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**Senators Wachtmann, Armbruster, Goodman, Hottinger, Mumper, Padgett,
Spada, Schuring**

**Representatives Reidelbach, Peterson, Otterman, Martin, Hoops, Brown,
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Seitz, Setzer, Smith, G., Stewart, D., Strahorn, Taylor, Wagoner, Williams,
Yuko**

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A B I L L

To amend sections 1.64, 1751.01, 2305.113, 2925.02, 1
2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2
2925.36, 3327.10, 3331.02, 3719.06, 3719.81, 3
4723.481, 4723.50, 4729.01, 4729.51, 4730.01, 4
4730.02, 4730.03, 4730.05, 4730.06, 4730.07, 5
4730.10, 4730.11, 4730.12, 4730.16, 4730.18, 6
4730.19, 4730.21, 4730.22, 4730.25, 4730.26, 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 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.

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

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

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

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

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(2) Dental care services;

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

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(4) Podiatric care or foot care services;	106
(5) Mental health services including psychological services;	107
(6) Short-term outpatient evaluative and crisis-intervention mental health services;	108 109
(7) Medical or psychological treatment and referral services for alcohol and drug abuse or addiction;	110 111
(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 134
1701. or 1702. of the Revised Code or the similar laws of another 135
state. 136

(H) "Emergency health services" means those health care 137
services that must be available on a seven-days-per-week, 138
twenty-four-hours-per-day basis in order to prevent jeopardy to an 139
enrollee's health status that would occur if such services were 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 171
liability company formed pursuant to Chapter 1705. of the Revised 172
Code, an insurer licensed under Title XXXIX of the Revised Code if 173
that insurer offers only open panel plans under which all 174
providers and health care facilities participating receive their 175
compensation directly from the insurer, a corporation formed by or 176
on behalf of a political subdivision or a department, office, or 177
institution of the state, or a public entity formed by or on 178
behalf of a board of county commissioners, a county board of 179
mental retardation and developmental disabilities, an alcohol and 180
drug addiction services board, a board of alcohol, drug addiction, 181
and mental health services, or a community mental health board, as 182
those terms are used in Chapters 340. and 5126. of the Revised 183
Code. Except as provided by division (D) of section 1751.02 of the 184
Revised Code, or as otherwise provided by law, no board, 185
commission, agency, or other entity under the control of a 186
political subdivision may accept insurance risk in providing for 187
health care services. However, nothing in this division shall be 188
construed as prohibiting such entities from purchasing the 189
services of a health insuring corporation or a third-party 190
administrator licensed under Chapter 3959. of the Revised Code. 191

(O) "Intermediary organization" means a health delivery 192
network or other entity that contracts with licensed health 193
insuring corporations or self-insured employers, or both, to 194
provide health care services, and that enters into contractual 195

arrangements with other entities for the provision of health care 196
services for the purpose of fulfilling the terms of its contracts 197
with the health insuring corporations and self-insured employers. 198

(P) "Intermediate care" means residential care above the 199
level of room and board for patients who require personal 200
assistance and health-related services, but who do not require 201
skilled nursing care. 202

(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 accessed 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 <u>physician</u> 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 419
practice nursing as a registered nurse by the board of nursing. 420

(9) "Chiropractic claim" means any claim that is asserted in 421
any civil action against a chiropractor, or against any employee 422
or agent of a chiropractor, and that arises out of the 423
chiropractic diagnosis, care, or treatment of any person. 424
"Chiropractic claim" includes derivative claims for relief that 425
arise from the chiropractic diagnosis, care, or treatment of a 426
person. 427

(10) "Chiropractor" means any person who is licensed to 428
practice chiropractic by the state chiropractic board. 429

(11) "Optometric claim" means any claim that is asserted in 430
any civil action against an optometrist, or against any employee 431
or agent of an optometrist, and that arises out of the optometric 432
diagnosis, care, or treatment of any person. "Optometric claim" 433
includes derivative claims for relief that arise from the 434
optometric diagnosis, care, or treatment of a person. 435

(12) "Optometrist" means any person licensed to practice 436
optometry by the state board of optometry. 437

(13) "Physical therapist" means any person who is licensed to 438
practice physical therapy under Chapter 4755. of the Revised Code. 439

(14) "Home" has the same meaning as in section 3721.10 of the 440
Revised Code. 441

(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 licensed to practice nursing as a licensed practical nurse by the board of nursing pursuant to Chapter 4723. of the Revised Code.

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

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

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

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

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

(3) By any means, administer or furnish to another or induce or cause another to use a controlled substance, and thereby cause

serious physical harm to the other person, or cause the other
person to become drug dependent; 472
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(4) By any means, do any of the following: 474

(a) Furnish or administer a controlled substance to a
juvenile who is at least two years the offender's junior, when the
offender knows the age of the juvenile or is reckless in that
regard; 475
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(b) Induce or cause a juvenile who is at least two years the
offender's junior to use a controlled substance, when the offender
knows the age of the juvenile or is reckless in that regard; 479
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(c) Induce or cause a juvenile who is at least two years the
offender's junior to commit a felony drug abuse offense, when the
offender knows the age of the juvenile or is reckless in that
regard; 482
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(d) Use a juvenile, whether or not the offender knows the age
of the juvenile, to perform any surveillance activity that is
intended to prevent the detection of the offender or any other
person in the commission of a felony drug abuse offense or to
prevent the arrest of the offender or any other person for the
commission of a felony drug abuse offense. 486
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(B) Division (A)(1), (3), or (4) of this section does not
apply to manufacturers, wholesalers, licensed health professionals
authorized to prescribe drugs, pharmacists, owners of pharmacies,
and other persons whose conduct is in accordance with Chapters
3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised
Code. 492
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(C) Whoever violates this section is guilty of corrupting
another with drugs. The penalty for the offense shall be
determined as follows: 498
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(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 542
third degree, the court shall impose upon the offender the 543
mandatory fine specified for the offense under division (B)(1) of 544
section 2929.18 of the Revised Code unless, as specified in that 545
division, the court determines that the offender is indigent. 546

(b) Notwithstanding any contrary provision of section 3719.21 547
of the Revised Code, any mandatory fine imposed pursuant to 548
division (D)(1)(a) of this section and any fine imposed for a 549
violation of this section pursuant to division (A) of section 550
2929.18 of the Revised Code shall be paid by the clerk of the 551
court in accordance with and subject to the requirements of, and 552
shall be used as specified in, division (F) of section 2925.03 of 553
the Revised Code. 554

(c) If a person is charged with any violation of this section 555
that is a felony of the first, second, or third degree, posts 556
bail, and forfeits the bail, the forfeited bail shall be paid by 557
the clerk of the court pursuant to division (D)(1)(b) of this 558
section as if it were a fine imposed for a violation of this 559
section. 560

(2) The court shall suspend for not less than six months nor 561
more than five years the offender's driver's or commercial 562
driver's license or permit. If an offender's driver's or 563
commercial driver's license or permit is suspended pursuant to 564

this division, the offender, at any time after the expiration of 565
two years from the day on which the offender's sentence was 566
imposed or from the day on which the offender finally was released 567
from a prison term under the sentence, whichever is later, may 568
file a motion with the sentencing court requesting termination of 569
the suspension. Upon the filing of the motion and the court's 570
finding of good cause for the termination, the court may terminate 571
the suspension. 572

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

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

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

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

(2) Prepare for shipment, ship, transport, deliver, prepare 594

for distribution, or distribute a controlled substance, when the
offender knows or has reasonable cause to believe that the
controlled substance is intended for sale or resale by the
offender or another person.

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

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

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

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

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

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

(a) Except as otherwise provided in division (C)(1)(b), (c),

(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 665
offense was committed in the vicinity of a school or in the 666
vicinity of a juvenile, aggravated trafficking in drugs is a 667
felony of the first degree, the offender is a major drug offender, 668
and the court shall impose as a mandatory prison term the maximum 669
prison term prescribed for a felony of the first degree and may 670
impose an additional prison term prescribed for a major drug 671
offender under division (D)(3)(b) of section 2929.14 of the 672
Revised Code. 673

(2) If the drug involved in the violation is any compound, 674
mixture, preparation, or substance included in schedule III, IV, 675
or V, whoever violates division (A) of this section is guilty of 676
trafficking in drugs. The penalty for the offense shall be 677
determined as follows: 678

(a) Except as otherwise provided in division (C)(2)(b), (c), 679
(d), or (e) of this section, trafficking in drugs is a felony of 680
the fifth degree, and division (C) of section 2929.13 of the 681
Revised Code applies in determining whether to impose a prison 682
term on the offender. 683

(b) Except as otherwise provided in division (C)(2)(c), (d), 684
or (e) of this section, if the offense was committed in the 685
vicinity of a school or in the vicinity of a juvenile, trafficking 686
in drugs is a felony of the fourth degree, and division (C) of 687

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

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

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

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(e) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds fifty times the bulk
amount, trafficking in drugs is a felony of the second degree, and
the court shall impose as a mandatory prison term one of the
prison terms prescribed for a felony of the second degree. If the
amount of the drug involved equals or exceeds fifty times the bulk
amount and 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 first degree, and the court shall impose as a
mandatory prison term one of the prison terms prescribed for a
felony of the first degree.

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(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 trafficking in marihuana. The penalty for the offense shall be determined as follows:

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

(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.

(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.

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

(f) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds twenty thousand
grams, trafficking in 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. If the
amount of the drug involved equals or exceeds twenty thousand
grams 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 first degree, and the court shall impose as a
mandatory prison term the maximum prison term prescribed for a
felony of the first degree.

(g) Except as otherwise provided in this division, if the
offense involves a gift of twenty grams or less of marihuana,
trafficking in marihuana is a minor misdemeanor upon a first
offense and a misdemeanor of the third degree upon a subsequent
offense. If the offense involves a gift of twenty grams or less of

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 854
impose an additional mandatory prison term prescribed for a major 855
drug offender under division (D)(3)(b) of section 2929.14 of the 856
Revised Code. 857

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

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

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

(c) Except as otherwise provided in this division, if the 874
amount of the drug involved equals or exceeds ten unit doses but 875

is less than fifty unit doses of L.S.D. in a solid form or equals 876
or exceeds one gram but is less than five grams of L.S.D. in a 877
liquid concentrate, liquid extract, or liquid distillate form, 878
trafficking in L.S.D. is a felony of the fourth degree, and there 879
is a presumption for a prison term for the offense. If the amount 880
of the drug involved is within that range and if the offense was 881
committed in the vicinity of a school or in the vicinity of a 882
juvenile, trafficking in L.S.D. is a felony of the third degree, 883
and there is a presumption for a prison term for the offense. 884

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

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

within that range and if the offense was committed in the vicinity 908
of a school or in the vicinity of a juvenile, trafficking in 909
L.S.D. is a felony of the first degree, and the court shall impose 910
as a mandatory prison term one of the prison terms prescribed for 911
a felony of the first degree. 912

(f) If the amount of the drug involved equals or exceeds one 913
thousand unit doses but is less than five thousand unit doses of 914
L.S.D. in a solid form or equals or exceeds one hundred grams but 915
is less than five hundred grams of L.S.D. in a liquid concentrate, 916
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 amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in heroin is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in 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.

