certification from the educational commission for 2043  
foreign medical graduates and the undergraduate education 2044  
requirements established by this section were fulfilled at an 2045  
institution outside of the United States. 2046

(B) An applicant for a license to practice medicine and 2047  
surgery or osteopathic medicine and surgery shall submit to the 2048

board an application in the form and manner prescribed by the 2049  
board. The application must include all of the following: 2050

(1) Evidence satisfactory to the board to demonstrate that 2051  
the applicant meets all of the requirements of division (A) of 2052  
this section; 2053

(2) An ~~affidavit from the applicant attesting to the~~ 2054  
~~accuracy and truthfulness of attestation that~~ the information 2055  
submitted under this section is accurate and truthful; 2056

(3) Consent to the release of the applicant's information; 2057

(4) Any other information the board requires. 2058

(C) An applicant for a license to practice medicine and 2059  
surgery or osteopathic medicine and surgery shall include with 2060  
the application a fee of three hundred five dollars, no part of 2061  
which may be returned. An application is not considered 2062  
submitted until the board receives the fee. 2063

(D) The board may conduct an investigation related to the 2064  
application materials received pursuant to this section and may 2065  
contact any individual, agency, or organization for 2066  
recommendations or other information about the applicant. 2067

(E) The board shall conclude any investigation of an 2068  
applicant conducted under section 4731.22 of the Revised Code 2069  
not later than ninety days after receipt of a complete 2070  
application unless the applicant agrees in writing to an 2071  
extension or the board determines that there is a substantial 2072  
question of a violation of this chapter or the rules adopted 2073  
under it and notifies the applicant in writing of the reasons 2074  
for continuation of the investigation. If the board determines 2075  
that the applicant is not in violation of this chapter or the 2076  
rules adopted under it, the board shall issue a license not 2077

later than forty-five days after making that determination. 2078

**Sec. 4731.19.** (A) A person seeking a certificate to 2079  
practice a limited branch of medicine shall file with the state 2080  
medical board an application in a manner prescribed by the 2081  
board. The application shall include or be accompanied by all of 2082  
the following: 2083

(1) Evidence that the applicant is at least eighteen years 2084  
of age and of good moral character; 2085

(2) Evidence that the applicant has attained high school 2086  
graduation or its equivalent; 2087

(3) Evidence that the applicant holds one of the 2088  
following: 2089

(a) A diploma or certificate from a school, college, or 2090  
institution in good standing as determined by the board, showing 2091  
the completion of the required courses of instruction; 2092

(b) A diploma or certificate from a school, college, or 2093  
institution in another state or jurisdiction showing completion 2094  
of a course of instruction that meets course requirements 2095  
determined by the board through rules adopted under section 2096  
4731.05 of the Revised Code; 2097

(c) For not less than five years preceding application, a 2098  
current license, registration, or certificate in good standing 2099  
in another state for massage therapy or cosmetic therapy. 2100

(4) Evidence that the applicant has successfully passed an 2101  
examination, prescribed in rules described in section 4731.16 of 2102  
the Revised Code, to determine competency to practice the 2103  
applicable limited branch of medicine; 2104

(5) An ~~affidavit signed by the applicant attesting to the~~ 2105



~~accuracy and truthfulness of attestation that the information~~ 2106  
submitted under this section is accurate and truthful and 2107  
~~consenting that the applicant consents~~ to release of 2108  
information; 2109

(6) Any other information the board requires. 2110

(B) An applicant for a certificate to practice a limited 2111  
branch of medicine shall comply with the requirements of section 2112  
4731.171 of the Revised Code. 2113

(C) At the time of making application for a certificate to 2114  
practice a limited branch of medicine, the applicant shall pay 2115  
to the board a fee of one hundred fifty dollars, no part of 2116  
which shall be returned. No application shall be considered 2117  
filed until the board receives the appropriate fee. 2118

(D) The board may investigate the application materials 2119  
received under this section and contact any agency or 2120  
organization for recommendations or other information about the 2121  
applicant. 2122

**Sec. 4731.22.** (A) The state medical board, by an 2123  
affirmative vote of not fewer than six of its members, may 2124  
limit, revoke, or suspend a license or certificate to practice 2125  
or certificate to recommend, refuse to grant a license or 2126  
certificate, refuse to renew a license or certificate, refuse to 2127  
reinstate a license or certificate, or reprimand or place on 2128  
probation the holder of a license or certificate if the 2129  
individual applying for or holding the license or certificate is 2130  
found by the board to have committed fraud during the 2131  
administration of the examination for a license or certificate 2132  
to practice or to have committed fraud, misrepresentation, or 2133  
deception in applying for, renewing, or securing any license or 2134

certificate to practice or certificate to recommend issued by 2135  
the board. 2136

(B) The board, by an affirmative vote of not fewer than 2137  
six members, shall, to the extent permitted by law, limit, 2138  
revoke, or suspend a license or certificate to practice or 2139  
certificate to recommend, refuse to issue a license or 2140  
certificate, refuse to renew a license or certificate, refuse to 2141  
reinstate a license or certificate, or reprimand or place on 2142  
probation the holder of a license or certificate for one or more 2143  
of the following reasons: 2144

(1) Permitting one's name or one's license or certificate 2145  
to practice to be used by a person, group, or corporation when 2146  
the individual concerned is not actually directing the treatment 2147  
given; 2148

(2) Failure to maintain minimal standards applicable to 2149  
the selection or administration of drugs, or failure to employ 2150  
acceptable scientific methods in the selection of drugs or other 2151  
modalities for treatment of disease; 2152

(3) Except as provided in section 4731.97 of the Revised 2153  
Code, selling, giving away, personally furnishing, prescribing, 2154  
or administering drugs for other than legal and legitimate 2155  
therapeutic purposes or a plea of guilty to, a judicial finding 2156  
of guilt of, or a judicial finding of eligibility for 2157  
intervention in lieu of conviction of, a violation of any 2158  
federal or state law regulating the possession, distribution, or 2159  
use of any drug; 2160

(4) Willfully betraying a professional confidence. 2161

For purposes of this division, "willfully betraying a 2162  
professional confidence" does not include providing any 2163

information, documents, or reports under sections 307.621 to 2164  
307.629 of the Revised Code to a child fatality review board; 2165  
does not include providing any information, documents, or 2166  
reports to the director of health pursuant to guidelines 2167  
established under section 3701.70 of the Revised Code; does not 2168  
include written notice to a mental health professional under 2169  
section 4731.62 of the Revised Code; and does not include the 2170  
making of a report of an employee's use of a drug of abuse, or a 2171  
report of a condition of an employee other than one involving 2172  
the use of a drug of abuse, to the employer of the employee as 2173  
described in division (B) of section 2305.33 of the Revised 2174  
Code. Nothing in this division affects the immunity from civil 2175  
liability conferred by section 2305.33 or 4731.62 of the Revised 2176  
Code upon a physician who makes a report in accordance with 2177  
section 2305.33 or notifies a mental health professional in 2178  
accordance with section 4731.62 of the Revised Code. As used in 2179  
this division, "employee," "employer," and "physician" have the 2180  
same meanings as in section 2305.33 of the Revised Code. 2181

(5) Making a false, fraudulent, deceptive, or misleading 2182  
statement in the solicitation of or advertising for patients; in 2183  
relation to the practice of medicine and surgery, osteopathic 2184  
medicine and surgery, podiatric medicine and surgery, or a 2185  
limited branch of medicine; or in securing or attempting to 2186  
secure any license or certificate to practice issued by the 2187  
board. 2188

As used in this division, "false, fraudulent, deceptive, 2189  
or misleading statement" means a statement that includes a 2190  
misrepresentation of fact, is likely to mislead or deceive 2191  
because of a failure to disclose material facts, is intended or 2192  
is likely to create false or unjustified expectations of 2193  
favorable results, or includes representations or implications 2194

that in reasonable probability will cause an ordinarily prudent 2195  
person to misunderstand or be deceived. 2196

(6) A departure from, or the failure to conform to, 2197  
minimal standards of care of similar practitioners under the 2198  
same or similar circumstances, whether or not actual injury to a 2199  
patient is established; 2200

(7) Representing, with the purpose of obtaining 2201  
compensation or other advantage as personal gain or for any 2202  
other person, that an incurable disease or injury, or other 2203  
incurable condition, can be permanently cured; 2204

(8) The obtaining of, or attempting to obtain, money or 2205  
anything of value by fraudulent misrepresentations in the course 2206  
of practice; 2207

(9) A plea of guilty to, a judicial finding of guilt of, 2208  
or a judicial finding of eligibility for intervention in lieu of 2209  
conviction for, a felony; 2210

(10) Commission of an act that constitutes a felony in 2211  
this state, regardless of the jurisdiction in which the act was 2212  
committed; 2213

(11) A plea of guilty to, a judicial finding of guilt of, 2214  
or a judicial finding of eligibility for intervention in lieu of 2215  
conviction for, a misdemeanor committed in the course of 2216  
practice; 2217

(12) Commission of an act in the course of practice that 2218  
constitutes a misdemeanor in this state, regardless of the 2219  
jurisdiction in which the act was committed; 2220

(13) A plea of guilty to, a judicial finding of guilt of, 2221  
or a judicial finding of eligibility for intervention in lieu of 2222

conviction for, a misdemeanor involving moral turpitude;	2223
(14) Commission of an act involving moral turpitude that	2224
constitutes a misdemeanor in this state, regardless of the	2225
jurisdiction in which the act was committed;	2226
(15) Violation of the conditions of limitation placed by	2227
the board upon a license or certificate to practice;	2228
(16) Failure to pay license renewal fees specified in this	2229
chapter;	2230
(17) Except as authorized in section 4731.31 of the	2231
Revised Code, engaging in the division of fees for referral of	2232
patients, or the receiving of a thing of value in return for a	2233
specific referral of a patient to utilize a particular service	2234
or business;	2235
(18) Subject to section 4731.226 of the Revised Code,	2236
violation of any provision of a code of ethics of the American	2237
medical association, the American osteopathic association, the	2238
American podiatric medical association, or any other national	2239
professional organizations that the board specifies by rule. The	2240
state medical board shall obtain and keep on file current copies	2241
of the codes of ethics of the various national professional	2242
organizations. The individual whose license or certificate is	2243
being suspended or revoked shall not be found to have violated	2244
any provision of a code of ethics of an organization not	2245
appropriate to the individual's profession.	2246
For purposes of this division, a "provision of a code of	2247
ethics of a national professional organization" does not include	2248
any provision that would preclude the making of a report by a	2249
physician of an employee's use of a drug of abuse, or of a	2250
condition of an employee other than one involving the use of a	2251

drug of abuse, to the employer of the employee as described in 2252  
division (B) of section 2305.33 of the Revised Code. Nothing in 2253  
this division affects the immunity from civil liability 2254  
conferred by that section upon a physician who makes either type 2255  
of report in accordance with division (B) of that section. As 2256  
used in this division, "employee," "employer," and "physician" 2257  
have the same meanings as in section 2305.33 of the Revised 2258  
Code. 2259

(19) Inability to practice according to acceptable and 2260  
prevailing standards of care by reason of mental illness or 2261  
physical illness, including, but not limited to, physical 2262  
deterioration that adversely affects cognitive, motor, or 2263  
perceptive skills. 2264

In enforcing this division, the board, upon a showing of a 2265  
possible violation, may compel any individual authorized to 2266  
practice by this chapter or who has submitted an application 2267  
pursuant to this chapter to submit to a mental examination, 2268  
physical examination, including an HIV test, or both a mental 2269  
and a physical examination. The expense of the examination is 2270  
the responsibility of the individual compelled to be examined. 2271  
Failure to submit to a mental or physical examination or consent 2272  
to an HIV test ordered by the board constitutes an admission of 2273  
the allegations against the individual unless the failure is due 2274  
to circumstances beyond the individual's control, and a default 2275  
and final order may be entered without the taking of testimony 2276  
or presentation of evidence. If the board finds an individual 2277  
unable to practice because of the reasons set forth in this 2278  
division, the board shall require the individual to submit to 2279  
care, counseling, or treatment by physicians approved or 2280  
designated by the board, as a condition for initial, continued, 2281  
reinstated, or renewed authority to practice. An individual 2282

affected under this division shall be afforded an opportunity to 2283  
demonstrate to the board the ability to resume practice in 2284  
compliance with acceptable and prevailing standards under the 2285  
provisions of the individual's license or certificate. For the 2286  
purpose of this division, any individual who applies for or 2287  
receives a license or certificate to practice under this chapter 2288  
accepts the privilege of practicing in this state and, by so 2289  
doing, shall be deemed to have given consent to submit to a 2290  
mental or physical examination when directed to do so in writing 2291  
by the board, and to have waived all objections to the 2292  
admissibility of testimony or examination reports that 2293  
constitute a privileged communication. 2294

(20) Except as provided in division (F)(1)(b) of section 2295  
4731.282 of the Revised Code or when civil penalties are imposed 2296  
under section 4731.225 of the Revised Code, and subject to 2297  
section 4731.226 of the Revised Code, violating or attempting to 2298  
violate, directly or indirectly, or assisting in or abetting the 2299  
violation of, or conspiring to violate, any provisions of this 2300  
chapter or any rule promulgated by the board. 2301

This division does not apply to a violation or attempted 2302  
violation of, assisting in or abetting the violation of, or a 2303  
conspiracy to violate, any provision of this chapter or any rule 2304  
adopted by the board that would preclude the making of a report 2305  
by a physician of an employee's use of a drug of abuse, or of a 2306  
condition of an employee other than one involving the use of a 2307  
drug of abuse, to the employer of the employee as described in 2308  
division (B) of section 2305.33 of the Revised Code. Nothing in 2309  
this division affects the immunity from civil liability 2310  
conferred by that section upon a physician who makes either type 2311  
of report in accordance with division (B) of that section. As 2312  
used in this division, "employee," "employer," and "physician" 2313

have the same meanings as in section 2305.33 of the Revised Code. 2314  
2315

(21) The violation of section 3701.79 of the Revised Code 2316  
or of any abortion rule adopted by the director of health 2317  
pursuant to section 3701.341 of the Revised Code; 2318

(22) Any of the following actions taken by an agency 2319  
responsible for authorizing, certifying, or regulating an 2320  
individual to practice a health care occupation or provide 2321  
health care services in this state or another jurisdiction, for 2322  
any reason other than the nonpayment of fees: the limitation, 2323  
revocation, or suspension of an individual's license to 2324  
practice; acceptance of an individual's license surrender; 2325  
denial of a license; refusal to renew or reinstate a license; 2326  
imposition of probation; or issuance of an order of censure or 2327  
other reprimand; 2328

(23) The violation of section 2919.12 of the Revised Code 2329  
or the performance or inducement of an abortion upon a pregnant 2330  
woman with actual knowledge that the conditions specified in 2331  
division (B) of section 2317.56 of the Revised Code have not 2332  
been satisfied or with a heedless indifference as to whether 2333  
those conditions have been satisfied, unless an affirmative 2334  
defense as specified in division (H) (2) of that section would 2335  
apply in a civil action authorized by division (H) (1) of that 2336  
section; 2337

(24) The revocation, suspension, restriction, reduction, 2338  
or termination of clinical privileges by the United States 2339  
department of defense or department of veterans affairs or the 2340  
termination or suspension of a certificate of registration to 2341  
prescribe drugs by the drug enforcement administration of the 2342  
United States department of justice; 2343



(25) Termination or suspension from participation in the 2344  
medicare or medicaid programs by the department of health and 2345  
human services or other responsible agency ~~for any act or acts~~ 2346  
~~that also would constitute a violation of division (B) (2), (3),~~ 2347  
~~(6), (8), or (19) of this section;~~ 2348

(26) Impairment of ability to practice according to 2349  
acceptable and prevailing standards of care because of habitual 2350  
or excessive use or abuse of drugs, alcohol, or other substances 2351  
that impair ability to practice. 2352

For the purposes of this division, any individual 2353  
authorized to practice by this chapter accepts the privilege of 2354  
practicing in this state subject to supervision by the board. By 2355  
filing an application for or holding a license or certificate to 2356  
practice under this chapter, an individual shall be deemed to 2357  
have given consent to submit to a mental or physical examination 2358  
when ordered to do so by the board in writing, and to have 2359  
waived all objections to the admissibility of testimony or 2360  
examination reports that constitute privileged communications. 2361

If it has reason to believe that any individual authorized 2362  
to practice by this chapter or any applicant for licensure or 2363  
certification to practice suffers such impairment, the board may 2364  
compel the individual to submit to a mental or physical 2365  
examination, or both. The expense of the examination is the 2366  
responsibility of the individual compelled to be examined. Any 2367  
mental or physical examination required under this division 2368  
shall be undertaken by a treatment provider or physician who is 2369  
qualified to conduct the examination and who is chosen by the 2370  
board. 2371

Failure to submit to a mental or physical examination 2372  
ordered by the board constitutes an admission of the allegations 2373

against the individual unless the failure is due to 2374  
circumstances beyond the individual's control, and a default and 2375  
final order may be entered without the taking of testimony or 2376  
presentation of evidence. If the board determines that the 2377  
individual's ability to practice is impaired, the board shall 2378  
suspend the individual's license or certificate or deny the 2379  
individual's application and shall require the individual, as a 2380  
condition for initial, continued, reinstated, or renewed 2381  
licensure or certification to practice, to submit to treatment. 2382

Before being eligible to apply for reinstatement of a 2383  
license or certificate suspended under this division, the 2384  
impaired practitioner shall demonstrate to the board the ability 2385  
to resume practice in compliance with acceptable and prevailing 2386  
standards of care under the provisions of the practitioner's 2387  
license or certificate. The demonstration shall include, but 2388  
shall not be limited to, the following: 2389

(a) Certification from a treatment provider approved under 2390  
section 4731.25 of the Revised Code that the individual has 2391  
successfully completed any required inpatient treatment; 2392

(b) Evidence of continuing full compliance with an 2393  
aftercare contract or consent agreement; 2394

(c) Two written reports indicating that the individual's 2395  
ability to practice has been assessed and that the individual 2396  
has been found capable of practicing according to acceptable and 2397  
prevailing standards of care. The reports shall be made by 2398  
individuals or providers approved by the board for making the 2399  
assessments and shall describe the basis for their 2400  
determination. 2401

The board may reinstate a license or certificate suspended 2402

under this division after that demonstration and after the 2403  
individual has entered into a written consent agreement. 2404

When the impaired practitioner resumes practice, the board 2405  
shall require continued monitoring of the individual. The 2406  
monitoring shall include, but not be limited to, compliance with 2407  
the written consent agreement entered into before reinstatement 2408  
or with conditions imposed by board order after a hearing, and, 2409  
upon termination of the consent agreement, submission to the 2410  
board for at least two years of annual written progress reports 2411  
made under penalty of perjury stating whether the individual has 2412  
maintained sobriety. 2413

(27) A second or subsequent violation of section 4731.66 2414  
or 4731.69 of the Revised Code; 2415

(28) Except as provided in division (N) of this section: 2416

(a) Waiving the payment of all or any part of a deductible 2417  
or copayment that a patient, pursuant to a health insurance or 2418  
health care policy, contract, or plan that covers the 2419  
individual's services, otherwise would be required to pay if the 2420  
waiver is used as an enticement to a patient or group of 2421  
patients to receive health care services from that individual; 2422

(b) Advertising that the individual will waive the payment 2423  
of all or any part of a deductible or copayment that a patient, 2424  
pursuant to a health insurance or health care policy, contract, 2425  
or plan that covers the individual's services, otherwise would 2426  
be required to pay. 2427

(29) Failure to use universal blood and body fluid 2428  
precautions established by rules adopted under section 4731.051 2429  
of the Revised Code; 2430

(30) Failure to provide notice to, and receive 2431

acknowledgment of the notice from, a patient when required by 2432  
section 4731.143 of the Revised Code prior to providing 2433  
nonemergency professional services, or failure to maintain that 2434  
notice in the patient's medical record; 2435

(31) Failure of a physician supervising a physician 2436  
assistant to maintain supervision in accordance with the 2437  
requirements of Chapter 4730. of the Revised Code and the rules 2438  
adopted under that chapter; 2439

(32) Failure of a physician or podiatrist to enter into a 2440  
standard care arrangement with a clinical nurse specialist, 2441  
certified nurse-midwife, or certified nurse practitioner with 2442  
whom the physician or podiatrist is in collaboration pursuant to 2443  
section 4731.27 of the Revised Code or failure to fulfill the 2444  
responsibilities of collaboration after entering into a standard 2445  
care arrangement; 2446

(33) Failure to comply with the terms of a consult 2447  
agreement entered into with a pharmacist pursuant to section 2448  
4729.39 of the Revised Code; 2449

(34) Failure to cooperate in an investigation conducted by 2450  
the board under division (F) of this section, including failure 2451  
to comply with a subpoena or order issued by the board or 2452  
failure to answer truthfully a question presented by the board 2453  
in an investigative interview, an investigative office 2454  
conference, at a deposition, or in written interrogatories, 2455  
except that failure to cooperate with an investigation shall not 2456  
constitute grounds for discipline under this section if a court 2457  
of competent jurisdiction has issued an order that either 2458  
quashes a subpoena or permits the individual to withhold the 2459  
testimony or evidence in issue; 2460

(35) Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	2461 2462 2463 2464
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	2465 2466 2467
(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;	2468 2469
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	2470 2471
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	2472 2473 2474
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	2475 2476 2477 2478
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	2479 2480 2481 2482
(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;	2483 2484 2485 2486
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board	2487 2488

of pharmacy no longer maintains a drug database pursuant to	2489
section 4729.75 of the Revised Code;	2490
(44) Failure to comply with the requirements of section	2491
2919.171, 2919.202, or 2919.203 of the Revised Code or failure	2492
to submit to the department of health in accordance with a court	2493
order a complete report as described in section 2919.171 or	2494
2919.202 of the Revised Code;	2495
(45) Practicing at a facility that is subject to licensure	2496
as a category III terminal distributor of dangerous drugs with a	2497
pain management clinic classification unless the person	2498
operating the facility has obtained and maintains the license	2499
with the classification;	2500
(46) Owning a facility that is subject to licensure as a	2501
category III terminal distributor of dangerous drugs with a pain	2502
management clinic classification unless the facility is licensed	2503
with the classification;	2504
(47) Failure to comply with the requirement regarding	2505
maintaining notes described in division (B) of section 2919.191	2506
of the Revised Code or failure to satisfy the requirements of	2507
section 2919.191 of the Revised Code prior to performing or	2508
inducing an abortion upon a pregnant woman;	2509
(48) Failure to comply with the requirements in section	2510
3719.061 of the Revised Code before issuing for a minor a	2511
prescription for an opioid analgesic, as defined in section	2512
3719.01 of the Revised Code;	2513
(49) Failure to comply with the requirements of section	2514
4731.30 of the Revised Code or rules adopted under section	2515
4731.301 of the Revised Code when recommending treatment with	2516
medical marijuana;	2517

(50) Practicing at a facility, clinic, or other location 2518  
that is subject to licensure as a category III terminal 2519  
distributor of dangerous drugs with an office-based opioid 2520  
treatment classification unless the person operating that place 2521  
has obtained and maintains the license with the classification; 2522

(51) Owning a facility, clinic, or other location that is 2523  
subject to licensure as a category III terminal distributor of 2524  
dangerous drugs with an office-based opioid treatment 2525  
classification unless that place is licensed with the 2526  
classification. 2527

(C) Disciplinary actions taken by the board under 2528  
divisions (A) and (B) of this section shall be taken pursuant to 2529  
an adjudication under Chapter 119. of the Revised Code, except 2530  
that in lieu of an adjudication, the board may enter into a 2531  
consent agreement with an individual to resolve an allegation of 2532  
a violation of this chapter or any rule adopted under it. A 2533  
consent agreement, when ratified by an affirmative vote of not 2534  
fewer than six members of the board, shall constitute the 2535  
findings and order of the board with respect to the matter 2536  
addressed in the agreement. If the board refuses to ratify a 2537  
consent agreement, the admissions and findings contained in the 2538  
consent agreement shall be of no force or effect. 2539

