

\_\_\_\_\_ 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
<b>"Sec. 2305.234. (A) As used in this section:</b>	7
(1) "Chiropractic claim," "medical claim," and "optometric claim" have the same meanings as in section 2305.113 of the Revised Code.	8
(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
(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, clinic, ambulatory surgical facility, office of a health care professional or associated group of health care professionals, training institution for health care professionals, a free clinic or other nonprofit shelter or health care facility as those terms are defined in section 3701.071 of the Revised Code, or any other place where medical, dental, or other health- related diagnosis, care, or treatment is provided to a person.	17 18 19 20 21 22 23 24
(5) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:	25 26 27
(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	28 29 30
(b) Advanced practice registered nurses, registered nurses, and licensed practical nurses licensed under Chapter 4723. of the Revised Code;	31 32 33
(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	34 35
(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	36 37
(e) Physical therapists, physical therapist assistants, occupational therapists, occupational therapy assistants, and athletic trainers licensed under Chapter 4755. of the Revised Code;	38 39 40 41
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	42 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 <u>podiatry</u> <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 assistants, and registered applicants, certified under that chapter;	72 73 74
(q) Certified mental health assistants licensed under Chapter 4772. of the Revised Code.	75 76
(6) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants, dental assistants, orderlies, aides, and individuals acting in similar capacities.	77 78 79 80 81 82 83
(7) "Indigent and uninsured person" means a person who meets both of the following requirements:	84 85
(a) Relative to being indigent, the person's income is not greater than two hundred per cent of the federal poverty line, as defined by the United States office of management and budget and revised in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, <del>except in any case in which division (A) (7) (b)</del> <del>(iii) of this section includes a person whose income is greater</del> <del>than two hundred per cent of the federal poverty line.</del>	86 87 88 89 90 91 92 93
(b) Relative to being uninsured, one of the following applies:	94 95
(i) The person is not 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.	96 97 98 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.	100 101 102 103 104 105 106
(iii) <del>Until June 30, 2019, the person is eligible for the medicaid program or is a medicaid recipient.</del>	107 108
(iv) <del>Except as provided in division (A) (7) (b) (iii) of this section, the</del> <u>The</u> person is not eligible for or a recipient, enrollee, or beneficiary of any governmental health care program.	109 110 111 112
(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.	113 114 115 116 117
(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.	118 119 120 121 122 123 124 125 126 127 128

(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.	129 130 131 132
(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.	133 134 135 136 137 138 139 140
(12) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	141 142
(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.	143 144 145 146 147 148 149 150
(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.	151 152 153 154 155 156 157 158

(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  
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nonprofit health care referral organization is not liable in  
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damages to any person or government entity in a tort or other  
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civil action, including an action on a medical, dental,  
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chiropractic, optometric, or other health-related claim, for  
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injury, death, or loss to person or property that allegedly  
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arises from an action or omission of the nonprofit health care  
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referral organization in referring indigent and uninsured  
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persons to, or arranging for the provision of, medical, dental,  
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or other health-related diagnosis, care, or treatment by a  
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health care professional described in division (B)(1) of this  
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section or a health care worker described in division (C) of  
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this section, unless the action or omission constitutes willful  
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or wanton misconduct.  
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(E) Subject to divisions (F) and (G)(3) of this section  
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and to the extent that the registration requirements of section  
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3701.071 of the Revised Code apply, a health care facility or  
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location associated with a health care professional described in  
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division (B)(1) of this section, a health care worker described  
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in division (C) of this section, or a nonprofit health care  
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referral organization described in division (D) of this section  
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is not liable in damages to any person or government entity in a  
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tort or other civil action, including an action on a medical,  
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dental, chiropractic, optometric, or other health-related claim,  
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for injury, death, or loss to person or property that allegedly  
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arises from an action or omission of the health care  
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professional or worker or nonprofit health care referral  
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organization relative to the medical, dental, or other health-  
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related diagnosis, care, or treatment provided to an indigent  
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and uninsured person on behalf of or at the health care facility  
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or location, unless the action or omission constitutes willful  
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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 law of this state or rule of an agency of this state.	307 308
(5) This section does not affect any legal responsibility of a health care facility or location to comply with any applicable law of this state, rule of an agency of this state, or local code, ordinance, or regulation that pertains to or regulates building, housing, air pollution, water pollution, sanitation, health, fire, zoning, or safety."	309 310 311 312 313 314
Delete lines 331 through 869	315
After line 869, insert:	316
<b>"Sec. 2925.01.</b> As used in this chapter:	317
(A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.	318 319 320 321 322 323 324
(B) "Drug of abuse" and "person with a drug dependency" have the same meanings as in section 3719.011 of the Revised Code.	325 326 327
(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.	328 329 330 331
(D) "Bulk amount" of a controlled substance means any of the following:	332 333
(1) For any compound, mixture, preparation, or substance	334

included in schedule I, schedule II, or schedule III, with the 335  
exception of any controlled substance analog, marihuana, 336  
cocaine, L.S.D., heroin, any fentanyl-related compound, and 337  
hashish and except as provided in division (D)(2), (5), or (6) 338  
of this section, whichever of the following is applicable: 339

(a) An amount equal to or exceeding ten grams or twenty- 340  
five unit doses of a compound, mixture, preparation, or 341  
substance that is or contains any amount of a schedule I opiate 342  
or opium derivative; 343

(b) An amount equal to or exceeding ten grams of a 344  
compound, mixture, preparation, or substance that is or contains 345  
any amount of raw or gum opium; 346

(c) An amount equal to or exceeding thirty grams or ten 347  
unit doses of a compound, mixture, preparation, or substance 348  
that is or contains any amount of a schedule I hallucinogen 349  
other than tetrahydrocannabinol or lysergic acid amide, or a 350  
schedule I stimulant or depressant; 351

(d) An amount equal to or exceeding twenty grams or five 352  
times the maximum daily dose in the usual dose range specified 353  
in a standard pharmaceutical reference manual of a compound, 354  
mixture, preparation, or substance that is or contains any 355  
amount of a schedule II opiate or opium derivative; 356

(e) An amount equal to or exceeding five grams or ten unit 357  
doses of a compound, mixture, preparation, or substance that is 358  
or contains any amount of phencyclidine; 359

(f) An amount equal to or exceeding one hundred twenty 360  
grams or thirty times the maximum daily dose in the usual dose 361  
range specified in a standard pharmaceutical reference manual of 362  
a compound, mixture, preparation, or substance that is or 363