(f) 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 and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds two thousand five hundred unit doses or equals or exceeds two hundred fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the 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.

(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 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
hashish in a liquid concentrate, liquid extract, or liquid
distillate form, trafficking in hashish is a felony of the third
degree, and division (C) of section 2929.13 of the Revised Code
applies in determining whether to impose a prison term on the
offender. If the amount of the drug involved is within that range
and if the offense was committed in the vicinity of a school or in
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.

(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.

(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 1066
term the maximum prison term prescribed for a felony of the first 1067
degree. 1068

(D) In addition to any prison term authorized or required by 1069
division (C) of this section and sections 2929.13 and 2929.14 of 1070
the Revised Code, and in addition to any other sanction imposed 1071
for the offense under this section or sections 2929.11 to 2929.18 1072
of the Revised Code, the court that sentences an offender who is 1073
convicted of or pleads guilty to a violation of division (A) of 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 1106
return the findings as part of the verdict. In any such case, it 1107
is unnecessary to find and return the exact amount of the 1108
controlled substance involved, and it is sufficient if the finding 1109
and return is to the effect that the amount of the controlled 1110
substance involved is the requisite amount, or that the amount of 1111
the controlled substance involved is less than the requisite 1112
amount. 1113

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

law enforcement efforts that pertain to drug offenses, in 1130
accordance with the written internal control policy adopted by the 1131
recipient agency under division (F)(2) of this section. 1132

(2)(a) Prior to receiving any fine moneys under division 1133
(F)(1) of this section or division (B)(5) of section 2925.42 of 1134
the Revised Code, a law enforcement agency shall adopt a written 1135
internal control policy that addresses the agency's use and 1136
disposition of all fine moneys so received and that provides for 1137
the keeping of detailed financial records of the receipts of those 1138
fine moneys, the general types of expenditures made out of those 1139
fine moneys, and the specific amount of each general type of 1140
expenditure. The policy shall not provide for or permit the 1141
identification of any specific expenditure that is made in an 1142
ongoing investigation. All financial records of the receipts of 1143
those fine moneys, the general types of expenditures made out of 1144
those fine moneys, and the specific amount of each general type of 1145
expenditure by an agency are public records open for inspection 1146
under section 149.43 of the Revised Code. Additionally, a written 1147
internal control policy adopted under this division is such a 1148
public record, and the agency that adopted it shall comply with 1149
it. 1150

(b) Each law enforcement agency that receives in any calendar 1151
year any fine moneys under division (F)(1) of this section or 1152
division (B)(5) of section 2925.42 of the Revised Code shall 1153
prepare a report covering the calendar year that cumulates all of 1154
the information contained in all of the public financial records 1155
kept by the agency pursuant to division (F)(2)(a) of this section 1156
for that calendar year, and shall send a copy of the cumulative 1157
report, no later than the first day of March in the calendar year 1158
following the calendar year covered by the report, to the attorney 1159
general. Each report received by the attorney general is a public 1160
record open for inspection under section 149.43 of the Revised 1161

Code. Not later than the fifteenth day of April in the calendar 1162
year in which the reports are received, the attorney general shall 1163
send to the president of the senate and the speaker of the house 1164
of representatives a written notification that does all of the 1165
following: 1166

(i) Indicates that the attorney general has received from law 1167
enforcement agencies reports of the type described in this 1168
division that cover the previous calendar year and indicates that 1169
the reports were received under this division; 1170

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

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

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

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

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

(G) When required under division (D)(2) of this section or 1181
any other provision of this chapter, the court shall suspend for 1182
not less than six months or more than five years the driver's or 1183
commercial driver's license or permit of any person who is 1184
convicted of or pleads guilty to any violation of this section or 1185
any other specified provision of this chapter. If an offender's 1186
driver's or commercial driver's license or permit is suspended 1187
pursuant to this division, the offender, at any time after the 1188
expiration of two years from the day on which the offender's 1189
sentence was imposed or from the day on which the offender finally 1190
was released from a prison term under the sentence, whichever is 1191

later, may file a motion with the sentencing court requesting 1192
termination of the suspension; upon the filing of such a motion 1193
and the court's finding of good cause for the termination, the 1194
court may terminate the suspension. 1195

(H)(1) In addition to any prison term authorized or required 1196
by division (C) of this section and sections 2929.13 and 2929.14 1197
of the Revised Code, in addition to any other penalty or sanction 1198
imposed for the offense under this section or sections 2929.11 to 1199
2929.18 of the Revised Code, and in addition to the forfeiture of 1200
property in connection with the offense as prescribed in sections 1201
2925.42 to 2925.45 of the Revised Code, the court that sentences 1202
an offender who is convicted of or pleads guilty to a violation of 1203
division (A) of this section may impose upon the offender an 1204
additional fine specified for the offense in division (B)(4) of 1205
section 2929.18 of the Revised Code. A fine imposed under division 1206
(H)(1) of this section is not subject to division (F) of this 1207
section and shall be used solely for the support of one or more 1208
eligible alcohol and drug addiction programs in accordance with 1209
divisions (H)(2) and (3) of this section. 1210

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

county in which that court is located. If no eligible alcohol and 1224
drug addiction program is located in any of those counties, the 1225
judgment may specify an eligible alcohol and drug addiction 1226
program that is located anywhere within this state. 1227

(3) Notwithstanding any contrary provision of section 3719.21 1228
of the Revised Code, the clerk of the court shall pay any fine 1229
imposed under division (H)(1) of this section to the eligible 1230
alcohol and drug addiction program specified pursuant to division 1231
(H)(2) of this section in the judgment. The eligible alcohol and 1232
drug addiction program that receives the fine moneys shall use the 1233
moneys only for the alcohol and drug addiction services identified 1234
in the application for certification under section 3793.06 of the 1235
Revised Code or in the application for a license under section 1236
3793.11 of the Revised Code filed with the department of alcohol 1237
and drug addiction services by the alcohol and drug addiction 1238
program specified in the judgment. 1239

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

received were used. No information contained in the report shall
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
3793.01 of the Revised Code.

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

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

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

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

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

(3) Any person who sells, offers for sale, prescribes,
dispenses, or administers for livestock or other nonhuman species
an anabolic steroid that is expressly intended for administration
through implants to livestock or other nonhuman species and

approved for that purpose under the "Federal Food, Drug, and 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
bulk amount, aggravated possession of drugs is a felony of the
first degree, and the court shall impose as a mandatory prison
term one of the prison terms prescribed for a felony of the first
degree.

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

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

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

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

bulk amount but is less than five times the bulk amount, 1347
possession of drugs is a felony of the fourth degree, and division 1348
(C) of section 2929.13 of the Revised Code applies in determining 1349
whether to impose a prison term on the offender. 1350

(c) If the amount of the drug involved equals or exceeds five 1351
times the bulk amount but is less than fifty times the bulk 1352
amount, possession of drugs is a felony of the third degree, and 1353
there is a presumption for a prison term for the offense. 1354

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

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

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

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

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

(d) If the amount of the drug involved equals or exceeds one 1376

thousand grams but is less than five thousand grams, possession of
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 1408
less than ten grams of crack cocaine, possession of cocaine is a 1409
felony of the third degree, and the court shall impose as a 1410
mandatory prison term one of the prison terms prescribed for a 1411
felony of the third degree. 1412

(d) If the amount of the drug involved equals or exceeds one 1413
hundred grams but is less than five hundred grams of cocaine that 1414
is not crack cocaine or equals or exceeds ten grams but is less 1415
than twenty-five grams of crack cocaine, possession of cocaine is 1416
a felony of the second degree, and the court shall impose as a 1417
mandatory prison term one of the prison terms prescribed for a 1418
felony of the second degree. 1419

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

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

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

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

(b) If the amount of L.S.D. involved equals or exceeds ten 1444
unit doses but is less than fifty unit doses of L.S.D. in a solid 1445
form or equals or exceeds one gram but is less than five grams of 1446
L.S.D. in a liquid concentrate, liquid extract, or liquid 1447
distillate form, possession of L.S.D. is a felony of the fourth 1448
degree, and division (C) of section 2929.13 of the Revised Code 1449
applies in determining whether to impose a prison term on the 1450
offender. 1451

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

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

(e) If the amount of L.S.D. involved equals or exceeds one 1467
thousand unit doses but is less than five thousand unit doses of 1468
L.S.D. in a solid form or equals or exceeds one hundred grams but 1469

is less than five hundred grams of L.S.D. in a liquid concentrate, 1470
liquid extract, or liquid distillate form, possession of L.S.D. is 1471
a felony of the first degree, and the court shall impose as a 1472
mandatory prison term one of the prison terms prescribed for a 1473
felony of the first degree. 1474

(f) If the amount of L.S.D. involved equals or exceeds five 1475
thousand unit doses of L.S.D. in a solid form or equals or exceeds 1476
five hundred grams of L.S.D. in a liquid concentrate, liquid 1477
extract, or liquid distillate form, possession of L.S.D. is a 1478
felony of the first degree, the offender is a major drug offender, 1479
and the court shall impose as a mandatory prison term the maximum 1480
prison term prescribed for a felony of the first degree and may 1481
impose an additional mandatory prison term prescribed for a major 1482
drug offender under division (D)(3)(b) of section 2929.14 of the 1483
Revised Code. 1484

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

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

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

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

(d) If the amount of the drug involved equals or exceeds one 1506
hundred unit doses but is less than five hundred unit doses or 1507
equals or exceeds ten grams but is less than fifty grams, 1508
possession of heroin is a felony of the second degree, and the 1509
court shall impose as a mandatory prison term one of the prison 1510
terms prescribed for a felony of the second degree. 1511

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

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

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

(a) Except as otherwise provided in division (C)(7)(b), (c), 1531

(d), (e), or (f) of this section, possession of hashish is a minor 1532
misdemeanor. 1533

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

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

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

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

(f) If the amount of the drug involved equals or exceeds one 1561
thousand grams of hashish in a solid form or equals or exceeds two 1562

hundred grams of hashish in a liquid concentrate, liquid extract,
or liquid distillate form, possession of 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.

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

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

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

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

section 2925.03 of the Revised Code. The agency that receives the
fine shall use the fine as specified in division (F) of section
2925.03 of the Revised Code.

(c) If a person is charged with a violation of this section
that is a felony of the first, second, or third degree, posts
bail, and forfeits the bail, the clerk shall pay the forfeited
bail pursuant to division (E)(1)(b) of this section as if it were
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
driver's license or permit.

