

_____ moved to amend as follows:

In line 2 of the title, delete ", 2929.42" 1

In line 4 of the title, after "4731.22" insert ", 4731.2210" 2

In line 16, delete ", 2929.42" 3

In line 17, after "4731.22" insert ", 4731.2210" 4

Delete lines 25 through 330 5

After line 330, insert: 6

"Sec. 2305.234. (A) As used in this section: 7

(1) "Chiropractic claim," "medical claim," and "optometric
claim" have the same meanings as in section 2305.113 of the
Revised Code. 8
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(2) "Dental claim" has the same meaning as in section
2305.113 of the Revised Code, except that it does not include
any claim arising out of a dental operation or any derivative
claim for relief that arises out of a dental operation. 11
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(3) "Governmental health care program" has the same 15



meaning as in section 4731.65 of the Revised Code. 16

(4) "Health care facility or location" means a hospital, 17
clinic, ambulatory surgical facility, office of a health care 18
professional or associated group of health care professionals, 19
training institution for health care professionals, a free 20
clinic or other nonprofit shelter or health care facility as 21
those terms are defined in section 3701.071 of the Revised Code, 22
or any other place where medical, dental, or other health- 23
related diagnosis, care, or treatment is provided to a person. 24

(5) "Health care professional" means any of the following 25
who provide medical, dental, or other health-related diagnosis, 26
care, or treatment: 27

(a) Physicians authorized under Chapter 4731. of the 28
Revised Code to practice medicine and surgery or osteopathic 29
medicine and surgery; 30

(b) Advanced practice registered nurses, registered 31
nurses, and licensed practical nurses licensed under Chapter 32
4723. of the Revised Code; 33

(c) Physician assistants authorized to practice under 34
Chapter 4730. of the Revised Code; 35

(d) Dentists and dental hygienists licensed under Chapter 36
4715. of the Revised Code; 37

(e) Physical therapists, physical therapist assistants, 38
occupational therapists, occupational therapy assistants, and 39
athletic trainers licensed under Chapter 4755. of the Revised 40
Code; 41

(f) Chiropractors licensed under Chapter 4734. of the 42
Revised Code; 43

(g) Optometrists licensed under Chapter 4725. of the Revised Code;	44 45
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry <u>podiatric medicine and surgery</u> ;	46 47
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	48 49
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	50 51
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	52 53 54
(l) Respiratory care professionals <u>and advanced practice respiratory therapists</u> licensed under Chapter 4761. of the Revised Code;	55 56 57
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code;	58 59
(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;	60 61 62 63 64
(o) Psychologists licensed under Chapter 4732. of the Revised Code;	65 66
(p) Independent chemical dependency counselors-clinical supervisors, independent chemical dependency counselors, chemical dependency counselors III, and chemical dependency counselors II, licensed under Chapter 4758. of the Revised Code, and chemical dependency counselor assistants, prevention	67 68 69 70 71

consultants, prevention specialists, prevention specialist 72
 assistants, and registered applicants, certified under that 73
 chapter; 74

(q) Certified mental health assistants licensed under 75
 Chapter 4772. of the Revised Code. 76

(6) "Health care worker" means a person other than a 77
 health care professional who provides medical, dental, or other 78
 health-related care or treatment under the direction of a health 79
 care professional with the authority to direct that individual's 80
 activities, including medical technicians, medical assistants, 81
 dental assistants, orderlies, aides, and individuals acting in 82
 similar capacities. 83

(7) "Indigent and uninsured person" means a person who 84
 meets both of the following requirements: 85

(a) Relative to being indigent, the person's income is not 86
 greater than two hundred per cent of the federal poverty line, 87
 as defined by the United States office of management and budget 88
 and revised in accordance with section 673(2) of the "Omnibus 89
 Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 90
~~9902, as amended, except in any case in which division (A) (7) (b)~~ 91
~~(iii) of this section includes a person whose income is greater~~ 92
~~than two hundred per cent of the federal poverty line.~~ 93

(b) Relative to being uninsured, one of the following 94
 applies: 95

(i) The person is not a policyholder, certificate holder, 96
 insured, contract holder, subscriber, enrollee, member, 97
 beneficiary, or other covered individual under a health 98
 insurance or health care policy, contract, or plan. 99

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

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

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

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

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

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

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

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

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

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

(B) (1) Subject to divisions (F) and (G) (3) of this 159
section, a health care professional who is a volunteer and 160
complies with division (B) (2) of this section is not liable in 161
damages to any person or government entity in a tort or other 162
civil action, including an action on a medical, dental, 163
chiropractic, optometric, or other health-related claim, for 164
injury, death, or loss to person or property that allegedly 165
arises from an action or omission of the volunteer in the 166
provision to an indigent and uninsured person of medical, 167
dental, or other health-related diagnosis, care, or treatment, 168
including the provision of samples of medicine and other medical 169
products, unless the action or omission constitutes willful or 170
wanton misconduct. 171

(2) To qualify for the immunity described in division (B) 172
(1) of this section, a health care professional shall do all of 173
the following prior to providing diagnosis, care, or treatment: 174

(a) Determine, in good faith, that the indigent and 175
uninsured person is mentally capable of giving informed consent 176
to the provision of the diagnosis, care, or treatment and is not 177
subject to duress or under undue influence; 178

(b) Inform the person of the provisions of this section, 179
including notifying the person that, by giving informed consent 180
to the provision of the diagnosis, care, or treatment, the 181
person cannot hold the health care professional liable for 182
damages in a tort or other civil action, including an action on 183
a medical, dental, chiropractic, optometric, or other health- 184
related claim, unless the action or omission of the health care 185
professional constitutes willful or wanton misconduct; 186

(c) Obtain the informed consent of the person and a 187
written waiver, signed by the person or by another individual on 188

behalf of and in the presence of the person, that states that 189
the person is mentally competent to give informed consent and, 190
without being subject to duress or under undue influence, gives 191
informed consent to the provision of the diagnosis, care, or 192
treatment subject to the provisions of this section. A written 193
waiver under division (B) (2) (c) of this section shall state 194
clearly and in conspicuous type that the person or other 195
individual who signs the waiver is signing it with full 196
knowledge that, by giving informed consent to the provision of 197
the diagnosis, care, or treatment, the person cannot bring a 198
tort or other civil action, including an action on a medical, 199
dental, chiropractic, optometric, or other health-related claim, 200
against the health care professional unless the action or 201
omission of the health care professional constitutes willful or 202
wanton misconduct. 203

(3) A physician or podiatrist who is not covered by 204
medical malpractice insurance, but complies with division (B) (2) 205
of this section, is not required to comply with division (A) of 206
section 4731.143 of the Revised Code. 207

(C) Subject to divisions (F) and (G) (3) of this section, 208
health care workers who are volunteers are not liable in damages 209
to any person or government entity in a tort or other civil 210
action, including an action upon a medical, dental, 211
chiropractic, optometric, or other health-related claim, for 212
injury, death, or loss to person or property that allegedly 213
arises from an action or omission of the health care worker in 214
the provision to an indigent and uninsured person of medical, 215
dental, or other health-related diagnosis, care, or treatment, 216
unless the action or omission constitutes willful or wanton 217
misconduct. 218

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

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

or wanton misconduct. 250

(F) (1) Except as provided in division (F) (2) of this 251
section, the immunities provided by divisions (B), (C), (D), and 252
(E) of this section are not available to a health care 253
professional, health care worker, nonprofit health care referral 254
organization, or health care facility or location if, at the 255
time of an alleged injury, death, or loss to person or property, 256
the health care professionals or health care workers involved 257
are providing one of the following: 258

(a) Any medical, dental, or other health-related 259
diagnosis, care, or treatment pursuant to a community service 260
work order entered by a court under division (B) of section 261
2951.02 of the Revised Code or imposed by a court as a community 262
control sanction; 263

(b) Performance of an operation to which any one of the 264
following applies: 265

(i) The operation requires the administration of deep 266
sedation or general anesthesia. 267

(ii) The operation is a procedure that is not typically 268
performed in an office. 269

(iii) The individual involved is a health care 270
professional, and the operation is beyond the scope of practice 271
or the education, training, and competence, as applicable, of 272
the health care professional. 273

(c) Delivery of a baby or any other purposeful termination 274
of a human pregnancy. 275

(2) Division (F) (1) of this section does not apply when a 276
health care professional or health care worker provides medical, 277

dental, or other health-related diagnosis, care, or treatment 278
that is necessary to preserve the life of a person in a medical 279
emergency. 280

(G) (1) This section does not create a new cause of action 281
or substantive legal right against a health care professional, 282
health care worker, nonprofit health care referral organization, 283
or health care facility or location. 284

(2) This section does not affect any immunities from civil 285
liability or defenses established by another section of the 286
Revised Code or available at common law to which a health care 287
professional, health care worker, nonprofit health care referral 288
organization, or health care facility or location may be 289
entitled in connection with the provision of emergency or other 290
medical, dental, or other health-related diagnosis, care, or 291
treatment. 292

(3) This section does not grant an immunity from tort or 293
other civil liability to a health care professional, health care 294
worker, nonprofit health care referral organization, or health 295
care facility or location for actions that are outside the scope 296
of authority of health care professionals or health care 297
workers. 298

In the case of the diagnosis, care, or treatment of an 299
indigent and uninsured person who is eligible for the medicaid 300
program or is a medicaid recipient, this section grants an 301
immunity from tort or other civil liability only if the person's 302
diagnosis, care, or treatment is provided in a free clinic, as 303
defined in section 3701.071 of the Revised Code. 304

(4) This section does not affect any legal responsibility 305
of a health care professional, health care worker, or nonprofit 306

health care referral organization to comply with any applicable 307
law of this state or rule of an agency of this state. 308

(5) This section does not affect any legal responsibility 309
of a health care facility or location to comply with any 310
applicable law of this state, rule of an agency of this state, 311
or local code, ordinance, or regulation that pertains to or 312
regulates building, housing, air pollution, water pollution, 313
sanitation, health, fire, zoning, or safety." 314

Delete lines 331 through 869 315

After line 869, insert: 316

"Sec. 2925.01. As used in this chapter: 317

(A) "Administer," "controlled substance," "controlled 318
substance analog," "dispense," "distribute," "hypodermic," 319
"manufacturer," "official written order," "person," 320
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 321
"schedule III," "schedule IV," "schedule V," and "wholesaler" 322
have the same meanings as in section 3719.01 of the Revised 323
Code. 324

(B) "Drug of abuse" and "person with a drug dependency" 325
have the same meanings as in section 3719.011 of the Revised 326
Code. 327

(C) "Drug," "dangerous drug," "licensed health 328
professional authorized to prescribe drugs," and "prescription" 329
have the same meanings as in section 4729.01 of the Revised 330
Code. 331

(D) "Bulk amount" of a controlled substance means any of 332
the following: 333

(1) For any compound, mixture, preparation, or substance 334

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

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

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

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

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

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

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

contains any amount of a schedule II stimulant that is in a 364
final dosage form manufactured by a person authorized by the 365
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 366
U.S.C.A. 301, as amended, and the federal drug abuse control 367
laws, as defined in section 3719.01 of the Revised Code, that is 368
or contains any amount of a schedule II depressant substance or 369
a schedule II hallucinogenic substance; 370

(g) An amount equal to or exceeding three grams of a 371
compound, mixture, preparation, or substance that is or contains 372
any amount of a schedule II stimulant, or any of its salts or 373
isomers, that is not in a final dosage form manufactured by a 374
person authorized by the Federal Food, Drug, and Cosmetic Act 375
and the federal drug abuse control laws. 376

(2) An amount equal to or exceeding one hundred twenty 377
grams or thirty times the maximum daily dose in the usual dose 378
range specified in a standard pharmaceutical reference manual of 379
a compound, mixture, preparation, or substance that is or 380
contains any amount of a schedule III or IV substance other than 381
an anabolic steroid or a schedule III opiate or opium 382
derivative; 383

(3) An amount equal to or exceeding twenty grams or five 384
times the maximum daily dose in the usual dose range specified 385
in a standard pharmaceutical reference manual of a compound, 386
mixture, preparation, or substance that is or contains any 387
amount of a schedule III opiate or opium derivative; 388

(4) An amount equal to or exceeding two hundred fifty 389
milliliters or two hundred fifty grams of a compound, mixture, 390
preparation, or substance that is or contains any amount of a 391
schedule V substance; 392

(5) An amount equal to or exceeding two hundred solid 393
dosage units, sixteen grams, or sixteen milliliters of a 394
compound, mixture, preparation, or substance that is or contains 395
any amount of a schedule III anabolic steroid; 396

(6) For any compound, mixture, preparation, or substance 397
that is a combination of a fentanyl-related compound and any 398
other compound, mixture, preparation, or substance included in 399
schedule III, schedule IV, or schedule V, if the defendant is 400
charged with a violation of section 2925.11 of the Revised Code 401
and the sentencing provisions set forth in divisions (C)(10)(b) 402
and (C)(11) of that section will not apply regarding the 403
defendant and the violation, the bulk amount of the controlled 404
substance for purposes of the violation is the amount specified 405
in division (D)(1), (2), (3), (4), or (5) of this section for 406
the other schedule III, IV, or V controlled substance that is 407
combined with the fentanyl-related compound. 408

(E) "Unit dose" means an amount or unit of a compound, 409
mixture, or preparation containing a controlled substance that 410
is separately identifiable and in a form that indicates that it 411
is the amount or unit by which the controlled substance is 412
separately administered to or taken by an individual. 413

(F) "Cultivate" includes planting, watering, fertilizing, 414
or tilling. 415

(G) "Drug abuse offense" means any of the following: 416

(1) A violation of division (A) of section 2913.02 that 417
constitutes theft of drugs, or a violation of section 2925.02, 418
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 419
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 420
or 2925.37 of the Revised Code; 421

(2) A violation of an existing or former law of this or 422
any other state or of the United States that is substantially 423
equivalent to any section listed in division (G) (1) of this 424
section; 425

(3) An offense under an existing or former law of this or 426
any other state, or of the United States, of which planting, 427
cultivating, harvesting, processing, making, manufacturing, 428
producing, shipping, transporting, delivering, acquiring, 429
possessing, storing, distributing, dispensing, selling, inducing 430
another to use, administering to another, using, or otherwise 431
dealing with a controlled substance is an element; 432

(4) A conspiracy to commit, attempt to commit, or 433
complicity in committing or attempting to commit any offense 434
under division (G) (1), (2), or (3) of this section. 435

(H) "Felony drug abuse offense" means any drug abuse 436
offense that would constitute a felony under the laws of this 437
state, any other state, or the United States. 438

(I) "Harmful intoxicant" does not include beer or 439
intoxicating liquor but means any of the following: 440

(1) Any compound, mixture, preparation, or substance the 441
gas, fumes, or vapor of which when inhaled can induce 442
intoxication, excitement, giddiness, irrational behavior, 443
depression, stupefaction, paralysis, unconsciousness, 444
asphyxiation, or other harmful physiological effects, and 445
includes, but is not limited to, any of the following: 446

(a) Any volatile organic solvent, plastic cement, model 447
cement, fingernail polish remover, lacquer thinner, cleaning 448
fluid, gasoline, or other preparation containing a volatile 449
organic solvent; 450

(b) Any aerosol propellant;	451
(c) Any fluorocarbon refrigerant;	452
(d) Any anesthetic gas.	453
(2) Gamma Butyrolactone;	454
(3) 1,4 Butanediol.	455
(J) "Manufacture" means to plant, cultivate, harvest,	456
process, make, prepare, or otherwise engage in any part of the	457
production of a drug, by propagation, extraction, chemical	458
synthesis, or compounding, or any combination of the same, and	459
includes packaging, repackaging, labeling, and other activities	460
incident to production.	461
(K) "Possess" or "possession" means having control over a	462
thing or substance, but may not be inferred solely from mere	463
access to the thing or substance through ownership or occupation	464
of the premises upon which the thing or substance is found.	465
(L) "Sample drug" means a drug or pharmaceutical	466
preparation that would be hazardous to health or safety if used	467
without the supervision of a licensed health professional	468
authorized to prescribe drugs, or a drug of abuse, and that, at	469
one time, had been placed in a container plainly marked as a	470
sample by a manufacturer.	471
(M) "Standard pharmaceutical reference manual" means the	472
current edition, with cumulative changes if any, of references	473
that are approved by the state board of pharmacy.	474
(N) "Juvenile" means a person under eighteen years of age.	475
(O) "Counterfeit controlled substance" means any of the	476
following:	477

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

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

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

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

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

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

the school is being conducted at the time a criminal offense is 507
committed. 508

(R) "School premises" means either of the following: 509

(1) The parcel of real property on which any school is 510
situated, whether or not any instruction, extracurricular 511
activities, or training provided by the school is being 512
conducted on the premises at the time a criminal offense is 513
committed; 514

(2) Any other parcel of real property that is owned or 515
leased by a board of education of a school, the governing 516
authority of a community school established under Chapter 3314. 517
of the Revised Code, or the governing body of a nonpublic school 518
for which the director of education and workforce prescribes 519
minimum standards under section 3301.07 of the Revised Code and 520
on which some of the instruction, extracurricular activities, or 521
training of the school is conducted, whether or not any 522
instruction, extracurricular activities, or training provided by 523
the school is being conducted on the parcel of real property at 524
the time a criminal offense is committed. 525

(S) "School building" means any building in which any of 526
the instruction, extracurricular activities, or training 527
provided by a school is conducted, whether or not any 528
instruction, extracurricular activities, or training provided by 529
the school is being conducted in the school building at the time 530
a criminal offense is committed. 531

(T) "Disciplinary counsel" means the disciplinary counsel 532
appointed by the board of commissioners on grievances and 533
discipline of the supreme court under the Rules for the 534
Government of the Bar of Ohio. 535

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

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

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

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

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

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

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

(5) A person who has been issued a barber's license,
barber instructor's license, assistant barber instructor's

license, or independent contractor's license under Chapter 4709. 564
of the Revised Code; 565

(6) A person licensed and regulated to engage in the 566
business of a debt pooling company by a legislative authority, 567
under authority of Chapter 4710. of the Revised Code; 568

(7) A person who has been issued a cosmetologist's 569
license, hair designer's license, manicurist's license, 570
esthetician's license, natural hair stylist's license, advanced 571
license to practice cosmetology, advanced license to practice 572
hair design, advanced license to practice manicuring, advanced 573
license to practice esthetics, advanced license to practice 574
natural hair styling, cosmetology instructor's license, hair 575
design instructor's license, manicurist instructor's license, 576
esthetics instructor's license, natural hair style instructor's 577
license, independent contractor's license, or tanning facility 578
permit under Chapter 4713. of the Revised Code; 579

(8) A person who has been issued a license to practice 580
dentistry, a general anesthesia permit, a conscious sedation 581
permit, a limited resident's license, a limited teaching 582
license, a dental hygienist's license, or a dental hygienist's 583
teacher's certificate under Chapter 4715. of the Revised Code; 584

(9) A person who has been issued an embalmer's license, a 585
funeral director's license, a funeral home license, or a 586
crematory license, or who has been registered for an embalmer's 587
or funeral director's apprenticeship under Chapter 4717. of the 588
Revised Code; 589

(10) A person who has been licensed as a registered nurse 590
or practical nurse, or who has been issued a certificate for the 591
practice of nurse-midwifery under Chapter 4723. of the Revised 592

Code;	593
(11) A person who has been licensed to practice optometry	594
or to engage in optical dispensing under Chapter 4725. of the	595
Revised Code;	596
(12) A person licensed to act as a pawnbroker under	597
Chapter 4727. of the Revised Code;	598
(13) A person licensed to act as a precious metals dealer	599
under Chapter 4728. of the Revised Code;	600
(14) A person licensed under Chapter 4729. of the Revised	601
Code as a pharmacist or pharmacy intern or registered under that	602
chapter as a registered pharmacy technician, certified pharmacy	603
technician, or pharmacy technician trainee;	604
(15) A person licensed under Chapter 4729. of the Revised	605
Code as a manufacturer of dangerous drugs, outsourcing facility,	606
third-party logistics provider, repackager of dangerous drugs,	607
wholesale distributor of dangerous drugs, or terminal	608
distributor of dangerous drugs;	609
(16) A person who is authorized to practice as a physician	610
assistant under Chapter 4730. of the Revised Code;	611
(17) A person who has been issued a license to practice	612
medicine and surgery, osteopathic medicine and surgery, or	613
podiatric medicine and surgery under Chapter 4731. of the	614
Revised Code or has been issued a certificate to practice a	615
limited branch of medicine under that chapter;	616
(18) A person licensed as a psychologist, independent	617
school psychologist, or school psychologist under Chapter 4732.	618
of the Revised Code;	619
(19) A person registered to practice the profession of	620

engineering or surveying under Chapter 4733. of the Revised Code;	621 622
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	623 624
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	625 626
(22) A person registered as a registered environmental health specialist under Chapter 3776. of the Revised Code;	627 628
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	629 630
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	631 632
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	633 634
(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;	635 636 637 638
(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;	639 640 641
(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;	642 643 644
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	645 646
(30) A person licensed to practice as a speech-language	647

pathologist or audiologist under Chapter 4753. of the Revised	648
Code;	649
(31) A person issued a license as an occupational	650
therapist or physical therapist under Chapter 4755. of the	651
Revised Code;	652
(32) A person who is licensed as a licensed professional	653
clinical counselor, licensed professional counselor, social	654
worker, independent social worker, independent marriage and	655
family therapist, or marriage and family therapist, or	656
registered as a social work assistant under Chapter 4757. of the	657
Revised Code;	658
(33) A person issued a license to practice dietetics under	659
Chapter 4759. of the Revised Code;	660
(34) A person who has been issued a license or limited	661
permit to practice respiratory therapy <u>or a license to practice</u>	662
<u>as an advanced practice respiratory therapist</u> under Chapter	663
4761. of the Revised Code;	664
(35) A person who has been issued a real estate appraiser	665
certificate under Chapter 4763. of the Revised Code;	666
(36) A person who has been issued a home inspector license	667
under Chapter 4764. of the Revised Code;	668
(37) A person who has been admitted to the bar by order of	669
the supreme court in compliance with its prescribed and	670
published rules;	671
(38) A person who has been issued a license to practice as	672
a certified mental health assistant under Chapter 4772. of the	673
Revised Code.	674
(X) "Cocaine" means any of the following:	675

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine; 676
677

(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine; 678
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(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine. 682
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(Y) "L.S.D." means lysergic acid diethylamide. 688

(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply: 689
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(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form. 691
692
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(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent. 694
695

"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code. 696
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(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish. 701
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(BB) An offense is "committed in the vicinity of a 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. 732