A telephone conference call may be utilized for 2540  
ratification of a consent agreement that revokes or suspends an 2541  
individual's license or certificate to practice or certificate 2542  
to recommend. The telephone conference call shall be considered 2543  
a special meeting under division (F) of section 121.22 of the 2544  
Revised Code. 2545

If the board takes disciplinary action against an 2546  
individual under division (B) of this section for a second or 2547

subsequent plea of guilty to, or judicial finding of guilt of, a 2548  
violation of section 2919.123 of the Revised Code, the 2549  
disciplinary action shall consist of a suspension of the 2550  
individual's license or certificate to practice for a period of 2551  
at least one year or, if determined appropriate by the board, a 2552  
more serious sanction involving the individual's license or 2553  
certificate to practice. Any consent agreement entered into 2554  
under this division with an individual that pertains to a second 2555  
or subsequent plea of guilty to, or judicial finding of guilt 2556  
of, a violation of that section shall provide for a suspension 2557  
of the individual's license or certificate to practice for a 2558  
period of at least one year or, if determined appropriate by the 2559  
board, a more serious sanction involving the individual's 2560  
license or certificate to practice. 2561

(D) For purposes of divisions (B) (10), (12), and (14) of 2562  
this section, the commission of the act may be established by a 2563  
finding by the board, pursuant to an adjudication under Chapter 2564  
119. of the Revised Code, that the individual committed the act. 2565  
The board does not have jurisdiction under those divisions if 2566  
the trial court renders a final judgment in the individual's 2567  
favor and that judgment is based upon an adjudication on the 2568  
merits. The board has jurisdiction under those divisions if the 2569  
trial court issues an order of dismissal upon technical or 2570  
procedural grounds. 2571

(E) The sealing of conviction records by any court shall 2572  
have no effect upon a prior board order entered under this 2573  
section or upon the board's jurisdiction to take action under 2574  
this section if, based upon a plea of guilty, a judicial finding 2575  
of guilt, or a judicial finding of eligibility for intervention 2576  
in lieu of conviction, the board issued a notice of opportunity 2577  
for a hearing prior to the court's order to seal the records. 2578



The board shall not be required to seal, destroy, redact, or 2579  
otherwise modify its records to reflect the court's sealing of 2580  
conviction records. 2581

(F) (1) The board shall investigate evidence that appears 2582  
to show that a person has violated any provision of this chapter 2583  
or any rule adopted under it. Any person may report to the board 2584  
in a signed writing any information that the person may have 2585  
that appears to show a violation of any provision of this 2586  
chapter or any rule adopted under it. In the absence of bad 2587  
faith, any person who reports information of that nature or who 2588  
testifies before the board in any adjudication conducted under 2589  
Chapter 119. of the Revised Code shall not be liable in damages 2590  
in a civil action as a result of the report or testimony. Each 2591  
complaint or allegation of a violation received by the board 2592  
shall be assigned a case number and shall be recorded by the 2593  
board. 2594

(2) Investigations of alleged violations of this chapter 2595  
or any rule adopted under it shall be supervised by the 2596  
supervising member elected by the board in accordance with 2597  
section 4731.02 of the Revised Code and by the secretary as 2598  
provided in section 4731.39 of the Revised Code. The president 2599  
may designate another member of the board to supervise the 2600  
investigation in place of the supervising member. No member of 2601  
the board who supervises the investigation of a case shall 2602  
participate in further adjudication of the case. 2603

(3) In investigating a possible violation of this chapter 2604  
or any rule adopted under this chapter, or in conducting an 2605  
inspection under division (E) of section 4731.054 of the Revised 2606  
Code, the board may question witnesses, conduct interviews, 2607  
administer oaths, order the taking of depositions, inspect and 2608

copy any books, accounts, papers, records, or documents, issue 2609  
subpoenas, and compel the attendance of witnesses and production 2610  
of books, accounts, papers, records, documents, and testimony, 2611  
except that a subpoena for patient record information shall not 2612  
be issued without consultation with the attorney general's 2613  
office and approval of the secretary and supervising member of 2614  
the board. 2615

(a) Before issuance of a subpoena for patient record 2616  
information, the secretary and supervising member shall 2617  
determine whether there is probable cause to believe that the 2618  
complaint filed alleges a violation of this chapter or any rule 2619  
adopted under it and that the records sought are relevant to the 2620  
alleged violation and material to the investigation. The 2621  
subpoena may apply only to records that cover a reasonable 2622  
period of time surrounding the alleged violation. 2623

(b) On failure to comply with any subpoena issued by the 2624  
board and after reasonable notice to the person being 2625  
subpoenaed, the board may move for an order compelling the 2626  
production of persons or records pursuant to the Rules of Civil 2627  
Procedure. 2628

(c) A subpoena issued by the board may be served by a 2629  
sheriff, the sheriff's deputy, or a board employee or agent 2630  
designated by the board. Service of a subpoena issued by the 2631  
board may be made by delivering a copy of the subpoena to the 2632  
person named therein, reading it to the person, or leaving it at 2633  
the person's usual place of residence, usual place of business, 2634  
or address on file with the board. When serving a subpoena to an 2635  
applicant for or the holder of a license or certificate issued 2636  
under this chapter, service of the subpoena may be made by 2637  
certified mail, return receipt requested, and the subpoena shall 2638

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  
not required if the board possesses reliable and substantial  
evidence that no bona fide physician-patient relationship  
exists.

The board may share any information it receives pursuant

to an investigation or inspection, including patient records and 2668  
patient record information, with law enforcement agencies, other 2669  
licensing boards, and other governmental agencies that are 2670  
prosecuting, adjudicating, or investigating alleged violations 2671  
of statutes or administrative rules. An agency or board that 2672  
receives the information shall comply with the same requirements 2673  
regarding confidentiality as those with which the state medical 2674  
board must comply, notwithstanding any conflicting provision of 2675  
the Revised Code or procedure of the agency or board that 2676  
applies when it is dealing with other information in its 2677  
possession. In a judicial proceeding, the information may be 2678  
admitted into evidence only in accordance with the Rules of 2679  
Evidence, but the court shall require that appropriate measures 2680  
are taken to ensure that confidentiality is maintained with 2681  
respect to any part of the information that contains names or 2682  
other identifying information about patients or complainants 2683  
whose confidentiality was protected by the state medical board 2684  
when the information was in the board's possession. Measures to 2685  
ensure confidentiality that may be taken by the court include 2686  
sealing its records or deleting specific information from its 2687  
records. 2688

(6) On a quarterly basis, the board shall prepare a report 2689  
that documents the disposition of all cases during the preceding 2690  
three months. The report shall contain the following information 2691  
for each case with which the board has completed its activities: 2692

(a) The case number assigned to the complaint or alleged 2693  
violation; 2694

(b) The type of license or certificate to practice, if 2695  
any, held by the individual against whom the complaint is 2696  
directed; 2697

(c) A description of the allegations contained in the complaint;	2698 2699
(d) The disposition of the case.	2700
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.	2701 2702 2703 2704
(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license or certificate to practice or certificate to recommend without a prior hearing:	2705 2706 2707 2708
(1) That there is clear and convincing evidence that an individual has violated division (B) of this section;	2709 2710
(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.	2711 2712
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 license or certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.	2713 2714 2715 2716 2717 2718 2719
The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen	2720 2721 2722 2723 2724 2725 2726

days, but not earlier than seven days, after the individual 2727  
requests the hearing, unless otherwise agreed to by both the 2728  
board and the individual. 2729

Any summary suspension imposed under this division shall 2730  
remain in effect, unless reversed on appeal, until a final 2731  
adjudicative order issued by the board pursuant to this section 2732  
and Chapter 119. of the Revised Code becomes effective. The 2733  
board shall issue its final adjudicative order within seventy- 2734  
five days after completion of its hearing. A failure to issue 2735  
the order within seventy-five days shall result in dissolution 2736  
of the summary suspension order but shall not invalidate any 2737  
subsequent, final adjudicative order. 2738

(H) If the board takes action under division (B) (9), (11), 2739  
or (13) of this section and the judicial finding of guilt, 2740  
guilty plea, or judicial finding of eligibility for intervention 2741  
in lieu of conviction is overturned on appeal, upon exhaustion 2742  
of the criminal appeal, a petition for reconsideration of the 2743  
order may be filed with the board along with appropriate court 2744  
documents. Upon receipt of a petition of that nature and 2745  
supporting court documents, the board shall reinstate the 2746  
individual's license or certificate to practice. The board may 2747  
then hold an adjudication under Chapter 119. of the Revised Code 2748  
to determine whether the individual committed the act in 2749  
question. Notice of an opportunity for a hearing shall be given 2750  
in accordance with Chapter 119. of the Revised Code. If the 2751  
board finds, pursuant to an adjudication held under this 2752  
division, that the individual committed the act or if no hearing 2753  
is requested, the board may order any of the sanctions 2754  
identified under division (B) of this section. 2755

(I) The license or certificate to practice issued to an 2756

individual under this chapter and the individual's practice in 2757  
this state are automatically suspended as of the date of the 2758  
individual's second or subsequent plea of guilty to, or judicial 2759  
finding of guilt of, a violation of section 2919.123 of the 2760  
Revised Code. In addition, the license or certificate to 2761  
practice or certificate to recommend issued to an individual 2762  
under this chapter and the individual's practice in this state 2763  
are automatically suspended as of the date the individual pleads 2764  
guilty to, is found by a judge or jury to be guilty of, or is 2765  
subject to a judicial finding of eligibility for intervention in 2766  
lieu of conviction in this state or treatment or intervention in 2767  
lieu of conviction in another jurisdiction for any of the 2768  
following criminal offenses in this state or a substantially 2769  
equivalent criminal offense in another jurisdiction: aggravated 2770  
murder, murder, voluntary manslaughter, felonious assault, 2771  
kidnapping, rape, sexual battery, gross sexual imposition, 2772  
aggravated arson, aggravated robbery, or aggravated burglary. 2773  
Continued practice after suspension shall be considered 2774  
practicing without a license or certificate. 2775

The board shall notify the individual subject to the 2776  
suspension by certified mail or in person in accordance with 2777  
section 119.07 of the Revised Code. If an individual whose 2778  
license or certificate is automatically suspended under this 2779  
division fails to make a timely request for an adjudication 2780  
under Chapter 119. of the Revised Code, the board shall do 2781  
whichever of the following is applicable: 2782

(1) If the automatic suspension under this division is for 2783  
a second or subsequent plea of guilty to, or judicial finding of 2784  
guilt of, a violation of section 2919.123 of the Revised Code, 2785  
the board shall enter an order suspending the individual's 2786  
license or certificate to practice for a period of at least one 2787

year or, if determined appropriate by the board, imposing a more 2788  
serious sanction involving the individual's license or 2789  
certificate to practice. 2790

(2) In all circumstances in which division (I)(1) of this 2791  
section does not apply, enter a final order permanently revoking 2792  
the individual's license or certificate to practice. 2793

(J) If the board is required by Chapter 119. of the 2794  
Revised Code to give notice of an opportunity for a hearing and 2795  
if the individual subject to the notice does not timely request 2796  
a hearing in accordance with section 119.07 of the Revised Code, 2797  
the board is not required to hold a hearing, but may adopt, by 2798  
an affirmative vote of not fewer than six of its members, a 2799  
final order that contains the board's findings. In that final 2800  
order, the board may order any of the sanctions identified under 2801  
division (A) or (B) of this section. 2802

(K) Any action taken by the board under division (B) of 2803  
this section resulting in a suspension from practice shall be 2804  
accompanied by a written statement of the conditions under which 2805  
the individual's license or certificate to practice may be 2806  
reinstated. The board shall adopt rules governing conditions to 2807  
be imposed for reinstatement. Reinstatement of a license or 2808  
certificate suspended pursuant to division (B) of this section 2809  
requires an affirmative vote of not fewer than six members of 2810  
the board. 2811

(L) When the board refuses to grant or issue a license or 2812  
certificate to practice to an applicant, revokes an individual's 2813  
license or certificate to practice, refuses to renew an 2814  
individual's license or certificate to practice, or refuses to 2815  
reinstate an individual's license or certificate to practice, 2816  
the board may specify that its action is permanent. An 2817



individual subject to a permanent action taken by the board is 2818  
forever thereafter ineligible to hold a license or certificate 2819  
to practice and the board shall not accept an application for 2820  
reinstatement of the license or certificate or for issuance of a 2821  
new license or certificate. 2822

(M) Notwithstanding any other provision of the Revised 2823  
Code, all of the following apply: 2824

(1) The surrender of a license or certificate issued under 2825  
this chapter shall not be effective unless or until accepted by 2826  
the board. A telephone conference call may be utilized for 2827  
acceptance of the surrender of an individual's license or 2828  
certificate to practice. The telephone conference call shall be 2829  
considered a special meeting under division (F) of section 2830  
121.22 of the Revised Code. Reinstatement of a license or 2831  
certificate surrendered to the board requires an affirmative 2832  
vote of not fewer than six members of the board. 2833

(2) An application for a license or certificate made under 2834  
the provisions of this chapter may not be withdrawn without 2835  
approval of the board. 2836

(3) Failure by an individual to renew a license or 2837  
certificate to practice in accordance with this chapter or a 2838  
certificate to recommend in accordance with rules adopted under 2839  
section 4731.301 of the Revised Code shall not remove or limit 2840  
the board's jurisdiction to take any disciplinary action under 2841  
this section against the individual. 2842

(4) At the request of the board, a license or certificate 2843  
holder shall immediately surrender to the board a license or 2844  
certificate that the board has suspended, revoked, or 2845  
permanently revoked. 2846

(N) Sanctions shall not be imposed under division (B) (28) 2847  
of this section against any person who waives deductibles and 2848  
copayments as follows: 2849

(1) In compliance with the health benefit plan that 2850  
expressly allows such a practice. Waiver of the deductibles or 2851  
copayments shall be made only with the full knowledge and 2852  
consent of the plan purchaser, payer, and third-party 2853  
administrator. Documentation of the consent shall be made 2854  
available to the board upon request. 2855

(2) For professional services rendered to any other person 2856  
authorized to practice pursuant to this chapter, to the extent 2857  
allowed by this chapter and rules adopted by the board. 2858

(O) Under the board's investigative duties described in 2859  
this section and subject to division (F) of this section, the 2860  
board shall develop and implement a quality intervention program 2861  
designed to improve through remedial education the clinical and 2862  
communication skills of individuals authorized under this 2863  
chapter to practice medicine and surgery, osteopathic medicine 2864  
and surgery, and podiatric medicine and surgery. In developing 2865  
and implementing the quality intervention program, the board may 2866  
do all of the following: 2867

(1) Offer in appropriate cases as determined by the board 2868  
an educational and assessment program pursuant to an 2869  
investigation the board conducts under this section; 2870

(2) Select providers of educational and assessment 2871  
services, including a quality intervention program panel of case 2872  
reviewers; 2873

(3) Make referrals to educational and assessment service 2874  
providers and approve individual educational programs 2875

recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.

(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate;

(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.

An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program.

**Sec. 4731.222.** (A) This section applies to both of the following:

(1) An applicant seeking restoration of a license or certificate issued under this chapter that has been in a suspended or inactive state for any cause for more than two years;

(2) An applicant seeking issuance of a license or certificate pursuant to ~~section 4731.17 or 4731.295 of the Revised Code~~ this chapter who for more than two years has not been engaged in the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine as any of the following:

(a) An active practitioner;

(b) A participant in a program of graduate medical

education, as defined in section 4731.04 of the Revised Code; 2904

(c) A participant in a podiatric internship residency, or 2905  
clinical fellowship program; 2906

(d) A student in a college of podiatry determined by the 2907  
state medical board to be in good standing; 2908

~~(d)~~ (e) A student in a school, college, or institution 2909  
giving instruction in a limited branch of medicine determined by 2910  
the board to be in good standing under section 4731.16 of the 2911  
Revised Code. 2912

(B) Before restoring a license or certificate to good 2913  
standing for or issuing a license or certificate to an applicant 2914  
subject to this section, the state medical board may impose 2915  
terms and conditions including any one or more of the following: 2916

(1) Requiring the applicant to pass an oral or written 2917  
examination, or both, to determine the applicant's present 2918  
fitness to resume practice; 2919

(2) Requiring the applicant to obtain additional training 2920  
and to pass an examination upon completion of such training; 2921

(3) Requiring an assessment of the applicant's physical 2922  
skills for purposes of determining whether the applicant's 2923  
coordination, fine motor skills, and dexterity are sufficient 2924  
for performing medical evaluations and procedures in a manner 2925  
that meets the minimal standards of care; 2926

(4) Requiring an assessment of the applicant's skills in 2927  
recognizing and understanding diseases and conditions; 2928

(5) Requiring the applicant to undergo a comprehensive 2929  
physical examination, which may include an assessment of 2930  
physical abilities, evaluation of sensory capabilities, or 2931

screening for the presence of neurological disorders; 2932

(6) Restricting or limiting the extent, scope, or type of 2933  
practice of the applicant. 2934

The board shall consider the moral background and the 2935  
activities of the applicant during the period of suspension or 2936  
inactivity, in accordance with section 4731.09, 4731.19, or 2937  
4731.52 of the Revised Code. The board shall not restore a 2938  
license or certificate under this section unless the applicant 2939  
complies with sections 4776.01 to 4776.04 of the Revised Code. 2940

**Sec. 4731.27.** (A) As used in this section, 2941  
"collaboration," "physician," "standard care arrangement," and 2942  
"supervision" have the same meanings as in section 4723.01 of 2943  
the Revised Code. 2944

(B) A physician or podiatrist shall enter into a standard 2945  
care arrangement with each clinical nurse specialist, certified 2946  
nurse-midwife, or certified nurse practitioner with whom the 2947  
physician or podiatrist is in collaboration. 2948

The collaborating physician or podiatrist shall fulfill 2949  
the responsibilities of collaboration, as specified in the 2950  
arrangement and in accordance with division (A) of section 2951  
4723.431 of the Revised Code. A copy of the standard care 2952  
arrangement shall be retained on file by the nurse's employer. 2953  
Prior approval of the standard care arrangement by the state 2954  
medical board is not required, but the board may periodically 2955  
review it. 2956

A physician or podiatrist who terminates collaboration 2957  
with a certified nurse-midwife, certified nurse practitioner, or 2958  
clinical nurse specialist before their standard care arrangement 2959  
expires shall give the nurse the written or electronic notice of 2960

termination required by division ~~(E)~~(D) (1) of section 4723.431 2961  
of the Revised Code. 2962

Nothing in this division prohibits a hospital from hiring 2963  
a clinical nurse specialist, certified nurse-midwife, or 2964  
certified nurse practitioner as an employee and negotiating 2965  
standard care arrangements on behalf of the employee as 2966  
necessary to meet the requirements of this section. A standard 2967  
care arrangement between the hospital's employee and the 2968  
employee's collaborating physician is subject to approval by the 2969  
medical staff and governing body of the hospital prior to 2970  
implementation of the arrangement at the hospital. 2971

(C) A physician or podiatrist shall cooperate with the 2972  
board of nursing in any investigation the board conducts with 2973  
respect to a clinical nurse specialist, certified nurse-midwife, 2974  
or certified nurse practitioner who collaborates with the 2975  
physician or podiatrist or with respect to a certified 2976  
registered nurse anesthetist who practices with the supervision 2977  
of the physician or podiatrist. 2978

**Sec. 4731.291.** (A) An individual seeking to pursue an 2979  
internship, residency, ~~or~~ clinical fellowship program, or 2980  
elective clinical rotation in this state, who does not hold a 2981  
license to practice medicine and surgery or osteopathic medicine 2982  
or surgery issued under this chapter, shall apply to the state 2983  
medical board for a training certificate. The application shall 2984  
be made on forms that the board shall furnish and shall be 2985  
accompanied by an application fee of one hundred thirty dollars. 2986

An applicant for a training certificate shall furnish to 2987  
the board all of the following: 2988

(1) Evidence satisfactory to the board that the applicant 2989

is at least eighteen years of age and is of good moral character. 2990  
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(2) Evidence satisfactory to the board that the applicant has been accepted or appointed to participate in this state in one of the following: 2992  
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(a) An internship or residency program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association; 2995  
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(b) A clinical fellowship program at an institution with a residency program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association that is in a clinical field the same as or related to the clinical field of the fellowship program; 2999  
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(c) An elective clinical rotation that lasts not more than one year and is offered to interns, residents, or clinical fellows participating in programs that are located outside this state and meet the requirements of division (A) (2) (a) or (b) of this section. 3005  
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(3) Information identifying the beginning and ending dates of the period for which the applicant has been accepted or appointed to participate in the internship, residency, or clinical fellowship program; 3010  
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(4) Any other information that the board requires. 3014

(B) If no grounds for denying a license or certificate under section 4731.22 of the Revised Code apply, and the applicant meets the requirements of division (A) of this section, the board shall issue a training certificate to the 3015  
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applicant. The board shall not require an examination as a 3019  
condition of receiving a training certificate. 3020

A training certificate issued pursuant to this section 3021  
shall be valid only for three years, but may in the discretion 3022  
of the board and upon application duly made, be renewed for one 3023  
additional three-year period. The fee for renewal of a training 3024  
certificate shall be one hundred dollars. 3025

The board shall maintain a register of all individuals who 3026  
hold training certificates. 3027

(C) The holder of a valid training certificate shall be 3028  
entitled to perform such acts as may be prescribed by or 3029  
incidental to the holder's internship, residency, or clinical 3030  
fellowship program, but the holder shall not be entitled 3031  
otherwise to engage in the practice of medicine and surgery or 3032  
osteopathic medicine and surgery in this state. The holder shall 3033  
limit activities under the certificate to the programs of the 3034  
hospitals or facilities for which the training certificate is 3035  
issued. The holder shall train only under the supervision of the 3036  
physicians responsible for supervision as part of the 3037  
internship, residency, or clinical fellowship program. 3038

A training certificate may be revoked by the board upon 3039  
proof, satisfactory to the board, that the holder thereof has 3040  
engaged in practice in this state outside the scope of the 3041  
internship, residency, or clinical fellowship program for which 3042  
the training certificate has been issued, or upon proof, 3043  
satisfactory to the board, that the holder thereof has engaged 3044  
in unethical conduct or that there are grounds for action 3045  
against the holder under section 4731.22 of the Revised Code. 3046

(D) The board may adopt rules as the board finds necessary 3047



to effect the purpose of this section. 3048

**Sec. 4731.295.** (A) (1) As used in this section: 3049

(a) "Free clinic" has the same meaning as in section 3050  
3701.071 of the Revised Code. 3051

(b) "Indigent and uninsured person" and "operation" have 3052  
the same meanings as in section 2305.234 of the Revised Code. 3053

(2) For the purposes of this section, a person shall be 3054  
considered retired from practice if the person's license has 3055  
expired with the person's intention of ceasing to practice 3056  
medicine and surgery or osteopathic medicine and surgery for 3057  
remuneration. 3058

(B) The state medical board may issue, without 3059  
examination, a volunteer's certificate to a person who is 3060  
retired from practice so that the person may provide medical 3061  
services to indigent and uninsured persons at any location, 3062  
including a free clinic. The board shall deny issuance of a 3063  
volunteer's certificate to a person who is not qualified under 3064  
this section to hold a volunteer's certificate. 3065

(C) An application for a volunteer's certificate shall 3066  
include all of the following: 3067

(1) A copy of the applicant's degree of medicine or 3068  
osteopathic medicine. 3069

(2) One of the following, as applicable: 3070

(a) A copy of the applicant's most recent license 3071  
authorizing the practice of medicine and surgery or osteopathic 3072  
medicine and surgery issued by a jurisdiction in the United 3073  
States that licenses persons to practice medicine and surgery or 3074  
osteopathic medicine and surgery. 3075

(b) A copy of the applicant's most recent license 3076  
equivalent to a license to practice medicine and surgery or 3077  
osteopathic medicine and surgery in one or more branches of the 3078  
United States armed services that the United States government 3079  
issued. 3080

(3) Evidence of one of the following, as applicable: 3081

(a) That the applicant has maintained for at least ten 3082  
years prior to retirement full licensure in good standing in any 3083  
jurisdiction in the United States that licenses persons to 3084  
practice medicine and surgery or osteopathic medicine and 3085  
surgery. 3086