(3) 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.

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

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
court immediately shall comply with section 2925.38 of the Revised
Code.

Sec. 2925.14. (A) As used in this section, "drug
paraphernalia" means any equipment, product, or material of any
kind that is used by the offender, intended by the offender for
use, or designed for use, in propagating, cultivating, growing,
harvesting, manufacturing, compounding, converting, producing,
processing, preparing, testing, analyzing, packaging, repackaging,
storing, containing, concealing, injecting, ingesting, inhaling,
or otherwise introducing into the human body, a controlled
substance in violation of this chapter. "Drug paraphernalia"
includes, but is not limited to, any of the following equipment,
products, or materials that are used by the offender, intended by
the offender for use, or designed by the offender for use, in any
of the following manners:

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

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

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

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

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

(6) A scale or balance for weighing or measuring a controlled

substance;	1685
(7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance;	1686 1687 1688
(8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;	1689 1690
(9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance;	1691 1692
(10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance;	1693 1694
(11) A container or device for storing or concealing a controlled substance;	1695 1696
(12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;	1697 1698
(13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.	1699 1700 1701 1702 1703 1704 1705 1706 1707 1708 1709
(B) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:	1710 1711 1712
(1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use;	1713 1714

- (2) The proximity in time or space of the equipment, product, or material, or of the act relating to the equipment, product, or material, to a violation of any provision of this chapter; 1715
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- (3) The proximity of the equipment, product, or material to any controlled substance; 1718
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- (4) The existence of any residue of a controlled substance on the equipment, product, or material; 1720
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- (5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product, or material, to deliver it to any person whom the owner or person in control of the equipment, product, or material knows intends to use the object to facilitate a violation of any provision of this chapter. A finding that the owner, or anyone in control, of the equipment, product, or material, is not guilty of a violation of any other provision of this chapter does not prevent a finding that the equipment, product, or material was intended or designed by the offender for use as drug paraphernalia. 1722
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- (6) Any oral or written instruction provided with the equipment, product, or material concerning its use; 1732
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- (7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use; 1734
1735
- (8) National or local advertising concerning the use of the equipment, product, or material; 1736
1737
- (9) The manner and circumstances in which the equipment, product, or material is displayed for sale; 1738
1739
- (10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of the business enterprise; 1740
1741
1742
- (11) The existence and scope of legitimate uses of the equipment, product, or material in the community; 1743
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(12) Expert testimony concerning the use of the equipment, 1745
product, or material. 1746

(C)(1) No person shall knowingly use, or possess with purpose 1747
to use, drug paraphernalia. 1748

(2) No person shall knowingly sell, or possess or manufacture 1749
with purpose to sell, drug paraphernalia, if the person knows or 1750
reasonably should know that the equipment, product, or material 1751
will be used as drug paraphernalia. 1752

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

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

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

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

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

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

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

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

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

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

(1) Prescription; 1798

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

(3) Official written order; 1801

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

(5) Registration certificate for a wholesale distributor of 1804

dangerous drugs as required in section 4729.60 of the Revised Code. 1805
1806

(C) No person, by theft as defined in section 2913.02 of the Revised Code, shall acquire any of the following: 1807
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(1) A prescription; 1809

(2) An uncompleted preprinted prescription blank used for writing a prescription; 1810
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
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(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
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(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs. 1820
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(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., 4730., 4731., and 4741. of the Revised Code. 1823
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(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 1828
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shall be determined as follows: 1835

(1) If the drug involved is a compound, mixture, preparation, 1836
or substance included in schedule I or II, with the exception of 1837
marihuana, illegal processing of drug documents is a felony of the 1838
fourth degree, and division (C) of section 2929.13 of the Revised 1839
Code applies in determining whether to impose a prison term on the 1840
offender. 1841

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

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

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

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

(H) Notwithstanding any contrary provision of section 3719.21 1862
of the Revised Code, the clerk of court shall pay a fine imposed 1863
for a violation of this section pursuant to division (A) of 1864
section 2929.18 of the Revised Code in accordance with and subject 1865

to the requirements of division (F) of section 2925.03 of the 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, licensed health professionals authorized to prescribe drugs, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code.

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

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

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

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

(3) If the drug involved in the offense is a dangerous drug

or a compound, mixture, preparation, or substance included in 1896
schedule III, IV, or V, or is marihuana, the penalty for the 1897
offense shall be determined as follows: 1898

(a) Except as otherwise provided in division (C)(3)(b) of 1899
this section, illegal dispensing of drug samples is a misdemeanor 1900
of the second degree. 1901

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

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

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

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

(E) Notwithstanding the prison term authorized or required by 1919
division (C) of this section and sections 2929.13 and 2929.14 of 1920
the Revised Code, if the violation of division (A) of this section 1921
involves the sale, offer to sell, or possession of a schedule I or 1922
II controlled substance, with the exception of marihuana, and if 1923
the court imposing sentence upon the offender finds that the 1924
offender as a result of the violation is a major drug offender and 1925
is guilty of a specification of the type described in section 1926

2941.1410 of the Revised Code, the court, in lieu of the prison 1927
term otherwise authorized or required, shall impose upon the 1928
offender the mandatory prison term specified in division (D)(3)(a) 1929
of section 2929.14 of the Revised Code and may impose an 1930
additional prison term under division (D)(3)(b) of that section. 1931

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

Sec. 3327.10. (A) No person shall be employed as driver of a 1940
school bus or motor van, owned and operated by any school district 1941
or educational service center or privately owned and operated 1942
under contract with any school district or service center in this 1943
state, who has not received a certificate from the educational 1944
service center governing board in case such person is employed by 1945
a service center or by a local school district under the 1946
supervision of the service center governing board, or by the 1947
superintendent of schools, in case such person is employed by the 1948
board of a city or exempted village school district, certifying 1949
that such person is at least eighteen years of age and is of good 1950
moral character and is qualified physically and otherwise for such 1951
position. The service center governing board or the 1952
superintendent, as the case may be, shall provide for an annual 1953
physical examination that conforms with rules adopted by the state 1954
board of education of each driver to ascertain the driver's 1955
physical fitness for such employment. Any certificate may be 1956
revoked by the authority granting the same on proof that the 1957

holder has been guilty of failing to comply with division (D)(1) 1958
of this section, or upon a conviction or a guilty plea for a 1959
violation, or any other action, that results in a loss or 1960
suspension of driving rights. Failure to comply with such division 1961
may be cause for disciplinary action or termination of employment 1962
under division (C) of section 3319.081, or section 124.34 of the 1963
Revised Code. 1964

(B) No person shall be employed as driver of a school bus or 1965
motor van not subject to the rules of the department of education 1966
pursuant to division (A) of this section who has not received a 1967
certificate from the school administrator or contractor certifying 1968
that such person is at least eighteen years of age, is of good 1969
moral character, and is qualified physically and otherwise for 1970
such position. Each driver shall have an annual physical 1971
examination which conforms to the state highway patrol rules, 1972
ascertaining the driver's physical fitness for such employment. 1973
The examination shall be performed by one of the following: 1974

(1) A person licensed under Chapter 4731. of the Revised Code 1975
or by another state to practice medicine and surgery or 1976
osteopathic medicine and surgery; 1977

(2) A physician assistant, ~~or a~~ 1978

(3) A certified nurse practitioner, ~~or a~~ 1979

(4) A clinical nurse specialist, ~~or a~~ 1980

(5) A certified nurse-midwife. 1981

Any written documentation of the physical examination shall 1982
be completed by the individual who performed the examination. 1983

Any certificate may be revoked by the authority granting the 1984
same on proof that the holder has been guilty of failing to comply 1985
with division (D)(2) of this section. 1986

(C) Any person who drives a school bus or motor van must give 1987

satisfactory and sufficient bond except a driver who is an 1988
employee of a school district and who drives a bus or motor van 1989
owned by the school district. 1990

(D) No person employed as driver of a school bus or motor van 1991
under this section who is convicted of a traffic violation or who 1992
has had the person's commercial driver's license suspended shall 1993
drive a school bus or motor van until the person has filed a 1994
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 2056
file an application signed by the parent, guardian, or custodian 2057
of the child that a medical certificate be secured to establish 2058
the sufficiency of the age of the child, which application shall 2059
state the alleged age of the child, the place and date of birth, 2060
the child's present residence, and such further facts as may be of 2061
assistance in determining the age of the child, and shall certify 2062
that the person signing the application is unable to obtain any of 2063
the documentary proofs specified in divisions (A)(3)(a), (b), and 2064
(c) of this section; and if the superintendent or chief 2065
administrative officer is satisfied that a reasonable effort to 2066
procure such documentary proof has been without success such 2067
application shall be granted and the certificate of the school 2068
physician or if there be none, of a physician, a physician 2069
assistant, a clinical nurse specialist, or a certified nurse 2070
practitioner employed by the board of education, that said 2071
physician, physician assistant, clinical nurse specialist, or 2072
certified nurse practitioner is satisfied that the child is above 2073
the age required for an age and schooling certificate as stated in 2074
section 3331.01 of the Revised Code, shall be accepted as 2075
sufficient evidence of age; 2076

(4) A certificate, including an athletic certificate of 2077
examination, from a physician licensed pursuant to Chapter 4731. 2078
of the Revised Code, ~~a physician assistant licensed pursuant to~~ 2079
~~Chapter 4730. of the Revised Code,~~ a physician assistant, a 2080

clinical nurse specialist, or a certified nurse practitioner, or 2081
from the district health commissioner, showing after a thorough 2082
examination that the child is physically fit to be employed in 2083
such occupations as are not prohibited by law for a boy or girl, 2084
as the case may be, under eighteen years of age; but a certificate 2085
with "limited" written, printed, marked, or stamped thereon may be 2086
furnished by such physician, physician assistant, clinical nurse 2087
specialist, or certified nurse practitioner and accepted by the 2088
superintendent or chief administrative officer in issuing a 2089
"limited" age and schooling certificate provided in section 2090
3331.06 of the Revised Code, showing that the child is physically 2091
fit to be employed in some particular occupation not prohibited by 2092
law for a boy or girl of such child's age, as the case may be, 2093
even if the child's complete physical ability to engage in such 2094
occupation cannot be vouched for. 2095

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

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

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

standards as those the superintendent or officer uses for in-state 2113
children. 2114

Sec. 3719.06. (A)(1) A licensed health professional 2115
authorized to prescribe drugs, if acting in the course of 2116
professional practice, in accordance with the laws regulating the 2117
professional's practice, and in accordance with rules adopted by 2118
the state board of pharmacy, may, except as provided in division 2119
(A)(2) or (3) of this section, do the following: 2120

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

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

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

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

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

(b) No 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 2179
expired on the sample furnished. Compliance with the labeling 2180
requirements of the "Federal Food, Drug, and Cosmetic Act," 52 2181
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, shall be deemed 2182
compliance with this section. 2183

