

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 652

Representatives Plummer, Young, T.

A BILL

To amend sections 3719.01, 4715.302, 4723.481, 1
4723.487, 4730.42, 4730.53, 4731.052, 4731.054, 2
and 4731.055 and to enact sections 3719.065 and 3
3719.081 of the Revised Code to revise the law 4
governing the review of patient information in 5
the Ohio Automated Rx Reporting System, to 6
establish requirements on the dispensing of 7
opioid analgesics, to provide for a cash 8
transfer, and to amend the version of section 9
4723.481 of the Revised Code that is scheduled 10
to take effect on September 30, 2024, to 11
continue the changes to that section on and 12
after that date. 13

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

Section 1. That sections 3719.01, 4715.302, 4723.481, 14
4723.487, 4730.42, 4730.53, 4731.052, 4731.054, and 4731.055 be 15
amended and sections 3719.065 and 3719.081 of the Revised Code 16
be enacted to read as follows: 17

Sec. 3719.01. As used in this chapter: 18

(A) "Administer" means the direct application of a drug, 19

whether by injection, inhalation, ingestion, or any other means 20
to a person or an animal. 21

(B) "Drug enforcement administration" means the drug 22
enforcement administration of the United States department of 23
justice or its successor agency. 24

(C) "Controlled substance" means a drug, compound, 25
mixture, preparation, or substance included in schedule I, II, 26
III, IV, or V. 27

(D) "Dangerous drug" has the same meaning as in section 28
4729.01 of the Revised Code. 29

(E) "Dispense" means to sell, leave with, give away, 30
dispose of, or deliver. 31

(F) "Distribute" means to deal in, ship, transport, or 32
deliver but does not include administering or dispensing a drug. 33

(G) "Drug" has the same meaning as in section 4729.01 of 34
the Revised Code. 35

(H) "Drug abuse offense" and "felony drug abuse offense" 36
have the same meanings as in section 2925.01 of the Revised 37
Code. 38

(I) "Federal drug abuse control laws" means the 39
"Comprehensive Drug Abuse Prevention and Control Act of 1970," 40
84 Stat. 1242, 21 U.S.C. 801, as amended. 41

(J) "~~Hospital" means a facility registered as a hospital~~ 42
~~with the department of health under section 3701.07~~ has the same 43
meaning as in section 3722.01 of the Revised Code. 44

(K) "Hypodermic" means a hypodermic syringe or needle, or 45
other instrument or device for the injection of medication. 46

(L) "Manufacturer" means a person who manufactures a controlled substance, as "manufacture" is defined in section 3715.01 of the Revised Code, and includes a "manufacturer of dangerous drugs" as defined in section 4729.01 of the Revised Code.

(M) "Marihuana" means all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. "Marihuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Marihuana" does not include "hemp" or a "hemp product" as those terms are defined in section 928.01 of the Revised Code.

(N) "Narcotic drugs" means coca leaves, opium, isonipecaine, amidone, isoamidone, ketobemidone, as defined in this division, and every substance not chemically distinguished from them and every drug, other than cannabis, that may be included in the meaning of "narcotic drug" under the federal drug abuse control laws. As used in this division:

(1) "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivatives of coca leaves, that does not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made.

(2) "Isonipecaine" means any substance identified 77
chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid 78
ethyl ester, or any salt thereof, by whatever trade name 79
designated. 80

(3) "Amidone" means any substance identified chemically as 81
4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof, 82
by whatever trade name designated. 83

(4) "Isoamidone" means any substance identified chemically 84
as 4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3, or any salt 85
thereof, by whatever trade name designated. 86

(5) "Ketobemidone" means any substance identified 87
chemically as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl 88
ketone hydrochloride, or any salt thereof, by whatever trade 89
name designated. 90

(6) "Cocaine" has the same meaning as in section 2925.01 91
of the Revised Code. 92

(O) "Official written order" means an order written on a 93
form provided for that purpose by the director of the United 94
States drug enforcement administration, under any laws of the 95
United States making provision for the order, if the order forms 96
are authorized and required by federal law. 97

(P) "Person" means any individual, corporation, 98
government, governmental subdivision or agency, business trust, 99
estate, trust, partnership, association, or other legal entity. 100

(Q) "Pharmacist" means a person licensed under Chapter 101
4729. of the Revised Code to engage in the practice of pharmacy. 102

(R) "Pharmacy" has the same meaning as in section 4729.01 103
of the Revised Code. 104

(S) "Poison" means any drug, chemical, or preparation 105
likely to be deleterious or destructive to adult human life in 106
quantities of four grams or less. 107

(T) "Licensed health professional authorized to prescribe 108
drugs," "prescriber," and "prescription" have the same meanings 109
as in section 4729.01 of the Revised Code. 110

(U) "Sale" includes delivery, barter, exchange, transfer, 111
or gift, or offer thereof, and each transaction of those natures 112
made by any person, whether as principal, proprietor, agent, 113
servant, or employee. 114

(V) "Schedule I," "schedule II," "schedule III," "schedule 115
IV," and "schedule V" mean controlled substance schedules I, II, 116
III, IV, and V, respectively, as established by rule adopted 117
under section 3719.41 of the Revised Code, as amended pursuant 118
to section 3719.43 or 3719.44 of the Revised Code, or as 119
established by emergency rule adopted under section 3719.45 of 120
the Revised Code. 121