(II) "Methamphetamine" means methamphetamine, any salt, 733
isomer, or salt of an isomer of methamphetamine, or any 734
compound, mixture, preparation, or substance containing 735
methamphetamine or any salt, isomer, or salt of an isomer of 736
methamphetamine. 737

(JJ) "Deception" has the same meaning as in section 738
2913.01 of the Revised Code. 739

(KK) "Fentanyl-related compound" means any of the 740
following: 741

(1) Fentanyl; 742

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 743
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2- 744
phenylethyl)-4-(N-propanilido) piperidine); 745

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 746
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide); 747

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 748
piperidinyl] -N-phenylpropanamide); 749

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- 750
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N- 751
phenylpropanamide); 752

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- 753
piperidyl]-N- phenylpropanamide); 754

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2- 755
(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide); 756

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2- 757
phenethyl)-4- piperidinyl]propanamide; 758

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	759
	760
(10) Alfentanil;	761
(11) Carfentanil;	762
(12) Remifentanil;	763
(13) Sufentanil;	764
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	765
	766
(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:	767
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(a) A chemical scaffold consisting of both of the following:	774
	775
(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	776
	777
(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.	778
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(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	781
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(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and	784
	785

(d) The compound has not been approved for medical use by 786
the United States food and drug administration. 787

(LL) "First degree felony mandatory prison term" means one 788
of the definite prison terms prescribed in division (A) (1) (b) of 789
section 2929.14 of the Revised Code for a felony of the first 790
degree, except that if the violation for which sentence is being 791
imposed is committed on or after March 22, 2019, it means one of 792
the minimum prison terms prescribed in division (A) (1) (a) of 793
that section for a felony of the first degree. 794

(MM) "Second degree felony mandatory prison term" means 795
one of the definite prison terms prescribed in division (A) (2) 796
(b) of section 2929.14 of the Revised Code for a felony of the 797
second degree, except that if the violation for which sentence 798
is being imposed is committed on or after March 22, 2019, it 799
means one of the minimum prison terms prescribed in division (A) 800
(2) (a) of that section for a felony of the second degree. 801

(NN) "Maximum first degree felony mandatory prison term" 802
means the maximum definite prison term prescribed in division 803
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 804
the first degree, except that if the violation for which 805
sentence is being imposed is committed on or after March 22, 806
2019, it means the longest minimum prison term prescribed in 807
division (A) (1) (a) of that section for a felony of the first 808
degree. 809

(OO) "Maximum second degree felony mandatory prison term" 810
means the maximum definite prison term prescribed in division 811
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 812
the second degree, except that if the violation for which 813
sentence is being imposed is committed on or after March 22, 814
2019, it means the longest minimum prison term prescribed in 815

division (A) (2) (a) of that section for a felony of the second 816
degree. 817

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 818
as in section 928.01 of the Revised Code. 819

(QQ) An offense is "committed in the vicinity of a 820
substance addiction services provider or a recovering addict" if 821
either of the following apply: 822

(1) The offender commits the offense on the premises of a 823
substance addiction services provider's facility, including a 824
facility licensed prior to June 29, 2019, under section 5119.391 825
of the Revised Code to provide methadone treatment or an opioid 826
treatment program licensed on or after that date under section 827
5119.37 of the Revised Code, or within five hundred feet of the 828
premises of a substance addiction services provider's facility 829
and the offender knows or should know that the offense is being 830
committed within the vicinity of the substance addiction 831
services provider's facility. 832

(2) The offender sells, offers to sell, delivers, or 833
distributes the controlled substance or controlled substance 834
analog to a person who is receiving treatment at the time of the 835
commission of the offense, or received treatment within thirty 836
days prior to the commission of the offense, from a substance 837
addiction services provider and the offender knows that the 838
person is receiving or received that treatment. 839

(RR) "Substance addiction services provider" means an 840
agency, association, corporation or other legal entity, 841
individual, or program that provides one or more of the 842
following at a facility: 843

(1) Either alcohol addiction services, or drug addiction 844

services, or both such services that are certified by the 845
director of mental health and addiction services under section 846
5119.36 of the Revised Code; 847

(2) Recovery supports that are related to either alcohol 848
addiction services, or drug addiction services, or both such 849
services and paid for with federal, state, or local funds 850
administered by the department of ~~mental health and addiction~~ 851
~~services~~ behavioral health or a board of alcohol, drug 852
addiction, and mental health services. 853

(SS) "Premises of a substance addiction services 854
provider's facility" means the parcel of real property on which 855
any substance addiction service provider's facility is situated. 856

(TT) "Alcohol and drug addiction services" has the same 857
meaning as in section 5119.01 of the Revised Code." 858

Delete lines 870 through 970 859

After line 970, insert: 860

"Sec. 2925.23. (A) No person shall knowingly make a false 861
statement in any prescription, order, report, or record required 862
by Chapter 3719. or 4729. of the Revised Code. 863

(B) No person shall intentionally make, utter, or sell, or 864
knowingly possess any of the following that is a false or 865
forged: 866

(1) Prescription; 867

(2) Uncompleted preprinted prescription blank used for 868
writing a prescription; 869

(3) Official written order; 870

(4) License for a terminal distributor of dangerous drugs, 871

as defined in section 4729.01 of the Revised Code; 872

(5) License for a manufacturer of dangerous drugs, 873
outsourcing facility, third-party logistics provider, repackager 874
of dangerous drugs, or wholesale distributor of dangerous drugs, 875
as defined in section 4729.01 of the Revised Code. 876

(C) No person, by theft as defined in section 2913.02 of 877
the Revised Code, shall acquire any of the following: 878

(1) A prescription; 879

(2) An uncompleted preprinted prescription blank used for 880
writing a prescription; 881

(3) An official written order; 882

(4) A blank official written order; 883

(5) A license or blank license for a terminal distributor 884
of dangerous drugs, as defined in section 4729.01 of the Revised 885
Code; 886

(6) A license or blank license for a manufacturer of 887
dangerous drugs, outsourcing facility, third-party logistics 888
provider, repackager of dangerous drugs, or wholesale 889
distributor of dangerous drugs, as defined in section 4729.01 of 890
the Revised Code. 891

(D) No person shall knowingly make or affix any false or 892
forged label to a package or receptacle containing any dangerous 893
drugs. 894

(E) Divisions (A) and (D) of this section do not apply to 895
licensed health professionals authorized to prescribe drugs, 896
pharmacists, owners of pharmacies, and other persons whose 897
conduct is in accordance with Chapters 3719., 4715., 4723., 898

4725., 4729., 4730., 4731., 4741., 4761., and 4772. of the 899
Revised Code. 900

(F) Whoever violates this section is guilty of illegal 901
processing of drug documents. If the offender violates division 902
(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 903
section, illegal processing of drug documents is a felony of the 904
fifth degree. If the offender violates division (A), division 905
(B) (1) or (3), division (C) (1) or (3), or division (D) of this 906
section, the penalty for illegal processing of drug documents 907
shall be determined as follows: 908

(1) If the drug involved is a compound, mixture, 909
preparation, or substance included in schedule I or II, with the 910
exception of marihuana, illegal processing of drug documents is 911
a felony of the fourth degree, and division (C) of section 912
2929.13 of the Revised Code applies in determining whether to 913
impose a prison term on the offender. 914

(2) If the drug involved is a dangerous drug or a 915
compound, mixture, preparation, or substance included in 916
schedule III, IV, or V or is marihuana, illegal processing of 917
drug documents is a felony of the fifth degree, and division (C) 918
of section 2929.13 of the Revised Code applies in determining 919
whether to impose a prison term on the offender. 920

(G) (1) If the offender is a professionally licensed 921
person, in addition to any other sanction imposed for a 922
violation of this section, the court immediately shall comply 923
with section 2925.38 of the Revised Code. 924

If the offender has a driver's or commercial driver's 925
license or permit, section 2929.33 of the Revised Code applies. 926

(2) Any offender who received a mandatory suspension of 927

the offender's driver's or commercial driver's license or permit 928
under this section prior to September 13, 2016, may file a 929
motion with the sentencing court requesting the termination of 930
the suspension. However, an offender who pleaded guilty to or 931
was convicted of a violation of section 4511.19 of the Revised 932
Code or a substantially similar municipal ordinance or law of 933
another state or the United States that arose out of the same 934
set of circumstances as the violation for which the offender's 935
license or permit was suspended under this section shall not 936
file such a motion. 937

Upon the filing of a motion under division (G)(2) of this 938
section, the sentencing court, in its discretion, may terminate 939
the suspension. 940

(H) Notwithstanding any contrary provision of section 941
3719.21 of the Revised Code, the clerk of court shall pay a fine 942
imposed for a violation of this section pursuant to division (A) 943
of section 2929.18 of the Revised Code in accordance with and 944
subject to the requirements of division (F) of section 2925.03 945
of the Revised Code. The agency that receives the fine shall use 946
the fine as specified in division (F) of section 2925.03 of the 947
Revised Code." 948

Delete lines 971 through 1081 949

After line 1081, insert: 950

"Sec. 2925.55. (A) As used in sections 2925.55 to 2925.58 951
of the Revised Code: 952

(1) "Consumer product" means any food or drink that is 953
consumed or used by humans and any drug, including a drug that 954
may be provided legally only pursuant to a prescription, that is 955
intended to be consumed or used by humans. 956

(2) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.	957 958
(3) "Pseudoephedrine" means any material, compound, mixture, or preparation that contains any quantity of pseudoephedrine, any of its salts, optical isomers, or salts of optical isomers.	959 960 961 962
(4) "Pseudoephedrine product" means a consumer product that contains pseudoephedrine.	963 964
(5) "Retailer" means a place of business that offers consumer products for sale to the general public.	965 966
(6) "Single-ingredient preparation" means a compound, mixture, preparation, or substance that contains a single active ingredient.	967 968 969
(7) "Ephedrine" means any material, compound, mixture, or preparation that contains any quantity of ephedrine, any of its salts, optical isomers, or salts of optical isomers.	970 971 972
(8) "Ephedrine product" means a consumer product that contains ephedrine.	973 974
(B) (1) No individual shall knowingly purchase, receive, or otherwise acquire an amount of pseudoephedrine product or ephedrine product that is greater than either of the following unless the pseudoephedrine product or ephedrine product is dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs and the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with Chapter 3719., 4715., 4723., 4729., 4730., 4731., 4741., <u>4761.</u> , or 4772. of the Revised Code:	975 976 977 978 979 980 981 982 983 984

(a) Three and six tenths grams within a period of a single day;	985 986
(b) Nine grams within a period of thirty consecutive days.	987
The limits specified in divisions (B) (1) (a) and (b) of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The limits do not apply to the product's overall weight.	988 989 990 991 992
(2) It is not a violation of division (B) (1) of this section for an individual to receive or accept more than an amount of pseudoephedrine product or ephedrine product specified in division (B) (1) (a) or (b) of this section if the individual is an employee of a retailer or terminal distributor of dangerous drugs, and the employee receives or accepts from the retailer or terminal distributor of dangerous drugs the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.	993 994 995 996 997 998 999 1000 1001 1002 1003
(C) (1) No individual under eighteen years of age shall knowingly purchase, receive, or otherwise acquire a pseudoephedrine product or ephedrine product unless the pseudoephedrine product or ephedrine product is dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs and the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with Chapter 3719., 4715., 4723., 4729., 4730., 4731., 4741., <u>4761.</u> , or 4772. of the Revised Code.	1004 1005 1006 1007 1008 1009 1010 1011 1012 1013

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

(a) A licensed health professional authorized to prescribe drugs or pharmacist who dispenses, sells, or otherwise provides the pseudoephedrine product or ephedrine product to that individual and whose conduct is in accordance with Chapter 3719., 4715., 4723., 4729., 4730., 4731., 4741., 4761., or 4772. of the Revised Code;

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

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

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

(D) No individual under eighteen years of age shall knowingly show or give false information concerning the individual's name, age, or other identification for the purpose of purchasing, receiving, or otherwise acquiring a

pseudoephedrine product or ephedrine product. 1043

(E) No individual shall knowingly fail to comply with the 1044
requirements of division (B) of section 3715.051 of the Revised 1045
Code. 1046

(F) Whoever violates division (B) (1) of this section is 1047
guilty of unlawful purchase of a pseudoephedrine product or 1048
ephedrine product, a misdemeanor of the first degree. 1049

(G) Whoever violates division (C) (1) of this section is 1050
guilty of underage purchase of a pseudoephedrine product or 1051
ephedrine product, a delinquent act that would be a misdemeanor 1052
of the fourth degree if it could be committed by an adult. 1053

(H) Whoever violates division (D) of this section is 1054
guilty of using false information to purchase a pseudoephedrine 1055
product or ephedrine product, a delinquent act that would be a 1056
misdemeanor of the first degree if it could be committed by an 1057
adult. 1058

(I) Whoever violates division (E) of this section is 1059
guilty of improper purchase of a pseudoephedrine product or 1060
ephedrine product, a misdemeanor of the fourth degree." 1061

Delete lines 1082 through 1171 1062

After line 1171, insert: 1063

"Sec. 2925.56. (A) (1) Except as provided in division (A) 1064
(2) of this section, no retailer or terminal distributor of 1065
dangerous drugs or an employee of a retailer or terminal 1066
distributor of dangerous drugs shall knowingly sell, offer to 1067
sell, hold for sale, deliver, or otherwise provide to any 1068
individual an amount of pseudoephedrine product or ephedrine 1069
product that is greater than either of the following: 1070

(a) Three and six-tenths grams within a period of a single day; 1071
1072

(b) Nine grams within a period of thirty consecutive days. 1073

The maximum amounts specified in divisions (A) (1) (a) and 1074
(b) of this section apply to the total amount of base 1075
pseudoephedrine or base ephedrine in the pseudoephedrine product 1076
or ephedrine product, respectively. The maximum amounts do not 1077
apply to the product's overall weight. 1078

(2) (a) Division (A) (1) of this section does not apply to 1079
any quantity of pseudoephedrine product or ephedrine product 1080
dispensed by a pharmacist pursuant to a valid prescription 1081
issued by a licensed health professional authorized to prescribe 1082
drugs if the conduct of the pharmacist and the licensed health 1083
professional authorized to prescribe drugs is in accordance with 1084
Chapter 3719., 4715., 4723., 4729., 4730., 4731., 4741., 4761., 1085
or 4772. of the Revised Code. 1086

(b) It is not a violation of division (A) (1) of this 1087
section for a retailer, terminal distributor of dangerous drugs, 1088
or employee of either to provide to an individual more than an 1089
amount of pseudoephedrine product or ephedrine product specified 1090
in division (A) (1) (a) or (b) of this section under either of the 1091
following circumstances: 1092

(i) The individual is an employee of the retailer or 1093
terminal distributor of dangerous drugs, and the employee 1094
receives or accepts from the retailer, terminal distributor of 1095
dangerous drugs, or employee the pseudoephedrine product or 1096
ephedrine product in a sealed container in connection with 1097
manufacturing, warehousing, placement, stocking, bagging, 1098
loading, or unloading of the product; 1099

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

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

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

(a) A licensed health professional authorized to prescribe
drugs or pharmacist who dispenses, sells, or otherwise provides
a pseudoephedrine product or ephedrine product to an individual
under eighteen years of age and whose conduct is in accordance
with Chapter 3719., 4715., 4723., 4729., 4730., 4731., 4741.,
4761., or 4772. of the Revised Code;

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

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

(d) The provision by a retailer, terminal distributor of
dangerous drugs, or employee of either of a pseudoephedrine
product or ephedrine product in a sealed container to an

employee of the retailer or terminal distributor of dangerous 1129
drugs who is under eighteen years of age in connection with 1130
manufacturing, warehousing, placement, stocking, bagging, 1131
loading, or unloading of the product. 1132

(C) No retailer or terminal distributor of dangerous drugs 1133
shall fail to comply with the requirements of division (A) of 1134
section 3715.051 or division (A) (2) of section 3715.052 of the 1135
Revised Code. 1136

(D) No retailer or terminal distributor of dangerous drugs 1137
shall fail to comply with the requirements of division (A) (1) of 1138
section 3715.052 of the Revised Code. 1139

(E) Whoever violates division (A) (1) of this section is 1140
guilty of unlawfully selling a pseudoephedrine product or 1141
ephedrine product, a misdemeanor of the first degree. 1142

(F) Whoever violates division (B) (1) of this section is 1143
guilty of unlawfully selling a pseudoephedrine product or 1144
ephedrine product to a minor, a misdemeanor of the fourth 1145
degree. 1146

(G) Whoever violates division (C) of this section is 1147
guilty of improper sale of a pseudoephedrine product or 1148
ephedrine product, a misdemeanor of the second degree. 1149

(H) Whoever violates division (D) of this section is 1150
guilty of failing to submit information to the national 1151
precursor log exchange, a misdemeanor for which the offender 1152
shall be fined not more than one thousand dollars per 1153
violation." 1154

Delete lines 1172 through 1275 1155

After line 1275, insert: 1156

"Sec. 3701.048. (A) As used in this section: 1157

(1) "Board of health" means the board of health of a city 1158
or general health district or the authority having the duties of 1159
a board of health under section 3709.05 of the Revised Code. 1160

(2) "Controlled substance" has the same meaning as in 1161
section 3719.01 of the Revised Code. 1162

(3) "Drug," "dangerous drug," and "licensed health 1163
professional authorized to prescribe drugs" have the same 1164
meanings as in section 4729.01 of the Revised Code. 1165

(4) "Registered volunteer" has the same meaning as in 1166
section 5502.281 of the Revised Code. 1167

(B) In consultation with the appropriate professional 1168
regulatory boards of this state, the director of health shall 1169
develop one or more protocols that authorize the following 1170
individuals to administer, deliver, or distribute drugs, other 1171
than schedule II and III controlled substances, during a period 1172
of time described in division (E) of this section, 1173
notwithstanding any statute or rule that otherwise prohibits or 1174
restricts the administration, delivery, or distribution of drugs 1175
by those individuals: 1176

(1) A physician authorized under Chapter 4731. of the 1177
Revised Code to practice medicine and surgery, osteopathic 1178
medicine and surgery, or podiatric medicine and surgery; 1179

(2) A physician assistant licensed under Chapter 4730. of 1180
the Revised Code; 1181

(3) A dentist or dental hygienist licensed under Chapter 1182
4715. of the Revised Code; 1183

(4) A registered nurse licensed under Chapter 4723. of the 1184

Revised Code, including an advanced practice registered nurse,	1185
as defined in section 4723.01 of the Revised Code;	1186
(5) A licensed practical nurse licensed under Chapter	1187
4723. of the Revised Code;	1188
(6) An optometrist licensed under Chapter 4725. of the	1189
Revised Code;	1190
(7) A pharmacist or pharmacy intern licensed under Chapter	1191
4729. of the Revised Code;	1192
(8) A respiratory care professional <u>or advanced practice</u>	1193
<u>respiratory therapist</u> licensed under Chapter 4761. of the	1194
Revised Code;	1195
(9) An emergency medical technician-basic, emergency	1196
medical technician-intermediate, or emergency medical	1197
technician-paramedic who holds a certificate to practice issued	1198
under Chapter 4765. of the Revised Code;	1199
(10) A veterinarian licensed under Chapter 4741. of the	1200
Revised Code;	1201
(11) A certified mental health assistant licensed under	1202
Chapter 4772. of the Revised Code.	1203
(C) In consultation with the executive director of the	1204
emergency management agency, the director of health shall	1205
develop one or more protocols that authorize employees of boards	1206
of health and registered volunteers to deliver or distribute	1207
drugs, other than schedule II and III controlled substances,	1208
during a period of time described in division (E) of this	1209
section, notwithstanding any statute or rule that otherwise	1210
prohibits or restricts the delivery or distribution of drugs by	1211
those individuals.	1212

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

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

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

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

Delete lines 1276 through 1429	1243
After line 1429, insert:	1244
"Sec. 3701.74. (A) As used in this section and section	1245
3701.741 of the Revised Code:	1246
(1) "Ambulatory care facility" means a facility that	1247
provides medical, diagnostic, or surgical treatment to patients	1248
who do not require hospitalization, including a dialysis center,	1249
ambulatory surgical facility, cardiac catheterization facility,	1250
diagnostic imaging center, extracorporeal shock wave lithotripsy	1251
center, home health agency, inpatient hospice, birthing center,	1252
radiation therapy center, emergency facility, and an urgent care	1253
center. "Ambulatory care facility" does not include the private	1254
office of a physician, advanced practice registered nurse, or	1255
dentist, whether the office is for an individual or group	1256
practice.	1257
(2) "Chiropractor" means an individual licensed under	1258
Chapter 4734. of the Revised Code to practice chiropractic.	1259
(3) "Emergency facility" means a hospital emergency	1260
department or any other facility that provides emergency medical	1261
services.	1262
(4) "Health care practitioner" means all of the following:	1263
(a) A dentist or dental hygienist licensed under Chapter	1264
4715. of the Revised Code;	1265
(b) A registered nurse licensed under Chapter 4723. of the	1266
Revised Code, including an advanced practice registered nurse,	1267
or a licensed practical nurse licensed under that chapter;	1268
(c) An optometrist licensed under Chapter 4725. of the	1269