(5) The sample drug is distributed, stored, or discarded in 2184
such a way that the sample drug may not be acquired or used by any 2185
unauthorized person, or by any person, including a child, for whom 2186
it may present a health or safety hazard. 2187

(C) Division (B) of this section does not do any of the 2188
following: 2189

(1) Apply to or restrict the furnishing of any sample of a 2190
nonnarcotic substance if the substance may, under the "Federal 2191
Food, Drug, and Cosmetic Act" and under the laws of this state, 2192
otherwise be lawfully sold over the counter without a 2193
prescription; 2194

(2) Authorize a licensed health professional authorized to 2195
prescribe drugs who is a clinical nurse specialist, certified 2196
nurse-midwife, ~~or certified nurse practitioner to furnish a sample~~ 2197
~~drug that is not a drug the nurse is authorized to prescribe;~~ 2198

~~(3) Authorize an~~ optometrist, or physician assistant to 2199
furnish a sample drug that is not a drug the ~~optometrist~~ 2200
professional is authorized to prescribe. 2201

~~(4)~~(3) Prohibit a licensed health professional authorized to 2202

prescribe drugs, manufacturer of dangerous drugs, wholesale 2203
distributor of dangerous drugs, or representative of a 2204
manufacturer of dangerous drugs from furnishing a sample drug to a 2205
charitable pharmacy in accordance with section 3719.811 of the 2206
Revised Code. 2207

~~(5)~~(4) Prohibit a pharmacist working, whether or not for 2208
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 the 2243
types of drugs and devices listed on the formulary, subject to all 2244
of the following: 2245

(1) The nurse shall personally furnish only antibiotics, 2246
antifungals, scabicides, contraceptives, ~~and~~ prenatal vitamins, 2247
antihypertensives, drugs and devices used in the treatment of 2248
diabetes, drugs and devices used in the treatment of asthma, and 2249
drugs used in the treatment of dyslipidemia. 2250

(2) The nurse shall not furnish the drugs and devices in 2251
locations other than a health department operated by the board of 2252
health of a city or general health district or the authority 2253
having the duties of a board of health under section 3709.05 of 2254
the Revised Code, a federally funded comprehensive primary care 2255
clinic, or a nonprofit health care clinic or program. 2256

(3) The nurse shall comply with all safety standards for 2257
personally furnishing supplies of drugs and devices, as 2258
established in rules adopted under section 4723.50 of the Revised 2259
Code. 2260

Sec. 4723.50. (A) In accordance with Chapter 119. of the 2261
Revised Code, the board of nursing shall adopt rules as necessary 2262

to implement the provisions of this chapter pertaining to the 2263
authority of clinical nurse specialists, certified nurse-midwives, 2264
and certified nurse practitioners to prescribe drugs and 2265
therapeutic devices and the issuance and renewal of certificates 2266
to prescribe. Initial rules shall be adopted not later than twenty 2267
months after the effective date of this section. 2268

The board shall adopt rules that are consistent with the 2269
recommendations the board receives from the committee on 2270
prescriptive governance pursuant to section 4723.492 of the 2271
Revised Code. After reviewing a recommendation submitted by the 2272
committee, the board may either adopt the recommendation as a rule 2273
or ask the committee to reconsider and resubmit the 2274
recommendation. The board shall not adopt any rule that does not 2275
conform to a recommendation made by the committee. 2276

(B) The board shall adopt rules under this section that do 2277
the following: 2278

(1) Establish a formulary listing the types of drugs and 2279
therapeutic devices that may be prescribed by a clinical nurse 2280
specialist, certified nurse-midwife, or certified nurse 2281
practitioner. The formulary may include controlled substances, as 2282
defined in section 3719.01 of the Revised Code. The formulary 2283
shall not permit the prescribing of any drug or device to perform 2284
or induce an abortion. 2285

(2) Establish safety standards to be followed by a nurse when 2286
personally furnishing to patients complete or partial supplies of 2287
antibiotics, antifungals, scabicides, contraceptives, ~~and~~ prenatal 2288
vitamins, antihypertensives, drugs and devices used in the 2289
treatment of diabetes, drugs and devices used in the treatment of 2290
asthma, and drugs used in the treatment of dyslipidemia. 2291

(3) Establish criteria for the components of the standard 2292
care arrangements described in section 4723.431 of the Revised 2293

Code that apply to a nurse's authority to prescribe. The rules	2294
shall be consistent with that section and include all of the	2295
following:	2296
(a) Quality assurance standards;	2297
(b) Standards for periodic review by a collaborating	2298
physician or podiatrist of the records of patients treated by the	2299
nurse;	2300
(c) Acceptable travel time between the location at which the	2301
nurse is engaging in the prescribing components of the nurse's	2302
practice and the location of the nurse's collaborating physician	2303
or podiatrist;	2304
(d) Any other criteria recommended by the committee on	2305
prescriptive governance.	2306
(4) Establish standards and procedures for issuance and	2307
renewal of a certificate to prescribe, including specification of	2308
any additional information the board may require under division	2309
(A)(4) of section 4723.482 or division (B)(3) of section 4723.484	2310
of the Revised Code;	2311
(5) Establish requirements for board approval of the	2312
instruction in advanced pharmacology and related topics required	2313
by section 4723.482 of the Revised Code;	2314
(6) Establish standards and procedures for the appropriate	2315
conduct of an externship required by division (B)(1) of section	2316
4723.484 of the Revised Code, including the following:	2317
(a) Standards and procedures to be used in evaluating a	2318
nurse's participation in an externship. Regardless of the method	2319
of evaluation used, a nurse shall not be required to participate	2320
in an externship longer than one thousand eight hundred hours.	2321
(b) Standards and procedures for the supervision that a	2322
physician must provide during an externship, including supervision	2323

provided by working with the nurse and supervision provided by 2324
making timely reviews of the records of patients treated by the 2325
nurse. The manner in which supervision must be provided may vary 2326
according to the location where the nurse is practicing and with 2327
the nurse's level of experience. 2328

Sec. 4729.01. As used in this chapter: 2329

(A) "Pharmacy," except when used in a context that refers to 2330
the practice of pharmacy, means any area, room, rooms, place of 2331
business, department, or portion of any of the foregoing where the 2332
practice of pharmacy is conducted. 2333

(B) "Practice of pharmacy" means providing pharmacist care 2334
requiring specialized knowledge, judgment, and skill derived from 2335
the principles of biological, chemical, behavioral, social, 2336
pharmaceutical, and clinical sciences. As used in this division, 2337
"pharmacist care" includes the following: 2338

(1) Interpreting prescriptions; 2339

(2) Dispensing drugs and drug therapy related devices; 2340

(3) Compounding drugs; 2341

(4) Counseling individuals with regard to their drug therapy, 2342
recommending drug therapy related devices, and assisting in the 2343
selection of drugs and appliances for treatment of common diseases 2344
and injuries and providing instruction in the proper use of the 2345
drugs and appliances; 2346

(5) Performing drug regimen reviews with individuals by 2347
discussing all of the drugs that the individual is taking and 2348
explaining the interactions of the drugs; 2349

(6) Performing drug utilization reviews with licensed health 2350
professionals authorized to prescribe drugs when the pharmacist 2351
determines that an individual with a prescription has a drug 2352

regimen that warrants additional discussion with the prescriber;	2353
(7) Advising an individual and the health care professionals	2354
treating an individual with regard to the individual's drug	2355
therapy;	2356
(8) Acting pursuant to a consult agreement with a physician	2357
authorized under Chapter 4731. of the Revised Code to practice	2358
medicine and surgery or osteopathic medicine and surgery, if an	2359
agreement has been established with the physician;	2360
(9) Administering the adult immunizations specified in	2361
section 4729.41 of the Revised Code, if the pharmacist has met the	2362
requirements of that section.	2363
(C) "Compounding" means the preparation, mixing, assembling,	2364
packaging, and labeling of one or more drugs in any of the	2365
following circumstances:	2366
(1) Pursuant to a prescription issued by a licensed health	2367
professional authorized to prescribe drugs;	2368
(2) Pursuant to the modification of a prescription made in	2369
accordance with a consult agreement;	2370
(3) As an incident to research, teaching activities, or	2371
chemical analysis;	2372
(4) In anticipation of orders for drugs pursuant to	2373
prescriptions, based on routine, regularly observed dispensing	2374
patterns;	2375
(5) Pursuant to a request made by a licensed health	2376
professional authorized to prescribe drugs for a drug that is to	2377
be used by the professional for the purpose of direct	2378
administration to patients in the course of the professional's	2379
practice, if all of the following apply:	2380
(a) At the time the request is made, the drug is not	2381
commercially available regardless of the reason that the drug is	2382

not available, including the absence of a manufacturer for the	2383
drug or the lack of a readily available supply of the drug from a	2384
manufacturer.	2385
(b) A limited quantity of the drug is compounded and provided	2386
to the professional.	2387
(c) The drug is compounded and provided to the professional	2388
as an occasional exception to the normal practice of dispensing	2389
drugs pursuant to patient-specific prescriptions.	2390
(D) "Consult agreement" means an agreement to manage an	2391
individual's drug therapy that has been entered into by a	2392
pharmacist and a physician authorized under Chapter 4731. of the	2393
Revised Code to practice medicine and surgery or osteopathic	2394
medicine and surgery.	2395
(E) "Drug" means:	2396
(1) Any article recognized in the United States pharmacopoeia	2397
and national formulary, or any supplement to them, intended for	2398
use in the diagnosis, cure, mitigation, treatment, or prevention	2399
of disease in humans or animals;	2400
(2) Any other article intended for use in the diagnosis,	2401
cure, mitigation, treatment, or prevention of disease in humans or	2402
animals;	2403
(3) Any article, other than food, intended to affect the	2404
structure or any function of the body of humans or animals;	2405
(4) Any article intended for use as a component of any	2406
article specified in division (E)(1), (2), or (3) of this section;	2407
but does not include devices or their components, parts, or	2408
accessories.	2409
(F) "Dangerous drug" means any of the following:	2410
(1) Any drug to which either of the following applies:	2411