(W) "Wholesaler" means a person who, on official written 122
orders other than prescriptions, supplies controlled substances 123
that the person has not manufactured, produced, or prepared 124
personally and includes a "wholesale distributor of dangerous 125
drugs" as defined in section 4729.01 of the Revised Code. 126

(X) "Animal shelter" means a facility operated by a humane 127
society or any society organized under Chapter 1717. of the 128
Revised Code or a dog pound operated pursuant to Chapter 955. of 129
the Revised Code. 130

(Y) "Terminal distributor of dangerous drugs" has the same 131
meaning as in section 4729.01 of the Revised Code. 132

(Z) (1) "Controlled substance analog" means, except as 133

provided in division (Z)(2) of this section, a substance to 134
which both of the following apply: 135

(a) The chemical structure of the substance is 136
substantially similar to the structure of a controlled substance 137
in schedule I or II. 138

(b) One of the following applies regarding the substance: 139

(i) The substance has a stimulant, depressant, or 140
hallucinogenic effect on the central nervous system that is 141
substantially similar to or greater than the stimulant, 142
depressant, or hallucinogenic effect on the central nervous 143
system of a controlled substance in schedule I or II. 144

(ii) With respect to a particular person, that person 145
represents or intends the substance to have a stimulant, 146
depressant, or hallucinogenic effect on the central nervous 147
system that is substantially similar to or greater than the 148
stimulant, depressant, or hallucinogenic effect on the central 149
nervous system of a controlled substance in schedule I or II. 150

(2) "Controlled substance analog" does not include any of 151
the following: 152

(a) A controlled substance; 153

(b) Any substance for which there is an approved new drug 154
application; 155

(c) With respect to a particular person, any substance if 156
an exemption is in effect for investigational use for that 157
person pursuant to federal law to the extent that conduct with 158
respect to that substance is pursuant to that exemption; 159

(d) Any substance to the extent it is not intended for 160
human consumption before the exemption described in division (Z) 161

(2) (b) of this section takes effect with respect to that substance. 162
163

(AA) "Benzodiazepine" means a controlled substance that 164
has United States food and drug administration approved labeling 165
indicating that it is a benzodiazepine, benzodiazepine 166
derivative, triazolobenzodiazepine, or triazolobenzodiazepine 167
derivative, including the following drugs and their varying salt 168
forms or chemical congeners: alprazolam, chlordiazepoxide 169
hydrochloride, clobazam, clonazepam, clorazepate, diazepam, 170
estazolam, flurazepam hydrochloride, lorazepam, midazolam, 171
oxazepam, quazepam, temazepam, and triazolam. 172

(BB) "Opioid analgesic" means a controlled substance that 173
has analgesic pharmacologic activity at the opioid receptors of 174
the central nervous system, including the following drugs and 175
their varying salt forms or chemical congeners: buprenorphine, 176
butorphanol, codeine (including acetaminophen and other 177
combination products), dihydrocodeine, fentanyl, hydrocodone 178
(including acetaminophen combination products), hydromorphone, 179
meperidine, methadone, morphine sulfate, oxycodone (including 180
acetaminophen, aspirin, and other combination products), 181
oxymorphone, tapentadol, and tramadol. 182

(CC) "Outsourcing facility," "repackager of dangerous 183
drugs," and "third-party logistics provider" have the same 184
meanings as in section 4729.01 of the Revised Code. 185

Sec. 3719.065. (A) As used in this section: 186

(1) "Health-related licensing board" has the same meaning 187
as in section 3719.062 of the Revised Code. 188

(2) "Prescriber" has the same meaning as in section 189
3719.01 of the Revised Code, except that it does not include a 190

veterinarian licensed under Chapter 4741. of the Revised Code. 191

(B) A pharmacist who dispenses an opioid analgesic in an 192
amount indicated for a period of five or more days shall discuss 193
with the patient or the patient's representative the risks of 194
opioid addiction, including that the risk of addiction increases 195
substantially after taking such a drug for five or more days. 196
For each discussion, the pharmacist may charge the fee 197
established under section 5164.7516 of the Revised Code, 198
regardless of the payment source. 199

(C) Each health-related licensing board shall adopt 200
guidelines regarding counseling and education to be provided by 201
a prescriber to a patient who is prescribed an opioid analgesic 202
in an amount indicated for a period of five or more days. 203

Sec. 3719.081. (A) In addition to the requirements 204
described in section 3719.08 of the Revised Code, when a 205
pharmacist dispenses a controlled substance that is an opioid 206
analgesic on a prescription for use by a patient outside of a 207
hospital, the pharmacist shall affix to the container in which 208
the opioid analgesic is dispensed a warning label or sticker. 209
The warning label or sticker shall describe the risks associated 210
with opioid analgesics and shall be red in color with text 211
printed in black. 212

(B) (1) The board of pharmacy shall adopt rules 213
establishing standards and procedures for all of the following: 214

(a) The location on the container where the warning label 215
or sticker is to be affixed; 216

(b) The language to be included on the warning label or 217
sticker, which, at minimum, shall indicate that the drug inside 218
the container is an opioid analgesic and that such a drug 219

