

**As Recommended to the Senate Health, Human Services and Aging
Committee**

**125th General Assembly
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Sub. S. B. No. 147

Senators Wachtmann, Prentiss, Armbruster

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A B I L L

To amend sections 1.64, 1751.01, 2305.113, 2925.02, 1
2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2
2925.36, 3327.10, 3331.02, 3719.06, 3719.81, 3
4723.481, 4723.50, 4729.01, 4729.51, 4730.01, 4
4730.02, 4730.03, 4730.05, 4730.06, 4730.07, 5
4730.10, 4730.11, 4730.12, 4730.16, 4730.18, 6
4730.19, 4730.21, 4730.22, 4730.25, 4730.251, 7
4730.27, 4730.28, 4730.31, 4730.32, 4730.33, 8
4731.141, and 5903.12; to amend, for the purpose 9
of adopting new section numbers as indicated in 10
parentheses, sections 4730.11 (4730.12), 4730.12 11
(4730.14), and 4730.18 (4730.15); to enact new 12
sections 4730.11, 4730.17, and 4730.18 and 13
sections 4730.061, 4730.062, 4730.063, 4730.09, 14
4730.091, 4730.13, 4730.191, 4730.20, 4730.24, 15
4730.241, 4730.242, 4730.243, 4730.244, and 16
4730.245; and to repeal sections 4730.15 and 17
4730.17 of the Revised Code to revise the laws 18
regarding the practice of physician assistants, 19
including the establishment of physician-delegated 20
prescriptive authority, and to expand the 21
authority of certain advanced practice nurses to 22
personally furnish supplies of drugs to patients. 23

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

Section 1. That sections 1.64, 1751.01, 2305.113, 2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 3327.10, 3331.02, 3719.06, 3719.81, 4723.481, 4723.50, 4729.01, 4729.51, 4730.01, 4730.02, 4730.03, 4730.05, 4730.06, 4730.07, 4730.10, 4730.11, 4730.12, 4730.16, 4730.18, 4730.19, 4730.21, 4730.22, 4730.25, 4730.251, 4730.27, 4730.28, 4730.31, 4730.32, 4730.33, 4731.141, and 5903.12 be amended; sections 4730.11 (4730.12), 4730.12 (4730.14), and 4730.18 (4730.15) be amended for the purpose of adopting new section numbers, as indicated in parentheses; and new sections 4730.11, 4730.17, and 4730.18 and sections 4730.061, 4730.062, 4730.063, 4730.09, 4730.091, 4730.13, 4730.191, 4730.20, 4730.24, 4730.241, 4730.242, 4730.243, 4730.244, and 4730.245 of the Revised Code be enacted to read as follows:

Sec. 1.64. As used in the Revised Code:

(A) "Certified nurse-midwife" means a registered nurse who holds a valid certificate of authority issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a certified nurse-midwife in accordance with section 4723.43 of the Revised Code and rules adopted by the board of nursing.

(B) "Certified nurse practitioner" means a registered nurse who holds a valid certificate of authority issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a certified nurse practitioner in accordance with section 4723.43 of the Revised Code and rules adopted by the board of nursing.

(C) "Clinical nurse specialist" means a registered nurse who holds a valid certificate of authority issued under Chapter 4723.

of the Revised Code that authorizes the practice of nursing as a
clinical nurse specialist in accordance with section 4723.43 of
the Revised Code and rules adopted by the board of nursing.

(D) "Physician assistant" means an individual who holds a
valid certificate ~~of authority~~ to practice issued under Chapter
4730. of the Revised Code authorizing the individual to provide
services as a physician assistant to patients under the
supervision, control, and direction of one or more physicians.

Sec. 1751.01. As used in this chapter:

(A) "Basic health care services" means the following services
when medically necessary:

(1) Physician's services, except when such services are
supplemental under division (B) of this section;

(2) Inpatient hospital services;

(3) Outpatient medical services;

(4) Emergency health services;

(5) Urgent care services;

(6) Diagnostic laboratory services and diagnostic and
therapeutic radiologic services;

(7) Preventive health care services, including, but not
limited to, voluntary family planning services, infertility
services, periodic physical examinations, prenatal obstetrical
care, and well-child care.

"Basic health care services" does not include experimental
procedures.

A health insuring corporation shall not offer coverage for a
health care service, defined as a basic health care service by
this division, unless it offers coverage for all listed basic

health care services. However, this requirement does not apply to
the coverage of beneficiaries enrolled in Title XVIII of the
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as
amended, pursuant to a medicare contract, or to the coverage of
beneficiaries enrolled in the federal employee health benefits
program pursuant to 5 U.S.C.A. 8905, or to the coverage of
beneficiaries enrolled in Title XIX of the "Social Security Act,"
49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, known as the
medical assistance program or medicaid, provided by the department
of job and family services under Chapter 5111. of the Revised
Code, or to the coverage of beneficiaries under any federal health
care program regulated by a federal regulatory body, or to the
coverage of beneficiaries under any contract covering officers or
employees of the state that has been entered into by the
department of administrative services.

(B) "Supplemental health care services" means any health care
services other than basic health care services that a health
insuring corporation may offer, alone or in combination with
either basic health care services or other supplemental health
care services, and includes:

(1) Services of facilities for intermediate or long-term
care, or both;

(2) Dental care services;

(3) Vision care and optometric services including lenses and
frames;

(4) Podiatric care or foot care services;

(5) Mental health services including psychological services;

(6) Short-term outpatient evaluative and crisis-intervention
mental health services;

(7) Medical or psychological treatment and referral services

for alcohol and drug abuse or addiction;	110
(8) Home health services;	111
(9) Prescription drug services;	112
(10) Nursing services;	113
(11) Services of a dietitian licensed under Chapter 4759. of the Revised Code;	114 115
(12) Physical therapy services;	116
(13) Chiropractic services;	117
(14) Any other category of services approved by the superintendent of insurance.	118 119
(C) "Specialty health care services" means one of the supplemental health care services listed in division (B)(1) to (13) of this section, when provided by a health insuring corporation on an outpatient-only basis and not in combination with other supplemental health care services.	120 121 122 123 124
(D) "Closed panel plan" means a health care plan that requires enrollees to use participating providers.	125 126
(E) "Compensation" means remuneration for the provision of health care services, determined on other than a fee-for-service or discounted-fee-for-service basis.	127 128 129
(F) "Contractual periodic prepayment" means the formula for determining the premium rate for all subscribers of a health insuring corporation.	130 131 132
(G) "Corporation" means a corporation formed under Chapter 1701. or 1702. of the Revised Code or the similar laws of another state.	133 134 135
(H) "Emergency health services" means those health care services that must be available on a seven-days-per-week, twenty-four-hours-per-day basis in order to prevent jeopardy to an	136 137 138

enrollee's health status that would occur if such services were 139
not received as soon as possible, and includes, where appropriate, 140
provisions for transportation and indemnity payments or service 141
agreements for out-of-area coverage. 142

(I) "Enrollee" means any natural person who is entitled to 143
receive health care benefits provided by a health insuring 144
corporation. 145

(J) "Evidence of coverage" means any certificate, agreement, 146
policy, or contract issued to a subscriber that sets out the 147
coverage and other rights to which such person is entitled under a 148
health care plan. 149

(K) "Health care facility" means any facility, except a 150
health care practitioner's office, that provides preventive, 151
diagnostic, therapeutic, acute convalescent, rehabilitation, 152
mental health, mental retardation, intermediate care, or skilled 153
nursing services. 154

(L) "Health care services" means basic, supplemental, and 155
specialty health care services. 156

(M) "Health delivery network" means any group of providers or 157
health care facilities, or both, or any representative thereof, 158
that have entered into an agreement to offer health care services 159
in a panel rather than on an individual basis. 160

(N) "Health insuring corporation" means a corporation, as 161
defined in division (G) of this section, that, pursuant to a 162
policy, contract, certificate, or agreement, pays for, reimburses, 163
or provides, delivers, arranges for, or otherwise makes available, 164
basic health care services, supplemental health care services, or 165
specialty health care services, or a combination of basic health 166
care services and either supplemental health care services or 167
specialty health care services, through either an open panel plan 168
or a closed panel plan. 169

"Health insuring corporation" does not include a limited liability company formed pursuant to Chapter 1705. of the Revised Code, an insurer licensed under Title XXXIX of the Revised Code if that insurer offers only open panel plans under which all providers and health care facilities participating receive their compensation directly from the insurer, a corporation formed by or on behalf of a political subdivision or a department, office, or institution of the state, or a public entity formed by or on behalf of a board of county commissioners, a county board of mental retardation and developmental disabilities, an alcohol and drug addiction services board, a board of alcohol, drug addiction, and mental health services, or a community mental health board, as those terms are used in Chapters 340. and 5126. of the Revised Code. Except as provided by division (D) of section 1751.02 of the Revised Code, or as otherwise provided by law, no board, commission, agency, or other entity under the control of a political subdivision may accept insurance risk in providing for health care services. However, nothing in this division shall be construed as prohibiting such entities from purchasing the services of a health insuring corporation or a third-party administrator licensed under Chapter 3959. of the Revised Code.

(O) "Intermediary organization" means a health delivery network or other entity that contracts with licensed health insuring corporations or self-insured employers, or both, to provide health care services, and that enters into contractual arrangements with other entities for the provision of health care services for the purpose of fulfilling the terms of its contracts with the health insuring corporations and self-insured employers.

(P) "Intermediate care" means residential care above the level of room and board for patients who require personal assistance and health-related services, but who do not require skilled nursing care.

(Q) "Medical record" means the personal information that 202
relates to an individual's physical or mental condition, medical 203
history, or medical treatment. 204

(R)(1) "Open panel plan" means a health care plan that 205
provides incentives for enrollees to use participating providers 206
and that also allows enrollees to use providers that are not 207
participating providers. 208

(2) No health insuring corporation may offer an open panel 209
plan, unless the health insuring corporation is also licensed as 210
an insurer under Title XXXIX of the Revised Code, the health 211
insuring corporation, on June 4, 1997, holds a certificate of 212
authority or license to operate under Chapter 1736. or 1740. of 213
the Revised Code, or an insurer licensed under Title XXXIX of the 214
Revised Code is responsible for the out-of-network risk as 215
evidenced by both an evidence of coverage filing under section 216
1751.11 of the Revised Code and a policy and certificate filing 217
under section 3923.02 of the Revised Code. 218

(S) "Panel" means a group of providers or health care 219
facilities that have joined together to deliver health care 220
services through a contractual arrangement with a health insuring 221
corporation, employer group, or other payor. 222

(T) "Person" has the same meaning as in section 1.59 of the 223
Revised Code, and, unless the context otherwise requires, includes 224
any insurance company holding a certificate of authority under 225
Title XXXIX of the Revised Code, any subsidiary and affiliate of 226
an insurance company, and any government agency. 227

(U) "Premium rate" means any set fee regularly paid by a 228
subscriber to a health insuring corporation. A "premium rate" does 229
not include a one-time membership fee, an annual administrative 230
fee, or a nominal access fee, paid to a managed health care system 231
under which the recipient of health care services remains solely 232

responsible for any charges assessed for those services by the 233
provider or health care facility. 234

(V) "Primary care provider" means a provider that is 235
designated by a health insuring corporation to supervise, 236
coordinate, or provide initial care or continuing care to an 237
enrollee, and that may be required by the health insuring 238
corporation to initiate a referral for specialty care and to 239
maintain supervision of the health care services rendered to the 240
enrollee. 241

(W) "Provider" means any natural person or partnership of 242
natural persons who are licensed, certified, accredited, or 243
otherwise authorized in this state to furnish health care 244
services, or any professional association organized under Chapter 245
1785. of the Revised Code, provided that nothing in this chapter 246
or other provisions of law shall be construed to preclude a health 247
insuring corporation, health care practitioner, or organized 248
health care group associated with a health insuring corporation 249
from employing certified nurse practitioners, certified nurse 250
anesthetists, clinical nurse specialists, certified nurse 251
midwives, dietitians, ~~physicians~~ physician assistants, dental 252
assistants, dental hygienists, optometric technicians, or other 253
allied health personnel who are licensed, certified, accredited, 254
or otherwise authorized in this state to furnish health care 255
services. 256

(X) "Provider sponsored organization" means a corporation, as 257
defined in division (G) of this section, that is at least eighty 258
per cent owned or controlled by one or more hospitals, as defined 259
in section 3727.01 of the Revised Code, or one or more physicians 260
licensed to practice medicine or surgery or osteopathic medicine 261
and surgery under Chapter 4731. of the Revised Code, or any 262
combination of such physicians and hospitals. Such control is 263
presumed to exist if at least eighty per cent of the voting rights 264

or governance rights of a provider sponsored organization are 265
directly or indirectly owned, controlled, or otherwise held by any 266
combination of the physicians and hospitals described in this 267
division. 268

(Y) "Solicitation document" means the written materials 269
provided to prospective subscribers or enrollees, or both, and 270
used for advertising and marketing to induce enrollment in the 271
health care plans of a health insuring corporation. 272

(Z) "Subscriber" means a person who is responsible for making 273
payments to a health insuring corporation for participation in a 274
health care plan, or an enrollee whose employment or other status 275
is the basis of eligibility for enrollment in a health insuring 276
corporation. 277

(AA) "Urgent care services" means those health care services 278
that are appropriately provided for an unforeseen condition of a 279
kind that usually requires medical attention without delay but 280
that does not pose a threat to the life, limb, or permanent health 281
of the injured or ill person, and may include such health care 282
services provided out of the health insuring corporation's 283
approved service area pursuant to indemnity payments or service 284
agreements. 285

Sec. 2305.113. (A) Except as otherwise provided in this 286
section, an action upon a medical, dental, optometric, or 287
chiropractic claim shall be commenced within one year after the 288
cause of action accrued. 289

(B)(1) If prior to the expiration of the one-year period 290
specified in division (A) of this section, a claimant who 291
allegedly possesses a medical, dental, optometric, or chiropractic 292
claim gives to the person who is the subject of that claim written 293
notice that the claimant is considering bringing an action upon 294

that claim, that action may be commenced against the person 295
notified at any time within one hundred eighty days after the 296
notice is so given. 297

(2) An insurance company shall not consider the existence or 298
nonexistence of a written notice described in division (B)(1) of 299
this section in setting the liability insurance premium rates that 300
the company may charge the company's insured person who is 301
notified by that written notice. 302

(C) Except as to persons within the age of minority or of 303
unsound mind as provided by section 2305.16 of the Revised Code, 304
and except as provided in division (D) of this section, both of 305
the following apply: 306

(1) No action upon a medical, dental, optometric, or 307
chiropractic claim shall be commenced more than four years after 308
the occurrence of the act or omission constituting the alleged 309
basis of the medical, dental, optometric, or chiropractic claim. 310

(2) If an action upon a medical, dental, optometric, or 311
chiropractic claim is not commenced within four years after the 312
occurrence of the act or omission constituting the alleged basis 313
of the medical, dental, optometric, or chiropractic claim, then, 314
any action upon that claim is barred. 315

(D)(1) If a person making a medical claim, dental claim, 316
optometric claim, or chiropractic claim, in the exercise of 317
reasonable care and diligence, could not have discovered the 318
injury resulting from the act or omission constituting the alleged 319
basis of the claim within three years after the occurrence of the 320
act or omission, but, in the exercise of reasonable care and 321
diligence, discovers the injury resulting from that act or 322
omission before the expiration of the four-year period specified 323
in division (C)(1) of this section, the person may commence an 324
action upon the claim not later than one year after the person 325

discovers the injury resulting from that act or omission. 326

(2) If the alleged basis of a medical claim, dental claim, 327
optometric claim, or chiropractic claim is the occurrence of an 328
act or omission that involves a foreign object that is left in the 329
body of the person making the claim, the person may commence an 330
action upon the claim not later than one year after the person 331
discovered the foreign object or not later than one year after the 332
person, with reasonable care and diligence, should have discovered 333
the foreign object. 334

(3) A person who commences an action upon a medical claim, 335
dental claim, optometric claim, or chiropractic claim under the 336
circumstances described in division (D)(1) or (2) of this section 337
has the affirmative burden of proving, by clear and convincing 338
evidence, that the person, with reasonable care and diligence, 339
could not have discovered the injury resulting from the act or 340
omission constituting the alleged basis of the claim within the 341
three-year period described in division (D)(1) of this section or 342
within the one-year period described in division (D)(2) of this 343
section, whichever is applicable. 344

(E) As used in this section: 345

(1) "Hospital" includes any person, corporation, association, 346
board, or authority that is responsible for the operation of any 347
hospital licensed or registered in the state, including, but not 348
limited to, those that are owned or operated by the state, 349
political subdivisions, any person, any corporation, or any 350
combination of the state, political subdivisions, persons, and 351
corporations. "Hospital" also includes any person, corporation, 352
association, board, entity, or authority that is responsible for 353
the operation of any clinic that employs a full-time staff of 354
physicians practicing in more than one recognized medical 355
specialty and rendering advice, diagnosis, care, and treatment to 356

individuals. "Hospital" does not include any hospital operated by
the government of the United States or any of its branches.

(2) "Physician" means a person who is licensed to practice
medicine and surgery or osteopathic medicine and surgery by the
state medical board or a person who otherwise is authorized to
practice medicine and surgery or osteopathic medicine and surgery
in this state.

(3) "Medical claim" means any claim that is asserted in any
civil action against a physician, podiatrist, hospital, home, or
residential facility, against any employee or agent of a
physician, podiatrist, hospital, home, or residential facility, or
against a licensed practical nurse, registered nurse, advanced
practice nurse, physical therapist, physician assistant, emergency
medical technician-basic, emergency medical
technician-intermediate, or emergency medical
technician-paramedic, and that arises out of the medical
diagnosis, care, or treatment of any person. "Medical claim"
includes the following:

(a) Derivative claims for relief that arise from the medical
diagnosis, care, or treatment of a person;

(b) Claims that arise out of the medical diagnosis, care, or
treatment of any person and to which either of the following
applies:

(i) The claim results from acts or omissions in providing
medical care.

(ii) The claim results from the hiring, training,
supervision, retention, or termination of caregivers providing
medical diagnosis, care, or treatment.

(c) Claims that arise out of the medical diagnosis, care, or
treatment of any person and that are brought under section 3721.17

of the Revised Code.	387
(4) "Podiatrist" means any person who is licensed to practice podiatric medicine and surgery by the state medical board.	388 389
(5) "Dentist" means any person who is licensed to practice dentistry by the state dental board.	390 391
(6) "Dental claim" means any claim that is asserted in any civil action against a dentist, or against any employee or agent of a dentist, and that arises out of a dental operation or the dental diagnosis, care, or treatment of any person. "Dental claim" includes derivative claims for relief that arise from a dental operation or the dental diagnosis, care, or treatment of a person.	392 393 394 395 396 397
(7) "Derivative claims for relief" include, but are not limited to, claims of a parent, guardian, custodian, or spouse of an individual who was the subject of any medical diagnosis, care, or treatment, dental diagnosis, care, or treatment, dental operation, optometric diagnosis, care, or treatment, or chiropractic diagnosis, care, or treatment, that arise from that diagnosis, care, treatment, or operation, and that seek the recovery of damages for any of the following:	398 399 400 401 402 403 404 405
(a) Loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education, or any other intangible loss that was sustained by the parent, guardian, custodian, or spouse;	406 407 408 409
(b) Expenditures of the parent, guardian, custodian, or spouse for medical, dental, optometric, or chiropractic care or treatment, for rehabilitation services, or for other care, treatment, services, products, or accommodations provided to the individual who was the subject of the medical diagnosis, care, or treatment, the dental diagnosis, care, or treatment, the dental operation, the optometric diagnosis, care, or treatment, or the chiropractic diagnosis, care, or treatment.	410 411 412 413 414 415 416 417

(8) "Registered nurse" means any person who is licensed to practice nursing as a registered nurse by the state board of nursing.

(9) "Chiropractic claim" means any claim that is asserted in any civil action against a chiropractor, or against any employee or agent of a chiropractor, and that arises out of the chiropractic diagnosis, care, or treatment of any person. "Chiropractic claim" includes derivative claims for relief that arise from the chiropractic diagnosis, care, or treatment of a person.

(10) "Chiropractor" means any person who is licensed to practice chiropractic by the chiropractic examining board.

(11) "Optometric claim" means any claim that is asserted in any civil action against an optometrist, or against any employee or agent of an optometrist, and that arises out of the optometric diagnosis, care, or treatment of any person. "Optometric claim" includes derivative claims for relief that arise from the optometric diagnosis, care, or treatment of a person.

(12) "Optometrist" means any person licensed to practice optometry by the state board of optometry.

(13) "Physical therapist" means any person who is licensed to practice physical therapy under Chapter 4755. of the Revised Code.

(14) "Home" has the same meaning as in section 3721.10 of the Revised Code.

(15) "Residential facility" means a facility licensed under section 5123.19 of the Revised Code.

(16) "Advanced practice nurse" means any certified nurse practitioner, clinical nurse specialist, or certified registered nurse anesthetist, or a certified nurse-midwife certified by the board of nursing under section 4723.41 of the Revised Code.

(17) "Licensed practical nurse" means any person who is 448
licensed to practice nursing as a licensed practical nurse by the 449
state board of nursing pursuant to Chapter 4723. of the Revised 450
Code. 451

(18) "Physician assistant" means any person who holds a valid 452
certificate ~~of registration or temporary certificate of~~ 453
~~registration~~ to practice issued pursuant to Chapter 4730. of the 454
Revised Code. 455

(19) "Emergency medical technician-basic," "emergency medical 456
technician-intermediate," and "emergency medical 457
technician-paramedic" means any person who is certified under 458
Chapter 4765. of the Revised Code as an emergency medical 459
technician-basic, emergency medical technician-intermediate, or 460
emergency medical technician-paramedic, whichever is applicable. 461

Sec. 2925.02. (A) No person shall knowingly do any of the 462
following: 463

(1) By force, threat, or deception, administer to another or 464
induce or cause another to use a controlled substance; 465

(2) By any means, administer or furnish to another or induce 466
or cause another to use a controlled substance with purpose to 467
cause serious physical harm to the other person, or with purpose 468
to cause the other person to become drug dependent; 469

(3) By any means, administer or furnish to another or induce 470
or cause another to use a controlled substance, and thereby cause 471
serious physical harm to the other person, or cause the other 472
person to become drug dependent; 473

(4) By any means, do any of the following: 474

(a) Furnish or administer a controlled substance to a 475
juvenile who is at least two years the offender's junior, when the 476
offender knows the age of the juvenile or is reckless in that 477

regard; 478

(b) Induce or cause a juvenile who is at least two years the 479
offender's junior to use a controlled substance, when the offender 480
knows the age of the juvenile or is reckless in that regard; 481

(c) Induce or cause a juvenile who is at least two years the 482
offender's junior to commit a felony drug abuse offense, when the 483
offender knows the age of the juvenile or is reckless in that 484
regard; 485

(d) Use a juvenile, whether or not the offender knows the age 486
of the juvenile, to perform any surveillance activity that is 487
intended to prevent the detection of the offender or any other 488
person in the commission of a felony drug abuse offense or to 489
prevent the arrest of the offender or any other person for the 490
commission of a felony drug abuse offense. 491

(B) Division (A)(1), (3), or (4) of this section does not 492
apply to manufacturers, wholesalers, licensed health professionals 493
authorized to prescribe drugs, pharmacists, owners of pharmacies, 494
and other persons whose conduct is in accordance with Chapters 495
3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised 496
Code. 497

(C) Whoever violates this section is guilty of corrupting 498
another with drugs. The penalty for the offense shall be 499
determined as follows: 500

(1) Except as otherwise provided in this division, if the 501
drug involved is any compound, mixture, preparation, or substance 502
included in schedule I or II, with the exception of marihuana, 503
corrupting another with drugs is a felony of the second degree, 504
and, subject to division (E) of this section, the court shall 505
impose as a mandatory prison term one of the prison terms 506
prescribed for a felony of the second degree. If the drug involved 507
is any compound, mixture, preparation, or substance included in 508

schedule I or II, with the exception of marihuana, and if the
offense was committed in the vicinity of a school, corrupting
another with drugs is a felony of the first degree, and, subject
to division (E) of this section, the court shall impose as a
mandatory prison term one of the prison terms prescribed for a
felony of the first degree.

(2) Except as otherwise provided in this division, if the
drug involved is any compound, mixture, preparation, or substance
included in schedule III, IV, or V, corrupting another with drugs
is a felony of the second degree, and there is a presumption for a
prison term for the offense. If the drug involved is any compound,
mixture, preparation, or substance included in schedule III, IV,
or V and if the offense was committed in the vicinity of a school,
corrupting another with drugs is a felony of the second degree,
and the court shall impose as a mandatory prison term one of the
prison terms prescribed for a felony of the second degree.

(3) Except as otherwise provided in this division, if the
drug involved is marihuana, corrupting another with drugs is a
felony of the fourth degree, and division (C) of section 2929.13
of the Revised Code applies in determining whether to impose a
prison term on the offender. If the drug involved is marihuana and
if the offense was committed in the vicinity of a school,
corrupting another with drugs is a felony of the third degree, and
division (C) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.

(D) In addition to any prison term authorized or required by
division (C) or (E) of this section and sections 2929.13 and
2929.14 of the Revised Code and in addition to any other sanction
imposed for the offense under this section or sections 2929.11 to
2929.18 of the Revised Code, the court that sentences an offender
who is convicted of or pleads guilty to a violation of division
(A) of this section or the clerk of that court shall do all of the

following that are applicable regarding the offender:

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

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

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

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(2) The court shall suspend for not less than six months nor
more than five years the offender's driver's or commercial
driver's license or permit. If an offender's driver's or
commercial driver's license or permit is suspended pursuant to
this division, the offender, at any time after the expiration of
two years from the day on which the offender's sentence was
imposed or from the day on which the offender finally was released
from a prison term under the sentence, whichever is later, may
file a motion with the sentencing court requesting termination of
the suspension. Upon the filing of the motion and the court's
finding of good cause for the termination, the court may terminate

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the suspension. 572

(3) If the offender is a professionally licensed person , in 573
addition to any other sanction imposed for a violation of this 574
section, the court immediately shall comply with section 2925.38 575
of the Revised Code. 576

(E) Notwithstanding the prison term otherwise authorized or 577
required for the offense under division (C) of this section and 578
sections 2929.13 and 2929.14 of the Revised Code, if the violation 579
of division (A) of this section involves the sale, offer to sell, 580
or possession of a schedule I or II controlled substance, with the 581
exception of marihuana, and if the court imposing sentence upon 582
the offender finds that the offender as a result of the violation 583
is a major drug offender and is guilty of a specification of the 584
type described in section 2941.1410 of the Revised Code, the 585
court, in lieu of the prison term that otherwise is authorized or 586
required, shall impose upon the offender the mandatory prison term 587
specified in division (D)(3)(a) of section 2929.14 of the Revised 588
Code and may impose an additional prison term under division 589
(D)(3)(b) of that section. 590

Sec. 2925.03. (A) No person shall knowingly do any of the 591
following: 592

(1) Sell or offer to sell a controlled substance; 593

(2) Prepare for shipment, ship, transport, deliver, prepare 594
for distribution, or distribute a controlled substance, when the 595
offender knows or has reasonable cause to believe that the 596
controlled substance is intended for sale or resale by the 597
offender or another person. 598

(B) This section does not apply to any of the following: 599

(1) Manufacturers, licensed health professionals authorized 600
to prescribe drugs, pharmacists, owners of pharmacies, and other 601

persons whose conduct is in accordance with Chapters 3719., 4715., 602
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 603

(2) If the offense involves an anabolic steroid, any person 604
who is conducting or participating in a research project involving 605
the use of an anabolic steroid if the project has been approved by 606
the United States food and drug administration; 607

(3) Any person who sells, offers for sale, prescribes, 608
dispenses, or administers for livestock or other nonhuman species 609
an anabolic steroid that is expressly intended for administration 610
through implants to livestock or other nonhuman species and 611
approved for that purpose under the "Federal Food, Drug, and 612
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 613
and is sold, offered for sale, prescribed, dispensed, or 614
administered for that purpose in accordance with that act. 615

(C) Whoever violates division (A) of this section is guilty 616
of one of the following: 617

(1) If the drug involved in the violation is any compound, 618
mixture, preparation, or substance included in schedule I or 619
schedule II, with the exception of marihuana, cocaine, L.S.D., 620
heroin, and hashish, whoever violates division (A) of this section 621
is guilty of aggravated trafficking in drugs. The penalty for the 622
offense shall be determined as follows: 623

(a) Except as otherwise provided in division (C)(1)(b), (c), 624
(d), (e), or (f) of this section, aggravated trafficking in drugs 625
is a felony of the fourth degree, and division (C) of section 626
2929.13 of the Revised Code applies in determining whether to 627
impose a prison term on the offender. 628

(b) Except as otherwise provided in division (C)(1)(c), (d), 629
(e), or (f) of this section, if the offense was committed in the 630
vicinity of a school or in the vicinity of a juvenile, aggravated 631
trafficking in drugs is a felony of the third degree, and division 632

(C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

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(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, aggravated trafficking in drugs is a felony of the third degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

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(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, aggravated trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

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(e) If the amount of the drug involved equals or exceeds fifty times the bulk amount but is less than one hundred times the bulk amount and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

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(f) If the amount of the drug involved equals or exceeds one hundred times the bulk amount and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree and may impose an additional prison term prescribed for a major drug offender under division (D)(3)(b) of section 2929.14 of the Revised Code.