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 dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid;	393 394 395 396
(6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in schedule III, schedule IV, or schedule V, if the defendant is charged with a violation of section 2925.11 of the Revised Code and the sentencing provisions set forth in divisions (C)(10)(b) and (C)(11) of that section will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for purposes of the violation is the amount specified in division (D)(1), (2), (3), (4), or (5) of this section for the other schedule III, IV, or V controlled substance that is combined with the fentanyl-related compound.	397 398 399 400 401 402 403 404 405 406 407 408
(E) "Unit dose" means an amount or unit of a compound, mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.	409 410 411 412 413
(F) "Cultivate" includes planting, watering, fertilizing, or tilling.	414 415
(G) "Drug abuse offense" means any of the following:	416
(1) A violation of division (A) of section 2913.02 that constitutes theft of drugs, or a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code;	417 418 419 420 421

(2) A violation of an existing or former law of this or any other state or of the United States that is substantially equivalent to any section listed in division (G) (1) of this section;	422 423 424 425
(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;	426 427 428 429 430 431 432
(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G) (1), (2), or (3) of this section.	433 434 435
(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.	436 437 438
(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following:	439 440
(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:	441 442 443 444 445 446
(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;	447 448 449 450

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

(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;	478 479 480 481
(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;	482 483 484 485
(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;	486 487 488
(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.	489 490 491 492 493
(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.	494 495 496 497 498 499 500
(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	501 502 503 504 505 506

the school is being conducted at the time a criminal offense is committed.	507
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(R) "School premises" means either of the following:	509
(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;	510
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(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a nonpublic school for which the director of education and workforce prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.	515
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(S) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.	526
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(T) "Disciplinary counsel" means the disciplinary counsel appointed by the board of commissioners on grievances and discipline of the supreme court under the Rules for the Government of the Bar of Ohio.	532
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(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.	536 537 538 539 540
(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.	541 542 543 544 545 546
(W) "Professionally licensed person" means any of the following:	547 548
(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;	549 550 551 552 553
(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	554 555 556
(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;	557 558 559
(4) A person licensed under Chapter 4707. of the Revised Code;	560 561
(5) A person who has been issued a barber's license, barber instructor's license, assistant barber instructor's	562 563

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

engineering or surveying under Chapter 4733. of the Revised Code;	621
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(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
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(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
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(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
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(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	645
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(30) A person licensed to practice as a speech-language	647

pathologist or audiologist under Chapter 4753. of the Revised Code;	648
	649
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	650
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(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	653
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(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	659
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(34) A person who has been issued a license or limited permit to practice respiratory therapy <u>or a license to practice as an advanced practice respiratory therapist</u> under Chapter 4761. of the Revised Code;	661
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(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	665
	666
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	667
	668
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules;	669
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(38) A person who has been issued a license to practice as a certified mental health assistant under Chapter 4772. of the Revised Code.	672
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	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;	678 679 680 681
(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.	682 683 684 685 686 687
(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:	689 690
(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.	691 692 693
(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.	696 697 698 699 700
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	701 702 703

(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. 704  
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(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. 711  
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(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code. 717  
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(EE) "Minor drug possession offense" means either of the following: 719  
720

(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996; 721  
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(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. 723  
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(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code. 726  
727

(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code. 728  
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(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public 730  
731

accommodation, business, amusement, or resort.	732
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	733 734 735 736 737
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	738 739
(KK) "Fentanyl-related compound" means any of the following:	740 741
(1) Fentanyl;	742
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2- phenylethyl)-4- (N-propanilido) piperidine);	743 744 745
(3) Alpha-methylthiofentanyl (N-[1-methyl-2- (2- thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	746 747
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- piperidinyl] -N-phenylpropanamide);	748 749
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N- phenylpropanamide);	750 751 752
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- piperidyl]-N- phenylpropanamide);	753 754
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2- (thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	755 756
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2- phenethyl)-4- piperidinyl]propanamide;	757 758

(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 acetylentanyl, furanylentanyl, valerylentanyl, butyrylentanyl, isobutyrylentanyl, 4-methoxybutyrylentanyl, para-fluorobutyrylentanyl, acrylentanyl, and ortho-fluorofentanyl:	767 768 769 770 771 772 773
(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.	778 779 780
(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	781 782 783
(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 <del>mental health and addiction</del>	851
<del>services behavioral health or a board of alcohol, drug</del>	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
<b>"Sec. 2925.23.</b> (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
(b) Nine grams within a period of thirty consecutive days.	986
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.	
(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
(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

(2) Division (C)(1) of this section does not apply to an 1014  
individual under eighteen years of age who purchases, receives, 1015  
or otherwise acquires a pseudoephedrine product or ephedrine 1016  
product from any of the following: 1017

(a) A licensed health professional authorized to prescribe 1018  
drugs or pharmacist who dispenses, sells, or otherwise provides 1019  
the pseudoephedrine product or ephedrine product to that 1020  
individual and whose conduct is in accordance with Chapter 1021  
3719., 4715., 4723., 4729., 4730., 4731., 4741., 4761., or 4772. 1022  
of the Revised Code; 1023

(b) A parent or guardian of that individual who provides 1024  
the pseudoephedrine product or ephedrine product to the 1025  
individual; 1026

(c) A person, as authorized by that individual's parent or 1027  
guardian, who dispenses, sells, or otherwise provides the 1028  
pseudoephedrine product or ephedrine product to the individual; 1029

(d) A retailer or terminal distributor of dangerous drugs 1030  
who provides the pseudoephedrine product or ephedrine product to 1031  
that individual if the individual is an employee of the retailer 1032  
or terminal distributor of dangerous drugs and the individual 1033  
receives or accepts from the retailer or terminal distributor of 1034  
dangerous drugs the pseudoephedrine product or ephedrine product 1035  
in a sealed container in connection with manufacturing, 1036  
warehousing, placement, stocking, bagging, loading, or unloading 1037  
of the product. 1038