<u>carries a risk of addiction and overdose;</u>	220
<u>(c) The font and format of any language to be included on the warning label or sticker.</u>	221 222
<u>(2) The board may adopt any other rules as necessary to implement this section.</u>	223 224
<u>(3) When adopting rules under this section, the board shall do so in accordance with Chapter 119. of the Revised Code.</u>	225 226
Sec. 4715.302. (A) As used in this section:	227
(1) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.	228 229 230
(2) "Opioid analgesic" and "benzodiazepine" have the same meanings as in section 3719.01 of the Revised Code.	231 232
(B) Except as provided in divisions (C) and (E) of this section, a dentist shall comply with all of the following as conditions of prescribing a drug that is either an opioid analgesic or a benzodiazepine, or personally furnishing a complete or partial supply of such a drug, as part of a patient's course of treatment for a particular condition:	233 234 235 236 237 238
(1) Before initially prescribing or furnishing the drug, the dentist or the dentist's delegate shall request from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the request. If the dentist practices primarily in a county of this state that adjoins another state, the dentist or delegate also shall request a report of any information available in the drug database that pertains to prescriptions issued or drugs furnished to the patient in the state adjoining	239 240 241 242 243 244 245 246 247

that county. 248

(2) If the patient's course of treatment for the condition 249
continues for more than ninety days after the initial report is 250
requested, the dentist or delegate shall make periodic requests 251
for reports of information from the drug database until the 252
course of treatment has ended. The requests shall be made at 253
intervals not exceeding ninety days, determined according to the 254
date the initial request was made. The request shall be made in 255
the same manner provided in division (B) (1) of this section for 256
requesting the initial report of information from the drug 257
database. 258

(3) On receipt of a report under division (B) (1) or (2) of 259
this section, the dentist shall assess the information in the 260
report. The dentist shall document in the patient's record that 261
the report was received and the information was assessed. 262

~~(C) (1) (C)~~ Division (B) of this section does not apply if a 263
drug database report regarding the patient is not available. In 264
this event, the dentist shall document in the patient's record 265
the reason that the report is not available. 266

~~(2) Division (B) of this section does not apply if the~~ 267
~~drug is prescribed or personally furnished in an amount~~ 268
~~indicated for a period not to exceed seven days.~~ 269

(D) The state dental board may adopt rules that establish 270
standards and procedures to be followed by a dentist regarding 271
the review of patient information available through the drug 272
database under division (A) (5) of section 4729.80 of the Revised 273
Code. The rules shall be adopted in accordance with Chapter 119. 274
of the Revised Code. 275

(E) This section and any rules adopted under it do not 276

apply if the state board of pharmacy no longer maintains the 277
drug database. 278

Sec. 4723.481. This section establishes standards and 279
conditions regarding the authority of an advanced practice 280
registered nurse who is designated as a clinical nurse 281
specialist, certified nurse-midwife, or certified nurse 282
practitioner to prescribe and personally furnish drugs and 283
therapeutic devices under a license issued under section 4723.42 284
of the Revised Code. 285

(A) Except as provided in division (F) of this section, a 286
clinical nurse specialist, certified nurse-midwife, or certified 287
nurse practitioner shall not prescribe or furnish any drug or 288
therapeutic device that is listed on the exclusionary formulary 289
established in rules adopted under section 4723.50 of the 290
Revised Code. 291

(B) The prescriptive authority of a clinical nurse 292
specialist, certified nurse-midwife, or certified nurse 293
practitioner shall not exceed the prescriptive authority of the 294
collaborating physician or podiatrist, including the 295
collaborating physician's authority to treat chronic pain with 296
controlled substances ~~and products containing tramadol~~ as 297
described in section 4731.052 of the Revised Code. 298

(C) (1) Except as provided in division (C) (2) or (3) of 299
this section, a clinical nurse specialist, certified nurse- 300
midwife, or certified nurse practitioner may prescribe to a 301
patient a schedule II controlled substance only if all of the 302
following are the case: 303

(a) The patient has a terminal condition, as defined in 304
section 2133.01 of the Revised Code. 305

(b) A physician initially prescribed the substance for the patient.	306 307
(c) The prescription is for an amount that does not exceed the amount necessary for the patient's use in a single, seventy-two-hour period.	308 309 310
(2) The restrictions on prescriptive authority in division (C) (1) of this section do not apply if a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner issues the prescription to the patient from any of the following locations:	311 312 313 314 315
(a) A hospital registered under section 3701.07 of the Revised Code;	316 317
(b) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals;	318 319 320
(c) A health care facility operated by the department of mental health and addiction services or the department of developmental disabilities;	321 322 323
(d) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;	324 325 326
(e) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;	327 328 329
(f) A hospice care program, as defined in section 3712.01 of the Revised Code;	330 331
(g) A community mental health services provider, as defined in section 5122.01 of the Revised Code;	332 333

(h) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;	334 335
(i) A freestanding birthing center, as defined in section 3702.141 of the Revised Code;	336 337
(j) A federally qualified health center, as defined in section 3701.047 of the Revised Code;	338 339
(k) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	340 341
(l) A health care office or facility operated by 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;	342 343 344 345
(m) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner providing services at the site has a standard care arrangement and collaborates with at least one of the physician owners who practices primarily at that site;	346 347 348 349 350 351 352 353
(n) A residential care facility, as defined in section 3721.01 of the Revised Code.	354 355
(3) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall not issue to a patient a prescription for a schedule II controlled substance from a convenience care clinic even if the clinic is owned or operated by an entity specified in division (C) (2) of this section.	356 357 358 359 360
(D) A pharmacist who acts in good faith reliance on a	361

prescription issued by a clinical nurse specialist, certified 362
nurse-midwife, or certified nurse practitioner under division 363
(C) (2) of this section is not liable for or subject to any of 364
the following for relying on the prescription: damages in any 365
civil action, prosecution in any criminal proceeding, or 366
professional disciplinary action by the state board of pharmacy 367
under Chapter 4729. of the Revised Code. 368