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

(a) Except as otherwise provided in division (C)(2)(b), (c), (d), or (e) of this section, trafficking in drugs is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

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

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, trafficking in drugs is a felony of the fourth degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is

within that range and if the offense was committed in the vicinity 695
of a school or in the vicinity of a juvenile, trafficking in drugs 696
is a felony of the third degree, and there is a presumption for a 697
prison term for the offense. 698

(d) Except as otherwise provided in this division, if the 699
amount of the drug involved equals or exceeds five times the bulk 700
amount but is less than fifty times the bulk amount, trafficking 701
in drugs is a felony of the third degree, and there is a 702
presumption for a prison term for the offense. If the amount of 703
the drug involved is within that range and if the offense was 704
committed in the vicinity of a school or in the vicinity of a 705
juvenile, trafficking in drugs is a felony of the second degree, 706
and there is a presumption for a prison term for the offense. 707

(e) Except as otherwise provided in this division, if the 708
amount of the drug involved equals or exceeds fifty times the bulk 709
amount, trafficking in drugs is a felony of the second degree, and 710
the court shall impose as a mandatory prison term one of the 711
prison terms prescribed for a felony of the second degree. If the 712
amount of the drug involved equals or exceeds fifty times the bulk 713
amount and if the offense was committed in the vicinity of a 714
school or in the vicinity of a juvenile, trafficking in drugs is a 715
felony of the first degree, and the court shall impose as a 716
mandatory prison term one of the prison terms prescribed for a 717
felony of the first degree. 718

(3) If the drug involved in the violation is marihuana or a 719
compound, mixture, preparation, or substance containing marihuana 720
other than hashish, whoever violates division (A) of this section 721
is guilty of trafficking in marihuana. The penalty for the offense 722
shall be determined as follows: 723

(a) Except as otherwise provided in division (C)(3)(b), (c), 724
(d), (e), (f), or (g) of this section, trafficking in marihuana is 725

a felony of the fifth degree, and division (C) of section 2929.13 726
of the Revised Code applies in determining whether to impose a 727
prison term on the offender. 728

(b) Except as otherwise provided in division (C)(3)(c), (d), 729
(e), (f), or (g) of this section, if the offense was committed in 730
the vicinity of a school or in the vicinity of a juvenile, 731
trafficking in marihuana is a felony of the fourth degree, and 732
division (C) of section 2929.13 of the Revised Code applies in 733
determining whether to impose a prison term on the offender. 734

(c) Except as otherwise provided in this division, if the 735
amount of the drug involved equals or exceeds two hundred grams 736
but is less than one thousand grams, trafficking in marihuana is a 737
felony of the fourth degree, and division (C) of section 2929.13 738
of the Revised Code applies in determining whether to impose a 739
prison term on the offender. If the amount of the drug involved is 740
within that range and if the offense was committed in the vicinity 741
of a school or in the vicinity of a juvenile, trafficking in 742
marihuana is a felony of the third degree, and division (C) of 743
section 2929.13 of the Revised Code applies in determining whether 744
to impose a prison term on the offender. 745

(d) Except as otherwise provided in this division, if the 746
amount of the drug involved equals or exceeds one thousand grams 747
but is less than five thousand grams, trafficking in marihuana is 748
a felony of the third degree, and division (C) of section 2929.13 749
of the Revised Code applies in determining whether to impose a 750
prison term on the offender. If the amount of the drug involved is 751
within that range and if the offense was committed in the vicinity 752
of a school or in the vicinity of a juvenile, trafficking in 753
marihuana is a felony of the second degree, and there is a 754
presumption that a prison term shall be imposed for the offense. 755

(e) Except as otherwise provided in this division, if the 756

amount of the drug involved equals or exceeds five thousand grams 757
but is less than twenty thousand grams, trafficking in marihuana 758
is a felony of the third degree, and there is a presumption that a 759
prison term shall be imposed for the offense. If the amount of the 760
drug involved is within that range and if the offense was 761
committed in the vicinity of a school or in the vicinity of a 762
juvenile, trafficking in marihuana is a felony of the second 763
degree, and there is a presumption that a prison term shall be 764
imposed for the offense. 765

(f) Except as otherwise provided in this division, if the 766
amount of the drug involved equals or exceeds twenty thousand 767
grams, trafficking in marihuana is a felony of the second degree, 768
and the court shall impose as a mandatory prison term the maximum 769
prison term prescribed for a felony of the second degree. If the 770
amount of the drug involved equals or exceeds twenty thousand 771
grams and if the offense was committed in the vicinity of a school 772
or in the vicinity of a juvenile, trafficking in marihuana is a 773
felony of the first degree, and the court shall impose as a 774
mandatory prison term the maximum prison term prescribed for a 775
felony of the first degree. 776

(g) Except as otherwise provided in this division, if the 777
offense involves a gift of twenty grams or less of marihuana, 778
trafficking in marihuana is a minor misdemeanor upon a first 779
offense and a misdemeanor of the third degree upon a subsequent 780
offense. If the offense involves a gift of twenty grams or less of 781
marihuana and if the offense was committed in the vicinity of a 782
school or in the vicinity of a juvenile, trafficking in marihuana 783
is a misdemeanor of the third degree. 784

(4) If the drug involved in the violation is cocaine or a 785
compound, mixture, preparation, or substance containing cocaine, 786
whoever violates division (A) of this section is guilty of 787
trafficking in cocaine. The penalty for the offense shall be 788

determined as follows:

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

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(b) Except as otherwise provided in division (C)(4)(c), (d),
(e), (f), or (g) of this section, if the offense was committed in
the vicinity of a school or in the vicinity of a juvenile,
trafficking in cocaine is a felony of the fourth degree, and
division (C) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.

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(c) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds five grams but is
less than ten grams of cocaine that is not crack cocaine or equals
or exceeds one gram but is less than five grams of crack cocaine,
trafficking in cocaine is a felony of the fourth degree, and there
is a presumption for a prison term for the offense. If the amount
of the drug involved is within one of those ranges and if the
offense was committed in the vicinity of a school or in the
vicinity of a juvenile, trafficking in cocaine is a felony of the
third degree, and there is a presumption for a prison term for the
offense.

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(d) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds ten grams but is
less than one hundred grams of cocaine that is not crack cocaine
or equals or exceeds five grams but is less than ten grams of
crack cocaine, trafficking in cocaine is a felony of the third
degree, and the court shall impose as a mandatory prison term one
of the prison terms prescribed for a felony of the third degree.
If the amount of the drug involved is within one of those ranges

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and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred grams but is less than five hundred grams of cocaine that is not crack cocaine or equals or exceeds ten grams but is less than twenty-five grams of crack cocaine, trafficking in cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within one of those ranges and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds five hundred grams but is less than one thousand grams of cocaine that is not crack cocaine or equals or exceeds twenty-five grams but is less than one hundred grams of crack cocaine and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds one thousand grams of cocaine that is not crack cocaine or equals or exceeds one hundred grams of crack cocaine and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony

of the first degree, the offender is a major drug offender, and 852
the court shall impose as a mandatory prison term the maximum 853
prison term prescribed for a felony of the first degree and may 854
impose an additional mandatory prison term prescribed for a major 855
drug offender under division (D)(3)(b) of section 2929.14 of the 856
Revised Code. 857

(5) If the drug involved in the violation is L.S.D. or a 858
compound, mixture, preparation, or substance containing L.S.D., 859
whoever violates division (A) of this section is guilty of 860
trafficking in L.S.D. The penalty for the offense shall be 861
determined as follows: 862

(a) Except as otherwise provided in division (C)(5)(b), (c), 863
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 864
felony of the fifth degree, and division (C) of section 2929.13 of 865
the Revised Code applies in determining whether to impose a prison 866
term on the offender. 867

(b) Except as otherwise provided in division (C)(5)(c), (d), 868
(e), (f), or (g) of this section, if the offense was committed in 869
the vicinity of a school or in the vicinity of a juvenile, 870
trafficking in L.S.D. is a felony of the fourth degree, and 871
division (C) of section 2929.13 of the Revised Code applies in 872
determining whether to impose a prison term on the offender. 873

(c) Except as otherwise provided in this division, if the 874
amount of the drug involved equals or exceeds ten unit doses but 875
is less than fifty unit doses of L.S.D. in a solid form or equals 876
or exceeds one gram but is less than five grams of L.S.D. in a 877
liquid concentrate, liquid extract, or liquid distillate form, 878
trafficking in L.S.D. is a felony of the fourth degree, and there 879
is a presumption for a prison term for the offense. If the amount 880
of the drug involved is within that range and if the offense was 881
committed in the vicinity of a school or in the vicinity of a 882

juvenile, trafficking in L.S.D. is a felony of the third degree, 883
and there is a presumption for a prison term for the offense. 884

(d) Except as otherwise provided in this division, if the 885
amount of the drug involved equals or exceeds fifty unit doses but 886
is less than two hundred fifty unit doses of L.S.D. in a solid 887
form or equals or exceeds five grams but is less than twenty-five 888
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 889
distillate form, trafficking in L.S.D. is a felony of the third 890
degree, and the court shall impose as a mandatory prison term one 891
of the prison terms prescribed for a felony of the third degree. 892
If the amount of the drug involved is within that range and if the 893
offense was committed in the vicinity of a school or in the 894
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 895
second degree, and the court shall impose as a mandatory prison 896
term one of the prison terms prescribed for a felony of the second 897
degree. 898

(e) Except as otherwise provided in this division, if the 899
amount of the drug involved equals or exceeds two hundred fifty 900
unit doses but is less than one thousand unit doses of L.S.D. in a 901
solid form or equals or exceeds twenty-five grams but is less than 902
one hundred grams of L.S.D. in a liquid concentrate, liquid 903
extract, or liquid distillate form, trafficking in L.S.D. is a 904
felony of the second degree, and the court shall impose as a 905
mandatory prison term one of the prison terms prescribed for a 906
felony of the second degree. If the amount of the drug involved is 907
within that range and if the offense was committed in the vicinity 908
of a school or in the vicinity of a juvenile, trafficking in 909
L.S.D. is a felony of the first degree, and the court shall impose 910
as a mandatory prison term one of the prison terms prescribed for 911
a felony of the first degree. 912

(f) If the amount of the drug involved equals or exceeds one 913
thousand unit doses but is less than five thousand unit doses of 914

L.S.D. in a solid form or equals or exceeds one hundred grams but
is less than five hundred grams of L.S.D. in a liquid concentrate,
liquid extract, or liquid distillate form and regardless of
whether the offense was committed in the vicinity of a school or
in the vicinity of a juvenile, trafficking in L.S.D. is a felony
of the first degree, and the court shall impose as a mandatory
prison term one of the prison terms prescribed for a felony of the
first degree.

(g) If the amount of the drug involved equals or exceeds five
thousand unit doses of L.S.D. in a solid form or equals or exceeds
five hundred grams of L.S.D. in a liquid concentrate, liquid
extract, or liquid distillate form and regardless of whether the
offense was committed in the vicinity of a school or in the
vicinity of a juvenile, trafficking in L.S.D. is a felony of the
first degree, the offender is a major drug offender, and the court
shall impose as a mandatory prison term the maximum prison term
prescribed for a felony of the first degree and may impose an
additional mandatory prison term prescribed for a major drug
offender under division (D)(3)(b) of section 2929.14 of the
Revised Code.

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

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

(b) Except as otherwise provided in division (C)(6)(c), (d),

(e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in heroin is a felony of the fourth degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in heroin is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the

drug involved is within that range and if the offense was 978
committed in the vicinity of a school or in the vicinity of a 979
juvenile, trafficking in heroin is a felony of the first degree, 980
and the court shall impose as a mandatory prison term one of the 981
prison terms prescribed for a felony of the first degree. 982

(f) If the amount of the drug involved equals or exceeds five 983
hundred unit doses but is less than two thousand five hundred unit 984
doses or equals or exceeds fifty grams but is less than two 985
hundred fifty grams and regardless of whether the offense was 986
committed in the vicinity of a school or in the vicinity of a 987
juvenile, trafficking in heroin is a felony of the first degree, 988
and the court shall impose as a mandatory prison term one of the 989
prison terms prescribed for a felony of the first degree. 990

(g) If the amount of the drug involved equals or exceeds two 991
thousand five hundred unit doses or equals or exceeds two hundred 992
fifty grams and regardless of whether the offense was committed in 993
the vicinity of a school or in the vicinity of a juvenile, 994
trafficking in heroin is a felony of the first degree, the 995
offender is a major drug offender, and the court shall impose as a 996
mandatory prison term the maximum prison term prescribed for a 997
felony of the first degree and may impose an additional mandatory 998
prison term prescribed for a major drug offender under division 999
(D)(3)(b) of section 2929.14 of the Revised Code. 1000

(7) If the drug involved in the violation is hashish or a 1001
compound, mixture, preparation, or substance containing hashish, 1002
whoever violates division (A) of this section is guilty of 1003
trafficking in hashish. The penalty for the offense shall be 1004
determined as follows: 1005

(a) Except as otherwise provided in division (C)(7)(b), (c), 1006
(d), (e), or (f) of this section, trafficking in hashish is a 1007
felony of the fifth degree, and division (C) of section 2929.13 of 1008

the Revised Code applies in determining whether to impose a prison term on the offender. 1009
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(b) Except as otherwise provided in division (C)(7)(c), (d), (e), or (f) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 1011
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(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 1017
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(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in 1031
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the vicinity of a juvenile, trafficking in hashish is a felony of 1041
the second degree, and there is a presumption that a prison term 1042
shall be imposed for the offense. 1043

(e) Except as otherwise provided in this division, if the 1044
amount of the drug involved equals or exceeds two hundred fifty 1045
grams but is less than one thousand grams of hashish in a solid 1046
form or equals or exceeds fifty grams but is less than two hundred 1047
grams of hashish in a liquid concentrate, liquid extract, or 1048
liquid distillate form, trafficking in hashish is a felony of the 1049
third degree, and there is a presumption that a prison term shall 1050
be imposed for the offense. If the amount of the drug involved is 1051
within that range and if the offense was committed in the vicinity 1052
of a school or in the vicinity of a juvenile, trafficking in 1053
hashish is a felony of the second degree, and there is a 1054
presumption that a prison term shall be imposed for the offense. 1055

(f) Except as otherwise provided in this division, if the 1056
amount of the drug involved equals or exceeds one thousand grams 1057
of hashish in a solid form or equals or exceeds two hundred grams 1058
of hashish in a liquid concentrate, liquid extract, or liquid 1059
distillate form, trafficking in hashish is a felony of the second 1060
degree, and the court shall impose as a mandatory prison term the 1061
maximum prison term prescribed for a felony of the second degree. 1062
If the amount of the drug involved is within that range and if the 1063
offense was committed in the vicinity of a school or in the 1064
vicinity of a juvenile, trafficking in hashish is a felony of the 1065
first degree, and the court shall impose as a mandatory prison 1066
term the maximum prison term prescribed for a felony of the first 1067
degree. 1068

(D) In addition to any prison term authorized or required by 1069
division (C) of this section and sections 2929.13 and 2929.14 of 1070
the Revised Code, and in addition to any other sanction imposed 1071
for the offense under this section or sections 2929.11 to 2929.18 1072

of the Revised Code, the court that sentences an offender who is
convicted of or pleads guilty to a violation of division (A) of
this section shall do all of the following that are applicable
regarding the offender:

(1) If the violation of division (A) of this section is a
felony of the first, second, or third degree, the court shall
impose upon the offender the mandatory fine specified for the
offense under division (B)(1) of section 2929.18 of the Revised
Code unless, as specified in that division, the court determines
that the offender is indigent. Except as otherwise provided in
division (H)(1) of this section, a mandatory fine or any other
fine imposed for a violation of this section is subject to
division (F) of this section. If a person is charged with a
violation of this section that is a felony of the first, second,
or third degree, posts bail, and forfeits the bail, the clerk of
the court shall pay the forfeited bail pursuant to divisions
(D)(1) and (F) of this section, as if the forfeited bail was a
fine imposed for a violation of this section. If any amount of the
forfeited bail remains after that payment and if a fine is imposed
under division (H)(1) of this section, the clerk of the court
shall pay the remaining amount of the forfeited bail pursuant to
divisions (H)(2) and (3) of this section, as if that remaining
amount was a fine imposed under division (H)(1) of this section.

(2) The court shall suspend the driver's or commercial
driver's license or permit of the offender in accordance with
division (G) of this section.

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

(E) When a person is charged with the sale of or offer to
sell a bulk amount or a multiple of a bulk amount of a controlled

substance, the jury, or the court trying the accused, shall 1104
determine the amount of the controlled substance involved at the 1105
time of the offense and, if a guilty verdict is returned, shall 1106
return the findings as part of the verdict. In any such case, it 1107
is unnecessary to find and return the exact amount of the 1108
controlled substance involved, and it is sufficient if the finding 1109
and return is to the effect that the amount of the controlled 1110
substance involved is the requisite amount, or that the amount of 1111
the controlled substance involved is less than the requisite 1112
amount. 1113

(F)(1) Notwithstanding any contrary provision of section 1114
3719.21 of the Revised Code and except as provided in division (H) 1115
of this section, the clerk of the court shall pay any mandatory 1116
fine imposed pursuant to division (D)(1) of this section and any 1117
fine other than a mandatory fine that is imposed for a violation 1118
of this section pursuant to division (A) or (B)(5) of section 1119
2929.18 of the Revised Code to the county, township, municipal 1120
corporation, park district, as created pursuant to section 511.18 1121
or 1545.04 of the Revised Code, or state law enforcement agencies 1122
in this state that primarily were responsible for or involved in 1123
making the arrest of, and in prosecuting, the offender. However, 1124
the clerk shall not pay a mandatory fine so imposed to a law 1125
enforcement agency unless the agency has adopted a written 1126
internal control policy under division (F)(2) of this section that 1127
addresses the use of the fine moneys that it receives. Each agency 1128
shall use the mandatory fines so paid to subsidize the agency's 1129
law enforcement efforts that pertain to drug offenses, in 1130
accordance with the written internal control policy adopted by the 1131
recipient agency under division (F)(2) of this section. 1132

(2)(a) Prior to receiving any fine moneys under division 1133
(F)(1) of this section or division (B)(5) of section 2925.42 of 1134
the Revised Code, a law enforcement agency shall adopt a written 1135

internal control policy that addresses the agency's use and 1136
disposition of all fine moneys so received and that provides for 1137
the keeping of detailed financial records of the receipts of those 1138
fine moneys, the general types of expenditures made out of those 1139
fine moneys, and the specific amount of each general type of 1140
expenditure. The policy shall not provide for or permit the 1141
identification of any specific expenditure that is made in an 1142
ongoing investigation. All financial records of the receipts of 1143
those fine moneys, the general types of expenditures made out of 1144
those fine moneys, and the specific amount of each general type of 1145
expenditure by an agency are public records open for inspection 1146
under section 149.43 of the Revised Code. Additionally, a written 1147
internal control policy adopted under this division is such a 1148
public record, and the agency that adopted it shall comply with 1149
it. 1150

(b) Each law enforcement agency that receives in any calendar 1151
year any fine moneys under division (F)(1) of this section or 1152
division (B)(5) of section 2925.42 of the Revised Code shall 1153
prepare a report covering the calendar year that cumulates all of 1154
the information contained in all of the public financial records 1155
kept by the agency pursuant to division (F)(2)(a) of this section 1156
for that calendar year, and shall send a copy of the cumulative 1157
report, no later than the first day of March in the calendar year 1158
following the calendar year covered by the report, to the attorney 1159
general. Each report received by the attorney general is a public 1160
record open for inspection under section 149.43 of the Revised 1161
Code. Not later than the fifteenth day of April in the calendar 1162
year in which the reports are received, the attorney general shall 1163
send to the president of the senate and the speaker of the house 1164
of representatives a written notification that does all of the 1165
following: 1166

(i) Indicates that the attorney general has received from law 1167

enforcement agencies reports of the type described in this 1168
division that cover the previous calendar year and indicates that 1169
the reports were received under this division; 1170

(ii) Indicates that the reports are open for inspection under 1171
section 149.43 of the Revised Code; 1172

(iii) Indicates that the attorney general will provide a copy 1173
of any or all of the reports to the president of the senate or the 1174
speaker of the house of representatives upon request. 1175

(3) As used in division (F) of this section: 1176

(a) "Law enforcement agencies" includes, but is not limited 1177
to, the state board of pharmacy and the office of a prosecutor. 1178

(b) "Prosecutor" has the same meaning as in section 2935.01 1179
of the Revised Code. 1180

(G) When required under division (D)(2) of this section or 1181
any other provision of this chapter, the court shall suspend for 1182
not less than six months or more than five years the driver's or 1183
commercial driver's license or permit of any person who is 1184
convicted of or pleads guilty to any violation of this section or 1185
any other specified provision of this chapter. If an offender's 1186
driver's or commercial driver's license or permit is suspended 1187
pursuant to this division, the offender, at any time after the 1188
expiration of two years from the day on which the offender's 1189
sentence was imposed or from the day on which the offender finally 1190
was released from a prison term under the sentence, whichever is 1191
later, may file a motion with the sentencing court requesting 1192
termination of the suspension; upon the filing of such a motion 1193
and the court's finding of good cause for the termination, the 1194
court may terminate the suspension. 1195

(H)(1) In addition to any prison term authorized or required 1196
by division (C) of this section and sections 2929.13 and 2929.14 1197

of the Revised Code, in addition to any other penalty or sanction 1198
imposed for the offense under this section or sections 2929.11 to 1199
2929.18 of the Revised Code, and in addition to the forfeiture of 1200
property in connection with the offense as prescribed in sections 1201
2925.42 to 2925.45 of the Revised Code, the court that sentences 1202
an offender who is convicted of or pleads guilty to a violation of 1203
division (A) of this section may impose upon the offender an 1204
additional fine specified for the offense in division (B)(4) of 1205
section 2929.18 of the Revised Code. A fine imposed under division 1206
(H)(1) of this section is not subject to division (F) of this 1207
section and shall be used solely for the support of one or more 1208
eligible alcohol and drug addiction programs in accordance with 1209
divisions (H)(2) and (3) of this section. 1210

(2) The court that imposes a fine under division (H)(1) of 1211
this section shall specify in the judgment that imposes the fine 1212
one or more eligible alcohol and drug addiction programs for the 1213
support of which the fine money is to be used. No alcohol and drug 1214
addiction program shall receive or use money paid or collected in 1215
satisfaction of a fine imposed under division (H)(1) of this 1216
section unless the program is specified in the judgment that 1217
imposes the fine. No alcohol and drug addiction program shall be 1218
specified in the judgment unless the program is an eligible 1219
alcohol and drug addiction program and, except as otherwise 1220
provided in division (H)(2) of this section, unless the program is 1221
located in the county in which the court that imposes the fine is 1222
located or in a county that is immediately contiguous to the 1223
county in which that court is located. If no eligible alcohol and 1224
drug addiction program is located in any of those counties, the 1225
judgment may specify an eligible alcohol and drug addiction 1226
program that is located anywhere within this state. 1227

(3) Notwithstanding any contrary provision of section 3719.21 1228
of the Revised Code, the clerk of the court shall pay any fine 1229

imposed under division (H)(1) of this section to the eligible 1230
alcohol and drug addiction program specified pursuant to division 1231
(H)(2) of this section in the judgment. The eligible alcohol and 1232
drug addiction program that receives the fine moneys shall use the 1233
moneys only for the alcohol and drug addiction services identified 1234
in the application for certification under section 3793.06 of the 1235
Revised Code or in the application for a license under section 1236
3793.11 of the Revised Code filed with the department of alcohol 1237
and drug addiction services by the alcohol and drug addiction 1238
program specified in the judgment. 1239

(4) Each alcohol and drug addiction program that receives in 1240
a calendar year any fine moneys under division (H)(3) of this 1241
section shall file an annual report covering that calendar year 1242
with the court of common pleas and the board of county 1243
commissioners of the county in which the program is located, with 1244
the court of common pleas and the board of county commissioners of 1245
each county from which the program received the moneys if that 1246
county is different from the county in which the program is 1247
located, and with the attorney general. The alcohol and drug 1248
addiction program shall file the report no later than the first 1249
day of March in the calendar year following the calendar year in 1250
which the program received the fine moneys. The report shall 1251
include statistics on the number of persons served by the alcohol 1252
and drug addiction program, identify the types of alcohol and drug 1253
addiction services provided to those persons, and include a 1254
specific accounting of the purposes for which the fine moneys 1255
received were used. No information contained in the report shall 1256
identify, or enable a person to determine the identity of, any 1257
person served by the alcohol and drug addiction program. Each 1258
report received by a court of common pleas, a board of county 1259
commissioners, or the attorney general is a public record open for 1260
inspection under section 149.43 of the Revised Code. 1261

(5) As used in divisions (H)(1) to (5) of this section:	1262
(a) "Alcohol and drug addiction program" and "alcohol and drug addiction services" have the same meanings as in section 3793.01 of the Revised Code.	1263 1264 1265
(b) "Eligible alcohol and drug addiction program" means an alcohol and drug addiction program that is certified under section 3793.06 of the Revised Code or licensed under section 3793.11 of the Revised Code by the department of alcohol and drug addiction services.	1266 1267 1268 1269 1270
Sec. 2925.11. (A) No person shall knowingly obtain, possess, or use a controlled substance.	1271 1272
(B) This section does not apply to any of the following:	1273
(1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct was in accordance with Chapters 3719., 4715., 4723., 4729., <u>4730.</u> , 4731., and 4741. of the Revised Code;	1274 1275 1276 1277
(2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States food and drug administration;	1278 1279 1280 1281
(3) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that act;	1282 1283 1284 1285 1286 1287 1288 1289
(4) Any person who obtained the controlled substance pursuant to a prescription issued by a licensed health professional	1290 1291

authorized to prescribe drugs. 1292

(C) Whoever violates division (A) of this section is guilty 1293
of one of the following: 1294

(1) If the drug involved in the violation is a compound, 1295
mixture, preparation, or substance included in schedule I or II, 1296
with the exception of marihuana, cocaine, L.S.D., heroin, and 1297
hashish, whoever violates division (A) of this section is guilty 1298
of aggravated possession of drugs. The penalty for the offense 1299
shall be determined as follows: 1300

(a) Except as otherwise provided in division (C)(1)(b), (c), 1301
(d), or (e) of this section, aggravated possession of drugs is a 1302
felony of the fifth degree, and division (B) of section 2929.13 of 1303
the Revised Code applies in determining whether to impose a prison 1304
term on the offender. 1305

(b) If the amount of the drug involved equals or exceeds the 1306
bulk amount but is less than five times the bulk amount, 1307
aggravated possession of drugs is a felony of the third degree, 1308
and there is a presumption for a prison term for the offense. 1309

(c) If the amount of the drug involved equals or exceeds five 1310
times the bulk amount but is less than fifty times the bulk 1311
amount, aggravated possession of drugs is a felony of the second 1312
degree, and the court shall impose as a mandatory prison term one 1313
of the prison terms prescribed for a felony of the second degree. 1314

(d) If the amount of the drug involved equals or exceeds 1315
fifty times the bulk amount but is less than one hundred times the 1316
bulk amount, aggravated possession of drugs is a felony of the 1317
first degree, and the court shall impose as a mandatory prison 1318
term one of the prison terms prescribed for a felony of the first 1319
degree. 1320

(e) If the amount of the drug involved equals or exceeds one 1321

hundred times the bulk amount, aggravated possession of drugs is a
felony of the first degree, the offender is a major drug offender,
and the court shall impose as a mandatory prison term the maximum
prison term prescribed for a felony of the first degree and may
impose an additional mandatory prison term prescribed for a major
drug offender under division (D)(3)(b) of section 2929.14 of the
Revised Code.