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52	2412
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is	2413
required to bear a label containing the legend "Caution: Federal	2414
law prohibits dispensing without prescription" or "Caution:	2415
Federal law restricts this drug to use by or on the order of a	2416
licensed veterinarian" or any similar restrictive statement, or	2417
the drug may be dispensed only upon a prescription;	2418
(b) Under Chapter 3715. or 3719. of the Revised Code, the	2419
drug may be dispensed only upon a prescription.	2420
(2) Any drug that contains a schedule V controlled substance	2421
and that is exempt from Chapter 3719. of the Revised Code or to	2422
which that chapter does not apply;	2423
(3) Any drug intended for administration by injection into	2424
the human body other than through a natural orifice of the human	2425
body.	2426
(G) "Federal drug abuse control laws" has the same meaning as	2427
in section 3719.01 of the Revised Code.	2428
(H) "Prescription" means a written, electronic, or oral order	2429
for drugs or combinations or mixtures of drugs to be used by a	2430
particular individual or for treating a particular animal, issued	2431
by a licensed health professional authorized to prescribe drugs.	2432
(I) "Licensed health professional authorized to prescribe	2433
drugs" or "prescriber" means an individual who is authorized by	2434
law to prescribe drugs or dangerous drugs or drug therapy related	2435
devices in the course of the individual's professional practice,	2436
including only the following:	2437
(1) A dentist licensed under Chapter 4715. of the Revised	2438
Code;	2439
(2) A clinical nurse specialist, certified nurse-midwife, or	2440
certified nurse practitioner who holds a certificate to prescribe	2441

issued under section 4723.48 of the Revised Code;	2442
(3) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;	2443 2444 2445
(4) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;	2446 2447 2448
(5) <u>A physician assistant who holds a certificate to prescribe issued under Chapter 4730. of the Revised Code;</u>	2449 2450
<u>(6)</u> A veterinarian licensed under Chapter 4741. of the Revised Code.	2451 2452
(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.	2453 2454 2455 2456
(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.	2457 2458 2459
(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.	2460 2461
(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility.	2462 2463 2464 2465 2466
(N) "Price information" means the price charged for a prescription for a particular drug product and, in an easily understandable manner, all of the following:	2467 2468 2469
(1) The proprietary name of the drug product;	2470

(2) The established (generic) name of the drug product;	2471
(3) The strength of the drug product if the product contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient. The established name and quantity of each active ingredient are required if such a relevant strength cannot be so associated with a drug product containing more than one ingredient.	2472 2473 2474 2475 2476 2477 2478 2479
(4) The dosage form;	2480
(5) The price charged for a specific quantity of the drug product. The stated price shall include all charges to the consumer, including, but not limited to, the cost of the drug product, professional fees, handling fees, if any, and a statement identifying professional services routinely furnished by the pharmacy. Any mailing fees and delivery fees may be stated separately without repetition. The information shall not be false or misleading.	2481 2482 2483 2484 2485 2486 2487 2488
(O) "Wholesale distributor of dangerous drugs" means a person engaged in the sale of dangerous drugs at wholesale and includes any agent or employee of such a person authorized by the person to engage in the sale of dangerous drugs at wholesale.	2489 2490 2491 2492
(P) "Manufacturer of dangerous drugs" means a person, other than a pharmacist, who manufactures dangerous drugs and who is engaged in the sale of those dangerous drugs within this state.	2493 2494 2495
(Q) "Terminal distributor of dangerous drugs" means a person who is engaged in the sale of dangerous drugs at retail, or any person, other than a wholesale distributor or a pharmacist, who has possession, custody, or control of dangerous drugs for any purpose other than for that person's own use and consumption, and includes pharmacies, hospitals, nursing homes, and laboratories	2496 2497 2498 2499 2500 2501

and all other persons who procure dangerous drugs for sale or 2502
other distribution by or under the supervision of a pharmacist or 2503
licensed health professional authorized to prescribe drugs. 2504

(R) "Promote to the public" means disseminating a 2505
representation to the public in any manner or by any means, other 2506
than by labeling, for the purpose of inducing, or that is likely 2507
to induce, directly or indirectly, the purchase of a dangerous 2508
drug at retail. 2509

(S) "Person" includes any individual, partnership, 2510
association, limited liability company, or corporation, the state, 2511
any political subdivision of the state, and any district, 2512
department, or agency of the state or its political subdivisions. 2513

(T) "Finished dosage form" has the same meaning as in section 2514
3715.01 of the Revised Code. 2515

(U) "Generically equivalent drug" has the same meaning as in 2516
section 3715.01 of the Revised Code. 2517

(V) "Animal shelter" means a facility operated by a humane 2518
society or any society organized under Chapter 1717. of the 2519
Revised Code or a dog pound operated pursuant to Chapter 955. of 2520
the Revised Code. 2521

(W) "Food" has the same meaning as in section 3715.01 of the 2522
Revised Code. 2523

Sec. 4729.51. (A) No person other than a registered wholesale 2524
distributor of dangerous drugs shall possess for sale, sell, 2525
distribute, or deliver, at wholesale, dangerous drugs, except as 2526
follows: 2527

(1) A pharmacist who is a licensed terminal distributor of 2528
dangerous drugs or who is employed by a licensed terminal 2529
distributor of dangerous drugs may make occasional sales of 2530
dangerous drugs at wholesale; 2531

(2) A licensed terminal distributor of dangerous drugs having 2532
more than one establishment or place may transfer or deliver 2533
dangerous drugs from one establishment or place for which a 2534
license has been issued to the terminal distributor to another 2535
establishment or place for which a license has been issued to the 2536
terminal distributor if the license issued for each establishment 2537
or place is in effect at the time of the transfer or delivery. 2538

(B)(1) No registered wholesale distributor of dangerous drugs 2539
shall possess for sale, or sell, at wholesale, dangerous drugs to 2540
any person other than the following: 2541

(a) A licensed health professional authorized to prescribe 2542
drugs; 2543

(b) An optometrist licensed under Chapter 4725. of the 2544
Revised Code who holds a topical ocular pharmaceutical agents 2545
certificate; 2546

(c) A registered wholesale distributor of dangerous drugs; 2547

(d) A manufacturer of dangerous drugs; 2548

(e) A licensed terminal distributor of dangerous drugs, 2549
subject to division (B)(2) of this section; 2550

(f) Carriers or warehousemen for the purpose of carriage or 2551
storage; 2552

(g) Terminal or wholesale distributors of dangerous drugs who 2553
are not engaged in the sale of dangerous drugs within this state; 2554

(h) An individual who holds a current license, certificate, 2555
or registration issued under Title 47 of the Revised Code and has 2556
been certified to conduct diabetes education by a national 2557
certifying body specified in rules adopted by the state board of 2558
pharmacy under section 4729.68 of the Revised Code, but only with 2559
respect to insulin that will be used for the purpose of diabetes 2560
education and only if diabetes education is within the 2561

individual's scope of practice under statutes and rules regulating	2562
the individual's profession;	2563
(i) An individual who holds a valid certificate issued by a	2564
nationally recognized S.C.U.B.A. diving certifying organization	2565
approved by the pharmacy board in rule, but only with respect to	2566
medical oxygen that will be used for the purpose of emergency care	2567
or treatment at the scene of a diving emergency.	2568
(2) No registered wholesale distributor of dangerous drugs	2569
shall possess dangerous drugs for sale at wholesale, or sell such	2570
drugs at wholesale, to a licensed terminal distributor of	2571
dangerous drugs, except to:	2572
(a) A terminal distributor who has a category I license, only	2573
dangerous drugs described in category I, as defined in division	2574
(A)(1) of section 4729.54 of the Revised Code;	2575
(b) A terminal distributor who has a category II license,	2576
only dangerous drugs described in category I and category II, as	2577
defined in divisions (A)(1) and (2) of section 4729.54 of the	2578
Revised Code;	2579
(c) A terminal distributor who has a category III license,	2580
dangerous drugs described in category I, category II, and category	2581
III, as defined in divisions (A)(1), (2), and (3) of section	2582
4729.54 of the Revised Code;	2583
(d) A terminal distributor who has a limited category I, II,	2584
or III license, only the dangerous drugs specified in the	2585
certificate furnished by the terminal distributor in accordance	2586
with section 4729.60 of the Revised Code.	2587
(C)(1) Except as provided in division (C)(4) of this section,	2588
no person shall sell, at retail, dangerous drugs.	2589
(2) Except as provided in division (C)(4) of this section, no	2590
person shall possess for sale, at retail, dangerous drugs.	2591

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

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

Divisions (C)(1), (2), and (3) of this section do not apply to an individual who holds a current license, certificate, or registration issued under Title XLVII 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 to the extent that the individual possesses insulin or personally supplies insulin solely 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.

Divisions (C)(1), (2), and (3) of this section do not apply to 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 to the extent that the individual possesses medical oxygen or personally supplies medical oxygen for the purpose of emergency care or treatment at the scene of a diving emergency.

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

(1) A licensed terminal distributor of dangerous drugs may

make occasional purchases of dangerous drugs for resale from a 2623
pharmacist who is a licensed terminal distributor of dangerous 2624
drugs or who is employed by a licensed terminal distributor of 2625
dangerous drugs; 2626

(2) A licensed terminal distributor of dangerous drugs having 2627
more than one establishment or place may transfer or receive 2628
dangerous drugs from one establishment or place for which a 2629
license has been issued to the terminal distributor to another 2630
establishment or place for which a license has been issued to the 2631
terminal distributor if the license issued for each establishment 2632
or place is in effect at the time of the transfer or receipt. 2633

(E) No licensed terminal distributor of dangerous drugs shall 2634
engage in the sale or other distribution of dangerous drugs at 2635
retail or maintain possession, custody, or control of dangerous 2636
drugs for any purpose other than the distributor's personal use or 2637
consumption, at any establishment or place other than that or 2638
those described in the license issued by the board of pharmacy to 2639
such terminal distributor. 2640

(F) Nothing in this section shall be construed to interfere 2641
with the performance of official duties by any law enforcement 2642
official authorized by municipal, county, state, or federal law to 2643
collect samples of any drug, regardless of its nature or in whose 2644
possession it may be. 2645

Sec. 4730.01. As used in this chapter: 2646

(A) "Physician assistant" means a skilled person qualified by 2647
academic and clinical training to provide services to patients as 2648
a physician assistant under the supervision, control, and 2649
direction of one or more physicians who are responsible for the 2650
physician assistant's performance. 2651

(B) "Physician" means an individual who is authorized under 2652

Chapter 4731. of the Revised Code to practice medicine and 2653
surgery, osteopathic medicine and surgery, or ~~podiatry~~ podiatric 2654
medicine and surgery. 2655

(C) "Health care facility" means any of the following: 2656

(1) A hospital registered with the department of health under 2657
section 3701.07 of the Revised Code; 2658

(2) A health care facility licensed by the department of 2659
health under section 3702.30 of the Revised Code; 2660

(3) Any other facility designated by the state medical board 2661
in rules adopted pursuant to division (B)(2) of section 4730.08 of 2662
the Revised Code. 2663

(D) "Special services" means the health care services that a 2664
physician assistant may be authorized to provide under the special 2665
services portion of a physician supervisory plan approved under 2666
section 4730.17 of the Revised Code. 2667

Sec. 4730.02. (A) No person shall hold ~~himself or herself~~ 2668
that person out as being able to function as a physician 2669
assistant, or use any words or letters indicating or implying that 2670
the person is a physician assistant, without a current, valid 2671
certificate ~~of registration or temporary certificate of~~ 2672
~~registration to practice~~ as a physician assistant issued pursuant 2673
to this chapter. 2674