Revised Code;	1270
(d) A dispensing optician, <u>whether a spectacle dispensing</u>	1271
optician, or spectacle-contact lens dispensing optician,	1272
licensed under Chapter 4725. of the Revised Code;	1273
(e) A pharmacist licensed under Chapter 4729. of the	1274
Revised Code;	1275
(f) A physician;	1276
(g) A physician assistant authorized under Chapter 4730.	1277
of the Revised Code to practice as a physician assistant;	1278
(h) A practitioner of a limited branch of medicine issued	1279
a license or certificate under Chapter 4731. of the Revised	1280
Code;	1281
(i) A psychologist licensed under Chapter 4732. of the	1282
Revised Code;	1283
(j) A chiropractor;	1284
(k) A hearing aid dealer or fitter licensed under Chapter	1285
4747. of the Revised Code;	1286
(l) A speech-language pathologist or audiologist licensed	1287
under Chapter 4753. of the Revised Code;	1288
(m) An occupational therapist or occupational therapy	1289
assistant licensed under Chapter 4755. of the Revised Code;	1290
(n) A physical therapist or physical therapy assistant	1291
licensed under Chapter 4755. of the Revised Code;	1292
(o) A licensed professional clinical counselor, licensed	1293
professional counselor, social worker, independent social	1294
worker, independent marriage and family therapist, or marriage	1295

and family therapist licensed, or a social work assistant	1296
registered, under Chapter 4757. of the Revised Code;	1297
(p) A dietitian licensed under Chapter 4759. of the	1298
Revised Code;	1299
(q) A respiratory care professional <u>or advanced practice</u>	1300
<u>respiratory therapist</u> licensed under Chapter 4761. of the	1301
Revised Code;	1302
(r) An emergency medical technician-basic, emergency	1303
medical technician-intermediate, or emergency medical	1304
technician-paramedic certified under Chapter 4765. of the	1305
Revised Code;	1306
(s) A certified mental health assistant licensed under	1307
Chapter 4772. of the Revised Code.	1308
(5) "Health care provider" means a hospital, ambulatory	1309
care facility, long-term care facility, pharmacy, emergency	1310
facility, or health care practitioner.	1311
(6) "Hospital" has the same meaning as in section 3727.01	1312
of the Revised Code.	1313
(7) "Long-term care facility" means a nursing home,	1314
residential care facility, or home for the aging, as those terms	1315
are defined in section 3721.01 of the Revised Code; a	1316
residential facility licensed under section 5119.34 of the	1317
Revised Code that provides accommodations, supervision, and	1318
personal care services for three to sixteen unrelated adults; a	1319
nursing facility, as defined in section 5165.01 of the Revised	1320
Code; a skilled nursing facility, as defined in section 5165.01	1321
of the Revised Code; and an intermediate care facility for	1322
individuals with intellectual disabilities, as defined in	1323

section 5124.01 of the Revised Code. 1324

(8) "Medical record" means data in any form that pertains 1325
to a patient's medical history, diagnosis, prognosis, or medical 1326
condition and that is generated and maintained by a health care 1327
provider in the process of the patient's health care treatment. 1328

(9) "Medical records company" means a person who stores, 1329
locates, or copies medical records for a health care provider, 1330
or is compensated for doing so by a health care provider, and 1331
charges a fee for providing medical records to a patient or 1332
patient's representative. 1333

(10) "Patient" means either of the following: 1334

(a) An individual who received health care treatment from 1335
a health care provider; 1336

(b) A guardian, as defined in section 1337.11 of the 1337
Revised Code, of an individual described in division (A) (10) (a) 1338
of this section. 1339

(11) "Patient's personal representative" means a minor 1340
patient's parent or other person acting in loco parentis, a 1341
court-appointed guardian, or a person with durable power of 1342
attorney for health care for a patient, the executor or 1343
administrator of the patient's estate, or the person responsible 1344
for the patient's estate if it is not to be probated. "Patient's 1345
personal representative" does not include an insurer authorized 1346
under Title XXXIX of the Revised Code to do the business of 1347
sickness and accident insurance in this state, a health insuring 1348
corporation holding a certificate of authority under Chapter 1349
1751. of the Revised Code, or any other person not named in this 1350
division. 1351

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

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

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

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

(B) A patient, a patient's personal representative, or an authorized person who wishes to examine or obtain a copy of part or all of a medical record shall submit to the health care provider a written request signed by the patient, personal representative, or authorized person dated not more than one year before the date on which it is submitted. The request shall indicate whether the copy is to be sent to the requestor, sent to a physician, advanced practice registered nurse, or chiropractor, or held for the requestor at the office of the health care provider. Within a reasonable time after receiving a request that meets the requirements of this division and includes sufficient information to identify the record requested, a health care provider that has the patient's medical records shall permit the patient to examine the record during regular business hours without charge or, on request, shall provide a copy of the record in accordance with section 3701.741 of the Revised Code, except that if a physician, advanced practice registered nurse, psychologist, licensed professional clinical counselor, licensed professional counselor, independent

social worker, social worker, independent marriage and family 1382
therapist, marriage and family therapist, or chiropractor who 1383
has treated the patient determines for clearly stated treatment 1384
reasons that disclosure of the requested record is likely to 1385
have an adverse effect on the patient, the health care provider 1386
shall provide the record to a physician, advanced practice 1387
registered nurse, psychologist, licensed professional clinical 1388
counselor, licensed professional counselor, independent social 1389
worker, social worker, independent marriage and family 1390
therapist, marriage and family therapist, or chiropractor 1391
designated by the patient. The health care provider shall take 1392
reasonable steps to establish the identity of the person making 1393
the request to examine or obtain a copy of the patient's record. 1394

(C) If a health care provider fails to furnish a medical 1395
record as required by division (B) of this section, the patient, 1396
personal representative, or authorized person who requested the 1397
record may bring a civil action to enforce the patient's right 1398
of access to the record. 1399

(D) (1) This section does not apply to medical records 1400
whose release is covered by section 173.20 or 3721.13 of the 1401
Revised Code, by Chapter 1347., 5119., or 5122. of the Revised 1402
Code, by 42 C.F.R. part 2, "Confidentiality of Alcohol and Drug 1403
Abuse Patient Records," or by 42 C.F.R. 483.10. 1404

(2) Nothing in this section is intended to supersede the 1405
confidentiality provisions of sections 2305.24, 2305.25, 1406
2305.251, and 2305.252 of the Revised Code." 1407

Delete lines 1430 through 1495 1408

After line 1495, insert: 1409

"Sec. 3715.872. (A) As used in this section, "health care 1410

professional" means any of the following who provide medical,	1411
dental, or other health-related diagnosis, care, or treatment:	1412
(1) Individuals authorized under Chapter 4731. of the	1413
Revised Code to practice medicine and surgery, osteopathic	1414
medicine and surgery, or podiatric medicine and surgery;	1415
(2) Registered nurses licensed under Chapter 4723. of the	1416
Revised Code, including advanced practice registered nurses, and	1417
licensed practical nurses licensed under that chapter;	1418
(3) Physician assistants licensed under Chapter 4730. of	1419
the Revised Code;	1420
(4) Dentists and dental hygienists licensed under Chapter	1421
4715. of the Revised Code;	1422
(5) Optometrists licensed under Chapter 4725. of the	1423
Revised Code;	1424
(6) Pharmacists licensed under Chapter 4729. of the	1425
Revised Code;	1426
(7) Certified mental health assistants licensed under	1427
Chapter 4772. of the Revised Code;	1428
<u>(8) Advanced practice respiratory therapists licensed</u>	1429
<u>under Chapter 4761. of the Revised Code.</u>	1430
(B) For matters related to activities conducted under the	1431
drug repository program, all of the following apply:	1432
(1) A pharmacy, drug manufacturer, health care facility,	1433
or other person or government entity that donates or gives drugs	1434
to the program, and any person or government entity that	1435
facilitates the donation or gift, shall not be subject to	1436
liability in tort or other civil action for injury, death, or	1437

loss to person or property. 1438

(2) A pharmacy, hospital, or nonprofit clinic that accepts 1439
or distributes drugs under the program shall not be subject to 1440
liability in tort or other civil action for injury, death, or 1441
loss to person or property, unless an action or omission of the 1442
pharmacy, hospital, or nonprofit clinic constitutes willful and 1443
wanton misconduct. 1444

(3) A health care professional who accepts, dispenses, or 1445
personally furnishes drugs under the program on behalf of a 1446
pharmacy, hospital, or nonprofit clinic participating in the 1447
program, and the pharmacy, hospital, or nonprofit clinic that 1448
employs or otherwise uses the services of the health care 1449
professional, shall not be subject to liability in tort or other 1450
civil action for injury, death, or loss to person or property, 1451
unless an action or omission of the health care professional, 1452
pharmacy, hospital, or nonprofit clinic constitutes willful and 1453
wanton misconduct. 1454

(4) The state board of pharmacy shall not be subject to 1455
liability in tort or other civil action for injury, death, or 1456
loss to person or property, unless an action or omission of the 1457
board constitutes willful and wanton misconduct. 1458

(5) In addition to the civil immunity granted under 1459
division (B)(1) of this section, a pharmacy, drug manufacturer, 1460
health care facility, or other person or government entity that 1461
donates or gives drugs to the program, and any person or 1462
government entity that facilitates the donation or gift, shall 1463
not be subject to criminal prosecution for matters related to 1464
activities that it conducts or another party conducts under the 1465
program, unless an action or omission of the party that donates, 1466
gives, or facilitates the donation or gift of the drugs does not 1467

comply with the provisions of this chapter or the rules adopted 1468
under it. 1469

(6) In the case of a drug manufacturer, the immunities 1470
from civil liability and criminal prosecution granted to another 1471
party under divisions (B)(1) and (5) of this section extend to 1472
the manufacturer when any drug it manufactures is the subject of 1473
an activity conducted under the program. This extension of 1474
immunities includes, but is not limited to, immunity from 1475
liability or prosecution for failure to transfer or communicate 1476
product or consumer information or the expiration date of a drug 1477
that is donated or given." 1478

Delete lines 1496 through 1544 1479

After line 1544, insert: 1480

"Sec. 3719.121. (A) Except as otherwise provided in 1481
section 4723.28, 4723.35, 4730.25, 4731.22, 4734.39, 4734.41, 1482
4761.09, or 4772.20 of the Revised Code, the license, 1483
certificate, or registration of any dentist, chiropractor, 1484
physician, podiatrist, registered nurse, advanced practice 1485
registered nurse, licensed practical nurse, physician assistant, 1486
advanced practice respiratory therapist, pharmacist, pharmacy 1487
intern, pharmacy technician trainee, registered pharmacy 1488
technician, certified pharmacy technician, optometrist, 1489
veterinarian, or certified mental health assistant who is or 1490
becomes addicted to the use of controlled substances shall be 1491
suspended by the board that authorized the person's license, 1492
certificate, or registration until the person offers 1493
satisfactory proof to the board that the person no longer is 1494
addicted to the use of controlled substances. 1495

(B) If the board under which a person has been issued a 1496

license, certificate, or evidence of registration determines 1497
that there is clear and convincing evidence that continuation of 1498
the person's professional practice or method of administering, 1499
prescribing, preparing, distributing, dispensing, or personally 1500
furnishing controlled substances or other dangerous drugs 1501
presents a danger of immediate and serious harm to others, the 1502
board may suspend the person's license, certificate, or 1503
registration without a hearing. Except as otherwise provided in 1504
sections 4715.30, 4723.281, 4729.16, 4730.25, 4731.22, 4734.36, 1505
4761.09, and 4772.20 of the Revised Code, the board shall follow 1506
the procedure for suspension without a prior hearing in section 1507
119.07 of the Revised Code. The suspension shall remain in 1508
effect, unless removed by the board, until the board's final 1509
adjudication order becomes effective, except that if the board 1510
does not issue its final adjudication order within ninety days 1511
after the hearing, the suspension shall be void on the ninety- 1512
first day after the hearing. 1513

(C) On receiving notification pursuant to section 2929.42 1514
or 3719.12 of the Revised Code, the board under which a person 1515
has been issued a license, certificate, or evidence of 1516
registration immediately shall suspend the license, certificate, 1517
or registration of that person on a plea of guilty to, a finding 1518
by a jury or court of the person's guilt of, or conviction of a 1519
felony drug abuse offense; a finding by a court of the person's 1520
eligibility for intervention in lieu of conviction; a plea of 1521
guilty to, or a finding by a jury or court of the person's guilt 1522
of, or the person's conviction of an offense in another 1523
jurisdiction that is essentially the same as a felony drug abuse 1524
offense; or a finding by a court of the person's eligibility for 1525
treatment or intervention in lieu of conviction in another 1526
jurisdiction. The board shall notify the holder of the license, 1527

certificate, or registration of the suspension, which shall 1528
remain in effect until the board holds an adjudicatory hearing 1529
under Chapter 119. of the Revised Code." 1530

Delete lines 1545 through 1563 1531

After line 1563, insert: 1532

"Sec. 3719.13. Prescriptions, orders, and records, 1533
required by Chapter 3719. of the Revised Code, and stocks of 1534
dangerous drugs and controlled substances, shall be open for 1535
inspection only to federal, state, county, and municipal 1536
officers, and employees of the state board of pharmacy whose 1537
duty it is to enforce the laws of this state or of the United 1538
States relating to controlled substances. Such prescriptions, 1539
orders, records, and stocks shall be open for inspection by 1540
employees of the state medical board for purposes of enforcing 1541
Chapters 4730., 4731., 4761., and 4772. of the Revised Code, 1542
employees of the board of nursing for purposes of enforcing 1543
Chapter 4723. of the Revised Code, and employees of the 1544
department of ~~mental health and addiction services~~ behavioral 1545
health for purposes of section 5119.37 of the Revised Code. No 1546
person having knowledge of any such prescription, order, or 1547
record shall divulge such knowledge, except in connection with a 1548
prosecution or proceeding in court or before a licensing or 1549
registration board or officer, to which prosecution or 1550
proceeding the person to whom such prescriptions, orders, or 1551
records relate is a party." 1552

Delete lines 1564 through 1617 1553

After line 1617, insert: 1554

"Sec. 3719.81. (A) As used in this section, "sample drug" 1555
has the same meaning as in section 2925.01 of the Revised Code. 1556

(B) A person may furnish another a sample drug, if all of 1557
the following apply: 1558

(1) The sample drug is furnished free of charge by a 1559
manufacturer, manufacturer's representative, or wholesale dealer 1560
in pharmaceuticals to a licensed health professional authorized 1561
to prescribe drugs, other than an advanced practice respiratory 1562
therapist, or is furnished free of charge by ~~such a professional~~ 1563
the prescriber who received the sample drug to a patient for use 1564
as medication; 1565

(2) The sample drug is in the original container in which 1566
it was placed by the manufacturer, and the container is plainly 1567
marked as a sample; 1568

(3) Prior to its being furnished, the sample drug has been 1569
stored under the proper conditions to prevent its deterioration 1570
or contamination; 1571

(4) If the sample drug is of a type which deteriorates 1572
with time, the sample container is plainly marked with the date 1573
beyond which the sample drug is unsafe to use, and the date has 1574
not expired on the sample furnished. Compliance with the 1575
labeling requirements of the "Federal Food, Drug, and Cosmetic 1576
Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, shall 1577
be deemed compliance with this section. 1578

(5) The sample drug is distributed, stored, or discarded 1579
in such a way that the sample drug may not be acquired or used 1580
by any unauthorized person, or by any person, including a child, 1581
for whom it may present a health or safety hazard. 1582

(C) Division (B) of this section does not do any of the 1583
following: 1584

(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~~ prescriber who is a clinical nurse specialist, certified nurse-midwife, certified nurse practitioner, optometrist, physician assistant, or certified mental health assistant to furnish a sample drug that is not a drug the ~~professional prescriber~~ is authorized to prescribe.

(3) Prohibit a ~~licensed health professional authorized to prescribe drugs~~ prescriber, 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."

Delete lines 1618 through 1900

After line 1900, insert:

"Sec. 4729.01. As used in this chapter:

(A) "Pharmacy," except when used in a context that refers

to the practice of pharmacy, means any area, room, rooms, place 1613
of business, department, or portion of any of the foregoing 1614
where the practice of pharmacy is conducted. 1615

(B) "Practice of pharmacy" means providing pharmacist care 1616
requiring specialized knowledge, judgment, and skill derived 1617
from the principles of biological, chemical, behavioral, social, 1618
pharmaceutical, and clinical sciences. As used in this division, 1619
"pharmacist care" includes the following: 1620

(1) Interpreting prescriptions; 1621

(2) Dispensing drugs and drug therapy related devices; 1622

(3) Compounding drugs; 1623

(4) Counseling individuals with regard to their drug 1624
therapy, recommending drug therapy related devices, and 1625
assisting in the selection of drugs and appliances for treatment 1626
of common diseases and injuries and providing instruction in the 1627
proper use of the drugs and appliances; 1628

(5) Performing drug regimen reviews with individuals by 1629
discussing all of the drugs that the individual is taking and 1630
explaining the interactions of the drugs; 1631

(6) Performing drug utilization reviews with licensed 1632
health professionals authorized to prescribe drugs when the 1633
pharmacist determines that an individual with a prescription has 1634
a drug regimen that warrants additional discussion with the 1635
prescriber; 1636

(7) Advising an individual and the health care 1637
professionals treating an individual with regard to the 1638
individual's drug therapy; 1639

(8) Acting pursuant to a consult agreement, if an 1640

agreement has been established; 1641

(9) Engaging in the administration of immunizations to the 1642
extent authorized by section 4729.41 of the Revised Code; 1643

(10) Engaging in the administration of drugs to the extent 1644
authorized by section 4729.45 of the Revised Code. 1645

(C) "Compounding" means the preparation, mixing, 1646
assembling, packaging, and labeling of one or more drugs in any 1647
of the following circumstances: 1648

(1) Pursuant to a prescription issued by a licensed health 1649
professional authorized to prescribe drugs; 1650

(2) Pursuant to the modification of a prescription made in 1651
accordance with a consult agreement; 1652

(3) As an incident to research, teaching activities, or 1653
chemical analysis; 1654

(4) In anticipation of orders for drugs pursuant to 1655
prescriptions, based on routine, regularly observed dispensing 1656
patterns; 1657

(5) Pursuant to a request made by a licensed health 1658
professional authorized to prescribe drugs for a drug that is to 1659
be used by the professional for the purpose of direct 1660
administration to patients in the course of the professional's 1661
practice, if all of the following apply: 1662

(a) At the time the request is made, the drug is not 1663
commercially available regardless of the reason that the drug is 1664
not available, including the absence of a manufacturer for the 1665
drug or the lack of a readily available supply of the drug from 1666
a manufacturer. 1667

(b) A limited quantity of the drug is compounded and 1668
provided to the professional. 1669

(c) The drug is compounded and provided to the 1670
professional as an occasional exception to the normal practice 1671
of dispensing drugs pursuant to patient-specific prescriptions. 1672

(D) "Consult agreement" means an agreement that has been 1673
entered into under section 4729.39 of the Revised Code. 1674

(E) "Drug" means: 1675

(1) Any article recognized in the United States 1676
pharmacopoeia and national formulary, or any supplement to them, 1677
intended for use in the diagnosis, cure, mitigation, treatment, 1678
or prevention of disease in humans or animals; 1679

(2) Any other article intended for use in the diagnosis, 1680
cure, mitigation, treatment, or prevention of disease in humans 1681
or animals; 1682

(3) Any article, other than food, intended to affect the 1683
structure or any function of the body of humans or animals; 1684

(4) Any article intended for use as a component of any 1685
article specified in division (E) (1), (2), or (3) of this 1686
section; but does not include devices or their components, 1687
parts, or accessories. 1688

"Drug" does not include "hemp" or a "hemp product" as 1689
those terms are defined in section 928.01 of the Revised Code. 1690

(F) "Dangerous drug" means any of the following: 1691

(1) Any drug to which either of the following applies: 1692

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 1693
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 1694

required to bear a label containing the legend "Caution: Federal
law prohibits dispensing without prescription" or "Caution:
Federal law restricts this drug to use by or on the order of a
licensed veterinarian" or any similar restrictive statement, or
the drug may be dispensed only upon a prescription;

(b) Under Chapter 3715. or 3719. of the Revised Code, the
drug may be dispensed only upon a prescription.

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

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

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

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

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

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

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

(3) For purposes of sections 3313.7110, 3313.7111, 1723
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 1724
4731.96, and 5180.26 of the Revised Code, a written, electronic, 1725
or oral order for an epinephrine autoinjector issued to and in 1726
the name of a school, school district, or camp; 1727

(4) For purposes of Chapter 3728. and sections 4723.483, 1728
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 1729
electronic, or oral order for an epinephrine autoinjector issued 1730
to and in the name of a qualified entity, as defined in section 1731
3728.01 of the Revised Code; 1732

(5) For purposes of sections 3313.7115, 3313.7116, 1733
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 1734
5180.262 of the Revised Code, a written, electronic, or oral 1735
order for injectable or nasally administered glucagon in the 1736
name of a school, school district, or camp. 1737

(I) "Licensed health professional authorized to prescribe 1738
drugs" or "prescriber" means an individual who is authorized by 1739
law to prescribe drugs or dangerous drugs or drug therapy 1740
related devices in the course of the individual's professional 1741
practice, including only the following: 1742

(1) A dentist licensed under Chapter 4715. of the Revised 1743
Code; 1744

(2) A clinical nurse specialist, certified nurse-midwife, 1745
or certified nurse practitioner who holds a current, valid 1746
license issued under Chapter 4723. of the Revised Code to 1747
practice nursing as an advanced practice registered nurse; 1748

(3) A certified registered nurse anesthetist who holds a 1749
current, valid license issued under Chapter 4723. of the Revised 1750
Code to practice nursing as an advanced practice registered 1751

nurse, but only to the extent of the nurse's authority under	1752
sections 4723.43 and 4723.434 of the Revised Code;	1753
(4) An optometrist licensed under Chapter 4725. of the	1754
Revised Code to practice optometry;	1755
(5) A physician authorized under Chapter 4731. of the	1756
Revised Code to practice medicine and surgery, osteopathic	1757
medicine and surgery, or podiatric medicine and surgery;	1758
(6) A physician assistant who holds a license to practice	1759
as a physician assistant issued under Chapter 4730. of the	1760
Revised Code, holds a valid prescriber number issued by the	1761
state medical board, and has been granted physician-delegated	1762
prescriptive authority;	1763
(7) A veterinarian licensed under Chapter 4741. of the	1764
Revised Code;	1765
(8) <u>An advanced practice respiratory therapist who holds a</u>	1766
<u>license to practice as an advanced practice registered nurse</u>	1767
<u>issued under Chapter 4761. of the Revised Code and has been</u>	1768
<u>granted physician-delegated prescriptive authority;</u>	1769
(9) A certified mental health assistant licensed under	1770
Chapter 4772. of the Revised Code who has been granted	1771
physician-delegated prescriptive authority by the physician	1772
supervising the certified mental health assistant.	1773
(J) "Sale" or "sell" includes any transaction made by any	1774
person, whether as principal proprietor, agent, or employee, to	1775
do or offer to do any of the following: deliver, distribute,	1776
broker, exchange, gift or otherwise give away, or transfer,	1777
whether the transfer is by passage of title, physical movement,	1778
or both.	1779