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

(a) Except as otherwise provided in division (C)(2)(b), (c),
or (d) of this section, possession of drugs is a misdemeanor of
the third degree or, if the offender previously has been convicted
of a drug abuse offense, a misdemeanor of the second degree. If
the drug involved in the violation is an anabolic steroid included
in schedule III and if the offense is a misdemeanor of the third
degree under this division, in lieu of sentencing the offender to
a term of imprisonment in a detention facility, the court may
place the offender under a community control sanction, as defined
in section 2929.01 of the Revised Code, that requires the offender
to perform supervised community service work pursuant to division
(B) of section 2951.02 of the Revised Code.

(b) If the amount of the drug involved equals or exceeds the
bulk amount but is less than five times the bulk amount,
possession of drugs is a felony of the fourth degree, and division
(C) of section 2929.13 of the Revised Code applies in determining
whether to impose a prison term on the offender.

(c) If the amount of the drug involved equals or exceeds five
times the bulk amount but is less than fifty times the bulk

amount, possession of drugs is a felony of the third degree, and 1353
there is a presumption for a prison term for the offense. 1354

(d) If the amount of the drug involved equals or exceeds 1355
fifty times the bulk amount, possession of drugs is a felony of 1356
the second degree, and the court shall impose upon the offender as 1357
a mandatory prison term one of the prison terms prescribed for a 1358
felony of the second degree. 1359

(3) If the drug involved in the violation is marihuana or a 1360
compound, mixture, preparation, or substance containing marihuana 1361
other than hashish, whoever violates division (A) of this section 1362
is guilty of possession of marihuana. The penalty for the offense 1363
shall be determined as follows: 1364

(a) Except as otherwise provided in division (C)(3)(b), (c), 1365
(d), (e), or (f) of this section, possession of marihuana is a 1366
minor misdemeanor. 1367

(b) If the amount of the drug involved equals or exceeds one 1368
hundred grams but is less than two hundred grams, possession of 1369
marihuana is a misdemeanor of the fourth degree. 1370

(c) If the amount of the drug involved equals or exceeds two 1371
hundred grams but is less than one thousand grams, possession of 1372
marihuana is a felony of the fifth degree, and division (B) of 1373
section 2929.13 of the Revised Code applies in determining whether 1374
to impose a prison term on the offender. 1375

(d) If the amount of the drug involved equals or exceeds one 1376
thousand grams but is less than five thousand grams, possession of 1377
marihuana is a felony of the third degree, and division (C) of 1378
section 2929.13 of the Revised Code applies in determining whether 1379
to impose a prison term on the offender. 1380

(e) If the amount of the drug involved equals or exceeds five 1381
thousand grams but is less than twenty thousand grams, possession 1382

of marihuana is a felony of the third degree, and there is a 1383
presumption that a prison term shall be imposed for the offense. 1384

(f) If the amount of the drug involved equals or exceeds 1385
twenty thousand grams, possession of marihuana is a felony of the 1386
second degree, and the court shall impose as a mandatory prison 1387
term the maximum prison term prescribed for a felony of the second 1388
degree. 1389

(4) If the drug involved in the violation is cocaine or a 1390
compound, mixture, preparation, or substance containing cocaine, 1391
whoever violates division (A) of this section is guilty of 1392
possession of cocaine. The penalty for the offense shall be 1393
determined as follows: 1394

(a) Except as otherwise provided in division (C)(4)(b), (c), 1395
(d), (e), or (f) of this section, possession of cocaine is a 1396
felony of the fifth degree, and division (B) of section 2929.13 of 1397
the Revised Code applies in determining whether to impose a prison 1398
term on the offender. 1399

(b) If the amount of the drug involved equals or exceeds five 1400
grams but is less than twenty-five grams of cocaine that is not 1401
crack cocaine or equals or exceeds one gram but is less than five 1402
grams of crack cocaine, possession of cocaine is a felony of the 1403
fourth degree, and there is a presumption for a prison term for 1404
the offense. 1405

(c) If the amount of the drug involved equals or exceeds 1406
twenty-five grams but is less than one hundred grams of cocaine 1407
that is not crack cocaine or equals or exceeds five grams but is 1408
less than ten grams of crack cocaine, possession of cocaine is a 1409
felony of the third degree, and the court shall impose as a 1410
mandatory prison term one of the prison terms prescribed for a 1411
felony of the third degree. 1412

(d) If the amount of the drug involved equals or exceeds one 1413

hundred grams but is less than five hundred grams of cocaine that 1414
is not crack cocaine or equals or exceeds ten grams but is less 1415
than twenty-five grams of crack cocaine, possession of cocaine is 1416
a felony of the second degree, and the court shall impose as a 1417
mandatory prison term one of the prison terms prescribed for a 1418
felony of the second degree. 1419

(e) If the amount of the drug involved equals or exceeds five 1420
hundred grams but is less than one thousand grams of cocaine that 1421
is not crack cocaine or equals or exceeds twenty-five grams but is 1422
less than one hundred grams of crack cocaine, possession of 1423
cocaine is a felony of the first degree, and the court shall 1424
impose as a mandatory prison term one of the prison terms 1425
prescribed for a felony of the first degree. 1426

(f) If the amount of the drug involved equals or exceeds one 1427
thousand grams of cocaine that is not crack cocaine or equals or 1428
exceeds one hundred grams of crack cocaine, possession of cocaine 1429
is a felony of the first degree, the offender is a major drug 1430
offender, and the court shall impose as a mandatory prison term 1431
the maximum prison term prescribed for a felony of the first 1432
degree and may impose an additional mandatory prison term 1433
prescribed for a major drug offender under division (D)(3)(b) of 1434
section 2929.14 of the Revised Code. 1435

(5) If the drug involved in the violation is L.S.D., whoever 1436
violates division (A) of this section is guilty of possession of 1437
L.S.D. The penalty for the offense shall be determined as follows: 1438

(a) Except as otherwise provided in division (C)(5)(b), (c), 1439
(d), (e), or (f) of this section, possession of L.S.D. is a felony 1440
of the fifth degree, and division (B) of section 2929.13 of the 1441
Revised Code applies in determining whether to impose a prison 1442
term on the offender. 1443

(b) If the amount of L.S.D. involved equals or exceeds ten 1444

unit doses but is less than fifty unit doses of L.S.D. in a solid 1445
form or equals or exceeds one gram but is less than five grams of 1446
L.S.D. in a liquid concentrate, liquid extract, or liquid 1447
distillate form, possession of L.S.D. is a felony of the fourth 1448
degree, and division (C) of section 2929.13 of the Revised Code 1449
applies in determining whether to impose a prison term on the 1450
offender. 1451

(c) If the amount of L.S.D. involved equals or exceeds fifty 1452
unit doses, but is less than two hundred fifty unit doses of 1453
L.S.D. in a solid form or equals or exceeds five grams but is less 1454
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 1455
extract, or liquid distillate form, possession of L.S.D. is a 1456
felony of the third degree, and there is a presumption for a 1457
prison term for the offense. 1458

(d) If the amount of L.S.D. involved equals or exceeds two 1459
hundred fifty unit doses but is less than one thousand unit doses 1460
of L.S.D. in a solid form or equals or exceeds twenty-five grams 1461
but is less than one hundred grams of L.S.D. in a liquid 1462
concentrate, liquid extract, or liquid distillate form, possession 1463
of L.S.D. is a felony of the second degree, and the court shall 1464
impose as a mandatory prison term one of the prison terms 1465
prescribed for a felony of the second degree. 1466

(e) If the amount of L.S.D. involved equals or exceeds one 1467
thousand unit doses but is less than five thousand unit doses of 1468
L.S.D. in a solid form or equals or exceeds one hundred grams but 1469
is less than five hundred grams of L.S.D. in a liquid concentrate, 1470
liquid extract, or liquid distillate form, possession of L.S.D. is 1471
a felony of the first degree, and the court shall impose as a 1472
mandatory prison term one of the prison terms prescribed for a 1473
felony of the first degree. 1474

(f) If the amount of L.S.D. involved equals or exceeds five 1475

thousand unit doses of L.S.D. in a solid form or equals or exceeds 1476
five hundred grams of L.S.D. in a liquid concentrate, liquid 1477
extract, or liquid distillate form, possession of L.S.D. is a 1478
felony of the first degree, the offender is a major drug offender, 1479
and the court shall impose as a mandatory prison term the maximum 1480
prison term prescribed for a felony of the first degree and may 1481
impose an additional mandatory prison term prescribed for a major 1482
drug offender under division (D)(3)(b) of section 2929.14 of the 1483
Revised Code. 1484

(6) If the drug involved in the violation is heroin or a 1485
compound, mixture, preparation, or substance containing heroin, 1486
whoever violates division (A) of this section is guilty of 1487
possession of heroin. The penalty for the offense shall be 1488
determined as follows: 1489

(a) Except as otherwise provided in division (C)(6)(b), (c), 1490
(d), (e), or (f) of this section, possession of heroin is a felony 1491
of the fifth degree, and division (B) of section 2929.13 of the 1492
Revised Code applies in determining whether to impose a prison 1493
term on the offender. 1494

(b) If the amount of the drug involved equals or exceeds ten 1495
unit doses but is less than fifty unit doses or equals or exceeds 1496
one gram but is less than five grams, possession of heroin is a 1497
felony of the fourth degree, and division (C) of section 2929.13 1498
of the Revised Code applies in determining whether to impose a 1499
prison term on the offender. 1500

(c) If the amount of the drug involved equals or exceeds 1501
fifty unit doses but is less than one hundred unit doses or equals 1502
or exceeds five grams but is less than ten grams, possession of 1503
heroin is a felony of the third degree, and there is a presumption 1504
for a prison term for the offense. 1505

(d) If the amount of the drug involved equals or exceeds one 1506

hundred unit doses but is less than five hundred unit doses or 1507
equals or exceeds ten grams but is less than fifty grams, 1508
possession of heroin is a felony of the second degree, and the 1509
court shall impose as a mandatory prison term one of the prison 1510
terms prescribed for a felony of the second degree. 1511

(e) If the amount of the drug involved equals or exceeds five 1512
hundred unit doses but is less than two thousand five hundred unit 1513
doses or equals or exceeds fifty grams but is less than two 1514
hundred fifty grams, possession of heroin is a felony of the first 1515
degree, and the court shall impose as a mandatory prison term one 1516
of the prison terms prescribed for a felony of the first degree. 1517

(f) If the amount of the drug involved equals or exceeds two 1518
thousand five hundred unit doses or equals or exceeds two hundred 1519
fifty grams, possession of heroin is a felony of the first degree, 1520
the offender is a major drug offender, and the court shall impose 1521
as a mandatory prison term the maximum prison term prescribed for 1522
a felony of the first degree and may impose an additional 1523
mandatory prison term prescribed for a major drug offender under 1524
division (D)(3)(b) of section 2929.14 of the Revised Code. 1525

(7) If the drug involved in the violation is hashish or a 1526
compound, mixture, preparation, or substance containing hashish, 1527
whoever violates division (A) of this section is guilty of 1528
possession of hashish. The penalty for the offense shall be 1529
determined as follows: 1530

(a) Except as otherwise provided in division (C)(7)(b), (c), 1531
(d), (e), or (f) of this section, possession of hashish is a minor 1532
misdemeanor. 1533

(b) If the amount of the drug involved equals or exceeds five 1534
grams but is less than ten grams of hashish in a solid form or 1535
equals or exceeds one gram but is less than two grams of hashish 1536
in a liquid concentrate, liquid extract, or liquid distillate 1537

form, possession of hashish is a misdemeanor of the fourth degree. 1538

(c) If the amount of the drug involved equals or exceeds ten 1539
grams but is less than fifty grams of hashish in a solid form or 1540
equals or exceeds two grams but is less than ten grams of hashish 1541
in a liquid concentrate, liquid extract, or liquid distillate 1542
form, possession of hashish is a felony of the fifth degree, and 1543
division (B) of section 2929.13 of the Revised Code applies in 1544
determining whether to impose a prison term on the offender. 1545

(d) If the amount of the drug involved equals or exceeds 1546
fifty grams but is less than two hundred fifty grams of hashish in 1547
a solid form or equals or exceeds ten grams but is less than fifty 1548
grams of hashish in a liquid concentrate, liquid extract, or 1549
liquid distillate form, possession of hashish is a felony of the 1550
third degree, and division (C) of section 2929.13 of the Revised 1551
Code applies in determining whether to impose a prison term on the 1552
offender. 1553

(e) If the amount of the drug involved equals or exceeds two 1554
hundred fifty grams but is less than one thousand grams of hashish 1555
in a solid form or equals or exceeds fifty grams but is less than 1556
two hundred grams of hashish in a liquid concentrate, liquid 1557
extract, or liquid distillate form, possession of hashish is a 1558
felony of the third degree, and there is a presumption that a 1559
prison term shall be imposed for the offense. 1560

(f) If the amount of the drug involved equals or exceeds one 1561
thousand grams of hashish in a solid form or equals or exceeds two 1562
hundred grams of hashish in a liquid concentrate, liquid extract, 1563
or liquid distillate form, possession of hashish is a felony of 1564
the second degree, and the court shall impose as a mandatory 1565
prison term the maximum prison term prescribed for a felony of the 1566
second degree. 1567

(D) Arrest or conviction for a minor misdemeanor violation of 1568

this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

(E) In addition to any prison term or jail term authorized or required by division (C) of this section and sections 2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in addition to any other sanction that is imposed for the offense under this section, sections 2929.11 to 2929.18, or sections 2929.21 to 2929.28 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section shall do all of the following that are applicable regarding the offender:

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

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

(c) If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk shall pay the forfeited

bail pursuant to division (E)(1)(b) of this section as if it were 1600
a mandatory fine imposed under division (E)(1)(a) of this section. 1601

(2) The court shall suspend for not less than six months or 1602
more than five years the offender's driver's or commercial 1603
driver's license or permit. 1604

(3) If the offender is a professionally licensed person, in 1605
addition to any other sanction imposed for a violation of this 1606
section, the court immediately shall comply with section 2925.38 1607
of the Revised Code. 1608

(F) It is an affirmative defense, as provided in section 1609
2901.05 of the Revised Code, to a charge of a fourth degree felony 1610
violation under this section that the controlled substance that 1611
gave rise to the charge is in an amount, is in a form, is 1612
prepared, compounded, or mixed with substances that are not 1613
controlled substances in a manner, or is possessed under any other 1614
circumstances, that indicate that the substance was possessed 1615
solely for personal use. Notwithstanding any contrary provision of 1616
this section, if, in accordance with section 2901.05 of the 1617
Revised Code, an accused who is charged with a fourth degree 1618
felony violation of division (C)(2), (4), (5), or (6) of this 1619
section sustains the burden of going forward with evidence of and 1620
establishes by a preponderance of the evidence the affirmative 1621
defense described in this division, the accused may be prosecuted 1622
for and may plead guilty to or be convicted of a misdemeanor 1623
violation of division (C)(2) of this section or a fifth degree 1624
felony violation of division (C)(4), (5), or (6) of this section 1625
respectively. 1626

(G) When a person is charged with possessing a bulk amount or 1627
multiple of a bulk amount, division (E) of section 2925.03 of the 1628
Revised Code applies regarding the determination of the amount of 1629
the controlled substance involved at the time of the offense. 1630

Sec. 2925.12. (A) No person shall knowingly make, obtain, 1631
possess, or use any instrument, article, or thing the customary 1632
and primary purpose of which is for the administration or use of a 1633
dangerous drug, other than marihuana, when the instrument involved 1634
is a hypodermic or syringe, whether or not of crude or 1635
extemporized manufacture or assembly, and the instrument, article, 1636
or thing involved has been used by the offender to unlawfully 1637
administer or use a dangerous drug, other than marihuana, or to 1638
prepare a dangerous drug, other than marihuana, for unlawful 1639
administration or use. 1640

(B) This section does not apply to manufacturers, licensed 1641
health professionals authorized to prescribe drugs, pharmacists, 1642
owners of pharmacies, and other persons whose conduct was in 1643
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 1644
and 4741. of the Revised Code. 1645

(C) Whoever violates this section is guilty of possessing 1646
drug abuse instruments, a misdemeanor of the second degree. If the 1647
offender previously has been convicted of a drug abuse offense, a 1648
violation of this section is a misdemeanor of the first degree. 1649

(D) In addition to any other sanction imposed upon an 1650
offender for a violation of this section, the court shall suspend 1651
for not less than six months or more than five years the 1652
offender's driver's or commercial driver's license or permit. If 1653
the offender is a professionally licensed person, in addition to 1654
any other sanction imposed for a violation of this section, the 1655
court immediately shall comply with section 2925.38 of the Revised 1656
Code. 1657

Sec. 2925.14. (A) As used in this section, "drug 1658
paraphernalia" means any equipment, product, or material of any 1659
kind that is used by the offender, intended by the offender for 1660

use, or designed for use, in propagating, cultivating, growing, 1661
harvesting, manufacturing, compounding, converting, producing, 1662
processing, preparing, testing, analyzing, packaging, repackaging, 1663
storing, containing, concealing, injecting, ingesting, inhaling, 1664
or otherwise introducing into the human body, a controlled 1665
substance in violation of this chapter. "Drug paraphernalia" 1666
includes, but is not limited to, any of the following equipment, 1667
products, or materials that are used by the offender, intended by 1668
the offender for use, or designed by the offender for use, in any 1669
of the following manners: 1670

(1) A kit for propagating, cultivating, growing, or 1671
harvesting any species of a plant that is a controlled substance 1672
or from which a controlled substance can be derived; 1673

(2) A kit for manufacturing, compounding, converting, 1674
producing, processing, or preparing a controlled substance; 1675

(3) Any object, instrument, or device for manufacturing, 1676
compounding, converting, producing, processing, or preparing 1677
methamphetamine or any salt, isomer, or salt of an isomer of 1678
methamphetamine; 1679

(4) An isomerization device for increasing the potency of any 1680
species of a plant that is a controlled substance; 1681

(5) Testing equipment for identifying, or analyzing the 1682
strength, effectiveness, or purity of, a controlled substance; 1683

(6) A scale or balance for weighing or measuring a controlled 1684
substance; 1685

(7) A diluent or adulterant, such as quinine hydrochloride, 1686
mannitol, mannite, dextrose, or lactose, for cutting a controlled 1687
substance; 1688

(8) A separation gin or sifter for removing twigs and seeds 1689
from, or otherwise cleaning or refining, marihuana; 1690

(9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance;	1691 1692
(10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance;	1693 1694
(11) A container or device for storing or concealing a controlled substance;	1695 1696
(12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;	1697 1698
(13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.	1699 1700 1701 1702 1703 1704 1705 1706 1707 1708 1709
(B) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:	1710 1711 1712
(1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use;	1713 1714
(2) The proximity in time or space of the equipment, product, or material, or of the act relating to the equipment, product, or material, to a violation of any provision of this chapter;	1715 1716 1717
(3) The proximity of the equipment, product, or material to any controlled substance;	1718 1719
(4) The existence of any residue of a controlled substance on	1720

the equipment, product, or material;	1721
(5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product, or material, to deliver it to any person whom the owner or person in control of the equipment, product, or material knows intends to use the object to facilitate a violation of any provision of this chapter. A finding that the owner, or anyone in control, of the equipment, product, or material, is not guilty of a violation of any other provision of this chapter does not prevent a finding that the equipment, product, or material was intended or designed by the offender for use as drug paraphernalia.	1722 1723 1724 1725 1726 1727 1728 1729 1730 1731
(6) Any oral or written instruction provided with the equipment, product, or material concerning its use;	1732 1733
(7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use;	1734 1735
(8) National or local advertising concerning the use of the equipment, product, or material;	1736 1737
(9) The manner and circumstances in which the equipment, product, or material is displayed for sale;	1738 1739
(10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of the business enterprise;	1740 1741 1742
(11) The existence and scope of legitimate uses of the equipment, product, or material in the community;	1743 1744
(12) Expert testimony concerning the use of the equipment, product, or material.	1745 1746
(C)(1) No person shall knowingly use, or possess with purpose to use, drug paraphernalia.	1747 1748
(2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or	1749 1750

reasonably should know that the equipment, product, or material 1751
will be used as drug paraphernalia. 1752

(3) No person shall place an advertisement in any newspaper, 1753
magazine, handbill, or other publication that is published and 1754
printed and circulates primarily within this state, if the person 1755
knows that the purpose of the advertisement is to promote the 1756
illegal sale in this state of the equipment, product, or material 1757
that the offender intended or designed for use as drug 1758
paraphernalia. 1759

(D) This section does not apply to manufacturers, licensed 1760
health professionals authorized to prescribe drugs, pharmacists, 1761
owners of pharmacies, and other persons whose conduct is in 1762
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 1763
and 4741. of the Revised Code. This section shall not be construed 1764
to prohibit the possession or use of a hypodermic as authorized by 1765
section 3719.172 of the Revised Code. 1766

(E) Notwithstanding sections 2933.42 and 2933.43 of the 1767
Revised Code, any drug paraphernalia that was used, possessed, 1768
sold, or manufactured in a violation of this section shall be 1769
seized, after a conviction for that violation shall be forfeited, 1770
and upon forfeiture shall be disposed of pursuant to division 1771
(D)(8) of section 2933.41 of the Revised Code. 1772

(F)(1) Whoever violates division (C)(1) of this section is 1773
guilty of illegal use or possession of drug paraphernalia, a 1774
misdemeanor of the fourth degree. 1775

(2) Except as provided in division (F)(3) of this section, 1776
whoever violates division (C)(2) of this section is guilty of 1777
dealing in drug paraphernalia, a misdemeanor of the second degree. 1778

(3) Whoever violates division (C)(2) of this section by 1779
selling drug paraphernalia to a juvenile is guilty of selling drug 1780
paraphernalia to juveniles, a misdemeanor of the first degree. 1781

(4) Whoever violates division (C)(3) of this section is 1782
guilty of illegal advertising of drug paraphernalia, a misdemeanor 1783
of the second degree. 1784

(G) In addition to any other sanction imposed upon an 1785
offender for a violation of this section, the court shall suspend 1786
for not less than six months or more than five years the 1787
offender's driver's or commercial driver's license or permit. If 1788
the offender is a professionally licensed person, in addition to 1789
any other sanction imposed for a violation of this section, the 1790
court immediately shall comply with section 2925.38 of the Revised 1791
Code. 1792

Sec. 2925.23. (A) No person shall knowingly make a false 1793
statement in any prescription, order, report, or record required 1794
by Chapter 3719. or 4729. of the Revised Code. 1795

(B) No person shall intentionally make, utter, or sell, or 1796
knowingly possess any of the following that is a false or forged: 1797

(1) Prescription; 1798

(2) Uncompleted preprinted prescription blank used for 1799
writing a prescription; 1800

(3) Official written order; 1801

(4) License for a terminal distributor of dangerous drugs as 1802
required in section 4729.60 of the Revised Code; 1803

(5) Registration certificate for a wholesale distributor of 1804
dangerous drugs as required in section 4729.60 of the Revised 1805
Code. 1806

(C) No person, by theft as defined in section 2913.02 of the 1807
Revised Code, shall acquire any of the following: 1808

(1) A prescription; 1809

(2) An uncompleted preprinted prescription blank used for 1810

writing a prescription;	1811
(3) An official written order;	1812
(4) A blank official written order;	1813
(5) A license or blank license for a terminal distributor of dangerous drugs as required in section 4729.60 of the Revised Code;	1814 1815 1816
(6) A registration certificate or blank registration certificate for a wholesale distributor of dangerous drugs as required in section 4729.60 of the Revised Code.	1817 1818 1819
(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.	1820 1821 1822
(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., <u>4730.</u> , 4731., and 4741. of the Revised Code.	1823 1824 1825 1826 1827
(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B)(2), (4), or (5) or division (C)(2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (A), division (B)(1) or (3), division (C)(1) or (3), or division (D) of this section, the penalty for illegal processing of drug documents shall be determined as follows:	1828 1829 1830 1831 1832 1833 1834 1835
(1) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, illegal processing of drug documents is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the	1836 1837 1838 1839 1840

offender. 1841

(2) If the drug involved is a dangerous drug or a compound, 1842
mixture, preparation, or substance included in schedule III, IV, 1843
or V or is marihuana, illegal processing of drug documents is a 1844
felony of the fifth degree, and division (C) of section 2929.13 of 1845
the Revised Code applies in determining whether to impose a prison 1846
term on the offender. 1847

(G) In addition to any prison term authorized or required by 1848
division (F) of this section and sections 2929.13 and 2929.14 of 1849
the Revised Code and in addition to any other sanction imposed for 1850
the offense under this section or sections 2929.11 to 2929.18 of 1851
the Revised Code, the court that sentences an offender who is 1852
convicted of or pleads guilty to any violation of divisions (A) to 1853
(D) of this section shall do both of the following: 1854

(1) The court shall suspend for not less than six months or 1855
more than five years the offender's driver's or commercial 1856
driver's license or permit. 1857

(2) If the offender is a professionally licensed person, in 1858
addition to any other sanction imposed for a violation of this 1859
section, the court immediately shall comply with section 2925.38 1860
of the Revised Code. 1861

(H) Notwithstanding any contrary provision of section 3719.21 1862
of the Revised Code, the clerk of court shall pay a fine imposed 1863
for a violation of this section pursuant to division (A) of 1864
section 2929.18 of the Revised Code in accordance with and subject 1865
to the requirements of division (F) of section 2925.03 of the 1866
Revised Code. The agency that receives the fine shall use the fine 1867
as specified in division (F) of section 2925.03 of the Revised 1868
Code. 1869

Sec. 2925.36. (A) No person shall knowingly furnish another a 1870

sample drug. 1871

(B) Division (A) of this section does not apply to 1872
manufacturers, wholesalers, pharmacists, owners of pharmacies, 1873
licensed health professionals authorized to prescribe drugs, and 1874
other persons whose conduct is in accordance with Chapters 3719., 1875
4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised 1876
Code. 1877

(C)(1) Whoever violates this section is guilty of illegal 1878
dispensing of drug samples. 1879

(2) If the drug involved in the offense is a compound, 1880
mixture, preparation, or substance included in schedule I or II, 1881
with the exception of marihuana, the penalty for the offense shall 1882
be determined as follows: 1883

(a) Except as otherwise provided in division (C)(2)(b) of 1884
this section, illegal dispensing of drug samples is a felony of 1885
the fifth degree, and, subject to division (E) of this section, 1886
division (C) of section 2929.13 of the Revised Code applies in 1887
determining whether to impose a prison term on the offender. 1888

(b) If the offense was committed in the vicinity of a school 1889
or in the vicinity of a juvenile, illegal dispensing of drug 1890
samples is a felony of the fourth degree, and, subject to division 1891
(E) of this section, division (C) of section 2929.13 of the 1892
Revised Code applies in determining whether to impose a prison 1893
term on the offender. 1894

(3) If the drug involved in the offense is a dangerous drug 1895
or a compound, mixture, preparation, or substance included in 1896
schedule III, IV, or V, or is marihuana, the penalty for the 1897
offense shall be determined as follows: 1898

(a) Except as otherwise provided in division (C)(3)(b) of 1899
this section, illegal dispensing of drug samples is a misdemeanor 1900

of the second degree. 1901

(b) If the offense was committed in the vicinity of a school 1902
or in the vicinity of a juvenile, illegal dispensing of drug 1903
samples is a misdemeanor of the first degree. 1904

(D) In addition to any prison term authorized or required by 1905
division (C) or (E) of this section and sections 2929.13 and 1906
2929.14 of the Revised Code and in addition to any other sanction 1907
imposed for the offense under this section or sections 2929.11 to 1908
2929.18 of the Revised Code, the court that sentences an offender 1909
who is convicted of or pleads guilty to a violation of division 1910
(A) of this section shall do both of the following: 1911

(1) The court shall suspend for not less than six months or 1912
more than five years the offender's driver's or commercial 1913
driver's license or permit. 1914

(2) If the offender is a professionally licensed person, in 1915
addition to any other sanction imposed for a violation of this 1916
section, the court immediately shall comply with section 2925.38 1917
of the Revised Code. 1918

(E) Notwithstanding the prison term authorized or required by 1919
division (C) of this section and sections 2929.13 and 2929.14 of 1920
the Revised Code, if the violation of division (A) of this section 1921
involves the sale, offer to sell, or possession of a schedule I or 1922
II controlled substance, with the exception of marihuana, and if 1923
the court imposing sentence upon the offender finds that the 1924
offender as a result of the violation is a major drug offender and 1925
is guilty of a specification of the type described in section 1926
2941.1410 of the Revised Code, the court, in lieu of the prison 1927
term otherwise authorized or required, shall impose upon the 1928
offender the mandatory prison term specified in division (D)(3)(a) 1929
of section 2929.14 of the Revised Code and may impose an 1930
additional prison term under division (D)(3)(b) of that section. 1931

(F) Notwithstanding any contrary provision of section 3719.21 1932
of the Revised Code, the clerk of the court shall pay a fine 1933
imposed for a violation of this section pursuant to division (A) 1934
of section 2929.18 of the Revised Code in accordance with and 1935
subject to the requirements of division (F) of section 2925.03 of 1936
the Revised Code. The agency that receives the fine shall use the 1937
fine as specified in division (F) of section 2925.03 of the 1938
Revised Code. 1939

Sec. 3327.10. (A) No person shall be employed as driver of a 1940
school bus or motor van, owned and operated by any school district 1941
or educational service center or privately owned and operated 1942
under contract with any school district or service center in this 1943
state, who has not received a certificate from the educational 1944
service center governing board in case such person is employed by 1945
a service center or by a local school district under the 1946
supervision of the service center governing board, or by the 1947
superintendent of schools, in case such person is employed by the 1948
board of a city or exempted village school district, certifying 1949
that such person is at least eighteen years of age and is of good 1950
moral character and is qualified physically and otherwise for such 1951
position. The service center governing board or the 1952
superintendent, as the case may be, shall provide for an annual 1953
physical examination that conforms with rules adopted by the state 1954
board of education of each driver to ascertain the driver's 1955
physical fitness for such employment. Any certificate may be 1956
revoked by the authority granting the same on proof that the 1957
holder has been guilty of failing to comply with division (D)(1) 1958
of this section, or upon a conviction or a guilty plea for a 1959
violation, or any other action, that results in a loss or 1960
suspension of driving rights. Failure to comply with such division 1961
may be cause for disciplinary action or termination of employment 1962
under division (C) of section 3319.081, or section 124.34 of the 1963

Revised Code.	1964
(B) No person shall be employed as driver of a school bus or motor van not subject to the rules of the department of education pursuant to division (A) of this section who has not received a certificate from the school administrator or contractor certifying that such person is at least eighteen years of age, is of good moral character, and is qualified physically and otherwise for such position. Each driver shall have an annual physical examination which conforms to the state highway patrol rules, ascertaining the driver's physical fitness for such employment. The examination shall be performed by one of the following:	1965 1966 1967 1968 1969 1970 1971 1972 1973 1974
(1) A person licensed under Chapter 4731. of the Revised Code or by another state to practice medicine and surgery or osteopathic medicine and surgery;	1975 1976 1977
(2) A physician assistant, ai	1978
(3) <u>A</u> certified nurse practitioner, ai	1979
(4) <u>A</u> clinical nurse specialist, or ai	1980
(5) <u>A</u> certified nurse-midwife.	1981
Any written documentation of the physical examination shall be completed by the individual who performed the examination.	1982 1983
Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D)(2) of this section.	1984 1985 1986
(C) Any person who drives a school bus or motor van must give satisfactory and sufficient bond except a driver who is an employee of a school district and who drives a bus or motor van owned by the school district.	1987 1988 1989 1990
(D) No person employed as driver of a school bus or motor van under this section who is convicted of a traffic violation or who has had the person's commercial driver's license suspended shall	1991 1992 1993

drive a school bus or motor van until the person has filed a written notice of the conviction or suspension, as follows:

(1) If the person is employed under division (A) of this section, the person shall file the notice with the superintendent, or a person designated by the superintendent, of the school district for which the person drives a school bus or motor van as an employee or drives a privately owned and operated school bus or motor van under contract.