(E) A clinical nurse specialist, certified nurse-midwife, 369
or certified nurse practitioner shall comply with section 370
3719.061 of the Revised Code if the nurse prescribes for a 371
minor, as defined in that section, an opioid analgesic, as 372
defined in section 3719.01 of the Revised Code. 373

(F) Until the board of nursing establishes a new formulary 374
in rules adopted under section 4723.50 of the Revised Code, a 375
clinical nurse specialist, certified nurse-midwife, or certified 376
nurse practitioner who prescribes or furnishes any drug or 377
therapeutic device shall do so in accordance with the formulary 378
established by the board prior to ~~the effective date of this~~ 379
amendment April 6, 2017. 380

Sec. 4723.487. (A) As used in this section: 381

(1) "Drug database" means the database established and 382
maintained by the state board of pharmacy pursuant to section 383
4729.75 of the Revised Code. 384

(2) "Opioid analgesic" and "benzodiazepine" have the same 385
meanings as in section 3719.01 of the Revised Code. 386

(B) Except as provided in divisions (C) and (E) of this 387
section, an advanced practice registered nurse who is designated 388
as a clinical nurse specialist, certified nurse-midwife, or 389
certified nurse practitioner shall comply with all of the 390

following as conditions of prescribing a drug that is either an 391
opioid analgesic or a benzodiazepine as part of a patient's 392
course of treatment for a particular condition: 393

(1) Before initially prescribing the drug, the advanced 394
practice registered nurse or the advanced practice registered 395
nurse's delegate shall request from the drug database a report 396
of information related to the patient that covers at least the 397
twelve months immediately preceding the date of the request. If 398
the advanced practice registered nurse practices primarily in a 399
county of this state that adjoins another state, the advanced 400
practice registered nurse or delegate also shall request a 401
report of any information available in the drug database that 402
pertains to prescriptions issued or drugs furnished to the 403
patient in the state adjoining that county. 404

(2) If the patient's course of treatment for the condition 405
continues for more than ninety days after the initial report is 406
requested, the advanced practice registered nurse or delegate 407
shall make periodic requests for reports of information from the 408
drug database until the course of treatment has ended. The 409
requests shall be made at intervals not exceeding ninety days, 410
determined according to the date the initial request was made. 411
The request shall be made in the same manner provided in 412
division (B)(1) of this section for requesting the initial 413
report of information from the drug database. 414

(3) On receipt of a report under division (B)(1) or (2) of 415
this section, the advanced practice registered nurse shall 416
assess the information in the report. The advanced practice 417
registered nurse shall document in the patient's record that the 418
report was received and the information was assessed. 419

(C) Division (B) of this section does not apply ~~if~~ in any 420

of the following circumstances: 421

(1) A drug database report regarding the patient is not 422
available, in which case the advanced practice registered nurse 423
shall document in the patient's record the reason that the 424
report is not available. 425

~~(2) The drug is prescribed in an amount indicated for a 426
period not to exceed seven days. 427~~

~~(3) The drug is prescribed for the treatment of cancer or 428
another condition associated with cancer. 429~~

~~(4) (3) The drug is prescribed to a hospice patient in a 430
hospice care program, as those terms are defined in section 431
3712.01 of the Revised Code, or any other patient diagnosed as 432
terminally ill. 433~~

~~(5) (4) The drug is prescribed for administration in a 434
hospital, nursing home, or residential care facility. 435~~

(D) The board of nursing may adopt rules, in accordance 436
with Chapter 119. of the Revised Code, that establish standards 437
and procedures to be followed by an advanced practice registered 438
nurse regarding the review of patient information available 439
through the drug database under division (A) (5) of section 440
4729.80 of the Revised Code. The rules shall be adopted in 441
accordance with Chapter 119. of the Revised Code. 442

(E) This section and any rules adopted under it do not 443
apply if the state board of pharmacy no longer maintains the 444
drug database. 445

Sec. 4730.42. (A) In granting physician-delegated 446
prescriptive authority to a particular physician assistant who 447
holds a valid prescriber number issued by the state medical 448

board, the supervising physician is subject to all of the 449
following: 450

(1) The supervising physician shall not grant physician- 451
delegated prescriptive authority for any drug or device that may 452
be used to perform or induce an abortion. 453

(2) The supervising physician shall not grant physician- 454
delegated prescriptive authority in a manner that exceeds the 455
supervising physician's prescriptive authority, including the 456
physician's authority to treat chronic pain with controlled 457
substances ~~and products containing tramadol~~ as described in 458
section 4731.052 of the Revised Code. 459

(3) The supervising physician shall supervise the 460
physician assistant in accordance with both of the following: 461

(a) The supervision requirements specified in section 462
4730.21 of the Revised Code; 463

(b) The supervision agreement entered into with the 464
physician assistant under section 4730.19 of the Revised Code, 465
including, if applicable, the policies of the health care 466
facility in which the physician and physician assistant are 467
practicing. 468

(B) (1) The supervising physician of a physician assistant 469
may place conditions on the physician-delegated prescriptive 470
authority granted to the physician assistant. If conditions are 471
placed on that authority, the supervising physician shall 472
maintain a written record of the conditions and make the record 473
available to the state medical board on request. 474

