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Am. Sub. S. B. No. 95

Senator Reynolds

Cosponsors: Senators Huffman, S., Antonio, Blessing, Brenner, Chavez, Cirino, Craig, DeMora, Dolan, Gavarone, Hackett, Hicks-Hudson, Ingram, Johnson, Kunze, Landis, Manning, Reineke, Roegner, Romanchuk, Schaffer, Schuring, Sykes, Wilkin, Wilson

Representatives Brennan, Dell'Aquila, Dobos, Grim, John, Jones, Lipps, Mathews, Miller, J., Pavliga, Stein, Swearingen, Troy, Whitted, Williams, Willis, Young, T.

A BILL

To amend sections 2305.234, 2305.41, 2305.42, 1
2305.43, 2305.44, 2305.45, 2305.48, 2305.49, 2
2305.51, 2925.01, 2925.02, 2925.03, 2925.11, 3
2925.12, 2925.14, 2925.23, 2925.36, 2925.55, 4
2925.56, 2929.42, 3701.048, 3701.74, 3709.161, 5
3715.50, 3715.501, 3715.502, 3715.503, 3715.872, 6
3719.06, 3719.064, 3719.121, 3719.13, 3719.81, 7
4729.01, 4729.285, 4729.45, 4729.51, 4729.921, 8
4731.051, 4731.07, 4731.071, 4731.22, 4731.224, 9
4731.24, 4731.25, 4731.251, 4734.99, 4743.09, 10
4765.51, 4769.01, 4776.01, 5123.47, 5164.95, and 11
5903.12 and to enact sections 3959.22, 4729.554, 12
4772.01, 4772.02, 4772.03, 4772.04, 4772.041, 13
4772.05, 4772.06, 4772.07, 4772.08, 4772.081, 14
4772.082, 4772.09, 4772.091, 4772.092, 4772.10, 15
4772.11, 4772.12, 4772.13, 4772.14, 4772.15, 16
4772.19, 4772.20, 4772.201, 4772.202, 4772.203, 17
4772.21, 4772.22, 4772.23, 4772.24, 4772.25, 18
4772.26, 4772.27, 4772.28, and 4772.99 of the 19

Revised Code related to remote dispensing	20
pharmacies and other changes to the pharmacy law	21
and to license certified mental health	22
assistants.	23

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

Section 1. That sections 2305.234, 2305.41, 2305.42, 24
2305.43, 2305.44, 2305.45, 2305.48, 2305.49, 2305.51, 2925.01, 25
2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 26
2925.55, 2925.56, 2929.42, 3701.048, 3701.74, 3709.161, 3715.50, 27
3715.501, 3715.502, 3715.503, 3715.872, 3719.06, 3719.064, 28
3719.121, 3719.13, 3719.81, 4729.01, 4729.285, 4729.45, 4729.51, 29
4729.921, 4731.051, 4731.07, 4731.071, 4731.22, 4731.224, 30
4731.24, 4731.25, 4731.251, 4734.99, 4743.09, 4765.51, 4769.01, 31
4776.01, 5123.47, 5164.95, and 5903.12 be amended and sections 32
3959.22, 4729.554, 4772.01, 4772.02, 4772.03, 4772.04, 4772.041, 33
4772.05, 4772.06, 4772.07, 4772.08, 4772.081, 4772.082, 4772.09, 34
4772.091, 4772.092, 4772.10, 4772.11, 4772.12, 4772.13, 4772.14, 35
4772.15, 4772.19, 4772.20, 4772.201, 4772.202, 4772.203, 36
4772.21, 4772.22, 4772.23, 4772.24, 4772.25, 4772.26, 4772.27, 37
4772.28, and 4772.99 of the Revised Code be enacted to read as 38
follows: 39

Sec. 2305.234. (A) As used in this section: 40

(1) "Chiropractic claim," "medical claim," and "optometric 41
claim" have the same meanings as in section 2305.113 of the 42
Revised Code. 43

(2) "Dental claim" has the same meaning as in section 44
2305.113 of the Revised Code, except that it does not include 45

any claim arising out of a dental operation or any derivative 46
claim for relief that arises out of a dental operation. 47

(3) "Governmental health care program" has the same 48
meaning as in section 4731.65 of the Revised Code. 49

(4) "Health care facility or location" means a hospital, 50
clinic, ambulatory surgical facility, office of a health care 51
professional or associated group of health care professionals, 52
training institution for health care professionals, a free 53
clinic or other nonprofit shelter or health care facility as 54
those terms are defined in section 3701.071 of the Revised Code, 55
or any other place where medical, dental, or other health- 56
related diagnosis, care, or treatment is provided to a person. 57

(5) "Health care professional" means any of the following 58
who provide medical, dental, or other health-related diagnosis, 59
care, or treatment: 60

(a) Physicians authorized under Chapter 4731. of the 61
Revised Code to practice medicine and surgery or osteopathic 62
medicine and surgery; 63

(b) Advanced practice registered nurses, registered 64
nurses, and licensed practical nurses licensed under Chapter 65
4723. of the Revised Code; 66

(c) Physician assistants authorized to practice under 67
Chapter 4730. of the Revised Code; 68

(d) Dentists and dental hygienists licensed under Chapter 69
4715. of the Revised Code; 70

(e) Physical therapists, physical therapist assistants, 71
occupational therapists, occupational therapy assistants, and 72
athletic trainers licensed under Chapter 4755. of the Revised 73

Code;	74
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	75 76
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	77 78
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	79 80
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	81 82
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	83 84
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians- paramedic, certified under Chapter 4765. of the Revised Code;	85 86 87
(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;	88 89
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code;	90 91
(n) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, and marriage and family therapists, licensed under Chapter 4757. of the Revised Code;	92 93 94 95 96
(o) Psychologists licensed under Chapter 4732. of the Revised Code;	97 98
(p) Independent chemical dependency counselors-clinical supervisors, independent chemical dependency counselors,	99 100

chemical dependency counselors III, and chemical dependency 101
counselors II, licensed under Chapter 4758. of the Revised Code, 102
and chemical dependency counselor assistants, prevention 103
consultants, prevention specialists, prevention specialist 104
assistants, and registered applicants, certified under that 105
chapter; 106

(g) Certified mental health assistants licensed under 107
Chapter 4772. of the Revised Code. 108

(6) "Health care worker" means a person other than a 109
health care professional who provides medical, dental, or other 110
health-related care or treatment under the direction of a health 111
care professional with the authority to direct that individual's 112
activities, including medical technicians, medical assistants, 113
dental assistants, orderlies, aides, and individuals acting in 114
similar capacities. 115

(7) "Indigent and uninsured person" means a person who 116
meets both of the following requirements: 117

(a) Relative to being indigent, the person's income is not 118
greater than two hundred per cent of the federal poverty line, 119
as defined by the United States office of management and budget 120
and revised in accordance with section 673(2) of the "Omnibus 121
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 122
9902, as amended, except in any case in which division (A) (7) (b) 123
(iii) of this section includes a person whose income is greater 124
than two hundred per cent of the federal poverty line. 125

(b) Relative to being uninsured, one of the following 126
applies: 127

(i) The person is not a policyholder, certificate holder, 128
insured, contract holder, subscriber, enrollee, member, 129

beneficiary, or other covered individual under a health 130
insurance or health care policy, contract, or plan. 131

(ii) The person is a policyholder, certificate holder, 132
insured, contract holder, subscriber, enrollee, member, 133
beneficiary, or other covered individual under a health 134
insurance or health care policy, contract, or plan, but the 135
insurer, policy, contract, or plan denies coverage or is the 136
subject of insolvency or bankruptcy proceedings in any 137
jurisdiction. 138

(iii) Until June 30, 2019, the person is eligible for the 139
medicaid program or is a medicaid recipient. 140

(iv) Except as provided in division (A) (7) (b) (iii) of this 141
section, the person is not eligible for or a recipient, 142
enrollee, or beneficiary of any governmental health care 143
program. 144

(8) "Nonprofit health care referral organization" means an 145
entity that is not operated for profit and refers patients to, 146
or arranges for the provision of, health-related diagnosis, 147
care, or treatment by a health care professional or health care 148
worker. 149

(9) "Operation" means any procedure that involves cutting 150
or otherwise infiltrating human tissue by mechanical means, 151
including surgery, laser surgery, ionizing radiation, 152
therapeutic ultrasound, or the removal of intraocular foreign 153
bodies. "Operation" does not include the administration of 154
medication by injection, unless the injection is administered in 155
conjunction with a procedure infiltrating human tissue by 156
mechanical means other than the administration of medicine by 157
injection. "Operation" does not include routine dental 158

restorative procedures, the scaling of teeth, or extractions of 159
teeth that are not impacted. 160

(10) "Tort action" means a civil action for damages for 161
injury, death, or loss to person or property other than a civil 162
action for damages for a breach of contract or another agreement 163
between persons or government entities. 164

(11) "Volunteer" means an individual who provides any 165
medical, dental, or other health-care related diagnosis, care, 166
or treatment without the expectation of receiving and without 167
receipt of any compensation or other form of remuneration from 168
an indigent and uninsured person, another person on behalf of an 169
indigent and uninsured person, any health care facility or 170
location, any nonprofit health care referral organization, or 171
any other person or government entity. 172

(12) "Community control sanction" has the same meaning as 173
in section 2929.01 of the Revised Code. 174

(13) "Deep sedation" means a drug-induced depression of 175
consciousness during which a patient cannot be easily aroused 176
but responds purposefully following repeated or painful 177
stimulation, a patient's ability to independently maintain 178
ventilatory function may be impaired, a patient may require 179
assistance in maintaining a patent airway and spontaneous 180
ventilation may be inadequate, and cardiovascular function is 181
usually maintained. 182

(14) "General anesthesia" means a drug-induced loss of 183
consciousness during which a patient is not arousable, even by 184
painful stimulation, the ability to independently maintain 185
ventilatory function is often impaired, a patient often requires 186
assistance in maintaining a patent airway, positive pressure 187

ventilation may be required because of depressed spontaneous 188
ventilation or drug-induced depression of neuromuscular 189
function, and cardiovascular function may be impaired. 190

(B)(1) Subject to divisions (F) and (G)(3) of this 191
section, a health care professional who is a volunteer and 192
complies with division (B)(2) of this section is not liable in 193
damages to any person or government entity in a tort or other 194
civil action, including an action on a medical, dental, 195
chiropractic, optometric, or other health-related claim, for 196
injury, death, or loss to person or property that allegedly 197
arises from an action or omission of the volunteer in the 198
provision to an indigent and uninsured person of medical, 199
dental, or other health-related diagnosis, care, or treatment, 200
including the provision of samples of medicine and other medical 201
products, unless the action or omission constitutes willful or 202
wanton misconduct. 203

(2) To qualify for the immunity described in division (B) 204
(1) of this section, a health care professional shall do all of 205
the following prior to providing diagnosis, care, or treatment: 206

(a) Determine, in good faith, that the indigent and 207
uninsured person is mentally capable of giving informed consent 208
to the provision of the diagnosis, care, or treatment and is not 209
subject to duress or under undue influence; 210

(b) Inform the person of the provisions of this section, 211
including notifying the person that, by giving informed consent 212
to the provision of the diagnosis, care, or treatment, the 213
person cannot hold the health care professional liable for 214
damages in a tort or other civil action, including an action on 215
a medical, dental, chiropractic, optometric, or other health- 216
related claim, unless the action or omission of the health care 217

professional constitutes willful or wanton misconduct; 218

(c) Obtain the informed consent of the person and a 219
written waiver, signed by the person or by another individual on 220
behalf of and in the presence of the person, that states that 221
the person is mentally competent to give informed consent and, 222
without being subject to duress or under undue influence, gives 223
informed consent to the provision of the diagnosis, care, or 224
treatment subject to the provisions of this section. A written 225
waiver under division (B) (2) (c) of this section shall state 226
clearly and in conspicuous type that the person or other 227
individual who signs the waiver is signing it with full 228
knowledge that, by giving informed consent to the provision of 229
the diagnosis, care, or treatment, the person cannot bring a 230
tort or other civil action, including an action on a medical, 231
dental, chiropractic, optometric, or other health-related claim, 232
against the health care professional unless the action or 233
omission of the health care professional constitutes willful or 234
wanton misconduct. 235

(3) A physician or podiatrist who is not covered by 236
medical malpractice insurance, but complies with division (B) (2) 237
of this section, is not required to comply with division (A) of 238
section 4731.143 of the Revised Code. 239

(C) Subject to divisions (F) and (G) (3) of this section, 240
health care workers who are volunteers are not liable in damages 241
to any person or government entity in a tort or other civil 242
action, including an action upon a medical, dental, 243
chiropractic, optometric, or other health-related claim, for 244
injury, death, or loss to person or property that allegedly 245
arises from an action or omission of the health care worker in 246
the provision to an indigent and uninsured person of medical, 247

dental, or other health-related diagnosis, care, or treatment, 248
unless the action or omission constitutes willful or wanton 249
misconduct. 250

(D) Subject to divisions (F) and (G) (3) of this section, a 251
nonprofit health care referral organization is not liable in 252
damages to any person or government entity in a tort or other 253
civil action, including an action on a medical, dental, 254
chiropractic, optometric, or other health-related claim, for 255
injury, death, or loss to person or property that allegedly 256
arises from an action or omission of the nonprofit health care 257
referral organization in referring indigent and uninsured 258
persons to, or arranging for the provision of, medical, dental, 259
or other health-related diagnosis, care, or treatment by a 260
health care professional described in division (B) (1) of this 261
section or a health care worker described in division (C) of 262
this section, unless the action or omission constitutes willful 263
or wanton misconduct. 264

(E) Subject to divisions (F) and (G) (3) of this section 265
and to the extent that the registration requirements of section 266
3701.071 of the Revised Code apply, a health care facility or 267
location associated with a health care professional described in 268
division (B) (1) of this section, a health care worker described 269
in division (C) of this section, or a nonprofit health care 270
referral organization described in division (D) of this section 271
is not liable in damages to any person or government entity in a 272
tort or other civil action, including an action on a medical, 273
dental, chiropractic, optometric, or other health-related claim, 274
for injury, death, or loss to person or property that allegedly 275
arises from an action or omission of the health care 276
professional or worker or nonprofit health care referral 277
organization relative to the medical, dental, or other health- 278

related diagnosis, care, or treatment provided to an indigent 279
and uninsured person on behalf of or at the health care facility 280
or location, unless the action or omission constitutes willful 281
or wanton misconduct. 282

(F) (1) Except as provided in division (F) (2) of this 283
section, the immunities provided by divisions (B), (C), (D), and 284
(E) of this section are not available to a health care 285
professional, health care worker, nonprofit health care referral 286
organization, or health care facility or location if, at the 287
time of an alleged injury, death, or loss to person or property, 288
the health care professionals or health care workers involved 289
are providing one of the following: 290

(a) Any medical, dental, or other health-related 291
diagnosis, care, or treatment pursuant to a community service 292
work order entered by a court under division (B) of section 293
2951.02 of the Revised Code or imposed by a court as a community 294
control sanction; 295

(b) Performance of an operation to which any one of the 296
following applies: 297

(i) The operation requires the administration of deep 298
sedation or general anesthesia. 299

(ii) The operation is a procedure that is not typically 300
performed in an office. 301

(iii) The individual involved is a health care 302
professional, and the operation is beyond the scope of practice 303
or the education, training, and competence, as applicable, of 304
the health care professional. 305

(c) Delivery of a baby or any other purposeful termination 306
of a human pregnancy. 307

(2) Division (F) (1) of this section does not apply when a health care professional or health care worker provides medical, dental, or other health-related diagnosis, care, or treatment that is necessary to preserve the life of a person in a medical emergency.

(G) (1) This section does not create a new cause of action or substantive legal right against a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location.

(2) This section does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location may be entitled in connection with the provision of emergency or other medical, dental, or other health-related diagnosis, care, or treatment.

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

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

(4) This section does not affect any legal responsibility 337
of a health care professional, health care worker, or nonprofit 338
health care referral organization to comply with any applicable 339
law of this state or rule of an agency of this state. 340

(5) This section does not affect any legal responsibility 341
of a health care facility or location to comply with any 342
applicable law of this state, rule of an agency of this state, 343
or local code, ordinance, or regulation that pertains to or 344
regulates building, housing, air pollution, water pollution, 345
sanitation, health, fire, zoning, or safety. 346

Sec. 2305.41. As used in sections 2305.41 to 2305.49 of 347
the Revised Code: 348

~~(A) "Disabled condition" means the condition of being 349
unconscious, semiconscious, incoherent, or otherwise 350
incapacitated to communicate. 351~~

~~(B) "Disabled person" means a person in a disabled 352
condition. 353~~

~~(C) "Certified nurse practitioner," "clinical nurse 354
specialist," and "registered nurse" have the same meanings as in 355
section 4723.01 of the Revised Code. 356~~

~~(B) "Emergency medical service provider" means an 357
individual who holds a current, valid certificate issued under 358
section 4765.30 of the Revised Code to practice as an emergency 359
medical technician-basic, emergency medical technician- 360
intermediate, emergency medical technician-paramedic, or first 361
responder. 362~~

~~(C) "Emergency symbol" means the caduceus inscribed within 363
a six-barred cross used by the American medical association to 364
denote emergency information. 365~~

(D) "Health care practitioner" means a physician, 366
physician assistant, certified nurse practitioner, clinical 367
nurse specialist, or registered nurse. 368

(E) "Identifying device" means an identifying bracelet, 369
necklace, metal tag, chain, other piece of jewelry, or similar 370
device bearing that meets either or both of the following: 371

(1) Bears the emergency symbol and the medical information 372
needed in an emergency; 373

(2) Contains on its front or back side a bar code or quick 374
response code that may be scanned to determine medical 375
information needed in an emergency. 376

~~(E)~~ (F) "Identification card" means any card containing 377
the holder's name, type of medical condition, physician's name, 378
and other medical information. "Identification card" does not 379
include any license or permit issued pursuant to Chapter 4507. 380
of the Revised Code. 381

~~(F)~~ ~~"Medical practitioner"~~ (G) "Incapacitated condition" 382
means the condition of being unconscious, semiconscious, 383
incoherent, or otherwise incapacitated to communicate. 384

(H) "Incapacitated person" means a person in an 385
incapacitated condition. 386

(I) "Physician" means an individual authorized under 387
Chapter 4731. of the Revised Code to practice medicine and 388
surgery or osteopathic medicine and surgery. 389

~~(G)~~ ~~"Paramedic" has the meaning given in section 4765.01~~ 390

(J) "Physician assistant" means an individual licensed under 391
Chapter 4730. of the Revised Code to practice as a physician 392
assistant. 393

Sec. 2305.42. (A) A person who has epilepsy, diabetes, a cardiac condition, or any other type of illness, whether physical or mental, that causes temporary blackouts, semiconscious periods, or complete unconsciousness, or who has a condition requiring specific medication or medical treatment, is allergic to certain medications or items used in medical treatment, wears contact lenses, has religious objections to certain forms of medication or medical treatment, or is unable to communicate coherently or effectively in the English language, is authorized and encouraged to wear an identifying device. 394-404

(B) Any person may carry an identification card. 405

(C) By wearing an identifying device, a person gives consent for any emergency medical service provider, health care practitioner, or law enforcement officer ~~or medical practitioner~~ who finds the person in a ~~disabled~~ incapacitated condition to ~~make do~~ either or both of the following: 406-410

(1) Make a reasonable search of the person's clothing or other effects for an identification card; 411-412

(2) Scan the person's identifying device, if it contains a bar code or quick response code. 413-414

Sec. 2305.43. (A) A law enforcement officer who finds an incapacitated person shall make a diligent effort to determine whether ~~any disabled~~ the person ~~the officer finds is an epileptic or a diabetic, or has some other type of a physical or mental illness~~ that would cause the incapacitated condition. Whenever feasible, this effort shall be made before the person is charged with a crime or taken to a place of detention. 415-421

(B) In seeking to determine whether ~~a disabled~~ an 422

incapacitated person has an illness, a law enforcement officer 423
may make a prompt and reasonable search for an identifying 424
device and ~~an identification card and examine them for emergency~~ 425
~~information~~. The law enforcement officer may not search for an 426
identifying device or ~~an identification card~~ in a manner or to 427
an extent that would appear to a reasonable person in the 428
circumstances to cause an unreasonable risk of worsening the 429
~~disabled~~ incapacitated person's condition. 430

If an identifying device or identification card is found, 431
the law enforcement officer may scan or examine it for emergency 432
information. In doing so, the law enforcement officer may 433
inspect both sides of the device or card. 434

(C) A law enforcement officer who finds ~~a disabled~~ an 435
incapacitated person without an identifying device or 436
identification card is not relieved of the duty to that person 437
to make a diligent effort to ascertain the existence of any 438
illness causing the ~~disabled~~ incapacitated condition. 439

(D) A cause of action against a law enforcement officer 440
does not arise from the officer making a reasonable search of 441
the ~~disabled~~ incapacitated person to locate an identifying 442
device or identification card, even though the person is not 443
wearing an identifying device or carrying an identification 444
card. 445

(E) A law enforcement officer who determines or has reason 446
to believe that ~~a disabled~~ an incapacitated person has an 447
illness causing the person's condition shall promptly notify the 448
person's physician, if practicable. If the officer is unable to 449
ascertain the physician's identity or to communicate with the 450
physician, the officer shall make a reasonable effort to cause 451
the ~~disabled~~ incapacitated person to be transported immediately 452

to a ~~medical~~ health care practitioner or to a facility where 453
medical treatment is available. If the officer believes it 454
unduly dangerous to move the ~~disabled~~ incapacitated person, the 455
officer shall make a reasonable effort to obtain the assistance 456
of a ~~medical~~ an emergency medical service provider or health 457
care practitioner. 458

Sec. 2305.44. (A) ~~A medical practitioner or a trained~~ 459
~~paramedic, in discharging his duty to a disabled person whom he~~ 460
~~has undertaken to examine or treat, shall~~ When examining or 461
treating an incapacitated person, an emergency medical service 462
provider or health care practitioner may make a prompt and 463
reasonable search for an identifying device or identification 464
card ~~and. If found, the emergency medical service provider or~~ 465
health care practitioner may scan or examine them it for 466
emergency information, including by inspecting both sides of the 467
identifying device or identification card. 468

(B) A cause of action against a ~~medical practitioner or a~~ 469
~~trained paramedic~~ an emergency medical service provider or 470
health care practitioner does not arise from his making a 471
reasonable search of a ~~disabled~~ an incapacitated person to 472
locate an identifying device or identification card, even though 473
the person is not wearing an identifying device or carrying an 474
identification card. 475

Sec. 2305.45. (A) A person, other than a ~~an emergency~~ 476
medical service provider, health care practitioner, or law 477
enforcement officer, ~~medical practitioner, or a trained~~ 478
~~paramedic,~~ who finds a ~~disabled~~ an incapacitated person shall 479
make a reasonable effort to notify a an emergency medical 480
service provider, health care practitioner, or law enforcement 481
officer ~~or medical practitioner.~~ If a an emergency medical 482

service provider, health care practitioner, or law enforcement 483
officer or medical practitioner is not present, a person who 484
finds ~~a disabled~~ an incapacitated person may do either or both 485
of the following: 486

(1) Make a reasonable search for an identifying device; 487

(2) If the identifying device is found, ~~make~~ do all of the 488
following: 489

(a) Inspect both sides of the identifying device; 490

(b) Scan the identifying device, if it contains a bar code 491
or quick response code; 492

(c) Make a reasonable search for an identification card 493
and, if found, inspect both sides of the card. 494

If a device or card is located, the person making the 495
search shall attempt promptly to bring the device or card and 496
its contents to the attention of ~~a~~ an emergency medical service 497
provider, health care practitioner, or law enforcement officer 498
~~or medical practitioner.~~ 499

(B) A cause of action does not arise from a reasonable 500
search to locate an identifying device or identification card as 501
authorized by division (A) of this section. 502

Sec. 2305.48. Sections 2305.41 to 2305.49 of the Revised 503
Code shall be so applied and construed as to effectuate its 504
general purpose to make uniform among the states the law with 505
respect to duties to ~~disabled~~ incapacitated persons. 506

Sec. 2305.49. Sections 2305.41 to 2305.49 of the Revised 507
Code may be cited as the "~~uniform duties to disabled persons~~ 508
~~act~~ Uniform Duties to Incapacitated Persons Act." 509

Sec. 2305.51. (A) (1) As used in this section:	510
(a) "Civil Rights" has the same meaning as in section 5122.301 of the Revised Code.	511 512
(b) "Mental health client or patient" means an individual who is receiving mental health services from a mental health professional or organization.	513 514 515
(c) "Mental health organization" means an organization that engages one or more mental health professionals to provide mental health services to one or more mental health clients or patients.	516 517 518 519
(d) "Mental health professional" means an individual who is licensed, certified, or registered under the Revised Code, or otherwise authorized in this state, to provide mental health services for compensation, remuneration, or other personal gain.	520 521 522 523
(e) "Mental health service" means a service provided to an individual or group of individuals involving the application of medical, psychiatric, psychological, professional counseling, social work, marriage and family therapy, or nursing principles or procedures to either of the following:	524 525 526 527 528
(i) The assessment, diagnosis, prevention, treatment, or amelioration of mental, emotional, psychiatric, psychological, or psychosocial disorders or diseases, as described in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association;	529 530 531 532 533 534
(ii) The assessment or improvement of mental, emotional, psychiatric, psychological, or psychosocial adjustment or functioning, regardless of whether there is a diagnosable, pre-existing disorder or disease.	535 536 537 538

(f) "Knowledgeable person" means an individual who has 539
reason to believe that a mental health client or patient has the 540
intent and ability to carry out an explicit threat of inflicting 541
imminent and serious physical harm to or causing the death of a 542
clearly identifiable potential victim or victims and who is 543
either an immediate family member of the client or patient or an 544
individual who otherwise personally knows the client or patient. 545

(g) "Advanced practice registered nurse" has the same 546
meaning as in section 4723.01 of the Revised Code. 547

(h) "Hospital" has the same meaning as in section 2305.25 548
of the Revised Code. 549

(i) "Physician" means an individual authorized under 550
Chapter 4731. of the Revised Code to practice medicine and 551
surgery or osteopathic medicine and surgery. 552

(j) "Physician assistant" has the same meaning as in 553
section 4730.01 of the Revised Code. 554

(k) "Certified mental health assistant" has the same 555
meaning as in section 4772.01 of the Revised Code. 556

(2) For the purpose of this section, in the case of a 557
threat to a readily identifiable structure, "clearly 558
identifiable potential victim" includes any potential occupant 559
of the structure. 560

(B) A mental health professional or mental health 561
organization may be held liable in damages in a civil action, or 562
may be made subject to disciplinary action by an entity with 563
licensing or other regulatory authority over the professional or 564
organization, for serious physical harm or death resulting from 565
failing to predict, warn of, or take precautions to provide 566
protection from the violent behavior of a mental health client 567

or patient, only if the client or patient or a knowledgeable 568
person has communicated to the professional or organization an 569
explicit threat of inflicting imminent and serious physical harm 570
to or causing the death of one or more clearly identifiable 571
potential victims, the professional or organization has reason 572
to believe that the client or patient has the intent and ability 573
to carry out the threat, and the professional or organization 574
fails to take one or more of the following actions in a timely 575
manner: 576

(1) Exercise any authority the professional or 577
organization possesses to hospitalize the client or patient on 578
an emergency basis pursuant to section 5122.10 of the Revised 579
Code; 580

(2) Exercise any authority the professional or 581
organization possesses to have the client or patient 582
involuntarily or voluntarily hospitalized under Chapter 5122. of 583
the Revised Code; 584

(3) Establish and undertake a documented treatment plan 585
that is reasonably calculated, according to appropriate 586
standards of professional practice, to eliminate the possibility 587
that the client or patient will carry out the threat, and, 588
concurrent with establishing and undertaking the treatment plan, 589
initiate arrangements for a second opinion risk assessment 590
through a management consultation about the treatment plan with, 591
in the case of a mental health organization, the clinical 592
director of the organization, or, in the case of a mental health 593
professional who is not acting as part of a mental health 594
organization, any mental health professional who is licensed to 595
engage in independent practice; 596

(4) Communicate to a law enforcement agency with 597

jurisdiction in the area where each potential victim resides, 598
where a structure threatened by a mental health client or 599
patient is located, or where the mental health client or patient 600
resides, and if feasible, communicate to each potential victim 601
or a potential victim's parent or guardian if the potential 602
victim is a minor or has been adjudicated incompetent, all of 603
the following information: 604

(a) The nature of the threat; 605

(b) The identity of the mental health client or patient 606
making the threat; 607

(c) The identity of each potential victim of the threat. 608

(C) All of the following apply when a mental health 609
professional or organization takes one or more of the actions 610
set forth in divisions (B) (1) to (4) of this section: 611

(1) The mental health professional or organization shall 612
consider each of the alternatives set forth and shall document 613
the reasons for choosing or rejecting each alternative. 614

(2) The mental health professional or organization may 615
give special consideration to those alternatives which, 616
consistent with public safety, would least abridge the rights of 617
the mental health client or patient established under the 618
Revised Code, including the rights specified in sections 5122.27 619
to 5122.31 of the Revised Code. 620

(3) The mental health professional or organization is not 621
required to take an action that, in the exercise of reasonable 622
professional judgment, would physically endanger the 623
professional or organization, increase the danger to a potential 624
victim, or increase the danger to the mental health client or 625
patient. 626

(4) The mental health professional or organization is not 627
liable in damages in a civil action, and shall not be made 628
subject to disciplinary action by any entity with licensing or 629
other regulatory authority over the professional or 630
organization, for disclosing any confidential information about 631
a mental health client or patient that is disclosed for the 632
purpose of taking any of the actions. 633

(D) Notwithstanding any other provision of the Revised 634
Code, a physician, physician assistant, advanced practice 635
registered nurse, certified mental health assistant, or hospital 636
is not liable in damages in a civil action, and shall not be 637
made subject to disciplinary action by any entity with licensing 638
or other regulatory authority, for doing either of the 639
following: 640

(1) Failing to discharge or to allow a patient to leave 641
the facility if the physician, physician assistant, advanced 642
practice registered nurse, certified mental health assistant, or 643
hospital believes in the good faith exercise of professional 644
medical, advanced practice registered nursing, ~~or~~ physician 645
assistant, or certified mental health assistant judgment 646
according to appropriate standards of professional practice that 647
the patient has a mental health condition that threatens the 648
safety of the patient or others; 649

(2) Discharging a patient whom the physician, physician 650
assistant, advanced practice registered nurse, certified mental 651
health assistant, or hospital believes in the good faith 652
exercise of professional medical, advanced practice registered 653
nursing, ~~or~~ physician assistant, or certified mental health 654
assistant judgment according to appropriate standards of 655
professional practice not to have a mental health condition that 656

threatens the safety of the patient or others. 657

(E) The immunities from civil liability and disciplinary 658
action conferred by this section are in addition to and not in 659
limitation of any immunity conferred on a mental health 660
professional or organization or on a physician, physician 661
assistant, advanced practice registered nurse, certified mental 662
health assistant, or hospital by any other section of the 663
Revised Code or by judicial precedent. 664

(F) This section does not affect the civil rights of a 665
mental health client or patient under Ohio or federal law. 666

Sec. 2925.01. As used in this chapter: 667

(A) "Administer," "controlled substance," "controlled 668
substance analog," "dispense," "distribute," "hypodermic," 669
"manufacturer," "official written order," "person," 670
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 671
"schedule III," "schedule IV," "schedule V," and "wholesaler" 672
have the same meanings as in section 3719.01 of the Revised 673
Code. 674

(B) "Drug of abuse" and "person with a drug dependency" 675
have the same meanings as in section 3719.011 of the Revised 676
Code. 677

(C) "Drug," "dangerous drug," "licensed health 678
professional authorized to prescribe drugs," and "prescription" 679
have the same meanings as in section 4729.01 of the Revised 680
Code. 681

(D) "Bulk amount" of a controlled substance means any of 682
the following: 683

(1) For any compound, mixture, preparation, or substance 684

included in schedule I, schedule II, or schedule III, with the 685
exception of any controlled substance analog, marihuana, 686
cocaine, L.S.D., heroin, any fentanyl-related compound, and 687
hashish and except as provided in division (D) (2), (5), or (6) 688
of this section, whichever of the following is applicable: 689

(a) An amount equal to or exceeding ten grams or twenty- 690
five unit doses of a compound, mixture, preparation, or 691
substance that is or contains any amount of a schedule I opiate 692
or opium derivative; 693

(b) An amount equal to or exceeding ten grams of a 694
compound, mixture, preparation, or substance that is or contains 695
any amount of raw or gum opium; 696

(c) An amount equal to or exceeding thirty grams or ten 697
unit doses of a compound, mixture, preparation, or substance 698
that is or contains any amount of a schedule I hallucinogen 699
other than tetrahydrocannabinol or lysergic acid amide, or a 700
schedule I stimulant or depressant; 701

(d) An amount equal to or exceeding twenty grams or five 702
times the maximum daily dose in the usual dose range specified 703
in a standard pharmaceutical reference manual of a compound, 704
mixture, preparation, or substance that is or contains any 705
amount of a schedule II opiate or opium derivative; 706

(e) An amount equal to or exceeding five grams or ten unit 707
doses of a compound, mixture, preparation, or substance that is 708
or contains any amount of phencyclidine; 709

(f) An amount equal to or exceeding one hundred twenty 710
grams or thirty times the maximum daily dose in the usual dose 711
range specified in a standard pharmaceutical reference manual of 712
a compound, mixture, preparation, or substance that is or 713

contains any amount of a schedule II stimulant that is in a 714
final dosage form manufactured by a person authorized by the 715
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 716
U.S.C.A. 301, as amended, and the federal drug abuse control 717
laws, as defined in section 3719.01 of the Revised Code, that is 718
or contains any amount of a schedule II depressant substance or 719
a schedule II hallucinogenic substance; 720

(g) An amount equal to or exceeding three grams of a 721
compound, mixture, preparation, or substance that is or contains 722
any amount of a schedule II stimulant, or any of its salts or 723
isomers, that is not in a final dosage form manufactured by a 724
person authorized by the Federal Food, Drug, and Cosmetic Act 725
and the federal drug abuse control laws. 726

(2) An amount equal to or exceeding one hundred twenty 727
grams or thirty times the maximum daily dose in the usual dose 728
range specified in a standard pharmaceutical reference manual of 729
a compound, mixture, preparation, or substance that is or 730
contains any amount of a schedule III or IV substance other than 731
an anabolic steroid or a schedule III opiate or opium 732
derivative; 733

(3) An amount equal to or exceeding twenty grams or five 734
times the maximum daily dose in the usual dose range specified 735
in a standard pharmaceutical reference manual of a compound, 736
mixture, preparation, or substance that is or contains any 737
amount of a schedule III opiate or opium derivative; 738

(4) An amount equal to or exceeding two hundred fifty 739
milliliters or two hundred fifty grams of a compound, mixture, 740
preparation, or substance that is or contains any amount of a 741
schedule V substance; 742

(5) An amount equal to or exceeding two hundred solid 743
dosage units, sixteen grams, or sixteen milliliters of a 744
compound, mixture, preparation, or substance that is or contains 745
any amount of a schedule III anabolic steroid; 746

(6) For any compound, mixture, preparation, or substance 747
that is a combination of a fentanyl-related compound and any 748
other compound, mixture, preparation, or substance included in 749
schedule III, schedule IV, or schedule V, if the defendant is 750
charged with a violation of section 2925.11 of the Revised Code 751
and the sentencing provisions set forth in divisions (C) (10) (b) 752
and (C) (11) of that section will not apply regarding the 753
defendant and the violation, the bulk amount of the controlled 754
substance for purposes of the violation is the amount specified 755
in division (D) (1), (2), (3), (4), or (5) of this section for 756
the other schedule III, IV, or V controlled substance that is 757
combined with the fentanyl-related compound. 758

(E) "Unit dose" means an amount or unit of a compound, 759
mixture, or preparation containing a controlled substance that 760
is separately identifiable and in a form that indicates that it 761
is the amount or unit by which the controlled substance is 762
separately administered to or taken by an individual. 763

(F) "Cultivate" includes planting, watering, fertilizing, 764
or tilling. 765

(G) "Drug abuse offense" means any of the following: 766

(1) A violation of division (A) of section 2913.02 that 767
constitutes theft of drugs, or a violation of section 2925.02, 768
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 769
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 770
or 2925.37 of the Revised Code; 771

(2) A violation of an existing or former law of this or 772
any other state or of the United States that is substantially 773
equivalent to any section listed in division (G) (1) of this 774
section; 775

(3) An offense under an existing or former law of this or 776
any other state, or of the United States, of which planting, 777
cultivating, harvesting, processing, making, manufacturing, 778
producing, shipping, transporting, delivering, acquiring, 779
possessing, storing, distributing, dispensing, selling, inducing 780
another to use, administering to another, using, or otherwise 781
dealing with a controlled substance is an element; 782

(4) A conspiracy to commit, attempt to commit, or 783
complicity in committing or attempting to commit any offense 784
under division (G) (1), (2), or (3) of this section. 785

(H) "Felony drug abuse offense" means any drug abuse 786
offense that would constitute a felony under the laws of this 787
state, any other state, or the United States. 788

(I) "Harmful intoxicant" does not include beer or 789
intoxicating liquor but means any of the following: 790

(1) Any compound, mixture, preparation, or substance the 791
gas, fumes, or vapor of which when inhaled can induce 792
intoxication, excitement, giddiness, irrational behavior, 793
depression, stupefaction, paralysis, unconsciousness, 794
asphyxiation, or other harmful physiological effects, and 795
includes, but is not limited to, any of the following: 796

(a) Any volatile organic solvent, plastic cement, model 797
cement, fingernail polish remover, lacquer thinner, cleaning 798
fluid, gasoline, or other preparation containing a volatile 799
organic solvent; 800

(b) Any aerosol propellant;	801
(c) Any fluorocarbon refrigerant;	802
(d) Any anesthetic gas.	803
(2) Gamma Butyrolactone;	804
(3) 1,4 Butanediol.	805
(J) "Manufacture" means to plant, cultivate, harvest,	806
process, make, prepare, or otherwise engage in any part of the	807
production of a drug, by propagation, extraction, chemical	808
synthesis, or compounding, or any combination of the same, and	809
includes packaging, repackaging, labeling, and other activities	810
incident to production.	811
(K) "Possess" or "possession" means having control over a	812
thing or substance, but may not be inferred solely from mere	813
access to the thing or substance through ownership or occupation	814
of the premises upon which the thing or substance is found.	815
(L) "Sample drug" means a drug or pharmaceutical	816
preparation that would be hazardous to health or safety if used	817
without the supervision of a licensed health professional	818
authorized to prescribe drugs, or a drug of abuse, and that, at	819
one time, had been placed in a container plainly marked as a	820
sample by a manufacturer.	821
(M) "Standard pharmaceutical reference manual" means the	822
current edition, with cumulative changes if any, of references	823
that are approved by the state board of pharmacy.	824
(N) "Juvenile" means a person under eighteen years of age.	825
(O) "Counterfeit controlled substance" means any of the	826
following:	827

(1) Any drug that bears, or whose container or label 828
bears, a trademark, trade name, or other identifying mark used 829
without authorization of the owner of rights to that trademark, 830
trade name, or identifying mark; 831

(2) Any unmarked or unlabeled substance that is 832
represented to be a controlled substance manufactured, 833
processed, packed, or distributed by a person other than the 834
person that manufactured, processed, packed, or distributed it; 835

(3) Any substance that is represented to be a controlled 836
substance but is not a controlled substance or is a different 837
controlled substance; 838

(4) Any substance other than a controlled substance that a 839
reasonable person would believe to be a controlled substance 840
because of its similarity in shape, size, and color, or its 841
markings, labeling, packaging, distribution, or the price for 842
which it is sold or offered for sale. 843

(P) An offense is "committed in the vicinity of a school" 844
if the offender commits the offense on school premises, in a 845
school building, or within one thousand feet of the boundaries 846
of any school premises, regardless of whether the offender knows 847
the offense is being committed on school premises, in a school 848
building, or within one thousand feet of the boundaries of any 849
school premises. 850

(Q) "School" means any school operated by a board of 851
education, any community school established under Chapter 3314. 852
of the Revised Code, or any nonpublic school for which the 853
director of education and workforce prescribes minimum standards 854
under section 3301.07 of the Revised Code, whether or not any 855
instruction, extracurricular activities, or training provided by 856

the school is being conducted at the time a criminal offense is 857
committed. 858

(R) "School premises" means either of the following: 859

(1) The parcel of real property on which any school is 860
situated, whether or not any instruction, extracurricular 861
activities, or training provided by the school is being 862
conducted on the premises at the time a criminal offense is 863
committed; 864

(2) Any other parcel of real property that is owned or 865
leased by a board of education of a school, the governing 866
authority of a community school established under Chapter 3314. 867
of the Revised Code, or the governing body of a nonpublic school 868
for which the director of education and workforce prescribes 869
minimum standards under section 3301.07 of the Revised Code and 870
on which some of the instruction, extracurricular activities, or 871
training of the school is conducted, whether or not any 872
instruction, extracurricular activities, or training provided by 873
the school is being conducted on the parcel of real property at 874
the time a criminal offense is committed. 875

(S) "School building" means any building in which any of 876
the instruction, extracurricular activities, or training 877
provided by a school is conducted, whether or not any 878
instruction, extracurricular activities, or training provided by 879
the school is being conducted in the school building at the time 880
a criminal offense is committed. 881

(T) "Disciplinary counsel" means the disciplinary counsel 882
appointed by the board of commissioners on grievances and 883
discipline of the supreme court under the Rules for the 884
Government of the Bar of Ohio. 885

(U) "Certified grievance committee" means a duly 886
constituted and organized committee of the Ohio state bar 887
association or of one or more local bar associations of the 888
state of Ohio that complies with the criteria set forth in Rule 889
V, section 6 of the Rules for the Government of the Bar of Ohio. 890

(V) "Professional license" means any license, permit, 891
certificate, registration, qualification, admission, temporary 892
license, temporary permit, temporary certificate, or temporary 893
registration that is described in divisions (W) (1) to (37) of 894
this section and that qualifies a person as a professionally 895
licensed person. 896

(W) "Professionally licensed person" means any of the 897
following: 898

(1) A person who has received a certificate or temporary 899
certificate as a certified public accountant or who has 900
registered as a public accountant under Chapter 4701. of the 901
Revised Code and who holds an Ohio permit issued under that 902
chapter; 903

(2) A person who holds a certificate of qualification to 904
practice architecture issued or renewed and registered under 905
Chapter 4703. of the Revised Code; 906

(3) A person who is registered as a landscape architect 907
under Chapter 4703. of the Revised Code or who holds a permit as 908
a landscape architect issued under that chapter; 909

(4) A person licensed under Chapter 4707. of the Revised 910
Code; 911

(5) A person who has been issued a barber's license, 912
barber instructor's license, assistant barber instructor's 913
license, or independent contractor's license under Chapter 4709. 914

of the Revised Code;	915
(6) A person licensed and regulated to engage in the	916
business of a debt pooling company by a legislative authority,	917
under authority of Chapter 4710. of the Revised Code;	918
(7) A person who has been issued a cosmetologist's	919
license, hair designer's license, manicurist's license,	920
esthetician's license, natural hair stylist's license, advanced	921
license to practice cosmetology, advanced license to practice	922
hair design, advanced license to practice manicuring, advanced	923
license to practice esthetics, advanced license to practice	924
natural hair styling, cosmetology instructor's license, hair	925
design instructor's license, manicurist instructor's license,	926
esthetics instructor's license, natural hair style instructor's	927
license, independent contractor's license, or tanning facility	928
permit under Chapter 4713. of the Revised Code;	929
(8) A person who has been issued a license to practice	930
dentistry, a general anesthesia permit, a conscious sedation	931
permit, a limited resident's license, a limited teaching	932
license, a dental hygienist's license, or a dental hygienist's	933
teacher's certificate under Chapter 4715. of the Revised Code;	934
(9) A person who has been issued an embalmer's license, a	935
funeral director's license, a funeral home license, or a	936
crematory license, or who has been registered for an embalmer's	937
or funeral director's apprenticeship under Chapter 4717. of the	938
Revised Code;	939
(10) A person who has been licensed as a registered nurse	940
or practical nurse, or who has been issued a certificate for the	941
practice of nurse-midwifery under Chapter 4723. of the Revised	942
Code;	943

(11) A person who has been licensed to practice optometry	944
or to engage in optical dispensing under Chapter 4725. of the	945
Revised Code;	946
(12) A person licensed to act as a pawnbroker under	947
Chapter 4727. of the Revised Code;	948
(13) A person licensed to act as a precious metals dealer	949
under Chapter 4728. of the Revised Code;	950
(14) A person licensed under Chapter 4729. of the Revised	951
Code as a pharmacist or pharmacy intern or registered under that	952
chapter as a registered pharmacy technician, certified pharmacy	953
technician, or pharmacy technician trainee;	954
(15) A person licensed under Chapter 4729. of the Revised	955
Code as a manufacturer of dangerous drugs, outsourcing facility,	956
third-party logistics provider, repackager of dangerous drugs,	957
wholesale distributor of dangerous drugs, or terminal	958
distributor of dangerous drugs;	959
(16) A person who is authorized to practice as a physician	960
assistant under Chapter 4730. of the Revised Code;	961
(17) A person who has been issued a license to practice	962
medicine and surgery, osteopathic medicine and surgery, or	963
podiatric medicine and surgery under Chapter 4731. of the	964
Revised Code or has been issued a certificate to practice a	965
limited branch of medicine under that chapter;	966
(18) A person licensed as a psychologist, independent	967
school psychologist, or school psychologist under Chapter 4732.	968
of the Revised Code;	969
(19) A person registered to practice the profession of	970
engineering or surveying under Chapter 4733. of the Revised	971

Code;	972
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	973 974
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	975 976
(22) A person registered as a registered environmental health specialist under Chapter 3776. of the Revised Code;	977 978
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	979 980
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	981 982
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	983 984
(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;	985 986 987 988
(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;	989 990 991
(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;	992 993 994
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	995 996
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised	997 998

Code;	999
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	1000 1001 1002
(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;	1003 1004 1005 1006 1007 1008
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	1009 1010
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	1011 1012 1013
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	1014 1015
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	1016 1017
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules;	1018 1019 1020
<u>(38) A person who has been issued a license to practice as a certified mental health assistant under Chapter 4772. of the Revised Code.</u>	1021 1022 1023
(X) "Cocaine" means any of the following:	1024
(1) A cocaine salt, isomer, or derivative, a salt of a	1025

cocaine isomer or derivative, or the base form of cocaine; 1026

(2) Coca leaves or a salt, compound, derivative, or 1027
preparation of coca leaves, including ecgonine, a salt, isomer, 1028
or derivative of ecgonine, or a salt of an isomer or derivative 1029
of ecgonine; 1030

(3) A salt, compound, derivative, or preparation of a 1031
substance identified in division (X) (1) or (2) of this section 1032
that is chemically equivalent to or identical with any of those 1033
substances, except that the substances shall not include 1034
decocainized coca leaves or extraction of coca leaves if the 1035
extractions do not contain cocaine or ecgonine. 1036

(Y) "L.S.D." means lysergic acid diethylamide. 1037

(Z) "Hashish" means a resin or a preparation of a resin to 1038
which both of the following apply: 1039

(1) It is contained in or derived from any part of the 1040
plant of the genus cannabis, whether in solid form or in a 1041
liquid concentrate, liquid extract, or liquid distillate form. 1042

(2) It has a delta-9 tetrahydrocannabinol concentration of 1043
more than three-tenths per cent. 1044

"Hashish" does not include a hemp byproduct in the 1045
possession of a licensed hemp processor under Chapter 928. of 1046
the Revised Code, provided that the hemp byproduct is being 1047
produced, stored, and disposed of in accordance with rules 1048
adopted under section 928.03 of the Revised Code. 1049

(AA) "Marihuana" has the same meaning as in section 1050
3719.01 of the Revised Code, except that it does not include 1051
hashish. 1052

(BB) An offense is "committed in the vicinity of a 1053

juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

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

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

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

(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;

(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.

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.

(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.

(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.