(K) "Wholesale sale" and "sale at wholesale" mean any sale	1780
in which the purpose of the purchaser is to resell the article	1781
purchased or received by the purchaser.	1782
(L) "Retail sale" and "sale at retail" mean any sale other	1783
than a wholesale sale or sale at wholesale.	1784
(M) "Retail seller" means any person that sells any	1785
dangerous drug to consumers without assuming control over and	1786
responsibility for its administration. Mere advice or	1787
instructions regarding administration do not constitute control	1788
or establish responsibility.	1789
(N) "Price information" means the price charged for a	1790
prescription for a particular drug product and, in an easily	1791
understandable manner, all of the following:	1792
(1) The proprietary name of the drug product;	1793
(2) The established (generic) name of the drug product;	1794
(3) The strength of the drug product if the product	1795
contains a single active ingredient or if the drug product	1796
contains more than one active ingredient and a relevant strength	1797
can be associated with the product without indicating each	1798
active ingredient. The established name and quantity of each	1799
active ingredient are required if such a relevant strength	1800
cannot be so associated with a drug product containing more than	1801
one ingredient.	1802
(4) The dosage form;	1803
(5) The price charged for a specific quantity of the drug	1804
product. The stated price shall include all charges to the	1805
consumer, including, but not limited to, the cost of the drug	1806
product, professional fees, handling fees, if any, and a	1807

statement identifying professional services routinely furnished 1808
by the pharmacy. Any mailing fees and delivery fees may be 1809
stated separately without repetition. The information shall not 1810
be false or misleading. 1811

(O) "Wholesale distributor of dangerous drugs" or 1812
"wholesale distributor" means a person engaged in the sale of 1813
dangerous drugs at wholesale and includes any agent or employee 1814
of such a person authorized by the person to engage in the sale 1815
of dangerous drugs at wholesale. 1816

(P) "Manufacturer of dangerous drugs" or "manufacturer" 1817
means a person, other than a pharmacist or prescriber, who 1818
manufactures dangerous drugs and who is engaged in the sale of 1819
those dangerous drugs. 1820

(Q) "Terminal distributor of dangerous drugs" or "terminal 1821
distributor" means a person who is engaged in the sale of 1822
dangerous drugs at retail, or any person, other than a 1823
manufacturer, repackager, outsourcing facility, third-party 1824
logistics provider, wholesale distributor, or pharmacist, who 1825
has possession, custody, or control of dangerous drugs for any 1826
purpose other than for that person's own use and consumption. 1827
"Terminal distributor" includes pharmacies, hospitals, nursing 1828
homes, and laboratories and all other persons who procure 1829
dangerous drugs for sale or other distribution by or under the 1830
supervision of a pharmacist, licensed health professional 1831
authorized to prescribe drugs, or other person authorized by the 1832
state board of pharmacy. 1833

(R) "Promote to the public" means disseminating a 1834
representation to the public in any manner or by any means, 1835
other than by labeling, for the purpose of inducing, or that is 1836
likely to induce, directly or indirectly, the purchase of a 1837

dangerous drug at retail. 1838

(S) "Person" includes any individual, partnership, 1839
association, limited liability company, or corporation, the 1840
state, any political subdivision of the state, and any district, 1841
department, or agency of the state or its political 1842
subdivisions. 1843

(T) (1) "Animal shelter" means a facility operated by a 1844
humane society or any society organized under Chapter 1717. of 1845
the Revised Code or a dog pound operated pursuant to Chapter 1846
955. of the Revised Code. 1847

(2) "County dog warden" means a dog warden or deputy dog 1848
warden appointed or employed under section 955.12 of the Revised 1849
Code. 1850

(U) "Food" has the same meaning as in section 3715.01 of 1851
the Revised Code. 1852

(V) "Pain management clinic" has the same meaning as in 1853
section 4731.054 of the Revised Code. 1854

(W) "Investigational drug or product" means a drug or 1855
product that has successfully completed phase one of the United 1856
States food and drug administration clinical trials and remains 1857
under clinical trial, but has not been approved for general use 1858
by the United States food and drug administration. 1859
"Investigational drug or product" does not include controlled 1860
substances in schedule I, as defined in section 3719.01 of the 1861
Revised Code. 1862

(X) "Product," when used in reference to an 1863
investigational drug or product, means a biological product, 1864
other than a drug, that is made from a natural human, animal, or 1865

microorganism source and is intended to treat a disease or 1866
medical condition. 1867

(Y) "Third-party logistics provider" means a person that 1868
provides or coordinates warehousing or other logistics services 1869
pertaining to dangerous drugs including distribution, on behalf 1870
of a manufacturer, wholesale distributor, or terminal 1871
distributor of dangerous drugs, but does not take ownership of 1872
the drugs or have responsibility to direct the sale or 1873
disposition of the drugs. 1874

(Z) "Repackager of dangerous drugs" or "repackager" means 1875
a person that repacks and relabels dangerous drugs for sale or 1876
distribution. 1877

(AA) "Outsourcing facility" means a facility that is 1878
engaged in the compounding and sale of sterile drugs and is 1879
registered as an outsourcing facility with the United States 1880
food and drug administration. 1881

(BB) "Laboratory" means a laboratory licensed under this 1882
chapter as a terminal distributor of dangerous drugs and 1883
entrusted to have custody of any of the following drugs and to 1884
use the drugs for scientific and clinical purposes and for 1885
purposes of instruction: dangerous drugs that are not controlled 1886
substances, as defined in section 3719.01 of the Revised Code; 1887
dangerous drugs that are controlled substances, as defined in 1888
that section; and controlled substances in schedule I, as 1889
defined in that section. 1890

(CC) "Overdose reversal drug" means both of the following: 1891

(1) Naloxone; 1892

(2) Any other drug that the state board of pharmacy, 1893

through rules adopted in accordance with Chapter 119. of the 1894
Revised Code, designates as a drug that is approved by the 1895
federal food and drug administration for the reversal of a known 1896
or suspected opioid-related overdose." 1897

Delete lines 1901 through 2037 1898

After line 2037, insert: 1899

"Sec. 4729.51. (A) No person other than a licensed 1900
manufacturer of dangerous drugs, outsourcing facility, third- 1901
party logistics provider, repackager of dangerous drugs, or 1902
wholesale distributor of dangerous drugs shall possess for sale, 1903
sell, distribute, or deliver, at wholesale, dangerous drugs or 1904
investigational drugs or products, except as follows: 1905

(1) A licensed terminal distributor of dangerous drugs 1906
that is a pharmacy may make occasional sales of dangerous drugs 1907
or investigational drugs or products at wholesale. 1908

(2) A licensed terminal distributor of dangerous drugs 1909
having more than one licensed location may transfer or deliver 1910
dangerous drugs from one licensed location to another licensed 1911
location owned by the terminal distributor if the license issued 1912
for each location is in effect at the time of the transfer or 1913
delivery. 1914

(3) A licensed terminal distributor of dangerous drugs 1915
that is not a pharmacy may make occasional sales of the 1916
following at wholesale: 1917

(a) Overdose reversal drugs; 1918

(b) Dangerous drugs if the drugs being sold are in 1919
shortage, as defined in rules adopted under section 4729.26 of 1920
the Revised Code; 1921

(c) Dangerous drugs other than those described in	1922
divisions (A) (3) (a) and (b) of this section or investigational	1923
drugs or products if authorized by rules adopted under section	1924
4729.26 of the Revised Code.	1925
(B) No licensed manufacturer, outsourcing facility, third-	1926
party logistics provider, repackager, or wholesale distributor	1927
shall possess for sale, sell, or distribute, at wholesale,	1928
dangerous drugs or investigational drugs or products to any	1929
person other than the following:	1930
(1) Subject to division (D) of this section, a licensed	1931
terminal distributor of dangerous drugs;	1932
(2) Subject to division (C) of this section, any person	1933
exempt from licensure as a terminal distributor of dangerous	1934
drugs under section 4729.541 of the Revised Code;	1935
(3) A licensed manufacturer, outsourcing facility, third-	1936
party logistics provider, repackager, or wholesale distributor;	1937
(4) A terminal distributor, manufacturer, outsourcing	1938
facility, third-party logistics provider, repackager, or	1939
wholesale distributor that is located in another state, is not	1940
engaged in the sale of dangerous drugs within this state, and is	1941
actively licensed to engage in the sale of dangerous drugs by	1942
the state in which the distributor conducts business.	1943
(C) No licensed manufacturer, outsourcing facility, third-	1944
party logistics provider, repackager, or wholesale distributor	1945
shall possess for sale, sell, or distribute, at wholesale,	1946
dangerous drugs or investigational drugs or products to either	1947
of the following:	1948
(1) A prescriber who is employed by a pain management	1949

clinic that is not licensed as a terminal distributor of 1950
dangerous drugs with a pain management clinic classification 1951
issued under section 4729.552 of the Revised Code; 1952

(2) A business entity described in division (A) (2) or (3) 1953
of section 4729.541 of the Revised Code that is, or is 1954
operating, a pain management clinic without a license as a 1955
terminal distributor of dangerous drugs with a pain management 1956
clinic classification issued under section 4729.552 of the 1957
Revised Code. 1958

(D) No licensed manufacturer, outsourcing facility, third- 1959
party logistics provider, repackager, or wholesale distributor 1960
shall possess dangerous drugs or investigational drugs or 1961
products for sale at wholesale, or sell or distribute such drugs 1962
at wholesale, to a licensed terminal distributor of dangerous 1963
drugs, except as follows: 1964

(1) In the case of a terminal distributor with a category 1965
II license, only dangerous drugs in category II, as defined in 1966
division (A) (1) of section 4729.54 of the Revised Code; 1967

(2) In the case of a terminal distributor with a category 1968
III license, dangerous drugs in category II and category III, as 1969
defined in divisions (A) (1) and (2) of section 4729.54 of the 1970
Revised Code; 1971

(3) In the case of a terminal distributor with a limited 1972
category II or III license, only the dangerous drugs specified 1973
in the license. 1974

(E) (1) Except as provided in division (E) (2) of this 1975
section, no person shall do any of the following: 1976

(a) Sell or distribute, at retail, dangerous drugs; 1977

(b) Possess for sale, at retail, dangerous drugs;	1978
(c) Possess dangerous drugs.	1979
(2) (a) Divisions (E) (1) (a), (b), and (c) of this section	1980
do not apply to any of the following:	1981
(i) A licensed terminal distributor of dangerous drugs;	1982
(ii) A person who possesses, or possesses for sale or	1983
sells, at retail, a dangerous drug in accordance with Chapters	1984
3719., 4715., 4723., 4725., 4729., 4730., 4731., 4741., <u>4761.,</u>	1985
and 4772. of the Revised Code;	1986
(iii) Any of the persons identified in divisions (A) (1) to	1987
(5) and (18) (17) of section 4729.541 of the Revised Code, but	1988
only to the extent specified in that section.	1989
(b) Division (E) (1) (c) of this section does not apply to	1990
any of the following:	1991
(i) A licensed manufacturer, outsourcing facility, third-	1992
party logistics provider, repackager, or wholesale distributor;	1993
(ii) Any of the persons identified in divisions (A) (6) to	1994
(16) of section 4729.541 of the Revised Code, but only to the	1995
extent specified in that section.	1996
(F) No licensed terminal distributor of dangerous drugs or	1997
person that is exempt from licensure under section 4729.541 of	1998
the Revised Code shall purchase dangerous drugs or	1999
investigational drugs or products from any person other than a	2000
licensed manufacturer, outsourcing facility, third-party	2001
logistics provider, repackager, or wholesale distributor, except	2002
as follows:	2003
(1) A licensed terminal distributor of dangerous drugs or	2004

person that is exempt from licensure under section 4729.541 of 2005
the Revised Code may make occasional purchases of dangerous 2006
drugs or investigational drugs or products that are sold in 2007
accordance with division (A) (1) or (3) of this section. 2008

(2) A licensed terminal distributor of dangerous drugs 2009
having more than one licensed location may transfer or deliver 2010
dangerous drugs or investigational drugs or products from one 2011
licensed location to another licensed location if the license 2012
issued for each location is in effect at the time of the 2013
transfer or delivery. 2014

(G) No licensed terminal distributor of dangerous drugs 2015
shall engage in the retail sale or other distribution of 2016
dangerous drugs or investigational drugs or products or maintain 2017
possession, custody, or control of dangerous drugs or 2018
investigational drugs or products for any purpose other than the 2019
distributor's personal use or consumption, at any establishment 2020
or place other than that or those described in the license 2021
issued by the state board of pharmacy to such terminal 2022
distributor. 2023

(H) Nothing in this section shall be construed to 2024
interfere with the performance of official duties by any law 2025
enforcement official authorized by municipal, county, state, or 2026
federal law to collect samples of any drug, regardless of its 2027
nature or in whose possession it may be. 2028

(I) Notwithstanding anything to the contrary in this 2029
section, the board of education of a city, local, exempted 2030
village, or joint vocational school district may distribute 2031
epinephrine autoinjectors for use in accordance with section 2032
3313.7110 of the Revised Code, may distribute inhalers for use 2033
in accordance with section 3313.7113 of the Revised Code, and 2034

may distribute injectable or nasally administered glucagon for	2035
use in accordance with section 3313.7115 of the Revised Code."	2036
Delete lines 2038 through 2823	2037
After line 2823, insert:	2038
"Sec. 4731.22. (A) The state medical board, by an	2039
affirmative vote of not fewer than six of its members, may	2040
limit, revoke, or suspend a license or certificate to practice	2041
or certificate to recommend, refuse to grant a license or	2042
certificate, refuse to renew a license or certificate, refuse to	2043
reinstate a license or certificate, or reprimand or place on	2044
probation the holder of a license or certificate if the	2045
individual applying for or holding the license or certificate is	2046
found by the board to have committed fraud during the	2047
administration of the examination for a license or certificate	2048
to practice or to have committed fraud, misrepresentation, or	2049
deception in applying for, renewing, or securing any license or	2050
certificate to practice or certificate to recommend issued by	2051
the board.	2052
(B) Except as provided in division (P) of this section,	2053
the board, by an affirmative vote of not fewer than six members,	2054
shall, to the extent permitted by law, limit, revoke, or suspend	2055
a license or certificate to practice or certificate to	2056
recommend, refuse to issue a license or certificate, refuse to	2057
renew a license or certificate, refuse to reinstate a license or	2058
certificate, or reprimand or place on probation the holder of a	2059
license or certificate for one or more of the following reasons:	2060
(1) Permitting one's name or one's license or certificate	2061
to practice to be used by a person, group, or corporation when	2062
the individual concerned is not actually directing the treatment	2063

given; 2064

(2) Failure to maintain minimal standards applicable to 2065
the selection or administration of drugs, or failure to employ 2066
acceptable scientific methods in the selection of drugs or other 2067
modalities for treatment of disease; 2068

(3) Except as provided in section 4731.97 of the Revised 2069
Code, selling, giving away, personally furnishing, prescribing, 2070
or administering drugs for other than legal and legitimate 2071
therapeutic purposes or a plea of guilty to, a judicial finding 2072
of guilt of, or a judicial finding of eligibility for 2073
intervention in lieu of conviction of, a violation of any 2074
federal or state law regulating the possession, distribution, or 2075
use of any drug; 2076

(4) Willfully betraying a professional confidence. 2077

For purposes of this division, "willfully betraying a 2078
professional confidence" does not include providing any 2079
information, documents, or reports under sections 307.621 to 2080
307.629 of the Revised Code to a child fatality review board; 2081
does not include providing any information, documents, or 2082
reports under sections 307.631 to 307.6410 of the Revised Code 2083
to a drug overdose fatality review committee, a suicide fatality 2084
review committee, or hybrid drug overdose fatality and suicide 2085
fatality review committee; does not include providing any 2086
information, documents, or reports under sections 307.651 to 2087
307.659 of the Revised Code to a domestic violence fatality 2088
review board; does not include providing any information, 2089
documents, or reports to the director of health pursuant to 2090
guidelines established under section 3701.70 of the Revised 2091
Code; does not include written notice to a mental health 2092
professional under section 4731.62 of the Revised Code; does not 2093

include making a report as described in division (F) of section 2094
2921.22 and section 4731.224 of the Revised Code; and does not 2095
include the making of a report of an employee's use of a drug of 2096
abuse, or a report of a condition of an employee other than one 2097
involving the use of a drug of abuse, to the employer of the 2098
employee as described in division (B) of section 2305.33 of the 2099
Revised Code. Nothing in this division affects the immunity from 2100
civil liability conferred by section 2305.33 or 4731.62 of the 2101
Revised Code upon a physician who makes a report in accordance 2102
with section 2305.33 or notifies a mental health professional in 2103
accordance with section 4731.62 of the Revised Code. As used in 2104
this division, "employee," "employer," and "physician" have the 2105
same meanings as in section 2305.33 of the Revised Code. 2106

(5) Making a false, fraudulent, deceptive, or misleading 2107
statement in the solicitation of or advertising for patients; in 2108
relation to the practice of medicine and surgery, osteopathic 2109
medicine and surgery, podiatric medicine and surgery, or a 2110
limited branch of medicine; or in securing or attempting to 2111
secure any license or certificate to practice issued by the 2112
board. 2113

As used in this division, "false, fraudulent, deceptive, 2114
or misleading statement" means a statement that includes a 2115
misrepresentation of fact, is likely to mislead or deceive 2116
because of a failure to disclose material facts, is intended or 2117
is likely to create false or unjustified expectations of 2118
favorable results, or includes representations or implications 2119
that in reasonable probability will cause an ordinarily prudent 2120
person to misunderstand or be deceived. 2121

(6) A departure from, or the failure to conform to, 2122
minimal standards of care of similar practitioners under the 2123

same or similar circumstances, whether or not actual injury to a 2124
patient is established; 2125

(7) Representing, with the purpose of obtaining 2126
compensation or other advantage as personal gain or for any 2127
other person, that an incurable disease or injury, or other 2128
incurable condition, can be permanently cured; 2129

(8) The obtaining of, or attempting to obtain, money or 2130
anything of value by fraudulent misrepresentations in the course 2131
of practice; 2132

(9) A plea of guilty to, a judicial finding of guilt of, 2133
or a judicial finding of eligibility for intervention in lieu of 2134
conviction for, a felony; 2135

(10) Commission of an act that constitutes a felony in 2136
this state, regardless of the jurisdiction in which the act was 2137
committed; 2138

(11) A plea of guilty to, a judicial finding of guilt of, 2139
or a judicial finding of eligibility for intervention in lieu of 2140
conviction for, a misdemeanor committed in the course of 2141
practice; 2142

(12) Commission of an act in the course of practice that 2143
constitutes a misdemeanor in this state, regardless of the 2144
jurisdiction in which the act was committed; 2145

(13) A plea of guilty to, a judicial finding of guilt of, 2146
or a judicial finding of eligibility for intervention in lieu of 2147
conviction for, a misdemeanor involving moral turpitude; 2148

(14) Commission of an act involving moral turpitude that 2149
constitutes a misdemeanor in this state, regardless of the 2150
jurisdiction in which the act was committed; 2151

(15) Violation of the conditions of limitation placed by	2152
the board upon a license or certificate to practice;	2153
(16) Failure to pay license renewal fees specified in this	2154
chapter;	2155
(17) Except as authorized in section 4731.31 of the	2156
Revised Code, engaging in the division of fees for referral of	2157
patients, or the receiving of a thing of value in return for a	2158
specific referral of a patient to utilize a particular service	2159
or business;	2160
(18) Subject to section 4731.226 of the Revised Code,	2161
violation of any provision of a code of ethics of the American	2162
medical association, the American osteopathic association, the	2163
American podiatric medical association, or any other national	2164
professional organizations that the board specifies by rule. The	2165
state medical board shall obtain and keep on file current copies	2166
of the codes of ethics of the various national professional	2167
organizations. The individual whose license or certificate is	2168
being suspended or revoked shall not be found to have violated	2169
any provision of a code of ethics of an organization not	2170
appropriate to the individual's profession.	2171
For purposes of this division, a "provision of a code of	2172
ethics of a national professional organization" does not include	2173
any provision that would preclude the making of a report by a	2174
physician of an employee's use of a drug of abuse, or of a	2175
condition of an employee other than one involving the use of a	2176
drug of abuse, to the employer of the employee as described in	2177
division (B) of section 2305.33 of the Revised Code. Nothing in	2178
this division affects the immunity from civil liability	2179
conferred by that section upon a physician who makes either type	2180
of report in accordance with division (B) of that section. As	2181

used in this division, "employee," "employer," and "physician" 2182
have the same meanings as in section 2305.33 of the Revised 2183
Code. 2184

(19) Inability to practice according to acceptable and 2185
prevailing standards of care by reason of mental illness or 2186
physical illness, including, but not limited to, physical 2187
deterioration that adversely affects cognitive, motor, or 2188
perceptive skills. 2189

In enforcing this division, the board, upon a showing of a 2190
possible violation, shall refer any individual who is authorized 2191
to practice by this chapter or who has submitted an application 2192
pursuant to this chapter to the monitoring organization that 2193
conducts the confidential monitoring program established under 2194
section 4731.25 of the Revised Code. The board also may compel 2195
the individual to submit to a mental examination, physical 2196
examination, including an HIV test, or both a mental and a 2197
physical examination. The expense of the examination is the 2198
responsibility of the individual compelled to be examined. 2199
Failure to submit to a mental or physical examination or consent 2200
to an HIV test ordered by the board constitutes an admission of 2201
the allegations against the individual unless the failure is due 2202
to circumstances beyond the individual's control, and a default 2203
and final order may be entered without the taking of testimony 2204
or presentation of evidence. If the board finds an individual 2205
unable to practice because of the reasons set forth in this 2206
division, the board shall require the individual to submit to 2207
care, counseling, or treatment by physicians approved or 2208
designated by the board, as a condition for initial, continued, 2209
reinstated, or renewed authority to practice. An individual 2210
affected under this division shall be afforded an opportunity to 2211
demonstrate to the board the ability to resume practice in 2212

compliance with acceptable and prevailing standards under the 2213
provisions of the individual's license or certificate. For the 2214
purpose of this division, any individual who applies for or 2215
receives a license or certificate to practice under this chapter 2216
accepts the privilege of practicing in this state and, by so 2217
doing, shall be deemed to have given consent to submit to a 2218
mental or physical examination when directed to do so in writing 2219
by the board, and to have waived all objections to the 2220
admissibility of testimony or examination reports that 2221
constitute a privileged communication. 2222

(20) Except as provided in division (F)(1)(b) of section 2223
4731.282 of the Revised Code or when civil penalties are imposed 2224
under section 4731.225 of the Revised Code, and subject to 2225
section 4731.226 of the Revised Code, violating or attempting to 2226
violate, directly or indirectly, or assisting in or abetting the 2227
violation of, or conspiring to violate, any provisions of this 2228
chapter or any rule promulgated by the board. 2229

This division does not apply to a violation or attempted 2230
violation of, assisting in or abetting the violation of, or a 2231
conspiracy to violate, any provision of this chapter or any rule 2232
adopted by the board that would preclude the making of a report 2233
by a physician of an employee's use of a drug of abuse, or of a 2234
condition of an employee other than one involving the use of a 2235
drug of abuse, to the employer of the employee as described in 2236
division (B) of section 2305.33 of the Revised Code. Nothing in 2237
this division affects the immunity from civil liability 2238
conferred by that section upon a physician who makes either type 2239
of report in accordance with division (B) of that section. As 2240
used in this division, "employee," "employer," and "physician" 2241
have the same meanings as in section 2305.33 of the Revised 2242
Code. 2243