(D) No individual under eighteen years of age shall 1039  
knowingly show or give false information concerning the 1040  
individual's name, age, or other identification for the purpose 1041  
of purchasing, receiving, or otherwise acquiring a 1042

pseudoephedrine product or ephedrine product.	1043
(E) No individual shall knowingly fail to comply with the requirements of division (B) of section 3715.051 of the Revised Code.	1044
	1045
	1046
(F) Whoever violates division (B) (1) of this section is guilty of unlawful purchase of a pseudoephedrine product or ephedrine product, a misdemeanor of the first degree.	1047
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	1049
(G) Whoever violates division (C) (1) of this section is guilty of underage purchase of a pseudoephedrine product or ephedrine product, a delinquent act that would be a misdemeanor of the fourth degree if it could be committed by an adult.	1050
	1051
	1052
	1053
(H) Whoever violates division (D) of this section is guilty of using false information to purchase a pseudoephedrine product or ephedrine product, a delinquent act that would be a misdemeanor of the first degree if it could be committed by an adult.	1054
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	1058
(I) Whoever violates division (E) of this section is guilty of improper purchase of a pseudoephedrine product or ephedrine product, a misdemeanor of the fourth degree."	1059
	1060
	1061
Delete lines 1082 through 1171	1062
After line 1171, insert:	1063
<b>"Sec. 2925.56. (A) (1) Except as provided in division (A) (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 knowingly sell, offer to sell, hold for sale, deliver, or otherwise provide to any individual an amount of pseudoephedrine product or ephedrine product that is greater than either of the following:</b>	1064
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	1066
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	1069
	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 (b) of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The maximum amounts do not apply to the product's overall weight.	
(2) (a) Division (A) (1) of this section does not apply to any quantity of pseudoephedrine product or ephedrine product dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs if 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.	1079 1080 1081 1082 1083 1084 1085 1086
(b) It is not a violation of division (A) (1) of this section for a retailer, terminal distributor of dangerous drugs, or employee of either to provide to an individual more than an amount of pseudoephedrine product or ephedrine product specified in division (A) (1) (a) or (b) of this section under either of the following circumstances:	1087 1088 1089 1090 1091 1092
(i) The individual is an employee of the retailer or terminal distributor of dangerous drugs, and the employee receives or accepts from the retailer, terminal distributor of dangerous drugs, or employee the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product;	1093 1094 1095 1096 1097 1098 1099

(ii) A stop-sale alert is generated after the submission 1100  
of information to the national precursor log exchange under the 1101  
conditions described in division (A) (2) of section 3715.052 of 1102  
the Revised Code. 1103

(B) (1) Except as provided in division (B) (2) of this 1104  
section, no retailer or terminal distributor of dangerous drugs 1105  
or an employee of a retailer or terminal distributor of 1106  
dangerous drugs shall sell, offer to sell, hold for sale, 1107  
deliver, or otherwise provide a pseudoephedrine product or 1108  
ephedrine product to an individual who is under eighteen years 1109  
of age. 1110

(2) Division (B) (1) of this section does not apply to any 1111  
of the following: 1112

(a) A licensed health professional authorized to prescribe 1113  
drugs or pharmacist who dispenses, sells, or otherwise provides 1114  
a pseudoephedrine product or ephedrine product to an individual 1115  
under eighteen years of age and whose conduct is in accordance 1116  
with Chapter 3719., 4715., 4723., 4729., 4730., 4731., 4741., 1117  
4761., or 4772. of the Revised Code; 1118

(b) A parent or guardian of an individual under eighteen 1119  
years of age who provides a pseudoephedrine product or ephedrine 1120  
product to the individual; 1121

(c) A person who, as authorized by the individual's parent 1122  
or guardian, dispenses, sells, or otherwise provides a 1123  
pseudoephedrine product or ephedrine product to an individual 1124  
under eighteen years of age; 1125

(d) The provision by a retailer, terminal distributor of 1126  
dangerous drugs, or employee of either of a pseudoephedrine 1127  
product or ephedrine product in a sealed container to an 1128

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

<b>"Sec. 3701.048. (A) As used in this section:</b>	1157
(1) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.	1158 1159 1160
(2) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	1161 1162
(3) "Drug," "dangerous drug," and "licensed health professional authorized to prescribe drugs" have the same meanings as in section 4729.01 of the Revised Code.	1163 1164 1165
(4) "Registered volunteer" has the same meaning as in section 5502.281 of the Revised Code.	1166 1167
(B) In consultation with the appropriate professional regulatory boards of this state, the director of health shall develop one or more protocols that authorize the following individuals to administer, deliver, or distribute drugs, other than schedule II and III controlled substances, during a period of time described in division (E) of this section, notwithstanding any statute or rule that otherwise prohibits or restricts the administration, delivery, or distribution of drugs by those individuals:	1168 1169 1170 1171 1172 1173 1174 1175 1176
(1) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	1177 1178 1179
(2) A physician assistant licensed under Chapter 4730. of the Revised Code;	1180 1181
(3) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	1182 1183
(4) A registered nurse licensed under Chapter 4723. of the	1184

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

(D) In consultation with the state board of pharmacy, the 1213  
director of health shall develop one or more protocols that 1214  
authorize pharmacists and pharmacy interns to dispense, during a 1215  
period of time described in division (E) of this section, 1216  
limited quantities of dangerous drugs, other than schedule II 1217  
and III controlled substances, without a written, oral, or 1218  
electronic prescription from a licensed health professional 1219  
authorized to prescribe drugs or without a record of a 1220  
prescription, notwithstanding any statute or rule that otherwise 1221  
prohibits or restricts the dispensing of drugs without a 1222  
prescription or record of a prescription. 1223

(E) On the governor's declaration of an emergency that 1224  
affects the public health, the director of health may issue an 1225  
order to implement one or more of the protocols developed 1226  
pursuant to division (B), (C), or (D) of this section. At a 1227  
minimum, the director's order shall identify the one or more 1228  
protocols to be implemented and the period of time during which 1229  
the one or more protocols are to be effective. 1230

(F) (1) An individual who administers, delivers, 1231  
distributes, or dispenses a drug or dangerous drug in accordance 1232  
with one or more of the protocols implemented under division (E) 1233  
of this section is not liable for damages in any civil action 1234  
unless the individual's acts or omissions in performing those 1235  
activities constitute willful or wanton misconduct. 1236

(2) An individual who administers, delivers, distributes, 1237  
or dispenses a drug or dangerous drug in accordance with one or 1238  
more of the protocols implemented under division (E) of this 1239  
section is not subject to criminal prosecution or professional 1240  
disciplinary action under any chapter in Title XLVII of the 1241  
Revised Code." 1242

