

As Introduced

**135th General Assembly
Regular Session
2023-2024**

H. B. No. 672

Representatives Barhorst, Santucci

A BILL

To amend sections 4729.01, 4731.07, 4731.224, 1
4731.24, 4731.25, 4731.34, and 4776.20 and to 2
enact sections 4789.01, 4789.02, 4789.03, 3
4789.04, 4789.05, 4789.06, 4789.07, 4789.08, 4
4789.09, 4789.091, 4789.10, 4789.11, 4789.12, 5
and 4789.99 of the Revised Code to license and 6
regulate the practice of naturopathic medicine. 7

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

Section 1. That sections 4729.01, 4731.07, 4731.224, 8
4731.24, 4731.25, 4731.34, and 4776.20 be amended and sections 9
4789.01, 4789.02, 4789.03, 4789.04, 4789.05, 4789.06, 4789.07, 10
4789.08, 4789.09, 4789.091, 4789.10, 4789.11, 4789.12, and 11
4789.99 of the Revised Code be enacted to read as follows: 12

Sec. 4729.01. As used in this chapter: 13

(A) "Pharmacy," except when used in a context that refers 14
to the practice of pharmacy, means any area, room, rooms, place 15
of business, department, or portion of any of the foregoing 16
where the practice of pharmacy is conducted. 17

(B) "Practice of pharmacy" means providing pharmacist care 18
requiring specialized knowledge, judgment, and skill derived 19

from the principles of biological, chemical, behavioral, social,	20
pharmaceutical, and clinical sciences. As used in this division,	21
"pharmacist care" includes the following:	22
(1) Interpreting prescriptions;	23
(2) Dispensing drugs and drug therapy related devices;	24
(3) Compounding drugs;	25
(4) Counseling individuals with regard to their drug	26
therapy, recommending drug therapy related devices, and	27
assisting in the selection of drugs and appliances for treatment	28
of common diseases and injuries and providing instruction in the	29
proper use of the drugs and appliances;	30
(5) Performing drug regimen reviews with individuals by	31
discussing all of the drugs that the individual is taking and	32
explaining the interactions of the drugs;	33
(6) Performing drug utilization reviews with licensed	34
health professionals authorized to prescribe drugs when the	35
pharmacist determines that an individual with a prescription has	36
a drug regimen that warrants additional discussion with the	37
prescriber;	38
(7) Advising an individual and the health care	39
professionals treating an individual with regard to the	40
individual's drug therapy;	41
(8) Acting pursuant to a consult agreement, if an	42
agreement has been established;	43
(9) Engaging in the administration of immunizations to the	44
extent authorized by section 4729.41 of the Revised Code;	45
(10) Engaging in the administration of drugs to the extent	46

authorized by section 4729.45 of the Revised Code. 47

(C) "Compounding" means the preparation, mixing, 48
assembling, packaging, and labeling of one or more drugs in any 49
of the following circumstances: 50

(1) Pursuant to a prescription issued by a licensed health 51
professional authorized to prescribe drugs; 52

(2) Pursuant to the modification of a prescription made in 53
accordance with a consult agreement; 54

(3) As an incident to research, teaching activities, or 55
chemical analysis; 56

(4) In anticipation of orders for drugs pursuant to 57
prescriptions, based on routine, regularly observed dispensing 58
patterns; 59

(5) Pursuant to a request made by a licensed health 60
professional authorized to prescribe drugs for a drug that is to 61
be used by the professional for the purpose of direct 62
administration to patients in the course of the professional's 63
practice, if all of the following apply: 64

(a) At the time the request is made, the drug is not 65
commercially available regardless of the reason that the drug is 66
not available, including the absence of a manufacturer for the 67
drug or the lack of a readily available supply of the drug from 68
a manufacturer. 69

(b) A limited quantity of the drug is compounded and 70
provided to the professional. 71

(c) The drug is compounded and provided to the 72
professional as an occasional exception to the normal practice 73
of dispensing drugs pursuant to patient-specific prescriptions. 74

(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.	75 76
(E) "Drug" means:	77
(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;	78 79 80 81
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	82 83 84
(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	85 86
(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.	87 88 89 90
"Drug" does not include "hemp" or a "hemp product" as those terms are defined in section 928.01 of the Revised Code.	91 92
(F) "Dangerous drug" means any of the following:	93
(1) Any drug to which either of the following applies:	94
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;	95 96 97 98 99 100 101

(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	102 103
(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;	104 105 106
(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body;	107 108 109
(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.	110 111
(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.	112 113
(H) "Prescription" means all of the following:	114
(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;	115 116 117 118
(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, gonorrhoea, 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;	119 120 121 122 123 124
(3) For purposes of sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4731.96, and 5101.76 of the Revised Code, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a school, school district, or camp;	125 126 127 128 129

(4) For purposes of Chapter 3728. and sections 4723.483, 130
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 131
electronic, or oral order for an epinephrine autoinjector issued 132
to and in the name of a qualified entity, as defined in section 133
3728.01 of the Revised Code; 134

(5) For purposes of sections 3313.7115, 3313.7116, 135
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 136
5101.78 of the Revised Code, a written, electronic, or oral 137
order for injectable or nasally administered glucagon in the 138
name of a school, school district, or camp. 139

(I) "Licensed health professional authorized to prescribe 140
drugs" or "prescriber" means an individual who is authorized by 141
law to prescribe drugs or dangerous drugs or drug therapy 142
related devices in the course of the individual's professional 143
practice, including only the following: 144

(1) A dentist licensed under Chapter 4715. of the Revised 145
Code; 146

(2) A clinical nurse specialist, certified nurse-midwife, 147
or certified nurse practitioner who holds a current, valid 148
license issued under Chapter 4723. of the Revised Code to 149
practice nursing as an advanced practice registered nurse; 150

(3) A certified registered nurse anesthetist who holds a 151
current, valid license issued under Chapter 4723. of the Revised 152
Code to practice nursing as an advanced practice registered 153
nurse, but only to the extent of the nurse's authority under 154
sections 4723.43 and 4723.434 of the Revised Code; 155

(4) An optometrist licensed under Chapter 4725. of the 156
Revised Code to practice optometry; 157

(5) A physician authorized under Chapter 4731. of the 158

Revised Code to practice medicine and surgery, osteopathic	159
medicine and surgery, or podiatric medicine and surgery;	160
(6) A physician assistant who holds a license to practice	161
as a physician assistant issued under Chapter 4730. of the	162
Revised Code, holds a valid prescriber number issued by the	163
state medical board, and has been granted physician-delegated	164
prescriptive authority;	165
(7) A veterinarian licensed under Chapter 4741. of the	166
Revised Code;	167
<u>(8) An individual who is licensed to practice naturopathic</u>	168
<u>medicine under Chapter 4789. of the Revised Code and who is</u>	169
<u>authorized to prescribe, dispense, and administer prescription</u>	170
<u>drugs and devices under section 4789.091 of the Revised Code.</u>	171
(J) "Sale" or "sell" includes any transaction made by any	172
person, whether as principal proprietor, agent, or employee, to	173
do or offer to do any of the following: deliver, distribute,	174
broker, exchange, gift or otherwise give away, or transfer,	175
whether the transfer is by passage of title, physical movement,	176
or both.	177
(K) "Wholesale sale" and "sale at wholesale" mean any sale	178
in which the purpose of the purchaser is to resell the article	179
purchased or received by the purchaser.	180
(L) "Retail sale" and "sale at retail" mean any sale other	181
than a wholesale sale or sale at wholesale.	182
(M) "Retail seller" means any person that sells any	183
dangerous drug to consumers without assuming control over and	184
responsibility for its administration. Mere advice or	185
instructions regarding administration do not constitute control	186
or establish responsibility.	187