(b) That the applicant has practiced for at least ten 3087  
years prior to retirement in good standing as a doctor of 3088  
medicine and surgery or osteopathic medicine and surgery in one 3089  
or more of the branches of the United States armed services. 3090

(4) ~~A notarized statement from the applicant, on a form~~ 3091  
~~prescribed by the board, An attestation~~ that the applicant will 3092  
not accept any form of remuneration for any medical services 3093  
rendered while in possession of a volunteer's certificate. 3094

(D) The holder of a volunteer's certificate may provide 3095  
medical services only to indigent and uninsured persons, but may 3096  
do so at any location, including a free clinic. The holder shall 3097  
not accept any form of remuneration for providing medical 3098  
services while in possession of the certificate. Except in a 3099  
medical emergency, the holder shall not perform any operation or 3100  
deliver babies. The board may revoke a volunteer's certificate 3101  
on receiving proof satisfactory to the board that the holder has 3102  
engaged in practice in this state outside the scope of the 3103  
certificate. 3104

(E) (1) A volunteer's certificate shall be valid for a 3105  
period of three years, unless earlier revoked under division (D) 3106  
of this section or pursuant to section 4731.22 of the Revised 3107  
Code. A volunteer's certificate may be renewed upon the 3108  
application of the holder. The board shall maintain a register 3109  
of all persons who hold volunteer's certificates. The board 3110  
shall not charge a fee for issuing or renewing a certificate 3111  
pursuant to this section. 3112

(2) To be eligible for renewal of a volunteer's 3113  
certificate the holder of the certificate shall certify to the 3114  
board completion of one hundred fifty hours of continuing 3115  
medical education that meets the requirements of section 3116  
4731.282 of the Revised Code regarding certification by private 3117  
associations and approval by the board. The board may not renew 3118  
a certificate if the holder has not complied with the continuing 3119  
medical education requirements. Any entity for which the holder 3120  
provides medical services may pay for or reimburse the holder 3121  
for any costs incurred in obtaining the required continuing 3122  
medical education credits. 3123

(3) The board shall issue a volunteer's certificate to 3124  
each person who qualifies under this section for the 3125  
certificate. The certificate shall state that the certificate 3126  
holder is authorized to provide medical services pursuant to the 3127  
laws of this state. The holder shall display the certificate 3128  
prominently at the location where the holder primarily 3129  
practices. 3130

(4) The holder of a volunteer's certificate issued 3131  
pursuant to this section is subject to the immunity provisions 3132  
regarding the provision of services to indigent and uninsured 3133  
persons in section 2305.234 of the Revised Code. 3134

(F) The board shall adopt rules in accordance with Chapter 3135  
119. of the Revised Code to administer and enforce this section. 3136

**Sec. 4731.297.** (A) As used in this section: 3137

(1) "Academic medical center" means a medical school and 3138  
its affiliated teaching hospitals and clinics partnering to do 3139  
all of the following: 3140

(a) Provide the highest quality of patient care from 3141  
expert physicians; 3142

(b) Conduct groundbreaking research leading to medical 3143  
advancements for current and future patients; 3144

(c) Provide medical education and graduate medical 3145  
education to educate and train physicians. 3146

(2) "Affiliated physician group practice" means a medical 3147  
practice that consists of one or more physicians authorized 3148  
under this chapter to practice medicine and surgery or 3149  
osteopathic medicine and surgery and that is affiliated with an 3150  
academic medical center to further the objectives described in 3151  
divisions (A) (1) (a) to (c) of this section. 3152

(B) The state medical board shall issue, without 3153  
examination, to an applicant who meets the requirements of this 3154  
section a certificate of conceded eminence authorizing the 3155  
practice of medicine and surgery or osteopathic medicine and 3156  
surgery as part of the applicant's employment with an academic 3157  
medical center in this state or affiliated physician group 3158  
practice in this state. 3159

(C) To be eligible for a certificate of conceded eminence, 3160  
an applicant shall provide to the board all of the following: 3161

(1) Evidence satisfactory to the board of all of the 3162

following:	3163
(a) That the applicant is an international medical graduate who holds a medical degree from an educational institution listed in the international medical education directory;	3164 3165 3166 3167
(b) That the applicant has been appointed to serve in this state as a full-time faculty member of a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association;	3168 3169 3170 3171 3172
(c) That the applicant has accepted an offer of employment with an academic medical center in this state or affiliated physician group practice in this state;	3173 3174 3175
(d) That the applicant holds a license in good standing in another state or country authorizing the practice of medicine and surgery or osteopathic medicine and surgery;	3176 3177 3178
(e) That the applicant has unique talents and extraordinary abilities not generally found within the applicant's specialty, as demonstrated by satisfying at least four of the following:	3179 3180 3181 3182
(i) The applicant has achieved educational qualifications beyond those that are required for entry into the applicant's specialty, including advanced degrees, special certifications, or other academic credentials.	3183 3184 3185 3186
(ii) The applicant has written multiple articles in journals listed in the index medicus or an equivalent scholarly publication acceptable to the board.	3187 3188 3189
(iii) The applicant has a sustained record of excellence	3190

in original research, at least some of which involves serving as 3191  
the principal investigator or co-principal investigator for a 3192  
research project. 3193

(iv) The applicant has received nationally or 3194  
internationally recognized prizes or awards for excellence. 3195

(v) The applicant has participated in peer review in a 3196  
field of specialization that is the same as or similar to the 3197  
applicant's specialty. 3198

(vi) The applicant has developed new procedures or 3199  
treatments for complex medical problems that are recognized by 3200  
peers as a significant advancement in the applicable field of 3201  
medicine. 3202

(vii) The applicant has held previous academic 3203  
appointments with or been employed by a health care organization 3204  
that has a distinguished national or international reputation. 3205

(viii) The applicant has been the recipient of a national 3206  
institutes of health or other competitive grant award. 3207

(f) That the applicant has received staff membership or 3208  
professional privileges from the academic medical center 3209  
pursuant to standards adopted under section 3701.351 of the 3210  
Revised Code on a basis that requires the applicant's medical 3211  
education and graduate medical education to be at least 3212  
equivalent to that of a physician educated and trained in the 3213  
United States; 3214

(g) That the applicant has sufficient written and oral 3215  
English skills to communicate effectively and reliably with 3216  
patients, their families, and other medical professionals; 3217

(h) That the applicant will have professional liability 3218

insurance through the applicant's employment with the academic 3219  
medical center or affiliated physician group practice. 3220

(2) An ~~affidavit from~~ attestation that the applicant 3221  
~~agreeing agrees~~ to practice only within the clinical setting of 3222  
the academic medical center or for the affiliated physician 3223  
group practice; 3224

(3) Three letters of reference from distinguished experts 3225  
in the applicant's specialty attesting to the unique 3226  
capabilities of the applicant, at least one of which must be 3227  
from outside the academic medical center or affiliated physician 3228  
group practice; 3229

(4) An affidavit from the dean of the medical school where 3230  
the applicant has been appointed to serve as a faculty member 3231  
stating that the applicant meets all of the requirements of 3232  
division (C) (1) of this section and that the letters of 3233  
reference submitted under division (C) (3) of this section are 3234  
from distinguished experts in the applicant's specialty, and 3235  
documentation to support the affidavit; 3236

(5) A fee of one thousand dollars for the certificate. 3237

(D) (1) The holder of a certificate of conceded eminence 3238  
may practice medicine and surgery or osteopathic medicine and 3239  
surgery only within the clinical setting of the academic medical 3240  
center with which the certificate holder is employed or for the 3241  
affiliated physician group practice with which the certificate 3242  
holder is employed. 3243

(2) A certificate holder may supervise medical students, 3244  
physicians participating in graduate medical education, advanced 3245  
practice nurses, and physician assistants when performing 3246  
clinical services in the certificate holder's area of specialty. 3247

(E) The board may revoke a certificate issued under this 3248  
section on receiving proof satisfactory to the board that the 3249  
certificate holder has engaged in practice in this state outside 3250  
the scope of the certificate or that there are grounds for 3251  
action against the certificate holder under section 4731.22 of 3252  
the Revised Code. 3253

(F) A certificate of conceded eminence is valid for the 3254  
shorter of two years or the duration of the certificate holder's 3255  
employment with the academic medical center or affiliated 3256  
physician group practice. The certificate ceases to be valid if 3257  
the holder resigns or is otherwise terminated from the academic 3258  
medical center or affiliated physician group practice. 3259

(G) A certificate of conceded eminence may be renewed for 3260  
an additional two-year period. There is no limit on the number 3261  
of times a certificate may be renewed. A person seeking renewal 3262  
of a certificate shall apply to the board and is eligible for 3263  
renewal if the applicant does all of the following: 3264

(1) Pays the renewal fee of one thousand dollars; 3265

(2) Provides to the board an affidavit and supporting 3266  
documentation from the academic medical center or affiliated 3267  
physician group practice of all of the following: 3268

(a) That the applicant's initial appointment to the 3269  
medical faculty is still valid or has been renewed; 3270

(b) That the applicant's clinical practice is consistent 3271  
with the established standards in the field; 3272

(c) That the applicant has demonstrated continued 3273  
scholarly achievement; 3274

(d) That the applicant has demonstrated continued 3275



professional achievement consistent with the academic medical 3276  
center's requirements, established pursuant to standards adopted 3277  
under section 3701.351 of the Revised Code, for physicians with 3278  
staff membership or professional privileges with the academic 3279  
medical center. 3280

(3) Satisfies the same continuing medical education 3281  
requirements set forth in section 4731.282 of the Revised Code 3282  
that apply to a person who holds a certificate to practice 3283  
medicine and surgery or osteopathic medicine and surgery issued 3284  
under this chapter. 3285

(4) Complies with any other requirements established by 3286  
the board. 3287

(H) The board may adopt any rules it considers necessary 3288  
to implement this section. The rules shall be adopted in 3289  
accordance with Chapter 119. of the Revised Code. 3290

**Sec. 4731.52.** (A) A person seeking a license to practice 3291  
podiatric medicine and surgery shall file with the state medical 3292  
board an application in the form and manner prescribed by the 3293  
board. The application must include all of the following: 3294

(1) Evidence satisfactory to the board to demonstrate that 3295  
the applicant meets all of the following requirements: 3296

(a) Is at least eighteen years of age and of good moral 3297  
character; 3298

(b) Possesses a high school diploma or a certificate of 3299  
high school equivalence or has obtained the equivalent of such 3300  
education as determined by the board; 3301

(c) Has completed at least two years of undergraduate work 3302  
in a college of arts and sciences or the equivalent of such 3303

education as determined by the board; 3304

(d) Holds a degree from a college of podiatric medicine 3305  
and surgery that was in good standing with the board at the time 3306  
the degree was granted, as determined by the board; 3307

(e) Has completed one year of postgraduate training in a 3308  
podiatric internship, residency, or clinical fellowship program 3309  
accredited by the council on podiatric medicine or the American 3310  
podiatric medical association or its equivalent as determined by 3311  
the board; 3312

(f) Has successfully passed an examination prescribed in 3313  
rules adopted by the board to determine competency to practice 3314  
podiatric medicine and surgery; 3315

(g) Has complied with section 4731.531 of the Revised 3316  
Code. 3317

~~(2) An affidavit signed by the applicant attesting to the~~ 3318  
~~accuracy and truthfulness of attestation that the information~~ 3319  
submitted under this section is accurate and truthful; 3320

(3) Consent to the release of the applicant's information; 3321

(4) Any other information the board requires. 3322

(B) An applicant for a license to practice podiatric 3323  
medicine and surgery shall include with the application a fee of 3324  
three hundred five dollars, no part of which may be returned. An 3325  
application is not considered submitted until the board receives 3326  
the fee. 3327

(C) The board may conduct an investigation related to the 3328  
application materials received pursuant to this section and may 3329  
contact any individual, agency, or organization for 3330  
recommendations or other information about the applicant. 3331

(D) The board shall conclude any investigation of an 3332  
applicant conducted under section 4731.22 of the Revised Code 3333  
not later than ninety days after receipt of a complete 3334  
application unless the applicant agrees in writing to an 3335  
extension or the board determines that there is a substantial 3336  
question of a violation of this chapter or the rules adopted 3337  
under it and notifies the applicant in writing of the reasons 3338  
for continuation of the investigation. If the board determines 3339  
that the applicant is not in violation of this chapter or the 3340  
rules adopted under it, the board shall issue a license not 3341  
later than forty-five days after making that determination. 3342

**Sec. 4759.05.** (A) The state medical board shall adopt, 3343  
amend, or rescind rules pursuant to Chapter 119. of the Revised 3344  
Code to carry out the provisions of this chapter, including 3345  
rules governing the following: 3346

(1) Selection and approval of a dietitian licensure 3347  
examination offered by the commission on dietetic registration 3348  
or any other examination; 3349

(2) The examination of applicants for licensure as a 3350  
dietitian, as required under division (A) of section 4759.06 of 3351  
the Revised Code; 3352

(3) Requirements for pre-professional dietetic experience 3353  
of applicants for licensure as a dietitian that are at least 3354  
equivalent to the requirements adopted by the commission on 3355  
dietetic registration; 3356

(4) Requirements for a person holding a limited permit 3357  
under division (E) of section 4759.06 of the Revised Code, 3358  
including the duration of validity of a limited permit and 3359  
procedures for renewal; 3360

- (5) Continuing education requirements for renewal of a license, including rules providing for pro rata reductions by month of the number of hours of continuing education that must be completed for license holders who are in their first renewal period, have been disabled by illness or accident, or have been absent from the country. Rules adopted under this division shall be consistent with the continuing education requirements adopted by the commission on dietetic registration. 3361-3368
- (6) Any additional education requirements the board considers necessary, for applicants who have not practiced dietetics within five years of the initial date of application for licensure; 3369-3372
- (7) Standards of professional responsibility and practice for persons licensed under this chapter that are consistent with those standards of professional responsibility and practice adopted by the academy of nutrition and dietetics; 3373-3376
- (8) Formulation of an application form for licensure or license renewal; 3377-3378
- (9) Procedures for license renewal; 3379
- (10) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code. 3380-3381
- (B) (1) The board shall investigate evidence that appears to show that a person has violated any provision of this chapter or any rule adopted under it. Any person may report to the board in a signed writing any information that the person may have that appears to show a violation of any provision of this chapter or any rule adopted under it. In the absence of bad faith, any person who reports information of that nature or who testifies before the board in any adjudication conducted under 3382-3389

Chapter 119. of the Revised Code shall not be liable in damages 3390  
in a civil action as a result of the report or testimony. Each 3391  
complaint or allegation of a violation received by the board 3392  
shall be assigned a case number and shall be recorded by the 3393  
board. 3394

(2) Investigations of alleged violations of this chapter 3395  
or any rule adopted under it shall be supervised by the 3396  
supervising member elected by the board in accordance with 3397  
section 4731.02 of the Revised Code and by the secretary as 3398  
provided in section 4759.012 of the Revised Code. The president 3399  
may designate another member of the board to supervise the 3400  
investigation in place of the supervising member. No member of 3401  
the board who supervises the investigation of a case shall 3402  
participate in further adjudication of the case. 3403

(3) In investigating a possible violation of this chapter 3404  
or any rule adopted under this chapter, the board may issue 3405  
subpoenas, question witnesses, conduct interviews, administer 3406  
oaths, order the taking of depositions, inspect and copy any 3407  
books, accounts, papers, records, or documents, and compel the 3408  
attendance of witnesses and the production of books, accounts, 3409  
papers, records, documents, and testimony, except that a 3410  
subpoena for patient record information shall not be issued 3411  
without consultation with the attorney general's office and 3412  
approval of the secretary and supervising member of the board. 3413

Before issuance of a subpoena for patient record 3414  
information, the secretary and supervising member shall 3415  
determine whether there is probable cause to believe that the 3416  
complaint filed alleges a violation of this chapter or any rule 3417  
adopted under it and that the records sought are relevant to the 3418  
alleged violation and material to the investigation. The 3419

subpoena may apply only to records that cover a reasonable 3420  
period of time surrounding the alleged violation. 3421

On failure to comply with any subpoena issued by the board 3422  
and after reasonable notice to the person being subpoenaed, the 3423  
board may move for an order compelling the production of persons 3424  
or records pursuant to the Rules of Civil Procedure. 3425

A subpoena issued by the board may be served by a sheriff, 3426  
the sheriff's deputy, or a board employee or agent designated by 3427  
the board. Service of a subpoena issued by the board may be made 3428  
by delivering a copy of the subpoena to the person named 3429  
therein, reading it to the person, or leaving it at the person's 3430  
usual place of residence, usual place of business, or address on 3431  
file with the board. When serving a subpoena to an applicant for 3432  
or the holder of a license or limited permit issued under this 3433  
chapter, service of the subpoena may be made by certified mail, 3434  
return receipt requested, and the subpoena shall be deemed 3435  
served on the date delivery is made or the date the person 3436  
refuses to accept delivery. If the person being served refuses 3437  
to accept the subpoena or is not located, service may be made to 3438  
an attorney who notifies the board that the attorney is 3439  
representing the person. 3440

A sheriff's deputy who serves a subpoena shall receive the 3441  
same fees as a sheriff. Each witness who appears before the 3442  
board in obedience to a subpoena shall receive the fees and 3443  
mileage provided for under section 119.094 of the Revised Code. 3444

(4) All hearings, investigations, and inspections of the 3445  
board shall be considered civil actions for the purposes of 3446  
section 2305.252 of the Revised Code. 3447

(5) A report required to be submitted to the board under 3448

this chapter, a complaint, or information received by the board 3449  
pursuant to an investigation is confidential and not subject to 3450  
discovery in any civil action. 3451

The board shall conduct all investigations or inspections 3452  
and proceedings in a manner that protects the confidentiality of 3453  
patients and persons who file complaints with the board. The 3454  
board shall not make public the names or any other identifying 3455  
information about patients or complainants unless proper consent 3456  
is given. 3457

The board may share any information it receives pursuant 3458  
to an investigation or inspection, including patient records and 3459  
patient record information, with law enforcement agencies, other 3460  
licensing boards, and other governmental agencies that are 3461  
prosecuting, adjudicating, or investigating alleged violations 3462  
of statutes or administrative rules. An agency or board that 3463  
receives the information shall comply with the same requirements 3464  
regarding confidentiality as those with which the state medical 3465  
board must comply, notwithstanding any conflicting provision of 3466  
the Revised Code or procedure of the agency or board that 3467  
applies when it is dealing with other information in its 3468  
possession. In a judicial proceeding, the information may be 3469  
admitted into evidence only in accordance with the Rules of 3470  
Evidence, but the court shall require that appropriate measures 3471  
are taken to ensure that confidentiality is maintained with 3472  
respect to any part of the information that contains names or 3473  
other identifying information about patients or complainants 3474  
whose confidentiality was protected by the state medical board 3475  
when the information was in the board's possession. Measures to 3476  
ensure confidentiality that may be taken by the court include 3477  
sealing its records or deleting specific information from its 3478  
records. 3479

(6) On a quarterly basis, the board shall prepare a report 3480  
that documents the disposition of all cases during the preceding 3481  
three months. The report shall contain the following information 3482  
for each case with which the board has completed its activities: 3483

(a) The case number assigned to the complaint or alleged 3484  
violation; 3485

(b) The type of license, if any, held by the individual 3486  
against whom the complaint is directed; 3487

(c) A description of the allegations contained in the 3488  
complaint; 3489

(d) The disposition of the case. 3490

The report shall state how many cases are still pending 3491  
and shall be prepared in a manner that protects the identity of 3492  
each person involved in each case. The report shall be a public 3493  
record under section 149.43 of the Revised Code. 3494

(C) The board shall keep records as are necessary to carry 3495  
out the provisions of this chapter. 3496

(D) The board shall maintain and publish on its internet 3497  
web site the board's rules and requirements for licensure 3498  
adopted under division (A) of this section. 3499

**Sec. 4761.03.** (A) The state medical board shall regulate 3500  
the practice of respiratory care in this state and the persons 3501  
to whom the board issues licenses and limited permits under this 3502  
chapter. Rules adopted under this chapter that deal with the 3503  
provision of respiratory care in a hospital, other than rules 3504  
regulating the issuance of licenses or limited permits, shall be 3505  
consistent with the conditions for participation under medicare, 3506  
Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 3507



42 U.S.C.A. 1395, as amended, and with the respiratory care 3508  
accreditation standards of the joint commission or the American 3509  
osteopathic association. 3510

(B) The board shall adopt, and may rescind or amend, rules 3511  
in accordance with Chapter 119. of the Revised Code to carry out 3512  
the purposes of this chapter, including rules prescribing the 3513  
following: 3514

(1) The form and manner for filing applications under 3515  
sections 4761.05 and 4761.06 of the Revised Code; 3516

(2) Standards for the approval of examinations and 3517  
reexaminations administered by national organizations for 3518  
licensure, license renewal, and license reinstatement; 3519

(3) Standards for the approval of educational programs 3520  
required to qualify for licensure and approval of continuing 3521  
education programs required for license renewal; 3522

(4) Continuing education courses and the number of hour 3523  
requirements necessary for license renewal under section 4761.06 3524  
of the Revised Code, including rules providing for pro rata 3525  
reductions by month of the number of hours of continuing 3526  
education that must be completed for license holders who are in 3527  
their first renewal period, have been disabled by illness or 3528  
accident, or have been absent from the country; 3529

(5) Procedures for the issuance and renewal of licenses 3530  
and limited permits, including the duties that may be fulfilled 3531  
by the board's executive director and other board employees; 3532

(6) Procedures for the limitation, suspension, and 3533  
revocation of licenses and limited permits, the refusal to 3534  
issue, renew, or reinstate licenses and limited permits, and the 3535  
imposition of a reprimand or probation under section 4761.09 of 3536

the Revised Code; 3537

(7) Standards of ethical conduct for the practice of 3538  
respiratory care; 3539

(8) The respiratory care tasks that may be performed by an 3540  
individual practicing as a polysomnographic technologist 3541  
pursuant to division (B) (3) of section 4761.10 of the Revised 3542  
Code; 3543

(9) Requirements for criminal records checks of applicants 3544  
under section 4776.03 of the Revised Code. 3545

(C) The board shall determine the sufficiency of an 3546  
applicant's qualifications for admission to the licensing 3547  
examination or a reexamination, and for the issuance or renewal 3548  
of a license or limited permit. 3549

(D) The board shall determine the respiratory care 3550  
educational programs that are acceptable for fulfilling the 3551  
requirements of division (A) of section 4761.04 of the Revised 3552  
Code. 3553

(E) (1) The board shall investigate evidence that appears 3554  
to show that a person has violated any provision of this chapter 3555  
or any rule adopted under it. Any person may report to the board 3556  
in a signed writing any information that the person may have 3557  
that appears to show a violation of any provision of this 3558  
chapter or any rule adopted under it. In the absence of bad 3559  
faith, any person who reports information of that nature or who 3560  
testifies before the board in any adjudication conducted under 3561  
Chapter 119. of the Revised Code shall not be liable in damages 3562  
in a civil action as a result of the report or testimony. Each 3563  
complaint or allegation of a violation received by the board 3564  
shall be assigned a case number and shall be recorded by the 3565

board. 3566

(2) Investigations of alleged violations of this chapter 3567  
or any rule adopted under it shall be supervised by the 3568  
supervising member elected by the board in accordance with 3569  
section 4731.02 of the Revised Code and by the secretary as 3570  
provided in section 4761.012 of the Revised Code. The president 3571  
may designate another member of the board to supervise the 3572  
investigation in place of the supervising member. No member of 3573  
the board who supervises the investigation of a case shall 3574  
participate in further adjudication of the case. 3575

(3) In investigating a possible violation of this chapter 3576  
or any rule adopted under it, the board may issue subpoenas, 3577  
administer oaths, question witnesses, conduct interviews, order 3578  
the taking of depositions, inspect and copy any books, accounts, 3579  
papers, records, or documents, and compel the attendance of 3580  
witnesses and production of books, accounts, papers, records, 3581  
documents, and testimony, except that a subpoena for patient 3582  
record information shall not be issued without consultation with 3583  
the attorney general's office and approval of the secretary and 3584  
supervising member of the board. 3585

