

I\_135\_0571-3

135th General Assembly  
Regular Session  
2023-2024

Sub. H. B. No. 102

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**A BILL**

To amend sections 2305.234, 2925.01, 2925.23, 1  
2925.55, 2925.56, 2929.42, 3701.048, 3701.74, 2  
3715.872, 3719.121, 3719.13, 3719.81, 4729.01, 3  
4729.51, 4731.22, 4731.25, 4743.09, 4755.48, 4  
4761.01, 4761.03, 4761.032, 4761.06, 4761.061, 5  
4761.07, 4761.09, 4761.13, 4761.14, 4761.17, 6  
4761.30, 4761.99, 4765.51, 4769.01, 5123.47, 7  
5164.95, and 5903.12; to amend, for the purpose 8  
of adopting a new section number as indicated in 9  
parentheses, section 4761.30 (4761.25); and to 10  
enact new section 4761.30 and sections 4761.033, 11  
4761.20, 4761.21, 4761.301, 4761.31, 4761.32, 12  
4761.33, 4761.34, 4761.35, 4761.36, 4761.37, 13  
4761.38, 4761.381, 4761.39, 4761.40, 4761.41, 14  
4761.43, 4761.44, 4761.45, and 4761.48 of the 15  
Revised Code to license advanced practice 16  
respiratory therapists. 17

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

**Section 1.** That sections 2305.234, 2925.01, 2925.23, 18



2925.55, 2925.56, 2929.42, 3701.048, 3701.74, 3715.872, 19  
3719.121, 3719.13, 3719.81, 4729.01, 4729.51, 4731.22, 4731.25, 20  
4743.09, 4755.48, 4761.01, 4761.03, 4761.032, 4761.06, 4761.061, 21  
4761.07, 4761.09, 4761.13, 4761.14, 4761.17, 4761.30, 4761.99, 22  
4765.51, 4769.01, 5123.47, 5164.95, and 5903.12 be amended; 23  
section 4761.30 (4761.25) be amended for the purpose of adopting 24  
a new section number as indicated in parentheses; and new 25  
section 4761.30 and sections 4761.033, 4761.20, 4761.21, 26  
4761.301, 4761.31, 4761.32, 4761.33, 4761.34, 4761.35, 4761.36, 27  
4761.37, 4761.38, 4761.381, 4761.39, 4761.40, 4761.41, 4761.43, 28  
4761.44, 4761.45, and 4761.48 of the Revised Code be enacted to 29  
read as follows: 30

**Sec. 2305.234.** (A) As used in this section: 31

(1) "Chiropractic claim," "medical claim," and "optometric 32  
claim" have the same meanings as in section 2305.113 of the 33  
Revised Code. 34

(2) "Dental claim" has the same meaning as in section 35  
2305.113 of the Revised Code, except that it does not include 36  
any claim arising out of a dental operation or any derivative 37  
claim for relief that arises out of a dental operation. 38

(3) "Governmental health care program" has the same 39  
meaning as in section 4731.65 of the Revised Code. 40

(4) "Health care facility or location" means a hospital, 41  
clinic, ambulatory surgical facility, office of a health care 42  
professional or associated group of health care professionals, 43  
training institution for health care professionals, a free 44  
clinic or other nonprofit shelter or health care facility as 45  
those terms are defined in section 3701.071 of the Revised Code, 46  
or any other place where medical, dental, or other health- 47

related diagnosis, care, or treatment is provided to a person.	48
(5) "Health care professional" means any of the following	49
who provide medical, dental, or other health-related diagnosis,	50
care, or treatment:	51
(a) Physicians authorized under Chapter 4731. of the	52
Revised Code to practice medicine and surgery or osteopathic	53
medicine and surgery;	54
(b) Advanced practice registered nurses, registered	55
nurses, and licensed practical nurses licensed under Chapter	56
4723. of the Revised Code;	57
(c) Physician assistants authorized to practice under	58
Chapter 4730. of the Revised Code;	59
(d) Dentists and dental hygienists licensed under Chapter	60
4715. of the Revised Code;	61
(e) Physical therapists, physical therapist assistants,	62
occupational therapists, occupational therapy assistants, and	63
athletic trainers licensed under Chapter 4755. of the Revised	64
Code;	65
(f) Chiropractors licensed under Chapter 4734. of the	66
Revised Code;	67
(g) Optometrists licensed under Chapter 4725. of the	68
Revised Code;	69
(h) Podiatrists authorized under Chapter 4731. of the	70
Revised Code to practice podiatry;	71
(i) Dietitians licensed under Chapter 4759. of the Revised	72
Code;	73
(j) Pharmacists licensed under Chapter 4729. of the	74

Revised Code;	75
(k) Emergency medical technicians-basic, emergency medical	76
technicians-intermediate, and emergency medical technicians-	77
paramedic, certified under Chapter 4765. of the Revised Code;	78
(l) Respiratory care professionals <u>and advanced practice</u>	79
<u>respiratory therapists</u> licensed under Chapter 4761. of the	80
Revised Code;	81
(m) Speech-language pathologists and audiologists licensed	82
under Chapter 4753. of the Revised Code;	83
(n) Licensed professional clinical counselors, licensed	84
professional counselors, independent social workers, social	85
workers, independent marriage and family therapists, and	86
marriage and family therapists, licensed under Chapter 4757. of	87
the Revised Code;	88
(o) Psychologists licensed under Chapter 4732. of the	89
Revised Code;	90
(p) Independent chemical dependency counselors-clinical	91
supervisors, independent chemical dependency counselors,	92
chemical dependency counselors III, and chemical dependency	93
counselors II, licensed under Chapter 4758. of the Revised Code,	94
and chemical dependency counselor assistants, prevention	95
consultants, prevention specialists, prevention specialist	96
assistants, and registered applicants, certified under that	97
chapter.	98
(6) "Health care worker" means a person other than a	99
health care professional who provides medical, dental, or other	100
health-related care or treatment under the direction of a health	101
care professional with the authority to direct that individual's	102
activities, including medical technicians, medical assistants,	103

dental assistants, orderlies, aides, and individuals acting in 104  
similar capacities. 105

(7) "Indigent and uninsured person" means a person who 106  
meets both of the following requirements: 107

(a) Relative to being indigent, the person's income is not 108  
greater than two hundred per cent of the federal poverty line, 109  
as defined by the United States office of management and budget 110  
and revised in accordance with section 673(2) of the "Omnibus 111  
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 112  
9902, as amended, except in any case in which division (A) (7) (b) 113  
(iii) of this section includes a person whose income is greater 114  
than two hundred per cent of the federal poverty line. 115

(b) Relative to being uninsured, one of the following 116  
applies: 117

(i) The person is not a policyholder, certificate holder, 118  
insured, contract holder, subscriber, enrollee, member, 119  
beneficiary, or other covered individual under a health 120  
insurance or health care policy, contract, or plan. 121

(ii) The person is a policyholder, certificate holder, 122  
insured, contract holder, subscriber, enrollee, member, 123  
beneficiary, or other covered individual under a health 124  
insurance or health care policy, contract, or plan, but the 125  
insurer, policy, contract, or plan denies coverage or is the 126  
subject of insolvency or bankruptcy proceedings in any 127  
jurisdiction. 128

(iii) Until June 30, 2019, the person is eligible for the 129  
medicaid program or is a medicaid recipient. 130

(iv) Except as provided in division (A) (7) (b) (iii) of this 131  
section, the person is not eligible for or a recipient, 132

enrollee, or beneficiary of any governmental health care 133  
program. 134

(8) "Nonprofit health care referral organization" means an 135  
entity that is not operated for profit and refers patients to, 136  
or arranges for the provision of, health-related diagnosis, 137  
care, or treatment by a health care professional or health care 138  
worker. 139

(9) "Operation" means any procedure that involves cutting 140  
or otherwise infiltrating human tissue by mechanical means, 141  
including surgery, laser surgery, ionizing radiation, 142  
therapeutic ultrasound, or the removal of intraocular foreign 143  
bodies. "Operation" does not include the administration of 144  
medication by injection, unless the injection is administered in 145  
conjunction with a procedure infiltrating human tissue by 146  
mechanical means other than the administration of medicine by 147  
injection. "Operation" does not include routine dental 148  
restorative procedures, the scaling of teeth, or extractions of 149  
teeth that are not impacted. 150

(10) "Tort action" means a civil action for damages for 151  
injury, death, or loss to person or property other than a civil 152  
action for damages for a breach of contract or another agreement 153  
between persons or government entities. 154

(11) "Volunteer" means an individual who provides any 155  
medical, dental, or other health-care related diagnosis, care, 156  
or treatment without the expectation of receiving and without 157  
receipt of any compensation or other form of remuneration from 158  
an indigent and uninsured person, another person on behalf of an 159  
indigent and uninsured person, any health care facility or 160  
location, any nonprofit health care referral organization, or 161  
any other person or government entity. 162

(12) "Community control sanction" has the same meaning as 163  
in section 2929.01 of the Revised Code. 164

(13) "Deep sedation" means a drug-induced depression of 165  
consciousness during which a patient cannot be easily aroused 166  
but responds purposefully following repeated or painful 167  
stimulation, a patient's ability to independently maintain 168  
ventilatory function may be impaired, a patient may require 169  
assistance in maintaining a patent airway and spontaneous 170  
ventilation may be inadequate, and cardiovascular function is 171  
usually maintained. 172

(14) "General anesthesia" means a drug-induced loss of 173  
consciousness during which a patient is not arousable, even by 174  
painful stimulation, the ability to independently maintain 175  
ventilatory function is often impaired, a patient often requires 176  
assistance in maintaining a patent airway, positive pressure 177  
ventilation may be required because of depressed spontaneous 178  
ventilation or drug-induced depression of neuromuscular 179  
function, and cardiovascular function may be impaired. 180

(B) (1) Subject to divisions (F) and (G) (3) of this 181  
section, a health care professional who is a volunteer and 182  
complies with division (B) (2) of this section is not liable in 183  
damages to any person or government entity in a tort or other 184  
civil action, including an action on a medical, dental, 185  
chiropractic, optometric, or other health-related claim, for 186  
injury, death, or loss to person or property that allegedly 187  
arises from an action or omission of the volunteer in the 188  
provision to an indigent and uninsured person of medical, 189  
dental, or other health-related diagnosis, care, or treatment, 190  
including the provision of samples of medicine and other medical 191  
products, unless the action or omission constitutes willful or 192

wanton misconduct. 193

(2) To qualify for the immunity described in division (B) 194  
(1) of this section, a health care professional shall do all of 195  
the following prior to providing diagnosis, care, or treatment: 196

(a) Determine, in good faith, that the indigent and 197  
uninsured person is mentally capable of giving informed consent 198  
to the provision of the diagnosis, care, or treatment and is not 199  
subject to duress or under undue influence; 200

(b) Inform the person of the provisions of this section, 201  
including notifying the person that, by giving informed consent 202  
to the provision of the diagnosis, care, or treatment, the 203  
person cannot hold the health care professional liable for 204  
damages in a tort or other civil action, including an action on 205  
a medical, dental, chiropractic, optometric, or other health- 206  
related claim, unless the action or omission of the health care 207  
professional constitutes willful or wanton misconduct; 208

(c) Obtain the informed consent of the person and a 209  
written waiver, signed by the person or by another individual on 210  
behalf of and in the presence of the person, that states that 211  
the person is mentally competent to give informed consent and, 212  
without being subject to duress or under undue influence, gives 213  
informed consent to the provision of the diagnosis, care, or 214  
treatment subject to the provisions of this section. A written 215  
waiver under division (B) (2) (c) of this section shall state 216  
clearly and in conspicuous type that the person or other 217  
individual who signs the waiver is signing it with full 218  
knowledge that, by giving informed consent to the provision of 219  
the diagnosis, care, or treatment, the person cannot bring a 220  
tort or other civil action, including an action on a medical, 221  
dental, chiropractic, optometric, or other health-related claim, 222



against the health care professional unless the action or 223  
omission of the health care professional constitutes willful or 224  
wanton misconduct. 225

(3) A physician or podiatrist who is not covered by 226  
medical malpractice insurance, but complies with division (B) (2) 227  
of this section, is not required to comply with division (A) of 228  
section 4731.143 of the Revised Code. 229

(C) Subject to divisions (F) and (G) (3) of this section, 230  
health care workers who are volunteers are not liable in damages 231  
to any person or government entity in a tort or other civil 232  
action, including an action upon a medical, dental, 233  
chiropractic, optometric, or other health-related claim, for 234  
injury, death, or loss to person or property that allegedly 235  
arises from an action or omission of the health care worker in 236  
the provision to an indigent and uninsured person of medical, 237  
dental, or other health-related diagnosis, care, or treatment, 238  
unless the action or omission constitutes willful or wanton 239  
misconduct. 240

(D) Subject to divisions (F) and (G) (3) of this section, a 241  
nonprofit health care referral organization is not liable in 242  
damages to any person or government entity in a tort or other 243  
civil action, including an action on a medical, dental, 244  
chiropractic, optometric, or other health-related claim, for 245  
injury, death, or loss to person or property that allegedly 246  
arises from an action or omission of the nonprofit health care 247  
referral organization in referring indigent and uninsured 248  
persons to, or arranging for the provision of, medical, dental, 249  
or other health-related diagnosis, care, or treatment by a 250  
health care professional described in division (B) (1) of this 251  
section or a health care worker described in division (C) of 252

this section, unless the action or omission constitutes willful 253  
or wanton misconduct. 254

(E) Subject to divisions (F) and (G) (3) of this section 255  
and to the extent that the registration requirements of section 256  
3701.071 of the Revised Code apply, a health care facility or 257  
location associated with a health care professional described in 258  
division (B) (1) of this section, a health care worker described 259  
in division (C) of this section, or a nonprofit health care 260  
referral organization described in division (D) of this section 261  
is not liable in damages to any person or government entity in a 262  
tort or other civil action, including an action on a medical, 263  
dental, chiropractic, optometric, or other health-related claim, 264  
for injury, death, or loss to person or property that allegedly 265  
arises from an action or omission of the health care 266  
professional or worker or nonprofit health care referral 267  
organization relative to the medical, dental, or other health- 268  
related diagnosis, care, or treatment provided to an indigent 269  
and uninsured person on behalf of or at the health care facility 270  
or location, unless the action or omission constitutes willful 271  
or wanton misconduct. 272

(F) (1) Except as provided in division (F) (2) of this 273  
section, the immunities provided by divisions (B), (C), (D), and 274  
(E) of this section are not available to a health care 275  
professional, health care worker, nonprofit health care referral 276  
organization, or health care facility or location if, at the 277  
time of an alleged injury, death, or loss to person or property, 278  
the health care professionals or health care workers involved 279  
are providing one of the following: 280

(a) Any medical, dental, or other health-related 281  
diagnosis, care, or treatment pursuant to a community service 282

work order entered by a court under division (B) of section	283
2951.02 of the Revised Code or imposed by a court as a community	284
control sanction;	285
(b) Performance of an operation to which any one of the	286
following applies:	287
(i) The operation requires the administration of deep	288
sedation or general anesthesia.	289
(ii) The operation is a procedure that is not typically	290
performed in an office.	291
(iii) The individual involved is a health care	292
professional, and the operation is beyond the scope of practice	293
or the education, training, and competence, as applicable, of	294
the health care professional.	295
(c) Delivery of a baby or any other purposeful termination	296
of a human pregnancy.	297
(2) Division (F)(1) of this section does not apply when a	298
health care professional or health care worker provides medical,	299
dental, or other health-related diagnosis, care, or treatment	300
that is necessary to preserve the life of a person in a medical	301
emergency.	302
(G)(1) This section does not create a new cause of action	303
or substantive legal right against a health care professional,	304
health care worker, nonprofit health care referral organization,	305
or health care facility or location.	306
(2) This section does not affect any immunities from civil	307
liability or defenses established by another section of the	308
Revised Code or available at common law to which a health care	309
professional, health care worker, nonprofit health care referral	310

organization, or health care facility or location may be 311  
entitled in connection with the provision of emergency or other 312  
medical, dental, or other health-related diagnosis, care, or 313  
treatment. 314

(3) This section does not grant an immunity from tort or 315  
other civil liability to a health care professional, health care 316  
worker, nonprofit health care referral organization, or health 317  
care facility or location for actions that are outside the scope 318  
of authority of health care professionals or health care 319  
workers. 320

In the case of the diagnosis, care, or treatment of an 321  
indigent and uninsured person who is eligible for the medicaid 322  
program or is a medicaid recipient, this section grants an 323  
immunity from tort or other civil liability only if the person's 324  
diagnosis, care, or treatment is provided in a free clinic, as 325  
defined in section 3701.071 of the Revised Code. 326

(4) This section does not affect any legal responsibility 327  
of a health care professional, health care worker, or nonprofit 328  
health care referral organization to comply with any applicable 329  
law of this state or rule of an agency of this state. 330

(5) This section does not affect any legal responsibility 331  
of a health care facility or location to comply with any 332  
applicable law of this state, rule of an agency of this state, 333  
or local code, ordinance, or regulation that pertains to or 334  
regulates building, housing, air pollution, water pollution, 335  
sanitation, health, fire, zoning, or safety. 336

**Sec. 2925.01.** As used in this chapter: 337

(A) "Administer," "controlled substance," "controlled 338  
substance analog," "dispense," "distribute," "hypodermic," 339

"manufacturer," "official written order," "person," 340  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 341  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 342  
have the same meanings as in section 3719.01 of the Revised 343  
Code. 344

(B) "Drug of abuse" and "person with a drug dependency" 345  
have the same meanings as in section 3719.011 of the Revised 346  
Code. 347

(C) "Drug," "dangerous drug," "licensed health 348  
professional authorized to prescribe drugs," and "prescription" 349  
have the same meanings as in section 4729.01 of the Revised 350  
Code. 351

(D) "Bulk amount" of a controlled substance means any of 352  
the following: 353

(1) For any compound, mixture, preparation, or substance 354  
included in schedule I, schedule II, or schedule III, with the 355  
exception of any controlled substance analog, marihuana, 356  
cocaine, L.S.D., heroin, any fentanyl-related compound, and 357  
hashish and except as provided in division (D) (2), (5), or (6) 358  
of this section, whichever of the following is applicable: 359

(a) An amount equal to or exceeding ten grams or twenty- 360  
five unit doses of a compound, mixture, preparation, or 361  
substance that is or contains any amount of a schedule I opiate 362  
or opium derivative; 363

(b) An amount equal to or exceeding ten grams of a 364  
compound, mixture, preparation, or substance that is or contains 365  
any amount of raw or gum opium; 366

(c) An amount equal to or exceeding thirty grams or ten 367  
unit doses of a compound, mixture, preparation, or substance 368

that is or contains any amount of a schedule I hallucinogen 369  
other than tetrahydrocannabinol or lysergic acid amide, or a 370  
schedule I stimulant or depressant; 371

(d) An amount equal to or exceeding twenty grams or five 372  
times the maximum daily dose in the usual dose range specified 373  
in a standard pharmaceutical reference manual of a compound, 374  
mixture, preparation, or substance that is or contains any 375  
amount of a schedule II opiate or opium derivative; 376

(e) An amount equal to or exceeding five grams or ten unit 377  
doses of a compound, mixture, preparation, or substance that is 378  
or contains any amount of phencyclidine; 379

(f) An amount equal to or exceeding one hundred twenty 380  
grams or thirty times the maximum daily dose in the usual dose 381  
range specified in a standard pharmaceutical reference manual of 382  
a compound, mixture, preparation, or substance that is or 383  
contains any amount of a schedule II stimulant that is in a 384  
final dosage form manufactured by a person authorized by the 385  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 386  
U.S.C.A. 301, as amended, and the federal drug abuse control 387  
laws, as defined in section 3719.01 of the Revised Code, that is 388  
or contains any amount of a schedule II depressant substance or 389  
a schedule II hallucinogenic substance; 390

(g) An amount equal to or exceeding three grams of a 391  
compound, mixture, preparation, or substance that is or contains 392  
any amount of a schedule II stimulant, or any of its salts or 393  
isomers, that is not in a final dosage form manufactured by a 394  
person authorized by the Federal Food, Drug, and Cosmetic Act 395  
and the federal drug abuse control laws. 396

(2) An amount equal to or exceeding one hundred twenty 397

grams or thirty times the maximum daily dose in the usual dose 398  
range specified in a standard pharmaceutical reference manual of 399  
a compound, mixture, preparation, or substance that is or 400  
contains any amount of a schedule III or IV substance other than 401  
an anabolic steroid or a schedule III opiate or opium 402  
derivative; 403

(3) An amount equal to or exceeding twenty grams or five 404  
times the maximum daily dose in the usual dose range specified 405  
in a standard pharmaceutical reference manual of a compound, 406  
mixture, preparation, or substance that is or contains any 407  
amount of a schedule III opiate or opium derivative; 408

(4) An amount equal to or exceeding two hundred fifty 409  
milliliters or two hundred fifty grams of a compound, mixture, 410  
preparation, or substance that is or contains any amount of a 411  
schedule V substance; 412

(5) An amount equal to or exceeding two hundred solid 413  
dosage units, sixteen grams, or sixteen milliliters of a 414  
compound, mixture, preparation, or substance that is or contains 415  
any amount of a schedule III anabolic steroid; 416

(6) For any compound, mixture, preparation, or substance 417  
that is a combination of a fentanyl-related compound and any 418  
other compound, mixture, preparation, or substance included in 419  
schedule III, schedule IV, or schedule V, if the defendant is 420  
charged with a violation of section 2925.11 of the Revised Code 421  
and the sentencing provisions set forth in divisions (C)(10)(b) 422  
and (C)(11) of that section will not apply regarding the 423  
defendant and the violation, the bulk amount of the controlled 424  
substance for purposes of the violation is the amount specified 425  
in division (D)(1), (2), (3), (4), or (5) of this section for 426  
the other schedule III, IV, or V controlled substance that is 427

combined with the fentanyl-related compound. 428

(E) "Unit dose" means an amount or unit of a compound, 429  
mixture, or preparation containing a controlled substance that 430  
is separately identifiable and in a form that indicates that it 431  
is the amount or unit by which the controlled substance is 432  
separately administered to or taken by an individual. 433

(F) "Cultivate" includes planting, watering, fertilizing, 434  
or tilling. 435

(G) "Drug abuse offense" means any of the following: 436

(1) A violation of division (A) of section 2913.02 that 437  
constitutes theft of drugs, or a violation of section 2925.02, 438  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 439  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 440  
or 2925.37 of the Revised Code; 441

(2) A violation of an existing or former law of this or 442  
any other state or of the United States that is substantially 443  
equivalent to any section listed in division (G)(1) of this 444  
section; 445

(3) An offense under an existing or former law of this or 446  
any other state, or of the United States, of which planting, 447  
cultivating, harvesting, processing, making, manufacturing, 448  
producing, shipping, transporting, delivering, acquiring, 449  
possessing, storing, distributing, dispensing, selling, inducing 450  
another to use, administering to another, using, or otherwise 451  
dealing with a controlled substance is an element; 452

(4) A conspiracy to commit, attempt to commit, or 453  
complicity in committing or attempting to commit any offense 454  
under division (G)(1), (2), or (3) of this section. 455



(H) "Felony drug abuse offense" means any drug abuse 456  
offense that would constitute a felony under the laws of this 457  
state, any other state, or the United States. 458

(I) "Harmful intoxicant" does not include beer or 459  
intoxicating liquor but means any of the following: 460

(1) Any compound, mixture, preparation, or substance the 461  
gas, fumes, or vapor of which when inhaled can induce 462  
intoxication, excitement, giddiness, irrational behavior, 463  
depression, stupefaction, paralysis, unconsciousness, 464  
asphyxiation, or other harmful physiological effects, and 465  
includes, but is not limited to, any of the following: 466

(a) Any volatile organic solvent, plastic cement, model 467  
cement, fingernail polish remover, lacquer thinner, cleaning 468  
fluid, gasoline, or other preparation containing a volatile 469  
organic solvent; 470

(b) Any aerosol propellant; 471

(c) Any fluorocarbon refrigerant; 472

(d) Any anesthetic gas. 473

(2) Gamma Butyrolactone; 474

(3) 1,4 Butanediol. 475

(J) "Manufacture" means to plant, cultivate, harvest, 476  
process, make, prepare, or otherwise engage in any part of the 477  
production of a drug, by propagation, extraction, chemical 478  
synthesis, or compounding, or any combination of the same, and 479  
includes packaging, repackaging, labeling, and other activities 480  
incident to production. 481

(K) "Possess" or "possession" means having control over a 482

thing or substance, but may not be inferred solely from mere 483  
access to the thing or substance through ownership or occupation 484  
of the premises upon which the thing or substance is found. 485

(L) "Sample drug" means a drug or pharmaceutical 486  
preparation that would be hazardous to health or safety if used 487  
without the supervision of a licensed health professional 488  
authorized to prescribe drugs, or a drug of abuse, and that, at 489  
one time, had been placed in a container plainly marked as a 490  
sample by a manufacturer. 491

(M) "Standard pharmaceutical reference manual" means the 492  
current edition, with cumulative changes if any, of references 493  
that are approved by the state board of pharmacy. 494

(N) "Juvenile" means a person under eighteen years of age. 495

(O) "Counterfeit controlled substance" means any of the 496  
following: 497

(1) Any drug that bears, or whose container or label 498  
bears, a trademark, trade name, or other identifying mark used 499  
without authorization of the owner of rights to that trademark, 500  
trade name, or identifying mark; 501

(2) Any unmarked or unlabeled substance that is 502  
represented to be a controlled substance manufactured, 503  
processed, packed, or distributed by a person other than the 504  
person that manufactured, processed, packed, or distributed it; 505

(3) Any substance that is represented to be a controlled 506  
substance but is not a controlled substance or is a different 507  
controlled substance; 508

(4) Any substance other than a controlled substance that a 509  
reasonable person would believe to be a controlled substance 510

because of its similarity in shape, size, and color, or its 511  
markings, labeling, packaging, distribution, or the price for 512  
which it is sold or offered for sale. 513

(P) An offense is "committed in the vicinity of a school" 514  
if the offender commits the offense on school premises, in a 515  
school building, or within one thousand feet of the boundaries 516  
of any school premises, regardless of whether the offender knows 517  
the offense is being committed on school premises, in a school 518  
building, or within one thousand feet of the boundaries of any 519  
school premises. 520

(Q) "School" means any school operated by a board of 521  
education, any community school established under Chapter 3314. 522  
of the Revised Code, or any nonpublic school for which the 523  
director of education and workforce prescribes minimum standards 524  
under section 3301.07 of the Revised Code, whether or not any 525  
instruction, extracurricular activities, or training provided by 526  
the school is being conducted at the time a criminal offense is 527  
committed. 528

(R) "School premises" means either of the following: 529

(1) The parcel of real property on which any school is 530  
situated, whether or not any instruction, extracurricular 531  
activities, or training provided by the school is being 532  
conducted on the premises at the time a criminal offense is 533  
committed; 534

(2) Any other parcel of real property that is owned or 535  
leased by a board of education of a school, the governing 536  
authority of a community school established under Chapter 3314. 537  
of the Revised Code, or the governing body of a nonpublic school 538  
for which the director of education and workforce prescribes 539

minimum standards under section 3301.07 of the Revised Code and 540  
on which some of the instruction, extracurricular activities, or 541  
training of the school is conducted, whether or not any 542  
instruction, extracurricular activities, or training provided by 543  
the school is being conducted on the parcel of real property at 544  
the time a criminal offense is committed. 545

(S) "School building" means any building in which any of 546  
the instruction, extracurricular activities, or training 547  
provided by a school is conducted, whether or not any 548  
instruction, extracurricular activities, or training provided by 549  
the school is being conducted in the school building at the time 550  
a criminal offense is committed. 551

(T) "Disciplinary counsel" means the disciplinary counsel 552  
appointed by the board of commissioners on grievances and 553  
discipline of the supreme court under the Rules for the 554  
Government of the Bar of Ohio. 555

(U) "Certified grievance committee" means a duly 556  
constituted and organized committee of the Ohio state bar 557  
association or of one or more local bar associations of the 558  
state of Ohio that complies with the criteria set forth in Rule 559  
V, section 6 of the Rules for the Government of the Bar of Ohio. 560

(V) "Professional license" means any license, permit, 561  
certificate, registration, qualification, admission, temporary 562  
license, temporary permit, temporary certificate, or temporary 563  
registration that is described in divisions (W) (1) to (37) of 564  
this section and that qualifies a person as a professionally 565  
licensed person. 566

(W) "Professionally licensed person" means any of the 567  
following: 568

(1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Chapter 4701. of the Revised Code and who holds an Ohio permit issued under that chapter;	569 570 571 572 573
(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	574 575 576
(3) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;	577 578 579
(4) A person licensed under Chapter 4707. of the Revised Code;	580 581
(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	582 583 584
(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	585 586 587
(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter	588 589 590 591 592 593 594 595 596 597

4713. of the Revised Code;	598
(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	599 600 601 602 603
(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	604 605 606 607 608
(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	609 610 611 612
(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	613 614 615
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	616 617
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	618 619
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	620 621 622 623
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility,	624 625

third-party logistics provider, repackager of dangerous drugs,	626
wholesale distributor of dangerous drugs, or terminal	627
distributor of dangerous drugs;	628
(16) A person who is authorized to practice as a physician	629
assistant under Chapter 4730. of the Revised Code;	630
(17) A person who has been issued a license to practice	631
medicine and surgery, osteopathic medicine and surgery, or	632
podiatric medicine and surgery under Chapter 4731. of the	633
Revised Code or has been issued a certificate to practice a	634
limited branch of medicine under that chapter;	635
(18) A person licensed as a psychologist, independent	636
school psychologist, or school psychologist under Chapter 4732.	637
of the Revised Code;	638
(19) A person registered to practice the profession of	639
engineering or surveying under Chapter 4733. of the Revised	640
Code;	641
(20) A person who has been issued a license to practice	642
chiropractic under Chapter 4734. of the Revised Code;	643
(21) A person licensed to act as a real estate broker or	644
real estate salesperson under Chapter 4735. of the Revised Code;	645
(22) A person registered as a registered environmental	646
health specialist under Chapter 3776. of the Revised Code;	647
(23) A person licensed to operate or maintain a junkyard	648
under Chapter 4737. of the Revised Code;	649
(24) A person who has been issued a motor vehicle salvage	650
dealer's license under Chapter 4738. of the Revised Code;	651
(25) A person who has been licensed to act as a steam	652

engineer under Chapter 4739. of the Revised Code;	653
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	654 655 656 657
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	658 659 660
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	661 662 663
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	664 665
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	666 667 668
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	669 670 671
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	672 673 674 675 676 677
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	678 679
(34) A person who has been issued a license or limited	680



permit to practice respiratory therapy or a license to practice 681  
as an advanced practice respiratory therapist under Chapter 682  
4761. of the Revised Code; 683

(35) A person who has been issued a real estate appraiser 684  
certificate under Chapter 4763. of the Revised Code; 685

(36) A person who has been issued a home inspector license 686  
under Chapter 4764. of the Revised Code; 687

(37) A person who has been admitted to the bar by order of 688  
the supreme court in compliance with its prescribed and 689  
published rules. 690

(X) "Cocaine" means any of the following: 691

(1) A cocaine salt, isomer, or derivative, a salt of a 692  
cocaine isomer or derivative, or the base form of cocaine; 693

(2) Coca leaves or a salt, compound, derivative, or 694  
preparation of coca leaves, including ecgonine, a salt, isomer, 695  
or derivative of ecgonine, or a salt of an isomer or derivative 696  
of ecgonine; 697

(3) A salt, compound, derivative, or preparation of a 698  
substance identified in division (X) (1) or (2) of this section 699  
that is chemically equivalent to or identical with any of those 700  
substances, except that the substances shall not include 701  
decocainized coca leaves or extraction of coca leaves if the 702  
extractions do not contain cocaine or ecgonine. 703

(Y) "L.S.D." means lysergic acid diethylamide. 704

(Z) "Hashish" means a resin or a preparation of a resin to 705  
which both of the following apply: 706