(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:	188 189 190
(1) The proprietary name of the drug product;	191
(2) The established (generic) name of the drug product;	192
(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.	193 194 195 196 197 198 199 200
(4) The dosage form;	201
(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 statement identifying professional services routinely furnished by the pharmacy. Any mailing fees and delivery fees may be stated separately without repetition. The information shall not be false or misleading.	202 203 204 205 206 207 208 209
(O) "Wholesale distributor of dangerous drugs" or "wholesale distributor" means a person engaged in the sale of dangerous drugs at wholesale and includes any agent or employee of such a person authorized by the person to engage in the sale of dangerous drugs at wholesale.	210 211 212 213 214
(P) "Manufacturer of dangerous drugs" or "manufacturer" means a person, other than a pharmacist or prescriber, who	215 216

manufactures dangerous drugs and who is engaged in the sale of 217
those dangerous drugs. 218

(Q) "Terminal distributor of dangerous drugs" or "terminal 219
distributor" means a person who is engaged in the sale of 220
dangerous drugs at retail, or any person, other than a 221
manufacturer, repackager, outsourcing facility, third-party 222
logistics provider, wholesale distributor, or pharmacist, who 223
has possession, custody, or control of dangerous drugs for any 224
purpose other than for that person's own use and consumption. 225
"Terminal distributor" includes pharmacies, hospitals, nursing 226
homes, and laboratories and all other persons who procure 227
dangerous drugs for sale or other distribution by or under the 228
supervision of a pharmacist, licensed health professional 229
authorized to prescribe drugs, or other person authorized by the 230
state board of pharmacy. 231

(R) "Promote to the public" means disseminating a 232
representation to the public in any manner or by any means, 233
other than by labeling, for the purpose of inducing, or that is 234
likely to induce, directly or indirectly, the purchase of a 235
dangerous drug at retail. 236

(S) "Person" includes any individual, partnership, 237
association, limited liability company, or corporation, the 238
state, any political subdivision of the state, and any district, 239
department, or agency of the state or its political 240
subdivisions. 241

(T) (1) "Animal shelter" means a facility operated by a 242
humane society or any society organized under Chapter 1717. of 243
the Revised Code or a dog pound operated pursuant to Chapter 244
955. of the Revised Code. 245

(2) "County dog warden" means a dog warden or deputy dog warden appointed or employed under section 955.12 of the Revised Code.	246 247 248
(U) "Food" has the same meaning as in section 3715.01 of the Revised Code.	249 250
(V) "Pain management clinic" has the same meaning as in section 4731.054 of the Revised Code.	251 252
(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United States food and drug administration clinical trials and remains under clinical trial, but has not been approved for general use by the United States food and drug administration.	253 254 255 256 257
"Investigational drug or product" does not include controlled substances in schedule I, as defined in section 3719.01 of the Revised Code.	258 259 260
(X) "Product," when used in reference to an investigational drug or product, means a biological product, other than a drug, that is made from a natural human, animal, or microorganism source and is intended to treat a disease or medical condition.	261 262 263 264 265
(Y) "Third-party logistics provider" means a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs including distribution, on behalf of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs.	266 267 268 269 270 271 272
(Z) "Repackager of dangerous drugs" or "repackager" means a person that repacks and relabels dangerous drugs for sale or	273 274

distribution.	275
(AA) "Outsourcing facility" means a facility that is engaged in the compounding and sale of sterile drugs and is registered as an outsourcing facility with the United States food and drug administration.	276 277 278 279
(BB) "Laboratory" means a laboratory licensed under this chapter as a terminal distributor of dangerous drugs and entrusted to have custody of any of the following drugs and to use the drugs for scientific and clinical purposes and for purposes of instruction: dangerous drugs that are not controlled substances, as defined in section 3719.01 of the Revised Code; dangerous drugs that are controlled substances, as defined in that section; and controlled substances in schedule I, as defined in that section.	280 281 282 283 284 285 286 287 288
(CC) "Overdose reversal drug" means both of the following:	289
(1) Naloxone;	290
(2) Any other drug that the state board of pharmacy, through rules adopted in accordance with Chapter 119. of the Revised Code, designates as a drug that is approved by the federal food and drug administration for the reversal of a known or suspected opioid-related overdose.	291 292 293 294 295
Sec. 4731.07. (A) The state medical board shall keep a record of its proceedings. The minutes of a meeting of the board shall, on approval by the board, constitute an official record of its proceedings.	296 297 298 299
(B) The board shall keep a register of applicants for licenses and certificates issued under this chapter; licenses issued under Chapters 4730., 4760., 4762., 4774., and 4778. <u>and 4789.</u> ; and licenses and limited permits issued under Chapters	300 301 302 303

4759. and 4761. of the Revised Code. The register shall show the 304
name of the applicant and whether the applicant was granted or 305
refused the license, certificate, or limited permit being 306
sought. 307

With respect to applicants to practice medicine and 308
surgery or osteopathic medicine and surgery, the register shall 309
show the name of the institution that granted the applicant the 310
degree of doctor of medicine or osteopathic medicine. With 311
respect to applicants to practice respiratory care, the register 312
shall show the addresses of the person's last known place of 313
business, the effective date and identification number of the 314
license or limited permit, and, if applicable, the name and 315
location of the institution that granted the person's degree or 316
certificate of completion of respiratory care educational 317
requirements and the date the degree or certificate of 318
completion was issued. 319

(C) The books and records of the board shall be prima- 320
facie evidence of matters therein contained. 321

Sec. 4731.224. (A) Within sixty days after the imposition 322
of any formal disciplinary action taken by any health care 323
facility, including a hospital, health care facility operated by 324
a health insuring corporation, ambulatory surgical center, or 325
similar facility, against any individual holding a valid license 326
or certificate to practice issued pursuant to this chapter, the 327
chief administrator or executive officer of the facility shall 328
report to the state medical board the name of the individual, 329
the action taken by the facility, and a summary of the 330
underlying facts leading to the action taken. Upon request, the 331
board shall be provided certified copies of the patient records 332
that were the basis for the facility's action. Prior to release 333

to the board, the summary shall be approved by the peer review 334
committee that reviewed the case or by the governing board of 335
the facility. As used in this division, "formal disciplinary 336
action" means any action resulting in the revocation, 337
restriction, reduction, or termination of clinical privileges 338
for violations of professional ethics, or for reasons of medical 339
incompetence or medical malpractice. "Formal disciplinary 340
action" includes a summary action, an action that takes effect 341
notwithstanding any appeal rights that may exist, and an action 342
that results in an individual surrendering clinical privileges 343
while under investigation and during proceedings regarding the 344
action being taken or in return for not being investigated or 345
having proceedings held. "Formal disciplinary action" does not 346
include any action taken for the sole reason of failure to 347
maintain records on a timely basis or failure to attend staff or 348
section meetings. 349