Before issuance of a subpoena for patient record 3586  
information, the secretary and supervising member shall 3587  
determine whether there is probable cause to believe that the 3588  
complaint filed alleges a violation of this chapter or any rule 3589  
adopted under it and that the records sought are relevant to the 3590  
alleged violation and material to the investigation. The 3591  
subpoena may apply only to records that cover a reasonable 3592  
period of time surrounding the alleged violation. 3593

On failure to comply with any subpoena issued by the board 3594  
and after reasonable notice to the person being subpoenaed, the 3595

board may move for an order compelling the production of persons 3596  
or records pursuant to the Rules of Civil Procedure. 3597

A subpoena issued by the board may be served by a sheriff, 3598  
the sheriff's deputy, or a board employee or agent designated by 3599  
the board. Service of a subpoena issued by the board may be made 3600  
by delivering a copy of the subpoena to the person named 3601  
therein, reading it to the person, or leaving it at the person's 3602  
usual place of residence, usual place of business, or address on 3603  
file with the board. When serving a subpoena to an applicant for 3604  
or the holder of a license or limited permit issued under this 3605  
chapter, service of the subpoena may be made by certified mail, 3606  
return receipt requested, and the subpoena shall be deemed 3607  
served on the date delivery is made or the date the person 3608  
refuses to accept delivery. If the person being served refuses 3609  
to accept the subpoena or is not located, service may be made to 3610  
an attorney who notifies the board that the attorney is 3611  
representing the person. 3612

A sheriff's deputy who serves a subpoena shall receive the 3613  
same fees as a sheriff. Each witness who appears before the 3614  
board in obedience to a subpoena shall receive the fees and 3615  
mileage provided for under section 119.094 of the Revised Code. 3616

(4) All hearings, investigations, and inspections of the 3617  
board shall be considered civil actions for the purposes of 3618  
section 2305.252 of the Revised Code. 3619

(5) A report required to be submitted to the board under 3620  
this chapter, a complaint, or information received by the board 3621  
pursuant to an investigation is confidential and not subject to 3622  
discovery in any civil action. 3623

The board shall conduct all investigations or inspections 3624

and proceedings in a manner that protects the confidentiality of 3625  
patients and persons who file complaints with the board. The 3626  
board shall not make public the names or any other identifying 3627  
information about patients or complainants unless proper consent 3628  
is given. 3629

The board may share any information it receives pursuant 3630  
to an investigation or inspection, including patient records and 3631  
patient record information, with law enforcement agencies, other 3632  
licensing boards, and other governmental agencies that are 3633  
prosecuting, adjudicating, or investigating alleged violations 3634  
of statutes or administrative rules. An agency or board that 3635  
receives the information shall comply with the same requirements 3636  
regarding confidentiality as those with which the state medical 3637  
board must comply, notwithstanding any conflicting provision of 3638  
the Revised Code or procedure of the agency or board that 3639  
applies when it is dealing with other information in its 3640  
possession. In a judicial proceeding, the information may be 3641  
admitted into evidence only in accordance with the Rules of 3642  
Evidence, but the court shall require that appropriate measures 3643  
are taken to ensure that confidentiality is maintained with 3644  
respect to any part of the information that contains names or 3645  
other identifying information about patients or complainants 3646  
whose confidentiality was protected by the state medical board 3647  
when the information was in the board's possession. Measures to 3648  
ensure confidentiality that may be taken by the court include 3649  
sealing its records or deleting specific information from its 3650  
records. 3651

(6) On a quarterly basis, the board shall prepare a report 3652  
that documents the disposition of all cases during the preceding 3653  
three months. The report shall contain the following information 3654  
for each case with which the board has completed its activities: 3655

(a) The case number assigned to the complaint or alleged violation; 3656  
3657

(b) The type of license or limited permit, if any, held by the individual against whom the complaint is directed; 3658  
3659

(c) A description of the allegations contained in the complaint; 3660  
3661

(d) The disposition of the case. 3662

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. 3663  
3664  
3665  
3666

(F) The board shall keep records of its proceedings and do other things as are necessary and proper to carry out and enforce the provisions of this chapter. 3667  
3668  
3669

(G) The board shall maintain and publish on its internet web site all of the following: 3670  
3671

(1) The requirements for the issuance of licenses and limited permits under this chapter and rules adopted by the board; 3672  
3673  
3674

(2) A list of the names and locations of the institutions that each year granted degrees or certificates of completion in respiratory care. 3675  
3676  
3677

**Sec. 4761.05.** (A) The state medical board shall issue a license to any applicant who complies with the requirements of section 4761.04 of the Revised Code, files the prescribed application form, and pays the fee or fees required under section 4761.07 of the Revised Code. The license entitles the holder to practice respiratory care. 3678  
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3680  
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3682  
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(B) (1) The board shall issue a limited permit to any applicant who meets the requirements of division (A) (1) of section 4761.04 of the Revised Code, files an application on a form furnished by the board, pays the fee required under section 4761.07 of the Revised Code, and meets either of the following requirements:

(a) Is enrolled in and is in good standing in a respiratory care educational program approved by the board that meets the requirements of division (A) (2) of section 4761.04 of the Revised Code leading to a degree or certificate of completion or is a graduate of the program;

(b) Is employed as a provider of respiratory care in this state and was employed as a provider of respiratory care in this state prior to March 14, 1989.

(2) If no grounds apply under section 4761.09 of the Revised Code for denying a limited permit to the applicant and the applicant meets the requirements of division (B) of this section, the board shall issue a limited permit to the applicant.

The board shall maintain a register of all persons holding limited permits under this chapter. The limited permit authorizes the holder to provide respiratory care under the supervision of a respiratory care professional. A person issued a limited permit under division (B) (1) (a) of this section may practice respiratory care under the limited permit for not more than ~~the earliest of the following:~~

~~(a) Three three years after the date the limited permit is issued;~~

~~(b) One, except that the limited permit shall cease to be~~

valid one year following the date of receipt of a certificate of 3713  
completion from a board-approved respiratory care education 3714  
program;— 3715

~~(c) Until or immediately if~~ the holder discontinues 3716  
participation in the educational program. 3717

The holder shall notify the board as soon as practicable 3718  
when the holder completes a board-approved respiratory care 3719  
education program or discontinues participation in the 3720  
educational program. 3721

This division does not require a student enrolled in an 3722  
educational program leading to a degree or certificate of 3723  
completion in respiratory care approved by the board to obtain a 3724  
limited permit to perform any duties that are part of the 3725  
required course of study. 3726

(3) A person issued a limited permit under division (B) (1) 3727  
(b) of this section may practice under a limited permit for not 3728  
more than three years, except that this restriction does not 3729  
apply to a permit holder who, on March 14, 1989, has been 3730  
employed as a provider of respiratory care for an average of not 3731  
less than twenty-five hours per week for a period of not less 3732  
than five years by a hospital. 3733

(4) The board may revoke a limited permit upon proof 3734  
satisfactory to the board that the permit holder has engaged in 3735  
practice in this state outside the scope of the permit, that the 3736  
holder has engaged in unethical conduct, or that there are 3737  
grounds for action against the holder under section 4761.09 of 3738  
the Revised Code. 3739

(C) The holder of a license or limited permit issued under 3740  
this section shall either provide verification of licensure or 3741



permit status from the board's internet web site on request or 3742  
prominently display a wall certificate in the license holder's 3743  
office or place where the majority of the holder's practice is 3744  
conducted. 3745

**Sec. 4761.06.** (A) Each license to practice respiratory 3746  
care shall be renewed biennially on or before the last day of 3747  
June of every even-numbered year. Each limited permit to 3748  
practice respiratory care shall be renewed annually. Each person 3749  
holding a license or limited permit to practice respiratory care 3750  
shall apply to the state medical board on the form and according 3751  
to the schedule prescribed by the board for renewal of the 3752  
license or limited permit. Licenses and limited permits shall be 3753  
renewed in accordance with the standard renewal procedure of 3754  
Chapter 4745. of the Revised Code. The state medical board shall 3755  
renew a license ~~upon the payment of~~ if the holder pays the 3756  
license renewal fee prescribed under section 4761.07 of the 3757  
Revised Code and ~~proof of satisfactory completion of~~ certifies 3758  
that the holder has completed the continuing education or 3759  
reexamination requirements of division (B) of this section. 3760

At least one month before a license expires, the board 3761  
shall provide a renewal notice. Failure of any person to receive 3762  
a notice of renewal from the board shall not excuse the person 3763  
from the requirements contained in this section. Each person 3764  
holding a license shall give notice to the board of a change in 3765  
the license holder's residence address, business address, or 3766  
electronic mail address not later than thirty days after the 3767  
change occurs. 3768

The board shall renew a limited permit ~~upon payment of~~ if 3769  
the holder pays the limited permit renewal fee prescribed under 3770  
section 4761.07 of the Revised Code and ~~submission of one~~ does 3771

either of the following: 3772

(1) If the limited permit was issued on the basis of 3773  
division (B) (1) (a) of section 4761.05 of the Revised Code, ~~proof-~~ 3774  
~~acceptable to the board of enrollment certifies that the holder~~ 3775  
is enrolled and in good standing in an educational program that 3776  
meets the requirements of division (A) (2) of section 4761.04 of 3777  
the Revised Code or ~~of graduation~~ has graduated from such a 3778  
program; 3779

(2) If the limited permit was issued on the basis of 3780  
division (B) (1) (b) of section 4761.05 of the Revised Code, ~~proof-~~ 3781  
~~acceptable to the board of employment certifies that the~~ 3782  
applicant is employed as a provider of respiratory care under 3783  
the supervision of a respiratory care professional. 3784

(B) On and after March 14, 1991, and every year 3785  
thereafter, on or before the annual renewal date, the holder of 3786  
a limited permit issued under division (B) (1) (b) of section 3787  
4761.05 of the Revised Code shall ~~submit proof-~~ certify to the 3788  
board that the holder has satisfactorily completed the number of 3789  
hours of continuing education required by the board, which shall 3790  
not be less than three nor more than ten hours of continuing 3791  
education acceptable to the board. 3792

On or before the biennial renewal date, a license holder 3793  
shall ~~submit proof-~~ certify to the board that the license holder 3794  
has satisfactorily completed the number of hours of continuing 3795  
education required by the board, which shall be not less than 3796  
six nor more than twenty hours of continuing education 3797  
acceptable to the board, or has passed a reexamination in 3798  
accordance with the board's renewal requirements. 3799

(C) (1) A license to practice respiratory care that is not 3800

renewed on or before its expiration date is automatically 3801  
suspended on its expiration date. Continued practice after 3802  
suspension shall be considered as practicing in violation of 3803  
section 4761.10 of the Revised Code. 3804

(2) If a license has been suspended pursuant to division 3805  
(C) (1) of this section for two years or less, it may be 3806  
reinstated. The state medical board shall reinstate the license 3807  
upon the applicant's submission of a complete renewal 3808  
application and payment of a reinstatement fee of one hundred 3809  
dollars. 3810

(3) (a) If a license has been suspended pursuant to 3811  
division (C) (1) of this section for more than two years, it may 3812  
be restored. The board may restore the license upon an 3813  
applicant's submission of a complete restoration application and 3814  
a restoration fee of one hundred twenty-five dollars and 3815  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 3816  
The board shall not restore a license unless the board, in its 3817  
discretion, decides that the results of the criminal records 3818  
check do not make the applicant ineligible for a license issued 3819  
pursuant to division (A) of this section. 3820

(b) The board may impose terms and conditions for the 3821  
restoration, including any one or more of the following: 3822

(i) Requiring the applicant to pass an oral or written 3823  
examination, or both, to determine the applicant's present 3824  
fitness to resume practice; 3825

(ii) Requiring the applicant to obtain additional training 3826  
and to pass an examination upon completion of such training; 3827

(iii) Restricting or limiting the extent, scope, or type 3828  
of practice of the applicant. 3829

**Sec. 4779.08.** (A) The Ohio occupational therapy, physical 3830  
therapy, and athletic trainers board shall adopt rules in 3831  
accordance with Chapter 119. of the Revised Code to carry out 3832  
the purposes of this chapter, including rules prescribing all of 3833  
the following: 3834

(1) The form and manner of filing of applications to be 3835  
admitted to examinations and for licensure and license renewal; 3836

(2) Standards and procedures for formulating, evaluating, 3837  
approving, and administering licensing examinations or 3838  
recognizing other entities that conduct examinations; 3839

(3) The form, scoring, and scheduling of licensing 3840  
examinations; 3841

(4) Fees for examinations and applications for licensure 3842  
and license renewal; 3843

(5) Fees for approval of continuing education courses; 3844

(6) Procedures for issuance, renewal, suspension, and 3845  
revocation of licenses and the conduct of disciplinary hearings; 3846

(7) The schedule to be used for biennial renewal of 3847  
licenses; 3848

(8) Standards of ethical and professional conduct in the 3849  
practice of orthotics, prosthetics, and pedorthics; 3850

~~(8)~~(9) Standards for approving national certification 3851  
organizations in orthotics, prosthetics, and pedorthics; 3852

~~(9)~~(10) Fines for violations of this chapter; 3853

~~(10)~~(11) Standards for the recognition and approval of 3854  
educational programs required for licensure, including standards 3855  
for approving foreign educational credentials; 3856

<del>(11)</del> <u>(12)</u> Standards for continuing education programs	3857
required for license renewal;	3858
<del>(12)</del> <u>(13)</u> The amount, scope, and nature of continuing	3859
<u>education activities required for license renewal, including</u>	3860
<u>waivers of the continuing education requirements;</u>	3861
<u>(14)</u> Provisions for making available the information	3862
described in section 4779.22 of the Revised Code;	3863
<del>(13)</del> <u>(15)</u> Requirements for criminal records checks of	3864
applicants under section 4776.03 of the Revised Code.	3865
(B) The board may adopt any other rules necessary for the	3866
administration of this chapter.	3867
(C) All fees received by the board under this section	3868
shall be deposited in the state treasury to the credit of the	3869
occupational licensing and regulatory fund established in	3870
section 4743.05 of the Revised Code.	3871
<b>Sec. 4779.19.</b> A license issued under section 4779.09 of	3872
the Revised Code or renewed under section 4779.20 of the Revised	3873
Code is valid from the date of issuance until the date it	3874
expires, unless earlier suspended or revoked. An initial license	3875
and each renewed license expires <del>on the thirty-first day of</del>	3876
<del>January immediately succeeding the date of issuance</del> <u>biennially</u>	3877
<u>in accordance with the schedule established in rules adopted</u>	3878
<u>under section 4779.08 of the Revised Code.</u>	3879
<b>Sec. 4779.20.</b> <del>(A)</del> An individual seeking to renew a license	3880
issued under section 4779.09 of the Revised Code shall, on or	3881
before the day the license expires pursuant to section 4779.19	3882
of the Revised Code, apply for renewal. The Ohio occupational	3883
therapy, physical therapy, and athletic trainers board shall	3884
send renewal notices at least one month prior to the expiration	3885

date. 3886

Applications shall be submitted to the board ~~on forms the~~ 3887  
~~board prescribes and furnishes~~ electronically. Each application 3888  
shall be accompanied by a renewal fee specified in rules adopted 3889  
by the board under section 4779.08 of the Revised Code, except 3890  
that the board may waive part of the renewal fee for the first 3891  
renewal of an initial license that expires one hundred days or 3892  
less after it is issued. 3893

~~(B) Beginning with the fourth renewal and every third~~ 3894  
~~renewal thereafter, a license holder must certify to the board~~ 3895  
~~one of the following:--~~ 3896

~~(1) In the case of an individual licensed as an orthotist~~ 3897  
~~or prosthetist, the individual has completed within the~~ 3898  
~~preceding three years forty five continuing education units~~ 3899  
~~granted by the board under section 4779.24 of the Revised Code;--~~ 3900

~~(2) In the case of an individual licensed as a prosthetist~~ 3901  
~~and orthotist, the individual has completed within the preceding~~ 3902  
~~three years seventy five continuing education units granted by~~ 3903  
~~the board under section 4779.24 of the Revised Code;--~~ 3904

~~(3) In the case of an individual licensed as a pedorthist,~~ 3905  
~~the individual has completed within the previous three years the~~ 3906  
~~continuing education courses required by the board for~~ 3907  
~~certification in pedorthics or an equivalent organization~~ 3908  
~~recognized by the board. To be eligible for renewal, an~~ 3909  
~~applicant must have completed the continuing education~~ 3910  
~~requirements prescribed by the board in rules adopted under~~ 3911  
~~section 4779.08 of the Revised Code. On the board's request, an~~ 3912  
~~applicant shall submit evidence satisfactory to the board that~~ 3913  
~~the requirements were completed.~~ 3914

<b>Sec. 5119.01.</b> (A) As used in this chapter:	3915
(1) "Addiction" means the chronic and habitual use of alcoholic beverages, the use of a drug of abuse as defined in section 3719.011 of the Revised Code, or the use of gambling by an individual to the extent that the individual no longer can control the individual's use of alcohol, the individual becomes physically or psychologically dependent on the drug, the individual's use of alcohol or drugs endangers the health, safety, or welfare of the individual or others, or the individual's gambling causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.	3916 3917 3918 3919 3920 3921 3922 3923 3924 3925 3926
(2) "Addiction services" means services, including intervention, for the treatment of persons with alcohol, drug, or gambling addictions, and for the prevention of such addictions.	3927 3928 3929 3930
(3) "Alcohol and drug addiction services" means services, including intervention, for the treatment of alcoholics or persons who abuse drugs of abuse and for the prevention of alcoholism and drug addiction.	3931 3932 3933 3934
(4) "Alcoholic" means a person suffering from alcoholism.	3935
(5) "Alcoholism" means the chronic and habitual use of alcoholic beverages by an individual to the extent that the individual no longer can control the individual's use of alcohol or endangers the health, safety, or welfare of the individual or others.	3936 3937 3938 3939 3940
(6) "Certifiable services and supports" means all of the following:	3941 3942
(a) Alcohol and drug addiction services;	3943

(b) Mental health services;	3944
(c) The types of recovery supports that are specified in rules adopted under section 5119.36 of the Revised Code as requiring certification under that section.	3945 3946 3947
(7) "Community addiction services provider" means an agency, association, corporation <u>or other legal entity</u> , individual, or program that provides one or more of the following:	3948 3949 3950 3951
(a) Alcohol and drug addiction services that are certified by the <del>department</del> <u>director</u> of mental health and addiction services under section 5119.36 of the Revised Code;	3952 3953 3954
(b) Gambling addiction services;	3955
(c) Recovery supports that are related to alcohol and drug addiction services or gambling addiction services and paid for with federal, state, or local funds administered by the department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services.	3956 3957 3958 3959 3960
(8) "Community mental health services provider" means an agency, association, corporation, individual, or program that provides either of the following:	3961 3962 3963
(a) Mental health services that are certified by the <del>department</del> <u>director</u> of mental health and addiction services under section 5119.36 of the Revised Code;	3964 3965 3966
(b) Recovery supports that are related to mental health services and paid for with federal, state, or local funds administered by the department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services.	3967 3968 3969 3970 3971



(9) "Drug addiction" means the use of a drug of abuse, as 3972  
defined in section 3719.011 of the Revised Code, by an 3973  
individual to the extent that the individual becomes physically 3974  
or psychologically dependent on the drug or endangers the 3975  
health, safety, or welfare of the individual or others. 3976

(10) "Gambling addiction" means the use of gambling by an 3977  
individual to the extent that it causes psychological, 3978  
financial, emotional, marital, legal, or other difficulties 3979  
endangering the health, safety, or welfare of the individual or 3980  
others. 3981

(11) "Gambling addiction services" means services for the 3982  
treatment of persons who have a gambling addiction and for the 3983  
prevention of gambling addiction. 3984

(12) "Hospital" means a hospital or inpatient unit 3985  
licensed by the department of mental health and addiction 3986  
services under section 5119.33 of the Revised Code, and any 3987  
institution, hospital, or other place established, controlled, 3988  
or supervised by the department under Chapter 5119. of the 3989  
Revised Code. 3990

(13) "Included opioid and co-occurring drug addiction 3991  
services and recovery supports" means the addiction services and 3992  
recovery supports that, pursuant to section 340.033 of the 3993  
Revised Code, are included in the array of services and recovery 3994  
supports for all levels of opioid and co-occurring drug 3995  
addiction required to be included in the community-based 3996  
continuum of care established under section 340.032 of the 3997  
Revised Code. 3998

(14) "Medication-assisted treatment" has the same meaning 3999  
as in section 340.01 of the Revised Code. 4000

(15) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

~~(15)~~(16) "Mental health services" means services for the assessment, care, or treatment of persons who have a mental illness and for the prevention of mental illness.

~~(16)~~(17) "Opioid treatment program" has the same meaning as in 42 C.F.R. 8.2.

(18) "Recovery supports" means assistance that is intended to help an individual who is an alcoholic or has a drug addiction or mental illness, or a member of such an individual's family, initiate and sustain the individual's recovery from alcoholism, drug addiction, or mental illness. "Recovery supports" does not mean alcohol and drug addiction services or mental health services.

~~(17)~~(19)(a) "Residence" means a person's physical presence in a county with intent to remain there, except in either of the following circumstances:

(i) If a person is receiving a mental health treatment service at a facility that includes nighttime sleeping accommodations, "residence" means that county in which the person maintained the person's primary place of residence at the time the person entered the facility;

(ii) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, "residence" means the county where the criminal charges were filed.

(b) When the residence of a person is disputed, the matter

of residence shall be referred to the department of mental 4030  
health and addiction services for investigation and 4031  
determination. Residence shall not be a basis for a board of 4032  
alcohol, drug addiction, and mental health services to deny 4033  
services to any person present in the board's service district, 4034  
and the board shall provide services for a person whose 4035  
residence is in dispute while residence is being determined and 4036  
for a person in an emergency situation. 4037

(B) Any reference in this chapter to a board of alcohol, 4038  
drug addiction, and mental health services also refers to an 4039  
alcohol and drug addiction services board or a community mental 4040  
health board in a service district in which an alcohol and drug 4041  
addiction services board or a community mental health board has 4042  
been established under section 340.021 or former section 340.02 4043  
of the Revised Code. 4044

**Sec. 5119.21.** (A) The department of mental health and 4045  
addiction services shall: 4046

(1) To the extent the department has available resources 4047  
and in consultation with boards of alcohol, drug addiction, and 4048  
mental health services, support the community-based continuum of 4049  
care that the boards are required by section 340.032 of the 4050  
Revised Code to establish. The department shall provide the 4051  
support on a district or multi-district basis. The department 4052  
shall assist in identifying resources, and may prioritize 4053  
support, for one or more of the elements of the community-based 4054  
continuum of care. For the purpose of division (A) (10) of 4055  
section 340.032 of the Revised Code and to the extent the 4056  
department determines is necessary, the department shall define 4057  
additional elements to be included in the community-based 4058  
continuum of care. 4059

(2) Provide training, consultation, and technical assistance regarding addiction services, mental health services, recovery supports, and appropriate prevention, recovery, and mental health promotion activities, including those that are culturally competent, to employees of the department, community addiction services providers, community mental health services providers, and boards of alcohol, drug addiction, and mental health services;

(3) To the extent the department has available resources, promote and support a full range of addiction services, mental health services, and recovery supports that are available and accessible to all residents of this state, especially for severely emotionally disturbed children and adolescents, severely mentally disabled adults, pregnant women, parents, guardians or custodians of children at risk of abuse or neglect, and other special target populations, including racial and ethnic minorities, as determined by the department;

(4) Develop standards and measures for both of the following:

(a) Evaluating the effectiveness of addiction services, including ~~those that use methadone~~ opioid treatment programs, of mental health services, and of recovery supports;

(b) Increasing the accountability of community addiction services providers and community mental health services providers.