(2) If employed under division (B) of this section, the person shall file the notice with the employing school administrator or contractor, or a person designated by the administrator or contractor.

(E) In addition to resulting in possible revocation of a certificate as authorized by divisions (A) and (B) of this section, violation of division (D) of this section is a minor misdemeanor.

Sec. 3331.02. (A) The superintendent of schools or the chief administrative officer, as appropriate pursuant to section 3331.01 of the Revised Code, shall not issue an age and schooling certificate until the superintendent or chief administrative officer has received, examined, approved, and filed the following papers duly executed:

(1) The written pledge or promise of the person, partnership, or corporation to legally employ the child, and for this purpose work performed by a minor, directly and exclusively for the benefit of such minor's parent, in the farm home or on the farm of such parent is legal employment, irrespective of any contract of employment, or the absence thereof, to permit the child to attend school as provided in section 3321.08 of the Revised Code, and give notice of the nonuse of an age and schooling certificate

within five days from the date of the child's withdrawal or 2024
dismissal from the service of that person, partnership, or 2025
corporation, giving the reasons for such withdrawal or dismissal; 2026

(2) The child's school record or notification. As used in 2027
this division, a "school record" means documents properly filled 2028
out and signed by the person in charge of the school which the 2029
child last attended, giving the recorded age of the child, the 2030
child's address, standing in studies, rating in conduct, and 2031
attendance in days during the school year of the child's last 2032
attendance; "notification" means the information submitted to the 2033
superintendent by the parent of a child excused from attendance at 2034
school pursuant to division (A)(2) of section 3321.04 of the 2035
Revised Code, as the notification is required by rules adopted by 2036
the department of education. 2037

(3) Evidence of the age of the child as follows: 2038

(a) A certified copy of an original birth record or a 2039
certification of birth, issued in accordance with Chapter 3705. of 2040
the Revised Code, or by an officer charged with the duty of 2041
recording births in another state or country, shall be conclusive 2042
evidence of the age of the child; 2043

(b) In the absence of such birth record or certification of 2044
birth, a passport, or duly attested transcript thereof, showing 2045
the date and place of birth of the child, filed with a register of 2046
passports at a port of entry of the United States; or an attested 2047
transcript of the certificate of birth or baptism or other 2048
religious record, showing the date and place of birth of the 2049
child, shall be conclusive evidence of the age of the child; 2050

(c) In case none of the above proofs of age can be produced, 2051
other documentary evidence, except the affidavit of the parent, 2052
guardian, or custodian, satisfactory to the superintendent or 2053
chief administrative officer may be accepted in lieu thereof; 2054

As Recommended to the Senate Health, Human Services and Aging Committee

(d) In case no documentary proof of age can be procured, the superintendent or chief administrative officer may receive and file an application signed by the parent, guardian, or custodian of the child that a medical certificate be secured to establish the sufficiency of the age of the child, which application shall state the alleged age of the child, the place and date of birth, the child's present residence, and such further facts as may be of assistance in determining the age of the child, and shall certify that the person signing the application is unable to obtain any of the documentary proofs specified in divisions (A)(3)(a), (b), and (c) of this section; and if the superintendent or chief administrative officer is satisfied that a reasonable effort to procure such documentary proof has been without success such application shall be granted and the certificate of the school physician or if there be none, of a physician, a physician assistant, a clinical nurse specialist, or a certified nurse practitioner employed by the board of education, that said physician, physician assistant, clinical nurse specialist, or certified nurse practitioner is satisfied that the child is above the age required for an age and schooling certificate as stated in section 3331.01 of the Revised Code, shall be accepted as sufficient evidence of age;

(4) A certificate, including an athletic certificate of examination, from a physician licensed pursuant to Chapter 4731. of the Revised Code, ~~a physician assistant licensed pursuant to Chapter 4730. of the Revised Code,~~ a physician assistant, a clinical nurse specialist, or a certified nurse practitioner, or from the district health commissioner, showing after a thorough examination that the child is physically fit to be employed in such occupations as are not prohibited by law for a boy or girl, as the case may be, under eighteen years of age; but a certificate with "limited" written, printed, marked, or stamped thereon may be

furnished by such physician, physician assistant, clinical nurse 2087
specialist, or certified nurse practitioner and accepted by the 2088
superintendent or chief administrative officer in issuing a 2089
"limited" age and schooling certificate provided in section 2090
3331.06 of the Revised Code, showing that the child is physically 2091
fit to be employed in some particular occupation not prohibited by 2092
law for a boy or girl of such child's age, as the case may be, 2093
even if the child's complete physical ability to engage in such 2094
occupation cannot be vouched for. 2095

(B)(1) Except as provided in division (B)(2) of this section, 2096
a physical fitness certificate described in division (A)(4) of 2097
this section is valid for purposes of that division while the 2098
child remains employed in job duties of a similar nature as the 2099
job duties for which the child last was issued an age and 2100
schooling certificate. The superintendent or chief administrative 2101
officer who issues an age and schooling certificate shall 2102
determine whether job duties are similar for purposes of this 2103
division. 2104

(2) A "limited" physical fitness certificate described in 2105
division (A)(4) of this section is valid for one year. 2106

(C) The superintendent of schools or the chief administrative 2107
officer shall require a child who resides out of this state to 2108
file all the information required under division (A) of this 2109
section. The superintendent of schools or the chief administrative 2110
officer shall evaluate the information filed and determine whether 2111
to issue the age and schooling certificate using the same 2112
standards as those the superintendent or officer uses for in-state 2113
children. 2114

Sec. 3719.06. (A)(1) A licensed health professional 2115
authorized to prescribe drugs, if acting in the course of 2116
professional practice, in accordance with the laws regulating the 2117

professional's practice, and in accordance with rules adopted by 2118
the state board of pharmacy, may, except as provided in division 2119
(A)(2) or (3) of this section, do the following: 2120

(a) Prescribe schedule II, III, IV, and V controlled 2121
substances; 2122

(b) Administer or personally furnish to patients schedule II, 2123
III, IV, and V controlled substances; 2124

(c) Cause schedule II, III, IV, and V controlled substances 2125
to be administered under the prescriber's direction and 2126
supervision. 2127

(2) A licensed health professional authorized to prescribe 2128
drugs who is a clinical nurse specialist, certified nurse-midwife, 2129
or certified nurse practitioner is subject to both of the 2130
following: 2131

(a) A schedule II controlled substance may be prescribed only 2132
for a patient with a terminal condition, as defined in section 2133
2133.01 of the Revised Code, only if the nurse's collaborating 2134
physician initially prescribed the substance for the patient, and 2135
only in an amount that does not exceed the amount necessary for 2136
the patient's use in a single, twenty-four-hour period. 2137

(b) No controlled substance shall be personally furnished to 2138
any patient. 2139

(3) A licensed health professional authorized to prescribe 2140
drugs who is a physician assistant shall not prescribe or 2141
personally furnish to patients any schedule II controlled 2142
substance or any schedule III, IV, or V controlled substance that 2143
is not included in the physician-delegated prescriptive authority 2144
granted to the physician assistant in accordance with Chapter 2145
4730. of the Revised Code. 2146

(B) No licensed health professional authorized to prescribe 2147

drugs shall prescribe, administer, or personally furnish a 2148
schedule III anabolic steroid for the purpose of human muscle 2149
building or enhancing human athletic performance and no pharmacist 2150
shall dispense a schedule III anabolic steroid for either purpose, 2151
unless it has been approved for that purpose under the "Federal 2152
Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 2153
301, as amended. 2154

(C) Each written prescription shall be properly executed, 2155
dated, and signed by the prescriber on the day when issued and 2156
shall bear the full name and address of the person for whom, or 2157
the owner of the animal for which, the controlled substance is 2158
prescribed and the full name, address, and registry number under 2159
the federal drug abuse control laws of the prescriber. If the 2160
prescription is for an animal, it shall state the species of the 2161
animal for which the controlled substance is prescribed. 2162

Sec. 3719.81. (A) A person may furnish another a sample of 2163
any drug of abuse, or of any drug or pharmaceutical preparation 2164
that would be hazardous to health or safety if used without the 2165
supervision of a licensed health professional authorized to 2166
prescribe drugs, if all of the following apply: 2167

(1) The sample is furnished by a manufacturer, manufacturer's 2168
representative, or wholesale dealer in pharmaceuticals to a 2169
licensed health professional authorized to prescribe drugs, or is 2170
furnished by such a professional to a patient for use as 2171
medication; 2172

(2) The drug is in the original container in which it was 2173
placed by the manufacturer, and the container is plainly marked as 2174
a sample; 2175

(3) Prior to its being furnished, the drug sample has been 2176
stored under the proper conditions to prevent its deterioration or 2177

contamination; 2178

(4) If the drug is of a type which deteriorates with time, 2179
the sample container is plainly marked with the date beyond which 2180
the drug sample is unsafe to use, and the date has not expired on 2181
the sample furnished. Compliance with the labeling requirements of 2182
the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 2183
21 U.S.C.A. 301, as amended, shall be deemed compliance with this 2184
section. 2185

(5) The drug is distributed, stored, or discarded in such a 2186
way that the drug sample may not be acquired or used by any 2187
unauthorized person, or by any person, including a child, for whom 2188
it may present a health or safety hazard. 2189

(B) Division (A) of this section does not do ~~any~~ either of 2190
the following: 2191

(1) Apply to or restrict the furnishing of any sample of a 2192
nonnarcotic substance if the substance may, under the "Federal 2193
Food, Drug, and Cosmetic Act" and under the laws of this state, 2194
otherwise be lawfully sold over the counter without a 2195
prescription; 2196

(2) Authorize a licensed health professional authorized to 2197
prescribe drugs who is a clinical nurse specialist, certified 2198
nurse-midwife, certified nurse practitioner, ~~or~~ advanced practice 2199
nurse ~~to furnish a sample of a drug that is not a drug the nurse~~ 2200
~~is authorized to prescribe;~~ 2201

~~(3) Authorize an, optometrist, or physician assistant to~~ 2202
furnish a sample of a drug that is not a drug the ~~optometrist~~ 2203
professional is authorized to prescribe. 2204

(C) The state board of pharmacy shall, in accordance with 2205
Chapter 119. of the Revised Code, adopt rules as necessary to give 2206
effect to this section. 2207

Sec. 4723.481. Under a certificate to prescribe issued under 2208
section 4723.48 of the Revised Code, a clinical nurse specialist, 2209
certified nurse-midwife, or certified nurse practitioner is 2210
subject to all of the following: 2211

(A) The nurse shall not prescribe any drug or therapeutic 2212
device that is not included in the types of drugs and devices 2213
listed on the formulary established in rules adopted under section 2214
4723.50 of the Revised Code. 2215

(B) The nurse's prescriptive authority shall not exceed the 2216
prescriptive authority of the collaborating physician or 2217
podiatrist. 2218

(C) The nurse may prescribe a schedule II controlled 2219
substance as specified in division (A)(2) of section 3719.06 of 2220
the Revised Code, but shall not prescribe a schedule II controlled 2221
substance in collaboration with a podiatrist. 2222

(D) The nurse may personally furnish to a patient a sample of 2223
any drug or therapeutic device included in the types of drugs and 2224
devices listed on the formulary, subject to all of the following: 2225

(1) The amount of the sample furnished shall not exceed a 2226
seventy-two-hour supply, except when the minimum available 2227
quantity of the sample is packaged in an amount that is greater 2228
than a seventy-two-hour supply, in which case the nurse may 2229
furnish the sample in the packaged amount. 2230

(2) No charge may be imposed for the sample or for furnishing 2231
it. 2232

(3) Samples of controlled substances may not be personally 2233
furnished. 2234

(E) The nurse may personally furnish to a patient a complete 2235
or partial supply of a drug or therapeutic device included in the 2236
types of drugs and devices listed on the formulary, ~~subject to all~~ 2237

~~of the following:~~ 2238

~~(1) The nurse shall personally furnish only antibiotics, 2239
antifungals, scabicides, contraceptives, and prenatal vitamins. 2240~~

~~(2) The nurse shall not furnish the drugs and devices in 2241
locations other than a health department operated by the board of 2242
health of a city or general health district or the authority 2243
having the duties of a board of health under section 3709.05 of 2244
the Revised Code, a federally funded comprehensive primary care 2245
clinic, or a nonprofit health care clinic or program. 2246~~

~~(3) The and when personally furnishing the supply, the nurse 2247
shall comply with all safety standards for personally furnishing 2248
supplies of drugs and devices, as established in rules adopted 2249
under section 4723.50 of the Revised Code. 2250~~

Sec. 4723.50. (A) In accordance with Chapter 119. of the 2251
Revised Code, the board of nursing shall adopt rules as necessary 2252
to implement the provisions of this chapter pertaining to the 2253
authority of clinical nurse specialists, certified nurse-midwives, 2254
and certified nurse practitioners to prescribe drugs and 2255
therapeutic devices and the issuance and renewal of certificates 2256
to prescribe. Initial rules shall be adopted not later than twenty 2257
months after the effective date of this section. 2258

The board shall adopt rules that are consistent with the 2259
recommendations the board receives from the committee on 2260
prescriptive governance pursuant to section 4723.492 of the 2261
Revised Code. After reviewing a recommendation submitted by the 2262
committee, the board may either adopt the recommendation as a rule 2263
or ask the committee to reconsider and resubmit the 2264
recommendation. The board shall not adopt any rule that does not 2265
conform to a recommendation made by the committee. 2266

(B) The board shall adopt rules under this section that do 2267

the following:	2268
(1) Establish a formulary listing the types of drugs and therapeutic devices that may be prescribed by a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner. The formulary may include controlled substances, as defined in section 3719.01 of the Revised Code. The formulary shall not permit the prescribing of any drug or device to perform or induce an abortion.	2269 2270 2271 2272 2273 2274 2275
(2) Establish safety standards to be followed by a nurse when personally furnishing to patients complete or partial supplies of antibiotics, antifungals, scabicides, contraceptives, and prenatal vitamins <u>the drugs and therapeutic devices listed on the formulary established under division (B)(1) of this section.</u>	2276 2277 2278 2279 2280
(3) Establish criteria for the components of the standard care arrangements described in section 4723.431 of the Revised Code that apply to a nurse's authority to prescribe. The rules shall be consistent with that section and include all of the following:	2281 2282 2283 2284 2285
(a) Quality assurance standards;	2286
(b) Standards for periodic review by a collaborating physician or podiatrist of the records of patients treated by the nurse;	2287 2288 2289
(c) Acceptable travel time between the location at which the nurse is engaging in the prescribing components of the nurse's practice and the location of the nurse's collaborating physician or podiatrist;	2290 2291 2292 2293
(d) Any other criteria recommended by the committee on prescriptive governance.	2294 2295
(4) Establish standards and procedures for issuance and renewal of a certificate to prescribe, including specification of	2296 2297

any additional information the board may require under division	2298
(A)(4) of section 4723.482 or division (B)(3) of section 4723.484	2299
of the Revised Code;	2300
(5) Establish requirements for board approval of the	2301
instruction in advanced pharmacology and related topics required	2302
by section 4723.482 of the Revised Code;	2303
(6) Establish standards and procedures for the appropriate	2304
conduct of an externship required by division (B)(1) of section	2305
4723.484 of the Revised Code, including the following:	2306
(a) Standards and procedures to be used in evaluating a	2307
nurse's participation in an externship. Regardless of the method	2308
of evaluation used, a nurse shall not be required to participate	2309
in an externship longer than one thousand eight hundred hours.	2310
(b) Standards and procedures for the supervision that a	2311
physician must provide during an externship, including supervision	2312
provided by working with the nurse and supervision provided by	2313
making timely reviews of the records of patients treated by the	2314
nurse. The manner in which supervision must be provided may vary	2315
according to the location where the nurse is practicing and with	2316
the nurse's level of experience.	2317
Sec. 4729.01. As used in this chapter:	2318
(A) "Pharmacy," except when used in a context that refers to	2319
the practice of pharmacy, means any area, room, rooms, place of	2320
business, department, or portion of any of the foregoing where the	2321
practice of pharmacy is conducted.	2322
(B) "Practice of pharmacy" means providing pharmacist care	2323
requiring specialized knowledge, judgment, and skill derived from	2324
the principles of biological, chemical, behavioral, social,	2325
pharmaceutical, and clinical sciences. As used in this division,	2326
"pharmacist care" includes the following:	2327

(1) Interpreting prescriptions;	2328
(2) Compounding or dispensing drugs and dispensing drug therapy related devices;	2329 2330
(3) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances;	2331 2332 2333 2334 2335
(4) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs;	2336 2337 2338
(5) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;	2339 2340 2341 2342
(6) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	2343 2344 2345
(7) Acting pursuant to a consult agreement with a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, if an agreement has been established with the physician;	2346 2347 2348 2349
(8) Administering the adult immunizations specified in section 4729.41 of the Revised Code, if the pharmacist has met the requirements of that section.	2350 2351 2352
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	2353 2354 2355
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	2356 2357

(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	2358 2359
(3) As an incident to research, teaching activities, or chemical analysis;	2360 2361
(4) In anticipation of prescription drug orders based on routine, regularly observed dispensing patterns.	2362 2363
(D) "Consult agreement" means an agreement to manage an individual's drug therapy that has been entered into by a pharmacist and a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	2364 2365 2366 2367 2368
(E) "Drug" means:	2369
(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;	2370 2371 2372 2373
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	2374 2375 2376
(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	2377 2378
(4) Any article intended for use as a component of any article specified in division (C) (E)(1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.	2379 2380 2381 2382
(F) "Dangerous drug" means any of the following:	2383
(1) Any drug to which either of the following applies:	2384
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is	2385 2386

required to bear a label containing the legend "Caution: Federal	2387
law prohibits dispensing without prescription" or "Caution:	2388
Federal law restricts this drug to use by or on the order of a	2389
licensed veterinarian" or any similar restrictive statement, or	2390
the drug may be dispensed only upon a prescription;	2391
(b) Under Chapter 3715. or 3719. of the Revised Code, the	2392
drug may be dispensed only upon a prescription.	2393
(2) Any drug that contains a schedule V controlled substance	2394
and that is exempt from Chapter 3719. of the Revised Code or to	2395
which that chapter does not apply;	2396
(3) Any drug intended for administration by injection into	2397
the human body other than through a natural orifice of the human	2398
body.	2399
(G) "Federal drug abuse control laws" has the same meaning as	2400
in section 3719.01 of the Revised Code.	2401
(H) "Prescription" means a written, electronic, or oral order	2402
for drugs or combinations or mixtures of drugs to be used by a	2403
particular individual or for treating a particular animal, issued	2404
by a licensed health professional authorized to prescribe drugs.	2405
(I) "Licensed health professional authorized to prescribe	2406
drugs" or "prescriber" means an individual who is authorized by	2407
law to prescribe drugs or dangerous drugs or drug therapy related	2408
devices in the course of the individual's professional practice,	2409
including only the following:	2410
(1) A dentist licensed under Chapter 4715. of the Revised	2411
Code;	2412
(2) Until January 17, 2000, an advanced practice nurse	2413
approved under section 4723.56 of the Revised Code to prescribe	2414
drugs and therapeutic devices;	2415
(3) A clinical nurse specialist, certified nurse-midwife, or	2416

certified nurse practitioner who holds a certificate to prescribe	2417
issued under section 4723.48 of the Revised Code;	2418
(4) An optometrist licensed under Chapter 4725. of the	2419
Revised Code to practice optometry under a therapeutic	2420
pharmaceutical agents certificate;	2421
(5) A physician authorized under Chapter 4731. of the Revised	2422
Code to practice medicine and surgery, osteopathic medicine and	2423
surgery, or podiatry;	2424
(6) <u>A physician assistant authorized to practice under</u>	2425
<u>Chapter 4730. of the Revised Code who has been granted</u>	2426
<u>physician-delegated prescriptive authority in accordance with that</u>	2427
<u>chapter;</u>	2428
(7) A veterinarian licensed under Chapter 4741. of the	2429
Revised Code.	2430
(J) "Sale" and "sell" include delivery, transfer, barter,	2431
exchange, or gift, or offer therefor, and each such transaction	2432
made by any person, whether as principal proprietor, agent, or	2433
employee.	2434
(K) "Wholesale sale" and "sale at wholesale" mean any sale in	2435
which the purpose of the purchaser is to resell the article	2436
purchased or received by the purchaser.	2437
(L) "Retail sale" and "sale at retail" mean any sale other	2438
than a wholesale sale or sale at wholesale.	2439
(M) "Retail seller" means any person that sells any dangerous	2440
drug to consumers without assuming control over and responsibility	2441
for its administration. Mere advice or instructions regarding	2442
administration do not constitute control or establish	2443
responsibility.	2444
(N) "Price information" means the price charged for a	2445
prescription for a particular drug product and, in an easily	2446

understandable manner, all of the following:	2447
(1) The proprietary name of the drug product;	2448
(2) The established (generic) name of the drug product;	2449
(3) The strength of the drug product if the product contains	2450
a single active ingredient or if the drug product contains more	2451
than one active ingredient and a relevant strength can be	2452
associated with the product without indicating each active	2453
ingredient. The established name and quantity of each active	2454
ingredient are required if such a relevant strength cannot be so	2455
associated with a drug product containing more than one	2456
ingredient.	2457
(4) The dosage form;	2458
(5) The price charged for a specific quantity of the drug	2459
product. The stated price shall include all charges to the	2460
consumer, including, but not limited to, the cost of the drug	2461
product, professional fees, handling fees, if any, and a statement	2462
identifying professional services routinely furnished by the	2463
pharmacy. Any mailing fees and delivery fees may be stated	2464
separately without repetition. The information shall not be false	2465
or misleading.	2466
(O) "Wholesale distributor of dangerous drugs" means a person	2467
engaged in the sale of dangerous drugs at wholesale and includes	2468
any agent or employee of such a person authorized by the person to	2469
engage in the sale of dangerous drugs at wholesale.	2470
(P) "Manufacturer of dangerous drugs" means a person, other	2471
than a pharmacist, who manufactures dangerous drugs and who is	2472
engaged in the sale of those dangerous drugs within this state.	2473
(Q) "Terminal distributor of dangerous drugs" means a person	2474
who is engaged in the sale of dangerous drugs at retail, or any	2475
person, other than a wholesale distributor or a pharmacist, who	2476

has possession, custody, or control of dangerous drugs for any
purpose other than for that person's own use and consumption, and
includes pharmacies, hospitals, nursing homes, and laboratories
and all other persons who procure dangerous drugs for sale or
other distribution by or under the supervision of a pharmacist or
licensed health professional authorized to prescribe drugs.

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

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

(T) "Finished dosage form" has the same meaning as in section
3715.01 of the Revised Code.

(U) "Generically equivalent drug" has the same meaning as in
section 3715.01 of the Revised Code.

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

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

Sec. 4729.51. (A) No person other than a registered wholesale
distributor of dangerous drugs shall possess for sale, sell,
distribute, or deliver, at wholesale, dangerous drugs, except as
follows:

(1) A pharmacist who is a licensed terminal distributor of

dangerous drugs or who is employed by a licensed terminal	2507
distributor of dangerous drugs may make occasional sales of	2508
dangerous drugs at wholesale;	2509
(2) A licensed terminal distributor of dangerous drugs having	2510
more than one establishment or place may transfer or deliver	2511
dangerous drugs from one establishment or place for which a	2512
license has been issued to the terminal distributor to another	2513
establishment or place for which a license has been issued to the	2514
terminal distributor if the license issued for each establishment	2515
or place is in effect at the time of the transfer or delivery.	2516
(B)(1) No registered wholesale distributor of dangerous drugs	2517
shall possess for sale, or sell, at wholesale, dangerous drugs to	2518
any person other than the following:	2519
(a) A licensed health professional authorized to prescribe	2520
drugs;	2521
(b) An optometrist licensed under Chapter 4725. of the	2522
Revised Code who holds a topical ocular pharmaceutical agents	2523
certificate;	2524
(c) A registered wholesale distributor of dangerous drugs;	2525
(d) A manufacturer of dangerous drugs;	2526
(e) A licensed terminal distributor of dangerous drugs,	2527
subject to division (B)(2) of this section;	2528
(f) Carriers or warehousemen for the purpose of carriage or	2529
storage;	2530
(g) Terminal or wholesale distributors of dangerous drugs who	2531
are not engaged in the sale of dangerous drugs within this state;	2532
(h) An individual who holds a current license, certificate,	2533
or registration issued under Title 47 of the Revised Code and has	2534
been certified to conduct diabetes education by a national	2535
certifying body specified in rules adopted by the state board of	2536

pharmacy under section 4729.68 of the Revised Code, but only with
respect to insulin that will be used for the purpose of diabetes
education and only if diabetes education is within the
individual's scope of practice under statutes and rules regulating
the individual's profession;

(i) An individual who holds a valid certificate issued by a
nationally recognized S.C.U.B.A. diving certifying organization
approved by the pharmacy board in rule, but only with respect to
medical oxygen that will be used for the purpose of emergency care
or treatment at the scene of a diving emergency.

