

As Introduced

**126th General Assembly
Regular Session
2005-2006**

S. B. No. 154

Senator Wachtmann

—

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, 4730.26, 7
4730.27, 4730.28, 4730.31, 4730.32, 4730.33, 8
4730.34, 4731.141, and 5903.12; to amend, for the 9
purpose of adopting new section numbers as 10
indicated in parentheses, sections 4730.11 11
(4730.12), 4730.12 (4730.14), and 4730.18 12
(4730.15); to enact new sections 4730.11, 4730.17, 13
and 4730.18 and sections 4730.08, 4730.081, 14
4730.09, 4730.091, 4730.13, 4730.20, 4730.38, 15
4730.39, 4730.40, 4730.401, and 4730.41 to 16
4730.52; 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 modify the 21
authority of advanced practice nurses to furnish 22
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, 24
2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 3327.10, 25
3331.02, 3719.06, 3719.81, 4723.481, 4723.50, 4729.01, 4729.51, 26
4730.01, 4730.02, 4730.03, 4730.05, 4730.06, 4730.07, 4730.10, 27
4730.11, 4730.12, 4730.16, 4730.18, 4730.19, 4730.21, 4730.22, 28
4730.25, 4730.26, 4730.27, 4730.28, 4730.31, 4730.32, 4730.33, 29
4730.34, 4731.141, and 5903.12 be amended; sections 4730.11 30
(4730.12), 4730.12 (4730.14), and 4730.18 (4730.15) be amended for 31
the purpose of adopting new section numbers, as indicated in 32
parentheses; and new sections 4730.11, 4730.17, and 4730.18 and 33
sections 4730.08, 4730.081, 4730.09, 4730.091, 4730.13, 4730.20, 34
4730.38, 4730.39, 4730.40, 4730.401, 4730.41, 4730.42, 4730.43, 35
4730.44, 4730.45, 4730.46, 4730.47, 4730.48, 4730.49, 4730.50, 36
4730.51, and 4730.52 of the Revised Code be enacted to read as 37
follows: 38

Sec. 1.64. As used in the Revised Code: 39

(A) "Certified nurse-midwife" means a registered nurse who 40
holds a valid certificate of authority issued under Chapter 4723. 41
of the Revised Code that authorizes the practice of nursing as a 42
certified nurse-midwife in accordance with section 4723.43 of the 43
Revised Code and rules adopted by the board of nursing. 44

(B) "Certified nurse practitioner" means a registered nurse 45
who holds a valid certificate of authority issued under Chapter 46
4723. of the Revised Code that authorizes the practice of nursing 47
as a certified nurse practitioner in accordance with section 48
4723.43 of the Revised Code and rules adopted by the board of 49
nursing. 50

(C) "Clinical nurse specialist" means a registered nurse who 51
holds a valid certificate of authority issued under Chapter 4723. 52
of the Revised Code that authorizes the practice of nursing as a 53

clinical nurse specialist in accordance with section 4723.43 of 54
the Revised Code and rules adopted by the board of nursing. 55

(D) "Physician assistant" means an individual who holds a 56
valid certificate ~~of authority to practice~~ to practice issued under Chapter 57
4730. of the Revised Code authorizing the individual to provide 58
services as a physician assistant to patients under the 59
supervision, control, and direction of one or more physicians. 60

Sec. 1751.01. As used in this chapter: 61

(A) "Basic health care services" means the following services 62
when medically necessary: 63

(1) Physician's services, except when such services are 64
supplemental under division (B) of this section; 65

(2) Inpatient hospital services; 66

(3) Outpatient medical services; 67

(4) Emergency health services; 68

(5) Urgent care services; 69

(6) Diagnostic laboratory services and diagnostic and 70
therapeutic radiologic services; 71

(7) Preventive health care services, including, but not 72
limited to, voluntary family planning services, infertility 73
services, periodic physical examinations, prenatal obstetrical 74
care, and well-child care. 75

"Basic health care services" does not include experimental 76
procedures. 77

A health insuring corporation shall not offer coverage for a 78
health care service, defined as a basic health care service by 79
this division, unless it offers coverage for all listed basic 80
health care services. However, this requirement does not apply to 81

the coverage of beneficiaries enrolled in Title XVIII of the 82
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 83
amended, pursuant to a medicare contract, or to the coverage of 84
beneficiaries enrolled in the federal employee health benefits 85
program pursuant to 5 U.S.C.A. 8905, or to the coverage of 86
beneficiaries enrolled in Title XIX of the "Social Security Act," 87
49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, known as the 88
medical assistance program or medicaid, provided by the department 89
of job and family services under Chapter 5111. of the Revised 90
Code, or to the coverage of beneficiaries under any federal health 91
care program regulated by a federal regulatory body, or to the 92
coverage of beneficiaries under any contract covering officers or 93
employees of the state that has been entered into by the 94
department of administrative services. 95

(B) "Supplemental health care services" means any health care 96
services other than basic health care services that a health 97
insuring corporation may offer, alone or in combination with 98
either basic health care services or other supplemental health 99
care services, and includes: 100

(1) Services of facilities for intermediate or long-term 101
care, or both; 102

(2) Dental care services; 103

(3) Vision care and optometric services including lenses and 104
frames; 105

(4) Podiatric care or foot care services; 106

(5) Mental health services including psychological services; 107

(6) Short-term outpatient evaluative and crisis-intervention 108
mental health services; 109

(7) Medical or psychological treatment and referral services 110
for alcohol and drug abuse or addiction; 111

(8) Home health services;	112
(9) Prescription drug services;	113
(10) Nursing services;	114
(11) Services of a dietitian licensed under Chapter 4759. of the Revised Code;	115 116
(12) Physical therapy services;	117
(13) Chiropractic services;	118
(14) Any other category of services approved by the superintendent of insurance.	119 120
(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.	121 122 123 124 125
(D) "Closed panel plan" means a health care plan that requires enrollees to use participating providers.	126 127
(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.	128 129 130
(F) "Contractual periodic prepayment" means the formula for determining the premium rate for all subscribers of a health insuring corporation.	131 132 133
(G) "Corporation" means a corporation formed under Chapter 1701. or 1702. of the Revised Code or the similar laws of another state.	134 135 136
(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 enrollee's health status that would occur if such services were	137 138 139 140

not received as soon as possible, and includes, where appropriate, 141
provisions for transportation and indemnity payments or service 142
agreements for out-of-area coverage. 143

(I) "Enrollee" means any natural person who is entitled to 144
receive health care benefits provided by a health insuring 145
corporation. 146

(J) "Evidence of coverage" means any certificate, agreement, 147
policy, or contract issued to a subscriber that sets out the 148
coverage and other rights to which such person is entitled under a 149
health care plan. 150

(K) "Health care facility" means any facility, except a 151
health care practitioner's office, that provides preventive, 152
diagnostic, therapeutic, acute convalescent, rehabilitation, 153
mental health, mental retardation, intermediate care, or skilled 154
nursing services. 155

(L) "Health care services" means basic, supplemental, and 156
specialty health care services. 157

(M) "Health delivery network" means any group of providers or 158
health care facilities, or both, or any representative thereof, 159
that have entered into an agreement to offer health care services 160
in a panel rather than on an individual basis. 161

(N) "Health insuring corporation" means a corporation, as 162
defined in division (G) of this section, that, pursuant to a 163
policy, contract, certificate, or agreement, pays for, reimburses, 164
or provides, delivers, arranges for, or otherwise makes available, 165
basic health care services, supplemental health care services, or 166
specialty health care services, or a combination of basic health 167
care services and either supplemental health care services or 168
specialty health care services, through either an open panel plan 169
or a closed panel plan. 170

"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 203
relates to an individual's physical or mental condition, medical 204
history, or medical treatment. 205

(R)(1) "Open panel plan" means a health care plan that 206
provides incentives for enrollees to use participating providers 207
and that also allows enrollees to use providers that are not 208
participating providers. 209

(2) No health insuring corporation may offer an open panel 210
plan, unless the health insuring corporation is also licensed as 211
an insurer under Title XXXIX of the Revised Code, the health 212
insuring corporation, on June 4, 1997, holds a certificate of 213
authority or license to operate under Chapter 1736. or 1740. of 214
the Revised Code, or an insurer licensed under Title XXXIX of the 215
Revised Code is responsible for the out-of-network risk as 216
evidenced by both an evidence of coverage filing under section 217
1751.11 of the Revised Code and a policy and certificate filing 218
under section 3923.02 of the Revised Code. 219

(S) "Panel" means a group of providers or health care 220
facilities that have joined together to deliver health care 221
services through a contractual arrangement with a health insuring 222
corporation, employer group, or other payor. 223

(T) "Person" has the same meaning as in section 1.59 of the 224
Revised Code, and, unless the context otherwise requires, includes 225
any insurance company holding a certificate of authority under 226
Title XXXIX of the Revised Code, any subsidiary and affiliate of 227
an insurance company, and any government agency. 228

(U) "Premium rate" means any set fee regularly paid by a 229
subscriber to a health insuring corporation. A "premium rate" does 230
not include a one-time membership fee, an annual administrative 231
fee, or a nominal access fee, paid to a managed health care system 232
under which the recipient of health care services remains solely 233

responsible for any charges assessed for those services by the 234
provider or health care facility. 235

(V) "Primary care provider" means a provider that is 236
designated by a health insuring corporation to supervise, 237
coordinate, or provide initial care or continuing care to an 238
enrollee, and that may be required by the health insuring 239
corporation to initiate a referral for specialty care and to 240
maintain supervision of the health care services rendered to the 241
enrollee. 242

(W) "Provider" means any natural person or partnership of 243
natural persons who are licensed, certified, accredited, or 244
otherwise authorized in this state to furnish health care 245
services, or any professional association organized under Chapter 246
1785. of the Revised Code, provided that nothing in this chapter 247
or other provisions of law shall be construed to preclude a health 248
insuring corporation, health care practitioner, or organized 249
health care group associated with a health insuring corporation 250
from employing certified nurse practitioners, certified nurse 251
anesthetists, clinical nurse specialists, certified nurse 252
midwives, dietitians, ~~physicians~~ physician assistants, dental 253
assistants, dental hygienists, optometric technicians, or other 254
allied health personnel who are licensed, certified, accredited, 255
or otherwise authorized in this state to furnish health care 256
services. 257

(X) "Provider sponsored organization" means a corporation, as 258
defined in division (G) of this section, that is at least eighty 259
per cent owned or controlled by one or more hospitals, as defined 260
in section 3727.01 of the Revised Code, or one or more physicians 261
licensed to practice medicine or surgery or osteopathic medicine 262
and surgery under Chapter 4731. of the Revised Code, or any 263
combination of such physicians and hospitals. Such control is 264
presumed to exist if at least eighty per cent of the voting rights 265

or governance rights of a provider sponsored organization are 266
directly or indirectly owned, controlled, or otherwise held by any 267
combination of the physicians and hospitals described in this 268
division. 269

(Y) "Solicitation document" means the written materials 270
provided to prospective subscribers or enrollees, or both, and 271
used for advertising and marketing to induce enrollment in the 272
health care plans of a health insuring corporation. 273

(Z) "Subscriber" means a person who is responsible for making 274
payments to a health insuring corporation for participation in a 275
health care plan, or an enrollee whose employment or other status 276
is the basis of eligibility for enrollment in a health insuring 277
corporation. 278

(AA) "Urgent care services" means those health care services 279
that are appropriately provided for an unforeseen condition of a 280
kind that usually requires medical attention without delay but 281
that does not pose a threat to the life, limb, or permanent health 282
of the injured or ill person, and may include such health care 283
services provided out of the health insuring corporation's 284
approved service area pursuant to indemnity payments or service 285
agreements. 286

Sec. 2305.113. (A) Except as otherwise provided in this 287
section, an action upon a medical, dental, optometric, or 288
chiropractic claim shall be commenced within one year after the 289
cause of action accrued. 290

(B)(1) If prior to the expiration of the one-year period 291
specified in division (A) of this section, a claimant who 292
allegedly possesses a medical, dental, optometric, or chiropractic 293
claim gives to the person who is the subject of that claim written 294
notice that the claimant is considering bringing an action upon 295

that claim, that action may be commenced against the person 296
notified at any time within one hundred eighty days after the 297
notice is so given. 298

(2) An insurance company shall not consider the existence or 299
nonexistence of a written notice described in division (B)(1) of 300
this section in setting the liability insurance premium rates that 301
the company may charge the company's insured person who is 302
notified by that written notice. 303

(C) Except as to persons within the age of minority or of 304
unsound mind as provided by section 2305.16 of the Revised Code, 305
and except as provided in division (D) of this section, both of 306
the following apply: 307

(1) No action upon a medical, dental, optometric, or 308
chiropractic claim shall be commenced more than four years after 309
the occurrence of the act or omission constituting the alleged 310
basis of the medical, dental, optometric, or chiropractic claim. 311

(2) If an action upon a medical, dental, optometric, or 312
chiropractic claim is not commenced within four years after the 313
occurrence of the act or omission constituting the alleged basis 314
of the medical, dental, optometric, or chiropractic claim, then, 315
any action upon that claim is barred. 316

(D)(1) If a person making a medical claim, dental claim, 317
optometric claim, or chiropractic claim, in the exercise of 318
reasonable care and diligence, could not have discovered the 319
injury resulting from the act or omission constituting the alleged 320
basis of the claim within three years after the occurrence of the 321
act or omission, but, in the exercise of reasonable care and 322
diligence, discovers the injury resulting from that act or 323
omission before the expiration of the four-year period specified 324
in division (C)(1) of this section, the person may commence an 325
action upon the claim not later than one year after the person 326

discovers the injury resulting from that act or omission. 327

(2) If the alleged basis of a medical claim, dental claim, 328
optometric claim, or chiropractic claim is the occurrence of an 329
act or omission that involves a foreign object that is left in the 330
body of the person making the claim, the person may commence an 331
action upon the claim not later than one year after the person 332
discovered the foreign object or not later than one year after the 333
person, with reasonable care and diligence, should have discovered 334
the foreign object. 335

(3) A person who commences an action upon a medical claim, 336
dental claim, optometric claim, or chiropractic claim under the 337
circumstances described in division (D)(1) or (2) of this section 338
has the affirmative burden of proving, by clear and convincing 339
evidence, that the person, with reasonable care and diligence, 340
could not have discovered the injury resulting from the act or 341
omission constituting the alleged basis of the claim within the 342
three-year period described in division (D)(1) of this section or 343
within the one-year period described in division (D)(2) of this 344
section, whichever is applicable. 345

(E) As used in this section: 346

(1) "Hospital" includes any person, corporation, association, 347
board, or authority that is responsible for the operation of any 348
hospital licensed or registered in the state, including, but not 349
limited to, those that are owned or operated by the state, 350
political subdivisions, any person, any corporation, or any 351
combination of the state, political subdivisions, persons, and 352
corporations. "Hospital" also includes any person, corporation, 353
association, board, entity, or authority that is responsible for 354
the operation of any clinic that employs a full-time staff of 355
physicians practicing in more than one recognized medical 356
specialty and rendering advice, diagnosis, care, and treatment to 357

individuals. "Hospital" does not include any hospital operated by 358
the government of the United States or any of its branches. 359

(2) "Physician" means a person who is licensed to practice 360
medicine and surgery or osteopathic medicine and surgery by the 361
state medical board or a person who otherwise is authorized to 362
practice medicine and surgery or osteopathic medicine and surgery 363
in this state. 364

(3) "Medical claim" means any claim that is asserted in any 365
civil action against a physician, podiatrist, hospital, home, or 366
residential facility, against any employee or agent of a 367
physician, podiatrist, hospital, home, or residential facility, or 368
against a licensed practical nurse, registered nurse, advanced 369
practice nurse, physical therapist, physician assistant, emergency 370
medical technician-basic, emergency medical 371
technician-intermediate, or emergency medical 372
technician-paramedic, and that arises out of the medical 373
diagnosis, care, or treatment of any person. "Medical claim" 374
includes the following: 375

(a) Derivative claims for relief that arise from the medical 376
diagnosis, care, or treatment of a person; 377

(b) Claims that arise out of the medical diagnosis, care, or 378
treatment of any person and to which either of the following 379
applies: 380

(i) The claim results from acts or omissions in providing 381
medical care. 382

(ii) The claim results from the hiring, training, 383
supervision, retention, or termination of caregivers providing 384
medical diagnosis, care, or treatment. 385

(c) Claims that arise out of the medical diagnosis, care, or 386
treatment of any person and that are brought under section 3721.17 387

of the Revised Code. 388

(4) "Podiatrist" means any person who is licensed to practice 389
podiatric medicine and surgery by the state medical board. 390

(5) "Dentist" means any person who is licensed to practice 391
dentistry by the state dental board. 392

(6) "Dental claim" means any claim that is asserted in any 393
civil action against a dentist, or against any employee or agent 394
of a dentist, and that arises out of a dental operation or the 395
dental diagnosis, care, or treatment of any person. "Dental claim" 396
includes derivative claims for relief that arise from a dental 397
operation or the dental diagnosis, care, or treatment of a person. 398

(7) "Derivative claims for relief" include, but are not 399
limited to, claims of a parent, guardian, custodian, or spouse of 400
an individual who was the subject of any medical diagnosis, care, 401
or treatment, dental diagnosis, care, or treatment, dental 402
operation, optometric diagnosis, care, or treatment, or 403
chiropractic diagnosis, care, or treatment, that arise from that 404
diagnosis, care, treatment, or operation, and that seek the 405
recovery of damages for any of the following: 406

(a) Loss of society, consortium, companionship, care, 407
assistance, attention, protection, advice, guidance, counsel, 408
instruction, training, or education, or any other intangible loss 409
that was sustained by the parent, guardian, custodian, or spouse; 410

(b) Expenditures of the parent, guardian, custodian, or 411
spouse for medical, dental, optometric, or chiropractic care or 412
treatment, for rehabilitation services, or for other care, 413
treatment, services, products, or accommodations provided to the 414
individual who was the subject of the medical diagnosis, care, or 415
treatment, the dental diagnosis, care, or treatment, the dental 416
operation, the optometric diagnosis, care, or treatment, or the 417
chiropractic diagnosis, care, or treatment. 418

(8) "Registered nurse" means any person who is licensed to practice nursing as a registered nurse by the 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 state chiropractic 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, certified registered nurse anesthetist, or certified nurse-midwife who holds a certificate of authority issued by the board of nursing under Chapter 4723. of the Revised Code.

(17) "Licensed practical nurse" means any person who is 449
licensed to practice nursing as a licensed practical nurse by the 450
board of nursing pursuant to Chapter 4723. of the Revised 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 509

offense was committed in the vicinity of a school, corrupting 510
another with drugs is a felony of the first degree, and, subject 511
to division (E) of this section, the court shall impose as a 512
mandatory prison term one of the prison terms prescribed for a 513
felony of the first degree. 514

(2) Except as otherwise provided in this division, if the 515
drug involved is any compound, mixture, preparation, or substance 516
included in schedule III, IV, or V, corrupting another with drugs 517
is a felony of the second degree, and there is a presumption for a 518
prison term for the offense. If the drug involved is any compound, 519
mixture, preparation, or substance included in schedule III, IV, 520
or V and if the offense was committed in the vicinity of a school, 521
corrupting another with drugs is a felony of the second degree, 522
and the court shall impose as a mandatory prison term one of the 523
prison terms prescribed for a felony of the second degree. 524

(3) Except as otherwise provided in this division, if the 525
drug involved is marihuana, corrupting another with drugs is a 526
felony of the fourth degree, and division (C) of section 2929.13 527
of the Revised Code applies in determining whether to impose a 528
prison term on the offender. If the drug involved is marihuana and 529
if the offense was committed in the vicinity of a school, 530
corrupting another with drugs is a felony of the third degree, and 531
division (C) of section 2929.13 of the Revised Code applies in 532
determining whether to impose a prison term on the offender. 533

(D) In addition to any prison term authorized or required by 534
division (C) or (E) of this section and sections 2929.13 and 535
2929.14 of the Revised Code and in addition to any other sanction 536
imposed for the offense under this section or sections 2929.11 to 537
2929.18 of the Revised Code, the court that sentences an offender 538
who is convicted of or pleads guilty to a violation of division 539
(A) of this section or the clerk of that court shall do all of the 540
following that are applicable regarding the offender: 541

(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, 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.

(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.

(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 the suspension.

(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 633

whether to impose a prison term on the offender. 634

(c) Except as otherwise provided in this division, if the 635
amount of the drug involved equals or exceeds the bulk amount but 636
is less than five times the bulk amount, aggravated trafficking in 637
drugs is a felony of the third degree, and the court shall impose 638
as a mandatory prison term one of the prison terms prescribed for 639
a felony of the third degree. If the amount of the drug involved 640
is within that range and if the offense was committed in the 641
vicinity of a school or in the vicinity of a juvenile, aggravated 642
trafficking in drugs is a felony of the second degree, and the 643
court shall impose as a mandatory prison term one of the prison 644
terms prescribed for a felony of the second degree. 645

(d) Except as otherwise provided in this division, if the 646
amount of the drug involved equals or exceeds five times the bulk 647
amount but is less than fifty times the bulk amount, aggravated 648
trafficking in drugs is a felony of the second degree, and the 649
court shall impose as a mandatory prison term one of the prison 650
terms prescribed for a felony of the second degree. If the amount 651
of the drug involved is within that range and if the offense was 652
committed in the vicinity of a school or in the vicinity of a 653
juvenile, aggravated trafficking in drugs is a felony of the first 654
degree, and the court shall impose as a mandatory prison term one 655
of the prison terms prescribed for a felony of the first degree. 656

(e) If the amount of the drug involved equals or exceeds 657
fifty times the bulk amount but is less than one hundred times the 658
bulk amount and regardless of whether the offense was committed in 659
the vicinity of a school or in the vicinity of a juvenile, 660
aggravated trafficking in drugs is a felony of the first degree, 661
and the court shall impose as a mandatory prison term one of the 662
prison terms prescribed for a felony of the first degree. 663

(f) If the amount of the drug involved equals or exceeds one 664

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.