(II) "Methamphetamine" means methamphetamine, any salt, 1082
isomer, or salt of an isomer of methamphetamine, or any 1083
compound, mixture, preparation, or substance containing 1084
methamphetamine or any salt, isomer, or salt of an isomer of 1085
methamphetamine. 1086

(JJ) "Deception" has the same meaning as in section 1087
2913.01 of the Revised Code. 1088

(KK) "Fentanyl-related compound" means any of the 1089
following: 1090

(1) Fentanyl; 1091

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 1092
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2- 1093
phenylethyl)-4-(N-propanilido) piperidine); 1094

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 1095
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide); 1096

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 1097
piperidinyl] -N-phenylpropanamide); 1098

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- 1099
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N- 1100
phenylpropanamide); 1101

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- 1102
piperidyl]-N- phenylpropanamide); 1103

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2- 1104
(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide); 1105

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2- 1106
phenethyl)-4- piperidinyl]propanamide; 1107

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4- 1108

piperidinyl]- propanamide;	1109
(10) Alfentanil;	1110
(11) Carfentanil;	1111
(12) Remifentanil;	1112
(13) Sufentanil;	1113
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide); and	1114 1115
(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:	1116 1117 1118 1119 1120 1121 1122
(a) A chemical scaffold consisting of both of the following:	1123 1124
(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	1125 1126
(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.	1127 1128 1129
(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	1130 1131 1132
(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and	1133 1134
(d) The compound has not been approved for medical use by	1135

the United States food and drug administration. 1136

(LL) "First degree felony mandatory prison term" means one 1137
of the definite prison terms prescribed in division (A) (1) (b) of 1138
section 2929.14 of the Revised Code for a felony of the first 1139
degree, except that if the violation for which sentence is being 1140
imposed is committed on or after March 22, 2019, it means one of 1141
the minimum prison terms prescribed in division (A) (1) (a) of 1142
that section for a felony of the first degree. 1143

(MM) "Second degree felony mandatory prison term" means 1144
one of the definite prison terms prescribed in division (A) (2) 1145
(b) of section 2929.14 of the Revised Code for a felony of the 1146
second degree, except that if the violation for which sentence 1147
is being imposed is committed on or after March 22, 2019, it 1148
means one of the minimum prison terms prescribed in division (A) 1149
(2) (a) of that section for a felony of the second degree. 1150

(NN) "Maximum first degree felony mandatory prison term" 1151
means the maximum definite prison term prescribed in division 1152
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 1153
the first degree, except that if the violation for which 1154
sentence is being imposed is committed on or after March 22, 1155
2019, it means the longest minimum prison term prescribed in 1156
division (A) (1) (a) of that section for a felony of the first 1157
degree. 1158

(OO) "Maximum second degree felony mandatory prison term" 1159
means the maximum definite prison term prescribed in division 1160
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 1161
the second degree, except that if the violation for which 1162
sentence is being imposed is committed on or after March 22, 1163
2019, it means the longest minimum prison term prescribed in 1164
division (A) (2) (a) of that section for a felony of the second 1165

degree. 1166

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 1167
as in section 928.01 of the Revised Code. 1168

(QQ) An offense is "committed in the vicinity of a 1169
substance addiction services provider or a recovering addict" if 1170
either of the following apply: 1171

(1) The offender commits the offense on the premises of a 1172
substance addiction services provider's facility, including a 1173
facility licensed prior to June 29, 2019, under section 5119.391 1174
of the Revised Code to provide methadone treatment or an opioid 1175
treatment program licensed on or after that date under section 1176
5119.37 of the Revised Code, or within five hundred feet of the 1177
premises of a substance addiction services provider's facility 1178
and the offender knows or should know that the offense is being 1179
committed within the vicinity of the substance addiction 1180
services provider's facility. 1181

(2) The offender sells, offers to sell, delivers, or 1182
distributes the controlled substance or controlled substance 1183
analog to a person who is receiving treatment at the time of the 1184
commission of the offense, or received treatment within thirty 1185
days prior to the commission of the offense, from a substance 1186
addiction services provider and the offender knows that the 1187
person is receiving or received that treatment. 1188

(RR) "Substance addiction services provider" means an 1189
agency, association, corporation or other legal entity, 1190
individual, or program that provides one or more of the 1191
following at a facility: 1192

(1) Either alcohol addiction services, or drug addiction 1193
services, or both such services that are certified by the 1194

director of mental health and addiction services under section 1195
5119.36 of the Revised Code; 1196

(2) Recovery supports that are related to either alcohol 1197
addiction services, or drug addiction services, or both such 1198
services and paid for with federal, state, or local funds 1199
administered by the department of mental health and addiction 1200
services or a board of alcohol, drug addiction, and mental 1201
health services. 1202

(SS) "Premises of a substance addiction services 1203
provider's facility" means the parcel of real property on which 1204
any substance addiction service provider's facility is situated. 1205

(TT) "Alcohol and drug addiction services" has the same 1206
meaning as in section 5119.01 of the Revised Code. 1207

Sec. 2925.02. (A) No person shall knowingly do any of the 1208
following: 1209

(1) By force, threat, or deception, administer to another 1210
or induce or cause another to use a controlled substance; 1211

(2) By any means, administer or furnish to another or 1212
induce or cause another to use a controlled substance with 1213
purpose to cause serious physical harm to the other person, or 1214
with purpose to cause the other person to become a person with 1215
drug dependency; 1216

(3) By any means, administer or furnish to another or 1217
induce or cause another to use a controlled substance, and 1218
thereby cause serious physical harm to the other person, or 1219
cause the other person to become a person with drug dependency; 1220

(4) By any means, do any of the following: 1221

(a) Furnish or administer a controlled substance to a 1222

juvenile who is at least two years the offender's junior, when 1223
the offender knows the age of the juvenile or is reckless in 1224
that regard; 1225

(b) Induce or cause a juvenile who is at least two years 1226
the offender's junior to use a controlled substance, when the 1227
offender knows the age of the juvenile or is reckless in that 1228
regard; 1229

(c) Induce or cause a juvenile who is at least two years 1230
the offender's junior to commit a felony drug abuse offense, 1231
when the offender knows the age of the juvenile or is reckless 1232
in that regard; 1233

(d) Use a juvenile, whether or not the offender knows the 1234
age of the juvenile, to perform any surveillance activity that 1235
is intended to prevent the detection of the offender or any 1236
other person in the commission of a felony drug abuse offense or 1237
to prevent the arrest of the offender or any other person for 1238
the commission of a felony drug abuse offense. 1239

(5) By any means, furnish or administer a controlled 1240
substance to a pregnant woman or induce or cause a pregnant 1241
woman to use a controlled substance, when the offender knows 1242
that the woman is pregnant or is reckless in that regard. 1243

(B) Division (A) (1), (3), (4), or (5) of this section does 1244
not apply to manufacturers, wholesalers, licensed health 1245
professionals authorized to prescribe drugs, pharmacists, owners 1246
of pharmacies, and other persons whose conduct is in accordance 1247
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and~~ 1248
4741., and 4772. of the Revised Code. 1249

(C) Whoever violates this section is guilty of corrupting 1250
another with drugs. The penalty for the offense shall be 1251

determined as follows: 1252

(1) If the offense is a violation of division (A) (1), (2), 1253
(3), or (4) of this section and the drug involved is any 1254
compound, mixture, preparation, or substance included in 1255
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 1256
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1257
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1258
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 1259
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 1260
offender shall be punished as follows: 1261

(a) Except as otherwise provided in division (C) (1) (b) of 1262
this section, corrupting another with drugs committed in those 1263
circumstances is a felony of the second degree and, subject to 1264
division (E) of this section, the court shall impose as a 1265
mandatory prison term a second degree felony mandatory prison 1266
term. 1267

(b) If the offense was committed in the vicinity of a 1268
school, corrupting another with drugs committed in those 1269
circumstances is a felony of the first degree, and, subject to 1270
division (E) of this section, the court shall impose as a 1271
mandatory prison term a first degree felony mandatory prison 1272
term. 1273

(2) If the offense is a violation of division (A) (1), (2), 1274
(3), or (4) of this section and the drug involved is any 1275
compound, mixture, preparation, or substance included in 1276
schedule III, IV, or V, the offender shall be punished as 1277
follows: 1278

(a) Except as otherwise provided in division (C) (2) (b) of 1279
this section, corrupting another with drugs committed in those 1280

circumstances is a felony of the second degree and there is a 1281
presumption for a prison term for the offense. 1282

(b) If the offense was committed in the vicinity of a 1283
school, corrupting another with drugs committed in those 1284
circumstances is a felony of the second degree and the court 1285
shall impose as a mandatory prison term a second degree felony 1286
mandatory prison term. 1287

(3) If the offense is a violation of division (A) (1), (2), 1288
(3), or (4) of this section and the drug involved is marihuana, 1289
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1290
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1291
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 1292
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 1293
offender shall be punished as follows: 1294

(a) Except as otherwise provided in division (C) (3) (b) of 1295
this section, corrupting another with drugs committed in those 1296
circumstances is a felony of the fourth degree and division (C) 1297
of section 2929.13 of the Revised Code applies in determining 1298
whether to impose a prison term on the offender. 1299

(b) If the offense was committed in the vicinity of a 1300
school, corrupting another with drugs committed in those 1301
circumstances is a felony of the third degree and division (C) 1302
of section 2929.13 of the Revised Code applies in determining 1303
whether to impose a prison term on the offender. 1304

(4) If the offense is a violation of division (A) (5) of 1305
this section and the drug involved is any compound, mixture, 1306
preparation, or substance included in schedule I or II, with the 1307
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 1308
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 1309

naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a felony of the first degree and, subject to division (E) of this section, the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(5) If the offense is a violation of division (A) (5) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule III, IV, or V, corrupting another with drugs is a felony of the second degree and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(6) If the offense is a violation of division (A) (5) of this section and the drug involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a felony of the third degree and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(D) In addition to any prison term authorized or required by division (C) or (E) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or

was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. The court also shall do all of the following that are applicable regarding the offender:

(1) (a) If the violation is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B) (1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent.

(b) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, any mandatory fine imposed pursuant to division (D) (1) (a) of this section and any fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code shall be paid by the clerk of the court in accordance with and subject to the requirements of, and shall be used as specified in, division (F) of section 2925.03 of the Revised Code.

(c) If a person is charged with any violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the forfeited bail shall be paid by the clerk of the court pursuant to division (D) (1) (b) of this section as if it were a fine imposed for a violation of this section.

(2) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with section

2925.38 of the Revised Code. 1370

(E) Notwithstanding the prison term otherwise authorized 1371
or required for the offense under division (C) of this section 1372
and sections 2929.13 and 2929.14 of the Revised Code, if the 1373
violation of division (A) of this section involves the sale, 1374
offer to sell, or possession of a schedule I or II controlled 1375
substance, with the exception of marihuana, 1-Pentyl-3-(1- 1376
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1377
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1378
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 1379
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 1380
if the court imposing sentence upon the offender finds that the 1381
offender as a result of the violation is a major drug offender 1382
and is guilty of a specification of the type described in 1383
division (A) of section 2941.1410 of the Revised Code, the 1384
court, in lieu of the prison term that otherwise is authorized 1385
or required, shall impose upon the offender the mandatory prison 1386
term specified in division (B) (3) (a) of section 2929.14 of the 1387
Revised Code. 1388

(F) (1) If the sentencing court suspends the offender's 1389
driver's or commercial driver's license or permit under division 1390
(D) of this section, the offender, at any time after the 1391
expiration of two years from the day on which the offender's 1392
sentence was imposed or from the day on which the offender 1393
finally was released from a prison term under the sentence, 1394
whichever is later, may file a motion with the sentencing court 1395
requesting termination of the suspension. Upon the filing of the 1396
motion and the court's finding of good cause for the 1397
determination, the court may terminate the suspension. 1398

(2) Any offender who received a mandatory suspension of 1399

the offender's driver's or commercial driver's license or permit 1400
under this section prior to September 13, 2016, may file a 1401
motion with the sentencing court requesting the termination of 1402
the suspension. However, an offender who pleaded guilty to or 1403
was convicted of a violation of section 4511.19 of the Revised 1404
Code or a substantially similar municipal ordinance or law of 1405
another state or the United States that arose out of the same 1406
set of circumstances as the violation for which the offender's 1407
license or permit was suspended under this section shall not 1408
file such a motion. 1409

Upon the filing of a motion under division (F) (2) of this 1410
section, the sentencing court, in its discretion, may terminate 1411
the suspension. 1412

Sec. 2925.03. (A) No person shall knowingly do any of the 1413
following: 1414

(1) Sell or offer to sell a controlled substance or a 1415
controlled substance analog; 1416

(2) Prepare for shipment, ship, transport, deliver, 1417
prepare for distribution, or distribute a controlled substance 1418
or a controlled substance analog, when the offender knows or has 1419
reasonable cause to believe that the controlled substance or a 1420
controlled substance analog is intended for sale or resale by 1421
the offender or another person. 1422

(B) This section does not apply to any of the following: 1423

(1) Manufacturers, licensed health professionals 1424
authorized to prescribe drugs, pharmacists, owners of 1425
pharmacies, and other persons whose conduct is in accordance 1426
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and~~ 1427
4741., and 4772. of the Revised Code; 1428

(2) If the offense involves an anabolic steroid, any 1429
person who is conducting or participating in a research project 1430
involving the use of an anabolic steroid if the project has been 1431
approved by the United States food and drug administration; 1432

(3) Any person who sells, offers for sale, prescribes, 1433
dispenses, or administers for livestock or other nonhuman 1434
species an anabolic steroid that is expressly intended for 1435
administration through implants to livestock or other nonhuman 1436
species and approved for that purpose under the "Federal Food, 1437
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1438
as amended, and is sold, offered for sale, prescribed, 1439
dispensed, or administered for that purpose in accordance with 1440
that act. 1441

(C) Whoever violates division (A) of this section is 1442
guilty of one of the following: 1443

(1) If the drug involved in the violation is any compound, 1444
mixture, preparation, or substance included in schedule I or 1445
schedule II, with the exception of marihuana, cocaine, L.S.D., 1446
heroin, any fentanyl-related compound, hashish, and any 1447
controlled substance analog, whoever violates division (A) of 1448
this section is guilty of aggravated trafficking in drugs. The 1449
penalty for the offense shall be determined as follows: 1450

(a) Except as otherwise provided in division (C) (1) (b), 1451
(c), (d), (e), or (f) of this section, aggravated trafficking in 1452
drugs is a felony of the fourth degree, and division (C) of 1453
section 2929.13 of the Revised Code applies in determining 1454
whether to impose a prison term on the offender. 1455

(b) Except as otherwise provided in division (C) (1) (c), 1456
(d), (e), or (f) of this section, if the offense was committed 1457

in the vicinity of a school, in the vicinity of a juvenile, or 1458
in the vicinity of a substance addiction services provider or a 1459
recovering addict, aggravated trafficking in drugs is a felony 1460
of the third degree, and division (C) of section 2929.13 of the 1461
Revised Code applies in determining whether to impose a prison 1462
term on the offender. 1463

(c) Except as otherwise provided in this division, if the 1464
amount of the drug involved equals or exceeds the bulk amount 1465
but is less than five times the bulk amount, aggravated 1466
trafficking in drugs is a felony of the third degree, and, 1467
except as otherwise provided in this division, there is a 1468
presumption for a prison term for the offense. If aggravated 1469
trafficking in drugs is a felony of the third degree under this 1470
division and if the offender two or more times previously has 1471
been convicted of or pleaded guilty to a felony drug abuse 1472
offense, the court shall impose as a mandatory prison term one 1473
of the prison terms prescribed for a felony of the third degree. 1474
If the amount of the drug involved is within that range and if 1475
the offense was committed in the vicinity of a school, in the 1476
vicinity of a juvenile, or in the vicinity of a substance 1477
addiction services provider or a recovering addict, aggravated 1478
trafficking in drugs is a felony of the second degree, and the 1479
court shall impose as a mandatory prison term a second degree 1480
felony mandatory prison term. 1481

(d) Except as otherwise provided in this division, if the 1482
amount of the drug involved equals or exceeds five times the 1483
bulk amount but is less than fifty times the bulk amount, 1484
aggravated trafficking in drugs is a felony of the second 1485
degree, and the court shall impose as a mandatory prison term a 1486
second degree felony mandatory prison term. If the amount of the 1487
drug involved is within that range and if the offense was 1488

committed in the vicinity of a school, in the vicinity of a 1489
juvenile, or in the vicinity of a substance addiction services 1490
provider or a recovering addict, aggravated trafficking in drugs 1491
is a felony of the first degree, and the court shall impose as a 1492
mandatory prison term a first degree felony mandatory prison 1493
term. 1494

(e) If the amount of the drug involved equals or exceeds 1495
fifty times the bulk amount but is less than one hundred times 1496
the bulk amount and regardless of whether the offense was 1497
committed in the vicinity of a school, in the vicinity of a 1498
juvenile, or in the vicinity of a substance addiction services 1499
provider or a recovering addict, aggravated trafficking in drugs 1500
is a felony of the first degree, and the court shall impose as a 1501
mandatory prison term a first degree felony mandatory prison 1502
term. 1503

(f) If the amount of the drug involved equals or exceeds 1504
one hundred times the bulk amount and regardless of whether the 1505
offense was committed in the vicinity of a school, in the 1506
vicinity of a juvenile, or in the vicinity of a substance 1507
addiction services provider or a recovering addict, aggravated 1508
trafficking in drugs is a felony of the first degree, the 1509
offender is a major drug offender, and the court shall impose as 1510
a mandatory prison term a maximum first degree felony mandatory 1511
prison term. 1512

(2) If the drug involved in the violation is any compound, 1513
mixture, preparation, or substance included in schedule III, IV, 1514
or V, whoever violates division (A) of this section is guilty of 1515
trafficking in drugs. The penalty for the offense shall be 1516
determined as follows: 1517

(a) Except as otherwise provided in division (C) (2) (b), 1518

(c), (d), or (e) of this section, trafficking in drugs is a 1519
felony of the fifth degree, and division (B) of section 2929.13 1520
of the Revised Code applies in determining whether to impose a 1521
prison term on the offender. 1522

(b) Except as otherwise provided in division (C) (2) (c), 1523
(d), or (e) of this section, if the offense was committed in the 1524
vicinity of a school or in the vicinity of a juvenile, 1525
trafficking in drugs is a felony of the fourth degree, and 1526
division (C) of section 2929.13 of the Revised Code applies in 1527
determining whether to impose a prison term on the offender. 1528

(c) Except as otherwise provided in this division, if the 1529
amount of the drug involved equals or exceeds the bulk amount 1530
but is less than five times the bulk amount, trafficking in 1531
drugs is a felony of the fourth degree, and division (B) of 1532
section 2929.13 of the Revised Code applies in determining 1533
whether to impose a prison term for the offense. If the amount 1534
of the drug involved is within that range and if the offense was 1535
committed in the vicinity of a school or in the vicinity of a 1536
juvenile, trafficking in drugs is a felony of the third degree, 1537
and there is a presumption for a prison term for the offense. 1538

(d) Except as otherwise provided in this division, if the 1539
amount of the drug involved equals or exceeds five times the 1540
bulk amount but is less than fifty times the bulk amount, 1541
trafficking in drugs is a felony of the third degree, and there 1542
is a presumption for a prison term for the offense. If the 1543
amount of the drug involved is within that range and if the 1544
offense was committed in the vicinity of a school or in the 1545
vicinity of a juvenile, trafficking in drugs is a felony of the 1546
second degree, and there is a presumption for a prison term for 1547
the offense. 1548

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty times the bulk amount, trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. If the amount of the drug involved equals or exceeds fifty times the bulk amount and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

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

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

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

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, trafficking in marihuana is

a felony of the fourth degree, and division (B) of section 1579
2929.13 of the Revised Code applies in determining whether to 1580
impose a prison term on the offender. If the amount of the drug 1581
involved is within that range and if the offense was committed 1582
in the vicinity of a school or in the vicinity of a juvenile, 1583
trafficking in marihuana is a felony of the third degree, and 1584
division (C) of section 2929.13 of the Revised Code applies in 1585
determining whether to impose a prison term on the offender. 1586

(d) Except as otherwise provided in this division, if the 1587
amount of the drug involved equals or exceeds one thousand grams 1588
but is less than five thousand grams, trafficking in marihuana 1589
is a felony of the third degree, and division (C) of section 1590
2929.13 of the Revised Code applies in determining whether to 1591
impose a prison term on the offender. If the amount of the drug 1592
involved is within that range and if the offense was committed 1593
in the vicinity of a school or in the vicinity of a juvenile, 1594
trafficking in marihuana is a felony of the second degree, and 1595
there is a presumption that a prison term shall be imposed for 1596
the offense. 1597

(e) Except as otherwise provided in this division, if the 1598
amount of the drug involved equals or exceeds five thousand 1599
grams but is less than twenty thousand grams, trafficking in 1600
marihuana is a felony of the third degree, and there is a 1601
presumption that a prison term shall be imposed for the offense. 1602
If the amount of the drug involved is within that range and if 1603
the offense was committed in the vicinity of a school or in the 1604
vicinity of a juvenile, trafficking in marihuana is a felony of 1605
the second degree, and there is a presumption that a prison term 1606
shall be imposed for the offense. 1607

(f) Except as otherwise provided in this division, if the 1608

amount of the drug involved equals or exceeds twenty thousand 1609
grams but is less than forty thousand grams, trafficking in 1610
marihuana is a felony of the second degree, and the court shall 1611
impose as a mandatory prison term a second degree felony 1612
mandatory prison term of five, six, seven, or eight years. If 1613
the amount of the drug involved is within that range and if the 1614
offense was committed in the vicinity of a school or in the 1615
vicinity of a juvenile, trafficking in marihuana is a felony of 1616
the first degree, and the court shall impose as a mandatory 1617
prison term a maximum first degree felony mandatory prison term. 1618

(g) Except as otherwise provided in this division, if the 1619
amount of the drug involved equals or exceeds forty thousand 1620
grams, trafficking in marihuana is a felony of the second 1621
degree, and the court shall impose as a mandatory prison term a 1622
maximum second degree felony mandatory prison term. If the 1623
amount of the drug involved equals or exceeds forty thousand 1624
grams and if the offense was committed in the vicinity of a 1625
school or in the vicinity of a juvenile, trafficking in 1626
marihuana is a felony of the first degree, and the court shall 1627
impose as a mandatory prison term a maximum first degree felony 1628
mandatory prison term. 1629

(h) Except as otherwise provided in this division, if the 1630
offense involves a gift of twenty grams or less of marihuana, 1631
trafficking in marihuana is a minor misdemeanor upon a first 1632
offense and a misdemeanor of the third degree upon a subsequent 1633
offense. If the offense involves a gift of twenty grams or less 1634
of marihuana and if the offense was committed in the vicinity of 1635
a school or in the vicinity of a juvenile, trafficking in 1636
marihuana is a misdemeanor of the third degree. 1637

(4) If the drug involved in the violation is cocaine or a 1638

compound, mixture, preparation, or substance containing cocaine, 1639
whoever violates division (A) of this section is guilty of 1640
trafficking in cocaine. The penalty for the offense shall be 1641
determined as follows: 1642

(a) Except as otherwise provided in division (C) (4) (b), 1643
(c), (d), (e), (f), or (g) of this section, trafficking in 1644
cocaine is a felony of the fifth degree, and division (B) of 1645
section 2929.13 of the Revised Code applies in determining 1646
whether to impose a prison term on the offender. 1647

(b) Except as otherwise provided in division (C) (4) (c), 1648
(d), (e), (f), or (g) of this section, if the offense was 1649
committed in the vicinity of a school, in the vicinity of a 1650
juvenile, or in the vicinity of a substance addiction services 1651
provider or a recovering addict, trafficking in cocaine is a 1652
felony of the fourth degree, and division (C) of section 2929.13 1653
of the Revised Code applies in determining whether to impose a 1654
prison term on the offender. 1655

(c) Except as otherwise provided in this division, if the 1656
amount of the drug involved equals or exceeds five grams but is 1657
less than ten grams of cocaine, trafficking in cocaine is a 1658
felony of the fourth degree, and division (B) of section 2929.13 1659
of the Revised Code applies in determining whether to impose a 1660
prison term for the offense. If the amount of the drug involved 1661
is within that range and if the offense was committed in the 1662
vicinity of a school, in the vicinity of a juvenile, or in the 1663
vicinity of a substance addiction services provider or a 1664
recovering addict, trafficking in cocaine is a felony of the 1665
third degree, and there is a presumption for a prison term for 1666
the offense. 1667

(d) Except as otherwise provided in this division, if the 1668

amount of the drug involved equals or exceeds ten grams but is 1669
less than twenty grams of cocaine, trafficking in cocaine is a 1670
felony of the third degree, and, except as otherwise provided in 1671
this division, there is a presumption for a prison term for the 1672
offense. If trafficking in cocaine is a felony of the third 1673
degree under this division and if the offender two or more times 1674
previously has been convicted of or pleaded guilty to a felony 1675
drug abuse offense, the court shall impose as a mandatory prison 1676
term one of the prison terms prescribed for a felony of the 1677
third degree. If the amount of the drug involved is within that 1678
range and if the offense was committed in the vicinity of a 1679
school, in the vicinity of a juvenile, or in the vicinity of a 1680
substance addiction services provider or a recovering addict, 1681
trafficking in cocaine is a felony of the second degree, and the 1682
court shall impose as a mandatory prison term a second degree 1683
felony mandatory prison term. 1684

(e) Except as otherwise provided in this division, if the 1685
amount of the drug involved equals or exceeds twenty grams but 1686
is less than twenty-seven grams of cocaine, trafficking in 1687
cocaine is a felony of the second degree, and the court shall 1688
impose as a mandatory prison term a second degree felony 1689
mandatory prison term. If the amount of the drug involved is 1690
within that range and if the offense was committed in the 1691
vicinity of a school, in the vicinity of a juvenile, or in the 1692
vicinity of a substance addiction services provider or a 1693
recovering addict, trafficking in cocaine is a felony of the 1694
first degree, and the court shall impose as a mandatory prison 1695
term a first degree felony mandatory prison term. 1696

(f) If the amount of the drug involved equals or exceeds 1697
twenty-seven grams but is less than one hundred grams of cocaine 1698
and regardless of whether the offense was committed in the 1699

vicinity of a school, in the vicinity of a juvenile, or in the 1700
vicinity of a substance addiction services provider or a 1701
recovering addict, trafficking in cocaine is a felony of the 1702
first degree, and the court shall impose as a mandatory prison 1703
term a first degree felony mandatory prison term. 1704

(g) If the amount of the drug involved equals or exceeds 1705
one hundred grams of cocaine and regardless of whether the 1706
offense was committed in the vicinity of a school, in the 1707
vicinity of a juvenile, or in the vicinity of a substance 1708
addiction services provider or a recovering addict, trafficking 1709
in cocaine is a felony of the first degree, the offender is a 1710
major drug offender, and the court shall impose as a mandatory 1711
prison term a maximum first degree felony mandatory prison term. 1712

(5) If the drug involved in the violation is L.S.D. or a 1713
compound, mixture, preparation, or substance containing L.S.D., 1714
whoever violates division (A) of this section is guilty of 1715
trafficking in L.S.D. The penalty for the offense shall be 1716
determined as follows: 1717

(a) Except as otherwise provided in division (C) (5) (b), 1718
(c), (d), (e), (f), or (g) of this section, trafficking in 1719
L.S.D. is a felony of the fifth degree, and division (B) of 1720
section 2929.13 of the Revised Code applies in determining 1721
whether to impose a prison term on the offender. 1722

(b) Except as otherwise provided in division (C) (5) (c), 1723
(d), (e), (f), or (g) of this section, if the offense was 1724
committed in the vicinity of a school, in the vicinity of a 1725
juvenile, or in the vicinity of a substance addiction services 1726
provider or a recovering addict, trafficking in L.S.D. is a 1727
felony of the fourth degree, and division (C) of section 2929.13 1728
of the Revised Code applies in determining whether to impose a 1729

prison term on the offender. 1730

(c) Except as otherwise provided in this division, if the 1731
amount of the drug involved equals or exceeds ten unit doses but 1732
is less than fifty unit doses of L.S.D. in a solid form or 1733
equals or exceeds one gram but is less than five grams of L.S.D. 1734
in a liquid concentrate, liquid extract, or liquid distillate 1735
form, trafficking in L.S.D. is a felony of the fourth degree, 1736
and division (B) of section 2929.13 of the Revised Code applies 1737
in determining whether to impose a prison term for the offense. 1738
If the amount of the drug involved is within that range and if 1739
the offense was committed in the vicinity of a school, in the 1740
vicinity of a juvenile, or in the vicinity of a substance 1741
addiction services provider or a recovering addict, trafficking 1742
in L.S.D. is a felony of the third degree, and there is a 1743
presumption for a prison term for the offense. 1744

(d) Except as otherwise provided in this division, if the 1745
amount of the drug involved equals or exceeds fifty unit doses 1746
but is less than two hundred fifty unit doses of L.S.D. in a 1747
solid form or equals or exceeds five grams but is less than 1748
twenty-five grams of L.S.D. in a liquid concentrate, liquid 1749
extract, or liquid distillate form, trafficking in L.S.D. is a 1750
felony of the third degree, and, except as otherwise provided in 1751
this division, there is a presumption for a prison term for the 1752
offense. If trafficking in L.S.D. is a felony of the third 1753
degree under this division and if the offender two or more times 1754
previously has been convicted of or pleaded guilty to a felony 1755
drug abuse offense, the court shall impose as a mandatory prison 1756
term one of the prison terms prescribed for a felony of the 1757
third degree. If the amount of the drug involved is within that 1758
range and if the offense was committed in the vicinity of a 1759
school, in the vicinity of a juvenile, or in the vicinity of a 1760

substance addiction services provider or a recovering addict, 1761
trafficking in L.S.D. is a felony of the second degree, and the 1762
court shall impose as a mandatory prison term a second degree 1763
felony mandatory prison term. 1764

(e) Except as otherwise provided in this division, if the 1765
amount of the drug involved equals or exceeds two hundred fifty 1766
unit doses but is less than one thousand unit doses of L.S.D. in 1767
a solid form or equals or exceeds twenty-five grams but is less 1768
than one hundred grams of L.S.D. in a liquid concentrate, liquid 1769
extract, or liquid distillate form, trafficking in L.S.D. is a 1770
felony of the second degree, and the court shall impose as a 1771
mandatory prison term a second degree felony mandatory prison 1772
term. If the amount of the drug involved is within that range 1773
and if the offense was committed in the vicinity of a school, in 1774
the vicinity of a juvenile, or in the vicinity of a substance 1775
addiction services provider or a recovering addict, trafficking 1776
in L.S.D. is a felony of the first degree, and the court shall 1777
impose as a mandatory prison term a first degree felony 1778
mandatory prison term. 1779

(f) If the amount of the drug involved equals or exceeds 1780
one thousand unit doses but is less than five thousand unit 1781
doses of L.S.D. in a solid form or equals or exceeds one hundred 1782
grams but is less than five hundred grams of L.S.D. in a liquid 1783
concentrate, liquid extract, or liquid distillate form and 1784
regardless of whether the offense was committed in the vicinity 1785
of a school, in the vicinity of a juvenile, or in the vicinity 1786
of a substance addiction services provider or a recovering 1787
addict, trafficking in L.S.D. is a felony of the first degree, 1788
and the court shall impose as a mandatory prison term a first 1789
degree felony mandatory prison term. 1790

(g) If the amount of the drug involved equals or exceeds 1791
five thousand unit doses of L.S.D. in a solid form or equals or 1792
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1793
liquid extract, or liquid distillate form and regardless of 1794
whether the offense was committed in the vicinity of a school, 1795
in the vicinity of a juvenile, or in the vicinity of a substance 1796
addiction services provider or a recovering addict, trafficking 1797
in L.S.D. is a felony of the first degree, the offender is a 1798
major drug offender, and the court shall impose as a mandatory 1799
prison term a maximum first degree felony mandatory prison term. 1800

(6) If the drug involved in the violation is heroin or a 1801
compound, mixture, preparation, or substance containing heroin, 1802
whoever violates division (A) of this section is guilty of 1803
trafficking in heroin. The penalty for the offense shall be 1804
determined as follows: 1805

(a) Except as otherwise provided in division (C) (6) (b), 1806
(c), (d), (e), (f), or (g) of this section, trafficking in 1807
heroin is a felony of the fifth degree, and division (B) of 1808
section 2929.13 of the Revised Code applies in determining 1809
whether to impose a prison term on the offender. 1810

(b) Except as otherwise provided in division (C) (6) (c), 1811
(d), (e), (f), or (g) of this section, if the offense was 1812
committed in the vicinity of a school, in the vicinity of a 1813
juvenile, or in the vicinity of a substance addiction services 1814
provider or a recovering addict, trafficking in heroin is a 1815
felony of the fourth degree, and division (C) of section 2929.13 1816
of the Revised Code applies in determining whether to impose a 1817
prison term on the offender. 1818

(c) Except as otherwise provided in this division, if the 1819
amount of the drug involved equals or exceeds ten unit doses but 1820

is less than fifty unit doses or equals or exceeds one gram but 1821
is less than five grams, trafficking in heroin is a felony of 1822
the fourth degree, and division (B) of section 2929.13 of the 1823
Revised Code applies in determining whether to impose a prison 1824
term for the offense. If the amount of the drug involved is 1825
within that range and if the offense was committed in the 1826
vicinity of a school, in the vicinity of a juvenile, or in the 1827
vicinity of a substance addiction services provider or a 1828
recovering addict, trafficking in heroin is a felony of the 1829
third degree, and there is a presumption for a prison term for 1830
the offense. 1831

(d) Except as otherwise provided in this division, if the 1832
amount of the drug involved equals or exceeds fifty unit doses 1833
but is less than one hundred unit doses or equals or exceeds 1834
five grams but is less than ten grams, trafficking in heroin is 1835
a felony of the third degree, and there is a presumption for a 1836
prison term for the offense. If the amount of the drug involved 1837
is within that range and if the offense was committed in the 1838
vicinity of a school, in the vicinity of a juvenile, or in the 1839
vicinity of a substance addiction services provider or a 1840
recovering addict, trafficking in heroin is a felony of the 1841
second degree, and there is a presumption for a prison term for 1842
the offense. 1843

(e) Except as otherwise provided in this division, if the 1844
amount of the drug involved equals or exceeds one hundred unit 1845
doses but is less than five hundred unit doses or equals or 1846
exceeds ten grams but is less than fifty grams, trafficking in 1847
heroin is a felony of the second degree, and the court shall 1848
impose as a mandatory prison term a second degree felony 1849
mandatory prison term. If the amount of the drug involved is 1850
within that range and if the offense was committed in the 1851

vicinity of a school, in the vicinity of a juvenile, or in the 1852
vicinity of a substance addiction services provider or a 1853
recovering addict, trafficking in heroin is a felony of the 1854
first degree, and the court shall impose as a mandatory prison 1855
term a first degree felony mandatory prison term. 1856

(f) If the amount of the drug involved equals or exceeds 1857
five hundred unit doses but is less than one thousand unit doses 1858
or equals or exceeds fifty grams but is less than one hundred 1859
grams and regardless of whether the offense was committed in the 1860
vicinity of a school, in the vicinity of a juvenile, or in the 1861
vicinity of a substance addiction services provider or a 1862
recovering addict, trafficking in heroin is a felony of the 1863
first degree, and the court shall impose as a mandatory prison 1864
term a first degree felony mandatory prison term. 1865

(g) If the amount of the drug involved equals or exceeds 1866
one thousand unit doses or equals or exceeds one hundred grams 1867
and regardless of whether the offense was committed in the 1868
vicinity of a school, in the vicinity of a juvenile, or in the 1869
vicinity of a substance addiction services provider or a 1870
recovering addict, trafficking in heroin is a felony of the 1871
first degree, the offender is a major drug offender, and the 1872
court shall impose as a mandatory prison term a maximum first 1873
degree felony mandatory prison term. 1874

(7) If the drug involved in the violation is hashish or a 1875
compound, mixture, preparation, or substance containing hashish, 1876
whoever violates division (A) of this section is guilty of 1877
trafficking in hashish. The penalty for the offense shall be 1878
determined as follows: 1879

(a) Except as otherwise provided in division (C) (7) (b), 1880
(c), (d), (e), (f), or (g) of this section, trafficking in 1881

hashish is a felony of the fifth degree, and division (B) of 1882
section 2929.13 of the Revised Code applies in determining 1883
whether to impose a prison term on the offender. 1884

(b) Except as otherwise provided in division (C) (7) (c), 1885
(d), (e), (f), or (g) of this section, if the offense was 1886
committed in the vicinity of a school, in the vicinity of a 1887
juvenile, or in the vicinity of a substance addiction services 1888
provider or a recovering addict, trafficking in hashish is a 1889
felony of the fourth degree, and division (B) of section 2929.13 1890
of the Revised Code applies in determining whether to impose a 1891
prison term on the offender. 1892

(c) Except as otherwise provided in this division, if the 1893
amount of the drug involved equals or exceeds ten grams but is 1894
less than fifty grams of hashish in a solid form or equals or 1895
exceeds two grams but is less than ten grams of hashish in a 1896
liquid concentrate, liquid extract, or liquid distillate form, 1897
trafficking in hashish is a felony of the fourth degree, and 1898
division (B) of section 2929.13 of the Revised Code applies in 1899
determining whether to impose a prison term on the offender. If 1900
the amount of the drug involved is within that range and if the 1901
offense was committed in the vicinity of a school, in the 1902
vicinity of a juvenile, or in the vicinity of a substance 1903
addiction services provider or a recovering addict, trafficking 1904
in hashish is a felony of the third degree, and division (C) of 1905
section 2929.13 of the Revised Code applies in determining 1906
whether to impose a prison term on the offender. 1907

(d) Except as otherwise provided in this division, if the 1908
amount of the drug involved equals or exceeds fifty grams but is 1909
less than two hundred fifty grams of hashish in a solid form or 1910
equals or exceeds ten grams but is less than fifty grams of 1911

hashish in a liquid concentrate, liquid extract, or liquid 1912
distillate form, trafficking in hashish is a felony of the third 1913
degree, and division (C) of section 2929.13 of the Revised Code 1914
applies in determining whether to impose a prison term on the 1915
offender. If the amount of the drug involved is within that 1916
range and if the offense was committed in the vicinity of a 1917
school, in the vicinity of a juvenile, or in the vicinity of a 1918
substance addiction services provider or a recovering addict, 1919
trafficking in hashish is a felony of the second degree, and 1920
there is a presumption that a prison term shall be imposed for 1921
the offense. 1922

(e) Except as otherwise provided in this division, if the 1923
amount of the drug involved equals or exceeds two hundred fifty 1924
grams but is less than one thousand grams of hashish in a solid 1925
form or equals or exceeds fifty grams but is less than two 1926
hundred grams of hashish in a liquid concentrate, liquid 1927
extract, or liquid distillate form, trafficking in hashish is a 1928
felony of the third degree, and there is a presumption that a 1929
prison term shall be imposed for the offense. If the amount of 1930
the drug involved is within that range and if the offense was 1931
committed in the vicinity of a school, in the vicinity of a 1932
juvenile, or in the vicinity of a substance addiction services 1933
provider or a recovering addict, trafficking in hashish is a 1934
felony of the second degree, and there is a presumption that a 1935
prison term shall be imposed for the offense. 1936

(f) Except as otherwise provided in this division, if the 1937
amount of the drug involved equals or exceeds one thousand grams 1938
but is less than two thousand grams of hashish in a solid form 1939
or equals or exceeds two hundred grams but is less than four 1940
hundred grams of hashish in a liquid concentrate, liquid 1941
extract, or liquid distillate form, trafficking in hashish is a 1942

felony of the second degree, and the court shall impose as a 1943
mandatory prison term a second degree felony mandatory prison 1944
term of five, six, seven, or eight years. If the amount of the 1945
drug involved is within that range and if the offense was 1946
committed in the vicinity of a school, in the vicinity of a 1947
juvenile, or in the vicinity of a substance addiction services 1948
provider or a recovering addict, trafficking in hashish is a 1949
felony of the first degree, and the court shall impose as a 1950
mandatory prison term a maximum first degree felony mandatory 1951
prison term. 1952

(g) Except as otherwise provided in this division, if the 1953
amount of the drug involved equals or exceeds two thousand grams 1954
of hashish in a solid form or equals or exceeds four hundred 1955
grams of hashish in a liquid concentrate, liquid extract, or 1956
liquid distillate form, trafficking in hashish is a felony of 1957
the second degree, and the court shall impose as a mandatory 1958
prison term a maximum second degree felony mandatory prison 1959
term. If the amount of the drug involved equals or exceeds two 1960
thousand grams of hashish in a solid form or equals or exceeds 1961
four hundred grams of hashish in a liquid concentrate, liquid 1962
extract, or liquid distillate form and if the offense was 1963
committed in the vicinity of a school, in the vicinity of a 1964
juvenile, or in the vicinity of a substance addiction services 1965
provider or a recovering addict, trafficking in hashish is a 1966
felony of the first degree, and the court shall impose as a 1967
mandatory prison term a maximum first degree felony mandatory 1968
prison term. 1969

(8) If the drug involved in the violation is a controlled 1970
substance analog or compound, mixture, preparation, or substance 1971
that contains a controlled substance analog, whoever violates 1972
division (A) of this section is guilty of trafficking in a 1973

controlled substance analog. The penalty for the offense shall 1974
be determined as follows: 1975

(a) Except as otherwise provided in division (C) (8) (b), 1976
(c), (d), (e), (f), or (g) of this section, trafficking in a 1977
controlled substance analog is a felony of the fifth degree, and 1978
division (C) of section 2929.13 of the Revised Code applies in 1979
determining whether to impose a prison term on the offender. 1980

(b) Except as otherwise provided in division (C) (8) (c), 1981
(d), (e), (f), or (g) of this section, if the offense was 1982
committed in the vicinity of a school, in the vicinity of a 1983
juvenile, or in the vicinity of a substance addiction services 1984
provider or a recovering addict, trafficking in a controlled 1985
substance analog is a felony of the fourth degree, and division 1986
(C) of section 2929.13 of the Revised Code applies in 1987
determining whether to impose a prison term on the offender. 1988

(c) Except as otherwise provided in this division, if the 1989
amount of the drug involved equals or exceeds ten grams but is 1990
less than twenty grams, trafficking in a controlled substance 1991
analog is a felony of the fourth degree, and division (B) of 1992
section 2929.13 of the Revised Code applies in determining 1993
whether to impose a prison term for the offense. If the amount 1994
of the drug involved is within that range and if the offense was 1995
committed in the vicinity of a school, in the vicinity of a 1996
juvenile, or in the vicinity of a substance addiction services 1997
provider or a recovering addict, trafficking in a controlled 1998
substance analog is a felony of the third degree, and there is a 1999
presumption for a prison term for the offense. 2000

(d) Except as otherwise provided in this division, if the 2001
amount of the drug involved equals or exceeds twenty grams but 2002
is less than thirty grams, trafficking in a controlled substance 2003

analog is a felony of the third degree, and there is a 2004
presumption for a prison term for the offense. If the amount of 2005
the drug involved is within that range and if the offense was 2006
committed in the vicinity of a school, in the vicinity of a 2007
juvenile, or in the vicinity of a substance addiction services 2008
provider or a recovering addict, trafficking in a controlled 2009
substance analog is a felony of the second degree, and there is 2010
a presumption for a prison term for the offense. 2011

(e) Except as otherwise provided in this division, if the 2012
amount of the drug involved equals or exceeds thirty grams but 2013
is less than forty grams, trafficking in a controlled substance 2014
analog is a felony of the second degree, and the court shall 2015
impose as a mandatory prison term a second degree felony 2016
mandatory prison term. If the amount of the drug involved is 2017
within that range and if the offense was committed in the 2018
vicinity of a school, in the vicinity of a juvenile, or in the 2019
vicinity of a substance addiction services provider or a 2020
recovering addict, trafficking in a controlled substance analog 2021
is a felony of the first degree, and the court shall impose as a 2022
mandatory prison term a first degree felony mandatory prison 2023
term. 2024

(f) If the amount of the drug involved equals or exceeds 2025
forty grams but is less than fifty grams and regardless of 2026
whether the offense was committed in the vicinity of a school, 2027
in the vicinity of a juvenile, or in the vicinity of a substance 2028
addiction services provider or a recovering addict, trafficking 2029
in a controlled substance analog is a felony of the first 2030
degree, and the court shall impose as a mandatory prison term a 2031
first degree felony mandatory prison term. 2032

(g) If the amount of the drug involved equals or exceeds 2033

fifty grams and regardless of whether the offense was committed 2034
in the vicinity of a school, in the vicinity of a juvenile, or 2035
in the vicinity of a substance addiction services provider or a 2036
recovering addict, trafficking in a controlled substance analog 2037
is a felony of the first degree, the offender is a major drug 2038
offender, and the court shall impose as a mandatory prison term 2039
a maximum first degree felony mandatory prison term. 2040

(9) If the drug involved in the violation is a fentanyl- 2041
related compound or a compound, mixture, preparation, or 2042
substance containing a fentanyl-related compound and division 2043
(C)(10)(a) of this section does not apply to the drug involved, 2044
whoever violates division (A) of this section is guilty of 2045
trafficking in a fentanyl-related compound. The penalty for the 2046
offense shall be determined as follows: 2047

(a) Except as otherwise provided in division (C)(9)(b), 2048
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 2049
a fentanyl-related compound is a felony of the fifth degree, and 2050
division (B) of section 2929.13 of the Revised Code applies in 2051
determining whether to impose a prison term on the offender. 2052

(b) Except as otherwise provided in division (C)(9)(c), 2053
(d), (e), (f), (g), or (h) of this section, if the offense was 2054
committed in the vicinity of a school, in the vicinity of a 2055
juvenile, or in the vicinity of a substance addiction services 2056
provider or a recovering addict, trafficking in a fentanyl- 2057
related compound is a felony of the fourth degree, and division 2058
(C) of section 2929.13 of the Revised Code applies in 2059
determining whether to impose a prison term on the offender. 2060

(c) Except as otherwise provided in this division, if the 2061
amount of the drug involved equals or exceeds ten unit doses but 2062
is less than fifty unit doses or equals or exceeds one gram but 2063

is less than five grams, trafficking in a fentanyl-related 2064
compound is a felony of the fourth degree, and division (B) of 2065
section 2929.13 of the Revised Code applies in determining 2066
whether to impose a prison term for the offense. If the amount 2067
of the drug involved is within that range and if the offense was 2068
committed in the vicinity of a school, in the vicinity of a 2069
juvenile, or in the vicinity of a substance addiction services 2070
provider or a recovering addict, trafficking in a fentanyl- 2071
related compound is a felony of the third degree, and there is a 2072
presumption for a prison term for the offense. 2073

(d) Except as otherwise provided in this division, if the 2074
amount of the drug involved equals or exceeds fifty unit doses 2075
but is less than one hundred unit doses or equals or exceeds 2076
five grams but is less than ten grams, trafficking in a 2077
fentanyl-related compound is a felony of the third degree, and 2078
there is a presumption for a prison term for the offense. If the 2079
amount of the drug involved is within that range and if the 2080
offense was committed in the vicinity of a school, in the 2081
vicinity of a juvenile, or in the vicinity of a substance 2082
addiction services provider or a recovering addict, trafficking 2083
in a fentanyl-related compound is a felony of the second degree, 2084
and there is a presumption for a prison term for the offense. 2085

(e) Except as otherwise provided in this division, if the 2086
amount of the drug involved equals or exceeds one hundred unit 2087
doses but is less than two hundred unit doses or equals or 2088
exceeds ten grams but is less than twenty grams, trafficking in 2089
a fentanyl-related compound is a felony of the second degree, 2090
and the court shall impose as a mandatory prison term one of the 2091
prison terms prescribed for a felony of the second degree. If 2092
the amount of the drug involved is within that range and if the 2093
offense was committed in the vicinity of a school, in the 2094

vicinity of a juvenile, or in the vicinity of a substance 2095
addiction services provider or a recovering addict, trafficking 2096
in a fentanyl-related compound is a felony of the first degree, 2097
and the court shall impose as a mandatory prison term one of the 2098
prison terms prescribed for a felony of the first degree. 2099

(f) If the amount of the drug involved equals or exceeds 2100
two hundred unit doses but is less than five hundred unit doses 2101
or equals or exceeds twenty grams but is less than fifty grams 2102
and regardless of whether the offense was committed in the 2103
vicinity of a school, in the vicinity of a juvenile, or in the 2104
vicinity of a substance addiction services provider or a 2105
recovering addict, trafficking in a fentanyl-related compound is 2106
a felony of the first degree, and the court shall impose as a 2107
mandatory prison term one of the prison terms prescribed for a 2108
felony of the first degree. 2109

(g) If the amount of the drug involved equals or exceeds 2110
five hundred unit doses but is less than one thousand unit doses 2111
or equals or exceeds fifty grams but is less than one hundred 2112
grams and regardless of whether the offense was committed in the 2113
vicinity of a school, in the vicinity of a juvenile, or in the 2114
vicinity of a substance addiction services provider or a 2115
recovering addict, trafficking in a fentanyl-related compound is 2116
a felony of the first degree, and the court shall impose as a 2117
mandatory prison term the maximum prison term prescribed for a 2118
felony of the first degree. 2119

(h) If the amount of the drug involved equals or exceeds 2120
one thousand unit doses or equals or exceeds one hundred grams 2121
and regardless of whether the offense was committed in the 2122
vicinity of a school, in the vicinity of a juvenile, or in the 2123
vicinity of a substance addiction services provider or a 2124

recovering addict, trafficking in a fentanyl-related compound is 2125
a felony of the first degree, the offender is a major drug 2126
offender, and the court shall impose as a mandatory prison term 2127
the maximum prison term prescribed for a felony of the first 2128
degree. 2129

(10) If the drug involved in the violation is a compound, 2130
mixture, preparation, or substance that is a combination of a 2131
fentanyl-related compound and marihuana, one of the following 2132
applies: 2133

(a) Except as otherwise provided in division (C) (10) (b) of 2134
this section, the offender is guilty of trafficking in marihuana 2135
and shall be punished under division (C) (3) of this section. The 2136
offender is not guilty of trafficking in a fentanyl-related 2137
compound and shall not be charged with, convicted of, or 2138
punished under division (C) (9) of this section for trafficking 2139
in a fentanyl-related compound. 2140

(b) If the offender knows or has reason to know that the 2141
compound, mixture, preparation, or substance that is the drug 2142
involved contains a fentanyl-related compound, the offender is 2143
guilty of trafficking in a fentanyl-related compound and shall 2144
be punished under division (C) (9) of this section. 2145

(D) In addition to any prison term authorized or required 2146
by division (C) of this section and sections 2929.13 and 2929.14 2147
of the Revised Code, and in addition to any other sanction 2148
imposed for the offense under this section or sections 2929.11 2149
to 2929.18 of the Revised Code, the court that sentences an 2150
offender who is convicted of or pleads guilty to a violation of 2151
division (A) of this section may suspend the driver's or 2152
commercial driver's license or permit of the offender in 2153
accordance with division (G) of this section. However, if the 2154

offender pleaded guilty to or was convicted of a violation of 2155
section 4511.19 of the Revised Code or a substantially similar 2156
municipal ordinance or the law of another state or the United 2157
States arising out of the same set of circumstances as the 2158
violation, the court shall suspend the offender's driver's or 2159
commercial driver's license or permit in accordance with 2160
division (G) of this section. If applicable, the court also 2161
shall do the following: 2162

(1) If the violation of division (A) of this section is a 2163
felony of the first, second, or third degree, the court shall 2164
impose upon the offender the mandatory fine specified for the 2165
offense under division (B)(1) of section 2929.18 of the Revised 2166
Code unless, as specified in that division, the court determines 2167
that the offender is indigent. Except as otherwise provided in 2168
division (H)(1) of this section, a mandatory fine or any other 2169
fine imposed for a violation of this section is subject to 2170
division (F) of this section. If a person is charged with a 2171
violation of this section that is a felony of the first, second, 2172
or third degree, posts bail, and forfeits the bail, the clerk of 2173
the court shall pay the forfeited bail pursuant to divisions (D) 2174
(1) and (F) of this section, as if the forfeited bail was a fine 2175
imposed for a violation of this section. If any amount of the 2176
forfeited bail remains after that payment and if a fine is 2177
imposed under division (H)(1) of this section, the clerk of the 2178
court shall pay the remaining amount of the forfeited bail 2179
pursuant to divisions (H)(2) and (3) of this section, as if that 2180
remaining amount was a fine imposed under division (H)(1) of 2181
this section. 2182