(2) No registered wholesale distributor of dangerous drugs
shall possess dangerous drugs for sale at wholesale, or sell such
drugs at wholesale, to a licensed terminal distributor of
dangerous drugs, except to:

(a) A terminal distributor who has a category I license, only
dangerous drugs described in category I, as defined in division
(A)(1) of section 4729.54 of the Revised Code;

(b) A terminal distributor who has a category II license,
only dangerous drugs described in category I and category II, as
defined in divisions (A)(1) and (2) of section 4729.54 of the
Revised Code;

(c) A terminal distributor who has a category III license,
dangerous drugs described in category I, category II, and category
III, as defined in divisions (A)(1), (2), and (3) of section
4729.54 of the Revised Code;

(d) A terminal distributor who has a limited category I, II,
or III license, only the dangerous drugs specified in the
certificate furnished by the terminal distributor in accordance
with section 4729.60 of the Revised Code.

(C)(1) Except as provided in division (C)(4) of this section,

no person shall sell, at retail, dangerous drugs. 2567

(2) Except as provided in division (C)(4) of this section, no 2568
person shall possess for sale, at retail, dangerous drugs. 2569

(3) Except as provided in division (C)(4) of this section, no 2570
person shall possess dangerous drugs. 2571

(4) Divisions (C)(1), (2), and (3) of this section do not 2572
apply to a registered wholesale distributor of dangerous drugs, a 2573
licensed terminal distributor of dangerous drugs, or a person who 2574
possesses, or possesses for sale or sells, at retail, a dangerous 2575
drug in accordance with Chapters 3719., 4715., 4723., 4725., 2576
4729., 4730., 4731., and 4741. of the Revised Code. 2577

Divisions (C)(1), (2), and (3) of this section do not apply 2578
to an individual who holds a current license, certificate, or 2579
registration issued under Title XLVII of the Revised Code and has 2580
been certified to conduct diabetes education by a national 2581
certifying body specified in rules adopted by the state board of 2582
pharmacy under section 4729.68 of the Revised Code, but only to 2583
the extent that the individual possesses insulin or personally 2584
supplies insulin solely for the purpose of diabetes education and 2585
only if diabetes education is within the individual's scope of 2586
practice under statutes and rules regulating the individual's 2587
profession. 2588

Divisions (C)(1), (2), and (3) of this section do not apply 2589
to an individual who holds a valid certificate issued by a 2590
nationally recognized S.C.U.B.A. diving certifying organization 2591
approved by the pharmacy board in rule, but only to the extent 2592
that the individual possesses medical oxygen or personally 2593
supplies medical oxygen for the purpose of emergency care or 2594
treatment at the scene of a diving emergency. 2595

(D) No licensed terminal distributor of dangerous drugs shall 2596
purchase for the purpose of resale dangerous drugs from any person 2597

other than a registered wholesale distributor of dangerous drugs, 2598
except as follows: 2599

(1) A licensed terminal distributor of dangerous drugs may 2600
make occasional purchases of dangerous drugs for resale from a 2601
pharmacist who is a licensed terminal distributor of dangerous 2602
drugs or who is employed by a licensed terminal distributor of 2603
dangerous drugs; 2604

(2) A licensed terminal distributor of dangerous drugs having 2605
more than one establishment or place may transfer or receive 2606
dangerous drugs from one establishment or place for which a 2607
license has been issued to the terminal distributor to another 2608
establishment or place for which a license has been issued to the 2609
terminal distributor if the license issued for each establishment 2610
or place is in effect at the time of the transfer or receipt. 2611

(E) No licensed terminal distributor of dangerous drugs shall 2612
engage in the sale or other distribution of dangerous drugs at 2613
retail or maintain possession, custody, or control of dangerous 2614
drugs for any purpose other than the distributor's personal use or 2615
consumption, at any establishment or place other than that or 2616
those described in the license issued by the board of pharmacy to 2617
such terminal distributor. 2618

(F) Nothing in this section shall be construed to interfere 2619
with the performance of official duties by any law enforcement 2620
official authorized by municipal, county, state, or federal law to 2621
collect samples of any drug, regardless of its nature or in whose 2622
possession it may be. 2623

Sec. 4730.01. As used in this chapter: 2624

(A) "Physician assistant" means a skilled person qualified by 2625
academic and clinical training to provide services to patients as 2626
a physician assistant under the supervision, control, and 2627

direction of one or more physicians who are responsible for the 2628
physician assistant's performance. 2629

(B) "Physician" means an individual who is authorized under 2630
Chapter 4731. of the Revised Code to practice medicine and 2631
surgery, osteopathic medicine and surgery, or ~~podiatry~~ podiatric 2632
medicine and surgery. 2633

(C) "Hospital" has the same meaning as in section 3727.01 of 2634
the Revised Code. 2635

(D) "Health care facility" means a facility that provides 2636
health care services to individuals as either of the following: 2637

(1) A hospital; 2638

(2) A facility other than a hospital, if the facility is 2639
licensed by this state and has standards and procedures for 2640
considering and acting on applications for staff membership or 2641
professional privileges to practice within the facility such that 2642
the facility is a health care entity, as defined in section 2643
2305.25 of the Revised Code. 2644

(E) "Special services" means the health care services, other 2645
than the services specified in division (B) of section 4730.09 of 2646
the Revised Code, that a physician assistant may be authorized to 2647
provide under the special services portion of a physician 2648
supervisory plan approved under section 4730.17 of the Revised 2649
Code. 2650

Sec. 4730.02. (A) No person shall hold ~~himself or herself~~ 2651
that person out as being able to function as a physician 2652
assistant, or use any words or letters indicating or implying that 2653
the person is a physician assistant, without a current, valid 2654
certificate ~~of registration or temporary certificate of~~ 2655
~~registration to practice~~ as a physician assistant issued pursuant 2656
to this chapter. 2657

(B) No person shall practice as a physician assistant without 2658
the supervision, control, and direction of a physician. 2659

(C) No ~~physician~~ person shall act as the supervising 2660
physician of a physician assistant without having received the 2661
state medical board's ~~approval of a physician assistant~~ 2662
~~utilization plan and~~ approval of a supervision agreement entered 2663
into with the physician assistant. 2664

(D) No person shall practice as a physician assistant without 2665
having entered into a supervision agreement that has been approved 2666
by the state medical board. 2667

(E) No person acting as the supervising physician of a 2668
physician assistant shall authorize ~~a~~ the physician assistant to 2669
perform services ~~as a physician assistant in a manner that if~~ 2670
either of the following is the case: 2671

(1) The services are not within the physician's normal course 2672
of practice and expertise; 2673

(2) The services are inconsistent with the ~~standard or~~ 2674
supplemental physician assistant utilization supervisory plan 2675
under approved by the state medical board for the supervising 2676
physician, the policies of the health care facility in which ~~that~~ 2677
the physician and physician assistant ~~practices are practicing, or~~ 2678
both the physician supervisory plan and the policies of the health 2679
care facility, as applicable. 2680

(F) No person shall practice as a physician assistant in a 2681
manner that is inconsistent with the ~~standard or supplemental~~ 2682
physician ~~assistant utilization~~ supervisory plan approved for the 2683
physician who is responsible for supervising the physician 2684
assistant, the policies of the health care facility in which the 2685
physician assistant is practicing, or both the physician 2686
supervisory plan and the policies of the health care facility, as 2687
applicable. 2688

(G) No person practicing as a physician assistant shall 2689
prescribe any drug or device to perform or induce an abortion, or 2690
otherwise perform or induce an abortion. 2691

(H) ~~No physician assistant~~ may person shall advertise to 2692
provide services as a physician assistant, except for the purpose 2693
of seeking employment. 2694

~~(H)~~(I) No person practicing as a physician assistant shall 2695
fail to wear at all times when on duty a placard, plate, or other 2696
device identifying ~~himself or herself~~ that person as a "physician 2697
assistant." 2698

Sec. 4730.03. Nothing in this chapter shall: 2699

(A) Be construed to affect or interfere with the performance 2700
of duties of any medical personnel in active service in the army, 2701
navy, coast guard, marine corps, air force, public health service, 2702
or marine hospital service of the United States while so serving; 2703

(B) Prevent any person from performing any of the services a 2704
physician assistant may be authorized to perform, if the person's 2705
professional scope of practice established under any other chapter 2706
of the Revised Code authorizes the person to perform the services; 2707

(C) Prohibit a physician from delegating responsibilities to 2708
any nurse or other qualified person who does not registered hold a 2709
certificate to practice as a physician assistant, provided ~~such an~~ 2710
that the individual does not hold ~~himself or herself~~ the 2711
individual out to be a physician assistant; 2712

(D) Be construed as authorizing a physician assistant 2713
independently to order or direct the execution of procedures or 2714
techniques by a registered nurse or licensed practical nurse in 2715
the care and treatment of a person in any setting, except to the 2716
extent that the physician supervisory plan and supervision 2717
agreement under which the physician assistant is practicing 2718

authorizes the physician assistant independently to order or 2719
direct the execution of the procedures or techniques by the 2720
registered nurse or licensed practical nurse; 2721

(E) Authorize a physician assistant to administer, monitor, 2722
or maintain an anesthetic, except for the administration of a 2723
regional anesthetic, such as a "digital block," that is 2724
administered in connection with the care and suturing of minor 2725
lacerations; 2726

(F) Authorize a physician assistant to engage in the practice 2727
of optometry, except to the extent that the physician assistant is 2728
authorized by a supervising physician ~~through a physician~~ 2729
~~assistant utilization plan approved by the state medical board~~ 2730
~~under section 4730.18 of the Revised Code~~ acting in accordance 2731
with this chapter to perform routine visual screening, provide 2732
medical care prior to or following eye surgery, or assist in the 2733
care of diseases of the eye; 2734

(G) Be construed as authorizing a physician assistant to 2735
prescribe any drug or device to perform or induce an abortion, or 2736
as otherwise authorizing a physician assistant to perform or 2737
induce an abortion. 2738

Sec. 4730.05. (A) There is hereby created the physician 2739
assistant policy committee of the state medical board, ~~consisting.~~ 2740
The president of the board shall appoint the members of the 2741
committee. The committee shall consist of the seven members ~~to be~~ 2742
~~appointed by the president of the board. Three~~ specified in 2743
divisions (A)(1) to (3) of this section. When the committee is 2744
developing or revising policy and procedures for 2745
physician-delegated prescriptive authority for physician 2746
assistants, the committee shall include the two additional members 2747
specified in division (A)(4) of this section. 2748

(1) Three members of the committee shall be physicians. Of 2749

As Recommitted to the Senate Health, Human Services and Aging Committee

the physician members, one shall be a member of the state medical board, one shall be appointed from a list of five physicians recommended by the Ohio state medical association, and one shall be appointed from a list of five physicians recommended by the Ohio osteopathic association. At all times, the physician membership of the committee shall include at least one physician who is a supervising physician of a physician assistant, preferably with at least two years' experience as a supervising physician. ~~Three~~

(2) Three members shall be physician assistants appointed from a list of five individuals recommended by the Ohio association of physician assistants. ~~One~~

(3) One member, who is not affiliated with any health care profession, shall be appointed to represent the interests of consumers.

(4) The two additional members, appointed to serve only when the committee is developing or revising policy and procedures for physician-delegated prescriptive authority for physician assistants, shall be pharmacists. Of these members, one shall be appointed from a list of five clinical pharmacists recommended by the Ohio pharmacist association and one shall be appointed from the pharmacist members of the state board of pharmacy, preferably from among the members who are clinical pharmacists.

The pharmacist members shall have voting privileges only for purposes of developing or revising policy and procedures for physician-delegated prescriptive authority for physician assistants. Presence of the pharmacist members shall not be required for the transaction of any other business.

(B) Terms of office shall be for two years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of being

appointed until the end of the term for which the member was 2781
appointed. Members may be reappointed, except that a member may 2782
not be appointed to serve more than three consecutive terms. As 2783
vacancies occur, a successor shall be appointed who has the 2784
qualifications the vacancy requires. A member appointed to fill a 2785
vacancy occurring prior to the expiration of the term for which a 2786
predecessor was appointed shall hold office as a member for the 2787
remainder of that term. A member shall continue in office 2788
subsequent to the expiration date of the member's term until a 2789
successor takes office or until a period of sixty days has 2790
elapsed, whichever occurs first. 2791

(C) Each member of the committee shall receive an amount 2792
fixed pursuant to division (J) of section 124.15 of the Revised 2793
Code for each day employed in the discharge of official duties as 2794
a member, and shall also receive necessary and actual expenses 2795
incurred in the performance of official duties as a member. 2796

(D) The committee members specified in divisions (A)(1) to 2797
(3) of this section by a majority vote shall elect a chairperson 2798
~~by a majority vote of the committee from among those~~ members. The 2799
~~committee members~~ may elect a new chairperson at any time. 2800

(E) The state medical board may appoint assistants, clerical 2801
staff, or other employees as necessary for the committee to 2802
perform its duties adequately. 2803

(F) The committee shall meet at least four times a year and 2804
at such other times as may be necessary to carry out its 2805
responsibilities. 2806

Sec. 4730.06. (A)(1) The physician assistant policy committee 2807
of the state medical board shall review, and ~~may~~ shall submit to 2808
the board recommendations ~~to the board~~ concerning, all of the 2809
following: 2810

(1) Education and registration requirements <u>(a) Requirements</u>	2811
for <u>issuance of certificates to practice as a physician assistants</u>	2812
<u>assistant, including the educational requirements that must be met</u>	2813
<u>to receive a certificate to practice;</u>	2814
(2)(b) Existing and proposed rules pertaining to the practice	2815
of physician assistants, the supervisory relationship between	2816
physician assistants and supervising physicians, and the	2817
administration and enforcement of this chapter;	2818
(3)(c) <u>Policy and procedures regarding physician-delegated</u>	2819
<u>prescriptive authority for physician assistants;</u>	2820
<u>(d) A formulary, subject to division (A)(2) of this section,</u>	2821
<u>listing the drugs and therapeutic devices by class and specific</u>	2822
<u>generic nomenclature that a physician may include in the</u>	2823
<u>physician-delegated prescriptive authority granted to a physician</u>	2824
<u>assistant;</u>	2825
<u>(e) Application procedures and forms for certificates of</u>	2826
<u>registration for to practice as a physician assistants assistant,</u>	2827
<u>standard and supplemental physician assistant utilization</u>	2828
<u>physician supervisory plans, and supervision agreements;</u>	2829
(4) Registration and renewal fees <u>(f) Fees</u> required by this	2830
chapter <u>for issuance and renewal of certificates to practice as a</u>	2831
<u>physician assistant;</u>	2832
(5)(g) <u>Criteria to be included in applications submitted to</u>	2833
<u>the board for approval of physician supervisory plans, including</u>	2834
<u>criteria to be included when the application is for approval to</u>	2835
<u>delegate to physician assistants the performance of special</u>	2836
<u>services that are within the physician's normal course of practice</u>	2837
<u>and expertise;</u>	2838
<u>(h) Criteria to be included in standard and supplemental</u>	2839
<u>utilization plans and in supervision agreements submitted to the</u>	2840

board for approval and renewal of the board's approval, including 2841
criteria applicable to physician-delegated prescriptive authority 2842
for physician assistants; 2843

~~(6) Adoption of model standard utilization plans;~~ 2844

~~(7)(i) Any issue the board asks the committee to consider.~~ 2845

(2) The formulary recommended under division (A)(1)(d) of 2846
this section shall specify all drugs and devices used to perform 2847
or induce an abortion as a class of drugs and devices that a 2848
physician may not include in the physician-delegated prescriptive 2849
authority granted to a physician assistant. 2850

(B) In addition to the matters that must be reviewed under 2851
division (A) of this section, the committee may review, and may 2852
submit to the board recommendations concerning, the adoption of 2853
one or more model physician supervisory plans and one or more 2854
models for the special services portion of the one or more model 2855
physician supervisory plans. The committee may develop 2856
recommendations for the one or more models that reflect various 2857
specialties in the field of medicine as it pertains to physician 2858
assistants. 2859

(C)(1) The board shall take into consideration all 2860
recommendations submitted by the committee. Not later than ninety 2861
days after receiving a recommendation from the committee, the 2862
board shall approve or disapprove the recommendation and notify 2863
the committee of its decision. If a recommendation is disapproved, 2864
the board shall inform the committee of its reasons for making 2865
that decision. The committee may resubmit the recommendation after 2866
addressing the concerns expressed by the board and modifying the 2867
disapproved recommendation accordingly. Not later than ninety days 2868
after receiving a resubmitted recommendation, the board shall 2869
approve or disapprove the recommendation. There is no limit on the 2870
number of times the committee may resubmit a recommendation for 2871

consideration by the board. ~~It~~ 2872

(2)(a) Except as provided in division (C)(2)(b) of this 2873
section, it is ~~not~~ necessary for the committee to make a 2874
recommendation before the board may take action regarding a 2875
particular matter that is subject to the committee's review under 2876
division (A) or (B) of this section. 2877

(b) If the board submits to the committee a request for a 2878
recommendation regarding a matter that is subject to the 2879
committee's review under division (A) or (B) of this section, and 2880
the committee does not provide a recommendation before the 2881
sixty-first day after the request is submitted, the board may take 2882
action regarding the matter without a recommendation. 2883

Sec. 4730.061. (A) Not later than six months after the 2884
effective date of this section, the physician assistant policy 2885
committee of the state medical board shall submit to the board its 2886
initial recommendations regarding physician-delegated prescriptive 2887
authority for physician assistants, including the matters 2888
specified in divisions (A)(1)(c), (d), and (h) of section 4730.06 2889
of the Revised Code. The committee shall submit any other 2890
recommendations it considers necessary to assist the board in 2891
fulfilling its duty to adopt rules under section 4730.062 of the 2892
Revised Code. 2893

(B) After the board's adoption of initial rules under section 2894
4730.062 of the Revised Code, the committee shall conduct an 2895
annual review of the policy and procedures applicable to 2896
physician-delegated prescriptive authority, including the 2897
formulary listing the drugs and therapeutic devices by class and 2898
specific generic nomenclature that a physician may include in the 2899
physician-delegated prescriptive authority granted to a physician 2900
assistant. Based on its review, the committee shall submit 2901
recommendations to the board as the committee considers necessary. 2902

(C) Recommendations submitted under this section are subject 2903
to the procedures and time frames specified in division (C) of 2904
section 4730.06 of the Revised Code. 2905

Sec. 4730.062. (A) Not later than six months after receiving 2906
the initial recommendations of the physician assistant policy 2907
committee submitted pursuant to division (A) of section 4730.061 2908
of the Revised Code, the state medical board shall adopt rules 2909
governing physician-delegated prescriptive authority for physician 2910
assistants. After adopting the initial rules, the board shall 2911
conduct an annual review of the rules. Based on its review, the 2912
board shall make any necessary modifications to the rules. 2913

All rules adopted under this section shall be adopted in 2914
accordance with Chapter 119. of the Revised Code. When adopting 2915
the initial rules, the board shall consider the recommendations of 2916
the physician assistant policy committee submitted pursuant to 2917
division (A) of section 4730.061 of the Revised Code. When making 2918
any modifications to the rules subsequent to its annual review of 2919
the rules, the board shall consider the committee's 2920
recommendations submitted pursuant to division (B) of section 2921
4730.061 of the Revised Code. 2922

(B) The board's rules governing physician-delegated 2923
prescriptive authority for physician assistants shall include all 2924
of the following: 2925

(1) A formulary, subject to division (C)(1) of this section, 2926
listing the drugs and therapeutic devices by class and specific 2927
generic nomenclature that a physician may include in the 2928
physician-delegated prescriptive authority granted to a physician 2929
assistant; 2930

(2) Requirements regarding the pharmacology courses that a 2931
physician assistant is required to complete to be granted and 2932

<u>maintain physician-delegated prescriptive authority;</u>	2933
<u>(3) Standards and procedures for the approval and renewal of</u>	2934
<u>a supervision agreement under which a supervising physician is</u>	2935
<u>authorized to grant a particular physician assistant</u>	2936
<u>physician-delegated prescriptive authority;</u>	2937
<u>(4) Standards and procedures, subject to division (C)(2) of</u>	2938
<u>this section, for the appropriate conduct of the provisional</u>	2939
<u>period during which a physician assistant is granted</u>	2940
<u>physician-delegated prescriptive authority under section 4730.243</u>	2941
<u>of the Revised Code;</u>	2942
<u>(5) A specific prohibition against prescribing any drug or</u>	2943
<u>device to perform or induce an abortion;</u>	2944
<u>(6) Any other requirements the board considers necessary to</u>	2945
<u>implement the provisions of this chapter regarding</u>	2946
<u>physician-delegated prescriptive authority for physician</u>	2947
<u>assistants.</u>	2948
<u>(C)(1) Both of the following apply with respect to the</u>	2949
<u>formulary established under division (B)(1) of this section:</u>	2950
<u>(a) The formulary established in the board's initial rules</u>	2951
<u>shall not result in physician-delegated prescriptive authority for</u>	2952
<u>physician assistants that is more restrictive than the</u>	2953
<u>physician-delegated prescriptive authority that may be granted</u>	2954
<u>pursuant to section 4730.063 of the Revised Code on the effective</u>	2955
<u>date of the initial rules.</u>	2956
<u>(b) The formulary shall specify all drugs and devices used to</u>	2957
<u>perform or induce an abortion as a class of drugs and devices that</u>	2958
<u>a physician may not include in the physician-delegated</u>	2959
<u>prescriptive authority granted to a physician assistant.</u>	2960
<u>(2) The standards established under division (B)(4) of this</u>	2961
<u>section for the appropriate conduct of the provisional period</u>	2962

during which a physician assistant is granted physician-delegated prescriptive authority shall not require a physician assistant to participate in a provisional period that exceeds one-thousand-eight-hundred hours, except when a supervising physician requires the physician assistant to participate in an extended provisional period.

Sec. 4730.063. Notwithstanding the provisions of this chapter referring to the formulary established by the state medical board under section 4730.062 of the Revised Code, all of the following apply with respect to physician-delegated prescriptive authority for physician assistants:

(A) During the period beginning on the effective date of this section and ending on the effective date of the state medical board's initial rules adopted under section 4730.062 of the Revised Code establishing a formulary listing the drugs and therapeutic devices by class and specific generic nomenclature that a physician may include in the physician-delegated prescriptive authority granted to a physician assistant, the drugs and therapeutic devices that may be prescribed by the holder of a certificate to prescribe issued by the board of nursing under Chapter 4723. of the Revised Code are the drugs and therapeutic devices that a physician may include in the physician-delegated prescriptive authority granted to a physician assistant under this chapter.

(B) During the period specified in division (A) of this section, all changes relative to the drugs and therapeutic devices that may be prescribed by the holder of a certificate to prescribe issued by the board of nursing shall apply in like manner to the drugs and therapeutic devices that a physician may include in the physician-delegated prescriptive authority granted to a physician assistant under this chapter.

(C) Notwithstanding the authority to prescribe a schedule II controlled substance under a certificate to prescribe issued by the board of nursing, the formulary established under this section shall not include schedule II controlled substances. 2994
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Sec. 4730.07. In addition to rules that are required by this chapter to be adopted, the state medical board may, subject to division (C)(2) of section 4730.06 of the Revised Code, adopt any other rules necessary to govern the practice of physician assistants, the supervisory relationship between physician assistants and supervising physicians, and the administration and enforcement of this chapter. Rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. 2998
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Sec. 4730.09. (A) A certificate to practice as a physician assistant issued under this chapter authorizes the holder to practice as a physician assistant, subject to all of the following: 3007
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(1) The physician assistant shall practice only under the supervision, control, and direction of a physician with whom the physician assistant has entered into a supervision agreement approved by the state medical board under section 4730.19 of the Revised Code. 3011
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(2) The physician assistant may provide any of the services specified in division (B) of this section when authorized by the physician supervising the physician assistant, regardless of the setting in which the physician assistant is practicing. 3016
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(3) If the physician assistant has been credentialed or otherwise approved to provide services for a health care facility, the physician assistant may provide any of the services specified in division (C) of this section when the services have been 3020
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authorized by a supervising physician. The services may be 3024
provided in any setting approved by the supervising physician. 3025

(4) Except when the physician assistant is being supervised 3026
by a physician under the policies of a health care facility, the 3027
physician assistant shall practice in accordance with the 3028
physician supervisory plan approved under section 4730.17 of the 3029
Revised Code that applies to the supervising physician. 3030

(5) When the physician assistant is being supervised by a 3031
physician under the policies of a health care facility, the 3032
physician assistant shall practice in accordance with the policies 3033
of the facility and, if the supervising physician has authorized 3034
the physician assistant to exercise physician-delegated 3035
prescriptive authority within the facility, the physician 3036
assistant shall exercise the authority in accordance with the 3037
physician supervisory plan that applies to the supervising 3038
physician. 3039

(B) The services that a physician assistant may provide in 3040
any setting without being approved as special services under a 3041
physician supervisory plan include any or all of the following: 3042

(1) Obtaining comprehensive patient histories; 3043

(2) Performing physical examinations, including audiometry 3044
screening, routine visual screening, and pelvic, rectal, and 3045
genital-urinary examinations, when indicated; 3046

(3) Ordering, performing, or ordering and performing routine 3047
laboratory, radiologic, and diagnostic procedures and therapeutic 3048
services, as indicated; 3049

(4) Identifying normal and abnormal findings on histories, 3050
physical examinations, and commonly performed diagnostic studies; 3051

(5) Assessing patients and developing and implementing 3052
treatment plans for patients; 3053

<u>(6) Monitoring the effectiveness of therapeutic interventions;</u>	3054 3055
<u>(7) Providing patient education;</u>	3056
<u>(8) Instituting and changing orders on patient charts as directed by the supervising physician;</u>	3057 3058
<u>(9) Exercising physician-delegated prescriptive authority to the extent permitted by sections 4730.24 to 4730.245 of the Revised Code;</u>	3059 3060 3061
<u>(10) Performing developmental screening examinations on children with regard to neurological, motor, and mental functions;</u>	3062 3063
<u>(11) Performing minor surgical procedures, including wound care management, suturing lacerations and removing the sutures, and incision and drainage of noncomplicated subcutaneous abscesses;</u>	3064 3065 3066 3067
<u>(12) Applying casts or splints and removing the casts or splints;</u>	3068 3069
<u>(13) Administering medication and intravenous fluids;</u>	3070
<u>(14) Removing superficial foreign bodies;</u>	3071
<u>(15) Inserting a foley or cudae catheter into the urinary bladder and removing the catheter;</u>	3072 3073
<u>(16) Performing cardio-pulmonary resuscitation;</u>	3074
<u>(17) Carrying out or relaying the supervising physician's orders for the administration of medication, to the extent permitted under laws pertaining to drugs;</u>	3075 3076 3077
<u>(18) Removing intrauterine devices;</u>	3078
<u>(19) Performing biopsies of superficial lesions;</u>	3079
<u>(20) Inserting and removing arterial lines;</u>	3080
<u>(21) Inserting and removing central venous catheters;</u>	3081

<u>(22) Inserting and removing nasogastric tubes;</u>	3082
<u>(23) Applying and adjusting skeletal traction, excluding cervical traction;</u>	3083
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<u>(24) Injecting contrast for an intravenous pyelogram;</u>	3085
<u>(25) Making appropriate referrals as directed by the supervising physician;</u>	3086
	3087
<u>(26) Emergency insertion of chest tubes;</u>	3088
<u>(27) Removing chest tubes;</u>	3089
<u>(28) Removing intra-aortic balloon pumps;</u>	3090
<u>(29) Removing norplant capsules;</u>	3091
<u>(30) Performing noninvasive cardiovascular studies;</u>	3092
<u>(31) Performing penile duplex ultrasound;</u>	3093
<u>(32) Removing swan-ganz catheters;</u>	3094
<u>(33) Changing of a tracheostomy;</u>	3095
<u>(34) Performing bone marrow aspirations from the posterior iliac crest;</u>	3096
	3097
<u>(35) Performing bone marrow intravenous infusion;</u>	3098
<u>(36) Performing bone marrow biopsies from the posterior iliac crest;</u>	3099
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<u>(37) Performing cystograms;</u>	3101
<u>(38) Performing nephrostograms after physician placement of nephrostomy tubes;</u>	3102
	3103
<u>(39) Performing urodynamic studies;</u>	3104
<u>(40) Instillation of intravesical chemotherapeutic agents using agents as ordered by the supervising physician;</u>	3105
	3106
<u>(41) Fitting or inserting family planning devices, including intrauterine devices, diaphragms, and cervical caps;</u>	3107
	3108