(21) The violation of section 3701.79 of the Revised Code	2244
or of any abortion rule adopted by the director of health	2245
pursuant to section 3701.341 of the Revised Code;	2246
(22) Any of the following actions taken by an agency	2247
responsible for authorizing, certifying, or regulating an	2248
individual to practice a health care occupation or provide	2249
health care services in this state or another jurisdiction, for	2250
any reason other than the nonpayment of fees: the limitation,	2251
revocation, or suspension of an individual's license to	2252
practice; acceptance of an individual's license surrender;	2253
denial of a license; refusal to renew or reinstate a license;	2254
imposition of probation; or issuance of an order of censure or	2255
other reprimand;	2256
(23) The violation of section 2919.12 of the Revised Code	2257
or the performance or inducement of an abortion upon a pregnant	2258
woman with actual knowledge that the conditions specified in	2259
division (B) of section 2317.56 of the Revised Code have not	2260
been satisfied or with a heedless indifference as to whether	2261
those conditions have been satisfied, unless an affirmative	2262
defense as specified in division (H)(2) of that section would	2263
apply in a civil action authorized by division (H)(1) of that	2264
section;	2265
(24) The revocation, suspension, restriction, reduction,	2266
or termination of clinical privileges by the United States	2267
department of defense or department of veterans affairs or the	2268
termination or suspension of a certificate of registration to	2269
prescribe drugs by the drug enforcement administration of the	2270
United States department of justice;	2271
(25) Termination or suspension from participation in the	2272
medicare or medicaid programs by the department of health and	2273

human services or other responsible agency; 2274

(26) Impairment of ability to practice according to 2275
acceptable and prevailing standards of care because of substance 2276
use disorder or excessive use or abuse of drugs, alcohol, or 2277
other substances that may impair ability to practice. 2278

For the purposes of this division, any individual 2279
authorized to practice by this chapter accepts the privilege of 2280
practicing in this state subject to supervision by the board. By 2281
filing an application for or holding a license or certificate to 2282
practice under this chapter, an individual shall be deemed to 2283
have given consent to submit to a mental or physical examination 2284
when ordered to do so by the board in writing, and to have 2285
waived all objections to the admissibility of testimony or 2286
examination reports that constitute privileged communications. 2287

If it has reason to believe that any individual authorized 2288
to practice by this chapter or any applicant for licensure or 2289
certification to practice suffers such impairment, the board 2290
shall refer the individual to the monitoring organization that 2291
conducts the confidential monitoring program established under 2292
section 4731.25 of the Revised Code. The board also may compel 2293
the individual to submit to a mental or physical examination, or 2294
both. The expense of the examination is the responsibility of 2295
the individual compelled to be examined. Any mental or physical 2296
examination required under this division shall be undertaken by 2297
a treatment provider or physician who is qualified to conduct 2298
the examination and who is approved under section 4731.251 of 2299
the Revised Code. 2300

Failure to submit to a mental or physical examination 2301
ordered by the board constitutes an admission of the allegations 2302
against the individual unless the failure is due to 2303

circumstances beyond the individual's control, and a default and 2304
final order may be entered without the taking of testimony or 2305
presentation of evidence. If the board determines that the 2306
individual's ability to practice is impaired, the board shall 2307
suspend the individual's license or certificate or deny the 2308
individual's application and shall require the individual, as a 2309
condition for initial, continued, reinstated, or renewed 2310
licensure or certification to practice, to submit to treatment. 2311

Before being eligible to apply for reinstatement of a 2312
license or certificate suspended under this division, the 2313
impaired practitioner shall demonstrate to the board the ability 2314
to resume practice in compliance with acceptable and prevailing 2315
standards of care under the provisions of the practitioner's 2316
license or certificate. The demonstration shall include, but 2317
shall not be limited to, the following: 2318

(a) Certification from a treatment provider approved under 2319
section 4731.251 of the Revised Code that the individual has 2320
successfully completed any required inpatient treatment; 2321

(b) Evidence of continuing full compliance with an 2322
aftercare contract or consent agreement; 2323

(c) Two written reports indicating that the individual's 2324
ability to practice has been assessed and that the individual 2325
has been found capable of practicing according to acceptable and 2326
prevailing standards of care. The reports shall be made by 2327
individuals or providers approved by the board for making the 2328
assessments and shall describe the basis for their 2329
determination. 2330

The board may reinstate a license or certificate suspended 2331
under this division after that demonstration and after the 2332

individual has entered into a written consent agreement. 2333

When the impaired practitioner resumes practice, the board 2334
shall require continued monitoring of the individual. The 2335
monitoring shall include, but not be limited to, compliance with 2336
the written consent agreement entered into before reinstatement 2337
or with conditions imposed by board order after a hearing, and, 2338
upon termination of the consent agreement, submission to the 2339
board for at least two years of annual written progress reports 2340
made under penalty of perjury stating whether the individual has 2341
maintained sobriety. 2342

(27) A second or subsequent violation of section 4731.66 2343
or 4731.69 of the Revised Code; 2344

(28) Except as provided in division (N) of this section: 2345

(a) Waiving the payment of all or any part of a deductible 2346
or copayment that a patient, pursuant to a health insurance or 2347
health care policy, contract, or plan that covers the 2348
individual's services, otherwise would be required to pay if the 2349
waiver is used as an enticement to a patient or group of 2350
patients to receive health care services from that individual; 2351

(b) Advertising that the individual will waive the payment 2352
of all or any part of a deductible or copayment that a patient, 2353
pursuant to a health insurance or health care policy, contract, 2354
or plan that covers the individual's services, otherwise would 2355
be required to pay. 2356

(29) Failure to use universal blood and body fluid 2357
precautions established by rules adopted under section 4731.051 2358
of the Revised Code; 2359

(30) Failure to provide notice to, and receive 2360

acknowledgment of the notice from, a patient when required by 2361
section 4731.143 of the Revised Code prior to providing 2362
nonemergency professional services, or failure to maintain that 2363
notice in the patient's medical record; 2364

(31) Failure of a physician supervising a physician 2365
assistant to maintain supervision in accordance with the 2366
requirements of Chapter 4730. of the Revised Code and the rules 2367
adopted under that chapter; 2368

(32) Failure of a physician or podiatrist to enter into a 2369
standard care arrangement with a clinical nurse specialist, 2370
certified nurse-midwife, or certified nurse practitioner with 2371
whom the physician or podiatrist is in collaboration pursuant to 2372
section 4731.27 of the Revised Code or failure to fulfill the 2373
responsibilities of collaboration after entering into a standard 2374
care arrangement; 2375

(33) Failure to comply with the terms of a consult 2376
agreement entered into with a pharmacist pursuant to section 2377
4729.39 of the Revised Code; 2378

(34) Failure to cooperate in an investigation conducted by 2379
the board under division (F) of this section, including failure 2380
to comply with a subpoena or order issued by the board or 2381
failure to answer truthfully a question presented by the board 2382
in an investigative interview, an investigative office 2383
conference, at a deposition, or in written interrogatories, 2384
except that failure to cooperate with an investigation shall not 2385
constitute grounds for discipline under this section if a court 2386
of competent jurisdiction has issued an order that either 2387
quashes a subpoena or permits the individual to withhold the 2388
testimony or evidence in issue; 2389

(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;	2390 2391 2392
(36) Assisting suicide, as defined in section 3795.01 of the Revised Code;	2393 2394
(37) Failure to comply with the requirements of section 2317.561 of the Revised Code;	2395 2396
(38) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	2397 2398 2399
(39) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	2400 2401 2402 2403
(40) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	2404 2405 2406 2407
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	2408 2409 2410 2411
(42) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	2412 2413 2414 2415
(43) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure	2416 2417

to submit to the department of health in accordance with a court	2418
order a complete report as described in section 2919.171 or	2419
2919.202 of the Revised Code;	2420
(44) Practicing at a facility that is subject to licensure	2421
as a category III terminal distributor of dangerous drugs with a	2422
pain management clinic classification unless the person	2423
operating the facility has obtained and maintains the license	2424
with the classification;	2425
(45) Owning a facility that is subject to licensure as a	2426
category III terminal distributor of dangerous drugs with a pain	2427
management clinic classification unless the facility is licensed	2428
with the classification;	2429
(46) Failure to comply with any of the requirements	2430
regarding making or maintaining medical records or documents	2431
described in division (A) of section 2919.192, division (C) of	2432
section 2919.193, division (B) of section 2919.195, or division	2433
(A) of section 2919.196 of the Revised Code;	2434
(47) Failure to comply with the requirements in section	2435
3719.061 of the Revised Code before issuing for a minor a	2436
prescription for an opioid analgesic, as defined in section	2437
3719.01 of the Revised Code;	2438
(48) Failure to comply with the requirements of section	2439
4731.30 of the Revised Code or rules adopted under section	2440
4731.301 of the Revised Code when recommending treatment with	2441
medical marijuana;	2442
(49) A pattern of continuous or repeated violations of	2443
division (E) (2) or (3) of section 3963.02 of the Revised Code;	2444
(50) Failure to fulfill the responsibilities of a	2445

collaboration agreement entered into with an athletic trainer as	2446
described in section 4755.621 of the Revised Code;	2447
(51) Failure to take the steps specified in section	2448
4731.911 of the Revised Code following an abortion or attempted	2449
abortion in an ambulatory surgical facility or other location	2450
that is not a hospital when a child is born alive;	2451
(52) Violation of section 4731.77 of the Revised Code;	2452
(53) Failure of a physician supervising a certified mental	2453
health assistant to maintain supervision in accordance with the	2454
requirements of Chapter 4772. of the Revised Code and the rules	2455
adopted under that chapter;	2456
(54) Failure to comply with the requirements of section	2457
3705.16 of the Revised Code when certifying a decedent's cause	2458
of death and completing and signing the medical certificate of	2459
death;	2460
<u>(55) Failure of a physician supervising an advanced</u>	2461
<u>practice respiratory therapist to maintain supervision in</u>	2462
<u>accordance with the requirements of Chapter 4761. of the Revised</u>	2463
<u>Code and rules adopted under that chapter.</u>	2464
(C) Disciplinary actions taken by the board under	2465
divisions (A) and (B) of this section shall be taken pursuant to	2466
an adjudication under Chapter 119. of the Revised Code, except	2467
that in lieu of an adjudication, the board may enter into a	2468
consent agreement with an individual to resolve an allegation of	2469
a violation of this chapter or any rule adopted under it. A	2470
consent agreement, when ratified by an affirmative vote of not	2471
fewer than six members of the board, shall constitute the	2472
findings and order of the board with respect to the matter	2473
addressed in the agreement. If the board refuses to ratify a	2474

consent agreement, the admissions and findings contained in the 2475
consent agreement shall be of no force or effect. 2476

A telephone conference call may be utilized for 2477
ratification of a consent agreement that revokes or suspends an 2478
individual's license or certificate to practice or certificate 2479
to recommend. The telephone conference call shall be considered 2480
a special meeting under division (F) of section 121.22 of the 2481
Revised Code. 2482

If the board takes disciplinary action against an 2483
individual under division (B) of this section for a second or 2484
subsequent plea of guilty to, or judicial finding of guilt of, a 2485
violation of section 2919.123 or 2919.124 of the Revised Code, 2486
the disciplinary action shall consist of a suspension of the 2487
individual's license or certificate to practice for a period of 2488
at least one year or, if determined appropriate by the board, a 2489
more serious sanction involving the individual's license or 2490
certificate to practice. Any consent agreement entered into 2491
under this division with an individual that pertains to a second 2492
or subsequent plea of guilty to, or judicial finding of guilt 2493
of, a violation of that section shall provide for a suspension 2494
of the individual's license or certificate to practice for a 2495
period of at least one year or, if determined appropriate by the 2496
board, a more serious sanction involving the individual's 2497
license or certificate to practice. 2498

(D) For purposes of divisions (B) (10), (12), and (14) of 2499
this section, the commission of the act may be established by a 2500
finding by the board, pursuant to an adjudication under Chapter 2501
119. of the Revised Code, that the individual committed the act. 2502
The board does not have jurisdiction under those divisions if 2503
the trial court renders a final judgment in the individual's 2504

favor and that judgment is based upon an adjudication on the 2505
merits. The board has jurisdiction under those divisions if the 2506
trial court issues an order of dismissal upon technical or 2507
procedural grounds. 2508

(E) The sealing or expungement of conviction records by 2509
any court shall have no effect upon a prior board order entered 2510
under this section or upon the board's jurisdiction to take 2511
action under this section if, based upon a plea of guilty, a 2512
judicial finding of guilt, or a judicial finding of eligibility 2513
for intervention in lieu of conviction, the board issued a 2514
notice of opportunity for a hearing prior to the court's order 2515
to seal or expunge the records. The board shall not be required 2516
to seal, expunge, destroy, redact, or otherwise modify its 2517
records to reflect the court's sealing of conviction records. 2518

(F) (1) The board shall investigate evidence that appears 2519
to show that a person has violated any provision of this chapter 2520
or any rule adopted under it. Any person may report to the board 2521
in a signed writing any information that the person may have 2522
that appears to show a violation of any provision of this 2523
chapter or any rule adopted under it. In the absence of bad 2524
faith, any person who reports information of that nature or who 2525
testifies before the board in any adjudication conducted under 2526
Chapter 119. of the Revised Code shall not be liable in damages 2527
in a civil action as a result of the report or testimony. Each 2528
complaint or allegation of a violation received by the board 2529
shall be assigned a case number and shall be recorded by the 2530
board. 2531

(2) Investigations of alleged violations of this chapter 2532
or any rule adopted under it shall be supervised by the 2533
supervising member elected by the board in accordance with 2534

section 4731.02 of the Revised Code and by the secretary as 2535
provided in section 4731.39 of the Revised Code. The president 2536
may designate another member of the board to supervise the 2537
investigation in place of the supervising member. Upon a vote of 2538
the majority of the board to authorize the addition of a 2539
consumer member in the supervision of any part of any 2540
investigation, the president shall designate a consumer member 2541
for supervision of investigations as determined by the 2542
president. The authorization of consumer member participation in 2543
investigation supervision may be rescinded by a majority vote of 2544
the board. No member of the board who supervises the 2545
investigation of a case shall participate in further 2546
adjudication of the case. 2547

(3) In investigating a possible violation of this chapter 2548
or any rule adopted under this chapter, or in conducting an 2549
inspection under division (E) of section 4731.054 of the Revised 2550
Code, the board may question witnesses, conduct interviews, 2551
administer oaths, order the taking of depositions, inspect and 2552
copy any books, accounts, papers, records, or documents, issue 2553
subpoenas, and compel the attendance of witnesses and production 2554
of books, accounts, papers, records, documents, and testimony, 2555
except that a subpoena for patient record information shall not 2556
be issued without consultation with the attorney general's 2557
office and approval of the secretary of the board. 2558

(a) Before issuance of a subpoena for patient record 2559
information, the secretary shall determine whether there is 2560
probable cause to believe that the complaint filed alleges a 2561
violation of this chapter or any rule adopted under it and that 2562
the records sought are relevant to the alleged violation and 2563
material to the investigation. The subpoena may apply only to 2564
records that cover a reasonable period of time surrounding the 2565

alleged violation. 2566

(b) On failure to comply with any subpoena issued by the 2567
board and after reasonable notice to the person being 2568
subpoenaed, the board may move for an order compelling the 2569
production of persons or records pursuant to the Rules of Civil 2570
Procedure. 2571

(c) A subpoena issued by the board may be served by a 2572
sheriff, the sheriff's deputy, or a board employee or agent 2573
designated by the board. Service of a subpoena issued by the 2574
board may be made by delivering a copy of the subpoena to the 2575
person named therein, reading it to the person, or leaving it at 2576
the person's usual place of residence, usual place of business, 2577
or address on file with the board. When serving a subpoena to an 2578
applicant for or the holder of a license or certificate issued 2579
under this chapter, service of the subpoena may be made by 2580
certified mail, return receipt requested, and the subpoena shall 2581
be deemed served on the date delivery is made or the date the 2582
person refuses to accept delivery. If the person being served 2583
refuses to accept the subpoena or is not located, service may be 2584
made to an attorney who notifies the board that the attorney is 2585
representing the person. 2586

(d) A sheriff's deputy who serves a subpoena shall receive 2587
the same fees as a sheriff. Each witness who appears before the 2588
board in obedience to a subpoena shall receive the fees and 2589
mileage provided for under section 119.094 of the Revised Code. 2590

(4) All hearings, investigations, and inspections of the 2591
board shall be considered civil actions for the purposes of 2592
section 2305.252 of the Revised Code. 2593

(5) A report required to be submitted to the board under 2594

this chapter, a complaint, or information received by the board 2595
pursuant to an investigation or pursuant to an inspection under 2596
division (E) of section 4731.054 of the Revised Code is 2597
confidential and not subject to discovery in any civil action. 2598

The board shall conduct all investigations or inspections 2599
and proceedings in a manner that protects the confidentiality of 2600
patients and persons who file complaints with the board. The 2601
board shall not make public the names or any other identifying 2602
information about patients or complainants unless proper consent 2603
is given or, in the case of a patient, a waiver of the patient 2604
privilege exists under division (B) of section 2317.02 of the 2605
Revised Code, except that consent or a waiver of that nature is 2606
not required if the board possesses reliable and substantial 2607
evidence that no bona fide physician-patient relationship 2608
exists. 2609

The board may share any information it receives pursuant 2610
to an investigation or inspection, including patient records and 2611
patient record information, with law enforcement agencies, other 2612
licensing boards, and other governmental agencies that are 2613
prosecuting, adjudicating, or investigating alleged violations 2614
of statutes or administrative rules. An agency or board that 2615
receives the information shall comply with the same requirements 2616
regarding confidentiality as those with which the state medical 2617
board must comply, notwithstanding any conflicting provision of 2618
the Revised Code or procedure of the agency or board that 2619
applies when it is dealing with other information in its 2620
possession. In a judicial proceeding, the information may be 2621
admitted into evidence only in accordance with the Rules of 2622
Evidence, but the court shall require that appropriate measures 2623
are taken to ensure that confidentiality is maintained with 2624
respect to any part of the information that contains names or 2625

other identifying information about patients or complainants 2626
whose confidentiality was protected by the state medical board 2627
when the information was in the board's possession. Measures to 2628
ensure confidentiality that may be taken by the court include 2629
sealing its records or deleting specific information from its 2630
records. 2631

No person shall knowingly access, use, or disclose 2632
confidential investigatory information in a manner prohibited by 2633
law. 2634

(6) On a quarterly basis, the board shall prepare a report 2635
that documents the disposition of all cases during the preceding 2636
three months. The report shall contain the following information 2637
for each case with which the board has completed its activities: 2638

(a) The case number assigned to the complaint or alleged 2639
violation; 2640

(b) The type of license or certificate to practice, if 2641
any, held by the individual against whom the complaint is 2642
directed; 2643

(c) A description of the allegations contained in the 2644
complaint; 2645

(d) Whether witnesses were interviewed; 2646

(e) Whether the individual against whom the complaint is 2647
directed is the subject of any pending complaints; 2648

(f) The disposition of the case. 2649

The report shall state how many cases are still pending 2650
and shall be prepared in a manner that protects the identity of 2651
each person involved in each case. The report shall be a public 2652
record under section 149.43 of the Revised Code. 2653

(7) The board may provide a status update regarding an investigation to a complainant on request if the board verifies the complainant's identity.

(G) (1) If either of the following circumstances occur, the secretary and supervising member may recommend that the board suspend an individual's license or certificate to practice or certificate to recommend without a prior hearing:

(a) The secretary and supervising member determine both of the following:

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

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

(b) The board receives verifiable information that a licensee has been charged in any state or federal court with a crime classified as a felony under the charging court's law and the conduct constitutes a violation of division (B) of this section.