665
666
667
668
669
670
671
672
673

(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:

674
675
676
677
678

(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.

679
680
681
682
683

(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.

684
685
686
687
688
689

(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

690
691
692
693
694
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
prison term on the offender.

727
728

(b) Except as otherwise provided in division (C)(3)(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 marihuana 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.

729
730
731
732
733
734

(c) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds two hundred grams
but is less than one thousand grams, trafficking in marihuana 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
marihuana 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.

735
736
737
738
739
740
741
742
743
744
745

(d) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds one thousand grams
but is less than five thousand grams, trafficking in marihuana 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 the vicinity of a juvenile, trafficking in
marihuana is a felony of the second degree, and there is a
presumption that a prison term shall be imposed for the offense.

746
747
748
749
750
751
752
753
754
755

(e) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds five thousand grams

756
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: 789

(a) Except as otherwise provided in division (C)(4)(b), (c), 790
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 791
felony of the fifth degree, and division (C) of section 2929.13 of 792
the Revised Code applies in determining whether to impose a prison 793
term on the offender. 794

(b) Except as otherwise provided in division (C)(4)(c), (d), 795
(e), (f), or (g) of this section, if the offense was committed in 796
the vicinity of a school or in the vicinity of a juvenile, 797
trafficking in cocaine is a felony of the fourth degree, and 798
division (C) of section 2929.13 of the Revised Code applies in 799
determining whether to impose a prison term on the offender. 800

(c) Except as otherwise provided in this division, if the 801
amount of the drug involved equals or exceeds five grams but is 802
less than ten grams of cocaine that is not crack cocaine or equals 803
or exceeds one gram but is less than five grams of crack cocaine, 804
trafficking in cocaine is a felony of the fourth degree, and there 805
is a presumption for a prison term for the offense. If the amount 806
of the drug involved is within one of those ranges and if the 807
offense was committed in the vicinity of a school or in the 808
vicinity of a juvenile, trafficking in cocaine is a felony of the 809
third degree, and there is a presumption for a prison term for the 810
offense. 811

(d) Except as otherwise provided in this division, if the 812
amount of the drug involved equals or exceeds ten grams but is 813
less than one hundred grams of cocaine that is not crack cocaine 814
or equals or exceeds five grams but is less than ten grams of 815
crack cocaine, trafficking in cocaine is a felony of the third 816
degree, and the court shall impose as a mandatory prison term one 817
of the prison terms prescribed for a felony of the third degree. 818
If the amount of the drug involved is within one of those ranges 819
and if the offense was committed in the vicinity of a school or in 820
the vicinity of a juvenile, trafficking in cocaine is a felony of 821

the second degree, and the court shall impose as a mandatory 822
prison term one of the prison terms prescribed for a felony of the 823
second degree. 824

(e) Except as otherwise provided in this division, if the 825
amount of the drug involved equals or exceeds one hundred grams 826
but is less than five hundred grams of cocaine that is not crack 827
cocaine or equals or exceeds ten grams but is less than 828
twenty-five grams of crack cocaine, trafficking in cocaine is a 829
felony of the second degree, and the court shall impose as a 830
mandatory prison term one of the prison terms prescribed for a 831
felony of the second degree. If the amount of the drug involved is 832
within one of those ranges and if the offense was committed in the 833
vicinity of a school or in the vicinity of a juvenile, trafficking 834
in cocaine is a felony of the first degree, and the court shall 835
impose as a mandatory prison term one of the prison terms 836
prescribed for a felony of the first degree. 837

(f) If the amount of the drug involved equals or exceeds five 838
hundred grams but is less than one thousand grams of cocaine that 839
is not crack cocaine or equals or exceeds twenty-five grams but is 840
less than one hundred grams of crack cocaine and regardless of 841
whether the offense was committed in the vicinity of a school or 842
in the vicinity of a juvenile, trafficking in cocaine is a felony 843
of the first degree, and the court shall impose as a mandatory 844
prison term one of the prison terms prescribed for a felony of the 845
first degree. 846

(g) If the amount of the drug involved equals or exceeds one 847
thousand grams of cocaine that is not crack cocaine or equals or 848
exceeds one hundred grams of crack cocaine and regardless of 849
whether the offense was committed in the vicinity of a school or 850
in the vicinity of a juvenile, trafficking in cocaine is a felony 851
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
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.

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

(a) Except as otherwise provided in division (C)(5)(b), (c),
(d), (e), (f), or (g) of this section, trafficking in L.S.D. 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)(5)(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 L.S.D. 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 of L.S.D. in a solid form or equals
or exceeds one gram but is less than five grams of L.S.D. in a
liquid concentrate, liquid extract, or liquid distillate form,
trafficking in L.S.D. 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 L.S.D. 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 two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty-five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. 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, trafficking in L.S.D. 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 two hundred fifty unit doses but is less than one thousand unit doses of L.S.D. in a solid form or equals or exceeds twenty-five grams but is less than one hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. 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, 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.

(f) If the amount of the drug involved equals or exceeds one thousand unit doses but is less than five thousand unit doses of 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 917
whether the offense was committed in the vicinity of a school or 918
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 919
of the first degree, and the court shall impose as a mandatory 920
prison term one of the prison terms prescribed for a felony of the 921
first degree. 922

(g) If the amount of the drug involved equals or exceeds five 923
thousand unit doses of L.S.D. in a solid form or equals or exceeds 924
five hundred grams of L.S.D. in a liquid concentrate, liquid 925
extract, or liquid distillate form and regardless of whether the 926
offense was committed in the vicinity of a school or in the 927
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 928
first degree, the offender is a major drug offender, and the court 929
shall impose as a mandatory prison term the maximum prison term 930
prescribed for a felony of the first degree and may impose an 931
additional mandatory prison term prescribed for a major drug 932
offender under division (D)(3)(b) of section 2929.14 of the 933
Revised Code. 934

(6) If the drug involved in the violation is heroin or a 935
compound, mixture, preparation, or substance containing heroin, 936
whoever violates division (A) of this section is guilty of 937
trafficking in heroin. The penalty for the offense shall be 938
determined as follows: 939

(a) Except as otherwise provided in division (C)(6)(b), (c), 940
(d), (e), (f), or (g) of this section, trafficking in heroin is a 941
felony of the fifth degree, and division (C) of section 2929.13 of 942
the Revised Code applies in determining whether to impose a prison 943
term on the offender. 944

(b) Except as otherwise provided in division (C)(6)(c), (d), 945
(e), (f), or (g) of this section, if the offense was committed in 946
the vicinity of a school or in the vicinity of a juvenile, 947

trafficking in heroin is a felony of the fourth degree, and 948
division (C) of section 2929.13 of the Revised Code applies in 949
determining whether to impose a prison term on the offender. 950

(c) Except as otherwise provided in this division, if the 951
amount of the drug involved equals or exceeds ten unit doses but 952
is less than fifty unit doses or equals or exceeds one gram but is 953
less than five grams, trafficking in heroin is a felony of the 954
fourth degree, and there is a presumption for a prison term for 955
the offense. If the amount of the drug involved is within that 956
range and if the offense was committed in the vicinity of a school 957
or in the vicinity of a juvenile, trafficking in heroin is a 958
felony of the third degree, and there is a presumption for a 959
prison term for the offense. 960

(d) Except as otherwise provided in this division, if the 961
amount of the drug involved equals or exceeds fifty unit doses but 962
is less than one hundred unit doses or equals or exceeds five 963
grams but is less than ten grams, trafficking in heroin is a 964
felony of the third degree, and there is a presumption for a 965
prison term for the offense. If the amount of the drug involved is 966
within that range and if the offense was committed in the vicinity 967
of a school or in the vicinity of a juvenile, trafficking in 968
heroin is a felony of the second degree, and there is a 969
presumption for a prison term for the offense. 970

(e) Except as otherwise provided in this division, if the 971
amount of the drug involved equals or exceeds one hundred unit 972
doses but is less than five hundred unit doses or equals or 973
exceeds ten grams but is less than fifty grams, trafficking in 974
heroin is a felony of the second degree, and the court shall 975
impose as a mandatory prison term one of the prison terms 976
prescribed for a felony of the second degree. If the amount of the 977
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 1009
term on the offender. 1010

(b) Except as otherwise provided in division (C)(7)(c), (d), 1011
(e), or (f) of this section, if the offense was committed in the 1012
vicinity of a school or in the vicinity of a juvenile, trafficking 1013
in hashish is a felony of the fourth degree, and division (C) of 1014
section 2929.13 of the Revised Code applies in determining whether 1015
to impose a prison term on the offender. 1016

(c) Except as otherwise provided in this division, if the 1017
amount of the drug involved equals or exceeds ten grams but is 1018
less than fifty grams of hashish in a solid form or equals or 1019
exceeds two grams but is less than ten grams of hashish in a 1020
liquid concentrate, liquid extract, or liquid distillate form, 1021
trafficking in hashish is a felony of the fourth degree, and 1022
division (C) of section 2929.13 of the Revised Code applies in 1023
determining whether to impose a prison term on the offender. If 1024
the amount of the drug involved is within that range and if the 1025
offense was committed in the vicinity of a school or in the 1026
vicinity of a juvenile, trafficking in hashish is a felony of the 1027
third degree, and division (C) of section 2929.13 of the Revised 1028
Code applies in determining whether to impose a prison term on the 1029
offender. 1030

(d) Except as otherwise provided in this division, if the 1031
amount of the drug involved equals or exceeds fifty grams but is 1032
less than two hundred fifty grams of hashish in a solid form or 1033
equals or exceeds ten grams but is less than fifty grams of 1034
hashish in a liquid concentrate, liquid extract, or liquid 1035
distillate form, trafficking in hashish is a felony of the third 1036
degree, and division (C) of section 2929.13 of the Revised Code 1037
applies in determining whether to impose a prison term on the 1038
offender. If the amount of the drug involved is within that range 1039
and if the offense was committed in the vicinity of a school or in 1040
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 amount of the drug involved equals or exceeds two hundred fifty grams but is less than one thousand grams of hashish in a solid form or equals or exceeds fifty grams but is less than two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and there is a presumption that a prison term shall be imposed 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 hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

1044
1045
1046
1047
1048
1049
1050
1051
1052
1053
1054
1055

(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams of hashish in a solid form or equals or exceeds two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term 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, trafficking in hashish is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

1056
1057
1058
1059
1060
1061
1062
1063
1064
1065
1066
1067
1068

(D) In addition to any prison term authorized or required by division (C) 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

1069
1070
1071
1072
1073
1074

this section shall do all of the following that are applicable 1075
regarding the offender: 1076

(1) If the violation of division (A) of this section is a 1077
felony of the first, second, or third degree, the court shall 1078
impose upon the offender the mandatory fine specified for the 1079
offense under division (B)(1) of section 2929.18 of the Revised 1080
Code unless, as specified in that division, the court determines 1081
that the offender is indigent. Except as otherwise provided in 1082
division (H)(1) of this section, a mandatory fine or any other 1083
fine imposed for a violation of this section is subject to 1084
division (F) of this section. If a person is charged with a 1085
violation of this section that is a felony of the first, second, 1086
or third degree, posts bail, and forfeits the bail, the clerk of 1087
the court shall pay the forfeited bail pursuant to divisions 1088
(D)(1) and (F) of this section, as if the forfeited bail was a 1089
fine imposed for a violation of this section. If any amount of the 1090
forfeited bail remains after that payment and if a fine is imposed 1091
under division (H)(1) of this section, the clerk of the court 1092
shall pay the remaining amount of the forfeited bail pursuant to 1093
divisions (H)(2) and (3) of this section, as if that remaining 1094
amount was a fine imposed under division (H)(1) of this section. 1095

(2) The court shall suspend the driver's or commercial 1096
driver's license or permit of the offender in accordance with 1097
division (G) of this section. 1098

(3) If the offender is a professionally licensed person, the 1099
court immediately shall comply with section 2925.38 of the Revised 1100
Code. 1101

(E) When a person is charged with the sale of or offer to 1102
sell a bulk amount or a multiple of a bulk amount of a controlled 1103
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
return the findings as part of the verdict. In any such case, it
is unnecessary to find and return the exact amount of the
controlled substance involved, and it is sufficient if the finding
and return is to the effect that the amount of the controlled
substance involved is the requisite amount, or that the amount of
the controlled substance involved is less than the requisite
amount.

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

(2)(a) Prior to receiving any fine moneys under division
(F)(1) of this section or division (B)(5) of section 2925.42 of
the Revised Code, a law enforcement agency shall adopt a written
internal control policy that addresses the agency's use and
disposition of all fine moneys so received and that provides for

the keeping of detailed financial records of the receipts of those
fine moneys, the general types of expenditures made out of those
fine moneys, and the specific amount of each general type of
expenditure. The policy shall not provide for or permit the
identification of any specific expenditure that is made in an
ongoing investigation. All financial records of the receipts of
those fine moneys, the general types of expenditures made out of
those fine moneys, and the specific amount of each general type of
expenditure by an agency are public records open for inspection
under section 149.43 of the Revised Code. Additionally, a written
internal control policy adopted under this division is such a
public record, and the agency that adopted it shall comply with
it.

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

(i) Indicates that the attorney general has received from law
enforcement agencies reports of the type described in this
division that cover the previous calendar year and indicates that

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
property in connection with the offense as prescribed in sections
2925.42 to 2925.45 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 may impose upon the offender an
additional fine specified for the offense in division (B)(4) of
section 2929.18 of the Revised Code. A fine imposed under division
(H)(1) of this section is not subject to division (F) of this
section and shall be used solely for the support of one or more
eligible alcohol and drug addiction programs in accordance with
divisions (H)(2) and (3) of this section.

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

(3) Notwithstanding any contrary provision of section 3719.21
of the Revised Code, the clerk of the court shall pay any fine
imposed under division (H)(1) of this section to the eligible
alcohol and drug addiction program specified pursuant to division

(H)(2) of this section in the judgment. The eligible alcohol and drug addiction program that receives the fine moneys shall use the moneys only for the alcohol and drug addiction services identified in the application for certification under section 3793.06 of the Revised Code or in the application for a license under section 3793.11 of the Revised Code filed with the department of alcohol and drug addiction services by the alcohol and drug addiction program specified in the judgment.

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

(5) As used in divisions (H)(1) to (5) of this section:

(a) "Alcohol and drug addiction program" and "alcohol and

drug addiction services" have the same meanings as in section 1264
3793.01 of the Revised Code. 1265

(b) "Eligible alcohol and drug addiction program" means an 1266
alcohol and drug addiction program that is certified under section 1267
3793.06 of the Revised Code or licensed under section 3793.11 of 1268
the Revised Code by the department of alcohol and drug addiction 1269
services. 1270

Sec. 2925.11. (A) No person shall knowingly obtain, possess, 1271
or use a controlled substance. 1272

(B) This section does not apply to any of the following: 1273

(1) Manufacturers, licensed health professionals authorized 1274
to prescribe drugs, pharmacists, owners of pharmacies, and other 1275
persons whose conduct was in accordance with Chapters 3719., 1276
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code; 1277

(2) If the offense involves an anabolic steroid, any person 1278
who is conducting or participating in a research project involving 1279
the use of an anabolic steroid if the project has been approved by 1280
the United States food and drug administration; 1281

(3) Any person who sells, offers for sale, prescribes, 1282
dispenses, or administers for livestock or other nonhuman species 1283
an anabolic steroid that is expressly intended for administration 1284
through implants to livestock or other nonhuman species and 1285
approved for that purpose under the "Federal Food, Drug, and 1286
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 1287
and is sold, offered for sale, prescribed, dispensed, or 1288
administered for that purpose in accordance with that act; 1289

(4) Any person who obtained the controlled substance pursuant 1290
to a prescription issued by a licensed health professional 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 1322
felony of the first degree, the offender is a major drug offender, 1323
and the court shall impose as a mandatory prison term the maximum 1324

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
there is a presumption for a prison term for the offense.

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

fifty times the bulk amount, possession of drugs is a felony of the second degree, and the court shall impose upon the offender as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

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

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

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

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

(d) If the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, possession of marihuana 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.

(e) If the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, possession of marihuana is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) If the amount of the drug involved equals or exceeds

twenty thousand grams, possession of marihuana is a felony of the
second degree, and the court shall impose as a mandatory prison
term the maximum prison term prescribed for a felony of the second
degree.

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

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

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

(c) If the amount of the drug involved equals or exceeds
twenty-five 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, possession of 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.

(d) 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, possession of 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) 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, possession of
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 one
thousand grams of cocaine that is not crack cocaine or equals or
exceeds one hundred grams of crack cocaine, possession of cocaine
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.

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

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

(b) If the amount of L.S.D. involved equals or exceeds ten
unit doses but is less than fifty unit doses of L.S.D. in a solid
form or equals or exceeds one gram but is less than five grams of
L.S.D. in a liquid concentrate, liquid extract, or liquid

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 terms prescribed for a felony of the second degree. 1510
1511

(e) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than two thousand five hundred unit doses or equals or exceeds fifty grams but is less than two hundred fifty grams, possession of heroin 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. 1512
1513
1514
1515
1516
1517

(f) If the amount of the drug involved equals or exceeds two thousand five hundred unit doses or equals or exceeds two hundred fifty grams, possession of heroin 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. 1518
1519
1520
1521
1522
1523
1524
1525

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

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

(b) If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree. 1534
1535
1536
1537
1538

(c) 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 1539
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 1569
reported by the person so arrested or convicted in response to any 1570
inquiries about the person's criminal record, including any 1571

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
a mandatory fine imposed under division (E)(1)(a) of this section.

(2) The court shall suspend for not less than six months or

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 1691
compounding a controlled substance; 1692

(10) A capsule, balloon, envelope, or container for packaging 1693

small quantities of a controlled substance;	1694
(11) A container or device for storing or concealing a controlled substance;	1695
(12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;	1696
(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.	1697
(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:	1698
(1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use;	1699
(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;	1700
(3) The proximity of the equipment, product, or material to any controlled substance;	1701
(4) The existence of any residue of a controlled substance on the equipment, product, or material;	1702
(5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product, or	1703
	1704
	1705
	1706
	1707
	1708
	1709
	1710
	1711
	1712
	1713
	1714
	1715
	1716
	1717
	1718
	1719
	1720
	1721
	1722
	1723

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.

(6) Any oral or written instruction provided with the equipment, product, or material concerning its use;

(7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use;

(8) National or local advertising concerning the use of the equipment, product, or material;

(9) The manner and circumstances in which the equipment, product, or material is displayed for sale;

(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;

(11) The existence and scope of legitimate uses of the equipment, product, or material in the community;

(12) Expert testimony concerning the use of the equipment, product, or material.

(C)(1) No person shall knowingly use, or possess with purpose to use, drug paraphernalia.

(2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product, or material will be used as drug paraphernalia.

(3) No person shall place an advertisement in any newspaper,

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 offender.	1836 1837 1838 1839 1840 1841
(2) If the drug involved is a dangerous drug or a compound,	1842

mixture, preparation, or substance included in schedule III, IV,
or V or is marihuana, illegal processing of drug documents 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.

(G) In addition to any prison term authorized or required by
division (F) 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 any violation of divisions (A) to
(D) of this section shall do both of the following:

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

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

(H) Notwithstanding any contrary provision of section 3719.21
of the Revised Code, the clerk of court shall pay a 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.

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

(B) Division (A) of this section does not apply to

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 samples is a misdemeanor of the first degree. 1903
1904

(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 shall do both of the following: 1905
1906
1907
1908
1909
1910
1911

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

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

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

(F) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay a fine 1932
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:

(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;

(2) A physician assistant,~~or a~~

(3) A certified nurse practitioner,~~or a~~

(4) A clinical nurse specialist,~~or a~~

(5) A certified nurse-midwife.

Any written documentation of the physical examination shall be completed by the individual who performed the examination.

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.

(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.