(5) Design and set criteria for the determination of priority populations;

(6) Promote, direct, conduct, and coordinate scientific research, taking ethnic and racial differences into

consideration, concerning all of the following: 4089

(a) The causes and prevention of mental illness and 4090  
addiction; 4091

(b) Methods of providing effective addiction services, 4092  
mental health services, and recovery supports; 4093

(c) Means of enhancing the mental health of and recovery 4094  
from addiction of all residents of this state. 4095

(7) Foster the establishment and availability of 4096  
vocational rehabilitation services and the creation of 4097  
employment opportunities for individuals with addiction and 4098  
mental health needs, including members of racial and ethnic 4099  
minorities; 4100

(8) Establish a program to protect and promote the rights 4101  
of persons receiving addiction services, mental health services, 4102  
and recovery supports, including the issuance of guidelines on 4103  
informed consent and other rights; 4104

(9) Promote the involvement of persons who are receiving 4105  
or have received addiction services, mental health services, and 4106  
recovery supports including families and other persons having a 4107  
close relationship to a person receiving those services and 4108  
supports, in the planning, evaluation, delivery, and operation 4109  
of addiction services, mental health services, and recovery 4110  
supports; 4111

(10) Notify and consult with the relevant constituencies 4112  
that may be affected by rules, standards, and guidelines issued 4113  
by the department of mental health and addiction services. These 4114  
constituencies shall include consumers of addiction services, 4115  
mental health services, and recovery supports and the families 4116  
of such consumers. These constituencies may include public and 4117

private providers, employee organizations, and others when 4118  
appropriate. Whenever the department proposes the adoption, 4119  
amendment, or rescission of rules under Chapter 119. of the 4120  
Revised Code, the notification and consultation required by this 4121  
division shall occur prior to the commencement of proceedings 4122  
under Chapter 119. The department shall adopt rules under 4123  
Chapter 119. of the Revised Code that establish procedures for 4124  
the notification and consultation required by this division. 4125

(11) Provide consultation to the department of 4126  
rehabilitation and correction concerning the delivery of 4127  
addiction services and mental health services in state 4128  
correctional institutions; 4129

(12) Promote and coordinate efforts in the provision of 4130  
addiction services by other state agencies, as defined in 4131  
section 1.60 of the Revised Code; courts; hospitals; clinics; 4132  
physicians in private practice; public health authorities; 4133  
boards of alcohol, drug addiction, and mental health services; 4134  
community addiction services providers; law enforcement 4135  
agencies; and related groups; 4136

(13) Provide to each court of record, and biennially 4137  
update, a list of the treatment and education programs within 4138  
that court's jurisdiction that the court may require an 4139  
offender, sentenced pursuant to section 4511.19 of the Revised 4140  
Code, to attend; 4141

(14) Make the warning sign described in sections 3313.752, 4142  
3345.41, and 3707.50 of the Revised Code available on the 4143  
department's internet web site; 4144

(15) Provide a program of gambling addiction services on 4145  
behalf of the state lottery commission, pursuant to an agreement 4146

entered into with the director of the commission under division 4147  
(K) of section 3770.02 of the Revised Code, and provide a 4148  
program of gambling addiction services on behalf of the Ohio 4149  
casino control commission, under an agreement entered into with 4150  
the executive director of the commission under section 3772.062 4151  
of the Revised Code. Under Section 6(C)(3) of Article XV, Ohio 4152  
Constitution, the department may enter into agreements with 4153  
boards of alcohol, drug addiction, and mental health services, 4154  
including boards with districts in which a casino facility is 4155  
not located, and nonprofit organizations to provide addiction 4156  
services, and with state institutions of higher education or 4157  
private nonprofit institutions that possess a certificate of 4158  
authorization issued under Chapter 1713. of the Revised Code to 4159  
perform related research. 4160

(B) The department may accept and administer grants from 4161  
public or private sources for carrying out any of the duties 4162  
enumerated in this section. 4163

(C) The department may adopt rules in accordance with 4164  
Chapter 119. of the Revised Code as necessary to implement the 4165  
requirements of this chapter. 4166

**Sec. 5119.34.** (A) As used in this section and sections 4167  
5119.341 and 5119.342 of the Revised Code: 4168

(1) "Accommodations" means housing, daily meal 4169  
preparation, laundry, housekeeping, arranging for 4170  
transportation, social and recreational activities, maintenance, 4171  
security, and other services that do not constitute personal 4172  
care services or skilled nursing care. 4173

(2) "ADAMHS board" means a board of alcohol, drug 4174  
addiction, and mental health services. 4175

(3) "Adult" means a person who is eighteen years of age or older, other than a person described in division (A) (4) of this section who is between eighteen and twenty-one years of age.

(4) "Child" means a person who is under eighteen years of age or a person with a mental disability who is under twenty-one years of age.

(5) "Community mental health services provider" means a community mental health services provider as defined in section 5119.01 of the Revised Code.

(6) "Community mental health services" means any mental health services certified by the department pursuant to section 5119.36 of the Revised Code.

(7) "Operator" means the person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the applicant for a residential facility license.

(8) "Personal care services" means services including, but not limited to, the following:

(a) Assisting residents with activities of daily living;

(b) Assisting residents with self-administration of medication in accordance with rules adopted under this section;

(c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section.

"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A



facility need not provide more than one of the services listed 4204  
in division (A) (8) of this section to be considered to be 4205  
providing personal care services. 4206

(9) "Room and board" means the provision of sleeping and 4207  
living space, meals or meal preparation, laundry services, 4208  
housekeeping services, or any combination thereof. 4209

(10) "Residential state supplement program" means the 4210  
program established under section 5119.41 of the Revised Code. 4211

(11) "Supervision" means any of the following: 4212

(a) Observing a resident to ensure the resident's health, 4213  
safety, and welfare while the resident engages in activities of 4214  
daily living or other activities; 4215

(b) Reminding a resident to perform or complete an 4216  
activity, such as reminding a resident to engage in personal 4217  
hygiene or other self-care activities; 4218

(c) Assisting a resident in making or keeping an 4219  
appointment. 4220

(12) "Unrelated" means that a resident is not related to 4221  
the owner or operator of a residential facility or to the 4222  
owner's or operator's spouse as a parent, grandparent, child, 4223  
stepchild, grandchild, brother, sister, niece, nephew, aunt, or 4224  
uncle, or as the child of an aunt or uncle. 4225

(B) (1) A "residential facility" is a publicly or privately 4226  
operated home or facility that falls into one of the following 4227  
categories: 4228

(a) Class one facilities provide accommodations, 4229  
supervision, personal care services, and mental health services 4230  
for one or more unrelated adults with mental illness or one or 4231

more unrelated children or adolescents with severe emotional	4232
disturbances;	4233
(b) Class two facilities provide accommodations,	4234
supervision, and personal care services to any of the following:	4235
(i) One or two unrelated persons with mental illness;	4236
(ii) One or two unrelated adults who are receiving	4237
payments under the residential state supplement program;	4238
(iii) Three to sixteen unrelated adults.	4239
(c) Class three facilities provide room and board for five	4240
or more unrelated adults with mental illness.	4241
(2) "Residential facility" does not include any of the	4242
following:	4243
(a) A hospital subject to licensure under section 5119.33	4244
of the Revised Code or an institution maintained, operated,	4245
managed, and governed by the department of mental health and	4246
addiction services for the hospitalization of mentally ill	4247
persons pursuant to section 5119.14 of the Revised Code;	4248
(b) A residential facility licensed under section 5123.19	4249
of the Revised Code or otherwise regulated by the department of	4250
developmental disabilities;	4251
(c) An institution or association subject to certification	4252
under section 5103.03 of the Revised Code;	4253
(d) A facility operated by a hospice care program licensed	4254
under section 3712.04 of the Revised Code that is used	4255
exclusively for care of hospice patients;	4256
(e) A nursing home, residential care facility, or home for	4257
the aging as defined in section 3721.02 of the Revised Code;	4258

(f) A facility licensed <del>to provide methadone treatment</del>	4259
under section <del>5119.391</del> <u>5119.37</u> of the Revised Code <u>to operate an</u>	4260
<u>opioid treatment program</u> ;	4261
(g) Any facility that receives funding for operating costs	4262
from the development services agency under any program	4263
established to provide emergency shelter housing or transitional	4264
housing for the homeless;	4265
(h) A terminal care facility for the homeless that has	4266
entered into an agreement with a hospice care program under	4267
section 3712.07 of the Revised Code;	4268
(i) A facility approved by the veterans administration	4269
under section 104(a) of the "Veterans Health Care Amendments of	4270
1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used	4271
exclusively for the placement and care of veterans;	4272
(j) The residence of a relative or guardian of a person	4273
with mental illness.	4274
(C) Nothing in division (B) of this section shall be	4275
construed to permit personal care services to be imposed on a	4276
resident who is capable of performing the activity in question	4277
without assistance.	4278
(D) Except in the case of a residential facility described	4279
in division (B) (1) (a) of this section, members of the staff of a	4280
residential facility shall not administer medication to the	4281
facility's residents, but may do any of the following:	4282
(1) Remind a resident when to take medication and watch to	4283
ensure that the resident follows the directions on the	4284
container;	4285
(2) Assist a resident in the self-administration of	4286

medication by taking the medication from the locked area where 4287  
it is stored, in accordance with rules adopted pursuant to this 4288  
section, and handing it to the resident. If the resident is 4289  
physically unable to open the container, a staff member may open 4290  
the container for the resident. 4291

(3) Assist a physically impaired but mentally alert 4292  
resident, such as a resident with arthritis, cerebral palsy, or 4293  
Parkinson's disease, in removing oral or topical medication from 4294  
containers and in consuming or applying the medication, upon 4295  
request by or with the consent of the resident. If a resident is 4296  
physically unable to place a dose of medicine to the resident's 4297  
mouth without spilling it, a staff member may place the dose in 4298  
a container and place the container to the mouth of the 4299  
resident. 4300

(E) (1) Except as provided in division (E) (2) of this 4301  
section, a person operating or seeking to operate a residential 4302  
facility shall apply for licensure of the facility to the 4303  
department of mental health and addiction services. The 4304  
application shall be submitted by the operator. When applying 4305  
for the license, the applicant shall pay to the department the 4306  
application fee specified in rules adopted under division (L) of 4307  
this section. The fee is nonrefundable. 4308

The department shall send a copy of an application to the 4309  
ADAMHS board serving the county in which the person operates or 4310  
seeks to operate the facility. The ADAMHS board shall review the 4311  
application and provide to the department any information about 4312  
the applicant or the facility that the board would like the 4313  
department to consider in reviewing the application. 4314

(2) A person may not apply for a license to operate a 4315  
residential facility if the person is or has been the owner, 4316

operator, or manager of a residential facility for which a 4317  
license to operate was revoked or for which renewal of a license 4318  
was refused for any reason other than nonpayment of the license 4319  
renewal fee, unless both of the following conditions are met: 4320

(a) A period of not less than two years has elapsed since 4321  
the date the director of mental health and addiction services 4322  
issued the order revoking or refusing to renew the facility's 4323  
license. 4324

(b) The director's revocation or refusal to renew the 4325  
license was not based on an act or omission at the facility that 4326  
violated a resident's right to be free from abuse, neglect, or 4327  
exploitation. 4328

(F) (1) The department of mental health and addiction 4329  
services shall inspect and license the operation of residential 4330  
facilities. The department shall consider the past record of the 4331  
facility and the applicant or licensee in arriving at its 4332  
licensure decision. 4333

The department may issue full, probationary, and interim 4334  
licenses. A full license shall expire up to three years after 4335  
the date of issuance, a probationary license shall expire in a 4336  
shorter period of time as specified in rules adopted by the 4337  
director of mental health and addiction services under division 4338  
(L) of this section, and an interim license shall expire ninety 4339  
days after the date of issuance. A license may be renewed in 4340  
accordance with rules adopted by the director under division (L) 4341  
of this section. The renewal application shall be submitted by 4342  
the operator. When applying for renewal of a license, the 4343  
applicant shall pay to the department the renewal fee specified 4344  
in rules adopted under division (L) of this section. The fee is 4345  
nonrefundable. 4346

(2) The department may issue an order suspending the 4347  
admission of residents to the facility or refuse to issue or 4348  
renew and may revoke a license if it finds any of the following: 4349

(a) The facility is not in compliance with rules adopted 4350  
by the director pursuant to division (L) of this section; 4351

(b) Any facility operated by the applicant or licensee has 4352  
been cited for a pattern of serious noncompliance or repeated 4353  
violations of statutes or rules during the period of current or 4354  
previous licenses; 4355

(c) The applicant or licensee submits false or misleading 4356  
information as part of a license application, renewal, or 4357  
investigation. 4358

Proceedings initiated to deny applications for full or 4359  
probationary licenses or to revoke such licenses are governed by 4360  
Chapter 119. of the Revised Code. An order issued pursuant to 4361  
this division remains in effect during the pendency of those 4362  
proceedings. 4363

(G) The department may issue an interim license to operate 4364  
a residential facility if both of the following conditions are 4365  
met: 4366

(1) The department determines that the closing of or the 4367  
need to remove residents from another residential facility has 4368  
created an emergency situation requiring immediate removal of 4369  
residents and an insufficient number of licensed beds are 4370  
available. 4371

(2) The residential facility applying for an interim 4372  
license meets standards established for interim licenses in 4373  
rules adopted by the director under division (L) of this 4374  
section. 4375

An interim license shall be valid for ninety days and may 4376  
be renewed by the director no more than twice. Proceedings 4377  
initiated to deny applications for or to revoke interim licenses 4378  
under this division are not subject to Chapter 119. of the 4379  
Revised Code. 4380

(H) (1) The department of mental health and addiction 4381  
services may conduct an inspection of a residential facility as 4382  
follows: 4383

(a) Prior to issuance of a license for the facility; 4384

(b) Prior to renewal of the license; 4385

(c) To determine whether the facility has completed a plan 4386  
of correction required pursuant to division (H) (2) of this 4387  
section and corrected deficiencies to the satisfaction of the 4388  
department and in compliance with this section and rules adopted 4389  
pursuant to it; 4390

(d) Upon complaint by any individual or agency; 4391

(e) At any time the director considers an inspection to be 4392  
necessary in order to determine whether the facility is in 4393  
compliance with this section and rules adopted pursuant to this 4394  
section. 4395

(2) In conducting inspections the department may conduct 4396  
an on-site examination and evaluation of the residential 4397  
facility and its personnel, activities, and services. The 4398  
department shall have access to examine and copy all records, 4399  
accounts, and any other documents relating to the operation of 4400  
the residential facility, including records pertaining to 4401  
residents, and shall have access to the facility in order to 4402  
conduct interviews with the operator, staff, and residents. 4403  
Following each inspection and review, the department shall 4404

complete a report listing any deficiencies, and including, when 4405  
appropriate, a time table within which the operator shall 4406  
correct the deficiencies. The department may require the 4407  
operator to submit a plan of correction describing how the 4408  
deficiencies will be corrected. 4409

(I) No person shall do any of the following: 4410

(1) Operate a residential facility unless the facility 4411  
holds a valid license; 4412

(2) Violate any of the conditions of licensure after 4413  
having been granted a license; 4414

(3) Interfere with a state or local official's inspection 4415  
or investigation of a residential facility; 4416

(4) Violate any of the provisions of this section or any 4417  
rules adopted pursuant to this section. 4418

(J) The following may enter a residential facility at any 4419  
time: 4420

(1) Employees designated by the director of mental health 4421  
and addiction services; 4422

(2) Employees of an ADAMHS board under either of the 4423  
following circumstances: 4424

(a) When a resident of the facility is receiving services 4425  
from a community mental health services provider under contract 4426  
with that ADAMHS board or another ADAMHS board; 4427

(b) When authorized by section 340.05 of the Revised Code. 4428

(3) Employees of a community mental health services 4429  
provider under either of the following circumstances: 4430

(a) When the provider has a person receiving services 4431



residing in the facility; 4432

(b) When the provider is acting as an agent of an ADAMHS 4433  
board other than the board with which it is under contract. 4434

(4) Representatives of the state long-term care ombudsman 4435  
program when the facility provides accommodations, supervision, 4436  
and personal care services for three to sixteen unrelated adults 4437  
or to one or two unrelated adults who are receiving payments 4438  
under the residential state supplement program. 4439

The persons specified in division (J) of this section 4440  
shall be afforded access to examine and copy all records, 4441  
accounts, and any other documents relating to the operation of 4442  
the residential facility, including records pertaining to 4443  
residents. 4444

(K) Employees of the department of mental health and 4445  
addiction services may enter, for the purpose of investigation, 4446  
any institution, residence, facility, or other structure which 4447  
has been reported to the department as, or that the department 4448  
has reasonable cause to believe is, operating as a residential 4449  
facility without a valid license. 4450

(L) The director shall adopt and may amend and rescind 4451  
rules pursuant to Chapter 119. of the Revised Code governing the 4452  
licensing and operation of residential facilities. The rules 4453  
shall establish all of the following: 4454

(1) Minimum standards for the health, safety, adequacy, 4455  
and cultural competency of treatment of and services for persons 4456  
in residential facilities; 4457

(2) Procedures for the issuance, renewal, or revocation of 4458  
the licenses of residential facilities; 4459

(3) Procedures for conducting background investigations	4460
for prospective or current operators, employees, volunteers, and	4461
other non-resident occupants who may have direct access to	4462
facility residents;	4463
(4) The fee to be paid when applying for a new residential	4464
facility license or renewing the license;	4465
(5) Procedures for the operator of a residential facility	4466
to follow when notifying the ADAMHS board serving the county in	4467
which the facility is located when the facility is serving	4468
residents with mental illness or severe mental disability,	4469
including the circumstances under which the operator is required	4470
to make such a notification;	4471
(6) Procedures for the issuance and termination of orders	4472
of suspension of admission of residents to a residential	4473
facility;	4474
(7) Measures to be taken by residential facilities	4475
relative to residents' medication;	4476
(8) Requirements relating to preparation of special diets;	4477
(9) The maximum number of residents who may be served in a	4478
residential facility;	4479
(10) The rights of residents of residential facilities and	4480
procedures to protect such rights;	4481
(11) Standards and procedures under which the director may	4482
waive the requirements of any of the rules adopted.	4483
(M) (1) The department may withhold the source of any	4484
complaint reported as a violation of this section when the	4485
department determines that disclosure could be detrimental to	4486
the department's purposes or could jeopardize the investigation.	4487

The department may disclose the source of any complaint if the 4488  
complainant agrees in writing to such disclosure and shall 4489  
disclose the source upon order by a court of competent 4490  
jurisdiction. 4491

(2) Any person who makes a complaint under division (M) (1) 4492  
of this section, or any person who participates in an 4493  
administrative or judicial proceeding resulting from such a 4494  
complaint, is immune from civil liability and is not subject to 4495  
criminal prosecution, other than for perjury, unless the person 4496  
has acted in bad faith or with malicious purpose. 4497

(N) (1) The director of mental health and addiction 4498  
services may petition the court of common pleas of the county in 4499  
which a residential facility is located for an order enjoining 4500  
any person from operating a residential facility without a 4501  
license or from operating a licensed facility when, in the 4502  
director's judgment, there is a present danger to the health or 4503  
safety of any of the occupants of the facility. The court shall 4504  
have jurisdiction to grant such injunctive relief upon a showing 4505  
that the respondent named in the petition is operating a 4506  
facility without a license or there is a present danger to the 4507  
health or safety of any residents of the facility. 4508

(2) When the court grants injunctive relief in the case of 4509  
a facility operating without a license, the court shall issue, 4510  
at a minimum, an order enjoining the facility from admitting new 4511  
residents to the facility and an order requiring the facility to 4512  
assist with the safe and orderly relocation of the facility's 4513  
residents. 4514

(3) If injunctive relief is granted against a facility for 4515  
operating without a license and the facility continues to 4516  
operate without a license, the director shall refer the case to 4517

the attorney general for further action. 4518

(O) The director may fine a person for violating division 4519  
(I) of this section. The fine shall be five hundred dollars for 4520  
a first offense; for each subsequent offense, the fine shall be 4521  
one thousand dollars. The director's actions in imposing a fine 4522  
shall be taken in accordance with Chapter 119. of the Revised 4523  
Code. 4524

Sec. 5119.35. (A) Except as provided in division (B) of 4525  
this section, no person or government entity shall provide any 4526  
of the following alcohol and drug addiction services unless the 4527  
services have been certified under section 5119.36 of the 4528  
Revised Code: 4529

(1) Withdrawal management addiction services provided in a 4530  
setting other than an acute care hospital; 4531

(2) Addiction services provided in a residential treatment 4532  
setting; 4533

(3) Addiction services provided on an outpatient basis. 4534

(B) Division (A) of this section does not apply to either 4535  
of the following: 4536

(1) An individual who holds a valid license, certificate, 4537  
or registration issued by this state authorizing the practice of 4538  
a health care profession that includes the performance of the 4539  
services described in divisions (A)(1) to (3) of this section, 4540  
regardless of whether the services are performed as part of a 4541  
sole proprietorship, partnership, or group practice; 4542

(2) An individual who provides the services described in 4543  
divisions (A)(1) to (3) of this section as part of an employment 4544  
or contractual relationship with a hospital outpatient clinic 4545

that is accredited by an accreditation agency or organization 4546  
approved by the director of mental health and addiction 4547  
services. 4548

**Sec. 5119.36.** (A) A community mental health services 4549  
provider applicant or community addiction services provider 4550  
applicant that seeks certification of its certifiable services 4551  
and supports shall submit an application to the director of 4552  
mental health and addiction services. On receipt of the 4553  
application, the director may conduct an on-site review and 4554  
shall evaluate the applicant to determine whether its 4555  
certifiable services and supports satisfy the standards 4556  
established by rules adopted under this section. The director 4557  
shall make the evaluation, and, if the director conducts an on- 4558  
site review of the applicant, may make the review, in 4559  
cooperation with a board of alcohol, drug addiction, and mental 4560  
health services that seeks to contract with the applicant under 4561  
section 340.036 of the Revised Code. 4562

(B) Subject to section 5119.361 of the Revised Code, the 4563  
director shall determine whether the certifiable services and 4564  
supports of a community mental health services provider 4565  
applicant or community addiction services provider applicant 4566  
satisfy the standards for certification. If the director 4567  
determines that an applicant's certifiable services and supports 4568  
satisfy the standards for certification and the applicant has 4569  
paid the fee required by this section, the director shall 4570  
certify the certifiable services and supports. ~~No~~ 4571

No community mental health services provider ~~or community~~ 4572  
~~addiction services provider~~ shall be eligible to receive for its 4573  
certifiable services and supports any state ~~or~~ funds, federal 4574  
funds, or funds administered by a board of alcohol, drug 4575

addiction, and mental health services ~~for certifiable services~~ 4576  
~~and supports~~, unless ~~its~~ those certifiable services and 4577  
supports have been certified by the director. 4578

No person or government entity subject to section 5119.35 4579  
of the Revised Code or any other community addiction services 4580  
provider shall be eligible to receive for its services described 4581  
in that section or its other certifiable services and supports 4582  
any state funds, federal funds, or funds administered by a board 4583  
of alcohol, drug addiction, and mental health services, unless 4584  
those services or other certifiable services and supports have 4585  
been certified by the director. 4586

(C) If the director determines that a community mental 4587  
health services provider applicant's or a community addiction 4588  
services provider applicant's certifiable services and supports 4589  
do not satisfy the standards for certification, the director 4590  
shall identify the areas of noncompliance, specify what action 4591  
is necessary to satisfy the standards, and may offer technical 4592  
assistance to the applicant and to a board of alcohol, drug 4593  
addiction, and mental health services so that the board may 4594  
assist the applicant in satisfying the standards. The director 4595  
shall give the applicant a reasonable time within which to 4596  
demonstrate that its certifiable services and supports satisfy 4597  
the standards or to bring them into compliance with the 4598  
standards. If the director concludes that the certifiable 4599  
services and supports continue to fail to satisfy the standards, 4600  
the director may request that the board reallocate any funds for 4601  
the certifiable services and supports the applicant was to 4602  
provide to another community mental health services provider or 4603  
community addiction services provider whose certifiable services 4604  
and supports satisfy the standards. If the board does not 4605  
reallocate such funds in a reasonable period of time, the 4606

director may withhold state and federal funds for the 4607  
certifiable services and supports and allocate those funds 4608  
directly to a community mental health services provider or 4609  
community addiction services provider whose certifiable services 4610  
and supports satisfy the standards. 4611