The filing or nonfiling of a report with the board, 350
investigation by the board, or any disciplinary action taken by 351
the board, shall not preclude any action by a health care 352
facility to suspend, restrict, or revoke the individual's 353
clinical privileges. 354

In the absence of fraud or bad faith, no individual or 355
entity that provides patient records to the board shall be 356
liable in damages to any person as a result of providing the 357
records. 358

(B) (1) Except as provided in division (B) (2) of this 359
section, if any individual authorized to practice under this 360
chapter or any professional association or society of such 361
individuals believes that a violation of any provision of this 362
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4774., ~~or~~ 363

4778., or 4789. of the Revised Code, or any rule of the board 364
has occurred, the individual, association, or society shall 365
report to the board the information upon which the belief is 366
based. 367

(2) If any individual authorized to practice under this 368
chapter or any professional association or society of such 369
individuals believes that a violation of division (B) (19) or 370
(26) of section 4731.22 of the Revised Code has occurred, the 371
individual, association, or society shall report the information 372
upon which the belief is based to the monitoring organization 373
conducting the confidential monitoring program established under 374
section 4731.25 of the Revised Code. If any such report is made 375
to the board, it shall be referred to the monitoring 376
organization unless the board is aware that the individual who 377
is the subject of the report does not meet the program 378
eligibility requirements of section 4731.252 of the Revised 379
Code. 380

(C) Any professional association or society composed 381
primarily of doctors of medicine and surgery, doctors of 382
osteopathic medicine and surgery, doctors of podiatric medicine 383
and surgery, or practitioners of limited branches of medicine 384
that suspends or revokes an individual's membership for 385
violations of professional ethics, or for reasons of 386
professional incompetence or professional malpractice, within 387
sixty days after a final decision shall report to the board, on 388
forms prescribed and provided by the board, the name of the 389
individual, the action taken by the professional organization, 390
and a summary of the underlying facts leading to the action 391
taken. 392

The filing of a report with the board or decision not to 393

file a report, investigation by the board, or any disciplinary 394
action taken by the board, does not preclude a professional 395
organization from taking disciplinary action against an 396
individual. 397

(D) Any insurer providing professional liability insurance 398
to an individual authorized to practice under this chapter, or 399
any other entity that seeks to indemnify the professional 400
liability of such an individual, shall notify the board within 401
thirty days after the final disposition of any written claim for 402
damages where such disposition results in a payment exceeding 403
twenty-five thousand dollars. The notice shall contain the 404
following information: 405

(1) The name and address of the person submitting the 406
notification; 407

(2) The name and address of the insured who is the subject 408
of the claim; 409

(3) The name of the person filing the written claim; 410

(4) The date of final disposition; 411

(5) If applicable, the identity of the court in which the 412
final disposition of the claim took place. 413

(E) The board may investigate possible violations of this 414
chapter or the rules adopted under it that are brought to its 415
attention as a result of the reporting requirements of this 416
section, except that the board shall conduct an investigation if 417
a possible violation involves repeated malpractice. As used in 418
this division, "repeated malpractice" means three or more claims 419
for medical malpractice within the previous five-year period, 420
each resulting in a judgment or settlement in excess of twenty- 421
five thousand dollars in favor of the claimant, and each 422

involving negligent conduct by the practicing individual. 423

(F) All summaries, reports, and records received and 424
maintained by the board pursuant to this section shall be held 425
in confidence and shall not be subject to discovery or 426
introduction in evidence in any federal or state civil action 427
involving a health care professional or facility arising out of 428
matters that are the subject of the reporting required by this 429
section. The board may use the information obtained only as the 430
basis for an investigation, as evidence in a disciplinary 431
hearing against an individual whose practice is regulated under 432
this chapter, or in any subsequent trial or appeal of a board 433
action or order. 434

The board may disclose the summaries and reports it 435
receives under this section only to health care facility 436
committees within or outside this state that are involved in 437
credentialing or recredentialing the individual or in reviewing 438
the individual's clinical privileges. The board shall indicate 439
whether or not the information has been verified. Information 440
transmitted by the board shall be subject to the same 441
confidentiality provisions as when maintained by the board. 442

(G) Except for reports filed by an individual pursuant to 443
division (B) of this section, the board shall send a copy of any 444
reports or summaries it receives pursuant to this section to the 445
individual who is the subject of the reports or summaries. The 446
individual shall have the right to file a statement with the 447
board concerning the correctness or relevance of the 448
information. The statement shall at all times accompany that 449
part of the record in contention. 450

(H) An individual or entity that, pursuant to this 451
section, reports to the board, reports to the monitoring 452

organization described in section 4731.25 of the Revised Code, 453
or refers an impaired practitioner to a treatment provider 454
approved by the board under section 4731.251 of the Revised Code 455
shall not be subject to suit for civil damages as a result of 456
the report, referral, or provision of the information. 457

(I) In the absence of fraud or bad faith, no professional 458
association or society of individuals authorized to practice 459
under this chapter that sponsors a committee or program to 460
provide peer assistance to practitioners with substance abuse 461
problems, no representative or agent of such a committee or 462
program, no representative or agent of the monitoring 463
organization described in section 4731.25 of the Revised Code, 464
and no member of the state medical board shall be held liable in 465
damages to any person by reason of actions taken to refer a 466
practitioner to a treatment provider approved under section 467
4731.251 of the Revised Code for examination or treatment. 468

Sec. 4731.24. Except as provided in sections 4731.281 and 469
4731.40 of the Revised Code, all receipts of the state medical 470
board, from any source, shall be deposited in the state 471
treasury. The funds shall be deposited to the credit of the 472
state medical board operating fund, which is hereby created. 473
Except as provided in sections 4730.252, 4731.225, 4731.24, 474
4759.071, 4760.133, 4761.091, 4762.133, 4774.133, and 4778.141 475
of the Revised Code, all funds deposited into the state treasury 476
under this section shall be used solely for the administration 477
and enforcement of this chapter and Chapters 4730., 4759., 478
4760., 4761., 4762., 4774., ~~and 4778.~~ and 4789. of the Revised 479
Code by the board. 480

Sec. 4731.25. (A) As used in this section and in sections 481
4731.251 to 4731.255 of the Revised Code: 482

(1) "Applicant" means an individual who has applied under Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4774., ~~or~~ 4778., or 4789. 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, physician, podiatrist, limited branch of medicine practitioner, dietitian, anesthesiologist assistant, respiratory care professional, acupuncturist, radiologist assistant, ~~or~~ genetic counselor, or naturopathic physician. "Applicant" may include an individual who has been granted authority by the state medical board to practice as one type of practitioner, but has applied for authority to practice as another type of practitioner.

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

(a) Impairment of ability to practice as described in division (B) (5) of section 4730.25, division (B) (26) of section 4731.22, division (A) (18) of section 4759.07, division (B) (6) of section 4760.13, division (A) (18) of section 4761.09, division (B) (6) of section 4762.13, division (B) (6) of section 4774.13, ~~or~~ division (B) (6) of section 4778.14, or division (C) (19) of section 4789.10 of the Revised Code;

(b) Inability to practice as described in division (B) (4) of section 4730.25, division (B) (19) of section 4731.22, division (A) (14) of section 4759.07, division (B) (5) of section 4760.13, division (A) (14) of section 4761.09, division (B) (5) of section 4762.13, division (B) (5) of section 4774.13, ~~or~~ division (B) (5) of section 4778.14, or division (C) (18) of section 4789.10 of the Revised Code.