(1) It is contained in or derived from any part of the 707

plant of the genus cannabis, whether in solid form or in a 708  
liquid concentrate, liquid extract, or liquid distillate form. 709

(2) It has a delta-9 tetrahydrocannabinol concentration of 710  
more than three-tenths per cent. 711

"Hashish" does not include a hemp byproduct in the 712  
possession of a licensed hemp processor under Chapter 928. of 713  
the Revised Code, provided that the hemp byproduct is being 714  
produced, stored, and disposed of in accordance with rules 715  
adopted under section 928.03 of the Revised Code. 716

(AA) "Marihuana" has the same meaning as in section 717  
3719.01 of the Revised Code, except that it does not include 718  
hashish. 719

(BB) An offense is "committed in the vicinity of a 720  
juvenile" if the offender commits the offense within one hundred 721  
feet of a juvenile or within the view of a juvenile, regardless 722  
of whether the offender knows the age of the juvenile, whether 723  
the offender knows the offense is being committed within one 724  
hundred feet of or within view of the juvenile, or whether the 725  
juvenile actually views the commission of the offense. 726

(CC) "Presumption for a prison term" or "presumption that 727  
a prison term shall be imposed" means a presumption, as 728  
described in division (D) of section 2929.13 of the Revised 729  
Code, that a prison term is a necessary sanction for a felony in 730  
order to comply with the purposes and principles of sentencing 731  
under section 2929.11 of the Revised Code. 732

(DD) "Major drug offender" has the same meaning as in 733  
section 2929.01 of the Revised Code. 734

(EE) "Minor drug possession offense" means either of the 735  
following: 736

(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;	737 738
(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.	739 740 741
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	742 743
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	744 745
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	746 747 748
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	749 750 751 752 753
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	754 755
(KK) "Fentanyl-related compound" means any of the following:	756 757
(1) Fentanyl;	758
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	759 760 761
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	762 763

- (4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl) -N-phenylpropanamide); 764  
765
- (5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide); 766  
767  
768
- (6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide); 769  
770
- (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide); 771  
772
- (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide; 773  
774
- (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide; 775  
776
- (10) Alfentanil; 777
- (11) Carfentanil; 778
- (12) Remifentanil; 779
- (13) Sufentanil; 780
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 781  
782
- (15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl: 783  
784  
785  
786  
787  
788  
789
- (a) A chemical scaffold consisting of both of the 790

following: 791

(i) A five, six, or seven member ring structure containing 792  
a nitrogen, whether or not further substituted; 793

(ii) An attached nitrogen to the ring, whether or not that 794  
nitrogen is enclosed in a ring structure, including an attached 795  
aromatic ring or other lipophilic group to that nitrogen. 796

(b) A polar functional group attached to the chemical 797  
scaffold, including but not limited to a hydroxyl, ketone, 798  
amide, or ester; 799

(c) An alkyl or aryl substitution off the ring nitrogen of 800  
the chemical scaffold; and 801

(d) The compound has not been approved for medical use by 802  
the United States food and drug administration. 803

(LL) "First degree felony mandatory prison term" means one 804  
of the definite prison terms prescribed in division (A) (1) (b) of 805  
section 2929.14 of the Revised Code for a felony of the first 806  
degree, except that if the violation for which sentence is being 807  
imposed is committed on or after March 22, 2019, it means one of 808  
the minimum prison terms prescribed in division (A) (1) (a) of 809  
that section for a felony of the first degree. 810

(MM) "Second degree felony mandatory prison term" means 811  
one of the definite prison terms prescribed in division (A) (2) 812  
(b) of section 2929.14 of the Revised Code for a felony of the 813  
second degree, except that if the violation for which sentence 814  
is being imposed is committed on or after March 22, 2019, it 815  
means one of the minimum prison terms prescribed in division (A) 816  
(2) (a) of that section for a felony of the second degree. 817

(NN) "Maximum first degree felony mandatory prison term" 818

means the maximum definite prison term prescribed in division 819  
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 820  
the first degree, except that if the violation for which 821  
sentence is being imposed is committed on or after March 22, 822  
2019, it means the longest minimum prison term prescribed in 823  
division (A) (1) (a) of that section for a felony of the first 824  
degree. 825

(OO) "Maximum second degree felony mandatory prison term" 826  
means the maximum definite prison term prescribed in division 827  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 828  
the second degree, except that if the violation for which 829  
sentence is being imposed is committed on or after March 22, 830  
2019, it means the longest minimum prison term prescribed in 831  
division (A) (2) (a) of that section for a felony of the second 832  
degree. 833

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 834  
as in section 928.01 of the Revised Code. 835

(QQ) An offense is "committed in the vicinity of a 836  
substance addiction services provider or a recovering addict" if 837  
either of the following apply: 838

(1) The offender commits the offense on the premises of a 839  
substance addiction services provider's facility, including a 840  
facility licensed prior to June 29, 2019, under section 5119.391 841  
of the Revised Code to provide methadone treatment or an opioid 842  
treatment program licensed on or after that date under section 843  
5119.37 of the Revised Code, or within five hundred feet of the 844  
premises of a substance addiction services provider's facility 845  
and the offender knows or should know that the offense is being 846  
committed within the vicinity of the substance addiction 847  
services provider's facility. 848

(2) The offender sells, offers to sell, delivers, or 849  
distributes the controlled substance or controlled substance 850  
analog to a person who is receiving treatment at the time of the 851  
commission of the offense, or received treatment within thirty 852  
days prior to the commission of the offense, from a substance 853  
addiction services provider and the offender knows that the 854  
person is receiving or received that treatment. 855

(RR) "Substance addiction services provider" means an 856  
agency, association, corporation or other legal entity, 857  
individual, or program that provides one or more of the 858  
following at a facility: 859

(1) Either alcohol addiction services, or drug addiction 860  
services, or both such services that are certified by the 861  
director of mental health and addiction services under section 862  
5119.36 of the Revised Code; 863

(2) Recovery supports that are related to either alcohol 864  
addiction services, or drug addiction services, or both such 865  
services and paid for with federal, state, or local funds 866  
administered by the department of mental health and addiction 867  
services or a board of alcohol, drug addiction, and mental 868  
health services. 869

(SS) "Premises of a substance addiction services 870  
provider's facility" means the parcel of real property on which 871  
any substance addiction service provider's facility is situated. 872

(TT) "Alcohol and drug addiction services" has the same 873  
meaning as in section 5119.01 of the Revised Code. 874

**Sec. 2925.23.** (A) No person shall knowingly make a false 875  
statement in any prescription, order, report, or record required 876  
by Chapter 3719. or 4729. of the Revised Code. 877

(B) No person shall intentionally make, utter, or sell, or knowingly possess any of the following that is a false or forged:	878
	879
	880
(1) Prescription;	881
(2) Uncompleted preprinted prescription blank used for writing a prescription;	882
	883
(3) Official written order;	884
(4) License for a terminal distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code;	885
	886
(5) License for a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code.	887
	888
	889
	890
(C) No person, by theft as defined in section 2913.02 of the Revised Code, shall acquire any of the following:	891
	892
(1) A prescription;	893
(2) An uncompleted preprinted prescription blank used for writing a prescription;	894
	895
(3) An official written order;	896
(4) A blank official written order;	897
(5) A license or blank license for a terminal distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code;	898
	899
	900
(6) A license or blank license for a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs, as defined in section 4729.01 of	901
	902
	903
	904



the Revised Code. 905

(D) No person shall knowingly make or affix any false or 906  
forged label to a package or receptacle containing any dangerous 907  
drugs. 908

(E) Divisions (A) and (D) of this section do not apply to 909  
licensed health professionals authorized to prescribe drugs, 910  
pharmacists, owners of pharmacies, and other persons whose 911  
conduct is in accordance with Chapters 3719., 4715., 4723., 912  
4725., 4729., 4730., 4731., ~~and 4741.~~ and 4761. of the Revised 913  
Code. 914

(F) Whoever violates this section is guilty of illegal 915  
processing of drug documents. If the offender violates division 916  
(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 917  
section, illegal processing of drug documents is a felony of the 918  
fifth degree. If the offender violates division (A), division 919  
(B) (1) or (3), division (C) (1) or (3), or division (D) of this 920  
section, the penalty for illegal processing of drug documents 921  
shall be determined as follows: 922

(1) If the drug involved is a compound, mixture, 923  
preparation, or substance included in schedule I or II, with the 924  
exception of marihuana, illegal processing of drug documents is 925  
a felony of the fourth degree, and division (C) of section 926  
2929.13 of the Revised Code applies in determining whether to 927  
impose a prison term on the offender. 928

(2) If the drug involved is a dangerous drug or a 929  
compound, mixture, preparation, or substance included in 930  
schedule III, IV, or V or is marihuana, illegal processing of 931  
drug documents is a felony of the fifth degree, and division (C) 932  
of section 2929.13 of the Revised Code applies in determining 933

whether to impose a prison term on the offender. 934

(G) (1) In addition to any prison term authorized or 935  
required by division (F) of this section and sections 2929.13 936  
and 2929.14 of the Revised Code and in addition to any other 937  
sanction imposed for the offense under this section or sections 938  
2929.11 to 2929.18 of the Revised Code, the court that sentences 939  
an offender who is convicted of or pleads guilty to any 940  
violation of divisions (A) to (D) of this section may suspend 941  
for not more than five years the offender's driver's or 942  
commercial driver's license or permit. However, if the offender 943  
pleaded guilty to or was convicted of a violation of section 944  
4511.19 of the Revised Code or a substantially similar municipal 945  
ordinance or the law of another state or the United States 946  
arising out of the same set of circumstances as the violation, 947  
the court shall suspend the offender's driver's or commercial 948  
driver's license or permit for not more than five years. 949

If the offender is a professionally licensed person, in 950  
addition to any other sanction imposed for a violation of this 951  
section, the court immediately shall comply with section 2925.38 952  
of the Revised Code. 953

(2) Any offender who received a mandatory suspension of 954  
the offender's driver's or commercial driver's license or permit 955  
under this section prior to September 13, 2016, may file a 956  
motion with the sentencing court requesting the termination of 957  
the suspension. However, an offender who pleaded guilty to or 958  
was convicted of a violation of section 4511.19 of the Revised 959  
Code or a substantially similar municipal ordinance or law of 960  
another state or the United States that arose out of the same 961  
set of circumstances as the violation for which the offender's 962  
license or permit was suspended under this section shall not 963

file such a motion. 964

Upon the filing of a motion under division (G) (2) of this 965  
section, the sentencing court, in its discretion, may terminate 966  
the suspension. 967

(H) Notwithstanding any contrary provision of section 968  
3719.21 of the Revised Code, the clerk of court shall pay a fine 969  
imposed for a violation of this section pursuant to division (A) 970  
of section 2929.18 of the Revised Code in accordance with and 971  
subject to the requirements of division (F) of section 2925.03 972  
of the Revised Code. The agency that receives the fine shall use 973  
the fine as specified in division (F) of section 2925.03 of the 974  
Revised Code. 975

**Sec. 2925.55.** (A) As used in sections 2925.55 to 2925.58 976  
of the Revised Code: 977

(1) "Consumer product" means any food or drink that is 978  
consumed or used by humans and any drug, including a drug that 979  
may be provided legally only pursuant to a prescription, that is 980  
intended to be consumed or used by humans. 981

(2) "Terminal distributor of dangerous drugs" has the same 982  
meaning as in section 4729.01 of the Revised Code. 983

(3) "Pseudoephedrine" means any material, compound, 984  
mixture, or preparation that contains any quantity of 985  
pseudoephedrine, any of its salts, optical isomers, or salts of 986  
optical isomers. 987

(4) "Pseudoephedrine product" means a consumer product 988  
that contains pseudoephedrine. 989

(5) "Retailer" means a place of business that offers 990  
consumer products for sale to the general public. 991

(6) "Single-ingredient preparation" means a compound, 992  
mixture, preparation, or substance that contains a single active 993  
ingredient. 994

(7) "Ephedrine" means any material, compound, mixture, or 995  
preparation that contains any quantity of ephedrine, any of its 996  
salts, optical isomers, or salts of optical isomers. 997

(8) "Ephedrine product" means a consumer product that 998  
contains ephedrine. 999

(B) (1) No individual shall knowingly purchase, receive, or 1000  
otherwise acquire an amount of pseudoephedrine product or 1001  
ephedrine product that is greater than either of the following 1002  
unless the pseudoephedrine product or ephedrine product is 1003  
dispensed by a pharmacist pursuant to a valid prescription 1004  
issued by a licensed health professional authorized to prescribe 1005  
drugs and the conduct of the pharmacist and the licensed health 1006  
professional authorized to prescribe drugs is in accordance with 1007  
Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or~~4741., or 1008  
4761. of the Revised Code: 1009

(a) Three and six tenths grams within a period of a single 1010  
day; 1011

(b) Nine grams within a period of thirty consecutive days. 1012

The limits specified in divisions (B) (1) (a) and (b) of 1013  
this section apply to the total amount of base pseudoephedrine 1014  
or base ephedrine in the pseudoephedrine product or ephedrine 1015  
product, respectively. The limits do not apply to the product's 1016  
overall weight. 1017

(2) It is not a violation of division (B) (1) of this 1018  
section for an individual to receive or accept more than an 1019  
amount of pseudoephedrine product or ephedrine product specified 1020

in division (B) (1) (a) or (b) of this section if the individual 1021  
is an employee of a retailer or terminal distributor of 1022  
dangerous drugs, and the employee receives or accepts from the 1023  
retailer or terminal distributor of dangerous drugs the 1024  
pseudoephedrine product or ephedrine product in a sealed 1025  
container in connection with manufacturing, warehousing, 1026  
placement, stocking, bagging, loading, or unloading of the 1027  
product. 1028

(C) (1) No individual under eighteen years of age shall 1029  
knowingly purchase, receive, or otherwise acquire a 1030  
pseudoephedrine product or ephedrine product unless the 1031  
pseudoephedrine product or ephedrine product is dispensed by a 1032  
pharmacist pursuant to a valid prescription issued by a licensed 1033  
health professional authorized to prescribe drugs and the 1034  
conduct of the pharmacist and the licensed health professional 1035  
authorized to prescribe drugs is in accordance with Chapter 1036  
3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, or 4761. of 1037  
the Revised Code. 1038

(2) Division (C) (1) of this section does not apply to an 1039  
individual under eighteen years of age who purchases, receives, 1040  
or otherwise acquires a pseudoephedrine product or ephedrine 1041  
product from any of the following: 1042

(a) A licensed health professional authorized to prescribe 1043  
drugs or pharmacist who dispenses, sells, or otherwise provides 1044  
the pseudoephedrine product or ephedrine product to that 1045  
individual and whose conduct is in accordance with Chapter 1046  
3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, or 4761. of 1047  
the Revised Code; 1048

(b) A parent or guardian of that individual who provides 1049  
the pseudoephedrine product or ephedrine product to the 1050

individual; 1051

(c) A person, as authorized by that individual's parent or 1052  
guardian, who dispenses, sells, or otherwise provides the 1053  
pseudoephedrine product or ephedrine product to the individual; 1054

(d) A retailer or terminal distributor of dangerous drugs 1055  
who provides the pseudoephedrine product or ephedrine product to 1056  
that individual if the individual is an employee of the retailer 1057  
or terminal distributor of dangerous drugs and the individual 1058  
receives or accepts from the retailer or terminal distributor of 1059  
dangerous drugs the pseudoephedrine product or ephedrine product 1060  
in a sealed container in connection with manufacturing, 1061  
warehousing, placement, stocking, bagging, loading, or unloading 1062  
of the product. 1063

(D) No individual under eighteen years of age shall 1064  
knowingly show or give false information concerning the 1065  
individual's name, age, or other identification for the purpose 1066  
of purchasing, receiving, or otherwise acquiring a 1067  
pseudoephedrine product or ephedrine product. 1068

(E) No individual shall knowingly fail to comply with the 1069  
requirements of division (B) of section 3715.051 of the Revised 1070  
Code. 1071

(F) Whoever violates division (B) (1) of this section is 1072  
guilty of unlawful purchase of a pseudoephedrine product or 1073  
ephedrine product, a misdemeanor of the first degree. 1074

(G) Whoever violates division (C) (1) of this section is 1075  
guilty of underage purchase of a pseudoephedrine product or 1076  
ephedrine product, a delinquent act that would be a misdemeanor 1077  
of the fourth degree if it could be committed by an adult. 1078

(H) Whoever violates division (D) of this section is 1079

guilty of using false information to purchase a pseudoephedrine 1080  
product or ephedrine product, a delinquent act that would be a 1081  
misdemeanor of the first degree if it could be committed by an 1082  
adult. 1083

(I) Whoever violates division (E) of this section is 1084  
guilty of improper purchase of a pseudoephedrine product or 1085  
ephedrine product, a misdemeanor of the fourth degree. 1086

**Sec. 2925.56.** (A) (1) Except as provided in division (A) (2) 1087  
of this section, no retailer or terminal distributor of 1088  
dangerous drugs or an employee of a retailer or terminal 1089  
distributor of dangerous drugs shall knowingly sell, offer to 1090  
sell, hold for sale, deliver, or otherwise provide to any 1091  
individual an amount of pseudoephedrine product or ephedrine 1092  
product that is greater than either of the following: 1093

(a) Three and six-tenths grams within a period of a single 1094  
day; 1095

(b) Nine grams within a period of thirty consecutive days. 1096

The maximum amounts specified in divisions (A) (1) (a) and 1097  
(b) of this section apply to the total amount of base 1098  
pseudoephedrine or base ephedrine in the pseudoephedrine product 1099  
or ephedrine product, respectively. The maximum amounts do not 1100  
apply to the product's overall weight. 1101

(2) (a) Division (A) (1) of this section does not apply to 1102  
any quantity of pseudoephedrine product or ephedrine product 1103  
dispensed by a pharmacist pursuant to a valid prescription 1104  
issued by a licensed health professional authorized to prescribe 1105  
drugs if the conduct of the pharmacist and the licensed health 1106  
professional authorized to prescribe drugs is in accordance with 1107  
Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or~~ 4741., or 1108

4761. of the Revised Code. 1109

(b) It is not a violation of division (A)(1) of this 1110  
section for a retailer, terminal distributor of dangerous drugs, 1111  
or employee of either to provide to an individual more than an 1112  
amount of pseudoephedrine product or ephedrine product specified 1113  
in division (A)(1)(a) or (b) of this section under either of the 1114  
following circumstances: 1115

(i) The individual is an employee of the retailer or 1116  
terminal distributor of dangerous drugs, and the employee 1117  
receives or accepts from the retailer, terminal distributor of 1118  
dangerous drugs, or employee the pseudoephedrine product or 1119  
ephedrine product in a sealed container in connection with 1120  
manufacturing, warehousing, placement, stocking, bagging, 1121  
loading, or unloading of the product; 1122

(ii) A stop-sale alert is generated after the submission 1123  
of information to the national precursor log exchange under the 1124  
conditions described in division (A)(2) of section 3715.052 of 1125  
the Revised Code. 1126

(B)(1) Except as provided in division (B)(2) of this 1127  
section, no retailer or terminal distributor of dangerous drugs 1128  
or an employee of a retailer or terminal distributor of 1129  
dangerous drugs shall sell, offer to sell, hold for sale, 1130  
deliver, or otherwise provide a pseudoephedrine product or 1131  
ephedrine product to an individual who is under eighteen years 1132  
of age. 1133

(2) Division (B)(1) of this section does not apply to any 1134  
of the following: 1135

(a) A licensed health professional authorized to prescribe 1136  
drugs or pharmacist who dispenses, sells, or otherwise provides 1137



a pseudoephedrine product or ephedrine product to an individual 1138  
under eighteen years of age and whose conduct is in accordance 1139  
with Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~ 1140  
or 4761. of the Revised Code; 1141

(b) A parent or guardian of an individual under eighteen 1142  
years of age who provides a pseudoephedrine product or ephedrine 1143  
product to the individual; 1144

(c) A person who, as authorized by the individual's parent 1145  
or guardian, dispenses, sells, or otherwise provides a 1146  
pseudoephedrine product or ephedrine product to an individual 1147  
under eighteen years of age; 1148

(d) The provision by a retailer, terminal distributor of 1149  
dangerous drugs, or employee of either of a pseudoephedrine 1150  
product or ephedrine product in a sealed container to an 1151  
employee of the retailer or terminal distributor of dangerous 1152  
drugs who is under eighteen years of age in connection with 1153  
manufacturing, warehousing, placement, stocking, bagging, 1154  
loading, or unloading of the product. 1155

(C) No retailer or terminal distributor of dangerous drugs 1156  
shall fail to comply with the requirements of division (A) of 1157  
section 3715.051 or division (A) (2) of section 3715.052 of the 1158  
Revised Code. 1159

(D) No retailer or terminal distributor of dangerous drugs 1160  
shall fail to comply with the requirements of division (A) (1) of 1161  
section 3715.052 of the Revised Code. 1162

(E) Whoever violates division (A) (1) of this section is 1163  
guilty of unlawfully selling a pseudoephedrine product or 1164  
ephedrine product, a misdemeanor of the first degree. 1165

(F) Whoever violates division (B) (1) of this section is 1166

guilty of unlawfully selling a pseudoephedrine product or 1167  
ephedrine product to a minor, a misdemeanor of the fourth 1168  
degree. 1169

(G) Whoever violates division (C) of this section is 1170  
guilty of improper sale of a pseudoephedrine product or 1171  
ephedrine product, a misdemeanor of the second degree. 1172

(H) Whoever violates division (D) of this section is 1173  
guilty of failing to submit information to the national 1174  
precursor log exchange, a misdemeanor for which the offender 1175  
shall be fined not more than one thousand dollars per violation. 1176

**Sec. 2929.42.** (A) The prosecutor in any case against any 1177  
person licensed, certified, registered, or otherwise authorized 1178  
to practice under Chapter 3719., 4715., 4723., 4729., 4730., 1179  
4731., 4734., ~~or 4741.~~ or 4761. of the Revised Code shall 1180  
notify the appropriate licensing board, on forms provided by the 1181  
board, of any of the following regarding the person: 1182

(1) A plea of guilty to, or a conviction of, a felony, or 1183  
a court order dismissing a felony charge on technical or 1184  
procedural grounds; 1185

(2) A plea of guilty to, or a conviction of, a misdemeanor 1186  
committed in the course of practice or in the course of 1187  
business, or a court order dismissing such a misdemeanor charge 1188  
on technical or procedural grounds; 1189

(3) A plea of guilty to, or a conviction of, a misdemeanor 1190  
involving moral turpitude, or a court order dismissing such a 1191  
charge on technical or procedural grounds. 1192

(B) The report required by division (A) of this section 1193  
shall include the name and address of the person, the nature of 1194  
the offense, and certified copies of court entries in the 1195

action. 1196

**Sec. 3701.048.** (A) As used in this section: 1197

(1) "Board of health" means the board of health of a city 1198  
or general health district or the authority having the duties of 1199  
a board of health under section 3709.05 of the Revised Code. 1200

(2) "Controlled substance" has the same meaning as in 1201  
section 3719.01 of the Revised Code. 1202

(3) "Drug," "dangerous drug," and "licensed health 1203  
professional authorized to prescribe drugs" have the same 1204  
meanings as in section 4729.01 of the Revised Code. 1205

(4) "Registered volunteer" has the same meaning as in 1206  
section 5502.281 of the Revised Code. 1207

(B) In consultation with the appropriate professional 1208  
regulatory boards of this state, the director of health shall 1209  
develop one or more protocols that authorize the following 1210  
individuals to administer, deliver, or distribute drugs, other 1211  
than schedule II and III controlled substances, during a period 1212  
of time described in division (E) of this section, 1213  
notwithstanding any statute or rule that otherwise prohibits or 1214  
restricts the administration, delivery, or distribution of drugs 1215  
by those individuals: 1216

(1) A physician authorized under Chapter 4731. of the 1217  
Revised Code to practice medicine and surgery, osteopathic 1218  
medicine and surgery, or podiatric medicine and surgery; 1219

(2) A physician assistant licensed under Chapter 4730. of 1220  
the Revised Code; 1221

(3) A dentist or dental hygienist licensed under Chapter 1222  
4715. of the Revised Code; 1223

(4) A registered nurse licensed under Chapter 4723. of the Revised Code, including an advanced practice registered nurse, as defined in section 4723.01 of the Revised Code;	1224 1225 1226
(5) A licensed practical nurse licensed under Chapter 4723. of the Revised Code;	1227 1228
(6) An optometrist licensed under Chapter 4725. of the Revised Code;	1229 1230
(7) A pharmacist or pharmacy intern licensed under Chapter 4729. of the Revised Code;	1231 1232
(8) A respiratory care professional <u>or advanced practice respiratory therapist</u> licensed under Chapter 4761. of the Revised Code;	1233 1234 1235
(9) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic who holds a certificate to practice issued under Chapter 4765. of the Revised Code;	1236 1237 1238 1239
(10) A veterinarian licensed under Chapter 4741. of the Revised Code.	1240 1241
(C) In consultation with the executive director of the emergency management agency, the director of health shall develop one or more protocols that authorize employees of boards of health and registered volunteers to deliver or distribute drugs, other than schedule II and III controlled substances, during a period of time described in division (E) of this section, notwithstanding any statute or rule that otherwise prohibits or restricts the delivery or distribution of drugs by those individuals.	1242 1243 1244 1245 1246 1247 1248 1249 1250
(D) In consultation with the state board of pharmacy, the	1251

director of health shall develop one or more protocols that 1252  
authorize pharmacists and pharmacy interns to dispense, during a 1253  
period of time described in division (E) of this section, 1254  
limited quantities of dangerous drugs, other than schedule II 1255  
and III controlled substances, without a written, oral, or 1256  
electronic prescription from a licensed health professional 1257  
authorized to prescribe drugs or without a record of a 1258  
prescription, notwithstanding any statute or rule that otherwise 1259  
prohibits or restricts the dispensing of drugs without a 1260  
prescription or record of a prescription. 1261

(E) On the governor's declaration of an emergency that 1262  
affects the public health, the director of health may issue an 1263  
order to implement one or more of the protocols developed 1264  
pursuant to division (B), (C), or (D) of this section. At a 1265  
minimum, the director's order shall identify the one or more 1266  
protocols to be implemented and the period of time during which 1267  
the one or more protocols are to be effective. 1268

(F)(1) An individual who administers, delivers, 1269  
distributes, or dispenses a drug or dangerous drug in accordance 1270  
with one or more of the protocols implemented under division (E) 1271  
of this section is not liable for damages in any civil action 1272  
unless the individual's acts or omissions in performing those 1273  
activities constitute willful or wanton misconduct. 1274

(2) An individual who administers, delivers, distributes, 1275  
or dispenses a drug or dangerous drug in accordance with one or 1276  
more of the protocols implemented under division (E) of this 1277  
section is not subject to criminal prosecution or professional 1278  
disciplinary action under any chapter in Title XLVII of the 1279  
Revised Code. 1280

**Sec. 3701.74.** (A) As used in this section and section 1281

3701.741 of the Revised Code:	1282
(1) "Ambulatory care facility" means a facility that	1283
provides medical, diagnostic, or surgical treatment to patients	1284
who do not require hospitalization, including a dialysis center,	1285
ambulatory surgical facility, cardiac catheterization facility,	1286
diagnostic imaging center, extracorporeal shock wave lithotripsy	1287
center, home health agency, inpatient hospice, birthing center,	1288
radiation therapy center, emergency facility, and an urgent care	1289
center. "Ambulatory care facility" does not include the private	1290
office of a physician or dentist, whether the office is for an	1291
individual or group practice.	1292
(2) "Chiropractor" means an individual licensed under	1293
Chapter 4734. of the Revised Code to practice chiropractic.	1294
(3) "Emergency facility" means a hospital emergency	1295
department or any other facility that provides emergency medical	1296
services.	1297
(4) "Health care practitioner" means all of the following:	1298
(a) A dentist or dental hygienist licensed under Chapter	1299
4715. of the Revised Code;	1300
(b) A registered or licensed practical nurse licensed	1301
under Chapter 4723. of the Revised Code;	1302
(c) An optometrist licensed under Chapter 4725. of the	1303
Revised Code;	1304
(d) A dispensing optician, spectacle dispensing optician,	1305
or spectacle-contact lens dispensing optician licensed under	1306
Chapter 4725. of the Revised Code;	1307
(e) A pharmacist licensed under Chapter 4729. of the	1308
Revised Code;	1309

(f) A physician;	1310
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	1311 1312
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	1313 1314
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	1315 1316
(j) A chiropractor;	1317
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	1318 1319
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	1320 1321
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	1322 1323
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	1324 1325
(o) A licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	1326 1327 1328 1329 1330
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	1331 1332
(q) A respiratory care professional <u>or advanced practice</u> <u>respiratory therapist</u> licensed under Chapter 4761. of the Revised Code;	1333 1334 1335
(r) An emergency medical technician-basic, emergency	1336

medical technician-intermediate, or emergency medical 1337  
technician-paramedic certified under Chapter 4765. of the 1338  
Revised Code. 1339

(5) "Health care provider" means a hospital, ambulatory 1340  
care facility, long-term care facility, pharmacy, emergency 1341  
facility, or health care practitioner. 1342

(6) "Hospital" has the same meaning as in section 3727.01 1343  
of the Revised Code. 1344

(7) "Long-term care facility" means a nursing home, 1345  
residential care facility, or home for the aging, as those terms 1346  
are defined in section 3721.01 of the Revised Code; a 1347  
residential facility licensed under section 5119.34 of the 1348  
Revised Code that provides accommodations, supervision, and 1349  
personal care services for three to sixteen unrelated adults; a 1350  
nursing facility, as defined in section 5165.01 of the Revised 1351  
Code; a skilled nursing facility, as defined in section 5165.01 1352  
of the Revised Code; and an intermediate care facility for 1353  
individuals with intellectual disabilities, as defined in 1354  
section 5124.01 of the Revised Code. 1355

(8) "Medical record" means data in any form that pertains 1356  
to a patient's medical history, diagnosis, prognosis, or medical 1357  
condition and that is generated and maintained by a health care 1358  
provider in the process of the patient's health care treatment. 1359

(9) "Medical records company" means a person who stores, 1360  
locates, or copies medical records for a health care provider, 1361  
or is compensated for doing so by a health care provider, and 1362  
charges a fee for providing medical records to a patient or 1363  
patient's representative. 1364

(10) "Patient" means either of the following: 1365



(a) An individual who received health care treatment from a health care provider; 1366  
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(b) A guardian, as defined in section 1337.11 of the Revised Code, of an individual described in division (A)(10)(a) of this section. 1368  
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(11) "Patient's personal representative" means a minor patient's parent or other person acting in loco parentis, a court-appointed guardian, or a person with durable power of attorney for health care for a patient, the executor or administrator of the patient's estate, or the person responsible for the patient's estate if it is not to be probated. "Patient's personal representative" does not include an insurer authorized under Title XXXIX of the Revised Code to do the business of sickness and accident insurance in this state, a health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code, or any other person not named in this division. 1371  
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(12) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 1383  
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(13) "Physician" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. 1385  
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(14) "Authorized person" means a person to whom a patient has given written authorization to act on the patient's behalf regarding the patient's medical record. 1389  
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(B) A patient, a patient's personal representative, or an authorized person who wishes to examine or obtain a copy of part or all of a medical record shall submit to the health care 1392  
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provider a written request signed by the patient, personal 1395  
representative, or authorized person dated not more than one 1396  
year before the date on which it is submitted. The request shall 1397  
indicate whether the copy is to be sent to the requestor, 1398  
physician or chiropractor, or held for the requestor at the 1399  
office of the health care provider. Within a reasonable time 1400  
after receiving a request that meets the requirements of this 1401  
division and includes sufficient information to identify the 1402  
record requested, a health care provider that has the patient's 1403  
medical records shall permit the patient to examine the record 1404  
during regular business hours without charge or, on request, 1405  
shall provide a copy of the record in accordance with section 1406  
3701.741 of the Revised Code, except that if a physician, 1407  
psychologist, licensed professional clinical counselor, licensed 1408  
professional counselor, independent social worker, social 1409  
worker, independent marriage and family therapist, marriage and 1410  
family therapist, or chiropractor who has treated the patient 1411  
determines for clearly stated treatment reasons that disclosure 1412  
of the requested record is likely to have an adverse effect on 1413  
the patient, the health care provider shall provide the record 1414  
to a physician, psychologist, licensed professional clinical 1415  
counselor, licensed professional counselor, independent social 1416  
worker, social worker, independent marriage and family 1417  
therapist, marriage and family therapist, or chiropractor 1418  
designated by the patient. The health care provider shall take 1419  
reasonable steps to establish the identity of the person making 1420  
the request to examine or obtain a copy of the patient's record. 1421