(D) Each community mental health services provider 4612  
applicant or community addiction services provider applicant 4613  
seeking certification of its certifiable services and supports 4614  
under this section shall pay a fee for the certification 4615  
required by this section, unless the applicant is exempt under 4616  
rules adopted under this section. Fees shall be paid into the 4617  
state treasury to the credit of the sale of goods and services 4618  
fund created pursuant to section 5119.45 of the Revised Code. 4619

(E) The director shall adopt rules in accordance with 4620  
Chapter 119. of the Revised Code to implement this section. The 4621  
rules shall do all of the following: 4622

(1) Subject to section 340.034 of the Revised Code, 4623  
specify the types of recovery supports that are required to be 4624  
certified under this section; 4625

(2) Establish certification standards for certifiable 4626  
services and supports that are consistent with nationally 4627  
recognized applicable standards and facilitate participation in 4628  
federal assistance programs. The rules shall include as 4629  
certification standards only requirements that improve the 4630  
quality of certifiable services and supports or the health and 4631  
safety of persons receiving certifiable services and supports. 4632  
The standards shall address at a minimum all of the following: 4633

(a) Reporting major unusual incidents to the director; 4634

(b) Procedures for applicants for and persons receiving 4635

certifiable services and supports to file grievances and	4636
complaints;	4637
(c) Seclusion;	4638
(d) Restraint;	4639
(e) Requirements regarding the physical facilities in	4640
which certifiable services and supports are provided;	4641
(f) Requirements with regard to health, safety, adequacy,	4642
and cultural specificity and sensitivity;	4643
(g) Standards for evaluating certifiable services and	4644
supports;	4645
(h) Standards and procedures for granting full,	4646
probationary, and interim certification of the certifiable	4647
services and supports of a community mental health services	4648
provider applicant or community addiction services provider	4649
applicant;	4650
(i) Standards and procedures for revoking the	4651
certification of a community mental health services provider's	4652
or community addiction services provider's certifiable services	4653
and supports that do not continue to meet the minimum standards	4654
established pursuant to this section;	4655
(j) The limitations to be placed on a provider whose	4656
certifiable services and supports are granted probationary or	4657
interim certification;	4658
(k) Development of written policies addressing the rights	4659
of persons receiving certifiable services and supports,	4660
including all of the following:	4661
(i) The right to a copy of the written policies addressing	4662



the rights of persons receiving certifiable services and supports; 4663  
4664

(ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity; 4665  
4666

(iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons; 4667  
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(iv) The right to have a client rights officer provided by the provider or board of alcohol, drug addiction, and mental health services advise the person of the person's rights, including the person's rights under Chapter 5122. of the Revised Code if the person is committed to the provider or board. 4671  
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(3) Establish the process for certification of certifiable services and supports; 4676  
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(4) Set the amount of certification review fees; 4678

(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds. 4679  
4680

(F) The director may issue an order suspending admissions to a community addiction services provider that provides overnight accommodations if the director finds either of the following: 4681  
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4683  
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(1) The provider's certifiable services and supports are not in compliance with rules adopted under this section; 4685  
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(2) The provider has been cited for more than one violation of statutes or rules during any previous certification period of the provider. 4687  
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(G) The department of mental health and addiction services 4690  
shall maintain a current list of community addiction services 4691  
providers and shall provide a copy of the list to a judge of a 4692  
court of common pleas who requests a copy for the use of the 4693  
judge under division (H) of section 2925.03 of the Revised Code. 4694  
The list shall identify each provider by its name, its address, 4695  
and the county in which it is located. 4696

(H) No person shall represent in any manner that a 4697  
community mental health services provider's or community 4698  
addiction services provider's certifiable services and supports 4699  
are certified by the director if the certifiable services and 4700  
supports are not so certified at the time the representation is 4701  
made. 4702

**Sec. 5119.361.** (A) In lieu of a determination by the 4703  
director of mental health and addiction services of whether the 4704  
mental health services of a community mental health services 4705  
provider or the alcohol and drug addition services of a 4706  
community addiction services provider satisfy the standards for 4707  
certification under section 5119.36 of the Revised Code, the 4708  
director shall accept appropriate accreditation of an 4709  
applicant's mental health services, alcohol and drug addiction 4710  
services, integrated mental health services and alcohol and drug 4711  
addiction services, integrated mental health services and 4712  
physical health services, or integrated alcohol and drug 4713  
addiction services and physical health services being provided 4714  
in this state from any of the following national accrediting 4715  
organizations as evidence that the applicant satisfies the 4716  
standards for certification: 4717

(1) The joint commission; 4718

(2) The commission on accreditation of rehabilitation 4719

facilities; 4720

(3) The council on accreditation; 4721

(4) Other behavioral health accreditation as determined by 4722  
the director. 4723

(B) If the director determines that an applicant's 4724  
accreditation is current, is appropriate for the services for 4725  
which the applicant is seeking certification, and the applicant 4726  
meets any other requirements established under this section or 4727  
in rules adopted under this section, the director shall certify 4728  
under section 5119.36 of the Revised Code the applicant's 4729  
services that are accredited. Except as provided in division (C) 4730  
(2) of this section, the director shall issue the certification 4731  
without further evaluation of the services. 4732

(C) For purposes of this section, all of the following 4733  
apply: 4734

(1) The director may review the accrediting organizations 4735  
listed in division (A) of this section to evaluate whether the 4736  
accreditation standards and processes used by the organizations 4737  
are consistent with service delivery models the director 4738  
considers appropriate for mental health services, alcohol and 4739  
drug addiction services, or physical health services. The 4740  
director may communicate to an accrediting organization any 4741  
identified concerns, trends, needs, and recommendations. 4742

(2) The director may conduct an on-site review or 4743  
otherwise evaluate a community mental health services provider 4744  
or a community addiction services provider at any time based on 4745  
cause, including complaints made by or on behalf of persons 4746  
receiving mental health services or alcohol and drug addiction 4747  
services and confirmed or alleged deficiencies brought to the 4748

attention of the director. This authority does not affect the 4749  
director's duty to conduct the ~~annual~~ inspections required by 4750  
section ~~5119.367~~ 5119.37 of the Revised Code. 4751

(3) The director shall require a community mental health 4752  
services provider and a community addiction services provider to 4753  
notify the director not later than ten days after any change in 4754  
the provider's accreditation status. The provider may notify the 4755  
director by providing a copy of the relevant document the 4756  
provider received from the accrediting organization. 4757

(4) The director shall require a community mental health 4758  
services provider and a community addiction services provider to 4759  
submit to the director reports of major unusual incidents. 4760

(5) The director may require a community mental health 4761  
services provider or a community addiction services provider to 4762  
submit to the director cost reports pertaining to the provider. 4763

(D) The director shall adopt rules in accordance with 4764  
Chapter 119. of the Revised Code to implement this section. In 4765  
adopting the rules, the director shall do all of the following: 4766

(1) Specify the documentation that must be submitted as 4767  
evidence of holding appropriate accreditation; 4768

(2) Establish a process by which the director may review 4769  
the accreditation standards and processes used by the national 4770  
accrediting organizations listed in division (A) of this 4771  
section; 4772

(3) Specify the circumstances under which reports of major 4773  
unusual incidents and provider cost reports must be submitted to 4774  
the director; 4775

(4) Specify the circumstances under which the director may 4776

conduct an on-site review or otherwise evaluate a community 4777  
mental health services provider and a community addiction 4778  
services provider for cause; 4779

(5) Establish a process by which the director, based on 4780  
deficiencies identified as a result of conducting an on-site 4781  
review or evaluating a community mental health services provider 4782  
or a community addiction services provider under division (C) (2) 4783  
of this section, may take any of a range of corrective actions, 4784  
with the most stringent being revocation of the certification of 4785  
the provider's mental health services or alcohol and drug 4786  
addiction services. 4787

Sec. 5119.37. (A) (1) (a) Except as provided in division (A) 4788  
(1) (b) of this section, no person or government entity shall 4789  
operate an opioid treatment program requiring certification, as 4790  
certification is defined in 42 C.F.R. 8.2, unless the person or 4791  
government entity is a community addiction services provider and 4792  
the program is licensed under this section. 4793

(b) Division (A) (1) (a) of this section does not apply to a 4794  
program operated by the United States department of veterans 4795  
affairs. 4796

(2) No community addiction services provider licensed 4797  
under this section shall operate an opioid treatment program in 4798  
a manner inconsistent with this section and the rules adopted 4799  
under it. 4800

(B) A community addiction services provider seeking a 4801  
license to operate an opioid treatment program shall apply to 4802  
the department of mental health and addiction services. The 4803  
department shall review all applications received. 4804

(C) The department may issue a license to operate an 4805

opioid treatment program to a community addiction services 4806  
provider only if all of the following apply: 4807

(1) During the three-year period immediately preceding the 4808  
date of application, the provider or any owner, sponsor, medical 4809  
director, administrator, or principal of the provider has been 4810  
in good standing to operate an opioid treatment program in all 4811  
other locations where the provider or such other person has been 4812  
operating a similar program, as evidenced by both of the 4813  
following: 4814

(a) Not having been denied a license, certificate, or 4815  
similar approval to operate an opioid treatment program by this 4816  
state or another jurisdiction; 4817

(b) Not having been the subject of any of the following in 4818  
this state or another jurisdiction: 4819

(i) An action that resulted in the suspension or 4820  
revocation of the license, certificate, or similar approval of 4821  
the provider or other person; 4822

(ii) A voluntary relinquishment, withdrawal, or other 4823  
action taken by the provider or other person to avoid suspension 4824  
or revocation of the license, certificate, or similar approval; 4825

(iii) A disciplinary action that was based, in whole or in 4826  
part, on the provider or other person engaging in the 4827  
inappropriate prescribing, dispensing, administering, personally 4828  
furnishing, diverting, storing, supplying, compounding, or 4829  
selling of a controlled substance or other dangerous drug. 4830

(2) It affirmatively appears to the department that the 4831  
provider is adequately staffed and equipped to operate an opioid 4832  
treatment program. 4833

(3) It affirmatively appears to the department that the provider will operate an opioid treatment program in strict compliance with all laws relating to drug abuse and the rules adopted by the department. 4834  
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(4) Except as provided in division (D) of this section and section 5119.371 of the Revised Code, if the provider is seeking an initial license for a particular location, the proposed opioid treatment program is not located on a parcel of real estate that is within a radius of five hundred linear feet of the boundaries of a parcel of real estate having situated on it a public or private school, child day-care center licensed under Chapter 5104. of the Revised Code, or child-serving agency regulated by the department under this chapter. 4838  
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(5) The provider meets any additional requirements established by the department in rules adopted under division (F) of this section. 4847  
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(D) The department may waive the requirement of division (C) (4) of this section if it receives, from each public or private school, child day-care center, or child-serving agency that is within the five hundred linear feet radius described in that division, a letter of support for the location. The department shall determine whether a letter of support is satisfactory for purposes of waiving the requirement. 4850  
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(E) A license to operate an opioid treatment program shall expire one year from the date of issuance. Licenses may be renewed. 4857  
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(F) The department shall establish procedures and adopt rules for licensing, inspection, and supervision of community addiction services providers that operate an opioid treatment 4860  
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program. The rules shall establish standards for the control, 4863  
storage, furnishing, use, dispensing, and administering of 4864  
medications used in medication-assisted treatment; prescribe 4865  
minimum standards for the operation of the opioid treatment 4866  
program component of the provider's operations; and comply with 4867  
federal laws and regulations. 4868

All rules adopted under this division shall be adopted in 4869  
accordance with Chapter 119. of the Revised Code. All actions 4870  
taken by the department regarding the licensing of providers to 4871  
operate opioid treatment programs shall be conducted in 4872  
accordance with Chapter 119. of the Revised Code, except as 4873  
provided in division (L) of this section. 4874

(G) (1) The department shall inspect all community 4875  
addiction services providers licensed to operate an opioid 4876  
treatment program. Inspections shall be conducted at least 4877  
annually and may be conducted more frequently. 4878

In addition, the department may inspect any provider or 4879  
other person that it reasonably believes to be operating an 4880  
opioid treatment program without a license issued under this 4881  
section. 4882

(2) When conducting an inspection, the department may do 4883  
both of the following: 4884

(a) Examine and copy all records, accounts, and other 4885  
documents relating to the provider's or other person's 4886  
operations, including records pertaining to patients or clients; 4887

(b) Conduct interviews with any individual employed by or 4888  
contracted or otherwise associated with the provider or person, 4889  
including an administrator, staff person, patient, or client. 4890

(3) No person or government entity shall interfere with a 4891



state or local government official acting on behalf of the 4892  
department while conducting an inspection. 4893

(H) A community addiction services provider shall not 4894  
administer or dispense methadone in a tablet, powder, or 4895  
intravenous form. Methadone shall be administered or dispensed 4896  
only in a liquid form intended for ingestion. 4897

A community addiction services provider shall not 4898  
administer or dispense a medication used in medication-assisted 4899  
treatment for pain or other medical reasons. 4900

(I) As used in this division, "program sponsor" means a 4901  
person who assumes responsibility for the operation and 4902  
employees of the opioid treatment program component of a 4903  
community addiction services provider's operations. 4904

A community addiction services provider shall not employ 4905  
an individual who receives a medication used in medication- 4906  
assisted treatment from that provider. A provider shall not 4907  
permit an individual to act as a program sponsor, medical 4908  
director, or director of the provider if the individual is 4909  
receiving that medication from any community addiction services 4910  
provider. 4911

(J) The department may issue orders to ensure compliance 4912  
with all laws relating to drug abuse and the rules adopted under 4913  
this section. Subject to section 5119.27 of the Revised Code, 4914  
the department may hold hearings, require the production of 4915  
relevant matter, compel testimony, issue subpoenas, and make 4916  
adjudications. Upon failure of a person without lawful excuse to 4917  
obey a subpoena or to produce relevant matter, the department 4918  
may apply to a court of common pleas for an order compelling 4919  
compliance. 4920

(K) The department may refuse to issue, or may withdraw or 4921  
revoke, a license to operate an opioid treatment program. A 4922  
license may be refused if a community addiction services 4923  
provider does not meet the requirements of division (C) of this 4924  
section. A license may be withdrawn at any time the department 4925  
determines that the provider no longer meets the requirements 4926  
for receiving the license. A license may be revoked in 4927  
accordance with division (L) of this section. 4928

Once a license is issued under this section, the 4929  
department shall not consider the requirement of division (C) (4) 4930  
of this section in determining whether to renew, withdraw, or 4931  
revoke the license or whether to reissue the license as a result 4932  
of a change in ownership. 4933

(L) If the department finds reasonable cause to believe 4934  
that a community addiction services provider licensed under this 4935  
section is in violation of any state or federal law or rule 4936  
relating to drug abuse, the department may issue an order 4937  
immediately revoking the license, subject to division (M) of 4938  
this section. The department shall set a date not more than 4939  
fifteen days later than the date of the order of revocation for 4940  
a hearing on the continuation or cancellation of the revocation. 4941  
For good cause, the department may continue the hearing on 4942  
application of any interested party. In conducting hearings, the 4943  
department has all the authority and power set forth in division 4944  
(J) of this section. Following the hearing, the department shall 4945  
either confirm or cancel the revocation. The hearing shall be 4946  
conducted in accordance with Chapter 119. of the Revised Code, 4947  
except that the provider shall not be permitted to operate an 4948  
opioid treatment program pending the hearing or pending any 4949  
appeal from an adjudication made as a result of the hearing. 4950  
Notwithstanding any provision of Chapter 119. of the Revised 4951

Code to the contrary, a court shall not stay or suspend any 4952  
order of revocation issued by the department under this division 4953  
pending judicial appeal. 4954

(M) The department shall not revoke a license to operate 4955  
an opioid treatment program unless all clients receiving 4956  
medication used in medication-assisted treatment from the 4957  
community addiction services provider are provided adequate 4958  
substitute medication or treatment. For purposes of this 4959  
division, the department may transfer the clients to other 4960  
providers licensed to operate opioid treatment programs or 4961  
replace any or all of the administrators and staff of the 4962  
provider with representatives of the department who shall 4963  
continue on a provisional basis the opioid treatment component 4964  
of the provider's operations. 4965

(N) Each time the department receives an application from 4966  
a community addiction services provider for a license to operate 4967  
an opioid treatment program, issues or refuses to issue a 4968  
license, or withdraws or revokes a license, the department shall 4969  
notify the board of alcohol, drug addiction, and mental health 4970  
services of each alcohol, drug addiction, and mental health 4971  
service district in which the provider operates. 4972

(O) Whenever it appears to the department from files, upon 4973  
complaint, or otherwise, that a community addiction services 4974  
provider has engaged in any practice declared to be illegal or 4975  
prohibited by section 3719.61 of the Revised Code, or any other 4976  
state or federal laws or regulations relating to drug abuse, or 4977  
when the department believes it to be in the best interest of 4978  
the public and necessary for the protection of the citizens of 4979  
the state, the department may request criminal proceedings by 4980  
laying before the prosecuting attorney of the proper county any 4981

evidence of criminality which may come to its knowledge. 4982

(P) The department shall maintain a current list of 4983  
community addiction services providers licensed by the 4984  
department under this section and shall provide a copy of the 4985  
current list to a judge of a court of common pleas who requests 4986  
a copy for the use of the judge under division (H) of section 4987  
2925.03 of the Revised Code. The list of licensed community 4988  
addiction services providers shall identify each licensed 4989  
provider by its name, its address, and the county in which it is 4990  
located. 4991

**Sec. 5119.371.** (A) On application by a community addiction 4992  
services provider that has purchased or leased real property to 4993  
be used as the location of an opioid treatment program subject 4994  
to licensure under section 5119.37 of the Revised Code, the 4995  
department of mental health and addiction services shall 4996  
determine whether the location of the proposed program complies 4997  
with the requirements of division (C) (4) of section 5119.37 of 4998  
the Revised Code by not being located on a parcel of real estate 4999  
that is within a radius of five hundred linear feet of the 5000  
boundaries of a parcel of real estate having situated on it a 5001  
public or private school, child day-care center licensed under 5002  
Chapter 5104. of the Revised Code, or child-serving agency 5003  
regulated by the department under this chapter. 5004

If the department determines that the location is in 5005  
compliance with division (C) (4) of section 5119.37 of the 5006  
Revised Code, the department shall issue a declaration stating 5007  
that the location is in compliance. The declaration is valid for 5008  
two years from the date of issuance. 5009

The department shall provide to the provider either a copy 5010  
of the declaration or a notice that the department has 5011

determined that the location is not in compliance with division 5012  
(C) (4) of section 5119.37 of the Revised Code. 5013

If, before expiration of the declaration, a community 5014  
addiction services provider applies for a license to operate an 5015  
opioid treatment program, the department shall not consider the 5016  
requirement of division (C) (4) of section 5119.37 of the Revised 5017  
Code in determining whether to issue the license. 5018

(B) A community addiction services provider seeking to 5019  
relocate an opioid treatment program licensed under section 5020  
5119.37 of the Revised Code may apply for and be granted a 5021  
declaration under division (A) of this section. If, before 5022  
expiration of the declaration, the provider applies for issuance 5023  
of a license due to relocation, the department shall not 5024  
consider the requirement of division (C) (4) of section 5119.37 5025  
of the Revised Code in determining whether to reissue the 5026  
license due to relocation. 5027

**Sec. 5119.391.** (A) No community addiction services 5028  
provider shall employ methadone treatment or prescribe, 5029  
dispense, or administer methadone unless the program is licensed 5030  
under this section. No community addiction services provider 5031  
licensed under this section shall maintain methadone treatment 5032  
in a manner inconsistent with this section and the rules adopted 5033  
under it. 5034

(B) A community addiction services provider may apply to 5035  
the department of mental health and addiction services for a 5036  
license to maintain methadone treatment. The department shall 5037  
review all applications received. 5038

(C) The department may issue a license to maintain 5039  
methadone treatment to a community addiction services provider 5040

only if all of the following apply: 5041

(1) ~~The~~ During the three-year period immediately preceding 5042  
the date of application, the provider or any owner, sponsor, 5043  
medical director, administrator, or principal of the provider 5044  
~~has not been denied a license to maintain methadone treatment or~~ 5045  
~~had its license withdrawn or revoked within the five year period~~ 5046  
~~immediately preceding the date of application,~~ been in good 5047  
standing to operate a methadone treatment program in all other 5048  
locations where the provider or such other person has been 5049  
operating a similar program, as evidenced by both of the 5050  
following: 5051

(a) Not having been denied a license, certificate, or 5052  
similar approval to operate a methadone treatment program by 5053  
this state or another jurisdiction; 5054

(b) Not having been the subject of any of the following in 5055  
this state or another jurisdiction: 5056

(i) An action that resulted in the suspension or 5057  
revocation of the license, certificate, or similar approval of 5058  
the provider or other person; 5059

(ii) A voluntary relinquishment, withdrawal, or other 5060  
action taken by the provider or other person to avoid suspension 5061  
or revocation of the license, certificate, or similar approval; 5062

(iii) A disciplinary action that was based, in whole or in 5063  
part, on the provider or other person engaging in the 5064  
inappropriate prescribing, dispensing, administering, personally 5065  
furnishing, diverting, storing, supplying, compounding, or 5066  
selling of a controlled substance or other dangerous drug. 5067

(2) It affirmatively appears to the department that the 5068  
provider is adequately staffed and equipped to maintain 5069

methadone treatment; 5070

(3) It affirmatively appears to the department that the 5071  
provider will maintain methadone treatment in strict compliance 5072  
with section 3719.61 of the Revised Code, all other laws 5073  
relating to drug abuse, and the rules adopted by the department; 5074

(4) Except as provided in division (D) of this section and 5075  
section 5119.392 of the Revised Code, ~~there is no public or~~ 5076  
~~private school, licensed child day care center, or other child-~~ 5077  
~~serving agency~~ if the community addiction services provider is 5078  
requesting an initial license for a particular location, the 5079  
proposed methadone treatment program is not located on a parcel 5080  
of real estate that is within a radius of five hundred linear 5081  
feet of the ~~location where the program is to maintain methadone-~~ 5082  
~~treatment boundaries of a parcel of real estate having situated~~ 5083  
on it a public or private school, child day-care center licensed 5084  
under Chapter 5104. of the Revised Code, or child-serving agency 5085  
regulated by the department under this chapter; 5086

(5) The provider meets any additional requirements 5087  
established by the department in rules adopted under division 5088  
(F) of this section. 5089

(D) The department maywaive the requirement of division 5090  
(C) (4) of this section if it receives, from each public or 5091  
private school, ~~licensed~~ child day-care center, or ~~other~~ child- 5092  
serving agency that is within the five hundred linear feet 5093  
radius ~~of the location where the program is to maintain~~ 5094  
~~methadone treatment~~ described in that division, a letter of 5095  
support for the location. The department shall determine whether 5096  
a letter of support is satisfactory for purposes of waiving the 5097  
requirement. 5098

(E) A license to maintain methadone treatment shall expire 5099  
one year from the date of issuance. Licenses may be renewed. 5100

(F) The department shall establish procedures and adopt 5101  
rules for licensing, inspection, and supervision of community 5102  
addiction services providers that maintain methadone treatment. 5103  
The rules shall establish standards for the control, storage, 5104  
furnishing, use, and dispensing of methadone; prescribe minimum 5105  
standards for the operation of the methadone treatment component 5106  
of the provider's operations; and comply with federal laws and 5107  
regulations. 5108

All rules adopted under this division shall be adopted in 5109  
accordance with Chapter 119. of the Revised Code. All actions 5110  
taken by the department regarding the licensing of providers to 5111  
maintain methadone treatment shall be conducted in accordance 5112  
with Chapter 119. of the Revised Code, except as provided in 5113  
division (L) of this section. 5114