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

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

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

section 5124.01 of the Revised Code.	1324
(8) "Medical record" means data in any form that pertains to a patient's medical history, diagnosis, prognosis, or medical condition and that is generated and maintained by a health care provider in the process of the patient's health care treatment.	1325 1326 1327 1328
(9) "Medical records company" means a person who stores, locates, or copies medical records for a health care provider, or is compensated for doing so by a health care provider, and charges a fee for providing medical records to a patient or patient's representative.	1329 1330 1331 1332 1333
(10) "Patient" means either of the following:	1334
(a) An individual who received health care treatment from a health care provider;	1335 1336
(b) A guardian, as defined in section 1337.11 of the Revised Code, of an individual described in division (A) (10) (a) of this section.	1337 1338 1339
(11) "Patient's personal representative" means a minor patient's parent or other person acting in loco parentis, a court-appointed guardian, or a person with durable power of attorney for health care for a patient, the executor or administrator of the patient's estate, or the person responsible for the patient's estate if it is not to be probated. "Patient's personal representative" does not include an insurer authorized under Title XXXIX of the Revised Code to do the business of sickness and accident insurance in this state, a health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code, or any other person not named in this division.	1340 1341 1342 1343 1344 1345 1346 1347 1348 1349 1350 1351

(12) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code.	1352 1353
(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.	1354 1355 1356 1357
(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.	1358 1359 1360
(15) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code.	1361 1362
(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	1363 1364 1365 1366 1367 1368 1369 1370 1371 1372 1373 1374 1375 1376 1377 1378 1379 1380 1381

social worker, social worker, independent marriage and family therapist, marriage and family therapist, or chiropractor who has treated the patient determines for clearly stated treatment reasons that disclosure of the requested record is likely to have an adverse effect on the patient, the health care provider shall provide the record to a physician, advanced practice registered nurse, psychologist, licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, marriage and family therapist, or chiropractor designated by the patient. The health care provider shall take reasonable steps to establish the identity of the person making the request to examine or obtain a copy of the patient's record.	1382 1383 1384 1385 1386 1387 1388 1389 1390 1391 1392 1393 1394
(C) If a health care provider fails to furnish a medical record as required by division (B) of this section, the patient, personal representative, or authorized person who requested the record may bring a civil action to enforce the patient's right of access to the record.	1395 1396 1397 1398 1399
(D) (1) This section does not apply to medical records whose release is covered by section 173.20 or 3721.13 of the Revised Code, by Chapter 1347., 5119., or 5122. of the Revised Code, by 42 C.F.R. part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records," or by 42 C.F.R. 483.10.	1400 1401 1402 1403 1404
(2) Nothing in this section is intended to supersede the confidentiality provisions of sections 2305.24, 2305.25, 2305.251, and 2305.252 of the Revised Code."	1405 1406 1407
Delete lines 1430 through 1495	1408
After line 1495, insert:	1409
<b>"Sec. 3715.872. (A) As used in this section, "health care</b>	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 or distributes drugs under the program shall not be subject to liability in tort or other civil action for injury, death, or loss to person or property, unless an action or omission of the pharmacy, hospital, or nonprofit clinic constitutes willful and wanton misconduct.	1439 1440 1441 1442 1443 1444
(3) A health care professional who accepts, dispenses, or personally furnishes drugs under the program on behalf of a pharmacy, hospital, or nonprofit clinic participating in the program, and the pharmacy, hospital, or nonprofit clinic that employs or otherwise uses the services of the health care professional, shall not be subject to liability in tort or other civil action for injury, death, or loss to person or property, unless an action or omission of the health care professional, pharmacy, hospital, or nonprofit clinic constitutes willful and wanton misconduct.	1445 1446 1447 1448 1449 1450 1451 1452 1453 1454
(4) The state board of pharmacy shall not be subject to liability in tort or other civil action for injury, death, or loss to person or property, unless an action or omission of the board constitutes willful and wanton misconduct.	1455 1456 1457 1458
(5) In addition to the civil immunity granted under division (B)(1) of this section, a pharmacy, drug manufacturer, health care facility, or other person or government entity that donates or gives drugs to the program, and any person or government entity that facilitates the donation or gift, shall not be subject to criminal prosecution for matters related to activities that it conducts or another party conducts under the program, unless an action or omission of the party that donates, gives, or facilitates the donation or gift of the drugs does not	1459 1460 1461 1462 1463 1464 1465 1466 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; 1585  
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(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. 1590  
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(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. 1596  
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1601

(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. 1602  
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(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." 1606  
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Delete lines 1618 through 1900 1609

After line 1900, insert: 1610

**"Sec. 4729.01.** As used in this chapter: 1611

(A) "Pharmacy," except when used in a context that refers 1612

to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing where the practice of pharmacy is conducted.	1613 1614 1615
(B) "Practice of pharmacy" means providing pharmacist care requiring specialized knowledge, judgment, and skill derived from the principles of biological, chemical, behavioral, social, pharmaceutical, and clinical sciences. As used in this division, "pharmacist care" includes the following:	1616 1617 1618 1619 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 therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances;	1624 1625 1626 1627 1628
(5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs;	1629 1630 1631
(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;	1632 1633 1634 1635 1636
(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	1637 1638 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 extent authorized by section 4729.41 of the Revised Code;	1642
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	1644
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	1646
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	1649
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	1651
(3) As an incident to research, teaching activities, or chemical analysis;	1653
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	1655
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:	1658
(a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer.	1663
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(b) A limited quantity of the drug is compounded and provided to the professional.	1668 1669
(c) The drug is compounded and provided to the professional as an occasional exception to the normal practice of dispensing drugs pursuant to patient-specific prescriptions.	1670 1671 1672
(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.	1673 1674
(E) "Drug" means:	1675
(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	1676 1677 1678 1679
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	1680 1681 1682
(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	1683 1684
(4) Any article intended for use as a component of any article specified in division (E) (1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.	1685 1686 1687 1688
"Drug" does not include "hemp" or a "hemp product" as those terms are defined in section 928.01 of the Revised Code.	1689 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 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is	1693 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;	1695 1696 1697 1698 1699
(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	1700 1701
(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;	1702 1703 1704
(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body;	1705 1706 1707
(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.	1708 1709
(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.	1710 1711
(H) "Prescription" means all of the following:	1712
(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;	1713 1714 1715 1716
(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;	1717 1718 1719 1720 1721 1722