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

(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;	513 514 515
(b) An individual licensed under Chapter 4730. of the Revised Code to practice as a physician assistant;	516 517
(c) An individual authorized under Chapter 4759. of the Revised Code to practice as a dietitian;	518 519
(d) An individual authorized under Chapter 4760. of the Revised Code to practice as an anesthesiologist assistant;	520 521
(e) An individual authorized under Chapter 4761. of the Revised Code to practice respiratory care;	522 523
(f) An individual licensed under Chapter 4762. of the Revised Code to practice as an acupuncturist;	524 525
(g) An individual licensed under Chapter 4774. of the Revised Code to practice as a radiologist assistant;	526 527
(h) An individual licensed under Chapter 4778. of the Revised Code to practice as a genetic counselor;	528 529
<u>(i) An individual licensed under Chapter 4789. of the Revised Code to practice naturopathic medicine.</u>	530 531
(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.	532 533 534 535 536 537
The board shall contract with a monitoring organization to conduct the program and perform monitoring services. To be	538 539

qualified to contract with the board, an organization shall meet 540
all of the following requirements: 541

(1) Be a professionals health program sponsored by one or 542
more professional associations or societies of practitioners; 543

(2) Be organized as a not-for-profit entity and exempt 544
from federal income taxation under subsection 501(c)(3) of the 545
Internal Revenue Code; 546

(3) Contract with or employ a medical director who is 547
authorized under this chapter to practice medicine and surgery 548
or osteopathic medicine and surgery and specializes or has 549
training and expertise in addiction medicine; 550

(4) Contract with or employ licensed health care 551
professionals necessary for the organization's operation. 552

(C) The monitoring organization shall do all of the 553
following pursuant to the contract: 554

(1) Receive from the board a referral regarding an 555
applicant or receive any report of suspected practitioner 556
impairment from any source, including from the board; 557

(2) Notify a practitioner who is the subject of a report 558
received under division (C)(1) of this section that the report 559
has been made and that the practitioner may be eligible to 560
participate in the program conducted under this section; 561

(3) Provide a practitioner who is the subject of a report 562
received under division (C)(1) of this section with the list of 563
approved evaluators and treatment providers prepared and updated 564
as described in section 4731.251 of the Revised Code; 565

(4) Determine whether a practitioner reported or applicant 566
referred to the monitoring organization is eligible to 567

participate in the program, which in the case of an applicant 568
may include evaluating records as described in division (E) (1) 569
(d) of this section, and notify the practitioner or applicant of 570
the determination; 571

(5) In the case of a practitioner reported by a treatment 572
provider, notify the treatment provider of the eligibility 573
determination; 574

(6) Report to the board any practitioner or applicant who 575
is determined ineligible to participate in the program; 576

(7) Refer an eligible practitioner who chooses to 577
participate in the program for evaluation by an evaluator 578
approved by the monitoring organization, unless the report 579
received by the monitoring organization was made by an approved 580
evaluator and the practitioner has already been evaluated; 581

(8) Monitor the evaluation of an eligible practitioner; 582

(9) Refer an eligible practitioner who chooses to 583
participate in the program to a treatment provider approved by 584
the monitoring organization; 585

(10) Establish, in consultation with the treatment 586
provider to which a practitioner is referred, the terms and 587
conditions with which the practitioner must comply for continued 588
participation in and successful completion of the program; 589

(11) Report to the board any practitioner who does not 590
complete evaluation or treatment or does not comply with any of 591
the terms and conditions established by the monitoring 592
organization and the treatment provider; 593

(12) Perform any other activities specified in the 594
contract with the board or that the monitoring organization 595

considers necessary to comply with this section and sections 596
4731.251 to 4731.255 of the Revised Code. 597

(D) The monitoring organization shall not disclose to the 598
board the name of a practitioner or applicant or any records 599
relating to a practitioner or applicant, unless any of the 600
following occurs: 601

(1) The practitioner or applicant is determined to be 602
ineligible to participate in the program. 603

(2) The practitioner or applicant requests the disclosure. 604

(3) The practitioner or applicant is unwilling or unable 605
to complete or comply with any part of the program, including 606
evaluation, treatment, or monitoring. 607

(4) The practitioner or applicant presents an imminent 608
danger to oneself or the public, as a result of the 609
practitioner's or applicant's impairment. 610

(5) The practitioner's impairment has not been 611
substantially alleviated by participation in the program. 612

(E) (1) The monitoring organization shall develop 613
procedures governing each of the following: 614

(a) Receiving reports of practitioner impairment; 615

(b) Notifying practitioners of reports and eligibility 616
determinations; 617

(c) Receiving applicant referrals as described in section 618
4731.253 of the Revised Code; 619

(d) Evaluating records of referred applicants, in 620
particular records from other jurisdictions regarding prior 621
treatment for impairment or current or continued monitoring; 622

(e) Notifying applicants of eligibility determinations;	623
(f) Referring eligible practitioners for evaluation or treatment;	624 625
(g) Establishing individualized treatment plans for eligible practitioners, as recommended by treatment providers;	626 627
(h) Establishing individualized terms and conditions with which eligible practitioners or applicants must comply for continued participation in and successful completion of the program.	628 629 630 631
(2) The monitoring organization, in consultation with the board, shall develop procedures governing each of the following:	632 633
(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;	634 635 636 637 638
(b) Reporting to the board any practitioner or applicant who due to impairment presents an imminent danger to oneself or the public;	639 640 641
(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;	642 643 644
(d) Reporting to the board any practitioner or applicant whose impairment was not substantially alleviated by participation in the program.	645 646 647
Sec. 4731.34. (A) Except as provided in this section, a person shall be regarded as practicing medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and	648 649 650

surgery, within the meaning ~~of this~~ of this chapter, who does any 651
of the following: 652

(1) Uses the words or letters, "Dr.," "Doctor," "M.D.," 653
"physician," "D.O.," "D.P.M.," or any other title in connection 654
with the person's name in any way that represents the person as 655
engaged in the practice of medicine and surgery, osteopathic 656
medicine and surgery, or podiatric medicine and surgery, in any 657
of its branches; 658

(2) Advertises, solicits, or represents in any way that 659
the person is practicing medicine and surgery, osteopathic 660
medicine and surgery, or podiatric medicine and surgery, in any 661
of its branches; 662

(3) In person or, regardless of the person's location, 663
through the use of any communication, including oral, written, 664
or electronic communication, does any of the following: 665

(a) Examines or diagnoses for compensation of any kind, 666
direct or indirect; 667

(b) Prescribes, advises, recommends, administers, or 668
dispenses for compensation of any kind, direct or indirect, a 669
drug or medicine, appliance, mold or cast, application, 670
operation, or treatment, of whatever nature, for the cure or 671
relief of a wound, fracture or bodily injury, infirmity, or 672
disease. 673