(2) If the offender is a professionally licensed person, 2183
the court immediately shall comply with section 2925.38 of the 2184
Revised Code. 2185

(E) When a person is charged with the sale of or offer to 2186
sell a bulk amount or a multiple of a bulk amount of a 2187
controlled substance, the jury, or the court trying the accused, 2188
shall determine the amount of the controlled substance involved 2189
at the time of the offense and, if a guilty verdict is returned, 2190
shall return the findings as part of the verdict. In any such 2191
case, it is unnecessary to find and return the exact amount of 2192
the controlled substance involved, and it is sufficient if the 2193
finding and return is to the effect that the amount of the 2194
controlled substance involved is the requisite amount, or that 2195
the amount of the controlled substance involved is less than the 2196
requisite amount. 2197

(F) (1) Notwithstanding any contrary provision of section 2198
3719.21 of the Revised Code and except as provided in division 2199
(H) of this section, the clerk of the court shall pay any 2200
mandatory fine imposed pursuant to division (D) (1) of this 2201
section and any fine other than a mandatory fine that is imposed 2202
for a violation of this section pursuant to division (A) or (B) 2203
(5) of section 2929.18 of the Revised Code to the county, 2204
township, municipal corporation, park district, as created 2205
pursuant to section 511.18 or 1545.04 of the Revised Code, or 2206
state law enforcement agencies in this state that primarily were 2207
responsible for or involved in making the arrest of, and in 2208
prosecuting, the offender. However, the clerk shall not pay a 2209
mandatory fine so imposed to a law enforcement agency unless the 2210
agency has adopted a written internal control policy under 2211
division (F) (2) of this section that addresses the use of the 2212
fine moneys that it receives. Each agency shall use the 2213
mandatory fines so paid to subsidize the agency's law 2214
enforcement efforts that pertain to drug offenses, in accordance 2215
with the written internal control policy adopted by the 2216

recipient agency under division (F) (2) of this section. 2217

(2) Prior to receiving any fine moneys under division (F) 2218
(1) of this section or division (B) of section 2925.42 of the 2219
Revised Code, a law enforcement agency shall adopt a written 2220
internal control policy that addresses the agency's use and 2221
disposition of all fine moneys so received and that provides for 2222
the keeping of detailed financial records of the receipts of 2223
those fine moneys, the general types of expenditures made out of 2224
those fine moneys, and the specific amount of each general type 2225
of expenditure. The policy shall not provide for or permit the 2226
identification of any specific expenditure that is made in an 2227
ongoing investigation. All financial records of the receipts of 2228
those fine moneys, the general types of expenditures made out of 2229
those fine moneys, and the specific amount of each general type 2230
of expenditure by an agency are public records open for 2231
inspection under section 149.43 of the Revised Code. 2232
Additionally, a written internal control policy adopted under 2233
this division is such a public record, and the agency that 2234
adopted it shall comply with it. 2235

(3) As used in division (F) of this section: 2236

(a) "Law enforcement agencies" includes, but is not 2237
limited to, the state board of pharmacy and the office of a 2238
prosecutor. 2239

(b) "Prosecutor" has the same meaning as in section 2240
2935.01 of the Revised Code. 2241

(G) (1) If the sentencing court suspends the offender's 2242
driver's or commercial driver's license or permit under division 2243
(D) of this section or any other provision of this chapter, the 2244
court shall suspend the license, by order, for not more than 2245

five years. If an offender's driver's or commercial driver's 2246
license or permit is suspended pursuant to this division, the 2247
offender, at any time after the expiration of two years from the 2248
day on which the offender's sentence was imposed or from the day 2249
on which the offender finally was released from a prison term 2250
under the sentence, whichever is later, may file a motion with 2251
the sentencing court requesting termination of the suspension; 2252
upon the filing of such a motion and the court's finding of good 2253
cause for the termination, the court may terminate the 2254
suspension. 2255

(2) Any offender who received a mandatory suspension of 2256
the offender's driver's or commercial driver's license or permit 2257
under this section prior to September 13, 2016, may file a 2258
motion with the sentencing court requesting the termination of 2259
the suspension. However, an offender who pleaded guilty to or 2260
was convicted of a violation of section 4511.19 of the Revised 2261
Code or a substantially similar municipal ordinance or law of 2262
another state or the United States that arose out of the same 2263
set of circumstances as the violation for which the offender's 2264
license or permit was suspended under this section shall not 2265
file such a motion. 2266

Upon the filing of a motion under division (G) (2) of this 2267
section, the sentencing court, in its discretion, may terminate 2268
the suspension. 2269

(H) (1) In addition to any prison term authorized or 2270
required by division (C) of this section and sections 2929.13 2271
and 2929.14 of the Revised Code, in addition to any other 2272
penalty or sanction imposed for the offense under this section 2273
or sections 2929.11 to 2929.18 of the Revised Code, and in 2274
addition to the forfeiture of property in connection with the 2275

offense as prescribed in Chapter 2981. of the Revised Code, the 2276
court that sentences an offender who is convicted of or pleads 2277
guilty to a violation of division (A) of this section may impose 2278
upon the offender an additional fine specified for the offense 2279
in division (B) (4) of section 2929.18 of the Revised Code. A 2280
fine imposed under division (H) (1) of this section is not 2281
subject to division (F) of this section and shall be used solely 2282
for the support of one or more eligible community addiction 2283
services providers in accordance with divisions (H) (2) and (3) 2284
of this section. 2285

(2) The court that imposes a fine under division (H) (1) of 2286
this section shall specify in the judgment that imposes the fine 2287
one or more eligible community addiction services providers for 2288
the support of which the fine money is to be used. No community 2289
addiction services provider shall receive or use money paid or 2290
collected in satisfaction of a fine imposed under division (H) 2291
(1) of this section unless the services provider is specified in 2292
the judgment that imposes the fine. No community addiction 2293
services provider shall be specified in the judgment unless the 2294
services provider is an eligible community addiction services 2295
provider and, except as otherwise provided in division (H) (2) of 2296
this section, unless the services provider is located in the 2297
county in which the court that imposes the fine is located or in 2298
a county that is immediately contiguous to the county in which 2299
that court is located. If no eligible community addiction 2300
services provider is located in any of those counties, the 2301
judgment may specify an eligible community addiction services 2302
provider that is located anywhere within this state. 2303

(3) Notwithstanding any contrary provision of section 2304
3719.21 of the Revised Code, the clerk of the court shall pay 2305
any fine imposed under division (H) (1) of this section to the 2306

eligible community addiction services provider specified 2307
pursuant to division (H) (2) of this section in the judgment. The 2308
eligible community addiction services provider that receives the 2309
fine moneys shall use the moneys only for the alcohol and drug 2310
addiction services identified in the application for 2311
certification of services under section 5119.36 of the Revised 2312
Code or in the application for a license under section 5119.37 2313
of the Revised Code filed with the department of mental health 2314
and addiction services by the community addiction services 2315
provider specified in the judgment. 2316

(4) Each community addiction services provider that 2317
receives in a calendar year any fine moneys under division (H) 2318
(3) of this section shall file an annual report covering that 2319
calendar year with the court of common pleas and the board of 2320
county commissioners of the county in which the services 2321
provider is located, with the court of common pleas and the 2322
board of county commissioners of each county from which the 2323
services provider received the moneys if that county is 2324
different from the county in which the services provider is 2325
located, and with the attorney general. The community addiction 2326
services provider shall file the report no later than the first 2327
day of March in the calendar year following the calendar year in 2328
which the services provider received the fine moneys. The report 2329
shall include statistics on the number of persons served by the 2330
community addiction services provider, identify the types of 2331
alcohol and drug addiction services provided to those persons, 2332
and include a specific accounting of the purposes for which the 2333
fine moneys received were used. No information contained in the 2334
report shall identify, or enable a person to determine the 2335
identity of, any person served by the community addiction 2336
services provider. Each report received by a court of common 2337

pleas, a board of county commissioners, or the attorney general 2338
is a public record open for inspection under section 149.43 of 2339
the Revised Code. 2340

(5) As used in divisions (H) (1) to (5) of this section: 2341

(a) "Community addiction services provider" and "alcohol 2342
and drug addiction services" have the same meanings as in 2343
section 5119.01 of the Revised Code. 2344

(b) "Eligible community addiction services provider" means 2345
a community addiction services provider, including a community 2346
addiction services provider that operates an opioid treatment 2347
program licensed under section 5119.37 of the Revised Code. 2348

(I) As used in this section, "drug" includes any substance 2349
that is represented to be a drug. 2350

(J) It is an affirmative defense to a charge of 2351
trafficking in a controlled substance analog under division (C) 2352
(8) of this section that the person charged with violating that 2353
offense sold or offered to sell, or prepared for shipment, 2354
shipped, transported, delivered, prepared for distribution, or 2355
distributed one of the following items that are excluded from 2356
the meaning of "controlled substance analog" under section 2357
3719.01 of the Revised Code: 2358

(1) A controlled substance; 2359

(2) Any substance for which there is an approved new drug 2360
application; 2361

(3) With respect to a particular person, any substance if 2362
an exemption is in effect for investigational use for that 2363
person pursuant to federal law to the extent that conduct with 2364
respect to that substance is pursuant to that exemption. 2365

Sec. 2925.11. (A) No person shall knowingly obtain, 2366
possess, or use a controlled substance or a controlled substance 2367
analog. 2368

(B) (1) This section does not apply to any of the 2369
following: 2370

(a) Manufacturers, licensed health professionals 2371
authorized to prescribe drugs, pharmacists, owners of 2372
pharmacies, and other persons whose conduct was in accordance 2373
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and~~ 2374
4741., and 4772. of the Revised Code; 2375

(b) If the offense involves an anabolic steroid, any 2376
person who is conducting or participating in a research project 2377
involving the use of an anabolic steroid if the project has been 2378
approved by the United States food and drug administration; 2379

(c) Any person who sells, offers for sale, prescribes, 2380
dispenses, or administers for livestock or other nonhuman 2381
species an anabolic steroid that is expressly intended for 2382
administration through implants to livestock or other nonhuman 2383
species and approved for that purpose under the "Federal Food, 2384
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 2385
as amended, and is sold, offered for sale, prescribed, 2386
dispensed, or administered for that purpose in accordance with 2387
that act; 2388

(d) Any person who obtained the controlled substance 2389
pursuant to a prescription issued by a licensed health 2390
professional authorized to prescribe drugs if the prescription 2391
was issued for a legitimate medical purpose and not altered, 2392
forged, or obtained through deception or commission of a theft 2393
offense. 2394

As used in division (B) (1) (d) of this section, "deception"	2395
and "theft offense" have the same meanings as in section 2913.01	2396
of the Revised Code.	2397
(2) (a) As used in division (B) (2) of this section:	2398
(i) "Community addiction services provider" has the same	2399
meaning as in section 5119.01 of the Revised Code.	2400
(ii) "Community control sanction" has the same meaning as	2401
in section 2929.01 of the Revised Code.	2402
(iii) "Health care facility" has the same meaning as in	2403
section 2919.16 of the Revised Code.	2404
(iv) "Minor drug possession offense" means a violation of	2405
this section that is a misdemeanor or a felony of the fifth	2406
degree.	2407
(v) "Post-release control sanction" has the same meaning	2408
as in section 2967.28 of the Revised Code.	2409
(vi) "Peace officer" has the same meaning as in section	2410
2935.01 of the Revised Code.	2411
(vii) "Public agency" has the same meaning as in section	2412
2930.01 of the Revised Code.	2413
(viii) "Qualified individual" means a person who is acting	2414
in good faith who seeks or obtains medical assistance for	2415
another person who is experiencing a drug overdose, a person who	2416
experiences a drug overdose and who seeks medical assistance for	2417
that overdose, or a person who is the subject of another person	2418
seeking or obtaining medical assistance for that overdose as	2419
described in division (B) (2) (b) of this section.	2420
(ix) "Seek or obtain medical assistance" includes, but is	2421

not limited to making a 9-1-1 call, contacting in person or by 2422
telephone call an on-duty peace officer, or transporting or 2423
presenting a person to a health care facility. 2424

(b) Subject to division (B)(2)(e) of this section, a 2425
qualified individual shall not be arrested, charged, prosecuted, 2426
convicted, or penalized pursuant to this chapter for a minor 2427
drug possession offense or a violation of section 2925.12, 2428
division (C)(1) of section 2925.14, or section 2925.141 of the 2429
Revised Code if all of the following apply: 2430

(i) The evidence of the obtaining, possession, or use of 2431
the controlled substance or controlled substance analog, drug 2432
abuse instruments, or drug paraphernalia that would be the basis 2433
of the offense was obtained as a result of the qualified 2434
individual seeking the medical assistance or experiencing an 2435
overdose and needing medical assistance. 2436

(ii) Subject to division (B)(2)(f) of this section, within 2437
thirty days after seeking or obtaining the medical assistance, 2438
the qualified individual seeks and obtains a screening and 2439
receives a referral for treatment from a community addiction 2440
services provider or a properly credentialed addiction treatment 2441
professional. 2442

(iii) Subject to division (B)(2)(f) of this section, the 2443
qualified individual who obtains a screening and receives a 2444
referral for treatment under division (B)(2)(b)(ii) of this 2445
section, upon the request of any prosecuting attorney, submits 2446
documentation to the prosecuting attorney that verifies that the 2447
qualified individual satisfied the requirements of that 2448
division. The documentation shall be limited to the date and 2449
time of the screening obtained and referral received. 2450

(c) If a person who is serving a community control 2451
sanction or is under a sanction on post-release control acts 2452
pursuant to division (B) (2) (b) of this section, then division 2453
(B) of section 2929.141, division (B) (2) of section 2929.15, 2454
division (D) (3) of section 2929.25, or division (F) (3) of 2455
section 2967.28 of the Revised Code applies to the person with 2456
respect to any violation of the sanction or post-release control 2457
sanction based on a minor drug possession offense, as defined in 2458
section 2925.11 of the Revised Code, or a violation of section 2459
2925.12, division (C) (1) of section 2925.14, or section 2925.141 2460
of the Revised Code. 2461

(d) Nothing in division (B) (2) (b) of this section shall be 2462
construed to do any of the following: 2463

(i) Limit the admissibility of any evidence in connection 2464
with the investigation or prosecution of a crime with regards to 2465
a defendant who does not qualify for the protections of division 2466
(B) (2) (b) of this section or with regards to any crime other 2467
than a minor drug possession offense or a violation of section 2468
2925.12, division (C) (1) of section 2925.14, or section 2925.141 2469
of the Revised Code committed by a person who qualifies for 2470
protection pursuant to division (B) (2) (b) of this section; 2471

(ii) Limit any seizure of evidence or contraband otherwise 2472
permitted by law; 2473

(iii) Limit or abridge the authority of a peace officer to 2474
detain or take into custody a person in the course of an 2475
investigation or to effectuate an arrest for any offense except 2476
as provided in that division; 2477

(iv) Limit, modify, or remove any immunity from liability 2478
available pursuant to law in effect prior to September 13, 2016, 2479

to any public agency or to an employee of any public agency. 2480

(e) Division (B) (2) (b) of this section does not apply to 2481
any person who twice previously has been granted an immunity 2482
under division (B) (2) (b) of this section. No person shall be 2483
granted an immunity under division (B) (2) (b) of this section 2484
more than two times. 2485

(f) Nothing in this section shall compel any qualified 2486
individual to disclose protected health information in a way 2487
that conflicts with the requirements of the "Health Insurance 2488
Portability and Accountability Act of 1996," 104 Pub. L. No. 2489
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 2490
regulations promulgated by the United States department of 2491
health and human services to implement the act or the 2492
requirements of 42 C.F.R. Part 2. 2493

(C) Whoever violates division (A) of this section is 2494
guilty of one of the following: 2495

(1) If the drug involved in the violation is a compound, 2496
mixture, preparation, or substance included in schedule I or II, 2497
with the exception of marihuana, cocaine, L.S.D., heroin, any 2498
fentanyl-related compound, hashish, and any controlled substance 2499
analog, whoever violates division (A) of this section is guilty 2500
of aggravated possession of drugs. The penalty for the offense 2501
shall be determined as follows: 2502

(a) Except as otherwise provided in division (C) (1) (b), 2503
(c), (d), or (e) of this section, aggravated possession of drugs 2504
is a felony of the fifth degree, and division (B) of section 2505
2929.13 of the Revised Code applies in determining whether to 2506
impose a prison term on the offender. 2507

(b) If the amount of the drug involved equals or exceeds 2508

the bulk amount but is less than five times the bulk amount, 2509
aggravated possession of drugs is a felony of the third degree, 2510
and there is a presumption for a prison term for the offense. 2511

(c) If the amount of the drug involved equals or exceeds 2512
five times the bulk amount but is less than fifty times the bulk 2513
amount, aggravated possession of drugs is a felony of the second 2514
degree, and the court shall impose as a mandatory prison term a 2515
second degree felony mandatory prison term. 2516

(d) If the amount of the drug involved equals or exceeds 2517
fifty times the bulk amount but is less than one hundred times 2518
the bulk amount, aggravated possession of drugs is a felony of 2519
the first degree, and the court shall impose as a mandatory 2520
prison term a first degree felony mandatory prison term. 2521

(e) If the amount of the drug involved equals or exceeds 2522
one hundred times the bulk amount, aggravated possession of 2523
drugs is a felony of the first degree, the offender is a major 2524
drug offender, and the court shall impose as a mandatory prison 2525
term a maximum first degree felony mandatory prison term. 2526

(2) If the drug involved in the violation is a compound, 2527
mixture, preparation, or substance included in schedule III, IV, 2528
or V, whoever violates division (A) of this section is guilty of 2529
possession of drugs. The penalty for the offense shall be 2530
determined as follows: 2531

(a) Except as otherwise provided in division (C) (2) (b), 2532
(c), or (d) of this section, possession of drugs is a 2533
misdemeanor of the first degree or, if the offender previously 2534
has been convicted of a drug abuse offense, a felony of the 2535
fifth degree. 2536

(b) If the amount of the drug involved equals or exceeds 2537

the bulk amount but is less than five times the bulk amount, 2538
possession of drugs is a felony of the fourth degree, and 2539
division (C) of section 2929.13 of the Revised Code applies in 2540
determining whether to impose a prison term on the offender. 2541

(c) If the amount of the drug involved equals or exceeds 2542
five times the bulk amount but is less than fifty times the bulk 2543
amount, possession of drugs is a felony of the third degree, and 2544
there is a presumption for a prison term for the offense. 2545

(d) If the amount of the drug involved equals or exceeds 2546
fifty times the bulk amount, possession of drugs is a felony of 2547
the second degree, and the court shall impose upon the offender 2548
as a mandatory prison term a second degree felony mandatory 2549
prison term. 2550

(3) If the drug involved in the violation is marihuana or 2551
a compound, mixture, preparation, or substance containing 2552
marihuana other than hashish, whoever violates division (A) of 2553
this section is guilty of possession of marihuana. The penalty 2554
for the offense shall be determined as follows: 2555

(a) Except as otherwise provided in division (C) (3) (b), 2556
(c), (d), (e), (f), or (g) of this section, possession of 2557
marihuana is a minor misdemeanor. 2558

(b) If the amount of the drug involved equals or exceeds 2559
one hundred grams but is less than two hundred grams, possession 2560
of marihuana is a misdemeanor of the fourth degree. 2561

(c) If the amount of the drug involved equals or exceeds 2562
two hundred grams but is less than one thousand grams, 2563
possession of marihuana is a felony of the fifth degree, and 2564
division (B) of section 2929.13 of the Revised Code applies in 2565
determining whether to impose a prison term on the offender. 2566

(d) If the amount of the drug involved equals or exceeds 2567
one thousand grams but is less than five thousand grams, 2568
possession of marihuana is a felony of the third degree, and 2569
division (C) of section 2929.13 of the Revised Code applies in 2570
determining whether to impose a prison term on the offender. 2571

(e) If the amount of the drug involved equals or exceeds 2572
five thousand grams but is less than twenty thousand grams, 2573
possession of marihuana is a felony of the third degree, and 2574
there is a presumption that a prison term shall be imposed for 2575
the offense. 2576

(f) If the amount of the drug involved equals or exceeds 2577
twenty thousand grams but is less than forty thousand grams, 2578
possession of marihuana is a felony of the second degree, and 2579
the court shall impose as a mandatory prison term a second 2580
degree felony mandatory prison term of five, six, seven, or 2581
eight years. 2582

(g) If the amount of the drug involved equals or exceeds 2583
forty thousand grams, possession of marihuana is a felony of the 2584
second degree, and the court shall impose as a mandatory prison 2585
term a maximum second degree felony mandatory prison term. 2586

(4) If the drug involved in the violation is cocaine or a 2587
compound, mixture, preparation, or substance containing cocaine, 2588
whoever violates division (A) of this section is guilty of 2589
possession of cocaine. The penalty for the offense shall be 2590
determined as follows: 2591

(a) Except as otherwise provided in division (C) (4) (b), 2592
(c), (d), (e), or (f) of this section, possession of cocaine is 2593
a felony of the fifth degree, and division (B) of section 2594
2929.13 of the Revised Code applies in determining whether to 2595

impose a prison term on the offender. 2596

(b) If the amount of the drug involved equals or exceeds 2597
five grams but is less than ten grams of cocaine, possession of 2598
cocaine is a felony of the fourth degree, and division (B) of 2599
section 2929.13 of the Revised Code applies in determining 2600
whether to impose a prison term on the offender. 2601

(c) If the amount of the drug involved equals or exceeds 2602
ten grams but is less than twenty grams of cocaine, possession 2603
of cocaine is a felony of the third degree, and, except as 2604
otherwise provided in this division, there is a presumption for 2605
a prison term for the offense. If possession of cocaine is a 2606
felony of the third degree under this division and if the 2607
offender two or more times previously has been convicted of or 2608
pleaded guilty to a felony drug abuse offense, the court shall 2609
impose as a mandatory prison term one of the prison terms 2610
prescribed for a felony of the third degree. 2611

(d) If the amount of the drug involved equals or exceeds 2612
twenty grams but is less than twenty-seven grams of cocaine, 2613
possession of cocaine is a felony of the second degree, and the 2614
court shall impose as a mandatory prison term a second degree 2615
felony mandatory prison term. 2616

(e) If the amount of the drug involved equals or exceeds 2617
twenty-seven grams but is less than one hundred grams of 2618
cocaine, possession of cocaine is a felony of the first degree, 2619
and the court shall impose as a mandatory prison term a first 2620
degree felony mandatory prison term. 2621

(f) If the amount of the drug involved equals or exceeds 2622
one hundred grams of cocaine, possession of cocaine is a felony 2623
of the first degree, the offender is a major drug offender, and 2624

the court shall impose as a mandatory prison term a maximum 2625
first degree felony mandatory prison term. 2626

(5) If the drug involved in the violation is L.S.D., 2627
whoever violates division (A) of this section is guilty of 2628
possession of L.S.D. The penalty for the offense shall be 2629
determined as follows: 2630

(a) Except as otherwise provided in division (C) (5) (b), 2631
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2632
felony of the fifth degree, and division (B) of section 2929.13 2633
of the Revised Code applies in determining whether to impose a 2634
prison term on the offender. 2635

(b) If the amount of L.S.D. involved equals or exceeds ten 2636
unit doses but is less than fifty unit doses of L.S.D. in a 2637
solid form or equals or exceeds one gram but is less than five 2638
grams of L.S.D. in a liquid concentrate, liquid extract, or 2639
liquid distillate form, possession of L.S.D. is a felony of the 2640
fourth degree, and division (C) of section 2929.13 of the 2641
Revised Code applies in determining whether to impose a prison 2642
term on the offender. 2643

(c) If the amount of L.S.D. involved equals or exceeds 2644
fifty unit doses, but is less than two hundred fifty unit doses 2645
of L.S.D. in a solid form or equals or exceeds five grams but is 2646
less than twenty-five grams of L.S.D. in a liquid concentrate, 2647
liquid extract, or liquid distillate form, possession of L.S.D. 2648
is a felony of the third degree, and there is a presumption for 2649
a prison term for the offense. 2650

(d) If the amount of L.S.D. involved equals or exceeds two 2651
hundred fifty unit doses but is less than one thousand unit 2652
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2653

grams but is less than one hundred grams of L.S.D. in a liquid 2654
concentrate, liquid extract, or liquid distillate form, 2655
possession of L.S.D. is a felony of the second degree, and the 2656
court shall impose as a mandatory prison term a second degree 2657
felony mandatory prison term. 2658

(e) If the amount of L.S.D. involved equals or exceeds one 2659
thousand unit doses but is less than five thousand unit doses of 2660
L.S.D. in a solid form or equals or exceeds one hundred grams 2661
but is less than five hundred grams of L.S.D. in a liquid 2662
concentrate, liquid extract, or liquid distillate form, 2663
possession of L.S.D. is a felony of the first degree, and the 2664
court shall impose as a mandatory prison term a first degree 2665
felony mandatory prison term. 2666

(f) If the amount of L.S.D. involved equals or exceeds 2667
five thousand unit doses of L.S.D. in a solid form or equals or 2668
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2669
liquid extract, or liquid distillate form, possession of L.S.D. 2670
is a felony of the first degree, the offender is a major drug 2671
offender, and the court shall impose as a mandatory prison term 2672
a maximum first degree felony mandatory prison term. 2673

(6) If the drug involved in the violation is heroin or a 2674
compound, mixture, preparation, or substance containing heroin, 2675
whoever violates division (A) of this section is guilty of 2676
possession of heroin. The penalty for the offense shall be 2677
determined as follows: 2678

(a) Except as otherwise provided in division (C) (6) (b), 2679
(c), (d), (e), or (f) of this section, possession of heroin is a 2680
felony of the fifth degree, and division (B) of section 2929.13 2681
of the Revised Code applies in determining whether to impose a 2682
prison term on the offender. 2683

(b) If the amount of the drug involved equals or exceeds 2684
ten unit doses but is less than fifty unit doses or equals or 2685
exceeds one gram but is less than five grams, possession of 2686
heroin is a felony of the fourth degree, and division (C) of 2687
section 2929.13 of the Revised Code applies in determining 2688
whether to impose a prison term on the offender. 2689

(c) If the amount of the drug involved equals or exceeds 2690
fifty unit doses but is less than one hundred unit doses or 2691
equals or exceeds five grams but is less than ten grams, 2692
possession of heroin is a felony of the third degree, and there 2693
is a presumption for a prison term for the offense. 2694

(d) If the amount of the drug involved equals or exceeds 2695
one hundred unit doses but is less than five hundred unit doses 2696
or equals or exceeds ten grams but is less than fifty grams, 2697
possession of heroin is a felony of the second degree, and the 2698
court shall impose as a mandatory prison term a second degree 2699
felony mandatory prison term. 2700

(e) If the amount of the drug involved equals or exceeds 2701
five hundred unit doses but is less than one thousand unit doses 2702
or equals or exceeds fifty grams but is less than one hundred 2703
grams, possession of heroin is a felony of the first degree, and 2704
the court shall impose as a mandatory prison term a first degree 2705
felony mandatory prison term. 2706

(f) If the amount of the drug involved equals or exceeds 2707
one thousand unit doses or equals or exceeds one hundred grams, 2708
possession of heroin is a felony of the first degree, the 2709
offender is a major drug offender, and the court shall impose as 2710
a mandatory prison term a maximum first degree felony mandatory 2711
prison term. 2712

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

(a) Except as otherwise provided in division (C) (7) (b), (c), (d), (e), (f), or (g) of this section, possession of hashish is a minor misdemeanor.

(b) If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.

(c) If the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) If the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(e) If the amount of the drug involved equals or exceeds 2743
two hundred fifty grams but is less than one thousand grams of 2744
hashish in a solid form or equals or exceeds fifty grams but is 2745
less than two hundred grams of hashish in a liquid concentrate, 2746
liquid extract, or liquid distillate form, possession of hashish 2747
is a felony of the third degree, and there is a presumption that 2748
a prison term shall be imposed for the offense. 2749

(f) If the amount of the drug involved equals or exceeds 2750
one thousand grams but is less than two thousand grams of 2751
hashish in a solid form or equals or exceeds two hundred grams 2752
but is less than four hundred grams of hashish in a liquid 2753
concentrate, liquid extract, or liquid distillate form, 2754
possession of hashish is a felony of the second degree, and the 2755
court shall impose as a mandatory prison term a second degree 2756
felony mandatory prison term of five, six, seven, or eight 2757
years. 2758

(g) If the amount of the drug involved equals or exceeds 2759
two thousand grams of hashish in a solid form or equals or 2760
exceeds four hundred grams of hashish in a liquid concentrate, 2761
liquid extract, or liquid distillate form, possession of hashish 2762
is a felony of the second degree, and the court shall impose as 2763
a mandatory prison term a maximum second degree felony mandatory 2764
prison term. 2765

(8) If the drug involved is a controlled substance analog 2766
or compound, mixture, preparation, or substance that contains a 2767
controlled substance analog, whoever violates division (A) of 2768
this section is guilty of possession of a controlled substance 2769
analog. The penalty for the offense shall be determined as 2770
follows: 2771

(a) Except as otherwise provided in division (C) (8) (b), 2772

(c), (d), (e), or (f) of this section, possession of a 2773
controlled substance analog is a felony of the fifth degree, and 2774
division (B) of section 2929.13 of the Revised Code applies in 2775
determining whether to impose a prison term on the offender. 2776

(b) If the amount of the drug involved equals or exceeds 2777
ten grams but is less than twenty grams, possession of a 2778
controlled substance analog is a felony of the fourth degree, 2779
and there is a presumption for a prison term for the offense. 2780

(c) If the amount of the drug involved equals or exceeds 2781
twenty grams but is less than thirty grams, possession of a 2782
controlled substance analog is a felony of the third degree, and 2783
there is a presumption for a prison term for the offense. 2784

(d) If the amount of the drug involved equals or exceeds 2785
thirty grams but is less than forty grams, possession of a 2786
controlled substance analog is a felony of the second degree, 2787
and the court shall impose as a mandatory prison term a second 2788
degree felony mandatory prison term. 2789

(e) If the amount of the drug involved equals or exceeds 2790
forty grams but is less than fifty grams, possession of a 2791
controlled substance analog is a felony of the first degree, and 2792
the court shall impose as a mandatory prison term a first degree 2793
felony mandatory prison term. 2794

(f) If the amount of the drug involved equals or exceeds 2795
fifty grams, possession of a controlled substance analog is a 2796
felony of the first degree, the offender is a major drug 2797
offender, and the court shall impose as a mandatory prison term 2798
a maximum first degree felony mandatory prison term. 2799

(9) If the drug involved in the violation is a compound, 2800
mixture, preparation, or substance that is a combination of a 2801

fentanyl-related compound and marihuana, one of the following 2802
applies: 2803

(a) Except as otherwise provided in division (C) (9) (b) of 2804
this section, the offender is guilty of possession of marihuana 2805
and shall be punished as provided in division (C) (3) of this 2806
section. Except as otherwise provided in division (C) (9) (b) of 2807
this section, the offender is not guilty of possession of a 2808
fentanyl-related compound under division (C) (11) of this section 2809
and shall not be charged with, convicted of, or punished under 2810
division (C) (11) of this section for possession of a fentanyl- 2811
related compound. 2812

(b) If the offender knows or has reason to know that the 2813
compound, mixture, preparation, or substance that is the drug 2814
involved contains a fentanyl-related compound, the offender is 2815
guilty of possession of a fentanyl-related compound and shall be 2816
punished under division (C) (11) of this section. 2817

(10) If the drug involved in the violation is a compound, 2818
mixture, preparation, or substance that is a combination of a 2819
fentanyl-related compound and any schedule III, schedule IV, or 2820
schedule V controlled substance that is not a fentanyl-related 2821
compound, one of the following applies: 2822

(a) Except as otherwise provided in division (C) (10) (b) of 2823
this section, the offender is guilty of possession of drugs and 2824
shall be punished as provided in division (C) (2) of this 2825
section. Except as otherwise provided in division (C) (10) (b) of 2826
this section, the offender is not guilty of possession of a 2827
fentanyl-related compound under division (C) (11) of this section 2828
and shall not be charged with, convicted of, or punished under 2829
division (C) (11) of this section for possession of a fentanyl- 2830
related compound. 2831

(b) If the offender knows or has reason to know that the
compound, mixture, preparation, or substance that is the drug
involved contains a fentanyl-related compound, the offender is
guilty of possession of a fentanyl-related compound and shall be
punished under division (C)(11) of this section.

(11) If the drug involved in the violation is a fentanyl-
related compound and neither division (C)(9)(a) nor division (C)
(10)(a) of this section applies to the drug involved, or is a
compound, mixture, preparation, or substance that contains a
fentanyl-related compound or is a combination of a fentanyl-
related compound and any other controlled substance and neither
division (C)(9)(a) nor division (C)(10)(a) of this section
applies to the drug involved, whoever violates division (A) of
this section is guilty of possession of a fentanyl-related
compound. The penalty for the offense shall be determined as
follows:

(a) Except as otherwise provided in division (C)(11)(b),
(c), (d), (e), (f), or (g) of this section, possession of a
fentanyl-related compound is a felony of the fifth degree, and
division (B) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds
ten unit doses but is less than fifty unit doses or equals or
exceeds one gram but is less than five grams, possession of a
fentanyl-related compound is a felony of the fourth degree, and
division (C) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.

(c) If the amount of the drug involved equals or exceeds
fifty unit doses but is less than one hundred unit doses or
equals or exceeds five grams but is less than ten grams,

possession of a fentanyl-related compound is a felony of the 2862
third degree, and there is a presumption for a prison term for 2863
the offense. 2864

(d) If the amount of the drug involved equals or exceeds 2865
one hundred unit doses but is less than two hundred unit doses 2866
or equals or exceeds ten grams but is less than twenty grams, 2867
possession of a fentanyl-related compound is a felony of the 2868
second degree, and the court shall impose as a mandatory prison 2869
term one of the prison terms prescribed for a felony of the 2870
second degree. 2871

(e) If the amount of the drug involved equals or exceeds 2872
two hundred unit doses but is less than five hundred unit doses 2873
or equals or exceeds twenty grams but is less than fifty grams, 2874
possession of a fentanyl-related compound is a felony of the 2875
first degree, and the court shall impose as a mandatory prison 2876
term one of the prison terms prescribed for a felony of the 2877
first degree. 2878

(f) If the amount of the drug involved equals or exceeds 2879
five hundred unit doses but is less than one thousand unit doses 2880
or equals or exceeds fifty grams but is less than one hundred 2881
grams, possession of a fentanyl-related compound is a felony of 2882
the first degree, and the court shall impose as a mandatory 2883
prison term the maximum prison term prescribed for a felony of 2884
the first degree. 2885

(g) If the amount of the drug involved equals or exceeds 2886
one thousand unit doses or equals or exceeds one hundred grams, 2887
possession of a fentanyl-related compound is a felony of the 2888
first degree, the offender is a major drug offender, and the 2889
court shall impose as a mandatory prison term the maximum prison 2890
term prescribed for a felony of the first degree. 2891

(D) Arrest or conviction for a minor misdemeanor violation 2892
of this section does not constitute a criminal record and need 2893
not be reported by the person so arrested or convicted in 2894
response to any inquiries about the person's criminal record, 2895
including any inquiries contained in any application for 2896
employment, license, or other right or privilege, or made in 2897
connection with the person's appearance as a witness. 2898

(E) In addition to any prison term or jail term authorized 2899
or required by division (C) of this section and sections 2900
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2901
Code and in addition to any other sanction that is imposed for 2902
the offense under this section, sections 2929.11 to 2929.18, or 2903
sections 2929.21 to 2929.28 of the Revised Code, the court that 2904
sentences an offender who is convicted of or pleads guilty to a 2905
violation of division (A) of this section may suspend the 2906
offender's driver's or commercial driver's license or permit for 2907
not more than five years. However, if the offender pleaded 2908
guilty to or was convicted of a violation of section 4511.19 of 2909
the Revised Code or a substantially similar municipal ordinance 2910
or the law of another state or the United States arising out of 2911
the same set of circumstances as the violation, the court shall 2912
suspend the offender's driver's or commercial driver's license 2913
or permit for not more than five years. If applicable, the court 2914
also shall do the following: 2915

(1) (a) If the violation is a felony of the first, second, 2916
or third degree, the court shall impose upon the offender the 2917
mandatory fine specified for the offense under division (B) (1) 2918
of section 2929.18 of the Revised Code unless, as specified in 2919
that division, the court determines that the offender is 2920
indigent. 2921

(b) Notwithstanding any contrary provision of section 2922
3719.21 of the Revised Code, the clerk of the court shall pay a 2923
mandatory fine or other fine imposed for a violation of this 2924
section pursuant to division (A) of section 2929.18 of the 2925
Revised Code in accordance with and subject to the requirements 2926
of division (F) of section 2925.03 of the Revised Code. The 2927
agency that receives the fine shall use the fine as specified in 2928
division (F) of section 2925.03 of the Revised Code. 2929

(c) If a person is charged with a violation of this 2930
section that is a felony of the first, second, or third degree, 2931
posts bail, and forfeits the bail, the clerk shall pay the 2932
forfeited bail pursuant to division (E)(1)(b) of this section as 2933
if it were a mandatory fine imposed under division (E)(1)(a) of 2934
this section. 2935

(2) If the offender is a professionally licensed person, 2936
in addition to any other sanction imposed for a violation of 2937
this section, the court immediately shall comply with section 2938
2925.38 of the Revised Code. 2939

(F) It is an affirmative defense, as provided in section 2940
2901.05 of the Revised Code, to a charge of a fourth degree 2941
felony violation under this section that the controlled 2942
substance that gave rise to the charge is in an amount, is in a 2943
form, is prepared, compounded, or mixed with substances that are 2944
not controlled substances in a manner, or is possessed under any 2945
other circumstances, that indicate that the substance was 2946
possessed solely for personal use. Notwithstanding any contrary 2947
provision of this section, if, in accordance with section 2948
2901.05 of the Revised Code, an accused who is charged with a 2949
fourth degree felony violation of division (C)(2), (4), (5), or 2950
(6) of this section sustains the burden of going forward with 2951

evidence of and establishes by a preponderance of the evidence 2952
the affirmative defense described in this division, the accused 2953
may be prosecuted for and may plead guilty to or be convicted of 2954
a misdemeanor violation of division (C) (2) of this section or a 2955
fifth degree felony violation of division (C) (4), (5), or (6) of 2956
this section respectively. 2957

(G) When a person is charged with possessing a bulk amount 2958
or multiple of a bulk amount, division (E) of section 2925.03 of 2959
the Revised Code applies regarding the determination of the 2960
amount of the controlled substance involved at the time of the 2961
offense. 2962

(H) It is an affirmative defense to a charge of possession 2963
of a controlled substance analog under division (C) (8) of this 2964
section that the person charged with violating that offense 2965
obtained, possessed, or used one of the following items that are 2966
excluded from the meaning of "controlled substance analog" under 2967
section 3719.01 of the Revised Code: 2968

(1) A controlled substance; 2969

(2) Any substance for which there is an approved new drug 2970
application; 2971

(3) With respect to a particular person, any substance if 2972
an exemption is in effect for investigational use for that 2973
person pursuant to federal law to the extent that conduct with 2974
respect to that substance is pursuant to that exemption. 2975

(I) Any offender who received a mandatory suspension of 2976
the offender's driver's or commercial driver's license or permit 2977
under this section prior to September 13, 2016, may file a 2978
motion with the sentencing court requesting the termination of 2979
the suspension. However, an offender who pleaded guilty to or 2980

was convicted of a violation of section 4511.19 of the Revised 2981
Code or a substantially similar municipal ordinance or law of 2982
another state or the United States that arose out of the same 2983
set of circumstances as the violation for which the offender's 2984
license or permit was suspended under this section shall not 2985
file such a motion. 2986

Upon the filing of a motion under division (I) of this 2987
section, the sentencing court, in its discretion, may terminate 2988
the suspension. 2989

Sec. 2925.12. (A) No person shall knowingly make, obtain, 2990
possess, or use any instrument, article, or thing the customary 2991
and primary purpose of which is for the administration or use of 2992
a dangerous drug, other than marihuana, when the instrument 2993
involved is a hypodermic or syringe, whether or not of crude or 2994
extemporized manufacture or assembly, and the instrument, 2995
article, or thing involved has been used by the offender to 2996
unlawfully administer or use a dangerous drug, other than 2997
marihuana, or to prepare a dangerous drug, other than marihuana, 2998
for unlawful administration or use. 2999

(B) (1) This section does not apply to manufacturers, 3000
licensed health professionals authorized to prescribe drugs, 3001
pharmacists, owners of pharmacies, and other persons whose 3002
conduct was in accordance with Chapters 3719., 4715., 4723., 3003
4729., 4730., 4731., ~~and 4741.~~, and 4772. of the Revised Code. 3004

(2) Division (B) (2) of section 2925.11 of the Revised Code 3005
applies with respect to a violation of this section when a 3006
person seeks or obtains medical assistance for another person 3007
who is experiencing a drug overdose, a person experiences a drug 3008
overdose and seeks medical assistance for that overdose, or a 3009
person is the subject of another person seeking or obtaining 3010

medical assistance for that overdose. 3011

(C) Whoever violates this section is guilty of possessing 3012
drug abuse instruments, a misdemeanor of the second degree. If 3013
the offender previously has been convicted of a drug abuse 3014
offense, a violation of this section is a misdemeanor of the 3015
first degree. 3016

(D) (1) In addition to any other sanction imposed upon an 3017
offender for a violation of this section, the court may suspend 3018
for not more than five years the offender's driver's or 3019
commercial driver's license or permit. However, if the offender 3020
pleaded guilty to or was convicted of a violation of section 3021
4511.19 of the Revised Code or a substantially similar municipal 3022
ordinance or the law of another state or the United States 3023
arising out of the same set of circumstances as the violation, 3024
the court shall suspend the offender's driver's or commercial 3025
driver's license or permit for not more than five years. If the 3026
offender is a professionally licensed person, in addition to any 3027
other sanction imposed for a violation of this section, the 3028
court immediately shall comply with section 2925.38 of the 3029
Revised Code. 3030

(2) Any offender who received a mandatory suspension of 3031
the offender's driver's or commercial driver's license or permit 3032
under this section prior to September 13, 2016, may file a 3033
motion with the sentencing court requesting the termination of 3034
the suspension. However, an offender who pleaded guilty to or 3035
was convicted of a violation of section 4511.19 of the Revised 3036
Code or a substantially similar municipal ordinance or law of 3037
another state or the United States that arose out of the same 3038
set of circumstances as the violation for which the offender's 3039
license or permit was suspended under this section shall not 3040

file such a motion. 3041

Upon the filing of a motion under division (D)(2) of this 3042
section, the sentencing court, in its discretion, may terminate 3043
the suspension. 3044

Sec. 2925.14. (A) As used in this section, "drug 3045
paraphernalia" means any equipment, product, or material of any 3046
kind that is used by the offender, intended by the offender for 3047
use, or designed for use, in propagating, cultivating, growing, 3048
harvesting, manufacturing, compounding, converting, producing, 3049
processing, preparing, testing, analyzing, packaging, 3050
repackaging, storing, containing, concealing, injecting, 3051
ingesting, inhaling, or otherwise introducing into the human 3052
body, a controlled substance in violation of this chapter. "Drug 3053
paraphernalia" includes, but is not limited to, any of the 3054
following equipment, products, or materials that are used by the 3055
offender, intended by the offender for use, or designed by the 3056
offender for use, in any of the following manners: 3057

(1) A kit for propagating, cultivating, growing, or 3058
harvesting any species of a plant that is a controlled substance 3059
or from which a controlled substance can be derived; 3060

(2) A kit for manufacturing, compounding, converting, 3061
producing, processing, or preparing a controlled substance; 3062

(3) Any object, instrument, or device for manufacturing, 3063
compounding, converting, producing, processing, or preparing 3064
methamphetamine; 3065

(4) An isomerization device for increasing the potency of 3066
any species of a plant that is a controlled substance; 3067

(5) Testing equipment for identifying, or analyzing the 3068
strength, effectiveness, or purity of, a controlled substance, 3069

except for those exempted in division (D) (4) of this section;	3070
(6) A scale or balance for weighing or measuring a controlled substance;	3071 3072
(7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance;	3073 3074 3075
(8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;	3076 3077
(9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance;	3078 3079
(10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance;	3080 3081
(11) A container or device for storing or concealing a controlled substance;	3082 3083
(12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;	3084 3085 3086
(13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburation tube or device; smoking or carburation mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.	3087 3088 3089 3090 3091 3092 3093 3094 3095 3096 3097

(B) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:

(1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use;

(2) The proximity in time or space of the equipment, product, or material, or of the act relating to the equipment, product, or material, to a violation of any provision of this chapter;

(3) The proximity of the equipment, product, or material to any controlled substance;

(4) The existence of any residue of a controlled substance on the equipment, product, or material;

(5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product, or material, to deliver it to any person whom the owner or person in control of the equipment, product, or material knows intends to use the object to facilitate a violation of any provision of this chapter. A finding that the owner, or anyone in control, of the equipment, product, or material, is not guilty of a violation of any other provision of this chapter does not prevent a finding that the equipment, product, or material was intended or designed by the offender for use as drug paraphernalia.