(2) If a recommendation is made to suspend without a prior hearing pursuant to division (G) (1) of this section, 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. 2682
If the individual subject to the summary suspension requests an 2683
adjudicatory hearing by the board, the date set for the hearing 2684
shall be within fifteen days, but not earlier than seven days, 2685
after the individual requests the hearing, unless otherwise 2686
agreed to by both the board and the individual. 2687

(3) Any summary suspension imposed under division (G) (2) 2688
of this section is not a final appealable order and is not an 2689
adjudication that may be appealed under section 119.12 of the 2690
Revised Code. The summary suspension shall remain in effect 2691
until a final adjudicative order issued by the board pursuant to 2692
this section and Chapter 119. of the Revised Code becomes 2693
effective. Once a final adjudicative order has been issued by 2694
the board, any party adversely affected by it may file an appeal 2695
in accordance with the requirements of Chapter 119. of the 2696
Revised Code. 2697

The board shall issue its final adjudicative order within 2698
seventy-five days after completion of its hearing. A failure to 2699
issue the order within seventy-five days shall result in 2700
dissolution of the summary suspension order but shall not 2701
invalidate any subsequent, final adjudicative order. 2702

(H) If the board takes action under division (B) (9), (11), 2703
or (13) of this section and the judicial finding of guilt, 2704
guilty plea, or judicial finding of eligibility for intervention 2705
in lieu of conviction is overturned on appeal, upon exhaustion 2706
of the criminal appeal, a petition for reconsideration of the 2707
order may be filed with the board along with appropriate court 2708
documents. Upon receipt of a petition of that nature and 2709
supporting court documents, the board shall reinstate the 2710
individual's license or certificate to practice. The board may 2711

then hold an adjudication under Chapter 119. of the Revised Code 2712
to determine whether the individual committed the act in 2713
question. Notice of an opportunity for a hearing shall be given 2714
in accordance with Chapter 119. of the Revised Code. If the 2715
board finds, pursuant to an adjudication held under this 2716
division, that the individual committed the act or if no hearing 2717
is requested, the board may order any of the sanctions 2718
identified under division (B) of this section. 2719

(I) The license or certificate to practice issued to an 2720
individual under this chapter and the individual's practice in 2721
this state are automatically suspended as of the date of the 2722
individual's second or subsequent plea of guilty to, or judicial 2723
finding of guilt of, a violation of section 2919.123 or 2919.124 2724
of the Revised Code. In addition, the license or certificate to 2725
practice or certificate to recommend issued to an individual 2726
under this chapter and the individual's practice in this state 2727
are automatically suspended as of the date the individual pleads 2728
guilty to, is found by a judge or jury to be guilty of, or is 2729
subject to a judicial finding of eligibility for intervention in 2730
lieu of conviction in this state or treatment or intervention in 2731
lieu of conviction in another jurisdiction for any of the 2732
following criminal offenses in this state or a substantially 2733
equivalent criminal offense in another jurisdiction: aggravated 2734
murder, murder, voluntary manslaughter, felonious assault, 2735
trafficking in persons, kidnapping, rape, sexual battery, gross 2736
sexual imposition, aggravated arson, aggravated robbery, or 2737
aggravated burglary. Continued practice after suspension shall 2738
be considered practicing without a license or certificate. 2739

The board shall notify the individual subject to the 2740
suspension in accordance with sections 119.05 and 119.07 of the 2741
Revised Code. If an individual whose license or certificate is 2742

automatically suspended under this division fails to make a 2743
timely request for an adjudication under Chapter 119. of the 2744
Revised Code, the board shall do whichever of the following is 2745
applicable: 2746

(1) If the automatic suspension under this division is for 2747
a second or subsequent plea of guilty to, or judicial finding of 2748
guilt of, a violation of section 2919.123 or 2919.124 of the 2749
Revised Code, the board shall enter an order suspending the 2750
individual's license or certificate to practice for a period of 2751
at least one year or, if determined appropriate by the board, 2752
imposing a more serious sanction involving the individual's 2753
license or certificate to practice. 2754

(2) In all circumstances in which division (I) (1) of this 2755
section does not apply, enter a final order permanently revoking 2756
the individual's license or certificate to practice. 2757

(J) If the board is required by Chapter 119. of the 2758
Revised Code to give notice of an opportunity for a hearing and 2759
if the individual subject to the notice does not timely request 2760
a hearing in accordance with section 119.07 of the Revised Code, 2761
the board is not required to hold a hearing, but may adopt, by 2762
an affirmative vote of not fewer than six of its members, a 2763
final order that contains the board's findings. In that final 2764
order, the board may order any of the sanctions identified under 2765
division (A) or (B) of this section. 2766

(K) Any action taken by the board under division (B) of 2767
this section resulting in a suspension from practice shall be 2768
accompanied by a written statement of the conditions under which 2769
the individual's license or certificate to practice may be 2770
reinstated. The board shall adopt rules governing conditions to 2771
be imposed for reinstatement. Reinstatement of a license or 2772

certificate suspended pursuant to division (B) of this section 2773
requires an affirmative vote of not fewer than six members of 2774
the board. 2775

(L) When the board refuses to grant or issue a license or 2776
certificate to practice to an applicant, revokes an individual's 2777
license or certificate to practice, refuses to renew an 2778
individual's license or certificate to practice, or refuses to 2779
reinstate an individual's license or certificate to practice, 2780
the board may specify that its action is permanent. An 2781
individual subject to a permanent action taken by the board is 2782
forever thereafter ineligible to hold a license or certificate 2783
to practice and the board shall not accept an application for 2784
reinstatement of the license or certificate or for issuance of a 2785
new license or certificate. 2786

(M) Notwithstanding any other provision of the Revised 2787
Code, all of the following apply: 2788

(1) The surrender of a license or certificate issued under 2789
this chapter shall not be effective unless or until accepted by 2790
the board. A telephone conference call may be utilized for 2791
acceptance of the surrender of an individual's license or 2792
certificate to practice. The telephone conference call shall be 2793
considered a special meeting under division (F) of section 2794
121.22 of the Revised Code. Reinstatement of a license or 2795
certificate surrendered to the board requires an affirmative 2796
vote of not fewer than six members of the board. 2797

(2) An application for a license or certificate made under 2798
the provisions of this chapter may not be withdrawn without 2799
approval of the board. 2800

(3) Failure by an individual to renew a license or 2801

certificate to practice in accordance with this chapter or a 2802
certificate to recommend in accordance with rules adopted under 2803
section 4731.301 of the Revised Code does not remove or limit 2804
the board's jurisdiction to take any disciplinary action under 2805
this section against the individual. 2806

(4) The placement of an individual's license on retired 2807
status, as described in section 4731.283 of the Revised Code, 2808
does not remove or limit the board's jurisdiction to take any 2809
disciplinary action against the individual with regard to the 2810
license as it existed before being placed on retired status. 2811

(5) At the request of the board, a license or certificate 2812
holder shall immediately surrender to the board a license or 2813
certificate that the board has suspended, revoked, or 2814
permanently revoked. 2815

(N) Sanctions shall not be imposed under division (B) (28) 2816
of this section against any person who waives deductibles and 2817
copayments as follows: 2818

(1) In compliance with the health benefit plan that 2819
expressly allows such a practice. Waiver of the deductibles or 2820
copayments shall be made only with the full knowledge and 2821
consent of the plan purchaser, payer, and third-party 2822
administrator. Documentation of the consent shall be made 2823
available to the board upon request. 2824

(2) For professional services rendered to any other person 2825
authorized to practice pursuant to this chapter, to the extent 2826
allowed by this chapter and rules adopted by the board. 2827

(O) Under the board's investigative duties described in 2828
this section and subject to division (F) of this section, the 2829
board shall develop and implement a quality intervention program 2830

designed to improve through remedial education the clinical and 2831
communication skills of individuals authorized under this 2832
chapter to practice medicine and surgery, osteopathic medicine 2833
and surgery, and podiatric medicine and surgery. In developing 2834
and implementing the quality intervention program, the board may 2835
do all of the following: 2836

(1) Offer in appropriate cases as determined by the board 2837
an educational and assessment program pursuant to an 2838
investigation the board conducts under this section; 2839

(2) Select providers of educational and assessment 2840
services, including a quality intervention program panel of case 2841
reviewers; 2842

(3) Make referrals to educational and assessment service 2843
providers and approve individual educational programs 2844
recommended by those providers. The board shall monitor the 2845
progress of each individual undertaking a recommended individual 2846
educational program. 2847

(4) Determine what constitutes successful completion of an 2848
individual educational program and require further monitoring of 2849
the individual who completed the program or other action that 2850
the board determines to be appropriate; 2851

(5) Adopt rules in accordance with Chapter 119. of the 2852
Revised Code to further implement the quality intervention 2853
program. 2854

An individual who participates in an individual 2855
educational program pursuant to this division shall pay the 2856
financial obligations arising from that educational program. 2857

(P) The board shall not refuse to issue a license to an 2858

applicant because of a conviction, plea of guilty, judicial 2859
finding of guilt, judicial finding of eligibility for 2860
intervention in lieu of conviction, or the commission of an act 2861
that constitutes a criminal offense, unless the refusal is in 2862
accordance with section 9.79 of the Revised Code. 2863

(Q) A license or certificate to practice or certificate to 2864
recommend issued to an individual under this chapter and an 2865
individual's practice under this chapter in this state are 2866
automatically suspended if the individual's license or 2867
certificate to practice a health care occupation or provide 2868
health care services is suspended, revoked, or surrendered or 2869
relinquished in lieu of discipline by an agency responsible for 2870
authorizing, certifying, or regulating an individual to practice 2871
a health care occupation or provide health care services in this 2872
state or another jurisdiction. The automatic suspension begins 2873
immediately upon entry of the order by the agency and lasts for 2874
ninety days to permit the board to investigate the basis for the 2875
action under this chapter. Continued practice during the 2876
automatic suspension shall be considered practicing without a 2877
license or certificate. 2878

The board shall notify the individual subject to the 2879
automatic suspension by certified mail or in person in 2880
accordance with section 119.07 of the Revised Code. If an 2881
individual subject to an automatic suspension under this 2882
division fails to make a timely request for an adjudication 2883
under Chapter 119. of the Revised Code, the board is not 2884
required to hold a hearing, but may adopt, by an affirmative 2885
vote of not fewer than six of its members, a final order that 2886
contains the board's findings. In that final order, the board 2887
may order any of the sanctions identified under division (A) or 2888
(B) of this section. 2889

Sec. 4731.2210. (A) As used in this section:	2890
(1) "Key third party" means an individual closely involved	2891
in a patient's decision-making regarding health care services,	2892
including a patient's spouse or partner, parents, children,	2893
siblings, or guardians. An individual's status as a key third	2894
party ceases upon termination of a practitioner-patient	2895
relationship or termination of the relationship between a	2896
patient and the individual.	2897
(2) "Practitioner" means any of the following:	2898
(a) An individual authorized under this chapter to	2899
practice medicine and surgery, osteopathic medicine and surgery,	2900
podiatric medicine and surgery, or a limited branch of medicine;	2901
(b) An individual licensed under Chapter 4730. of the	2902
Revised Code to practice as a physician assistant;	2903
(c) An individual authorized under Chapter 4759. of the	2904
Revised Code to practice as a dietitian;	2905
(d) An individual authorized under Chapter 4760. of the	2906
Revised Code to practice as an anesthesiologist assistant;	2907
(e) An individual authorized under Chapter 4761. of the	2908
Revised Code to practice respiratory care <u>or as an advanced</u>	2909
<u>practice respiratory therapist;</u>	2910
(f) An individual authorized under Chapter 4762. of the	2911
Revised Code to practice as an acupuncturist;	2912
(g) An individual authorized under Chapter 4772. of the	2913
Revised Code to practice as a certified mental health assistant;	2914
(h) An individual authorized under Chapter 4774. of the	2915
Revised Code to practice as a radiologist assistant;	2916

(i) An individual licensed under Chapter 4778. of the Revised Code to practice as a genetic counselor.

(3) "Sexual misconduct" has the same meaning as in section 4731.224 of the Revised Code.

(B) Except as provided in division (D) of this section, the state medical board may require a practitioner that is subject to a probationary order of the board that involves a circumstance described in division (C) of this section, to provide to each patient, or to the patient's guardian or a key third party, a written disclosure signed by the practitioner that includes all of the following:

- (1) The practitioner's probation status;
- (2) The total length of the probation;
- (3) The probation end date;
- (4) Practice restrictions placed on the practitioner by the board;
- (5) The board's telephone number;
- (6) An explanation of how the patient can find additional information regarding the probation on the practitioner's profile page on the board's internet web site.

The written disclosure, if required by the board, shall be provided before the patient's first visit following the probationary order of the board. The practitioner shall obtain a copy of the disclosure signed by the patient, or the patient's guardian or a key third party, and maintain the signed copy in the patient's medical record. The signed copy shall be made available to the board immediately upon request.

(C) The written disclosure described in division (B) of 2944
this section applies in both of the following circumstances: 2945

(1) Issuance by the board of a final order, final 2946
adjudicative order under Chapter 119. of the Revised Code, or a 2947
consent agreement that is ratified by an affirmative vote of not 2948
fewer than six members of the board establishing any of the 2949
following: 2950

(a) Commission of any act of sexual misconduct with a 2951
patient or key third party; 2952

(b) Drug or alcohol abuse directly resulting in patient 2953
harm, or that impairs the ability of the practitioner to 2954
practice safely; 2955

(c) Criminal conviction directly resulting in harm to 2956
patient health; 2957

(d) Inappropriate prescribing directly resulting in 2958
patient harm. 2959

(2) A statement of issues alleged that the practitioner 2960
committed any of the acts described in divisions (C) (1) (a) 2961
through (d) and, notwithstanding a lack of admission of guilt, a 2962
consent agreement ratified by an affirmative vote of not fewer 2963
than six members of the board includes express acknowledgement 2964
that the disclosure requirements of this section would serve to 2965
protect the public interest. 2966

(D) Written disclosure as described in this section is not 2967
required in the following circumstances: 2968

(1) The patient is unconscious or otherwise unable to 2969
comprehend the disclosure and sign it, and a guardian or a key 2970
third party is unavailable to comprehend and sign it; 2971

(2) The direct patient interaction occurs in an emergency 2972
department or otherwise occurs as an immediate result of a 2973
medical emergency; 2974

(3) The practitioner does not have a direct treatment 2975
relationship with the patient and does not have direct contact 2976
or direct communication with the patient. 2977

(E) The board shall provide the following information 2978
regarding practitioners on probation and those practicing under 2979
probationary status, in plain view on a practitioner's profile 2980
page on the board's internet web site: 2981

(1) Formal action documents detailing the citation, 2982
reports and recommendations, board order, and consent agreement; 2983

(2) The length of the probation and the end date; 2984

(3) Practice restrictions placed on the practitioner by 2985
the board. 2986

(F) The board shall provide a sample probation disclosure 2987
letter on its internet web site to be used by practitioners to 2988
comply with this section." 2989

Delete lines 2824 through 2987 2990

After line 2987, insert: 2991

"Sec. 4731.25. (A) As used in this section and in 2992
sections 4731.251 to 4731.255 of the Revised Code: 2993

(1) "Applicant" means an individual who has applied under 2994
Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4772., 4774., 2995
or 4778. of the Revised Code for a license, training or other 2996
certificate, limited permit, or other authority to practice as 2997
any one of the following practitioners: a physician assistant, 2998

physician, podiatrist, limited branch of medicine practitioner, 2999
dietitian, anesthesiologist assistant, respiratory care 3000
professional, advanced practice respiratory therapist, 3001
acupuncturist, certified mental health assistant, radiologist 3002
assistant, or genetic counselor. "Applicant" may include an 3003
individual who has been granted authority by the state medical 3004
board to practice as one type of practitioner, but has applied 3005
for authority to practice as another type of practitioner. 3006

(2) "Impaired" or "impairment" means either or both of the 3007
following: 3008

(a) Impairment of ability to practice as described in 3009
division (B) (5) of section 4730.25, division (B) (26) of section 3010
4731.22, division (A) (18) of section 4759.07, division (B) (6) of 3011
section 4760.13, division (A) (18) of section 4761.09, division 3012
(B) (6) of section 4762.13, division (B) (6) of section 4772.20, 3013
division (B) (6) of section 4774.13, or division (B) (6) of 3014
section 4778.14 of the Revised Code; 3015

(b) Inability to practice as described in division (B) (4) 3016
of section 4730.25, division (B) (19) of section 4731.22, 3017
division (A) (14) of section 4759.07, division (B) (5) of section 3018
4760.13, division (A) (14) of section 4761.09, division (B) (5) of 3019
section 4762.13, division (B) (5) of section 4774.13, or division 3020
(B) (5) of section 4778.14 of the Revised Code. 3021

(3) "Practitioner" means any of the following: 3022

(a) An individual authorized under this chapter to 3023
practice medicine and surgery, osteopathic medicine and surgery, 3024
podiatric medicine and surgery, or a limited branch of medicine; 3025

(b) An individual licensed under Chapter 4730. of the 3026
Revised Code to practice as a physician assistant; 3027

(c) An individual authorized under Chapter 4759. of the	3028
Revised Code to practice as a dietitian;	3029
(d) An individual authorized under Chapter 4760. of the	3030
Revised Code to practice as an anesthesiologist assistant;	3031
(e) An individual authorized under Chapter 4761. of the	3032
Revised Code to practice respiratory care <u>or to practice as an</u>	3033
<u>advanced practice respiratory therapist;</u>	3034
(f) An individual licensed under Chapter 4762. of the	3035
Revised Code to practice as an acupuncturist;	3036
(g) An individual licensed under Chapter 4772. of the	3037
Revised Code to practice as a certified mental health assistant;	3038
(h) An individual licensed under Chapter 4774. of the	3039
Revised Code to practice as a radiologist assistant;	3040
(i) An individual licensed under Chapter 4778. of the	3041
Revised Code to practice as a genetic counselor.	3042
(B) The state medical board shall establish a	3043
confidential, nondisciplinary program for the evaluation and	3044
treatment of practitioners and applicants who are, or may be,	3045
impaired and also meet the eligibility conditions described in	3046
section 4731.252 or 4731.253 of the Revised Code. The program	3047
shall be known as the confidential monitoring program.	3048
The board shall contract with a monitoring organization to	3049
conduct the program and perform monitoring services. To be	3050
qualified to contract with the board, an organization shall meet	3051
all of the following requirements:	3052
(1) Be a professionals health program sponsored by one or	3053
more professional associations or societies of practitioners;	3054

(2) Be organized as a not-for-profit entity and exempt	3055
from federal income taxation under subsection 501(c)(3) of the	3056
Internal Revenue Code;	3057
(3) Contract with or employ a medical director who is	3058
authorized under this chapter to practice medicine and surgery	3059
or osteopathic medicine and surgery and specializes or has	3060
training and expertise in addiction medicine;	3061
(4) Contract with or employ licensed health care	3062
professionals necessary for the organization's operation.	3063
(C) The monitoring organization shall do all of the	3064
following pursuant to the contract:	3065
(1) Receive from the board a referral regarding an	3066
applicant or receive any report of suspected practitioner	3067
impairment from any source, including from the board;	3068
(2) Notify a practitioner who is the subject of a report	3069
received under division (C)(1) of this section that the report	3070
has been made and that the practitioner may be eligible to	3071
participate in the program conducted under this section;	3072
(3) Provide a practitioner who is the subject of a report	3073
received under division (C)(1) of this section with the list of	3074
approved evaluators and treatment providers prepared and updated	3075
as described in section 4731.251 of the Revised Code;	3076
(4) Determine whether a practitioner reported or applicant	3077
referred to the monitoring organization is eligible to	3078
participate in the program, which in the case of an applicant	3079
may include evaluating records as described in division (E)(1)	3080
(d) of this section, and notify the practitioner or applicant of	3081
the determination;	3082

(5) In the case of a practitioner reported by a treatment provider, notify the treatment provider of the eligibility determination;	3083 3084 3085
(6) Report to the board any practitioner or applicant who is determined ineligible to participate in the program;	3086 3087
(7) Refer an eligible practitioner who chooses to participate in the program for evaluation by an evaluator approved by the monitoring organization, unless the report received by the monitoring organization was made by an approved evaluator and the practitioner has already been evaluated;	3088 3089 3090 3091 3092
(8) Monitor the evaluation of an eligible practitioner;	3093
(9) Refer an eligible practitioner who chooses to participate in the program to a treatment provider approved by the monitoring organization;	3094 3095 3096
(10) Establish, in consultation with the treatment provider to which a practitioner is referred, the terms and conditions with which the practitioner must comply for continued participation in and successful completion of the program;	3097 3098 3099 3100
(11) Report to the board any practitioner who does not complete evaluation or treatment or does not comply with any of the terms and conditions established by the monitoring organization and the treatment provider;	3101 3102 3103 3104
(12) Perform any other activities specified in the contract with the board or that the monitoring organization considers necessary to comply with this section and sections 4731.251 to 4731.255 of the Revised Code.	3105 3106 3107 3108
(D) The monitoring organization shall not disclose to the board the name of a practitioner or applicant or any records	3109 3110

relating to a practitioner or applicant, unless any of the	3111
following occurs:	3112
(1) The practitioner or applicant is determined to be	3113
ineligible to participate in the program.	3114
(2) The practitioner or applicant requests the disclosure.	3115
(3) The practitioner or applicant is unwilling or unable	3116
to complete or comply with any part of the program, including	3117
evaluation, treatment, or monitoring.	3118
(4) The practitioner or applicant presents an imminent	3119
danger to oneself or the public, as a result of the	3120
practitioner's or applicant's impairment.	3121
(5) The practitioner's impairment has not been	3122
substantially alleviated by participation in the program.	3123
(E) (1) The monitoring organization shall develop	3124
procedures governing each of the following:	3125
(a) Receiving reports of practitioner impairment;	3126
(b) Notifying practitioners of reports and eligibility	3127
determinations;	3128
(c) Receiving applicant referrals as described in section	3129
4731.253 of the Revised Code;	3130
(d) Evaluating records of referred applicants, in	3131
particular records from other jurisdictions regarding prior	3132
treatment for impairment or current or continued monitoring;	3133
(e) Notifying applicants of eligibility determinations;	3134
(f) Referring eligible practitioners for evaluation or	3135
treatment;	3136

(g) Establishing individualized treatment plans for	3137
eligible practitioners, as recommended by treatment providers;	3138
(h) Establishing individualized terms and conditions with	3139
which eligible practitioners or applicants must comply for	3140
continued participation in and successful completion of the	3141
program.	3142
(2) The monitoring organization, in consultation with the	3143
board, shall develop procedures governing each of the following:	3144
(a) Providing reports to the board on a periodic basis on	3145
the total number of practitioners or applicants participating in	3146
the program, without disclosing the names or records of any	3147
program participants other than those about whom reports are	3148
required by this section;	3149
(b) Reporting to the board any practitioner or applicant	3150
who due to impairment presents an imminent danger to oneself or	3151
the public;	3152
(c) Reporting to the board any practitioner or applicant	3153
who is unwilling or unable to complete or comply with any part	3154
of the program, including evaluation, treatment, or monitoring;	3155
(d) Reporting to the board any practitioner or applicant	3156
whose impairment was not substantially alleviated by	3157
participation in the program."	3158
Delete lines 2988 through 3156	3159
After line 3156, insert:	3160
"Sec. 4743.09. (A) As used in this section:	3161
(1) "Durable medical equipment" means a type of equipment,	3162
such as a remote monitoring device utilized by a physician,	3163

physician assistant, or advanced practice registered nurse in 3164
accordance with this section, that can withstand repeated use, 3165
is primarily and customarily used to serve a medical purpose, 3166
and generally is not useful to a person in the absence of 3167
illness or injury and, in addition, includes repair and 3168
replacement parts for the equipment. 3169

(2) "Facility fee" means any fee charged or billed for 3170
telehealth services provided in a facility that is intended to 3171
compensate the facility for its operational expenses and is 3172
separate and distinct from a professional fee. 3173

(3) "Health care professional" means: 3174

(a) An advanced practice registered nurse, as defined in 3175
section 4723.01 of the Revised Code; 3176

(b) An optometrist licensed under Chapter 4725. of the 3177
Revised Code to practice optometry; 3178

(c) A pharmacist licensed under Chapter 4729. of the 3179
Revised Code; 3180

(d) A physician assistant licensed under Chapter 4730. of 3181
the Revised Code; 3182

(e) A physician licensed under Chapter 4731. of the 3183
Revised Code to practice medicine and surgery, osteopathic 3184
medicine and surgery, or podiatric medicine and surgery; 3185

(f) A psychologist, independent school psychologist, or 3186
school psychologist licensed under Chapter 4732. of the Revised 3187
Code; 3188