(C) If a health care provider fails to furnish a medical 1422  
record as required by division (B) of this section, the patient, 1423  
personal representative, or authorized person who requested the 1424  
record may bring a civil action to enforce the patient's right 1425

of access to the record. 1426

(D) (1) This section does not apply to medical records 1427  
whose release is covered by section 173.20 or 3721.13 of the 1428  
Revised Code, by Chapter 1347., 5119., or 5122. of the Revised 1429  
Code, by 42 C.F.R. part 2, "Confidentiality of Alcohol and Drug 1430  
Abuse Patient Records," or by 42 C.F.R. 483.10. 1431

(2) Nothing in this section is intended to supersede the 1432  
confidentiality provisions of sections 2305.24, 2305.25, 1433  
2305.251, and 2305.252 of the Revised Code. 1434

**Sec. 3715.872.** (A) As used in this section, "health care 1435  
professional" means any of the following who provide medical, 1436  
dental, or other health-related diagnosis, care, or treatment: 1437

(1) Individuals authorized under Chapter 4731. of the 1438  
Revised Code to practice medicine and surgery, osteopathic 1439  
medicine and surgery, or podiatric medicine and surgery; 1440

(2) Registered nurses and licensed practical nurses 1441  
licensed under Chapter 4723. of the Revised Code; 1442

(3) Physician assistants licensed under Chapter 4730. of 1443  
the Revised Code; 1444

(4) Dentists and dental hygienists licensed under Chapter 1445  
4715. of the Revised Code; 1446

(5) Optometrists licensed under Chapter 4725. of the 1447  
Revised Code; 1448

(6) Pharmacists licensed under Chapter 4729. of the 1449  
Revised Code; 1450

(7) Advanced practice respiratory therapists licensed 1451  
under Chapter 4761. of the Revised Code. 1452

(B) For matters related to activities conducted under the 1453  
drug repository program, all of the following apply: 1454

(1) A pharmacy, drug manufacturer, health care facility, 1455  
or other person or government entity that donates or gives drugs 1456  
to the program, and any person or government entity that 1457  
facilitates the donation or gift, shall not be subject to 1458  
liability in tort or other civil action for injury, death, or 1459  
loss to person or property. 1460

(2) A pharmacy, hospital, or nonprofit clinic that accepts 1461  
or distributes drugs under the program shall not be subject to 1462  
liability in tort or other civil action for injury, death, or 1463  
loss to person or property, unless an action or omission of the 1464  
pharmacy, hospital, or nonprofit clinic constitutes willful and 1465  
wanton misconduct. 1466

(3) A health care professional who accepts, dispenses, or 1467  
personally furnishes drugs under the program on behalf of a 1468  
pharmacy, hospital, or nonprofit clinic participating in the 1469  
program, and the pharmacy, hospital, or nonprofit clinic that 1470  
employs or otherwise uses the services of the health care 1471  
professional, shall not be subject to liability in tort or other 1472  
civil action for injury, death, or loss to person or property, 1473  
unless an action or omission of the health care professional, 1474  
pharmacy, hospital, or nonprofit clinic constitutes willful and 1475  
wanton misconduct. 1476

(4) The state board of pharmacy shall not be subject to 1477  
liability in tort or other civil action for injury, death, or 1478  
loss to person or property, unless an action or omission of the 1479  
board constitutes willful and wanton misconduct. 1480

(5) In addition to the civil immunity granted under 1481

division (B)(1) of this section, a pharmacy, drug manufacturer, 1482  
health care facility, or other person or government entity that 1483  
donates or gives drugs to the program, and any person or 1484  
government entity that facilitates the donation or gift, shall 1485  
not be subject to criminal prosecution for matters related to 1486  
activities that it conducts or another party conducts under the 1487  
program, unless an action or omission of the party that donates, 1488  
gives, or facilitates the donation or gift of the drugs does not 1489  
comply with the provisions of this chapter or the rules adopted 1490  
under it. 1491

(6) In the case of a drug manufacturer, the immunities 1492  
from civil liability and criminal prosecution granted to another 1493  
party under divisions (B)(1) and (5) of this section extend to 1494  
the manufacturer when any drug it manufactures is the subject of 1495  
an activity conducted under the program. This extension of 1496  
immunities includes, but is not limited to, immunity from 1497  
liability or prosecution for failure to transfer or communicate 1498  
product or consumer information or the expiration date of a drug 1499  
that is donated or given. 1500

**Sec. 3719.121.** (A) Except as otherwise provided in section 1501  
4723.28, 4723.35, 4730.25, 4731.22, 4734.39, ~~or 4734.41,~~ or 1502  
4761.09 of the Revised Code, the license, certificate, or 1503  
registration of any dentist, chiropractor, physician, 1504  
podiatrist, registered nurse, advanced practice registered 1505  
nurse, licensed practical nurse, physician assistant, advanced 1506  
practice respiratory therapist, pharmacist, pharmacy intern, 1507  
pharmacy technician trainee, registered pharmacy technician, 1508  
certified pharmacy technician, optometrist, or veterinarian who 1509  
is or becomes addicted to the use of controlled substances shall 1510  
be suspended by the board that authorized the person's license, 1511  
certificate, or registration until the person offers 1512

satisfactory proof to the board that the person no longer is 1513  
addicted to the use of controlled substances. 1514

(B) If the board under which a person has been issued a 1515  
license, certificate, or evidence of registration determines 1516  
that there is clear and convincing evidence that continuation of 1517  
the person's professional practice or method of administering, 1518  
prescribing, preparing, distributing, dispensing, or personally 1519  
furnishing controlled substances or other dangerous drugs 1520  
presents a danger of immediate and serious harm to others, the 1521  
board may suspend the person's license, certificate, or 1522  
registration without a hearing. Except as otherwise provided in 1523  
sections 4715.30, 4723.281, 4729.16, 4730.25, 4731.22, ~~and~~ 1524  
4734.36, and 4761.09 of the Revised Code, the board shall follow 1525  
the procedure for suspension without a prior hearing in section 1526  
119.07 of the Revised Code. The suspension shall remain in 1527  
effect, unless removed by the board, until the board's final 1528  
adjudication order becomes effective, except that if the board 1529  
does not issue its final adjudication order within ninety days 1530  
after the hearing, the suspension shall be void on the ninety- 1531  
first day after the hearing. 1532

(C) On receiving notification pursuant to section 2929.42 1533  
or 3719.12 of the Revised Code, the board under which a person 1534  
has been issued a license, certificate, or evidence of 1535  
registration immediately shall suspend the license, certificate, 1536  
or registration of that person on a plea of guilty to, a finding 1537  
by a jury or court of the person's guilt of, or conviction of a 1538  
felony drug abuse offense; a finding by a court of the person's 1539  
eligibility for intervention in lieu of conviction; a plea of 1540  
guilty to, or a finding by a jury or court of the person's guilt 1541  
of, or the person's conviction of an offense in another 1542  
jurisdiction that is essentially the same as a felony drug abuse 1543

offense; or a finding by a court of the person's eligibility for 1544  
treatment or intervention in lieu of conviction in another 1545  
jurisdiction. The board shall notify the holder of the license, 1546  
certificate, or registration of the suspension, which shall 1547  
remain in effect until the board holds an adjudicatory hearing 1548  
under Chapter 119. of the Revised Code. 1549

**Sec. 3719.13.** Prescriptions, orders, and records, required 1550  
by Chapter 3719. of the Revised Code, and stocks of dangerous 1551  
drugs and controlled substances, shall be open for inspection 1552  
only to federal, state, county, and municipal officers, and 1553  
employees of the state board of pharmacy whose duty it is to 1554  
enforce the laws of this state or of the United States relating 1555  
to controlled substances. Such prescriptions, orders, records, 1556  
and stocks shall be open for inspection by employees of the 1557  
state medical board for purposes of enforcing Chapters 4730.~~and~~ 1558  
4731., and 4761. of the Revised Code, employees of the board of 1559  
nursing for purposes of enforcing Chapter 4723. of the Revised 1560  
Code, and employees of the department of mental health and 1561  
addiction services for purposes of section 5119.37 of the 1562  
Revised Code. No person having knowledge of any such 1563  
prescription, order, or record shall divulge such knowledge, 1564  
except in connection with a prosecution or proceeding in court 1565  
or before a licensing or registration board or officer, to which 1566  
prosecution or proceeding the person to whom such prescriptions, 1567  
orders, or records relate is a party. 1568

**Sec. 3719.81.** (A) As used in this section, "sample drug" 1569  
has the same meaning as in section 2925.01 of the Revised Code. 1570

(B) A person may furnish another a sample drug, if all of 1571  
the following apply: 1572

(1) The sample drug is furnished free of charge by a 1573

manufacturer, manufacturer's representative, or wholesale dealer 1574  
in pharmaceuticals to a licensed health professional authorized 1575  
to prescribe drugs, other than an advanced practice respiratory 1576  
therapist, or is furnished free of charge by ~~such a professional~~ 1577  
the prescriber who received the sample drug to a patient for use 1578  
as medication; 1579

(2) The sample drug is in the original container in which 1580  
it was placed by the manufacturer, and the container is plainly 1581  
marked as a sample; 1582

(3) Prior to its being furnished, the sample drug has been 1583  
stored under the proper conditions to prevent its deterioration 1584  
or contamination; 1585

(4) If the sample drug is of a type which deteriorates 1586  
with time, the sample container is plainly marked with the date 1587  
beyond which the sample drug is unsafe to use, and the date has 1588  
not expired on the sample furnished. Compliance with the 1589  
labeling requirements of the "Federal Food, Drug, and Cosmetic 1590  
Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, shall 1591  
be deemed compliance with this section. 1592

(5) The sample drug is distributed, stored, or discarded 1593  
in such a way that the sample drug may not be acquired or used 1594  
by any unauthorized person, or by any person, including a child, 1595  
for whom it may present a health or safety hazard. 1596

(C) Division (B) of this section does not do any of the 1597  
following: 1598

(1) Apply to or restrict the furnishing of any sample of a 1599  
nonnarcotic substance if the substance may, under the "Federal 1600  
Food, Drug, and Cosmetic Act" and under the laws of this state, 1601  
otherwise be lawfully sold over the counter without a 1602



prescription; 1603

(2) Authorize a ~~licensed health professional authorized to~~ 1604  
~~prescribe drugs~~ prescriber who is a clinical nurse specialist, 1605  
certified nurse-midwife, certified nurse practitioner, 1606  
optometrist, or physician assistant to furnish a sample drug 1607  
that is not a drug the ~~professional~~ prescriber is authorized to 1608  
prescribe. 1609

(3) Prohibit a ~~licensed health professional authorized to~~ 1610  
~~prescribe drugs~~ prescriber, manufacturer of dangerous drugs, 1611  
wholesale distributor of dangerous drugs, or representative of a 1612  
manufacturer of dangerous drugs from furnishing a sample drug to 1613  
a charitable pharmacy in accordance with section 3719.811 of the 1614  
Revised Code. 1615

(4) Prohibit a pharmacist working, whether or not for 1616  
compensation, in a charitable pharmacy from dispensing a sample 1617  
drug to a person in accordance with section 3719.811 of the 1618  
Revised Code. 1619

(D) The state board of pharmacy shall, in accordance with 1620  
Chapter 119. of the Revised Code, adopt rules as necessary to 1621  
give effect to this section. 1622

**Sec. 4729.01.** As used in this chapter: 1623

(A) "Pharmacy," except when used in a context that refers 1624  
to the practice of pharmacy, means any area, room, rooms, place 1625  
of business, department, or portion of any of the foregoing 1626  
where the practice of pharmacy is conducted. 1627

(B) "Practice of pharmacy" means providing pharmacist care 1628  
requiring specialized knowledge, judgment, and skill derived 1629  
from the principles of biological, chemical, behavioral, social, 1630  
pharmaceutical, and clinical sciences. As used in this division, 1631

"pharmacist care" includes the following:	1632
(1) Interpreting prescriptions;	1633
(2) Dispensing drugs and drug therapy related devices;	1634
(3) Compounding drugs;	1635
(4) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and	1636 1637
assisting in the selection of drugs and appliances for treatment	1638
of common diseases and injuries and providing instruction in the	1639
proper use of the drugs and appliances;	1640
(5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and	1641 1642
explaining the interactions of the drugs;	1643
(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the	1644 1645
pharmacist determines that an individual with a prescription has	1646
a drug regimen that warrants additional discussion with the	1647
prescriber;	1648
(7) Advising an individual and the health care professionals treating an individual with regard to the	1649 1650
individual's drug therapy;	1651
(8) Acting pursuant to a consult agreement, if an agreement has been established;	1652 1653
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	1654 1655
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	1656 1657
(C) "Compounding" means the preparation, mixing,	1658

assembling, packaging, and labeling of one or more drugs in any 1659  
of the following circumstances: 1660

(1) Pursuant to a prescription issued by a licensed health 1661  
professional authorized to prescribe drugs; 1662

(2) Pursuant to the modification of a prescription made in 1663  
accordance with a consult agreement; 1664

(3) As an incident to research, teaching activities, or 1665  
chemical analysis; 1666

(4) In anticipation of orders for drugs pursuant to 1667  
prescriptions, based on routine, regularly observed dispensing 1668  
patterns; 1669

(5) Pursuant to a request made by a licensed health 1670  
professional authorized to prescribe drugs for a drug that is to 1671  
be used by the professional for the purpose of direct 1672  
administration to patients in the course of the professional's 1673  
practice, if all of the following apply: 1674

(a) At the time the request is made, the drug is not 1675  
commercially available regardless of the reason that the drug is 1676  
not available, including the absence of a manufacturer for the 1677  
drug or the lack of a readily available supply of the drug from 1678  
a manufacturer. 1679

(b) A limited quantity of the drug is compounded and 1680  
provided to the professional. 1681

(c) The drug is compounded and provided to the 1682  
professional as an occasional exception to the normal practice 1683  
of dispensing drugs pursuant to patient-specific prescriptions. 1684

(D) "Consult agreement" means an agreement that has been 1685  
entered into under section 4729.39 of the Revised Code. 1686

(E) "Drug" means:	1687
(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	1688 1689 1690 1691
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	1692 1693 1694
(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	1695 1696
(4) Any article intended for use as a component of any article specified in division (E) (1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.	1697 1698 1699 1700
"Drug" does not include "hemp" or a "hemp product" as those terms are defined in section 928.01 of the Revised Code.	1701 1702
(F) "Dangerous drug" means any of the following:	1703
(1) Any drug to which either of the following applies:	1704
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;	1705 1706 1707 1708 1709 1710 1711
(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	1712 1713

(2) Any drug that contains a schedule V controlled 1714  
substance and that is exempt from Chapter 3719. of the Revised 1715  
Code or to which that chapter does not apply; 1716

(3) Any drug intended for administration by injection into 1717  
the human body other than through a natural orifice of the human 1718  
body; 1719

(4) Any drug that is a biological product, as defined in 1720  
section 3715.01 of the Revised Code. 1721

(G) "Federal drug abuse control laws" has the same meaning 1722  
as in section 3719.01 of the Revised Code. 1723

(H) "Prescription" means all of the following: 1724

(1) A written, electronic, or oral order for drugs or 1725  
combinations or mixtures of drugs to be used by a particular 1726  
individual or for treating a particular animal, issued by a 1727  
licensed health professional authorized to prescribe drugs; 1728

(2) For purposes of sections 4723.4810, 4729.282, 1729  
4730.432, and 4731.93 of the Revised Code, a written, 1730  
electronic, or oral order for a drug to treat chlamydia, 1731  
gonorrhoea, or trichomoniasis issued to and in the name of a 1732  
patient who is not the intended user of the drug but is the 1733  
sexual partner of the intended user; 1734

(3) For purposes of sections 3313.7110, 3313.7111, 1735  
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 1736  
4731.96, and 5101.76 of the Revised Code, a written, electronic, 1737  
or oral order for an epinephrine autoinjector issued to and in 1738  
the name of a school, school district, or camp; 1739

(4) For purposes of Chapter 3728. and sections 4723.483, 1740  
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 1741

electronic, or oral order for an epinephrine autoinjector issued 1742  
to and in the name of a qualified entity, as defined in section 1743  
3728.01 of the Revised Code; 1744

(5) For purposes of sections 3313.7115, 3313.7116, 1745  
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 1746  
5101.78 of the Revised Code, a written, electronic, or oral 1747  
order for injectable or nasally administered glucagon in the 1748  
name of a school, school district, or camp. 1749

(I) "Licensed health professional authorized to prescribe 1750  
drugs" or "prescriber" means an individual who is authorized by 1751  
law to prescribe drugs or dangerous drugs or drug therapy 1752  
related devices in the course of the individual's professional 1753  
practice, including only the following: 1754

(1) A dentist licensed under Chapter 4715. of the Revised 1755  
Code; 1756

(2) A clinical nurse specialist, certified nurse-midwife, 1757  
or certified nurse practitioner who holds a current, valid 1758  
license issued under Chapter 4723. of the Revised Code to 1759  
practice nursing as an advanced practice registered nurse; 1760

(3) A certified registered nurse anesthetist who holds a 1761  
current, valid license issued under Chapter 4723. of the Revised 1762  
Code to practice nursing as an advanced practice registered 1763  
nurse, but only to the extent of the nurse's authority under 1764  
sections 4723.43 and 4723.434 of the Revised Code; 1765

(4) An optometrist licensed under Chapter 4725. of the 1766  
Revised Code to practice optometry; 1767

(5) A physician authorized under Chapter 4731. of the 1768  
Revised Code to practice medicine and surgery, osteopathic 1769  
medicine and surgery, or podiatric medicine and surgery; 1770

(6) A physician assistant who holds a license to practice 1771  
as a physician assistant issued under Chapter 4730. of the 1772  
Revised Code, holds a valid prescriber number issued by the 1773  
state medical board, and has been granted physician-delegated 1774  
prescriptive authority; 1775

(7) A veterinarian licensed under Chapter 4741. of the 1776  
Revised Code; 1777

(8) An advanced practice respiratory therapist who holds a 1778  
license to practice as an advanced practice respiratory 1779  
therapist issued under Chapter 4761. of the Revised Code and has 1780  
been granted physician-delegated prescriptive authority. 1781

(J) "Sale" or "sell" includes any transaction made by any 1782  
person, whether as principal proprietor, agent, or employee, to 1783  
do or offer to do any of the following: deliver, distribute, 1784  
broker, exchange, gift or otherwise give away, or transfer, 1785  
whether the transfer is by passage of title, physical movement, 1786  
or both. 1787

(K) "Wholesale sale" and "sale at wholesale" mean any sale 1788  
in which the purpose of the purchaser is to resell the article 1789  
purchased or received by the purchaser. 1790

(L) "Retail sale" and "sale at retail" mean any sale other 1791  
than a wholesale sale or sale at wholesale. 1792

(M) "Retail seller" means any person that sells any 1793  
dangerous drug to consumers without assuming control over and 1794  
responsibility for its administration. Mere advice or 1795  
instructions regarding administration do not constitute control 1796  
or establish responsibility. 1797

(N) "Price information" means the price charged for a 1798  
prescription for a particular drug product and, in an easily 1799

understandable manner, all of the following: 1800

(1) The proprietary name of the drug product; 1801

(2) The established (generic) name of the drug product; 1802

(3) The strength of the drug product if the product 1803  
contains a single active ingredient or if the drug product 1804  
contains more than one active ingredient and a relevant strength 1805  
can be associated with the product without indicating each 1806  
active ingredient. The established name and quantity of each 1807  
active ingredient are required if such a relevant strength 1808  
cannot be so associated with a drug product containing more than 1809  
one ingredient. 1810

(4) The dosage form; 1811

(5) The price charged for a specific quantity of the drug 1812  
product. The stated price shall include all charges to the 1813  
consumer, including, but not limited to, the cost of the drug 1814  
product, professional fees, handling fees, if any, and a 1815  
statement identifying professional services routinely furnished 1816  
by the pharmacy. Any mailing fees and delivery fees may be 1817  
stated separately without repetition. The information shall not 1818  
be false or misleading. 1819

(O) "Wholesale distributor of dangerous drugs" or 1820  
"wholesale distributor" means a person engaged in the sale of 1821  
dangerous drugs at wholesale and includes any agent or employee 1822  
of such a person authorized by the person to engage in the sale 1823  
of dangerous drugs at wholesale. 1824

(P) "Manufacturer of dangerous drugs" or "manufacturer" 1825  
means a person, other than a pharmacist or prescriber, who 1826  
manufactures dangerous drugs and who is engaged in the sale of 1827  
those dangerous drugs. 1828



(Q) "Terminal distributor of dangerous drugs" or "terminal distributor" means a person who is engaged in the sale of dangerous drugs at retail, or any person, other than a manufacturer, repackager, outsourcing facility, third-party logistics provider, wholesale distributor, or pharmacist, who has possession, custody, or control of dangerous drugs for any purpose other than for that person's own use and consumption. "Terminal distributor" includes pharmacies, hospitals, nursing homes, and laboratories and all other persons who procure dangerous drugs for sale or other distribution by or under the supervision of a pharmacist, licensed health professional authorized to prescribe drugs, or other person authorized by the state board of pharmacy.

(R) "Promote to the public" means disseminating a representation to the public in any manner or by any means, other than by labeling, for the purpose of inducing, or that is likely to induce, directly or indirectly, the purchase of a dangerous drug at retail.

(S) "Person" includes any individual, partnership, association, limited liability company, or corporation, the state, any political subdivision of the state, and any district, department, or agency of the state or its political subdivisions.

(T) (1) "Animal shelter" means a facility operated by a humane society or any society organized under Chapter 1717. of the Revised Code or a dog pound operated pursuant to Chapter 955. of the Revised Code.

(2) "County dog warden" means a dog warden or deputy dog warden appointed or employed under section 955.12 of the Revised Code.

(U) "Food" has the same meaning as in section 3715.01 of the Revised Code. 1859  
1860

(V) "Pain management clinic" has the same meaning as in section 4731.054 of the Revised Code. 1861  
1862

(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United States food and drug administration clinical trials and remains under clinical trial, but has not been approved for general use by the United States food and drug administration. 1863  
1864  
1865  
1866  
1867  
"Investigational drug or product" does not include controlled substances in schedule I, as defined in section 3719.01 of the Revised Code. 1868  
1869  
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(X) "Product," when used in reference to an investigational drug or product, means a biological product, other than a drug, that is made from a natural human, animal, or microorganism source and is intended to treat a disease or medical condition. 1871  
1872  
1873  
1874  
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(Y) "Third-party logistics provider" means a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs including distribution, on behalf of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs. 1876  
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(Z) "Repackager of dangerous drugs" or "repackager" means a person that repacks and relabels dangerous drugs for sale or distribution. 1883  
1884  
1885

(AA) "Outsourcing facility" means a facility that is engaged in the compounding and sale of sterile drugs and is 1886  
1887

registered as an outsourcing facility with the United States 1888  
food and drug administration. 1889

(BB) "Laboratory" means a laboratory licensed under this 1890  
chapter as a terminal distributor of dangerous drugs and 1891  
entrusted to have custody of any of the following drugs and to 1892  
use the drugs for scientific and clinical purposes and for 1893  
purposes of instruction: dangerous drugs that are not controlled 1894  
substances, as defined in section 3719.01 of the Revised Code; 1895  
dangerous drugs that are controlled substances, as defined in 1896  
that section; and controlled substances in schedule I, as 1897  
defined in that section. 1898

(CC) "Overdose reversal drug" means both of the following: 1899

(1) Naloxone; 1900

(2) Any other drug that the state board of pharmacy, 1901  
through rules adopted in accordance with Chapter 119. of the 1902  
Revised Code, designates as a drug that is approved by the 1903  
federal food and drug administration for the reversal of a known 1904  
or suspected opioid-related overdose. 1905

**Sec. 4729.51.** (A) No person other than a licensed 1906  
manufacturer of dangerous drugs, outsourcing facility, third- 1907  
party logistics provider, repackager of dangerous drugs, or 1908  
wholesale distributor of dangerous drugs shall possess for sale, 1909  
sell, distribute, or deliver, at wholesale, dangerous drugs or 1910  
investigational drugs or products, except as follows: 1911

(1) A licensed terminal distributor of dangerous drugs 1912  
that is a pharmacy may make occasional sales of dangerous drugs 1913  
or investigational drugs or products at wholesale. 1914

(2) A licensed terminal distributor of dangerous drugs 1915  
having more than one licensed location may transfer or deliver 1916

dangerous drugs from one licensed location to another licensed 1917  
location owned by the terminal distributor if the license issued 1918  
for each location is in effect at the time of the transfer or 1919  
delivery. 1920

(3) A licensed terminal distributor of dangerous drugs 1921  
that is not a pharmacy may make occasional sales of the 1922  
following at wholesale: 1923

(a) Overdose reversal drugs; 1924

(b) Dangerous drugs if the drugs being sold are in 1925  
shortage, as defined in rules adopted under section 4729.26 of 1926  
the Revised Code; 1927

(c) Dangerous drugs other than those described in 1928  
divisions (A) (3) (a) and (b) of this section or investigational 1929  
drugs or products if authorized by rules adopted under section 1930  
4729.26 of the Revised Code. 1931

(B) No licensed manufacturer, outsourcing facility, third- 1932  
party logistics provider, repackager, or wholesale distributor 1933  
shall possess for sale, sell, or distribute, at wholesale, 1934  
dangerous drugs or investigational drugs or products to any 1935  
person other than the following: 1936

(1) Subject to division (D) of this section, a licensed 1937  
terminal distributor of dangerous drugs; 1938

(2) Subject to division (C) of this section, any person 1939  
exempt from licensure as a terminal distributor of dangerous 1940  
drugs under section 4729.541 of the Revised Code; 1941

(3) A licensed manufacturer, outsourcing facility, third- 1942  
party logistics provider, repackager, or wholesale distributor; 1943

(4) A terminal distributor, manufacturer, outsourcing 1944

facility, third-party logistics provider, repackager, or 1945  
wholesale distributor that is located in another state, is not 1946  
engaged in the sale of dangerous drugs within this state, and is 1947  
actively licensed to engage in the sale of dangerous drugs by 1948  
the state in which the distributor conducts business. 1949

(C) No licensed manufacturer, outsourcing facility, third- 1950  
party logistics provider, repackager, or wholesale distributor 1951  
shall possess for sale, sell, or distribute, at wholesale, 1952  
dangerous drugs or investigational drugs or products to either 1953  
of the following: 1954

(1) A prescriber who is employed by a pain management 1955  
clinic that is not licensed as a terminal distributor of 1956  
dangerous drugs with a pain management clinic classification 1957  
issued under section 4729.552 of the Revised Code; 1958

(2) A business entity described in division (A)(2) or (3) 1959  
of section 4729.541 of the Revised Code that is, or is 1960  
operating, a pain management clinic without a license as a 1961  
terminal distributor of dangerous drugs with a pain management 1962  
clinic classification issued under section 4729.552 of the 1963  
Revised Code. 1964

(D) No licensed manufacturer, outsourcing facility, third- 1965  
party logistics provider, repackager, or wholesale distributor 1966  
shall possess dangerous drugs or investigational drugs or 1967  
products for sale at wholesale, or sell or distribute such drugs 1968  
at wholesale, to a licensed terminal distributor of dangerous 1969  
drugs, except as follows: 1970

(1) In the case of a terminal distributor with a category 1971  
II license, only dangerous drugs in category II, as defined in 1972  
division (A)(1) of section 4729.54 of the Revised Code; 1973

(2) In the case of a terminal distributor with a category III license, dangerous drugs in category II and category III, as defined in divisions (A) (1) and (2) of section 4729.54 of the Revised Code;	1974 1975 1976 1977
(3) In the case of a terminal distributor with a limited category II or III license, only the dangerous drugs specified in the license.	1978 1979 1980
(E) (1) Except as provided in division (E) (2) of this section, no person shall do any of the following:	1981 1982
(a) Sell or distribute, at retail, dangerous drugs;	1983
(b) Possess for sale, at retail, dangerous drugs;	1984
(c) Possess dangerous drugs.	1985
(2) (a) Divisions (E) (1) (a), (b), and (c) of this section do not apply to any of the following:	1986 1987
(i) A licensed terminal distributor of dangerous drugs;	1988
(ii) A person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., <del>and 4741., and</del> <u>4761.</u> of the Revised Code;	1989 1990 1991 1992
(iii) Any of the persons identified in divisions (A) (1) to (5) and (18) of section 4729.541 of the Revised Code, but only to the extent specified in that section.	1993 1994 1995
(b) Division (E) (1) (c) of this section does not apply to any of the following:	1996 1997
(i) A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor;	1998 1999
(ii) Any of the persons identified in divisions (A) (6) to	2000

(16) of section 4729.541 of the Revised Code, but only to the extent specified in that section.

(F) No licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code shall purchase dangerous drugs or investigational drugs or products from any person other than a licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor, except as follows:

(1) A licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code may make occasional purchases of dangerous drugs or investigational drugs or products that are sold in accordance with division (A) (1) or (3) of this section.

(2) A licensed terminal distributor of dangerous drugs having more than one licensed location may transfer or deliver dangerous drugs or investigational drugs or products from one licensed location to another licensed location if the license issued for each location is in effect at the time of the transfer or delivery.

(G) No licensed terminal distributor of dangerous drugs shall engage in the retail sale or other distribution of dangerous drugs or investigational drugs or products or maintain possession, custody, or control of dangerous drugs or investigational drugs or products for any purpose other than the distributor's personal use or consumption, at any establishment or place other than that or those described in the license issued by the state board of pharmacy to such terminal distributor.