(6) Any oral or written instruction provided with the equipment, product, or material concerning its use;

(7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use;

(8) National or local advertising concerning the use of	3126
the equipment, product, or material;	3127
(9) The manner and circumstances in which the equipment,	3128
product, or material is displayed for sale;	3129
(10) Direct or circumstantial evidence of the ratio of the	3130
sales of the equipment, product, or material to the total sales	3131
of the business enterprise;	3132
(11) The existence and scope of legitimate uses of the	3133
equipment, product, or material in the community;	3134
(12) Expert testimony concerning the use of the equipment,	3135
product, or material.	3136
(C) (1) Subject to divisions (D) (2), (3), and (4) of this	3137
section, no person shall knowingly use, or possess with purpose	3138
to use, drug paraphernalia.	3139
(2) No person shall knowingly sell, or possess or	3140
manufacture with purpose to sell, drug paraphernalia, if the	3141
person knows or reasonably should know that the equipment,	3142
product, or material will be used as drug paraphernalia.	3143
(3) No person shall place an advertisement in any	3144
newspaper, magazine, handbill, or other publication that is	3145
published and printed and circulates primarily within this	3146
state, if the person knows that the purpose of the advertisement	3147
is to promote the illegal sale in this state of the equipment,	3148
product, or material that the offender intended or designed for	3149
use as drug paraphernalia.	3150
(D) (1) This section does not apply to manufacturers,	3151
licensed health professionals authorized to prescribe drugs,	3152
pharmacists, owners of pharmacies, and other persons whose	3153

conduct is in accordance with Chapters 3719., 4715., 4723., 3154
4729., 4730., 4731., ~~and 4741.~~, and 4772. of the Revised Code. 3155
This section shall not be construed to prohibit the possession 3156
or use of a hypodermic as authorized by section 3719.172 of the 3157
Revised Code. 3158

(2) Division (C)(1) of this section does not apply to a 3159
person's use, or possession with purpose to use, any drug 3160
paraphernalia that is equipment, a product, or material of any 3161
kind that is used by the person, intended by the person for use, 3162
or designed for use in storing, containing, concealing, 3163
injecting, ingesting, inhaling, or otherwise introducing into 3164
the human body marihuana. 3165

(3) Division (B)(2) of section 2925.11 of the Revised Code 3166
applies with respect to a violation of division (C)(1) of this 3167
section when a person seeks or obtains medical assistance for 3168
another person who is experiencing a drug overdose, a person 3169
experiences a drug overdose and seeks medical assistance for 3170
that overdose, or a person is the subject of another person 3171
seeking or obtaining medical assistance for that overdose. 3172

(4) Division (C)(1) of this section does not apply to a 3173
person's use, or possession with purpose to use, any drug 3174
testing strips to determine the presence of fentanyl or a 3175
fentanyl-related compound. 3176

(E) Notwithstanding Chapter 2981. of the Revised Code, any 3177
drug paraphernalia that was used, possessed, sold, or 3178
manufactured in a violation of this section shall be seized, 3179
after a conviction for that violation shall be forfeited, and 3180
upon forfeiture shall be disposed of pursuant to division (B) of 3181
section 2981.12 of the Revised Code. 3182

(F) (1) Whoever violates division (C) (1) of this section is 3183
guilty of illegal use or possession of drug paraphernalia, a 3184
misdemeanor of the fourth degree. 3185

(2) Except as provided in division (F) (3) of this section, 3186
whoever violates division (C) (2) of this section is guilty of 3187
dealing in drug paraphernalia, a misdemeanor of the second 3188
degree. 3189

(3) Whoever violates division (C) (2) of this section by 3190
selling drug paraphernalia to a juvenile is guilty of selling 3191
drug paraphernalia to juveniles, a misdemeanor of the first 3192
degree. 3193

(4) Whoever violates division (C) (3) of this section is 3194
guilty of illegal advertising of drug paraphernalia, a 3195
misdemeanor of the second degree. 3196

(G) (1) In addition to any other sanction imposed upon an 3197
offender for a violation of this section, the court may suspend 3198
for not more than five years the offender's driver's or 3199
commercial driver's license or permit. However, if the offender 3200
pleaded guilty to or was convicted of a violation of section 3201
4511.19 of the Revised Code or a substantially similar municipal 3202
ordinance or the law of another state or the United States 3203
arising out of the same set of circumstances as the violation, 3204
the court shall suspend the offender's driver's or commercial 3205
driver's license or permit for not more than five years. If the 3206
offender is a professionally licensed person, in addition to any 3207
other sanction imposed for a violation of this section, the 3208
court immediately shall comply with section 2925.38 of the 3209
Revised Code. 3210

(2) Any offender who received a mandatory suspension of 3211

the offender's driver's or commercial driver's license or permit 3212
under this section prior to September 13, 2016, may file a 3213
motion with the sentencing court requesting the termination of 3214
the suspension. However, an offender who pleaded guilty to or 3215
was convicted of a violation of section 4511.19 of the Revised 3216
Code or a substantially similar municipal ordinance or law of 3217
another state or the United States that arose out of the same 3218
set of circumstances as the violation for which the offender's 3219
license or permit was suspended under this section shall not 3220
file such a motion. 3221

Upon the filing of a motion under division (G) (2) of this 3222
section, the sentencing court, in its discretion, may terminate 3223
the suspension. 3224

Sec. 2925.23. (A) No person shall knowingly make a false 3225
statement in any prescription, order, report, or record required 3226
by Chapter 3719. or 4729. of the Revised Code. 3227

(B) No person shall intentionally make, utter, or sell, or 3228
knowingly possess any of the following that is a false or 3229
forged: 3230

(1) Prescription; 3231

(2) Uncompleted preprinted prescription blank used for 3232
writing a prescription; 3233

(3) Official written order; 3234

(4) License for a terminal distributor of dangerous drugs, 3235
as defined in section 4729.01 of the Revised Code; 3236

(5) License for a manufacturer of dangerous drugs, 3237
outsourcing facility, third-party logistics provider, repackager 3238
of dangerous drugs, or wholesale distributor of dangerous drugs, 3239

as defined in section 4729.01 of the Revised Code.	3240
(C) No person, by theft as defined in section 2913.02 of the Revised Code, shall acquire any of the following:	3241
	3242
(1) A prescription;	3243
(2) An uncompleted preprinted prescription blank used for writing a prescription;	3244
	3245
(3) An official written order;	3246
(4) A blank official written order;	3247
(5) A license or blank license for a terminal distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code;	3248
	3249
	3250
(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 the Revised Code.	3251
	3252
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	3255
(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.	3256
	3257
	3258
(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. <u>4772.</u> of the Revised Code.	3259
	3260
	3261
	3262
	3263
	3264
(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division	3265
	3266

(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 3267
section, illegal processing of drug documents is a felony of the 3268
fifth degree. If the offender violates division (A), division 3269
(B) (1) or (3), division (C) (1) or (3), or division (D) of this 3270
section, the penalty for illegal processing of drug documents 3271
shall be determined as follows: 3272

(1) If the drug involved is a compound, mixture, 3273
preparation, or substance included in schedule I or II, with the 3274
exception of marihuana, illegal processing of drug documents is 3275
a felony of the fourth degree, and division (C) of section 3276
2929.13 of the Revised Code applies in determining whether to 3277
impose a prison term on the offender. 3278

(2) If the drug involved is a dangerous drug or a 3279
compound, mixture, preparation, or substance included in 3280
schedule III, IV, or V or is marihuana, illegal processing of 3281
drug documents is a felony of the fifth degree, and division (C) 3282
of section 2929.13 of the Revised Code applies in determining 3283
whether to impose a prison term on the offender. 3284

(G) (1) In addition to any prison term authorized or 3285
required by division (F) of this section and sections 2929.13 3286
and 2929.14 of the Revised Code and in addition to any other 3287
sanction imposed for the offense under this section or sections 3288
2929.11 to 2929.18 of the Revised Code, the court that sentences 3289
an offender who is convicted of or pleads guilty to any 3290
violation of divisions (A) to (D) of this section may suspend 3291
for not more than five years the offender's driver's or 3292
commercial driver's license or permit. However, if the offender 3293
pleaded guilty to or was convicted of a violation of section 3294
4511.19 of the Revised Code or a substantially similar municipal 3295
ordinance or the law of another state or the United States 3296

arising out of the same set of circumstances as the violation, 3297
the court shall suspend the offender's driver's or commercial 3298
driver's license or permit for not more than five years. 3299

If the offender is a professionally licensed person, in 3300
addition to any other sanction imposed for a violation of this 3301
section, the court immediately shall comply with section 2925.38 3302
of the Revised Code. 3303

(2) Any offender who received a mandatory suspension of 3304
the offender's driver's or commercial driver's license or permit 3305
under this section prior to September 13, 2016, may file a 3306
motion with the sentencing court requesting the termination of 3307
the suspension. However, an offender who pleaded guilty to or 3308
was convicted of a violation of section 4511.19 of the Revised 3309
Code or a substantially similar municipal ordinance or law of 3310
another state or the United States that arose out of the same 3311
set of circumstances as the violation for which the offender's 3312
license or permit was suspended under this section shall not 3313
file such a motion. 3314

Upon the filing of a motion under division (G) (2) of this 3315
section, the sentencing court, in its discretion, may terminate 3316
the suspension. 3317

(H) Notwithstanding any contrary provision of section 3318
3719.21 of the Revised Code, the clerk of court shall pay a fine 3319
imposed for a violation of this section pursuant to division (A) 3320
of section 2929.18 of the Revised Code in accordance with and 3321
subject to the requirements of division (F) of section 2925.03 3322
of the Revised Code. The agency that receives the fine shall use 3323
the fine as specified in division (F) of section 2925.03 of the 3324
Revised Code. 3325

Sec. 2925.36. (A) No person shall knowingly furnish 3326
another a sample drug. 3327

(B) Division (A) of this section does not apply to 3328
manufacturers, wholesalers, pharmacists, owners of pharmacies, 3329
licensed health professionals authorized to prescribe drugs, and 3330
other persons whose conduct is in accordance with Chapters 3331
3719., 4715., 4723., 4725., 4729., 4730., 4731., ~~and 4741.~~, and 3332
4772. of the Revised Code. 3333

(C) (1) Whoever violates this section is guilty of illegal 3334
dispensing of drug samples. 3335

(2) If the drug involved in the offense is a compound, 3336
mixture, preparation, or substance included in schedule I or II, 3337
with the exception of marihuana, the penalty for the offense 3338
shall be determined as follows: 3339

(a) Except as otherwise provided in division (C) (2) (b) of 3340
this section, illegal dispensing of drug samples is a felony of 3341
the fifth degree, and, subject to division (E) of this section, 3342
division (C) of section 2929.13 of the Revised Code applies in 3343
determining whether to impose a prison term on the offender. 3344

(b) If the offense was committed in the vicinity of a 3345
school or in the vicinity of a juvenile, illegal dispensing of 3346
drug samples is a felony of the fourth degree, and, subject to 3347
division (E) of this section, division (C) of section 2929.13 of 3348
the Revised Code applies in determining whether to impose a 3349
prison term on the offender. 3350

(3) If the drug involved in the offense is a dangerous 3351
drug or a compound, mixture, preparation, or substance included 3352
in schedule III, IV, or V, or is marihuana, the penalty for the 3353
offense shall be determined as follows: 3354

(a) Except as otherwise provided in division (C) (3) (b) of 3355
this section, illegal dispensing of drug samples is a 3356
misdemeanor of the second degree. 3357

(b) If the offense was committed in the vicinity of a 3358
school or in the vicinity of a juvenile, illegal dispensing of 3359
drug samples is a misdemeanor of the first degree. 3360

(D) (1) In addition to any prison term authorized or 3361
required by division (C) or (E) of this section and sections 3362
2929.13 and 2929.14 of the Revised Code and in addition to any 3363
other sanction imposed for the offense under this section or 3364
sections 2929.11 to 2929.18 of the Revised Code, the court that 3365
sentences an offender who is convicted of or pleads guilty to a 3366
violation of division (A) of this section may suspend for not 3367
more than five years the offender's driver's or commercial 3368
driver's license or permit. However, if the offender pleaded 3369
guilty to or was convicted of a violation of section 4511.19 of 3370
the Revised Code or a substantially similar municipal ordinance 3371
or the law of another state or the United States arising out of 3372
the same set of circumstances as the violation, the court shall 3373
suspend the offender's driver's or commercial driver's license 3374
or permit for not more than five years. 3375

If the offender is a professionally licensed person, in 3376
addition to any other sanction imposed for a violation of this 3377
section, the court immediately shall comply with section 2925.38 3378
of the Revised Code. 3379

(2) Any offender who received a mandatory suspension of 3380
the offender's driver's or commercial driver's license or permit 3381
under this section prior to September 13, 2016, may file a 3382
motion with the sentencing court requesting the termination of 3383
the suspension. However, an offender who pleaded guilty to or 3384

was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

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

(E) Notwithstanding the prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, if the violation of division (A) of this section involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender and is guilty of a specification of the type described in division (A) of section 2941.1410 of the Revised Code, the court, in lieu of the prison term otherwise authorized or required, shall impose upon the offender the mandatory prison term specified in division (B) (3) (a) of section 2929.14 of the Revised Code.

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

Sec. 2925.55. (A) As used in sections 2925.55 to 2925.58 3415
of the Revised Code: 3416

(1) "Consumer product" means any food or drink that is 3417
consumed or used by humans and any drug, including a drug that 3418
may be provided legally only pursuant to a prescription, that is 3419
intended to be consumed or used by humans. 3420

(2) "Terminal distributor of dangerous drugs" has the same 3421
meaning as in section 4729.01 of the Revised Code. 3422

(3) "Pseudoephedrine" means any material, compound, 3423
mixture, or preparation that contains any quantity of 3424
pseudoephedrine, any of its salts, optical isomers, or salts of 3425
optical isomers. 3426

(4) "Pseudoephedrine product" means a consumer product 3427
that contains pseudoephedrine. 3428

(5) "Retailer" means a place of business that offers 3429
consumer products for sale to the general public. 3430

(6) "Single-ingredient preparation" means a compound, 3431
mixture, preparation, or substance that contains a single active 3432
ingredient. 3433

(7) "Ephedrine" means any material, compound, mixture, or 3434
preparation that contains any quantity of ephedrine, any of its 3435
salts, optical isomers, or salts of optical isomers. 3436

(8) "Ephedrine product" means a consumer product that 3437
contains ephedrine. 3438

(B) (1) No individual shall knowingly purchase, receive, or 3439
otherwise acquire an amount of pseudoephedrine product or 3440
ephedrine product that is greater than either of the following 3441
unless the pseudoephedrine product or ephedrine product is 3442

dispensed by a pharmacist pursuant to a valid prescription 3443
issued by a licensed health professional authorized to prescribe 3444
drugs and the conduct of the pharmacist and the licensed health 3445
professional authorized to prescribe drugs is in accordance with 3446
Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, or
4772. of the Revised Code: 3447
3448

(a) Three and six tenths grams within a period of a single 3449
day; 3450

(b) Nine grams within a period of thirty consecutive days. 3451

The limits specified in divisions (B)(1)(a) and (b) of 3452
this section apply to the total amount of base pseudoephedrine 3453
or base ephedrine in the pseudoephedrine product or ephedrine 3454
product, respectively. The limits do not apply to the product's 3455
overall weight. 3456

(2) It is not a violation of division (B)(1) of this 3457
section for an individual to receive or accept more than an 3458
amount of pseudoephedrine product or ephedrine product specified 3459
in division (B)(1)(a) or (b) of this section if the individual 3460
is an employee of a retailer or terminal distributor of 3461
dangerous drugs, and the employee receives or accepts from the 3462
retailer or terminal distributor of dangerous drugs the 3463
pseudoephedrine product or ephedrine product in a sealed 3464
container in connection with manufacturing, warehousing, 3465
placement, stocking, bagging, loading, or unloading of the 3466
product. 3467

(C)(1) No individual under eighteen years of age shall 3468
knowingly purchase, receive, or otherwise acquire a 3469
pseudoephedrine product or ephedrine product unless the 3470
pseudoephedrine product or ephedrine product is dispensed by a 3471

pharmacist pursuant to a valid prescription issued by a licensed 3472
health professional authorized to prescribe drugs and the 3473
conduct of the pharmacist and the licensed health professional 3474
authorized to prescribe drugs is in accordance with Chapter 3475
3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, or 4772. of 3476
the Revised Code. 3477

(2) Division (C)(1) of this section does not apply to an 3478
individual under eighteen years of age who purchases, receives, 3479
or otherwise acquires a pseudoephedrine product or ephedrine 3480
product from any of the following: 3481

(a) A licensed health professional authorized to prescribe 3482
drugs or pharmacist who dispenses, sells, or otherwise provides 3483
the pseudoephedrine product or ephedrine product to that 3484
individual and whose conduct is in accordance with Chapter 3485
3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, or 4772. of 3486
the Revised Code; 3487

(b) A parent or guardian of that individual who provides 3488
the pseudoephedrine product or ephedrine product to the 3489
individual; 3490

(c) A person, as authorized by that individual's parent or 3491
guardian, who dispenses, sells, or otherwise provides the 3492
pseudoephedrine product or ephedrine product to the individual; 3493

(d) A retailer or terminal distributor of dangerous drugs 3494
who provides the pseudoephedrine product or ephedrine product to 3495
that individual if the individual is an employee of the retailer 3496
or terminal distributor of dangerous drugs and the individual 3497
receives or accepts from the retailer or terminal distributor of 3498
dangerous drugs the pseudoephedrine product or ephedrine product 3499
in a sealed container in connection with manufacturing, 3500

warehousing, placement, stocking, bagging, loading, or unloading 3501
of the product. 3502

(D) No individual under eighteen years of age shall 3503
knowingly show or give false information concerning the 3504
individual's name, age, or other identification for the purpose 3505
of purchasing, receiving, or otherwise acquiring a 3506
pseudoephedrine product or ephedrine product. 3507

(E) No individual shall knowingly fail to comply with the 3508
requirements of division (B) of section 3715.051 of the Revised 3509
Code. 3510

(F) Whoever violates division (B) (1) of this section is 3511
guilty of unlawful purchase of a pseudoephedrine product or 3512
ephedrine product, a misdemeanor of the first degree. 3513

(G) Whoever violates division (C) (1) of this section is 3514
guilty of underage purchase of a pseudoephedrine product or 3515
ephedrine product, a delinquent act that would be a misdemeanor 3516
of the fourth degree if it could be committed by an adult. 3517

(H) Whoever violates division (D) of this section is 3518
guilty of using false information to purchase a pseudoephedrine 3519
product or ephedrine product, a delinquent act that would be a 3520
misdemeanor of the first degree if it could be committed by an 3521
adult. 3522

(I) Whoever violates division (E) of this section is 3523
guilty of improper purchase of a pseudoephedrine product or 3524
ephedrine product, a misdemeanor of the fourth degree. 3525

Sec. 2925.56. (A) (1) Except as provided in division (A) (2) 3526
of this section, no retailer or terminal distributor of 3527
dangerous drugs or an employee of a retailer or terminal 3528
distributor of dangerous drugs shall knowingly sell, offer to 3529

sell, hold for sale, deliver, or otherwise provide to any 3530
individual an amount of pseudoephedrine product or ephedrine 3531
product that is greater than either of the following: 3532

(a) Three and ~~sixtenths~~six-tenths grams within a period 3533
of a single day; 3534

(b) Nine grams within a period of thirty consecutive days. 3535

The maximum amounts specified in divisions (A)(1)(a) and 3536
(b) of this section apply to the total amount of base 3537
pseudoephedrine or base ephedrine in the pseudoephedrine product 3538
or ephedrine product, respectively. The maximum amounts do not 3539
apply to the product's overall weight. 3540

(2)(a) Division (A)(1) of this section does not apply to 3541
any quantity of pseudoephedrine product or ephedrine product 3542
dispensed by a pharmacist pursuant to a valid prescription 3543
issued by a licensed health professional authorized to prescribe 3544
drugs if the conduct of the pharmacist and the licensed health 3545
professional authorized to prescribe drugs is in accordance with 3546
Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or~~4741., or
4772. of the Revised Code. 3547
3548

(b) It is not a violation of division (A)(1) of this 3549
section for a retailer, terminal distributor of dangerous drugs, 3550
or employee of either to provide to an individual more than an 3551
amount of pseudoephedrine product or ephedrine product specified 3552
in division (A)(1)(a) or (b) of this section under either of the 3553
following circumstances: 3554

(i) The individual is an employee of the retailer or 3555
terminal distributor of dangerous drugs, and the employee 3556
receives or accepts from the retailer, terminal distributor of 3557
dangerous drugs, or employee the pseudoephedrine product or 3558

ephedrine product in a sealed container in connection with 3559
manufacturing, warehousing, placement, stocking, bagging, 3560
loading, or unloading of the product; 3561

(ii) A stop-sale alert is generated after the submission 3562
of information to the national precursor log exchange under the 3563
conditions described in division (A) (2) of section 3715.052 of 3564
the Revised Code. 3565

(B) (1) Except as provided in division (B) (2) of this 3566
section, no retailer or terminal distributor of dangerous drugs 3567
or an employee of a retailer or terminal distributor of 3568
dangerous drugs shall sell, offer to sell, hold for sale, 3569
deliver, or otherwise provide a pseudoephedrine product or 3570
ephedrine product to an individual who is under eighteen years 3571
of age. 3572

(2) Division (B) (1) of this section does not apply to any 3573
of the following: 3574

(a) A licensed health professional authorized to prescribe 3575
drugs or pharmacist who dispenses, sells, or otherwise provides 3576
a pseudoephedrine product or ephedrine product to an individual 3577
under eighteen years of age and whose conduct is in accordance 3578
with Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~ 3579
or 4772. of the Revised Code; 3580

(b) A parent or guardian of an individual under eighteen 3581
years of age who provides a pseudoephedrine product or ephedrine 3582
product to the individual; 3583

(c) A person who, as authorized by the individual's parent 3584
or guardian, dispenses, sells, or otherwise provides a 3585
pseudoephedrine product or ephedrine product to an individual 3586
under eighteen years of age; 3587

(d) The provision by a retailer, terminal distributor of 3588
dangerous drugs, or employee of either of a pseudoephedrine 3589
product or ephedrine product in a sealed container to an 3590
employee of the retailer or terminal distributor of dangerous 3591
drugs who is under eighteen years of age in connection with 3592
manufacturing, warehousing, placement, stocking, bagging, 3593
loading, or unloading of the product. 3594

(C) No retailer or terminal distributor of dangerous drugs 3595
shall fail to comply with the requirements of division (A) of 3596
section 3715.051 or division (A) (2) of section 3715.052 of the 3597
Revised Code. 3598

(D) No retailer or terminal distributor of dangerous drugs 3599
shall fail to comply with the requirements of division (A) (1) of 3600
section 3715.052 of the Revised Code. 3601

(E) Whoever violates division (A) (1) of this section is 3602
guilty of unlawfully selling a pseudoephedrine product or 3603
ephedrine product, a misdemeanor of the first degree. 3604

(F) Whoever violates division (B) (1) of this section is 3605
guilty of unlawfully selling a pseudoephedrine product or 3606
ephedrine product to a minor, a misdemeanor of the fourth 3607
degree. 3608

(G) Whoever violates division (C) of this section is 3609
guilty of improper sale of a pseudoephedrine product or 3610
ephedrine product, a misdemeanor of the second degree. 3611

(H) Whoever violates division (D) of this section is 3612
guilty of failing to submit information to the national 3613
precursor log exchange, a misdemeanor for which the offender 3614
shall be fined not more than one thousand dollars per violation. 3615

Sec. 2929.42. (A) The prosecutor in any case against any 3616

person licensed, certified, registered, or otherwise authorized 3617
to practice under Chapter 3719., 4715., 4723., 4729., 4730., 3618
4731., 4734., ~~or 4741.~~ or 4772. of the Revised Code shall 3619
notify the appropriate licensing board, on forms provided by the 3620
board, of any of the following regarding the person: 3621

(1) A plea of guilty to, or a conviction of, a felony, or 3622
a court order dismissing a felony charge on technical or 3623
procedural grounds; 3624

(2) A plea of guilty to, or a conviction of, a misdemeanor 3625
committed in the course of practice or in the course of 3626
business, or a court order dismissing such a misdemeanor charge 3627
on technical or procedural grounds; 3628

(3) A plea of guilty to, or a conviction of, a misdemeanor 3629
involving moral turpitude, or a court order dismissing such a 3630
charge on technical or procedural grounds. 3631

(B) The report required by division (A) of this section 3632
shall include the name and address of the person, the nature of 3633
the offense, and certified copies of court entries in the 3634
action. 3635

Sec. 3701.048. (A) As used in this section: 3636

(1) "Board of health" means the board of health of a city 3637
or general health district or the authority having the duties of 3638
a board of health under section 3709.05 of the Revised Code. 3639

(2) "Controlled substance" has the same meaning as in 3640
section 3719.01 of the Revised Code. 3641

(3) "Drug," "dangerous drug," and "licensed health 3642
professional authorized to prescribe drugs" have the same 3643
meanings as in section 4729.01 of the Revised Code. 3644

(4) "Registered volunteer" has the same meaning as in 3645
section 5502.281 of the Revised Code. 3646

(B) In consultation with the appropriate professional 3647
regulatory boards of this state, the director of health shall 3648
develop one or more protocols that authorize the following 3649
individuals to administer, deliver, or distribute drugs, other 3650
than schedule II and III controlled substances, during a period 3651
of time described in division (E) of this section, 3652
notwithstanding any statute or rule that otherwise prohibits or 3653
restricts the administration, delivery, or distribution of drugs 3654
by those individuals: 3655

(1) A physician authorized under Chapter 4731. of the 3656
Revised Code to practice medicine and surgery, osteopathic 3657
medicine and surgery, or podiatric medicine and surgery; 3658

(2) A physician assistant licensed under Chapter 4730. of 3659
the Revised Code; 3660

(3) A dentist or dental hygienist licensed under Chapter 3661
4715. of the Revised Code; 3662

(4) A registered nurse licensed under Chapter 4723. of the 3663
Revised Code, including an advanced practice registered nurse, 3664
as defined in section 4723.01 of the Revised Code; 3665

(5) A licensed practical nurse licensed under Chapter 3666
4723. of the Revised Code; 3667

(6) An optometrist licensed under Chapter 4725. of the 3668
Revised Code; 3669

(7) A pharmacist or pharmacy intern licensed under Chapter 3670
4729. of the Revised Code; 3671

(8) A respiratory care professional licensed under Chapter 3672

4761. of the Revised Code; 3673

(9) An emergency medical technician-basic, emergency 3674
medical technician-intermediate, or emergency medical 3675
technician-paramedic who holds a certificate to practice issued 3676
under Chapter 4765. of the Revised Code; 3677

(10) A veterinarian licensed under Chapter 4741. of the 3678
Revised Code; 3679

(11) A certified mental health assistant licensed under 3680
Chapter 4772. of the Revised Code. 3681

(C) In consultation with the executive director of the 3682
emergency management agency, the director of health shall 3683
develop one or more protocols that authorize employees of boards 3684
of health and registered volunteers to deliver or distribute 3685
drugs, other than schedule II and III controlled substances, 3686
during a period of time described in division (E) of this 3687
section, notwithstanding any statute or rule that otherwise 3688
prohibits or restricts the delivery or distribution of drugs by 3689
those individuals. 3690

(D) In consultation with the state board of pharmacy, the 3691
director of health shall develop one or more protocols that 3692
authorize pharmacists and pharmacy interns to dispense, during a 3693
period of time described in division (E) of this section, 3694
limited quantities of dangerous drugs, other than schedule II 3695
and III controlled substances, without a written, oral, or 3696
electronic prescription from a licensed health professional 3697
authorized to prescribe drugs or without a record of a 3698
prescription, notwithstanding any statute or rule that otherwise 3699
prohibits or restricts the dispensing of drugs without a 3700
prescription or record of a prescription. 3701

(E) On the governor's declaration of an emergency that 3702
affects the public health, the director of health may issue an 3703
order to implement one or more of the protocols developed 3704
pursuant to division (B), (C), or (D) of this section. At a 3705
minimum, the director's order shall identify the one or more 3706
protocols to be implemented and the period of time during which 3707
the one or more protocols are to be effective. 3708

(F) (1) An individual who administers, delivers, 3709
distributes, or dispenses a drug or dangerous drug in accordance 3710
with one or more of the protocols implemented under division (E) 3711
of this section is not liable for damages in any civil action 3712
unless the individual's acts or omissions in performing those 3713
activities constitute willful or wanton misconduct. 3714

(2) An individual who administers, delivers, distributes, 3715
or dispenses a drug or dangerous drug in accordance with one or 3716
more of the protocols implemented under division (E) of this 3717
section is not subject to criminal prosecution or professional 3718
disciplinary action under any chapter in Title XLVII of the 3719
Revised Code. 3720

Sec. 3701.74. (A) As used in this section and section 3721
3701.741 of the Revised Code: 3722

(1) "Ambulatory care facility" means a facility that 3723
provides medical, diagnostic, or surgical treatment to patients 3724
who do not require hospitalization, including a dialysis center, 3725
ambulatory surgical facility, cardiac catheterization facility, 3726
diagnostic imaging center, extracorporeal shock wave lithotripsy 3727
center, home health agency, inpatient hospice, birthing center, 3728
radiation therapy center, emergency facility, and an urgent care 3729
center. "Ambulatory care facility" does not include the private 3730
office of a physician or dentist, whether the office is for an 3731

individual or group practice.	3732
(2) "Chiropractor" means an individual licensed under Chapter 4734. of the Revised Code to practice chiropractic.	3733 3734
(3) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.	3735 3736 3737
(4) "Health care practitioner" means all of the following:	3738
(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	3739 3740
(b) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	3741 3742
(c) An optometrist licensed under Chapter 4725. of the Revised Code;	3743 3744
(d) A dispensing optician, spectacle dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;	3745 3746 3747
(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	3748 3749
(f) A physician;	3750
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	3751 3752
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	3753 3754
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	3755 3756
(j) A chiropractor;	3757

(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	3758 3759
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	3760 3761
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	3762 3763
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	3764 3765
(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;	3766 3767 3768 3769 3770
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	3771 3772
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	3773 3774
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code;	3775 3776 3777 3778
<u>(s) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u>	3779 3780
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	3781 3782 3783
(6) "Hospital" has the same meaning as in section 3727.01	3784

of the Revised Code. 3785

(7) "Long-term care facility" means a nursing home, 3786
residential care facility, or home for the aging, as those terms 3787
are defined in section 3721.01 of the Revised Code; a 3788
residential facility licensed under section 5119.34 of the 3789
Revised Code that provides accommodations, supervision, and 3790
personal care services for three to sixteen unrelated adults; a 3791
nursing facility, as defined in section 5165.01 of the Revised 3792
Code; a skilled nursing facility, as defined in section 5165.01 3793
of the Revised Code; and an intermediate care facility for 3794
individuals with intellectual disabilities, as defined in 3795
section 5124.01 of the Revised Code. 3796

(8) "Medical record" means data in any form that pertains 3797
to a patient's medical history, diagnosis, prognosis, or medical 3798
condition and that is generated and maintained by a health care 3799
provider in the process of the patient's health care treatment. 3800

(9) "Medical records company" means a person who stores, 3801
locates, or copies medical records for a health care provider, 3802
or is compensated for doing so by a health care provider, and 3803
charges a fee for providing medical records to a patient or 3804
patient's representative. 3805

(10) "Patient" means either of the following: 3806

(a) An individual who received health care treatment from 3807
a health care provider; 3808

(b) A guardian, as defined in section 1337.11 of the 3809
Revised Code, of an individual described in division (A) (10) (a) 3810
of this section. 3811

(11) "Patient's personal representative" means a minor 3812
patient's parent or other person acting in loco parentis, a 3813

court-appointed guardian, or a person with durable power of 3814
attorney for health care for a patient, the executor or 3815
administrator of the patient's estate, or the person responsible 3816
for the patient's estate if it is not to be probated. "Patient's 3817
personal representative" does not include an insurer authorized 3818
under Title XXXIX of the Revised Code to do the business of 3819
sickness and accident insurance in this state, a health insuring 3820
corporation holding a certificate of authority under Chapter 3821
1751. of the Revised Code, or any other person not named in this 3822
division. 3823

(12) "Pharmacy" has the same meaning as in section 4729.01 3824
of the Revised Code. 3825

(13) "Physician" means a person authorized under Chapter 3826
4731. of the Revised Code to practice medicine and surgery, 3827
osteopathic medicine and surgery, or podiatric medicine and 3828
surgery. 3829

(14) "Authorized person" means a person to whom a patient 3830
has given written authorization to act on the patient's behalf 3831
regarding the patient's medical record. 3832

(B) A patient, a patient's personal representative, or an 3833
authorized person who wishes to examine or obtain a copy of part 3834
or all of a medical record shall submit to the health care 3835
provider a written request signed by the patient, personal 3836
representative, or authorized person dated not more than one 3837
year before the date on which it is submitted. The request shall 3838
indicate whether the copy is to be sent to the requestor, 3839
physician or chiropractor, or held for the requestor at the 3840
office of the health care provider. Within a reasonable time 3841
after receiving a request that meets the requirements of this 3842
division and includes sufficient information to identify the 3843

record requested, a health care provider that has the patient's 3844
medical records shall permit the patient to examine the record 3845
during regular business hours without charge or, on request, 3846
shall provide a copy of the record in accordance with section 3847
3701.741 of the Revised Code, except that if a physician, 3848
psychologist, licensed professional clinical counselor, licensed 3849
professional counselor, independent social worker, social 3850
worker, independent marriage and family therapist, marriage and 3851
family therapist, or chiropractor who has treated the patient 3852
determines for clearly stated treatment reasons that disclosure 3853
of the requested record is likely to have an adverse effect on 3854
the patient, the health care provider shall provide the record 3855
to a physician, psychologist, licensed professional clinical 3856
counselor, licensed professional counselor, independent social 3857
worker, social worker, independent marriage and family 3858
therapist, marriage and family therapist, or chiropractor 3859
designated by the patient. The health care provider shall take 3860
reasonable steps to establish the identity of the person making 3861
the request to examine or obtain a copy of the patient's record. 3862

(C) If a health care provider fails to furnish a medical 3863
record as required by division (B) of this section, the patient, 3864
personal representative, or authorized person who requested the 3865
record may bring a civil action to enforce the patient's right 3866
of access to the record. 3867

(D) (1) This section does not apply to medical records 3868
whose release is covered by section 173.20 or 3721.13 of the 3869
Revised Code, by Chapter 1347., 5119., or 5122. of the Revised 3870
Code, by 42 C.F.R. part 2, "Confidentiality of Alcohol and Drug 3871
Abuse Patient Records," or by 42 C.F.R. 483.10. 3872

(2) Nothing in this section is intended to supersede the 3873

confidentiality provisions of sections 2305.24, 2305.25, 3874
2305.251, and 2305.252 of the Revised Code. 3875

Sec. 3709.161. (A) The board of health of a city or 3876
general health district may procure a policy or policies of 3877
insurance insuring the members of the board, the health 3878
commissioner, and the employees of the board against liability 3879
on account of damage or injury to persons and property resulting 3880
from any act or omission that occurs in the individual's 3881
official capacity as a member or employee of the board or 3882
resulting solely out of such membership or employment. 3883

(B) (1) As used in this division, "health care 3884
professional" means all of the following: 3885

(a) A dentist or dental hygienist licensed under Chapter 3886
4715. of the Revised Code; 3887

(b) A registered nurse or licensed practical nurse 3888
licensed under Chapter 4723. of the Revised Code; 3889

(c) A person licensed under Chapter 4729. of the Revised 3890
Code to practice as a pharmacist; 3891

(d) A person authorized under Chapter 4730. of the Revised 3892
Code to practice as a physician assistant; 3893

(e) A person authorized under Chapter 4731. of the Revised 3894
Code to practice medicine and surgery, osteopathic medicine and 3895
surgery, or podiatry; 3896

(f) A psychologist licensed under Chapter 4732. of the 3897
Revised Code; 3898

(g) A veterinarian licensed under Chapter 4741. of the 3899
Revised Code; 3900

(h) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	3901 3902
(i) An occupational therapist, physical therapist, physical therapist assistant, or athletic trainer licensed under Chapter 4755. of the Revised Code;	3903 3904 3905
(j) A licensed professional clinical counselor, licensed professional counselor, independent social worker, or social worker licensed under Chapter 4757. of the Revised Code;	3906 3907 3908
(k) A dietitian licensed under Chapter 4759. of the Revised Code;	3909 3910
<u>(l) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u>	3911 3912
(2) The board of health of a city or general health district may purchase liability insurance for a health care professional with whom the board contracts for the provision of health care services against liability on account of damage or injury to persons and property arising from the health care professional's performance of services under the contract. The policy shall be purchased from an insurance company licensed to do business in this state, if such a policy is available from such a company. The board of health of a city or general health district shall report the cost of the liability insurance policy and subsequent increases in the cost to the director of health on a form prescribed by the director.	3913 3914 3915 3916 3917 3918 3919 3920 3921 3922 3923 3924
Sec. 3715.50. (A) As used in this section and in sections 3715.501 to 3715.505 of the Revised Code:	3925 3926
(1) "Advanced practice registered nurse" means an individual who holds a current, valid license issued under Chapter 4723. of the Revised Code and is designated as a	3927 3928 3929

clinical nurse specialist, certified nurse-midwife, or certified
nurse practitioner. 3930
3931

(2) "Overdose reversal drug" has the same meaning as in
section 4729.01 of the Revised Code. 3932
3933

(3) "Pharmacist" means an individual licensed under
Chapter 4729. of the Revised Code to practice as a pharmacist. 3934
3935

(4) "Pharmacy intern" means an individual licensed under
Chapter 4729. of the Revised Code to practice as a pharmacy
intern. 3936
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(5) "Physician" means an individual authorized under
Chapter 4731. of the Revised Code to practice medicine and
surgery, osteopathic medicine and surgery, or podiatric medicine
and surgery. 3939
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(6) "Physician assistant" means an individual who is
licensed under Chapter 4730. of the Revised Code, holds a valid
prescriber number issued by the state medical board, and has
been granted physician-delegated prescriptive authority. 3943
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(7) "Certified mental health assistant" means an
individual who is licensed under Chapter 4772. of the Revised
Code and has been granted physician-delegated prescriptive
authority. 3947
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(B) Notwithstanding any conflicting provision of the
Revised Code, any person or government entity may purchase,
possess, distribute, dispense, personally furnish, sell, or
otherwise obtain or provide an overdose reversal drug, which
includes any instrument or device used to administer the drug,
if all of the following conditions are met: 3951
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(1) The overdose reversal drug is in its original 3957

manufacturer's packaging. 3958

(2) The overdose reversal drug's packaging contains the 3959
manufacturer's instructions for use. 3960

(3) The overdose reversal drug is stored in accordance 3961
with the manufacturer's or distributor's instructions. 3962

(C) In addition to actions authorized by division (B) of 3963
this section, any person or government entity may obtain and 3964
maintain a supply of an overdose reversal drug for either or 3965
both of the following purposes: for use in an emergency 3966
situation and for distribution through an automated mechanism. 3967

(1) In the case of a supply of an overdose reversal drug 3968
obtained and maintained for use in an emergency situation, a 3969
person or government entity shall do all of the following: 3970

(a) Provide to any individual who accesses the supply 3971
instructions regarding emergency administration of the drug, 3972
including a specific instruction to summon emergency services as 3973
necessary; 3974

(b) Establish a process for replacing within a reasonable 3975
time period any overdose reversal drug that has been accessed; 3976

(c) Store the overdose reversal drug in accordance with 3977
the manufacturer's or distributor's instructions. 3978

(2) In the case of a supply of an overdose reversal drug 3979
obtained and maintained for distribution through an automated 3980
mechanism, a person or government entity shall do all of the 3981
following: 3982

(a) Ensure that the mechanism is securely fastened to a 3983
permanent structure or is of an appropriate size and weight to 3984
reasonably prevent it from being removed from its intended 3985

location; 3986

(b) Provide to any individual who accesses the supply 3987
instructions regarding emergency administration of the drug, 3988
including a specific instruction to summon emergency services as 3989
necessary; 3990

(c) Develop a process for monitoring and replenishing the 3991
supply maintained in the automated mechanism; 3992

(d) Store the overdose reversal drug in accordance with 3993
the manufacturer's or distributor's instructions. 3994

(D) If the authority granted by division (B) or (C) of 3995
this section is exercised in good faith, the following 3996
immunities apply: 3997

(1) The person or government entity exercising the 3998
authority is not subject to administrative action or criminal 3999
prosecution and is not liable for damages in a civil action for 4000
injury, death, or loss to person or property for an act or 4001
omission that arises from exercising that authority. 4002

(2) After an overdose reversal drug has been dispensed or 4003
personally furnished, the person or government entity is not 4004
liable for or subject to any of the following for any act or 4005
omission of the individual to whom the drug is dispensed or 4006
personally furnished: damages in any civil action, prosecution 4007
in any criminal proceeding, or professional disciplinary action. 4008

(E) (1) This section does not affect any other authority to 4009
issue a prescription for, or personally furnish a supply of, an 4010
overdose reversal drug. 4011

(2) This section does not eliminate, limit, or reduce any 4012
other immunity or defense that a person or government entity may 4013

be entitled to under section 9.86, Chapter 2744., section 4014
4765.49, or any other provision of the Revised Code or the 4015
common law of this state. 4016

Sec. 3715.501. (A) Notwithstanding any conflicting 4017
provision of the Revised Code or of any rule adopted by the 4018
state board of pharmacy, state medical board, or board of 4019
nursing, both of the following apply: 4020

(1) A physician, physician assistant, ~~or~~ advanced practice 4021
registered nurse, or certified mental health assistant may issue 4022
a prescription for an overdose reversal drug, or personally 4023
furnish a supply of the drug, without having examined the 4024
individual to whom it may be administered. The physician, 4025
physician assistant, ~~or~~ advanced practice registered nurse, or 4026
certified mental health assistant exercising this authority 4027
shall provide, to the individual receiving the prescription or 4028
supply, instructions regarding the emergency administration of 4029
the drug, including a specific instruction to summon emergency 4030
services as necessary. 4031

(2) In the event that a prescription for an overdose 4032
reversal drug does not include the name of the individual to 4033
whom the drug may be administered, a pharmacist or pharmacy 4034
intern may dispense the drug to the individual who received the 4035
prescription. 4036

(B) (1) A physician, physician assistant, ~~or~~ advanced 4037
practice registered nurse, or certified mental health assistant 4038
who in good faith exercises the authority conferred by division 4039
(A) (1) of this section is not liable for or subject to any of 4040
the following for any act or omission of the individual to whom 4041
a prescription for an overdose reversal drug is issued or the 4042
supply of such a drug is furnished: damages in any civil action, 4043

prosecution in any criminal proceeding, or professional 4044
disciplinary action. 4045

(2) A pharmacist or pharmacy intern who in good faith 4046
exercises the authority conferred by division (A)(2) of this 4047
section is not liable for or subject to any of the following: 4048
damages in any civil action, prosecution in any criminal 4049
proceeding, or professional disciplinary action. 4050

Sec. 3715.502. (A) A physician, physician assistant, ~~or~~ 4051
advanced practice registered nurse, or certified mental health 4052
assistant may authorize one or more pharmacists and any of the 4053
pharmacy interns supervised by the one or more pharmacists to 4054
use a protocol developed pursuant to rules adopted under this 4055
section for the purpose of dispensing overdose reversal drugs. 4056
If use of the protocol has been authorized, a pharmacist or 4057
pharmacy intern may dispense overdose reversal drugs without a 4058
prescription to either of the following in accordance with that 4059
protocol: 4060

(1) An individual who there is reason to believe is 4061
experiencing or at risk of experiencing an opioid-related 4062
overdose; 4063

(2) A family member, friend, or other individual in a 4064
position to assist an individual who there is reason to believe 4065
is at risk of experiencing an opioid-related overdose. 4066

(B) A pharmacist or pharmacy intern who dispenses overdose 4067
reversal drugs under this section shall instruct the individual 4068
to whom the drugs are dispensed to summon emergency services as 4069
soon as practicable either before or after administering the 4070
drugs. 4071

(C) A pharmacist may document on a prescription form the 4072

dispensing of overdose reversal drugs by the pharmacist or a 4073
pharmacy intern supervised by the pharmacist. The form may be 4074
assigned a number for recordkeeping purposes. 4075

(D) This section does not affect the authority of a 4076
pharmacist or pharmacy intern to fill or refill a prescription 4077
for overdose reversal drugs. 4078

(E) A physician, physician assistant, ~~or~~ advanced practice 4079
registered nurse, or certified mental health assistant who in 4080
good faith authorizes a pharmacist or pharmacy intern to 4081
dispense overdose reversal drugs without a prescription, as 4082
provided in this section, is not liable for or subject to any of 4083
the following for any act or omission of the individual to whom 4084
the drugs are dispensed: damages in any civil action, 4085
prosecution in any criminal proceeding, or professional 4086
disciplinary action. 4087

A pharmacist or pharmacy intern authorized under this 4088
section to dispense overdose reversal drugs without a 4089
prescription who does so in good faith is not liable for or 4090
subject to any of the following for any act or omission of the 4091
individual to whom the drugs are dispensed: damages in any civil 4092
action, prosecution in any criminal proceeding, or professional 4093
disciplinary action. 4094

(F) The state board of pharmacy, after consulting with the 4095
state medical board and board of nursing, shall adopt rules to 4096
implement this section. The rules shall specify a protocol under 4097
which pharmacists or pharmacy interns may dispense overdose 4098
reversal drugs without a prescription. 4099

All rules adopted under this section shall be adopted in 4100
accordance with Chapter 119. of the Revised Code. 4101

(G) (1) The state board of pharmacy shall develop a program 4102
to educate all of the following about the authority of a 4103
pharmacist or pharmacy intern to dispense overdose reversal 4104
drugs without a prescription: 4105

(a) Holders of licenses issued under Chapter 4729. of the 4106
Revised Code that engage in the sale or dispensing of overdose 4107
reversal drugs pursuant to this section; 4108

(b) Registered pharmacy technicians, certified pharmacy 4109
technicians, and pharmacy technician trainees registered under 4110
Chapter 4729. of the Revised Code who engage in the sale of 4111
overdose reversal drugs pursuant to this section; 4112

(c) Individuals who are not licensed or registered under 4113
Chapter 4729. of the Revised Code but are employed by license 4114
holders described in division (G) (1) (a) of this section. 4115

(2) As part of the program, the board also shall educate 4116
the license holders, pharmacy technicians, and employees 4117
described in division (G) (1) of this section about maintaining 4118
an adequate supply of overdose reversal drugs and methods for 4119
determining a pharmacy's stock of such drugs. 4120

(3) The board may use its web site to share information 4121
under the program. 4122

Sec. 3715.503. (A) In addition to the actions authorized 4123
by section 3715.50 of the Revised Code and subject to division 4124
(B) of this section, a physician, physician assistant, ~~or~~ 4125
advanced practice registered nurse, or certified mental health 4126
assistant may elect to establish a protocol authorizing any 4127
individual to personally furnish a supply of an overdose 4128
reversal drug to another individual pursuant to the protocol. A 4129
person authorized to personally furnish an overdose reversal 4130

drug pursuant to the protocol may do so without having examined 4131
the individual to whom the drug may be administered. 4132

(B) A protocol established by a physician, physician 4133
assistant, ~~or~~ advanced practice registered nurse, or certified 4134
mental health assistant for purposes of this section shall 4135
include all of the following: 4136

(1) Any limitations to be applied concerning the 4137
individuals to whom the overdose reversal drug may be personally 4138
furnished; 4139

(2) The overdose reversal drug dosage that may be 4140
personally furnished and any variation in the dosage based on 4141
circumstances specified in the protocol; 4142

(3) Any labeling, storage, recordkeeping, and 4143
administrative requirements; 4144

(4) Training requirements that must be met before a person 4145
will be authorized to personally furnish overdose reversal 4146
drugs; 4147

(5) Any instructions or training that the authorized 4148
person must provide to an individual to whom an overdose 4149
reversal drug is personally furnished. 4150

(C) A physician, physician assistant, ~~or~~ advanced practice 4151
registered nurse, or certified mental health assistant who in 4152
good faith authorizes an individual to personally furnish a 4153
supply of an overdose reversal drug in accordance with a 4154
protocol established under this section, and an individual who 4155
in good faith personally furnishes a supply under that 4156
authority, is not liable for or subject to any of the following 4157
for any act or omission of the individual to whom the overdose 4158
reversal drug is personally furnished: damages in any civil 4159

action, prosecution in any criminal proceeding, or professional disciplinary action. 4160
4161

Sec. 3715.872. (A) As used in this section, "health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment: 4162
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4164

(1) Individuals authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; 4165
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(2) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code; 4168
4169

(3) Physician assistants licensed under Chapter 4730. of the Revised Code; 4170
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(4) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code; 4172
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(5) Optometrists licensed under Chapter 4725. of the Revised Code; 4174
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(6) Pharmacists licensed under Chapter 4729. of the Revised Code; 4176
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(7) Certified mental health assistants licensed under Chapter 4772. of the Revised Code. 4178
4179

(B) For matters related to activities conducted under the drug repository program, all of the following apply: 4180
4181

(1) A pharmacy, drug manufacturer, health care facility, or other person or government entity that donates or gives drugs to the program, and any person or government entity that facilitates the donation or gift, shall not be subject to liability in tort or other civil action for injury, death, or 4182
4183
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loss to person or property. 4187

(2) A pharmacy, hospital, or nonprofit clinic that accepts 4188
or distributes drugs under the program shall not be subject to 4189
liability in tort or other civil action for injury, death, or 4190
loss to person or property, unless an action or omission of the 4191
pharmacy, hospital, or nonprofit clinic constitutes willful and 4192
wanton misconduct. 4193

(3) A health care professional who accepts, dispenses, or 4194
personally furnishes drugs under the program on behalf of a 4195
pharmacy, hospital, or nonprofit clinic participating in the 4196
program, and the pharmacy, hospital, or nonprofit clinic that 4197
employs or otherwise uses the services of the health care 4198
professional, shall not be subject to liability in tort or other 4199
civil action for injury, death, or loss to person or property, 4200
unless an action or omission of the health care professional, 4201
pharmacy, hospital, or nonprofit clinic constitutes willful and 4202
wanton misconduct. 4203

(4) The state board of pharmacy shall not be subject to 4204
liability in tort or other civil action for injury, death, or 4205
loss to person or property, unless an action or omission of the 4206
board constitutes willful and wanton misconduct. 4207

(5) In addition to the civil immunity granted under 4208
division (B)(1) of this section, a pharmacy, drug manufacturer, 4209
health care facility, or other person or government entity that 4210
donates or gives drugs to the program, and any person or 4211
government entity that facilitates the donation or gift, shall 4212
not be subject to criminal prosecution for matters related to 4213
activities that it conducts or another party conducts under the 4214
program, unless an action or omission of the party that donates, 4215
gives, or facilitates the donation or gift of the drugs does not 4216

comply with the provisions of this chapter or the rules adopted 4217
under it. 4218

(6) In the case of a drug manufacturer, the immunities 4219
from civil liability and criminal prosecution granted to another 4220
party under divisions (B) (1) and (5) of this section extend to 4221
the manufacturer when any drug it manufactures is the subject of 4222
an activity conducted under the program. This extension of 4223
immunities includes, but is not limited to, immunity from 4224
liability or prosecution for failure to transfer or communicate 4225
product or consumer information or the expiration date of a drug 4226
that is donated or given. 4227

Sec. 3719.06. (A) (1) A licensed health professional 4228
authorized to prescribe drugs, if acting in the course of 4229
professional practice, in accordance with the laws regulating 4230
the professional's practice, and in accordance with rules 4231
adopted by the state board of pharmacy, may, except as provided 4232
in division (A) (2) ~~or, (3), or (4)~~ of this section, do the 4233
following: 4234

(a) Prescribe schedule II, III, IV, and V controlled 4235
substances; 4236

(b) Administer or personally furnish to patients schedule 4237
II, III, IV, and V controlled substances; 4238

(c) Cause schedule II, III, IV, and V controlled 4239
substances to be administered under the prescriber's direction 4240
and supervision. 4241

(2) A licensed health professional authorized to prescribe 4242
drugs who is a clinical nurse specialist, certified nurse- 4243
midwife, or certified nurse practitioner is subject to both of 4244
the following: 4245

(a) A schedule II controlled substance may be prescribed 4246
only in accordance with division (C) of section 4723.481 of the 4247
Revised Code. 4248

(b) No schedule II controlled substance shall be 4249
personally furnished to any patient. 4250

(3) A licensed health professional authorized to prescribe 4251
drugs who is a physician assistant is subject to all of the 4252
following: 4253

(a) A controlled substance may be prescribed or personally 4254
furnished only if it is included in the physician-delegated 4255
prescriptive authority granted to the physician assistant in 4256
accordance with Chapter 4730. of the Revised Code. 4257

(b) A schedule II controlled substance may be prescribed 4258
only in accordance with division (B)(4) of section 4730.41 and 4259
section 4730.411 of the Revised Code. 4260

(c) No schedule II controlled substance shall be 4261
personally furnished to any patient. 4262

(4) A licensed health professional authorized to prescribe 4263
drugs who is a certified mental health assistant is subject to 4264
both of the following: 4265

(a) A controlled substance may be prescribed or personally 4266
furnished only in accordance with sections 4772.12 and 4772.13 4267
of the Revised Code. 4268

(b) No schedule II controlled substance shall be 4269
personally furnished to any patient. 4270

(B) No licensed health professional authorized to 4271
prescribe drugs shall prescribe, administer, or personally 4272
furnish a schedule III anabolic steroid for the purpose of human 4273

muscle building or enhancing human athletic performance and no 4274
pharmacist shall dispense a schedule III anabolic steroid for 4275
either purpose, unless it has been approved for that purpose 4276
under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 4277
(1938), 21 U.S.C.A. 301, as amended. 4278

(C) When issuing a prescription for a schedule II 4279
controlled substance, a licensed health professional authorized 4280
to prescribe drugs shall do so only upon an electronic 4281
prescription, except that the prescriber may issue a written 4282
prescription if any of the following apply: 4283

(1) A temporary technical, electrical, or broadband 4284
failure occurs preventing the prescriber from issuing an 4285
electronic prescription. 4286

(2) The prescription is issued for a nursing home resident 4287
or hospice care patient. 4288

(3) The prescriber is employed by or under contract with 4289
the same entity that operates the pharmacy. 4290

(4) The prescriber determines that an electronic 4291
prescription cannot be issued in a timely manner and the 4292
patient's medical condition is at risk. 4293

(5) The prescriber issues the prescription from a health 4294
care facility, which may include an emergency department, and 4295
reasonably determines that an electronic prescription would be 4296
impractical for the patient or would cause a delay that may 4297
adversely impact the patient's medical condition. 4298