(2) The conditions that a supervising physician may place 475
on the physician-delegated prescriptive authority granted to a 476
physician assistant include the following: 477

(a) Identification by class and specific generic nomenclature of drugs and therapeutic devices that the physician chooses not to permit the physician assistant to prescribe;	478 479 480
(b) Limitations on the dosage units or refills that the physician assistant is authorized to prescribe;	481 482
(c) Specification of circumstances under which the physician assistant is required to refer patients to the supervising physician or another physician when exercising physician-delegated prescriptive authority;	483 484 485 486
(d) Responsibilities to be fulfilled by the physician in supervising the physician assistant that are not otherwise specified in the supervision agreement or otherwise required by this chapter.	487 488 489 490
Sec. 4730.53. (A) As used in this section:	491
(1) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.	492 493 494
(2) "Opioid analgesic" and "benzodiazepine" have the same meanings as in section 3719.01 of the Revised Code.	495 496
(B) Except as provided in divisions (C) and (E) of this section, a physician assistant licensed under this chapter who has been granted physician-delegated prescriptive authority shall comply with all of the following as conditions of prescribing a drug that is either an opioid analgesic or a benzodiazepine as part of a patient's course of treatment for a particular condition:	497 498 499 500 501 502 503
(1) Before initially prescribing the drug, the physician assistant or the physician assistant's delegate shall request	504 505

from the drug database a report of information related to the 506
patient that covers at least the twelve months immediately 507
preceding the date of the request. If the physician assistant 508
practices primarily in a county of this state that adjoins 509
another state, the physician assistant or delegate also shall 510
request a report of any information available in the drug 511
database that pertains to prescriptions issued or drugs 512
furnished to the patient in the state adjoining that county. 513

(2) If the patient's course of treatment for the condition 514
continues for more than ninety days after the initial report is 515
requested, the physician assistant or delegate shall make 516
periodic requests for reports of information from the drug 517
database until the course of treatment has ended. The requests 518
shall be made at intervals not exceeding ninety days, determined 519
according to the date the initial request was made. The request 520
shall be made in the same manner provided in division (B) (1) of 521
this section for requesting the initial report of information 522
from the drug database. 523

(3) On receipt of a report under division (B) (1) or (2) of 524
this section, the physician assistant shall assess the 525
information in the report. The physician assistant shall 526
document in the patient's record that the report was received 527
and the information was assessed. 528

(C) Division (B) of this section does not apply in any of 529
the following circumstances: 530

(1) A drug database report regarding the patient is not 531
available, in which case the physician assistant shall document 532
in the patient's record the reason that the report is not 533
available. 534

(2) The drug is prescribed in an amount indicated for a	535
period not to exceed seven days.	536
(3) The drug is prescribed for the treatment of cancer or	537
another condition associated with cancer.	538
(4) (3) The drug is prescribed to a hospice patient in a	539
hospice care program, as those terms are defined in section	540
3712.01 of the Revised Code, or any other patient diagnosed as	541
terminally ill.	542
(5) (4) The drug is prescribed for administration in a	543
hospital, nursing home, or residential care facility.	544
(D) The state medical board may adopt rules that establish	545
standards and procedures to be followed by a physician assistant	546
licensed under this chapter who has been granted physician-	547
delegated prescriptive authority regarding the review of patient	548
information available through the drug database under division	549
(A) (5) of section 4729.80 of the Revised Code. The rules shall	550
be adopted in accordance with Chapter 119. of the Revised Code.	551
(E) This section and any rules adopted under it do not	552
apply if the state board of pharmacy no longer maintains the	553
drug database.	554
Sec. 4731.052. (A) As used in this section:	555
(1) "Chronic pain" means pain that has persisted after	556
reasonable medical efforts have been made to relieve the pain or	557
cure its cause and that has continued, either continuously or	558
episodically, for longer than three continuous months. "Chronic	559
pain" does not include pain associated with a terminal condition	560
or with a progressive disease that, in the normal course of	561
progression, may reasonably be expected to result in a terminal	562
condition.	563

(2) "Controlled substance" has the same meaning as in 564
section 3719.01 of the Revised Code. 565

(3) "Physician" means an individual authorized under this 566
chapter to practice medicine and surgery or osteopathic medicine 567
and surgery. 568

(B) The state medical board shall adopt rules in 569
accordance with Chapter 119. of the Revised Code that establish 570
standards and procedures to be followed by physicians in the 571
diagnosis and treatment of chronic pain, including standards for 572
a physician's consultation with one or more other physicians who 573
specialize in the treatment of the area, system, or organ of the 574
body perceived as the source of pain and managing chronic pain 575
by prescribing, personally furnishing, or administering 576
controlled substances ~~or products containing tramadol~~. 577

(C) When a physician diagnoses a patient as having chronic 578
pain, the physician may, subject to division (D) of this 579
section, treat the pain by managing it with controlled 580
substances ~~and products containing tramadol~~. The physician's 581
diagnosis and treatment decisions shall be made according to 582
accepted and prevailing standards for medical care. For the 583
purpose of assisting with the diagnosis of chronic pain, the 584
physician shall obtain and review all available medical records 585
or detailed written summaries of the patient's treatment for 586
chronic pain or the condition causing the chronic pain. It is 587
recommended that the physician also consider having the patient 588
evaluated by one or more other physicians who specialize in the 589
treatment of the area, system, or organ of the body perceived as 590
the source of the pain. 591