(H) Nothing in this section shall be construed to 2030  
interfere with the performance of official duties by any law 2031  
enforcement official authorized by municipal, county, state, or 2032  
federal law to collect samples of any drug, regardless of its 2033  
nature or in whose possession it may be. 2034

(I) Notwithstanding anything to the contrary in this 2035  
section, the board of education of a city, local, exempted 2036  
village, or joint vocational school district may distribute 2037  
epinephrine autoinjectors for use in accordance with section 2038  
3313.7110 of the Revised Code, may distribute inhalers for use 2039  
in accordance with section 3313.7113 of the Revised Code, and 2040  
may distribute injectable or nasally administered glucagon for 2041  
use in accordance with section 3313.7115 of the Revised Code. 2042

**Sec. 4731.22.** (A) The state medical board, by an 2043  
affirmative vote of not fewer than six of its members, may 2044  
limit, revoke, or suspend a license or certificate to practice 2045  
or certificate to recommend, refuse to grant a license or 2046  
certificate, refuse to renew a license or certificate, refuse to 2047  
reinstate a license or certificate, or reprimand or place on 2048  
probation the holder of a license or certificate if the 2049  
individual applying for or holding the license or certificate is 2050  
found by the board to have committed fraud during the 2051  
administration of the examination for a license or certificate 2052  
to practice or to have committed fraud, misrepresentation, or 2053  
deception in applying for, renewing, or securing any license or 2054  
certificate to practice or certificate to recommend issued by 2055  
the board. 2056

(B) Except as provided in division (P) of this section, 2057  
the board, by an affirmative vote of not fewer than six members, 2058  
shall, to the extent permitted by law, limit, revoke, or suspend 2059



a license or certificate to practice or certificate to 2060  
recommend, refuse to issue a license or certificate, refuse to 2061  
renew a license or certificate, refuse to reinstate a license or 2062  
certificate, or reprimand or place on probation the holder of a 2063  
license or certificate for one or more of the following reasons: 2064

(1) Permitting one's name or one's license or certificate 2065  
to practice to be used by a person, group, or corporation when 2066  
the individual concerned is not actually directing the treatment 2067  
given; 2068

(2) Failure to maintain minimal standards applicable to 2069  
the selection or administration of drugs, or failure to employ 2070  
acceptable scientific methods in the selection of drugs or other 2071  
modalities for treatment of disease; 2072

(3) Except as provided in section 4731.97 of the Revised 2073  
Code, selling, giving away, personally furnishing, prescribing, 2074  
or administering drugs for other than legal and legitimate 2075  
therapeutic purposes or a plea of guilty to, a judicial finding 2076  
of guilt of, or a judicial finding of eligibility for 2077  
intervention in lieu of conviction of, a violation of any 2078  
federal or state law regulating the possession, distribution, or 2079  
use of any drug; 2080

(4) Willfully betraying a professional confidence. 2081

For purposes of this division, "willfully betraying a 2082  
professional confidence" does not include providing any 2083  
information, documents, or reports under sections 307.621 to 2084  
307.629 of the Revised Code to a child fatality review board; 2085  
does not include providing any information, documents, or 2086  
reports under sections 307.631 to 307.6410 of the Revised Code 2087  
to a drug overdose fatality review committee, a suicide fatality 2088

review committee, or hybrid drug overdose fatality and suicide 2089  
fatality review committee; does not include providing any 2090  
information, documents, or reports under sections 307.651 to 2091  
307.659 of the Revised Code to a domestic violence fatality 2092  
review board; does not include providing any information, 2093  
documents, or reports to the director of health pursuant to 2094  
guidelines established under section 3701.70 of the Revised 2095  
Code; does not include written notice to a mental health 2096  
professional under section 4731.62 of the Revised Code; and does 2097  
not include the making of a report of an employee's use of a 2098  
drug of abuse, or a report of a condition of an employee other 2099  
than one involving the use of a drug of abuse, to the employer 2100  
of the employee as described in division (B) of section 2305.33 2101  
of the Revised Code. Nothing in this division affects the 2102  
immunity from civil liability conferred by section 2305.33 or 2103  
4731.62 of the Revised Code upon a physician who makes a report 2104  
in accordance with section 2305.33 or notifies a mental health 2105  
professional in accordance with section 4731.62 of the Revised 2106  
Code. As used in this division, "employee," "employer," and 2107  
"physician" have the same meanings as in section 2305.33 of the 2108  
Revised Code. 2109

(5) Making a false, fraudulent, deceptive, or misleading 2110  
statement in the solicitation of or advertising for patients; in 2111  
relation to the practice of medicine and surgery, osteopathic 2112  
medicine and surgery, podiatric medicine and surgery, or a 2113  
limited branch of medicine; or in securing or attempting to 2114  
secure any license or certificate to practice issued by the 2115  
board. 2116

As used in this division, "false, fraudulent, deceptive, 2117  
or misleading statement" means a statement that includes a 2118  
misrepresentation of fact, is likely to mislead or deceive 2119

because of a failure to disclose material facts, is intended or 2120  
is likely to create false or unjustified expectations of 2121  
favorable results, or includes representations or implications 2122  
that in reasonable probability will cause an ordinarily prudent 2123  
person to misunderstand or be deceived. 2124

(6) A departure from, or the failure to conform to, 2125  
minimal standards of care of similar practitioners under the 2126  
same or similar circumstances, whether or not actual injury to a 2127  
patient is established; 2128

(7) Representing, with the purpose of obtaining 2129  
compensation or other advantage as personal gain or for any 2130  
other person, that an incurable disease or injury, or other 2131  
incurable condition, can be permanently cured; 2132

(8) The obtaining of, or attempting to obtain, money or 2133  
anything of value by fraudulent misrepresentations in the course 2134  
of practice; 2135

(9) A plea of guilty to, a judicial finding of guilt of, 2136  
or a judicial finding of eligibility for intervention in lieu of 2137  
conviction for, a felony; 2138

(10) Commission of an act that constitutes a felony in 2139  
this state, regardless of the jurisdiction in which the act was 2140  
committed; 2141

(11) A plea of guilty to, a judicial finding of guilt of, 2142  
or a judicial finding of eligibility for intervention in lieu of 2143  
conviction for, a misdemeanor committed in the course of 2144  
practice; 2145

(12) Commission of an act in the course of practice that 2146  
constitutes a misdemeanor in this state, regardless of the 2147  
jurisdiction in which the act was committed; 2148

(13) A plea of guilty to, a judicial finding of guilt of, 2149  
or a judicial finding of eligibility for intervention in lieu of 2150  
conviction for, a misdemeanor involving moral turpitude; 2151

(14) Commission of an act involving moral turpitude that 2152  
constitutes a misdemeanor in this state, regardless of the 2153  
jurisdiction in which the act was committed; 2154

(15) Violation of the conditions of limitation placed by 2155  
the board upon a license or certificate to practice; 2156

(16) Failure to pay license renewal fees specified in this 2157  
chapter; 2158

(17) Except as authorized in section 4731.31 of the 2159  
Revised Code, engaging in the division of fees for referral of 2160  
patients, or the receiving of a thing of value in return for a 2161  
specific referral of a patient to utilize a particular service 2162  
or business; 2163

(18) Subject to section 4731.226 of the Revised Code, 2164  
violation of any provision of a code of ethics of the American 2165  
medical association, the American osteopathic association, the 2166  
American podiatric medical association, or any other national 2167  
professional organizations that the board specifies by rule. The 2168  
state medical board shall obtain and keep on file current copies 2169  
of the codes of ethics of the various national professional 2170  
organizations. The individual whose license or certificate is 2171  
being suspended or revoked shall not be found to have violated 2172  
any provision of a code of ethics of an organization not 2173  
appropriate to the individual's profession. 2174

For purposes of this division, a "provision of a code of 2175  
ethics of a national professional organization" does not include 2176  
any provision that would preclude the making of a report by a 2177

physician of an employee's use of a drug of abuse, or of a 2178  
condition of an employee other than one involving the use of a 2179  
drug of abuse, to the employer of the employee as described in 2180  
division (B) of section 2305.33 of the Revised Code. Nothing in 2181  
this division affects the immunity from civil liability 2182  
conferred by that section upon a physician who makes either type 2183  
of report in accordance with division (B) of that section. As 2184  
used in this division, "employee," "employer," and "physician" 2185  
have the same meanings as in section 2305.33 of the Revised 2186  
Code. 2187

(19) Inability to practice according to acceptable and 2188  
prevailing standards of care by reason of mental illness or 2189  
physical illness, including, but not limited to, physical 2190  
deterioration that adversely affects cognitive, motor, or 2191  
perceptive skills. 2192

In enforcing this division, the board, upon a showing of a 2193  
possible violation, shall refer any individual who is authorized 2194  
to practice by this chapter or who has submitted an application 2195  
pursuant to this chapter to the monitoring organization that 2196  
conducts the confidential monitoring program established under 2197  
section 4731.25 of the Revised Code. The board also may compel 2198  
the individual to submit to a mental examination, physical 2199  
examination, including an HIV test, or both a mental and a 2200  
physical examination. The expense of the examination is the 2201  
responsibility of the individual compelled to be examined. 2202  
Failure to submit to a mental or physical examination or consent 2203  
to an HIV test ordered by the board constitutes an admission of 2204  
the allegations against the individual unless the failure is due 2205  
to circumstances beyond the individual's control, and a default 2206  
and final order may be entered without the taking of testimony 2207  
or presentation of evidence. If the board finds an individual 2208

unable to practice because of the reasons set forth in this 2209  
division, the board shall require the individual to submit to 2210  
care, counseling, or treatment by physicians approved or 2211  
designated by the board, as a condition for initial, continued, 2212  
reinstated, or renewed authority to practice. An individual 2213  
affected under this division shall be afforded an opportunity to 2214  
demonstrate to the board the ability to resume practice in 2215  
compliance with acceptable and prevailing standards under the 2216  
provisions of the individual's license or certificate. For the 2217  
purpose of this division, any individual who applies for or 2218  
receives a license or certificate to practice under this chapter 2219  
accepts the privilege of practicing in this state and, by so 2220  
doing, shall be deemed to have given consent to submit to a 2221  
mental or physical examination when directed to do so in writing 2222  
by the board, and to have waived all objections to the 2223  
admissibility of testimony or examination reports that 2224  
constitute a privileged communication. 2225

(20) Except as provided in division (F) (1) (b) of section 2226  
4731.282 of the Revised Code or when civil penalties are imposed 2227  
under section 4731.225 of the Revised Code, and subject to 2228  
section 4731.226 of the Revised Code, violating or attempting to 2229  
violate, directly or indirectly, or assisting in or abetting the 2230  
violation of, or conspiring to violate, any provisions of this 2231  
chapter or any rule promulgated by the board. 2232

This division does not apply to a violation or attempted 2233  
violation of, assisting in or abetting the violation of, or a 2234  
conspiracy to violate, any provision of this chapter or any rule 2235  
adopted by the board that would preclude the making of a report 2236  
by a physician of an employee's use of a drug of abuse, or of a 2237  
condition of an employee other than one involving the use of a 2238  
drug of abuse, to the employer of the employee as described in 2239

division (B) of section 2305.33 of the Revised Code. Nothing in 2240  
this division affects the immunity from civil liability 2241  
conferred by that section upon a physician who makes either type 2242  
of report in accordance with division (B) of that section. As 2243  
used in this division, "employee," "employer," and "physician" 2244  
have the same meanings as in section 2305.33 of the Revised 2245  
Code. 2246

(21) The violation of section 3701.79 of the Revised Code 2247  
or of any abortion rule adopted by the director of health 2248  
pursuant to section 3701.341 of the Revised Code; 2249

(22) Any of the following actions taken by an agency 2250  
responsible for authorizing, certifying, or regulating an 2251  
individual to practice a health care occupation or provide 2252  
health care services in this state or another jurisdiction, for 2253  
any reason other than the nonpayment of fees: the limitation, 2254  
revocation, or suspension of an individual's license to 2255  
practice; acceptance of an individual's license surrender; 2256  
denial of a license; refusal to renew or reinstate a license; 2257  
imposition of probation; or issuance of an order of censure or 2258  
other reprimand; 2259

(23) The violation of section 2919.12 of the Revised Code 2260  
or the performance or inducement of an abortion upon a pregnant 2261  
woman with actual knowledge that the conditions specified in 2262  
division (B) of section 2317.56 of the Revised Code have not 2263  
been satisfied or with a heedless indifference as to whether 2264  
those conditions have been satisfied, unless an affirmative 2265  
defense as specified in division (H) (2) of that section would 2266  
apply in a civil action authorized by division (H) (1) of that 2267  
section; 2268

(24) The revocation, suspension, restriction, reduction, 2269

or termination of clinical privileges by the United States 2270  
department of defense or department of veterans affairs or the 2271  
termination or suspension of a certificate of registration to 2272  
prescribe drugs by the drug enforcement administration of the 2273  
United States department of justice; 2274

(25) Termination or suspension from participation in the 2275  
medicare or medicaid programs by the department of health and 2276  
human services or other responsible agency; 2277

(26) Impairment of ability to practice according to 2278  
acceptable and prevailing standards of care because of substance 2279  
use disorder or excessive use or abuse of drugs, alcohol, or 2280  
other substances that may impair ability to practice. 2281

For the purposes of this division, any individual 2282  
authorized to practice by this chapter accepts the privilege of 2283  
practicing in this state subject to supervision by the board. By 2284  
filing an application for or holding a license or certificate to 2285  
practice under this chapter, an individual shall be deemed to 2286  
have given consent to submit to a mental or physical examination 2287  
when ordered to do so by the board in writing, and to have 2288  
waived all objections to the admissibility of testimony or 2289  
examination reports that constitute privileged communications. 2290

If it has reason to believe that any individual authorized 2291  
to practice by this chapter or any applicant for licensure or 2292  
certification to practice suffers such impairment, the board 2293  
shall refer the individual to the monitoring organization that 2294  
conducts the confidential monitoring program established under 2295  
section 4731.25 of the Revised Code. The board also may compel 2296  
the individual to submit to a mental or physical examination, or 2297  
both. The expense of the examination is the responsibility of 2298  
the individual compelled to be examined. Any mental or physical 2299



examination required under this division shall be undertaken by 2300  
a treatment provider or physician who is qualified to conduct 2301  
the examination and who is approved under section 4731.251 of 2302  
the Revised Code. 2303

Failure to submit to a mental or physical examination 2304  
ordered by the board constitutes an admission of the allegations 2305  
against the individual unless the failure is due to 2306  
circumstances beyond the individual's control, and a default and 2307  
final order may be entered without the taking of testimony or 2308  
presentation of evidence. If the board determines that the 2309  
individual's ability to practice is impaired, the board shall 2310  
suspend the individual's license or certificate or deny the 2311  
individual's application and shall require the individual, as a 2312  
condition for initial, continued, reinstated, or renewed 2313  
licensure or certification to practice, to submit to treatment. 2314

Before being eligible to apply for reinstatement of a 2315  
license or certificate suspended under this division, the 2316  
impaired practitioner shall demonstrate to the board the ability 2317  
to resume practice in compliance with acceptable and prevailing 2318  
standards of care under the provisions of the practitioner's 2319  
license or certificate. The demonstration shall include, but 2320  
shall not be limited to, the following: 2321

(a) Certification from a treatment provider approved under 2322  
section 4731.251 of the Revised Code that the individual has 2323  
successfully completed any required inpatient treatment; 2324

(b) Evidence of continuing full compliance with an 2325  
aftercare contract or consent agreement; 2326

(c) Two written reports indicating that the individual's 2327  
ability to practice has been assessed and that the individual 2328

has been found capable of practicing according to acceptable and 2329  
prevailing standards of care. The reports shall be made by 2330  
individuals or providers approved by the board for making the 2331  
assessments and shall describe the basis for their 2332  
determination. 2333

The board may reinstate a license or certificate suspended 2334  
under this division after that demonstration and after the 2335  
individual has entered into a written consent agreement. 2336

When the impaired practitioner resumes practice, the board 2337  
shall require continued monitoring of the individual. The 2338  
monitoring shall include, but not be limited to, compliance with 2339  
the written consent agreement entered into before reinstatement 2340  
or with conditions imposed by board order after a hearing, and, 2341  
upon termination of the consent agreement, submission to the 2342  
board for at least two years of annual written progress reports 2343  
made under penalty of perjury stating whether the individual has 2344  
maintained sobriety. 2345

(27) A second or subsequent violation of section 4731.66 2346  
or 4731.69 of the Revised Code; 2347

(28) Except as provided in division (N) of this section: 2348

(a) Waiving the payment of all or any part of a deductible 2349  
or copayment that a patient, pursuant to a health insurance or 2350  
health care policy, contract, or plan that covers the 2351  
individual's services, otherwise would be required to pay if the 2352  
waiver is used as an enticement to a patient or group of 2353  
patients to receive health care services from that individual; 2354

(b) Advertising that the individual will waive the payment 2355  
of all or any part of a deductible or copayment that a patient, 2356  
pursuant to a health insurance or health care policy, contract, 2357

or plan that covers the individual's services, otherwise would 2358  
be required to pay. 2359

(29) Failure to use universal blood and body fluid 2360  
precautions established by rules adopted under section 4731.051 2361  
of the Revised Code; 2362

(30) Failure to provide notice to, and receive 2363  
acknowledgment of the notice from, a patient when required by 2364  
section 4731.143 of the Revised Code prior to providing 2365  
nonemergency professional services, or failure to maintain that 2366  
notice in the patient's medical record; 2367

(31) Failure of a physician supervising a physician 2368  
assistant to maintain supervision in accordance with the 2369  
requirements of Chapter 4730. of the Revised Code and the rules 2370  
adopted under that chapter; 2371

(32) Failure of a physician or podiatrist to enter into a 2372  
standard care arrangement with a clinical nurse specialist, 2373  
certified nurse-midwife, or certified nurse practitioner with 2374  
whom the physician or podiatrist is in collaboration pursuant to 2375  
section 4731.27 of the Revised Code or failure to fulfill the 2376  
responsibilities of collaboration after entering into a standard 2377  
care arrangement; 2378

(33) Failure to comply with the terms of a consult 2379  
agreement entered into with a pharmacist pursuant to section 2380  
4729.39 of the Revised Code; 2381

(34) Failure to cooperate in an investigation conducted by 2382  
the board under division (F) of this section, including failure 2383  
to comply with a subpoena or order issued by the board or 2384  
failure to answer truthfully a question presented by the board 2385  
in an investigative interview, an investigative office 2386

conference, at a deposition, or in written interrogatories, 2387  
except that failure to cooperate with an investigation shall not 2388  
constitute grounds for discipline under this section if a court 2389  
of competent jurisdiction has issued an order that either 2390  
quashes a subpoena or permits the individual to withhold the 2391  
testimony or evidence in issue; 2392

(35) Failure to supervise an anesthesiologist assistant in 2393  
accordance with Chapter 4760. of the Revised Code and the 2394  
board's rules for supervision of an anesthesiologist assistant; 2395

(36) Assisting suicide, as defined in section 3795.01 of 2396  
the Revised Code; 2397

(37) Failure to comply with the requirements of section 2398  
2317.561 of the Revised Code; 2399

(38) Failure to supervise a radiologist assistant in 2400  
accordance with Chapter 4774. of the Revised Code and the 2401  
board's rules for supervision of radiologist assistants; 2402

(39) Performing or inducing an abortion at an office or 2403  
facility with knowledge that the office or facility fails to 2404  
post the notice required under section 3701.791 of the Revised 2405  
Code; 2406

(40) Failure to comply with the standards and procedures 2407  
established in rules under section 4731.054 of the Revised Code 2408  
for the operation of or the provision of care at a pain 2409  
management clinic; 2410

(41) Failure to comply with the standards and procedures 2411  
established in rules under section 4731.054 of the Revised Code 2412  
for providing supervision, direction, and control of individuals 2413  
at a pain management clinic; 2414

(42) Failure to comply with the requirements of section 2415  
4729.79 or 4731.055 of the Revised Code, unless the state board 2416  
of pharmacy no longer maintains a drug database pursuant to 2417  
section 4729.75 of the Revised Code; 2418

(43) Failure to comply with the requirements of section 2419  
2919.171, 2919.202, or 2919.203 of the Revised Code or failure 2420  
to submit to the department of health in accordance with a court 2421  
order a complete report as described in section 2919.171 or 2422  
2919.202 of the Revised Code; 2423

(44) Practicing at a facility that is subject to licensure 2424  
as a category III terminal distributor of dangerous drugs with a 2425  
pain management clinic classification unless the person 2426  
operating the facility has obtained and maintains the license 2427  
with the classification; 2428

(45) Owning a facility that is subject to licensure as a 2429  
category III terminal distributor of dangerous drugs with a pain 2430  
management clinic classification unless the facility is licensed 2431  
with the classification; 2432

(46) Failure to comply with any of the requirements 2433  
regarding making or maintaining medical records or documents 2434  
described in division (A) of section 2919.192, division (C) of 2435  
section 2919.193, division (B) of section 2919.195, or division 2436  
(A) of section 2919.196 of the Revised Code; 2437

(47) Failure to comply with the requirements in section 2438  
3719.061 of the Revised Code before issuing for a minor a 2439  
prescription for an opioid analgesic, as defined in section 2440  
3719.01 of the Revised Code; 2441

(48) Failure to comply with the requirements of section 2442  
4731.30 of the Revised Code or rules adopted under section 2443

4731.301 of the Revised Code when recommending treatment with medical marijuana;	2444 2445
(49) A pattern of continuous or repeated violations of division (E) (2) or (3) of section 3963.02 of the Revised Code;	2446 2447
(50) Failure to fulfill the responsibilities of a collaboration agreement entered into with an athletic trainer as described in section 4755.621 of the Revised Code;	2448 2449 2450
(51) Failure to take the steps specified in section 4731.911 of the Revised Code following an abortion or attempted abortion in an ambulatory surgical facility or other location that is not a hospital when a child is born alive;	2451 2452 2453 2454
<u>(52) Failure of a physician supervising an advanced practice respiratory therapist to maintain supervision in accordance with the requirements of Chapter 4761. of the Revised Code and rules adopted under that chapter.</u>	2455 2456 2457 2458
(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.	2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470
A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an	2471 2472

individual's license or certificate to practice or certificate 2473  
to recommend. The telephone conference call shall be considered 2474  
a special meeting under division (F) of section 121.22 of the 2475  
Revised Code. 2476

If the board takes disciplinary action against an 2477  
individual under division (B) of this section for a second or 2478  
subsequent plea of guilty to, or judicial finding of guilt of, a 2479  
violation of section 2919.123 or 2919.124 of the Revised Code, 2480  
the disciplinary action shall consist of a suspension of the 2481  
individual's license or certificate to practice for a period of 2482  
at least one year or, if determined appropriate by the board, a 2483  
more serious sanction involving the individual's license or 2484  
certificate to practice. Any consent agreement entered into 2485  
under this division with an individual that pertains to a second 2486  
or subsequent plea of guilty to, or judicial finding of guilt 2487  
of, a violation of that section shall provide for a suspension 2488  
of the individual's license or certificate to practice for a 2489  
period of at least one year or, if determined appropriate by the 2490  
board, a more serious sanction involving the individual's 2491  
license or certificate to practice. 2492

(D) For purposes of divisions (B)(10), (12), and (14) of 2493  
this section, the commission of the act may be established by a 2494  
finding by the board, pursuant to an adjudication under Chapter 2495  
119. of the Revised Code, that the individual committed the act. 2496  
The board does not have jurisdiction under those divisions if 2497  
the trial court renders a final judgment in the individual's 2498  
favor and that judgment is based upon an adjudication on the 2499  
merits. The board has jurisdiction under those divisions if the 2500  
trial court issues an order of dismissal upon technical or 2501  
procedural grounds. 2502

(E) The sealing or expungement of conviction records by 2503  
any court shall have no effect upon a prior board order entered 2504  
under this section or upon the board's jurisdiction to take 2505  
action under this section if, based upon a plea of guilty, a 2506  
judicial finding of guilt, or a judicial finding of eligibility 2507  
for intervention in lieu of conviction, the board issued a 2508  
notice of opportunity for a hearing prior to the court's order 2509  
to seal or expunge the records. The board shall not be required 2510  
to seal, expunge, destroy, redact, or otherwise modify its 2511  
records to reflect the court's sealing of conviction records. 2512

(F) (1) The board shall investigate evidence that appears 2513  
to show that a person has violated any provision of this chapter 2514  
or any rule adopted under it. Any person may report to the board 2515  
in a signed writing any information that the person may have 2516  
that appears to show a violation of any provision of this 2517  
chapter or any rule adopted under it. In the absence of bad 2518  
faith, any person who reports information of that nature or who 2519  
testifies before the board in any adjudication conducted under 2520  
Chapter 119. of the Revised Code shall not be liable in damages 2521  
in a civil action as a result of the report or testimony. Each 2522  
complaint or allegation of a violation received by the board 2523  
shall be assigned a case number and shall be recorded by the 2524  
board. 2525

(2) Investigations of alleged violations of this chapter 2526  
or any rule adopted under it shall be supervised by the 2527  
supervising member elected by the board in accordance with 2528  
section 4731.02 of the Revised Code and by the secretary as 2529  
provided in section 4731.39 of the Revised Code. The president 2530  
may designate another member of the board to supervise the 2531  
investigation in place of the supervising member. No member of 2532  
the board who supervises the investigation of a case shall 2533



participate in further adjudication of the case. 2534

(3) In investigating a possible violation of this chapter 2535  
or any rule adopted under this chapter, or in conducting an 2536  
inspection under division (E) of section 4731.054 of the Revised 2537  
Code, the board may question witnesses, conduct interviews, 2538  
administer oaths, order the taking of depositions, inspect and 2539  
copy any books, accounts, papers, records, or documents, issue 2540  
subpoenas, and compel the attendance of witnesses and production 2541  
of books, accounts, papers, records, documents, and testimony, 2542  
except that a subpoena for patient record information shall not 2543  
be issued without consultation with the attorney general's 2544  
office and approval of the secretary of the board. 2545

(a) Before issuance of a subpoena for patient record 2546  
information, the secretary shall determine whether there is 2547  
probable cause to believe that the complaint filed alleges a 2548  
violation of this chapter or any rule adopted under it and that 2549  
the records sought are relevant to the alleged violation and 2550  
material to the investigation. The subpoena may apply only to 2551  
records that cover a reasonable period of time surrounding the 2552  
alleged violation. 2553

(b) On failure to comply with any subpoena issued by the 2554  
board and after reasonable notice to the person being 2555  
subpoenaed, the board may move for an order compelling the 2556  
production of persons or records pursuant to the Rules of Civil 2557  
Procedure. 2558

(c) A subpoena issued by the board may be served by a 2559  
sheriff, the sheriff's deputy, or a board employee or agent 2560  
designated by the board. Service of a subpoena issued by the 2561  
board may be made by delivering a copy of the subpoena to the 2562  
person named therein, reading it to the person, or leaving it at 2563

the person's usual place of residence, usual place of business, 2564  
or address on file with the board. When serving a subpoena to an 2565  
applicant for or the holder of a license or certificate issued 2566  
under this chapter, service of the subpoena may be made by 2567  
certified mail, return receipt requested, and the subpoena shall 2568  
be deemed served on the date delivery is made or the date the 2569  
person refuses to accept delivery. If the person being served 2570  
refuses to accept the subpoena or is not located, service may be 2571  
made to an attorney who notifies the board that the attorney is 2572  
representing the person. 2573

(d) A sheriff's deputy who serves a subpoena shall receive 2574  
the same fees as a sheriff. Each witness who appears before the 2575  
board in obedience to a subpoena shall receive the fees and 2576  
mileage provided for under section 119.094 of the Revised Code. 2577

(4) All hearings, investigations, and inspections of the 2578  
board shall be considered civil actions for the purposes of 2579  
section 2305.252 of the Revised Code. 2580

(5) A report required to be submitted to the board under 2581  
this chapter, a complaint, or information received by the board 2582  
pursuant to an investigation or pursuant to an inspection under 2583  
division (E) of section 4731.054 of the Revised Code is 2584  
confidential and not subject to discovery in any civil action. 2585

The board shall conduct all investigations or inspections 2586  
and proceedings in a manner that protects the confidentiality of 2587  
patients and persons who file complaints with the board. The 2588  
board shall not make public the names or any other identifying 2589  
information about patients or complainants unless proper consent 2590  
is given or, in the case of a patient, a waiver of the patient 2591  
privilege exists under division (B) of section 2317.02 of the 2592  
Revised Code, except that consent or a waiver of that nature is 2593

not required if the board possesses reliable and substantial 2594  
evidence that no bona fide physician-patient relationship 2595  
exists. 2596

The board may share any information it receives pursuant 2597  
to an investigation or inspection, including patient records and 2598  
patient record information, with law enforcement agencies, other 2599  
licensing boards, and other governmental agencies that are 2600  
prosecuting, adjudicating, or investigating alleged violations 2601  
of statutes or administrative rules. An agency or board that 2602  
receives the information shall comply with the same requirements 2603  
regarding confidentiality as those with which the state medical 2604  
board must comply, notwithstanding any conflicting provision of 2605  
the Revised Code or procedure of the agency or board that 2606  
applies when it is dealing with other information in its 2607  
possession. In a judicial proceeding, the information may be 2608  
admitted into evidence only in accordance with the Rules of 2609  
Evidence, but the court shall require that appropriate measures 2610  
are taken to ensure that confidentiality is maintained with 2611  
respect to any part of the information that contains names or 2612  
other identifying information about patients or complainants 2613  
whose confidentiality was protected by the state medical board 2614  
when the information was in the board's possession. Measures to 2615  
ensure confidentiality that may be taken by the court include 2616  
sealing its records or deleting specific information from its 2617  
records. 2618

(6) On a quarterly basis, the board shall prepare a report 2619  
that documents the disposition of all cases during the preceding 2620  
three months. The report shall contain the following information 2621  
for each case with which the board has completed its activities: 2622

(a) The case number assigned to the complaint or alleged 2623

violation; 2624

(b) The type of license or certificate to practice, if 2625  
any, held by the individual against whom the complaint is 2626  
directed; 2627

(c) A description of the allegations contained in the 2628  
complaint; 2629

(d) The disposition of the case. 2630

The report shall state how many cases are still pending 2631  
and shall be prepared in a manner that protects the identity of 2632  
each person involved in each case. The report shall be a public 2633  
record under section 149.43 of the Revised Code. 2634

(G) If the secretary and supervising member determine both 2635  
of the following, they may recommend that the board suspend an 2636  
individual's license or certificate to practice or certificate 2637  
to recommend without a prior hearing: 2638

(1) That there is clear and convincing evidence that an 2639  
individual has violated division (B) of this section; 2640

(2) That the individual's continued practice presents a 2641  
danger of immediate and serious harm to the public. 2642

Written allegations shall be prepared for consideration by 2643  
the board. The board, upon review of those allegations and by an 2644  
affirmative vote of not fewer than six of its members, excluding 2645  
the secretary and supervising member, may suspend a license or 2646  
certificate without a prior hearing. A telephone conference call 2647  
may be utilized for reviewing the allegations and taking the 2648  
vote on the summary suspension. 2649

The board shall serve a written order of suspension in 2650  
accordance with sections 119.05 and 119.07 of the Revised Code. 2651

The order shall not be subject to suspension by the court during 2652  
pendency of any appeal filed under section 119.12 of the Revised 2653  
Code. If the individual subject to the summary suspension 2654  
requests an adjudicatory hearing by the board, the date set for 2655  
the hearing shall be within fifteen days, but not earlier than 2656  
seven days, after the individual requests the hearing, unless 2657  
otherwise agreed to by both the board and the individual. 2658

Any summary suspension imposed under this division shall 2659  
remain in effect, unless reversed on appeal, until a final 2660  
adjudicative order issued by the board pursuant to this section 2661  
and Chapter 119. of the Revised Code becomes effective. The 2662  
board shall issue its final adjudicative order within seventy- 2663  
five days after completion of its hearing. A failure to issue 2664  
the order within seventy-five days shall result in dissolution 2665  
of the summary suspension order but shall not invalidate any 2666  
subsequent, final adjudicative order. 2667

(H) If the board takes action under division (B) (9), (11), 2668  
or (13) of this section and the judicial finding of guilt, 2669  
guilty plea, or judicial finding of eligibility for intervention 2670  
in lieu of conviction is overturned on appeal, upon exhaustion 2671  
of the criminal appeal, a petition for reconsideration of the 2672  
order may be filed with the board along with appropriate court 2673  
documents. Upon receipt of a petition of that nature and 2674  
supporting court documents, the board shall reinstate the 2675  
individual's license or certificate to practice. The board may 2676  
then hold an adjudication under Chapter 119. of the Revised Code 2677  
to determine whether the individual committed the act in 2678  
question. Notice of an opportunity for a hearing shall be given 2679  
in accordance with Chapter 119. of the Revised Code. If the 2680  
board finds, pursuant to an adjudication held under this 2681  
division, that the individual committed the act or if no hearing 2682

is requested, the board may order any of the sanctions 2683  
identified under division (B) of this section. 2684

(I) The license or certificate to practice issued to an 2685  
individual under this chapter and the individual's practice in 2686  
this state are automatically suspended as of the date of the 2687  
individual's second or subsequent plea of guilty to, or judicial 2688  
finding of guilt of, a violation of section 2919.123 or 2919.124 2689  
of the Revised Code. In addition, the license or certificate to 2690  
practice or certificate to recommend issued to an individual 2691  
under this chapter and the individual's practice in this state 2692  
are automatically suspended as of the date the individual pleads 2693  
guilty to, is found by a judge or jury to be guilty of, or is 2694  
subject to a judicial finding of eligibility for intervention in 2695  
lieu of conviction in this state or treatment or intervention in 2696  
lieu of conviction in another jurisdiction for any of the 2697  
following criminal offenses in this state or a substantially 2698  
equivalent criminal offense in another jurisdiction: aggravated 2699  
murder, murder, voluntary manslaughter, felonious assault, 2700  
kidnapping, rape, sexual battery, gross sexual imposition, 2701  
aggravated arson, aggravated robbery, or aggravated burglary. 2702  
Continued practice after suspension shall be considered 2703  
practicing without a license or certificate. 2704

The board shall notify the individual subject to the 2705  
suspension in accordance with sections 119.05 and 119.07 of the 2706  
Revised Code. If an individual whose license or certificate is 2707  
automatically suspended under this division fails to make a 2708  
timely request for an adjudication under Chapter 119. of the 2709  
Revised Code, the board shall do whichever of the following is 2710  
applicable: 2711

(1) If the automatic suspension under this division is for 2712

a second or subsequent plea of guilty to, or judicial finding of 2713  
guilt of, a violation of section 2919.123 or 2919.124 of the 2714  
Revised Code, the board shall enter an order suspending the 2715  
individual's license or certificate to practice for a period of 2716  
at least one year or, if determined appropriate by the board, 2717  
imposing a more serious sanction involving the individual's 2718  
license or certificate to practice. 2719

(2) In all circumstances in which division (I)(1) of this 2720  
section does not apply, enter a final order permanently revoking 2721  
the individual's license or certificate to practice. 2722

(J) If the board is required by Chapter 119. of the 2723  
Revised Code to give notice of an opportunity for a hearing and 2724  
if the individual subject to the notice does not timely request 2725  
a hearing in accordance with section 119.07 of the Revised Code, 2726  
the board is not required to hold a hearing, but may adopt, by 2727  
an affirmative vote of not fewer than six of its members, a 2728  
final order that contains the board's findings. In that final 2729  
order, the board may order any of the sanctions identified under 2730  
division (A) or (B) of this section. 2731

(K) Any action taken by the board under division (B) of 2732  
this section resulting in a suspension from practice shall be 2733  
accompanied by a written statement of the conditions under which 2734  
the individual's license or certificate to practice may be 2735  
reinstated. The board shall adopt rules governing conditions to 2736  
be imposed for reinstatement. Reinstatement of a license or 2737  
certificate suspended pursuant to division (B) of this section 2738  
requires an affirmative vote of not fewer than six members of 2739  
the board. 2740

(L) When the board refuses to grant or issue a license or 2741  
certificate to practice to an applicant, revokes an individual's 2742

license or certificate to practice, refuses to renew an 2743  
individual's license or certificate to practice, or refuses to 2744  
reinstate an individual's license or certificate to practice, 2745  
the board may specify that its action is permanent. An 2746  
individual subject to a permanent action taken by the board is 2747  
forever thereafter ineligible to hold a license or certificate 2748  
to practice and the board shall not accept an application for 2749  
reinstatement of the license or certificate or for issuance of a 2750  
new license or certificate. 2751

(M) Notwithstanding any other provision of the Revised 2752  
Code, all of the following apply: 2753

(1) The surrender of a license or certificate issued under 2754  
this chapter shall not be effective unless or until accepted by 2755  
the board. A telephone conference call may be utilized for 2756  
acceptance of the surrender of an individual's license or 2757  
certificate to practice. The telephone conference call shall be 2758  
considered a special meeting under division (F) of section 2759  
121.22 of the Revised Code. Reinstatement of a license or 2760  
certificate surrendered to the board requires an affirmative 2761  
vote of not fewer than six members of the board. 2762

(2) An application for a license or certificate made under 2763  
the provisions of this chapter may not be withdrawn without 2764  
approval of the board. 2765

(3) Failure by an individual to renew a license or 2766  
certificate to practice in accordance with this chapter or a 2767  
certificate to recommend in accordance with rules adopted under 2768  
section 4731.301 of the Revised Code does not remove or limit 2769  
the board's jurisdiction to take any disciplinary action under 2770  
this section against the individual. 2771



(4) The placement of an individual's license on retired status, as described in section 4731.283 of the Revised Code, does not remove or limit the board's jurisdiction to take any disciplinary action against the individual with regard to the license as it existed before being placed on retired status.