(B) The treatment of human ills through prayer alone by a 674
practitioner of the Christian Science church, in accordance with 675
the tenets and creed of such church, shall not be regarded as 676
the practice of medicine, provided that sanitary and public 677
health laws shall be complied with, no practices shall be used 678
that may be dangerous or detrimental to life or health, and no 679

person shall be denied the benefits of accepted medical and 680
surgical practices. 681

(C) The use of words, letters, or titles in any connection 682
or under any circumstances as to induce the belief that the 683
person who uses them is engaged in the practice of medicine and 684
surgery, osteopathic medicine and surgery, or podiatric medicine 685
and surgery, in any of its branches, is prima-facie evidence of 686
the intent of such person to represent the person as engaged in 687
the practice of medicine and surgery, osteopathic medicine and 688
surgery, or podiatric medicine and surgery, in any of its 689
branches. 690

(D) An individual who is licensed under Chapter 4789. of 691
the Revised Code and who practices naturopathic medicine in 692
compliance with that chapter shall not be regarded as practicing 693
medicine for purposes of this section. 694

Sec. 4776.20. (A) As used in this section: 695

(1) "Licensing agency" means, in addition to each board 696
identified in division (C) of section 4776.01 of the Revised 697
Code, the board or other government entity authorized to issue a 698
license under Chapters 3776., 4703., 4707., 4709., 4712., 4713., 699
4719., 4723., 4727., 4728., 4733., 4735., 4737., 4738., 4740., 700
4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 701
4766., 4771., 4773., ~~and 4781.~~ and 4789. of the Revised Code. 702
"Licensing agency" includes an administrative officer that has 703
authority to issue a license. 704

(2) "Licensee" means, in addition to a licensee as 705
described in division (B) of section 4776.01 of the Revised 706
Code, the person to whom a license is issued by the board or 707
other government entity authorized to issue a license under 708

Chapters 3776., 4703., 4707., 4709., 4712., 4713., 4719., 4723., 709
4727., 4728., 4733., 4735., 4737., 4738., 4740., 4747., 4749., 710
4751., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 4766., 711
4771., 4773., ~~and 4781.~~ and 4789. of the Revised Code. 712

(3) "Prosecutor" has the same meaning as in section 713
2935.01 of the Revised Code. 714

(B) On a licensee's conviction of, plea of guilty to, 715
judicial finding of guilt of, or judicial finding of guilt 716
resulting from a plea of no contest to the offense of 717
trafficking in persons in violation of section 2905.32 of the 718
Revised Code, the prosecutor in the case shall promptly notify 719
the licensing agency of the conviction, plea, or finding and 720
provide the licensee's name and residential address. On receipt 721
of this notification, the licensing agency shall immediately 722
suspend the licensee's license. 723

(C) If there is a conviction of, plea of guilty to, 724
judicial finding of guilt of, or judicial finding of guilt 725
resulting from a plea of no contest to the offense of 726
trafficking in persons in violation of section 2905.32 of the 727
Revised Code and all or part of the violation occurred on the 728
premises of a facility that is licensed by a licensing agency, 729
the prosecutor in the case shall promptly notify the licensing 730
agency of the conviction, plea, or finding and provide the 731
facility's name and address and the offender's name and 732
residential address. On receipt of this notification, the 733
licensing agency shall immediately suspend the facility's 734
license. 735

(D) Notwithstanding any provision of the Revised Code to 736
the contrary, the suspension of a license under division (B) or 737
(C) of this section shall be implemented by a licensing agency 738

without a prior hearing. After the suspension, the licensing 739
agency shall give written notice to the subject of the 740
suspension of the right to request a hearing under Chapter 119. 741
of the Revised Code. After a hearing is held, the licensing 742
agency shall either revoke or permanently revoke the license of 743
the subject of the suspension, unless it determines that the 744
license holder has not been convicted of, pleaded guilty to, 745
been found guilty of, or been found guilty based on a plea of no 746
contest to the offense of trafficking in persons in violation of 747
section 2905.32 of the Revised Code. 748

Sec. 4789.01. As used in this chapter: 749

(A) "Naturopathic medicine" means a system of primary 750
health care that uses patient education, naturopathic therapies, 751
and therapeutic substances for any of the following: 752

(1) The prevention, diagnosis, and treatment of human 753
health conditions, injury, and disease; 754

(2) The promotion or restoration of health; 755

(3) The support and stimulation of a patient's inherent 756
self-healing processes. 757

(B) "Licensee" means an individual who is licensed to 758
practice naturopathic medicine under this chapter. 759

Sec. 4789.02. No person shall recklessly represent the 760
person's self as any of the following unless the person holds a 761
license issued under this chapter: 762

(A) A naturopathic physician; 763

(B) A naturopathic doctor; 764

(C) A naturopath; 765

<u>(D) A doctor of naturopathic medicine or naturopathy;</u>	766
<u>(E) A "N.D." or "ND";</u>	767
<u>(F) A practitioner or provider of naturopathic medicine,</u> <u>naturopathic health care, or naturopathy;</u>	768 769
<u>(G) Authorized to practice naturopathic medicine in this</u> <u>state.</u>	770 771
<u>Sec. 4789.03.</u> <u>(A) The state medical board shall do all of</u> <u>the following:</u>	772 773
<u>(1) Implement and administer this chapter;</u>	774
<u>(2) Establish a formulary of prescription drugs and</u> <u>devices that a licensee who is authorized to prescribe,</u> <u>dispense, and administer prescription drugs and devices under</u> <u>section 4789.091 of the Revised Code may prescribe to a patient;</u>	775 776 777 778
<u>(3) Establish continuing education requirements for</u> <u>renewal of a license under this chapter that are equivalent to</u> <u>the continuing education requirements applicable to an</u> <u>individual holding a license to practice medicine and surgery or</u> <u>osteopathic medicine and surgery issued under Chapter 4731. of</u> <u>the Revised Code;</u>	779 780 781 782 783 784
<u>(4) Require a licensee who wishes to continue to be</u> <u>authorized to prescribe, dispense, and administer prescription</u> <u>drugs and devices under section 4789.091 of the Revised Code to</u> <u>complete ten hours each licensing period of continuing education</u> <u>in topics of pharmacology that are in addition to any continuing</u> <u>education required under division (A) (3) of this section.</u>	785 786 787 788 789 790
<u>(B) The board shall not include in the formulary</u> <u>established under division (A) (2) of this section any drugs or</u> <u>devices that are inconsistent with the training provided by</u>	791 792 793

naturopathic medical education programs described under section 794
4789.06 of the Revised Code. 795

Sec. 4789.04. (A) The state medical board shall appoint a 796
naturopathic advisory council for the purpose of advising the 797
board on issues relating to the practice of naturopathic 798
medicine. The advisory council shall consist of not more than 799
seven individuals knowledgeable in the area of naturopathic 800
medicine. 801

A majority of the council members shall be individuals 802
licensed to practice naturopathic medicine under this chapter 803
who are actively engaged in the practice of naturopathic 804
medicine. The board shall include both of the following on the 805
council: 806

(1) One physician who is a member of the state medical 807
board; 808

(2) One individual who is not affiliated with any health 809
care profession, who shall be appointed to represent the 810
interest of consumers. 811