(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) <u>A certified mental health assistant licensed under</u>	1770
<u>Chapter 4772. of the Revised Code who has been granted</u>	1771
<u>physician-delegated prescriptive authority by the physician</u>	1772
<u>supervising the certified mental health assistant.</u>	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 in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.	1780 1781 1782
(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.	1783 1784
(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility.	1785 1786 1787 1788 1789
(N) "Price information" means the price charged for a prescription for a particular drug product and, in an easily understandable manner, all of the following:	1790 1791 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 contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient. The established name and quantity of each active ingredient are required if such a relevant strength cannot be so associated with a drug product containing more than one ingredient.	1795 1796 1797 1798 1799 1800 1801 1802
(4) The dosage form;	1803
(5) The price charged for a specific quantity of the drug product. The stated price shall include all charges to the consumer, including, but not limited to, the cost of the drug product, professional fees, handling fees, if any, and a	1804 1805 1806 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, association, limited liability company, or corporation, the	1839
state, any political subdivision of the state, and any district,	1840
department, or agency of the state or its political	1841
subdivisions.	1842
(T) (1) "Animal shelter" means a facility operated by a humane society or any society organized under Chapter 1717. of	1843
the Revised Code or a dog pound operated pursuant to Chapter	1844
955. of the Revised Code.	1845
(2) "County dog warden" means a dog warden or deputy dog warden appointed or employed under section 955.12 of the Revised	1846
Code.	1847
(U) "Food" has the same meaning as in section 3715.01 of	1848
the Revised Code.	1849
(V) "Pain management clinic" has the same meaning as in	1850
section 4731.054 of the Revised Code.	1851
(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United	1852
States food and drug administration clinical trials and remains	1853
under clinical trial, but has not been approved for general use	1854
by the United States food and drug administration.	1855
"Investigational drug or product" does not include controlled	1856
substances in schedule I, as defined in section 3719.01 of the	1857
Revised Code.	1858
(X) "Product," when used in reference to an investigational drug or product, means a biological product,	1859
other than a drug, that is made from a natural human, animal, or	1860
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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 divisions (A) (3) (a) and (b) of this section or investigational drugs or products if authorized by rules adopted under section 4729.26 of the Revised Code.	1922 1923 1924 1925
(B) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess for sale, sell, or distribute, at wholesale, dangerous drugs or investigational drugs or products to any person other than the following:	1926 1927 1928 1929 1930
(1) Subject to division (D) of this section, a licensed terminal distributor of dangerous drugs;	1931 1932
(2) Subject to division (C) of this section, any person exempt from licensure as a terminal distributor of dangerous drugs under section 4729.541 of the Revised Code;	1933 1934 1935
(3) A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor;	1936 1937
(4) A terminal distributor, manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor that is located in another state, is not engaged in the sale of dangerous drugs within this state, and is actively licensed to engage in the sale of dangerous drugs by the state in which the distributor conducts business.	1938 1939 1940 1941 1942 1943
(C) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess for sale, sell, or distribute, at wholesale, dangerous drugs or investigational drugs or products to either of the following:	1944 1945 1946 1947 1948
(1) A prescriber who is employed by a pain management	1949

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

(2) A business entity described in division (A) (2) or (3) of section 4729.541 of the Revised Code that is, or is operating, a pain management clinic without a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code. 1953  
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(D) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess dangerous drugs or investigational drugs or products for sale at wholesale, or sell or distribute such drugs at wholesale, to a licensed terminal distributor of dangerous drugs, except as follows: 1959  
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1961  
1962  
1963  
1964

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

(2) In the case of a terminal distributor with a category III license, dangerous drugs in category II and category III, as defined in divisions (A) (1) and (2) of section 4729.54 of the Revised Code; 1968  
1969  
1970  
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(3) In the case of a terminal distributor with a limited category II or III license, only the dangerous drugs specified in the license. 1972  
1973  
1974

(E) (1) Except as provided in division (E) (2) of this section, no person shall do any of the following: 1975  
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 <del>(18)</del> <u>(17)</u> 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  
the Revised Code may make occasional purchases of dangerous  
drugs or investigational drugs or products that are sold in  
accordance with division (A)(1) or (3) of this section. 2005  
2006  
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(2) A licensed terminal distributor of dangerous drugs  
having more than one licensed location may transfer or deliver  
dangerous drugs or investigational drugs or products from one  
licensed location to another licensed location if the license  
issued for each location is in effect at the time of the  
transfer or delivery. 2009  
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(G) No licensed terminal distributor of dangerous drugs  
shall engage in the retail sale or other distribution of  
dangerous drugs or investigational drugs or products or maintain  
possession, custody, or control of dangerous drugs or  
investigational drugs or products for any purpose other than the  
distributor's personal use or consumption, at any establishment  
or place other than that or those described in the license  
issued by the state board of pharmacy to such terminal  
distributor. 2015  
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(H) Nothing in this section shall be construed to  
interfere with the performance of official duties by any law  
enforcement official authorized by municipal, county, state, or  
federal law to collect samples of any drug, regardless of its  
nature or in whose possession it may be. 2024  
2025  
2026  
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(I) Notwithstanding anything to the contrary in this  
section, the board of education of a city, local, exempted  
village, or joint vocational school district may distribute  
epinephrine autoinjectors for use in accordance with section  
3313.7110 of the Revised Code, may distribute inhalers for use  
in accordance with section 3313.7113 of the Revised Code, and 2029  
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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 2921.22 and section 4731.224 of the Revised Code; and does not include the making of a report of an employee's use of a drug of abuse, or a report of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by section 2305.33 or 4731.62 of the Revised Code upon a physician who makes a report in accordance with section 2305.33 or notifies a mental health professional in accordance with section 4731.62 of the Revised Code. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