(5) At the request of the board, a license or certificate holder shall immediately surrender to the board a license or certificate that the board has suspended, revoked, or permanently revoked.

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

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

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

(O) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may

do all of the following: 2801

(1) Offer in appropriate cases as determined by the board 2802  
an educational and assessment program pursuant to an 2803  
investigation the board conducts under this section; 2804

(2) Select providers of educational and assessment 2805  
services, including a quality intervention program panel of case 2806  
reviewers; 2807

(3) Make referrals to educational and assessment service 2808  
providers and approve individual educational programs 2809  
recommended by those providers. The board shall monitor the 2810  
progress of each individual undertaking a recommended individual 2811  
educational program. 2812

(4) Determine what constitutes successful completion of an 2813  
individual educational program and require further monitoring of 2814  
the individual who completed the program or other action that 2815  
the board determines to be appropriate; 2816

(5) Adopt rules in accordance with Chapter 119. of the 2817  
Revised Code to further implement the quality intervention 2818  
program. 2819

An individual who participates in an individual 2820  
educational program pursuant to this division shall pay the 2821  
financial obligations arising from that educational program. 2822

(P) The board shall not refuse to issue a license to an 2823  
applicant because of a conviction, plea of guilty, judicial 2824  
finding of guilt, judicial finding of eligibility for 2825  
intervention in lieu of conviction, or the commission of an act 2826  
that constitutes a criminal offense, unless the refusal is in 2827  
accordance with section 9.79 of the Revised Code. 2828

Sec. 4731.25. (A) As used in this section and in sections 2829  
4731.251 to 4731.255 of the Revised Code: 2830

(1) "Applicant" means an individual who has applied under 2831  
Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4774., or 2832  
4778. of the Revised Code for a license, training or other 2833  
certificate, limited permit, or other authority to practice as 2834  
any one of the following practitioners: a physician assistant, 2835  
physician, podiatrist, limited branch of medicine practitioner, 2836  
dietitian, anesthesiologist assistant, respiratory care 2837  
professional, advanced practice respiratory therapist, 2838  
acupuncturist, radiologist assistant, or genetic counselor. 2839  
"Applicant" may include an individual who has been granted 2840  
authority by the state medical board to practice as one type of 2841  
practitioner, but has applied for authority to practice as 2842  
another type of practitioner. 2843

(2) "Impaired" or "impairment" means either or both of the 2844  
following: 2845

(a) Impairment of ability to practice as described in 2846  
division (B) (5) of section 4730.25, division (B) (26) of section 2847  
4731.22, division (A) (18) of section 4759.07, division (B) (6) of 2848  
section 4760.13, division (A) (18) of section 4761.09, division 2849  
(B) (6) of section 4762.13, division (B) (6) of section 4774.13, 2850  
or division (B) (6) of section 4778.14 of the Revised Code; 2851

(b) Inability to practice as described in division (B) (4) 2852  
of section 4730.25, division (B) (19) of section 4731.22, 2853  
division (A) (14) of section 4759.07, division (B) (5) of section 2854  
4760.13, division (A) (14) of section 4761.09, division (B) (5) of 2855  
section 4762.13, division (B) (5) of section 4774.13, or division 2856  
(B) (5) of section 4778.14 of the Revised Code. 2857

(3) "Practitioner" means any of the following:	2858
(a) An individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine;	2859 2860 2861
(b) An individual licensed under Chapter 4730. of the Revised Code to practice as a physician assistant;	2862 2863
(c) An individual authorized under Chapter 4759. of the Revised Code to practice as a dietitian;	2864 2865
(d) An individual authorized under Chapter 4760. of the Revised Code to practice as an anesthesiologist assistant;	2866 2867
(e) An individual authorized under Chapter 4761. of the Revised Code to practice respiratory care <u>or advanced practice respiratory care</u> ;	2868 2869 2870
(f) An individual licensed under Chapter 4762. of the Revised Code to practice as an acupuncturist;	2871 2872
(g) An individual licensed under Chapter 4774. of the Revised Code to practice as a radiologist assistant;	2873 2874
(h) An individual licensed under Chapter 4778. of the Revised Code to practice as a genetic counselor.	2875 2876
(B) The state medical board shall establish a confidential, nondisciplinary program for the evaluation and treatment of practitioners and applicants who are, or may be, impaired and also meet the eligibility conditions described in section 4731.252 or 4731.253 of the Revised Code. The program shall be known as the confidential monitoring program.	2877 2878 2879 2880 2881 2882
The board shall contract with a monitoring organization to conduct the program and perform monitoring services. To be	2883 2884

qualified to contract with the board, an organization shall meet 2885  
all of the following requirements: 2886

(1) Be a professionals health program sponsored by one or 2887  
more professional associations or societies of practitioners; 2888

(2) Be organized as a not-for-profit entity and exempt 2889  
from federal income taxation under subsection 501(c)(3) of the 2890  
Internal Revenue Code; 2891

(3) Contract with or employ a medical director who is 2892  
authorized under this chapter to practice medicine and surgery 2893  
or osteopathic medicine and surgery and specializes or has 2894  
training and expertise in addiction medicine; 2895

(4) Contract with or employ licensed health care 2896  
professionals necessary for the organization's operation. 2897

(C) The monitoring organization shall do all of the 2898  
following pursuant to the contract: 2899

(1) Receive from the board a referral regarding an 2900  
applicant or receive any report of suspected practitioner 2901  
impairment from any source, including from the board; 2902

(2) Notify a practitioner who is the subject of a report 2903  
received under division (C)(1) of this section that the report 2904  
has been made and that the practitioner may be eligible to 2905  
participate in the program conducted under this section; 2906

(3) Provide a practitioner who is the subject of a report 2907  
received under division (C)(1) of this section with the list of 2908  
approved evaluators and treatment providers prepared and updated 2909  
as described in section 4731.251 of the Revised Code; 2910

(4) Determine whether a practitioner reported or applicant 2911  
referred to the monitoring organization is eligible to 2912

participate in the program, which in the case of an applicant 2913  
may include evaluating records as described in division (E) (1) 2914  
(d) of this section, and notify the practitioner or applicant of 2915  
the determination; 2916

(5) In the case of a practitioner reported by a treatment 2917  
provider, notify the treatment provider of the eligibility 2918  
determination; 2919

(6) Report to the board any practitioner or applicant who 2920  
is determined ineligible to participate in the program; 2921

(7) Refer an eligible practitioner who chooses to 2922  
participate in the program for evaluation by an evaluator 2923  
approved by the monitoring organization, unless the report 2924  
received by the monitoring organization was made by an approved 2925  
evaluator and the practitioner has already been evaluated; 2926

(8) Monitor the evaluation of an eligible practitioner; 2927

(9) Refer an eligible practitioner who chooses to 2928  
participate in the program to a treatment provider approved by 2929  
the monitoring organization; 2930

(10) Establish, in consultation with the treatment 2931  
provider to which a practitioner is referred, the terms and 2932  
conditions with which the practitioner must comply for continued 2933  
participation in and successful completion of the program; 2934

(11) Report to the board any practitioner who does not 2935  
complete evaluation or treatment or does not comply with any of 2936  
the terms and conditions established by the monitoring 2937  
organization and the treatment provider; 2938

(12) Perform any other activities specified in the 2939  
contract with the board or that the monitoring organization 2940

considers necessary to comply with this section and sections 2941  
4731.251 to 4731.255 of the Revised Code. 2942

(D) The monitoring organization shall not disclose to the 2943  
board the name of a practitioner or applicant or any records 2944  
relating to a practitioner or applicant, unless any of the 2945  
following occurs: 2946

(1) The practitioner or applicant is determined to be 2947  
ineligible to participate in the program. 2948

(2) The practitioner or applicant requests the disclosure. 2949

(3) The practitioner or applicant is unwilling or unable 2950  
to complete or comply with any part of the program, including 2951  
evaluation, treatment, or monitoring. 2952

(4) The practitioner or applicant presents an imminent 2953  
danger to oneself or the public, as a result of the 2954  
practitioner's or applicant's impairment. 2955

(5) The practitioner's impairment has not been 2956  
substantially alleviated by participation in the program. 2957

(E) (1) The monitoring organization shall develop 2958  
procedures governing each of the following: 2959

(a) Receiving reports of practitioner impairment; 2960

(b) Notifying practitioners of reports and eligibility 2961  
determinations; 2962

(c) Receiving applicant referrals as described in section 2963  
4731.253 of the Revised Code; 2964

(d) Evaluating records of referred applicants, in 2965  
particular records from other jurisdictions regarding prior 2966  
treatment for impairment or current or continued monitoring; 2967

(e) Notifying applicants of eligibility determinations;	2968
(f) Referring eligible practitioners for evaluation or treatment;	2969 2970
(g) Establishing individualized treatment plans for eligible practitioners, as recommended by treatment providers;	2971 2972
(h) Establishing individualized terms and conditions with which eligible practitioners or applicants must comply for continued participation in and successful completion of the program.	2973 2974 2975 2976
(2) The monitoring organization, in consultation with the board, shall develop procedures governing each of the following:	2977 2978
(a) Providing reports to the board on a periodic basis on the total number of practitioners or applicants participating in the program, without disclosing the names or records of any program participants other than those about whom reports are required by this section;	2979 2980 2981 2982 2983
(b) Reporting to the board any practitioner or applicant who due to impairment presents an imminent danger to oneself or the public;	2984 2985 2986
(c) Reporting to the board any practitioner or applicant who is unwilling or unable to complete or comply with any part of the program, including evaluation, treatment, or monitoring;	2987 2988 2989
(d) Reporting to the board any practitioner or applicant whose impairment was not substantially alleviated by participation in the program.	2990 2991 2992
<b>Sec. 4743.09.</b> (A) As used in this section:	2993
(1) "Durable medical equipment" means a type of equipment,	2994



such as a remote monitoring device utilized by a physician, 2995  
physician assistant, or advanced practice registered nurse in 2996  
accordance with this section, that can withstand repeated use, 2997  
is primarily and customarily used to serve a medical purpose, 2998  
and generally is not useful to a person in the absence of 2999  
illness or injury and, in addition, includes repair and 3000  
replacement parts for the equipment. 3001

(2) "Facility fee" means any fee charged or billed for 3002  
telehealth services provided in a facility that is intended to 3003  
compensate the facility for its operational expenses and is 3004  
separate and distinct from a professional fee. 3005

(3) "Health care professional" means: 3006

(a) An advanced practice registered nurse, as defined in 3007  
section 4723.01 of the Revised Code; 3008

(b) An optometrist licensed under Chapter 4725. of the 3009  
Revised Code to practice optometry; 3010

(c) A pharmacist licensed under Chapter 4729. of the 3011  
Revised Code; 3012

(d) A physician assistant licensed under Chapter 4730. of 3013  
the Revised Code; 3014

(e) A physician licensed under Chapter 4731. of the 3015  
Revised Code to practice medicine and surgery, osteopathic 3016  
medicine and surgery, or podiatric medicine and surgery; 3017

(f) A psychologist, independent school psychologist, or 3018  
school psychologist licensed under Chapter 4732. of the Revised 3019  
Code; 3020

(g) A chiropractor licensed under Chapter 4734. of the 3021  
Revised Code; 3022

(h) An audiologist or speech-language pathologist licensed under Chapter 4753. of the Revised Code;	3023 3024
(i) An occupational therapist or physical therapist licensed under Chapter 4755. of the Revised Code;	3025 3026
(j) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code;	3027 3028 3029
(k) A professional clinical counselor, independent social worker, independent marriage and family therapist, art therapist, or music therapist licensed under Chapter 4757. of the Revised Code;	3030 3031 3032 3033
(l) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;	3034 3035
(m) A dietitian licensed under Chapter 4759. of the Revised Code;	3036 3037
(n) A respiratory care professional <u>or advanced practice respiratory therapist</u> licensed under Chapter 4761. of the Revised Code;	3038 3039 3040
(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	3041 3042
(p) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code.	3043 3044
(4) "Health care professional licensing board" means any of the following:	3045 3046
(a) The board of nursing;	3047
(b) The state vision professionals board;	3048
(c) The state board of pharmacy;	3049

(d) The state medical board;	3050
(e) The state board of psychology;	3051
(f) The state chiropractic board;	3052
(g) The state speech and hearing professionals board;	3053
(h) The Ohio occupational therapy, physical therapy, and athletic trainers board;	3054 3055
(i) The counselor, social worker, and marriage and family therapist board;	3056 3057
(j) The chemical dependency professionals board.	3058
(5) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.	3059 3060
(6) "Telehealth services" means health care services provided through the use of information and communication technology by a health care professional, within the professional's scope of practice, who is located at a site other than the site where either of the following is located:	3061 3062 3063 3064 3065
(a) The patient receiving the services;	3066
(b) Another health care professional with whom the provider of the services is consulting regarding the patient.	3067 3068
(B) (1) Each health care professional licensing board shall permit a health care professional under its jurisdiction to provide the professional's services as telehealth services in accordance with this section. Subject to division (B) (2) of this section, a board may adopt any rules it considers necessary to implement this section. All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. Any such rules adopted by a board are not subject to the	3069 3070 3071 3072 3073 3074 3075 3076

requirements of division (F) of section 121.95 of the Revised Code. 3077  
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(2) (a) Except as provided in division (B) (2) (b) of this section, the rules adopted by a health care professional licensing board under this section shall establish a standard of care for telehealth services that is equal to the standard of care for in-person services. 3079  
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(b) Subject to division (B) (2) (c) of this section, a board may require an initial in-person visit prior to prescribing a schedule II controlled substance to a new patient, equivalent to applicable state and federal requirements. 3084  
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(c) (i) A board shall not require an initial in-person visit for a new patient whose medical record indicates that the patient is receiving hospice or palliative care, who is receiving medication-assisted treatment or any other medication for opioid-use disorder, who is a patient with a mental health condition, or who, as determined by the clinical judgment of a health care professional, is in an emergency situation. 3088  
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(ii) Notwithstanding division (B) of section 3796.01 of the Revised Code, medical marijuana shall not be considered a schedule II controlled substance. 3095  
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(C) With respect to the provision of telehealth services, all of the following apply: 3098  
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(1) A health care professional may use synchronous or asynchronous technology to provide telehealth services to a patient during an initial visit if the appropriate standard of care for an initial visit is satisfied. 3100  
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(2) A health care professional may deny a patient telehealth services and, instead, require the patient to undergo 3104  
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an in-person visit. 3106

(3) When providing telehealth services in accordance with 3107  
this section, a health care professional shall comply with all 3108  
requirements under state and federal law regarding the 3109  
protection of patient information. A health care professional 3110  
shall ensure that any username or password information and any 3111  
electronic communications between the professional and a patient 3112  
are securely transmitted and stored. 3113

(4) A health care professional may use synchronous or 3114  
asynchronous technology to provide telehealth services to a 3115  
patient during an annual visit if the appropriate standard of 3116  
care for an annual visit is satisfied. 3117

(5) In the case of a health care professional who is a 3118  
physician, physician assistant, or advanced practice registered 3119  
nurse, both of the following apply: 3120

(a) The professional may provide telehealth services to a 3121  
patient located outside of this state if permitted by the laws 3122  
of the state in which the patient is located. 3123

(b) The professional may provide telehealth services 3124  
through the use of medical devices that enable remote 3125  
monitoring, including such activities as monitoring a patient's 3126  
blood pressure, heart rate, or glucose level. 3127

(D) When a patient has consented to receiving telehealth 3128  
services, the health care professional who provides those 3129  
services is not liable in damages under any claim made on the 3130  
basis that the services do not meet the same standard of care 3131  
that would apply if the services were provided in-person. 3132

(E) (1) A health care professional providing telehealth 3133  
services shall not charge a patient or a health plan issuer 3134

covering telehealth services under section 3902.30 of the Revised Code any of the following: a facility fee, an origination fee, or any fee associated with the cost of the equipment used at the provider site to provide telehealth services.

A health care professional providing telehealth services may charge a health plan issuer for durable medical equipment used at a patient or client site.

(2) A health care professional may negotiate with a health plan issuer to establish a reimbursement rate for fees associated with the administrative costs incurred in providing telehealth services as long as a patient is not responsible for any portion of the fee.

(3) A health care professional providing telehealth services shall obtain a patient's consent before billing for the cost of providing the services, but the requirement to do so applies only once.

(F) Nothing in this section limits or otherwise affects any other provision of the Revised Code that requires a health care professional who is not a physician to practice under the supervision of, in collaboration with, in consultation with, or pursuant to the referral of another health care professional.

(G) It is the intent of the general assembly, through the amendments to this section, to expand access to and investment in telehealth services in this state in congruence with the expansion and investment in telehealth services made during the COVID-19 pandemic.

**Sec. 4755.48.** (A) No person shall employ fraud or deception in applying for or securing a license to practice

physical therapy or to be a physical therapist assistant. 3164

(B) No person shall practice or in any way imply or claim 3165  
to the public by words, actions, or the use of letters as 3166  
described in division (C) of this section to be able to practice 3167  
physical therapy or to provide physical therapy services, 3168  
including practice as a physical therapist assistant, unless the 3169  
person holds a valid license under sections 4755.40 to 4755.56 3170  
of the Revised Code or except for submission of claims as 3171  
provided in section 4755.56 of the Revised Code. 3172

(C) No person shall use the words or letters, physical 3173  
therapist, physical therapy, physical therapy services, 3174  
physiotherapist, physiotherapy, physiotherapy services, licensed 3175  
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 3176  
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 3177  
therapist assistant, physical therapy technician, licensed 3178  
physical therapist assistant, L.P.T.A., R.P.T.A., or any other 3179  
letters, words, abbreviations, or insignia, indicating or 3180  
implying that the person is a physical therapist or physical 3181  
therapist assistant without a valid license under sections 3182  
4755.40 to 4755.56 of the Revised Code. 3183

(D) No person who practices physical therapy or assists in 3184  
the provision of physical therapy treatments under the 3185  
supervision of a physical therapist shall fail to display the 3186  
person's current license granted under sections 4755.40 to 3187  
4755.56 of the Revised Code in a conspicuous location in the 3188  
place where the person spends the major part of the person's 3189  
time so engaged. 3190

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 3191  
Code shall affect or interfere with the performance of the 3192  
duties of any physical therapist or physical therapist assistant 3193

in active service in the army, navy, coast guard, marine corps, 3194  
air force, public health service, or marine hospital service of 3195  
the United States, while so serving. 3196

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 3197  
Code shall prevent or restrict the activities or services of a 3198  
person pursuing a course of study leading to a degree in 3199  
physical therapy in an accredited or approved educational 3200  
program if the activities or services constitute a part of a 3201  
supervised course of study and the person is designated by a 3202  
title that clearly indicates the person's status as a student. 3203

(G) (1) Subject to division (G) (2) of this section, nothing 3204  
in sections 4755.40 to 4755.56 of the Revised Code shall prevent 3205  
or restrict the activities or services of any person who holds a 3206  
current, unrestricted license to practice physical therapy in 3207  
another state when that person, pursuant to contract or 3208  
employment with an athletic team located in the state in which 3209  
the person holds the license, provides physical therapy to any 3210  
of the following while the team is traveling to or from or 3211  
participating in a sporting event in this state: 3212

(a) A member of the athletic team; 3213

(b) A member of the athletic team's coaching, 3214  
communications, equipment, or sports medicine staff; 3215

(c) A member of a band or cheerleading squad accompanying 3216  
the athletic team; 3217

(d) The athletic team's mascot. 3218

(2) In providing physical therapy pursuant to division (G) 3219  
(1) of this section, the person shall not do either of the 3220  
following: 3221



(a) Provide physical therapy at a health care facility;	3222
(b) Provide physical therapy for more than sixty days in a calendar year.	3223 3224
(3) The limitations described in divisions (G) (1) and (2) of this section do not apply to a person who is practicing in accordance with the compact privilege granted by this state through the "Physical Therapy Licensure Compact" entered into under section 4755.57 of the Revised Code.	3225 3226 3227 3228 3229
(4) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board shall not require a nonresident person who holds a license to practice physical therapy in another state to obtain a license in accordance with Chapter 4796. of the Revised Code to provide physical therapy services in the manner described under division (G) (1) of this section.	3230 3231 3232 3233 3234 3235 3236
(H) (1) Except as provided in division (H) (2) of this section and subject to division (I) of this section, no person shall practice physical therapy other than on the prescription of, or the referral of a patient by, a person who is licensed in this or another state to do at least one of the following:	3237 3238 3239 3240 3241
(a) Practice medicine and surgery, chiropractic, dentistry, osteopathic medicine and surgery, podiatric medicine and surgery;	3242 3243 3244
(b) Practice as a physician assistant;	3245
(c) Practice nursing as an advanced practice registered nurse;	3246 3247
<u>(d) Practice as an advanced practice respiratory therapist.</u>	3248 3249

(2) The prohibition in division (H) (1) of this section on practicing physical therapy other than on the prescription of, or the referral of a patient by, any of the persons described in that division does not apply if either of the following applies to the person:

(a) The person holds a master's or doctorate degree from a professional physical therapy program that is accredited by a national physical therapy accreditation agency approved by the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board.

(b) On or before December 31, 2004, the person has completed at least two years of practical experience as a licensed physical therapist.

(I) To be authorized to prescribe physical therapy or refer a patient to a physical therapist for physical therapy, a person described in division (H) (1) of this section must be in good standing with the relevant licensing board in this state or the state in which the person is licensed and must act only within the person's scope of practice.

(J) In the prosecution of any person for violation of division (B) or (C) of this section, it is not necessary to allege or prove want of a valid license to practice physical therapy or to practice as a physical therapist assistant, but such matters shall be a matter of defense to be established by the accused.

**Sec. 4761.01.** As used in this chapter:

(A) "Respiratory care" means rendering or offering to render to individuals, groups, organizations, or the public any service involving the evaluation of cardiopulmonary function,

the treatment of cardiopulmonary impairment, the assessment of 3279  
treatment effectiveness, and the care of patients with 3280  
deficiencies and abnormalities associated with the 3281  
cardiopulmonary system. The practice of respiratory care 3282  
includes: 3283

(1) Obtaining, analyzing, testing, measuring, and 3284  
monitoring blood and gas samples in the determination of 3285  
cardiopulmonary parameters and related physiologic data, 3286  
including flows, pressures, and volumes, and the use of 3287  
equipment employed for this purpose; 3288

(2) Administering, monitoring, recording the results of, 3289  
and instructing in the use of medical gases, aerosols, and 3290  
bronchopulmonary hygiene techniques, including drainage, 3291  
aspiration, and sampling, and applying, maintaining, and 3292  
instructing in the use of artificial airways, ventilators, and 3293  
other life support equipment employed in the treatment of 3294  
cardiopulmonary impairment and provided in collaboration with 3295  
other licensed health care professionals responsible for 3296  
providing care; 3297

(3) Performing cardiopulmonary resuscitation and 3298  
respiratory rehabilitation techniques; 3299

(4) Administering medications for the testing or treatment 3300  
of cardiopulmonary impairment. 3301

(B) "Respiratory care professional" means a person who is 3302  
licensed under this chapter to practice the full range of 3303  
services described in division (A) of this section. 3304

(C) "Physician" means an individual authorized under 3305  
Chapter 4731. of the Revised Code to practice medicine and 3306  
surgery or osteopathic medicine and surgery. 3307

(D) "Registered nurse" means an individual licensed under Chapter 4723. of the Revised Code to engage in the practice of nursing as a registered nurse.

(E) "Hospital" has the same meaning as in section 3722.01 of the Revised Code.

(F) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

(G) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code.

(H) "Physician assistant" means an individual who holds a valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code.

(I) "Advanced practice respiratory therapist" means an individual who holds a current, valid license issued under this chapter that authorizes the practice of respiratory care as an advanced practice respiratory therapist.

(J) "Practice of respiratory care as an advanced practice respiratory therapist" means the performance of services delegated by a supervising physician to an advanced practice respiratory therapist in the diagnosis and treatment of patients with cardiopulmonary diseases or conditions, including prescribing, ordering, and administering drugs and medical devices.

(K) "Health care facility" means any of the following:

(1) A hospital;

(2) Any other hospital-based facility designated by the state medical board in rules adopted pursuant to division (B) of section 4761.36 of the Revised Code.