(B) Not later than ninety days after the effective date of 812
this section, the board shall make initial appointments to the 813
council. Initial members shall serve terms of office of one, 814
two, or three years, as selected by the board. Thereafter, terms 815
of office shall be for three years, with each term ending on the 816
same day of the same month as the term that it succeeds. A 817
council member shall continue in office subsequent to the 818
expiration date of the member's term until a successor is 819
appointed and takes office or until a period of sixty days has 820
elapsed, whichever occurs first. Each council member shall hold 821
office from the date of appointment until the end of the term 822

for which the member was appointed. 823

(C) Members shall serve without compensation, but shall be 824
reimbursed for actual and necessary expenses incurred in 825
performing their official duties. 826

(D) The council shall meet at least four times each year 827
and at other times as may be necessary to carry out its 828
responsibilities. 829

(E) The council may submit to the board recommendations 830
pertaining to all of the following: 831

(1) The practice of naturopathic medicine and the 832
administration and enforcement of this chapter; 833

(2) The continuing education requirements for renewal of a 834
license under this chapter; 835

(3) The formulary of prescription drugs and devices that a 836
licensee may prescribe to a patient under this chapter; 837

(4) Standards of care and ethical conduct in the practice 838
of naturopathic medicine. 839

Sec. 4789.05. (A) An individual seeking a license to 840
practice naturopathic medicine under this chapter shall submit 841
to the state medical board a completed application on a form 842
prescribed by the board and an application fee of three hundred 843
five dollars. The board may prorate the application fee for an 844
initial license. 845

The application shall include information the board 846
considers necessary to process the application, including 847
evidence satisfactory to the board that the applicant meets the 848
requirements specified in division (B) of this section. No part 849
of the application fee shall be returned to the applicant or 850

applied to another application. 851

(B) To be eligible for a license to practice naturopathic 852
medicine under this chapter, an applicant shall demonstrate to 853
the board that the applicant meets all of the following 854
requirements: 855

(1) The applicant is at least eighteen years of age. 856

(2) The applicant meets the education requirements of 857
division (A) or (B) of section 4789.06 of the Revised Code. 858

(3) The applicant passed a competency-based national 859
naturopathic licensing examination administered by the north 860
American board of naturopathic examiners, or a successor 861
organization recognized by the state medical board. 862

(4) Notwithstanding section 9.79 of the Revised Code, the 863
applicant demonstrates to the satisfaction of the board that the 864
applicant has a good, ethical, and professional reputation. 865

(5) The applicant has not had a license to practice 866
naturopathic medicine or other health care license, 867
registration, or certificate refused, revoked, or suspended by 868
any other jurisdiction for reasons that relate to the 869
applicant's ability to skillfully and safely practice 870
naturopathic medicine unless that license, registration, or 871
certification has been restored to good standing by that 872
jurisdiction. 873

(C) 874

Not later than sixty days after receiving a complete 875
application, except as provided in division (D) of this section, 876
the board shall issue a license to practice naturopathic 877
medicine to an applicant if the board determines that the 878

applicant satisfies the requirements of division (B) of this 879
section. An affirmative vote of a majority of the members of the 880
board is required to determine that an applicant meets the 881
requirements. 882

(D) The board shall issue a license to practice 883
naturopathic medicine in accordance with Chapter 4796. of the 884
Revised Code to an applicant if either of the following applies: 885

(1) The applicant holds a license in another state. 886

(2) The applicant has satisfactory work experience, a 887
government certification, or a private certification as 888
described in that chapter to practice naturopathic medicine in a 889
state that does not issue a license. 890

Sec. 4789.06. To be eligible for a license to practice 891
naturopathic medicine under this chapter, an applicant shall 892
meet one of the following education requirements: 893

(A) Hold a doctoral degree of naturopathy or naturopathic 894
medicine from a naturopathic medical education program in the 895
United States, or a degree-equivalent diploma from a 896
naturopathic medical education program offered by a college or 897
university in Canada, provided that the program meets all of the 898
following requirements at the time the degree or diploma was 899
conferred: 900

(1) The program offered graduate-level full-time didactic 901
and supervised clinical training. 902

(2) The program was accredited, or reached candidacy 903
status for accreditation, by the council on naturopathic medical 904
education. 905

(3) If the program is in the United States, the program 906

was, or was part of, a college or university that was 907
accredited, or reached candidacy status for accreditation, by a 908
regional or national institutional accrediting agency recognized 909
by the United States secretary of education. 910

(4) If the program is in Canada, the program had 911
provincial approval for participation in government-funded 912
student aid programs. 913

(B) Hold a doctoral naturopathic medical degree or degree- 914
equivalent diploma from a college or university that was 915
conferred to the applicant before the existence of the council 916
on naturopathic medical education, provided that the program 917
meets all of the following requirements: 918

(1) At the time the degree or diploma was conferred, the 919
program offered a full-time structured curriculum in basic 920
sciences and supervised patient care. 921

(2) At the time the degree or diploma was conferred, the 922
program was at least one hundred thirty-two weeks in duration 923
and required completion of the program within a period of not 924
less than thirty-five months. 925

(3) At the time the degree or diploma was conferred, the 926
program was, or was part of a college of naturopathic medicine, 927
or college of liberal arts and naturopathic medicine, that was 928
reputable and in good standing in the state medical board's 929
judgment. 930

(4) If the program still exists, the program is accredited 931
by the council on naturopathic medical education at the time the 932
applicant applies for a license under this chapter. 933

(5) If the program still exists and was, or was part of, a 934
college or university in Canada, the program has provincial 935

approval for participation in government-funded student aid 936
programs at the time the applicant applies for a license under 937
this chapter. 938

Sec. 4789.07. (A) A license issued under section 4789.05 939
of the Revised Code expires biennially and may be renewed in 940
accordance with this section. A licensee seeking to renew a 941
license to practice naturopathic medicine shall, on or before 942
the thirty-first day of January of each even-numbered year, 943
apply for renewal of the license. The state medical board may 944
establish a different expiration date for an initial license. 945
The board shall provide renewal notices at least one month 946
before the expiration date. 947

(B) A licensee shall submit a renewal application to the 948
board in a manner prescribed by the board and a renewal fee of 949
three hundred five dollars. 950

(C) To be eligible for renewal, a licensee shall certify 951
to the board that the licensee has done both of the following: 952

(1) Completed required continuing education established by 953
the board in accordance with section 4789.03 of the Revised Code 954
and, if the licensee wishes to continue to be authorized to 955
prescribe, dispense, and administer prescription drugs and 956
devices under section 4789.091 of the Revised Code, completed 957
the continuing education required under division (A) (4) of 958
section 4789.03 of the Revised Code; 959

(2) Reported any criminal offense to which the applicant 960
has pleaded guilty, of which the licensee has been found guilty, 961
or for which the applicant has been found eligible for 962
intervention in lieu of conviction since last signing an 963
application for a license under this chapter. 964