(6) The prescriber issues per year not more than fifty 4299
prescriptions for schedule II controlled substances. 4300

(7) The prescriber is a veterinarian licensed under 4301

Chapter 4741. of the Revised Code. 4302

(D) Each written or electronic prescription for a 4303
controlled substance shall be properly executed, dated, and 4304
signed by the prescriber on the day when issued and shall bear 4305
the full name and address of the person for whom, or the owner 4306
of the animal for which, the controlled substance is prescribed 4307
and the full name, address, and registry number under the 4308
federal drug abuse control laws of the prescriber. If the 4309
prescription is for an animal, it shall state the species of the 4310
animal for which the controlled substance is prescribed. 4311

Sec. 3719.064. (A) As used in this section: 4312

(1) "Medication-assisted treatment" has the same meaning 4313
as in section 340.01 of the Revised Code. 4314

(2) "Prescriber" means any of the following: 4315

(a) An advanced practice registered nurse who holds a 4316
current, valid license issued under Chapter 4723. of the Revised 4317
Code and is designated as a clinical nurse specialist, certified 4318
nurse-midwife, or certified nurse practitioner; 4319

(b) A physician authorized under Chapter 4731. of the 4320
Revised Code to practice medicine and surgery or osteopathic 4321
medicine and surgery; 4322

(c) A physician assistant who is licensed under Chapter 4323
4730. of the Revised Code, holds a valid prescriber number 4324
issued by the state medical board, and has been granted 4325
physician-delegated prescriptive authority; 4326

(d) A certified mental health assistant who is licensed 4327
under Chapter 4772. of the Revised Code and has been granted 4328
physician-delegated prescriptive authority by the physician 4329

supervising the certified mental health assistant. 4330

(3) "Qualifying practitioner" has the same meaning as in 4331
section 303(g) (2) (G) (iii) of the "Controlled Substances Act of 4332
1970," 21 U.S.C. 823(g) (2) (G) (iii), as amended. 4333

(B) Before initiating medication-assisted treatment, a 4334
prescriber shall give the patient or the patient's 4335
representative information about all drugs approved by the 4336
United States food and drug administration for use in 4337
medication-assisted treatment. The information must be provided 4338
both orally and in writing. The prescriber or the prescriber's 4339
delegate shall note in the patient's medical record when this 4340
information was provided and make the record available to 4341
employees of the board of nursing or state medical board on 4342
their request. 4343

If the prescriber is not a qualifying practitioner and the 4344
patient's choice is opioid treatment and the prescriber 4345
determines that such treatment is clinically appropriate and 4346
meets generally accepted standards of medicine, the prescriber 4347
shall refer the patient to an opioid treatment program licensed 4348
under section 5119.37 of the Revised Code or a qualifying 4349
practitioner. The prescriber or the prescriber's delegate shall 4350
make a notation in the patient's medical record naming the 4351
program or practitioner to whom the patient was referred and 4352
specifying when the referral was made. 4353

Sec. 3719.121. (A) Except as otherwise provided in section 4354
4723.28, 4723.35, 4730.25, 4731.22, 4734.39, ~~or 4734.41, or~~ 4355
4772.20 of the Revised Code, the license, certificate, or 4356
registration of any dentist, chiropractor, physician, 4357
podiatrist, registered nurse, advanced practice registered 4358
nurse, licensed practical nurse, physician assistant, 4359

pharmacist, pharmacy intern, pharmacy technician trainee, 4360
registered pharmacy technician, certified pharmacy technician, 4361
optometrist, ~~or~~ veterinarian, or certified mental health 4362
assistant who is or becomes addicted to the use of controlled 4363
substances shall be suspended by the board that authorized the 4364
person's license, certificate, or registration until the person 4365
offers satisfactory proof to the board that the person no longer 4366
is addicted to the use of controlled substances. 4367

(B) If the board under which a person has been issued a 4368
license, certificate, or evidence of registration determines 4369
that there is clear and convincing evidence that continuation of 4370
the person's professional practice or method of administering, 4371
prescribing, preparing, distributing, dispensing, or personally 4372
furnishing controlled substances or other dangerous drugs 4373
presents a danger of immediate and serious harm to others, the 4374
board may suspend the person's license, certificate, or 4375
registration without a hearing. Except as otherwise provided in 4376
sections 4715.30, 4723.281, 4729.16, 4730.25, 4731.22, ~~and~~ 4377
4734.36, and 4772.20 of the Revised Code, the board shall follow 4378
the procedure for suspension without a prior hearing in section 4379
119.07 of the Revised Code. The suspension shall remain in 4380
effect, unless removed by the board, until the board's final 4381
adjudication order becomes effective, except that if the board 4382
does not issue its final adjudication order within ninety days 4383
after the hearing, the suspension shall be void on the ninety- 4384
first day after the hearing. 4385

(C) On receiving notification pursuant to section 2929.42 4386
or 3719.12 of the Revised Code, the board under which a person 4387
has been issued a license, certificate, or evidence of 4388
registration immediately shall suspend the license, certificate, 4389
or registration of that person on a plea of guilty to, a finding 4390

by a jury or court of the person's guilt of, or conviction of a 4391
felony drug abuse offense; a finding by a court of the person's 4392
eligibility for intervention in lieu of conviction; a plea of 4393
guilty to, or a finding by a jury or court of the person's guilt 4394
of, or the person's conviction of an offense in another 4395
jurisdiction that is essentially the same as a felony drug abuse 4396
offense; or a finding by a court of the person's eligibility for 4397
treatment or intervention in lieu of conviction in another 4398
jurisdiction. The board shall notify the holder of the license, 4399
certificate, or registration of the suspension, which shall 4400
remain in effect until the board holds an adjudicatory hearing 4401
under Chapter 119. of the Revised Code. 4402

Sec. 3719.13. Prescriptions, orders, and records, required 4403
by Chapter 3719. of the Revised Code, and stocks of dangerous 4404
drugs and controlled substances, shall be open for inspection 4405
only to federal, state, county, and municipal officers, and 4406
employees of the state board of pharmacy whose duty it is to 4407
enforce the laws of this state or of the United States relating 4408
to controlled substances. Such prescriptions, orders, records, 4409
and stocks shall be open for inspection by employees of the 4410
state medical board for purposes of enforcing Chapters 4730.~~and~~ 4411
, 4731., and 4772. of the Revised Code, employees of the board 4412
of nursing for purposes of enforcing Chapter 4723. of the 4413
Revised Code, and employees of the department of mental health 4414
and addiction services for purposes of section 5119.37 of the 4415
Revised Code. No person having knowledge of any such 4416
prescription, order, or record shall divulge such knowledge, 4417
except in connection with a prosecution or proceeding in court 4418
or before a licensing or registration board or officer, to which 4419
prosecution or proceeding the person to whom such prescriptions, 4420
orders, or records relate is a party. 4421

Sec. 3719.81. (A) As used in this section, "sample drug" 4422
has the same meaning as in section 2925.01 of the Revised Code. 4423

(B) A person may furnish another a sample drug, if all of 4424
the following apply: 4425

(1) The sample drug is furnished free of charge by a 4426
manufacturer, manufacturer's representative, or wholesale dealer 4427
in pharmaceuticals to a licensed health professional authorized 4428
to prescribe drugs, or is furnished free of charge by such a 4429
professional to a patient for use as medication; 4430

(2) The sample drug is in the original container in which 4431
it was placed by the manufacturer, and the container is plainly 4432
marked as a sample; 4433

(3) Prior to its being furnished, the sample drug has been 4434
stored under the proper conditions to prevent its deterioration 4435
or contamination; 4436

(4) If the sample drug is of a type which deteriorates 4437
with time, the sample container is plainly marked with the date 4438
beyond which the sample drug is unsafe to use, and the date has 4439
not expired on the sample furnished. Compliance with the 4440
labeling requirements of the "Federal Food, Drug, and Cosmetic 4441
Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, shall 4442
be deemed compliance with this section. 4443

(5) The sample drug is distributed, stored, or discarded 4444
in such a way that the sample drug may not be acquired or used 4445
by any unauthorized person, or by any person, including a child, 4446
for whom it may present a health or safety hazard. 4447

(C) Division (B) of this section does not do any of the 4448
following: 4449

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

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

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

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

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

Sec. 3959.22. No health plan issuer, pharmacy benefit manager, or any other administrator shall prohibit a pharmacy from mailing or delivering drugs to patients as an ancillary service.

Sec. 4729.01. As used in this chapter:

(A) "Pharmacy," except when used in a context that refers 4479
to the practice of pharmacy, means any area, room, rooms, place 4480
of business, department, or portion of any of the foregoing 4481
where the practice of pharmacy is conducted. 4482

(B) "Practice of pharmacy" means providing pharmacist care 4483
requiring specialized knowledge, judgment, and skill derived 4484
from the principles of biological, chemical, behavioral, social, 4485
pharmaceutical, and clinical sciences. As used in this division, 4486
"pharmacist care" includes the following: 4487

(1) Interpreting prescriptions; 4488

(2) Dispensing drugs and drug therapy related devices; 4489

(3) Compounding drugs; 4490

(4) Counseling individuals with regard to their drug 4491
therapy, recommending drug therapy related devices, and 4492
assisting in the selection of drugs and appliances for treatment 4493
of common diseases and injuries and providing instruction in the 4494
proper use of the drugs and appliances; 4495

(5) Performing drug regimen reviews with individuals by 4496
discussing all of the drugs that the individual is taking and 4497
explaining the interactions of the drugs; 4498

(6) Performing drug utilization reviews with licensed 4499
health professionals authorized to prescribe drugs when the 4500
pharmacist determines that an individual with a prescription has 4501
a drug regimen that warrants additional discussion with the 4502
prescriber; 4503

(7) Advising an individual and the health care 4504
professionals treating an individual with regard to the 4505
individual's drug therapy; 4506

- (8) Acting pursuant to a consult agreement, if an agreement has been established; 4507
4508
- (9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code; 4509
4510
- (10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code. 4511
4512
- (C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances: 4513
4514
4515
- (1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs; 4516
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- (2) Pursuant to the modification of a prescription made in accordance with a consult agreement; 4518
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- (3) As an incident to research, teaching activities, or chemical analysis; 4520
4521
- (4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns; 4522
4523
4524
- (5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply: 4525
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- (a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer. 4530
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(b) A limited quantity of the drug is compounded and 4535
provided to the professional. 4536

(c) The drug is compounded and provided to the 4537
professional as an occasional exception to the normal practice 4538
of dispensing drugs pursuant to patient-specific prescriptions. 4539

(D) "Consult agreement" means an agreement that has been 4540
entered into under section 4729.39 of the Revised Code. 4541

(E) "Drug" means: 4542

(1) Any article recognized in the United States 4543
pharmacopoeia and national formulary, or any supplement to them, 4544
intended for use in the diagnosis, cure, mitigation, treatment, 4545
or prevention of disease in humans or animals; 4546

(2) Any other article intended for use in the diagnosis, 4547
cure, mitigation, treatment, or prevention of disease in humans 4548
or animals; 4549

(3) Any article, other than food, intended to affect the 4550
structure or any function of the body of humans or animals; 4551

(4) Any article intended for use as a component of any 4552
article specified in division (E) (1), (2), or (3) of this 4553
section; but does not include devices or their components, 4554
parts, or accessories. 4555

"Drug" does not include "hemp" or a "hemp product" as 4556
those terms are defined in section 928.01 of the Revised Code. 4557

(F) "Dangerous drug" means any of the following: 4558

(1) Any drug to which either of the following applies: 4559

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 4560
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 4561

required to bear a label containing the legend "Caution: Federal 4562
law prohibits dispensing without prescription" or "Caution: 4563
Federal law restricts this drug to use by or on the order of a 4564
licensed veterinarian" or any similar restrictive statement, or 4565
the drug may be dispensed only upon a prescription; 4566

(b) Under Chapter 3715. or 3719. of the Revised Code, the 4567
drug may be dispensed only upon a prescription. 4568

(2) Any drug that contains a schedule V controlled 4569
substance and that is exempt from Chapter 3719. of the Revised 4570
Code or to which that chapter does not apply; 4571

(3) Any drug intended for administration by injection into 4572
the human body other than through a natural orifice of the human 4573
body; 4574

(4) Any drug that is a biological product, as defined in 4575
section 3715.01 of the Revised Code. 4576

(G) "Federal drug abuse control laws" has the same meaning 4577
as in section 3719.01 of the Revised Code. 4578

(H) "Prescription" means all of the following: 4579

(1) A written, electronic, or oral order for drugs or 4580
combinations or mixtures of drugs to be used by a particular 4581
individual or for treating a particular animal, issued by a 4582
licensed health professional authorized to prescribe drugs; 4583

(2) For purposes of sections 4723.4810, 4729.282, 4584
4730.432, and 4731.93 of the Revised Code, a written, 4585
electronic, or oral order for a drug to treat chlamydia, 4586
gonorrhea, or trichomoniasis issued to and in the name of a 4587
patient who is not the intended user of the drug but is the 4588
sexual partner of the intended user; 4589

(3) For purposes of sections 3313.7110, 3313.7111, 4590
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4591
4731.96, and 5101.76 of the Revised Code, a written, electronic, 4592
or oral order for an epinephrine autoinjector issued to and in 4593
the name of a school, school district, or camp; 4594

(4) For purposes of Chapter 3728. and sections 4723.483, 4595
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 4596
electronic, or oral order for an epinephrine autoinjector issued 4597
to and in the name of a qualified entity, as defined in section 4598
3728.01 of the Revised Code; 4599

(5) For purposes of sections 3313.7115, 3313.7116, 4600
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 4601
5101.78 of the Revised Code, a written, electronic, or oral 4602
order for injectable or nasally administered glucagon in the 4603
name of a school, school district, or camp. 4604

(I) "Licensed health professional authorized to prescribe 4605
drugs" or "prescriber" means an individual who is authorized by 4606
law to prescribe drugs or dangerous drugs or drug therapy 4607
related devices in the course of the individual's professional 4608
practice, including only the following: 4609

(1) A dentist licensed under Chapter 4715. of the Revised 4610
Code; 4611

(2) A clinical nurse specialist, certified nurse-midwife, 4612
or certified nurse practitioner who holds a current, valid 4613
license issued under Chapter 4723. of the Revised Code to 4614
practice nursing as an advanced practice registered nurse; 4615

(3) A certified registered nurse anesthetist who holds a 4616
current, valid license issued under Chapter 4723. of the Revised 4617
Code to practice nursing as an advanced practice registered 4618

nurse, but only to the extent of the nurse's authority under 4619
sections 4723.43 and 4723.434 of the Revised Code; 4620

(4) An optometrist licensed under Chapter 4725. of the 4621
Revised Code to practice optometry; 4622

(5) A physician authorized under Chapter 4731. of the 4623
Revised Code to practice medicine and surgery, osteopathic 4624
medicine and surgery, or podiatric medicine and surgery; 4625

(6) A physician assistant who holds a license to practice 4626
as a physician assistant issued under Chapter 4730. of the 4627
Revised Code, holds a valid prescriber number issued by the 4628
state medical board, and has been granted physician-delegated 4629
prescriptive authority; 4630

(7) A veterinarian licensed under Chapter 4741. of the 4631
Revised Code; 4632

(8) A certified mental health assistant licensed under 4633
Chapter 4772. of the Revised Code who has been granted 4634
physician-delegated prescriptive authority by the physician 4635
supervising the certified mental health assistant. 4636

(J) "Sale" or "sell" includes any transaction made by any 4637
person, whether as principal proprietor, agent, or employee, to 4638
do or offer to do any of the following: deliver, distribute, 4639
broker, exchange, gift or otherwise give away, or transfer, 4640
whether the transfer is by passage of title, physical movement, 4641
or both. 4642

(K) "Wholesale sale" and "sale at wholesale" mean any sale 4643
in which the purpose of the purchaser is to resell the article 4644
purchased or received by the purchaser. 4645

(L) "Retail sale" and "sale at retail" mean any sale other 4646

than a wholesale sale or sale at wholesale. 4647

(M) "Retail seller" means any person that sells any 4648
dangerous drug to consumers without assuming control over and 4649
responsibility for its administration. Mere advice or 4650
instructions regarding administration do not constitute control 4651
or establish responsibility. 4652

(N) "Price information" means the price charged for a 4653
prescription for a particular drug product and, in an easily 4654
understandable manner, all of the following: 4655

(1) The proprietary name of the drug product; 4656

(2) The established (generic) name of the drug product; 4657

(3) The strength of the drug product if the product 4658
contains a single active ingredient or if the drug product 4659
contains more than one active ingredient and a relevant strength 4660
can be associated with the product without indicating each 4661
active ingredient. The established name and quantity of each 4662
active ingredient are required if such a relevant strength 4663
cannot be so associated with a drug product containing more than 4664
one ingredient. 4665

(4) The dosage form; 4666

(5) The price charged for a specific quantity of the drug 4667
product. The stated price shall include all charges to the 4668
consumer, including, but not limited to, the cost of the drug 4669
product, professional fees, handling fees, if any, and a 4670
statement identifying professional services routinely furnished 4671
by the pharmacy. Any mailing fees and delivery fees may be 4672
stated separately without repetition. The information shall not 4673
be false or misleading. 4674

(O) "Wholesale distributor of dangerous drugs" or 4675
"wholesale distributor" means a person engaged in the sale of 4676
dangerous drugs at wholesale and includes any agent or employee 4677
of such a person authorized by the person to engage in the sale 4678
of dangerous drugs at wholesale. 4679

(P) "Manufacturer of dangerous drugs" or "manufacturer" 4680
means a person, other than a pharmacist or prescriber, who 4681
manufactures dangerous drugs and who is engaged in the sale of 4682
those dangerous drugs. 4683

(Q) "Terminal distributor of dangerous drugs" or "terminal 4684
distributor" means a person who is engaged in the sale of 4685
dangerous drugs at retail, or any person, other than a 4686
manufacturer, repackager, outsourcing facility, third-party 4687
logistics provider, wholesale distributor, or pharmacist, who 4688
has possession, custody, or control of dangerous drugs for any 4689
purpose other than for that person's own use and consumption. 4690
"Terminal distributor" includes pharmacies, hospitals, nursing 4691
homes, and laboratories and all other persons who procure 4692
dangerous drugs for sale or other distribution by or under the 4693
supervision of a pharmacist, licensed health professional 4694
authorized to prescribe drugs, or other person authorized by the 4695
state board of pharmacy. 4696

(R) "Promote to the public" means disseminating a 4697
representation to the public in any manner or by any means, 4698
other than by labeling, for the purpose of inducing, or that is 4699
likely to induce, directly or indirectly, the purchase of a 4700
dangerous drug at retail. 4701

(S) "Person" includes any individual, partnership, 4702
association, limited liability company, or corporation, the 4703
state, any political subdivision of the state, and any district, 4704

department, or agency of the state or its political 4705
subdivisions. 4706

(T) (1) "Animal shelter" means a facility operated by a 4707
humane society or any society organized under Chapter 1717. of 4708
the Revised Code or a dog pound operated pursuant to Chapter 4709
955. of the Revised Code. 4710

(2) "County dog warden" means a dog warden or deputy dog 4711
warden appointed or employed under section 955.12 of the Revised 4712
Code. 4713

(U) "Food" has the same meaning as in section 3715.01 of 4714
the Revised Code. 4715

(V) "Pain management clinic" has the same meaning as in 4716
section 4731.054 of the Revised Code. 4717

(W) "Investigational drug or product" means a drug or 4718
product that has successfully completed phase one of the United 4719
States food and drug administration clinical trials and remains 4720
under clinical trial, but has not been approved for general use 4721
by the United States food and drug administration. 4722
"Investigational drug or product" does not include controlled 4723
substances in schedule I, as defined in section 3719.01 of the 4724
Revised Code. 4725

(X) "Product," when used in reference to an 4726
investigational drug or product, means a biological product, 4727
other than a drug, that is made from a natural human, animal, or 4728
microorganism source and is intended to treat a disease or 4729
medical condition. 4730

(Y) "Third-party logistics provider" means a person that 4731
provides or coordinates warehousing or other logistics services 4732
pertaining to dangerous drugs including distribution, on behalf 4733

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.

(Z) "Repackager of dangerous drugs" or "repackager" means a person that repacks and relabels dangerous drugs for sale or distribution.

(AA) "Outsourcing facility" means a facility that is engaged in the compounding and sale of sterile drugs and is registered as an outsourcing facility with the United States food and drug administration.

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

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

(1) Naloxone;

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

Sec. 4729.285. A pharmacist may provide telehealth services in accordance with section 4743.09 of the Revised Code,

except that in the case of dispensing a dangerous drug, a 4763
pharmacist shall not use telehealth mechanisms or other virtual 4764
means to perform any of the actions involved in dispensing the 4765
dangerous drug unless the action is authorized by section 4766
4729.554 of the Revised Code or by the state board of pharmacy 4767
through rules it adopts under ~~this chapter or~~ section 4743.09 of 4768
the Revised Code. 4769

Sec. 4729.45. (A) As used in this section, "physician" 4770
means an individual authorized under Chapter 4731. of the 4771
Revised Code to practice medicine and surgery or osteopathic 4772
medicine and surgery. 4773

(B) (1) Subject to division (C) of this section, a 4774
pharmacist licensed under this chapter may administer by 4775
injection any of the following drugs as long as the drug that is 4776
to be administered has been prescribed by a physician and the 4777
individual to whom the drug was prescribed has an ongoing 4778
physician-patient relationship with the physician: 4779

(a) An addiction treatment drug administered in a long- 4780
acting or extended-release form; 4781

(b) An antipsychotic drug administered in a long-acting or 4782
extended-release form; 4783

(c) A human immunodeficiency virus treatment drug 4784
administered in a long-acting or extended-release form; 4785

(d) Hydroxyprogesterone caproate; 4786

~~(d)~~ (e) Medroxyprogesterone acetate; 4787

~~(e)~~ (f) Cobalamin; 4788

(g) Any other drug that is specified in rules adopted 4789
under division (H) (2) of this section. 4790

(2) As part of engaging in the administration of drugs by injection pursuant to this section, a pharmacist may administer epinephrine or diphenhydramine, or both, to an individual in an emergency situation resulting from an adverse reaction to a drug administered by the pharmacist.

(C) To be authorized to administer drugs pursuant to this section, a pharmacist must do all of the following:

(1) Successfully complete a course in the administration of drugs that satisfies the requirements established ~~by the state board of pharmacy~~ in rules adopted under division (H) (1) (a) of this section;

(2) Receive and maintain certification to perform basic life-support procedures by successfully completing a basic life-support training course that is certified by the American red cross or American heart association or approved by the state board of pharmacy;

(3) Practice in accordance with a protocol that meets the requirements of division (F) of this section.

(D) Each time a pharmacist administers a drug pursuant to this section, the pharmacist shall do all of the following:

(1) Obtain permission in accordance with the procedures specified in rules adopted under division (H) of this section and comply with the following requirements:

(a) Except as provided in division (D) (1) (c) of this section, for each drug administered by a pharmacist to an individual who is eighteen years of age or older, the pharmacist shall obtain permission from the individual.

(b) For each drug administered by a pharmacist to an

individual who is under eighteen years of age, the pharmacist 4819
shall obtain permission from the individual's parent or other 4820
person having care or charge of the individual. 4821

(c) For each drug administered by a pharmacist to an 4822
individual who lacks the capacity to make informed health care 4823
decisions, the pharmacist shall obtain permission from the 4824
person authorized to make such decisions on the individual's 4825
behalf. 4826

(2) In the case of an addiction treatment drug described 4827
in division (B) (1) (a) of this section, obtain in accordance with 4828
division (E) of this section test results indicating that it is 4829
appropriate to administer the drug to the individual if either 4830
of the following is to be administered: 4831

(a) The initial dose of the drug; 4832

(b) Any subsequent dose, if the administration occurs more 4833
than thirty days after the previous dose of the drug was 4834
administered. 4835

(3) Observe the individual to whom the drug is 4836
administered to determine whether the individual has an adverse 4837
reaction to the drug; 4838

(4) Notify the physician who prescribed the drug that the 4839
drug has been administered to the individual. 4840

(E) A pharmacist may obtain the test results described in 4841
division (D) (2) of this section in either of the following ways: 4842

(1) From the physician who prescribed the drug; 4843

(2) By ordering blood and urine tests for the individual 4844
to whom the drug is to be administered. 4845

If a pharmacist orders blood and urine tests, the 4846
pharmacist shall evaluate the results of the tests to determine 4847
whether they indicate that it is appropriate to administer the 4848
drug. A pharmacist's authority to evaluate test results under 4849
this division does not authorize the pharmacist to make a 4850
diagnosis. 4851

(F) All of the following apply with respect to the 4852
protocol required by division (C) (3) of this section: 4853

(1) The protocol must be established by a physician who 4854
has a scope of practice that includes treatment of the condition 4855
for which the individual has been prescribed the drug to be 4856
administered. 4857

(2) The protocol must satisfy the requirements established 4858
in rules adopted under division (H) (1) (b) of this section. 4859

(3) The protocol must do all of the following: 4860

(a) Specify a definitive set of treatment guidelines; 4861

(b) Specify the locations at which a pharmacist may engage 4862
in the administration of drugs pursuant to this section; 4863

(c) Include provisions for implementing the requirements 4864
of division (D) of this section, including for purposes of 4865
division (D) (3) of this section provisions specifying the length 4866
of time and location at which a pharmacist must observe an 4867
individual who receives a drug to determine whether the 4868
individual has an adverse reaction to the drug; 4869

(d) Specify procedures to be followed by a pharmacist when 4870
administering epinephrine or diphenhydramine, or both, to an 4871
individual who has an adverse reaction to a drug administered by 4872
the pharmacist. 4873

(G) A pharmacist shall not do either of the following: 4874

(1) Engage in the administration of drugs pursuant to this 4875
section unless the requirements of division (C) of this section 4876
have been met; 4877

(2) Delegate to any person the pharmacist's authority to 4878
engage in the administration of drugs pursuant to this section. 4879

~~(H) (1) The~~ (H) With respect to the adoption of rules by 4880
the state board of pharmacy shall adopt rules to implement this 4881
section. The rules shall be adopted in accordance with Chapter 4882
119. of the Revised Code and, all of the following apply: 4883

(1) The board shall adopt rules that include all of the 4884
following: 4885

(a) Requirements for courses in administration of drugs; 4886

(b) Requirements for protocols to be followed by 4887
pharmacists in administering drugs pursuant to this section; 4888

(c) Procedures to be followed by a pharmacist in obtaining 4889
permission to administer a drug to an individual. 4890

(2) The board may adopt rules that specify other drugs, as 4891
provided in division (B) (1) (g) of this section, that a 4892
pharmacist may administer by injection in accordance with this 4893
section. 4894

(3) The board shall consult with the state medical board 4895
before adopting rules ~~regarding requirements for protocols~~ under 4896
divisions (H) (1) (b) and (2) of this section. 4897

(4) All rules shall be adopted in accordance with Chapter 4898
119. of the Revised Code. 4899

Sec. 4729.51. (A) No person other than a licensed 4900

manufacturer of dangerous drugs, outsourcing facility, third- 4901
party logistics provider, repackager of dangerous drugs, or 4902
wholesale distributor of dangerous drugs shall possess for sale, 4903
sell, distribute, or deliver, at wholesale, dangerous drugs or 4904
investigational drugs or products, except as follows: 4905

(1) A licensed terminal distributor of dangerous drugs 4906
that is a pharmacy may make occasional sales of dangerous drugs 4907
or investigational drugs or products at wholesale. 4908

(2) A licensed terminal distributor of dangerous drugs 4909
having more than one licensed location may transfer or deliver 4910
dangerous drugs from one licensed location to another licensed 4911
location owned by the terminal distributor if the license issued 4912
for each location is in effect at the time of the transfer or 4913
delivery. 4914

(3) A licensed terminal distributor of dangerous drugs 4915
that is not a pharmacy may make occasional sales of the 4916
following at wholesale: 4917

(a) Overdose reversal drugs; 4918

(b) Dangerous drugs if the drugs being sold are in 4919
shortage, as defined in rules adopted under section 4729.26 of 4920
the Revised Code; 4921

(c) Dangerous drugs other than those described in 4922
divisions (A) (3) (a) and (b) of this section or investigational 4923
drugs or products if authorized by rules adopted under section 4924
4729.26 of the Revised Code. 4925

(B) No licensed manufacturer, outsourcing facility, third- 4926
party logistics provider, repackager, or wholesale distributor 4927
shall possess for sale, sell, or distribute, at wholesale, 4928
dangerous drugs or investigational drugs or products to any 4929

person other than the following: 4930

(1) Subject to division (D) of this section, a licensed 4931
terminal distributor of dangerous drugs; 4932

(2) Subject to division (C) of this section, any person 4933
exempt from licensure as a terminal distributor of dangerous 4934
drugs under section 4729.541 of the Revised Code; 4935

(3) A licensed manufacturer, outsourcing facility, third- 4936
party logistics provider, repackager, or wholesale distributor; 4937

(4) A terminal distributor, manufacturer, outsourcing 4938
facility, third-party logistics provider, repackager, or 4939
wholesale distributor that is located in another state, is not 4940
engaged in the sale of dangerous drugs within this state, and is 4941
actively licensed to engage in the sale of dangerous drugs by 4942
the state in which the distributor conducts business. 4943

(C) No licensed manufacturer, outsourcing facility, third- 4944
party logistics provider, repackager, or wholesale distributor 4945
shall possess for sale, sell, or distribute, at wholesale, 4946
dangerous drugs or investigational drugs or products to either 4947
of the following: 4948

(1) A prescriber who is employed by a pain management 4949
clinic that is not licensed as a terminal distributor of 4950
dangerous drugs with a pain management clinic classification 4951
issued under section 4729.552 of the Revised Code; 4952

(2) A business entity described in division (A)(2) or (3) 4953
of section 4729.541 of the Revised Code that is, or is 4954
operating, a pain management clinic without a license as a 4955
terminal distributor of dangerous drugs with a pain management 4956
clinic classification issued under section 4729.552 of the 4957
Revised Code. 4958

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

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

(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;

(3) In the case of a terminal distributor with a limited category II or III license, only the dangerous drugs specified in the license.

(E)(1) Except as provided in division (E)(2) of this section, no person shall do any of the following:

(a) Sell or distribute, at retail, dangerous drugs;

(b) Possess for sale, at retail, dangerous drugs;

(c) Possess dangerous drugs.

(2)(a) Divisions (E)(1)(a), (b), and (c) of this section do not apply to any of the following:

(i) A licensed terminal distributor of dangerous drugs;

(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., ~~and 4741.~~ and

4772. of the Revised Code; 4986

(iii) Any of the persons identified in divisions (A) (1) to 4987
(5) and (18) of section 4729.541 of the Revised Code, but only 4988
to the extent specified in that section. 4989

(b) Division (E) (1) (c) of this section does not apply to 4990
any of the following: 4991

(i) A licensed manufacturer, outsourcing facility, third- 4992
party logistics provider, repackager, or wholesale distributor; 4993

(ii) Any of the persons identified in divisions (A) (6) to 4994
(16) of section 4729.541 of the Revised Code, but only to the 4995
extent specified in that section. 4996

(F) No licensed terminal distributor of dangerous drugs or 4997
person that is exempt from licensure under section 4729.541 of 4998
the Revised Code shall purchase dangerous drugs or 4999
investigational drugs or products from any person other than a 5000
licensed manufacturer, outsourcing facility, third-party 5001
logistics provider, repackager, or wholesale distributor, except 5002
as follows: 5003

(1) A licensed terminal distributor of dangerous drugs or 5004
person that is exempt from licensure under section 4729.541 of 5005
the Revised Code may make occasional purchases of dangerous 5006
drugs or investigational drugs or products that are sold in 5007
accordance with division (A) (1) or (3) of this section. 5008

(2) A licensed terminal distributor of dangerous drugs 5009
having more than one licensed location may transfer or deliver 5010
dangerous drugs or investigational drugs or products from one 5011
licensed location to another licensed location if the license 5012
issued for each location is in effect at the time of the 5013
transfer or delivery. 5014

(G) No licensed terminal distributor of dangerous drugs 5015
shall engage in the retail sale or other distribution of 5016
dangerous drugs or investigational drugs or products or maintain 5017
possession, custody, or control of dangerous drugs or 5018
investigational drugs or products for any purpose other than the 5019
distributor's personal use or consumption, at any establishment 5020
or place other than that or those described in the license 5021
issued by the state board of pharmacy to such terminal 5022
distributor. 5023

(H) Nothing in this section shall be construed to 5024
interfere with the performance of official duties by any law 5025
enforcement official authorized by municipal, county, state, or 5026
federal law to collect samples of any drug, regardless of its 5027
nature or in whose possession it may be. 5028

(I) Notwithstanding anything to the contrary in this 5029
section, the board of education of a city, local, exempted 5030
village, or joint vocational school district may distribute 5031
epinephrine autoinjectors for use in accordance with section 5032
3313.7110 of the Revised Code, may distribute inhalers for use 5033
in accordance with section 3313.7113 of the Revised Code, and 5034
may distribute injectable or nasally administered glucagon for 5035
use in accordance with section 3313.7115 of the Revised Code. 5036

Sec. 4729.554. (A) As used in this section: 5037

(1) "Remote dispensing pharmacy" means a pharmacy where 5038
the dispensing of drugs, patient counseling, and other 5039
pharmacist care is provided through a telepharmacy system. The 5040
dispensing of drugs at a remote dispensing pharmacy may include 5041
the dispensing of drug therapy related devices. 5042

(2) "Telepharmacy system" means a system that monitors the 5043

dispensing of drugs and provides for related drug utilization 5044
review and patient counseling services by an electronic method. 5045

(B) The state board of pharmacy shall regulate remote 5046
dispensing pharmacies in accordance with this section. A remote 5047
dispensing pharmacy may operate only by using a telepharmacy 5048
system that meets standards established in rules adopted under 5049
this section and by complying with all other requirements of 5050
this section and the rules adopted under it for operating a 5051
remote dispensing pharmacy. 5052

(C) (1) To be eligible to operate as a remote dispensing 5053
pharmacy, a pharmacy shall meet all of the following conditions: 5054

(a) Be licensed under this chapter as a terminal 5055
distributor of dangerous drugs; 5056

(b) Be located in this state, in a building that is zoned 5057
for commercial use, and in an area that meets the conditions of 5058
division (C) (2) of this section; 5059

(c) Have a supervising pharmacy that meets the 5060
requirements of division (D) of this section and a supervising 5061
pharmacist that meets the requirements of division (E) of this 5062
section; 5063

(d) Be staffed by two or more pharmacy interns or 5064
certified pharmacy technicians who meet qualifications and 5065
training requirements established in rules adopted under this 5066
section. 5067

(2) (a) Except as provided in division (C) (2) (b) of this 5068
section, a remote dispensing pharmacy shall not be located 5069
within a ten-mile radius of a pharmacy that serves the public as 5070
an outpatient pharmacy. 5071

(b) A remote dispensing pharmacy may be located within the 5072
ten-mile radius that constitutes an excluded area for location, 5073
as described in division (C)(2)(a) of this section, if either of 5074
the following is the case: 5075

(i) The remote dispensing pharmacy is part of a federally 5076
qualified health center or federally qualified health center 5077
look-alike, as defined in section 3701.047 of the Revised Code, 5078
and the remote dispensing pharmacy is located on the same 5079
property as, or on a campus contiguous to, the health center or 5080
look-alike. 5081

(ii) The board, based on a demonstration of need that 5082
meets the standards established in rules adopted under this 5083
section, approves a request submitted to the board to allow the 5084
remote dispensing pharmacy to be located within the ten-mile 5085
radius. 5086

(c) As part of the process the board uses to consider 5087
requests received under division (C)(2)(b)(ii) of this section, 5088
the board shall establish a method by which persons may register 5089
to receive notice from the board of requests received under that 5090
division. The board also shall establish a system for accepting 5091
comments from the public regarding the requests. 5092

When the board receives a request under division (C)(2)(b) 5093
(ii) of this section, it shall electronically notify any person 5094
who has registered to be notified. During the sixty-day period 5095
that begins on the date that the board sends the electronic 5096
notices, a pharmacy may submit a request to the board for 5097
approval as a location for operation of a remote dispensing 5098
pharmacy. 5099

On the same date that the electronic notices are sent, the 5100

board shall post notice on its internet web site that comments 5101
from the public will be accepted regarding the request received 5102
under division (C) (2) (b) (ii) of this section. The board shall 5103
accept the comments only during the sixty-day period that begins 5104
on the date the electronic notices are sent. 5105

At the board's next regularly scheduled meeting that 5106
occurs on or after the date that is ninety days after the 5107
electronic notices are sent, the board shall review all of the 5108
requests received and make its determination of whether any 5109
should be approved. As part of the board's determination, the 5110
board shall consider the following: 5111

(i) Any comments received from the public; 5112

(ii) The geographic proximity of a supervising pharmacy to 5113
a proposed remote dispensing pharmacy; 5114

(iii) Any other standards specified in rules adopted under 5115
division (H) of this section. 5116

(D) (1) To be eligible to serve as the supervising pharmacy 5117
of a remote dispensing pharmacy, a pharmacy shall meet all of 5118
the following conditions: 5119

(a) Be licensed under this chapter as a terminal 5120
distributor of dangerous drugs; 5121

(b) Be physically located in this state; 5122

(c) Be under common ownership and control with the remote 5123
dispensing pharmacy or, pursuant to a contract that meets 5124
requirements specified in rules adopted under this section, 5125
operate under contract with the remote dispensing pharmacy. 5126

(2) In serving as a supervising pharmacy, the supervising 5127
pharmacy shall control the telepharmacy system used by the 5128

remote dispensing pharmacy and shall employ or contract with the 5129
supervising pharmacist of the remote dispensing pharmacy. 5130

(E) (1) To be eligible to serve as the supervising 5131
pharmacist of a remote dispensing pharmacy, a pharmacist shall 5132
meet all of the following conditions: 5133

(a) Be licensed under this chapter as a pharmacist; 5134

(b) Be physically located in this state when acting as the 5135
supervising pharmacist; 5136

(c) Be employed by or under contract with the supervising 5137
pharmacy. 5138

(2) In serving as a supervising pharmacist, the 5139
supervising pharmacist shall do all of the following: 5140

(a) Be in full and actual charge of the remote dispensing 5141
pharmacy by using the pharmacy's telepharmacy system and by 5142
using a surveillance system that meets standards established in 5143
rules adopted under this section; 5144

(b) Through the telepharmacy system and surveillance 5145
system, oversee the pharmacy interns and certified pharmacy 5146
technicians who are staffing the remote dispensing pharmacy; 5147

(c) Verify each prescription and drug dispensed pursuant 5148
to the prescription before the drug leaves the remote dispensing 5149
pharmacy and provide the verification through visual review and 5150
the use of barcoding and any other technology required in rules 5151
adopted under this section; 5152

(d) Offer to provide the service of counseling for each 5153
drug dispensed pursuant to a new prescription for a patient at 5154
the remote dispensing pharmacy. 5155

(3) Unless otherwise approved by the board in accordance 5156
with standards established in rules adopted under this section, 5157
a supervising pharmacist shall not simultaneously oversee the 5158
activities of more than one remote dispensing pharmacy. 5159

(F) All of the following apply to the operation of a 5160
remote dispensing pharmacy: 5161

(1) Unless otherwise approved by the board, a remote 5162
dispensing pharmacy shall not dispense drugs pursuant to more 5163
than an average of one hundred fifty prescriptions per day 5164
during a ninety-day period. 5165

(2) A remote dispensing pharmacy shall implement a quality 5166
assurance plan to ensure that there is a planned and systematic 5167
process for monitoring and evaluating the quality and 5168
appropriateness of the pharmacy services being provided and for 5169
identifying and resolving problems. 5170

(3) A remote dispensing pharmacy that holds a category III 5171
terminal distributor of dangerous drugs license shall maintain a 5172
perpetual controlled substance inventory, as specified in rules 5173
adopted under this section. 5174

(G) Notwithstanding section 4729.91 of the Revised Code or 5175
any other section of this chapter to the contrary, both of the 5176
following apply to a pharmacy intern or certified pharmacy 5177
technician staffing a remote dispensing pharmacy: 5178

(1) The intern or technician may assist in the process of 5179
dispensing drugs at the pharmacy. 5180

(2) The intern or technician shall not do any of the 5181
following: 5182

(a) Counsel an individual regarding drugs that are 5183

dispensed, recommend drugs and drug therapy related devices or 5184
otherwise provide advice regarding drug therapy, or assist with 5185
selecting drugs and drug therapy related devices for treatment 5186
of common diseases and injuries or assist with providing 5187
instruction on their use; 5188

(b) Perform compounding of sterile or nonsterile drugs, 5189
except for the reconstitution of prepackaged dangerous drugs; 5190

(c) Engage in the repackaging of dangerous drugs; 5191

(d) Administer immunizations or perform diagnostic 5192
testing, unless a pharmacist is onsite to provide direct 5193
supervision; 5194

(e) Perform any other activity prohibited by rules adopted 5195
under this section. 5196

(H) The board shall adopt rules for purposes of its 5197
regulation of remote dispensing pharmacies. The rules shall be 5198
adopted in accordance with Chapter 119. of the Revised Code and 5199
include all of the following: 5200

(1) Standards for a system of continuous video 5201
surveillance and recording of remote dispensing pharmacies, 5202
including standards for both of the following: 5203

(a) An adequate number of views of the entire remote 5204
dispensing pharmacy to ensure that the supervising pharmacist 5205
can maintain oversight; 5206

(b) Retention of each recording made by the system for at 5207
least sixty days after the date of the recording. 5208

(2) Standards for telepharmacy systems and surveillance 5209
systems used by remote dispensing pharmacies, supervising 5210
pharmacies, and supervising pharmacists, including standards to 5211

<u>ensure that the systems are capable of all of the following:</u>	5212
<u>(a) Facilitating a safe and secured method for appropriate pharmacist supervision;</u>	5213
	5214
<u>(b) Allowing an appropriate exchange of visual, verbal, and written communications for patient counseling and other pharmacy services;</u>	5215
	5216
	5217
<u>(c) Being secure and compliant with the "Health Insurance Portability and Accountability Act of 1996," 42 U.S.C. 1320d et seq.</u>	5218
	5219
	5220
<u>(3) Requirements for any contract between a supervising pharmacy and a remote dispensing pharmacy;</u>	5221
	5222
<u>(4) Standards that must be met to make a demonstration of need for purposes of division (C) (2) (b) (ii) of this section;</u>	5223
	5224
<u>(5) Requirements for the implementation of a quality assurance plan by a remote dispensing pharmacy;</u>	5225
	5226
<u>(6) The qualifications and training necessary for pharmacy interns and certified pharmacy technicians who staff remote dispensing pharmacies, including the number of experiential hours required;</u>	5227
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	5229
	5230
<u>(7) Any additional activities that pharmacy interns and certified pharmacy technicians staffing remote dispensing pharmacies are prohibited from performing;</u>	5231
	5232
	5233
<u>(8) The number of pharmacy interns and certified pharmacy technicians that a supervising pharmacist may supervise at any given time;</u>	5234
	5235
	5236
<u>(9) The maximum distance a supervising pharmacist may be physically located from the remote dispensing pharmacy;</u>	5237
	5238

(10) Standards for remote patient counseling by a 5239
supervising pharmacist, including the counseling that is 5240
required to be offered for each drug dispensed pursuant to a new 5241
prescription for a patient by the remote dispensing pharmacy; 5242

(11) Standards for and frequency of inspection of a remote 5243
dispensing pharmacy by the supervising pharmacist; 5244

(12) Requirements for the closure of a remote dispensing 5245
pharmacy if the required telepharmacy system or surveillance 5246
system, or any related security system used by or for the 5247
pharmacy, is malfunctioning; 5248

(13) Requirements related to perpetual controlled 5249
substance inventories; 5250

(14) Security requirements for remote dispensing 5251
pharmacies that include methods for supervising pharmacists to 5252
determine who has accessed the pharmacy; 5253

(15) Standards by which a supervising pharmacist may be 5254
approved by the board to oversee simultaneously more than one 5255
remote dispensing pharmacy; 5256

(16) Requirements for a remote dispensing pharmacy's 5257
responsible person, as that term is defined in rules adopted by 5258
the board; 5259

(17) Any other standards or procedures the board considers 5260
necessary to implement this section. 5261

Sec. 4729.921. (A) An applicant for registration as a 5262
pharmacy technician trainee shall file with the state board of 5263
pharmacy an application in the form and manner prescribed in 5264
rules adopted under section 4729.94 of the Revised Code. The 5265
application shall be accompanied by an application fee of 5266

twenty-five dollars, which shall not be returned if the 5267
applicant fails to qualify for registration. 5268

If the board is satisfied that an applicant meets the 5269
requirements of section 4729.92 of the Revised Code and any 5270
additional requirements established by the board and determines 5271
that the results of a criminal records check do not make the 5272
applicant ineligible, the board shall register the applicant as 5273
a pharmacy technician trainee. 5274

(B)(1) The board shall register as a pharmacy technician 5275
trainee in accordance with Chapter 4796. of the Revised Code an 5276
applicant who either holds a license or is registered in another 5277
state or has satisfactory work experience, a government 5278
certification, or a private certification as described in that 5279
chapter as a pharmacy technician trainee in a state that does 5280
not issue that license or registration. 5281

(2) The board may register as a pharmacy technician 5282
trainee an applicant who is seventeen years of age ~~and if either~~ 5283
of the following apply: 5284

(a) The applicant possesses a high school diploma or 5285
certificate of high school equivalence; 5286

(b) The applicant does not possess a high school diploma 5287
or certificate of high school equivalence ~~if the applicant but~~ 5288
is enrolled in a career-technical school program that is 5289
approved by the board and conducted by a city, exempted village, 5290
local, or joint vocational school district. 5291

(C) The board shall not refuse to register an applicant as 5292
a pharmacy technician trainee because of a conviction for an 5293
offense unless the refusal is in accordance with section 9.79 of 5294
the Revised Code. 5295

(D) Registration is valid for one year from the date of registration, except that the board may extend the time period for which registration is valid. Registration is not renewable, but an individual may reapply for registration if the individual's previous registration has lapsed for more than five years or the board grants its approval.

Sec. 4731.051. The state medical board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing universal blood and body fluid precautions that shall be used by each person who performs exposure prone invasive procedures and is authorized to practice by this chapter or Chapter 4730., 4759., 4760., 4761., 4762., 4772., or 4774. of the Revised Code. The rules shall define and establish requirements for universal blood and body fluid precautions that include the following:

- (A) Appropriate use of hand washing;
- (B) Disinfection and sterilization of equipment;
- (C) Handling and disposal of needles and other sharp instruments;
- (D) Wearing and disposal of gloves and other protective garments and devices.

Sec. 4731.07. (A) The state medical board shall keep a record of its proceedings. The minutes of a meeting of the board shall, on approval by the board, constitute an official record of its proceedings.