**Sec. 4761.03.** (A) The state medical board shall regulate 3336  
the practice of respiratory care in this state and the persons 3337  
to whom the board issues licenses and limited permits under this 3338  
chapter. Rules adopted under this chapter that deal with the 3339  
provision of respiratory care in a hospital, other than rules 3340  
regulating the issuance of licenses or limited permits, shall be 3341  
consistent with the conditions for participation under medicare, 3342  
Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 3343  
42 U.S.C.A. 1395, as amended, and with the respiratory care 3344  
accreditation standards of the joint commission or the American 3345  
osteopathic association. 3346

(B) The board shall adopt, and may rescind or amend, rules 3347  
in accordance with Chapter 119. of the Revised Code to carry out 3348  
the purposes of this chapter, including rules prescribing the 3349  
following: 3350

(1) The form and manner for filing applications under 3351  
sections 4761.05 and 4761.06 of the Revised Code; 3352

(2) Standards for the approval of examinations and 3353  
reexaminations administered by national organizations for 3354  
licensure, license renewal, and license reinstatement; 3355

(3) Standards for the approval of educational programs 3356  
required to qualify for licensure and approval of continuing 3357  
education programs required for license renewal; 3358

(4) Continuing education courses and the number of hour 3359  
requirements necessary for license renewal under section 4761.06 3360  
of the Revised Code, including rules providing for pro rata 3361  
reductions by month of the number of hours of continuing 3362  
education that must be completed for license holders who are in 3363  
their first renewal period, have been disabled by illness or 3364

accident, or have been absent from the country;	3365
(5) Procedures for the issuance and renewal of licenses and limited permits, including the duties that may be fulfilled by the board's executive director and other board employees;	3366 3367 3368
(6) Procedures for the limitation, suspension, and revocation of licenses and limited permits, the refusal to issue, renew, or reinstate licenses and limited permits, and the imposition of a reprimand or probation under section 4761.09 of the Revised Code;	3369 3370 3371 3372 3373
(7) Standards of ethical conduct for the practice of respiratory care;	3374 3375
(8) The respiratory care tasks that may be performed by an individual practicing as a polysomnographic technologist pursuant to division (B)(3) of section 4761.10 of the Revised Code;	3376 3377 3378 3379
(9) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code.	3380 3381
(C) The board shall determine the sufficiency of an applicant's qualifications for admission to the licensing examination or a reexamination, and for the issuance or renewal of a license or limited permit.	3382 3383 3384 3385
(D) The board shall determine the respiratory care educational programs that are acceptable for fulfilling the requirements of division (A) of section 4761.04 of the Revised Code.	3386 3387 3388 3389
(E)(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	3390 3391 3392

in a signed writing any information that the person may have 3393  
that appears to show a violation of any provision of this 3394  
chapter or any rule adopted under it. In the absence of bad 3395  
faith, any person who reports information of that nature or who 3396  
testifies before the board in any adjudication conducted under 3397  
Chapter 119. of the Revised Code shall not be liable in damages 3398  
in a civil action as a result of the report or testimony. Each 3399  
complaint or allegation of a violation received by the board 3400  
shall be assigned a case number and shall be recorded by the 3401  
board. 3402

(2) Investigations of alleged violations of this chapter 3403  
or any rule adopted under it shall be supervised by the 3404  
supervising member elected by the board in accordance with 3405  
section 4731.02 of the Revised Code and by the secretary as 3406  
provided in section 4761.012 of the Revised Code. The president 3407  
may designate another member of the board to supervise the 3408  
investigation in place of the supervising member. No member of 3409  
the board who supervises the investigation of a case shall 3410  
participate in further adjudication of the case. 3411

(3) In investigating a possible violation of this chapter 3412  
or any rule adopted under it, the board may issue subpoenas, 3413  
administer oaths, question witnesses, conduct interviews, order 3414  
the taking of depositions, inspect and copy any books, accounts, 3415  
papers, records, or documents, and compel the attendance of 3416  
witnesses and production of books, accounts, papers, records, 3417  
documents, and testimony, except that a subpoena for patient 3418  
record information shall not be issued without consultation with 3419  
the attorney general's office and approval of the secretary of 3420  
the board. 3421

Before issuance of a subpoena for patient record 3422

information, the secretary shall determine whether there is 3423  
probable cause to believe that the complaint filed alleges a 3424  
violation of this chapter or any rule adopted under it and that 3425  
the records sought are relevant to the alleged violation and 3426  
material to the investigation. The subpoena may apply only to 3427  
records that cover a reasonable period of time surrounding the 3428  
alleged violation. 3429

On failure to comply with any subpoena issued by the board 3430  
and after reasonable notice to the person being subpoenaed, the 3431  
board may move for an order compelling the production of persons 3432  
or records pursuant to the Rules of Civil Procedure. 3433

A subpoena issued by the board may be served by a sheriff, 3434  
the sheriff's deputy, or a board employee or agent designated by 3435  
the board. Service of a subpoena issued by the board may be made 3436  
by delivering a copy of the subpoena to the person named 3437  
therein, reading it to the person, or leaving it at the person's 3438  
usual place of residence, usual place of business, or address on 3439  
file with the board. When serving a subpoena to an applicant for 3440  
or the holder of a license or limited permit issued under this 3441  
chapter, service of the subpoena may be made by certified mail, 3442  
return receipt requested, and the subpoena shall be deemed 3443  
served on the date delivery is made or the date the person 3444  
refuses to accept delivery. If the person being served refuses 3445  
to accept the subpoena or is not located, service may be made to 3446  
an attorney who notifies the board that the attorney is 3447  
representing the person. 3448

A sheriff's deputy who serves a subpoena shall receive the 3449  
same fees as a sheriff. Each witness who appears before the 3450  
board in obedience to a subpoena shall receive the fees and 3451  
mileage provided for under section 119.094 of the Revised Code. 3452



(4) In an investigation involving the practice or supervision of an advanced practice respiratory therapist pursuant to the policies of a health care facility, the board may require that the health care facility provide any information the board considers necessary to identify either or both of the following: 3453  
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(a) The facility's policies for the practice of advanced practice respiratory therapists within the facility; 3459  
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(b) The services that the facility has authorized a particular advanced practice respiratory therapist to provide for the facility. 3461  
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(5) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code. 3464  
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~~(5)~~ (6) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation is confidential and not subject to discovery in any civil action. 3467  
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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. 3471  
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The board may share any information it receives pursuant to an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations 3477  
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of statutes or administrative rules. An agency or board that 3482  
receives the information shall comply with the same requirements 3483  
regarding confidentiality as those with which the state medical 3484  
board must comply, notwithstanding any conflicting provision of 3485  
the Revised Code or procedure of the agency or board that 3486  
applies when it is dealing with other information in its 3487  
possession. In a judicial proceeding, the information may be 3488  
admitted into evidence only in accordance with the Rules of 3489  
Evidence, but the court shall require that appropriate measures 3490  
are taken to ensure that confidentiality is maintained with 3491  
respect to any part of the information that contains names or 3492  
other identifying information about patients or complainants 3493  
whose confidentiality was protected by the state medical board 3494  
when the information was in the board's possession. Measures to 3495  
ensure confidentiality that may be taken by the court include 3496  
sealing its records or deleting specific information from its 3497  
records. 3498

~~(6)~~ (7) On a quarterly basis, the board shall prepare a 3499  
report that documents the disposition of all cases during the 3500  
preceding three months. The report shall contain the following 3501  
information for each case with which the board has completed its 3502  
activities: 3503

(a) The case number assigned to the complaint or alleged 3504  
violation; 3505

(b) The type of license or limited permit, if any, held by 3506  
the individual against whom the complaint is directed; 3507

(c) A description of the allegations contained in the 3508  
complaint; 3509

(d) The disposition of the case. 3510

The report shall state how many cases are still pending 3511  
and shall be prepared in a manner that protects the identity of 3512  
each person involved in each case. The report shall be a public 3513  
record under section 149.43 of the Revised Code. 3514

(F) The board shall keep records of its proceedings and do 3515  
other things as are necessary and proper to carry out and 3516  
enforce the provisions of this chapter. 3517

(G) The board shall maintain and publish on its internet 3518  
web site all of the following: 3519

(1) The requirements for the issuance of licenses and 3520  
limited permits under this chapter and rules adopted by the 3521  
board; 3522

(2) A list of the names and locations of the institutions 3523  
that each year granted degrees or certificates of completion in 3524  
respiratory care. 3525

**Sec. 4761.032.** (A) The state medical board shall appoint a 3526  
respiratory care advisory council for the purpose of advising 3527  
the board on issues relating to the practice of respiratory 3528  
care. The advisory council shall consist of not more than ~~seven-~~ 3529  
nine individuals knowledgeable in the area of respiratory care. 3530

A majority of the council members shall be individuals 3531  
licensed under this chapter who are actively engaged in the 3532  
practice of respiratory care. The board shall include all of the 3533  
following on the council: 3534

(1) One physician who is a member of the state medical 3535  
board; 3536

(2) One physician who has clinical training and experience 3537  
in pulmonary disease, and one physician who is a supervising 3538

physician of an advanced practice respiratory therapist. 3539

The Ohio state medical association, or its successor 3540  
organization, may nominate not more than three individuals for 3541  
consideration by the board in appointing the physician members 3542  
described in division (A) (2) of this section. 3543

(3) One advanced practice respiratory therapist; 3544

(4) One individual who is not affiliated with any health 3545  
care profession, who shall be appointed to represent the 3546  
interest of consumers. 3547

The Ohio society for respiratory care, or its successor 3548  
organization, may nominate not more than three individuals for 3549  
consideration by the board in appointing any member of the 3550  
council other than the members described in divisions (A) (1) and 3551  
(2) of this section. 3552

~~The Ohio state medical association, or its successor~~ 3553  
~~organization, may nominate not more than three individuals for~~ 3554  
~~consideration by the board in appointing the physician member~~ 3555  
~~described in division (A) (2) of this section.~~ 3556

~~The Ohio society for respiratory care, or its successor~~ 3557  
~~organization, may nominate not more than three individuals for~~ 3558  
~~consideration by the board in appointing any member of the~~ 3559  
~~council other than the physician members described in divisions~~ 3560  
~~(A) (1) and (2) of this section.~~ 3561

(B) Not later than ninety days after January 21, 2018, the 3562  
board shall make initial appointments to the council. Initial 3563  
members shall serve terms of office of one, two, or three years, 3564  
as selected by the board. Thereafter, terms of office shall be 3565  
for three years, with each term ending on the same day of the 3566  
same month as the term that it succeeds. A council member shall 3567

continue in office subsequent to the expiration date of the 3568  
member's term until a successor is appointed and takes office, 3569  
or until a period of sixty days has elapsed, whichever occurs 3570  
first. Each council member shall hold office from the date of 3571  
appointment until the end of the term for which the member was 3572  
appointed. 3573

(C) Members shall serve without compensation, but shall be 3574  
reimbursed for actual and necessary expenses incurred in 3575  
performing their official duties. 3576

(D) The council shall meet at least four times each year 3577  
and at such other times as may be necessary to carry out its 3578  
responsibilities. 3579

(E) The council may submit to the board recommendations 3580  
concerning all of the following: 3581

(1) Requirements for issuing a license to practice as a 3582  
respiratory care professional or as an advanced practice 3583  
respiratory therapist and requirements for issuing a permit to 3584  
practice as a limited permit holder, including the educational 3585  
and experience requirements that must be met to receive the 3586  
license or permit; 3587

(2) Existing and proposed rules pertaining to ~~the practice~~ 3588  
~~of respiratory care and~~ the administration and enforcement of 3589  
this chapter, including rules pertaining to the practice of 3590  
respiratory care by respiratory care professionals, the practice 3591  
of holders of limited permits issued under this chapter, the 3592  
practice of respiratory care as advanced practice respiratory 3593  
therapists, and the supervisory relationship between advanced 3594  
practice respiratory therapists and supervising physicians; 3595

(3) Standards for the approval of educational programs 3596

required to qualify for licensure and continuing education 3597  
programs for licensure renewal; 3598

(4) Standards for the approval of examinations and re- 3599  
examinations administered by national organizations for 3600  
licensure, license renewal, and license reinstatement; 3601

(5) Policies related to the issuance and renewal of 3602  
licenses and limited permits; 3603

~~(5)-(6) Fees for the issuance and renewal of a license to~~ 3604  
~~practice respiratory care as a licensee or as a licenses and~~ 3605  
~~limited permit holder permits;~~ 3606

~~(6)-(7) Standards of practice and ethical conduct in the~~ 3607  
practice of respiratory care; 3608

~~(7)-(8) The safe and effective practice of respiratory~~ 3609  
care, including scope of practice and minimal standards of care; 3610

(9) Any issue the board asks the council to consider. 3611

(F) In addition to the matters that are required to be 3612  
reviewed under division (E) of this section, the council may 3613  
review, and may submit to the board recommendations concerning, 3614  
quality assurance activities to be performed by a supervising 3615  
physician and advanced practice respiratory therapist under a 3616  
quality assurance system established pursuant to division (F) of 3617  
section 4761.39 of the Revised Code. 3618

(G) The board may permit meetings of the council to 3619  
include the use of interactive videoconferencing, 3620  
teleconferencing, or both if all of the following requirements 3621  
are met: 3622

(1) The meeting location is open and accessible to the 3623  
public. 3624

(2) Each council member is permitted to choose whether the member attends in person or through the use of the meeting's videoconferencing or teleconferencing. 3625  
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(3) Any meeting-related materials available before the meeting are sent to each council member by electronic mail, facsimile, or United States mail, or are hand-delivered. 3628  
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(4) If interactive videoconferencing is used, there is a clear video and audio connection that enables all participants at the meeting location to see and hear each council member. 3631  
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(5) If teleconferencing is used, there is a clear audio connection that enables all participants at the meeting location to hear each council member. 3634  
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(6) A roll call vote is recorded for each vote taken. 3637

(7) The meeting minutes specify for each member whether the member attended by videoconference, teleconference, or in person. 3638  
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**Sec. 4761.033.** In addition to rules that are specifically required or authorized by this chapter to be adopted, the state medical board may adopt any other rules necessary to govern the practice of advanced practice respiratory therapists, the supervisory relationship between advanced practice respiratory therapists and supervising physicians, and the administration and enforcement of this chapter. Rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. 3641  
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**Sec. 4761.06.** (A) Each license to practice respiratory care shall expire on the date that is two years after the date of issuance and may be renewed for additional two-year periods. Each limited permit to practice respiratory care shall be 3650  
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renewed annually. Each person seeking to renew a license or 3654  
limited permit to practice respiratory care shall apply to the 3655  
state medical board in a manner prescribed by the board. 3656  
Licenses and limited permits shall be renewed in accordance with 3657  
the standard renewal procedure of Chapter 4745. of the Revised 3658  
Code. The board shall renew a license if the holder pays the 3659  
license renewal fee prescribed under section 4761.07 of the 3660  
Revised Code and certifies that the holder has completed the 3661  
continuing education or reexamination requirements of division 3662  
(B) of this section. 3663

At least one month before a license expires, the board 3664  
shall provide to the license holder a renewal notice. Failure of 3665  
any license holder to receive a notice of renewal from the board 3666  
shall not excuse the holder from the requirements contained in 3667  
this section. Each license holder shall give notice to the board 3668  
of a change in the holder's residence address, business address, 3669  
or electronic mail address not later than thirty days after the 3670  
change occurs. 3671

The board shall renew a limited permit if the holder pays 3672  
the limited permit renewal fee prescribed under section 4761.07 3673  
of the Revised Code and does either of the following: 3674

(1) If the limited permit was issued on the basis of 3675  
division (B)(1)(a) of section 4761.05 of the Revised Code, 3676  
certifies that the holder is enrolled and in good standing in an 3677  
educational program that meets the requirements of division (A) 3678  
(1) of section 4761.04 of the Revised Code or has graduated from 3679  
such a program; 3680

(2) If the limited permit was issued on the basis of 3681  
division (B)(1)(b) of section 4761.05 of the Revised Code, 3682  
certifies that the applicant is employed as a provider of 3683



respiratory care under the supervision of a respiratory care professional. 3684  
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(B) On or before the annual renewal date, the holder of a limited permit issued under division (B)(1)(b) of section 4761.05 of the Revised Code shall certify to the board that the holder has satisfactorily completed the number of hours of continuing education required by the board, which shall not be less than three nor more than ten hours of continuing education acceptable to the board. 3686  
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~~On~~ Subject to division (C) of section 4761.32 of the Revised Code, on or before the date a license expires, a license holder shall certify to the board that the license holder has satisfactorily completed the number of hours of continuing education required by the board, which shall be not less than six nor more than twenty hours of continuing education acceptable to the board, or has passed a reexamination in accordance with the board's renewal requirements. 3693  
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(C)(1) A license to practice respiratory care that is not renewed on or before its expiration date is automatically suspended on its expiration date. Continued practice after suspension shall be considered as practicing in violation of section 4761.10 of the Revised Code. 3701  
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(2) If a license has been suspended pursuant to division (C)(1) of this section for two years or less, it may be reinstated. The board shall reinstate the license upon the applicant's submission of a complete renewal application and payment of a reinstatement fee of one hundred dollars. 3706  
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If a license has been suspended pursuant to division (C)(1) of this section for more than two years, it may be restored. 3711  
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Subject to section 4761.061 of the Revised Code, the board may 3713  
restore the license upon an applicant's submission of a complete 3714  
restoration application and a restoration fee of one hundred 3715  
twenty-five dollars and compliance with sections 4776.01 to 3716  
4776.04 of the Revised Code. The board shall not restore a 3717  
license unless the board, in its discretion, decides that the 3718  
results of the criminal records check do not make the applicant 3719  
ineligible for a license issued pursuant to division (A) of this 3720  
section. 3721

(D) (1) The board may require a random sample of limited 3722  
permit holders to submit materials documenting that the holder 3723  
has completed the number of hours of continuing education as 3724  
described in division (B) of this section. 3725

(2) The board may require a random sample of license 3726  
holders to submit materials documenting that the holder has 3727  
completed the number of hours of continuing education as 3728  
described in division (B) of this section or has passed a 3729  
reexamination. 3730

(3) Division (D) (1) or (2) of this section does not limit 3731  
the board's authority to conduct investigations pursuant to 3732  
section 4731.22 of the Revised Code. 3733

(E) (1) If, through a random sample conducted under 3734  
division (D) of this section or through any other means, the 3735  
board finds that an individual who certified passing the 3736  
reexamination or completion of the number of hours and type of 3737  
continuing education required to renew, reinstate, or restore a 3738  
limited permit or license or to reactivate a license placed on 3739  
retired status did not pass the reexamination or complete the 3740  
requisite continuing education, the board may do either of the 3741  
following: 3742

(a) Take disciplinary action against the individual under section 4761.09 of the Revised Code, impose a civil penalty, or both; 3743  
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(b) Permit the individual to agree in writing to pass the reexamination or complete the continuing education and pay a civil penalty. 3746  
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(2) The board's finding in any disciplinary action taken under division (E) (1) (a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 3749  
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(3) A civil penalty imposed under division (E) (1) (a) of this section or paid under division (E) (1) (b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 3753  
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**Sec. 4761.061.** (A) This section applies to all of the following: 3758  
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(1) An applicant seeking restoration of a license issued under this chapter that has been in a suspended or inactive state for any cause for more than two years; 3760  
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(2) An applicant seeking issuance of a license pursuant to this chapter who for more than two years has not been engaged in the practice of respiratory care or advanced practice respiratory care as either of the following: 3763  
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(a) An active practitioner; 3767

(b) A student in an educational program as described in section 4761.04 or 4761.30 of the Revised Code. 3768  
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(3) An applicant seeking to reactivate a license placed on 3770

retired status. 3771

(B) Before issuing a license to an applicant subject to 3772  
this section, or before restoring a license to good standing or 3773  
reactivating a license placed on retired status for an applicant 3774  
subject to this section, the state medical board may impose 3775  
terms and conditions including any one or more of the following: 3776

(1) Requiring the applicant to pass an oral or written 3777  
examination, or both, to determine the applicant's present 3778  
fitness to resume practice; 3779

(2) Requiring the applicant to obtain additional training 3780  
and to pass an examination upon completion of such training; 3781

(3) Requiring an assessment of the applicant's physical 3782  
skills for purposes of determining whether the applicant's 3783  
coordination, fine motor skills, and dexterity are sufficient 3784  
for performing evaluations and procedures in a manner that meets 3785  
the minimal standards of care; 3786

(4) Requiring an assessment of the applicant's skills in 3787  
recognizing and understanding diseases and conditions; 3788

(5) Requiring the applicant to undergo a comprehensive 3789  
physical examination, which may include an assessment of 3790  
physical abilities, evaluation of sensory capabilities, or 3791  
screening for the presence of neurological disorders; 3792

(6) Restricting or limiting the extent, scope, or type of 3793  
practice of the applicant. 3794

The board shall consider the moral background and the 3795  
activities of the applicant during the period of suspension, 3796  
inactivity, or retirement. The board shall not issue, restore, 3797  
or reactivate a license under this section unless the applicant 3798

complies with sections 4776.01 to 4776.04 of the Revised Code. 3799

**Sec. 4761.07.** (A) The state medical board shall charge any 3800  
license applicant or holder who is to take an examination 3801  
required under division (A)(2) of section 4761.04 or a 3802  
reexamination required under division (B) of section 4761.06 of 3803  
the Revised Code for license renewal or under section 4761.09 of 3804  
the Revised Code for license reinstatement, a nonrefundable 3805  
examination fee, not to exceed the amount necessary to cover the 3806  
expense of administering the examination. The license applicant 3807  
or holder shall pay the fee at the time of application for 3808  
licensure or renewal. 3809

(B) The board shall establish the following additional 3810  
nonrefundable fees and penalty: 3811

(1) ~~An~~ For an initial license to practice respiratory 3812  
care, a fee of seventy-five dollars; 3813

(2) ~~A~~ For renewal of a license to practice respiratory 3814  
care, a biennial license-renewal fee of seventy-five dollars; 3815

(3) A limited permit fee of twenty dollars; 3816

(4) A limited permit renewal fee of ten dollars; 3817

(5) For an initial license to practice respiratory care as 3818  
an advanced practice respiratory therapist, a fee to be 3819  
determined by the board in an amount not to exceed one hundred 3820  
seventy-five dollars; 3821

(6) For renewal of a license to practice respiratory care 3822  
as an advanced practice respiratory therapist, a biennial 3823  
renewal fee to be determined by the board in an amount not to 3824  
exceed one hundred twenty-five dollars; 3825

(7) A duplicate license or limited permit fee of thirty- 3826

five dollars; 3827

~~(6)~~ (8) In the case of a person holding a license issued 3828  
under this chapter, a license verification fee of fifty dollars. 3829

(C) Notwithstanding division (B) (4) of this section, after 3830  
the third renewal of a limited permit that meets the exception 3831  
in division (B) (3) of section 4761.05 of the Revised Code, the 3832  
limited permit renewal fee shall be thirty-five dollars. 3833

(D) All fees received by the board shall be deposited into 3834  
the state treasury to the credit of the state medical board 3835  
operating fund pursuant to section 4731.24 of the Revised Code. 3836

**Sec. 4761.09.** (A) The state medical board, by an 3837  
affirmative vote of not fewer than six members, shall, except as 3838  
provided in division (B) of this section, and to the extent 3839  
permitted by law, limit, revoke, or suspend an individual's 3840  
license or limited permit, refuse to issue a license or limited 3841  
permit to an individual, refuse to renew a license or limited 3842  
permit, refuse to reinstate a license or limited permit, or 3843  
reprimand or place on probation the holder of a license or 3844  
limited permit for one or more of the following reasons: 3845

(1) A plea of guilty to, a judicial finding of guilt of, 3846  
or a judicial finding of eligibility for intervention in lieu of 3847  
conviction for, a felony; 3848

(2) Commission of an act that constitutes a felony in this 3849  
state, regardless of the jurisdiction in which the act was 3850  
committed; 3851

(3) A plea of guilty to, a judicial finding of guilt of, 3852  
or a judicial finding of eligibility for intervention in lieu of 3853  
conviction for, a misdemeanor committed in the course of 3854  
practice; 3855

(4) Commission of an act in the course of practice that 3856  
constitutes a misdemeanor in this state, regardless of the 3857  
jurisdiction in which the act was committed; 3858

(5) A plea of guilty to, a judicial finding of guilt of, 3859  
or a judicial finding of eligibility for intervention in lieu of 3860  
conviction for, a misdemeanor involving moral turpitude; 3861

(6) Commission of an act involving moral turpitude that 3862  
constitutes a misdemeanor in this state, regardless of the 3863  
jurisdiction in which the act was committed; 3864

(7) Except when civil penalties are imposed under section 3865  
4761.091 of the Revised Code, violating or attempting to 3866  
violate, directly or indirectly, or assisting in or abetting the 3867  
violation of, or conspiring to violate, any provision of this 3868  
chapter or the rules adopted by the board; 3869

(8) Making a false, fraudulent, deceptive, or misleading 3870  
statement in ~~the~~ soliciting or advertising for employment, in 3871  
connection with any solicitation of or advertising for 3872  
patients~~+~~, in relation to the practice of respiratory care~~+~~ or 3873  
advanced practice respiratory care, or in securing or attempting 3874  
to secure any license or permit issued by the board under this 3875  
chapter. 3876

As used in division (A) (8) of this section, "false, 3877  
fraudulent, deceptive, or misleading statement" means a 3878  
statement that includes a misrepresentation of fact, is likely 3879  
to mislead or deceive because of a failure to disclose material 3880  
facts, is intended or is likely to create false or unjustified 3881  
expectations of favorable results, or includes representations 3882  
or implications that in reasonable probability will cause an 3883  
ordinarily prudent person to misunderstand or be deceived. 3884

- (9) Committing fraud during the administration of the examination for a license to practice or committing fraud, misrepresentation, or deception in applying for, renewing, or securing any license or permit issued by the board;
- (10) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;
- (11) Violating the standards of ethical conduct adopted by the board, in the practice of respiratory care or advanced practice respiratory care;
- (12) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;
- (13) Violation of the conditions of limitation placed by the board upon a license or permit;
- (14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;
- (15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other



reprimand; 3914

(16) The revocation, suspension, restriction, reduction, 3915  
or termination of practice privileges by the United States 3916  
department of defense or department of veterans affairs; 3917

(17) Termination or suspension from participation in the 3918  
medicare or medicaid programs by the department of health and 3919  
human services or other responsible agency for any act or acts 3920  
that also would constitute a violation of division (A) (10), 3921  
(12), or (14) of this section; 3922

(18) Impairment of ability to practice according to 3923  
acceptable and prevailing standards of care because of substance 3924  
use disorder or excessive use or abuse of drugs, alcohol, or 3925  
other substances that may impair ability to practice; 3926

(19) Failure to cooperate in an investigation conducted by 3927  
the board under division (E) of section 4761.03 of the Revised 3928  
Code, including failure to comply with a subpoena or order 3929  
issued by the board or failure to answer truthfully a question 3930  
presented by the board in an investigative interview, an 3931  
investigative office conference, at a deposition, or in written 3932  
interrogatories, except that failure to cooperate with an 3933  
investigation shall not constitute grounds for discipline under 3934  
this section if a court of competent jurisdiction has issued an 3935  
order that either quashes a subpoena or permits the individual 3936  
to withhold the testimony or evidence in issue; 3937

(20) Practicing in an area of respiratory care or advanced 3938  
practice respiratory care for which the person is clearly 3939  
untrained or incompetent or practicing in a manner that 3940  
conflicts with section 4761.17 or 4761.36 of the Revised Code; 3941

(21) Employing, directing, or supervising a person who is 3942

not authorized to practice respiratory care under this chapter 3943  
in the performance of respiratory care procedures; 3944

(22) Misrepresenting educational attainments or authorized 3945  
functions for the purpose of obtaining some benefit related to 3946  
the practice of respiratory care or advanced practice 3947  
respiratory care; 3948

(23) Assisting suicide, as defined in section 3795.01 of 3949  
the Revised Code; 3950

(24) Representing, with the purpose of obtaining 3951  
compensation or other advantage as personal gain or for any 3952  
other person, that an incurable disease or injury, or other 3953  
incurable condition, can be permanently cured; 3954

(25) Failure to comply with the requirements of this 3955  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 3956  
by the board; 3957

(26) Violating or attempting to violate, directly or 3958  
indirectly, or assisting in or abetting the violation of, or 3959  
conspiring to violate, any provision of this chapter, Chapter 3960  
4731. of the Revised Code, or the rules adopted by the board; 3961

(27) Failure to practice in accordance with the 3962  
supervising physician's supervision agreement with the advanced 3963  
practice respiratory therapist, including the policies of the 3964  
health care facility in which the supervising physician and 3965  
advanced practice respiratory therapist are practicing; 3966

(28) Administering drugs for purposes other than those 3967  
authorized under this chapter; 3968

(29) A plea of guilty to, a judicial finding of guilt of, 3969  
or a judicial finding of eligibility for intervention in lieu of 3970

conviction for violating any state or federal law regulating the 3971  
possession, distribution, or use of any drug, including 3972  
trafficking in drugs; 3973

(30) Willfully betraying a professional confidence; 3974

(31) Failure to use universal blood and body fluid 3975  
precautions established by rules adopted under section 4731.051 3976  
of the Revised Code; 3977

(32) Having the individual's qualification to practice 3978  
advanced practice respiratory care from an organization that is 3979  
recognized by the board expire, lapse, or otherwise fail to be 3980  
active. 3981

Disciplinary actions taken by the board under division (A) 3982  
of this section shall be taken pursuant to an adjudication under 3983  
Chapter 119. of the Revised Code, except that in lieu of an 3984  
adjudication, the board may enter into a consent agreement with 3985  
an individual to resolve an allegation of a violation of this 3986  
chapter or any rule adopted under it. A consent agreement, when 3987  
ratified by an affirmative vote of not fewer than six members of 3988  
the board, shall constitute the findings and order of the board 3989  
with respect to the matter addressed in the agreement. If the 3990  
board refuses to ratify a consent agreement, the admissions and 3991  
findings contained in the consent agreement shall be of no 3992  
effect. 3993

A telephone conference call may be utilized for 3994  
ratification of a consent agreement that revokes or suspends an 3995  
individual's license or permit. The telephone conference call 3996  
shall be considered a special meeting under division (F) of 3997  
section 121.22 of the Revised Code. 3998

(B) The board shall not refuse to issue a license or 3999

limited permit to an applicant because of a plea of guilty to, a 4000  
judicial finding of guilt of, or a judicial finding of 4001  
eligibility for intervention in lieu of conviction for an 4002  
offense unless the refusal is in accordance with section 9.79 of 4003  
the Revised Code. 4004

(C) Any action taken by the board under division (A) of 4005  
this section resulting in a suspension from practice shall be 4006  
accompanied by a written statement of the conditions under which 4007  
the individual's license or permit may be reinstated. The board 4008  
shall adopt rules governing conditions to be imposed for 4009  
reinstatement. Reinstatement of a license or permit suspended 4010  
pursuant to division (A) of this section requires an affirmative 4011  
vote of not fewer than six members of the board. 4012

(D) When the board refuses to grant or issue a license or 4013  
permit to an applicant, revokes an individual's license or 4014  
permit, refuses to renew an individual's license or permit, or 4015  
refuses to reinstate an individual's license or permit, the 4016  
board may specify that its action is permanent. An individual 4017  
subject to a permanent action taken by the board is forever 4018  
thereafter ineligible to hold a license or permit and the board 4019  
shall not accept an application for reinstatement of the license 4020  
or permit or for issuance of a new license or permit. 4021

(E) If the board is required by Chapter 119. of the 4022  
Revised Code to give notice of an opportunity for a hearing and 4023  
if the individual subject to the notice does not timely request 4024  
a hearing in accordance with section 119.07 of the Revised Code, 4025  
the board is not required to hold a hearing, but may adopt, by 4026  
an affirmative vote of not fewer than six of its members, a 4027  
final order that contains the board's findings. In the final 4028  
order, the board may order any of the sanctions identified under 4029

division (A) of this section. 4030

(F) In enforcing division (A)(14) of this section, the 4031  
board, upon a showing of a possible violation, shall refer any 4032  
individual authorized to practice by this chapter or who has 4033  
submitted an application pursuant to this chapter to the 4034  
monitoring organization that conducts the confidential 4035  
monitoring program established under section 4731.25 of the 4036  
Revised Code. The board also may compel the individual to submit 4037  
to a mental examination, physical examination, including an HIV 4038  
test, or both a mental and a physical examination. The expense 4039  
of the examination is the responsibility of the individual 4040  
compelled to be examined. Failure to submit to a mental or 4041  
physical examination or consent to an HIV test ordered by the 4042  
board constitutes an admission of the allegations against the 4043  
individual unless the failure is due to circumstances beyond the 4044  
individual's control, and a default and final order may be 4045  
entered without the taking of testimony or presentation of 4046  
evidence. If the board finds an individual unable to practice 4047  
because of the reasons set forth in division (A)(14) of this 4048  
section, the board shall require the individual to submit to 4049  
care, counseling, or treatment by physicians approved or 4050  
designated by the board, as a condition for initial, continued, 4051  
reinstated, or renewed authority to practice. An individual 4052  
affected under this division shall be afforded an opportunity to 4053  
demonstrate to the board the ability to resume practice in 4054  
compliance with acceptable and prevailing standards under the 4055  
provisions of the individual's license or permit. For the 4056  
purpose of division (A)(14) of this section, any individual who 4057  
applies for or receives a license or permit to practice under 4058  
this chapter accepts the privilege of practicing in this state 4059  
and, by so doing, shall be deemed to have given consent to 4060

submit to a mental or physical examination when directed to do 4061  
so in writing by the board, and to have waived all objections to 4062  
the admissibility of testimony or examination reports that 4063  
constitute a privileged communication. 4064

(G) For the purposes of division (A)(18) of this section, 4065  
any individual authorized to practice by this chapter accepts 4066  
the privilege of practicing in this state subject to supervision 4067  
by the board. By filing an application for or holding a license 4068  
or permit under this chapter, an individual shall be deemed to 4069  
have given consent to submit to a mental or physical examination 4070  
when ordered to do so by the board in writing, and to have 4071  
waived all objections to the admissibility of testimony or 4072  
examination reports that constitute privileged communications. 4073

If it has reason to believe that any individual authorized 4074  
to practice by this chapter or any applicant for a license or 4075  
permit suffers such impairment, the board shall refer the 4076  
individual to the monitoring organization that conducts the 4077  
confidential monitoring program established under section 4078  
4731.25 of the Revised Code. The board also may compel the 4079  
individual to submit to a mental or physical examination, or 4080  
both. The expense of the examination is the responsibility of 4081  
the individual compelled to be examined. Any mental or physical 4082  
examination required under this division shall be undertaken by 4083  
a treatment provider or physician who is qualified to conduct 4084  
the examination and who is approved under section 4731.251 of 4085  
the Revised Code. 4086

Failure to submit to a mental or physical examination 4087  
ordered by the board constitutes an admission of the allegations 4088  
against the individual unless the failure is due to 4089  
circumstances beyond the individual's control, and a default and 4090

final order may be entered without the taking of testimony or 4091  
presentation of evidence. If the board determines that the 4092  
individual's ability to practice is impaired, the board shall 4093  
suspend the individual's license or permit or deny the 4094  
individual's application and shall require the individual, as a 4095  
condition for an initial, continued, reinstated, or renewed 4096  
license or permit, to submit to treatment. 4097

Before being eligible to apply for reinstatement of a 4098  
license or permit suspended under this division, the impaired 4099  
practitioner shall demonstrate to the board the ability to 4100  
resume practice in compliance with acceptable and prevailing 4101  
standards of care under the provisions of the practitioner's 4102  
license or permit. The demonstration shall include, but shall 4103  
not be limited to, the following: 4104

(1) Certification from a treatment provider approved under 4105  
section 4731.251 of the Revised Code that the individual has 4106  
successfully completed any required inpatient treatment; 4107