(D) For each patient a physician diagnoses as having 592
chronic pain, the physician shall maintain a written record of 593

all of the following:	594
(1) Medical history and physical examination of the patient;	595 596
(2) The diagnosis of chronic pain, including signs, symptoms, and causes;	597 598
(3) The plan of treatment proposed, the patient's response to treatment, and any modification to the plan of treatment, including all of the following:	599 600 601
(a) Documentation that other medically reasonable treatments for relief of the patient's chronic pain have been offered or attempted without adequate or reasonable success;	602 603 604
(b) Periodic assessment and documentation of the patient's functional status, including the ability to engage in work or other purposeful activities, the pain intensity and its interference with activities of daily living, quality of family life and social activities, and physical activity of the patient;	605 606 607 608 609 610
(c) Periodic assessment and documentation of the patient's progress toward treatment objectives, including the intended role of controlled substances or products containing tramadol within the overall plan of treatment;	611 612 613 614
(d) Periodic assessment and documentation for indicators of possible addiction, drug abuse, or drug diversion;	615 616
(e) Notation of any adverse drug effects.	617
(4) The dates on which controlled substances or products containing tramadol were prescribed, furnished, or administered, the name and address of the patient to or for whom the controlled substances or products containing tramadol were	618 619 620 621

prescribed, furnished, or administered, and the amounts and 622
dosage forms for the controlled substances ~~or products~~ 623
~~containing tramadol~~ prescribed, furnished, or administered; 624

(5) A copy of any record or report made by another 625
physician that was used or consulted for the purpose of 626
diagnosing the patient's chronic pain or treating the patient 627
for chronic pain. 628

(E) A physician shall not prescribe, personally furnish, 629
or administer to a patient a controlled substance ~~or product~~ 630
~~containing tramadol~~ without taking into account the potential 631
for abuse of the controlled substance ~~or product~~, the 632
possibility the controlled substance ~~or product~~ may lead to 633
dependence, the possibility the patient will obtain the 634
controlled substance ~~or product~~ for a nontherapeutic use or 635
distribute it to other persons, and the potential existence of 636
an illicit market for the controlled substance ~~or product~~. In 637
addition, the physician shall address with the patient the risks 638
associated with protracted treatment with controlled substances 639
~~or products containing tramadol~~, including informing the patient 640
of the potential for dependence, tolerance, and addiction and 641
the clinical or monitoring tools the physician may use if signs 642
of addiction, drug abuse, or drug diversion are present. 643

(F) A physician who treats chronic pain by managing it 644
with controlled substances ~~or products containing tramadol~~ is 645
not subject to disciplinary action by the board under section 646
4731.22 of the Revised Code solely because the physician treated 647
the chronic pain with controlled substances ~~or products~~ 648
~~containing tramadol~~. 649

Sec. 4731.054. (A) As used in this section: 650

- (1) "Chronic pain" has the same meaning as in section 4731.052 of the Revised Code. 651
652
- (2) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 653
654
- (3) "Hospice care program" means a program licensed under Chapter 3712. of the Revised Code. 655
656
- (4) "Hospital" means a hospital registered with the department of health under section 3701.07 of the Revised Code. 657
658
- (5) "Owner" means each person included on the list maintained under division (B)(6) of section 4729.552 of the Revised Code. 659
660
661
- (6) (a) "Pain management clinic" means a facility to which both of the following apply: 662
663
- (i) The majority of patients of the prescribers at the facility are provided treatment for chronic pain through the use of controlled substances, ~~tramadol~~, or other drugs specified in rules adopted under this section; 664
665
666
667
- (ii) The facility meets any other identifying criteria established in rules adopted under this section. 668
669
- (b) "Pain management clinic" does not include any of the following: 670
671
- (i) A hospital; 672
- (ii) A facility operated by a hospital for the treatment of chronic pain; 673
674
- (iii) A physician practice owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals; 675
676
677

- (iv) A school, college, university, or other educational institution or program to the extent that it provides instruction to individuals preparing to practice as physicians, podiatrists, dentists, nurses, physician assistants, optometrists, or veterinarians or any affiliated facility to the extent that it participates in the provision of that instruction;
- (v) A hospice care program with respect to its hospice patients;
- (vi) A hospice care program with respect to its provision of palliative care in an inpatient facility or unit to patients who are not hospice patients, as authorized by section 3712.10 of the Revised Code, but only in the case of those palliative care patients who have a life-threatening illness;
- (vii) A palliative care inpatient facility or unit that does not admit hospice patients and is not otherwise excluded as a pain management clinic under division (A) (6) (b) of this section, but only in the case of those palliative care patients who have a life-threatening illness;
- (viii) An ambulatory surgical facility licensed under section 3702.30 of the Revised Code;
- (ix) An interdisciplinary pain rehabilitation program with three-year accreditation from the commission on accreditation of rehabilitation facilities;
- (x) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;
- (xi) A facility conducting only clinical research that may use controlled substances in studies approved by a hospital-

based institutional review board or an institutional review 707
board accredited by the association for the accreditation of 708
human research protection programs. 709

(7) "Physician" means an individual authorized under this 710
chapter to practice medicine and surgery or osteopathic medicine 711
and surgery. 712

(8) "Prescriber" has the same meaning as in section 713
4729.01 of the Revised Code. 714

(B) Each owner shall supervise, control, and direct the 715
activities of each individual, including an employee, volunteer, 716
or individual under contract, who provides treatment of chronic 717
pain at the pain management clinic or is associated with the 718
provision of that treatment. The supervision, control, and 719
direction shall be provided in accordance with rules adopted 720
under this section. 721