(B) The board shall keep a register of applicants for licenses and certificates issued under this chapter; licenses issued under Chapters 4730., 4760., 4762., 4772., 4774., and 4778.; and licenses and limited permits issued under Chapters 4759. and 4761. of the Revised Code. The register shall show the

name of the applicant and whether the applicant was granted or 5325
refused the license, certificate, or limited permit being 5326
sought. 5327

With respect to applicants to practice medicine and 5328
surgery or osteopathic medicine and surgery, the register shall 5329
show the name of the institution that granted the applicant the 5330
degree of doctor of medicine or osteopathic medicine. With 5331
respect to applicants to practice respiratory care, the register 5332
shall show the addresses of the person's last known place of 5333
business, the effective date and identification number of the 5334
license or limited permit, and, if applicable, the name and 5335
location of the institution that granted the person's degree or 5336
certificate of completion of respiratory care educational 5337
requirements and the date the degree or certificate of 5338
completion was issued. 5339

(C) The books and records of the board shall be prima- 5340
facie evidence of matters therein contained. 5341

Sec. 4731.071. The state medical board shall develop and 5342
publish on its internet web site a directory containing the 5343
names of, and business address for, all persons who hold 5344
current, valid certificates or licenses issued by the board 5345
under this chapter or Chapter 4730., 4759., 4760., 4761., 4762., 5346
4772., 4774., or 4778. of the Revised Code. Except as provided 5347
in section 4731.10 of the Revised Code, the directory shall be 5348
the sole source for verifying that a person holds a current, 5349
valid certificate or license issued by the board. 5350

Sec. 4731.22. (A) The state medical board, by an 5351
affirmative vote of not fewer than six of its members, may 5352
limit, revoke, or suspend a license or certificate to practice 5353
or certificate to recommend, refuse to grant a license or 5354

certificate, refuse to renew a license or certificate, refuse to 5355
reinstate a license or certificate, or reprimand or place on 5356
probation the holder of a license or certificate if the 5357
individual applying for or holding the license or certificate is 5358
found by the board to have committed fraud during the 5359
administration of the examination for a license or certificate 5360
to practice or to have committed fraud, misrepresentation, or 5361
deception in applying for, renewing, or securing any license or 5362
certificate to practice or certificate to recommend issued by 5363
the board. 5364

(B) Except as provided in division (P) of this section, 5365
the board, by an affirmative vote of not fewer than six members, 5366
shall, to the extent permitted by law, limit, revoke, or suspend 5367
a license or certificate to practice or certificate to 5368
recommend, refuse to issue a license or certificate, refuse to 5369
renew a license or certificate, refuse to reinstate a license or 5370
certificate, or reprimand or place on probation the holder of a 5371
license or certificate for one or more of the following reasons: 5372

(1) Permitting one's name or one's license or certificate 5373
to practice to be used by a person, group, or corporation when 5374
the individual concerned is not actually directing the treatment 5375
given; 5376

(2) Failure to maintain minimal standards applicable to 5377
the selection or administration of drugs, or failure to employ 5378
acceptable scientific methods in the selection of drugs or other 5379
modalities for treatment of disease; 5380

(3) Except as provided in section 4731.97 of the Revised 5381
Code, selling, giving away, personally furnishing, prescribing, 5382
or administering drugs for other than legal and legitimate 5383
therapeutic purposes or a plea of guilty to, a judicial finding 5384

of guilt of, or a judicial finding of eligibility for 5385
intervention in lieu of conviction of, a violation of any 5386
federal or state law regulating the possession, distribution, or 5387
use of any drug; 5388

(4) Willfully betraying a professional confidence. 5389

For purposes of this division, "willfully betraying a 5390
professional confidence" does not include providing any 5391
information, documents, or reports under sections 307.621 to 5392
307.629 of the Revised Code to a child fatality review board; 5393
does not include providing any information, documents, or 5394
reports under sections 307.631 to 307.6410 of the Revised Code 5395
to a drug overdose fatality review committee, a suicide fatality 5396
review committee, or hybrid drug overdose fatality and suicide 5397
fatality review committee; does not include providing any 5398
information, documents, or reports under sections 307.651 to 5399
307.659 of the Revised Code to a domestic violence fatality 5400
review board; does not include providing any information, 5401
documents, or reports to the director of health pursuant to 5402
guidelines established under section 3701.70 of the Revised 5403
Code; does not include written notice to a mental health 5404
professional under section 4731.62 of the Revised Code; and does 5405
not include the making of a report of an employee's use of a 5406
drug of abuse, or a report of a condition of an employee other 5407
than one involving the use of a drug of abuse, to the employer 5408
of the employee as described in division (B) of section 2305.33 5409
of the Revised Code. Nothing in this division affects the 5410
immunity from civil liability conferred by section 2305.33 or 5411
4731.62 of the Revised Code upon a physician who makes a report 5412
in accordance with section 2305.33 or notifies a mental health 5413
professional in accordance with section 4731.62 of the Revised 5414
Code. As used in this division, "employee," "employer," and 5415

"physician" have the same meanings as in section 2305.33 of the Revised Code. 5416
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(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any license or certificate to practice issued by the board. 5418
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As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 5425
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(6) A departure from, or the 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; 5433
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(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured; 5437
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(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 5441
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(9) A plea of guilty to, a judicial finding of guilt of, 5444

or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

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

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

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

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

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

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

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

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

(18) Subject to section 4731.226 of the Revised Code,

violation of any provision of a code of ethics of the American 5473
medical association, the American osteopathic association, the 5474
American podiatric medical association, or any other national 5475
professional organizations that the board specifies by rule. The 5476
state medical board shall obtain and keep on file current copies 5477
of the codes of ethics of the various national professional 5478
organizations. The individual whose license or certificate is 5479
being suspended or revoked shall not be found to have violated 5480
any provision of a code of ethics of an organization not 5481
appropriate to the individual's profession. 5482

For purposes of this division, a "provision of a code of 5483
ethics of a national professional organization" does not include 5484
any provision that would preclude the making of a report by a 5485
physician of an employee's use of a drug of abuse, or of a 5486
condition of an employee other than one involving the use of a 5487
drug of abuse, to the employer of the employee as described in 5488
division (B) of section 2305.33 of the Revised Code. Nothing in 5489
this division affects the immunity from civil liability 5490
conferred by that section upon a physician who makes either type 5491
of report in accordance with division (B) of that section. As 5492
used in this division, "employee," "employer," and "physician" 5493
have the same meanings as in section 2305.33 of the Revised 5494
Code. 5495

(19) Inability to practice according to acceptable and 5496
prevailing standards of care by reason of mental illness or 5497
physical illness, including, but not limited to, physical 5498
deterioration that adversely affects cognitive, motor, or 5499
perceptive skills. 5500

In enforcing this division, the board, upon a showing of a 5501
possible violation, shall refer any individual who is authorized 5502

to practice by this chapter or who has submitted an application 5503
pursuant to this chapter to the monitoring organization that 5504
conducts the confidential monitoring program established under 5505
section 4731.25 of the Revised Code. The board also may compel 5506
the individual to submit to a mental examination, physical 5507
examination, including an HIV test, or both a mental and a 5508
physical examination. The expense of the examination is the 5509
responsibility of the individual compelled to be examined. 5510
Failure to submit to a mental or physical examination or consent 5511
to an HIV test ordered by the board constitutes an admission of 5512
the allegations against the individual unless the failure is due 5513
to circumstances beyond the individual's control, and a default 5514
and final order may be entered without the taking of testimony 5515
or presentation of evidence. If the board finds an individual 5516
unable to practice because of the reasons set forth in this 5517
division, the board shall require the individual to submit to 5518
care, counseling, or treatment by physicians approved or 5519
designated by the board, as a condition for initial, continued, 5520
reinstated, or renewed authority to practice. An individual 5521
affected under this division shall be afforded an opportunity to 5522
demonstrate to the board the ability to resume practice in 5523
compliance with acceptable and prevailing standards under the 5524
provisions of the individual's license or certificate. For the 5525
purpose of this division, any individual who applies for or 5526
receives a license or certificate to practice under this chapter 5527
accepts the privilege of practicing in this state and, by so 5528
doing, shall be deemed to have given consent to submit to a 5529
mental or physical examination when directed to do so in writing 5530
by the board, and to have waived all objections to the 5531
admissibility of testimony or examination reports that 5532
constitute a privileged communication. 5533

(20) Except as provided in division (F) (1) (b) of section 5534
4731.282 of the Revised Code or when civil penalties are imposed 5535
under section 4731.225 of the Revised Code, and subject to 5536
section 4731.226 of the Revised Code, violating or attempting to 5537
violate, directly or indirectly, or assisting in or abetting the 5538
violation of, or conspiring to violate, any provisions of this 5539
chapter or any rule promulgated by the board. 5540

This division does not apply to a violation or attempted 5541
violation of, assisting in or abetting the violation of, or a 5542
conspiracy to violate, any provision of this chapter or any rule 5543
adopted by the board that would preclude the making of a report 5544
by a physician of an employee's use of a drug of abuse, or of a 5545
condition of an employee other than one involving the use of a 5546
drug of abuse, to the employer of the employee as described in 5547
division (B) of section 2305.33 of the Revised Code. Nothing in 5548
this division affects the immunity from civil liability 5549
conferred by that section upon a physician who makes either type 5550
of report in accordance with division (B) of that section. As 5551
used in this division, "employee," "employer," and "physician" 5552
have the same meanings as in section 2305.33 of the Revised 5553
Code. 5554

(21) The violation of section 3701.79 of the Revised Code 5555
or of any abortion rule adopted by the director of health 5556
pursuant to section 3701.341 of the Revised Code; 5557

(22) Any of the following actions taken by an agency 5558
responsible for authorizing, certifying, or regulating an 5559
individual to practice a health care occupation or provide 5560
health care services in this state or another jurisdiction, for 5561
any reason other than the nonpayment of fees: the limitation, 5562
revocation, or suspension of an individual's license to 5563

practice; acceptance of an individual's license surrender; 5564
denial of a license; refusal to renew or reinstate a license; 5565
imposition of probation; or issuance of an order of censure or 5566
other reprimand; 5567

(23) The violation of section 2919.12 of the Revised Code 5568
or the performance or inducement of an abortion upon a pregnant 5569
woman with actual knowledge that the conditions specified in 5570
division (B) of section 2317.56 of the Revised Code have not 5571
been satisfied or with a heedless indifference as to whether 5572
those conditions have been satisfied, unless an affirmative 5573
defense as specified in division (H) (2) of that section would 5574
apply in a civil action authorized by division (H) (1) of that 5575
section; 5576

(24) The revocation, suspension, restriction, reduction, 5577
or termination of clinical privileges by the United States 5578
department of defense or department of veterans affairs or the 5579
termination or suspension of a certificate of registration to 5580
prescribe drugs by the drug enforcement administration of the 5581
United States department of justice; 5582

(25) Termination or suspension from participation in the 5583
medicare or medicaid programs by the department of health and 5584
human services or other responsible agency; 5585

(26) Impairment of ability to practice according to 5586
acceptable and prevailing standards of care because of substance 5587
use disorder or excessive use or abuse of drugs, alcohol, or 5588
other substances that may impair ability to practice. 5589

For the purposes of this division, any individual 5590
authorized to practice by this chapter accepts the privilege of 5591
practicing in this state subject to supervision by the board. By 5592

filing an application for or holding a license or certificate to 5593
practice under this chapter, an individual shall be deemed to 5594
have given consent to submit to a mental or physical examination 5595
when ordered to do so by the board in writing, and to have 5596
waived all objections to the admissibility of testimony or 5597
examination reports that constitute privileged communications. 5598

If it has reason to believe that any individual authorized 5599
to practice by this chapter or any applicant for licensure or 5600
certification to practice suffers such impairment, the board 5601
shall refer the individual to the monitoring organization that 5602
conducts the confidential monitoring program established under 5603
section 4731.25 of the Revised Code. The board also may compel 5604
the individual to submit to a mental or physical examination, or 5605
both. The expense of the examination is the responsibility of 5606
the individual compelled to be examined. Any mental or physical 5607
examination required under this division shall be undertaken by 5608
a treatment provider or physician who is qualified to conduct 5609
the examination and who is approved under section 4731.251 of 5610
the Revised Code. 5611

Failure to submit to a mental or physical examination 5612
ordered by the board constitutes an admission of the allegations 5613
against the individual unless the failure is due to 5614
circumstances beyond the individual's control, and a default and 5615
final order may be entered without the taking of testimony or 5616
presentation of evidence. If the board determines that the 5617
individual's ability to practice is impaired, the board shall 5618
suspend the individual's license or certificate or deny the 5619
individual's application and shall require the individual, as a 5620
condition for initial, continued, reinstated, or renewed 5621
licensure or certification to practice, to submit to treatment. 5622

Before being eligible to apply for reinstatement of a 5623
license or certificate suspended under this division, the 5624
impaired practitioner shall demonstrate to the board the ability 5625
to resume practice in compliance with acceptable and prevailing 5626
standards of care under the provisions of the practitioner's 5627
license or certificate. The demonstration shall include, but 5628
shall not be limited to, the following: 5629

(a) Certification from a treatment provider approved under 5630
section 4731.251 of the Revised Code that the individual has 5631
successfully completed any required inpatient treatment; 5632

(b) Evidence of continuing full compliance with an 5633
aftercare contract or consent agreement; 5634

(c) Two written reports indicating that the individual's 5635
ability to practice has been assessed and that the individual 5636
has been found capable of practicing according to acceptable and 5637
prevailing standards of care. The reports shall be made by 5638
individuals or providers approved by the board for making the 5639
assessments and shall describe the basis for their 5640
determination. 5641

The board may reinstate a license or certificate suspended 5642
under this division after that demonstration and after the 5643
individual has entered into a written consent agreement. 5644

When the impaired practitioner resumes practice, the board 5645
shall require continued monitoring of the individual. The 5646
monitoring shall include, but not be limited to, compliance with 5647
the written consent agreement entered into before reinstatement 5648
or with conditions imposed by board order after a hearing, and, 5649
upon termination of the consent agreement, submission to the 5650
board for at least two years of annual written progress reports 5651

made under penalty of perjury stating whether the individual has 5652
maintained sobriety. 5653

(27) A second or subsequent violation of section 4731.66 5654
or 4731.69 of the Revised Code; 5655

(28) Except as provided in division (N) of this section: 5656

(a) Waiving the payment of all or any part of a deductible 5657
or copayment that a patient, pursuant to a health insurance or 5658
health care policy, contract, or plan that covers the 5659
individual's services, otherwise would be required to pay if the 5660
waiver is used as an enticement to a patient or group of 5661
patients to receive health care services from that individual; 5662

(b) Advertising that the individual will waive the payment 5663
of all or any part of a deductible or copayment that a patient, 5664
pursuant to a health insurance or health care policy, contract, 5665
or plan that covers the individual's services, otherwise would 5666
be required to pay. 5667

(29) Failure to use universal blood and body fluid 5668
precautions established by rules adopted under section 4731.051 5669
of the Revised Code; 5670

(30) Failure to provide notice to, and receive 5671
acknowledgment of the notice from, a patient when required by 5672
section 4731.143 of the Revised Code prior to providing 5673
nonemergency professional services, or failure to maintain that 5674
notice in the patient's medical record; 5675

(31) Failure of a physician supervising a physician 5676
assistant to maintain supervision in accordance with the 5677
requirements of Chapter 4730. of the Revised Code and the rules 5678
adopted under that chapter; 5679

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

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

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

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

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

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

(38) Failure to supervise a radiologist assistant in

accordance with Chapter 4774. of the Revised Code and the	5709
board's rules for supervision of radiologist assistants;	5710
(39) Performing or inducing an abortion at an office or	5711
facility with knowledge that the office or facility fails to	5712
post the notice required under section 3701.791 of the Revised	5713
Code;	5714
(40) Failure to comply with the standards and procedures	5715
established in rules under section 4731.054 of the Revised Code	5716
for the operation of or the provision of care at a pain	5717
management clinic;	5718
(41) Failure to comply with the standards and procedures	5719
established in rules under section 4731.054 of the Revised Code	5720
for providing supervision, direction, and control of individuals	5721
at a pain management clinic;	5722
(42) Failure to comply with the requirements of section	5723
4729.79 or 4731.055 of the Revised Code, unless the state board	5724
of pharmacy no longer maintains a drug database pursuant to	5725
section 4729.75 of the Revised Code;	5726
(43) Failure to comply with the requirements of section	5727
2919.171, 2919.202, or 2919.203 of the Revised Code or failure	5728
to submit to the department of health in accordance with a court	5729
order a complete report as described in section 2919.171 or	5730
2919.202 of the Revised Code;	5731
(44) Practicing at a facility that is subject to licensure	5732
as a category III terminal distributor of dangerous drugs with a	5733
pain management clinic classification unless the person	5734
operating the facility has obtained and maintains the license	5735
with the classification;	5736
(45) Owning a facility that is subject to licensure as a	5737

category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	5738 5739 5740
(46) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code;	5741 5742 5743 5744 5745
(47) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	5746 5747 5748 5749
(48) Failure to comply with the requirements of section 4731.30 of the Revised Code or rules adopted under section 4731.301 of the Revised Code when recommending treatment with medical marijuana;	5750 5751 5752 5753
(49) A pattern of continuous or repeated violations of division (E) (2) or (3) of section 3963.02 of the Revised Code;	5754 5755
(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;	5756 5757 5758
(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;	5759 5760 5761 5762
<u>(52) Failure of a physician supervising a certified mental health assistant to maintain supervision in accordance with the requirements of Chapter 4772. of the Revised Code and the rules adopted under that chapter.</u>	5763 5764 5765 5766

(C) Disciplinary actions taken by the board under 5767
divisions (A) and (B) of this section shall be taken pursuant to 5768
an adjudication under Chapter 119. of the Revised Code, except 5769
that in lieu of an adjudication, the board may enter into a 5770
consent agreement with an individual to resolve an allegation of 5771
a violation of this chapter or any rule adopted under it. A 5772
consent agreement, when ratified by an affirmative vote of not 5773
fewer than six members of the board, shall constitute the 5774
findings and order of the board with respect to the matter 5775
addressed in the agreement. If the board refuses to ratify a 5776
consent agreement, the admissions and findings contained in the 5777
consent agreement shall be of no force or effect. 5778

A telephone conference call may be utilized for 5779
ratification of a consent agreement that revokes or suspends an 5780
individual's license or certificate to practice or certificate 5781
to recommend. The telephone conference call shall be considered 5782
a special meeting under division (F) of section 121.22 of the 5783
Revised Code. 5784

If the board takes disciplinary action against an 5785
individual under division (B) of this section for a second or 5786
subsequent plea of guilty to, or judicial finding of guilt of, a 5787
violation of section 2919.123 or 2919.124 of the Revised Code, 5788
the disciplinary action shall consist of a suspension of the 5789
individual's license or certificate to practice for a period of 5790
at least one year or, if determined appropriate by the board, a 5791
more serious sanction involving the individual's license or 5792
certificate to practice. Any consent agreement entered into 5793
under this division with an individual that pertains to a second 5794
or subsequent plea of guilty to, or judicial finding of guilt 5795
of, a violation of that section shall provide for a suspension 5796
of the individual's license or certificate to practice for a 5797

period of at least one year or, if determined appropriate by the 5798
board, a more serious sanction involving the individual's 5799
license or certificate to practice. 5800

(D) For purposes of divisions (B) (10), (12), and (14) of 5801
this section, the commission of the act may be established by a 5802
finding by the board, pursuant to an adjudication under Chapter 5803
119. of the Revised Code, that the individual committed the act. 5804
The board does not have jurisdiction under those divisions if 5805
the trial court renders a final judgment in the individual's 5806
favor and that judgment is based upon an adjudication on the 5807
merits. The board has jurisdiction under those divisions if the 5808
trial court issues an order of dismissal upon technical or 5809
procedural grounds. 5810

(E) The sealing or expungement of conviction records by 5811
any court shall have no effect upon a prior board order entered 5812
under this section or upon the board's jurisdiction to take 5813
action under this section if, based upon a plea of guilty, a 5814
judicial finding of guilt, or a judicial finding of eligibility 5815
for intervention in lieu of conviction, the board issued a 5816
notice of opportunity for a hearing prior to the court's order 5817
to seal or expunge the records. The board shall not be required 5818
to seal, expunge, destroy, redact, or otherwise modify its 5819
records to reflect the court's sealing of conviction records. 5820

(F) (1) The board shall investigate evidence that appears 5821
to show that a person has violated any provision of this chapter 5822
or any rule adopted under it. Any person may report to the board 5823
in a signed writing any information that the person may have 5824
that appears to show a violation of any provision of this 5825
chapter or any rule adopted under it. In the absence of bad 5826
faith, any person who reports information of that nature or who 5827

testifies before the board in any adjudication conducted under 5828
Chapter 119. of the Revised Code shall not be liable in damages 5829
in a civil action as a result of the report or testimony. Each 5830
complaint or allegation of a violation received by the board 5831
shall be assigned a case number and shall be recorded by the 5832
board. 5833

(2) Investigations of alleged violations of this chapter 5834
or any rule adopted under it shall be supervised by the 5835
supervising member elected by the board in accordance with 5836
section 4731.02 of the Revised Code and by the secretary as 5837
provided in section 4731.39 of the Revised Code. The president 5838
may designate another member of the board to supervise the 5839
investigation in place of the supervising member. No member of 5840
the board who supervises the investigation of a case shall 5841
participate in further adjudication of the case. 5842

(3) In investigating a possible violation of this chapter 5843
or any rule adopted under this chapter, or in conducting an 5844
inspection under division (E) of section 4731.054 of the Revised 5845
Code, the board may question witnesses, conduct interviews, 5846
administer oaths, order the taking of depositions, inspect and 5847
copy any books, accounts, papers, records, or documents, issue 5848
subpoenas, and compel the attendance of witnesses and production 5849
of books, accounts, papers, records, documents, and testimony, 5850
except that a subpoena for patient record information shall not 5851
be issued without consultation with the attorney general's 5852
office and approval of the secretary of the board. 5853

(a) Before issuance of a subpoena for patient record 5854
information, the secretary shall determine whether there is 5855
probable cause to believe that the complaint filed alleges a 5856
violation of this chapter or any rule adopted under it and that 5857

the records sought are relevant to the alleged violation and 5858
material to the investigation. The subpoena may apply only to 5859
records that cover a reasonable period of time surrounding the 5860
alleged violation. 5861

(b) On failure to comply with any subpoena issued by the 5862
board and after reasonable notice to the person being 5863
subpoenaed, the board may move for an order compelling the 5864
production of persons or records pursuant to the Rules of Civil 5865
Procedure. 5866

(c) A subpoena issued by the board may be served by a 5867
sheriff, the sheriff's deputy, or a board employee or agent 5868
designated by the board. Service of a subpoena issued by the 5869
board may be made by delivering a copy of the subpoena to the 5870
person named therein, reading it to the person, or leaving it at 5871
the person's usual place of residence, usual place of business, 5872
or address on file with the board. When serving a subpoena to an 5873
applicant for or the holder of a license or certificate issued 5874
under this chapter, service of the subpoena may be made by 5875
certified mail, return receipt requested, and the subpoena shall 5876
be deemed served on the date delivery is made or the date the 5877
person refuses to accept delivery. If the person being served 5878
refuses to accept the subpoena or is not located, service may be 5879
made to an attorney who notifies the board that the attorney is 5880
representing the person. 5881

(d) A sheriff's deputy who serves a subpoena shall receive 5882
the same fees as a sheriff. Each witness who appears before the 5883
board in obedience to a subpoena shall receive the fees and 5884
mileage provided for under section 119.094 of the Revised Code. 5885

(4) All hearings, investigations, and inspections of the 5886
board shall be considered civil actions for the purposes of 5887

section 2305.252 of the Revised Code. 5888

(5) A report required to be submitted to the board under 5889
this chapter, a complaint, or information received by the board 5890
pursuant to an investigation or pursuant to an inspection under 5891
division (E) of section 4731.054 of the Revised Code is 5892
confidential and not subject to discovery in any civil action. 5893

The board shall conduct all investigations or inspections 5894
and proceedings in a manner that protects the confidentiality of 5895
patients and persons who file complaints with the board. The 5896
board shall not make public the names or any other identifying 5897
information about patients or complainants unless proper consent 5898
is given or, in the case of a patient, a waiver of the patient 5899
privilege exists under division (B) of section 2317.02 of the 5900
Revised Code, except that consent or a waiver of that nature is 5901
not required if the board possesses reliable and substantial 5902
evidence that no bona fide physician-patient relationship 5903
exists. 5904

The board may share any information it receives pursuant 5905
to an investigation or inspection, including patient records and 5906
patient record information, with law enforcement agencies, other 5907
licensing boards, and other governmental agencies that are 5908
prosecuting, adjudicating, or investigating alleged violations 5909
of statutes or administrative rules. An agency or board that 5910
receives the information shall comply with the same requirements 5911
regarding confidentiality as those with which the state medical 5912
board must comply, notwithstanding any conflicting provision of 5913
the Revised Code or procedure of the agency or board that 5914
applies when it is dealing with other information in its 5915
possession. In a judicial proceeding, the information may be 5916
admitted into evidence only in accordance with the Rules of 5917

Evidence, but the court shall require that appropriate measures 5918
are taken to ensure that confidentiality is maintained with 5919
respect to any part of the information that contains names or 5920
other identifying information about patients or complainants 5921
whose confidentiality was protected by the state medical board 5922
when the information was in the board's possession. Measures to 5923
ensure confidentiality that may be taken by the court include 5924
sealing its records or deleting specific information from its 5925
records. 5926

(6) On a quarterly basis, the board shall prepare a report 5927
that documents the disposition of all cases during the preceding 5928
three months. The report shall contain the following information 5929
for each case with which the board has completed its activities: 5930

(a) The case number assigned to the complaint or alleged 5931
violation; 5932

(b) The type of license or certificate to practice, if 5933
any, held by the individual against whom the complaint is 5934
directed; 5935

(c) A description of the allegations contained in the 5936
complaint; 5937

(d) The disposition of the case. 5938

The report shall state how many cases are still pending 5939
and shall be prepared in a manner that protects the identity of 5940
each person involved in each case. The report shall be a public 5941
record under section 149.43 of the Revised Code. 5942

(G) If the secretary and supervising member determine both 5943
of the following, they may recommend that the board suspend an 5944
individual's license or certificate to practice or certificate 5945
to recommend without a prior hearing: 5946

(1) That there is clear and convincing evidence that an individual has violated division (B) 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 certificate 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 seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

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

(H) If the board takes action under division (B) (9), (11), 5976
or (13) of this section and the judicial finding of guilt, 5977
guilty plea, or judicial finding of eligibility for intervention 5978
in lieu of conviction is overturned on appeal, upon exhaustion 5979
of the criminal appeal, a petition for reconsideration of the 5980
order may be filed with the board along with appropriate court 5981
documents. Upon receipt of a petition of that nature and 5982
supporting court documents, the board shall reinstate the 5983
individual's license or certificate to practice. The board may 5984
then hold an adjudication under Chapter 119. of the Revised Code 5985
to determine whether the individual committed the act in 5986
question. Notice of an opportunity for a hearing shall be given 5987
in accordance with Chapter 119. of the Revised Code. If the 5988
board finds, pursuant to an adjudication held under this 5989
division, that the individual committed the act or if no hearing 5990
is requested, the board may order any of the sanctions 5991
identified under division (B) of this section. 5992

(I) The license or certificate to practice issued to an 5993
individual under this chapter and the individual's practice in 5994
this state are automatically suspended as of the date of the 5995
individual's second or subsequent plea of guilty to, or judicial 5996
finding of guilt of, a violation of section 2919.123 or 2919.124 5997
of the Revised Code. In addition, the license or certificate to 5998
practice or certificate to recommend issued to an individual 5999
under this chapter and the individual's practice in this state 6000
are automatically suspended as of the date the individual pleads 6001
guilty to, is found by a judge or jury to be guilty of, or is 6002
subject to a judicial finding of eligibility for intervention in 6003
lieu of conviction in this state or treatment or intervention in 6004
lieu of conviction in another jurisdiction for any of the 6005
following criminal offenses in this state or a substantially 6006

equivalent criminal offense in another jurisdiction: aggravated 6007
murder, murder, voluntary manslaughter, felonious assault, 6008
kidnapping, rape, sexual battery, gross sexual imposition, 6009
aggravated arson, aggravated robbery, or aggravated burglary. 6010
Continued practice after suspension shall be considered 6011
practicing without a license or certificate. 6012

The board shall notify the individual subject to the 6013
suspension in accordance with sections 119.05 and 119.07 of the 6014
Revised Code. If an individual whose license or certificate is 6015
automatically suspended under this division fails to make a 6016
timely request for an adjudication under Chapter 119. of the 6017
Revised Code, the board shall do whichever of the following is 6018
applicable: 6019

(1) If the automatic suspension under this division is for 6020
a second or subsequent plea of guilty to, or judicial finding of 6021
guilt of, a violation of section 2919.123 or 2919.124 of the 6022
Revised Code, the board shall enter an order suspending the 6023
individual's license or certificate to practice for a period of 6024
at least one year or, if determined appropriate by the board, 6025
imposing a more serious sanction involving the individual's 6026
license or certificate to practice. 6027

(2) In all circumstances in which division (I)(1) of this 6028
section does not apply, enter a final order permanently revoking 6029
the individual's license or certificate to practice. 6030

(J) If the board is required by Chapter 119. of the 6031
Revised Code to give notice of an opportunity for a hearing and 6032
if the individual subject to the notice does not timely request 6033
a hearing in accordance with section 119.07 of the Revised Code, 6034
the board is not required to hold a hearing, but may adopt, by 6035
an affirmative vote of not fewer than six of its members, a 6036

final order that contains the board's findings. In that final 6037
order, the board may order any of the sanctions identified under 6038
division (A) or (B) of this section. 6039

(K) Any action taken by the board under division (B) of 6040
this section resulting in a suspension from practice shall be 6041
accompanied by a written statement of the conditions under which 6042
the individual's license or certificate to practice may be 6043
reinstated. The board shall adopt rules governing conditions to 6044
be imposed for reinstatement. Reinstatement of a license or 6045
certificate suspended pursuant to division (B) of this section 6046
requires an affirmative vote of not fewer than six members of 6047
the board. 6048

(L) When the board refuses to grant or issue a license or 6049
certificate to practice to an applicant, revokes an individual's 6050
license or certificate to practice, refuses to renew an 6051
individual's license or certificate to practice, or refuses to 6052
reinstatement an individual's license or certificate to practice, 6053
the board may specify that its action is permanent. An 6054
individual subject to a permanent action taken by the board is 6055
forever thereafter ineligible to hold a license or certificate 6056
to practice and the board shall not accept an application for 6057
reinstatement of the license or certificate or for issuance of a 6058
new license or certificate. 6059

(M) Notwithstanding any other provision of the Revised 6060
Code, all of the following apply: 6061

(1) The surrender of a license or certificate issued under 6062
this chapter shall not be effective unless or until accepted by 6063
the board. A telephone conference call may be utilized for 6064
acceptance of the surrender of an individual's license or 6065
certificate to practice. The telephone conference call shall be 6066

considered a special meeting under division (F) of section 6067
121.22 of the Revised Code. Reinstatement of a license or 6068
certificate surrendered to the board requires an affirmative 6069
vote of not fewer than six members of the board. 6070

(2) An application for a license or certificate made under 6071
the provisions of this chapter may not be withdrawn without 6072
approval of the board. 6073

(3) Failure by an individual to renew a license or 6074
certificate to practice in accordance with this chapter or a 6075
certificate to recommend in accordance with rules adopted under 6076
section 4731.301 of the Revised Code does not remove or limit 6077
the board's jurisdiction to take any disciplinary action under 6078
this section against the individual. 6079

(4) The placement of an individual's license on retired 6080
status, as described in section 4731.283 of the Revised Code, 6081
does not remove or limit the board's jurisdiction to take any 6082
disciplinary action against the individual with regard to the 6083
license as it existed before being placed on retired status. 6084

(5) At the request of the board, a license or certificate 6085
holder shall immediately surrender to the board a license or 6086
certificate that the board has suspended, revoked, or 6087
permanently revoked. 6088

(N) Sanctions shall not be imposed under division (B) (28) 6089
of this section against any person who waives deductibles and 6090
copayments as follows: 6091

(1) In compliance with the health benefit plan that 6092
expressly allows such a practice. Waiver of the deductibles or 6093
copayments shall be made only with the full knowledge and 6094
consent of the plan purchaser, payer, and third-party 6095

administrator. Documentation of the consent shall be made 6096
available to the board upon request. 6097

(2) For professional services rendered to any other person 6098
authorized to practice pursuant to this chapter, to the extent 6099
allowed by this chapter and rules adopted by the board. 6100

(O) Under the board's investigative duties described in 6101
this section and subject to division (F) of this section, the 6102
board shall develop and implement a quality intervention program 6103
designed to improve through remedial education the clinical and 6104
communication skills of individuals authorized under this 6105
chapter to practice medicine and surgery, osteopathic medicine 6106
and surgery, and podiatric medicine and surgery. In developing 6107
and implementing the quality intervention program, the board may 6108
do all of the following: 6109

(1) Offer in appropriate cases as determined by the board 6110
an educational and assessment program pursuant to an 6111
investigation the board conducts under this section; 6112

(2) Select providers of educational and assessment 6113
services, including a quality intervention program panel of case 6114
reviewers; 6115

(3) Make referrals to educational and assessment service 6116
providers and approve individual educational programs 6117
recommended by those providers. The board shall monitor the 6118
progress of each individual undertaking a recommended individual 6119
educational program. 6120

(4) Determine what constitutes successful completion of an 6121
individual educational program and require further monitoring of 6122
the individual who completed the program or other action that 6123
the board determines to be appropriate; 6124

(5) Adopt rules in accordance with Chapter 119. of the 6125
Revised Code to further implement the quality intervention 6126
program. 6127

An individual who participates in an individual 6128
educational program pursuant to this division shall pay the 6129
financial obligations arising from that educational program. 6130

(P) The board shall not refuse to issue a license to an 6131
applicant because of a conviction, plea of guilty, judicial 6132
finding of guilt, judicial finding of eligibility for 6133
intervention in lieu of conviction, or the commission of an act 6134
that constitutes a criminal offense, unless the refusal is in 6135
accordance with section 9.79 of the Revised Code. 6136

Sec. 4731.224. (A) Within sixty days after the imposition 6137
of any formal disciplinary action taken by any health care 6138
facility, including a hospital, health care facility operated by 6139
a health insuring corporation, ambulatory surgical center, or 6140
similar facility, against any individual holding a valid license 6141
or certificate to practice issued pursuant to this chapter, the 6142
chief administrator or executive officer of the facility shall 6143
report to the state medical board the name of the individual, 6144
the action taken by the facility, and a summary of the 6145
underlying facts leading to the action taken. Upon request, the 6146
board shall be provided certified copies of the patient records 6147
that were the basis for the facility's action. Prior to release 6148
to the board, the summary shall be approved by the peer review 6149
committee that reviewed the case or by the governing board of 6150
the facility. As used in this division, "formal disciplinary 6151
action" means any action resulting in the revocation, 6152
restriction, reduction, or termination of clinical privileges 6153
for violations of professional ethics, or for reasons of medical 6154

incompetence or medical malpractice. "Formal disciplinary 6155
action" includes a summary action, an action that takes effect 6156
notwithstanding any appeal rights that may exist, and an action 6157
that results in an individual surrendering clinical privileges 6158
while under investigation and during proceedings regarding the 6159
action being taken or in return for not being investigated or 6160
having proceedings held. "Formal disciplinary action" does not 6161
include any action taken for the sole reason of failure to 6162
maintain records on a timely basis or failure to attend staff or 6163
section meetings. 6164

The filing or nonfiling of a report with the board, 6165
investigation by the board, or any disciplinary action taken by 6166
the board, shall not preclude any action by a health care 6167
facility to suspend, restrict, or revoke the individual's 6168
clinical privileges. 6169

In the absence of fraud or bad faith, no individual or 6170
entity that provides patient records to the board shall be 6171
liable in damages to any person as a result of providing the 6172
records. 6173

(B) (1) Except as provided in division (B) (2) of this 6174
section, if any individual authorized to practice under this 6175
chapter or any professional association or society of such 6176
individuals believes that a violation of any provision of this 6177
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4772., 6178
4774., or 4778. of the Revised Code, or any rule of the board 6179
has occurred, the individual, association, or society shall 6180
report to the board the information upon which the belief is 6181
based. 6182

(2) If any individual authorized to practice under this 6183
chapter or any professional association or society of such 6184

individuals believes that a violation of division (B) (19) or 6185
(26) of section 4731.22 of the Revised Code has occurred, the 6186
individual, association, or society shall report the information 6187
upon which the belief is based to the monitoring organization 6188
conducting the confidential monitoring program established under 6189
section 4731.25 of the Revised Code. If any such report is made 6190
to the board, it shall be referred to the monitoring 6191
organization unless the board is aware that the individual who 6192
is the subject of the report does not meet the program 6193
eligibility requirements of section 4731.252 of the Revised 6194
Code. 6195

(C) Any professional association or society composed 6196
primarily of doctors of medicine and surgery, doctors of 6197
osteopathic medicine and surgery, doctors of podiatric medicine 6198
and surgery, or practitioners of limited branches of medicine 6199
that suspends or revokes an individual's membership for 6200
violations of professional ethics, or for reasons of 6201
professional incompetence or professional malpractice, within 6202
sixty days after a final decision shall report to the board, on 6203
forms prescribed and provided by the board, the name of the 6204
individual, the action taken by the professional organization, 6205
and a summary of the underlying facts leading to the action 6206
taken. 6207

The filing of a report with the board or decision not to 6208
file a report, investigation by the board, or any disciplinary 6209
action taken by the board, does not preclude a professional 6210
organization from taking disciplinary action against an 6211
individual. 6212

(D) Any insurer providing professional liability insurance 6213
to an individual authorized to practice under this chapter, or 6214

any other entity that seeks to indemnify the professional 6215
liability of such an individual, shall notify the board within 6216
thirty days after the final disposition of any written claim for 6217
damages where such disposition results in a payment exceeding 6218
twenty-five thousand dollars. The notice shall contain the 6219
following information: 6220

(1) The name and address of the person submitting the 6221
notification; 6222

(2) The name and address of the insured who is the subject 6223
of the claim; 6224

(3) The name of the person filing the written claim; 6225

(4) The date of final disposition; 6226

(5) If applicable, the identity of the court in which the 6227
final disposition of the claim took place. 6228

(E) The board may investigate possible violations of this 6229
chapter or the rules adopted under it that are brought to its 6230
attention as a result of the reporting requirements of this 6231
section, except that the board shall conduct an investigation if 6232
a possible violation involves repeated malpractice. As used in 6233
this division, "repeated malpractice" means three or more claims 6234
for medical malpractice within the previous five-year period, 6235
each resulting in a judgment or settlement in excess of twenty- 6236
five thousand dollars in favor of the claimant, and each 6237
involving negligent conduct by the practicing individual. 6238

(F) All summaries, reports, and records received and 6239
maintained by the board pursuant to this section shall be held 6240
in confidence and shall not be subject to discovery or 6241
introduction in evidence in any federal or state civil action 6242
involving a health care professional or facility arising out of 6243

matters that are the subject of the reporting required by this 6244
section. The board may use the information obtained only as the 6245
basis for an investigation, as evidence in a disciplinary 6246
hearing against an individual whose practice is regulated under 6247
this chapter, or in any subsequent trial or appeal of a board 6248
action or order. 6249

The board may disclose the summaries and reports it 6250
receives under this section only to health care facility 6251
committees within or outside this state that are involved in 6252
credentialing or recredentialing the individual or in reviewing 6253
the individual's clinical privileges. The board shall indicate 6254
whether or not the information has been verified. Information 6255
transmitted by the board shall be subject to the same 6256
confidentiality provisions as when maintained by the board. 6257

(G) Except for reports filed by an individual pursuant to 6258
division (B) of this section, the board shall send a copy of any 6259
reports or summaries it receives pursuant to this section to the 6260
individual who is the subject of the reports or summaries. The 6261
individual shall have the right to file a statement with the 6262
board concerning the correctness or relevance of the 6263
information. The statement shall at all times accompany that 6264
part of the record in contention. 6265

(H) An individual or entity that, pursuant to this 6266
section, reports to the board, reports to the monitoring 6267
organization described in section 4731.25 of the Revised Code, 6268
or refers an impaired practitioner to a treatment provider 6269
approved by the board under section 4731.251 of the Revised Code 6270
shall not be subject to suit for civil damages as a result of 6271
the report, referral, or provision of the information. 6272

(I) In the absence of fraud or bad faith, no professional 6273

association or society of individuals authorized to practice 6274
under this chapter that sponsors a committee or program to 6275
provide peer assistance to practitioners with substance abuse 6276
problems, no representative or agent of such a committee or 6277
program, no representative or agent of the monitoring 6278
organization described in section 4731.25 of the Revised Code, 6279
and no member of the state medical board shall be held liable in 6280
damages to any person by reason of actions taken to refer a 6281
practitioner to a treatment provider approved under section 6282
4731.251 of the Revised Code for examination or treatment. 6283

Sec. 4731.24. Except as provided in sections 4731.281 and 6284
4731.40 of the Revised Code, all receipts of the state medical 6285
board, from any source, shall be deposited in the state 6286
treasury. The funds shall be deposited to the credit of the 6287
state medical board operating fund, which is hereby created. 6288
Except as provided in sections 4730.252, 4731.225, 4731.24, 6289
4759.071, 4760.133, 4761.091, 4762.133, 4772.203, 4774.133, and 6290
4778.141 of the Revised Code, all funds deposited into the state 6291
treasury under this section shall be used solely for the 6292
administration and enforcement of this chapter and Chapters 6293
4730., 4759., 4760., 4761., 4762., 4772., 4774., and 4778. of 6294
the Revised Code by the board. 6295

Sec. 4731.25. (A) As used in this section and in sections 6296
4731.251 to 4731.255 of the Revised Code: 6297

(1) "Applicant" means an individual who has applied under 6298
Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4772., 4774., 6299
or 4778. of the Revised Code for a license, training or other 6300
certificate, limited permit, or other authority to practice as 6301
any one of the following practitioners: a physician assistant, 6302
physician, podiatrist, limited branch of medicine practitioner, 6303

dietitian, anesthesiologist assistant, respiratory care 6304
professional, acupuncturist, certified mental health assistant, 6305
radiologist assistant, or genetic counselor. "Applicant" may 6306
include an individual who has been granted authority by the 6307
state medical board to practice as one type of practitioner, but 6308
has applied for authority to practice as another type of 6309
practitioner. 6310

(2) "Impaired" or "impairment" means either or both of the 6311
following: 6312

(a) Impairment of ability to practice as described in 6313
division (B) (5) of section 4730.25, division (B) (26) of section 6314
4731.22, division (A) (18) of section 4759.07, division (B) (6) of 6315
section 4760.13, division (A) (18) of section 4761.09, division 6316
(B) (6) of section 4762.13, division (B) (6) of section 4772.20, 6317
division (B) (6) of section 4774.13, or division (B) (6) of 6318
section 4778.14 of the Revised Code; 6319

(b) Inability to practice as described in division (B) (4) 6320
of section 4730.25, division (B) (19) of section 4731.22, 6321
division (A) (14) of section 4759.07, division (B) (5) of section 6322
4760.13, division (A) (14) of section 4761.09, division (B) (5) of 6323
section 4762.13, division (B) (5) of section 4774.13, or division 6324
(B) (5) of section 4778.14 of the Revised Code. 6325

(3) "Practitioner" means any of the following: 6326

(a) An individual authorized under this chapter to 6327
practice medicine and surgery, osteopathic medicine and surgery, 6328
podiatric medicine and surgery, or a limited branch of medicine; 6329

(b) An individual licensed under Chapter 4730. of the 6330
Revised Code to practice as a physician assistant; 6331

(c) An individual authorized under Chapter 4759. of the 6332

Revised Code to practice as a dietitian; 6333

(d) An individual authorized under Chapter 4760. of the 6334
Revised Code to practice as an anesthesiologist assistant; 6335

(e) An individual authorized under Chapter 4761. of the 6336
Revised Code to practice respiratory care; 6337

(f) An individual licensed under Chapter 4762. of the 6338
Revised Code to practice as an acupuncturist; 6339

(g) An individual licensed under Chapter 4772. of the 6340
Revised Code to practice as a certified mental health assistant; 6341

(h) An individual licensed under Chapter 4774. of the 6342
Revised Code to practice as a radiologist assistant; 6343

~~(h)~~ (i) An individual licensed under Chapter 4778. of the 6344
Revised Code to practice as a genetic counselor. 6345

(B) The state medical board shall establish a 6346
confidential, nondisciplinary program for the evaluation and 6347
treatment of practitioners and applicants who are, or may be, 6348
impaired and also meet the eligibility conditions described in 6349
section 4731.252 or 4731.253 of the Revised Code. The program 6350
shall be known as the confidential monitoring program. 6351

The board shall contract with a monitoring organization to 6352
conduct the program and perform monitoring services. To be 6353
qualified to contract with the board, an organization shall meet 6354
all of the following requirements: 6355

(1) Be a professionals health program sponsored by one or 6356
more professional associations or societies of practitioners; 6357

(2) Be organized as a not-for-profit entity and exempt 6358
from federal income taxation under subsection 501(c)(3) of the 6359

Internal Revenue Code;	6360
(3) Contract with or employ a medical director who is	6361
authorized under this chapter to practice medicine and surgery	6362
or osteopathic medicine and surgery and specializes or has	6363
training and expertise in addiction medicine;	6364
(4) Contract with or employ licensed health care	6365
professionals necessary for the organization's operation.	6366
(C) The monitoring organization shall do all of the	6367
following pursuant to the contract:	6368
(1) Receive from the board a referral regarding an	6369
applicant or receive any report of suspected practitioner	6370
impairment from any source, including from the board;	6371
(2) Notify a practitioner who is the subject of a report	6372
received under division (C) (1) of this section that the report	6373
has been made and that the practitioner may be eligible to	6374
participate in the program conducted under this section;	6375
(3) Provide a practitioner who is the subject of a report	6376
received under division (C) (1) of this section with the list of	6377
approved evaluators and treatment providers prepared and updated	6378
as described in section 4731.251 of the Revised Code;	6379
(4) Determine whether a practitioner reported or applicant	6380
referred to the monitoring organization is eligible to	6381
participate in the program, which in the case of an applicant	6382
may include evaluating records as described in division (E) (1)	6383
(d) of this section, and notify the practitioner or applicant of	6384
the determination;	6385
(5) In the case of a practitioner reported by a treatment	6386
provider, notify the treatment provider of the eligibility	6387

determination; 6388

(6) Report to the board any practitioner or applicant who 6389
is determined ineligible to participate in the program; 6390

(7) Refer an eligible practitioner who chooses to 6391
participate in the program for evaluation by an evaluator 6392
approved by the monitoring organization, unless the report 6393
received by the monitoring organization was made by an approved 6394
evaluator and the practitioner has already been evaluated; 6395

(8) Monitor the evaluation of an eligible practitioner; 6396

(9) Refer an eligible practitioner who chooses to 6397
participate in the program to a treatment provider approved by 6398
the monitoring organization; 6399

(10) Establish, in consultation with the treatment 6400
provider to which a practitioner is referred, the terms and 6401
conditions with which the practitioner must comply for continued 6402
participation in and successful completion of the program; 6403

(11) Report to the board any practitioner who does not 6404
complete evaluation or treatment or does not comply with any of 6405
the terms and conditions established by the monitoring 6406
organization and the treatment provider; 6407

(12) Perform any other activities specified in the 6408
contract with the board or that the monitoring organization 6409
considers necessary to comply with this section and sections 6410
4731.251 to 4731.255 of the Revised Code. 6411

(D) The monitoring organization shall not disclose to the 6412
board the name of a practitioner or applicant or any records 6413
relating to a practitioner or applicant, unless any of the 6414
following occurs: 6415

(1) The practitioner or applicant is determined to be ineligible to participate in the program.	6416 6417
(2) The practitioner or applicant requests the disclosure.	6418
(3) The practitioner or applicant is unwilling or unable to complete or comply with any part of the program, including evaluation, treatment, or monitoring.	6419 6420 6421
(4) The practitioner or applicant presents an imminent danger to oneself or the public, as a result of the practitioner's or applicant's impairment.	6422 6423 6424
(5) The practitioner's impairment has not been substantially alleviated by participation in the program.	6425 6426
(E) (1) The monitoring organization shall develop procedures governing each of the following:	6427 6428
(a) Receiving reports of practitioner impairment;	6429
(b) Notifying practitioners of reports and eligibility determinations;	6430 6431
(c) Receiving applicant referrals as described in section 4731.253 of the Revised Code;	6432 6433
(d) Evaluating records of referred applicants, in particular records from other jurisdictions regarding prior treatment for impairment or current or continued monitoring;	6434 6435 6436
(e) Notifying applicants of eligibility determinations;	6437
(f) Referring eligible practitioners for evaluation or treatment;	6438 6439
(g) Establishing individualized treatment plans for eligible practitioners, as recommended by treatment providers;	6440 6441

(h) Establishing individualized terms and conditions with 6442
which eligible practitioners or applicants must comply for 6443
continued participation in and successful completion of the 6444
program. 6445

(2) The monitoring organization, in consultation with the 6446
board, shall develop procedures governing each of the following: 6447

(a) Providing reports to the board on a periodic basis on 6448
the total number of practitioners or applicants participating in 6449
the program, without disclosing the names or records of any 6450
program participants other than those about whom reports are 6451
required by this section; 6452

(b) Reporting to the board any practitioner or applicant 6453
who due to impairment presents an imminent danger to oneself or 6454
the public; 6455

(c) Reporting to the board any practitioner or applicant 6456
who is unwilling or unable to complete or comply with any part 6457
of the program, including evaluation, treatment, or monitoring; 6458

(d) Reporting to the board any practitioner or applicant 6459
whose impairment was not substantially alleviated by 6460
participation in the program. 6461

Sec. 4731.251. (A) In addition to the duties described in 6462
section 4731.25 of the Revised Code, the monitoring organization 6463
shall conduct a review of individuals and entities providing 6464
impairment evaluation and treatment services to determine which 6465
should be approved as evaluators and treatment providers by the 6466
organization. The individuals and entities may include those 6467
with experience providing evaluation and treatment services as 6468
part of a professionals health program sponsored by one or more 6469
professional associations or societies of practitioners. The 6470

monitoring organization shall conduct its review in accordance 6471
with criteria developed under this section. 6472

Following its review, the monitoring organization shall 6473
grant or deny approval to evaluators and treatment providers, 6474
which may include physicians and facilities. The monitoring 6475
organization shall prepare a list of evaluators approved to 6476
serve under the program and a list of treatment providers 6477
approved to serve under the program or as described in division 6478
(B) (5) of section 4730.25, division (B) (26) of section 4731.22, 6479
division (A) (18) of section 4759.07, division (B) (6) of section 6480
4760.13, division (A) (18) of section 4761.09, division (B) (6) of 6481
section 4762.13, division (B) (6) of section 4772.20, division 6482
(B) (6) of section 4774.13, or division (B) (6) of section 4778.14 6483
of the Revised Code. 6484

In accordance with criteria developed under this section, 6485
the monitoring organization shall periodically review and update 6486
the list of approved evaluators and treatment providers, 6487
including by examining evaluator and treatment provider outcomes 6488
and operations. As part of its periodic review, the organization 6489
may approve additional evaluators or treatment providers and add 6490
them to the list. The organization also may withdraw approval 6491
for evaluators and treatment providers. Such additions and 6492
withdrawals shall be reflected in the list. 6493

(B) The monitoring organization and state medical board 6494
together shall develop criteria and procedures for the review 6495
and approval of impairment evaluators and treatment providers. 6496
The criteria and procedures shall address reviews conducted on a 6497
periodic basis, including the examination of approved evaluator 6498
and treatment provider outcomes and operations. 6499

(C) Separate from the confidential monitoring program 6500

established under section 4731.25 of the Revised Code, the board 6501
may contract with the monitoring organization to assist the 6502
board in monitoring impaired practitioners who are subject to 6503
formal disciplinary action by the board. 6504

(D) Any practitioner who is evaluated or treated as part 6505
of the confidential monitoring program, who enters into a 6506
participation agreement with the monitoring organization, or who 6507
is treated by an approved treatment provider shall be deemed to 6508
have waived any confidentiality requirements that would 6509
otherwise prevent the monitoring organization or treatment 6510
provider from making reports required under sections 4731.25 to 6511
4731.255 of the Revised Code. 6512

Sec. 4734.99. (A) Whoever violates section 4734.14 or 6513
4734.141 of the Revised Code is guilty of a felony of the fifth 6514
degree on a first offense, unless the offender previously has 6515
been convicted of or has pleaded guilty to a violation of 6516
section 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 6517
2913.40, 2913.47, 2913.48, 2913.51, 2921.13, 4715.09, 4723.03, 6518
4725.02, 4725.41, 4729.27, 4729.28, 4729.36, 4729.51, 4729.61, 6519
4730.02, 4731.41, 4731.43, 4731.46, 4731.47, 4731.60, 4732.21, 6520
4741.18, 4741.19, 4755.48, 4757.02, 4759.02, 4761.10, 4772.02, 6521
or 4773.02 of the Revised Code or an offense under an existing 6522
or former law of this state, another state, or the United States 6523
that is or was substantially equivalent to a violation of any of 6524
those sections, in which case the offender is guilty of a felony 6525
of the fourth degree. For each subsequent offense, the offender 6526
is guilty of a felony of the fourth degree. 6527

(B) Whoever violates section 4734.161 of the Revised Code 6528
is guilty of a misdemeanor of the first degree. 6529

(C) Whoever violates division (A), (B), (C), or (D) of 6530

section 4734.32 of the Revised Code is guilty of a minor 6531
misdemeanor on a first offense; on each subsequent offense, the 6532
person is guilty of a misdemeanor of the fourth degree, except 6533
that an individual guilty of a subsequent offense shall not be 6534
subject to imprisonment, but to a fine alone of up to one 6535
thousand dollars for each offense. 6536

Sec. 4743.09. (A) As used in this section: 6537

(1) "Durable medical equipment" means a type of equipment, 6538
such as a remote monitoring device utilized by a physician, 6539
physician assistant, or advanced practice registered nurse in 6540
accordance with this section, that can withstand repeated use, 6541
is primarily and customarily used to serve a medical purpose, 6542
and generally is not useful to a person in the absence of 6543
illness or injury and, in addition, includes repair and 6544
replacement parts for the equipment. 6545

(2) "Facility fee" means any fee charged or billed for 6546
telehealth services provided in a facility that is intended to 6547
compensate the facility for its operational expenses and is 6548
separate and distinct from a professional fee. 6549

(3) "Health care professional" means: 6550

(a) An advanced practice registered nurse, as defined in 6551
section 4723.01 of the Revised Code; 6552

(b) An optometrist licensed under Chapter 4725. of the 6553
Revised Code to practice optometry; 6554

(c) A pharmacist licensed under Chapter 4729. of the 6555
Revised Code; 6556

(d) A physician assistant licensed under Chapter 4730. of 6557
the Revised Code; 6558

(e) A physician licensed under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	6559 6560 6561
(f) A psychologist, independent school psychologist, or school psychologist licensed under Chapter 4732. of the Revised Code;	6562 6563 6564
(g) A chiropractor licensed under Chapter 4734. of the Revised Code;	6565 6566
(h) An audiologist or speech-language pathologist licensed under Chapter 4753. of the Revised Code;	6567 6568
(i) An occupational therapist or physical therapist licensed under Chapter 4755. of the Revised Code;	6569 6570
(j) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code;	6571 6572 6573
(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;	6574 6575 6576 6577
(l) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;	6578 6579
(m) A dietitian licensed under Chapter 4759. of the Revised Code;	6580 6581
(n) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	6582 6583
(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	6584 6585

(p) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code;	6586 6587
<u>(q) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u>	6588 6589
(4) "Health care professional licensing board" means any of the following:	6590 6591
(a) The board of nursing;	6592
(b) The state vision professionals board;	6593
(c) The state board of pharmacy;	6594
(d) The state medical board;	6595
(e) The state board of psychology;	6596
(f) The state chiropractic board;	6597
(g) The state speech and hearing professionals board;	6598
(h) The Ohio occupational therapy, physical therapy, and athletic trainers board;	6599 6600
(i) The counselor, social worker, and marriage and family therapist board;	6601 6602
(j) The chemical dependency professionals board.	6603
(5) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.	6604 6605
(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:	6606 6607 6608 6609 6610

(a) The patient receiving the services; 6611

(b) Another health care professional with whom the 6612
provider of the services is consulting regarding the patient. 6613

(B) (1) Each health care professional licensing board shall 6614
permit a health care professional under its jurisdiction to 6615
provide the professional's services as telehealth services in 6616
accordance with this section. Subject to division (B) (2) of this 6617
section, a board may adopt any rules it considers necessary to 6618
implement this section. All rules adopted under this section 6619
shall be adopted in accordance with Chapter 119. of the Revised 6620
Code. Any such rules adopted by a board are not subject to the 6621
requirements of division (F) of section 121.95 of the Revised 6622
Code. 6623

(2) (a) Except as provided in division (B) (2) (b) of this 6624
section, the rules adopted by a health care professional 6625
licensing board under this section shall establish a standard of 6626
care for telehealth services that is equal to the standard of 6627
care for in-person services. 6628

(b) Subject to division (B) (2) (c) of this section, a board 6629
may require an initial in-person visit prior to prescribing a 6630
schedule II controlled substance to a new patient, equivalent to 6631
applicable state and federal requirements. 6632

(c) (i) A board shall not require an initial in-person 6633
visit for a new patient whose medical record indicates that the 6634
patient is receiving hospice or palliative care, who is 6635
receiving medication-assisted treatment or any other medication 6636
for opioid-use disorder, who is a patient with a mental health 6637
condition, or who, as determined by the clinical judgment of a 6638
health care professional, is in an emergency situation. 6639

(ii) Notwithstanding division (B) of section 3796.01 of the Revised Code, medical marijuana shall not be considered a schedule II controlled substance.