<u>(42) Removing cervical polyps;</u>	3109
<u>(43) Performing nerve conduction testing;</u>	3110
<u>(44) Performing endometrial biopsies;</u>	3111
<u>(45) Inserting filiform and follower catheters;</u>	3112
<u>(46) Performing diagnostic arthrocentesis of the knee;</u>	3113
<u>(47) Performing endotracheal intubation with successful completion of an advanced cardiac life support course;</u>	3114 3115
<u>(48) Vein and artery harvesting as part of cardiovascular surgery using open or endoscopic techniques;</u>	3116 3117
<u>(49) Performing lumbar punctures;</u>	3118
<u>(50) Reduction of dislocated joints;</u>	3119
<u>(51) Application of light-based medical devices for the purpose of hair removal;</u>	3120 3121
<u>(52) Performing other services that are within the supervising physician's normal course of practice and expertise, if the services are included in any model physician supervisory plan approved under section 4730.06 of the Revised Code or the services are designated by the state medical board by rule or other means as services that are not subject to approval under a physician supervisory plan as special services.</u>	3122 3123 3124 3125 3126 3127 3128
<u>(C) If a physician assistant has been credentialed or otherwise approved to provide services for a health care facility, the services that the physician assistant may provide include, but are not limited to, the following:</u>	3129 3130 3131 3132
<u>(1) Any or all of the services that the health care facility has credentialed or otherwise approved the physician assistant to provide;</u>	3133 3134 3135
<u>(2) Assisting in surgery in the health care facility;</u>	3136

(3) Any or all of the services specified in division (B) of this section. 3137
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Sec. 4730.091. For purposes of the Revised Code and any rules adopted under it, a certificate to practice as a physician assistant issued under this chapter constitutes the state's licensure of the certificate holder to practice as a physician assistant. The certificate holder may present the certificate as evidence of the state's licensure of the holder to any health care insurer, accrediting body, or other entity that requires evidence of licensure by a government entity to be recognized or authorized to practice as a physician assistant. 3139
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Sec. 4730.10. (A) An individual seeking a certificate of registration to practice as a physician assistant shall file with the state medical board a written application on a form prescribed and supplied by the board. The application shall include all of the following: 3148
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(1) The applicant's name, residential address, business address, if any, and social security number; 3153
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(2) Satisfactory proof that the applicant is at least eighteen years of age and of good moral character requirements specified in divisions (A)(1) and (2) of section 4730.11 of the Revised Code; 3155
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(3) The status of the applicant with respect to eligibility for and application to take, or satisfactory completion of, the examination of the national commission for on certification of physician assistants or a successor organization that is recognized by the board; 3159
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(4) Effective January 1, 2008, except as provided in division (B) of section 4730.11 of the Revised Code, satisfactory proof that the applicant meets one of the educational requirements 3164
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specified in division (A)(4) of section 4730.11 of the Revised Code; 3167
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(5) Any other information the board requires. 3169

~~(B) The board shall review all applications received under this section. The board shall determine whether an applicant meets the requirements to receive a certificate of registration not later than sixty days after receiving a complete application. The affirmative vote of not fewer than six members of the board is required to determine that an applicant meets the requirements for a certificate.~~ 3170
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~~A certificate of registration shall not be issued to an applicant unless the applicant is certified by the national commission on certification of physician assistants or a successor organization that is recognized by the board, except that the board may issue a temporary certificate of registration to an applicant who has not yet taken the examination of the commission or its successor organization but is eligible for and has made application to take the examination. A temporary certificate shall be valid only until the results of the next examinations are available to the board.~~ 3177
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~~(C) At the time of making application for a certificate of registration to practice, the applicant shall pay the board a fee of one hundred dollars, no part of which shall be returned. Such fees shall be deposited in accordance with section 4731.24 of the Revised Code.~~ 3187
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Sec. 4730.11. (A) For an individual to be eligible to receive a certificate to practice as a physician assistant, all of the following apply: 3192
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(1) The applicant shall be at least eighteen years of age. 3195

(2) The applicant shall be of good moral character. 3196

(3) The applicant shall hold current certification by the national commission on certification of physician assistants or a successor organization that is recognized by the state medical board. 3197
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(4) Effective January 1, 2008, except as provided in division (B) of this section, the applicant shall meet one of the following educational requirements: 3201
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(a) The applicant shall hold a master's or higher degree that was obtained from a program accredited by the accreditation review commission on education for the physician assistant or a predecessor or successor organization recognized by the board; 3204
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(b) The applicant shall hold a degree other than a master's or higher degree that was obtained from a program accredited by the accreditation review commission on education for the physician assistant or a predecessor or successor organization recognized by the board and shall hold a master's or higher degree in a course of study with clinical relevance to the practice of physician assistants that was obtained from a program accredited by a regional or specialized and professional accrediting agency recognized by the council for higher education accreditation. 3208
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(B) It is not necessary for an applicant to hold a master's or higher degree as a condition of receiving a certificate to practice as a physician assistant if the applicant presents evidence satisfactory to the board of holding a current, valid license or other form of authority to practice as a physician assistant that was issued by another jurisdiction prior to January 1, 2008. 3217
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(C) This section does not require an individual to obtain a master's or higher degree as a condition of retaining or renewing a certificate to practice as a physician assistant if either of the following is the case: 3224
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(1) Prior to January 1, 2008, the individual received a certificate to practice as a physician assistant under this chapter without holding a master's or higher degree. 3228
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(2) On or after January 1, 2008, the individual received a certificate to practice as a physician assistant under this chapter on the basis of holding a license issued in another jurisdiction, as specified in division (B) of this section. 3231
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~~Sec. 4730.11~~ **4730.12.** ~~If the (A) The state medical board shall review all applications received under section 4730.10 of the Revised Code for certificates to practice as a physician assistant. Not later than sixty days after receiving a complete application, the board shall determine whether an applicant meets the requirements to receive a certificate to practice, as specified in section 4730.11 of the Revised Code. An affirmative vote of not fewer than six members of the board is required to determine that an applicant meets the requirements to receive a certificate to practice as a physician assistant.~~ 3235
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~~(B) If the board determines under section 4730.10 of the Revised Code that an applicant meets the requirements for a to receive the certificate of registration as a physician assistant, the secretary of the board shall register the applicant as a physician assistant and issue to the applicant a certificate of registration to practice as a physician assistant. The certificate shall expire biennially and may be renewed in accordance with section 4730.12 of the Revised Code.~~ 3245
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~~Upon application by the holder of a certificate of registration, the board shall issue a duplicate certificate to replace one that is missing or damaged, to reflect a name change, or for any other reasonable cause. The fee for a duplicate certificate shall be thirty five dollars.~~ 3253
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Sec. 4730.13. Upon application by the holder of a certificate 3258
to practice as a physician assistant, the state medical board 3259
shall issue a duplicate certificate to replace one that is missing 3260
or damaged, to reflect a name change, or for any other reasonable 3261
cause. The fee for a duplicate certificate shall be thirty-five 3262
dollars. All fees collected under this section shall be deposited 3263
in accordance with section 4731.24 of the Revised Code. 3264
3265

~~Sec. 4730.12~~ 4730.14. (A) A certificate to practice as a 3266
physician assistant shall expire biennially and may be renewed in 3267
accordance with this section. A person seeking to renew a 3268
certificate ~~of registration~~ to practice as a physician assistant 3269
shall, on or before the thirty-first day of January of each 3270
even-numbered year, apply for renewal of the certificate. The 3271
state medical board shall send renewal notices at least one month 3272
prior to the expiration date. 3273

Applications shall be submitted to the board on forms the 3274
board shall prescribe and furnish. Each application shall be 3275
accompanied by a biennial renewal fee of fifty dollars. The board 3276
shall deposit the fees in accordance with section 4731.24 of the 3277
Revised Code. 3278

The applicant shall report any criminal offense that 3279
constitutes grounds for refusing to issue a certificate ~~of~~ 3280
~~registration~~ to practice under section 4730.25 of the Revised Code 3281
to which the applicant has pleaded guilty, of which the applicant 3282
has been found guilty, or for which the applicant has been found 3283
eligible for ~~treatment~~ intervention in lieu of conviction, since 3284
last signing an application for a certificate ~~of registration~~ to 3285
practice as a physician assistant. 3286

(B) To be eligible for renewal, a physician assistant ~~must~~ 3287

shall certify to the board both of the following: 3288

(1) That the physician assistant has maintained certification 3289
by the national commission on certification of physician 3290
assistants or a successor organization that is recognized by the 3291
board by meeting the standards to hold current certification from 3292
the commission or its successor, including completion of 3293
continuing medical education requirements and passing periodic 3294
recertification examinations; 3295

(2) Except as provided in ~~division (D)~~ divisions (F) and (G) 3296
of this section and section 5903.12 of the Revised Code, that the 3297
physician assistant has completed during the current ~~registration~~ 3298
certification period not less than one hundred hours of continuing 3299
medical education acceptable to the board. ~~The~~ 3300

(C) The board shall adopt rules in accordance with Chapter 3301
119. of the Revised Code specifying the types of continuing 3302
medical education that must be completed to fulfill the board's 3303
requirements under division (B)(2) of this section. ~~The~~ Except 3304
when additional continuing medical education is required to 3305
maintain eligibility to be granted physician-delegated 3306
prescriptive authority, as specified in section 4730.245 of the 3307
Revised Code, the board shall not adopt rules that require a 3308
physician assistant to complete in any ~~registration~~ certification 3309
period more than one hundred hours of continuing medical education 3310
acceptable to the board. In fulfilling the board's requirements, a 3311
physician assistant may use continuing medical education courses 3312
or programs completed to maintain certification by the national 3313
commission on certification of physician assistants or a successor 3314
organization that is recognized by the board if the standards for 3315
acceptable courses and programs of the commission or its successor 3316
are at least equivalent to the standards established by the board. 3317

~~(C)~~(D) If an applicant submits a complete renewal application 3318
and qualifies for renewal pursuant to division (B) of this 3319

section, the board shall issue to the applicant a renewed 3320
certificate ~~of registration to practice~~ as a physician assistant. 3321
The 3322

(E) The board may require a random sample of physician 3323
assistants to submit materials documenting certification by the 3324
national commission on certification of physician assistants or a 3325
successor organization that is ~~required~~ recognized by the board 3326
and completion of the required number of hours of continuing 3327
medical education. 3328

~~(D) The~~ (F) If a physician assistant qualifies under this 3329
division for an extension of the certification period, the board 3330
shall ~~provide for pro rata reductions by month of the number of~~ 3331
~~hours of continuing education that must be completed for~~ 3332
~~individuals~~ grant the extension of the physician assistant's 3333
certification period by an amount of time equal to the total 3334
number of months that the physician assistant missed during the 3335
certification period. The physician assistants who qualify for an 3336
extension under this division include those who are in their first 3337
~~registration~~ certification period, who have been disabled due to 3338
illness or accident, ~~or~~ who have been absent from the country, or 3339
who have been on active duty in any branch of the armed forces. 3340
For purposes of this division, any portion of a month missed 3341
during a certification period shall be considered a full month. 3342
The board shall adopt rules, in accordance with Chapter 119. of 3343
the Revised Code, as necessary to implement this division. 3344

~~(E)(G)(1)~~ A certificate ~~of registration to practice~~ that is 3345
not renewed on or before its expiration date is automatically 3346
suspended on its expiration date. ~~The state medical~~ Continued 3347
practice after suspension of the certificate shall be considered 3348
as practicing in violation of division (A) of section 4730.02 of 3349
the Revised Code. 3350

(2) If a certificate has been suspended pursuant to division 3351

(G)(1) of this section for two years or less, it may be 3352
reinstated. The board shall reinstate a certificate suspended for 3353
failure to renew upon an applicant's submission of the biennial 3354
renewal fee, ~~the~~ any applicable monetary penalty, and 3355
certification by signature of the applicant that the applicant has 3356
completed the number of hours of continuing education necessary to 3357
have a certificate reinstated ~~have been completed~~, as specified in 3358
rules the board shall adopt in accordance with Chapter 119. of the 3359
Revised Code. The 3360

If a certificate has been suspended pursuant to division 3361
(G)(1) of this division for more than two years, it may be 3362
restored. In accordance with section 4730.28 of the Revised Code, 3363
the board may restore a certificate suspended for failure to renew 3364
upon an applicant's submission of a restoration application, the 3365
biennial renewal fee, and any applicable monetary penalty. 3366

(3) Except as provided in division (G)(4) of this section, 3367
the penalty for reinstatement shall be twenty-five dollars ~~if the~~ 3368
~~certificate has been suspended for two years or less and the~~ 3369
~~penalty for restoration shall be fifty dollars if the certificate~~ 3370
~~has been suspended for more than two years.~~ The board shall 3371
deposit penalties in accordance with section 4731.24 of the 3372
Revised Code. 3373

~~(F)~~(4) The board shall not impose a penalty for reinstatement 3374
or restoration of a certificate to practice as a physician 3375
assistant if the applicant for reinstatement or restoration 3376
submits documentation certifying that during the period of 3377
suspension the applicant was on active duty in any branch of the 3378
armed forces. 3379

(H) If an individual certifies that the individual has 3380
completed the number of hours and type of continuing medical 3381
education required for renewal or reinstatement of a certificate 3382

As Recommended to the Senate Health, Human Services and Aging Committee

~~of registration to practice~~ to practice as a physician assistant, and the 3383
board finds through a random sample conducted under division 3384
~~(C)~~(E) of this section or through any other means that the 3385
individual did not complete the requisite continuing medical 3386
education, the board may impose a civil penalty of not more than 3387
five thousand dollars. The board's finding shall be made pursuant 3388
to an adjudication under Chapter 119. of the Revised Code and by 3389
an affirmative vote of not fewer than six members. 3390

A civil penalty imposed under this division may be in 3391
addition to or in lieu of any other action the board may take 3392
under section 4730.25 of the Revised Code. The board shall deposit 3393
civil penalties in accordance with section 4731.24 of the Revised 3394
Code. 3395

Sec. ~~4730.18~~ 4730.15. ~~(A)~~ A physician seeking to supervise 3396
one or more physician assistants through a physician supervisory 3397
plan shall submit to the state medical board an application for 3398
approval of a physician ~~assistant utilization~~ supervisory plan. 3399
The physician shall provide all information determined by the 3400
board to be necessary to process the application. The physician 3401
may include in the application the names, business addresses, and 3402
business telephone numbers of at least two physicians who have 3403
agreed to act as alternate supervising physicians during periods 3404
in which the physician will be unable to provide supervision in 3405
accordance with section 4730.21 of the Revised Code. 3406

Application for approval of a physician ~~assistant utilization~~ 3407
supervisory plan shall be made on a form prescribed and furnished 3408
by the board. Each application shall include a copy of the 3409
proposed plan. The proposed plan may be based on any model 3410
physician supervisory plan approved under section 4730.06 of the 3411
Revised Code. If the plan includes a special services portion, 3412
that portion may be based on any model special services portion 3413

approved under section 4730.06 of the Revised Code. 3414

The board shall develop a form that may be used when two or 3415
more physicians wish to apply at the same time for approval of the 3416
same ~~type of physician assistant utilization~~ supervisory plan. 3417
When making simultaneous applications with ~~these forms~~ this form, 3418
the physicians are required to include only one copy of the 3419
proposed plan with all of their applications. Subsequent to the 3420
filing of simultaneous applications, a physician who seeks to join 3421
the physicians who filed simultaneous applications may apply for 3422
approval of the same ~~type of physician assistant utilization~~ 3423
supervisory plan by using the ~~forms~~ form developed by the board 3424
for simultaneous applications. The physician shall identify the 3425
plan for which approval is sought. Identification of the plan 3426
fulfills the requirement for filing a copy of the plan. 3427

Each application for approval filed separately shall be 3428
accompanied by a fee of seventy-five dollars. Applications filed 3429
simultaneously shall be accompanied by a fee of seventy-five 3430
dollars per physician, up to a maximum of seven hundred fifty 3431
dollars. An application from a physician who seeks to join 3432
physicians who filed simultaneous applications shall include a fee 3433
of seventy-five dollars, unless the fees paid by the physicians in 3434
the group have reached the maximum of seven hundred fifty dollars. 3435
Fees shall be deposited in accordance with section 4731.24 of the 3436
Revised Code. 3437

~~(B) To be approved by the board, a standard utilization plan 3438
must meet the requirements of section 4730.16 of the Revised Code 3439
and any applicable rules adopted by the board. To be approved, a 3440
supplemental utilization plan must meet the requirements of 3441
section 4730.17 of the Revised Code and any applicable rules 3442
adopted by the board. 3443~~

~~On receipt of a complete application, the board shall process 3444
the application as follows: 3445~~

~~(1) If an application is for approval of a standard utilization plan, the board shall approve or disapprove the application and notify the applicant of its decision not later than sixty days after receiving the application.~~ 3446
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~~(2) If an application is for approval of a supplemental utilization plan, the board shall submit the application to the physician assistant policy committee. The committee shall review the application and form a recommendation as to whether the board should approve or disapprove the plan. The committee shall submit its recommendation to the board not later than sixty days after receiving the application. Not later than sixty days after receiving the committee's recommendation, the board shall review the application, approve or disapprove the supplemental utilization plan, and notify the applicant of its decision.~~ 3450
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~~(C) A standard or supplemental utilization plan approved by the board is valid until the physician notifies the board that the plan should be canceled or until the plan is replaced by a new utilization plan.~~ 3460
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Sec. 4730.16. ~~(A) A standard physician assistant utilization plan shall~~ To be eligible for approval by the state medical board under section 4730.17 of the Revised Code, a physician supervisory plan shall meet the requirements of any applicable rules adopted by the board and shall specify all of the following: 3464
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(1) The responsibilities to be fulfilled by the physician supervising a physician assistant under the plan; 3469
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(2) The responsibilities to be fulfilled by a physician assistant when performing services under the plan; 3471
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(3) Circumstances under which a physician assistant is required to refer a patient to the supervising physician; 3473
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(4) The conditions that the supervising physician may place 3475

on the physician-delegated prescriptive authority granted to a physician assistant, including any of the conditions specified in division (B) of this section; 3476
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(5) Procedures to be followed by a physician assistant when writing medical orders, including prescriptions written in the exercise of the physician-delegated prescriptive authority granted to the physician assistant; 3479
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~~(5)(6) Procedures to be followed when a supervising physician is not on the premises but a patient requires immediate attention;~~ 3483
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(7) Any special services that the physician may delegate to a physician assistant. 3485
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~~(B) The types of services a supervising physician may authorize a physician assistant to perform under a standard utilization plan are limited to the following:~~ 3487
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~~(1) Obtaining comprehensive patient histories;~~ 3490

~~(2) Performing physical examinations, including pelvic and rectal examinations when indicated;~~ 3491
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~~(3) Assessing patients, ordering and performing routine diagnostic procedures, developing treatment plans for patients, and implementing treatment plans that have been reviewed and approved by the supervising physician;~~ 3493
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~~(4) Monitoring the effectiveness of therapeutic interventions;~~ 3497
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~~(5) Assisting in surgery in a hospital, as defined in section 3727.01 of the Revised Code, or an outpatient surgical care center affiliated with the hospital if the center meets the same credential, quality assurance, and utilization review standards as the hospital;~~ 3499
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~~(6) Providing instruction to meet patient needs;~~ 3504

~~(7) Instituting and changing orders on patient charts as~~ 3505

~~directed by the supervising physician;~~ 3506

~~(8) Carrying out or relaying the supervising physician's~~ 3507
~~orders for medication, to the extent permitted under laws~~ 3508
~~pertaining to drugs~~ conditions a supervising physician may place 3509
on the physician-delegated prescriptive authority granted a 3510
physician assistant include the following: 3511

(1) Identification by class and specific generic nomenclature 3512
of any drugs and therapeutic devices that the physician chooses 3513
not to include in the physician-delegated prescriptive authority 3514
granted to a physician assistant; 3515

(2) Any limitations on the dosage units or refills that may 3516
be prescribed by a physician assistant in the exercise of the 3517
physician-delegated prescriptive authority granted the physician 3518
assistant; 3519

(3) The conditions under which a physician assistant is 3520
required to refer patients to the supervising physician or another 3521
physician when exercising physician-delegated prescriptive 3522
authority; 3523

(4) The responsibilities of the supervising physician when a 3524
physician assistant exercises physician-delegated prescriptive 3525
authority; 3526

(5) Procedures to be followed by the supervising physician in 3527
performing quality assurance reviews of a physician assistant who 3528
has been granted physician-delegated prescriptive authority. 3529

Sec. 4730.17. (A) On receipt of a complete application for 3530
approval of a physician supervisory plan submitted under section 3531
4730.15 of the Revised Code, the state medical board shall process 3532
the application as follows: 3533

(1) Not later than sixty days after receiving the 3534
application, the board shall approve or disapprove the plan or 3535

that portion of the plan under which one or more physician assistants will be authorized to perform the services specified in division (B) of section 4730.09 of the Revised Code. The board shall provide written notice of its decision to the applicant. 3536
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(2) If the applicant is seeking approval of a physician supervisory plan under which the supervising physician will delegate to one or more physician assistants the performance of special services, the board shall submit the special services portion of the plan to the board's physician assistant policy committee at the committee's next regularly scheduled meeting. 3540
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The committee shall review the special services portion of the physician supervisory plan and form a recommendation as to whether the board should approve or disapprove inclusion of all or some of the special services in the plan. The committee, on a case-by-case basis, may request documentation from the applicant certifying that additional education and training will have been provided to or obtained by each physician assistant who is given authority to perform the special services to ensure that the physician assistant is qualified to perform the services. The committee shall submit its recommendation for approval or disapproval to the board not later than sixty days after receiving the special services portion of the plan. 3546
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Not later than sixty days after receiving the committee's recommendation, the board shall approve or disapprove the special services portion of the physician supervisory plan. The board shall provide written notice of its decision to the applicant and the committee. 3558
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(B) After a physician supervisory plan has been approved, the holder of the plan may apply for an addendum to the plan for authorization to delegate to one or more physician assistants the performance of a special service that was not included at the time 3563
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the plan was approved. An application for an addendum to an 3567
approved physician supervisory plan shall be submitted in the same 3568
manner that an application for approval of an original plan is 3569
submitted under section 4730.15 of the Revised Code. The 3570
application shall be processed in same manner that an application 3571
for approval of an original physician supervisory plan is 3572
processed under division (A) of this section. 3573

(C) A physician supervisory plan approved under this section 3574
is valid until the supervising physician for whom the plan was 3575
approved, or the group of supervising physicians for which the 3576
plan was approved, notifies the board that the plan should be 3577
canceled or replaced. 3578

Sec. 4730.18. Prior to initiating supervision of one or more 3579
physician assistants under a physician supervisory plan, the 3580
policies of a health care facility, or both a physician 3581
supervisory plan and the policies of a health care facility, as 3582
applicable, a physician shall obtain approval from the state 3583
medical board under section 4730.19 of the Revised Code of a 3584
supervision agreement between the physician and each physician 3585
assistant who will be supervised. 3586

A physician may enter into supervision agreements with any 3587
number of physician assistants, but the physician shall not 3588
supervise more than two physician assistants at any one time. A 3589
physician assistant may enter into supervision agreements with any 3590
number of supervising physicians, but when practicing under a 3591
particular supervising physician, the physician assistant's 3592
practice is subject to the physician supervisory plan approved for 3593
that physician, the policies of the health care facility in which 3594
the physician and physician assistant are practicing, or, if 3595
applicable, both the physician supervisory plan and the policies 3596
of the health care facility. 3597

Sec. 4730.19. (A) ~~Prior to initiating supervision of one or more physician assistants under a standard or supplemental physician assistant utilization plan, a physician must receive the state medical board's approval of a supervision agreement between the physician and each physician assistant who will be supervised.~~ A physician seeking the state medical board's approval of a supervision agreement shall submit an application to the board on a form the board shall prescribe and furnish. The application shall list each physician assistant who will be supervised. Each application shall be accompanied by a fee of twenty-five dollars. Fees shall be deposited in accordance with section 4731.24 of the Revised Code.

(B) ~~For~~ For a supervision agreement to be approved by the board, a all of the following apply:

(1) The supervision agreement must shall specify that the physician agrees to supervise the physician assistant and the physician assistant agrees to practice in accordance with the conditions specified in the physician assistant utilization supervisory plan approved for that physician, the policies of the health care facility in which the supervising physician and physician assistant are practicing, or both the physician supervisory plan and the policies of the health care facility, as applicable. The

(2) The agreement must shall be signed by the physician and the physician assistant. The

(3) The physician assistant must shall hold a current certificate of registration to practice as a physician assistant and.

(4) If a physician supervisory plan applies to the physician assistant's practice, the physician must have received approval of

a shall hold an approved physician assistant utilization 3628
supervisory plan. ~~If~~ 3629

(5) If the physician intends to grant physician-delegated 3630
prescriptive authority to a physician assistant, the physician 3631
shall provide the information specified in section 4730.191 of the 3632
Revised Code. 3633

(6) If the physician holds approval of more than one 3634
physician assistant utilization supervisory plan, the agreement 3635
~~must~~ shall specify the plan under which the physician assistant 3636
will practice. ~~If these conditions are~~ 3637

(C) The board shall review each application received. If the 3638
board finds that the requirements specified in division (B) of 3639
this section have been met and the applicant has paid the fee ~~is~~ 3640
~~paid~~ specified in division (A) of this section, the board shall 3641
issue a letter to the supervising physician acknowledging its 3642
approval of the supervision agreement. If the applicant has 3643
applied to grant physician-delegated prescriptive authority to 3644
more than one physician assistant under the supervision agreement, 3645
the board shall specify in the letter that its approval is 3646
specific to each physician assistant. The letter acknowledging the 3647
board's approval of a supervision agreement shall be issued not 3648
later than thirty days after the complete application for approval 3649
is received by the board. 3650

~~(C)~~(D) After a supervision agreement is approved, a physician 3651
may apply to the board for approval to initiate supervision of a 3652
physician assistant who is not listed on the agreement. ~~If~~ There 3653
is no fee for applying for the addition of a physician assistant 3654
to a supervision agreement. 3655

To receive the board's approval of the addition to the 3656
supervision agreement, the physician assistant ~~holds~~ shall hold a 3657
current certificate ~~of registration~~ to practice as a physician 3658

assistant. If the physician intends to grant physician-delegated prescriptive authority to the physician assistant, the physician shall provide the information specified in section 4730.191 of the Revised Code. If these requirements are met, the board shall issue a letter to the physician acknowledging its approval of the addition to the supervision agreement. The letter shall be issued not later than thirty days after the complete application for approval is received by the board.

~~There is no fee for applying for additions to a supervision agreement under this division.~~

~~(D) The board's approval of a supervision agreement expires on the thirty first day of January of each odd numbered year. The board may renew its approval of a supervision agreement if the supervising physician submits to the board a signed statement on a form prescribed and provided by the board specifying that the physician seeks to continue supervising one or more physician assistants and the board determines that each physician assistant who will be supervised holds a valid certificate of registration. The statement shall be accompanied by a fee of twenty five dollars. All fees shall be deposited in accordance with section 4731.24 of the Revised Code.~~

Sec. 4730.191. (A) For each physician assistant who will be granted physician-delegated prescriptive authority, the physician applying for approval of a supervision agreement under section 4730.19 of the Revised Code shall specify whether the physician assistant will be granted the authority based on the physician assistant's eligibility to participate in a provisional period pursuant to section 4730.243 of the Revised Code or be granted the authority based on having successfully completed a provisional period. The applicant shall submit documentation that ensures the physician assistant is qualified to be granted physician-delegated

prescriptive authority, as follows: 3690

(1) If the physician assistant will be participating in a 3691
provisional period, the applicant shall submit the documentation 3692
provided by the physician assistant evidencing the physician 3693
assistant's eligibility to participate in the provisional period. 3694

(2) If the physician assistant will be granted 3695
physician-delegated prescriptive authority based on having 3696
successfully completed a provisional period, the applicant shall 3697
submit evidence of the physician assistant's successful completion 3698
of the provisional period. 3699

(B) The evidence of successful completion of a provisional 3700
period submitted under division (A)(2) of this section may consist 3701
of a letter or copy of a letter attesting to the physician 3702
assistant's successful completion of the provisional period, 3703
written by a supervising physician of the physician assistant at 3704
the time of completion. 3705

(C) On receipt of the documentation specified in division 3706
(A)(1) of this section, the board shall issue to the physician 3707
assistant a provisional certificate to prescribe. The board shall 3708
issue the certificate in the name of the physician assistant and 3709
notify the applicant. 3710

On receipt of the documentation specified in division (A)(2) 3711
of this section, the board shall issue to the physician assistant 3712
a certificate to prescribe. The board shall issue the certificate 3713
in the name of the physician assistant and notify the applicant. 3714

In the information the board maintains on the internet, the 3715
board shall include the names of the physician assistants who 3716
receive certificates under this division and the applicants who 3717
are notified that the certificates have been issued. 3718

Sec. 4730.20. (A)(1) The state medical board's approval of a supervision agreement expires on the thirty-first day of January of each odd-numbered year and may be renewed. A supervising physician seeking renewal of a supervision agreement shall submit to the board an application for renewal on forms prescribed and furnished by the board. The application shall be accompanied by a renewal fee of twenty-five dollars. Renewal fees shall be deposited in accordance with section 4731.24 of the Revised Code.