(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 drive a school bus or motor van until the person has filed a

written notice of the conviction or suspension, as follows: 1995

(1) If the person is employed under division (A) of this 1996
section, the person shall file the notice with the superintendent, 1997
or a person designated by the superintendent, of the school 1998
district for which the person drives a school bus or motor van as 1999
an employee or drives a privately owned and operated school bus or 2000
motor van under contract. 2001

(2) If employed under division (B) of this section, the 2002
person shall file the notice with the employing school 2003
administrator or contractor, or a person designated by the 2004
administrator or contractor. 2005

(E) In addition to resulting in possible revocation of a 2006
certificate as authorized by divisions (A) and (B) of this 2007
section, violation of division (D) of this section is a minor 2008
misdemeanor. 2009

Sec. 3331.02. (A) The superintendent of schools or the chief 2010
administrative officer, as appropriate pursuant to section 3331.01 2011
of the Revised Code, shall not issue an age and schooling 2012
certificate until the superintendent or chief administrative 2013
officer has received, examined, approved, and filed the following 2014
papers duly executed: 2015

(1) The written pledge or promise of the person, partnership, 2016
or corporation to legally employ the child, and for this purpose 2017
work performed by a minor, directly and exclusively for the 2018
benefit of such minor's parent, in the farm home or on the farm of 2019
such parent is legal employment, irrespective of any contract of 2020
employment, or the absence thereof, to permit the child to attend 2021
school as provided in section 3321.08 of the Revised Code, and 2022
give notice of the nonuse of an age and schooling certificate 2023
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

(d) In case no documentary proof of age can be procured, the 2055

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

2056
2057
2058
2059
2060
2061
2062
2063
2064
2065
2066
2067
2068
2069
2070
2071
2072
2073
2074
2075
2076
2077
2078
2079
2080
2081
2082
2083
2084
2085
2086
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 schedule II controlled substance shall be personally 2138
furnished to 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 controlled substance that is 2142
not included in the physician-delegated prescriptive authority 2143
granted to the physician assistant in accordance with Chapter 2144
4730. of the Revised Code. 2145

(B) No licensed health professional authorized to prescribe 2146
drugs shall prescribe, administer, or personally furnish a 2147
schedule III anabolic steroid for the purpose of human muscle 2148

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

(C) Each written prescription shall be properly executed, 2154
dated, and signed by the prescriber on the day when issued and 2155
shall bear the full name and address of the person for whom, or 2156
the owner of the animal for which, the controlled substance is 2157
prescribed and the full name, address, and registry number under 2158
the federal drug abuse control laws of the prescriber. If the 2159
prescription is for an animal, it shall state the species of the 2160
animal for which the controlled substance is prescribed. 2161

Sec. 3719.81. (A) As used in this section, "sample drug" has 2162
the same meaning as in section 2925.01 of the Revised Code. 2163

(B) A person may furnish another a sample drug, if all of the 2164
following apply: 2165

(1) The sample drug is furnished free of charge by a 2166
manufacturer, manufacturer's representative, or wholesale dealer 2167
in pharmaceuticals to a licensed health professional authorized to 2168
prescribe drugs, or is furnished free of charge by such a 2169
professional to a patient for use as medication; 2170

(2) The sample drug is in the original container in which it 2171
was placed by the manufacturer, and the container is plainly 2172
marked as a sample; 2173

(3) Prior to its being furnished, the sample drug has been 2174
stored under the proper conditions to prevent its deterioration or 2175
contamination; 2176

(4) If the sample drug is of a type which deteriorates with 2177
time, the sample container is plainly marked with the date beyond 2178

which the sample drug is unsafe to use, and the date has not
expired on the sample furnished. Compliance with the labeling
requirements of the "Federal Food, Drug, and Cosmetic Act," 52
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, shall be deemed
compliance with this section.

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

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

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

(2) Authorize a licensed health professional authorized to
prescribe drugs who is a clinical nurse specialist, certified
nurse-midwife, ~~or certified nurse practitioner to furnish a sample
drug that is not a drug the nurse is authorized to prescribe;~~

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

~~(4)(3) Prohibit a licensed health professional authorized to
prescribe drugs, manufacturer of dangerous drugs, wholesale
distributor of dangerous drugs, or representative of a
manufacturer of dangerous drugs from furnishing a sample drug to a
charitable pharmacy in accordance with section 3719.811 of the
Revised Code.~~

~~(5)(4) Prohibit a pharmacist working, whether or not for~~

compensation, in a charitable pharmacy from dispensing a sample 2209
drug to a person in accordance with section 3719.811 of the 2210
Revised Code. 2211

(D) The state board of pharmacy shall, in accordance with 2212
Chapter 119. of the Revised Code, adopt rules as necessary to give 2213
effect to this section. 2214

Sec. 4723.481. Under a certificate to prescribe issued under 2215
section 4723.48 of the Revised Code, a clinical nurse specialist, 2216
certified nurse-midwife, or certified nurse practitioner is 2217
subject to all of the following: 2218

(A) The nurse shall not prescribe any drug or therapeutic 2219
device that is not included in the types of drugs and devices 2220
listed on the formulary established in rules adopted under section 2221
4723.50 of the Revised Code. 2222

(B) The nurse's prescriptive authority shall not exceed the 2223
prescriptive authority of the collaborating physician or 2224
podiatrist. 2225

(C) The nurse may prescribe a schedule II controlled 2226
substance as specified in division (A)(2) of section 3719.06 of 2227
the Revised Code, but shall not prescribe a schedule II controlled 2228
substance in collaboration with a podiatrist. 2229

(D) The nurse may personally furnish to a patient a sample of 2230
any drug or therapeutic device included in the types of drugs and 2231
devices listed on the formulary, subject to all of the following: 2232

(1) The amount of the sample furnished shall not exceed a 2233
seventy-two-hour supply, except when the minimum available 2234
quantity of the sample is packaged in an amount that is greater 2235
than a seventy-two-hour supply, in which case the nurse may 2236
furnish the sample in the packaged amount. 2237

(2) No charge may be imposed for the sample or for furnishing 2238

it. 2239

(3) Samples of controlled substances may not be personally 2240
furnished. 2241

(E) The nurse may personally furnish to a patient a complete 2242
or partial supply of ~~a drug or therapeutic device included in any~~ 2243
of the types of drugs and devices listed on the formulary, subject 2244
~~to all of the following:~~ 2245

~~(1) other than a schedule II controlled substance. The nurse~~ 2246
shall personally furnish complete or partial supplies only 2247
~~antibiotics, antifungals, scabicides, contraceptives, and prenatal~~ 2248
~~vitamins.~~ 2249

~~(2) The nurse shall not furnish the drugs and devices in~~ 2250
~~locations other than a health department operated by the board of~~ 2251
~~health of a city or general health district or the authority~~ 2252
~~having the duties of a board of health under section 3709.05 of~~ 2253
~~the Revised Code, a federally funded comprehensive primary care~~ 2254
~~clinic, or a nonprofit health care clinic or program when pharmacy~~ 2255
~~services are not reasonably available, when it is in the best~~ 2256
~~interest of the patient, or when it is an emergency. The~~ 2257

~~(3) The nurse shall comply with all safety standards for~~ 2258
personally furnishing supplies of drugs and devices, as 2259
established in rules adopted under section 4723.50 of the Revised 2260
Code. 2261

Sec. 4723.50. (A) In accordance with Chapter 119. of the 2262
Revised Code, the board of nursing shall adopt rules as necessary 2263
to implement the provisions of this chapter pertaining to the 2264
authority of clinical nurse specialists, certified nurse-midwives, 2265
and certified nurse practitioners to prescribe drugs and 2266
therapeutic devices and the issuance and renewal of certificates 2267
to prescribe. Initial rules shall be adopted not later than twenty 2268

months after the effective date of this section. 2269

The board shall adopt rules that are consistent with the 2270
recommendations the board receives from the committee on 2271
prescriptive governance pursuant to section 4723.492 of the 2272
Revised Code. After reviewing a recommendation submitted by the 2273
committee, the board may either adopt the recommendation as a rule 2274
or ask the committee to reconsider and resubmit the 2275
recommendation. The board shall not adopt any rule that does not 2276
conform to a recommendation made by the committee. 2277

(B) The board shall adopt rules under this section that do 2278
the following: 2279

(1) Establish a formulary listing the types of drugs and 2280
therapeutic devices that may be prescribed by a clinical nurse 2281
specialist, certified nurse-midwife, or certified nurse 2282
practitioner. The formulary may include controlled substances, as 2283
defined in section 3719.01 of the Revised Code. The formulary 2284
shall not permit the prescribing of any drug or device to perform 2285
or induce an abortion. 2286

(2) Establish safety standards to be followed by a nurse when 2287
personally furnishing to patients complete or partial supplies of 2288
~~antibiotics, antifungals, scabicides, contraceptives, and prenatal~~ 2289
~~vitamins~~ drugs and therapeutic devices. 2290

(3) Establish criteria for the components of the standard 2291
care arrangements described in section 4723.431 of the Revised 2292
Code that apply to a nurse's authority to prescribe. The rules 2293
shall be consistent with that section and include all of the 2294
following: 2295

(a) Quality assurance standards; 2296

(b) Standards for periodic review by a collaborating 2297
physician or podiatrist of the records of patients treated by the 2298
nurse; 2299

(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;

(d) Any other criteria recommended by the committee on prescriptive governance.

(4) Establish standards and procedures for issuance and renewal of a certificate to prescribe, including specification of any additional information the board may require under division (A)(4) of section 4723.482 or division (B)(3) of section 4723.484 of the Revised Code;

(5) Establish requirements for board approval of the instruction in advanced pharmacology and related topics required by section 4723.482 of the Revised Code;

(6) Establish standards and procedures for the appropriate conduct of an externship required by division (B)(1) of section 4723.484 of the Revised Code, including the following:

(a) Standards and procedures to be used in evaluating a nurse's participation in an externship. Regardless of the method of evaluation used, a nurse shall not be required to participate in an externship longer than one thousand eight hundred hours.

(b) Standards and procedures for the supervision that a physician must provide during an externship, including supervision provided by working with the nurse and supervision provided by making timely reviews of the records of patients treated by the nurse. The manner in which supervision must be provided may vary according to the location where the nurse is practicing and with the nurse's level of experience.

Sec. 4729.01. As used in this chapter:

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

the practice of pharmacy, means any area, room, rooms, place of	2330
business, department, or portion of any of the foregoing where the	2331
practice of pharmacy is conducted.	2332
(B) "Practice of pharmacy" means providing pharmacist care	2333
requiring specialized knowledge, judgment, and skill derived from	2334
the principles of biological, chemical, behavioral, social,	2335
pharmaceutical, and clinical sciences. As used in this division,	2336
"pharmacist care" includes the following:	2337
(1) Interpreting prescriptions;	2338
(2) Compounding or dispensing drugs and dispensing drug	2339
therapy related devices;	2340
(3) Counseling individuals with regard to their drug therapy,	2341
recommending drug therapy related devices, and assisting in the	2342
selection of drugs and appliances for treatment of common diseases	2343
and injuries and providing instruction in the proper use of the	2344
drugs and appliances;	2345
(4) Performing drug regimen reviews with individuals by	2346
discussing all of the drugs that the individual is taking and	2347
explaining the interactions of the drugs;	2348
(5) Performing drug utilization reviews with licensed health	2349
professionals authorized to prescribe drugs when the pharmacist	2350
determines that an individual with a prescription has a drug	2351
regimen that warrants additional discussion with the prescriber;	2352
(6) Advising an individual and the health care professionals	2353
treating an individual with regard to the individual's drug	2354
therapy;	2355
(7) Acting pursuant to a consult agreement with a physician	2356
authorized under Chapter 4731. of the Revised Code to practice	2357
medicine and surgery or osteopathic medicine and surgery, if an	2358
agreement has been established with the physician;	2359

(8) Administering the adult immunizations specified in section 4729.41 of the Revised Code, if the pharmacist has met the requirements of that section.	2360 2361 2362
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	2363 2364 2365
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	2366 2367
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	2368 2369
(3) As an incident to research, teaching activities, or chemical analysis;	2370 2371
(4) In anticipation of prescription drug orders based on routine, regularly observed dispensing patterns.	2372 2373
(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.	2374 2375 2376 2377 2378
(E) "Drug" means:	2379
(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;	2380 2381 2382 2383
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	2384 2385 2386
(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	2387 2388

(4) Any article intended for use as a component of any article specified in division (E)(1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.	2389 2390 2391 2392
(F) "Dangerous drug" means any of the following:	2393
(1) Any drug to which either of the following applies:	2394
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;	2395 2396 2397 2398 2399 2400 2401
(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	2402 2403
(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;	2404 2405 2406
(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body.	2407 2408 2409
(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.	2410 2411
(H) "Prescription" means a written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs.	2412 2413 2414 2415
(I) "Licensed health professional authorized to prescribe drugs" or "prescriber" means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related	2416 2417 2418

devices in the course of the individual's professional practice,	2419
including only the following:	2420
(1) A dentist licensed under Chapter 4715. of the Revised Code;	2421 2422
(2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code;	2423 2424 2425
(3) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;	2426 2427 2428
(4) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;	2429 2430 2431
(5) <u>A physician assistant who holds a certificate to prescribe issued under Chapter 4730. of the Revised Code;</u>	2432 2433
(6) A veterinarian licensed under Chapter 4741. of the Revised Code.	2434 2435
(J) "Sale" and "sell" include delivery, transfer, barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal proprietor, agent, or employee.	2436 2437 2438 2439
(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.	2440 2441 2442
(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.	2443 2444
(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish	2445 2446 2447 2448

responsibility.	2449
(N) "Price information" means the price charged for a	2450
prescription for a particular drug product and, in an easily	2451
understandable manner, all of the following:	2452
(1) The proprietary name of the drug product;	2453
(2) The established (generic) name of the drug product;	2454
(3) The strength of the drug product if the product contains	2455
a single active ingredient or if the drug product contains more	2456
than one active ingredient and a relevant strength can be	2457
associated with the product without indicating each active	2458
ingredient. The established name and quantity of each active	2459
ingredient are required if such a relevant strength cannot be so	2460
associated with a drug product containing more than one	2461
ingredient.	2462
(4) The dosage form;	2463
(5) The price charged for a specific quantity of the drug	2464
product. The stated price shall include all charges to the	2465
consumer, including, but not limited to, the cost of the drug	2466
product, professional fees, handling fees, if any, and a statement	2467
identifying professional services routinely furnished by the	2468
pharmacy. Any mailing fees and delivery fees may be stated	2469
separately without repetition. The information shall not be false	2470
or misleading.	2471
(O) "Wholesale distributor of dangerous drugs" means a person	2472
engaged in the sale of dangerous drugs at wholesale and includes	2473
any agent or employee of such a person authorized by the person to	2474
engage in the sale of dangerous drugs at wholesale.	2475
(P) "Manufacturer of dangerous drugs" means a person, other	2476
than a pharmacist, who manufactures dangerous drugs and who is	2477
engaged in the sale of those dangerous drugs within this state.	2478

(Q) "Terminal distributor of dangerous drugs" means a person 2479
who is engaged in the sale of dangerous drugs at retail, or any 2480
person, other than a wholesale distributor or a pharmacist, who 2481
has possession, custody, or control of dangerous drugs for any 2482
purpose other than for that person's own use and consumption, and 2483
includes pharmacies, hospitals, nursing homes, and laboratories 2484
and all other persons who procure dangerous drugs for sale or 2485
other distribution by or under the supervision of a pharmacist or 2486
licensed health professional authorized to prescribe drugs. 2487

(R) "Promote to the public" means disseminating a 2488
representation to the public in any manner or by any means, other 2489
than by labeling, for the purpose of inducing, or that is likely 2490
to induce, directly or indirectly, the purchase of a dangerous 2491
drug at retail. 2492

(S) "Person" includes any individual, partnership, 2493
association, limited liability company, or corporation, the state, 2494
any political subdivision of the state, and any district, 2495
department, or agency of the state or its political subdivisions. 2496

(T) "Finished dosage form" has the same meaning as in section 2497
3715.01 of the Revised Code. 2498

(U) "Generically equivalent drug" has the same meaning as in 2499
section 3715.01 of the Revised Code. 2500

(V) "Animal shelter" means a facility operated by a humane 2501
society or any society organized under Chapter 1717. of the 2502
Revised Code or a dog pound operated pursuant to Chapter 955. of 2503
the Revised Code. 2504

(W) "Food" has the same meaning as in section 3715.01 of the 2505
Revised Code. 2506

Sec. 4729.51. (A) No person other than a registered wholesale 2507
distributor of dangerous drugs shall possess for sale, sell, 2508

distribute, or deliver, at wholesale, dangerous drugs, except as follows: 2509
2510

(1) A pharmacist who is a licensed terminal distributor of dangerous drugs or who is employed by a licensed terminal distributor of dangerous drugs may make occasional sales of dangerous drugs at wholesale; 2511
2512
2513
2514

(2) A licensed terminal distributor of dangerous drugs having more than one establishment or place may transfer or deliver dangerous drugs from one establishment or place for which a license has been issued to the terminal distributor to another establishment or place for which a license has been issued to the terminal distributor if the license issued for each establishment or place is in effect at the time of the transfer or delivery. 2515
2516
2517
2518
2519
2520
2521

(B)(1) No registered wholesale distributor of dangerous drugs shall possess for sale, or sell, at wholesale, dangerous drugs to any person other than the following: 2522
2523
2524

(a) A licensed health professional authorized to prescribe drugs; 2525
2526

(b) An optometrist licensed under Chapter 4725. of the Revised Code who holds a topical ocular pharmaceutical agents certificate; 2527
2528
2529

(c) A registered wholesale distributor of dangerous drugs; 2530

(d) A manufacturer of dangerous drugs; 2531

(e) A licensed terminal distributor of dangerous drugs, subject to division (B)(2) of this section; 2532
2533

(f) Carriers or warehousemen for the purpose of carriage or storage; 2534
2535

(g) Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state; 2536
2537

(h) An individual who holds a current license, certificate, 2538

or registration issued under Title 47 of the Revised Code and has
been certified to conduct diabetes education by a national
certifying body specified in rules adopted by the state board of
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. 2570

(C)(1) Except as provided in division (C)(4) of this section, 2571
no person shall sell, at retail, dangerous drugs. 2572

(2) Except as provided in division (C)(4) of this section, no 2573
person shall possess for sale, at retail, dangerous drugs. 2574

(3) Except as provided in division (C)(4) of this section, no 2575
person shall possess dangerous drugs. 2576

(4) Divisions (C)(1), (2), and (3) of this section do not 2577
apply to a registered wholesale distributor of dangerous drugs, a 2578
licensed terminal distributor of dangerous drugs, or a person who 2579
possesses, or possesses for sale or sells, at retail, a dangerous 2580
drug in accordance with Chapters 3719., 4715., 4723., 4725., 2581
4729., 4730., 4731., and 4741. of the Revised Code. 2582

Divisions (C)(1), (2), and (3) of this section do not apply 2583
to an individual who holds a current license, certificate, or 2584
registration issued under Title XLVII of the Revised Code and has 2585
been certified to conduct diabetes education by a national 2586
certifying body specified in rules adopted by the state board of 2587
pharmacy under section 4729.68 of the Revised Code, but only to 2588
the extent that the individual possesses insulin or personally 2589
supplies insulin solely for the purpose of diabetes education and 2590
only if diabetes education is within the individual's scope of 2591
practice under statutes and rules regulating the individual's 2592
profession. 2593

Divisions (C)(1), (2), and (3) of this section do not apply 2594
to an individual who holds a valid certificate issued by a 2595
nationally recognized S.C.U.B.A. diving certifying organization 2596
approved by the pharmacy board in rule, but only to the extent 2597
that the individual possesses medical oxygen or personally 2598
supplies medical oxygen for the purpose of emergency care or 2599
treatment at the scene of a diving emergency. 2600

(D) No licensed terminal distributor of dangerous drugs shall 2601
purchase for the purpose of resale dangerous drugs from any person 2602
other than a registered wholesale distributor of dangerous drugs, 2603
except as follows: 2604

(1) A licensed terminal distributor of dangerous drugs may 2605
make occasional purchases of dangerous drugs for resale from a 2606
pharmacist who is a licensed terminal distributor of dangerous 2607
drugs or who is employed by a licensed terminal distributor of 2608
dangerous drugs; 2609

(2) A licensed terminal distributor of dangerous drugs having 2610
more than one establishment or place may transfer or receive 2611
dangerous drugs from one establishment or place for which a 2612
license has been issued to the terminal distributor to another 2613
establishment or place for which a license has been issued to the 2614
terminal distributor if the license issued for each establishment 2615
or place is in effect at the time of the transfer or receipt. 2616

(E) No licensed terminal distributor of dangerous drugs shall 2617
engage in the sale or other distribution of dangerous drugs at 2618
retail or maintain possession, custody, or control of dangerous 2619
drugs for any purpose other than the distributor's personal use or 2620
consumption, at any establishment or place other than that or 2621
those described in the license issued by the board of pharmacy to 2622
such terminal distributor. 2623

(F) Nothing in this section shall be construed to interfere 2624
with the performance of official duties by any law enforcement 2625
official authorized by municipal, county, state, or federal law to 2626
collect samples of any drug, regardless of its nature or in whose 2627
possession it may be. 2628

Sec. 4730.01. As used in this chapter: 2629

(A) "Physician assistant" means a skilled person qualified by 2630

academic and clinical training to provide services to patients as 2631
a physician assistant under the supervision, control, and 2632
direction of one or more physicians who are responsible for the 2633
physician assistant's performance. 2634

(B) "Physician" means an individual who is authorized under 2635
Chapter 4731. of the Revised Code to practice medicine and 2636
surgery, osteopathic medicine and surgery, or ~~pediatry~~ podiatric
medicine and surgery. 2637
2638

(C) "Health care facility" means any of the following: 2639

(1) A hospital registered with the department of health under
section 3701.07 of the Revised Code; 2640
2641

(2) A health care facility licensed by the department of
health under section 3702.30 of the Revised Code; 2642
2643

(3) Any other facility designated by the state medical board
in rules adopted pursuant to division (B) of section 4730.08 of
the Revised Code. 2644
2645
2646

(D) "Special services" means the health care services that a
physician assistant may be authorized to provide under the special
services portion of a physician supervisory plan approved under
section 4730.17 of the Revised Code. 2647
2648
2649
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 or the policies of the health care facility in which 2677
that the physician and physician assistant practices are 2678
practicing. 2679