(C) With respect to the provision of telehealth services, all of the following apply:

(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.

(2) A health care professional may deny a patient telehealth services and, instead, require the patient to undergo an in-person visit.

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

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

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

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

(b) The professional may provide telehealth services 6669
through the use of medical devices that enable remote 6670
monitoring, including such activities as monitoring a patient's 6671
blood pressure, heart rate, or glucose level. 6672

(D) When a patient has consented to receiving telehealth 6673
services, the health care professional who provides those 6674
services is not liable in damages under any claim made on the 6675
basis that the services do not meet the same standard of care 6676
that would apply if the services were provided in-person. 6677

(E) (1) A health care professional providing telehealth 6678
services shall not charge a patient or a health plan issuer 6679
covering telehealth services under section 3902.30 of the 6680
Revised Code any of the following: a facility fee, an 6681
origination fee, or any fee associated with the cost of the 6682
equipment used at the provider site to provide telehealth 6683
services. 6684

A health care professional providing telehealth services 6685
may charge a health plan issuer for durable medical equipment 6686
used at a patient or client site. 6687

(2) A health care professional may negotiate with a health 6688
plan issuer to establish a reimbursement rate for fees 6689
associated with the administrative costs incurred in providing 6690
telehealth services as long as a patient is not responsible for 6691
any portion of the fee. 6692

(3) A health care professional providing telehealth 6693
services shall obtain a patient's consent before billing for the 6694
cost of providing the services, but the requirement to do so 6695
applies only once. 6696

(F) Nothing in this section limits or otherwise affects 6697

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. 4765.51. Nothing in this chapter prevents or restricts the practice, services, or activities of any registered nurse practicing within the scope of the registered nurse's practice.

Nothing in this chapter prevents or restricts the practice, services, or activities of any physician assistant practicing in accordance with a supervision agreement entered into under section 4730.19 of the Revised Code, including, if applicable, the policies of the health care facility in which the physician assistant is practicing.

Nothing in this chapter prevents or restricts the practice, services, or activities of any certified mental health assistant practicing in accordance with a supervision agreement entered into under section 4772.10 of the Revised Code.

Sec. 4769.01. As used in this chapter:

(A) "Medicare" means the program established by Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.

(B) "Balance billing" means charging or collecting from a medicare beneficiary an amount in excess of the medicare

reimbursement rate for medicare-covered services or supplies 6727
provided to a medicare beneficiary, except when medicare is the 6728
secondary insurer. When medicare is the secondary insurer, the 6729
health care practitioner may pursue full reimbursement under the 6730
terms and conditions of the primary coverage and, if applicable, 6731
the charge allowed under the terms and conditions of the 6732
appropriate provider contract, from the primary insurer, but the 6733
medicare beneficiary cannot be balance billed above the medicare 6734
reimbursement rate for a medicare-covered service or supply. 6735
"Balance billing" does not include charging or collecting 6736
deductibles or coinsurance required by the program. 6737

(C) "Health care practitioner" means all of the following: 6738

(1) A dentist or dental hygienist licensed under Chapter 6739
4715. of the Revised Code; 6740

(2) A registered or licensed practical nurse licensed 6741
under Chapter 4723. of the Revised Code; 6742

(3) An optometrist licensed under Chapter 4725. of the 6743
Revised Code; 6744

(4) A dispensing optician, spectacle dispensing optician, 6745
or spectacle-contact lens dispensing optician licensed under 6746
Chapter 4725. of the Revised Code; 6747

(5) A pharmacist licensed under Chapter 4729. of the 6748
Revised Code; 6749

(6) A physician authorized under Chapter 4731. of the 6750
Revised Code to practice medicine and surgery, osteopathic 6751
medicine and surgery, or podiatry; 6752

(7) A physician assistant authorized under Chapter 4730. 6753
of the Revised Code to practice as a physician assistant; 6754

- (8) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code; 6755
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- (9) A psychologist licensed under Chapter 4732. of the Revised Code; 6757
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- (10) A chiropractor licensed under Chapter 4734. of the Revised Code; 6759
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- (11) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code; 6761
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- (12) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code; 6763
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- (13) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code; 6765
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- (14) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code; 6767
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- (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; 6769
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- (16) A dietitian licensed under Chapter 4759. of the Revised Code; 6773
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- (17) A respiratory care professional licensed under Chapter 4761. of the Revised Code; 6775
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- (18) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code; 6777
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- (19) A certified mental health assistant licensed under 6781

Chapter 4772. of the Revised Code. 6782

Sec. 4772.01. As used in this chapter: 6783

(A) "Certified mental health assistant" means an 6784
individual who, under physician supervision, provides mental 6785
health care by engaging in any of the activities authorized 6786
under section 4772.09 of the Revised Code. 6787

(B) "Controlled substance" has the same meaning as in 6788
section 3719.01 of the Revised Code. 6789

(C) "Drug database" means the database established and 6790
maintained by the state board of pharmacy pursuant to section 6791
4729.75 of the Revised Code. 6792

(D) "Medication-assisted treatment" has the same meaning 6793
as in section 340.01 of the Revised Code. 6794

(E) "Physician" means an individual authorized under 6795
Chapter 4731. of the Revised Code to practice medicine and 6796
surgery or osteopathic medicine and surgery. 6797

Sec. 4772.02. (A) No person shall hold that person out as 6798
being able to function as a certified mental health assistant, 6799
or use any words or letters indicating or implying that the 6800
person is a certified mental health assistant, without a 6801
current, valid license to practice as a certified mental health 6802
assistant issued pursuant to this chapter. 6803

(B) No person shall practice as a certified mental health 6804
assistant without the supervision, control, and direction of a 6805
physician. 6806

(C) No person shall practice as a certified mental health 6807
assistant without having entered into a supervision agreement 6808
with a supervising physician under section 4772.10 of the 6809

Revised Code. 6810

(D) No person acting as the supervising physician of a certified mental health assistant shall authorize the certified mental health assistant to perform services if either of the following is the case: 6811
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(1) The services are not within the physician's normal course of practice and expertise. 6815
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(2) The services are inconsistent with the supervision agreement under which the certified mental health assistant is being supervised. 6817
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(E) No person shall advertise to provide services as a certified mental health assistant, except for the purpose of seeking employment. 6820
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(F) No person practicing as a certified mental health assistant shall fail to wear at all times when on duty a placard, plate, or other device identifying that person as a "certified mental health assistant." 6823
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Sec. 4772.03. Nothing in this chapter shall: 6827

(A) Be construed to affect or interfere with the performance of duties of any medical personnel who are either of the following: 6828
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(1) In active service in the army, navy, coast guard, marine corps, air force, public health service, or marine hospital service of the United States while so serving; 6831
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(2) Employed by the veterans administration of the United States while so employed. 6834
6835

(B) Prevent any person from performing any of the services 6836

a certified mental health assistant may be authorized to 6837
perform, if the person's professional scope of practice 6838
established under any other chapter of the Revised Code 6839
authorizes the person to perform the services; 6840

(C) Prohibit a physician from delegating responsibilities 6841
to any nurse or other qualified person who does not hold a 6842
license to practice as a certified mental health assistant, 6843
provided that the nurse or other qualified person is not held 6844
out to be a certified mental health assistant; 6845

(D) Be construed as authorizing a certified mental health 6846
assistant independently to order or direct the execution of 6847
procedures or techniques by a registered nurse or licensed 6848
practical nurse in the care and treatment of a person in any 6849
setting, except to the extent that the certified mental health 6850
assistant is authorized to do so by a physician who is 6851
responsible for supervising the certified mental health 6852
assistant. 6853

Sec. 4772.04. (A) An individual seeking a license to 6854
practice as a certified mental health assistant shall file with 6855
the state medical board a written application on a form 6856
prescribed and supplied by the board. The application shall 6857
include all the information the board considers necessary to 6858
process the application, including evidence satisfactory to the 6859
board that the applicant meets the requirements specified in 6860
division (B) of this section. 6861

At the time an application is submitted, the applicant 6862
shall pay the board the application fee specified by the board 6863
in rules adopted under section 4772.19 of the Revised Code. No 6864
part of the fee shall be returned. 6865

(B) To be eligible to receive a license to practice as a certified mental health assistant, an applicant shall meet all of the following requirements: 6866
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(1) Be at least eighteen years of age; 6869

(2) Hold a bachelor's degree in any field of study obtained from an accredited educational institution; 6870
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(3) Meet either of the following additional educational requirements: 6872
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(a) Hold a master's or higher degree obtained from a certified mental health assistant program, as described in section 4772.05 of the Revised Code; 6874
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(b) Meet both of the following requirements: 6877

(i) Hold a diploma from a medical school or osteopathic medical school that, at the time the diploma was issued, was a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association; 6878
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(ii) Have completed twelve months of coursework from a certified mental health assistant program, as described in section 4772.05 of the Revised Code. 6883
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(C) The board shall review all applications received under this section. Not later than sixty days after receiving an application the board considers to be complete, the board shall determine whether the applicant meets the requirements to receive a license to practice as a certified mental health assistant. 6886
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Sec. 4772.041. In addition to any other eligibility requirement set forth in this chapter, each applicant for a 6892
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license to practice as a certified mental health assistant shall 6894
comply with sections 4776.01 to 4776.04 of the Revised Code. 6895

Sec. 4772.05. (A) To constitute a certified mental health 6896
assistant program for purposes of section 4772.04 of the Revised 6897
Code, an education program approved by the chancellor of higher 6898
education shall be at least thirty credit hours of graduate 6899
coursework that includes courses in each of the following areas: 6900

(1) Psychiatric diagnoses included in the diagnostic and 6901
statistical manual of mental disorders published by the American 6902
psychiatric association; 6903

(2) Laboratory studies used in diagnosing or managing 6904
psychiatric conditions; 6905

(3) Medical conditions that mimic or present as 6906
psychiatric conditions; 6907

(4) Medical conditions associated with psychiatric 6908
conditions or treatment; 6909

(5) Psychopharmacology, including treatment of psychiatric 6910
conditions, interactions, and recognition and management of drug 6911
side effects and complications; 6912

(6) Psychosocial interventions; 6913

(7) Conducting suicide and homicide risk assessments; 6914

(8) Forensic issues in psychiatry; 6915

(9) Basic behavioral health counseling; 6916

(10) Clinical experiences in inpatient psychiatric units, 6917
outpatient mental health clinics, psychiatric consultation and 6918
liaison services, and addiction services. 6919

(B) The chancellor of higher education, in the process of 6920

approving or disapproving the certified mental health assistant 6921
program, shall consider feedback and recommendations from the 6922
advisory committee created pursuant to division (C) of this 6923
section. 6924

(C) (1) An advisory committee on certified mental health 6925
assistant programs is created within the state medical board. 6926
The committee shall consist of five members appointed by the 6927
board's executive director. The following organizations may 6928
recommend appointments to the executive director for 6929
consideration: 6930

(a) Ohio state medical association; 6931

(b) Northeast Ohio medical university; 6932

(c) Ohio psychiatric physicians association. 6933

(2) The executive director shall appoint initial members 6934
and fill vacancies after considering the recommendations the 6935
executive director receives. If the executive director does not 6936
receive any recommendations or receives an insufficient number 6937
of recommendations, the executive director shall appoint members 6938
and fill vacancies on the executive director's own advice. 6939

Initial appointments to the committee shall be made not 6940
later than sixty days after the effective date of this section. 6941
Subject to division (C) (4) of this section regarding the 6942
duration of the committee, all of the following apply: 6943

(a) Of the initial appointments described in division (C) 6944
(1) of this section, two shall be for terms of one year and 6945
three shall be for terms of two years. Thereafter, terms shall 6946
be for two years, with each term ending on the same day of the 6947
same month as did the term that it succeeds. 6948

(b) Members may be reappointed; 6949

(c) Vacancies shall be filled in the same manner as 6950
appointments; 6951

(d) When the term of any member expires, a successor shall 6952
be appointed in the same manner as the initial appointment. Any 6953
member appointed to fill a vacancy occurring prior to the 6954
expiration of the term for which the member's predecessor was 6955
appointed holds office for the remainder of that term. 6956

(e) A member shall continue in office subsequent to the 6957
expiration date of the member's term until the member's 6958
successor takes office or until a period of sixty days has 6959
elapsed, whichever occurs first. 6960

(3) The committee shall organize by selecting a 6961
chairperson from among its members. The committee may select a 6962
new chairperson at any time. Three members constitute a quorum 6963
for the transaction of official business. Meetings may be 6964
conducted by virtual means, at the discretion of the 6965
chairperson. Notwithstanding division (C) of section 121.22 of 6966
the Revised Code, a committee member who attends a meeting by 6967
virtual means is considered present in person at the meeting, 6968
may vote at the meeting, and is counted for purposes of 6969
determining whether a quorum is present at the meeting. 6970

Members shall serve without compensation but receive 6971
payment for their actual and necessary expenses incurred in the 6972
performance of their official duties. The expenses shall be paid 6973
by the board. 6974

(4) The committee shall advise the board and the 6975
department of higher education regarding certified mental health 6976
assistant programs until such time that there is a national 6977

accrediting body for certified mental health assistants. Until 6978
there is a national accrediting body, the committee, in 6979
providing feedback and recommendations, shall reference the 6980
physician assistant accrediting standards from the accreditation 6981
review commission on education for the physician assistant. Once 6982
there is a national accrediting body, the committee ceases to 6983
exist. 6984

Sec. 4772.06. If the state medical board determines under 6985
section 4772.04 of the Revised Code that an applicant meets the 6986
requirements for a license to practice as a certified mental 6987
health assistant, the secretary of the board shall register the 6988
applicant as a certified mental health assistant and issue to 6989
the applicant a license to practice as a certified mental health 6990
assistant. The license shall be valid for a two-year period 6991
unless revoked or suspended, shall expire on the date that is 6992
two years after the date of issuance, and may be renewed for 6993
additional two-year periods in accordance with section 4772.08 6994
of the Revised Code. 6995

Sec. 4772.07. On application by the holder of a license to 6996
practice as a certified mental health assistant, the state 6997
medical board shall issue a duplicate license to replace one 6998
that is missing or damaged, to reflect a name change, or for any 6999
other reasonable cause. The fee for a duplicate license is 7000
thirty-five dollars. 7001

Sec. 4772.08. (A) An individual seeking to renew a license 7002
to practice as a certified mental health assistant shall, on or 7003
before the license's expiration date, apply to the state medical 7004
board for renewal. The board shall provide renewal notices to 7005
license holders at least one month prior to the expiration date. 7006

Renewal applications shall be submitted to the board in a 7007

manner prescribed by the board. Each application shall be 7008
accompanied by a biennial renewal fee specified by the board in 7009
rules adopted under section 4772.19 of the Revised Code. 7010

The applicant shall report any criminal offense that 7011
constitutes grounds for refusing to issue a license under 7012
section 4772.20 of the Revised Code to which the applicant has 7013
pleaded guilty, of which the applicant has been found guilty, or 7014
for which the applicant has been found eligible for intervention 7015
in lieu of conviction, since last signing an application for a 7016
license to practice as a certified mental health assistant. 7017

(B) To be eligible for renewal, a certified mental health 7018
assistant shall certify to the board that the assistant has 7019
complied with the renewal eligibility requirements established 7020
under section 4772.081 of the Revised Code that pertain to the 7021
applicant. 7022

(C) If an applicant submits a renewal application that the 7023
board considers to be complete and qualifies for renewal 7024
pursuant to division (B) of this section, the board shall issue 7025
to the applicant a renewed license to practice as a certified 7026
mental health assistant. 7027

(D) The board may require a random sample of license 7028
holders to submit materials documenting that the continuing 7029
education requirements of section 4772.081 of the Revised Code, 7030
and any other continuing education required by the board's 7031
rules, have been satisfied. 7032

Division (D) of this section does not limit the board's 7033
authority to conduct investigations pursuant to section 4772.20 7034
of the Revised Code. 7035

(E) A license that is not renewed on or before its 7036

expiration date is automatically suspended on its expiration 7037
date, subject to the provisions of section 119.06 of the Revised 7038
Code specifying that an applicant who appropriately files a 7039
renewal application is not required to discontinue practicing 7040
merely because the board has failed to act on the application. 7041

If a license has been suspended pursuant to this division 7042
for two years or less, the board shall reinstate the license 7043
upon an applicant's submission of a renewal application, the 7044
biennial renewal fee, and the applicable monetary penalty. The 7045
penalty for reinstatement is fifty dollars. 7046

If a license has been suspended pursuant to this division 7047
for more than two years, it may be restored. Subject to section 7048
4772.082 of the Revised Code, the board may restore the license 7049
upon an applicant's submission of a restoration application, the 7050
biennial renewal fee, the applicable monetary penalty, and 7051
compliance with sections 4776.01 to 4776.04 of the Revised Code. 7052
The board shall not restore a license unless the board, in its 7053
discretion, decides that the results of the criminal records 7054
check do not make the applicant ineligible for a certificate 7055
issued pursuant to section 4772.06 of the Revised Code. The 7056
penalty for restoration is one hundred dollars. 7057

(F)(1) If, through a random sample conducted under 7058
division (D) of this section or any other means, the board finds 7059
that an individual who certified completion of the continuing 7060
education required to renew, reinstate, or restore a license to 7061
practice did not complete the requisite continuing medical 7062
education, the board may do either of the following: 7063

(a) Take disciplinary action against the individual under 7064
section 4772.20 of the Revised Code, impose a civil penalty, or 7065
both; 7066

(b) Permit the individual to agree in writing to complete 7067
the continuing medical education and pay a civil penalty. 7068

(2) The board's finding in any disciplinary action taken 7069
under division (F)(1)(a) of this section shall be made pursuant 7070
to an adjudication under Chapter 119. of the Revised Code and by 7071
an affirmative vote of not fewer than six of its members. 7072

(3) A civil penalty imposed under division (F)(1)(a) of 7073
this section or paid under division (F)(1)(b) of this section 7074
shall be in an amount specified by the board of not more than 7075
five thousand dollars. The board shall deposit civil penalties 7076
in accordance with section 4731.24 of the Revised Code. 7077

Sec. 4772.081. (A) To be eligible for renewal of a license 7078
to practice as a certified mental health assistant, an applicant 7079
who has been granted physician-delegated prescriptive authority 7080
by the physician supervising the certified mental health 7081
assistant is subject to both of the following: 7082

(1) The applicant shall complete every two years at least 7083
twelve hours of continuing education in pharmacology obtained 7084
through a program or course approved by the state medical board 7085
or a person the board has authorized to approve continuing 7086
pharmacology education programs and courses. Except as provided 7087
in section 5903.12 of the Revised Code, the continuing education 7088
shall be completed not later than the date on which the 7089
applicant's license expires. 7090

(2) (a) Except as provided in division (A)(2)(b) of this 7091
section, in the case of an applicant who prescribes opioid 7092
analgesics or benzodiazepines, as defined in section 3719.01 of 7093
the Revised Code, the applicant shall certify to the board 7094
whether the applicant has been granted access to the drug 7095

database. 7096

(b) The requirement described in division (A) (2) (a) of 7097
this section does not apply if any of the following is the case: 7098

(i) The state board of pharmacy notifies the state medical 7099
board pursuant to section 4729.861 of the Revised Code that the 7100
applicant has been restricted from obtaining further information 7101
from the drug database. 7102

(ii) The state board of pharmacy no longer maintains the 7103
drug database. 7104

(iii) The applicant does not practice as a certified 7105
mental health assistant in this state. 7106

(c) If an applicant certifies to the state medical board 7107
that the applicant has been granted access to the drug database 7108
and the board finds through an audit or other means that the 7109
applicant has not been granted access, the board may take action 7110
under section 4772.20 of the Revised Code. 7111

(B) The state medical board shall provide for pro rata 7112
reductions by month of the number of hours of continuing 7113
education in pharmacology that is required to be completed for 7114
certified mental health assistants who have been disabled due to 7115
illness or accident or have been absent from the country. The 7116
board shall adopt rules, in accordance with Chapter 119. of the 7117
Revised Code, as necessary to implement this division. 7118

(C) The continuing education required by this section is 7119
in addition to any other continuing education required by the 7120
board's rules. 7121

(D) If the board chooses to authorize persons to approve 7122
continuing pharmacology education programs and courses, it shall 7123

establish standards for granting that authority and grant the 7124
authority in accordance with the standards. 7125

Sec. 4772.082. (A) This section applies to both of the 7126
following: 7127

(1) An applicant seeking restoration of a license issued 7128
under this chapter that has been in a suspended or inactive 7129
state for any cause for more than two years; 7130

(2) An applicant seeking issuance of a license pursuant to 7131
this chapter who for more than two years has not been practicing 7132
as a certified mental health assistant as either of the 7133
following: 7134

(a) An active practitioner; 7135

(b) A student in an academic program as described in 7136
section 4772.04 of the Revised Code. 7137

(B) Before issuing a license to an applicant subject to 7138
this section or restoring a license to good standing for an 7139
applicant subject to this section, the state medical board may 7140
impose terms and conditions including any one or more of the 7141
following: 7142

(1) Requiring the applicant to pass an oral or written 7143
examination, or both, to determine the applicant's present 7144
fitness to resume practice; 7145

(2) Requiring the applicant to obtain additional training 7146
and to pass an examination upon completion of such training; 7147

(3) Requiring an assessment of the applicant's physical 7148
skills for purposes of determining whether the applicant's 7149
coordination, fine motor skills, and dexterity are sufficient 7150
for performing evaluations and procedures in a manner that meets 7151

the minimal standards of care; 7152

(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions; 7153
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(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders; 7155
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(6) Restricting or limiting the extent, scope, or type of practice of the applicant. 7159
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The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity. The board shall not issue or restore a license under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 7161
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Sec. 4772.09. A license to practice as a certified mental health assistant issued under this chapter authorizes the holder to practice as a certified mental health assistant as follows: 7166
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(A) The certified mental health assistant shall practice only under the supervision, control, and direction of a physician with whom the certified mental health assistant has entered into a supervision agreement under section 4772.10 of the Revised Code. 7169
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(B) The certified mental health assistant shall practice in accordance with the supervision agreement entered into with the physician who is responsible for supervising the certified mental health assistant. 7174
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(C) Subject to division (D) of this section, a certified mental health assistant licensed under this chapter may perform 7178
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any of the following services authorized by the supervising 7180
physician that are part of the supervising physician's normal 7181
course of practice and expertise: 7182

(1) Ordering diagnostic, therapeutic, and other medical 7183
services as appropriate based on a patient's diagnosis that has 7184
been made in accordance with division (D) of this section; 7185

(2) Ordering, prescribing, personally furnishing, and 7186
administering drugs and medical devices in accordance with 7187
sections 4772.12 to 4772.15 of the Revised Code; 7188

(3) Ordering occupational therapy or referring a patient 7189
to an occupational therapist for occupational therapy, if 7190
related to a diagnosis that has been made in accordance with 7191
division (D) of this section; 7192

(4) Referring a patient to emergency medical services for 7193
acute safety concerns, provided the certified mental health 7194
assistant consults with the assistant's supervising physician as 7195
soon as possible thereafter. 7196

(D) A certified mental health assistant shall not do any 7197
of the following: 7198

(1) Make an initial diagnosis; 7199

(2) Treat a patient for any diagnosis or condition not 7200
found in the most recent edition of the diagnostic and 7201
statistical manual of mental disorders published by the American 7202
psychiatric association, or a similar publication if designated 7203
by the board; 7204

(3) Engage in electroconvulsive therapy, transcranial 7205
magnetic stimulation, or any other intervention designated as 7206
invasive by the board's rules. 7207

Sec. 4772.091. A certified mental health assistant may 7208
provide telehealth services in accordance with section 4743.09 7209
of the Revised Code. 7210

Sec. 4772.092. (A) Acting pursuant to a supervision 7211
agreement, a certified mental health assistant may delegate 7212
performance of a task to implement a patient's plan of care or, 7213
if the conditions in division (C) of this section are met, may 7214
delegate administration of a drug. Subject to division (D) of 7215
section 4772.03 of the Revised Code, delegation may be to any 7216
person. The certified mental health assistant must be physically 7217
present at the location where the task is performed or the drug 7218
administered. 7219

(B) Prior to delegating a task or administration of a 7220
drug, a certified mental health assistant shall determine that 7221
the task or drug is appropriate for the patient and the person 7222
to whom the delegation is to be made may safely perform the task 7223
or administer the drug. 7224

(C) A certified mental health assistant may delegate 7225
administration of a drug only if all of the following conditions 7226
are met: 7227

(1) The certified mental health assistant has been granted 7228
physician-delegated prescriptive authority by the physician 7229
supervising the certified mental health assistant and is 7230
authorized to prescribe the drug. 7231

(2) The drug is not a controlled substance. 7232

(3) The drug will not be administered intravenously. 7233

(4) The drug will not be administered in a hospital 7234
inpatient care unit, as defined in section 3727.50 of the 7235
Revised Code; a hospital emergency department; a freestanding 7236

emergency department; or an ambulatory surgical facility 7237

licensed under section 3702.30 of the Revised Code. 7238

(D) A person not otherwise authorized to administer a drug 7239

or perform a specific task may do so in accordance with a 7240

certified mental health assistant's delegation under this 7241

section. 7242

Sec. 4772.10. (A) Before initiating supervision of one or 7243

more certified mental health assistants licensed under this 7244

chapter, a physician shall enter into a supervision agreement 7245

with each certified mental health assistant who will be 7246

supervised. A supervision agreement may apply to one or more 7247

certified mental health assistants, but, except as provided in 7248

division (B) (5) of this section, may apply to not more than one 7249

physician. The supervision agreement shall specify that the 7250

physician agrees to supervise the certified mental health 7251

assistant and the certified mental health assistant agrees to 7252

practice under that physician's supervision. 7253

The agreement shall clearly state that the supervising 7254

physician is legally responsible and assumes legal liability for 7255

the services provided by the certified mental health assistant. 7256

The agreement shall be signed by the physician and the certified 7257

mental health assistant. 7258

(B) A supervision agreement shall include terms that 7259

specify all of the following: 7260

(1) The responsibilities to be fulfilled by the physician 7261

in supervising the certified mental health assistant; 7262

(2) The responsibilities to be fulfilled by the certified 7263

mental health assistant when performing services under the 7264

physician's supervision; 7265

(3) Any limitations on the responsibilities to be fulfilled by the certified mental health assistant; 7266
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(4) The circumstances under which the certified mental health assistant is required to refer a patient to the supervising physician; 7268
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(5) If the supervising physician chooses to designate physicians to act as alternate supervising physicians, the names, business addresses, and business telephone numbers of the physicians who have agreed to act in that capacity. 7271
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(C) A supervision agreement may be amended to modify the responsibilities of one or more certified mental health assistants or to include one or more additional certified mental health assistants. 7275
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(D) The supervising physician who entered into a supervision agreement shall retain a copy of the agreement in the records maintained by the supervising physician. Each certified mental health assistant who entered into the supervision agreement shall retain a copy of the agreement in the records maintained by the certified mental health assistant. 7279
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(E) (1) If the board finds, through a review conducted under this section or through any other means, any of the following, the board may take disciplinary action against the individual under section 4731.22 or 4772.20 of the Revised Code, impose a civil penalty, or both: 7285
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(a) That a certified mental health assistant has practiced in a manner that departs from, or fails to conform to, the terms of a supervision agreement entered into under this section; 7290
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(b) That a physician has supervised a certified mental health assistant in a manner that departs from, or fails to 7293
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conform to, the terms of a supervision agreement entered into 7295
under this section; 7296

(c) That a physician or certified mental health assistant 7297
failed to comply with division (A) or (B) of this section. 7298

(2) If the board finds, through a review conducted under 7299
this section or through any other means, that a physician or 7300
certified mental health assistant failed to comply with division 7301
(D) of this section, the board may do either of the following: 7302

(a) Take disciplinary action against the individual under 7303
section 4731.22 or 4772.20 of the Revised Code, impose a civil 7304
penalty, or both; 7305

(b) Permit the individual to agree in writing to update 7306
the records to comply with division (D) of this section and pay 7307
a civil penalty. 7308

(3) The board's finding in any disciplinary action taken 7309
under division (E) of this section shall be made pursuant to an 7310
adjudication conducted under Chapter 119. of the Revised Code. 7311

(4) A civil penalty imposed under division (E) (1) or (2) 7312
(a) of this section or paid under division (E) (2) (b) of this 7313
section shall be in an amount specified by the board of not more 7314
than five thousand dollars and shall be deposited in accordance 7315
with section 4731.24 of the Revised Code. 7316

Sec. 4772.11. (A) The supervising physician of a certified 7317
mental health assistant exercises supervision, control, and 7318
direction of the certified mental health assistant. A certified 7319
mental health assistant may practice in any setting within which 7320
the supervising physician has supervision, control, and 7321
direction of the certified mental health assistant. 7322

In supervising a certified mental health assistant, all of 7323
the following apply: 7324

(1) (a) Except as provided in division (A) (1) (b) of this 7325
section, the supervising physician shall be continuously 7326
available for direct communication with the certified mental 7327
health assistant by either of the following means: 7328

(i) Being physically present at the location where the 7329
certified mental health assistant is practicing; 7330

(ii) Being readily available to the certified mental 7331
health assistant through some means of telecommunication and 7332
being in a location that is a distance from the location where 7333
the certified mental health assistant is practicing that 7334
reasonably allows the physician to assure proper care of 7335
patients. 7336

(b) During the first one thousand hours of a certified 7337
mental health assistant's practice, including any exercise of 7338
prescriptive authority, the supervising physician shall be 7339
continuously available for direct communication with the 7340
certified mental health assistant only by being physically 7341
present at the location where the certified mental health 7342
assistant is practicing. This division does not require that the 7343
supervising physician be in the same room as the certified 7344
mental health assistant. 7345

(2) Prior to a certified mental health assistant providing 7346
services to a patient, the supervising physician must have 7347
evaluated the patient and diagnosed the patient with a diagnosis 7348
or condition found in the most recent edition of the diagnostic 7349
and statistical manual of mental disorders published by the 7350
American psychiatric association, or a similar publication if 7351

designated by the state medical board. 7352

(3) (a) After the initial diagnosis, the supervising 7353
physician shall personally and actively review the certified 7354
mental health assistant's professional activities, on not less 7355
than a weekly basis. 7356

(b) (i) Except as provided in division (A) (3) (b) (ii) of 7357
this section, the supervising physician must reevaluate the 7358
patient not less than every two years, and sooner if there is a 7359
significant change in the patient's condition or possible change 7360
in the patient's diagnosis. 7361

(ii) The supervising physician shall reevaluate a patient 7362
annually if the patient has been prescribed by a certified 7363
mental health assistant, in accordance with section 4772.13 of 7364
the Revised Code, a controlled substance related to a diagnosis 7365
or condition found in the most recent edition of the diagnostic 7366
and statistical manual of mental disorders published by the 7367
American psychiatric association, or a similar publication if 7368
designated by the board. 7369

(4) The supervising physician shall comply with the 7370
quality assurance standards established by the board in rules 7371
adopted pursuant to section 4772.19 of the Revised Code. The 7372
supervising physician may perform other quality assurance 7373
activities that the supervising physician considers to be 7374
appropriate. 7375

(5) The supervising physician shall regularly perform any 7376
other reviews of the certified mental health assistant that the 7377
supervising physician considers necessary. 7378

(B) A physician may enter into supervision agreements with 7379
any number of certified mental health assistants, but the 7380

physician may not supervise more than five certified mental 7381
health assistants at any one time. A certified mental health 7382
assistant may enter into supervision agreements with any number 7383
of supervising physicians. 7384

(C) A supervising physician may authorize a certified 7385
mental health assistant to perform a service only if the 7386
physician is satisfied that the certified mental health 7387
assistant is capable of competently performing the service. A 7388
supervising physician shall not authorize a certified mental 7389
health assistant to perform any service that is beyond the 7390
physician's or the certified mental health assistant's normal 7391
course of practice and expertise. 7392

(D) Each time a certified mental health assistant writes a 7393
medical order, including prescriptions written in the exercise 7394
of physician-delegated prescriptive authority, the certified 7395
mental health assistant shall sign the form on which the order 7396
is written and record on the form the time and date that the 7397
order is written. 7398

(E) When performing authorized services, a certified 7399
mental health assistant acts as the agent of the certified 7400
mental health assistant's supervising physician. The supervising 7401
physician is legally responsible and assumes legal liability for 7402
the services provided by the certified mental health assistant. 7403

The physician is not responsible or liable for any 7404
services provided by the certified mental health assistant after 7405
their supervision agreement expires or is terminated. 7406

Sec. 4772.12. (A) A license issued by the state medical 7407
board under section 4772.06 of the Revised Code authorizes the 7408
license holder to prescribe and personally furnish drugs and 7409

therapeutic devices in the exercise of physician-delegated 7410
prescriptive authority. 7411

(B) In exercising physician-delegated prescriptive 7412
authority, a certified mental health assistant is subject to 7413
section 4772.13 of the Revised Code and all of the following: 7414

(1) The certified mental health assistant shall exercise 7415
physician-delegated prescriptive authority only to the extent 7416
that the physician supervising the certified mental health 7417
assistant has granted that authority. 7418

(2) (a) The certified mental health assistant shall comply 7419
with all conditions placed on the physician-delegated 7420
prescriptive authority, as specified by the supervising 7421
physician who is supervising the certified mental health 7422
assistant in the exercise of physician-delegated prescriptive 7423
authority. If conditions are placed on that authority, the 7424
supervising physician shall maintain a written record of the 7425
conditions and make the record available to the state medical 7426
board on request. 7427

(b) The conditions that a supervising physician may place 7428
on the physician-delegated prescriptive authority granted to a 7429
certified mental health assistant include the following: 7430

(i) Identification by class and specific generic 7431
nomenclature of drugs and therapeutic devices that the physician 7432
chooses not to permit the certified mental health assistant to 7433
prescribe; 7434

(ii) Limitations on the dosage units or refills that the 7435
certified mental health assistant is authorized to prescribe; 7436

(iii) Specification of circumstances under which the 7437
certified mental health assistant is required to refer patients 7438

to the supervising physician or another physician when 7439
exercising physician-delegated prescriptive authority; 7440

(iv) Responsibilities to be fulfilled by the physician in 7441
supervising the certified mental health assistant that are not 7442
otherwise specified in the supervision agreement or otherwise 7443
required by this chapter. 7444

(3) If the certified mental health assistant possesses 7445
physician-delegated prescriptive authority for controlled 7446
substances, both of the following apply: 7447

(a) The certified mental health assistant shall register 7448
with the federal drug enforcement administration. 7449

(b) The certified mental health assistant shall comply 7450
with section 4772.13 of the Revised Code. 7451

(4) If the certified mental health assistant possesses 7452
physician-delegated prescriptive authority to prescribe for a 7453
minor an opioid analgesic, as those terms are defined in 7454
sections 3719.01 and 3719.061 of the Revised Code, respectively, 7455
the certified mental health assistant shall comply with section 7456
3719.061 of the Revised Code. 7457

(C) A certified mental health assistant shall not 7458
prescribe any drug in violation of state or federal law. 7459

Sec. 4772.13. (A) Subject to division (B) of this section, 7460
a certified mental health assistant may prescribe to a patient a 7461
controlled substance only if the controlled substance is one of 7462
the following: 7463

(1) Buprenorphine, but only for a patient that is actively 7464
engaged in opioid use disorder treatment; 7465

(2) A benzodiazepine, but only in the following 7466

circumstances: 7467

(a) For a patient diagnosed by the supervising physician 7468
as having a chronic anxiety disorder; 7469

(b) For a patient with acute anxiety or agitation, but 7470
only in an amount indicated for a period not to exceed seven 7471
days. 7472

(3) A stimulant that has been approved by the federal food 7473
and drug administration for the treatment of attention deficit 7474
hyperactivity disorder, but only if the supervising physician 7475
has diagnosed the patient with, or confirmed the patient's 7476
diagnosis of, attention deficit hyper activity disorder. 7477

(B) Except as provided in division (C) of this section, a 7478
certified mental health assistant licensed under this chapter 7479
who has been granted physician-delegated prescriptive authority 7480
by the physician supervising the certified mental health 7481
assistant shall comply with all of the following as conditions 7482
of prescribing a controlled substance identified in division (A) 7483
of this section as part of a patient's course of treatment for a 7484
particular condition: 7485

(1) Before initially prescribing the drug, the certified 7486
mental health assistant or the certified mental health 7487
assistant's delegate shall request from the drug database a 7488
report of information related to the patient that covers at 7489
least the twelve months immediately preceding the date of the 7490
request. If the certified mental health assistant practices 7491
primarily in a county of this state that adjoins another state, 7492
the certified mental health assistant or delegate also shall 7493
request a report of any information available in the drug 7494
database that pertains to prescriptions issued or drugs 7495

furnished to the patient in the state adjoining that county. 7496

(2) If the patient's course of treatment for the condition 7497
continues for more than ninety days after the initial report is 7498
requested, the certified mental health assistant or delegate 7499
shall make periodic requests for reports of information from the 7500
drug database until the course of treatment has ended. The 7501
requests shall be made at intervals not exceeding ninety days, 7502
determined according to the date the initial request was made. 7503
The request shall be made in the same manner provided in 7504
division (B) (1) of this section for requesting the initial 7505
report of information from the drug database. 7506

(3) On receipt of a report under division (B) (1) or (2) of 7507
this section, the certified mental health assistant shall assess 7508
the information in the report. The certified mental health 7509
assistant shall document in the patient's record that the report 7510
was received and the information was assessed. 7511

(C) Division (B) of this section does not apply in any of 7512
the following circumstances: 7513

(1) A drug database report regarding the patient is not 7514
available, in which case the certified mental health assistant 7515
shall document in the patient's record the reason that the 7516
report is not available. 7517

(2) The drug is prescribed in an amount indicated for a 7518
period not to exceed seven days. 7519

(3) The drug is prescribed to a hospice patient in a 7520
hospice care program, as those terms are defined in section 7521
3712.01 of the Revised Code, or any other patient diagnosed as 7522
terminally ill. 7523

(4) The drug is prescribed for administration in a 7524

hospital, nursing home, or residential care facility. 7525

(5) If the state board of pharmacy no longer maintains the 7526
drug database. 7527

(D) The state medical board shall adopt rules in 7528
accordance with Chapter 119. of the Revised Code to implement 7529
this section, including both of the following: 7530

(1) Standards and procedures to be followed by a certified 7531
mental health assistant who has been granted physician-delegated 7532
prescriptive authority regarding the review of patient 7533
information available through the drug database under division 7534
(A) (5) of section 4729.80 of the Revised Code. 7535

The rules adopted under this division do not apply if the 7536
state board of pharmacy no longer maintains the drug database. 7537

(2) Standards and procedures to be followed by a certified 7538
mental health assistant in the use of buprenorphine for use in 7539
medication-assisted treatment, including regarding 7540
detoxification, relapse prevention, patient assessment, 7541
individual treatment planning, counseling and recovery supports, 7542
diversion control, and other topics selected by the board after 7543
considering best practices in medication-assisted treatment. 7544

The board may apply the rules to all circumstances in 7545
which a certified mental health assistant prescribes drugs for 7546
use in medication-assisted treatment or limit the application of 7547
the rules to prescriptions for medication-assisted treatment 7548
issued for patients being treated in office-based practices or 7549
other practice types or locations specified by the board. 7550

The rules adopted under this division shall be consistent 7551
with this chapter and, to the extent consistent with this 7552
chapter, rules adopted under sections 4723.51, 4730.55, and 7553

4731.056 of the Revised Code.

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Sec. 4772.14. (A) A certified mental health assistant who
has been granted physician-delegated prescriptive authority by
the physician supervising the certified mental health assistant
may personally furnish to a patient samples of drugs and
therapeutic devices that are included in the certified mental
health assistant's physician-delegated prescriptive authority,
subject to all of the following:

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(1) The amount of the sample furnished shall not exceed a
seventy-two-hour supply, except when the minimum available
quantity of the sample is packaged in an amount that is greater
than a seventy-two-hour supply, in which case the certified
mental health assistant may furnish the sample in the package
amount.

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(2) No charge may be imposed for the sample or for
furnishing it.

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(3) Samples of controlled substances may not be personally
furnished.