(2) To be eligible for renewal, the applicant shall submit a signed statement on a form prescribed by the board specifying that the physician intends to continue supervising the one or more physician assistants specified in the agreement and each of the physician assistants specified in the agreement shall hold a current certificate to practice as a physician assistant. If the applicant is seeking renewal of the authority to grant physician-delegated prescriptive authority to one or more physician assistants under the supervision agreement, the applicant shall submit all of the following:

(a) Evidence satisfactory to the board that the physician assistant has completed the applicable continuing education requirements specified in section 4730.245 of the Revised Code;

(b) A recommendation from the applicant for renewal of the authority to grant physician-delegated prescriptive authority to the physician assistant under the supervision agreement;

(c) Any other information the board requires pursuant to rules adopted under section 4730.062 of the Revised Code.

(3) The board shall renew the supervision agreement if the requirements specified in division (A)(2) of this section have been met.

(B) When a supervision agreement between a physician assistant and a supervising physician is terminated, the physician

and the physician assistant shall notify the state medical board. 3750
The notice shall be submitted not later than two week days after 3751
the agreement is terminated. The notice must include an 3752
explanation of the reasons for terminating the agreement. 3753

Sec. 4730.21. (A) The supervising physician of a physician 3754
assistant exercises ~~oversight~~ supervision, control, and direction 3755
of the physician assistant. In supervising a physician assistant, 3756
~~the supervising physician shall do~~ all of the following apply: 3757

(1) ~~Be~~ Except as provided in division (A)(2) of this section, 3758
the supervising physician shall be continuously available for 3759
direct communication with the physician assistant by either of the 3760
following means: 3761

(a) Being physically present at the location where the 3762
physician assistant is practicing; 3763

(b) Being readily available to the physician assistant 3764
through some means of telecommunication and being in a location 3765
that under normal conditions is not more than sixty minutes travel 3766
time away from the location where the physician assistant is 3767
practicing. 3768

(2) ~~Personally~~ When supervising a physician assistant 3769
completing the first five hundred hours of a provisional period of 3770
physician-delegated prescriptive authority pursuant to section 3771
4730.243 of the Revised Code, the supervising physician shall 3772
provide on-site supervision of the physician assistant's exercise 3773
of that authority. 3774

(3) The supervising physician shall personally and actively 3775
review the physician assistant's professional activities~~+~~. 3776

~~(3) Regularly~~ (4) The supervising physician shall regularly 3777
review the condition of the patients treated by the physician 3778
assistant~~+~~. 3779

~~(4) Regularly (5) The supervising physician shall regularly~~ 3780
perform any other reviews of the physician assistant that the 3781
supervising physician considers necessary. 3782

~~(B) A physician may enter into supervision agreements with~~ 3783
~~any number of physician assistants, but the physician may not~~ 3784
~~supervise more than two physician assistants at any one time. A~~ 3785
~~physician assistant may enter into supervision agreements with any~~ 3786
~~number of supervising physicians, but when practicing under the~~ 3787
~~supervision of a particular physician, the physician assistant's~~ 3788
~~scope of practice is subject to the limitations of the utilization~~ 3789
~~plan that has been approved for that physician.~~ 3790

~~When a supervision agreement between a physician assistant~~ 3791
~~and a supervising physician is terminated, the physician and the~~ 3792
~~physician assistant shall notify the state medical board. The~~ 3793
~~notice shall be submitted not later than two week days after the~~ 3794
~~agreement is terminated. The notice must include an explanation of~~ 3795
~~the reasons for terminating the agreement.~~ 3796

~~(C) A supervising physician may authorize a physician~~ 3797
~~assistant to perform a service only if the service is included in~~ 3798
~~authorized under the physician assistant utilization supervisory~~ 3799
~~plan approved for that physician and, the policies of the health~~ 3800
~~care facility in which the physician and physician assistant are~~ 3801
~~practicing, or both the physician supervisory plan and the~~ 3802
~~policies of the health care facility, as applicable. A supervising~~ 3803
~~physician may authorize a physician assistant to perform a service~~ 3804
~~only if the physician is satisfied that the physician assistant is~~ 3805
~~capable of competently performing the service. A supervising~~ 3806
~~physician shall not authorize a physician assistant to perform any~~ 3807
~~service that is beyond the physician's or the physician~~ 3808
~~assistant's expertise or normal course of practice and expertise.~~ 3809

~~(D) A patient new to a physician's practice may be seen by a~~ 3810

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~~physician assistant only when a supervising physician is on the premises, except in those situations specified in a standard or supplemental utilization plan under which the presence of the physician is not necessary. A patient new to a physician's practice or an established patient of a physician with a new condition shall be seen and personally evaluated by a supervising physician prior to initiation of any treatment plan proposed by a physician assistant for the new patient or the established patient's new condition. (C)(1) A supervising physician may authorize a physician assistant to practice in any setting within which the supervising physician routinely practices. When a~~

(2) In the case of a health care facility with an emergency department, if the supervising physician authorizes a physician assistant to practice routinely practices in a the facility's emergency department, the supervising physician shall provide on-site supervision of the physician assistant when the physician assistant practices in the emergency department. If the supervising physician does not routinely practice in the facility's emergency department, the supervising physician may, on occasion, send the physician assistant to the facility's emergency department to assess and manage a patient. In supervising the physician assistant's assessment and management of the patient, the supervising physician shall determine the appropriate level of supervision in compliance with the requirements of division (A) of this section, except that the supervising physician must be available to go to the emergency department to personally evaluate the patient and, at the request of an emergency department physician, the supervising physician shall go to the emergency department to personally evaluate the patient.

(D)(1) Each time a physician assistant writes a medical order, including prescriptions written in the exercise of physician-delegated prescriptive authority, the physician

assistant shall sign the form on which the order is written and 3843
record on the form the time and date that the order is written. 3844
When writing a medical order, the physician assistant shall ~~use~~ 3845
~~forms that~~ clearly identify the physician under whose supervision 3846
the physician assistant is authorized to write the order. ~~The~~ 3847

(2)(a) Except as provided in division (D)(2)(b) of this 3848
section, the supervising physician named on the order shall review 3849
and countersign each medical order written by the physician 3850
assistant ~~not later than twenty four hours after the order is~~ 3851
~~written, unless the supervising physician's utilization plan~~ 3852
~~specifically authorizes a longer~~ within a period of time for 3853
review the supervising physician considers reasonable, but is not 3854
more than fourteen days after the order is written and is in 3855
compliance with the physician supervisory plan, the policies of 3856
the health care facility in which the supervising physician and 3857
physician assistant are practicing, or both the physician 3858
supervisory plan and the policies of the health care facility, as 3859
applicable. 3860

(b) In circumstances in which the medical order itself is not 3861
available to be countersigned, as may be the case with a 3862
prescription, the supervising physician shall countersign the 3863
patient's medical chart or any other record documenting the 3864
medical order of the physician assistant. After reviewing an 3865
~~order, the supervising physician shall countersign the order if~~ 3866
~~the supervising physician determines that the order is~~ 3867
~~appropriate. Countersignature by the supervising physician is~~ 3868
~~necessary before any~~ 3869

(3) Any person may authorized to execute the physician 3870
assistant's order, ~~except in situations in which a patient~~ 3871
~~requires immediate attention and any other circumstances specified~~ 3872
~~in a supplemental utilization plan under which countersignature is~~ 3873
~~not necessary. The supervising physician shall review each medical~~ 3874

~~order executed without countersignature not later than twenty four~~ 3875
~~hours after the order is written~~ may execute the order prior to 3876
the supervising physician's countersignature of the order. 3877

Sec. 4730.22. (A) A physician assistant's supervising 3878
physician assumes legal liability for the services provided by the 3879
physician assistant. 3880

The physician is not liable for any services provided by the 3881
physician assistant after their supervision agreement is 3882
terminated. 3883

(B) When ~~any~~ a health care facility permits physician 3884
assistants to practice within that facility or any other health 3885
care facility under its control, the health care facility shall 3886
make reasonable efforts to explain to each individual who may work 3887
with a particular physician assistant the scope of that physician 3888
assistant's practice ~~as determined by each supervising physician's~~ 3889
~~physician assistant utilization plan and any policies maintained~~ 3890
~~by the facility regarding the practice of physician assistants~~ 3891
within the facility. The appropriate credentialing body within the 3892
health care facility shall provide, on request of an individual 3893
practicing in the facility with a physician assistant, a copy of 3894
the facility's policies on the practice of physician assistants 3895
within the facility and a copy of each physician ~~assistant~~ 3896
~~utilization~~ supervisory plan and supervision agreement applicable 3897
to the physician assistant. 3898

An individual who follows the orders of a physician assistant 3899
practicing in a health care facility is not subject to 3900
disciplinary action by any administrative agency that governs that 3901
individual's conduct and is not liable in damages in a civil 3902
action for injury, death, or loss to person or property resulting 3903
from the individual's acts or omissions in the performance of any 3904
procedure, treatment, or other health care service if the 3905

individual reasonably believed that the physician assistant was 3906
acting within the proper scope of practice or was relaying medical 3907
orders from a supervising physician, unless the act or omission 3908
constitutes willful or wanton misconduct. 3909

Sec. 4730.24. (A) In granting physician-delegated 3910
prescriptive authority to a particular physician assistant, the 3911
supervising physician is subject to all of the following: 3912

(1) The supervising physician shall not grant 3913
physician-delegated prescriptive authority for any drug or 3914
therapeutic device that is not listed on the formulary established 3915
under section 4730.062 of the Revised Code as a drug or 3916
therapeutic device that may be included in the physician-delegated 3917
prescriptive authority granted to a physician assistant. 3918

(2) The supervising physician shall not grant 3919
physician-delegated prescriptive authority for any drug or device 3920
to perform or induce an abortion. 3921

(3) The supervising physician shall not grant 3922
physician-delegated prescriptive authority that exceeds the 3923
supervising physician's prescriptive authority. 3924

(4) The supervising physician shall supervise the physician 3925
assistant in accordance with all of the following: 3926

(a) The supervision requirements specified in section 4730.21 3927
of the Revised Code; 3928

(b) The physician supervisory plan approved for the 3929
supervising physician under section 4730.17 of the Revised Code, 3930
the policies of the health care facility in which the physician 3931
and physician assistant are practicing, or both the physician 3932
supervisory plan and the policies of the health care facility, as 3933
applicable; 3934

(c) The supervision agreement approved under section 4730.19 3935

of the Revised Code that applies to the supervising physician and 3936
the physician assistant. 3937

(B) To the extent that a supervising physician grants 3938
physician-delegated prescriptive authority to a particular 3939
physician assistant, the physician assistant may prescribe, 3940
personally furnish, and administer drugs and therapeutic devices. 3941
In exercising physician-delegated prescriptive authority, a 3942
physician assistant is subject to both of the following: 3943

(1) The physician assistant shall comply with all conditions 3944
placed on the physician-delegated prescriptive authority, as 3945
specified in the physician supervisory plan applicable to the 3946
supervising physician and the physician assistant. 3947

(2) If the physician assistant possesses physician-delegated 3948
prescriptive authority for controlled substances, the physician 3949
assistant shall register with the federal drug enforcement 3950
administration. 3951

Sec. 4730.241. (A) For purposes of section 4730.24 of the 3952
Revised Code, a drug or therapeutic device may be included in the 3953
physician-delegated prescriptive authority granted by a 3954
supervising physician to a physician assistant unless one of the 3955
following applies: 3956

(1) The drug or therapeutic device is not listed on the 3957
formulary established under section 4730.062 of the Revised Code 3958
as a drug or therapeutic device that may be included in the 3959
physician-delegated prescriptive authority granted to a physician 3960
assistant; 3961

(2) The drug or therapeutic device is intended to be used to 3962
perform or induce an abortion; 3963

(3) The drug or therapeutic device is identified in the 3964
physician supervisory plan approved under section 4730.17 of the 3965

<u>Revised Code as a drug or therapeutic device that the supervising</u>	3966
<u>physician chooses not to include in the physician-delegated</u>	3967
<u>prescriptive authority granted to a physician assistant.</u>	3968
<u>(B) Subject to division (A) of this section, the</u>	3969
<u>physician-delegated prescriptive authority granted by a</u>	3970
<u>supervising physician to a physician assistant may apply to any or</u>	3971
<u>all of the following drugs:</u>	3972
<u>(1) Schedule III, IV, and V controlled substances;</u>	3973
<u>(2) Drugs, other than schedule II controlled substances, that</u>	3974
<u>under state or federal law may be dispensed only pursuant to a</u>	3975
<u>prescription by a licensed health professional authorized to</u>	3976
<u>prescribe drugs, as defined in section 4729.01 of the Revised</u>	3977
<u>Code;</u>	3978
<u>(3) Any drug that is not a dangerous drug, as defined in</u>	3979
<u>section 4729.01 of the Revised Code.</u>	3980
<u>(C) A physician assistant who has been granted</u>	3981
<u>physician-delegated prescriptive authority may request, receive,</u>	3982
<u>and sign for professional samples of the drugs and therapeutic</u>	3983
<u>devices that are included in the physician-delegated prescriptive</u>	3984
<u>authority granted to that physician assistant.</u>	3985
<u>Sec. 4730.242.</u> <u>(A) A physician assistant who has been granted</u>	3986
<u>physician-delegated prescriptive authority may personally furnish</u>	3987
<u>to a patient samples of drugs and therapeutic devices that are</u>	3988
<u>included in the physician assistant's physician-delegated</u>	3989
<u>prescriptive authority, subject to all of the following:</u>	3990
<u>(1) The amount of the sample furnished shall not exceed a</u>	3991
<u>seventy-two hour supply, except when the minimum available</u>	3992
<u>quantity of the sample is packaged in an amount that is greater</u>	3993
<u>than a seventy-two hour supply, in which case the physician</u>	3994
<u>assistant may furnish the sample in the package amount.</u>	3995

<u>(2) No charge may be imposed for the sample or for furnishing</u>	3996
<u>it.</u>	3997
<u>(3) Samples of controlled substances may not be personally</u>	3998
<u>furnished.</u>	3999
<u>(B) A physician assistant who has been granted</u>	4000
<u>physician-delegated prescriptive authority may personally furnish</u>	4001
<u>to a patient a complete or partial supply of the drugs and</u>	4002
<u>therapeutic devices that are included in the physician assistant's</u>	4003
<u>physician-delegated prescriptive authority.</u>	4004
<u>Sec. 4730.243. (A) A physician assistant who is being granted</u>	4005
<u>physician-delegated prescriptive authority for the first time in</u>	4006
<u>this state shall participate in a provisional period of</u>	4007
<u>physician-delegated prescriptive authority conducted by one or</u>	4008
<u>more supervising physicians. The provisional period shall not last</u>	4009
<u>more than one year, unless it is extended for not more than one</u>	4010
<u>additional year at the direction of a supervising physician.</u>	4011
<u>(B) To be eligible to participate in the provisional period,</u>	4012
<u>the physician assistant shall submit to the supervising physician</u>	4013
<u>all of the following:</u>	4014
<u>(1) Evidence of having met the educational requirements</u>	4015
<u>specified in division (C)(1) of this section or the educational</u>	4016
<u>and clinical experience requirements specified in division (C)(2)</u>	4017
<u>of this section;</u>	4018
<u>(2) Evidence of having successfully completed the</u>	4019
<u>pharmacology instruction specified in division (D) of this</u>	4020
<u>section;</u>	4021
<u>(3) Any other information the state medical board requires to</u>	4022
<u>be submitted pursuant to rules adopted under section 4730.062 of</u>	4023
<u>the Revised Code.</u>	4024
<u>(C)(1) For purposes of division (B)(1) of this section, a</u>	4025

physician assistant shall meet either of the following educational requirements unless division (C)(2) of this section applies:

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(a) The physician assistant shall hold a master's or higher degree that was obtained from a program accredited by the accreditation review commission on education for the physician assistant or a predecessor or successor organization recognized by the state medical board.

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(b) The physician assistant shall hold a degree other than a master's or higher degree that was obtained from a school or program accredited by the accreditation review commission on education for the physician assistant or a predecessor or successor organization recognized by the board and shall hold a master's or higher degree in a course of study with clinical relevance to the practice of physician assistants that was obtained from a program accredited by a regional or specialized and professional accrediting agency recognized by the council for higher education accreditation.

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(2) Until two years after the effective date of the initial rules adopted under section 4730.062 of the Revised Code, a physician assistant who does not hold a master's or higher degree as specified in division (C) of this section is qualified for purposes of division (B)(1) of this section to participate in a provisional period if both of the following apply:

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(a) The physician assistant holds a degree other than a master's or higher degree that was obtained from a program accredited by the accreditation review commission on education for the physician assistant or a predecessor or successor organization recognized by the board.

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(b) The physician assistant has obtained not less than ten years of clinical experience as a physician assistant in this state or another jurisdiction, three years of which were obtained

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in the five-year period immediately preceding the date the 4057
evidence is submitted to the supervising physician. 4058

(D) For purposes of division (B)(2) of this section, all of 4059
the following conditions shall be met: 4060

(1) The pharmacology instruction shall be completed not 4061
longer than three years prior to submitting the evidence of 4062
completion to the supervising physician. 4063

(2) The instruction shall be obtained through a course of 4064
study consisting of planned classroom or continued education and 4065
clinical study that meets either of the following conditions: 4066

(a) It is accredited by the accreditation review commission 4067
on education for the physician assistant or a predecessor or 4068
successor organization recognized by the board; 4069

(2) It is approved by the board in accordance with standards 4070
established in rules adopted under section 4730.062 of the Revised 4071
Code. 4072

(3) The content of the instruction shall include all of the 4073
following: 4074

(a) A minimum of thirty contact hours of training in 4075
pharmacology that includes pharmacokinetic principles and clinical 4076
application and the use of drugs and therapeutic devices in the 4077
prevention of illness and maintenance of health; 4078

(b) A minimum of twenty contact hours of clinical training in 4079
pharmacology; 4080

(c) A minimum of fifteen contact hours including training in 4081
the fiscal and ethical implications of prescribing drugs and 4082
therapeutic devices and training in the state and federal laws 4083
that apply to the authority to prescribe; 4084

(d) Any additional training required pursuant to rules 4085
adopted under section 4730.062 of the Revised Code. 4086

Sec. 4730.244. (A) After a physician assistant successfully 4087
completes the provisional period required under section 4730.243 4088
of the Revised Code, each supervising physician who received 4089
approval of a supervision agreement to grant physician-delegated 4090
prescriptive authority to the physician assistant based on the 4091
physician assistant's participation in a provisional period may 4092
continue to grant physician-delegated prescriptive authority to 4093
the physician assistant under that supervision agreement until one 4094
of the following occurs: 4095

(1) The supervision agreement expires; 4096

(2) The supervision agreement is terminated; 4097

(3) A decision is made by the state medical board regarding 4098
an application submitted by the supervising physician under 4099
section 4730.19 of the Revised Code for approval of a supervision 4100
agreement authorizing the supervising physician to grant 4101
physician-delegated prescriptive authority to the physician 4102
assistant based on having successfully completed a provisional 4103
period. 4104

(B) If a physician assistant does not successfully complete 4105
the provisional period, each supervising physician shall cease 4106
granting physician-delegated prescriptive authority to the 4107
physician assistant. The supervising physician with primary 4108
responsibility for conducting the provisional period shall 4109
promptly notify the state medical board that the physician 4110
assistant did not successfully complete the provisional period. 4111

(C) A physician assistant who has successfully completed a 4112
provisional period shall not be required to complete another 4113
provisional period as a condition of being eligible to be granted 4114
physician-delegated prescriptive authority by a supervising 4115
physician who was not involved in the conduct of the provisional 4116

period. 4117

Sec. 4730.245. (A) To maintain eligibility to be granted 4118
physician-delegated prescriptive authority after successfully 4119
completing the provisional period required under section 4730.243 4120
of the Revised Code, a physician assistant shall complete every 4121
two years at least twelve hours of continuing education in 4122
pharmacology from an accredited institution recognized by the 4123
state medical board. Except as provided in division (B) of this 4124
section and in section 5903.12 of the Revised Code, the continuing 4125
education shall be completed not later than the thirty-first day 4126
of January of each odd-numbered year. 4127

(B) The board shall provide for pro rata reductions by month 4128
of the number of hours of continuing education in pharmacology 4129
that is required to be completed by a physician assistant if any 4130
of the following is the case: 4131

(1) The next thirty-first day of January of an odd-numbered 4132
year will occur less than two years from the date the physician 4133
assistant successfully completed the provisional period. 4134

(2) The physician assistant has been disabled due to illness 4135
or accident. 4136

(3) The physician assistant has been absent from the country. 4137

(4) The physician assistant has been on active duty in any 4138
branch of the armed forces. 4139

(C) The continuing education required by this section is in 4140
addition to the continuing education required under section 4141
4730.14 of the Revised Code. 4142

Sec. 4730.25. (A) The state medical board, by an affirmative 4143
vote of not fewer than six members, may revoke or may refuse to 4144
grant a certificate of registration to practice as a physician 4145

assistant to a person found by the board to have committed fraud, 4146
misrepresentation, or deception in applying for or securing the 4147
certificate. 4148

(B) The board, by an affirmative vote of not fewer than six 4149
members, shall, to the extent permitted by law, limit, revoke, or 4150
suspend an individual's certificate ~~of registration~~ to practice as 4151
a physician assistant, refuse to issue a certificate to an 4152
applicant, refuse to reinstate a certificate, or reprimand or 4153
place on probation the holder of a certificate for any of the 4154
following reasons: 4155

(1) Failure to practice in accordance with the conditions 4156
under which the supervising physician's supervision agreement with 4157
the physician assistant was approved, including the requirement 4158
that when practicing under a particular supervising physician, the 4159
physician assistant must practice only according to the ~~standard~~ 4160
~~or supplemental utilization~~ physician supervisory plan the board 4161
approved for that physician, the policies of the health care 4162
facility in which the supervising physician and physician 4163
assistant are practicing, or both the physician supervisory plan 4164
and the policies of the health care facility, as applicable; 4165

(2) Failure to comply with the requirements of this chapter, 4166
Chapter 4731. of the Revised Code, or any rules adopted by the 4167
board; 4168

(3) Violating or attempting to violate, directly or 4169
indirectly, or assisting in or abetting the violation of, or 4170
conspiring to violate, any provision of this chapter, Chapter 4171
4731. of the Revised Code, or the rules adopted by the board; 4172

(4) Inability to practice according to acceptable and 4173
prevailing standards of care by reason of mental illness or 4174
physical illness, including physical deterioration that adversely 4175
affects cognitive, motor, or perceptive skills; 4176

(5) Impairment of ability to practice according to acceptable 4177
and prevailing standards of care because of habitual or excessive 4178
use or abuse of drugs, alcohol, or other substances that impair 4179
ability to practice; 4180

(6) Administering drugs, for purposes other than those 4181
authorized under this chapter; 4182

(7) Willfully betraying a professional confidence; 4183

(8) Making a false, fraudulent, deceptive, or misleading 4184
~~statement in soliciting or advertising for patients, in relation~~ 4185
~~to the practice of medicine as it pertains to physician~~ 4186
~~assistants, or~~ in securing or attempting to secure a certificate 4187
~~of registration~~ to practice as a physician assistant or approval 4188
of a supervision agreement. 4189

As used in this division, "false, fraudulent, deceptive, or 4190
misleading statement" means a statement that includes a 4191
misrepresentation of fact, is likely to mislead or deceive because 4192
of a failure to disclose material facts, is intended or is likely 4193
to create false or unjustified expectations of favorable results, 4194
or includes representations or implications that in reasonable 4195
probability will cause an ordinarily prudent person to 4196
misunderstand or be deceived. 4197

(9) Representing, with the purpose of obtaining compensation 4198
or other advantage personally or for any other person, that an 4199
incurable disease or injury, or other incurable condition, can be 4200
permanently cured; 4201

(10) The obtaining of, or attempting to obtain, money or 4202
anything of value by fraudulent misrepresentations in the course 4203
of practice; 4204

(11) A plea of guilty to, a judicial finding of guilt of, or 4205
a judicial finding of eligibility for ~~treatment~~ intervention in 4206

lieu of conviction for, a felony;	4207
(12) Commission of an act that constitutes a felony in this	4208
state, regardless of the jurisdiction in which the act was	4209
committed;	4210
(13) A plea of guilty to, a judicial finding of guilt of, or	4211
a judicial finding of eligibility for treatment <u>intervention</u> in	4212
lieu of conviction for, a misdemeanor committed in the course of	4213
practice;	4214
(14) A plea of guilty to, a judicial finding of guilt of, or	4215
a judicial finding of eligibility for treatment <u>intervention</u> in	4216
lieu of conviction for, a misdemeanor involving moral turpitude;	4217
(15) Commission of an act in the course of practice that	4218
constitutes a misdemeanor in this state, regardless of the	4219
jurisdiction in which the act was committed;	4220
(16) Commission of an act involving moral turpitude that	4221
constitutes a misdemeanor in this state, regardless of the	4222
jurisdiction in which the act was committed;	4223
(17) A plea of guilty to, a judicial finding of guilt of, or	4224
a judicial finding of eligibility for treatment <u>intervention</u> in	4225
lieu of conviction for violating any state or federal law	4226
regulating the possession, distribution, or use of any drug,	4227
including trafficking in drugs;	4228
(18) Any of the following actions taken by the state agency	4229
responsible for regulating the practice of physician assistants in	4230
another state, for any reason other than the nonpayment of fees:	4231
the limitation, revocation, or suspension of an individual's	4232
license to practice; acceptance of an individual's license	4233
surrender; denial of a license; refusal to renew or reinstate a	4234
license; imposition of probation; or issuance of an order of	4235
censure or other reprimand;	4236

(19) A departure from, or failure to conform to, minimal standards of care of similar physician assistants under the same or similar circumstances, regardless of whether actual injury to a patient is established;

(20) Violation of the conditions placed by the board on a certificate ~~of registration to practice as a physician assistant,~~ physician assistant utilization a physician supervisory plan, or supervision agreement;

~~(21) Violation of the conditions on which a temporary certificate of registration is issued;~~

~~(22)~~ Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

~~(23)~~(22) Failure to cooperate in an investigation conducted by the board under section 4730.26 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

~~(24)~~(23) Assisting suicide as defined in section 3795.01 of the Revised Code;

(24) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;

(25) Soliciting or advertising for patients.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that

in lieu of an adjudication, the board may enter into a consent
agreement with a physician assistant or applicant to resolve an
allegation of a violation of this chapter or any rule adopted
under it. A consent agreement, when ratified by an affirmative
vote of not fewer than six members of the board, shall constitute
the findings and order of the board with respect to the matter
addressed in the agreement. If the board refuses to ratify a
consent agreement, the admissions and findings contained in the
consent agreement shall be of no force or effect.

(D) For purposes of divisions (B)(12), (15), and (16) of this
section, the commission of the act may be established by a finding
by the board, pursuant to an adjudication under Chapter 119. of
the Revised Code, that the applicant or certificate holder
committed the act in question. The board shall have no
jurisdiction under these divisions in cases where the trial court
renders a final judgment in the certificate holder's favor and
that judgment is based upon an adjudication on the merits. The
board shall have jurisdiction under these divisions in cases where
the trial court issues an order of dismissal upon technical or
procedural grounds.