(C) The state medical board shall adopt rules in 722
accordance with Chapter 119. of the Revised Code that establish 723
all of the following: 724

(1) Standards and procedures for the operation of a pain 725
management clinic; 726

(2) Standards and procedures to be followed by a physician 727
who provides care at a pain management clinic; 728

(3) For purposes of division (A) (5) (a) (i) of this section, 729
the other drugs used to treat chronic pain that identify a 730
facility as a pain management clinic; 731

(4) For purposes of division (A) (5) (a) (ii) of this 732
section, the other criteria that identify a facility as a pain 733
management clinic; 734

(5) For purposes of division (B) of this section, 735
standards and procedures to be followed by an owner in providing 736
supervision, direction, and control of individuals at a pain 737
management clinic. 738

(D) The board may impose a fine of not more than twenty 739
thousand dollars on a physician who fails to comply with rules 740
adopted under this section. The fine may be in addition to or in 741
lieu of any other action that may be taken under section 4731.22 742
of the Revised Code. The board shall deposit any amounts 743
received under this division in accordance with section 4731.24 744
of the Revised Code. 745

(E) (1) The board may inspect either of the following as 746
the board determines necessary to ensure compliance with this 747
chapter and any rules adopted under it regarding pain management 748
clinics: 749

(a) A pain management clinic; 750

(b) A facility or physician practice that the board 751
suspects is operating as a pain management clinic in violation 752
of this chapter. 753

(2) The board's inspection shall be conducted in 754
accordance with division (F) of section 4731.22 of the Revised 755
Code. 756

(3) Before conducting an on-site inspection, the board 757
shall provide notice to the owner or other person in charge of 758
the facility or physician practice, except that the board is not 759
required to provide the notice if, in the judgment of the board, 760
the notice would jeopardize an investigation being conducted by 761
the board. 762

Sec. 4731.055. (A) As used in this section: 763

(1) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.

(2) "Physician" means an individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.

(3) "Opioid analgesic" and "benzodiazepine" have the same meanings as in section 3719.01 of the Revised Code.

(B) Except as provided in divisions (C) and (E) of this section, a physician shall comply with all of the following as conditions of prescribing a drug that is either an opioid analgesic or a benzodiazepine, or personally furnishing a complete or partial supply of such a drug, as part of a patient's course of treatment for a particular condition:

(1) Before initially prescribing or furnishing the drug, the physician or the physician's delegate shall request from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the request. If the physician practices primarily in a county of this state that adjoins another state, the physician or delegate also shall request a report of any information available in the drug database that pertains to prescriptions issued or drugs furnished to the patient in the state adjoining that county.

(2) If the patient's course of treatment for the condition continues for more than ninety days after the initial report is requested, the physician or delegate shall make periodic requests for reports of information from the drug database until the course of treatment has ended. The requests shall be made at

intervals not exceeding ninety days, determined according to the 793
date the initial request was made. The request shall be made in 794
the same manner provided in division (B) (1) of this section for 795
requesting the initial report of information from the drug 796
database. 797

(3) On receipt of a report under division (B) (1) or (2) of 798
this section, the physician shall assess the information in the 799
report. The physician shall document in the patient's record 800
that the report was received and the information was assessed. 801

(C) Division (B) of this section does not apply in any of 802
the following circumstances: 803

(1) A drug database report regarding the patient is not 804
available, in which case the physician shall document in the 805
patient's record the reason that the report is not available. 806

~~(2) The drug is prescribed or personally furnished in an 807
amount indicated for a period not to exceed seven days. 808~~

~~(3) The drug is prescribed or personally furnished for the 809
treatment of cancer or another condition associated with cancer. 810~~

~~(4) (3) The drug is prescribed or personally furnished to 811
a hospice patient in a hospice care program, as those terms are 812
defined in section 3712.01 of the Revised Code, or any other 813
patient diagnosed as terminally ill. 814~~

~~(5) (4) The drug is prescribed or personally furnished for 815
administration in a hospital, nursing home, or residential care 816
facility. 817~~

~~(6) (5) The drug is prescribed or personally furnished to 818
treat acute pain resulting from a surgical or other invasive 819
procedure or a delivery. 820~~

(D) The state medical board may adopt rules that establish 821
standards and procedures to be followed by a physician regarding 822
the review of patient information available through the drug 823
database under division (A) (5) of section 4729.80 of the Revised 824
Code. The rules shall be adopted in accordance with Chapter 119. 825
of the Revised Code. 826

(E) This section and any rules adopted under it do not 827
apply if the state board of pharmacy no longer maintains the 828
drug database. 829

Section 2. That existing sections 3719.01, 4715.302, 830
4723.481, 4723.487, 4730.42, 4730.53, 4731.052, 4731.054, and 831
4731.055 of the Revised Code are hereby repealed. 832

Section 3. That the version of section 4723.431 of the 833
Revised Code that is scheduled to take effect September 30, 834
2024, be amended to read as follows: 835

Sec. 4723.481. This section establishes standards and 836
conditions regarding the authority of an advanced practice 837
registered nurse who is designated as a clinical nurse 838
specialist, certified nurse-midwife, or certified nurse 839
practitioner to prescribe and personally furnish drugs and 840
therapeutic devices under a license issued under section 4723.42 841
of the Revised Code. 842