(B) No person shall practice as a physician assistant without 2675
the supervision, control, and direction of a physician. 2676

(C) No ~~physician~~ person shall act as the supervising 2677
physician of a physician assistant without having received the 2678
state medical board's ~~approval of a physician assistant~~ 2679
~~utilization plan and~~ approval of a supervision agreement entered 2680
into with the physician assistant. 2681

(D) No person shall practice as a physician assistant without 2682
having entered into a supervision agreement that has been approved 2683
by the state medical board. 2684

(E) No person acting as the supervising physician of a 2685
physician assistant shall authorize ~~a~~ the physician assistant to 2686
perform services ~~as a physician assistant in a manner that if~~ 2687
either of the following is the case: 2688

(1) The services are not within the physician's normal course 2689
of practice and expertise; 2690

(2) The services are inconsistent with the ~~standard or~~ 2691
supplemental physician assistant utilization supervisory plan 2692
under approved by the state medical board for the supervising 2693
physician or the policies of the health care facility in which 2694
that ~~the physician and~~ physician assistant ~~practices are~~ 2695
practicing. 2696

(F) No person shall practice as a physician assistant in a 2697
manner that is inconsistent with the ~~standard or supplemental~~ 2698
physician ~~assistant utilization supervisory~~ plan approved for the 2699
physician who is responsible for supervising the physician 2700
assistant or the policies of the health care facility in which the 2701
physician assistant is practicing. 2702

(G) No person practicing as a physician assistant shall 2703
prescribe any drug or device to perform or induce an abortion, or 2704
otherwise perform or induce an abortion. 2705

(H) No ~~physician assistant may~~ person shall advertise to 2706
provide services as a physician assistant, except for the purpose 2707
of seeking employment. 2708

~~(H)~~(I) No person practicing as a physician assistant shall 2709
fail to wear at all times when on duty a placard, plate, or other 2710
device identifying ~~himself or herself~~ that person as a "physician 2711

assistant." 2712

Sec. 4730.03. Nothing in this chapter shall: 2713

(A) Be construed to affect or interfere with the performance 2714
of duties of any medical personnel in active service in the army, 2715
navy, coast guard, marine corps, air force, public health service, 2716
or marine hospital service of the United States while so serving; 2717

(B) Prevent any person from performing any of the services a 2718
physician assistant may be authorized to perform, if the person's 2719
professional scope of practice established under any other chapter 2720
of the Revised Code authorizes the person to perform the services; 2721

(C) Prohibit a physician from delegating responsibilities to 2722
any nurse or other qualified person who does not registered hold a 2723
certificate to practice as a physician assistant, provided ~~such an~~ 2724
that the individual does not hold ~~himself or herself~~ the 2725
individual out to be a physician assistant; 2726

(D) Be construed as authorizing a physician assistant 2727
independently to order or direct the execution of procedures or 2728
techniques by a registered nurse or licensed practical nurse in 2729
the care and treatment of a person in any setting, except to the 2730
extent that the physician assistant is authorized to do so by the 2731
physician supervisory plan approved under section 4730.17 of the 2732
Revised Code for the physician who is responsible for supervising 2733
the physician assistant or the policies of the health care 2734
facility in which the physician assistant is practicing; 2735

(E) ~~Authorize a physician assistant to administer, monitor,~~ 2736
~~or maintain an anesthetic, except for the administration of a~~ 2737
~~regional anesthetic, such as a "digital block," that is~~ 2738
~~administered in connection with the care and suturing of minor~~ 2739
~~lacerations;~~ 2740

(F) Authorize a physician assistant to engage in the practice 2741

of optometry, except to the extent that the physician assistant is 2742
authorized by a supervising physician ~~through a physician~~ 2743
~~assistant utilization plan approved by the state medical board~~ 2744
~~under section 4730.18 of the Revised Code~~ acting in accordance 2745
with this chapter to perform routine visual screening, provide 2746
medical care prior to or following eye surgery, or assist in the 2747
care of diseases of the eye; 2748

(F) Be construed as authorizing a physician assistant to 2749
prescribe any drug or device to perform or induce an abortion, or 2750
as otherwise authorizing a physician assistant to perform or 2751
induce an abortion. 2752

Sec. 4730.05. (A) There is hereby created the physician 2753
assistant policy committee of the state medical board, ~~consisting,~~ 2754
The president of the board shall appoint the members of the 2755
committee. The committee shall consist of the seven members to be 2756
~~appointed by the president of the board. Three~~ specified in 2757
divisions (A)(1) to (3) of this section. When the committee is 2758
developing or revising policy and procedures for 2759
physician-delegated prescriptive authority for physician 2760
assistants, the committee shall include the two additional members 2761
specified in division (A)(4) of this section. 2762

(1) Three members of the committee shall be physicians. Of 2763
the physician members, one shall be a member of the state medical 2764
board, one shall be appointed from a list of five physicians 2765
recommended by the Ohio state medical association, and one shall 2766
be appointed from a list of five physicians recommended by the 2767
Ohio osteopathic association. At all times, the physician 2768
membership of the committee shall include at least one physician 2769
who is a supervising physician of a physician assistant, 2770
preferably with at least two years' experience as a supervising 2771
physician. ~~Three~~ 2772

(2) Three members shall be physician assistants appointed 2773
from a list of five individuals recommended by the Ohio 2774
association of physician assistants. ~~One~~ 2775

(3) One member, who is not affiliated with any health care 2776
profession, shall be appointed to represent the interests of 2777
consumers. 2778

(4) The two additional members, appointed to serve only when 2779
the committee is developing or revising policy and procedures for 2780
physician-delegated prescriptive authority for physician 2781
assistants, shall be pharmacists. Of these members, one shall be 2782
appointed from a list of five clinical pharmacists recommended by 2783
the Ohio pharmacists association and one shall be appointed from 2784
the pharmacist members of the state board of pharmacy, preferably 2785
from among the members who are clinical pharmacists. 2786

The pharmacist members shall have voting privileges only for 2787
purposes of developing or revising policy and procedures for 2788
physician-delegated prescriptive authority for physician 2789
assistants. Presence of the pharmacist members shall not be 2790
required for the transaction of any other business. 2791

(B) Terms of office shall be for two years, with each term 2792
ending on the same day of the same month as did the term that it 2793
succeeds. Each member shall hold office from the date of being 2794
appointed until the end of the term for which the member was 2795
appointed. Members may be reappointed, except that a member may 2796
not be appointed to serve more than three consecutive terms. As 2797
vacancies occur, a successor shall be appointed who has the 2798
qualifications the vacancy requires. A member appointed to fill a 2799
vacancy occurring prior to the expiration of the term for which a 2800
predecessor was appointed shall hold office as a member for the 2801
remainder of that term. A member shall continue in office 2802
subsequent to the expiration date of the member's term until a 2803

successor takes office or until a period of sixty days has 2804
elapsed, whichever occurs first. 2805

(C) Each member of the committee shall receive an amount 2806
fixed pursuant to division (J) of section 124.15 of the Revised 2807
Code for each day employed in the discharge of official duties as 2808
a member, and shall also receive necessary and actual expenses 2809
incurred in the performance of official duties as a member. 2810

(D) The committee members specified in divisions (A)(1) to 2811
(3) of this section by a majority vote shall elect a chairperson 2812
~~by a majority vote of the committee from among those~~ members. The 2813
~~committee members~~ may elect a new chairperson at any time. 2814

(E) The state medical board may appoint assistants, clerical 2815
staff, or other employees as necessary for the committee to 2816
perform its duties adequately. 2817

(F) The committee shall meet at least four times a year and 2818
at such other times as may be necessary to carry out its 2819
responsibilities. 2820

Sec. 4730.06. (A) The physician assistant policy committee of 2821
the state medical board shall review, and ~~may~~ shall submit to the 2822
board recommendations ~~to the board~~ concerning, all of the 2823
following: 2824

(1) ~~Education and registration requirements~~ Requirements for 2825
issuance of certificates to practice as a physician assistants 2826
assistant, including the educational requirements that must be met 2827
to receive a certificate to practice; 2828

(2) Existing and proposed rules pertaining to the practice of 2829
physician assistants, the supervisory relationship between 2830
physician assistants and supervising physicians, and the 2831
administration and enforcement of this chapter; 2832

(3) Physician-delegated prescriptive authority for physician 2833

<u>assistants, in accordance with section 4730.38 of the Revised</u>	2834
<u>Code;</u>	2835
<u>(4) Application procedures and forms for certificates of</u>	2836
<u>registration for to practice as a physician assistants assistant,</u>	2837
<u>standard and supplemental physician assistant utilization</u>	2838
<u>physician supervisory plans, and supervision agreements;</u>	2839
<u>(4) Registration and renewal fees (5) Fees required by this</u>	2840
<u>chapter for issuance and renewal of certificates to practice as a</u>	2841
<u>physician assistant;</u>	2842
<u>(5)(6) Criteria to be included in applications submitted to</u>	2843
<u>the board for approval of physician supervisory plans, including</u>	2844
<u>criteria to be included in applications for approval to delegate</u>	2845
<u>to physician assistants the performance of special services;</u>	2846
<u>(7) Criteria to be included in standard and supplemental</u>	2847
<u>utilization plans and in supervision agreements submitted to the</u>	2848
<u>board for approval and renewal of the board's approval;</u>	2849
<u>(6) Adoption of model standard utilization plans;</u>	2850
<u>(7)(8) Any issue the board asks the committee to consider.</u>	2851
<u>(B) In addition to the matters that are required to be</u>	2852
<u>reviewed under division (A) of this section, the committee may</u>	2853
<u>review, and may submit to the board recommendations concerning,</u>	2854
<u>either or both of the following:</u>	2855
<u>(1) Quality assurance activities to be performed by a</u>	2856
<u>supervising physician and physician assistant under a quality</u>	2857
<u>assurance system established pursuant to division (F) of section</u>	2858
<u>4730.21 of the Revised Code;</u>	2859
<u>(2) The development and approval of one or more model</u>	2860
<u>physician supervisory plans and one or more models for a special</u>	2861
<u>services portion of the one or more model physician supervisory</u>	2862
<u>plans. The committee may submit recommendations for model plans</u>	2863

that reflect various medical specialties.

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(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~~

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(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.

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(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.