(F) No person shall practice as a physician assistant in a 2680
manner that is inconsistent with the ~~standard or supplemental~~ 2681
physician ~~assistant utilization~~ supervisory plan approved for the 2682
physician who is responsible for supervising the physician 2683
assistant or the policies of the health care facility in which the 2684
physician assistant is practicing. 2685

(G) No person practicing as a physician assistant shall 2686
prescribe any drug or device to perform or induce an abortion, or 2687
otherwise perform or induce an abortion. 2688

(H) No ~~physician assistant may~~ person shall advertise to 2689

provide services as a physician assistant, except for the purpose 2690
of seeking employment. 2691

~~(H)~~(I) No person practicing as a physician assistant shall 2692
fail to wear at all times when on duty a placard, plate, or other 2693
device identifying ~~himself or herself~~ that person as a "physician 2694
assistant." 2695

Sec. 4730.03. Nothing in this chapter shall: 2696

(A) Be construed to affect or interfere with the performance 2697
of duties of any medical personnel in active service in the army, 2698
navy, coast guard, marine corps, air force, public health service, 2699
or marine hospital service of the United States while so serving; 2700

(B) Prevent any person from performing any of the services a 2701
physician assistant may be authorized to perform, if the person's 2702
professional scope of practice established under any other chapter 2703
of the Revised Code authorizes the person to perform the services; 2704

(C) Prohibit a physician from delegating responsibilities to 2705
any nurse or other qualified person who does not ~~registered~~ hold a 2706
certificate to practice as a physician assistant, ~~provided such an~~ 2707
that the individual does not hold ~~himself or herself~~ the 2708
individual out to be a physician assistant; 2709

(D) Be construed as authorizing a physician assistant 2710
independently to order or direct the execution of procedures or 2711
techniques by a registered nurse or licensed practical nurse in 2712
the care and treatment of a person in any setting, except to the 2713
extent that the physician assistant is authorized to do so by the 2714
physician supervisory plan approved under section 4730.17 of the 2715
Revised Code for the physician who is responsible for supervising 2716
the physician assistant or the policies of the health care 2717
facility in which the physician assistant is practicing; 2718

(E) ~~Authorize a physician assistant to administer, monitor,~~ 2719

~~or maintain an anesthetic, except for the administration of a~~ 2720
~~regional anesthetic, such as a "digital block," that is~~ 2721
~~administered in connection with the care and suturing of minor~~ 2722
~~lacerations;~~ 2723

~~(F) Authorize a physician assistant to engage in the practice~~ 2724
~~of optometry, except to the extent that the physician assistant is~~ 2725
~~authorized by a supervising physician through a physician~~ 2726
~~assistant utilization plan approved by the state medical board~~ 2727
~~under section 4730.18 of the Revised Code acting in accordance~~ 2728
~~with this chapter to perform routine visual screening, provide~~ 2729
~~medical care prior to or following eye surgery, or assist in the~~ 2730
~~care of diseases of the eye;~~ 2731

~~(F) Be construed as authorizing a physician assistant to~~ 2732
~~prescribe any drug or device to perform or induce an abortion, or~~ 2733
~~as otherwise authorizing a physician assistant to perform or~~ 2734
~~induce an abortion.~~ 2735

Sec. 4730.05. ~~(A) There is hereby created the physician~~ 2736
~~assistant policy committee of the state medical board, consisting,~~ 2737
~~The president of the board shall appoint the members of the~~ 2738
~~committee. The committee shall consist of the seven members to be~~ 2739
~~appointed by the president of the board. Three specified in~~ 2740
~~divisions (A)(1) to (3) of this section. When the committee is~~ 2741
~~developing or revising policy and procedures for~~ 2742
~~physician-delegated prescriptive authority for physician~~ 2743
~~assistants, the committee shall include the two additional members~~ 2744
~~specified in division (A)(4) of this section.~~ 2745

~~(1) Three members of the committee shall be physicians. Of~~ 2746
~~the physician members, one shall be a member of the state medical~~ 2747
~~board, one shall be appointed from a list of five physicians~~ 2748
~~recommended by the Ohio state medical association, and one shall~~ 2749
~~be appointed from a list of five physicians recommended by the~~ 2750

Ohio osteopathic association. At all times, the physician 2751
membership of the committee shall include at least one physician 2752
who is a supervising physician of a physician assistant, 2753
preferably with at least two years' experience as a supervising 2754
physician. ~~Three~~ 2755

(2) Three members shall be physician assistants appointed 2756
from a list of five individuals recommended by the Ohio 2757
association of physician assistants. ~~One~~ 2758

(3) One member, who is not affiliated with any health care 2759
profession, shall be appointed to represent the interests of 2760
consumers. 2761

(4) The two additional members, appointed to serve only when 2762
the committee is developing or revising policy and procedures for 2763
physician-delegated prescriptive authority for physician 2764
assistants, shall be pharmacists. Of these members, one shall be 2765
appointed from a list of five clinical pharmacists recommended by 2766
the Ohio pharmacists association and one shall be appointed from 2767
the pharmacist members of the state board of pharmacy, preferably 2768
from among the members who are clinical pharmacists. 2769

The pharmacist members shall have voting privileges only for 2770
purposes of developing or revising policy and procedures for 2771
physician-delegated prescriptive authority for physician 2772
assistants. Presence of the pharmacist members shall not be 2773
required for the transaction of any other business. 2774

(B) Terms of office shall be for two years, with each term 2775
ending on the same day of the same month as did the term that it 2776
succeeds. Each member shall hold office from the date of being 2777
appointed until the end of the term for which the member was 2778
appointed. Members may be reappointed, except that a member may 2779
not be appointed to serve more than three consecutive terms. As 2780
vacancies occur, a successor shall be appointed who has the 2781

qualifications the vacancy requires. A member appointed to fill a 2782
vacancy occurring prior to the expiration of the term for which a 2783
predecessor was appointed shall hold office as a member for the 2784
remainder of that term. A member shall continue in office 2785
subsequent to the expiration date of the member's term until a 2786
successor takes office or until a period of sixty days has 2787
elapsed, whichever occurs first. 2788

(C) Each member of the committee shall receive an amount 2789
fixed pursuant to division (J) of section 124.15 of the Revised 2790
Code for each day employed in the discharge of official duties as 2791
a member, and shall also receive necessary and actual expenses 2792
incurred in the performance of official duties as a member. 2793

(D) The committee members specified in divisions (A)(1) to 2794
(3) of this section by a majority vote shall elect a chairperson 2795
by a majority vote of the committee from among those members. The 2796
committee members may elect a new chairperson at any time. 2797

(E) The state medical board may appoint assistants, clerical 2798
staff, or other employees as necessary for the committee to 2799
perform its duties adequately. 2800

(F) The committee shall meet at least four times a year and 2801
at such other times as may be necessary to carry out its 2802
responsibilities. 2803

Sec. 4730.06. (A) The physician assistant policy committee of 2804
the state medical board shall review, and ~~may~~ shall submit to the 2805
board recommendations ~~to the board~~ concerning, all of the 2806
following: 2807

(1) ~~Education and registration requirements~~ Requirements for 2808
issuance of certificates to practice as a physician assistants 2809
assistant, including the educational requirements that must be met 2810
to receive a certificate to practice; 2811

(2) Existing and proposed rules pertaining to the practice of physician assistants, the supervisory relationship between physician assistants and supervising physicians, and the administration and enforcement of this chapter;

(3) Physician-delegated prescriptive authority for physician assistants, in accordance with section 4730.38 of the Revised Code;

~~(4) Application procedures and forms for certificates of registration for to practice as a physician assistants assistant, standard and supplemental physician assistant utilization physician supervisory plans, and supervision agreements;~~

~~(4) Registration and renewal fees (5) Fees required by this chapter for issuance and renewal of certificates to practice as a physician assistant;~~

~~(5)(6) Criteria to be included in applications submitted to the board for approval of physician supervisory plans, including criteria to be included in applications for approval to delegate to physician assistants the performance of special services;~~

~~(7) Criteria to be included in standard and supplemental utilization plans and in supervision agreements submitted to the board for approval and renewal of the board's approval;~~

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

~~(7)(8) Any issue the board asks the committee to consider.~~

(B) In addition to the matters that are required to be reviewed under division (A) of this section, the committee may review, and may submit to the board recommendations concerning, either or both of the following:

(1) Quality assurance activities to be performed by a supervising physician and physician assistant under a quality assurance system established pursuant to division (F) of section

4730.21 of the Revised Code;

2842

(2) The development and approval of one or more model
physician supervisory plans and one or more models for a special
services portion of the one or more model physician supervisory
plans. The committee may submit recommendations for model plans
that reflect various medical specialties.

2843

2844

2845

2846

2847

(C) The board shall take into consideration all
recommendations submitted by the committee. Not later than ninety
days after receiving a recommendation from the committee, the
board shall approve or disapprove the recommendation and notify
the committee of its decision. If a recommendation is disapproved,
the board shall inform the committee of its reasons for making
that decision. The committee may resubmit the recommendation after
addressing the concerns expressed by the board and modifying the
disapproved recommendation accordingly. Not later than ninety days
after receiving a resubmitted recommendation, the board shall
approve or disapprove the recommendation. There is no limit on the
number of times the committee may resubmit a recommendation for
consideration by the board. ~~It is not necessary for the committee
to make a recommendation before~~

2848

2849

2850

2851

2852

2853

2854

2855

2856

2857

2858

2859

2860

2861

(D)(1) Except as provided in division (D)(2) of this section,
the board may not take action regarding a ~~particular~~ matter that
is subject to the committee's review under division (A) or (B) of
this section unless the committee has made a recommendation to the
board concerning the matter.

2862

2863

2864

2865

2866

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

2867

2868

2869

2870

2871

2872

Sec. 4730.07. In addition to rules that are specifically 2873
required or authorized by this chapter to be adopted, the state 2874
medical board may, subject to division (D) of section 4730.06 of 2875
the Revised Code, adopt any other rules necessary to govern the 2876
practice of physician assistants, the supervisory relationship 2877
between physician assistants and supervising physicians, and the 2878
administration and enforcement of this chapter. Rules adopted 2879
under this section shall be adopted in accordance with Chapter 2880
119. of the Revised Code. 2881

Sec. 4730.08. (A) A certificate to practice as a physician 2882
assistant issued under this chapter authorizes the holder to 2883
practice as a physician assistant, subject to all of the 2884
following: 2885

(1) The physician assistant shall practice only under the 2886
supervision, control, and direction of a physician with whom the 2887
physician assistant has entered into a supervision agreement 2888
approved by the state medical board under section 4730.17 of the 2889
Revised Code. 2890

(2) When the physician assistant practices outside a health 2891
care facility, the physician assistant shall practice in 2892
accordance with the physician supervisory plan approved under 2893
section 4730.17 of the Revised Code for the physician who is 2894
responsible for supervising the physician assistant. 2895

(3) When the physician assistant practices within a health 2896
care facility, the physician assistant shall practice in 2897
accordance with the policies of the health care facility. 2898

(B) For purposes of division (A) of this section and all 2899
other provisions of this chapter pertaining to the practice of a 2900
physician assistant under the policies of a health care facility, 2901
the state medical board may, subject to division (D) of section 2902

4730.06 of the Revised Code, adopt rules designating facilities to 2903
be included as health care facilities that are in addition to the 2904
facilities specified in divisions (C)(1) and (2) of section 2905
4730.01 of the Revised Code. Any rules adopted under this division 2906
shall be adopted in accordance with Chapter 119. of the Revised 2907
Code. 2908

Sec. 4730.081. For purposes of the Revised Code and any rules 2909
adopted under it, a certificate to practice as a physician 2910
assistant issued under this chapter constitutes the state's 2911
licensure of the certificate holder to practice as a physician 2912
assistant. The certificate holder may present the certificate as 2913
evidence of the state's licensure of the holder to any health care 2914
insurer, accrediting body, or other entity that requires evidence 2915
of licensure by a government entity to be recognized or authorized 2916
to practice as a physician assistant. 2917

Sec. 4730.09. (A) Under a physician supervisory plan approved 2918
under section 4730.17 of the Revised Code, a physician assistant 2919
may provide any or all of the following services without approval 2920
by the state medical board as special services: 2921

(1) Obtaining comprehensive patient histories; 2922

(2) Performing physical examinations, including audiometry 2923
screening, routine visual screening, and pelvic, rectal, and 2924
genital-urinary examinations, when indicated; 2925

(3) Ordering, performing, or ordering and performing routine 2926
diagnostic procedures, as indicated; 2927

(4) Identifying normal and abnormal findings on histories, 2928
physical examinations, and commonly performed diagnostic studies; 2929

(5) Assessing patients and developing and implementing 2930
treatment plans for patients; 2931

<u>(6) Monitoring the effectiveness of therapeutic interventions;</u>	2932 2933
<u>(7) Exercising physician-delegated prescriptive authority pursuant to a certificate to prescribe issued under this chapter;</u>	2934 2935
<u>(8) Carrying out or relaying the supervising physician's orders for the administration of medication, to the extent permitted by law;</u>	2936 2937 2938
<u>(9) Providing patient education;</u>	2939
<u>(10) Instituting and changing orders on patient charts;</u>	2940
<u>(11) Performing developmental screening examinations on children with regard to neurological, motor, and mental functions;</u>	2941 2942
<u>(12) Performing wound care management, suturing minor lacerations and removing the sutures, and incision and drainage of uncomplicated superficial abscesses;</u>	2943 2944 2945
<u>(13) Removing superficial foreign bodies;</u>	2946
<u>(14) Administering intravenous fluids;</u>	2947
<u>(15) Inserting a foley or cudae catheter into the urinary bladder and removing the catheter;</u>	2948 2949
<u>(16) Removing intrauterine devices;</u>	2950
<u>(17) Performing biopsies of superficial lesions;</u>	2951
<u>(18) Making appropriate referrals as directed by the supervising physician;</u>	2952 2953
<u>(19) Removing norplant capsules;</u>	2954
<u>(20) Performing penile duplex ultrasound;</u>	2955
<u>(21) Changing of a tracheostomy;</u>	2956
<u>(22) Performing bone marrow aspirations from the posterior iliac crest;</u>	2957 2958

<u>(23) Performing bone marrow biopsies from the posterior iliac crest;</u>	2959
	2960
<u>(24) Performing cystograms;</u>	2961
<u>(25) Performing nephrostograms after physician placement of nephrostomy tubes;</u>	2962
	2963
<u>(26) Fitting or inserting family planning devices, including intrauterine devices, diaphragms, and cervical caps;</u>	2964
	2965
<u>(27) Removing cervical polyps;</u>	2966
<u>(28) Performing nerve conduction testing;</u>	2967
<u>(29) Performing endometrial biopsies;</u>	2968
<u>(30) Inserting filiform and follower catheters;</u>	2969
<u>(31) Performing arthrocentesis of the knee;</u>	2970
<u>(32) Performing knee joint injections;</u>	2971
<u>(33) Performing endotracheal intubation with successful completion of an advanced cardiac life support course;</u>	2972
	2973
<u>(34) Performing lumbar punctures;</u>	2974
<u>(35) In accordance with rules adopted by the board, using light-based medical devices for the purpose of hair removal;</u>	2975
	2976
<u>(36) Administering, monitoring, or maintaining local anesthesia, as defined in section 4730.091 of the Revised Code;</u>	2977
	2978
<u>(37) 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 board by rule or other means as services that are not subject to approval as special services.</u>	2979
	2980
	2981
	2982
	2983
	2984
<u>(B) Under the policies of a health care facility, the services a physician assistant may provide are limited to the</u>	2985
	2986

services the facility has authorized the physician assistant to 2987
provide for the facility. The services a health care facility may 2988
authorize a physician assistant to provide for the facility 2989
include the following: 2990

(1) Any or all of the services specified in division (A) of 2991
this section; 2992

(2) Assisting in surgery in the health care facility; 2993

(3) Any other services permitted by the policies of the 2994
health care facility, except that the facility may not authorize a 2995
physician assistant to perform a service that is prohibited by 2996
this chapter. 2997

Sec. 4730.091. (A) As used in this section, "local 2998
anesthesia" means the injection of a drug or combination of drugs 2999
to stop or prevent a painful sensation in a circumscribed area of 3000
the body where a painful procedure is to be performed. "Local 3001
anesthesia" includes only local infiltration anesthesia, digital 3002
blocks, and pudendal blocks. 3003

(B) A physician assistant may administer, monitor, or 3004
maintain local anesthesia as a component of a procedure the 3005
physician assistant is performing or as a separate service when 3006
the procedure requiring local anesthesia is to be performed by the 3007
physician assistant's supervising physician or another person. A 3008
physician assistant shall not administer, monitor, or maintain any 3009
other form of anesthesia, including regional anesthesia or any 3010
systemic sedation, regardless of whether the physician assistant 3011
is practicing under a physician supervisory plan or the policies 3012
of a health care facility. 3013

Sec. 4730.10. (A) An individual seeking a certificate of 3014
registration to practice as a physician assistant shall file with 3015
the state medical board a written application on a form prescribed 3016

and supplied by the board. The application shall include all of 3017
the following: 3018

(1) The applicant's name, residential address, business 3019
address, if any, and social security number; 3020

~~(2) Satisfactory proof that the applicant is at least 3021
eighteen years of age and of good moral character 3022
requirements specified in divisions (A)(1) and (2) of section 3023
4730.11 of the Revised Code;~~ 3024

~~(2) The status of the applicant with respect to eligibility 3025
for and application to take, or satisfactory completion of, the 3026
examination of the national commission for certification of 3027
physician assistants or a successor organization that is 3028
recognized by the board;~~ 3029

(3) Effective January 1, 2008, except as provided in division 3030
(B) of section 4730.11 of the Revised Code, satisfactory proof 3031
that the applicant meets one of the educational requirements 3032
specified in division (A)(4) of section 4730.11 of the Revised 3033
Code; 3034

(4) Any other information the board requires. 3035

~~(B) The board shall review all applications received under 3036
this section. The board shall determine whether an applicant meets 3037
the requirements to receive a certificate of registration not 3038
later than sixty days after receiving a complete application. The 3039
affirmative vote of not fewer than six members of the board is 3040
required to determine that an applicant meets the requirements for 3041
a certificate.~~ 3042

~~A certificate of registration shall not be issued to an 3043
applicant unless the applicant is certified by the national 3044
commission on certification of physician assistants or a successor 3045
organization that is recognized by the board, except that the 3046
board may issue a temporary certificate of registration to an 3047~~

~~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.~~ 3048
3049
3050
3051
3052

~~(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.~~ 3053
3054
3055
3056
3057

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: 3058
3059
3060

(1) The applicant shall be at least eighteen years of age. 3061

(2) The applicant shall be of good moral character. 3062

(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. 3063
3064
3065
3066

(4) Effective January 1, 2008, except as provided in division
(B) of this section, the applicant shall meet one of the following
educational requirements: 3067
3068
3069

(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; 3070
3071
3072
3073

(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 3074
3075
3076
3077

the board and shall hold a master's or higher degree in a course 3078
of study with clinical relevance to the practice of physician 3079
assistants that was obtained from a program accredited by a 3080
regional or specialized and professional accrediting agency 3081
recognized by the council for higher education accreditation. 3082

(B) It is not necessary for an applicant to hold a master's 3083
or higher degree as a condition of receiving a certificate to 3084
practice as a physician assistant if the applicant presents 3085
evidence satisfactory to the board of holding a current, valid 3086
license or other form of authority to practice as a physician 3087
assistant that was issued by another jurisdiction prior to January 3088
1, 2008. 3089

(C) This section does not require an individual to obtain a 3090
master's or higher degree as a condition of retaining or renewing 3091
a certificate to practice as a physician assistant if either of 3092
the following is the case: 3093

(1) Prior to January 1, 2008, the individual received a 3094
certificate to practice as a physician assistant under this 3095
chapter without holding a master's or higher degree. 3096

(2) On or after January 1, 2008, the individual received a 3097
certificate to practice as a physician assistant under this 3098
chapter on the basis of holding a license issued in another 3099
jurisdiction, as specified in division (B) of this section. 3100

Sec. ~~4730.11~~ 4730.12. If the (A) The state medical board 3101
shall review all applications received under section 4730.10 of 3102
the Revised Code for certificates to practice as a physician 3103
assistant. Not later than sixty days after receiving a complete 3104
application, the board shall determine whether an applicant meets 3105
the requirements to receive a certificate to practice, as 3106
specified in section 4730.11 of the Revised Code. An affirmative 3107

vote of not fewer than six members of the board is required to 3108
determine that an applicant meets the requirements to receive a 3109
certificate to practice as a physician assistant. 3110

(B) If the board determines ~~under section 4730.10 of the~~ 3111
Revised Code that an applicant meets the requirements ~~for a to~~ 3112
receive the certificate ~~of registration as a physician assistant,~~ 3113
the secretary of the board shall register the applicant as a 3114
physician assistant and issue to the applicant a certificate ~~of~~ 3115
~~registration to practice~~ as a physician assistant. ~~The certificate~~ 3116
~~shall expire biennially and may be renewed in accordance with~~ 3117
~~section 4730.12 of the Revised Code.~~ 3118

~~Upon application by the holder of a certificate of~~ 3119
~~registration, the board shall issue a duplicate certificate to~~ 3120
~~replace one that is missing or damaged, to reflect a name change,~~ 3121
~~or for any other reasonable cause. The fee for a duplicate~~ 3122
~~certificate shall be thirty five dollars.~~ 3123