(2) Evidence of continuing full compliance with an 4108  
aftercare contract or consent agreement; 4109

(3) Two written reports indicating that the individual's 4110  
ability to practice has been assessed and that the individual 4111  
has been found capable of practicing according to acceptable and 4112  
prevailing standards of care. The reports shall be made by 4113  
individuals or providers approved by the board for making the 4114  
assessments and shall describe the basis for their 4115  
determination. 4116

The board may reinstate a license or permit suspended 4117  
under this division after that demonstration and after the 4118  
individual has entered into a written consent agreement. 4119

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

(H) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license or permit without a prior hearing:

(1) That there is clear and convincing evidence that an individual has violated division (A) of this section;

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

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 permit without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall serve a written order of suspension in accordance with sections 119.05 and 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 days, but not earlier than 4149  
seven days, after the individual requests the hearing, unless 4150  
otherwise agreed to by both the board and the individual. 4151

Any summary suspension imposed under this division shall 4152  
remain in effect, unless reversed on appeal, until a final 4153  
adjudicative order issued by the board pursuant to this section 4154  
and Chapter 119. of the Revised Code becomes effective. The 4155  
board shall issue its final adjudicative order within seventy- 4156  
five days after completion of its hearing. A failure to issue 4157  
the order within seventy-five days shall result in dissolution 4158  
of the summary suspension order but shall not invalidate any 4159  
subsequent, final adjudicative order. 4160

(I) For purposes of divisions (A) (2), (4), and (6) of this 4161  
section, the commission of the act may be established by a 4162  
finding by the board, pursuant to an adjudication under Chapter 4163  
119. of the Revised Code, that the individual committed the act. 4164  
The board does not have jurisdiction under those divisions if 4165  
the trial court renders a final judgment in the individual's 4166  
favor and that judgment is based upon an adjudication on the 4167  
merits. The board has jurisdiction under those divisions if the 4168  
trial court issues an order of dismissal upon technical or 4169  
procedural grounds. 4170

(J) The sealing or expungement of conviction records by 4171  
any court shall have no effect upon a prior board order entered 4172  
under this section or upon the board's jurisdiction to take 4173  
action under this section if, based upon a plea of guilty, a 4174  
judicial finding of guilt, or a judicial finding of eligibility 4175  
for intervention in lieu of conviction, the board issued a 4176  
notice of opportunity for a hearing prior to the court's order 4177  
to seal or expunge the records. The board shall not be required 4178

to seal, destroy, redact, or otherwise modify its records to 4179  
reflect the court's sealing or expungement of conviction 4180  
records. 4181

(K) If the board takes action under division (A) (1), (3), 4182  
or (5) of this section, and the judicial finding of guilt, 4183  
guilty plea, or judicial finding of eligibility for intervention 4184  
in lieu of conviction is overturned on appeal, upon exhaustion 4185  
of the criminal appeal, a petition for reconsideration of the 4186  
order may be filed with the board along with appropriate court 4187  
documents. Upon receipt of a petition for reconsideration and 4188  
supporting court documents, the board shall reinstate the 4189  
individual's license or permit. The board may then hold an 4190  
adjudication under Chapter 119. of the Revised Code to determine 4191  
whether the individual committed the act in question. Notice of 4192  
an opportunity for a hearing shall be given in accordance with 4193  
Chapter 119. of the Revised Code. If the board finds, pursuant 4194  
to an adjudication held under this division, that the individual 4195  
committed the act or if no hearing is requested, the board may 4196  
order any of the sanctions identified under division (A) of this 4197  
section. 4198

(L) The license or permit issued to an individual under 4199  
this chapter and the individual's practice in this state are 4200  
automatically suspended as of the date the individual pleads 4201  
guilty to, is found by a judge or jury to be guilty of, or is 4202  
subject to a judicial finding of eligibility for intervention in 4203  
lieu of conviction in this state or treatment or intervention in 4204  
lieu of conviction in another jurisdiction for any of the 4205  
following criminal offenses in this state or a substantially 4206  
equivalent criminal offense in another jurisdiction: aggravated 4207  
murder, murder, voluntary manslaughter, felonious assault, 4208  
kidnapping, rape, sexual battery, gross sexual imposition, 4209

aggravated arson, aggravated robbery, or aggravated burglary. 4210  
Continued practice after suspension shall be considered 4211  
practicing without a license or permit. 4212

The board shall serve the individual subject to the 4213  
suspension in accordance with sections 119.05 and 119.07 of the 4214  
Revised Code. If an individual whose license or permit is 4215  
automatically suspended under this division fails to make a 4216  
timely request for an adjudication under Chapter 119. of the 4217  
Revised Code, the board shall enter a final order permanently 4218  
revoking the individual's license or permit. 4219

(M) Notwithstanding any other provision of the Revised 4220  
Code, all of the following apply: 4221

(1) The surrender of a license or permit issued under this 4222  
chapter shall not be effective unless or until accepted by the 4223  
board. A telephone conference call may be utilized for 4224  
acceptance of the surrender of an individual's license or 4225  
permit. The telephone conference call shall be considered a 4226  
special meeting under division (F) of section 121.22 of the 4227  
Revised Code. Reinstatement of a license or permit surrendered 4228  
to the board requires an affirmative vote of not fewer than six 4229  
members of the board. 4230

(2) An application for a license or permit made under the 4231  
provisions of this chapter may not be withdrawn without approval 4232  
of the board. 4233

(3) Failure by an individual to renew a license or permit 4234  
in accordance with this chapter does not remove or limit the 4235  
board's jurisdiction to take any disciplinary action under this 4236  
section against the individual. 4237

(4) The placement of an individual's license on retired 4238

status, as described in section 4761.062 of the Revised Code, 4239  
does not remove or limit the board's jurisdiction to take any 4240  
disciplinary action against the individual with regard to the 4241  
license as it existed before being placed on retired status. 4242

(5) At the request of the board, a license or permit 4243  
holder shall immediately surrender to the board a license or 4244  
permit that the board has suspended, revoked, or permanently 4245  
revoked. 4246

**Sec. 4761.13.** (A) As used in this section, "prosecutor" 4247  
has the same meaning as in section 2935.01 of the Revised Code. 4248

(B) The prosecutor in any case against any respiratory 4249  
care professional, advanced practice respiratory therapist, or 4250  
~~an~~ individual holding a limited permit issued under this chapter 4251  
shall promptly notify the state medical board of any of the 4252  
following: 4253

(1) A plea of guilty to, or a finding of guilt by a jury 4254  
or court of, a felony, or a case in which the trial court issues 4255  
an order of dismissal upon technical or procedural grounds of a 4256  
felony charge; 4257

(2) A plea of guilty to, or a finding of guilt by a jury 4258  
or court of, a misdemeanor committed in the course of practice, 4259  
or a case in which the trial court issues an order of dismissal 4260  
upon technical or procedural grounds of a charge of a 4261  
misdemeanor, if the alleged act was committed in the course of 4262  
practice; 4263

(3) A plea of guilty to, or a finding of guilt by a jury 4264  
or court of, a misdemeanor involving moral turpitude, or a case 4265  
in which the trial court issues an order of dismissal upon 4266  
technical or procedural grounds of a charge of a misdemeanor 4267

involving moral turpitude. 4268

(C) The report shall include the name and address of the 4269  
respiratory care professional, advanced practice respiratory 4270  
therapist, or person holding a limited permit, the nature of the 4271  
offense for which the action was taken, and the certified court 4272  
documents recording the action. The board may prescribe and 4273  
provide forms for prosecutors to make reports under this 4274  
section. The form may be the same as the form required to be 4275  
provided under section 2929.42 of the Revised Code. 4276

**Sec. 4761.14.** An employer that disciplines or terminates 4277  
the employment of a respiratory care professional, advanced 4278  
practice respiratory therapist, or individual holding a limited 4279  
permit issued under this chapter because of conduct that would 4280  
be grounds for disciplinary action under section 4761.09 of the 4281  
Revised Code shall, not later than sixty days after the 4282  
discipline or termination, report the action to the state 4283  
medical board. The report shall state the name of the 4284  
respiratory care professional, advanced practice respiratory 4285  
therapist, or individual holding the limited permit and the 4286  
reason the employer took the action. If an employer fails to 4287  
report to the board, the board may seek an order from the 4288  
Franklin county court of common pleas, or any other court of 4289  
competent jurisdiction, compelling submission of the report. 4290

**Sec. 4761.17.** All of the following apply to the practice 4291  
of respiratory care by a person who holds a license or limited 4292  
permit issued under this chapter: 4293

(A) The person shall practice only pursuant to a 4294  
prescription or other order for respiratory care issued by any 4295  
of the following: 4296

- (1) A physician; 4297
- (2) A clinical nurse specialist, certified nurse-midwife, 4298  
or certified nurse practitioner who holds a current, valid 4299  
license issued under Chapter 4723. of the Revised Code to 4300  
practice nursing as an advanced practice registered nurse and 4301  
has entered into a standard care arrangement with a physician; 4302
- (3) A certified registered nurse anesthetist who holds a 4303  
current, valid license issued under Chapter 4723. of the Revised 4304  
Code to practice nursing as an advanced practice registered 4305  
nurse and acts in compliance with sections 4723.43, 4723.433, 4306  
and 4723.434 of the Revised Code; 4307
- (4) A physician assistant who holds a valid prescriber 4308  
number issued by the state medical board, has been granted 4309  
physician-delegated prescriptive authority, and has entered into 4310  
a supervision agreement that allows the physician assistant to 4311  
prescribe or order respiratory care services; 4312
- (5) An advanced practice respiratory therapist who has 4313  
been granted physician-delegated prescriptive authority and has 4314  
entered into a supervision agreement that allows the advanced 4315  
practice respiratory therapist to prescribe and order 4316  
respiratory care services. 4317
- (B) The person shall practice only under the supervision 4318  
of any of the following: 4319
- (1) A physician; 4320
- (2) A certified nurse practitioner, certified nurse- 4321  
midwife, or clinical nurse specialist; 4322
- (3) A physician assistant who is authorized to prescribe 4323  
or order respiratory care services as provided in division (A) 4324

(4) of this section; 4325

(4) An advanced practice respiratory therapist who is 4326  
authorized to prescribe or order respiratory care services as 4327  
provided in division (A)(5) of this section. 4328

(C) (1) When practicing under the prescription or order of 4329  
a certified nurse practitioner, certified nurse midwife, or 4330  
clinical nurse specialist or under the supervision of such a 4331  
nurse, the person's administration of medication that requires a 4332  
prescription is limited to the drugs that the nurse is 4333  
authorized to prescribe pursuant to section 4723.481 of the 4334  
Revised Code. 4335

(2) When practicing under the order of a certified 4336  
registered nurse anesthetist, the person's administration of 4337  
medication is limited to the drugs that the nurse is authorized 4338  
to order or direct the person to administer, as provided in 4339  
sections 4723.43, 4723.433, and 4723.434 of the Revised Code. 4340

(3) When practicing under the prescription or order of a 4341  
physician assistant or under the supervision of a physician 4342  
assistant, the person's administration of medication that 4343  
requires a prescription is limited to the drugs that the 4344  
physician assistant is authorized to prescribe pursuant to the 4345  
physician assistant's physician-delegated prescriptive 4346  
authority. 4347

(4) When practicing under the prescription or order of an 4348  
advanced practice respiratory therapist or under the supervision 4349  
of an advanced practice respiratory therapist, the person's 4350  
administration of medication that requires a prescription is 4351  
limited to the drugs that an advanced practice respiratory 4352  
therapist is authorized to prescribe pursuant to the advanced 4353

practice respiratory therapist's physician-delegated 4354  
prescriptive authority. 4355

**Sec. 4761.20.** If the state medical board has reason to 4356  
believe that any person who has been granted a license or 4357  
limited permit under this chapter is mentally ill or mentally 4358  
incompetent, it may file in the probate court of the county in 4359  
which such person has a legal residence an affidavit in the form 4360  
prescribed in section 5122.11 of the Revised Code and signed by 4361  
the board secretary or a member of the secretary's staff, 4362  
whereupon the same proceedings shall be had as provided in 4363  
Chapter 5122. of the Revised Code. The attorney general may 4364  
represent the board in any proceeding commenced under this 4365  
section. 4366

If the license holder or limited permit holder is adjudged 4367  
by a probate court to be mentally ill or mentally incompetent, 4368  
the individual's license or limited permit shall be 4369  
automatically suspended until the individual has filed with the 4370  
board a certified copy of an adjudication by a probate court of 4371  
being restored to competency or has submitted to the board 4372  
proof, satisfactory to the board, of having been discharged as 4373  
being restored to competency in the manner and form provided in 4374  
section 5122.38 of the Revised Code. The judge of the court 4375  
shall immediately notify the board of an adjudication of 4376  
incompetence and note any suspension of a license in the margin 4377  
of the court's record of the license. 4378

**Sec. 4761.21.** In the absence of fraud or bad faith, the 4379  
state medical board, the board's respiratory care advisory 4380  
council, a current or former board or council member, an agent 4381  
of the board or council, a person formally requested by the 4382  
board to be the board's representative or by the council to be 4383



the council's representative, or an employee of the board or 4384  
council shall not be held liable in damages to any person as the 4385  
result of any act, omission, proceeding, conduct, or decision 4386  
related to official duties undertaken or performed pursuant to 4387  
this chapter. If any such person requests to be defended by the 4388  
state against any claim or action arising out of any act, 4389  
omission, proceeding, conduct, or decision related to the 4390  
person's official duties, and if the request is made in writing 4391  
at a reasonable time before trial and the person requesting 4392  
defense cooperates in good faith in the defense of the claim or 4393  
action, the state shall provide and pay for the person's defense 4394  
and shall pay any resulting judgment, compromise, or settlement. 4395  
At no time shall the state pay any part of a claim or judgment 4396  
that is for punitive or exemplary damages. 4397

**Sec. ~~4761.30~~ 4761.25.** A respiratory care professional or 4398  
advanced practice respiratory therapist may provide telehealth 4399  
services in accordance with section 4743.09 of the Revised Code. 4400

**Sec. 4761.30.** (A) An individual seeking an initial license 4401  
to practice as an advanced practice respiratory therapist shall 4402  
file with the state medical board a written application on a 4403  
form prescribed and supplied by the board. The application shall 4404  
be accompanied by the initial license fee determined by the 4405  
board. The board shall deposit the fees in accordance with 4406  
section 4731.24 of the Revised Code. 4407

(B) To be eligible for licensure as an advanced practice 4408  
respiratory therapist, the individual's application must show, 4409  
to the satisfaction of the board, all of the following: 4410

(1) That the individual has been issued a license to 4411  
practice respiratory care under section 4761.05 of the Revised 4412  
Code; 4413

(2) That the individual has successfully completed the requirements of a master's or doctoral educational program approved by the board that includes instruction in the pathophysiology, symptomatology, differential diagnosis, disease management including the use and prescription of pharmacologic and nonpharmacologic interventions, health promotion and disease prevention of cardiopulmonary disease; 4414  
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(3) That the individual has passed an examination approved under rules adopted by the board that tests the applicant's knowledge of the biomedical and clinical sciences relating to advanced respiratory therapy theory and practice, professional skills and assessment, management and follow-up for cardiopulmonary disease, and such other subjects as the board considers useful in determining fitness to practice; 4421  
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(4) That the individual holds an active qualification to practice advanced practice respiratory care from an organization that is recognized by the board. 4428  
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**Sec. 4761.301.** An advanced practice respiratory therapist who fails to maintain an active qualification to practice advanced practice respiratory care from an organization that is recognized by the state medical board shall notify the board not later than fourteen days after the qualification is no longer active. 4431  
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**Sec. 4761.31.** (A) The state medical board shall review each application for a license to practice as an advanced practice respiratory therapist received under section 4761.30 of the Revised Code. Not later than sixty days after receiving a complete application, the board shall determine whether the applicant meets the requirements to receive the license, as specified in section 4761.30 of the Revised Code. 4437  
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(B) If the board determines that an applicant meets the requirements to receive the license, the secretary of the board shall register the applicant as an advanced practice respiratory therapist and issue to the applicant a license to practice as an advanced practice respiratory therapist. 4444  
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**Sec. 4761.32.** (A) A license to practice as an advanced practice respiratory therapist shall be valid for a two-year period unless revoked or suspended. The license shall expire on the date that is two years after the date of issuance and may be renewed for additional two-year periods in accordance with this section. A person seeking to renew a license shall apply to the state medical board for renewal prior to the license's expiration date. The board shall provide renewal notices to license holders at least one month prior to the expiration date. 4449  
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Applications shall be submitted to the board in a manner prescribed by the board. Each application shall be accompanied by the biennial renewal fee determined by the board. The board shall deposit the fees in accordance with section 4731.24 of the Revised Code. 4458  
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The applicant shall report any criminal offense that constitutes grounds for refusing to issue a license to practice under section 4761.09 of the Revised Code to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a license to practice as an advanced practice respiratory therapist. 4463  
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(B) To be eligible for renewal of a license, an applicant is subject to both of the following: 4471  
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(1) The applicant must certify to the board that the applicant has maintained an active qualification to practice advanced practice respiratory care from an organization that is recognized by the board. 4473  
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(2) The applicant must comply with the renewal eligibility requirements established under section 4761.48 of the Revised Code that pertain to the applicant. 4477  
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(C) If an applicant submits a complete renewal application and qualifies for renewal pursuant to division (B) of this section, the board shall issue to the applicant a renewed license to practice as an advanced practice respiratory therapist. 4480  
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Completion of the continuing education required for an advanced practice respiratory therapist to maintain an active qualification to practice advanced practice respiratory care from an organization that is recognized by the board shall constitute satisfactory completion of continuing education or reexamination requirements for renewal of a license to practice respiratory care as set forth in division (B) of section 4761.06 of the Revised Code. 4485  
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(D) The board may require a random sample of advanced practice respiratory therapists to submit materials documenting both of the following: 4493  
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(1) Maintenance of an active qualification to practice advanced practice respiratory care from an organization that is recognized by the board. 4496  
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(2) Completion of the continuing education in pharmacology required by section 4761.48 of the Revised Code. 4499  
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Division (D) of this section does not limit the board's 4501

authority to conduct investigations pursuant to section 4761.09 4502  
of the Revised Code. 4503

(E) (1) A license to practice that is not renewed on or 4504  
before its expiration date is automatically suspended on its 4505  
expiration date. Continued practice after suspension of the 4506  
license shall be considered as practicing in violation of 4507  
section 4761.33 of the Revised Code. 4508

(2) If an advanced practice respiratory therapist's 4509  
license to practice as a respiratory care professional is 4510  
classified as inactive for any cause, the advanced practice 4511  
respiratory therapist's license to practice respiratory care as 4512  
an advanced practice respiratory therapist is automatically 4513  
classified as inactive while the license to practice as a 4514  
respiratory care professional remains inactive. If either 4515  
license held by an advanced practice respiratory therapist is 4516  
revoked under this chapter, the other license is automatically 4517  
revoked. If either license is suspended under this chapter, 4518  
including for failure to renew under this section or section 4519  
4761.06 of the Revised Code, the other license is automatically 4520  
suspended while the suspension remains in effect. 4521

(F) If a license has been suspended pursuant to division 4522  
(E) of this section for two years or less, it may be reinstated. 4523  
The board shall reinstate a license suspended for failure to 4524  
renew upon an applicant's submission of a renewal application, 4525  
the biennial renewal fee, and any applicable monetary penalty. 4526

If a license has been suspended pursuant to division (E) 4527  
of this section for more than two years, it may be restored. In 4528  
accordance with section 4761.061 of the Revised Code, the board 4529  
may restore a license suspended for failure to renew upon an 4530  
applicant's submission of a restoration application, the 4531

biennial renewal fee, and any applicable monetary penalty, and 4532  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 4533  
The board shall not restore to an applicant a license to 4534  
practice as an advanced practice respiratory therapist unless 4535  
the board, in its discretion, decides that the results of the 4536  
criminal records check do not make the applicant ineligible for 4537  
a license issued pursuant to section 4761.31 of the Revised 4538  
Code. 4539

The penalty for reinstatement shall be fifty dollars and 4540  
the penalty for restoration shall be one hundred dollars. The 4541  
board shall deposit penalties in accordance with section 4731.24 4542  
of the Revised Code. 4543

(G) (1) If, through a random sample conducted under 4544  
division (D) of this section or any other means, the board finds 4545  
that an individual who certified maintenance of an active 4546  
qualification or completion of continuing education in 4547  
pharmacology required to renew, reinstate, or restore a license 4548  
to practice did not complete the requisite maintenance or 4549  
continuing education, the board may do either of the following: 4550

(a) Take disciplinary action against the individual under 4551  
section 4761.09 of the Revised Code, impose a civil penalty, or 4552  
both; 4553

(b) Permit the individual to agree in writing to re- 4554  
establish an active qualification or complete the continuing 4555  
education and pay a civil penalty. 4556

(2) The board's finding in any disciplinary action taken 4557  
under division (G) (1) (a) of this section shall be made pursuant 4558  
to an adjudication under Chapter 119. of the Revised Code and by 4559  
an affirmative vote of not fewer than six of its members. 4560

(3) A civil penalty imposed under division (G) (1) (a) of this section or paid under division (G) (1) (b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 4561  
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**Sec. 4761.33.** (A) No person shall hold that person out as being able to function as an advanced practice respiratory therapist, or use any words or letters indicating or implying that the person is an advanced practice respiratory therapist, without a current, valid license to practice as an advanced practice respiratory therapist issued under this chapter. 4566  
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(B) No person shall practice as an advanced practice respiratory therapist without the supervision, control, and direction of a supervising physician who specializes in pulmonology, anesthesiology, critical care, or sleep medicine. 4572  
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(C) No person shall practice as an advanced practice respiratory therapist without having entered into a supervision agreement with a supervising physician under section 4761.37 of the Revised Code. 4576  
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(D) No person acting as the supervising physician of an advanced practice respiratory therapist shall authorize the advanced practice respiratory therapist to perform services if either of the following is the case: 4580  
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(1) The services are not within the physician's normal course of practice and expertise; 4584  
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(2) The services are inconsistent with the supervision agreement under which the advanced practice respiratory therapist is being supervised, including the policies of the health care facility in which the physician and the advanced 4586  
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practice respiratory therapist are practicing. 4590

(E) No person practicing as an advanced practice 4591  
respiratory therapist shall perform general anesthesia, 4592  
monitored anesthesia care, regional anesthesia, or neuraxial 4593  
anesthesia. 4594

(F) No person shall advertise to provide services as an 4595  
advanced practice respiratory therapist, except for the purpose 4596  
of seeking employment. 4597

(G) No person practicing as an advanced practice 4598  
respiratory therapist shall fail to wear at all times when on 4599  
duty a placard, plate, or other device identifying that person 4600  
as an advanced practice respiratory therapist. 4601

(H) No person practicing as an advanced practice 4602  
respiratory therapist shall prescribe controlled substances. 4603

(I) Division (A) of this section does not apply to a 4604  
person who meets all of the following conditions: 4605

(1) The person holds in good standing a valid license or 4606  
other form of authority to practice as an advanced practice 4607  
respiratory therapist issued by another state. 4608

(2) The person is practicing as a volunteer without 4609  
remuneration during a charitable event that lasts not more than 4610  
seven days. 4611

(3) The medical care provided by the person will be 4612  
supervised by the medical director of the charitable event or by 4613  
another physician. 4614

When a person meets the conditions of this division, the 4615  
person shall be deemed to hold, during the course of the 4616  
charitable event, a license to practice as an advanced practice 4617



respiratory therapist from the state medical board and shall be 4618  
subject to the provisions of this chapter authorizing the board 4619  
to take disciplinary action against a license holder. Not less 4620  
than seven calendar days before the first day of the charitable 4621  
event, the person or the event's organizer shall notify the 4622  
board of the person's intent to practice as an advanced practice 4623  
respiratory therapist at the event. During the course of the 4624  
charitable event, the person's scope of practice is limited to 4625  
the procedures that an advanced practice respiratory therapist 4626  
licensed under this chapter is authorized to perform unless the 4627  
person's scope of practice in the other state is more 4628  
restrictive than in this state. If the latter is the case, the 4629  
person's scope of practice is limited to the procedures that an 4630  
advanced practice respiratory therapist in the other state may 4631  
perform. 4632

**Sec. 4761.34. Nothing in this chapter shall:** 4633

(A) Be construed to affect or interfere with the 4634  
performance of duties of any medical personnel who are either of 4635  
the following: 4636

(1) In active service in the army, navy, coast guard, 4637  
marine corps, air force, public health service, or marine 4638  
hospital service of the United States while so serving; 4639

(2) Employed by the veterans administration of the United 4640  
States while so employed. 4641

(B) Prevent any person from performing any of the services 4642  
an advanced practice respiratory therapist may be authorized to 4643  
perform, if the person's professional scope of practice 4644  
established under any other chapter of the Revised Code 4645  
authorizes the person to perform the services; 4646

(C) Prohibit a physician from delegating responsibilities 4647  
to any nurse or other qualified person who does not hold a 4648  
license to practice as an advanced practice respiratory 4649  
therapist, provided that the individual does not hold the 4650  
individual out to be an advanced practice respiratory therapist; 4651

(D) Be construed as authorizing an advanced practice 4652  
respiratory therapist independently to order or direct the 4653  
execution of procedures or techniques by a registered nurse or 4654  
licensed practical nurse in the care and treatment of a person, 4655  
except to the extent that an advanced practice respiratory 4656  
therapist is authorized to do so by a physician who is 4657  
responsible for supervising the advanced practice respiratory 4658  
therapist and the policies of the health care facility in which 4659  
the advanced practice respiratory therapist is practicing. 4660

**Sec. 4761.35. (A) As used in this section:** 4661

(1) "Disaster" means any imminent threat or actual 4662  
occurrence of widespread or severe damage to or loss of 4663  
property, personal hardship or injury, or loss of life that 4664  
results from any natural phenomenon or act of a human. 4665

(2) "Emergency" means an occurrence or event that poses an 4666  
imminent threat to the health or life of a human. 4667

(B) Nothing in this chapter prohibits any of the following 4668  
individuals from providing medical care, to the extent the 4669  
individual is able, in response to a need for medical care 4670  
precipitated by a disaster or emergency: 4671

(1) An individual who holds a license to practice as an 4672  
advanced practice respiratory therapist issued under this 4673  
chapter; 4674

(2) An individual licensed or authorized to practice as an 4675

advanced practice respiratory therapist in another state; 4676

(3) An individual employed as an advanced practice  
respiratory therapist by an agency, office, or other  
instrumentality of the federal government. 4677  
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(C) For purposes of the medical care provided by an  
advanced practice respiratory therapist pursuant to division (B)  
(1) of this section, both of the following apply notwithstanding  
any supervision requirement of this chapter to the contrary: 4680  
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(1) The physician who supervises the advanced practice  
respiratory therapist pursuant to a supervision agreement  
entered into under section 4761.37 of the Revised Code is not  
required to meet the supervision requirements established under  
this chapter. 4684  
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(2) The physician designated as the medical director of  
the disaster or emergency may supervise the medical care  
provided by the advanced practice respiratory therapist. 4689  
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**Sec. 4761.36.** (A) A license to practice as an advanced  
practice respiratory therapist issued under this chapter  
authorizes the holder to practice as an advanced practice  
respiratory therapist as follows: 4692  
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(1) The advanced practice respiratory therapist shall  
practice only under the supervision, control, and direction of a  
physician with whom the advanced practice respiratory therapist  
has entered into a supervision agreement under section 4761.37  
of the Revised Code. 4696  
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(2) The advanced practice respiratory therapist shall  
practice in accordance with the supervision agreement entered  
into with the physician who is responsible for supervising the  
advanced practice respiratory therapist, including the policies 4701  
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of the health care facility in which the advanced practice 4705  
respiratory therapist is practicing. 4706

(B) The state medical board may adopt rules designating 4707  
facilities to be included as health care facilities that are in 4708  
addition to hospitals as specified in division (K)(1) of section 4709  
4761.01 of the Revised Code. Any rules adopted shall be adopted 4710  
in accordance with Chapter 119. of the Revised Code. 4711

**Sec. 4761.37.** (A) Before initiating supervision of an 4712  
advanced practice respiratory therapist, a physician shall enter 4713  
into a supervision agreement with the advanced practice 4714  
respiratory therapist who will be supervised. A supervision 4715  
agreement may not apply to more than one advanced practice 4716  
respiratory therapist. Only a physician who specializes in one 4717  
or more of the following areas is authorized to enter into a 4718  
supervision agreement with an advanced practice respiratory 4719  
therapist under this section: pulmonology, anesthesiology, 4720  
critical care, or sleep medicine. 4721

The supervision agreement shall specify that the physician 4722  
agrees to supervise the advanced practice respiratory therapist 4723  
and the advanced practice respiratory therapist agrees to 4724  
practice under that physician's supervision. The supervision 4725  
agreement shall clearly state that the supervising physician is 4726  
legally responsible and assumes legal liability for the services 4727  
provided by the advanced practice respiratory therapist. The 4728  
agreement shall be signed by the physician and the advanced 4729  
practice respiratory therapist. 4730

(B) A supervision agreement shall include all of the 4731  
following: 4732

(1) Terms that require the advanced practice respiratory 4733

therapist to practice in accordance with the policies of the 4734  
health care facility in which the advanced practice respiratory 4735  
therapist is practicing; 4736

(2) Any limitations on the responsibilities to be 4737  
fulfilled by the advanced practice respiratory therapist; 4738

(3) The circumstances under which the advanced practice 4739  
respiratory therapist is required to refer a patient to the 4740  
supervising physician; 4741

(4) If the supervising physician chooses to designate 4742  
physicians to act as alternate supervising physicians, the 4743  
names, business addresses, and business telephone numbers of the 4744  
physicians who have agreed to act in that capacity. 4745

(C) The supervising physician who entered into a 4746  
supervision agreement shall retain a copy of the agreement in 4747  
the records maintained by the supervising physician. Each 4748  
advanced practice respiratory therapist who entered into the 4749  
supervision agreement shall retain a copy of the agreement in 4750  
the records maintained by the advanced practice respiratory 4751  
therapist. 4752

(D) (1) If the board finds, through a review conducted 4753  
under this section or through any other means, any of the 4754  
following, the board may take disciplinary action against the 4755  
individual under section 4731.22 or 4761.09 of the Revised Code, 4756  
impose a civil penalty, or both: 4757

(a) That an advanced practice respiratory therapist has 4758  
practiced in a manner that departs from, or fails to conform to, 4759  
the terms of a supervision agreement entered into under this 4760  
section; 4761

(b) That a physician has supervised an advanced practice 4762

respiratory therapist in a manner that departs from, or fails to 4763  
conform to, the terms of a supervision agreement entered into 4764  
under this section; 4765

(c) That a physician or an advanced practice respiratory 4766  
therapist failed to comply with division (A) or (B) of this 4767  
section. 4768

(2) If the board finds, through a review conducted under 4769  
this section or through any other means, that a physician or 4770  
advanced practice respiratory therapist failed to comply with 4771  
division (C) of this section, the board may do either of the 4772  
following: 4773

(a) Take disciplinary action against the individual under 4774  
section 4731.22 or 4761.09 of the Revised Code, impose a civil 4775  
penalty, or both; 4776

(b) Permit the individual to agree in writing to update 4777  
the records to comply with division (C) of this section and pay 4778  
a civil penalty. 4779

(3) The board's finding in any disciplinary action taken 4780  
under division (D) of this section shall be made pursuant to an 4781  
adjudication conducted under Chapter 119. of the Revised Code. 4782

(4) A civil penalty imposed under division (D) (1) or (2) 4783  
(a) of this section or paid under division (D) (2) (b) of this 4784  
section shall be in an amount specified by the board of not more 4785  
than five thousand dollars and shall be deposited in accordance 4786  
with section 4731.24 of the Revised Code. 4787

**Sec. 4761.38.** (A) An advanced practice respiratory 4788  
therapist licensed under this chapter may perform any of the 4789  
following services authorized by the supervising physician that 4790  
are part of the supervising physician's normal course of 4791