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

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

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

same or similar circumstances, whether or not actual injury to a 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  
or of any abortion rule adopted by the director of health  
pursuant to section 3701.341 of the Revised Code; 2244  
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(22) Any of the following actions taken by an agency  
responsible for authorizing, certifying, or regulating an  
individual to practice a health care occupation or provide  
health care services in this state or another jurisdiction, for  
any reason other than the nonpayment of fees: the limitation,  
revocation, or suspension of an individual's license to  
practice; acceptance of an individual's license surrender;  
denial of a license; refusal to renew or reinstate a license;  
imposition of probation; or issuance of an order of censure or  
other reprimand; 2247  
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(23) The violation of section 2919.12 of the Revised Code  
or the performance or inducement of an abortion upon a pregnant  
woman with actual knowledge that the conditions specified in  
division (B) of section 2317.56 of the Revised Code have not  
been satisfied or with a heedless indifference as to whether  
those conditions have been satisfied, unless an affirmative  
defense as specified in division (H)(2) of that section would  
apply in a civil action authorized by division (H)(1) of that  
section; 2257  
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(24) The revocation, suspension, restriction, reduction,  
or termination of clinical privileges by the United States  
department of defense or department of veterans affairs or the  
termination or suspension of a certificate of registration to  
prescribe drugs by the drug enforcement administration of the  
United States department of justice; 2266  
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(25) Termination or suspension from participation in the  
medicare or medicaid programs by the department of health and  
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human services or other responsible agency;	2274
(26) Impairment of ability to practice according to acceptable and prevailing standards of care because of substance use disorder or excessive use or abuse of drugs, alcohol, or other substances that may impair ability to practice.	2275
For the purposes of this division, any individual authorized to practice by this chapter accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a license or certificate to practice under this chapter, an individual shall be deemed to have given consent to submit to a mental or physical examination when ordered to do so by the board in writing, and to have waived all objections to the admissibility of testimony or examination reports that constitute privileged communications.	2279
If it has reason to believe that any individual authorized to practice by this chapter or any applicant for licensure or certification to practice suffers such impairment, the board shall refer the individual to the monitoring organization that conducts the confidential monitoring program established under section 4731.25 of the Revised Code. The board also may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician who is qualified to conduct the examination and who is approved under section 4731.251 of the Revised Code.	2288
Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to	2301
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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 shall require continued monitoring of the individual. The monitoring shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of perjury stating whether the individual has maintained sobriety.	2334 2335 2336 2337 2338 2339 2340 2341 2342
(27) A second or subsequent violation of section 4731.66 or 4731.69 of the Revised Code;	2343 2344
(28) Except as provided in division (N) of this section:	2345
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;	2346 2347 2348 2349 2350 2351
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.	2352 2353 2354 2355 2356
(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	2357 2358 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  
merits. The board has jurisdiction under those divisions if the  
trial court issues an order of dismissal upon technical or  
procedural grounds.

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

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

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

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. 2654  
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(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: 2657  
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(a) The secretary and supervising member determine both of the following: 2661  
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(i) That there is clear and convincing evidence that an individual has violated division (B) of this section; 2663  
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(ii) That the individual's continued practice presents a danger of immediate and serious harm to the public. 2665  
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(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. 2667  
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(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. 2672  
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The board shall serve a written order of suspension in 2681

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. Reinstate 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

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

(i) An individual licensed under Chapter 4778. of the Revised Code to practice as a genetic counselor.	2917 2918
(3) "Sexual misconduct" has the same meaning as in section 4731.224 of the Revised Code.	2919 2920
(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:	2921 2922 2923 2924 2925 2926 2927
(1) The practitioner's probation status;	2928
(2) The total length of the probation;	2929
(3) The probation end date;	2930
(4) Practice restrictions placed on the practitioner by the board;	2931 2932
(5) The board's telephone number;	2933
(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.	2934 2935 2936
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.	2937 2938 2939 2940 2941 2942 2943

(C) The written disclosure described in division (B) of  
this section applies in both of the following circumstances: 2944  
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 department or otherwise occurs as an immediate result of a medical emergency;	2972 2973 2974
(3) The practitioner does not have a direct treatment relationship with the patient and does not have direct contact or direct communication with the patient.	2975 2976 2977
(E) The board shall provide the following information regarding practitioners on probation and those practicing under probationary status, in plain view on a practitioner's profile page on the board's internet web site:	2978 2979 2980 2981
(1) Formal action documents detailing the citation, reports and recommendations, board order, and consent agreement;	2982 2983
(2) The length of the probation and the end date;	2984
(3) Practice restrictions placed on the practitioner by the board.	2985 2986
(F) The board shall provide a sample probation disclosure letter on its internet web site to be used by practitioners to comply with this section."	2987 2988 2989
Delete lines 2824 through 2987	2990
After line 2987, insert:	2991
<b>"Sec. 4731.25.</b> (A) As used in this section and in sections 4731.251 to 4731.255 of the Revised Code:	2992 2993
(1) "Applicant" means an individual who has applied under Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4772., 4774., or 4778. of the Revised Code for a license, training or other certificate, limited permit, or other authority to practice as any one of the following practitioners: a physician assistant,	2994 2995 2996 2997 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 Revised Code to practice as a dietitian;	3028 3029
(d) An individual authorized under Chapter 4760. of the Revised Code to practice as an anesthesiologist assistant;	3030 3031
(e) An individual authorized under Chapter 4761. of the Revised Code to practice respiratory care <u>or to practice as an advanced practice respiratory therapist</u> ;	3032 3033 3034
(f) An individual licensed under Chapter 4762. of the Revised Code to practice as an acupuncturist;	3035 3036
(g) An individual licensed under Chapter 4772. of the Revised Code to practice as a certified mental health assistant;	3037 3038
(h) An individual licensed under Chapter 4774. of the Revised Code to practice as a radiologist assistant;	3039 3040
(i) An individual licensed under Chapter 4778. of the Revised Code to practice as a genetic counselor.	3041 3042
(B) The state medical board shall establish a confidential, nondisciplinary program for the evaluation and treatment of practitioners and applicants who are, or may be, impaired and also meet the eligibility conditions described in section 4731.252 or 4731.253 of the Revised Code. The program shall be known as the confidential monitoring program.	3043 3044 3045 3046 3047 3048
The board shall contract with a monitoring organization to conduct the program and perform monitoring services. To be qualified to contract with the board, an organization shall meet all of the following requirements:	3049 3050 3051 3052
(1) Be a professionals health program sponsored by one or more professional associations or societies of practitioners;	3053 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  
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- (6) Report to the board any practitioner or applicant who is determined ineligible to participate in the program; 3086  
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- (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  
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- (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  
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- (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  
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3103  
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- (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  
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3107  
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- (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 eligible practitioners, as recommended by treatment providers;	3137 3138
(h) Establishing individualized terms and conditions with which eligible practitioners or applicants must comply for continued participation in and successful completion of the program.	3139 3140 3141 3142
(2) The monitoring organization, in consultation with the board, shall develop procedures governing each of the following:	3143 3144
(a) Providing reports to the board on a periodic basis on the total number of practitioners or applicants participating in the program, without disclosing the names or records of any program participants other than those about whom reports are required by this section;	3145 3146 3147 3148 3149
(b) Reporting to the board any practitioner or applicant who due to impairment presents an imminent danger to oneself or the public;	3150 3151 3152
(c) Reporting to the board any practitioner or applicant who is unwilling or unable to complete or comply with any part of the program, including evaluation, treatment, or monitoring;	3153 3154 3155
(d) Reporting to the board any practitioner or applicant whose impairment was not substantially alleviated by participation in the program."	3156 3157 3158
Delete lines 2988 through 3156	3159
After line 3156, insert:	3160
<b>"Sec. 4743.09.</b> (A) As used in this section:	3161
(1) "Durable medical equipment" means a type of equipment, such as a remote monitoring device utilized by a physician,	3162 3163