(G) The department of mental health and addiction services 5115  
shall inspect all community addiction services providers 5116  
licensed to maintain methadone treatment. Inspections shall be 5117  
conducted at least annually and may be conducted more 5118  
frequently. No person or government entity shall interfere with 5119  
a state or local government official acting on behalf of the 5120  
department while conducting an inspection. 5121

(H) A community addiction services provider shall not 5122  
administer or dispense methadone in a tablet, powder, or 5123  
intravenous form. Methadone shall be administered or dispensed 5124  
only in a liquid form intended for ingestion. A services 5125  
provider shall not administer or dispense methadone to an 5126  
individual for pain or other medical reasons. 5127



(I) As used in this division, "program sponsor" means a 5128  
person who assumes responsibility for the operation and 5129  
employees of the methadone treatment component of a community 5130  
addiction services provider. 5131

A community addiction services provider shall not employ 5132  
an individual who receives methadone treatment from that 5133  
services provider. A program shall not permit an individual to 5134  
act as a provider sponsor, medical director, or director of the 5135  
provider if the individual is receiving methadone treatment from 5136  
any community addiction services provider. 5137

(J) The department may issue orders to assure compliance 5138  
with section 3719.61 of the Revised Code, all other laws 5139  
relating to drug abuse, and the rules adopted under this 5140  
section. Subject to section 5119.27 of the Revised Code, the 5141  
department may hold hearings, require the production of relevant 5142  
matter, compel testimony, issue subpoenas, and make 5143  
adjudications. Upon failure of a person without lawful excuse to 5144  
obey a subpoena or to produce relevant matter, the department 5145  
may apply to a court of common pleas for an order compelling 5146  
compliance. 5147

(K) The department may refuse to issue, or may withdraw or 5148  
revoke, a license to maintain methadone treatment. A license may 5149  
be refused if a community addiction services provider does not 5150  
meet the requirements of division (C) of this section. A license 5151  
may be withdrawn at any time the department determines that the 5152  
program no longer meets the requirements for receiving the 5153  
license. A license may be revoked in accordance with division 5154  
(L) of this section. 5155

Once a license is issued under this section, the 5156  
department shall not consider the requirement of division (C) (4) 5157

of this section in determining whether to renew, withdraw, or 5158  
revoke the license or whether to reissue the license as a result 5159  
of a change in ownership. 5160

(L) If the department of mental health and addiction 5161  
services finds reasonable cause to believe that a community 5162  
addiction services provider licensed under this section is in 5163  
violation of any provision of section 3719.61 of the Revised 5164  
Code, or of any other state or federal law or rule relating to 5165  
drug abuse, the department may issue an order immediately 5166  
revoking the license, subject to division (M) of this section. 5167  
The department shall set a date not more than fifteen days later 5168  
than the date of the order of revocation for a hearing on the 5169  
continuation or cancellation of the revocation. For good cause, 5170  
the department may continue the hearing on application of any 5171  
interested party. In conducting hearings, the department has all 5172  
the authority and power set forth in division (J) of this 5173  
section. Following the hearing, the department shall either 5174  
confirm or cancel the revocation. The hearing shall be conducted 5175  
in accordance with Chapter 119. of the Revised Code, except that 5176  
the provider shall not be permitted to maintain methadone 5177  
treatment pending the hearing or pending any appeal from an 5178  
adjudication made as a result of the hearing. Notwithstanding 5179  
any provision of Chapter 119. of the Revised Code to the 5180  
contrary, a court shall not stay or suspend any order of 5181  
revocation issued by the director under this division pending 5182  
judicial appeal. 5183

(M) The department shall not revoke a license to maintain 5184  
methadone treatment unless all services recipients receiving 5185  
methadone treatment from the community addiction services 5186  
provider are provided adequate substitute treatment. For 5187  
purposes of this division, the department may transfer the 5188

services recipients to other programs licensed to maintain 5189  
methadone treatment or replace any or all of the administrators 5190  
and staff of the provider with representatives of the department 5191  
who shall continue on a provisional basis the methadone 5192  
treatment component of the program. 5193

(N) Each time the department receives an application from 5194  
a community addiction services provider for a license to 5195  
maintain methadone treatment, issues or refuses to issue a 5196  
license, or withdraws or revokes a license, the department shall 5197  
notify the board of alcohol, drug addiction, and mental health 5198  
services of each alcohol, drug addiction, and mental health 5199  
service district in which the provider operates. 5200

(O) Whenever it appears to the department from files, upon 5201  
complaint, or otherwise, that a community addiction services 5202  
provider has engaged in any practice declared to be illegal or 5203  
prohibited by section 3719.61 of the Revised Code, or any other 5204  
state or federal laws or regulations relating to drug abuse, or 5205  
when the department believes it to be in the best interest of 5206  
the public and necessary for the protection of the citizens of 5207  
the state, the department may request criminal proceedings by 5208  
laying before the prosecuting attorney of the proper county any 5209  
evidence of criminality which may come to its knowledge. 5210

(P) The department shall maintain a current list of 5211  
community addiction services providers licensed by the 5212  
department under this section and shall provide a copy of the 5213  
current list to a judge of a court of common pleas who requests 5214  
a copy for the use of the judge under division (H) of section 5215  
2925.03 of the Revised Code. The list of licensed community 5216  
addiction services providers shall identify each licensed 5217  
provider by its name, its address, and the county in which it is 5218

located. 5219

**Sec. 5119.392.** (A) On application by a community addiction 5220  
services provider that has purchased or leased real property to 5221  
be used as the location of a methadone treatment program 5222  
~~licensed~~ subject to licensure under section 5119.391 of the 5223  
Revised Code, the department of mental health and addiction 5224  
services shall determine whether ~~there is~~ the location of the 5225  
proposed program complies with the requirements of division (C) 5226  
(4) of section 5119.391 of the Revised Code by not being located 5227  
on a parcel of real estate that is within a radius of five 5228  
hundred linear feet of the boundaries of a parcel of real estate 5229  
having situated on it a public or private school, licensed child 5230  
day-care center licensed under Chapter 5104. of the Revised 5231  
Code, or other child-serving agency within a radius of five 5232  
hundred linear feet of the location of the property regulated by 5233  
the department under this chapter. 5234

~~If it the department determines there is not a public or~~ 5235  
~~private school, licensed child day-care center, or other child-~~ 5236  
~~serving agency within a radius of five hundred linear feet of-~~ 5237  
~~the location, the department shall issue a declaration that the~~ 5238  
location is in compliance with division (C) (4) of section 5239  
5119.391 of the Revised Code, the department shall issue a 5240  
declaration stating that the location is in compliance. The 5241

~~The declaration is valid for one year and shall be~~ 5242  
~~extended for up to two six month periods on application by the~~ 5243  
~~provider to the department~~ two years from the date of issuance. 5244

The department shall provide to the provider either a copy 5245  
of the declaration or notice that the department has determined 5246  
that the location is not in compliance with division (C) (4) of 5247  
section 5119.391 of the Revised Code. 5248

If, before expiration of the declaration~~and any~~ 5249  
~~extensions~~, a community addiction services provider applies for 5250  
a license to maintain a methadone treatment program, the 5251  
department shall not consider the requirement of division (C) (4) 5252  
of section 5119.391 of the Revised Code in determining whether 5253  
to issue the license. 5254

(B) A community addiction services provider that desires 5255  
to relocate a methadone treatment program licensed under section 5256  
5119.391 of the Revised Code may apply for and be granted a 5257  
declaration under division (A) of this section. If, before 5258  
expiration of the declaration~~and any extensions~~, the provider 5259  
applies for issuance of a license due to relocation, the 5260  
department shall not consider the requirement of division (C) (4) 5261  
of section 5119.391 of the Revised Code in determining whether 5262  
to reissue the license due to relocation. 5263

**Sec. ~~5119.39~~ 5119.43.** (A) The director of mental health 5264  
and addiction services may enter into agreements with any 5265  
person, political subdivision, or state agency for the sale or 5266  
lease of land or facilities under the jurisdiction of the 5267  
director in the following manner: 5268

(1) The director shall designate lands and facilities that 5269  
are not needed by the department of mental health and addiction 5270  
services and are under the jurisdiction of the department. 5271

(2) The director shall have a preliminary appraisal made 5272  
of any lands or facilities designated under division (A) (1) of 5273  
this section by a disinterested professional appraiser from the 5274  
department of administrative services. The appraiser shall 5275  
deliver to the director a signed certificate of the probable 5276  
market value of the lands and facilities as determined from the 5277  
preliminary appraisal. 5278

(3) The director shall certify to the clerk of the house 5279  
of representatives and to the clerk of the senate a list of all 5280  
lands and facilities which may be sold or leased, and shall 5281  
include with the list the results of the preliminary appraisals 5282  
of the lands and facilities, a general description of the land 5283  
and facilities, and a description of the current use of the land 5284  
and facilities. 5285

(4) Every list of lands and facilities certified by the 5286  
director to the clerk of the house of representatives and to the 5287  
clerk of the senate under division (A) (3) of this section, shall 5288  
immediately be transmitted by the respective clerks to the 5289  
committees in the house and the senate to which land conveyance 5290  
bills are usually referred. If either committee files in its 5291  
clerk's office, within sixty calendar days of the original 5292  
certification of the lands and facilities by the director, a 5293  
report disapproving the sale or lease of any lands or 5294  
facilities, the sale or lease of the lands or facilities 5295  
disapproved in the report shall not be made under this section. 5296  
With respect to a sale or lease of lands and facilities that has 5297  
not been disapproved under this division, the director shall 5298  
certify those lands and facilities to the auditor of state. 5299

(5) After certification to the auditor of state under 5300  
division (A) (4) of this section, the director ~~of mental health~~ 5301  
shall have a formal appraisal made of the lands and facilities 5302  
by a disinterested professional appraiser from the department of 5303  
administrative services. The director may accept the formal 5304  
appraisal or may reject it and order a new formal appraisal by a 5305  
disinterested professional appraiser who shall not be from the 5306  
department of administrative services. The director may then 5307  
sell or lease the lands or facilities in accordance with this 5308  
division and department of administrative services procedures as 5309

set forth in Chapter 123. of the Revised Code. Any such deed or 5310  
lease shall be prepared and recorded pursuant to section 5301.13 5311  
of the Revised Code. The department of administrative services 5312  
shall be the sole agent for the state and shall complete the 5313  
sale or lease of the lands or facilities, up to and including 5314  
the closing thereof, after the director approves the sale price. 5315  
The director and the director of administrative services may, if 5316  
it is determined to be in the best interests of the state, agree 5317  
to sell surplus land for an amount less than the formal 5318  
appraised value but shall not sell any land for less than two- 5319  
thirds of the formal appraised value. 5320

(B) Coincident with the certification made under division 5321  
(A) (3) of this section concerning lands which may be sold, the 5322  
director shall give written notice of the director's intention 5323  
to sell the lands by certified mail to the executive officer of 5324  
each county, township, municipal corporation, and school 5325  
district within which the lands are situated. In each notice, 5326  
the director shall specify the conditions under which the lands 5327  
shall be sold, including whether the lands will be sold as a 5328  
single unit or sold in specific parcels that the director 5329  
designates, and shall solicit from the subdivision offers to 5330  
purchase the lands in accordance with the conditions the 5331  
director has specified and at a price equal to the preliminary 5332  
appraised value determined pursuant to division (A) (2) of this 5333  
section. If, within thirty days of having certified the lands to 5334  
the auditor of state under division (A) (4) of this section, the 5335  
director receives from the executive officer of a subdivision a 5336  
written offer to purchase the lands at or above the price 5337  
specified in the director's original notice to the officer, 5338  
provided such offer otherwise complies with the conditions of 5339  
purchase specified in the director's original notice, the 5340

director shall forthwith enter into an agreement to sell the 5341  
lands to the subdivision. The agreement shall incorporate any 5342  
and all terms that are acceptable to both parties and that are 5343  
consistent with the terms specified in the director's original 5344  
notice. If no offer to purchase is received by the director 5345  
within the thirty-day period provided in this division, the 5346  
director's original notice shall be considered withdrawn and the 5347  
director shall be under no obligation to sell any of the lands 5348  
specified in the notice to the subdivision. If two or more 5349  
offers to purchase the same parcels of land are received by the 5350  
director within the required time period from the executive 5351  
officers of two or more subdivisions, the director shall accept 5352  
the offer or offers to purchase that the director considers to 5353  
be in the best interests of the state and of the department of 5354  
mental health and addiction services and shall proceed to enter 5355  
into agreements of sale pursuant to this division. If all of the 5356  
director's original notices relating to a given parcel of land 5357  
become withdrawn, the director may thereupon proceed to sell the 5358  
parcel as otherwise provided in this section. No subdivision may 5359  
commence an action to enforce the provisions of this division, 5360  
or to seek any other legal or equitable remedy relative to this 5361  
division, with respect to any lands certified to the auditor of 5362  
state under division (A) (4) of this section, except within sixty 5363  
days of the date on which the lands were so certified. 5364

(C) Any agreement under this section shall be at such 5365  
terms as will be in the best interests of the state and the 5366  
department of mental health and addiction services. However, the 5367  
terms of any agreement for sale shall include a provision that 5368  
the purchaser will abide by any comprehensive plan for the area 5369  
that has been adopted by the local government in which the 5370  
property is located before the parties enter into the agreement. 5371



No lease shall be of a duration greater than fifteen years. No 5372  
agreement, except an agreement entered into under division (B) 5373  
of this section, shall be entered into before the proposal to 5374  
sell or lease the land or facilities has been advertised once 5375  
each week for four weeks in a newspaper of general circulation 5376  
in every county in which the lands or facilities are located and 5377  
if the preliminary appraised value of the land to be sold or 5378  
leased is more than one hundred thousand dollars, advertisement 5379  
shall be made once each week for four weeks in at least two 5380  
newspapers in the state having a daily circulation of one 5381  
hundred thousand or more. If a city in this state is served by 5382  
more than one newspaper having a circulation of one hundred 5383  
thousand or more, advertisement may be made in only one of the 5384  
newspapers serving the city. 5385

(D) Each deed or lease prepared and recorded pursuant to 5386  
this section shall contain a recital stating that all provisions 5387  
of this section have been complied with. The recital shall be 5388  
considered binding and conclusive against all subdivisions of 5389  
the state provided no action has been commenced pursuant to 5390  
division (B) of this section. Any deed or lease containing such 5391  
a recital shall be conclusively presumed to have been executed 5392  
in compliance with this section insofar as title or other 5393  
interest of any bona fide purchasers, lessees, or transferees of 5394  
the property is concerned. 5395

(E) Nothing in this section shall be construed as 5396  
establishing a precedent for the disposal of state lands and 5397  
facilities by other departments of the state. 5398

**Sec. ~~5119.37~~ 5119.431.** When it is necessary for a state 5399  
institution under the jurisdiction of the department of mental 5400  
health and addiction services to acquire any real estate, right 5401

of way, or easement in real estate in order to accomplish the 5402  
purposes for which it was organized or is being conducted, and 5403  
the department is unable to agree with the owner of such 5404  
property upon the price to be paid therefor, such property may 5405  
be appropriated in the manner provided for the appropriation of 5406  
property for other state purposes. 5407

Any instrument by which real property is acquired pursuant 5408  
to this section shall identify the agency of the state that has 5409  
the use and benefit of the real property as specified in section 5410  
5301.012 of the Revised Code. 5411

**Sec. 5119.99.** (A) Whoever violates section 5119.333 of the 5412  
Revised Code is guilty of a misdemeanor of the first degree. 5413

(B) Whoever violates division (B) of section 5119.61 of 5414  
the Revised Code is guilty of a misdemeanor of the fourth 5415  
degree. 5416

(C) Whoever violates section 5119.27 or 5119.28 ~~or~~, 5417  
division (A) of section 5119.35, division (H) of section 5418  
5119.36, or division (A) (1) or (2) of section 5119.37 of the 5419  
Revised Code is guilty of a felony of the fifth degree. 5420

**Sec. 5122.01.** As used in this chapter and Chapter 5119. of 5421  
the Revised Code: 5422

(A) "Mental illness" means a substantial disorder of 5423  
thought, mood, perception, orientation, or memory that grossly 5424  
impairs judgment, behavior, capacity to recognize reality, or 5425  
ability to meet the ordinary demands of life. 5426

(B) "Mentally ill person subject to court order" means a 5427  
mentally ill person who, because of the person's illness: 5428

(1) Represents a substantial risk of physical harm to self 5429

as manifested by evidence of threats of, or attempts at, suicide	5430
or serious self-inflicted bodily harm;	5431
(2) Represents a substantial risk of physical harm to	5432
others as manifested by evidence of recent homicidal or other	5433
violent behavior, evidence of recent threats that place another	5434
in reasonable fear of violent behavior and serious physical	5435
harm, or other evidence of present dangerousness;	5436
(3) Represents a substantial and immediate risk of serious	5437
physical impairment or injury to self as manifested by evidence	5438
that the person is unable to provide for and is not providing	5439
for the person's basic physical needs because of the person's	5440
mental illness and that appropriate provision for those needs	5441
cannot be made immediately available in the community;	5442
(4) Would benefit from treatment for the person's mental	5443
illness and is in need of such treatment as manifested by	5444
evidence of behavior that creates a grave and imminent risk to	5445
substantial rights of others or the person;	5446
(5) (a) Would benefit from treatment as manifested by	5447
evidence of behavior that indicates all of the following:	5448
(i) The person is unlikely to survive safely in the	5449
community without supervision, based on a clinical	5450
determination.	5451
(ii) The person has a history of lack of compliance with	5452
treatment for mental illness and one of the following applies:	5453
(I) At least twice within the thirty-six months prior to	5454
the filing of an affidavit seeking court-ordered treatment of	5455
the person under section 5122.111 of the Revised Code, the lack	5456
of compliance has been a significant factor in necessitating	5457
hospitalization in a hospital or receipt of services in a	5458

forensic or other mental health unit of a correctional facility, 5459  
provided that the thirty-six-month period shall be extended by 5460  
the length of any hospitalization or incarceration of the person 5461  
that occurred within the thirty-six-month period. 5462

(II) Within the forty-eight months prior to the filing of 5463  
an affidavit seeking court-ordered treatment of the person under 5464  
section 5122.111 of the Revised Code, the lack of compliance 5465  
resulted in one or more acts of serious violent behavior toward 5466  
self or others or threats of, or attempts at, serious physical 5467  
harm to self or others, provided that the forty-eight-month 5468  
period shall be extended by the length of any hospitalization or 5469  
incarceration of the person that occurred within the forty- 5470  
eight-month period. 5471

(iii) The person, as a result of the person's mental 5472  
illness, is unlikely to voluntarily participate in necessary 5473  
treatment. 5474

(iv) In view of the person's treatment history and current 5475  
behavior, the person is in need of treatment in order to prevent 5476  
a relapse or deterioration that would be likely to result in 5477  
substantial risk of serious harm to the person or others. 5478

(b) An individual who meets only the criteria described in 5479  
division (B) (5) (a) of this section is not subject to 5480  
hospitalization. 5481

(C) (1) "Patient" means, subject to division (C) (2) of this 5482  
section, a person who is admitted either voluntarily or 5483  
involuntarily to a hospital or other place under section 5484  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code 5485  
subsequent to a finding of not guilty by reason of insanity or 5486  
incompetence to stand trial or under this chapter, who is under 5487

observation or receiving treatment in such place. 5488

(2) "Patient" does not include a person admitted to a 5489  
hospital or other place under section 2945.39, 2945.40, 5490  
2945.401, or 2945.402 of the Revised Code to the extent that the 5491  
reference in this chapter to patient, or the context in which 5492  
the reference occurs, is in conflict with any provision of 5493  
sections 2945.37 to 2945.402 of the Revised Code. 5494

(D) "Licensed physician" means a person licensed under the 5495  
laws of this state to practice medicine or a medical officer of 5496  
the government of the United States while in this state in the 5497  
performance of the person's official duties. 5498

(E) "Psychiatrist" means a licensed physician who has 5499  
satisfactorily completed a residency training program in 5500  
psychiatry, as approved by the residency review committee of the 5501  
American medical association, the committee on post-graduate 5502  
education of the American osteopathic association, or the 5503  
American osteopathic board of neurology and psychiatry, or who 5504  
on July 1, 1989, has been recognized as a psychiatrist by the 5505  
Ohio state medical association or the Ohio osteopathic 5506  
association on the basis of formal training and five or more 5507  
years of medical practice limited to psychiatry. 5508

(F) "Hospital" means a hospital or inpatient unit licensed 5509  
by the department of mental health and addiction services under 5510  
section 5119.33 of the Revised Code, and any institution, 5511  
hospital, or other place established, controlled, or supervised 5512  
by the department under Chapter 5119. of the Revised Code. 5513

(G) "Public hospital" means a facility that is tax- 5514  
supported and under the jurisdiction of the department of mental 5515  
health and addiction services. 5516

(H) "Community mental health services provider" means an 5517  
agency, association, corporation, individual, or program that 5518  
provides community mental health services that are certified by 5519  
the director of mental health and addiction services under 5520  
section 5119.36 of the Revised Code. 5521

(I) "Licensed clinical psychologist" means a person who 5522  
holds a current, valid psychologist license issued under section 5523  
4732.12 of the Revised Code, and in addition, meets the 5524  
educational requirements set forth in division (B) of section 5525  
4732.10 of the Revised Code and has a minimum of two years' 5526  
full-time professional experience, or the equivalent as 5527  
determined by rule of the state board of psychology, at least 5528  
one year of which shall be a predoctoral internship, in clinical 5529  
psychological work in a public or private hospital or clinic or 5530  
in private practice, diagnosing and treating problems of mental 5531  
illness or intellectual disability under the supervision of a 5532  
psychologist who is licensed or who holds a diploma issued by 5533  
the American board of professional psychology, or whose 5534  
qualifications are substantially similar to those required for 5535  
licensure by the state board of psychology when the supervision 5536  
has occurred prior to enactment of laws governing the practice 5537  
of psychology. 5538

(J) "Health officer" means any public health physician; 5539  
public health nurse; or other person authorized or designated by 5540  
a city or general health district or a board of alcohol, drug 5541  
addiction, and mental health services to perform the duties of a 5542  
health officer under this chapter. 5543

(K) "Chief clinical officer" means the medical director of 5544  
a hospital, community mental health services provider, or board 5545  
of alcohol, drug addiction, and mental health services, or, if 5546

there is no medical director, the licensed physician responsible 5547  
for the treatment provided by a hospital or community mental 5548  
health services provider. The chief clinical officer may 5549  
delegate to the attending physician responsible for a patient's 5550  
care the duties imposed on the chief clinical officer by this 5551  
chapter. ~~Within~~In the case of a community mental health 5552  
services provider, the chief clinical officer shall be 5553  
designated by the governing body of the services provider and 5554  
shall be a licensed physician or licensed clinical psychologist 5555  
who supervises diagnostic and treatment services. A licensed 5556  
physician or licensed clinical psychologist designated by the 5557  
chief clinical officer may perform the duties and accept the 5558  
responsibilities of the chief clinical officer in the chief 5559  
clinical officer's absence. 5560

(L) "Working day" or "court day" means Monday, Tuesday, 5561  
Wednesday, Thursday, and Friday, except when such day is a 5562  
holiday. 5563

(M) "Indigent" means unable without deprivation of 5564  
satisfaction of basic needs to provide for the payment of an 5565  
attorney and other necessary expenses of legal representation, 5566  
including expert testimony. 5567

(N) "Respondent" means the person whose detention, 5568  
commitment, hospitalization, continued hospitalization or 5569  
commitment, or discharge is being sought in any proceeding under 5570  
this chapter. 5571

(O) "Ohio protection and advocacy system" has the same 5572  
meaning as in section 5123.60 of the Revised Code. 5573

(P) "Independent expert evaluation" means an evaluation 5574  
conducted by a licensed clinical psychologist, psychiatrist, or 5575

licensed physician who has been selected by the respondent or 5576  
the respondent's counsel and who consents to conducting the 5577  
evaluation. 5578

(Q) "Court" means the probate division of the court of 5579  
common pleas. 5580

(R) "Expunge" means: 5581

(1) The removal and destruction of court files and 5582  
records, originals and copies, and the deletion of all index 5583  
references; 5584