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Sec. 4730.07. In addition to rules that are specifically
required or authorized by this chapter to be adopted, the state
medical board may, subject to division (D) of section 4730.06 of
the Revised Code, adopt any other rules necessary to govern the
practice of physician assistants, the supervisory relationship

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between physician assistants and supervising physicians, and the 2895
administration and enforcement of this chapter. Rules adopted 2896
under this section shall be adopted in accordance with Chapter 2897
119. of the Revised Code. 2898

Sec. 4730.08. (A) A certificate to practice as a physician 2899
assistant issued under this chapter authorizes the holder to 2900
practice as a physician assistant, subject to all of the 2901
following: 2902

(1) The physician assistant shall practice only under the 2903
supervision, control, and direction of a physician with whom the 2904
physician assistant has entered into a supervision agreement 2905
approved by the state medical board under section 4730.17 of the 2906
Revised Code. 2907

(2) When the physician assistant practices outside a health 2908
care facility, the physician assistant shall practice in 2909
accordance with the physician supervisory plan approved under 2910
section 4730.17 of the Revised Code for the physician who is 2911
responsible for supervising the physician assistant. 2912

(3) When the physician assistant practices within a health 2913
care facility, the physician assistant shall practice in 2914
accordance with the policies of the health care facility. 2915

(B) For purposes of division (A) of this section and all 2916
other provisions of this chapter pertaining to the practice of a 2917
physician assistant under the policies of a health care facility, 2918
both of the following apply: 2919

(1) A physician who is supervising a physician assistant 2920
within a health care facility may impose limitations on the 2921
physician assistant's practice that are in addition to any 2922
limitations applicable under the policies of the facility. 2923

(2) The state medical board may, subject to division (D) of 2924

section 4730.06 of the Revised Code, adopt rules designating facilities to be included as health care facilities that are in addition to the facilities specified in divisions (C)(1) and (2) of section 4730.01 of the Revised Code. The rules adopted shall be adopted in accordance with Chapter 119. of the Revised Code. 2925
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Sec. 4730.081. For purposes of the Revised Code and any rules adopted under it, a certificate to practice as a physician assistant issued under this chapter constitutes the state's licensure of the certificate holder to practice as a physician assistant. The certificate holder may present the certificate as evidence of the state's licensure of the holder to any health care insurer, accrediting body, or other entity that requires evidence of licensure by a government entity to be recognized or authorized to practice as a physician assistant. 2930
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Sec. 4730.09. (A) Under a physician supervisory plan approved under section 4730.17 of the Revised Code, a physician assistant may provide any or all of the following services without approval by the state medical board as special services: 2939
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(1) Obtaining comprehensive patient histories; 2943

(2) Performing physical examinations, including audiometry screening, routine visual screening, and pelvic, rectal, and genital-urinary examinations, when indicated; 2944
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(3) Ordering, performing, or ordering and performing routine diagnostic procedures, as indicated; 2947
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(4) Identifying normal and abnormal findings on histories, physical examinations, and commonly performed diagnostic studies; 2949
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(5) Assessing patients and developing and implementing treatment plans for patients; 2951
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(6) Monitoring the effectiveness of therapeutic 2953

<u>interventions;</u>	2954
<u>(7) Exercising physician-delegated prescriptive authority</u>	2955
<u>pursuant to a certificate to prescribe issued under this chapter;</u>	2956
<u>(8) Carrying out or relaying the supervising physician's</u>	2957
<u>orders for the administration of medication, to the extent</u>	2958
<u>permitted by law;</u>	2959
<u>(9) Providing patient education;</u>	2960
<u>(10) Instituting and changing orders on patient charts;</u>	2961
<u>(11) Performing developmental screening examinations on</u>	2962
<u>children with regard to neurological, motor, and mental functions;</u>	2963
<u>(12) Performing wound care management, suturing minor</u>	2964
<u>lacerations and removing the sutures, and incision and drainage of</u>	2965
<u>uncomplicated superficial abscesses;</u>	2966
<u>(13) Removing superficial foreign bodies;</u>	2967
<u>(14) Administering intravenous fluids;</u>	2968
<u>(15) Inserting a foley or cudae catheter into the urinary</u>	2969
<u>bladder and removing the catheter;</u>	2970
<u>(16) Removing intrauterine devices;</u>	2971
<u>(17) Performing biopsies of superficial lesions;</u>	2972
<u>(18) Making appropriate referrals as directed by the</u>	2973
<u>supervising physician;</u>	2974
<u>(19) Removing norplant capsules;</u>	2975
<u>(20) Performing penile duplex ultrasound;</u>	2976
<u>(21) Changing of a tracheostomy;</u>	2977
<u>(22) Performing bone marrow aspirations from the posterior</u>	2978
<u>iliac crest;</u>	2979
<u>(23) Performing bone marrow biopsies from the posterior iliac</u>	2980

<u>crest;</u>	2981
<u>(24) Performing cystograms;</u>	2982
<u>(25) Performing nephrostograms after physician placement of nephrostomy tubes;</u>	2983 2984
<u>(26) Fitting or inserting family planning devices, including intrauterine devices, diaphragms, and cervical caps;</u>	2985 2986
<u>(27) Removing cervical polyps;</u>	2987
<u>(28) Performing nerve conduction testing;</u>	2988
<u>(29) Performing endometrial biopsies;</u>	2989
<u>(30) Inserting filiform and follower catheters;</u>	2990
<u>(31) Performing arthrocentesis of the knee;</u>	2991
<u>(32) Performing knee joint injections;</u>	2992
<u>(33) Performing endotracheal intubation with successful completion of an advanced cardiac life support course;</u>	2993 2994
<u>(34) Performing lumbar punctures;</u>	2995
<u>(35) In accordance with rules adopted by the board, using light-based medical devices for the purpose of hair removal;</u>	2996 2997
<u>(36) Administering, monitoring, or maintaining local anesthesia, as defined in section 4730.091 of the Revised Code;</u>	2998 2999
<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>	3000 3001 3002 3003 3004 3005
<u>(B) Under the policies of a health care facility, the services a physician assistant may provide are limited to the services the facility has authorized the physician assistant to</u>	3006 3007 3008

provide for the facility. The services a health care facility may 3009
authorize a physician assistant to provide for the facility 3010
include the following: 3011

(1) Any or all of the services specified in division (A) of 3012
this section; 3013

(2) Assisting in surgery in the health care facility; 3014

(3) Any other services permitted by the policies of the 3015
health care facility, except that the facility may not authorize a 3016
physician assistant to perform a service that is prohibited by 3017
this chapter. 3018

Sec. 4730.091. (A) As used in this section, "local 3019
anesthesia" means the injection of a drug or combination of drugs 3020
to stop or prevent a painful sensation in a circumscribed area of 3021
the body where a painful procedure is to be performed. "Local 3022
anesthesia" includes only local infiltration anesthesia, digital 3023
blocks, and pudendal blocks. 3024

(B) A physician assistant may administer, monitor, or 3025
maintain local anesthesia as a component of a procedure the 3026
physician assistant is performing or as a separate service when 3027
the procedure requiring local anesthesia is to be performed by the 3028
physician assistant's supervising physician or another person. A 3029
physician assistant shall not administer, monitor, or maintain any 3030
other form of anesthesia, including regional anesthesia or any 3031
systemic sedation, regardless of whether the physician assistant 3032
is practicing under a physician supervisory plan or the policies 3033
of a health care facility. 3034

Sec. 4730.10. (A) An individual seeking a certificate of 3035
registration to practice as a physician assistant shall file with 3036
the state medical board a written application on a form prescribed 3037
and supplied by the board. The application shall include all of 3038

the following: 3039

(1) The applicant's name, residential address, business address, if any, and social security number; 3040
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(2) Satisfactory proof that the applicant is at least eighteen years of meets the age and of good moral character requirements specified in divisions (A)(1) and (2) of section 4730.11 of the Revised Code; 3042
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~~(2) The status of the applicant with respect to eligibility for and application to take, or satisfactory completion of, the examination of the national commission for certification of physician assistants or a successor organization that is recognized by the board;~~ 3046
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(3) Effective January 1, 2008, except as provided in division (B) of section 4730.11 of the Revised Code, satisfactory proof that the applicant meets one of the educational requirements specified in division (A)(4) of section 4730.11 of the Revised Code; 3051
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(4) Any other information the board requires. 3056

~~(B) The board shall review all applications received under this section. The board shall determine whether an applicant meets the requirements to receive a certificate of registration not later than sixty days after receiving a complete application. The affirmative vote of not fewer than six members of the board is required to determine that an applicant meets the requirements for a certificate.~~ 3057
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~~A certificate of registration shall not be issued to an applicant unless the applicant is certified by the national commission on certification of physician assistants or a successor organization that is recognized by the board, except that the board may issue a temporary certificate of registration to an applicant who has not yet taken the examination of the commission~~ 3064
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~~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.~~

~~(C) At the time of making application for a certificate of
registration to practice, the applicant shall pay the board a fee
of ~~one~~ two hundred dollars, no part of which shall be returned.
Such fees shall be deposited in accordance with section 4731.24 of
the Revised Code.~~

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:

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

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

(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.

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

(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;

(b) The applicant shall hold a degree other than a master's
or higher degree that was obtained from a program accredited by
the accreditation review commission on education for the physician
assistant or a predecessor or successor organization recognized by
the board and shall hold a master's or higher degree in a course

of study with clinical relevance to the practice of physician 3100
assistants that was obtained from a program accredited by a 3101
regional or specialized and professional accrediting agency 3102
recognized by the council for higher education accreditation. 3103

(B) It is not necessary for an applicant to hold a master's 3104
or higher degree as a condition of receiving a certificate to 3105
practice as a physician assistant if the applicant presents 3106
evidence satisfactory to the board of holding a current, valid 3107
license or other form of authority to practice as a physician 3108
assistant that was issued by another jurisdiction prior to January 3109
1, 2008. 3110

(C) This section does not require an individual to obtain a 3111
master's or higher degree as a condition of retaining or renewing 3112
a certificate to practice as a physician assistant if either of 3113
the following is the case: 3114

(1) Prior to January 1, 2008, the individual received a 3115
certificate to practice as a physician assistant under this 3116
chapter without holding a master's or higher degree. 3117

(2) On or after January 1, 2008, the individual received a 3118
certificate to practice as a physician assistant under this 3119
chapter on the basis of holding a license issued in another 3120
jurisdiction, as specified in division (B) of this section. 3121

Sec. 4730.11 4730.12. ~~If the~~ (A) The state medical board 3122
shall review all applications received under section 4730.10 of 3123
the Revised Code for certificates to practice as a physician 3124
assistant. Not later than sixty days after receiving a complete 3125
application, the board shall determine whether an applicant meets 3126
the requirements to receive a certificate to practice, as 3127
specified in section 4730.11 of the Revised Code. An affirmative 3128
vote of not fewer than six members of the board is required to 3129

determine that an applicant meets the requirements to receive a 3130
certificate to practice as a physician assistant. 3131

(B) If the board determines under section 4730.10 of the 3132
Revised Code that an applicant meets the requirements for a to 3133
receive the certificate of registration as a physician assistant, 3134
the secretary of the board shall register the applicant as a 3135
physician assistant and issue to the applicant a certificate of 3136
registration to practice as a physician assistant. The certificate 3137
shall expire biennially and may be renewed in accordance with 3138
section 4730.12 of the Revised Code. 3139