(g) A chiropractor licensed under Chapter 4734. of the 3189
Revised Code; 3190

(h) An audiologist or speech-language pathologist licensed under Chapter 4753. of the Revised Code;	3191 3192
(i) An occupational therapist or physical therapist licensed under Chapter 4755. of the Revised Code;	3193 3194
(j) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code;	3195 3196 3197
(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;	3198 3199 3200 3201
(l) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;	3202 3203
(m) A dietitian licensed under Chapter 4759. of the Revised Code;	3204 3205
(n) A respiratory care professional <u>or advanced practice respiratory therapist</u> licensed under Chapter 4761. of the Revised Code;	3206 3207 3208
(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	3209 3210
(p) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code;	3211 3212
(q) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.	3213 3214
(4) "Health care professional licensing board" means any of the following:	3215 3216
(a) The board of nursing;	3217

(b) The state vision professionals board;	3218
(c) The state board of pharmacy;	3219
(d) The state medical board;	3220
(e) The state board of psychology;	3221
(f) The state chiropractic board;	3222
(g) The state speech and hearing professionals board;	3223
(h) The Ohio occupational therapy, physical therapy, and athletic trainers board;	3224 3225
(i) The counselor, social worker, and marriage and family therapist board;	3226 3227
(j) The chemical dependency professionals board.	3228
(5) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.	3229 3230
(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:	3231 3232 3233 3234 3235
(a) The patient receiving the services;	3236
(b) Another health care professional with whom the provider of the services is consulting regarding the patient.	3237 3238
(B) (1) Each health care professional licensing board shall permit a health care professional under its jurisdiction to provide the professional's services as telehealth services in accordance with this section. Subject to division (B) (2) of this section, a board may adopt any rules it considers necessary to	3239 3240 3241 3242 3243

implement this section. All rules adopted under this section 3244
shall be adopted in accordance with Chapter 119. of the Revised 3245
Code. Any such rules adopted by a board are not subject to the 3246
requirements of division (F) of section 121.95 of the Revised 3247
Code. 3248

(2) (a) Except as provided in division (B) (2) (b) of this 3249
section, the rules adopted by a health care professional 3250
licensing board under this section shall establish a standard of 3251
care for telehealth services that is equal to the standard of 3252
care for in-person services. 3253

(b) Subject to division (B) (2) (c) of this section, a board 3254
may require an initial in-person visit prior to prescribing a 3255
schedule II controlled substance to a new patient, equivalent to 3256
applicable state and federal requirements. 3257

(c) (i) A board shall not require an initial in-person 3258
visit for a new patient whose medical record indicates that the 3259
patient is receiving hospice or palliative care, who is 3260
receiving medication-assisted treatment or any other medication 3261
for opioid-use disorder, who is a patient with a mental health 3262
condition, or who, as determined by the clinical judgment of a 3263
health care professional, is in an emergency situation. 3264

(ii) Notwithstanding division (B) of section 3796.01 of 3265
the Revised Code, medical marijuana shall not be considered a 3266
schedule II controlled substance. 3267

(C) With respect to the provision of telehealth services, 3268
all of the following apply: 3269

(1) A health care professional may use synchronous or 3270
asynchronous technology to provide telehealth services to a 3271
patient during an initial visit if the appropriate standard of 3272

care for an initial visit is satisfied.	3273
(2) A health care professional may deny a patient	3274
telehealth services and, instead, require the patient to undergo	3275
an in-person visit.	3276
(3) When providing telehealth services in accordance with	3277
this section, a health care professional shall comply with all	3278
requirements under state and federal law regarding the	3279
protection of patient information. A health care professional	3280
shall ensure that any username or password information and any	3281
electronic communications between the professional and a patient	3282
are securely transmitted and stored.	3283
(4) A health care professional may use synchronous or	3284
asynchronous technology to provide telehealth services to a	3285
patient during an annual visit if the appropriate standard of	3286
care for an annual visit is satisfied.	3287
(5) In the case of a health care professional who is a	3288
physician, physician assistant, or advanced practice registered	3289
nurse, both of the following apply:	3290
(a) The professional may provide telehealth services to a	3291
patient located outside of this state if permitted by the laws	3292
of the state in which the patient is located.	3293
(b) The professional may provide telehealth services	3294
through the use of medical devices that enable remote	3295
monitoring, including such activities as monitoring a patient's	3296
blood pressure, heart rate, or glucose level.	3297
(D) When a patient has consented to receiving telehealth	3298
services, the health care professional who provides those	3299
services is not liable in damages under any claim made on the	3300

basis that the services do not meet the same standard of care 3301
that would apply if the services were provided in-person. 3302

(E) (1) A health care professional providing telehealth 3303
services shall not charge a patient or a health plan issuer 3304
covering telehealth services under section 3902.30 of the 3305
Revised Code any of the following: a facility fee, an 3306
origination fee, or any fee associated with the cost of the 3307
equipment used at the provider site to provide telehealth 3308
services. 3309

A health care professional providing telehealth services 3310
may charge a health plan issuer for durable medical equipment 3311
used at a patient or client site. 3312

(2) A health care professional may negotiate with a health 3313
plan issuer to establish a reimbursement rate for fees 3314
associated with the administrative costs incurred in providing 3315
telehealth services as long as a patient is not responsible for 3316
any portion of the fee. 3317

(3) A health care professional providing telehealth 3318
services shall obtain a patient's consent before billing for the 3319
cost of providing the services, but the requirement to do so 3320
applies only once. 3321

(F) Nothing in this section limits or otherwise affects 3322
any other provision of the Revised Code that requires a health 3323
care professional who is not a physician to practice under the 3324
supervision of, in collaboration with, in consultation with, or 3325
pursuant to the referral of another health care professional. 3326

(G) It is the intent of the general assembly, through the 3327
amendments to this section, to expand access to and investment 3328
in telehealth services in this state in congruence with the 3329

expansion and investment in telehealth services made during the	3330
COVID-19 pandemic."	3331
Delete lines 3845 through 4264	3332
After line 4264, insert:	3333
"Sec. 4761.09. (A) The state medical board, by an	3334
affirmative vote of not fewer than six members, shall, except as	3335
provided in division (B) of this section, and to the extent	3336
permitted by law, limit, revoke, or suspend an individual's	3337
license or limited permit, refuse to issue a license or limited	3338
permit to an individual, refuse to renew a license or limited	3339
permit, refuse to reinstate a license or limited permit, or	3340
reprimand or place on probation the holder of a license or	3341
limited permit for one or more of the following reasons:	3342
(1) A plea of guilty to, a judicial finding of guilt of,	3343
or a judicial finding of eligibility for intervention in lieu of	3344
conviction for, a felony;	3345
(2) Commission of an act that constitutes a felony in this	3346
state, regardless of the jurisdiction in which the act was	3347
committed;	3348
(3) A plea of guilty to, a judicial finding of guilt of,	3349
or a judicial finding of eligibility for intervention in lieu of	3350
conviction for, a misdemeanor committed in the course of	3351
practice;	3352
(4) Commission of an act in the course of practice that	3353
constitutes a misdemeanor in this state, regardless of the	3354
jurisdiction in which the act was committed;	3355
(5) A plea of guilty to, a judicial finding of guilt of,	3356
or a judicial finding of eligibility for intervention in lieu of	3357

conviction for, a misdemeanor involving moral turpitude; 3358

(6) Commission of an act involving moral turpitude that 3359
constitutes a misdemeanor in this state, regardless of the 3360
jurisdiction in which the act was committed; 3361

(7) Except when civil penalties are imposed under section 3362
4761.091 of the Revised Code, violating or attempting to 3363
violate, directly or indirectly, or assisting in or abetting the 3364
violation of, or conspiring to violate, any provision of this 3365
chapter or the rules adopted by the board; 3366

(8) Making a false, fraudulent, deceptive, or misleading 3367
statement in the soliciting or advertising for employment, in 3368
connection with any solicitation of or ~~advertising~~ advertisement 3369
for patients~~+~~, in relation to the practice of respiratory care~~+~~, 3370
or advanced practice respiratory care, or in securing or 3371
attempting to secure any license or permit issued by the board 3372
under this chapter. 3373

As used in division (A) (8) of this section, "false, 3374
fraudulent, deceptive, or misleading statement" means a 3375
statement that includes a misrepresentation of fact, is likely 3376
to mislead or deceive because of a failure to disclose material 3377
facts, is intended or is likely to create false or unjustified 3378
expectations of favorable results, or includes representations 3379
or implications that in reasonable probability will cause an 3380
ordinarily prudent person to misunderstand or be deceived. 3381

(9) Committing fraud during the administration of the 3382
examination for a license to practice or committing fraud, 3383
misrepresentation, or deception in applying for, renewing, or 3384
securing any license or permit issued by the board; 3385

(10) A departure from, or failure to conform to, minimal 3386

standards of care of similar practitioners under the same or	3387
similar circumstances, whether or not actual injury to a patient	3388
is established;	3389
(11) Violating the standards of ethical conduct adopted by	3390
the board, in the practice of respiratory care <u>or advanced</u>	3391
<u>practice respiratory care;</u>	3392
(12) The obtaining of, or attempting to obtain, money or	3393
anything of value by fraudulent misrepresentations in the course	3394
of practice;	3395
(13) Violation of the conditions of limitation placed by	3396
the board upon a license or permit;	3397
(14) Inability to practice according to acceptable and	3398
prevailing standards of care by reason of mental illness or	3399
physical illness, including physical deterioration that	3400
adversely affects cognitive, motor, or perceptive skills;	3401
(15) Any of the following actions taken by an agency	3402
responsible for authorizing, certifying, or regulating an	3403
individual to practice a health care occupation or provide	3404
health care services in this state or another jurisdiction, for	3405
any reason other than the nonpayment of fees: the limitation,	3406
revocation, or suspension of an individual's license; acceptance	3407
of an individual's license surrender; denial of a license;	3408
refusal to renew or reinstate a license; imposition of	3409
probation; or issuance of an order of censure or other	3410
reprimand;	3411
(16) The revocation, suspension, restriction, reduction,	3412
or termination of practice privileges by the United States	3413
department of defense or department of veterans affairs;	3414

(17) Termination or suspension from participation in the 3415
medicare or medicaid programs by the department of health and 3416
human services or other responsible agency for any act or acts 3417
that also would constitute a violation of division (A) (10), 3418
(12), or (14) of this section; 3419

(18) Impairment of ability to practice according to 3420
acceptable and prevailing standards of care because of substance 3421
use disorder or excessive use or abuse of drugs, alcohol, or 3422
other substances that may impair ability to practice; 3423

(19) Failure to cooperate in an investigation conducted by 3424
the board under division (E) of section 4761.03 of the Revised 3425
Code, including failure to comply with a subpoena or order 3426
issued by the board or failure to answer truthfully a question 3427
presented by the board in an investigative interview, an 3428
investigative office conference, at a deposition, or in written 3429
interrogatories, except that failure to cooperate with an 3430
investigation shall not constitute grounds for discipline under 3431
this section if a court of competent jurisdiction has issued an 3432
order that either quashes a subpoena or permits the individual 3433
to withhold the testimony or evidence in issue; 3434

(20) Practicing in an area of respiratory care or advanced 3435
practice respiratory care for which the person is clearly 3436
untrained or incompetent or practicing in a manner that 3437
conflicts with section 4761.17 or 4761.37 of the Revised Code; 3438

(21) Employing, directing, or supervising a person who is 3439
not authorized to practice respiratory care under this chapter 3440
in the performance of respiratory care procedures; 3441

(22) Misrepresenting educational attainments or authorized 3442
functions for the purpose of obtaining some benefit related to 3443

the practice of respiratory care <u>or advanced practice</u>	3444
<u>respiratory care;</u>	3445
(23) Assisting suicide as defined in section 3795.01 of	3446
the Revised Code;	3447
(24) Representing, with the purpose of obtaining	3448
compensation or other advantage as personal gain or for any	3449
other person, that an incurable disease or injury, or other	3450
incurable condition, can be permanently cured;	3451
(25) <u>Failure to comply with the requirements of this</u>	3452
<u>chapter, Chapter 4731. of the Revised Code, or any rules adopted</u>	3453
<u>by the board;</u>	3454
(26) <u>Violating or attempting to violate, directly or</u>	3455
<u>indirectly, or assisting in or abetting the violation of, or</u>	3456
<u>conspiring to violate, any provision of this chapter, Chapter</u>	3457
<u>4731. of the Revised Code, or the rules adopted by the board;</u>	3458
(27) <u>Failure to practice in accordance with the</u>	3459
<u>supervising physician's supervision agreement with the advanced</u>	3460
<u>practice respiratory therapist, including the policies of the</u>	3461
<u>health care facility in which the supervising physician and</u>	3462
<u>advanced practice respiratory therapist are practicing;</u>	3463
(28) <u>Administering drugs for purposes other than those</u>	3464
<u>authorized under this chapter;</u>	3465
(29) <u>A plea of guilty to, a judicial finding of guilt of,</u>	3466
<u>or a judicial finding of eligibility for intervention in lieu of</u>	3467
<u>conviction for violating any state or federal law regulating the</u>	3468
<u>possession, distribution, or use of any drug, including</u>	3469
<u>trafficking in drugs;</u>	3470
(30) <u>Willfully betraying a professional confidence;</u>	3471

(31) Failure to use universal blood and body fluid 3472
precautions established by rules adopted under section 4731.051 3473
of the Revised Code; 3474

(32) Having the individual's qualification to practice 3475
advanced practice respiratory care from an organization that is 3476
recognized by the board expire, lapse, or otherwise fail to be 3477
active. 3478

Disciplinary actions taken by the board under division (A) 3479
of this section shall be taken pursuant to an adjudication under 3480
Chapter 119. of the Revised Code, except that in lieu of an 3481
adjudication, the board may enter into a consent agreement with 3482
an individual to resolve an allegation of a violation of this 3483
chapter or any rule adopted under it. A consent agreement, when 3484
ratified by an affirmative vote of not fewer than six members of 3485
the board, shall constitute the findings and order of the board 3486
with respect to the matter addressed in the agreement. If the 3487
board refuses to ratify a consent agreement, the admissions and 3488
findings contained in the consent agreement shall be of no 3489
effect. 3490

A telephone conference call may be utilized for 3491
ratification of a consent agreement that revokes or suspends an 3492
individual's license or permit. The telephone conference call 3493
shall be considered a special meeting under division (F) of 3494
section 121.22 of the Revised Code. 3495

(B) The board shall not refuse to issue a license or 3496
limited permit to an applicant because of a plea of guilty to, a 3497
judicial finding of guilt of, or a judicial finding of 3498
eligibility for intervention in lieu of conviction for an 3499
offense unless the refusal is in accordance with section 9.79 of 3500
the Revised Code. 3501

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

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

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

(F) In enforcing division (A) (14) of this section, the board, upon a showing of a possible violation, shall refer any individual authorized to practice by this chapter or who has submitted an application pursuant to this chapter to the

monitoring organization that conducts the confidential 3532
monitoring program established under section 4731.25 of the 3533
Revised Code. The board also may compel the individual to submit 3534
to a mental examination, physical examination, including an HIV 3535
test, or both a mental and a physical examination. The expense 3536
of the examination is the responsibility of the individual 3537
compelled to be examined. Failure to submit to a mental or 3538
physical examination or consent to an HIV test ordered by the 3539
board constitutes an admission of the allegations against the 3540
individual unless the failure is due to circumstances beyond the 3541
individual's control, and a default and final order may be 3542
entered without the taking of testimony or presentation of 3543
evidence. If the board finds an individual unable to practice 3544
because of the reasons set forth in division (A)(14) of this 3545
section, the board shall require the individual to submit to 3546
care, counseling, or treatment by physicians approved or 3547
designated by the board, as a condition for initial, continued, 3548
reinstated, or renewed authority to practice. An individual 3549
affected under this division shall be afforded an opportunity to 3550
demonstrate to the board the ability to resume practice in 3551
compliance with acceptable and prevailing standards under the 3552
provisions of the individual's license or permit. For the 3553
purpose of division (A)(14) of this section, any individual who 3554
applies for or receives a license or permit to practice under 3555
this chapter accepts the privilege of practicing in this state 3556
and, by so doing, shall be deemed to have given consent to 3557
submit to a mental or physical examination when directed to do 3558
so in writing by the board, and to have waived all objections to 3559
the admissibility of testimony or examination reports that 3560
constitute a privileged communication. 3561

(G) For the purposes of division (A)(18) of this section, 3562

any individual authorized to practice by this chapter accepts 3563
the privilege of practicing in this state subject to supervision 3564
by the board. By filing an application for or holding a license 3565
or permit under this chapter, an individual shall be deemed to 3566
have given consent to submit to a mental or physical examination 3567
when ordered to do so by the board in writing, and to have 3568
waived all objections to the admissibility of testimony or 3569
examination reports that constitute privileged communications. 3570

If it has reason to believe that any individual authorized 3571
to practice by this chapter or any applicant for a license or 3572
permit suffers such impairment, the board shall refer the 3573
individual to the monitoring organization that conducts the 3574
confidential monitoring program established under section 3575
4731.25 of the Revised Code. The board also may compel the 3576
individual to submit to a mental or physical examination, or 3577
both. The expense of the examination is the responsibility of 3578
the individual compelled to be examined. Any mental or physical 3579
examination required under this division shall be undertaken by 3580
a treatment provider or physician who is qualified to conduct 3581
the examination and who is approved under section 4731.251 of 3582
the Revised Code. 3583

Failure to submit to a mental or physical examination 3584
ordered by the board constitutes an admission of the allegations 3585
against the individual unless the failure is due to 3586
circumstances beyond the individual's control, and a default and 3587
final order may be entered without the taking of testimony or 3588
presentation of evidence. If the board determines that the 3589
individual's ability to practice is impaired, the board shall 3590
suspend the individual's license or permit or deny the 3591
individual's application and shall require the individual, as a 3592
condition for an initial, continued, reinstated, or renewed 3593

license or permit, to submit to treatment. 3594

Before being eligible to apply for reinstatement of a 3595
license or permit suspended under this division, the impaired 3596
practitioner shall demonstrate to the board the ability to 3597
resume practice in compliance with acceptable and prevailing 3598
standards of care under the provisions of the practitioner's 3599
license or permit. The demonstration shall include, but shall 3600
not be limited to, the following: 3601

(1) Certification from a treatment provider approved under 3602
section 4731.251 of the Revised Code that the individual has 3603
successfully completed any required inpatient treatment; 3604

(2) Evidence of continuing full compliance with an 3605
aftercare contract or consent agreement; 3606

(3) Two written reports indicating that the individual's 3607
ability to practice has been assessed and that the individual 3608
has been found capable of practicing according to acceptable and 3609
prevailing standards of care. The reports shall be made by 3610
individuals or providers approved by the board for making the 3611
assessments and shall describe the basis for their 3612
determination. 3613

The board may reinstate a license or permit suspended 3614
under this division after that demonstration and after the 3615
individual has entered into a written consent agreement. 3616

When the impaired practitioner resumes practice, the board 3617
shall require continued monitoring of the individual. The 3618
monitoring shall include, but not be limited to, compliance with 3619
the written consent agreement entered into before reinstatement 3620
or with conditions imposed by board order after a hearing, and, 3621
upon termination of the consent agreement, submission to the 3622

board for at least two years of annual written progress reports 3623
made under penalty of perjury stating whether the individual has 3624
maintained sobriety. 3625

(H) (1) If either of the following circumstances occur, the 3626
secretary and supervising member may recommend that the board 3627
suspend an individual's license or permit without a prior 3628
hearing: 3629

(a) The secretary and supervising member determine both of 3630
the following: 3631

(i) That there is clear and convincing evidence that an 3632
individual has violated division (A) of this section; 3633

(ii) That the individual's continued practice presents a 3634
danger of immediate and serious harm to the public. 3635

(b) The board receives verifiable information that a 3636
licensee has been charged in any state or federal court for a 3637
crime classified as a felony under the charging court's law and 3638
the conduct charged constitutes a violation of division (A) of 3639
this section. 3640

(2) If a recommendation is made to suspend without a prior 3641
hearing pursuant to division (H) (1) of this section, written 3642
allegations shall be prepared for consideration by the board. 3643
The board, upon review of those allegations and by an 3644
affirmative vote of not fewer than six of its members, excluding 3645
the secretary and supervising member, may suspend a license or 3646
permit without a prior hearing. A telephone conference call may 3647
be utilized for reviewing the allegations and taking the vote on 3648
the summary suspension. 3649

The board shall serve a written order of suspension in 3650

accordance with sections 119.05 and 119.07 of the Revised Code. 3651
If the individual subject to the summary suspension requests an 3652
adjudicatory hearing by the board, the date set for the hearing 3653
shall be within fifteen days, but not earlier than seven days, 3654
after the individual requests the hearing, unless otherwise 3655
agreed to by both the board and the individual. 3656

(3) Any summary suspension imposed under division (H) (2) 3657
of this section is not a final appealable order and is not an 3658
adjudication that may be appealed under section 119.12 of the 3659
Revised Code. The summary suspension shall remain in effect 3660
until a final adjudicative order issued by the board pursuant to 3661
this section and Chapter 119. of the Revised Code becomes 3662
effective. Once a final adjudicative order has been issued by 3663
the board, any party adversely affected by it may file an appeal 3664
in accordance with the requirements of Chapter 119. of the 3665
Revised Code. 3666

The board shall issue its final adjudicative order within 3667
seventy-five days after completion of its hearing. A failure to 3668
issue the order within seventy-five days shall result in 3669
dissolution of the summary suspension order but shall not 3670
invalidate any subsequent, final adjudicative order. 3671

(I) For purposes of divisions (A) (2), (4), and (6) of this 3672
section, the commission of the act may be established by a 3673
finding by the board, pursuant to an adjudication under Chapter 3674
119. of the Revised Code, that the individual committed the act. 3675
The board does not have jurisdiction under those divisions if 3676
the trial court renders a final judgment in the individual's 3677
favor and that judgment is based upon an adjudication on the 3678
merits. The board has jurisdiction under those divisions if the 3679
trial court issues an order of dismissal upon technical or 3680

procedural grounds. 3681

(J) The sealing or expungement of conviction records by 3682
any court shall have no effect upon a prior board order entered 3683
under this section or upon the board's jurisdiction to take 3684
action under this section if, based upon a plea of guilty, a 3685
judicial finding of guilt, or a judicial finding of eligibility 3686
for intervention in lieu of conviction, the board issued a 3687
notice of opportunity for a hearing prior to the court's order 3688
to seal or expunge the records. The board shall not be required 3689
to seal, destroy, redact, or otherwise modify its records to 3690
reflect the court's sealing or expungement of conviction 3691
records. 3692