Sec. 4730.13. Upon application by the holder of a certificate 3124
to practice as a physician assistant, the state medical board 3125
shall issue a duplicate certificate to replace one that is missing 3126
or damaged, to reflect a name change, or for any other reasonable 3127
cause. The fee for a duplicate certificate shall be thirty-five 3128
dollars. All fees collected under this section shall be deposited 3129
in accordance with section 4731.24 of the Revised Code. 3130

~~Sec. 4730.12~~ 4730.14. (A) A certificate to practice as a 3132
physician assistant shall expire biennially and may be renewed in 3133
accordance with this section. A person seeking to renew a 3134
~~certificate of registration to practice~~ as a physician assistant 3135
shall, on or before the thirty-first day of January of each 3136
even-numbered year, apply for renewal of the certificate. The 3137

state medical board shall send renewal notices at least one month 3138
prior to the expiration date. 3139

Applications shall be submitted to the board on forms the 3140
board shall prescribe and furnish. Each application shall be 3141
accompanied by a biennial renewal fee of fifty dollars. The board 3142
shall deposit the fees in accordance with section 4731.24 of the 3143
Revised Code. 3144

The applicant shall report any criminal offense that 3145
constitutes grounds for refusing to issue a certificate of 3146
~~registration to practice~~ under section 4730.25 of the Revised Code 3147
to which the applicant has pleaded guilty, of which the applicant 3148
has been found guilty, or for which the applicant has been found 3149
eligible for ~~treatment~~ intervention in lieu of conviction, since 3150
last signing an application for a certificate of ~~registration to~~ 3151
practice as a physician assistant. 3152

(B) To be eligible for renewal, a physician assistant ~~must~~ 3153
shall certify to the board both of the following: 3154

(1) That the physician assistant has maintained certification 3155
by the national commission on certification of physician 3156
assistants or a successor organization that is recognized by the 3157
board by meeting the standards to hold current certification from 3158
the commission or its successor, including completion of 3159
continuing medical education requirements and passing periodic 3160
recertification examinations; 3161

(2) Except as provided in division ~~(D)~~(F) of this section and 3162
section 5903.12 of the Revised Code, that the physician assistant 3163
has completed during the current ~~registration~~ certification period 3164
not less than one hundred hours of continuing medical education 3165
acceptable to the board. ~~The~~ 3166

(C) The board shall adopt rules in accordance with Chapter 3167
119. of the Revised Code specifying the types of continuing 3168

medical education that must be completed to fulfill the board's 3169
requirements under division (B)(2) of this section. ~~The~~ Except 3170
when additional continuing medical education is required to renew 3171
a certificate to prescribe, as specified in section 4730.49 of the 3172
Revised Code, the board shall not adopt rules that require a 3173
physician assistant to complete in any ~~registration~~ certification 3174
period more than one hundred hours of continuing medical education 3175
acceptable to the board. In fulfilling the board's requirements, a 3176
physician assistant may use continuing medical education courses 3177
or programs completed to maintain certification by the national 3178
commission on certification of physician assistants or a successor 3179
organization that is recognized by the board if the standards for 3180
acceptable courses and programs of the commission or its successor 3181
are at least equivalent to the standards established by the board. 3182

~~(C)~~(D) If an applicant submits a complete renewal application 3183
and qualifies for renewal pursuant to division (B) of this 3184
section, the board shall issue to the applicant a renewed 3185
certificate ~~of registration to practice~~ as a physician assistant. 3186
~~The~~ 3187

(E) ~~The~~ board may require a random sample of physician 3188
assistants to submit materials documenting certification by the 3189
national commission on certification of physician assistants or a 3190
successor organization that is ~~required~~ recognized by the board 3191
and completion of the required number of hours of continuing 3192
medical education. 3193

~~(D)~~(F) The board shall provide for pro rata reductions by 3194
month of the number of hours of continuing education that must be 3195
completed for individuals who are in their first ~~registration~~ 3196
certification period, who have been disabled due to illness or 3197
accident, or who have been absent from the country. The board 3198
shall adopt rules, in accordance with Chapter 119. of the Revised 3199
Code, as necessary to implement this division. 3200

~~(E)~~(G)(1) A certificate of registration to practice that is 3201
not renewed on or before its expiration date is automatically 3202
suspended on its expiration date. ~~The state medical~~ Continued 3203
practice after suspension of the certificate shall be considered 3204
as practicing in violation of division (A) of section 4730.02 of 3205
the Revised Code. 3206

(2) If a certificate has been suspended pursuant to division 3207
(G)(1) of this section for two years or less, it may be 3208
reinstated. The board shall reinstate a certificate suspended for 3209
failure to renew upon an applicant's submission of the biennial 3210
renewal fee, ~~the~~ any applicable monetary penalty, and 3211
certification by signature of the applicant that the applicant has 3212
completed the number of hours of continuing education necessary to 3213
have a certificate reinstated ~~have been completed~~, as specified in 3214
rules the board shall adopt in accordance with Chapter 119. of the 3215
Revised Code. ~~The~~ 3216

If a certificate has been suspended pursuant to division 3217
(G)(1) of this division for more than two years, it may be 3218
restored. In accordance with section 4730.28 of the Revised Code, 3219
the board may restore a certificate suspended for failure to renew 3220
upon an applicant's submission of a restoration application, the 3221
biennial renewal fee, and any applicable monetary penalty. 3222

The penalty for reinstatement shall be twenty-five dollars ~~if~~ 3223
~~the certificate has been suspended for two years or less and the~~ 3224
penalty for restoration shall be fifty dollars ~~if the certificate~~ 3225
~~has been suspended for more than two years.~~ The board shall 3226
deposit penalties in accordance with section 4731.24 of the 3227
Revised Code. 3228

~~(F)~~(H) If an individual certifies that the individual has 3229
completed the number of hours and type of continuing medical 3230
education required for renewal or reinstatement of a certificate 3231

~~of registration to practice~~ to practice as a physician assistant, and the 3232
board finds through a random sample conducted under division 3233
~~(C)(E)~~ of this section or through any other means that the 3234
individual did not complete the requisite continuing medical 3235
education, the board may impose a civil penalty of not more than 3236
five thousand dollars. The board's finding shall be made pursuant 3237
to an adjudication under Chapter 119. of the Revised Code and by 3238
an affirmative vote of not fewer than six members. 3239

A civil penalty imposed under this division may be in 3240
addition to or in lieu of any other action the board may take 3241
under section 4730.25 of the Revised Code. The board shall deposit 3242
civil penalties in accordance with section 4731.24 of the Revised 3243
Code. 3244

Sec. ~~4730.18~~ 4730.15. ~~(A)~~ A physician seeking to supervise 3245
one or more physician assistants through a physician supervisory 3246
plan shall submit to the state medical board an application for 3247
approval of a physician ~~assistant-utilization~~ supervisory plan. 3248
The physician shall provide all information determined by the 3249
board to be necessary to process the application. The physician 3250
may include in the application the names, business addresses, and 3251
business telephone numbers of at least two physicians who have 3252
agreed to act as alternate supervising physicians during periods 3253
in which the physician will be unable to provide supervision in 3254
accordance with section 4730.21 of the Revised Code. 3255

Application for approval of a physician ~~assistant-utilization~~ 3256
supervisory plan shall be made on a form prescribed and furnished 3257
by the board. Each application shall include a copy of the 3258
proposed plan. The proposed plan may be based on any model 3259
physician supervisory plan approved under section 4730.06 of the 3260
Revised Code. If the plan includes a special services portion, 3261
that portion may be based on any model special services portion 3262

approved under section 4730.06 of the Revised Code. 3263

The board shall develop a form that may be used when two or 3264
more physicians wish to apply at the same time for approval of the 3265
same ~~type of physician assistant utilization~~ supervisory plan. 3266
When making simultaneous applications with ~~these forms~~ this form, 3267
the physicians are required to include only one copy of the 3268
proposed plan with all of their applications. Subsequent to the 3269
filing of simultaneous applications, a physician who seeks to join 3270
the physicians who filed simultaneous applications may apply for 3271
approval of the same ~~type of physician assistant utilization~~ 3272
supervisory plan by using the ~~forms~~ form developed by the board 3273
for simultaneous applications. The physician shall identify the 3274
plan for which approval is sought. Identification of the plan 3275
fulfills the requirement for filing a copy of the plan. 3276

Each application for approval filed separately shall be 3277
accompanied by a fee of seventy-five dollars. Applications filed 3278
simultaneously shall be accompanied by a fee of seventy-five 3279
dollars per physician, up to a maximum of seven hundred fifty 3280
dollars. An application from a physician who seeks to join 3281
physicians who filed simultaneous applications shall include a fee 3282
of seventy-five dollars, unless the fees paid by the physicians in 3283
the group have reached the maximum of seven hundred fifty dollars. 3284
Fees shall be deposited in accordance with section 4731.24 of the 3285
Revised Code. 3286

~~(B) To be approved by the board, a standard utilization plan 3287
must meet the requirements of section 4730.16 of the Revised Code 3288
and any applicable rules adopted by the board. To be approved, a 3289
supplemental utilization plan must meet the requirements of 3290
section 4730.17 of the Revised Code and any applicable rules 3291
adopted by the board. 3292~~

~~On receipt of a complete application, the board shall process 3293
the application as follows: 3294~~

~~(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.~~ 3295
3296
3297
3298

~~(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.~~ 3299
3300
3301
3302
3303
3304
3305
3306
3307
3308

~~(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.~~ 3309
3310
3311
3312

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: 3313
3314
3315
3316
3317

~~(1)(A)~~ (A) The responsibilities to be fulfilled by the physician supervising a physician assistant under the plan; 3318
3319

~~(2)(B)~~ (B) The responsibilities to be fulfilled by a physician assistant when performing services under the plan; 3320
3321

~~(3)(C)~~ (C) Circumstances under which a physician assistant is required to refer a patient to the supervising physician; 3322
3323

~~(4)(D)~~ (D) Procedures to be followed by a physician assistant 3324

when writing medical orders, including prescriptions written in 3325
the exercise of the physician-delegated prescriptive authority 3326
granted to the physician assistant; 3327

~~(5) Procedures to be followed when a supervising physician is~~ 3328
~~not on the premises but a patient requires immediate attention~~ 3329

(E) Any special services that the physician may delegate to a 3330
physician assistant. 3331

~~(B) The types of services a supervising physician may~~ 3332
~~authorize a physician assistant to perform under a standard~~ 3333
~~utilization plan are limited to the following:~~ 3334

~~(1) Obtaining comprehensive patient histories;~~ 3335

~~(2) Performing physical examinations, including pelvic and~~ 3336
~~rectal examinations when indicated;~~ 3337

~~(3) Assessing patients, ordering and performing routine~~ 3338
~~diagnostic procedures, developing treatment plans for patients,~~ 3339
~~and implementing treatment plans that have been reviewed and~~ 3340
~~approved by the supervising physician;~~ 3341

~~(4) Monitoring the effectiveness of therapeutic~~ 3342
~~interventions;~~ 3343

~~(5) Assisting in surgery in a hospital, as defined in section~~ 3344
~~3727.01 of the Revised Code, or an outpatient surgical care center~~ 3345
~~affiliated with the hospital if the center meets the same~~ 3346
~~credential, quality assurance, and utilization review standards as~~ 3347
~~the hospital;~~ 3348

~~(6) Providing instruction to meet patient needs;~~ 3349

~~(7) Instituting and changing orders on patient charts as~~ 3350
~~directed by the supervising physician;~~ 3351

~~(8) Carrying out or relaying the supervising physician's~~ 3352
~~orders for medication, to the extent permitted under laws~~ 3353
~~pertaining to drugs.~~ 3354

Sec. 4730.17. (A) On receipt of a complete application for approval of a physician supervisory plan submitted under section 4730.15 of the Revised Code, the state medical board shall process the application as follows: 3355
3356
3357
3358

(1) Not later than sixty days after receiving the application, the board shall approve or disapprove the plan or that portion of the plan under which one or more physician assistants will be authorized to perform the services specified in division (A) of section 4730.09 of the Revised Code. The board shall provide written notice of its decision to the applicant. 3359
3360
3361
3362
3363
3364

(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. 3365
3366
3367
3368
3369
3370

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. 3371
3372
3373
3374
3375
3376
3377
3378
3379
3380
3381
3382

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 3383
3384
3385

shall provide written notice of its decision to the applicant and 3386
the committee. 3387

(B) After a physician supervisory plan has been approved, the 3388
holder of the plan may apply for an addendum to the plan for 3389
authorization to delegate to one or more physician assistants the 3390
performance of a special service that was not included at the time 3391
the plan was approved. An application for an addendum to an 3392
approved physician supervisory plan shall be submitted in the same 3393
manner that an application for approval of an original plan is 3394
submitted under section 4730.15 of the Revised Code. The 3395
application shall be processed in same manner that an application 3396
for approval of an original physician supervisory plan is 3397
processed under division (A) of this section. 3398

(C) A physician supervisory plan approved under this section 3399
is valid until the supervising physician for whom the plan was 3400
approved, or the group of supervising physicians for which the 3401
plan was approved, notifies the board that the plan should be 3402
canceled or replaced. 3403

Sec. 4730.18. Before initiating supervision of one or more 3404
physician assistants under a physician supervisory plan or the 3405
policies of a health care facility, a physician shall obtain 3406
approval from the state medical board under section 4730.19 of the 3407
Revised Code of a supervision agreement between the physician and 3408
each physician assistant who will be supervised. 3409

A physician seeking approval of a supervision agreement shall 3410
submit an application to the board on a form the board shall 3411
prescribe and furnish. The application shall list each physician 3412
assistant who will be supervised. Each application shall be 3413
accompanied by a fee of twenty-five dollars. Fees shall be 3414
deposited in accordance with section 4731.24 of the Revised Code. 3415

~~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 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) To~~ 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 or the policies of the health care facility in which the supervising physician and physician assistant are practicing. 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~~ supervisory plan. ~~If~~

(5) If the physician intends to grant physician-delegated

prescriptive authority to a physician assistant, the physician assistant shall hold a certificate to prescribe issued under this chapter. 3446
3447
3448

(6) If the physician holds approval of more than one physician assistant utilization supervisory plan, the agreement must shall specify the plan under which the physician assistant will practice. If these conditions are 3449
3450
3451
3452

(B) The board shall review each application received. If the board finds that the requirements specified in division (A) of this section have been met and the applicant has paid the fee is paid specified in section 4730.18 of the Revised Code, the board shall issue a letter to approve the supervision agreement and notify the supervising physician acknowledging its of the board's approval of the supervision agreement. If physician-delegated prescriptive authority will be granted to more than one physician assistant under the supervision agreement, the board shall specify in the notice that its approval is specific to each physician assistant. The board shall provide notice of its approval of a supervision agreement not later than thirty days after the board receives a complete application for approval. 3453
3454
3455
3456
3457
3458
3459
3460
3461
3462
3463
3464
3465

(C) After a supervision agreement is approved, a physician may apply to the board for approval to initiate supervision of a physician assistant who is not listed on the agreement. If There is no fee for applying for the addition of a physician assistant to a supervision agreement. 3466
3467
3468
3469
3470

To receive the board's approval of the addition to the supervision agreement, the physician assistant holds shall hold a current certificate of registration to practice as a physician assistant. If the physician intends to grant physician-delegated prescriptive authority to the physician assistant, the physician assistant shall hold a current certificate to prescribe. If these 3471
3472
3473
3474
3475
3476

~~requirements are met, the board shall issue a letter to notify the physician acknowledging of its approval of the addition to the supervision agreement. The board shall provide notice of its approval not later than thirty days after the board receives a complete application for approval.~~

~~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. 4730.20. (A) 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 the board's approval 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.

(B) For the board's approval of a supervision agreement to be renewed under this section, all of the following apply:

(1) 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 3508
specified in the agreement. 3509

(2) Each of the physician assistants specified in the 3510
agreement shall hold a current certificate to practice as a 3511
physician assistant. 3512

(3) If physician-delegated prescriptive authority will be 3513
granted to one or more physician assistants under the supervision 3514
agreement, each of the physician assistants shall hold a valid 3515
certificate to prescribe issued under this chapter. 3516

(C) The board shall renew its approval of the supervision 3517
agreement if the fee has been paid and the requirements specified 3518
in division (B) of this section have been met. 3519

Sec. 4730.21. (A) The supervising physician of a physician 3520
assistant exercises ~~oversight~~ supervision, control, and direction 3521
of the physician assistant. In supervising a physician assistant, 3522
~~the supervising physician shall do~~ all of the following apply: 3523

(1) ~~Be~~ Except when the on-site supervision requirements 3524
specified in section 4730.45 of the Revised Code are applicable, 3525
the supervising physician shall be continuously available for 3526
direct communication with the physician assistant by either of the 3527
following means: 3528

(a) Being physically present at the location where the 3529
physician assistant is practicing; 3530

(b) Being readily available to the physician assistant 3531
through some means of telecommunication and being in a location 3532
that under normal conditions is not more than sixty minutes travel 3533
time away from the location where the physician assistant is 3534
practicing. 3535

(2) ~~Personally~~ The supervising physician shall personally and 3536
actively review the physician assistant's professional 3537

3538

(3) ~~Regularly~~ The supervising physician shall regularly 3539
review the condition of the patients treated by the physician 3540
assistant~~;~~. 3541

(4) ~~Regularly~~ The supervising physician shall ensure that the 3542
quality assurance system established pursuant to division (F) of 3543
this section is implemented and maintained. 3544

(5) The supervising physician shall regularly perform any 3545
other reviews of the physician assistant that the supervising 3546
physician considers necessary. 3547

(B) A physician may enter into supervision agreements with 3548
any number of physician assistants, but the physician may not 3549
supervise more than two physician assistants at any one time. A 3550
physician assistant may enter into supervision agreements with any 3551
number of supervising physicians, but when practicing under the 3552
supervision of a particular physician, the physician assistant's 3553
scope of practice is subject to the limitations of the ~~utilization~~ 3554
physician supervisory plan that has been approved under section 3555
4730.17 of the Revised Code for that physician or the policies of 3556
the health care facility in which the physician and physician 3557
assistant are practicing. 3558

~~When a supervision agreement between a physician assistant~~ 3559
~~and a supervising physician is terminated, the physician and the~~ 3560
~~physician assistant shall notify the state medical board. The~~ 3561
~~notice shall be submitted not later than two week days after the~~ 3562
~~agreement is terminated. The notice must include an explanation of~~ 3563
~~the reasons for terminating the agreement.~~ 3564

(C) A supervising physician may authorize a physician 3565
assistant to perform a service only if the service is ~~included in~~ 3566
authorized under the physician assistant utilization supervisory 3567
plan approved for that physician and or the policies of the health 3568

care facility in which the physician and physician assistant are 3569
practicing. A supervising physician may authorize a physician 3570
assistant to perform a service only if the physician is satisfied 3571
that the physician assistant is capable of competently performing 3572
the service. A supervising physician shall not authorize a 3573
physician assistant to perform any service that is beyond the 3574
physician's or the physician assistant's ~~expertise or~~ normal 3575
course of practice and expertise. 3576

(D) ~~A patient new to a physician's practice may be seen by a~~ 3577
~~physician assistant only when a supervising physician is on the~~ 3578
~~premises, except in those situations specified in a standard or~~ 3579
~~supplemental utilization plan under which the presence of the~~ 3580
~~physician is not necessary. A patient new to a physician's~~ 3581
~~practice or an established patient of a physician with a new~~ 3582
~~condition shall be seen and personally evaluated by a supervising~~ 3583
~~physician prior to initiation of any treatment plan proposed by a~~ 3584
~~physician assistant for the new patient or the established~~ 3585
~~patient's new condition. (1) A supervising physician may authorize~~ 3586
a physician assistant to practice in any setting within which the 3587
supervising physician routinely practices. ~~When a~~ 3588

(2) In the case of a health care facility with an emergency 3589
department, if the supervising physician authorizes a physician 3590
assistant to practice routinely practices in a the facility's 3591
emergency department, the supervising physician shall provide 3592
on-site supervision of the physician assistant when the physician 3593
assistant practices in the emergency department. If the 3594
supervising physician does not routinely practice in the 3595
facility's emergency department, the supervising physician may, on 3596
occasion, send the physician assistant to the facility's emergency 3597
department to assess and manage a patient. In supervising the 3598
physician assistant's assessment and management of the patient, 3599
the supervising physician shall determine the appropriate level of 3600

supervision in compliance with the requirements of divisions (A) 3601
to (C) of this section, except that the supervising physician must 3602
be available to go to the emergency department to personally 3603
evaluate the patient and, at the request of an emergency 3604
department physician, the supervising physician shall go to the 3605
emergency department to personally evaluate the patient. 3606

(E) Each time a physician assistant writes a medical order, 3607
including prescriptions written in the exercise of 3608
physician-delegated prescriptive authority, the physician 3609
assistant shall sign the form on which the order is written and 3610
record on the form the time and date that the order is written. 3611
When writing a medical order, the physician assistant shall use 3612
~~forms that~~ clearly identify the physician under whose supervision 3613
the physician assistant is authorized to write the order. ~~The 3614~~

~~supervising physician named on the order shall review each 3615~~
~~medical order written by the physician assistant not later than 3616~~
~~twenty four hours after the order is written, unless the 3617~~
~~supervising physician's utilization plan specifically authorizes a 3618~~
~~longer period of time for review. After reviewing an order, the 3619~~
~~supervising physician shall countersign the order if the 3620~~
~~supervising physician determines that the order is appropriate. 3621~~
~~Countersignature by the supervising physician is necessary before 3622~~
~~any 3623~~