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(B) A certified mental health assistant who has been
granted physician-delegated prescriptive authority by the
physician supervising the certified mental health assistant may
personally furnish to a patient a complete or partial supply of
the drugs and therapeutic devices that are included in the
certified mental health assistant's physician-delegated
prescriptive authority, subject to all of the following:

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(1) The certified mental health assistant shall not
furnish the drugs and devices in locations other than the
following:

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(a) A health department operated by the board of health of

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a city or general health district or the authority having the 7583
duties of a board of health under section 3709.05 of the Revised 7584
Code; 7585

(b) A federally funded comprehensive primary care clinic; 7586

(c) A nonprofit health care clinic or program; 7587

(d) An employer-based clinic that provides health care 7588
services to the employer's employees. 7589

(2) The certified mental health assistant shall comply 7590
with all standards and procedures for personally furnishing 7591
supplies of drugs and devices, as established in rules adopted 7592
under this section. 7593

(3) Complete or partial supplies of controlled substances 7594
may not be personally furnished. 7595

(C) The state medical board shall adopt rules establishing 7596
standards and procedures to be followed by a certified mental 7597
health assistant in personally furnishing samples of drugs or 7598
complete or partial supplies of drugs to patients under this 7599
section. Rules adopted under this section shall be adopted in 7600
accordance with Chapter 119. of the Revised Code. 7601

Sec. 4772.15. (A) As used in this section, "community 7602
addiction services provider" has the same meaning as in section 7603
5119.01 of the Revised Code. 7604

(B) A certified mental health assistant shall comply with 7605
section 3719.064 of the Revised Code and rules adopted under 7606
section 4772.13 of the Revised Code when treating a patient with 7607
medication-assisted treatment or proposing to initiate such 7608
treatment. 7609

(C) A certified mental health assistant who fails to 7610

comply with this section shall treat not more than thirty 7611
patients at any one time with medication-assisted treatment even 7612
if the facility or location at which the treatment is provided 7613
is either of the following: 7614

(1) Exempted by divisions (B) (2) (a) to (d) or (i) of 7615
section 4729.553 of the Revised Code from being required to 7616
possess a category III terminal distributor of dangerous drugs 7617
license with an office-based opioid treatment classification; 7618

(2) A community addiction services provider that provides 7619
alcohol and drug addiction services that are certified by the 7620
department of mental health and addiction services under section 7621
5119.36 of the Revised Code. 7622

Sec. 4772.19. (A) The state medical board shall adopt 7623
rules in accordance with Chapter 119. of the Revised Code to 7624
implement and administer this chapter. 7625

(B) The rules adopted under this section shall include all 7626
of the following: 7627

(1) Standards and procedures for issuing and renewing 7628
licenses to practice as a certified mental health assistant; 7629

(2) Application fees for an initial or renewed license; 7630

(3) Rules governing physician-delegated prescriptive 7631
authority for certified mental health assistants; 7632

(4) Rules establishing quality assurance standards for 7633
certified mental health assistants, including a process to be 7634
used for all of the following: 7635

(a) Routine review by the supervising physician of 7636
selected patient record entries made by the certified mental 7637
health assistant and selected medical orders issued by the 7638

<u>certified mental health assistant;</u>	7639
<u>(b) Discussion of complex cases;</u>	7640
<u>(c) Discussion of new medical developments relevant to the</u> <u>practice of the supervising physician and certified mental</u> <u>health assistant;</u>	7641 7642 7643
<u>(d) Performance of any other quality assurance activities</u> <u>the board considers necessary.</u>	7644 7645
<u>(5) Any other standards and procedures the board considers</u> <u>necessary to govern the practice of certified mental health</u> <u>assistants, the supervisory relationship between certified</u> <u>mental health assistants and supervising physicians, and the</u> <u>administration and enforcement of this chapter.</u>	7646 7647 7648 7649 7650
<u>Sec. 4772.20. (A) The state medical board, by an</u> <u>affirmative vote of not fewer than six members, may revoke or</u> <u>may refuse to grant a license to practice as a certified mental</u> <u>health assistant to an individual found by the board to have</u> <u>committed fraud, misrepresentation, or deception in applying for</u> <u>or securing the license.</u>	7651 7652 7653 7654 7655 7656
<u>(B) The board, by an affirmative vote of not fewer than</u> <u>six members, shall, except as provided in division (C) of this</u> <u>section, and to the extent permitted by law, limit, revoke, or</u> <u>suspend an individual's license to practice as a certified</u> <u>mental health assistant, refuse to issue a license to an</u> <u>applicant, refuse to renew a license, refuse to reinstate a</u> <u>license, or reprimand or place on probation the holder of a</u> <u>license for any of the following reasons:</u>	7657 7658 7659 7660 7661 7662 7663 7664
<u>(1) Permitting the holder's name or license to be used by</u> <u>another person;</u>	7665 7666

(2) Failure to comply with the requirements of this 7667
chapter, Chapter 4731. of the Revised Code, or any rules adopted 7668
by the board; 7669

(3) Violating or attempting to violate, directly or 7670
indirectly, or assisting in or abetting the violation of, or 7671
conspiring to violate, any provision of this chapter, Chapter 7672
4731. of the Revised Code, or the rules adopted by the board; 7673

(4) A departure from, or failure to conform to, minimal 7674
standards of care of similar practitioners under the same or 7675
similar circumstances whether or not actual injury to the 7676
patient is established; 7677

(5) Inability to practice according to acceptable and 7678
prevailing standards of care by reason of mental illness or 7679
physical illness, including physical deterioration that 7680
adversely affects cognitive, motor, or perceptive skills; 7681

(6) Impairment of ability to practice according to 7682
acceptable and prevailing standards of care because of habitual 7683
or excessive use or abuse of drugs, alcohol, or other substances 7684
that impair ability to practice; 7685

(7) Willfully betraying a professional confidence; 7686

(8) Making a false, fraudulent, deceptive, or misleading 7687
statement in securing or attempting to secure a license to 7688
practice as a certified mental health assistant. 7689

As used in this division, "false, fraudulent, deceptive, 7690
or misleading statement" means a statement that includes a 7691
misrepresentation of fact, is likely to mislead or deceive 7692
because of a failure to disclose material facts, is intended or 7693
is likely to create false or unjustified expectations of 7694
favorable results, or includes representations or implications 7695

that in reasonable probability will cause an ordinarily prudent 7696
person to misunderstand or be deceived. 7697

(9) The obtaining of, or attempting to obtain, money or a 7698
thing of value by fraudulent misrepresentations in the course of 7699
practice; 7700

(10) A plea of guilty to, a judicial finding of guilt of, 7701
or a judicial finding of eligibility for intervention in lieu of 7702
conviction for, a felony; 7703

(11) Commission of an act that constitutes a felony in 7704
this state, regardless of the jurisdiction in which the act was 7705
committed; 7706

(12) A plea of guilty to, a judicial finding of guilt of, 7707
or a judicial finding of eligibility for intervention in lieu of 7708
conviction for, a misdemeanor committed in the course of 7709
practice; 7710

(13) A plea of guilty to, a judicial finding of guilt of, 7711
or a judicial finding of eligibility for intervention in lieu of 7712
conviction for, a misdemeanor involving moral turpitude; 7713

(14) Commission of an act in the course of practice that 7714
constitutes a misdemeanor in this state, regardless of the 7715
jurisdiction in which the act was committed; 7716

(15) Commission of an act involving moral turpitude that 7717
constitutes a misdemeanor in this state, regardless of the 7718
jurisdiction in which the act was committed; 7719

(16) A plea of guilty to, a judicial finding of guilt of, 7720
or a judicial finding of eligibility for intervention in lieu of 7721
conviction for violating any state or federal law regulating the 7722
possession, distribution, or use of any drug, including 7723

trafficking in drugs; 7724

(17) Any of the following actions taken by the state 7725
agency responsible for regulating the practice of certified 7726
mental health assistants in another jurisdiction, for any reason 7727
other than the nonpayment of fees: the limitation, revocation, 7728
or suspension of an individual's license to practice; acceptance 7729
of an individual's license surrender; denial of a license; 7730
refusal to renew or reinstate a license; imposition of 7731
probation; or issuance of an order of censure or other 7732
reprimand; 7733

(18) Violation of the conditions placed by the board on a 7734
license to practice as a certified mental health assistant; 7735

(19) Failure to use universal blood and body fluid 7736
precautions established by rules adopted under section 4731.051 7737
of the Revised Code; 7738

(20) Failure to cooperate in an investigation conducted by 7739
the board under section 4772.21 of the Revised Code, including 7740
failure to comply with a subpoena or order issued by the board 7741
or failure to answer truthfully a question presented by the 7742
board at a deposition or in written interrogatories, except that 7743
failure to cooperate with an investigation shall not constitute 7744
grounds for discipline under this section if a court of 7745
competent jurisdiction has issued an order that either quashes a 7746
subpoena or permits the individual to withhold the testimony or 7747
evidence in issue; 7748

(21) Failure to practice in accordance with the 7749
supervising physician's supervision agreement with the certified 7750
mental health assistant; 7751

(22) Administering drugs for purposes other than those 7752

authorized under this chapter; 7753

(23) Failure to comply with section 4772.13 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; 7754
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(24) Assisting suicide, as defined in section 3795.01 of the Revised Code. 7757
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(C) The board shall not refuse to issue a license to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code. 7759
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(D) 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 a certified mental health assistant or applicant 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. 7764
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(E) For purposes of divisions (B) (11), (14), and (15) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or license holder committed the act in question. The board shall have no 7777
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jurisdiction under these divisions in cases where the trial 7782
court renders a final judgment in the license holder's favor and 7783
that judgment is based upon an adjudication on the merits. The 7784
board shall have jurisdiction under these divisions in cases 7785
where the trial court issues an order of dismissal on technical 7786
or procedural grounds. 7787

(F) The sealing or expungement of conviction records by 7788
any court shall have no effect on a prior board order entered 7789
under the provisions of this section or on the board's 7790
jurisdiction to take action under the provisions of this section 7791
if, based upon a plea of guilty, a judicial finding of guilt, or 7792
a judicial finding of eligibility for intervention in lieu of 7793
conviction, the board issued a notice of opportunity for a 7794
hearing prior to the court's order to seal or expunge the 7795
records. The board shall not be required to seal, destroy, 7796
redact, or otherwise modify its records to reflect the court's 7797
sealing or expungement of conviction records. 7798

(G) For purposes of this division, any individual who 7799
holds a license to practice as a certified mental health 7800
assistant issued under this chapter, or applies for a license, 7801
shall be deemed to have given consent to submit to a mental or 7802
physical examination when directed to do so in writing by the 7803
board and to have waived all objections to the admissibility of 7804
testimony or examination reports that constitute a privileged 7805
communication. 7806

(1) In enforcing division (B) (5) of this section, the 7807
board, on a showing of a possible violation, may compel any 7808
individual who holds a license to practice as a certified mental 7809
health assistant issued under this chapter or who has applied 7810
for a license to submit to a mental or physical examination, or 7811

both. A physical examination may include an HIV test. The 7812
expense of the examination is the responsibility of the 7813
individual compelled to be examined. Failure to submit to a 7814
mental or physical examination or consent to an HIV test ordered 7815
by the board constitutes an admission of the allegations against 7816
the individual unless the failure is due to circumstances beyond 7817
the individual's control, and a default and final order may be 7818
entered without the taking of testimony or presentation of 7819
evidence. If the board finds a certified mental health assistant 7820
unable to practice because of the reasons set forth in division 7821
(B) (5) of this section, the board shall require the certified 7822
mental health assistant to submit to care, counseling, or 7823
treatment by physicians approved or designated by the board, as 7824
a condition for an initial, continued, reinstated, or renewed 7825
license. An individual affected by this division shall be 7826
afforded an opportunity to demonstrate to the board the ability 7827
to resume practicing in compliance with acceptable and 7828
prevailing standards of care. 7829

(2) For purposes of division (B) (6) of this section, if 7830
the board has reason to believe that any individual who holds a 7831
license to practice as a certified mental health assistant 7832
issued under this chapter or any applicant for a license suffers 7833
such impairment, the board may compel the individual to submit 7834
to a mental or physical examination, or both. The expense of the 7835
examination is the responsibility of the individual compelled to 7836
be examined. Any mental or physical examination required under 7837
this division shall be undertaken by a treatment provider or 7838
physician qualified to conduct such examination and chosen by 7839
the board. 7840

Failure to submit to a mental or physical examination 7841
ordered by the board constitutes an admission of the allegations 7842

against the individual unless the failure is due to 7843
circumstances beyond the individual's control, and a default and 7844
final order may be entered without the taking of testimony or 7845
presentation of evidence. If the board determines that the 7846
individual's ability to practice is impaired, the board shall 7847
suspend the individual's license or deny the individual's 7848
application and shall require the individual, as a condition for 7849
an initial, continued, reinstated, or renewed license to 7850
practice, to submit to treatment. 7851

Before being eligible to apply for reinstatement of a 7852
license suspended under this division, the certified mental 7853
health assistant shall demonstrate to the board the ability to 7854
resume practice in compliance with acceptable and prevailing 7855
standards of care. The demonstration shall include the 7856
following: 7857

(a) Certification from a treatment provider approved under 7858
section 4731.25 of the Revised Code that the individual has 7859
successfully completed any required inpatient treatment; 7860

(b) Evidence of continuing full compliance with an 7861
aftercare contract or consent agreement; 7862

(c) Two written reports indicating that the individual's 7863
ability to practice has been assessed and that the individual 7864
has been found capable of practicing according to acceptable and 7865
prevailing standards of care. The reports shall be made by 7866
individuals or providers approved by the board for making such 7867
assessments and shall describe the basis for their 7868
determination. 7869

The board may reinstate a license suspended under this 7870
division after such demonstration and after the individual has 7871

entered into a written consent agreement. 7872

When the impaired certified mental health assistant 7873
resumes practice, the board shall require continued monitoring 7874
of the certified mental health assistant. The monitoring shall 7875
include monitoring of compliance with the written consent 7876
agreement entered into before reinstatement or with conditions 7877
imposed by board order after a hearing, and, on termination of 7878
the consent agreement, submission to the board for at least two 7879
years of annual written progress reports made under penalty of 7880
falsification stating whether the certified mental health 7881
assistant has maintained sobriety. 7882

(H) If the secretary and supervising member determine that 7883
there is clear and convincing evidence that a certified mental 7884
health assistant has violated division (B) of this section and 7885
that the individual's continued practice presents a danger of 7886
immediate and serious harm to the public, they may recommend 7887
that the board suspend the individual's license to practice 7888
without a prior hearing. Written allegations shall be prepared 7889
for consideration by the board. 7890

The board, on review of the allegations and by an 7891
affirmative vote of not fewer than six of its members, excluding 7892
the secretary and supervising member, may suspend a license 7893
without a prior hearing. A telephone conference call may be 7894
utilized for reviewing the allegations and taking the vote on 7895
the summary suspension. 7896

The board shall issue a written order of suspension by 7897
certified mail or in person in accordance with section 119.07 of 7898
the Revised Code. The order shall not be subject to suspension 7899
by the court during pendency of any appeal filed under section 7900
119.12 of the Revised Code. If the certified mental health 7901

assistant requests an adjudicatory hearing by the board, the 7902
date set for the hearing shall be within fifteen days, but not 7903
earlier than seven days, after the certified mental health 7904
assistant requests the hearing, unless otherwise agreed to by 7905
both the board and the license holder. 7906

A summary suspension imposed under this division shall 7907
remain in effect, unless reversed on appeal, until a final 7908
adjudicative order issued by the board pursuant to this section 7909
and Chapter 119. of the Revised Code becomes effective. The 7910
board shall issue its final adjudicative order within sixty days 7911
after completion of its hearing. Failure to issue the order 7912
within sixty days shall result in dissolution of the summary 7913
suspension order, but shall not invalidate any subsequent, final 7914
adjudicative order. 7915

(I) If the board takes action under division (B) (10), 7916
(12), or (13) of this section, and the judicial finding of 7917
guilt, guilty plea, or judicial finding of eligibility for 7918
intervention in lieu of conviction is overturned on appeal, on 7919
exhaustion of the criminal appeal, a petition for 7920
reconsideration of the order may be filed with the board along 7921
with appropriate court documents. On receipt of a petition and 7922
supporting court documents, the board shall reinstate the 7923
license to practice as a certified mental health assistant. The 7924
board may then hold an adjudication under Chapter 119. of the 7925
Revised Code to determine whether the individual committed the 7926
act in question. Notice of opportunity for hearing shall be 7927
given in accordance with Chapter 119. of the Revised Code. If 7928
the board finds, pursuant to an adjudication held under this 7929
division, that the individual committed the act, or if no 7930
hearing is requested, it may order any of the sanctions 7931
specified in division (B) of this section. 7932

(J) The license to practice of a certified mental health 7933
assistant and the assistant's practice in this state are 7934
automatically suspended as of the date the certified mental 7935
health assistant pleads guilty to, is found by a judge or jury 7936
to be guilty of, or is subject to a judicial finding of 7937
eligibility for intervention in lieu of conviction in this state 7938
or treatment of intervention in lieu of conviction in another 7939
jurisdiction for any of the following criminal offenses in this 7940
state or a substantially equivalent criminal offense in another 7941
jurisdiction: aggravated murder, murder, voluntary manslaughter, 7942
felonious assault, kidnapping, rape, sexual battery, gross 7943
sexual imposition, aggravated arson, aggravated robbery, or 7944
aggravated burglary. Continued practice after the suspension 7945
shall be considered practicing without a license. 7946

The board shall notify the individual subject to the 7947
suspension by certified mail or in person in accordance with 7948
section 119.07 of the Revised Code. If an individual whose 7949
license is suspended under this division fails to make a timely 7950
request for an adjudication under Chapter 119. of the Revised 7951
Code, the board shall enter a final order permanently revoking 7952
the individual's license. 7953

(K) In any instance in which the board is required by 7954
Chapter 119. of the Revised Code to give notice of opportunity 7955
for hearing and the individual subject to the notice does not 7956
timely request a hearing in accordance with section 119.07 of 7957
the Revised Code, the board is not required to hold a hearing, 7958
but may adopt, by an affirmative vote of not fewer than six of 7959
its members, a final order that contains the board's findings. 7960
In the final order, the board may order any of the sanctions 7961
identified under division (A) or (B) of this section. 7962

(L) Any action taken by the board under division (B) of 7963
this section resulting in a suspension shall be accompanied by a 7964
written statement of the conditions under which the certified 7965
mental health assistant's license may be reinstated. The board 7966
shall adopt rules in accordance with Chapter 119. of the Revised 7967
Code governing conditions to be imposed for reinstatement. 7968
Reinstatement of a license suspended pursuant to division (B) of 7969
this section requires an affirmative vote of not fewer than six 7970
members of the board. 7971

(M) When the board refuses to grant or issue a license to 7972
practice as a certified mental health assistant to an applicant, 7973
revokes an individual's license, refuses to renew an 7974
individual's license, or refuses to reinstate an individual's 7975
license, the board may specify that its action is permanent. An 7976
individual subject to a permanent action taken by the board is 7977
forever thereafter ineligible to hold a license to practice as a 7978
certified mental health assistant and the board shall not accept 7979
an application for reinstatement of the license or for issuance 7980
of a new license. 7981

(N) Notwithstanding any other provision of the Revised 7982
Code, all of the following apply: 7983

(1) The surrender of a license to practice as a certified 7984
mental health assistant issued under this chapter is not 7985
effective unless or until accepted by the board. Reinstatement 7986
of a license surrendered to the board requires an affirmative 7987
vote of not fewer than six members of the board. 7988

(2) An application made under this chapter for a license 7989
to practice may not be withdrawn without approval of the board. 7990

(3) Failure by an individual to renew a license to 7991

practice in accordance with section 4772.08 of the Revised Code 7992
shall not remove or limit the board's jurisdiction to take 7993
disciplinary action under this section against the individual. 7994

Sec. 4772.201. On receipt of a notice pursuant to section 7995
3123.43 of the Revised Code, the state medical board shall 7996
comply with sections 3123.41 to 3123.50 of the Revised Code and 7997
any applicable rules adopted under section 3123.63 of the 7998
Revised Code with respect to a license to practice as a 7999
certified mental health assistant issued under this chapter. 8000

Sec. 4772.202. If the state medical board has reason to 8001
believe that any person who has been granted a license to 8002
practice as a certified mental health assistant under this 8003
chapter is mentally ill or mentally incompetent, it may file in 8004
the probate court of the county in which the person has a legal 8005
residence an affidavit in the form prescribed in section 5122.11 8006
of the Revised Code and signed by the board secretary or a 8007
member of the board secretary's staff, whereupon the same 8008
proceedings shall be had as provided in Chapter 5122. of the 8009
Revised Code. The attorney general may represent the board in 8010
any proceeding commenced under this section. 8011

If any person who has been granted a license is adjudged 8012
by a probate court to be mentally ill or mentally incompetent, 8013
the person's license shall be automatically suspended until the 8014
person has filed with the state medical board a certified copy 8015
of an adjudication by a probate court of the person's subsequent 8016
restoration to competency or has submitted to the board proof, 8017
satisfactory to the board, that the person has been discharged 8018
as having a restoration to competency in the manner and form 8019
provided in section 5122.38 of the Revised Code. The judge of 8020
the probate court shall forthwith notify the state medical board 8021

of an adjudication of mental illness or mental incompetence, and 8022
shall note any suspension of a license in the margin of the 8023
court's record of such license. 8024

Sec. 4772.203. (A) (1) If a certified mental health 8025
assistant violates any section of this chapter or any rule 8026
adopted under this chapter, the state medical board may, 8027
pursuant to an adjudication under Chapter 119. of the Revised 8028
Code and an affirmative vote of not fewer than six of its 8029
members, impose a civil penalty. The amount of the civil penalty 8030
shall be determined by the board in accordance with the 8031
guidelines adopted under division (A) (2) of this section. The 8032
civil penalty may be in addition to any other action the board 8033
may take under section 4772.20 of the Revised Code. 8034

(2) The board shall adopt and may amend guidelines 8035
regarding the amounts of civil penalties to be imposed under 8036
this section. Adoption or amendment of the guidelines requires 8037
the approval of not fewer than six board members. 8038

Under the guidelines, no civil penalty amount shall exceed 8039
twenty thousand dollars. 8040

(B) Amounts received from payment of civil penalties 8041
imposed under this section shall be deposited by the board in 8042
accordance with section 4731.24 of the Revised Code. Amounts 8043
received from payment of civil penalties imposed for violations 8044
of division (B) (6) of section 4772.20 of the Revised Code shall 8045
be used by the board solely for investigations, enforcement, and 8046
compliance monitoring. 8047

Sec. 4772.21. (A) The state medical board shall 8048
investigate evidence that appears to show that any person has 8049
violated this chapter or the rules adopted under it. Any person 8050

may report to the board in a signed writing any information the 8051
person has that appears to show a violation of any provision of 8052
this chapter or the rules adopted under it. In the absence of 8053
bad faith, a person who reports such information or testifies 8054
before the board in an adjudication conducted under Chapter 119. 8055
of the Revised Code shall not be liable for civil damages as a 8056
result of reporting the information or providing testimony. Each 8057
complaint or allegation of a violation received by the board 8058
shall be assigned a case number and be recorded by the board. 8059

(B) Investigations of alleged violations of this chapter 8060
or rules adopted under it shall be supervised by the supervising 8061
member elected by the board in accordance with section 4731.02 8062
of the Revised Code and by the secretary as provided in section 8063
4772.24 of the Revised Code. The board's president may designate 8064
another member of the board to supervise the investigation in 8065
place of the supervising member. A member of the board who 8066
supervises the investigation of a case shall not participate in 8067
further adjudication of the case. 8068

(C) In investigating a possible violation of this chapter 8069
or the rules adopted under it, the board may administer oaths, 8070
order the taking of depositions, issue subpoenas, and compel the 8071
attendance of witnesses and production of books, accounts, 8072
papers, records, documents, and testimony, except that a 8073
subpoena for patient record information shall not be issued 8074
without consultation with the attorney general's office and 8075
approval of the secretary and supervising member of the board. 8076
Before issuance of a subpoena for patient record information, 8077
the secretary and supervising member shall determine whether 8078
there is probable cause to believe that the complaint filed 8079
alleges a violation of this chapter or the rules adopted under 8080
it and that the records sought are relevant to the alleged 8081

violation and material to the investigation. The subpoena may 8082
apply only to records that cover a reasonable period of time 8083
surrounding the alleged violation. 8084

On failure to comply with any subpoena issued by the board 8085
and after reasonable notice to the person being subpoenaed, the 8086
board may move for an order compelling the production of persons 8087
or records pursuant to the Rules of Civil Procedure. 8088

A subpoena issued by the board may be served by a sheriff, 8089
the sheriff's deputy, or a board employee designated by the 8090
board. Service of a subpoena issued by the board may be made by 8091
delivering a copy of the subpoena to the person named therein, 8092
reading it to the person, or leaving it at the person's usual 8093
place of residence. When the person being served is a certified 8094
mental health assistant, service of the subpoena may be made by 8095
certified mail, restricted delivery, return receipt requested, 8096
and the subpoena shall be deemed served on the date delivery is 8097
made or the date the person refuses to accept delivery. 8098

A sheriff's deputy who serves a subpoena shall receive the 8099
same fees as a sheriff. Each witness who appears before the 8100
board in obedience to a subpoena shall receive the fees and 8101
mileage provided for witnesses in civil cases in the courts of 8102
common pleas. 8103

(D) All hearings and investigations of the board shall be 8104
considered civil actions for the purposes of section 2305.252 of 8105
the Revised Code. 8106

(E) Information received by the board pursuant to an 8107
investigation is confidential and not subject to discovery in 8108
any civil action. 8109

The board shall conduct all investigations and proceedings 8110

in a manner that protects the confidentiality of patients and 8111
persons who file complaints with the board. The board shall not 8112
make public the names or any other identifying information about 8113
patients or complainants unless proper consent is given. 8114

The board may share any information it receives pursuant 8115
to an investigation, including patient records and patient 8116
record information, with law enforcement agencies, other 8117
licensing boards, and other governmental agencies that are 8118
prosecuting, adjudicating, or investigating alleged violations 8119
of statutes or administrative rules. An agency or board that 8120
receives the information shall comply with the same requirements 8121
regarding confidentiality as those with which the state medical 8122
board must comply, notwithstanding any conflicting provision of 8123
the Revised Code or procedure of the agency or board that 8124
applies when it is dealing with other information in its 8125
possession. In a judicial proceeding, the information may be 8126
admitted into evidence only in accordance with the Rules of 8127
Evidence, but the court shall require that appropriate measures 8128
are taken to ensure that confidentiality is maintained with 8129
respect to any part of the information that contains names or 8130
other identifying information about patients or complainants 8131
whose confidentiality was protected by the state medical board 8132
when the information was in the board's possession. Measures to 8133
ensure confidentiality that may be taken by the court include 8134
sealing its records or deleting specific information from its 8135
records. 8136

(F) On a quarterly basis, the board shall prepare a report 8137
that documents the disposition of all cases during the preceding 8138
three months. The report shall contain the following information 8139
for each case with which the board has completed its activities: 8140

<u>(1) The case number assigned to the complaint or alleged violation;</u>	8141
	8142
<u>(2) The type of license, if any, held by the individual against whom the complaint is directed;</u>	8143
	8144
<u>(3) A description of the allegations contained in the complaint;</u>	8145
	8146
<u>(4) The disposition of the case.</u>	8147
<u>The report shall state how many cases are still pending, and shall be prepared in a manner that protects the identity of each person involved in each case. The report is a public record for purposes of section 149.43 of the Revised Code.</u>	8148
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	8150
	8151
<u>Sec. 4772.22. (A) As used in this section, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code.</u>	8152
	8153
<u>(B) Whenever any person holding a valid license to practice as a certified mental health assistant issued under this chapter pleads guilty to, is subject to a judicial finding of guilt of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction for a violation of Chapter 2907., 2925., or 3719. of the Revised Code or of any substantively comparable ordinance of a municipal corporation in connection with the person's practice, the prosecutor in the case, on forms prescribed and provided by the state medical board, shall promptly notify the board of the conviction. Within thirty days of receipt of that information, the board shall initiate action in accordance with Chapter 119. of the Revised Code to determine whether to suspend or revoke the license under section 4772.20 of the Revised Code.</u>	8154
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	8167
<u>(C) The prosecutor in any case against any person holding a valid license issued under this chapter, on forms prescribed</u>	8168
	8169

and provided by the state medical board, shall notify the board 8170
of any of the following: 8171

(1) A plea of guilty to, a finding of guilt by a jury or 8172
court of, or judicial finding of eligibility for intervention in 8173
lieu of conviction for a felony, or a case in which the trial 8174
court issues an order of dismissal upon technical or procedural 8175
grounds of a felony charge; 8176

(2) A plea of guilty to, a finding of guilt by a jury or 8177
court of, or judicial finding of eligibility for intervention in 8178
lieu of conviction for a misdemeanor committed in the course of 8179
practice, or a case in which the trial court issues an order of 8180
dismissal upon technical or procedural grounds of a charge of a 8181
misdemeanor, if the alleged act was committed in the course of 8182
practice; 8183

(3) A plea of guilty to, a finding of guilt by a jury or 8184
court of, or judicial finding of eligibility for intervention in 8185
lieu of conviction for a misdemeanor involving moral turpitude, 8186
or a case in which the trial court issues an order of dismissal 8187
upon technical or procedural grounds of a charge of a 8188
misdemeanor involving moral turpitude. 8189

The report shall include the name and address of the 8190
license holder, the nature of the offense for which the action 8191
was taken, and the certified court documents recording the 8192
action. 8193

Sec. 4772.23. (A) Within sixty days after the imposition 8194
of any formal disciplinary action taken by any health care 8195
facility, including a hospital, health care facility operated by 8196
a health insuring corporation, ambulatory surgical facility, or 8197
similar facility, against any individual holding a valid license 8198

to practice as a certified mental health assistant, the chief 8199
administrator or executive officer of the facility shall report 8200
to the state medical board the name of the individual, the 8201
action taken by the facility, and a summary of the underlying 8202
facts leading to the action taken. On request, the board shall 8203
be provided certified copies of the patient records that were 8204
the basis for the facility's action. Prior to release to the 8205
board, the summary shall be approved by the peer review 8206
committee that reviewed the case or by the governing board of 8207
the facility. 8208

The filing of a report with the board or decision not to 8209
file a report, investigation by the board, or any disciplinary 8210
action taken by the board, does not preclude a health care 8211
facility from taking disciplinary action against a certified 8212
mental health assistant. 8213

In the absence of fraud or bad faith, no individual or 8214
entity that provides patient records to the board shall be 8215
liable in damages to any person as a result of providing the 8216
records. 8217

(B) (1) Except as provided in division (B) (2) of this 8218
section, a certified mental health assistant, professional 8219
association or society of certified mental health assistants, 8220
physician, or professional association or society of physicians 8221
that believes a violation of any provision of this chapter, 8222
Chapter 4731. of the Revised Code, or rule of the board has 8223
occurred shall report to the board the information on which the 8224
belief is based. 8225

(2) A certified mental health assistant, professional 8226
association or society of certified mental health assistants, 8227
physician, or professional association or society of physicians 8228

that believes a violation of division (B) (6) of section 4772.20 8229
of the Revised Code has occurred shall report the information 8230
upon which the belief is based to the monitoring organization 8231
conducting the program established by the board under section 8232
4731.251 of the Revised Code. If any such report is made to the 8233
board, it shall be referred to the monitoring organization 8234
unless the board is aware that the individual who is the subject 8235
of the report does not meet the program eligibility requirements 8236
of section 4731.252 of the Revised Code. 8237

(C) Any professional association or society composed 8238
primarily of certified mental health assistants that suspends or 8239
revokes an individual's membership for violations of 8240
professional ethics, or for reasons of professional incompetence 8241
or professional malpractice, within sixty days after a final 8242
decision, shall report to the board, on forms prescribed and 8243
provided by the board, the name of the individual, the action 8244
taken by the professional organization, and a summary of the 8245
underlying facts leading to the action taken. 8246

The filing of a report with the board or decision not to 8247
file a report, investigation by the board, or any disciplinary 8248
action taken by the board, does not preclude a professional 8249
organization from taking disciplinary action against a certified 8250
mental health assistant. 8251

(D) Any insurer providing professional liability insurance 8252
to any person holding a valid license to practice as a certified 8253
mental health assistant or any other entity that seeks to 8254
indemnify the professional liability of a certified mental 8255
health assistant shall notify the board within thirty days after 8256
the final disposition of any written claim for damages where 8257
such disposition results in a payment exceeding twenty-five 8258

thousand dollars. The notice shall contain the following 8259
information: 8260

(1) The name and address of the person submitting the 8261
notification; 8262

(2) The name and address of the insured who is the subject 8263
of the claim; 8264

(3) The name of the person filing the written claim; 8265

(4) The date of final disposition; 8266

(5) If applicable, the identity of the court in which the 8267
final disposition of the claim took place. 8268

(E) The board may investigate possible violations of this 8269
chapter or the rules adopted under it that are brought to its 8270
attention as a result of the reporting requirements of this 8271
section, except that the board shall conduct an investigation if 8272
a possible violation involves repeated malpractice. As used in 8273
this division, "repeated malpractice" means three or more claims 8274
for malpractice within the previous five-year period, each 8275
resulting in a judgment or settlement in excess of twenty-five 8276
thousand dollars in favor of the claimant, and each involving 8277
negligent conduct by the certified mental health assistant. 8278

(F) All summaries, reports, and records received and 8279
maintained by the board pursuant to this section shall be held 8280
in confidence and shall not be subject to discovery or 8281
introduction in evidence in any federal or state civil action 8282
involving a certified mental health assistant, supervising 8283
physician, or health care facility arising out of matters that 8284
are the subject of the reporting required by this section. The 8285
board may use the information obtained only as the basis for an 8286
investigation, as evidence in a disciplinary hearing against a 8287

certified mental health assistant or supervising physician, or 8288
in any subsequent trial or appeal of a board action or order. 8289

The board may disclose the summaries and reports it 8290
receives under this section only to health care facility 8291
committees within or outside this state that are involved in 8292
credentialing or recredentialing a certified mental health 8293
assistant or supervising physician, if applicable, or reviewing 8294
their privilege to practice within a particular facility. The 8295
board shall indicate whether or not the information has been 8296
verified. Information transmitted by the board shall be subject 8297
to the same confidentiality provisions as when maintained by the 8298
board. 8299

(G) Except for reports filed by an individual pursuant to 8300
division (B) of this section, the board shall send a copy of any 8301
reports or summaries it receives pursuant to this section to the 8302
certified mental health assistant. The certified mental health 8303
assistant shall have the right to file a statement with the 8304
board concerning the correctness or relevance of the 8305
information. The statement shall at all times accompany that 8306
part of the record in contention. 8307

(H) An individual or entity that reports to the board, 8308
reports to the monitoring organization described in section 8309
4731.251 of the Revised Code, or refers an impaired certified 8310
mental health assistant to a treatment provider approved by the 8311
board under section 4731.25 of the Revised Code shall not be 8312
subject to suit for civil damages as a result of the report, 8313
referral, or provision of the information. 8314

(I) In the absence of fraud or bad faith, a professional 8315
association or society of certified mental health assistants 8316
that sponsors a committee or program to provide peer assistance 8317

to a certified mental health assistant with substance abuse 8318
problems, a representative or agent of such a committee or 8319
program, a representative or agent of the monitoring 8320
organization described in section 4731.251 of the Revised Code, 8321
and a member of the state medical board shall not be held liable 8322
in damages to any person by reason of actions taken to refer a 8323
certified mental health assistant to a treatment provider 8324
approved under section 4731.25 of the Revised Code for 8325
examination or treatment. 8326

Sec. 4772.24. The secretary of the state medical board 8327
shall enforce the laws relating to the practice of certified 8328
mental health assistants. If the secretary has knowledge or 8329
notice of a violation of this chapter or the rules adopted under 8330
it, the secretary shall investigate the matter, and, upon 8331
probable cause appearing, file a complaint and prosecute the 8332
offender. When requested by the secretary, the prosecuting 8333
attorney of the proper county shall take charge of and conduct 8334
the prosecution. 8335

Sec. 4772.25. The attorney general, the prosecuting 8336
attorney of any county in which the offense was committed or the 8337
offender resides, the state medical board, or any other person 8338
having knowledge of a person engaged either directly or by 8339
complicity in practicing as a certified mental health assistant 8340
without having first obtained under this chapter a license to 8341
practice as a certified mental health assistant, may, in 8342
accordance with provisions of the Revised Code governing 8343
injunctions, maintain an action in the name of the state to 8344
enjoin any person from engaging either directly or by complicity 8345
in unlawfully practicing as a certified mental health assistant 8346
by applying for an injunction in any court of competent 8347
jurisdiction. 8348

Prior to application for an injunction, the secretary of 8349
the state medical board shall notify the person allegedly 8350
engaged either directly or by complicity in the unlawful 8351
practice by registered mail that the secretary has received 8352
information indicating that this person is so engaged. The 8353
person shall answer the secretary within thirty days showing 8354
that the person is either properly licensed for the stated 8355
activity or that the person is not in violation of this chapter. 8356
If the answer is not forthcoming within thirty days after notice 8357
by the secretary, the secretary shall request that the attorney 8358
general, the prosecuting attorney of the county in which the 8359
offense was committed or the offender resides, or the state 8360
medical board proceed as authorized in this section. 8361

Upon the filing of a verified petition in court, the court 8362
shall conduct a hearing on the petition and shall give the same 8363
preference to this proceeding as is given all proceedings under 8364
Chapter 119. of the Revised Code, irrespective of the position 8365
of the proceeding on the calendar of the court. 8366

Injunction proceedings shall be in addition to, and not in 8367
lieu of, all penalties and other remedies provided in this 8368
chapter. 8369

Sec. 4772.26. The state medical board, subject to the 8370
approval of the controlling board, may establish fees in excess 8371
of the amounts specified in this chapter, except that the fees 8372
may not exceed the specified amounts by more than fifty per 8373
cent. 8374

All fees, penalties, and other funds received by the board 8375
under this chapter shall be deposited in accordance with section 8376
4731.24 of the Revised Code. 8377

Sec. 4772.27. In the absence of fraud or bad faith, the 8378
state medical board, a current or former board member, an agent 8379
of the board, a person formally requested by the board to be the 8380
board's representative, or an employee of the board shall not be 8381
held liable in damages to any person as the result of any act, 8382
omission, proceeding, conduct, or decision related to official 8383
duties undertaken or performed pursuant to this chapter. If any 8384
such person asks to be defended by the state against any claim 8385
or action arising out of any act, omission, proceeding, conduct, 8386
or decision related to the person's official duties, and if the 8387
request is made in writing at a reasonable time before trial and 8388
the person requesting defense cooperates in good faith in the 8389
defense of the claim or action, the state shall provide and pay 8390
for the person's defense and shall pay any resulting judgment, 8391
compromise, or settlement. At no time shall the state pay any 8392
part of a claim or judgment that is for punitive or exemplary 8393
damages. 8394

Sec. 4772.28. The state medical board shall comply with 8395
section 4776.20 of the Revised Code. 8396

Sec. 4772.99. (A) Whoever violates section 4772.02 of the 8397
Revised Code is guilty of a misdemeanor of the first degree on a 8398
first offense; on each subsequent offense, the person is guilty 8399
of a felony of the fourth degree. 8400

(B) Whoever violates division (A), (B), (C), or (D) of 8401
section 4772.23 of the Revised Code is guilty of a minor 8402
misdemeanor on a first offense; on each subsequent offense the 8403
person is guilty of a misdemeanor of the fourth degree, except 8404
that an individual guilty of a subsequent offense shall not be 8405
subject to imprisonment, but to a fine alone of up to one 8406
thousand dollars for each offense. 8407

Sec. 4776.01. As used in this chapter: 8408

(A) "License" means an authorization evidenced by a 8409
license, certificate, registration, permit, card, or other 8410
authority that is issued or conferred by a licensing agency to a 8411
licensee or to an applicant for an initial license by which the 8412
licensee or initial license applicant has or claims the 8413
privilege to engage in a profession, occupation, or occupational 8414
activity, or, except in the case of the state dental board, to 8415
have control of and operate certain specific equipment, 8416
machinery, or premises, over which the licensing agency has 8417
jurisdiction. 8418

(B) Except as provided in section 4776.20 of the Revised 8419
Code, "licensee" means the person to whom the license is issued 8420
by a licensing agency. "Licensee" includes a person who, for 8421
purposes of section 3796.13 of the Revised Code, has complied 8422
with sections 4776.01 to 4776.04 of the Revised Code and has 8423
been determined by the division of marijuana control, as the 8424
applicable licensing agency, to meet the requirements for 8425
employment. 8426

(C) Except as provided in section 4776.20 of the Revised 8427
Code, "licensing agency" means any of the following: 8428

(1) The board authorized by Chapters 4701., 4717., 4725., 8429
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 8430
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4772., 4774., 8431
4778., 4779., and 4783. of the Revised Code to issue a license 8432
to engage in a specific profession, occupation, or occupational 8433
activity, or to have charge of and operate certain specific 8434
equipment, machinery, or premises. 8435

(2) The state dental board, relative to its authority to 8436

issue a license pursuant to section 4715.12, 4715.16, 4715.21,
or 4715.27 of the Revised Code;

(3) The division of marijuana control, relative to its
authority under Chapter 3796. of the Revised Code and any rules
adopted under that chapter with respect to a person who is
subject to section 3796.13 of the Revised Code;

(4) The director of agriculture, relative to the
director's authority to issue licenses under Chapter 928. of the
Revised Code.

(D) "Applicant for an initial license" includes persons
seeking a license for the first time and persons seeking a
license by reciprocity, endorsement, or similar manner of a
license issued in another state. "Applicant for an initial
license" also includes a person who, for purposes of section
3796.13 of the Revised Code, is required to comply with sections
4776.01 to 4776.04 of the Revised Code.

(E) "Applicant for a restored license" includes persons
seeking restoration of a license under section 4730.14, 4730.28,
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061,
4761.06, 4761.061, 4762.06, 4762.061, 4772.08, 4772.082,
4774.06, 4774.061, 4778.07, or 4778.071 of the Revised Code.
"Applicant for a restored license" does not include a person
seeking restoration of a license under section 4751.33 of the
Revised Code.

(F) "Criminal records check" has the same meaning as in
section 109.572 of the Revised Code.

Sec. 5123.47. (A) As used in this section:

(1) "In-home care" means the supportive services provided
within the home of an individual with a developmental disability

who receives funding for the services through a county board of 8466
developmental disabilities, including any recipient of 8467
residential services funded as home and community-based 8468
services, family support services provided under section 5126.11 8469
of the Revised Code, or supported living provided in accordance 8470
with sections 5126.41 to 5126.47 of the Revised Code. "In-home 8471
care" includes care that is provided outside an individual's 8472
home in places incidental to the home, and while traveling to 8473
places incidental to the home, except that "in-home care" does 8474
not include care provided in the facilities of a county board of 8475
developmental disabilities or care provided in schools. 8476

(2) "Parent" means either parent of a child, including an 8477
adoptive parent but not a foster parent. 8478

(3) "Unlicensed in-home care worker" means an individual 8479
who provides in-home care but is not a health care professional. 8480

(4) "Family member" means a parent, sibling, spouse, son, 8481
daughter, grandparent, aunt, uncle, cousin, or guardian of the 8482
individual with a developmental disability if the individual 8483
with a developmental disability lives with the person and is 8484
dependent on the person to the extent that, if the supports were 8485
withdrawn, another living arrangement would have to be found. 8486

(5) "Health care professional" means any of the following: 8487

(a) A dentist who holds a valid license issued under 8488
Chapter 4715. of the Revised Code; 8489

(b) A registered or licensed practical nurse who holds a 8490
valid license issued under Chapter 4723. of the Revised Code; 8491

(c) An optometrist who holds a valid license issued under 8492
Chapter 4725. of the Revised Code; 8493

(d) A pharmacist who holds a valid license issued under Chapter 4729. of the Revised Code;	8494 8495
(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;	8496 8497 8498 8499
(f) A physician assistant who holds a valid license issued under Chapter 4730. of the Revised Code;	8500 8501
(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;	8502 8503 8504 8505
(h) A respiratory care professional who holds a valid license issued under Chapter 4761. of the Revised Code;	8506 8507
<u>(i) A certified mental health assistant who holds a valid license issued under Chapter 4772. of the Revised Code.</u>	8508 8509
(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 glyceic disorders through subcutaneous injections.	8510 8511 8512 8513 8514 8515 8516 8517 8518 8519 8520
(B) Except as provided in division (E) of this section, a family member of an individual with a developmental disability	8521 8522

may authorize an unlicensed in-home care worker to perform 8523
health care tasks as part of the in-home care the worker 8524
provides to the individual, if all of the following apply: 8525

(1) The family member is the primary supervisor of the 8526
care. 8527

(2) The unlicensed in-home care worker has been selected 8528
by the family member or the individual receiving care and is 8529
under the direct supervision of the family member. 8530

(3) The unlicensed in-home care worker is providing the 8531
care through an employment or other arrangement entered into 8532
directly with the family member and is not otherwise employed by 8533
or under contract with a person or government entity to provide 8534
services to individuals with developmental disabilities. 8535

(4) The health care task is completed in accordance with 8536
standard, written instructions. 8537

(5) Performance of the health care task requires no 8538
judgment based on specialized health care knowledge or 8539
expertise. 8540

(6) The outcome of the health care task is reasonably 8541
predictable. 8542

(7) Performance of the health care task requires no 8543
complex observation of the individual receiving the care. 8544

(8) Improper performance of the health care task will 8545
result in only minimal complications that are not life- 8546
threatening. 8547

(C) A family member shall obtain a prescription, if 8548
applicable, and written instructions from a health care 8549
professional for the care to be provided to the individual. The 8550

family member shall authorize the unlicensed in-home care worker 8551
to provide the care by preparing a written document granting the 8552
authority. The family member shall provide the unlicensed in- 8553
home care worker with appropriate training and written 8554
instructions in accordance with the instructions obtained from 8555
the health care professional. The family member or a health care 8556
professional shall be available to communicate with the 8557
unlicensed in-home care worker either in person or by 8558
telecommunication while the in-home care worker performs a 8559
health care task. 8560

(D) A family member who authorizes an unlicensed in-home 8561
care worker to administer oral and topical prescribed 8562
medications or perform other health care tasks retains full 8563
responsibility for the health and safety of the individual 8564
receiving the care and for ensuring that the worker provides the 8565
care appropriately and safely. No entity that funds or monitors 8566
the provision of in-home care may be held liable for the results 8567
of the care provided under this section by an unlicensed in-home 8568
care worker, including such entities as the county board of 8569
developmental disabilities and the department of developmental 8570
disabilities. 8571

An unlicensed in-home care worker who is authorized under 8572
this section by a family member to provide care to an individual 8573
may not be held liable for any injury caused in providing the 8574
care, unless the worker provides the care in a manner that is 8575
not in accordance with the training and instructions received or 8576
the worker acts in a manner that constitutes willful or wanton 8577
misconduct. 8578

(E) A county board of developmental disabilities may 8579
evaluate the authority granted by a family member under this 8580

section to an unlicensed in-home care worker at any time it 8581
considers necessary and shall evaluate the authority on receipt 8582
of a complaint. If the board determines that a family member has 8583
acted in a manner that is inappropriate for the health and 8584
safety of the individual receiving the care, the authorization 8585
granted by the family member to an unlicensed in-home care 8586
worker is void, and the family member may not authorize other 8587
unlicensed in-home care workers to provide the care. In making 8588
such a determination, the board shall use appropriately licensed 8589
health care professionals and shall provide the family member an 8590
opportunity to file a complaint under section 5126.06 of the 8591
Revised Code. 8592

Sec. 5164.95. (A) As used in this section, "telehealth 8593
service" means a health care service delivered to a patient 8594
through the use of interactive audio, video, or other 8595
telecommunications or electronic technology from a site other 8596
than the site where the patient is located. 8597

(B) The department of medicaid shall establish standards 8598
for medicaid payments for health care services the department 8599
determines are appropriate to be covered by the medicaid program 8600
when provided as telehealth services. The standards shall be 8601
established in rules adopted under section 5164.02 of the 8602
Revised Code. 8603

In accordance with section 5162.021 of the Revised Code, 8604
the medicaid director shall adopt rules authorizing the 8605
directors of other state agencies to adopt rules regarding the 8606
medicaid coverage of telehealth services under programs 8607
administered by the other state agencies. Any such rules adopted 8608
by the medicaid director or the directors of other state 8609
agencies are not subject to the requirements of division (F) of 8610

section 121.95 of the Revised Code. 8611

(C) (1) To the extent permitted under rules adopted under 8612
section 5164.02 of the Revised Code and applicable federal law, 8613
the following practitioners are eligible to provide telehealth 8614
services covered pursuant to this section: 8615

(a) A physician licensed under Chapter 4731. of the 8616
Revised Code to practice medicine and surgery, osteopathic 8617
medicine and surgery, or podiatric medicine and surgery; 8618

(b) A psychologist, independent school psychologist, or 8619
school psychologist licensed under Chapter 4732. of the Revised 8620
Code; 8621

(c) A physician assistant licensed under Chapter 4730. of 8622
the Revised Code; 8623

(d) A clinical nurse specialist, certified nurse-midwife, 8624
or certified nurse practitioner licensed under Chapter 4723. of 8625
the Revised Code; 8626

(e) An independent social worker, independent marriage and 8627
family therapist, or professional clinical counselor licensed 8628
under Chapter 4757. of the Revised Code; 8629

(f) An independent chemical dependency counselor licensed 8630
under Chapter 4758. of the Revised Code; 8631

(g) A supervised practitioner or supervised trainee; 8632

(h) An audiologist or speech-language pathologist licensed 8633
under Chapter 4753. of the Revised Code; 8634

(i) An audiology aide or speech-language pathology aide, 8635
as defined in section 4753.072 of the Revised Code, or an 8636
individual holding a conditional license under section 4753.071 8637

of the Revised Code;	8638
(j) An occupational therapist or physical therapist licensed under Chapter 4755. of the Revised Code;	8639 8640
(k) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code.	8641 8642 8643
(l) A dietitian licensed under Chapter 4759. of the Revised Code;	8644 8645
(m) A chiropractor licensed under Chapter 4734. of the Revised Code;	8646 8647
(n) A pharmacist licensed under Chapter 4729. of the Revised Code;	8648 8649
(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	8650 8651
(p) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry;	8652 8653
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	8654 8655
(r) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code;	8656 8657
(s) A practitioner who provides services through a medicaid school program;	8658 8659
(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;	8660 8661 8662 8663 8664

(u) A certified mental health assistant licensed under Chapter 4772. of the Revised Code; 8665
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(v) Any other practitioner the medicaid director considers eligible to provide telehealth services. 8667
8668

(2) In accordance with division (B) of this section and to the extent permitted under rules adopted under section 5164.02 of the Revised Code and applicable federal law, the following provider types are eligible to submit claims for medicaid payments for providing telehealth services: 8669
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8673

(a) Any practitioner described in division (C) (1) of this section, except for those described in divisions (C) (1) (g), (i), and (k) of this section; 8674
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(b) A professional medical group; 8677

(c) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code; 8678
8679
8680

(d) A rural health clinic; 8681

(e) An ambulatory health care clinic; 8682

(f) An outpatient hospital; 8683

(g) A medicaid school program; 8684

(h) Subject to section 5119.368 of the Revised Code, a community mental health services provider or community addiction services provider that offers services and supports certified under section 5119.36 of the Revised Code; 8685
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8687
8688

(i) Any other provider type the medicaid director considers eligible to submit the claims for payment. 8689
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(D) (1) When providing telehealth services under this 8691

section, a practitioner shall comply with all requirements under 8692
state and federal law regarding the protection of patient 8693
information. A practitioner shall ensure that any username or 8694
password information and any electronic communications between 8695
the practitioner and a patient are securely transmitted and 8696
stored. 8697

(2) When providing telehealth services under this section, 8698
every practitioner site shall have access to the medical records 8699
of the patient at the time telehealth services are provided. 8700

Sec. 5903.12. (A) As used in this section: 8701

"Continuing education" means continuing education required 8702
of a licensee by law and includes, but is not limited to, the 8703
continuing education required of licensees under sections 8704
3737.881, 3776.07, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 8705
4723.24, 4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 8706
4734.25, 4735.141, 4741.16, 4741.19, 4751.24, 4751.25, 4755.63, 8707
4757.33, 4759.06, 4761.06, ~~and 4763.07~~, and 4772.081 of the 8708
Revised Code. 8709

"Reporting period" means the period of time during which a 8710
licensee must complete the number of hours of continuing 8711
education required of the licensee by law. 8712

(B) A licensee may submit an application to a licensing 8713
agency, stating that the licensee requires an extension of the 8714
current reporting period because the licensee has served on 8715
active duty during the current or a prior reporting period. The 8716
licensee shall submit proper documentation certifying the active 8717
duty service and the length of that active duty service. Upon 8718
receiving the application and proper documentation, the 8719
licensing agency shall extend the current reporting period by an 8720

amount of time equal to the total number of months that the 8721
licensee spent on active duty during the current reporting 8722
period. For purposes of this division, any portion of a month 8723
served on active duty shall be considered one full month. 8724

Section 2. That existing sections 2305.234, 2305.41, 8725
2305.42, 2305.43, 2305.44, 2305.45, 2305.48, 2305.49, 2305.51, 8726
2925.01, 2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 8727
2925.36, 2925.55, 2925.56, 2929.42, 3701.048, 3701.74, 3709.161, 8728
3715.50, 3715.501, 3715.502, 3715.503, 3715.872, 3719.06, 8729
3719.064, 3719.121, 3719.13, 3719.81, 4729.01, 4729.285, 8730
4729.45, 4729.51, 4729.921, 4731.051, 4731.07, 4731.071, 8731
4731.22, 4731.224, 4731.24, 4731.25, 4731.251, 4734.99, 4743.09, 8732
4765.51, 4769.01, 4776.01, 5123.47, 5164.95, and 5903.12 of the 8733
Revised Code are hereby repealed. 8734

Section 3. The State Board of Pharmacy shall adopt the 8735
rules required by section 4729.554 of the Revised Code not later 8736
than eighteen months after the effective date of this section. 8737
If the Board fails to adopt the rules within that time period, 8738
the Attorney General or a county prosecuting attorney may apply 8739
to a court of common pleas for a court order requiring the 8740
adoption of the rules. 8741

Section 4. The Medicaid Director shall submit a request to 8742
the United States Centers for Medicare and Medicaid Services for 8743
a Medicaid waiver to allow services provided by a certified 8744
mental health assistant, as authorized by Chapter 4772. of the 8745
Revised Code, to be paid by the Medicaid program. 8746

Section 5. Sections 2305.41, 2305.42, 2305.43, 2305.44, 8747
2305.45, 2305.48, and 2305.49 of the Revised Code, as amended by 8748
this act, shall be known as Paige's Law. 8749

Section 6. The General Assembly, applying the principle 8750
stated in division (B) of section 1.52 of the Revised Code that 8751
amendments are to be harmonized if reasonably capable of 8752
simultaneous operation, finds that the following sections, 8753
presented in this act as composites of the sections as amended 8754
by the acts indicated, are the resulting versions of the 8755
sections in effect prior to the effective date of the sections 8756
as presented in this act: 8757

Section 3719.121 of the Revised Code as amended by both 8758
H.B. 216 and S.B. 319 of the 131st General Assembly. 8759

Section 4729.01 of the Revised Code as amended by H.B. 509 8760
and H.B. 558 of the 134th General Assembly. 8761