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

(2) "Facility fee" means any fee charged or billed for telehealth services provided in a facility that is intended to compensate the facility for its operational expenses and is separate and distinct from a professional fee. 3170  
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(3) "Health care professional" means: 3174

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

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

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

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

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

(f) A psychologist, independent school psychologist, or school psychologist licensed under Chapter 4732. of the Revised Code; 3186  
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(g) A chiropractor licensed under Chapter 4734. of the Revised Code; 3189 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
(i) The counselor, social worker, and marriage and family therapist board;	3226
(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
(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
(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
(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
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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 telehealth services and, instead, require the patient to undergo an in-person visit.	3274
(3) When providing telehealth services in accordance with this section, a health care professional shall comply with all requirements under state and federal law regarding the protection of patient information. A health care professional shall ensure that any username or password information and any electronic communications between the professional and a patient are securely transmitted and stored.	3277
(4) A health care professional may use synchronous or asynchronous technology to provide telehealth services to a patient during an annual visit if the appropriate standard of care for an annual visit is satisfied.	3284
(5) In the case of a health care professional who is a physician, physician assistant, or advanced practice registered nurse, both of the following apply:	3288
(a) The professional may provide telehealth services to a patient located outside of this state if permitted by the laws of the state in which the patient is located.	3291
(b) The professional may provide telehealth services through the use of medical devices that enable remote monitoring, including such activities as monitoring a patient's blood pressure, heart rate, or glucose level.	3294
(D) When a patient has consented to receiving telehealth services, the health care professional who provides those services is not liable in damages under any claim made on the	3298

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
 <b>"Sec. 4761.09.</b> (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, or 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 similar circumstances, whether or not actual injury to a patient is established;	3387 3388 3389
(11) Violating the standards of ethical conduct adopted by the board, in the practice of respiratory care <u>or advanced practice respiratory care</u> ;	3390 3391 3392
(12) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	3393 3394 3395
(13) Violation of the conditions of limitation placed by the board upon a license or permit;	3396 3397
(14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	3398 3399 3400 3401
(15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	3402 3403 3404 3405 3406 3407 3408 3409 3410 3411
(16) The revocation, suspension, restriction, reduction, or termination of practice privileges by the United States department of defense or department of veterans affairs;	3412 3413 3414

(17) Termination or suspension from participation in the  
medicare or medicaid programs by the department of health and  
human services or other responsible agency for any act or acts  
that also would constitute a violation of division (A) (10),  
(12), or (14) of this section; 3415  
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(18) Impairment of ability to practice according to  
acceptable and prevailing standards of care because of substance  
use disorder or excessive use or abuse of drugs, alcohol, or  
other substances that may impair ability to practice; 3420  
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(19) Failure to cooperate in an investigation conducted by  
the board under division (E) of section 4761.03 of the Revised  
Code, including failure to comply with a subpoena or order  
issued by the board or failure to answer truthfully a question  
presented by the board in an investigative interview, an  
investigative office conference, at a deposition, or in written  
interrogatories, except that failure to cooperate with an  
investigation shall not constitute grounds for discipline under  
this section if a court of competent jurisdiction has issued an  
order that either quashes a subpoena or permits the individual  
to withhold the testimony or evidence in issue; 3424  
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(20) Practicing in an area of respiratory care or advanced  
practice respiratory care for which the person is clearly  
untrained or incompetent or practicing in a manner that  
conflicts with section 4761.17 or 4761.37 of the Revised Code; 3435  
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(21) Employing, directing, or supervising a person who is  
not authorized to practice respiratory care under this chapter  
in the performance of respiratory care procedures; 3439  
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(22) Misrepresenting educational attainments or authorized  
functions for the purpose of obtaining some benefit related to 3442  
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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