~~person may execute the physician assistant's order, except in 3624~~
~~situations in which a patient requires immediate attention and any 3625~~
~~other circumstances specified in a supplemental utilization plan 3626~~
~~under which countersignature is not necessary. The supervising 3627~~
~~physician shall review each medical order executed without 3628~~
~~countersignature not later than twenty four hours after the order 3629~~
~~is written 3630~~

(F)(1) The supervising physician of a physician assistant 3631
shall establish a quality assurance system to be used in 3632

supervising the physician assistant. All or part of the system may 3633
be applied to other physician assistants who are supervised by the 3634
supervising physician. The system shall be developed in 3635
consultation with each physician assistant to be supervised by the 3636
physician. 3637

(2) In establishing the quality assurance system, the 3638
supervising physician shall describe a process to be used for all 3639
of the following: 3640

(a) Routine review by the physician of selected patient 3641
record entries made by the physician assistant and selected 3642
medical orders issued by the physician assistant; 3643

(b) Discussion of complex cases; 3644

(c) Discussion of new medical developments relevant to the 3645
practice of the physician and physician assistant; 3646

(d) Performance of any quality assurance activities required 3647
in rules adopted by state medical board pursuant to any 3648
recommendations made by the physician assistant policy committee 3649
under section 4730.06 of the Revised Code; 3650

(e) Performance of any other quality assurance activities 3651
that the supervising physician considers to be appropriate. 3652

(3) The supervising physician and physician assistant shall 3653
keep records of their quality assurance activities. On request, 3654
the records shall be made available to the board and any health 3655
care professional working with the supervising physician and 3656
physician assistant. 3657

Sec. 4730.22. (A) A physician assistant's supervising 3658
physician assumes legal liability for the services provided by the 3659
physician assistant. 3660

The physician is not liable for any services provided by the 3661

physician assistant after their supervision agreement is 3662
terminated. 3663

(B) When ~~any~~ a health care facility permits physician 3664
assistants to practice within that facility or any other health 3665
care facility under its control, the health care facility shall 3666
make reasonable efforts to explain to each individual who may work 3667
with a particular physician assistant the scope of that physician 3668
assistant's practice ~~as determined by each supervising physician's~~ 3669
~~physician assistant utilization plan and any policies maintained~~ 3670
~~by the facility regarding the practice of physician assistants~~ 3671
within the facility. The appropriate credentialing body within the 3672
health care facility shall provide, on request of an individual 3673
practicing in the facility with a physician assistant, a copy of 3674
the facility's policies on the practice of physician assistants 3675
within the facility and a copy of each physician assistant 3676
utilization supervisory plan and supervision agreement applicable 3677
to the physician assistant. 3678

An individual who follows the orders of a physician assistant 3679
practicing in a health care facility is not subject to 3680
disciplinary action by any administrative agency that governs that 3681
individual's conduct and is not liable in damages in a civil 3682
action for injury, death, or loss to person or property resulting 3683
from the individual's acts or omissions in the performance of any 3684
procedure, treatment, or other health care service if the 3685
individual reasonably believed that the physician assistant was 3686
acting within the proper scope of practice or was relaying medical 3687
orders from a supervising physician, unless the act or omission 3688
constitutes willful or wanton misconduct. 3689

Sec. 4730.25. (A) The state medical board, by an affirmative 3690
vote of not fewer than six members, may revoke or may refuse to 3691
grant a certificate ~~of registration~~ to practice as a physician 3692

assistant or a certificate to prescribe to a person found by the 3693
board to have committed fraud, misrepresentation, or deception in 3694
applying for or securing the certificate. 3695

(B) The board, by an affirmative vote of not fewer than six 3696
members, shall, to the extent permitted by law, limit, revoke, or 3697
suspend an individual's certificate ~~of registration~~ to practice as 3698
a physician assistant or certificate to prescribe, refuse to issue 3699
a certificate to an applicant, refuse to reinstate a certificate, 3700
or reprimand or place on probation the holder of a certificate for 3701
any of the following reasons: 3702

(1) Failure to practice in accordance with the conditions 3703
under which the supervising physician's supervision agreement with 3704
the physician assistant was approved, including the requirement 3705
that when practicing under a particular supervising physician, the 3706
physician assistant must practice only according to the ~~standard~~ 3707
~~or supplemental utilization~~ physician supervisory plan the board 3708
approved for that physician or the policies of the health care 3709
facility in which the supervising physician and physician 3710
assistant are practicing; 3711

(2) Failure to comply with the requirements of this chapter, 3712
Chapter 4731. of the Revised Code, or any rules adopted by the 3713
board; 3714

(3) Violating or attempting to violate, directly or 3715
indirectly, or assisting in or abetting the violation of, or 3716
conspiring to violate, any provision of this chapter, Chapter 3717
4731. of the Revised Code, or the rules adopted by the board; 3718

(4) Inability to practice according to acceptable and 3719
prevailing standards of care by reason of mental illness or 3720
physical illness, including physical deterioration that adversely 3721
affects cognitive, motor, or perceptive skills; 3722

(5) Impairment of ability to practice according to acceptable 3723

and prevailing standards of care because of habitual or excessive	3724
use or abuse of drugs, alcohol, or other substances that impair	3725
ability to practice;	3726
(6) Administering drugs for purposes other than those	3727
authorized under this chapter;	3728
(7) Willfully betraying a professional confidence;	3729
(8) Making a false, fraudulent, deceptive, or misleading	3730
statement in soliciting or advertising for <u>employment as a</u>	3731
<u>physician assistant; in connection with any solicitation or</u>	3732
<u>advertisement for patients</u> ; <u>i</u> in relation to the practice of	3733
medicine as it pertains to physician assistants <u>i</u> ; or in securing	3734
or attempting to secure a certificate of registration to practice	3735
as a physician assistant, <u>a certificate to prescribe</u> , or approval	3736
of a supervision agreement.	3737
As used in this division, "false, fraudulent, deceptive, or	3738
misleading statement" means a statement that includes a	3739
misrepresentation of fact, is likely to mislead or deceive because	3740
of a failure to disclose material facts, is intended or is likely	3741
to create false or unjustified expectations of favorable results,	3742
or includes representations or implications that in reasonable	3743
probability will cause an ordinarily prudent person to	3744
misunderstand or be deceived.	3745
(9) Representing, with the purpose of obtaining compensation	3746
or other advantage personally or for any other person, that an	3747
incurable disease or injury, or other incurable condition, can be	3748
permanently cured;	3749
(10) The obtaining of, or attempting to obtain, money or	3750
anything of value by fraudulent misrepresentations in the course	3751
of practice;	3752
(11) A plea of guilty to, a judicial finding of guilt of, or	3753

a judicial finding of eligibility for treatment <u>intervention</u> in lieu of conviction for, a felony;	3754 3755
(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	3756 3757 3758
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment <u>intervention</u> in lieu of conviction for, a misdemeanor committed in the course of practice;	3759 3760 3761 3762
(14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment <u>intervention</u> in lieu of conviction for, a misdemeanor involving moral turpitude;	3763 3764 3765
(15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	3766 3767 3768
(16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	3769 3770 3771
(17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment <u>intervention</u> in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	3772 3773 3774 3775 3776
(18) Any of the following actions taken by the state agency responsible for regulating the practice of physician assistants in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of	3777 3778 3779 3780 3781 3782 3783

censure or other reprimand;	3784
(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;	3785 3786 3787 3788
(20) Violation of the conditions placed by the board on a <u>certificate of registration to practice as a physician assistant, a certificate to prescribe, physician assistant utilization a physician supervisory plan, or supervision agreement;</u>	3789 3790 3791 3792
(21) Violation of the conditions on which a temporary certificate of registration is issued;	3793 3794
(22) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	3795 3796 3797
(23) <u>(22)</u> 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;	3798 3799 3800 3801 3802 3803 3804 3805 3806
(24) <u>(23)</u> Assisting suicide as defined in section 3795.01 of the Revised Code;	3807 3808
<u>(24) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion.</u>	3809 3810
(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	3811 3812 3813

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~~ issued under this chapter, or applies

for a certificate ~~of registration~~ issued under this chapter, shall 3846
be deemed to have given consent to submit to a mental or physical 3847
examination when directed to do so in writing by the board and to 3848
have waived all objections to the admissibility of testimony or 3849
examination reports that constitute a privileged communication. 3850

(1) In enforcing division (B)(4) of this section, the board, 3851
upon a showing of a possible violation, may compel any individual 3852
who holds a certificate ~~of registration~~ issued under this chapter 3853
or who has applied for a certificate ~~of registration~~ pursuant to 3854
this chapter to submit to a mental examination, physical 3855
examination, including an HIV test, or both a mental and physical 3856
examination. The expense of the examination is the responsibility 3857
of the individual compelled to be examined. Failure to submit to a 3858
mental or physical examination or consent to an HIV test ordered 3859
by the board constitutes an admission of the allegations against 3860
the individual unless the failure is due to circumstances beyond 3861
the individual's control, and a default and final order may be 3862
entered without the taking of testimony or presentation of 3863
evidence. If the board finds a physician assistant unable to 3864
practice because of the reasons set forth in division (B)(4) of 3865
this section, the board shall require the physician assistant to 3866
submit to care, counseling, or treatment by physicians approved or 3867
designated by the board, as a condition for an initial, continued, 3868
reinstated, or renewed certificate ~~of registration~~. An individual 3869
affected under this division shall be afforded an opportunity to 3870
demonstrate to the board the ability to resume practicing in 3871
compliance with acceptable and prevailing standards of care. 3872

(2) For purposes of division (B)(5) of this section, if the 3873
board has reason to believe that any individual who holds a 3874
certificate ~~of registration~~ issued under this chapter or any 3875
applicant for a certificate ~~of registration~~ suffers such 3876
impairment, the board may compel the individual to submit to a 3877

mental or physical examination, or both. The expense of the 3878
examination is the responsibility of the individual compelled to 3879
be examined. Any mental or physical examination required under 3880
this division shall be undertaken by a treatment provider or 3881
physician qualified to conduct such examination and chosen by the 3882
board. 3883

Failure to submit to a mental or physical examination ordered 3884
by the board constitutes an admission of the allegations against 3885
the individual unless the failure is due to circumstances beyond 3886
the individual's control, and a default and final order may be 3887
entered without the taking of testimony or presentation of 3888
evidence. If the board determines that the individual's ability to 3889
practice is impaired, the board shall suspend the individual's 3890
certificate or deny the individual's application and shall require 3891
the individual, as a condition for initial, continued, reinstated, 3892
or renewed ~~license~~ certification to practice or prescribe, to 3893
submit to treatment. 3894

Before being eligible to apply for reinstatement of a 3895
certificate suspended under this division, the physician assistant 3896
shall demonstrate to the board the ability to resume practice or 3897
prescribing in compliance with acceptable and prevailing standards 3898
of care. The demonstration shall include the following: 3899

(a) Certification from a treatment provider approved under 3900
section 4731.25 of the Revised Code that the individual has 3901
successfully completed any required inpatient treatment; 3902

(b) Evidence of continuing full compliance with an aftercare 3903
contract or consent agreement; 3904

(c) Two written reports indicating that the individual's 3905
ability to practice has been assessed and that the individual has 3906
been found capable of practicing according to acceptable and 3907
prevailing standards of care. The reports shall be made by 3908

individuals or providers approved by the board for making such 3909
assessments and shall describe the basis for their determination. 3910

The board may reinstate a certificate suspended under this 3911
division after such demonstration and after the individual has 3912
entered into a written consent agreement. 3913

When the impaired physician assistant resumes practice or 3914
prescribing, the board shall require continued monitoring of the 3915
physician assistant. The monitoring shall include compliance with 3916
the written consent agreement entered into before reinstatement or 3917
with conditions imposed by board order after a hearing, and, upon 3918
termination of the consent agreement, submission to the board for 3919
at least two years of annual written progress reports made under 3920
penalty of falsification stating whether the physician assistant 3921
has maintained sobriety. 3922

(G) If the secretary and supervising member determine that 3923
there is clear and convincing evidence that a physician assistant 3924
has violated division (B) of this section and that the 3925
individual's continued practice or prescribing presents a danger 3926
of immediate and serious harm to the public, they may recommend 3927
that the board suspend the individual's certificate to practice or 3928
prescribe without a prior hearing. Written allegations shall be 3929
prepared for consideration by the board. 3930

The board, upon review of those allegations and by an 3931
affirmative vote of not fewer than six of its members, excluding 3932
the secretary and supervising member, may suspend a certificate 3933
without a prior hearing. A telephone conference call may be 3934
utilized for reviewing the allegations and taking the vote on the 3935
summary suspension. 3936

The board shall issue a written order of suspension by 3937
certified mail or in person in accordance with section 119.07 of 3938
the Revised Code. The order shall not be subject to suspension by 3939

the court during pendency of any appeal filed under section 119.12 3940
of the Revised Code. If the physician assistant requests an 3941
adjudicatory hearing by the board, the date set for the hearing 3942
shall be within fifteen days, but not earlier than seven days, 3943
after the physician assistant requests the hearing, unless 3944
otherwise agreed to by both the board and the certificate holder. 3945

A summary suspension imposed under this division shall remain 3946
in effect, unless reversed on appeal, until a final adjudicative 3947
order issued by the board pursuant to this section and Chapter 3948
119. of the Revised Code becomes effective. The board shall issue 3949
its final adjudicative order within sixty days after completion of 3950
its hearing. Failure to issue the order within sixty days shall 3951
result in dissolution of the summary suspension order, but shall 3952
not invalidate any subsequent, final adjudicative order. 3953

(H) If the board takes action under division (B)(11), (13), 3954
or (14) of this section, and the judicial finding of guilt, guilty 3955
plea, or judicial finding of eligibility for ~~treatment~~ 3956
intervention in lieu of conviction is overturned on appeal, upon 3957
exhaustion of the criminal appeal, a petition for reconsideration 3958
of the order may be filed with the board along with appropriate 3959
court documents. Upon receipt of a petition and supporting court 3960
documents, the board shall reinstate the certificate ~~of~~ 3961
~~registration to practice or prescribe~~. The board may then hold an 3962
adjudication under Chapter 119. of the Revised Code to determine 3963
whether the individual committed the act in question. Notice of 3964
opportunity for hearing shall be given in accordance with Chapter 3965
119. of the Revised Code. If the board finds, pursuant to an 3966
adjudication held under this division, that the individual 3967
committed the act, or if no hearing is requested, it may order any 3968
of the sanctions identified under division (B) of this section. 3969

(I) The certificate ~~of registration of~~ to practice issued to 3970
a physician assistant and the physician assistant's practice in 3971

this state are automatically suspended as of the date the 3972
physician assistant pleads guilty to, is found by a judge or jury 3973
to be guilty of, or is subject to a judicial finding of 3974
eligibility for intervention in lieu of conviction in this state 3975
or treatment or intervention in lieu of conviction in another 3976
state for any of the following criminal offenses in this state or 3977
a substantially equivalent criminal offense in another 3978
jurisdiction: aggravated murder, murder, voluntary manslaughter, 3979
felonious assault, kidnapping, rape, sexual battery, gross sexual 3980
imposition, aggravated arson, aggravated robbery, or aggravated 3981
burglary. Continued practice after the suspension shall be 3982
considered practicing without a certificate. 3983

The board shall notify the individual subject to the 3984
suspension by certified mail or in person in accordance with 3985
section 119.07 of the Revised Code. If an individual whose 3986
certificate is suspended under this division fails to make a 3987
timely request for an adjudication under Chapter 119. of the 3988
Revised Code, the board shall enter a final order permanently 3989
revoking the individual's certificate ~~of registration~~ to practice. 3990

(J) In any instance in which the board is required by Chapter 3991
119. of the Revised Code to give notice of opportunity for hearing 3992
and the individual subject to the notice does not timely request a 3993
hearing in accordance with section 119.07 of the Revised Code, the 3994
board is not required to hold a hearing, but may adopt, by an 3995
affirmative vote of not fewer than six of its members, a final 3996
order that contains the board's findings. In that final order, the 3997
board may order any of the sanctions identified under division (A) 3998
or (B) of this section. 3999

(K) Any action taken by the board under division (B) of this 4000
section resulting in a suspension shall be accompanied by a 4001
written statement of the conditions under which the physician 4002
assistant's certificate may be reinstated. The board shall adopt 4003

rules in accordance with Chapter 119. of the Revised Code 4004
governing conditions to be imposed for reinstatement. 4005
Reinstatement of a certificate suspended pursuant to division (B) 4006
of this section requires an affirmative vote of not fewer than six 4007
members of the board. 4008

(L) When the board refuses to grant to an applicant a 4009
certificate ~~of registration to practice~~ as a physician assistant 4010
~~to an applicant~~ or a certificate to prescribe, revokes an 4011
individual's certificate ~~of registration~~, refuses to issue a 4012
certificate ~~of registration~~, or refuses to reinstate an 4013
individual's certificate ~~of registration~~, the board may specify 4014
that its action is permanent. An individual subject to a permanent 4015
action taken by the board is forever thereafter ineligible to hold 4016
a the certificate ~~of registration as a physician assistant~~ and the 4017
board shall not accept an application for reinstatement of the 4018
certificate or for issuance of a new certificate. 4019

(M) Notwithstanding any other provision of the Revised Code, 4020
all of the following apply: 4021

(1) The surrender of a certificate ~~of registration as a~~ 4022
~~physician assistant~~ issued under this chapter is not effective 4023
unless or until accepted by the board. Reinstatement of a 4024
certificate surrendered to the board requires an affirmative vote 4025
of not fewer than six members of the board. 4026

(2) An application made under this chapter for a certificate 4027
~~of registration~~, approval of a ~~standard or supplemental~~ 4028
~~utilization~~ physician supervisory plan, or approval of a 4029
supervision agreement may not be withdrawn without approval of the 4030
board. 4031

(3) Failure by an individual to renew a certificate ~~of~~ 4032
~~registration~~ in accordance with section ~~4730.12~~ 4730.14 or section 4033
4730.48 of the Revised Code shall not remove or limit the board's 4034

jurisdiction to take disciplinary action under this section 4035
against the individual. 4036

Sec. 4730.26. (A) The state medical board shall investigate 4037
evidence that appears to show that any person has violated this 4038
chapter or a rule adopted under it. ~~Any~~ In an investigation 4039
involving the practice or supervision of a physician assistant 4040
pursuant to the policies of a health care facility, the board may 4041
require that the health care facility provide any information the 4042
board considers necessary to identify either or both of the 4043
following: 4044

(1) The facility's policies for the practice of physician 4045
assistants within the facility; 4046

(2) The services that the facility has authorized a 4047
particular physician assistant to provide for the facility. 4048

(B) ~~Any~~ person may report to the board in a signed writing 4049
any information the person has that appears to show a violation of 4050
any provision of this chapter or rule adopted under it. In the 4051
absence of bad faith, a person who reports such information or 4052
testifies before the board in an adjudication conducted under 4053
Chapter 119. of the Revised Code shall not be liable for civil 4054
damages as a result of reporting the information or providing 4055
testimony. Each complaint or allegation of a violation received by 4056
the board shall be assigned a case number and be recorded by the 4057
board. 4058

~~(B)~~ (C) Investigations of alleged violations of this chapter 4059
or rules adopted under it shall be supervised by the supervising 4060
member elected by the board in accordance with section 4731.02 of 4061
the Revised Code and by the secretary as provided in section 4062
4730.33 of the Revised Code. The president may designate another 4063
member of the board to supervise the investigation in place of the 4064
supervising member. A member of the board who supervises the 4065

investigation of a case shall not participate in further 4066
adjudication of the case. 4067

~~(C)~~(D) In investigating a possible violation of this chapter 4068
or a rule adopted under it, the board may administer oaths, order 4069
the taking of depositions, issue subpoenas, and compel the 4070
attendance of witnesses and production of books, accounts, papers, 4071
records, documents, and testimony, except that a subpoena for 4072
patient record information shall not be issued without 4073
consultation with the attorney general's office and approval of 4074
the secretary and supervising member of the board. Before issuance 4075
of a subpoena for patient record information, the secretary and 4076
supervising member shall determine whether there is probable cause 4077
to believe that the complaint filed alleges a violation of this 4078
chapter or a rule adopted under it and that the records sought are 4079
relevant to the alleged violation and material to the 4080
investigation. The subpoena may apply only to records that cover a 4081
reasonable period of time surrounding the alleged violation. 4082

On failure to comply with any subpoena issued by the board 4083
and after reasonable notice to the person being subpoenaed, the 4084
board may move for an order compelling the production of persons 4085
or records pursuant to the Rules of Civil Procedure. 4086

A subpoena issued by the board may be served by a sheriff, 4087
the sheriff's deputy, or a board employee designated by the board. 4088
Service of a subpoena issued by the board may be made by 4089
delivering a copy of the subpoena to the person named therein, 4090
reading it to the person, or leaving it at the person's usual 4091
place of residence. When the person being served is a physician 4092
assistant, service of the subpoena may be made by certified mail, 4093
restricted delivery, return receipt requested, and the subpoena 4094
shall be deemed served on the date delivery is made or the date 4095
the person refuses to accept delivery. 4096

A sheriff's deputy who serves a subpoena shall receive the 4097

same fees as a sheriff. Each witness who appears before the board 4098
in obedience to a subpoena shall receive the fees and mileage 4099
provided for witnesses in civil cases in the courts of common 4100
pleas. 4101