(D) If a licensee submits a renewal application that the board considers to be complete and qualifies for renewal pursuant to division (C) of this section, the board shall issue to the licensee a renewed license to practice naturopathic medicine. 965
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(E) The board may require a random sample of licensees to submit materials documenting that the licensee has complied with division (C)(1) of this section. If the board finds through the random sample or any other means that a licensee has not complied with that division, the board may refuse to renew the licensee's license or may take any other action the board may take under this chapter. 970
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Sec. 4789.08. (A) A license to practice naturopathic medicine that is not renewed on or before its expiration date is automatically suspended on its expiration date. 977
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(B) If a license has been suspended pursuant to division (A) of this section, the state medical board shall reinstate the license if the individual qualifies for renewal pursuant to section 4789.07 of the Revised Code and pays a monetary penalty to be established by the board. 980
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(C) If a license has been suspended pursuant to division (A) of this section for more than two years, the board may impose terms and conditions for reinstatement in addition to those specified in division (B) of this section, including the following: 985
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(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's fitness to resume the practice of naturopathic medicine; 990
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(2) Requiring the applicant to obtain additional training 993

<u>and to pass an examination on completion of the training;</u>	994
<u>(3) Restricting or limiting the extent, scope, or type of practice in which an applicant may engage.</u>	995
	996
<u>Sec. 4789.09. (A) A licensee may do any of the following:</u>	997
<u>(1) Order and perform physical and laboratory examinations consistent with naturopathic education and training, for diagnostic purposes, including phlebotomy, clinical laboratory tests, orificial examinations, and physiological function tests;</u>	998
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<u>(2) Order diagnostic imaging studies consistent with naturopathic training;</u>	1002
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<u>(3) Dispense, administer, order, prescribe, or perform any of the following:</u>	1004
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<u>(a) Food and food extracts;</u>	1006
<u>(b) Nutraceuticals;</u>	1007
<u>(c) Vitamins;</u>	1008
<u>(d) Amino acids;</u>	1009
<u>(e) Minerals;</u>	1010
<u>(f) Enzymes;</u>	1011
<u>(g) Botanicals and botanical extracts;</u>	1012
<u>(h) Botanical medicines;</u>	1013
<u>(i) Homeopathic medicines;</u>	1014
<u>(j) Dietary supplements as defined by the "Federal Food, Drug, and Cosmetic Act," 21 U.S.C. 301, et seq.;</u>	1015
	1016
<u>(k) Nonprescription drugs;</u>	1017

<u>(l) Hot or cold hydrotherapy;</u>	1018
<u>(m) Naturopathic physical medicine;</u>	1019
<u>(n) Electromagnetic energy;</u>	1020
<u>(o) Colon hydrotherapy;</u>	1021
<u>(p) Therapeutic exercise;</u>	1022
<u>(q) Devices, including therapeutic devices, barrier</u>	1023
<u>contraception, and durable medical equipment;</u>	1024
<u>(r) Health education and health counseling;</u>	1025
<u>(s) Repair and care incidental to superficial lacerations</u>	1026
<u>and abrasions;</u>	1027
<u>(t) Removal of foreign bodies located in the superficial</u>	1028
<u>tissues;</u>	1029
<u>(u) Musculoskeletal manipulation consistent with</u>	1030
<u>naturopathic education and training;</u>	1031
<u>(v) Any other therapies approved by the board.</u>	1032
<u>(4) Utilize routes of administration that include oral,</u>	1033
<u>nasal, auricular, ocular, rectal, vaginal, transdermal,</u>	1034
<u>intradermal, subcutaneous, intravenous, and intramuscular</u>	1035
<u>consistent with the education and training of a naturopathic</u>	1036
<u>physician.</u>	1037
<u>(B) A license issued under this chapter does not authorize</u>	1038
<u>the licensee to do any of the following:</u>	1039
<u>(1) Unless the licensee is authorized to prescribe,</u>	1040
<u>dispense, and administer prescription drugs and devices by the</u>	1041
<u>board under section 4789.091 of the Revised Code, prescribe,</u>	1042
<u>dispense, or administer prescription drugs or devices;</u>	1043

(2) Perform surgical procedures, except for methods of 1044
repair and care incidental to superficial lacerations and 1045
abrasions, superficial lesions, or the removal of foreign bodies 1046
located in superficial tissue; 1047

(3) Practice or claim to practice as a medical doctor, 1048
osteopath, dentist, podiatrist, optometrist, psychologist, 1049
advanced practice professional nurse, physician assistant, 1050
chiropractor, physical therapist, acupuncturist, or any other 1051
health care professional; 1052

(4) Use general or spinal anesthetics; 1053

(5) Administer ionizing radioactive substances for 1054
therapeutic purposes; 1055

(6) Perform surgical procedures using a laser device; 1056

(7) Perform surgical procedures involving the eye, ear, 1057
tendons, nerves, veins, or arteries extending beyond superficial 1058
tissue; 1059

(8) Perform chiropractic adjustments or musculoskeletal 1060
manipulation; 1061

(9) Perform acupuncture. 1062

Sec. 4789.091. (A) The state medical board shall authorize 1063
a licensee to prescribe, dispense, and administer prescription 1064
drugs and devices authorized by the formulary of prescription 1065
drugs and devices under division (A) (2) of section 4789.03 of 1066
the Revised Code if the licensee passes the elective 1067
pharmacology examination administered by the north American 1068
board of naturopathic examiners, or a successor examination 1069
approved by the state medical board. 1070

(B) Before independently prescribing, dispensing, and 1071

administering prescription drugs and devices, a licensee 1072
authorized to prescribe, dispense, and administer prescription 1073
drugs and devices under division (A) of this section shall 1074
establish and complete a twelve-month collaborative relationship 1075
with a physician licensed to practice medicine or surgery or 1076
osteopathic medicine or surgery under Chapter 4731. of the 1077
Revised Code to review the licensee's prescribing practices. The 1078
board shall further define the terms of the collaborative 1079
relationship by rule. A collaborative relationship established 1080
in accordance with this division does not imply or create a 1081
supervisory relationship between the physician and licensee. 1082

(C) Unless authorized by the formulary of prescription 1083
drugs established by the board under division (A) (2) of section 1084
4789.03 of the Revised Code, a licensee with authority to 1085
prescribe, dispense, and administer prescription drugs and 1086
devices under this section shall not prescribe, dispense, or 1087
administer any controlled substance as defined by the federal 1088
"Controlled Substances Act," 21 U.S.C. 801, et seq. 1089

Sec. 4789.10. (A) As used in this section: 1090

(1) "Willfully betraying a professional confidence" and 1091
"false, fraudulent, deceptive, or misleading statement" have the 1092
same meanings as in section 4731.22 of the Revised Code. 1093

(2) "Privileged communication" means any information 1094
obtained through the practice of naturopathic medicine, 1095
including patient records, assessment results, or assessment 1096
interpretations. 1097

(B) The state medical board, by an affirmative vote of a 1098
majority of the members, may limit, revoke, suspend, or refuse 1099
to grant a license to practice naturopathic medicine to an 1100

individual found by the board to have committed fraud, 1101
misrepresentation, or deception in applying for or securing the 1102
license. 1103

(C) Except as provided in division (G) of this section, 1104
the board, by an affirmative vote of a majority of the members, 1105
shall, to the extent permitted by law, limit, revoke, suspend, 1106
or refuse to issue, renew, or reinstate a license, or reprimand 1107
or place on probation a licensee for any of the following 1108
reasons: 1109

(1) Failure to comply with the requirements of this 1110
chapter; 1111

(2) Permitting the licensee's name or license to be used 1112
by another individual; 1113

(3) Failure to employ acceptable scientific methods in the 1114
selection of modalities for treatment provided under a license 1115
to practice naturopathic medicine; 1116