<u>practice and expertise:</u>	4792
<u>(1) Ordering diagnostic, therapeutic, and other medical services;</u>	4793 4794
<u>(2) Prescribing physical therapy or referring a patient to a physical therapist for physical therapy;</u>	4795 4796
<u>(3) Ordering occupational therapy or referring a patient to an occupational therapist for occupational therapy;</u>	4797 4798
<u>(4) If the advanced practice respiratory therapist has been granted physician-delegated prescriptive authority, ordering, prescribing, and administering drugs and medical devices;</u>	4799 4800 4801 4802
<u>(5) Any other services that are part of the supervising physician's normal course of practice and expertise.</u>	4803 4804
<u>(B) The services an advanced practice respiratory therapist may provide under the policies of a health care facility are limited to the services the facility authorizes the advanced practice respiratory therapist to provide for the facility. A facility shall not authorize an advanced practice respiratory therapist to perform a service that is prohibited under this chapter. A physician who is supervising an advanced practice respiratory therapist within a health care facility may impose limitations on the advanced practice respiratory therapist's practice that are in addition to any limitations applicable under the policies of the facility.</u>	4805 4806 4807 4808 4809 4810 4811 4812 4813 4814 4815
<u>Sec. 4761.381. (A) Acting pursuant to a supervision agreement, an advanced practice respiratory therapist may delegate performance of a task to implement a patient's plan of care or, if the conditions in division (C) of this section are met, may delegate administration of a drug. Subject to division</u>	4816 4817 4818 4819 4820

(D) of section 4761.34 of the Revised Code, delegation may be to 4821  
any person. The advanced practice respiratory therapist must be 4822  
physically present at the location where the task is performed 4823  
or the drug administered. 4824

(B) Prior to delegating a task or administration of a 4825  
drug, an advanced practice respiratory therapist shall determine 4826  
that the task or drug is appropriate for the patient and the 4827  
person to whom the delegation is to be made may safely perform 4828  
the task or administer the drug. 4829

(C) An advanced practice respiratory therapist may 4830  
delegate administration of a drug only if all of the following 4831  
conditions are met: 4832

(1) The advanced practice respiratory therapist has been 4833  
granted physician-delegated prescriptive authority and is 4834  
authorized to prescribe the drug. 4835

(2) The drug is not a controlled substance. 4836

(3) The drug will not be administered intravenously. 4837

(4) The drug will not be administered in a hospital 4838  
inpatient care unit, as defined in section 3727.50 of the 4839  
Revised Code; a hospital emergency department; a freestanding 4840  
emergency department; or an ambulatory surgical facility 4841  
licensed under section 3702.30 of the Revised Code. 4842

(D) A person not otherwise authorized to administer a drug 4843  
or perform a specific task may do so in accordance with an 4844  
advanced practice respiratory therapist's delegation under this 4845  
section. 4846

**Sec. 4761.39.** (A) The supervising physician of an advanced 4847  
practice respiratory therapist exercises supervision, control, 4848



and direction of the advanced practice respiratory therapist. An 4849  
advanced practice respiratory therapist may practice in any 4850  
health care facility within which the supervising physician has 4851  
supervision, control, and direction of the advanced practice 4852  
respiratory therapist. 4853

In supervising an advanced practice respiratory therapist, 4854  
all of the following apply: 4855

(1) The supervising physician shall be continuously 4856  
available for direct communication with the advanced practice 4857  
respiratory therapist by being physically present at the 4858  
location where the advanced practice respiratory therapist is 4859  
practicing. 4860

(2) The supervising physician shall personally and 4861  
actively review the advanced practice respiratory therapist's 4862  
professional activities. 4863

(3) The supervising physician shall ensure that the 4864  
quality assurance system established pursuant to division (F) of 4865  
this section is implemented and maintained. 4866

(4) The supervising physician shall regularly perform any 4867  
other reviews of the advanced practice respiratory therapist 4868  
that the supervising physician considers necessary. 4869

(B) A physician may enter into supervision agreements with 4870  
any number of advanced practice respiratory therapists, but the 4871  
physician may not supervise more than five advanced practice 4872  
respiratory therapists at any one time. An advanced practice 4873  
respiratory therapist may enter into supervision agreements with 4874  
any number of supervising physicians. 4875

(C) A supervising physician may authorize an advanced 4876  
practice respiratory therapist to perform a service only if the 4877

physician is satisfied that the advanced practice respiratory 4878  
therapist is capable of competently performing the service. A 4879  
supervising physician shall not authorize an advanced practice 4880  
respiratory therapist to perform any service that is beyond the 4881  
physician's or the advanced practice respiratory therapist's 4882  
normal course of practice and expertise. 4883

(D) In the case of a health care facility with an 4884  
emergency department, the supervising physician may, on 4885  
occasion, send the advanced practice respiratory therapist to 4886  
the facility's emergency department to assess a patient. In 4887  
supervising the advanced practice respiratory therapist's 4888  
assessment of the patient, the supervising physician shall 4889  
determine the appropriate level of supervision in compliance 4890  
with the requirements of divisions (A) to (C) of this section, 4891  
except that the supervising physician must be available to go to 4892  
the emergency department to personally evaluate the patient and, 4893  
at the request of an emergency department physician, the 4894  
supervising physician shall go to the emergency department to 4895  
personally evaluate the patient. 4896

(E) Each time an advanced practice respiratory therapist 4897  
writes a medical order, including prescriptions written in the 4898  
exercise of physician-delegated prescriptive authority, the 4899  
advanced practice respiratory therapist shall sign the form on 4900  
which the order is written and record on the form the time and 4901  
date that the order is written. 4902

(F) (1) The supervising physician of an advanced practice 4903  
respiratory therapist shall establish a quality assurance system 4904  
to be used in supervising the advanced practice respiratory 4905  
therapist. All or part of the system may be applied to other 4906  
advanced practice respiratory therapists who are supervised by 4907

the supervising physician. The system shall be developed in 4908  
consultation with each advanced practice respiratory therapist 4909  
to be supervised by the physician. 4910

(2) In establishing the quality assurance system, the 4911  
supervising physician shall describe a process to be used for 4912  
all of the following: 4913

(a) Routine review by the physician of selected patient 4914  
record entries made by the advanced practice respiratory 4915  
therapist and selected medical orders issued by the advanced 4916  
practice respiratory therapist; 4917

(b) Discussion of complex cases; 4918

(c) Discussion of new medical developments relevant to the 4919  
practice of the physician and advanced practice respiratory 4920  
therapist; 4921

(d) Performance of any quality assurance activities 4922  
required in rules adopted by the state medical board pursuant to 4923  
any recommendations made by the respiratory care advisory 4924  
council under section 4761.032 of the Revised Code; 4925

(e) Performance of any other quality assurance activities 4926  
that the supervising physician considers to be appropriate. 4927

(3) The supervising physician and advanced practice 4928  
respiratory therapist shall keep records of their quality 4929  
assurance activities. On request, the records shall be made 4930  
available to the board. 4931

**Sec. 4761.40.** (A) When performing authorized services, an 4932  
advanced practice respiratory therapist acts as the agent of the 4933  
advanced practice respiratory therapist's supervising physician. 4934  
The supervising physician is legally responsible and assumes 4935

legal liability for the services provided by the advanced 4936  
practice respiratory therapist. 4937

The physician is not responsible or liable for any 4938  
services provided by the advanced practice respiratory therapist 4939  
after their supervision agreement expires or is terminated. 4940

(B) When a health care facility permits advanced practice 4941  
respiratory therapists to practice within that facility or any 4942  
other health care facility under its control, the health care 4943  
facility shall make reasonable efforts to explain to each 4944  
individual who may work with a particular advanced practice 4945  
respiratory therapist the scope of that advanced practice 4946  
respiratory therapist's practice within the facility. The 4947  
appropriate credentialing body within the health care facility 4948  
shall provide, on request of an individual practicing in the 4949  
facility with an advanced practice respiratory therapist, a copy 4950  
of the facility's policies on the practice of advanced practice 4951  
respiratory therapists within the facility and a copy of each 4952  
supervision agreement applicable to the advanced practice 4953  
respiratory therapist. 4954

An individual who follows the orders of an advanced 4955  
practice respiratory therapist practicing in a health care 4956  
facility is not subject to disciplinary action by any 4957  
administrative agency that governs that individual's conduct and 4958  
is not liable in damages in a civil action for injury, death, or 4959  
loss to person or property resulting from the individual's acts 4960  
or omissions in the performance of any procedure, treatment, or 4961  
other health care service if the individual reasonably believed 4962  
that the advanced practice respiratory therapist was acting 4963  
within the proper scope of practice or was relaying medical 4964  
orders from a supervising physician, unless the act or omission 4965

constitutes willful or wanton misconduct. 4966

**Sec. 4761.41.** A license issued by the state medical board 4967  
under section 4761.31 of the Revised Code authorizes the license 4968  
holder to be granted physician-delegated prescriptive authority 4969  
and to exercise that authority as provided in division (A) (4) of 4970  
section 4761.38 and section 4761.44 of the Revised Code. The 4971  
board shall issue a prescriber number to each advanced practice 4972  
respiratory therapist licensed under this chapter. 4973

**Sec. 4761.43.** The state medical board shall adopt rules 4974  
governing physician-delegated prescriptive authority for 4975  
advanced practice respiratory therapists. The rules shall be 4976  
adopted in accordance with Chapter 119. of the Revised Code and 4977  
shall establish, at a minimum, requirements regarding the 4978  
pharmacology courses that an advanced practice respiratory 4979  
therapist is required to complete. 4980

**Sec. 4761.44.** An advanced practice respiratory therapist 4981  
is authorized to prescribe drugs and therapeutic devices in the 4982  
exercise of physician-delegated prescriptive authority, subject 4983  
to all of the following: 4984

(A) During the first five hundred hours of an advanced 4985  
practice respiratory therapist exercising physician-delegated 4986  
prescriptive authority, the authority shall be exercised only 4987  
under the on-site supervision of a supervising physician. A 4988  
record of the advanced practice respiratory therapist's 4989  
completion of the required number of hours under on-site 4990  
supervision shall be kept in the records maintained by a 4991  
supervising physician of the advanced practice respiratory 4992  
therapist. The record shall be made available for inspection by 4993  
the state medical board. 4994

(B) An advanced practice respiratory therapist shall 4995  
exercise physician-delegated prescriptive authority only to the 4996  
extent that the physician supervising the advanced practice 4997  
respiratory therapist has granted that authority. 4998

(C) An advanced practice respiratory therapist shall 4999  
comply with all conditions placed on the physician-delegated 5000  
prescriptive authority, as specified by the supervising 5001  
physician who is supervising the advanced practice respiratory 5002  
therapist in the exercise of physician-delegated prescriptive 5003  
authority. 5004

(D) An advanced practice respiratory therapist's 5005  
physician-delegated prescriptive authority shall not include the 5006  
authority to do either of the following: 5007

(1) Prescribe a controlled substance; 5008

(2) Personally furnish any drug. 5009

(E) An advanced practice respiratory therapist shall not 5010  
prescribe any drug in violation of state or federal law. 5011

**Sec. 4761.45.** (A) In granting physician-delegated 5012  
prescriptive authority to a particular advanced practice 5013  
respiratory therapist, the supervising physician shall supervise 5014  
the advanced practice respiratory therapist in accordance with 5015  
both of the following: 5016

(1) The supervision requirements specified in section 5017  
4761.39 of the Revised Code; 5018

(2) The supervision agreement entered into with the 5019  
advanced practice respiratory therapist under section 4761.37 of 5020  
the Revised Code, including the policies of the health care 5021  
facility in which the physician and advanced practice 5022

respiratory therapist are practicing. 5023

(B) (1) The supervising physician of an advanced practice 5024  
respiratory therapist may place conditions on the physician- 5025  
delegated prescriptive authority granted to the advanced 5026  
practice respiratory therapist. If conditions are placed on that 5027  
authority, the supervising physician shall maintain a written 5028  
record of the conditions and make the record available to the 5029  
state medical board on request. 5030

(2) The conditions that a supervising physician may place 5031  
on the physician-delegated prescriptive authority granted to an 5032  
advanced practice respiratory therapist include the following: 5033

(a) Identification by class and specific generic 5034  
nomenclature of drugs and therapeutic devices that the physician 5035  
chooses not to permit the advanced practice respiratory 5036  
therapist to prescribe; 5037

(b) Limitations on the dosage units or refills that the 5038  
advanced practice respiratory therapist is authorized to 5039  
prescribe; 5040

(c) Specification of circumstances under which the 5041  
advanced practice respiratory therapist is required to refer 5042  
patients to the supervising physician or another physician when 5043  
exercising physician-delegated prescriptive authority; 5044

(d) Responsibilities to be fulfilled by the physician in 5045  
supervising the advanced practice respiratory therapist that are 5046  
not otherwise specified in the supervision agreement or 5047  
otherwise required by this chapter. 5048

**Sec. 4761.48. (A) To be eligible for renewal of a license** 5049  
**to practice as an advanced practice respiratory therapist, an** 5050  
**applicant who has been granted physician-delegated prescriptive** 5051

authority shall complete every two years at least twelve hours 5052  
of continuing education in pharmacology obtained through a 5053  
program or course approved by the state medical board or a 5054  
person the board has authorized to approve continuing 5055  
pharmacology education programs and courses. Except as provided 5056  
in section 5903.12 of the Revised Code, the continuing education 5057  
shall be completed not later than the date on which the 5058  
applicant's license expires. 5059

(B) The state medical board shall provide for pro rata 5060  
reductions by month of the number of hours of continuing 5061  
education in pharmacology that is required to be completed for 5062  
advanced practice respiratory therapists who have been disabled 5063  
due to illness or accident or have been absent from the country. 5064  
The board shall adopt rules, in accordance with Chapter 119. of 5065  
the Revised Code, as necessary to implement this division. 5066

(C) The continuing education required by this section is 5067  
in addition to the requirement of section 4761.32 of the Revised 5068  
Code to maintain an active qualification to practice advanced 5069  
practice respiratory care from an organization that is 5070  
recognized by the state medical board. 5071

(D) If the state medical board chooses to authorize 5072  
persons to approve continuing pharmacology education programs 5073  
and courses, the board shall establish standards for granting 5074  
that authority and grant the authority in accordance with the 5075  
standards. 5076

**Sec. 4761.99.** Whoever violates division (A) of section 5077  
4761.10 of the Revised Code is guilty of a minor misdemeanor on 5078  
a first offense. On a second offense, the person is guilty of a 5079  
misdemeanor of the fourth degree. On each subsequent offense, 5080  
the person is guilty of a misdemeanor of the first degree. 5081



Whoever violates section 4761.33 of the Revised Code is 5082  
guilty of a misdemeanor of the first degree on a first offense. 5083  
On each subsequent offense, the person is guilty of a felony of 5084  
the fourth degree. 5085

**Sec. 4765.51.** Nothing in this chapter prevents or 5086  
restricts the practice, services, or activities of any 5087  
registered nurse practicing within the scope of the registered 5088  
nurse's practice. 5089

Nothing in this chapter prevents or restricts the 5090  
practice, services, or activities of any physician assistant 5091  
practicing in accordance with a supervision agreement entered 5092  
into under section 4730.19 of the Revised Code, including, if 5093  
applicable, the policies of the health care facility in which 5094  
the physician assistant is practicing. 5095

Nothing in this chapter prevents or restricts the 5096  
practice, services, or activities of any advanced practice 5097  
respiratory therapist practicing in accordance with a 5098  
supervision agreement entered into under section 4761.37 of the 5099  
Revised Code, including the policies of the health care facility 5100  
in which the advanced practice respiratory therapist is 5101  
practicing. 5102

**Sec. 4769.01.** As used in this chapter: 5103

(A) "Medicare" means the program established by Title 5104  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 5105  
U.S.C.A. 301, as amended. 5106

(B) "Balance billing" means charging or collecting from a 5107  
medicare beneficiary an amount in excess of the medicare 5108  
reimbursement rate for medicare-covered services or supplies 5109  
provided to a medicare beneficiary, except when medicare is the 5110

secondary insurer. When medicare is the secondary insurer, the 5111  
health care practitioner may pursue full reimbursement under the 5112  
terms and conditions of the primary coverage and, if applicable, 5113  
the charge allowed under the terms and conditions of the 5114  
appropriate provider contract, from the primary insurer, but the 5115  
medicare beneficiary cannot be balance billed above the medicare 5116  
reimbursement rate for a medicare-covered service or supply. 5117  
"Balance billing" does not include charging or collecting 5118  
deductibles or coinsurance required by the program. 5119

(C) "Health care practitioner" means all of the following: 5120

(1) A dentist or dental hygienist licensed under Chapter 5121  
4715. of the Revised Code; 5122

(2) A registered or licensed practical nurse licensed 5123  
under Chapter 4723. of the Revised Code; 5124

(3) An optometrist licensed under Chapter 4725. of the 5125  
Revised Code; 5126

(4) A dispensing optician, spectacle dispensing optician, 5127  
or spectacle-contact lens dispensing optician licensed under 5128  
Chapter 4725. of the Revised Code; 5129

(5) A pharmacist licensed under Chapter 4729. of the 5130  
Revised Code; 5131

(6) A physician authorized under Chapter 4731. of the 5132  
Revised Code to practice medicine and surgery, osteopathic 5133  
medicine and surgery, or podiatry; 5134

(7) A physician assistant authorized under Chapter 4730. 5135  
of the Revised Code to practice as a physician assistant; 5136

(8) A practitioner of a limited branch of medicine issued 5137  
a certificate under Chapter 4731. of the Revised Code; 5138

(9) A psychologist licensed under Chapter 4732. of the Revised Code;	5139 5140
(10) A chiropractor licensed under Chapter 4734. of the Revised Code;	5141 5142
(11) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	5143 5144
(12) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	5145 5146
(13) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	5147 5148
(14) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	5149 5150
(15) A licensed professional clinical counselor, licensed professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	5151 5152 5153 5154
(16) A dietitian licensed under Chapter 4759. of the Revised Code;	5155 5156
(17) A respiratory care professional <u>or advanced practice respiratory therapist</u> licensed under Chapter 4761. of the Revised Code;	5157 5158 5159
(18) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	5160 5161 5162 5163
<b>Sec. 5123.47.</b> (A) As used in this section:	5164
(1) "In-home care" means the supportive services provided	5165

within the home of an individual with a developmental disability 5166  
who receives funding for the services through a county board of 5167  
developmental disabilities, including any recipient of 5168  
residential services funded as home and community-based 5169  
services, family support services provided under section 5126.11 5170  
of the Revised Code, or supported living provided in accordance 5171  
with sections 5126.41 to 5126.47 of the Revised Code. "In-home 5172  
care" includes care that is provided outside an individual's 5173  
home in places incidental to the home, and while traveling to 5174  
places incidental to the home, except that "in-home care" does 5175  
not include care provided in the facilities of a county board of 5176  
developmental disabilities or care provided in schools. 5177

(2) "Parent" means either parent of a child, including an 5178  
adoptive parent but not a foster parent. 5179

(3) "Unlicensed in-home care worker" means an individual 5180  
who provides in-home care but is not a health care professional. 5181

(4) "Family member" means a parent, sibling, spouse, son, 5182  
daughter, grandparent, aunt, uncle, cousin, or guardian of the 5183  
individual with a developmental disability if the individual 5184  
with a developmental disability lives with the person and is 5185  
dependent on the person to the extent that, if the supports were 5186  
withdrawn, another living arrangement would have to be found. 5187

(5) "Health care professional" means any of the following: 5188

(a) A dentist who holds a valid license issued under 5189  
Chapter 4715. of the Revised Code; 5190

(b) A registered or licensed practical nurse who holds a 5191  
valid license issued under Chapter 4723. of the Revised Code; 5192

(c) An optometrist who holds a valid license issued under 5193  
Chapter 4725. of the Revised Code; 5194

(d) A pharmacist who holds a valid license issued under Chapter 4729. of the Revised Code;	5195 5196
(e) A person who holds a valid license or certificate issued under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited brand of medicine;	5197 5198 5199 5200
(f) A physician assistant who holds a valid license issued under Chapter 4730. of the Revised Code;	5201 5202
(g) An occupational therapist or occupational therapy assistant or a physical therapist or physical therapist assistant who holds a valid license issued under Chapter 4755. of the Revised Code;	5203 5204 5205 5206
(h) A respiratory care professional <u>or advanced practice respiratory therapist</u> who holds a valid license issued under Chapter 4761. of the Revised Code.	5207 5208 5209
(6) "Health care task" means a task that is prescribed, ordered, delegated, or otherwise directed by a health care professional acting within the scope of the professional's practice. "Health care task" includes the administration of oral and topical prescribed medications; administration of nutrition and medications through gastrostomy and jejunostomy tubes that are stable and labeled; administration of oxygen and metered dose inhaled medications; administration of insulin through subcutaneous injections, inhalation, and insulin pumps; and administration of prescribed medications for the treatment of metabolic glyceimic disorders through subcutaneous injections.	5210 5211 5212 5213 5214 5215 5216 5217 5218 5219 5220
(B) Except as provided in division (E) of this section, a family member of an individual with a developmental disability may authorize an unlicensed in-home care worker to perform	5221 5222 5223

health care tasks as part of the in-home care the worker 5224  
provides to the individual, if all of the following apply: 5225

(1) The family member is the primary supervisor of the 5226  
care. 5227

(2) The unlicensed in-home care worker has been selected 5228  
by the family member or the individual receiving care and is 5229  
under the direct supervision of the family member. 5230

(3) The unlicensed in-home care worker is providing the 5231  
care through an employment or other arrangement entered into 5232  
directly with the family member and is not otherwise employed by 5233  
or under contract with a person or government entity to provide 5234  
services to individuals with developmental disabilities. 5235

(4) The health care task is completed in accordance with 5236  
standard, written instructions. 5237

(5) Performance of the health care task requires no 5238  
judgment based on specialized health care knowledge or 5239  
expertise. 5240

(6) The outcome of the health care task is reasonably 5241  
predictable. 5242

(7) Performance of the health care task requires no 5243  
complex observation of the individual receiving the care. 5244

(8) Improper performance of the health care task will 5245  
result in only minimal complications that are not life- 5246  
threatening. 5247

(C) A family member shall obtain a prescription, if 5248  
applicable, and written instructions from a health care 5249  
professional for the care to be provided to the individual. The 5250  
family member shall authorize the unlicensed in-home care worker 5251

to provide the care by preparing a written document granting the 5252  
authority. The family member shall provide the unlicensed in- 5253  
home care worker with appropriate training and written 5254  
instructions in accordance with the instructions obtained from 5255  
the health care professional. The family member or a health care 5256  
professional shall be available to communicate with the 5257  
unlicensed in-home care worker either in person or by 5258  
telecommunication while the in-home care worker performs a 5259  
health care task. 5260

(D) A family member who authorizes an unlicensed in-home 5261  
care worker to administer oral and topical prescribed 5262  
medications or perform other health care tasks retains full 5263  
responsibility for the health and safety of the individual 5264  
receiving the care and for ensuring that the worker provides the 5265  
care appropriately and safely. No entity that funds or monitors 5266  
the provision of in-home care may be held liable for the results 5267  
of the care provided under this section by an unlicensed in-home 5268  
care worker, including such entities as the county board of 5269  
developmental disabilities and the department of developmental 5270  
disabilities. 5271

An unlicensed in-home care worker who is authorized under 5272  
this section by a family member to provide care to an individual 5273  
may not be held liable for any injury caused in providing the 5274  
care, unless the worker provides the care in a manner that is 5275  
not in accordance with the training and instructions received or 5276  
the worker acts in a manner that constitutes willful or wanton 5277  
misconduct. 5278

(E) A county board of developmental disabilities may 5279  
evaluate the authority granted by a family member under this 5280  
section to an unlicensed in-home care worker at any time it 5281

considers necessary and shall evaluate the authority on receipt 5282  
of a complaint. If the board determines that a family member has 5283  
acted in a manner that is inappropriate for the health and 5284  
safety of the individual receiving the care, the authorization 5285  
granted by the family member to an unlicensed in-home care 5286  
worker is void, and the family member may not authorize other 5287  
unlicensed in-home care workers to provide the care. In making 5288  
such a determination, the board shall use appropriately licensed 5289  
health care professionals and shall provide the family member an 5290  
opportunity to file a complaint under section 5126.06 of the 5291  
Revised Code. 5292

**Sec. 5164.95.** (A) As used in this section, "telehealth 5293  
service" means a health care service delivered to a patient 5294  
through the use of interactive audio, video, or other 5295  
telecommunications or electronic technology from a site other 5296  
than the site where the patient is located. 5297

(B) The department of medicaid shall establish standards 5298  
for medicaid payments for health care services the department 5299  
determines are appropriate to be covered by the medicaid program 5300  
when provided as telehealth services. The standards shall be 5301  
established in rules adopted under section 5164.02 of the 5302  
Revised Code. 5303

In accordance with section 5162.021 of the Revised Code, 5304  
the medicaid director shall adopt rules authorizing the 5305  
directors of other state agencies to adopt rules regarding the 5306  
medicaid coverage of telehealth services under programs 5307  
administered by the other state agencies. Any such rules adopted 5308  
by the medicaid director or the directors of other state 5309  
agencies are not subject to the requirements of division (F) of 5310  
section 121.95 of the Revised Code. 5311



(C) (1) To the extent permitted under rules adopted under 5312  
section 5164.02 of the Revised Code and applicable federal law, 5313  
the following practitioners are eligible to provide telehealth 5314  
services covered pursuant to this section: 5315

(a) A physician licensed under Chapter 4731. of the 5316  
Revised Code to practice medicine and surgery, osteopathic 5317  
medicine and surgery, or podiatric medicine and surgery; 5318

(b) A psychologist, independent school psychologist, or 5319  
school psychologist licensed under Chapter 4732. of the Revised 5320  
Code; 5321

(c) A physician assistant licensed under Chapter 4730. of 5322  
the Revised Code; 5323

(d) A clinical nurse specialist, certified nurse-midwife, 5324  
or certified nurse practitioner licensed under Chapter 4723. of 5325  
the Revised Code; 5326

(e) An independent social worker, independent marriage and 5327  
family therapist, or professional clinical counselor licensed 5328  
under Chapter 4757. of the Revised Code; 5329

(f) An independent chemical dependency counselor licensed 5330  
under Chapter 4758. of the Revised Code; 5331

(g) A supervised practitioner or supervised trainee; 5332

(h) An audiologist or speech-language pathologist licensed 5333  
under Chapter 4753. of the Revised Code; 5334

(i) An audiology aide or speech-language pathology aide, 5335  
as defined in section 4753.072 of the Revised Code, or an 5336  
individual holding a conditional license under section 4753.071 5337  
of the Revised Code; 5338

(j) An occupational therapist or physical therapist licensed under Chapter 4755. of the Revised Code;	5339 5340
(k) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code.	5341 5342 5343
(l) A dietitian licensed under Chapter 4759. of the Revised Code;	5344 5345
(m) A chiropractor licensed under Chapter 4734. of the Revised Code;	5346 5347
(n) A pharmacist licensed under Chapter 4729. of the Revised Code;	5348 5349
(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	5350 5351
(p) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry;	5352 5353
(q) A respiratory care professional <u>or advanced practice respiratory therapist</u> licensed under Chapter 4761. of the Revised Code;	5354 5355 5356
(r) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code;	5357 5358
(s) A practitioner who provides services through a medicaid school program;	5359 5360
(t) Subject to section 5119.368 of the Revised Code, a practitioner authorized to provide services and supports certified under section 5119.36 of the Revised Code through a community mental health services provider or community addiction services provider;	5361 5362 5363 5364 5365

(u) Any other practitioner the medicaid director considers 5366  
eligible to provide telehealth services. 5367

(2) In accordance with division (B) of this section and to 5368  
the extent permitted under rules adopted under section 5164.02 5369  
of the Revised Code and applicable federal law, the following 5370  
provider types are eligible to submit claims for medicaid 5371  
payments for providing telehealth services: 5372

(a) Any practitioner described in division (C) (1) of this 5373  
section, except for those described in divisions (C) (1) (g), (i), 5374  
and (k) of this section; 5375

(b) A professional medical group; 5376

(c) A federally qualified health center or federally 5377  
qualified health center look-alike, as defined in section 5378  
3701.047 of the Revised Code; 5379

(d) A rural health clinic; 5380

(e) An ambulatory health care clinic; 5381

(f) An outpatient hospital; 5382

(g) A medicaid school program; 5383

(h) Subject to section 5119.368 of the Revised Code, a 5384  
community mental health services provider or community addiction 5385  
services provider that offers services and supports certified 5386  
under section 5119.36 of the Revised Code; 5387

(i) Any other provider type the medicaid director 5388  
considers eligible to submit the claims for payment. 5389

(D) (1) When providing telehealth services under this 5390  
section, a practitioner shall comply with all requirements under 5391  
state and federal law regarding the protection of patient 5392

information. A practitioner shall ensure that any username or 5393  
password information and any electronic communications between 5394  
the practitioner and a patient are securely transmitted and 5395  
stored. 5396

(2) When providing telehealth services under this section, 5397  
every practitioner site shall have access to the medical records 5398  
of the patient at the time telehealth services are provided. 5399

**Sec. 5903.12.** (A) As used in this section: 5400

"Continuing education" means continuing education required 5401  
of a licensee by law and includes, but is not limited to, the 5402  
continuing education required of licensees under sections 5403  
3737.881, 3776.07, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 5404  
4723.24, 4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 5405  
4734.25, 4735.141, 4741.16, 4741.19, 4751.24, 4751.25, 4755.63, 5406  
4757.33, 4759.06, 4761.06, 4761.48, and 4763.07 of the Revised 5407  
Code. 5408

"Reporting period" means the period of time during which a 5409  
licensee must complete the number of hours of continuing 5410  
education required of the licensee by law. 5411

(B) A licensee may submit an application to a licensing 5412  
agency, stating that the licensee requires an extension of the 5413  
current reporting period because the licensee has served on 5414  
active duty during the current or a prior reporting period. The 5415  
licensee shall submit proper documentation certifying the active 5416  
duty service and the length of that active duty service. Upon 5417  
receiving the application and proper documentation, the 5418  
licensing agency shall extend the current reporting period by an 5419  
amount of time equal to the total number of months that the 5420  
licensee spent on active duty during the current reporting 5421

period. For purposes of this division, any portion of a month 5422  
served on active duty shall be considered one full month. 5423

**Section 2.** That existing sections 2305.234, 2925.01, 5424  
2925.23, 2925.55, 2925.56, 2929.42, 3701.048, 3701.74, 3715.872, 5425  
3719.121, 3719.13, 3719.81, 4729.01, 4729.51, 4731.22, 4731.25, 5426  
4743.09, 4755.48, 4761.01, 4761.03, 4761.032, 4761.06, 4761.061, 5427  
4761.07, 4761.09, 4761.13, 4761.14, 4761.17, 4761.30, 4761.99, 5428  
4765.51, 4769.01, 5123.47, 5164.95, and 5903.12 of the Revised 5429  
Code are hereby repealed. 5430

**Section 3.** Section 4761.01 of the Revised Code as 5431  
presented in this act takes effect on the later of September 30, 5432  
2024, or the effective date of this section. (September 30, 5433  
2024, is the effective date of an earlier amendment to that 5434  
section by H.B. 110 of the 134th General Assembly.) 5435

**Section 4.** The General Assembly, applying the principle 5436  
stated in division (B) of section 1.52 of the Revised Code that 5437  
amendments are to be harmonized if reasonably capable of 5438  
simultaneous operation, finds that the following sections, 5439  
presented in this act as composites of the sections as amended 5440  
by the acts indicated, are the resulting versions of the 5441  
sections in effect prior to the effective date of the sections 5442  
as presented in this act: 5443

Section 3719.121 of the Revised Code as amended by both 5444  
H.B. 216 and S.B. 319 of the 131st General Assembly. 5445

Section 4729.01 of the Revised Code as amended by H.B. 509 5446  
and H.B. 558, both of the 134th General Assembly. 5447