(2) The reporting to the person of the nature and extent 5585  
of any information about the person transmitted to any other 5586  
person by the court; 5587

(3) Otherwise insuring that any examination of court files 5588  
and records in question shall show no record whatever with 5589  
respect to the person; 5590

(4) That all rights and privileges are restored, and that 5591  
the person, the court, and any other person may properly reply 5592  
that no such record exists, as to any matter expunged. 5593

(S) "Residence" means a person's physical presence in a 5594  
county with intent to remain there, except that: 5595

(1) If a person is receiving a mental health service at a 5596  
facility that includes nighttime sleeping accommodations, 5597  
residence means that county in which the person maintained the 5598  
person's primary place of residence at the time the person 5599  
entered the facility; 5600

(2) If a person is committed pursuant to section 2945.38, 5601  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 5602  
residence means the county where the criminal charges were 5603



filed. 5604

When the residence of a person is disputed, the matter of 5605  
residence shall be referred to the department of mental health 5606  
and addiction services for investigation and determination. 5607  
Residence shall not be a basis for a ~~board's denying~~ board of 5608  
alcohol, drug addiction, and mental health services to deny 5609  
services to any person present in the board's service district, 5610  
and the board shall provide services for a person whose 5611  
residence is in dispute while residence is being determined and 5612  
for a person in an emergency situation. 5613

(T) "Admission" to a hospital or other place means that a 5614  
patient is accepted for and stays at least one night at the 5615  
hospital or other place. 5616

(U) "Prosecutor" means the prosecuting attorney, village 5617  
solicitor, city director of law, or similar chief legal officer 5618  
who prosecuted a criminal case in which a person was found not 5619  
guilty by reason of insanity, who would have had the authority 5620  
to prosecute a criminal case against a person if the person had 5621  
not been found incompetent to stand trial, or who prosecuted a 5622  
case in which a person was found guilty. 5623

(V) (1) "Treatment plan" means a written statement of 5624  
reasonable objectives and goals for an individual established by 5625  
the treatment team, with specific criteria to evaluate progress 5626  
towards achieving those objectives. 5627

(2) The active participation of the patient in 5628  
establishing the objectives and goals shall be documented. The 5629  
treatment plan shall be based on patient needs and include 5630  
services to be provided to the patient while the patient is 5631  
hospitalized, after the patient is discharged, or in an 5632

outpatient setting. The treatment plan shall address services to 5633  
be provided. In the establishment of the treatment plan, 5634  
consideration should be given to the availability of services, 5635  
which may include but are not limited to all of the following: 5636

(a) Community psychiatric supportive treatment; 5637

(b) Assertive community treatment; 5638

(c) Medications; 5639

(d) Individual or group therapy; 5640

(e) Peer support services; 5641

(f) Financial services; 5642

(g) Housing or supervised living services; 5643

(h) Alcohol or substance abuse treatment; 5644

(i) Any other services prescribed to treat the patient's 5645  
mental illness and to either assist the patient in living and 5646  
functioning in the community or to help prevent a relapse or a 5647  
deterioration of the patient's current condition. 5648

(3) If the person subject to the treatment plan has 5649  
executed an ~~advanced~~advance directive for mental health 5650  
treatment, the treatment team shall consider any directions 5651  
included in such ~~advanced~~advance directive in developing the 5652  
treatment plan. 5653

(W) "Community control sanction" has the same meaning as 5654  
in section 2929.01 of the Revised Code. 5655

(X) "Post-release control sanction" has the same meaning 5656  
as in section 2967.01 of the Revised Code. 5657

(Y) "Local correctional facility" has the same meaning as 5658

in section 2903.13 of the Revised Code. 5659

(Z) "Clinical nurse specialist" and "certified nurse practitioner" have the same meanings as in section 4723.01 of the Revised Code. 5660  
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**Sec. 5122.10.** (A) (1) Any psychiatrist, licensed clinical psychologist, licensed physician, health officer, parole officer, police officer, or sheriff of the following who has reason to believe that a person is a mentally ill person subject to court order and represents a substantial risk of physical harm to self or others if allowed to remain at liberty pending examination may take a the person into custody, or the chief of the adult parole authority or a parole or probation officer with the approval of the chief of the authority may take a parolee, an offender under a community control sanction or a post release control sanction, or an offender under transitional control into custody and may immediately transport the parolee, offender on community control or post release control, or offender under transitional control person to a hospital or, notwithstanding section 5119.33 of the Revised Code, to a general hospital not licensed by the department of mental health and addiction services where the parolee, offender on community control or post release control, or offender under transitional control person may be held for the period prescribed in this section, if the psychiatrist, licensed clinical psychologist, licensed physician, health officer, parole officer, police officer, or sheriff has reason to believe that the person is a mentally ill person subject to court order under division (B) of section 5122.01 of the Revised Code, and represents a substantial risk of physical harm to self or others if allowed to remain at liberty pending examination. 5663  
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<u>(a) A psychiatrist;</u>	5689
<u>(b) A licensed physician;</u>	5690
<u>(c) A licensed clinical psychologist;</u>	5691
<u>(d) A clinical nurse specialist who is certified as a</u>	5692
<u>psychiatric-mental health CNS by the American nurses</u>	5693
<u>credentialing center;</u>	5694
<u>(e) A certified nurse practitioner who is certified as a</u>	5695
<u>psychiatric-mental health NP by the American nurses</u>	5696
<u>credentialing center;</u>	5697
<u>(f) A health officer;</u>	5698
<u>(g) A parole officer;</u>	5699
<u>(h) A police officer;</u>	5700
<u>(i) A sheriff.</u>	5701
<u>(2) If the chief of the adult parole authority or a parole</u>	5702
<u>or probation officer with the approval of the chief of the</u>	5703
<u>authority has reason to believe that a parolee, an offender</u>	5704
<u>under a community control sanction or post-release control</u>	5705
<u>sanction, or an offender under transitional control is a</u>	5706
<u>mentally ill person subject to court order and represents a</u>	5707
<u>substantial risk of physical harm to self or others if allowed</u>	5708
<u>to remain at liberty pending examination, the chief or officer</u>	5709
<u>may take the parolee or offender into custody and may</u>	5710
<u>immediately transport the parolee or offender to a hospital or,</u>	5711
<u>notwithstanding section 5119.33 of the Revised Code, to a</u>	5712
<u>general hospital not licensed by the department of mental health</u>	5713
<u>and addiction services where the parolee or offender may be held</u>	5714
<u>for the period prescribed in this section.</u>	5715

(B) A written statement shall be given to ~~such the~~ 5716  
hospital by the ~~transporting psychiatrist, licensed clinical~~ 5717  
~~psychologist, licensed physician, health officer, parole~~ 5718  
~~officer, police officer, chief of the adult parole authority,~~ 5719  
~~parole or probation officer, or sheriff stating individual~~ 5720  
authorized under division (A) (1) or (2) of this section to 5721  
transport the person. The statement shall specify the 5722  
circumstances under which such person was taken into custody and 5723  
the reasons for the ~~psychiatrist's, licensed clinical~~ 5724  
~~psychologist's, licensed physician's, health officer's, parole~~ 5725  
~~officer's, police officer's, chief of the adult parole~~ 5726  
~~authority's, parole or probation officer's, or sheriff's belief~~ 5727  
that the person is a mentally ill person subject to court order 5728  
and represents a substantial risk of physical harm to self or 5729  
others if allowed to remain at liberty pending examination. This 5730  
statement shall be made available to the respondent or the 5731  
respondent's attorney upon request of either. 5732

(C) Every reasonable and appropriate effort shall be made 5733  
to take persons into custody in the least conspicuous manner 5734  
possible. A person taking the respondent into custody pursuant 5735  
to this section shall explain to the respondent: the name and 5736  
professional designation and affiliation of the person taking 5737  
the respondent into custody; that the custody-taking is not a 5738  
criminal arrest; and that the person is being taken for 5739  
examination by mental health professionals at a specified mental 5740  
health facility identified by name. 5741

(D) If a person taken into custody under this section is 5742  
transported to a general hospital, the general hospital may 5743  
admit the person, or provide care and treatment for the person, 5744  
or both, notwithstanding section 5119.33 of the Revised Code, 5745  
but by the end of twenty-four hours after arrival at the general 5746

hospital, the person shall be transferred to a hospital as 5747  
defined in section 5122.01 of the Revised Code. 5748

(E) A person transported or transferred to a hospital or 5749  
community mental health services provider under this section 5750  
shall be examined by the staff of the hospital or services 5751  
provider within twenty-four hours after arrival at the hospital 5752  
or services provider. If to conduct the examination requires 5753  
that the person remain overnight, the hospital or services 5754  
provider shall admit the person in an unclassified status until 5755  
making a disposition under this section. After the examination, 5756  
if the chief clinical officer of the hospital or services 5757  
provider believes that the person is not a mentally ill person 5758  
subject to court order, the chief clinical officer shall release 5759  
or discharge the person immediately unless a court has issued a 5760  
temporary order of detention applicable to the person under 5761  
section 5122.11 of the Revised Code. After the examination, if 5762  
the chief clinical officer believes that the person is a 5763  
mentally ill person subject to court order, the chief clinical 5764  
officer may detain the person for not more than three court days 5765  
following the day of the examination and during such period 5766  
admit the person as a voluntary patient under section 5122.02 of 5767  
the Revised Code or file an affidavit under section 5122.11 of 5768  
the Revised Code. If neither action is taken and a court has not 5769  
otherwise issued a temporary order of detention applicable to 5770  
the person under section 5122.11 of the Revised Code, the chief 5771  
clinical officer shall discharge the person at the end of the 5772  
three-day period unless the person has been sentenced to the 5773  
department of rehabilitation and correction and has not been 5774  
released from the person's sentence, in which case the person 5775  
shall be returned to that department. 5776

**Section 2.** (A) That existing sections 140.01, 339.01, 5777

2925.03, 3715.08, 3719.13, 3719.27, 3719.61, 3721.01, 4723.41, 5778  
4723.431, 4723.44, 4723.482, 4723.75, 4729.291, 4729.292, 5779  
4730.19, 4731.09, 4731.19, 4731.22, 4731.222, 4731.27, 4731.291, 5780  
4731.295, 4731.297, 4731.52, 4759.05, 4761.03, 4761.05, 4761.06, 5781  
4779.08, 4779.19, 4779.20, 5119.01, 5119.21, 5119.34, 5119.36, 5782  
5119.361, 5119.37, 5119.39, 5119.391, 5119.392, 5119.99, 5783  
5122.01, and 5122.10 of the Revised Code are hereby repealed. 5784

(B) That sections 5119.367, 5119.391, and 5119.392 of the 5785  
Revised Code are hereby repealed on the date that is twelve 5786  
months after the effective date of this act. 5787

**Section 3.** That Section 757.20 of Am. Sub. H.B. 49 of the 5788  
132nd General Assembly be amended to read as follows: 5789

**Sec. 757.20.** (A) Notwithstanding the requirements of 5790  
division (C)(2) of section 5747.50 of the Revised Code, the Tax 5791  
Commissioner shall reduce the total amount available for 5792  
distribution to municipal corporations during the current month, 5793  
as defined in that division, by one million dollars in each 5794  
month of the period beginning with July 2017, and ending with 5795  
December 2017, before calculating the amount to be distributed 5796  
to each municipal corporation. 5797

(B) On or before the tenth day of each month in the period 5798  
beginning with July 2017 and ending with December 2017, the tax 5799  
commissioner shall provide for payment to each county undivided 5800  
local government fund of a supplement for townships. The 5801  
commissioner shall determine the amounts paid to each fund as 5802  
follows: 5803

(1) An amount equal to forty-one and sixty-seven one- 5804  
hundredths per cent of one million dollars shall be divided 5805  
among every county fund so that each township in the state 5806

receives an equal amount. 5807

(2) An amount equal to forty-one and sixty-seven one- 5808  
hundredths per cent of one million dollars shall be divided 5809  
among every county fund so that each township receives a 5810  
proportionate share based on the proportion that the total 5811  
township road miles in the township is of the total township 5812  
road miles in all townships in the state. 5813

(C) (1) As used in this division, "qualifying village" 5814  
means a village with a population of less than one thousand 5815  
according to the most recent federal decennial census. 5816

(2) On or before the tenth day of each month in the period 5817  
beginning with July 2017, and ending with December 2017, the tax 5818  
commissioner shall provide for payment to each county undivided 5819  
local government fund of a supplement for qualifying villages. 5820  
The commissioner shall determine the amounts paid to each fund 5821  
as follows: 5822

(a) An amount equal to eight and thirty-three one- 5823  
hundredths per cent of one million dollars shall be divided 5824  
among every county fund so that each qualifying village in the 5825  
state receives an equal amount. 5826

(b) An amount equal to eight and thirty-three one- 5827  
hundredths per cent of one million dollars shall be divided 5828  
among every county fund so that each qualifying village receives 5829  
a proportionate share based on the proportion that the total 5830  
village road miles in the qualifying village is of the total 5831  
village road miles in all qualifying villages in the state. 5832

(D) The tax commissioner shall separately identify to the 5833  
county treasurer the amounts to be allocated to each township 5834  
under divisions (B) (1) and (2) of this section and to each 5835



qualifying village under divisions (C) (2) (a) and (b) of this 5836  
section. The treasurer shall transfer those amounts to townships 5837  
and qualifying villages from the undivided local government 5838  
fund. 5839

(E) There is hereby created in the state treasury the 5840  
Targeting Addiction Assistance Fund. 5841

(F) Notwithstanding the requirement in division (C) (2) of 5842  
section 5747.50 of the Revised Code, the amounts that would 5843  
otherwise be distributed to municipal corporations pursuant to 5844  
that division during each month of fiscal years 2018 and 2019 5845  
shall be deposited in the state treasury to the credit of the 5846  
Targeting Addiction Assistance Fund (Fund 5TZ0). The amounts 5847  
credited to Fund 5TZ0 shall be after any other reductions 5848  
required by law to the amounts distributed to municipal 5849  
corporations from the Local Government Fund under division (C) 5850  
of section 5747.50 of the Revised Code and after the payments 5851  
specified in divisions (A) to (D) of this section. 5852

(G) The Targeting Addiction Assistance Fund shall be used 5853  
as follows: 5854

(1) In each fiscal year, \$1,000,000 shall be used by the 5855  
Department of Health to reimburse county coroners in counties in 5856  
which the coroner has performed toxicology screenings on victims 5857  
of a drug overdose. The Director of Health shall transfer the 5858  
funds to the counties in proportion to the numbers of toxicology 5859  
screenings performed per county. 5860

(2) In each fiscal year, \$5,000,000 shall be allocated by 5861  
the Department of Rehabilitation and Correction as Probation 5862  
Improvement and Incentive Grants to municipalities with an 5863  
emphasis on: (1) providing services to those addicted to opiates 5864

and other illegal substances, and (2) supplementing the programs 5865  
and services funded by grants distributed from GRF appropriation 5866  
item 501407, Community Nonresidential Programs. 5867

(3) In each fiscal year, \$6,000,000 shall be allocated by 5868  
the Department of Mental Health and Addiction Services to boards 5869  
of alcohol, drug addiction, and mental health services. The 5870  
boards shall use their allocations to establish and administer, 5871  
in collaboration with the other boards that serve the same state 5872  
psychiatric hospital region, acute substance use disorder 5873  
stabilization centers. There shall be one center located in each 5874  
state psychiatric hospital region. The Department of Mental 5875  
Health and Addiction Services shall conduct an analysis of each 5876  
acute substance use disorder stabilization center. Not later 5877  
than June 30, 2019, the Department shall submit the findings of 5878  
the analysis to the Governor and the General Assembly, in 5879  
accordance with section 101.68 of the Revised Code. 5880

(4) In each fiscal year, \$150,000 shall be allocated by 5881  
the Department of Job and Family Services to children's crisis 5882  
care facilities as defined in section 5103.13 of the Revised 5883  
Code. ~~The~~ In fiscal year 2018, the Director of Job and Family 5884  
Services shall allocate funds based on the number of children at 5885  
each facility. In fiscal year 2019, the Director of Job and 5886  
Family Services shall allocate funds based on the aggregate 5887  
daily census of children in the facility during the previous 5888  
fiscal year. The census is considered the total length of stay 5889  
or days of care for each child residing in the facility and is 5890  
determined by calculating the total days each child resides at 5891  
the crisis care facility, including the date of admission, but 5892  
not the day of discharge. A children's crisis care facility may 5893  
decline to receive funds provided under this section. A 5894  
children's crisis care facility that accepts funds provided 5895

under this section shall use the funds in accordance with 5896  
section 5103.13 of the Revised Code and the rules as defined in 5897  
rule 5101:2-9-36 of the Administrative Code. 5898

(5) In each fiscal year, \$500,000 shall be used by the 5899  
Department of Medicaid, in consultation with the Department of 5900  
Job and Family Services and the Department of Health, to develop 5901  
a pilot program under which newborns who have neonatal 5902  
abstinence syndrome are, after being medically stabilized at a 5903  
hospital, transferred to a nonhospital, community facility that 5904  
is located in Montgomery County and provides the newborns 5905  
medical, pharmacological, and therapeutic services specified by 5906  
the Department of Medicaid, the Department of Job and Family 5907  
Services, and the Department of Health. The departments shall 5908  
begin operation of the pilot program not later than ninety days 5909  
after the effective date of this section and shall cease 5910  
operation of the pilot program on July 1, 2018. Not later than 5911  
ninety days after the date the pilot program ends, the 5912  
Department of Medicaid, the Department of Job and Family 5913  
Services, and the Department of Health shall jointly complete a 5914  
report about the pilot program. The report shall include 5915  
recommendations for making the pilot program statewide and part 5916  
of the Medicaid program. The Department of Medicaid, the 5917  
Department of Job and Family Services, and the Department of 5918  
Health jointly shall submit the report to the General Assembly 5919  
in accordance with section 101.68 of the Revised Code. 5920

(6) In each fiscal year, \$5,000,000 shall be allocated to 5921  
the Department of Mental Health and Addiction Services and used 5922  
in accordance with division (E) of Section 337.50 of ~~this act~~ 5923  
Am. Sub. H.B. 49 of the 132nd General Assembly. 5924

(H) Boards of alcohol, drug addiction, and mental health 5925

services shall ensure that each acute substance use disorder 5926  
stabilization center established and administered under division 5927  
(G) (3) of this section complies with all of the following: 5928

(1) It admits individuals before and after the individuals 5929  
receive treatment and care at hospital emergency departments or 5930  
freestanding emergency departments. 5931

(2) It admits individuals before and after the individuals 5932  
are confined in state or local correctional facilities. 5933

(3) It has a Medicaid provider agreement. 5934

(4) It is located in a building constructed for another 5935  
purpose before the effective date of this section. 5936

(5) It admits individuals who have been identified as 5937  
needing the stabilization services provided by the center. 5938

(6) It connects individuals when they are discharged from 5939  
the center with community-based continuum of care services and 5940  
supports as described in section 340.032 of the Revised Code. 5941

(I) As used in this section: 5942

(1) "Hospital" has the same meaning as in section 3727.01 5943  
of the Revised Code. 5944

(2) "State or local correctional facility" means any of 5945  
the following: 5946

(a) A "state correctional institution," as defined in 5947  
section 2967.01 of the Revised Code; 5948

(b) A "local correctional facility," as defined in section 5949  
2903.13 of the Revised Code; 5950

(c) A correctional facility that is privately operated and 5951  
managed pursuant to section 9.06 of the Revised Code. 5952

(3) "State psychiatric hospital regions" means the six 5953  
districts into which the Department of Mental Health and 5954  
Addiction Services has divided the state pursuant to division 5955  
(B) (2) of section 5119.14 of the Revised Code. 5956

**Section 4.** That existing section 757.20 of Am. Sub. H.B. 5957  
49 of the 132nd General Assembly is hereby repealed. 5958

**Section 5.** The Ohio Occupational Therapy, Physical 5959  
Therapy, and Athletic Trainers Board may do any of the following 5960  
for purposes of converting the licensure of orthotists, 5961  
prosthetists, and pedorthists under Chapter 4779. of the Revised 5962  
Code from an annual license renewal period to a biennial license 5963  
renewal period, as provided in sections 4779.08, 4779.19, and 5964  
4779.20 of the Revised Code, as amended by this act: 5965

(A) Extend the expiration date that applies to an initial 5966  
or renewed license to accommodate the schedule the Board 5967  
establishes by rule for biennial renewal of licenses; 5968

(B) Adjust continuing education requirements; 5969

(C) Take any other action the Board considers necessary. 5970

**Section 6.** The Department of Mental Health and Addiction 5971  
Services and the Director of Mental Health and Addiction 5972  
Services may take any actions they consider necessary in 5973  
preparation for the certification of alcohol and drug addiction 5974  
services and licensure of opioid treatment programs as 5975  
anticipated by this act's enactment of section 5119.35, 5976  
amendment of section 5119.36, enactment of new section 5119.37, 5977  
enactment of section 5119.371, and repeal of sections 5119.391 5978  
and 5119.392 of the Revised Code. These actions may include 5979  
acceptance and consideration of applications for certification 5980  
or licensure, but the certification of an alcohol and drug 5981

addiction program may not be issued until section 5119.35 of the Revised Code takes effect and the license to operate an opioid treatment program may not be issued until section 5119.37 of the Revised Code takes effect.

The Director and Department may take any actions they consider necessary to convert a previously issued license to maintain methadone treatment under section 5119.391 of the Revised Code into a license to operate an opioid treatment program under section 5119.37 of the Revised Code. In addition, the Director and Department may take any actions considered necessary to convert a previously issued declaration under section 5119.392 of the Revised Code into a two-year declaration issued under that section, as amended by this act, or into a declaration that applies with respect to an opioid treatment program pursuant to section 5119.371 of the Revised Code, as enacted by this act.

**Section 7.** (A) Except for the amendment of sections 4723.41 and 4723.482 of the Revised Code, all of the following apply with respect to the dates that the amendments and enactments in Sections 1 and 2 of this act take effect:

(1) Both of the following take effect on the date that is twelve months after the effective date of this act:

(a) The amendment of sections 140.01, 2925.03, 3715.08, 3719.13, 3719.27, 3719.61, 3721.01, 4729.291, 4729.292, 5119.01, 5119.21, 5119.34, 5119.361, and 5119.99 of the Revised Code;

(b) The enactment of new section 5119.37 and section 5119.371 of the Revised Code.

(2) Both of the following take effect on the date that is fifteen months after the effective date of this act:

(a) The enactment of section 5119.35 of the Revised Code; 6011

(b) The amendment of section 5119.36 of the Revised Code. 6012

(B) Sections 3, 4, 5, and 6 of this act take effect on the 6013  
ninety-first day after the effective date of this act. 6014

**Section 8.** Section 2925.03 of the Revised Code is 6015  
presented in this act as a composite of the section as amended 6016  
by Am. Sub. H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 6017  
131st General Assembly. The General Assembly, applying the 6018  
principle stated in division (B) of section 1.52 of the Revised 6019  
Code that amendments are to be harmonized if reasonably capable 6020  
of simultaneous operation, finds that the composite is the 6021  
resulting version of the section in effect prior to the 6022  
effective date of the section as presented in this act. 6023

Section 4729.291 of the Revised Code is presented in this 6024  
act as a composite of the section as amended by both Sub. H.B. 6025  
290 and Sub. S.B. 319 of the 131st General Assembly. The General 6026  
Assembly, applying the principle stated in division (B) of 6027  
section 1.52 of the Revised Code that amendments are to be 6028  
harmonized if reasonably capable of simultaneous operation, 6029  
finds that the composite is the resulting version of the section 6030  
in effect prior to the effective date of the section as 6031  
presented in this act. 6032

**Section 9.** This act is hereby declared to be an emergency 6033  
measure necessary for the immediate preservation of the public 6034  
peace, health, and safety. The reason for such necessity is that 6035  
experienced individuals who desire to serve the unmet health 6036  
care needs of Ohioans as advanced practice registered nurses 6037  
will be precluded from practicing in this state because of 6038  
recent educational and examination requirements for licensure. 6039

Therefore, this act shall go into immediate effect.

6040