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

(F) For purposes of this division, any individual who holds a
certificate ~~of registration to practice~~ issued under this chapter,

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or applies for a certificate ~~of registration~~ to practice, shall be 4299
deemed to have given consent to submit to a mental or physical 4300
examination when directed to do so in writing by the board and to 4301
have waived all objections to the admissibility of testimony or 4302
examination reports that constitute a privileged communication. 4303

(1) In enforcing division (B)(4) of this section, the board, 4304
upon a showing of a possible violation, may compel any individual 4305
who holds a certificate ~~of registration~~ to practice issued under 4306
this chapter or who has applied for a certificate ~~of registration~~ 4307
to practice pursuant to this chapter to submit to a mental 4308
examination, physical examination, including an HIV test, or both 4309
a mental and physical examination. The expense of the examination 4310
is the responsibility of the individual compelled to be examined. 4311
Failure to submit to a mental or physical examination or consent 4312
to an HIV test ordered by the board constitutes an admission of 4313
the allegations against the individual unless the failure is due 4314
to circumstances beyond the individual's control, and a default 4315
and final order may be entered without the taking of testimony or 4316
presentation of evidence. If the board finds a physician assistant 4317
unable to practice because of the reasons set forth in division 4318
(B)(4) of this section, the board shall require the physician 4319
assistant to submit to care, counseling, or treatment by 4320
physicians approved or designated by the board, as a condition for 4321
an initial, continued, reinstated, or renewed certificate ~~of~~ 4322
~~registration~~ to practice. An individual affected under this 4323
division shall be afforded an opportunity to demonstrate to the 4324
board the ability to resume practicing in compliance with 4325
acceptable and prevailing standards of care. 4326

(2) For purposes of division (B)(5) of this section, if the 4327
board has reason to believe that any individual who holds a 4328
certificate ~~of registration~~ to practice issued under this chapter 4329
or any applicant for a certificate ~~of registration~~ to practice 4330

suffers such impairment, the board may compel the individual to 4331
submit to a mental or physical examination, or both. The expense 4332
of the examination is the responsibility of the individual 4333
compelled to be examined. Any mental or physical examination 4334
required under this division shall be undertaken by a treatment 4335
provider or physician qualified to conduct such examination and 4336
chosen by the board. 4337

Failure to submit to a mental or physical examination ordered 4338
by the board constitutes an admission of the allegations against 4339
the individual unless the failure is due to circumstances beyond 4340
the individual's control, and a default and final order may be 4341
entered without the taking of testimony or presentation of 4342
evidence. If the board determines that the individual's ability to 4343
practice is impaired, the board shall suspend the individual's 4344
certificate or deny the individual's application and shall require 4345
the individual, as a condition for initial, continued, reinstated, 4346
or renewed ~~license~~ certification to practice, to submit to 4347
treatment. 4348

Before being eligible to apply for reinstatement of a 4349
certificate suspended under this division, the physician assistant 4350
shall demonstrate to the board the ability to resume practice in 4351
compliance with acceptable and prevailing standards of care. The 4352
demonstration shall include the following: 4353

(a) Certification from a treatment provider approved under 4354
section 4731.25 of the Revised Code that the individual has 4355
successfully completed any required inpatient treatment; 4356

(b) Evidence of continuing full compliance with an aftercare 4357
contract or consent agreement; 4358

(c) Two written reports indicating that the individual's 4359
ability to practice has been assessed and that the individual has 4360
been found capable of practicing according to acceptable and 4361

prevailing standards of care. The reports shall be made by 4362
individuals or providers approved by the board for making such 4363
assessments and shall describe the basis for their determination. 4364

The board may reinstate a certificate suspended under this 4365
division after such demonstration and after the individual has 4366
entered into a written consent agreement. 4367

When the impaired physician assistant resumes practice, the 4368
board shall require continued monitoring of the physician 4369
assistant. The monitoring shall include compliance with the 4370
written consent agreement entered into before reinstatement or 4371
with conditions imposed by board order after a hearing, and, upon 4372
termination of the consent agreement, submission to the board for 4373
at least two years of annual written progress reports made under 4374
penalty of falsification stating whether the physician assistant 4375
has maintained sobriety. 4376

(G) If the secretary and supervising member determine that 4377
there is clear and convincing evidence that a physician assistant 4378
has violated division (B) of this section and that the 4379
individual's continued practice presents a danger of immediate and 4380
serious harm to the public, they may recommend that the board 4381
suspend the individual's certificate to practice without a prior 4382
hearing. Written allegations shall be prepared for consideration 4383
by the board. 4384

The board, upon review of those allegations and by an 4385
affirmative vote of not fewer than six of its members, excluding 4386
the secretary and supervising member, may suspend a certificate 4387
without a prior hearing. A telephone conference call may be 4388
utilized for reviewing the allegations and taking the vote on the 4389
summary suspension. 4390

The board shall issue a written order of suspension by 4391
certified mail or in person in accordance with section 119.07 of 4392

the Revised Code. The order shall not be subject to suspension by 4393
the court during pendency of any appeal filed under section 119.12 4394
of the Revised Code. If the physician assistant requests an 4395
adjudicatory hearing by the board, the date set for the hearing 4396
shall be within fifteen days, but not earlier than seven days, 4397
after the physician assistant requests the hearing, unless 4398
otherwise agreed to by both the board and the certificate holder. 4399

A summary suspension imposed under this division shall remain 4400
in effect, unless reversed on appeal, until a final adjudicative 4401
order issued by the board pursuant to this section and Chapter 4402
119. of the Revised Code becomes effective. The board shall issue 4403
its final adjudicative order within sixty days after completion of 4404
its hearing. Failure to issue the order within sixty days shall 4405
result in dissolution of the summary suspension order, but shall 4406
not invalidate any subsequent, final adjudicative order. 4407

(H) If the board takes action under division (B)(11), (13), 4408
or (14) of this section, and the judicial finding of guilt, guilty 4409
plea, or judicial finding of eligibility for ~~treatment~~ 4410
intervention in lieu of conviction is overturned on appeal, upon 4411
exhaustion of the criminal appeal, a petition for reconsideration 4412
of the order may be filed with the board along with appropriate 4413
court documents. Upon receipt of a petition and supporting court 4414
documents, the board shall reinstate the certificate ~~of~~ 4415
registration to practice. The board may then hold an adjudication 4416
under Chapter 119. of the Revised Code to determine whether the 4417
individual committed the act in question. Notice of opportunity 4418
for hearing shall be given in accordance with Chapter 119. of the 4419
Revised Code. If the board finds, pursuant to an adjudication held 4420
under this division, that the individual committed the act, or if 4421
no hearing is requested, it may order any of the sanctions 4422
identified under division (B) of this section. 4423

(I) The certificate ~~of registration of~~ to practice issued to 4424

a physician assistant and the physician assistant's practice in 4425
this state are automatically suspended as of the date the 4426
physician assistant pleads guilty to, is found by a judge or jury 4427
to be guilty of, or is subject to a judicial finding of 4428
eligibility for intervention in lieu of conviction in this state 4429
or treatment or intervention in lieu of conviction in another 4430
state for any of the following criminal offenses in this state or 4431
a substantially equivalent criminal offense in another 4432
jurisdiction: aggravated murder, murder, voluntary manslaughter, 4433
felonious assault, kidnapping, rape, sexual battery, gross sexual 4434
imposition, aggravated arson, aggravated robbery, or aggravated 4435
burglary. Continued practice after the suspension shall be 4436
considered practicing without a certificate. 4437

The board shall notify the individual subject to the 4438
suspension by certified mail or in person in accordance with 4439
section 119.07 of the Revised Code. If an individual whose 4440
certificate is suspended under this division fails to make a 4441
timely request for an adjudication under Chapter 119. of the 4442
Revised Code, the board shall enter a final order permanently 4443
revoking the individual's certificate ~~of registration~~ to practice. 4444

(J) In any instance in which the board is required by Chapter 4445
119. of the Revised Code to give notice of opportunity for hearing 4446
and the individual subject to the notice does not timely request a 4447
hearing in accordance with section 119.07 of the Revised Code, the 4448
board is not required to hold a hearing, but may adopt, by an 4449
affirmative vote of not fewer than six of its members, a final 4450
order that contains the board's findings. In that final order, the 4451
board may order any of the sanctions identified under division (A) 4452
or (B) of this section. 4453

(K) Any action taken by the board under division (B) of this 4454
section resulting in a suspension shall be accompanied by a 4455
written statement of the conditions under which the physician 4456

assistant's certificate may be reinstated. The board shall adopt 4457
rules in accordance with Chapter 119. of the Revised Code 4458
governing conditions to be imposed for reinstatement. 4459
Reinstatement of a certificate suspended pursuant to division (B) 4460
of this section requires an affirmative vote of not fewer than six 4461
members of the board. 4462

(L) Any action taken by the board pursuant to division (B)(2) 4463
or (3) of this section shall be accompanied by a written 4464
explanation of the specific requirement of this chapter, Chapter 4465
4731. of the Revised Code, or the rules adopted by the board that 4466
formed the basis for taking the action. 4467

(M) When the board refuses to grant a certificate of 4468
~~registration to practice~~ as a physician assistant to an applicant, 4469
revokes an individual's certificate of ~~registration to practice~~, 4470
refuses to issue a certificate of ~~registration to practice~~, or 4471
refuses to reinstate an individual's certificate of ~~registration~~ 4472
~~to practice~~, the board may specify that its action is permanent. 4473
An individual subject to a permanent action taken by the board is 4474
forever thereafter ineligible to hold a certificate of 4475
~~registration to practice~~ as a physician assistant and the board 4476
shall not accept an application for reinstatement of the 4477
certificate or for issuance of a new certificate. 4478

~~(M)~~(N) Notwithstanding any other provision of the Revised 4479
Code, all of the following apply: 4480

(1) The surrender of a certificate of ~~registration to~~ 4481
~~practice~~ as a physician assistant issued under this chapter is not 4482
effective unless or until accepted by the board. Reinstatement of 4483
a certificate surrendered to the board requires an affirmative 4484
vote of not fewer than six members of the board. 4485

(2) An application made under this chapter for a certificate 4486
of ~~registration to practice~~, approval of a ~~standard or~~ 4487

~~supplemental utilization~~ physician supervisory plan, or approval 4488
of a supervision agreement may not be withdrawn without approval 4489
of the board. 4490

(3) Failure by an individual to renew a certificate ~~of~~ 4491
~~registration to practice~~ in accordance with section ~~4730.12~~ 4492
4730.14 of the Revised Code shall not remove or limit the board's 4493
jurisdiction to take disciplinary action under this section 4494
against the individual. 4495

Sec. 4730.251. On receipt of a notice pursuant to section 4496
3123.43 of the Revised Code, the state medical board shall comply 4497
with sections 3123.41 to 3123.50 of the Revised Code and any 4498
applicable rules adopted under section 3123.63 of the Revised Code 4499
with respect to a certificate to practice as a physician assistant 4500
issued pursuant to this chapter. 4501

Sec. 4730.27. If the state medical board has reason to 4502
believe that any person who has been granted a certificate ~~of~~ 4503
~~registration to practice as a physician assistant~~ under this 4504
chapter is mentally ill or mentally incompetent, it may file in 4505
the probate court of the county in which such person has a legal 4506
residence an affidavit in the form prescribed in section 5122.11 4507
of the Revised Code and signed by the board secretary or a member 4508
of the secretary's staff, whereupon the same proceedings shall be 4509
had as provided in Chapter 5122. of the Revised Code. The attorney 4510
general may represent the board in any proceeding commenced under 4511
this section. 4512

If a physician assistant is adjudged by a probate court to be 4513
mentally ill or mentally incompetent, the individual's certificate 4514
~~of registration to practice~~ shall be automatically suspended until 4515
the individual has filed with the board a certified copy of an 4516
adjudication by a probate court of being restored to competency or 4517

has submitted to the board proof, satisfactory to the board, of 4518
having been discharged as being restored to competency in the 4519
manner and form provided in section 5122.38 of the Revised Code. 4520
The judge of the court shall immediately notify the board of an 4521
adjudication of incompetence and note any suspension of a 4522
certificate in the margin of the court's record of the 4523
certificate. 4524

Sec. 4730.28. ~~(A)~~ An individual whose certificate of 4525
~~registration to practice~~ as a physician assistant has been 4526
suspended or is in an inactive state for any cause for more than 4527
two years may apply to the state medical board to have the 4528
certificate ~~reinstated~~ restored. ~~Before reinstating~~ 4529

~~(B)(1) Before restoring a certificate that has been in a~~ 4530
~~suspended or inactive state for any cause for more than two years~~ 4531
under this section, the board shall determine the ~~physician~~ 4532
~~assistant's~~ applicant's present fitness to resume practice. The 4533
board shall consider the moral background and the activities of 4534
the applicant during the period of suspension or inactivity. 4535

~~When reinstating~~ (2) Except as provided in division (B)(3) of 4536
this section, when restoring a certificate, the board may impose 4537
terms and conditions, including the following: 4538

~~(A)(a)~~ Requiring the ~~physician assistant~~ applicant to obtain 4539
additional training and pass an examination upon completion of the 4540
training; 4541

~~(B)(b)~~ Restricting or limiting the extent, scope, or type of 4542
practice ~~of the~~ as a physician assistant that the individual may 4543
resume. 4544

(3) The board shall not impose terms and conditions for 4545
restoration of a certificate if the applicant submits 4546
documentation certifying that during the period of suspension or 4547

inactivity the applicant was on active duty in any branch of the 4548
armed forces. 4549

Sec. 4730.31. (A) As used in this section, "prosecutor" has 4550
the same meaning as in section 2935.01 of the Revised Code. 4551

(B) Whenever any person holding a valid certificate to 4552
practice issued pursuant to this chapter pleads guilty to, is 4553
subject to a judicial finding of guilt of, or is subject to a 4554
judicial finding of eligibility for ~~treatment~~ intervention in lieu 4555
of conviction for a violation of Chapter 2907., 2925., or 3719. of 4556
the Revised Code or of any substantively comparable ordinance of a 4557
municipal corporation in connection with practicing as a physician 4558
assistant, the prosecutor in the case shall, on forms prescribed 4559
and provided by the state medical board, promptly notify the board 4560
of the conviction. Within thirty days of receipt of such 4561
information, the board shall initiate action in accordance with 4562
Chapter 119. of the Revised Code to determine whether to suspend 4563
or revoke the certificate under section ~~4730.31~~ 4730.25 of the 4564
Revised Code. 4565

(C) The prosecutor in any case against any person holding a 4566
valid certificate to practice issued pursuant to this chapter 4567
shall, on forms prescribed and provided by the state medical 4568
board, notify the board of any of the following: 4569

(1) A plea of guilty to, a judicial finding of guilt of, or 4570
judicial finding of eligibility for ~~treatment~~ intervention in lieu 4571
of conviction for a felony, or a case where the trial court issues 4572
an order of dismissal upon technical or procedural grounds of a 4573
felony charge; 4574

(2) A plea of guilty to, a judicial finding of guilt of, or 4575
judicial finding or eligibility for ~~treatment~~ intervention in lieu 4576
of conviction for a misdemeanor committed in the course of 4577

practice, or a case where the trial court issues an order of 4578
dismissal upon technical or procedural grounds of a charge of a 4579
misdemeanor, if the alleged act was committed in the course of 4580
practice; 4581

(3) A plea of guilty to, a judicial finding of guilt of, or 4582
judicial finding of eligibility for ~~treatment~~ intervention in lieu 4583
of conviction for a misdemeanor involving moral turpitude, or a 4584
case where the trial court issues an order of dismissal upon 4585
technical or procedural grounds of a charge of a misdemeanor 4586
involving moral turpitude. 4587

The report shall include the name and address of the 4588
certificate holder, the nature of the offense for which the action 4589
was taken, and the certified court documents recording the action. 4590

Sec. 4730.32. (A) Within sixty days after the imposition of 4591
any formal disciplinary action taken by any health care facility, 4592
including a hospital, health care facility operated by an insuring 4593
corporation, ambulatory surgical center, or similar facility, 4594
against any individual holding a valid certificate ~~of registration~~ 4595
to practice as a physician assistant, the chief administrator or 4596
executive officer of the facility shall report to the state 4597
medical board the name of the individual, the action taken by the 4598
facility, and a summary of the underlying facts leading to the 4599
action taken. Upon request, the board shall be provided certified 4600
copies of the patient records that were the basis for the 4601
facility's action. Prior to release to the board, the summary 4602
shall be approved by the peer review committee that reviewed the 4603
case or by the governing board of the facility. 4604

The filing of a report with the board or decision not to file 4605
a report, investigation by the board, or any disciplinary action 4606
taken by the board, does not preclude a health care facility from 4607
taking disciplinary action against a physician assistant. 4608

In the absence of fraud or bad faith, no individual or entity 4609
that provides patient records to the board shall be liable in 4610
damages to any person as a result of providing the records. 4611

(B) A physician assistant, professional association or 4612
society of physician assistants, physician, or professional 4613
association or society of physicians that believes a violation of 4614
any provision of this chapter, Chapter 4731. of the Revised Code, 4615
or rule of the board has occurred shall report to the board the 4616
information upon which the belief is based. This division does not 4617
require any treatment provider approved by the board under section 4618
4731.25 of the Revised Code or any employee, agent, or 4619
representative of such a provider to make reports with respect to 4620
a physician assistant participating in treatment or aftercare for 4621
substance abuse as long as the physician assistant maintains 4622
participation in accordance with the requirements of section 4623
4731.25 of the Revised Code and the treatment provider or 4624
employee, agent, or representative of the provider has no reason 4625
to believe that the physician assistant has violated any provision 4626
of this chapter or rule adopted under it, other than being 4627
impaired by alcohol, drugs, or other substances. This division 4628
does not require reporting by any member of an impaired 4629
practitioner committee established by a health care facility or by 4630
any representative or agent of a committee or program sponsored by 4631
a professional association or society of physician assistants to 4632
provide peer assistance to physician assistants with substance 4633
abuse problems with respect to a physician assistant who has been 4634
referred for examination to a treatment program approved by the 4635
board under section 4731.25 of the Revised Code if the physician 4636
assistant cooperates with the referral for examination and with 4637
any determination that the physician assistant should enter 4638
treatment and as long as the committee member, representative, or 4639
agent has no reason to believe that the physician assistant has 4640

ceased to participate in the treatment program in accordance with 4641
section 4731.25 of the Revised Code or has violated any provision 4642
of this chapter or rule adopted under it, other than being 4643
impaired by alcohol, drugs, or other substances. 4644

(C) Any professional association or society composed 4645
primarily of physician assistants that suspends or revokes an 4646
individual's membership for violations of professional ethics, or 4647
for reasons of professional incompetence or professional 4648
malpractice, within sixty days after a final decision, shall 4649
report to the board, on forms prescribed and provided by the 4650
board, the name of the individual, the action taken by the 4651
professional organization, and a summary of the underlying facts 4652
leading to the action taken. 4653

The filing or nonfiling of a report with the board, 4654
investigation by the board, or any disciplinary action taken by 4655
the board, shall not preclude a professional organization from 4656
taking disciplinary action against a physician assistant. 4657

(D) Any insurer providing professional liability insurance to 4658
any person holding a valid certificate ~~of registration~~ to practice 4659
as a physician assistant or any other entity that seeks to 4660
indemnify the professional liability of a physician assistant 4661
shall notify the board within thirty days after the final 4662
disposition of any written claim for damages where such 4663
disposition results in a payment exceeding twenty-five thousand 4664
dollars. The notice shall contain the following information: 4665

(1) The name and address of the person submitting the 4666
notification; 4667

(2) The name and address of the insured who is the subject of 4668
the claim; 4669

(3) The name of the person filing the written claim; 4670

(4) The date of final disposition; 4671

(5) If applicable, the identity of the court in which the 4672
final disposition of the claim took place. 4673

(E) The board may investigate possible violations of this 4674
chapter or the rules adopted under it that are brought to its 4675
attention as a result of the reporting requirements of this 4676
section, except that the board shall conduct an investigation if a 4677
possible violation involves repeated malpractice. As used in this 4678
division, "repeated malpractice" means three or more claims for 4679
malpractice within the previous five-year period, each resulting 4680
in a judgment or settlement in excess of twenty-five thousand 4681
dollars in favor of the claimant, and each involving negligent 4682
conduct by the physician assistant. 4683

(F) All summaries, reports, and records received and 4684
maintained by the board pursuant to this section shall be held in 4685
confidence and shall not be subject to discovery or introduction 4686
in evidence in any federal or state civil action involving a 4687
physician assistant, supervising physician, or health care 4688
facility arising out of matters that are the subject of the 4689
reporting required by this section. The board may use the 4690
information obtained only as the basis for an investigation, as 4691
evidence in a disciplinary hearing against a physician assistant 4692
or supervising physician, or in any subsequent trial or appeal of 4693
a board action or order. 4694

The board may disclose the summaries and reports it receives 4695
under this section only to health care facility committees within 4696
or outside this state that are involved in credentialing or 4697
recredentialing a physician assistant or supervising physician or 4698
reviewing their privilege to practice within a particular 4699
facility. The board shall indicate whether or not the information 4700
has been verified. Information transmitted by the board shall be 4701

subject to the same confidentiality provisions as when maintained 4702
by the board. 4703

(G) Except for reports filed by an individual pursuant to 4704
division (B) of this section, the board shall send a copy of any 4705
reports or summaries it receives pursuant to this section to the 4706
physician assistant. The physician assistant shall have the right 4707
to file a statement with the board concerning the correctness or 4708
relevance of the information. The statement shall at all times 4709
accompany that part of the record in contention. 4710

(H) An individual or entity that reports to the board or 4711
refers an impaired physician assistant to a treatment provider 4712
approved by the board under section 4731.25 of the Revised Code 4713
shall not be subject to suit for civil damages as a result of the 4714
report, referral, or provision of the information. 4715

(I) In the absence of fraud or bad faith, a professional 4716
association or society of physician assistants that sponsors a 4717
committee or program to provide peer assistance to a physician 4718
assistant with substance abuse problems, a representative or agent 4719
of such a committee or program, and a member of the state medical 4720
board shall not be held liable in damages to any person by reason 4721
of actions taken to refer a physician assistant to a treatment 4722
provider approved under section 4731.25 of the Revised Code for 4723
examination or treatment. 4724

Sec. 4730.33. The secretary of the state medical board shall 4725
enforce the laws relating to the practice of physician assistants. 4726
If the secretary has knowledge or notice of a violation of this 4727
chapter or the rules adopted under it, the secretary shall 4728
investigate the matter, and, upon probable cause appearing, file a 4729
complaint and prosecute the offender. When requested by the 4730
secretary, the prosecuting attorney of the proper county shall 4731
take charge of and conduct such prosecution. 4732

In the prosecution of any person for violation of division 4733
(A) of section 4730.02 of the Revised Code it shall not be 4734
necessary to allege or prove want of a valid certificate ~~of~~ 4735
~~registration~~ to practice as a physician assistant, but such 4736
matters shall be a matter of defense to be established by the 4737
accused. 4738

Sec. 4731.141. Any person who was authorized in practice 4739
limited osteopathic medicine and surgery on January 1, 1980, may 4740
continue to practice in accordance with the statutory limitations 4741
in effect on that date. The board shall regulate such 4742
practitioners and shall require them to register on or before the 4743
first day of June, 1983, and on or before the first day of June 4744
every second year thereafter, on a form prescribed by the board 4745
and pay at such time a biennial registration fee of twenty-five 4746
dollars. At least one month in advance of the date of 4747
registration, a written notice shall be sent to such 4748
practitioners, whether a resident of the state or not, at the last 4749
known address, that the biennial registration fee is due on or 4750
before the first day of June. All such practitioners shall provide 4751
the board written notice of any change of address. A holder of a 4752
certificate to practice under this section shall have ~~his~~ the 4753
certificate automatically suspended if the registration fee is not 4754
paid by the first day of September of the same year, and continued 4755
practice after the suspension shall be considered as practicing 4756
without a license in violation of section 4731.43 of the Revised 4757
Code. An applicant for reinstatement of a certificate to practice 4758
suspended for failure to register shall submit ~~his~~ the applicant's 4759
current and delinquent registration fees and a penalty in the sum 4760
of twenty-five dollars. 4761

Any certificate ~~of registration~~ to practice issued pursuant 4762
to this section may be refused, limited, revoked, or suspended, an 4763

applicant may be denied certification or reinstatement, or the 4764
holder of a certificate may be reprimanded, or placed on probation 4765
as provided in section 4731.22 of the Revised Code. 4766

Sec. 5903.12. (A) As used in this section: 4767

(1) "Continuing education" means continuing education 4768
required of a licensee by law and includes, but is not limited to, 4769
the continuing education required of licensees under sections 4770
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 4771
4725.16, 4725.51, 4730.14, 4730.245, 4731.281, 4734.25, 4735.141, 4772
4736.11, 4741.16, 4741.19, 4751.07, 4755.63, 4757.33, 4759.06, 4773
4761.06, and 4763.07 of the Revised Code. 4774

(2) "License" means a license, certificate, permit, or other 4775
authorization issued or conferred by a licensing agency under 4776
which a licensee may engage in a profession, occupation, or 4777
occupational activity. 4778

(3) "Licensee" means a person to whom all of the following 4779
apply: 4780

(a) The person has been issued a license by a licensing 4781
agency. 4782

(b) The person is a member of the Ohio national guard, the 4783
Ohio military reserve, the Ohio naval militia, or a reserve 4784
component of the armed forces of the United States. 4785

(c) The person has been called to active duty, whether inside 4786
or outside the United States, because of an executive order issued 4787
by the president of the United States or an act of congress, for a 4788
period in excess of thirty-one days. 4789

(4) "Licensing agency" means any state department, division, 4790
board, commission, agency, or other state governmental unit 4791
authorized by the Revised Code to issue a license. 4792

(5) "Reporting period" means the period of time during which 4793

a licensee must complete the number of hours of continuing
education required of the licensee by law. 4794
4795

(B) Each licensing agency, upon receiving an application from 4796
one of its licensees that is accompanied by proper documentation 4797
certifying that the licensee has been called to active duty as 4798
described in division (A)(3)(c) of this section during the current 4799
or a prior reporting period and certifying the length of that 4800
active duty, shall extend the current reporting period by an 4801
amount of time equal to the total number of months that the 4802
licensee spent on active duty during the current reporting period. 4803
For purposes of this division, any portion of a month served on 4804
active duty shall be considered one full month. 4805

Section 2. That existing sections 1.64, 1751.01, 2305.113, 4806
2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 4807
3327.10, 3331.02, 3719.06, 3719.81, 4723.481, 4723.50, 4729.01, 4808
4729.51, 4730.01, 4730.02, 4730.03, 4730.05, 4730.06, 4730.07, 4809
4730.10, 4730.11, 4730.12, 4730.16, 4730.18, 4730.19, 4730.21, 4810
4730.22, 4730.25, 4730.251, 4730.27, 4730.28, 4730.31, 4730.32, 4811
4730.33, 4731.141, and 5903.12 and sections 4730.15 and 4730.17 of 4812
the Revised Code are hereby repealed. 4813

Section 3. In addition to adopting rules under section 4814
4730.062 of the Revised Code governing physician-delegated 4815
prescriptive authority for physician assistants, the State Medical 4816
Board shall, not later than six months after the effective date of 4817
this section, adopt, amend, and rescind any other rules necessary 4818
to implement the remaining provisions of this act. The rules 4819
adopted under Chapter 4730. of the Revised Code that are in effect 4820
immediately prior to the effective date of this act shall continue 4821
in effect until rules are adopted, amended, or rescinded in 4822
accordance with the provisions of this act. 4823

Section 4. (A) Notwithstanding the provisions of section 4824
4730.05 of the Revised Code specifying that the terms of office of 4825
members of the Physician Assistant Policy Committee of the State 4826
Medical Board are two years, the Board shall appoint the initial 4827
pharmacist members of the Committee for terms ending on the same 4828
date as the terms of the members of the Committee in office 4829
immediately prior to the effective date of this act. 4830

(B) Notwithstanding the provisions of section 4730.05 of the 4831
Revised Code specifying that the terms of office of members of the 4832
Committee are two years, on the expiration date of the terms of 4833
the members of the Committee in office immediately prior to the 4834
effective date of this act and of the members of the Committee 4835
appointed pursuant to division (A) of this section, the Board 4836
shall do the following: 4837

(1) Appoint two physicians for terms ending two years after 4838
the date of appointment and one physician for a term ending one 4839
year after the date of appointment; 4840

(2) Appoint two physician assistants for terms ending two 4841
years after the date of appointment and one physician assistant 4842
for a term ending one year after the date of appointment; 4843

(3) Appoint one pharmacist for a term ending two years after 4844
the date of appointment and one pharmacist for a term ending one 4845
year after the date of appointment; 4846

(4) Appoint the member who is not affiliated with any health 4847
care profession for a term ending one year after the date of 4848
appointment. 4849

(C) After the terms specified in this section, terms of 4850
office shall be two years and appointments shall be made in 4851
accordance with section 4730.05 of the Revised Code. 4852

Section 5. This act does not require the State Medical Board 4853

to invalidate the supervision agreements between physicians and	4854
physician assistants that are in effect immediately prior to the	4855
effective date of this act.	4856