(K) If the board takes action under division (A) (1), (3), 3693
or (5) of this section, and the judicial finding of guilt, 3694
guilty plea, or judicial finding of eligibility for intervention 3695
in lieu of conviction is overturned on appeal, upon exhaustion 3696
of the criminal appeal, a petition for reconsideration of the 3697
order may be filed with the board along with appropriate court 3698
documents. Upon receipt of a petition for reconsideration and 3699
supporting court documents, the board shall reinstate the 3700
individual's license or permit. The board may then hold an 3701
adjudication under Chapter 119. of the Revised Code to determine 3702
whether the individual committed the act in question. Notice of 3703
an opportunity for a hearing shall be given in accordance with 3704
Chapter 119. of the Revised Code. If the board finds, pursuant 3705
to an adjudication held under this division, that the individual 3706
committed the act or if no hearing is requested, the board may 3707
order any of the sanctions identified under division (A) of this 3708
section. 3709

(L) The license or permit issued to an individual under 3710

this chapter and the individual's practice in this state are 3711
automatically suspended as of the date the individual pleads 3712
guilty to, is found by a judge or jury to be guilty of, or is 3713
subject to a judicial finding of eligibility for intervention in 3714
lieu of conviction in this state or treatment or intervention in 3715
lieu of conviction in another jurisdiction for any of the 3716
following criminal offenses in this state or a substantially 3717
equivalent criminal offense in another jurisdiction: aggravated 3718
murder, murder, voluntary manslaughter, felonious assault, 3719
trafficking in persons, kidnapping, rape, sexual battery, gross 3720
sexual imposition, aggravated arson, aggravated robbery, or 3721
aggravated burglary. Continued practice after suspension shall 3722
be considered practicing without a license or permit. 3723

The board shall serve the individual subject to the 3724
suspension in accordance with sections 119.05 and 119.07 of the 3725
Revised Code. If an individual whose license or permit is 3726
automatically suspended under this division fails to make a 3727
timely request for an adjudication under Chapter 119. of the 3728
Revised Code, the board shall enter a final order permanently 3729
revoking the individual's license or permit. 3730

(M) Notwithstanding any other provision of the Revised 3731
Code, all of the following apply: 3732

(1) The surrender of a license or permit issued under this 3733
chapter shall not be effective unless or until accepted by the 3734
board. A telephone conference call may be utilized for 3735
acceptance of the surrender of an individual's license or 3736
permit. The telephone conference call shall be considered a 3737
special meeting under division (F) of section 121.22 of the 3738
Revised Code. Reinstatement of a license or permit surrendered 3739
to the board requires an affirmative vote of not fewer than six 3740

members of the board. 3741

(2) An application for a license or permit made under the 3742
provisions of this chapter may not be withdrawn without approval 3743
of the board. 3744

(3) Failure by an individual to renew a license or permit 3745
in accordance with this chapter does not remove or limit the 3746
board's jurisdiction to take any disciplinary action under this 3747
section against the individual. 3748

(4) The placement of an individual's license on retired 3749
status, as described in section 4761.062 of the Revised Code, 3750
does not remove or limit the board's jurisdiction to take any 3751
disciplinary action against the individual with regard to the 3752
license as it existed before being placed on retired status. 3753

(5) At the request of the board, a license or permit 3754
holder shall immediately surrender to the board a license or 3755
permit that the board has suspended, revoked, or permanently 3756
revoked." 3757

Delete lines 5126 through 5143 3758

After line 5143, insert: 3759

"Sec. 4761.99. Whoever violates division (A) of section 3760
4761.10 of the Revised Code is guilty of a minor misdemeanor on 3761
a first offense. On a second offense, the person is guilty of a 3762
misdemeanor of the fourth degree. On each subsequent offense, 3763
the person is guilty of a misdemeanor of the first degree. 3764

Whoever violates division (B) (2) or (C) of section 4761.14 3765
of the Revised Code is guilty of a misdemeanor of the fourth 3766
degree; on each subsequent offense, the person is guilty of a 3767
misdemeanor of the first degree. 3768

Whoever violates division ~~(E) (5)~~ (E) (6) of section 4761.03 3769
of the Revised Code is guilty of a misdemeanor of the first 3770
degree. 3771

Whoever violates section 4761.34 of the Revised Code is 3772
guilty of a misdemeanor of the first degree on a first offense. 3773
On each subsequent offense, the person is guilty of a felony of 3774
the fourth degree." 3775

Delete lines 5144 through 5160 3776

After line 5160, insert: 3777

"Sec. 4765.51. Nothing in this chapter prevents or 3778
restricts the practice, services, or activities of any 3779
registered nurse practicing within the scope of the registered 3780
nurse's practice. 3781

Nothing in this chapter prevents or restricts the 3782
practice, services, or activities of any physician assistant 3783
practicing in accordance with a supervision agreement entered 3784
into under section 4730.19 of the Revised Code, including, if 3785
applicable, the policies of the health care facility in which 3786
the physician assistant is practicing. 3787

Nothing in this chapter prevents or restricts the 3788
practice, services, or activities of any advanced practice 3789
respiratory therapist practicing in accordance with a 3790
supervision agreement entered into under section 4761.38 of the 3791
Revised Code, including the policies of the health care facility 3792
in which the advanced practice respiratory therapist is 3793
practicing. 3794

Nothing in this chapter prevents or restricts the 3795
practice, services, or activities of any certified mental health 3796

assistant practicing in accordance with a supervision agreement	3797
entered into under section 4772.10 of the Revised Code."	3798
Delete lines 5161 through 5221	3799
After line 5221, insert:	3800
"Sec. 4769.01. As used in this chapter:	3801
(A) "Medicare" means the program established by Title	3802
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42	3803
U.S.C.A. 301, as amended.	3804
(B) "Balance billing" means charging or collecting from a	3805
medicare beneficiary an amount in excess of the medicare	3806
reimbursement rate for medicare-covered services or supplies	3807
provided to a medicare beneficiary, except when medicare is the	3808
secondary insurer. When medicare is the secondary insurer, the	3809
health care practitioner may pursue full reimbursement under the	3810
terms and conditions of the primary coverage and, if applicable,	3811
the charge allowed under the terms and conditions of the	3812
appropriate provider contract, from the primary insurer, but the	3813
medicare beneficiary cannot be balance billed above the medicare	3814
reimbursement rate for a medicare-covered service or supply.	3815
"Balance billing" does not include charging or collecting	3816
deductibles or coinsurance required by the program.	3817
(C) "Health care practitioner" means all of the following:	3818
(1) A dentist or dental hygienist licensed under Chapter	3819
4715. of the Revised Code;	3820
(2) A registered or licensed practical nurse licensed	3821
under Chapter 4723. of the Revised Code;	3822
(3) An optometrist licensed under Chapter 4725. of the	3823
Revised Code;	3824

(4) A dispensing optician, <u>whether a</u> spectacle dispensing	3825
optician, or spectacle-contact lens dispensing optician,	3826
licensed under Chapter 4725. of the Revised Code;	3827
(5) A pharmacist licensed under Chapter 4729. of the	3828
Revised Code;	3829
(6) A physician authorized under Chapter 4731. of the	3830
Revised Code to practice medicine and surgery, osteopathic	3831
medicine and surgery, or pediatry <u>podiatric medicine and surgery</u> ;	3832
(7) A physician assistant authorized under Chapter 4730.	3833
of the Revised Code to practice as a physician assistant;	3834
(8) A practitioner of a limited branch of medicine issued	3835
a certificate under Chapter 4731. of the Revised Code;	3836
(9) A psychologist licensed under Chapter 4732. of the	3837
Revised Code;	3838
(10) A chiropractor licensed under Chapter 4734. of the	3839
Revised Code;	3840
(11) A hearing aid dealer or fitter licensed under Chapter	3841
4747. of the Revised Code;	3842
(12) A speech-language pathologist or audiologist licensed	3843
under Chapter 4753. of the Revised Code;	3844
(13) An occupational therapist or occupational therapy	3845
assistant licensed under Chapter 4755. of the Revised Code;	3846
(14) A physical therapist or physical therapy assistant	3847
licensed under Chapter 4755. of the Revised Code;	3848
(15) A licensed professional clinical counselor, licensed	3849
professional counselor, social worker, or independent social	3850
worker licensed, or a social work assistant registered, under	3851

Chapter 4757. of the Revised Code;	3852
(16) A dietitian licensed under Chapter 4759. of the	3853
Revised Code;	3854
(17) A respiratory care professional <u>or advanced practice</u>	3855
<u>respiratory therapist</u> licensed under Chapter 4761. of the	3856
Revised Code;	3857
(18) An emergency medical technician-basic, emergency	3858
medical technician-intermediate, or emergency medical	3859
technician-paramedic certified under Chapter 4765. of the	3860
Revised Code;	3861
(19) A certified mental health assistant licensed under	3862
Chapter 4772. of the Revised Code."	3863
Delete lines 5222 through 5350	3864
After line 5350, insert:	3865
"Sec. 5123.47. (A) As used in this section:	3866
(1) "In-home care" means the supportive services provided	3867
within the home of an individual with a developmental disability	3868
who receives funding for the services through a county board of	3869
developmental disabilities, including any recipient of	3870
residential services funded as home and community-based	3871
services, family support services provided under section 5126.11	3872
of the Revised Code, or supported living provided in accordance	3873
with sections 5126.41 to 5126.47 of the Revised Code. "In-home	3874
care" includes care that is provided outside an individual's	3875
home in places incidental to the home, and while traveling to	3876
places incidental to the home, except that "in-home care" does	3877
not include care provided in the facilities of a county board of	3878
developmental disabilities or care provided in schools.	3879

(2) "Parent" means either parent of a child, including an adoptive parent but not a foster parent.	3880 3881
(3) "Unlicensed in-home care worker" means an individual who provides in-home care on a self-employed basis and does not employ, either directly or through contract, another person to provide the in-home care, but who is not a health care professional.	3882 3883 3884 3885 3886
(4) "Health care professional" means any of the following:	3887
(a) A dentist who holds a valid license issued under Chapter 4715. of the Revised Code;	3888 3889
(b) A registered or licensed practical nurse who holds a valid license issued under Chapter 4723. of the Revised Code;	3890 3891
(c) An optometrist who holds a valid license issued under Chapter 4725. of the Revised Code;	3892 3893
(d) A pharmacist who holds a valid license issued under Chapter 4729. of the Revised Code;	3894 3895
(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;	3896 3897 3898 3899
(f) A physician assistant who holds a valid license issued under Chapter 4730. of the Revised Code;	3900 3901
(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;	3902 3903 3904 3905
(h) A respiratory care professional <u>or advanced practice</u>	3906

<u>respiratory therapist</u> who holds a valid license issued under	3907
Chapter 4761. of the Revised Code;	3908
(i) A certified mental health assistant who holds a valid	3909
license issued under Chapter 4772. of the Revised Code.	3910
(5) "Health care task" means a task that is prescribed,	3911
ordered, or otherwise directed by a health care professional	3912
acting within the scope of the professional's practice. "Health	3913
care task" includes the administration of medications.	3914
(B) Except as provided in division (F) of this section, a	3915
family member of an individual with a developmental disability	3916
may authorize an unlicensed in-home care worker to perform	3917
health care tasks as part of the in-home care the worker	3918
provides to the individual, if all of the following apply:	3919
(1) The family member is the primary supervisor of the	3920
care.	3921
(2) At the time the family member both authorizes the	3922
unlicensed in-home care worker to perform health care tasks and	3923
supervises the care provided to the individual, the family	3924
member is not acting as a paid provider for the individual.	3925
(3) The unlicensed in-home care worker has been selected	3926
by the family member or the individual receiving care and is	3927
under the direct supervision of the family member.	3928
(4) The health care task is completed in accordance with	3929
standard, written instructions.	3930
(5) Performance of the health care task requires no	3931
judgment based on specialized health care knowledge or	3932
expertise.	3933
(6) The outcome of the health care task is reasonably	3934

predictable.	3935
(7) Performance of the health care task requires no	3936
complex observation of the individual receiving the care.	3937
(8) Improper performance of the health care task will	3938
result in only minimal complications that are not life-	3939
threatening.	3940
(C) A family member who authorizes an unlicensed in-home	3941
care worker to perform health care tasks under this section	3942
shall do all of the following:	3943
(1) Obtain a prescription, if applicable, and written	3944
instructions from a health care professional for the care to be	3945
provided to the individual;	3946
(2) Authorize the unlicensed in-home care worker to	3947
provide the care by preparing a written document granting the	3948
authority;	3949
(3) Provide the unlicensed in-home care worker with	3950
appropriate training and written instructions in accordance with	3951
the instructions obtained from the health care professional;	3952
(4) Be available to communicate with the unlicensed in-	3953
home care worker either in person or by telecommunication while	3954
the in-home care worker performs a health care task.	3955
(D) Before an unlicensed in-home care worker may perform	3956
the health care tasks authorized by a family member under this	3957
section, the worker shall accept the written document described	3958
in division (C) (2) of this section granting the worker that	3959
authority.	3960
(E) A family member who authorizes an unlicensed in-home	3961
care worker to perform health care tasks retains full	3962

responsibility for the health and safety of the individual 3963
receiving the care and for ensuring that the worker provides the 3964
care appropriately and safely. No entity that funds or monitors 3965
the provision of in-home care may be held liable for the results 3966
of the care provided under this section by an unlicensed in-home 3967
care worker, including such entities as the county board of 3968
developmental disabilities and the department of developmental 3969
disabilities. 3970

An unlicensed in-home care worker who is authorized under 3971
this section by a family member to provide care to an individual 3972
may not be held liable for any injury caused in providing the 3973
care, unless the worker provides the care in a manner that is 3974
not in accordance with the training and instructions received or 3975
the worker acts in a manner that constitutes willful or wanton 3976
misconduct. 3977

(F) A county board of developmental disabilities may 3978
evaluate the authority granted by a family member under this 3979
section to an unlicensed in-home care worker at any time it 3980
considers necessary and shall evaluate the authority on receipt 3981
of a complaint. In evaluating the authority, the board shall use 3982
appropriately licensed health care professionals. 3983

If, after its evaluation, the board determines that a 3984
family member has acted in a manner that is inappropriate for 3985
the health and safety of the individual receiving the care, then 3986
all of the following apply: 3987

(1) The authorization granted by the family member to an 3988
unlicensed in-home care worker is void. 3989

(2) The family member may not authorize other unlicensed 3990
in-home care workers to provide the care. 3991

(3) The board shall authorize appropriately licensed or 3992
certified providers to instead perform the health care tasks. 3993

(4) The board shall provide the family member an 3994
opportunity to file a complaint under section 5126.06 of the 3995
Revised Code." 3996

Delete lines 5351 through 5457 3997

After line 5457, insert: 3998

"Sec. 5164.95. (A) As used in this section, "telehealth 3999
service" means a health care service delivered to a patient 4000
through the use of interactive audio, video, or other 4001
telecommunications or electronic technology from a site other 4002
than the site where the patient is located. 4003

(B) The department of medicaid shall establish standards 4004
for medicaid payments for health care services the department 4005
determines are appropriate to be covered by the medicaid program 4006
when provided as telehealth services. The standards shall be 4007
established in rules adopted under section 5164.02 of the 4008
Revised Code. 4009

In accordance with section 5162.021 of the Revised Code, 4010
the medicaid director shall adopt rules authorizing the 4011
directors of other state agencies to adopt rules regarding the 4012
medicaid coverage of telehealth services under programs 4013
administered by the other state agencies. Any such rules adopted 4014
by the medicaid director or the directors of other state 4015
agencies are not subject to the requirements of division (F) of 4016
section 121.95 of the Revised Code. 4017

(C) (1) To the extent permitted under rules adopted under 4018
section 5164.02 of the Revised Code and applicable federal law, 4019

the following practitioners are eligible to provide telehealth	4020
services covered pursuant to this section:	4021
(a) A physician licensed under Chapter 4731. of the	4022
Revised Code to practice medicine and surgery, osteopathic	4023
medicine and surgery, or podiatric medicine and surgery;	4024
(b) A psychologist, independent school psychologist, or	4025
school psychologist licensed under Chapter 4732. of the Revised	4026
Code;	4027
(c) A physician assistant licensed under Chapter 4730. of	4028
the Revised Code;	4029
(d) A clinical nurse specialist, certified nurse-midwife,	4030
or certified nurse practitioner licensed under Chapter 4723. of	4031
the Revised Code;	4032
(e) An independent social worker, independent marriage and	4033
family therapist, or professional clinical counselor licensed	4034
under Chapter 4757. of the Revised Code;	4035
(f) An independent chemical dependency counselor licensed	4036
under Chapter 4758. of the Revised Code;	4037
(g) A supervised practitioner or supervised trainee;	4038
(h) An audiologist or speech-language pathologist licensed	4039
under Chapter 4753. of the Revised Code;	4040
(i) An audiology aide or speech-language pathology aide,	4041
as defined in section 4753.072 of the Revised Code, or an	4042
individual holding a conditional license under section 4753.071	4043
of the Revised Code;	4044
(j) An occupational therapist or physical therapist	4045
licensed under Chapter 4755. of the Revised Code;	4046

(k) An occupational therapy assistant or physical	4047
therapist assistant licensed under Chapter 4755. of the Revised	4048
Code.	4049
(l) A dietitian licensed under Chapter 4759. of the	4050
Revised Code;	4051
(m) A chiropractor licensed under Chapter 4734. of the	4052
Revised Code;	4053
(n) A pharmacist licensed under Chapter 4729. of the	4054
Revised Code;	4055
(o) A genetic counselor licensed under Chapter 4778. of	4056
the Revised Code;	4057
(p) An optometrist licensed under Chapter 4725. of the	4058
Revised Code to practice optometry;	4059
(q) A respiratory care professional <u>or advanced practice</u>	4060
<u>respiratory therapist</u> licensed under Chapter 4761. of the	4061
Revised Code;	4062
(r) A certified Ohio behavior analyst certified under	4063
Chapter 4783. of the Revised Code;	4064
(s) A practitioner who provides services through a	4065
medicaid school program;	4066
(t) Subject to section 5119.368 of the Revised Code, a	4067
practitioner authorized to provide services and supports	4068
certified under section 5119.36 of the Revised Code through a	4069
community mental health services provider or community addiction	4070
services provider;	4071
(u) A certified mental health assistant licensed under	4072
Chapter 4772. of the Revised Code;	4073

(v) Any other practitioner the medicaid director considers	4074
eligible to provide telehealth services.	4075
(2) In accordance with division (B) of this section and to	4076
the extent permitted under rules adopted under section 5164.02	4077
of the Revised Code and applicable federal law, the following	4078
provider types are eligible to submit claims for medicaid	4079
payments for providing telehealth services:	4080
(a) Any practitioner described in division (C)(1) of this	4081
section, except for those described in divisions (C)(1)(g), (i),	4082
and (k) of this section;	4083
(b) A professional medical group;	4084
(c) A federally qualified health center or federally	4085
qualified health center look-alike, as defined in section	4086
3701.047 of the Revised Code;	4087
(d) A rural health clinic;	4088
(e) An ambulatory health care clinic;	4089
(f) An outpatient hospital;	4090
(g) A medicaid school program;	4091
(h) Subject to section 5119.368 of the Revised Code, a	4092
community mental health services provider or community addiction	4093
services provider that offers services and supports certified	4094
under section 5119.36 of the Revised Code;	4095
(i) Any other provider type the medicaid director	4096
considers eligible to submit the claims for payment.	4097
(D)(1) When providing telehealth services under this	4098
section, a practitioner shall comply with all requirements under	4099
state and federal law regarding the protection of patient	4100

information. A practitioner shall ensure that any username or 4101
password information and any electronic communications between 4102
the practitioner and a patient are securely transmitted and 4103
stored. 4104

(2) When providing telehealth services under this section, 4105
every practitioner site shall have access to the medical records 4106
of the patient at the time telehealth services are provided." 4107

Delete lines 5458 through 5481 4108

After line 5481, insert: 4109

"Sec. 5903.12. (A) As used in this section: 4110

"Continuing education" means continuing education required 4111
of a licensee by law and includes, but is not limited to, the 4112
continuing education required of licensees under sections 4113
3737.881, 3776.07, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4114
4723.24, 4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4115
4734.25, 4735.141, 4741.16, 4741.19, 4751.24, 4751.25, 4755.63, 4116
4757.33, 4759.06, 4761.06, 4761.49, 4763.07, and 4772.081 of the 4117
Revised Code. 4118

"Reporting period" means the period of time during which a 4119
licensee must complete the number of hours of continuing 4120
education required of the licensee by law. 4121

(B) A licensee may submit an application to a licensing 4122
agency, stating that the licensee requires an extension of the 4123
current reporting period because the licensee has served on 4124
active duty during the current or a prior reporting period. The 4125
licensee shall submit proper documentation certifying the active 4126
duty service and the length of that active duty service. Upon 4127
receiving the application and proper documentation, the 4128

licensing agency shall extend the current reporting period by an 4129
amount of time equal to the total number of months that the 4130
licensee spent on active duty during the current reporting 4131
period. For purposes of this division, any portion of a month 4132
served on active duty shall be considered one full month." 4133

In line 5483, delete ", 2929.42" 4134

In line 5484, after "4731.22" insert ", 4731.2210" 4135

Delete lines 5489 through 5500 4136

After line 5500, insert: 4137

"Section 3. The General Assembly, applying the principle 4138
stated in division (B) of section 1.52 of the Revised Code that 4139
amendments are to be harmonized if reasonably capable of 4140
simultaneous operation, finds that the following sections, 4141
presented in this act as composites of the sections as amended 4142
by the acts indicated, are the resulting versions of the 4143
sections in effect prior to the effective date of the sections 4144
as presented in this act: 4145

Section 2925.23 of the Revised Code as amended by both 4146
H.B. 29 and S.B. 95 of the 135th General Assembly. 4147

Section 3701.74 of the Revised Code as amended by both 4148
S.B. 95 and S.B. 196 of the 135th General Assembly. 4149

Section 3715.872 of the Revised Code as amended by both 4150
S.B. 95 and S.B. 196 of the 135th General Assembly." 4151

The motion was _____ agreed to.

<u>SYNOPSIS</u>	4152
Technical amendment - R.C. section updates	4153
R.C. 2305.234, 2925.01, 2925.23, 2925.55, 2925.56,	4154
3701.048, 3701.74, 3715.872, 3719.121, 3719.13, 3719.81,	4155
4729.01, 4729.51, 4731.22, 4731.2210, 4731.25, 4743.09, 4761.09,	4156
4761.99, 4765.51, 4769.01, 5123.47, 5164.95, and 5903.12	4157
Removes the bill's obsolete Revised Code sections and	4158
replaces them with their current versions (following changes	4159
made during the 135th General Assembly's lame duck session or as	4160
part of H.B. 96, the 136th General Assembly's main operating	4161
budget).	4162