~~(D)~~(E) All hearings and investigations of the board shall be 4102
considered civil actions for the purposes of section 2305.252 of 4103
the Revised Code. 4104

~~(E)~~(F) Information received by the board pursuant to an 4105
investigation is confidential and not subject to discovery in any 4106
civil action. 4107

The board shall conduct all investigations and proceedings in 4108
a manner that protects the confidentiality of patients and persons 4109
who file complaints with the board. The board shall not make 4110
public the names or any other identifying information about 4111
patients or complainants unless proper consent is given or, in the 4112
case of a patient, a waiver of the patient privilege exists under 4113
division (B) of section 2317.02 of the Revised Code, except that 4114
consent or a waiver is not required if the board possesses 4115
reliable and substantial evidence that no bona fide 4116
physician-patient relationship exists. 4117

The board may share any information it receives pursuant to 4118
an investigation, including patient records and patient record 4119
information, with law enforcement agencies, other licensing 4120
boards, and other governmental agencies that are prosecuting, 4121
adjudicating, or investigating alleged violations of statutes or 4122
administrative rules. An agency or board that receives the 4123
information shall comply with the same requirements regarding 4124
confidentiality as those with which the state medical board must 4125
comply, notwithstanding any conflicting provision of the Revised 4126
Code or procedure of the agency or board that applies when it is 4127
dealing with other information in its possession. In a judicial 4128

proceeding, the information may be admitted into evidence only in 4129
accordance with the Rules of Evidence, but the court shall require 4130
that appropriate measures are taken to ensure that confidentiality 4131
is maintained with respect to any part of the information that 4132
contains names or other identifying information about patients or 4133
complainants whose confidentiality was protected by the state 4134
medical board when the information was in the board's possession. 4135
Measures to ensure confidentiality that may be taken by the court 4136
include sealing its records or deleting specific information from 4137
its records. 4138

~~(F)~~(G) The state medical board shall develop requirements for 4139
and provide appropriate initial and continuing training for 4140
investigators employed by the board to carry out its duties under 4141
this chapter. The training and continuing education may include 4142
enrollment in courses operated or approved by the Ohio peace 4143
officer training council that the board considers appropriate 4144
under conditions set forth in section 109.79 of the Revised Code. 4145

~~(G)~~(H) On a quarterly basis, the board shall prepare a report 4146
that documents the disposition of all cases during the preceding 4147
three months. The report shall contain the following information 4148
for each case with which the board has completed its activities: 4149

(1) The case number assigned to the complaint or alleged 4150
violation; 4151

(2) The type of certificate ~~to practice~~, if any, held by the 4152
individual against whom the complaint is directed; 4153

(3) A description of the allegations contained in the 4154
complaint; 4155

(4) The disposition of the case. 4156

The report shall state how many cases are still pending, and 4157
shall be prepared in a manner that protects the identity of each 4158

person involved in each case. The report shall be submitted to the 4159
physician assistant policy committee of the board and is a public 4160
record for purposes of section 149.43 of the Revised Code. 4161

Sec. 4730.27. If the state medical board has reason to 4162
believe that any person who has been granted a certificate ~~of~~ 4163
~~registration~~ under this chapter is mentally ill or mentally 4164
incompetent, it may file in the probate court of the county in 4165
which such person has a legal residence an affidavit in the form 4166
prescribed in section 5122.11 of the Revised Code and signed by 4167
the board secretary or a member of the secretary's staff, 4168
whereupon the same proceedings shall be had as provided in Chapter 4169
5122. of the Revised Code. The attorney general may represent the 4170
board in any proceeding commenced under this section. 4171

If a physician assistant is adjudged by a probate court to be 4172
mentally ill or mentally incompetent, the individual's certificate 4173
~~of registration~~ shall be automatically suspended until the 4174
individual has filed with the board a certified copy of an 4175
adjudication by a probate court of being restored to competency or 4176
has submitted to the board proof, satisfactory to the board, of 4177
having been discharged as being restored to competency in the 4178
manner and form provided in section 5122.38 of the Revised Code. 4179
The judge of the court shall immediately notify the board of an 4180
adjudication of incompetence and note any suspension of a 4181
certificate in the margin of the court's record of the 4182
certificate. 4183

Sec. 4730.28. (A) An individual whose certificate ~~of~~ 4184
~~registration~~ to practice as a physician assistant has been 4185
suspended or is in an inactive state for any cause for more than 4186
two years may apply to the state medical board to have the 4187
certificate ~~reinstated~~ restored. ~~Before reinstating~~ 4188

~~(B)(1) Before restoring a certificate that has been in a~~ 4189
~~suspended or inactive state for any cause for more than two years~~ 4190
~~under this section,~~ the board shall determine the ~~physician~~ 4191
~~assistant's~~ applicant's present fitness to resume practice. The 4192
board shall consider the moral background and the activities of 4193
the applicant during the period of suspension or inactivity. 4194

~~(2) When reinstating~~ restoring a certificate, the board may 4195
impose terms and conditions, including the following: 4196

~~(A)(a)~~ Requiring the ~~physician assistant~~ applicant to obtain 4197
additional training and pass an examination upon completion of the 4198
training; 4199

~~(B)(b)~~ Restricting or limiting the extent, scope, or type of 4200
practice ~~of the~~ as a physician assistant that the individual may 4201
resume. 4202

Sec. 4730.31. (A) As used in this section, "prosecutor" has 4203
the same meaning as in section 2935.01 of the Revised Code. 4204

(B) Whenever any person holding a valid certificate issued 4205
pursuant to this chapter pleads guilty to, is subject to a 4206
judicial finding of guilt of, or is subject to a judicial finding 4207
of eligibility for ~~treatment~~ intervention in lieu of conviction 4208
for a violation of Chapter 2907., 2925., or 3719. of the Revised 4209
Code or of any substantively comparable ordinance of a municipal 4210
corporation in connection with practicing as a physician 4211
assistant, the prosecutor in the case shall, on forms prescribed 4212
and provided by the state medical board, promptly notify the board 4213
of the conviction. Within thirty days of receipt of such 4214
information, the board shall initiate action in accordance with 4215
Chapter 119. of the Revised Code to determine whether to suspend 4216
or revoke the certificate under section ~~4730.31~~ 4730.25 of the 4217
Revised Code. 4218

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

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

(2) A plea of guilty to, a judicial finding of guilt of, or judicial finding or eligibility for ~~treatment~~ intervention in lieu of conviction for a misdemeanor committed in the course of practice, or a case where the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor, if the alleged act was committed in the course of practice;

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

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

Sec. 4730.32. (A) Within sixty days after the imposition of any formal disciplinary action taken by ~~any~~ a health care facility, ~~including a hospital, health care facility operated by an insuring corporation, ambulatory surgical center, or similar facility,~~ against any individual holding a valid certificate of

~~registration to practice~~ as a physician assistant, the chief 4249
administrator or executive officer of the facility shall report to 4250
the state medical board the name of the individual, the action 4251
taken by the facility, and a summary of the underlying facts 4252
leading to the action taken. Upon request, the board shall be 4253
provided certified copies of the patient records that were the 4254
basis for the facility's action. Prior to release to the board, 4255
the summary shall be approved by the peer review committee that 4256
reviewed the case or by the governing board of the facility. 4257

The filing of a report with the board or decision not to file 4258
a report, investigation by the board, or any disciplinary action 4259
taken by the board, does not preclude a health care facility from 4260
taking disciplinary action against a physician assistant. 4261

In the absence of fraud or bad faith, no individual or entity 4262
that provides patient records to the board shall be liable in 4263
damages to any person as a result of providing the records. 4264

(B) A physician assistant, professional association or 4265
society of physician assistants, physician, or professional 4266
association or society of physicians that believes a violation of 4267
any provision of this chapter, Chapter 4731. of the Revised Code, 4268
or rule of the board has occurred shall report to the board the 4269
information upon which the belief is based. This division does not 4270
require any treatment provider approved by the board under section 4271
4731.25 of the Revised Code or any employee, agent, or 4272
representative of such a provider to make reports with respect to 4273
a physician assistant participating in treatment or aftercare for 4274
substance abuse as long as the physician assistant maintains 4275
participation in accordance with the requirements of section 4276
4731.25 of the Revised Code and the treatment provider or 4277
employee, agent, or representative of the provider has no reason 4278
to believe that the physician assistant has violated any provision 4279
of this chapter or rule adopted under it, other than being 4280

impaired by alcohol, drugs, or other substances. This division 4281
does not require reporting by any member of an impaired 4282
practitioner committee established by a health care facility or by 4283
any representative or agent of a committee or program sponsored by 4284
a professional association or society of physician assistants to 4285
provide peer assistance to physician assistants with substance 4286
abuse problems with respect to a physician assistant who has been 4287
referred for examination to a treatment program approved by the 4288
board under section 4731.25 of the Revised Code if the physician 4289
assistant cooperates with the referral for examination and with 4290
any determination that the physician assistant should enter 4291
treatment and as long as the committee member, representative, or 4292
agent has no reason to believe that the physician assistant has 4293
ceased to participate in the treatment program in accordance with 4294
section 4731.25 of the Revised Code or has violated any provision 4295
of this chapter or rule adopted under it, other than being 4296
impaired by alcohol, drugs, or other substances. 4297

(C) Any professional association or society composed 4298
primarily of physician assistants that suspends or revokes an 4299
individual's membership for violations of professional ethics, or 4300
for reasons of professional incompetence or professional 4301
malpractice, within sixty days after a final decision, shall 4302
report to the board, on forms prescribed and provided by the 4303
board, the name of the individual, the action taken by the 4304
professional organization, and a summary of the underlying facts 4305
leading to the action taken. 4306

The filing or nonfiling of a report with the board, 4307
investigation by the board, or any disciplinary action taken by 4308
the board, shall not preclude a professional organization from 4309
taking disciplinary action against a physician assistant. 4310

(D) Any insurer providing professional liability insurance to 4311
any person holding a valid certificate ~~of registration~~ to practice 4312

as a physician assistant or any other entity that seeks to 4313
indemnify the professional liability of a physician assistant 4314
shall notify the board within thirty days after the final 4315
disposition of any written claim for damages where such 4316
disposition results in a payment exceeding twenty-five thousand 4317
dollars. The notice shall contain the following information: 4318

(1) The name and address of the person submitting the 4319
notification; 4320

(2) The name and address of the insured who is the subject of 4321
the claim; 4322

(3) The name of the person filing the written claim; 4323

(4) The date of final disposition; 4324

(5) If applicable, the identity of the court in which the 4325
final disposition of the claim took place. 4326

(E) The board may investigate possible violations of this 4327
chapter or the rules adopted under it that are brought to its 4328
attention as a result of the reporting requirements of this 4329
section, except that the board shall conduct an investigation if a 4330
possible violation involves repeated malpractice. As used in this 4331
division, "repeated malpractice" means three or more claims for 4332
malpractice within the previous five-year period, each resulting 4333
in a judgment or settlement in excess of twenty-five thousand 4334
dollars in favor of the claimant, and each involving negligent 4335
conduct by the physician assistant. 4336

(F) All summaries, reports, and records received and 4337
maintained by the board pursuant to this section shall be held in 4338
confidence and shall not be subject to discovery or introduction 4339
in evidence in any federal or state civil action involving a 4340
physician assistant, supervising physician, or health care 4341
facility arising out of matters that are the subject of the 4342
reporting required by this section. The board may use the 4343

information obtained only as the basis for an investigation, as 4344
evidence in a disciplinary hearing against a physician assistant 4345
or supervising physician, or in any subsequent trial or appeal of 4346
a board action or order. 4347

The board may disclose the summaries and reports it receives 4348
under this section only to health care facility committees within 4349
or outside this state that are involved in credentialing or 4350
recredentialing a physician assistant or supervising physician or 4351
reviewing their privilege to practice within a particular 4352
facility. The board shall indicate whether or not the information 4353
has been verified. Information transmitted by the board shall be 4354
subject to the same confidentiality provisions as when maintained 4355
by the board. 4356

(G) Except for reports filed by an individual pursuant to 4357
division (B) of this section, the board shall send a copy of any 4358
reports or summaries it receives pursuant to this section to the 4359
physician assistant. The physician assistant shall have the right 4360
to file a statement with the board concerning the correctness or 4361
relevance of the information. The statement shall at all times 4362
accompany that part of the record in contention. 4363

(H) An individual or entity that reports to the board or 4364
refers an impaired physician assistant to a treatment provider 4365
approved by the board under section 4731.25 of the Revised Code 4366
shall not be subject to suit for civil damages as a result of the 4367
report, referral, or provision of the information. 4368

(I) In the absence of fraud or bad faith, a professional 4369
association or society of physician assistants that sponsors a 4370
committee or program to provide peer assistance to a physician 4371
assistant with substance abuse problems, a representative or agent 4372
of such a committee or program, and a member of the state medical 4373
board shall not be held liable in damages to any person by reason 4374

of actions taken to refer a physician assistant to a treatment 4375
provider approved under section 4731.25 of the Revised Code for 4376
examination or treatment. 4377

Sec. 4730.33. The secretary of the state medical board shall 4378
enforce the laws relating to the practice of physician assistants. 4379
If the secretary has knowledge or notice of a violation of this 4380
chapter or the rules adopted under it, the secretary shall 4381
investigate the matter, and, upon probable cause appearing, file a 4382
complaint and prosecute the offender. When requested by the 4383
secretary, the prosecuting attorney of the proper county shall 4384
take charge of and conduct such prosecution. 4385

In the prosecution of any person for violation of division 4386
(A) of section 4730.02 of the Revised Code it shall not be 4387
necessary to allege or prove want of a valid certificate ~~of~~ 4388
~~registration to practice~~ as a physician assistant, but such 4389
matters shall be a matter of defense to be established by the 4390
accused. 4391

Sec. 4730.34. In the absence of fraud or bad faith, the state 4392
medical board, the board's physician assistant policy committee, a 4393
current or former board or committee member, an agent of the board 4394
or committee, a person formally requested by the board to be the 4395
board's representative or by the committee to be the committee's 4396
representative, or an employee of the board or committee shall not 4397
be held liable in damages to any person as the result of any act, 4398
omission, proceeding, conduct, or decision related to official 4399
duties undertaken or performed pursuant to this chapter. If any 4400
such person requests to be defended by the state against any claim 4401
or action arising out of any act, omission, proceeding, conduct, 4402
or decision related to the person's official duties, and if the 4403
request is made in writing at a reasonable time before trial and 4404

the person requesting defense cooperates in good faith in the 4405
defense of the claim or action, the state shall provide and pay 4406
for the person's defense and shall pay any resulting judgment, 4407
compromise, or settlement. At no time shall the state pay any part 4408
of a claim or judgment that is for punitive or exemplary damages. 4409
4410

Sec. 4730.38. (A) Not later than six months after the 4411
effective date of this section, the physician assistant policy 4412
committee of the state medical board shall submit to the board its 4413
initial recommendations regarding physician-delegated prescriptive 4414
authority for physician assistants. The committee's 4415
recommendations shall address all of the following: 4416

(1) Policy and procedures regarding physician-delegated 4417
prescriptive authority, including the issuance of certificates to 4418
prescribe under this chapter; 4419

(2) Subject to the limitations specified in section 4730.40 4420
of the Revised Code, a formulary listing the drugs and therapeutic 4421
devices by class and specific nomenclature that a supervising 4422
physician may include in the physician-delegated prescriptive 4423
authority granted to a physician assistant who holds a certificate 4424
to prescribe issued under this chapter; 4425

(3) Any issue the committee considers necessary to assist the 4426
board in fulfilling its duty to adopt rules governing 4427
physician-delegated prescriptive authority, including the issuance 4428
of certificates to prescribe. 4429

(B) After the board's adoption of initial rules under section 4430
4730.39 of the Revised Code, the committee shall conduct an annual 4431
review of its recommendations regarding physician-delegated 4432
prescriptive authority. Based on its review, the committee shall 4433
submit recommendations to the board as the committee considers 4434
necessary. 4435

(C) Recommendations submitted under this section are subject 4436
to the procedures and time frames specified in division (C) of 4437
section 4730.06 of the Revised Code. 4438

Sec. 4730.39. (A) Not later than six months after receiving 4439
the initial recommendations of the physician assistant policy 4440
committee submitted pursuant to division (A) of section 4730.38 of 4441
the Revised Code, the state medical board shall adopt rules 4442
governing physician-delegated prescriptive authority for physician 4443
assistants, including the issuance of certificates to prescribe 4444
under this chapter. The board's rules shall establish all of the 4445
following: 4446

(1) Subject to the limitations specified in section 4730.40 4447
of the Revised Code, a formulary listing the drugs and therapeutic 4448
devices by class and specific generic nomenclature that a 4449
physician may include in the physician-delegated prescriptive 4450
authority granted to a physician assistant who holds a certificate 4451
to prescribe under this chapter; 4452

(2) Requirements regarding the pharmacology courses that a 4453
physician assistant is required to complete to receive a 4454
certificate to prescribe; 4455

(3) Standards and procedures for the issuance and renewal of 4456
certificates to prescribe to physician assistants; 4457

(4) Standards and procedures for the appropriate conduct of 4458
the provisional period that a physician assistant is required to 4459
complete pursuant to section 4730.45 of the Revised Code and for 4460
determining whether a physician assistant has successfully 4461
completed the provisional period; 4462

(5) A specific prohibition against prescribing any drug or 4463
device to perform or induce an abortion; 4464

(6) Standards and procedures to be followed by a physician 4465

assistant in personally furnishing samples of drugs or complete or partial supplies of drugs to patients under section 4730.43 of the Revised Code; 4466
4467
4468

(7) Any other requirements the board considers necessary to implement the provisions of this chapter regarding physician-delegated prescriptive authority and the issuance of certificates to prescribe. 4469
4470
4471
4472

(B) After adopting the initial rules, the board shall conduct an annual review of the rules. Based on its review, the board shall make any necessary modifications to the rules. 4473
4474
4475

(C) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. When adopting the initial rules, the board shall consider the recommendations of the physician assistant policy committee submitted pursuant to division (A) of section 4730.38 of the Revised Code. When making any modifications to the rules subsequent to its annual review of the rules, the board shall consider the committee's recommendations submitted pursuant to division (B) of section 4730.38 of the Revised Code. 4476
4477
4478
4479
4480
4481
4482
4483
4484

Sec. 4730.40. (A) Subject to divisions (B) and (C) of this section, the formulary established by the state medical board in rules adopted under section 4730.39 of the Revised Code listing the drugs and therapeutic devices by class and specific nomenclature that a supervising physician may include in the physician-delegated prescriptive authority granted to a physician assistant who holds a certificate to prescribe issued under this chapter may include any or all of the following drugs: 4485
4486
4487
4488
4489
4490
4491
4492

(1) Schedule III, IV, and V controlled substances; 4493

(2) Drugs that under state or federal law may be dispensed only pursuant to a prescription by a licensed health professional 4494
4495

authorized to prescribe drugs, as defined in section 4729.01 of
the Revised Code;

4496
4497

(3) Any drug that is not a dangerous drug, as defined in
section 4729.01 of the Revised Code.

4498
4499

(B) The formulary established in the board's rules shall not
include, and shall specify that it does not include, the
following:

4500
4501
4502

(1) Any schedule II controlled substance;

4503

(2) Any drug or device used to perform or induce an abortion.

4504

(C) When adopting rules establishing the initial formulary,
the board shall include provisions ensuring that a physician
assistant who holds a certificate to prescribe issued under this
chapter may be granted physician-delegated prescriptive authority
for all drugs and therapeutic devices that may be prescribed on
the effective date of the rules by a holder of a certificate to
prescribe issued by the board of nursing under Chapter 4723. of
the Revised Code, with the exception of schedule II controlled
substances. To the extent permitted by division (A) of this
section, the initial formulary may include additional drugs or
therapeutic devices.