<u>(31) Failure to use universal blood and body fluid</u>	3472
<u>precautions established by rules adopted under section 4731.051</u>	3473
<u>of the Revised Code;</u>	3474
<u>(32) Having the individual's qualification to practice</u>	3475
<u>advanced practice respiratory care from an organization that is</u>	3476
<u>recognized by the board expire, lapse, or otherwise fail to be</u>	3477
<u>active.</u>	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. 3502  
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(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. 3510  
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(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. 3519  
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(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 3528  
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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 provisions of this chapter may not be withdrawn without approval of the board.	3742
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(3) Failure by an individual to renew a license or permit in accordance with this chapter does not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.	3745
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(4) The placement of an individual's license on retired status, as described in section 4761.062 of the Revised Code, does not remove or limit the board's jurisdiction to take any disciplinary action against the individual with regard to the license as it existed before being placed on retired status.	3749
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(5) At the request of the board, a license or permit holder shall immediately surrender to the board a license or permit that the board has suspended, revoked, or permanently revoked."	3754
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Delete lines 5126 through 5143	3758
After line 5143, insert:	3759
<b>"Sec. 4761.99.</b> Whoever violates division (A) of section 4761.10 of the Revised Code is guilty of a minor misdemeanor on a first offense. On a second offense, the person is guilty of a misdemeanor of the fourth degree. On each subsequent offense, the person is guilty of a misdemeanor of the first degree.	3760
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Whoever violates division (B)(2) or (C) of section 4761.14 of the Revised Code is guilty of a misdemeanor of the fourth degree; on each subsequent offense, the person is guilty of a misdemeanor of the first degree.	3765
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Whoever violates division <del>(E)(5)(E) (6)</del> of section 4761.03 of the Revised Code is guilty of a misdemeanor of the first degree.	3769 3770 3771
<u>Whoever violates section 4761.34 of the Revised Code is guilty of a misdemeanor of the first degree on a first offense. On each subsequent offense, the person is guilty of a felony of the fourth degree.</u>	3772 3773 3774 3775
Delete lines 5144 through 5160	3776
After line 5160, insert:	3777
<b>"Sec. 4765.51.</b> Nothing in this chapter prevents or restricts the practice, services, or activities of any registered nurse practicing within the scope of the registered nurse's practice.	3778 3779 3780 3781
Nothing in this chapter prevents or restricts the practice, services, or activities of any physician assistant practicing in accordance with a supervision agreement entered into under section 4730.19 of the Revised Code, including, if applicable, the policies of the health care facility in which the physician assistant is practicing.	3782 3783 3784 3785 3786 3787
<u>Nothing in this chapter prevents or restricts the practice, services, or activities of any advanced practice respiratory therapist practicing in accordance with a supervision agreement entered into under section 4761.38 of the Revised Code, including the policies of the health care facility in which the advanced practice respiratory therapist is practicing.</u>	3788 3789 3790 3791 3792 3793 3794
Nothing in this chapter prevents or restricts the practice, services, or activities of any certified mental health	3795 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
<b>"Sec. 4769.01.</b> 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> <u>spectacle dispensing</u>	3825
optician, or <u>spectacle-contact lens dispensing optician,</u>	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, <u>osteopathic</u>	3831
<u>medicine and surgery, or <u>podiatry</u><u>podiatric medicine and surgery;</u></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 Revised Code;	3853
	3854
(17) A respiratory care professional <u>or advanced practice respiratory therapist</u> licensed under Chapter 4761. of the Revised Code;	3855
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	3857
(18) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code;	3858
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(19) A certified mental health assistant licensed under Chapter 4772. of the Revised Code."	3862
Delete lines 5222 through 5350	3863
After line 5350, insert:	3864
<b>"Sec. 5123.47.</b> (A) As used in this section:	3865
(1) "In-home care" means the supportive services provided within the home of an individual with a developmental disability who receives funding for the services through a county board of developmental disabilities, including any recipient of residential services funded as home and community-based services, family support services provided under section 5126.11 of the Revised Code, or supported living provided in accordance with sections 5126.41 to 5126.47 of the Revised Code. "In-home care" includes care that is provided outside an individual's home in places incidental to the home, and while traveling to places incidental to the home, except that "in-home care" does not include care provided in the facilities of a county board of developmental disabilities or care provided in schools.	3866
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(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

respiratory therapist 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 complex observation of the individual receiving the care.	3936
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(8) Improper performance of the health care task will result in only minimal complications that are not life-threatening.	3938
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(C) A family member who authorizes an unlicensed in-home care worker to perform health care tasks under this section shall do all of the following:	3941
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	3943
(1) Obtain a prescription, if applicable, and written instructions from a health care professional for the care to be provided to the individual;	3944
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(2) Authorize the unlicensed in-home care worker to provide the care by preparing a written document granting the authority;	3947
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(3) Provide the unlicensed in-home care worker with appropriate training and written instructions in accordance with the instructions obtained from the health care professional;	3950
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(4) Be available to communicate with the unlicensed in-home care worker either in person or by telecommunication while the in-home care worker performs a health care task.	3953
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(D) Before an unlicensed in-home care worker may perform the health care tasks authorized by a family member under this section, the worker shall accept the written document described in division (C)(2) of this section granting the worker that authority.	3956
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(E) A family member who authorizes an unlicensed in-home care worker to perform health care tasks retains full	3961
	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 certified providers to instead perform the health care tasks.	3992 3993
(4) The board shall provide the family member an opportunity to file a complaint under section 5126.06 of the Revised Code."	3994 3995 3996
Delete lines 5351 through 5457	3997
After line 5457, insert:	3998
<b>"Sec. 5164.95.</b> (A) As used in this section, "telehealth service" means a health care service delivered to a patient through the use of interactive audio, video, or other telecommunications or electronic technology from a site other than the site where the patient is located.	3999 4000 4001 4002 4003
(B) The department of medicaid shall establish standards for medicaid payments for health care services the department determines are appropriate to be covered by the medicaid program when provided as telehealth services. The standards shall be established in rules adopted under section 5164.02 of the Revised Code.	4004 4005 4006 4007 4008 4009
In accordance with section 5162.021 of the Revised Code, the medicaid director shall adopt rules authorizing the directors of other state agencies to adopt rules regarding the medicaid coverage of telehealth services under programs administered by the other state agencies. Any such rules adopted by the medicaid director or the directors of other state agencies are not subject to the requirements of division (F) of section 121.95 of the Revised Code.	4010 4011 4012 4013 4014 4015 4016 4017
(C) (1) To the extent permitted under rules adopted under section 5164.02 of the Revised Code and applicable federal law,	4018 4019

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

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

(v) Any other practitioner the medicaid director considers eligible to provide telehealth services.	4074 4075
(2) In accordance with division (B) of this section and to the extent permitted under rules adopted under section 5164.02 of the Revised Code and applicable federal law, the following provider types are eligible to submit claims for medicaid payments for providing telehealth services:	4076 4077 4078 4079 4080
(a) Any practitioner described in division (C)(1) of this section, except for those described in divisions (C)(1)(g), (i), and (k) of this section;	4081 4082 4083
(b) A professional medical group;	4084
(c) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	4085 4086 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 community mental health services provider or community addiction services provider that offers services and supports certified under section 5119.36 of the Revised Code;	4092 4093 4094 4095
(i) Any other provider type the medicaid director considers eligible to submit the claims for payment.	4096 4097
(D) (1) When providing telehealth services under this section, a practitioner shall comply with all requirements under state and federal law regarding the protection of patient	4098 4099 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
<b>Technical amendment - R.C. section updates</b>	4153
<b>R.C. 2305.234, 2925.01, 2925.23, 2925.55, 2925.56,</b>	4154
<b>3701.048, 3701.74, 3715.872, 3719.121, 3719.13, 3719.81,</b>	4155
<b>4729.01, 4729.51, 4731.22, 4731.2210, 4731.25, 4743.09, 4761.09,</b>	4156
<b>4761.99, 4765.51, 4769.01, 5123.47, 5164.95, and 5903.12</b>	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