(4) A plea of guilty to, a judicial finding of guilt of, 1117
or a judicial finding of eligibility for intervention in lieu of 1118
conviction for a violation of any federal or state law 1119
regulating the possession, distribution, or use of any drug; 1120

(5) Willfully betraying a professional confidence; 1121

(6) Making a false, fraudulent, deceptive, or misleading 1122
statement in the solicitation of or advertising for patients; in 1123
relation to the practice of naturopathic medicine; or in 1124
securing or attempting to secure any license to practice issued 1125
by the board; 1126

(7) A departure from, or the failure to conform to, 1127
minimal standards of care of similar practitioners under the 1128

same or similar circumstances, whether or not actual injury to a 1129
client is established; 1130

(8) Representing, with the purpose of obtaining 1131
compensation or other advantage as personal gain or for any 1132
other individual, that an incurable disease or injury, or other 1133
incurable condition, can be permanently cured; 1134

(9) The obtaining of, or attempting to obtain, money or 1135
anything of value by fraudulent misrepresentations in the course 1136
of the practice of naturopathic medicine; 1137

(10) A plea of guilty to, a judicial finding of guilt of, 1138
or a judicial finding of eligibility for intervention in lieu of 1139
conviction for a felony; 1140

(11) Commission of an act that constitutes a felony in 1141
this state, regardless of the jurisdiction in which the act was 1142
committed; 1143

(12) A plea of guilty to, a judicial finding of guilt of, 1144
or a judicial finding of eligibility for intervention in lieu of 1145
conviction for a misdemeanor committed in the course of the 1146
practice of naturopathic medicine; 1147

(13) Commission of an act in the course of the practice of 1148
naturopathic medicine that constitutes a misdemeanor in this 1149
state, regardless of the jurisdiction in which the act was 1150
committed; 1151

(14) A plea of guilty to, a judicial finding of guilt of, 1152
or a judicial finding of eligibility for intervention in lieu of 1153
conviction for a misdemeanor involving moral turpitude; 1154

(15) Commission of an act involving moral turpitude that 1155
constitutes a misdemeanor in this state, regardless of the 1156

<u>jurisdiction in which the act was committed;</u>	1157
<u>(16) Violation of the conditions of limitation placed by</u>	1158
<u>the board on a license to practice naturopathic medicine;</u>	1159
<u>(17) Failure to pay license renewal fees required by this</u>	1160
<u>chapter;</u>	1161
<u>(18) Inability to practice naturopathic medicine according</u>	1162
<u>to acceptable and prevailing standards of care by reason of</u>	1163
<u>mental illness or physical illness, including physical</u>	1164
<u>deterioration that adversely affects cognitive, motor, or</u>	1165
<u>perceptive skills;</u>	1166
<u>(19) Impairment of ability to practice naturopathic</u>	1167
<u>medicine according to acceptable and prevailing standards of</u>	1168
<u>care because of habitual or excessive use or abuse of drugs,</u>	1169
<u>alcohol, or other substances that impair the ability to</u>	1170
<u>practice;</u>	1171
<u>(20) Failure to maintain the confidentiality of privileged</u>	1172
<u>communications without the written consent of a patient or a</u>	1173
<u>patient's parent or guardian, as applicable, unless otherwise</u>	1174
<u>required by law, court order, or necessity to protect public</u>	1175
<u>health and safety;</u>	1176
<u>(21) Failure to comply with the continuing education</u>	1177
<u>requirements necessary to renew a license to practice</u>	1178
<u>naturopathic medicine;</u>	1179
<u>(22) Failure to comply with any standards for the ethical</u>	1180
<u>practice of naturopathic medicine that the board adopts;</u>	1181
<u>(23) Failure to cooperate in an investigation conducted by</u>	1182
<u>the board under division (E) of this section, including failure</u>	1183
<u>to comply with a subpoena or order issued by the board or</u>	1184

failure to answer truthfully a question presented by the board 1185
in an investigative interview. 1186

(D) Disciplinary actions taken by the board under 1187
divisions (B) and (C) of this section shall be taken pursuant to 1188
an adjudication under Chapter 119. of the Revised Code, except 1189
that in lieu of an adjudication, the board may enter into a 1190
consent agreement with an individual to resolve an allegation of 1191
a violation of this chapter. A consent agreement, when ratified 1192
by an affirmative vote of a majority of the members of the 1193
board, constitutes the findings and order of the board with 1194
respect to the matter addressed in the agreement. If the board 1195
refuses to ratify a consent agreement, the admissions and 1196
findings contained in the consent agreement are of no force or 1197
effect. 1198

(E) The board shall investigate evidence that appears to 1199
show that an individual has violated any provision of this 1200
chapter. Any individual may report to the board in a signed 1201
writing any information that the individual may have that 1202
appears to show a violation of any provision of this chapter. 1203
Investigations of alleged violations of this chapter shall be 1204
conducted by the board in the same manner as the board conducts 1205
investigations under section 4731.22 of the Revised Code. 1206

(F) Notwithstanding any provision of the Revised Code to 1207
the contrary, all of the following apply: 1208

(1) The surrender of a license issued under this chapter 1209
is not effective until accepted by the board. A telephone 1210
conference call may be used for acceptance of the surrender of 1211
an individual's license to practice naturopathic medicine. The 1212
telephone conference call shall be considered a special meeting 1213
under division (F) of section 121.22 of the Revised Code. 1214

Reinstatement of a license to practice naturopathic medicine 1215
surrendered to the board requires an affirmative vote of a 1216
majority of the members of the board. 1217

(2) An application for a license to practice naturopathic 1218
medicine under this chapter may not be withdrawn without 1219
approval of the board. 1220

(3) Failure of an individual to renew a license to 1221
practice naturopathic medicine in accordance with section 1222
4789.07 of the Revised Code does not remove or limit the board's 1223
jurisdiction to take any disciplinary action under this section 1224
against the individual. 1225

(G) The board shall not refuse to issue a license to an 1226
applicant because of a conviction of, plea of guilty to, 1227
judicial finding of guilt of, or judicial finding of eligibility 1228
for intervention in lieu of conviction for an offense unless the 1229
refusal is in accordance with section 9.79 of the Revised Code. 1230

Sec. 4789.11. On receipt of a notice pursuant to section 1231
3123.43 of the Revised Code, the state medical board shall 1232
comply with sections 3123.41 to 3123.50 of the Revised Code and 1233
any applicable rules adopted under section 3123.63 of the 1234
Revised Code with respect to a license to practice naturopathic 1235
medicine issued under this chapter. 1236

Sec. 4789.12. The state medical board shall comply with 1237
section 4776.20 of the Revised Code. 1238

Sec. 4789.99. Whoever violates section 4789.02 of the 1239
Revised Code is guilty of a felony of the third degree. 1240

Section 2. That existing sections 4729.01, 4731.07, 1241
4731.224, 4731.24, 4731.25, 4731.34, and 4776.20 of the Revised 1242
Code are hereby repealed. 1243

Section 3. Notwithstanding section 4789.04 of the Revised Code, as enacted by this act, persons appointed to the Naturopathic Advisory Council during the first year after the effective date of this section need not be licensed as required under that section.

Section 4. Section 4729.01 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 509 and H.B. 558 of the 134th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.