4505
4506
4507
4508
4509
4510
4511
4512
4513
4514
4515

Sec. 4730.401. Notwithstanding the provisions of this chapter
referring to the formulary established in rules adopted by the
state medical board under section 4730.39 of the Revised Code, all
of the following apply:

4516
4517
4518
4519

(A) If the state medical board has adopted all rules
necessary to issue certificates to prescribe under this chapter
other than the formulary, the board shall begin issuing the
certificates to prescribe, and the formulary established under
Chapter 4723. of the Revised Code shall constitute the formulary
of drugs and therapeutic devices that a physician may include in

4520
4521
4522
4523
4524
4525

the physician-delegated prescriptive authority granted to a 4526
physician assistant who holds a certificate to prescribe issued 4527
under this chapter. The application of the formulary established 4528
under Chapter 4723. of the Revised Code shall cease on the 4529
effective date of the initial rules establishing a formulary under 4530
section 4730.39 of the Revised Code. 4531

(B) During the period specified in division (A) of this 4532
section, all changes relative to the formulary established under 4533
Chapter 4723. of the Revised Code shall apply in like manner to 4534
physician-delegated prescriptive authority for physician 4535
assistants. 4536

(C) Notwithstanding the inclusion of schedule II controlled 4537
substances in the formulary established under Chapter 4723. of the 4538
Revised Code, the formulary that applies to physician-delegated 4539
prescriptive authority for physician assistants under this section 4540
shall not include schedule II controlled substances. 4541

Sec. 4730.41. (A) A certificate to prescribe issued under 4542
this chapter authorizes a physician assistant to prescribe and 4543
personally furnish drugs and therapeutic devices in the exercise 4544
of physician-delegated prescriptive authority. 4545

(B) In exercising physician-delegated prescriptive authority, 4546
a physician assistant is subject to all of the following: 4547

(1) The physician assistant shall exercise 4548
physician-delegated prescriptive authority only to the extent that 4549
the physician supervising the physician assistant has granted that 4550
authority. 4551

(2) The physician assistant shall comply with all conditions 4552
placed on the physician-delegated prescriptive authority, as 4553
specified by the supervising physician who is supervising the 4554
physician assistant in the exercise of physician-delegated 4555

prescriptive authority. 4556

(3) If the physician assistant possesses physician-delegated prescriptive authority for controlled substances, the physician assistant shall register with the federal drug enforcement administration. 4557
4558
4559
4560

Sec. 4730.42. (A) In granting physician-delegated prescriptive authority to a particular physician assistant who holds a certificate to prescribe issued under this chapter, the supervising physician is subject to all of the following: 4561
4562
4563
4564

(1) The supervising physician shall not grant physician-delegated prescriptive authority for any drug or therapeutic device that is not listed on the formulary established in rules adopted under section 4730.39 of the Revised Code as a drug or therapeutic device that may be included in the physician-delegated prescriptive authority granted to a physician assistant. 4565
4566
4567
4568
4569
4570
4571

(2) The supervising physician shall not grant physician-delegated prescriptive authority for any drug or device that may be used to perform or induce an abortion. 4572
4573
4574

(3) The supervising physician shall not grant physician-delegated prescriptive authority in a manner that exceeds the supervising physician's prescriptive authority. 4575
4576
4577

(4) The supervising physician shall supervise the physician assistant in accordance with all of the following: 4578
4579

(a) The supervision requirements specified in section 4730.21 of the Revised Code and, in the case of supervision provided during a provisional period of physician-delegated prescriptive authority, the supervision requirements specified in section 4730.45 of the Revised Code; 4580
4581
4582
4583
4584

(b) The physician supervisory plan approved for the 4585

supervising physician or the policies of the health care facility 4586
in which the physician and physician assistant are practicing; 4587

(c) The supervision agreement approved under section 4730.19 4588
of the Revised Code that applies to the supervising physician and 4589
the physician assistant. 4590

(B)(1) The supervising physician of a physician assistant may 4591
place conditions on the physician-delegated prescriptive authority 4592
granted to the physician assistant. If conditions are placed on 4593
that authority, the supervising physician shall maintain a written 4594
record of the conditions and make the record available to the 4595
state medical board on request. 4596

(2) The conditions that a supervising physician may place on 4597
the physician-delegated prescriptive authority granted to a 4598
physician assistant include the following: 4599

(a) Identification by class and specific generic nomenclature 4600
of drugs and therapeutic devices that the physician chooses not to 4601
permit the physician assistant to prescribe; 4602

(b) Limitations on the dosage units or refills that the 4603
physician assistant is authorized to prescribe; 4604

(c) Specification of circumstances under which the physician 4605
assistant is required to refer patients to the supervising 4606
physician or another physician when exercising physician-delegated 4607
prescriptive authority; 4608

(d) Responsibilities to be fulfilled by the physician in 4609
supervising the physician assistant that are not otherwise 4610
specified in the physician supervisory plan or otherwise required 4611
by this chapter. 4612

Sec. 4730.43. (A) A physician assistant who holds a 4613
certificate to prescribe issued under this chapter and has been 4614
granted physician-delegated prescriptive authority by a 4615

supervising physician may personally furnish to a patient samples 4616
of drugs and therapeutic devices that are included in the 4617
physician assistant's physician-delegated prescriptive authority, 4618
subject to all of the following: 4619

(1) The amount of the sample furnished shall not exceed a 4620
seventy-two hour supply, except when the minimum available 4621
quantity of the sample is packaged in an amount that is greater 4622
than a seventy-two hour supply, in which case the physician 4623
assistant may furnish the sample in the package amount. 4624

(2) No charge may be imposed for the sample or for furnishing 4625
it. 4626

(3) Samples of controlled substances may not be personally 4627
furnished. 4628

(B) A physician assistant who holds a certificate to 4629
prescribe issued under this chapter and has been granted 4630
physician-delegated prescriptive authority by a supervising 4631
physician may personally furnish to a patient a complete or 4632
partial supply of the drugs and therapeutic devices that are 4633
included in the physician assistant's physician-delegated 4634
prescriptive authority. A physician assistant shall personally 4635
furnish complete or partial supplies only when pharmacy services 4636
are not reasonably available, when it is in the best interest of 4637
the patient, or when it is an emergency. 4638

(C) A physician assistant who holds a certificate to 4639
prescribe issued under this chapter and has been granted 4640
physician-delegated prescriptive authority by a supervising 4641
physician may request, receive, and sign for professional samples 4642
of the drugs and therapeutic devices that are included in the 4643
physician assistant's physician-delegated prescriptive authority. 4644

Sec. 4730.44. (A) A physician assistant seeking a certificate 4645

to prescribe shall submit to the state medical board a written application on a form prescribed and supplied by the board. The application shall include all of the following information: 4646
4647
4648

(1) The applicant's name, residential address, business address, if any, and social security number; 4649
4650

(2) Evidence of holding a valid certificate to practice as a physician assistant issued under this chapter; 4651
4652

(3) Satisfactory proof that the applicant meets the requirements specified in section 4730.46 of the Revised Code to participate in a provisional period of physician-delegated prescriptive authority or satisfactory proof of successful completion of the provisional period, evidenced by a letter or copy of a letter attesting to the successful completion written by a supervising physician of the physician assistant at the time of completion; 4653
4654
4655
4656
4657
4658
4659
4660

(4) Any other information the board requires. 4661

(B) At the time of making application for a certificate to prescribe, the applicant shall pay the board a fee of one hundred dollars, no part of which shall be returned. The fees shall be deposited in accordance with section 4731.24 of the Revised Code. 4662
4663
4664
4665

(C) The board shall review all applications received. If an application is complete and the board determines that the applicant meets the requirements for a certificate to prescribe, the board shall issue the certificate to the applicant. The initial certificate to prescribe issued to an applicant shall be issued as a provisional certificate to prescribe. 4666
4667
4668
4669
4670
4671

Sec. 4730.45. (A) A provisional certificate to prescribe issued under section 4730.44 of the Revised Code authorizes the physician assistant holding the certificate to participate in a 4672
4673
4674

provisional period of physician-delegated prescriptive authority. 4675
The physician assistant shall successfully complete the 4676
provisional period as a condition of receiving a new certificate 4677
to prescribe. 4678

(B) The provisional period shall be conducted by one or more 4679
supervising physicians in accordance with rules adopted under 4680
section 4730.39 of the Revised Code. When supervising a physician 4681
assistant who is completing the first five hundred hours of a 4682
provisional period, the supervising physician shall provide 4683
on-site supervision of the physician assistant's exercise of 4684
physician-delegated prescriptive authority. 4685

The provisional period shall last not longer than one year, 4686
unless it is extended for not longer than one additional year at 4687
the direction of a supervising physician. The physician assistant 4688
shall not be required to participate in the provisional period for 4689
more than one-thousand-eight-hundred hours, except when a 4690
supervising physician has extended the physician assistant's 4691
provisional period. 4692

(C) If a physician assistant does not successfully complete 4693
the provisional period, each supervising physician shall cease 4694
granting physician-delegated prescriptive authority to the 4695
physician assistant. The supervising physician with primary 4696
responsibility for conducting the provisional period shall 4697
promptly notify the state medical board that the physician 4698
assistant did not successfully complete the provisional period and 4699
the board shall revoke the certificate. 4700

(D) A physician assistant who successfully completes a 4701
provisional period shall not be required to complete another 4702
provisional period as a condition of being eligible to be granted 4703
physician-delegated prescriptive authority by a supervising 4704
physician who was not involved in the conduct of the provisional 4705

period.

4706

Sec. 4730.46. (A) To be eligible to participate in the
provisional period of physician-delegated prescriptive authority
required by section 4730.45 of the Revised Code, both of the
following apply:

4707

4708

4709

4710

(1) The physician assistant shall meet the educational
requirements specified in division (B)(1) of this section or the
educational and clinical experience requirements specified in
division (B)(2) of this section.

4711

4712

4713

4714

(2) The physician assistant shall successfully complete the
pharmacology instruction specified in division (C) of this
section.

4715

4716

4717

(B)(1) For purposes of division (A)(1) of this section, a
physician assistant shall meet either of the following educational
requirements unless division (B)(2) of this section applies:

4718

4719

4720

(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.

4721

4722

4723

4724

4725

(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.

4726

4727

4728

4729

4730

4731

4732

4733

4734

4735

(2) Until two years after the effective date of the initial 4736
rules adopted under section 4730.39 of the Revised Code, a 4737
physician assistant who does not hold a master's or higher degree 4738
as specified in division (B)(1) of this section is eligible to 4739
participate in a provisional period if both of the following 4740
apply: 4741

(a) The physician assistant holds a degree other than a 4742
master's or higher degree that was obtained from a program 4743
accredited by the accreditation review commission on education for 4744
the physician assistant or a predecessor or successor organization 4745
recognized by the board. 4746

(b) The physician assistant has obtained not less than ten 4747
years of clinical experience as a physician assistant in this 4748
state or another jurisdiction, three years of which were obtained 4749
in the five-year period immediately preceding the date the 4750
evidence is submitted to the supervising physician. 4751

(C) For purposes of division (A)(2) of this section, all of 4752
the following conditions shall be met: 4753

(1) The pharmacology instruction shall be completed not 4754
longer than three years prior to applying for the certificate to 4755
prescribe. 4756

(2) The instruction shall be obtained through a course of 4757
study consisting of planned classroom or continued education and 4758
clinical study that meets either of the following conditions: 4759

(a) It is accredited by the accreditation review commission 4760
on education for the physician assistant or a predecessor or 4761
successor organization recognized by the board. 4762

(b) It is approved by the board in accordance with standards 4763
established in rules adopted under section 4730.39 of the Revised 4764
Code. 4765

(3) The content of the instruction shall include all of the 4766
following: 4767

(a) A minimum of thirty contact hours of training in 4768
pharmacology that includes pharmacokinetic principles and clinical 4769
application and the use of drugs and therapeutic devices in the 4770
prevention of illness and maintenance of health; 4771

(b) A minimum of twenty contact hours of clinical training in 4772
pharmacology; 4773

(c) A minimum of fifteen contact hours including training in 4774
the fiscal and ethical implications of prescribing drugs and 4775
therapeutic devices and training in the state and federal laws 4776
that apply to the authority to prescribe; 4777

(d) Any additional training required pursuant to rules 4778
adopted under section 4730.39 of the Revised Code. 4779

Sec. 4730.47. (A) After a physician assistant successfully 4780
completes the provisional period of physician-delegated 4781
prescriptive authority required under section 4730.45 of the 4782
Revised Code, the physician assistant may apply for a new 4783
certificate to prescribe. 4784

(B) A supervising physician participating in the provisional 4785
period may continue to grant physician-delegated prescriptive 4786
authority to the physician assistant pursuant to the provisional 4787
certificate to prescribe until one of the following occurs: 4788

(1) The supervision agreement between the supervising 4789
physician and the physician assistant expires; 4790

(2) The supervision agreement is terminated; 4791

(3) A decision is made by the state medical board regarding 4792
an application submitted by the physician assistant for a new 4793
certificate to prescribe. 4794

Sec. 4730.48. (A) Except in the case of a provisional certificate to prescribe, a physician assistant's certificate to prescribe expires on the same date as the physician assistant's certificate to practice as a physician assistant, as provided in section 4730.14 of the Revised Code. The certificate to prescribe may be renewed in accordance with this section. 4795
4796
4797
4798
4799
4800

A person seeking to renew a certificate to prescribe shall, on or before the thirty-first day of January of each even-numbered year, apply for renewal of the certificate. The state medical board shall send renewal notices at least one month prior to the expiration date. The notice may be sent as part of the notice sent for renewal of the certificate to practice. 4801
4802
4803
4804
4805
4806

Applications for renewal shall be submitted to the board on forms the board shall prescribe and furnish. An application for renewal of a certificate to prescribe may be submitted in conjunction with an application for renewal of a certificate to practice. 4807
4808
4809
4810
4811

Each application for renewal of a certificate to prescribe shall be accompanied by a biennial renewal fee of fifty dollars. The board shall deposit the fees in accordance with section 4731.24 of the Revised Code. 4812
4813
4814
4815

The applicant shall report any criminal offense that constitutes grounds under section 4730.25 of the Revised Code for refusing to issue a certificate to prescribe to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a certificate to prescribe. 4816
4817
4818
4819
4820
4821
4822

(B) The board shall review all renewal applications received. If an applicant submits a complete renewal application and meets 4823
4824

the requirements for renewal specified in section 4730.49 of the Revised Code, the board shall issue to the applicant a renewed certificate to prescribe. 4825
4826
4827

Sec. 4730.49. (A) To be eligible for renewal of a certificate to prescribe, an applicant shall complete every two years at least twelve hours of continuing education in pharmacology from an accredited institution recognized by the state medical board. Except as provided in division (B) of this section and in section 5903.12 of the Revised Code, the continuing education shall be completed not later than the thirty-first day of January of each even-numbered year. 4828
4829
4830
4831
4832
4833
4834
4835

(B) The state medical board shall provide for pro rata reductions by month of the number of hours of continuing education in pharmacology that is required to be completed for physician assistants who are in their first certification period after completing the provisional period required under section 4730.45 of the Revised Code, who have been disabled due to illness or accident, or who have been absent from the country. The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, as necessary to implement this division. 4836
4837
4838
4839
4840
4841
4842
4843
4844

(C) The continuing education required by this section is in addition to the continuing education required under section 4730.14 of the Revised Code. 4845
4846
4847

Sec. 4730.50. If a physician assistant holds a certificate to prescribe and the physician assistant's certificate to practice expires, the physician assistant's certificate to prescribe is lapsed until the certificate to practice is reinstated. If a sanction under section 4730.25 of the Revised Code applies to a physician assistant's certificate to practice, the same sanction is placed on the physician assistant's certificate to prescribe 4848
4849
4850
4851
4852
4853
4854

while the sanction applies to the certificate to practice. 4855

Sec. 4730.51. In the information the board maintains on the internet, the state medical board shall include the following: 4856
4857

(A) The name of each the physician assistant who holds a certificate to prescribe under this chapter; 4858
4859

(B) For each physician assistant who holds a certificate to prescribe, the name of each supervising physician who has authority to grant physician-delegated prescriptive authority to the physician assistant. 4860
4861
4862
4863

Sec. 4730.52. On application by the holder of a certificate to prescribe issued under this chapter, the state medical 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 is thirty-five dollars. All fees collected under this section shall be deposited in accordance with section 4731.24 of the Revised Code. 4864
4865
4866
4867
4868
4869
4870

Sec. 4731.141. Any person who was authorized in practice limited osteopathic medicine and surgery on January 1, 1980, may continue to practice in accordance with the statutory limitations in effect on that date. The board shall regulate such practitioners and shall require them to register on or before the first day of June, 1983, and on or before the first day of June every second year thereafter, on a form prescribed by the board and pay at such time a biennial registration fee of twenty-five dollars. At least one month in advance of the date of registration, a written notice shall be sent to such practitioners, whether a resident of the state or not, at the last known address, that the biennial registration fee is due on or before the first day of June. All such practitioners shall provide 4871
4872
4873
4874
4875
4876
4877
4878
4879
4880
4881
4882
4883

the board written notice of any change of address. A holder of a 4884
certificate to practice under this section shall have ~~his~~ the 4885
certificate automatically suspended if the registration fee is not 4886
paid by the first day of September of the same year, and continued 4887
practice after the suspension shall be considered as practicing 4888
without a license in violation of section 4731.43 of the Revised 4889
Code. An applicant for reinstatement of a certificate to practice 4890
suspended for failure to register shall submit ~~his~~ the applicant's 4891
current and delinquent registration fees and a penalty in the sum 4892
of twenty-five dollars. 4893

Any certificate ~~of registration to practice~~ issued pursuant 4894
to this section may be refused, limited, revoked, or suspended, an 4895
applicant may be denied certification or reinstatement, or the 4896
holder of a certificate may be reprimanded, or placed on probation 4897
as provided in section 4731.22 of the Revised Code. 4898

Sec. 5903.12. (A) As used in this section: 4899

(1) "Continuing education" means continuing education 4900
required of a licensee by law and includes, but is not limited to, 4901
the continuing education required of licensees under sections 4902
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 4903
4725.16, 4725.51, 4730.14, 4730.49, 4731.281, 4734.25, 4735.141, 4904
4736.11, 4741.16, 4741.19, 4751.07, 4755.63, 4757.33, 4759.06, 4905
4761.06, and 4763.07 of the Revised Code. 4906

(2) "License" means a license, certificate, permit, or other 4907
authorization issued or conferred by a licensing agency under 4908
which a licensee may engage in a profession, occupation, or 4909
occupational activity. 4910

(3) "Licensee" means a person to whom all of the following 4911
apply: 4912

(a) The person has been issued a license by a licensing 4913

agency. 4914

(b) The person is a member of the Ohio national guard, the 4915
Ohio military reserve, the Ohio naval militia, or a reserve 4916
component of the armed forces of the United States. 4917

(c) The person has been called to active duty, whether inside 4918
or outside the United States, because of an executive order issued 4919
by the president of the United States or an act of congress, for a 4920
period in excess of thirty-one days. 4921

(4) "Licensing agency" means any state department, division, 4922
board, commission, agency, or other state governmental unit 4923
authorized by the Revised Code to issue a license. 4924

(5) "Reporting period" means the period of time during which 4925
a licensee must complete the number of hours of continuing 4926
education required of the licensee by law. 4927

(B) Each licensing agency, upon receiving an application from 4928
one of its licensees that is accompanied by proper documentation 4929
certifying that the licensee has been called to active duty as 4930
described in division (A)(3)(c) of this section during the current 4931
or a prior reporting period and certifying the length of that 4932
active duty, shall extend the current reporting period by an 4933
amount of time equal to the total number of months that the 4934
licensee spent on active duty during the current reporting period. 4935
For purposes of this division, any portion of a month served on 4936
active duty shall be considered one full month. 4937

Section 2. That existing sections 1.64, 1751.01, 2305.113, 4938
2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 4939
3327.10, 3331.02, 3719.06, 3719.81, 4723.481, 4723.50, 4729.01, 4940
4729.51, 4730.01, 4730.02, 4730.03, 4730.05, 4730.06, 4730.07, 4941
4730.10, 4730.11, 4730.12, 4730.16, 4730.18, 4730.19, 4730.21, 4942
4730.22, 4730.25, 4730.26, 4730.27, 4730.28, 4730.31, 4730.32, 4943

4730.33, 4730.34, 4731.141, and 5903.12 and sections 4730.15 and 4944
4730.17 of the Revised Code are hereby repealed. 4945

Section 3. In addition to adopting rules under section 4946
4730.39 of the Revised Code governing physician-delegated 4947
prescriptive authority for physician assistants, the State Medical 4948
Board shall, not later than six months after the effective date of 4949
this section, adopt, amend, and rescind any other rules necessary 4950
to implement the remaining provisions of this act. The rules 4951
adopted under Chapter 4730. of the Revised Code that are in effect 4952
immediately prior to the effective date of this act shall continue 4953
in effect until rules are adopted, amended, or rescinded in 4954
accordance with the provisions of this act. 4955

Section 4. (A) Notwithstanding the provisions of section 4956
4730.05 of the Revised Code specifying that the terms of office of 4957
members of the Physician Assistant Policy Committee of the State 4958
Medical Board are two years, the Board shall appoint the initial 4959
pharmacist members of the Committee for terms ending on the same 4960
date as the terms of the members of the Committee in office 4961
immediately prior to the effective date of this act. 4962

(B) Notwithstanding the provisions of section 4730.05 of the 4963
Revised Code specifying that the terms of office of members of the 4964
Committee are two years, on the expiration date of the terms of 4965
the members of the Committee in office immediately prior to the 4966
effective date of this act and of the members of the Committee 4967
appointed pursuant to division (A) of this section, the Board 4968
shall do the following: 4969

(1) Appoint two physicians for terms ending two years after 4970
the date of appointment and one physician for a term ending one 4971
year after the date of appointment; 4972

(2) Appoint two physician assistants for terms ending two 4973

years after the date of appointment and one physician assistant 4974
for a term ending one year after the date of appointment; 4975

(3) Appoint one pharmacist for a term ending two years after 4976
the date of appointment and one pharmacist for a term ending one 4977
year after the date of appointment; 4978

(4) Appoint the member who is not affiliated with any health 4979
care profession for a term ending one year after the date of 4980
appointment. 4981

(C) After the terms specified in this section, terms of 4982
office shall be two years and appointments shall be made in 4983
accordance with section 4730.05 of the Revised Code. 4984

Section 5. This act does not require the State Medical Board 4985
to invalidate the supervision agreements between physicians and 4986
physician assistants that are in effect immediately prior to the 4987
effective date of this act. 4988

Section 6. Section 3719.81 of the Revised Code is presented 4989
in this act as a composite of the section as amended by both Am. 4990
Sub. H.B. 454 and Am. Sub. S.B. 80 of the 125th General Assembly. 4991
The General Assembly, applying the principle stated in division 4992
(B) of section 1.52 of the Revised Code that amendments are to be 4993
harmonized if reasonably capable of simultaneous operation, finds 4994
that the composite is the resulting version of the section in 4995
effect prior to the effective date of the section as presented in 4996
this act. 4997