(A) Except as provided in division (F) of this section, a 843
clinical nurse specialist, certified nurse-midwife, or certified 844
nurse practitioner shall not prescribe or furnish any drug or 845
therapeutic device that is listed on the exclusionary formulary 846
established in rules adopted under section 4723.50 of the 847
Revised Code. 848

(B) The prescriptive authority of a clinical nurse 849

specialist, certified nurse-midwife, or certified nurse 850
practitioner shall not exceed the prescriptive authority of the 851
collaborating physician or podiatrist, including the 852
collaborating physician's authority to treat chronic pain with 853
controlled substances ~~and products containing tramadol~~ as 854
described in section 4731.052 of the Revised Code. 855

(C) (1) Except as provided in division (C) (2) or (3) of 856
this section, a clinical nurse specialist, certified nurse- 857
midwife, or certified nurse practitioner may prescribe to a 858
patient a schedule II controlled substance only if all of the 859
following are the case: 860

(a) The patient has a terminal condition, as defined in 861
section 2133.01 of the Revised Code. 862

(b) A physician initially prescribed the substance for the 863
patient. 864

(c) The prescription is for an amount that does not exceed 865
the amount necessary for the patient's use in a single, seventy- 866
two-hour period. 867

(2) The restrictions on prescriptive authority in division 868
(C) (1) of this section do not apply if a clinical nurse 869
specialist, certified nurse-midwife, or certified nurse 870
practitioner issues the prescription to the patient from any of 871
the following locations: 872

(a) A hospital as defined in section 3722.01 of the 873
Revised Code; 874

(b) An entity owned or controlled, in whole or in part, by 875
a hospital or by an entity that owns or controls, in whole or in 876
part, one or more hospitals; 877

(c) A health care facility operated by the department of mental health and addiction services or the department of developmental disabilities;	878 879 880
(d) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;	881 882 883
(e) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;	884 885 886
(f) A hospice care program, as defined in section 3712.01 of the Revised Code;	887 888
(g) A community mental health services provider, as defined in section 5122.01 of the Revised Code;	889 890
(h) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;	891 892
(i) A freestanding birthing center, as defined in section 3701.503 of the Revised Code;	893 894
(j) A federally qualified health center, as defined in section 3701.047 of the Revised Code;	895 896
(k) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	897 898
(l) A health care office or facility operated by 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;	899 900 901 902
(m) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also	903 904

are owners of the practice; the practice is organized to provide 905
direct patient care; and the clinical nurse specialist, 906
certified nurse-midwife, or certified nurse practitioner 907
providing services at the site has a standard care arrangement 908
and collaborates with at least one of the physician owners who 909
practices primarily at that site; 910

(n) A residential care facility, as defined in section 911
3721.01 of the Revised Code. 912

(3) A clinical nurse specialist, certified nurse-midwife, 913
or certified nurse practitioner shall not issue to a patient a 914
prescription for a schedule II controlled substance from a 915
convenience care clinic even if the clinic is owned or operated 916
by an entity specified in division (C) (2) of this section. 917

(D) A pharmacist who acts in good faith reliance on a 918
prescription issued by a clinical nurse specialist, certified 919
nurse-midwife, or certified nurse practitioner under division 920
(C) (2) of this section is not liable for or subject to any of 921
the following for relying on the prescription: damages in any 922
civil action, prosecution in any criminal proceeding, or 923
professional disciplinary action by the state board of pharmacy 924
under Chapter 4729. of the Revised Code. 925

(E) A clinical nurse specialist, certified nurse-midwife, 926
or certified nurse practitioner shall comply with section 927
3719.061 of the Revised Code if the nurse prescribes for a 928
minor, as defined in that section, an opioid analgesic, as 929
defined in section 3719.01 of the Revised Code. 930

(F) Until the board of nursing establishes a new formulary 931
in rules adopted under section 4723.50 of the Revised Code, a 932
clinical nurse specialist, certified nurse-midwife, or certified 933

nurse practitioner who prescribes or furnishes any drug or 934
therapeutic device shall do so in accordance with the formulary 935
established by the board prior to April 6, 2017. 936

Section 4. That the existing version of section 4723.431 937
of the Revised Code that is scheduled to take effect September 938
30, 2024, is hereby repealed. 939

Section 5. Sections 3 and 4 of this act take effect 940
September 30, 2024. 941

Section 6. TRANSFER FROM MEDICAL MARIJUANA CONTROL PROGRAM 942
FUND TO DRUG DATABASE FUND 943

On July 1, 2022, or as soon as possible thereafter, the 944
Director of Commerce and the Executive Director of the Board of 945
Pharmacy shall consult with the Director of Budget and 946
Management to determine the amount of money sufficient for 947
maintaining and administering drug database operations and 948
initiatives aimed at reducing the diversion of dangerous drugs. 949
After that determination, the Director of Budget and Management 950
shall transfer the determined amount in cash from the Medical 951
Marijuana Control Program Fund (Fund 5YS0) to the Drug Database 952
Fund (Fund 5SG0). 953

Section 7. Section 4730.53 of the Revised Code is 954
presented in this act as a composite of the section as amended 955
by S.B. 110 of the 131st General Assembly and H.B. 394 and S.B. 956
276, both of the 130th General Assembly. The General Assembly, 957
applying the principle stated in division (B) of section 1.52 of 958
the Revised Code that amendments are to be harmonized if 959
reasonably capable of simultaneous operation, finds that the 960
composite is the resulting version of the section in effect 961
prior to the effective date of the section as presented in this 962

act.

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