Upon application by the holder of a certificate of 3140
registration, the board shall issue a duplicate certificate to 3141
replace one that is missing or damaged, to reflect a name change, 3142
or for any other reasonable cause. The fee for a duplicate 3143
certificate shall be thirty five dollars. 3144

Sec. 4730.13. Upon application by the holder of a certificate 3145
to practice as a physician assistant, the state medical board 3146
shall issue a duplicate certificate to replace one that is missing 3147
or damaged, to reflect a name change, or for any other reasonable 3148
cause. The fee for a duplicate certificate shall be thirty-five 3149
dollars. All fees collected under this section shall be deposited 3150
in accordance with section 4731.24 of the Revised Code. 3151

Sec. 4730.12 4730.14. (A) A certificate to practice as a 3153
physician assistant shall expire biennially and may be renewed in 3154
accordance with this section. A person seeking to renew a 3155
certificate of registration to practice as a physician assistant 3156
shall, on or before the thirty-first day of January of each 3157
even-numbered year, apply for renewal of the certificate. The 3158
state medical board shall send renewal notices at least one month 3159

prior to the expiration date. 3160

Applications shall be submitted to the board on forms the 3161
board shall prescribe and furnish. Each application shall be 3162
accompanied by a biennial renewal fee of ~~fifty~~ one hundred 3163
dollars. The board shall deposit the fees in accordance with 3164
section 4731.24 of the Revised Code. 3165

The applicant shall report any criminal offense that 3166
constitutes grounds for refusing to issue a certificate ~~of~~ 3167
~~registration to practice~~ under section 4730.25 of the Revised Code 3168
to which the applicant has pleaded guilty, of which the applicant 3169
has been found guilty, or for which the applicant has been found 3170
eligible for ~~treatment~~ intervention in lieu of conviction, since 3171
last signing an application for a certificate ~~of registration to~~ 3172
practice as a physician assistant. 3173

(B) To be eligible for renewal, a physician assistant ~~must~~ 3174
shall certify to the board both of the following: 3175

(1) That the physician assistant has maintained certification 3176
by the national commission on certification of physician 3177
assistants or a successor organization that is recognized by the 3178
board by meeting the standards to hold current certification from 3179
the commission or its successor, including completion of 3180
continuing medical education requirements and passing periodic 3181
recertification examinations; 3182

(2) Except as provided in division ~~(D)~~ (F) of this section and 3183
section 5903.12 of the Revised Code, that the physician assistant 3184
has completed during the current ~~registration~~ certification period 3185
not less than one hundred hours of continuing medical education 3186
acceptable to the board. ~~The~~ 3187

(C) The board shall adopt rules in accordance with Chapter 3188
119. of the Revised Code specifying the types of continuing 3189
medical education that must be completed to fulfill the board's 3190

requirements under division (B)(2) of this section. ~~The Except~~ 3191
when additional continuing medical education is required to renew 3192
a certificate to prescribe, as specified in section 4730.49 of the 3193
Revised Code, the board shall not adopt rules that require a 3194
physician assistant to complete in any ~~registration~~ certification 3195
period more than one hundred hours of continuing medical education 3196
acceptable to the board. In fulfilling the board's requirements, a 3197
physician assistant may use continuing medical education courses 3198
or programs completed to maintain certification by the national 3199
commission on certification of physician assistants or a successor 3200
organization that is recognized by the board if the standards for 3201
acceptable courses and programs of the commission or its successor 3202
are at least equivalent to the standards established by the board. 3203

~~(C)~~(D) If an applicant submits a complete renewal application 3204
and qualifies for renewal pursuant to division (B) of this 3205
section, the board shall issue to the applicant a renewed 3206
certificate ~~of registration~~ to practice as a physician assistant. 3207
~~The~~ 3208

(E) The board may require a random sample of physician 3209
assistants to submit materials documenting certification by the 3210
national commission on certification of physician assistants or a 3211
successor organization that is ~~required~~ recognized by the board 3212
and completion of the required number of hours of continuing 3213
medical education. 3214

~~(D)~~(F) The board shall provide for pro rata reductions by 3215
month of the number of hours of continuing education that must be 3216
completed for individuals who are in their first ~~registration~~ 3217
certification period, who have been disabled due to illness or 3218
accident, or who have been absent from the country. The board 3219
shall adopt rules, in accordance with Chapter 119. of the Revised 3220
Code, as necessary to implement this division. 3221

~~(E)~~(G)(1) A certificate ~~of registration~~ to practice that is 3222

not renewed on or before its expiration date is automatically 3223
suspended on its expiration date. ~~The state medical~~ Continued 3224
practice after suspension of the certificate shall be considered 3225
as practicing in violation of division (A) of section 4730.02 of 3226
the Revised Code. 3227

(2) If a certificate has been suspended pursuant to division 3228
(G)(1) of this section for two years or less, it may be 3229
reinstated. The board shall reinstate a certificate suspended for 3230
failure to renew upon an applicant's submission of the biennial 3231
renewal fee, ~~the~~ any applicable monetary penalty, and 3232
certification by signature of the applicant that the applicant has 3233
completed the number of hours of continuing education necessary to 3234
have a certificate reinstated ~~have been completed~~, as specified in 3235
rules the board shall adopt in accordance with Chapter 119. of the 3236
Revised Code. ~~The~~ 3237

If a certificate has been suspended pursuant to division 3238
(G)(1) of this division for more than two years, it may be 3239
restored. In accordance with section 4730.28 of the Revised Code, 3240
the board may restore a certificate suspended for failure to renew 3241
upon an applicant's submission of a restoration application, the 3242
biennial renewal fee, and any applicable monetary penalty. 3243

The penalty for reinstatement shall be ~~twenty-five~~ fifty 3244
dollars if the certificate has been suspended for two years or 3245
less and ~~fifty~~ the penalty for restoration shall be one hundred 3246
dollars if the certificate has been suspended for more than two 3247
years. The board shall deposit penalties in accordance with 3248
section 4731.24 of the Revised Code. 3249

~~(F)~~(H) If an individual certifies that the individual has 3250
completed the number of hours and type of continuing medical 3251
education required for renewal or reinstatement of a certificate 3252
~~of registration to practice~~ to practice as a physician assistant, and the 3253
board finds through a random sample conducted under division 3254

(E) of this section or through any other means that the individual 3255
did not complete the requisite continuing medical education, the 3256
board may impose a civil penalty of not more than five thousand 3257
dollars. The board's finding shall be made pursuant to an 3258
adjudication under Chapter 119. of the Revised Code and by an 3259
affirmative vote of not fewer than six members. 3260

A civil penalty imposed under this division may be in 3261
addition to or in lieu of any other action the board may take 3262
under section 4730.25 of the Revised Code. The board shall deposit 3263
civil penalties in accordance with section 4731.24 of the Revised 3264
Code. 3265

Sec. ~~4730.18~~ 4730.15. (A) A physician seeking to supervise 3266
one or more physician assistants through a physician supervisory 3267
plan shall submit to the state medical board an application for 3268
approval of a physician ~~assistant utilization~~ supervisory plan. 3269
The physician shall provide all information determined by the 3270
board to be necessary to process the application. The physician 3271
may include in the application the names, business addresses, and 3272
business telephone numbers of at least two physicians who have 3273
agreed to act as alternate supervising physicians during periods 3274
in which the physician will be unable to provide supervision in 3275
accordance with section 4730.21 of the Revised Code. 3276

Application for approval of a physician ~~assistant utilization~~ 3277
supervisory plan shall be made on a form prescribed and furnished 3278
by the board. Each application shall include a copy of the 3279
proposed plan. The proposed plan may be based on any model 3280
physician supervisory plan approved under section 4730.06 of the 3281
Revised Code. If the plan includes a special services portion, 3282
that portion may be based on any model special services portion 3283
approved under section 4730.06 of the Revised Code. 3284

The board shall develop a form that may be used when two or 3285

more physicians wish to apply at the same time for approval of the
same ~~type of physician assistant utilization~~ supervisory plan.
When making simultaneous applications with ~~these forms~~ this form,
the physicians are required to include only one copy of the
proposed plan with all of their applications. ~~Subsequent to the~~
~~filing of simultaneous applications, a physician who seeks to join~~
~~the physicians who filed simultaneous applications may apply for~~
approval of the same type of physician assistant utilization plan
by using the forms developed by the board for simultaneous
applications. The physician shall identify the plan for which
approval is sought. Identification of the plan fulfills the
requirement for filing a copy of the plan.

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

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

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

~~(1) If an application is for approval of a standard~~

utilization plan, the board shall approve or disapprove the 3317
application and notify the applicant of its decision not later 3318
than sixty days after receiving the application. 3319

~~(2) If an application is for approval of a supplemental 3320
utilization plan, the board shall submit the application to the 3321
physician assistant policy committee. The committee shall review 3322
the application and form a recommendation as to whether the board 3323
should approve or disapprove the plan. The committee shall submit 3324
its recommendation to the board not later than sixty days after 3325
receiving the application. Not later than sixty days after 3326
receiving the committee's recommendation, the board shall review 3327
the application, approve or disapprove the supplemental 3328
utilization plan, and notify the applicant of its decision. 3329~~

~~(C) A standard or supplemental utilization plan approved by 3330
the board is valid until the physician notifies the board that the 3331
plan should be canceled or until the plan is replaced by a new 3332
utilization plan. 3333~~

Sec. 4730.16. ~~(A) A standard physician assistant utilization 3334
plan shall To be eligible for approval by the state medical board 3335
under section 4730.17 of the Revised Code, a physician supervisory 3336
plan shall meet the requirements of any applicable rules adopted 3337
by the board and shall specify all of the following: 3338~~

~~(1)(A) The responsibilities to be fulfilled by the physician 3339
supervising a physician assistant under the plan; 3340~~

~~(2)(B) The responsibilities to be fulfilled by a physician 3341
assistant when performing services under the plan; 3342~~

~~(3)(C) Circumstances under which a physician assistant is 3343
required to refer a patient to the supervising physician; 3344~~

~~(4)(D) Procedures to be followed by a physician assistant 3345
when writing medical orders, including prescriptions written in 3346~~

<u>the exercise of the physician-delegated prescriptive authority</u>	3347
<u>granted to the physician assistant;</u>	3348
(5) Procedures to be followed when a supervising physician is	3349
not on the premises but a patient requires immediate attention	3350
<u>(E) Any special services that the physician may delegate to a</u>	3351
<u>physician assistant.</u>	3352
(B) The types of services a supervising physician may	3353
authorize a physician assistant to perform under a standard	3354
utilization plan are limited to the following:	3355
(1) Obtaining comprehensive patient histories;	3356
(2) Performing physical examinations, including pelvic and	3357
rectal examinations when indicated;	3358
(3) Assessing patients, ordering and performing routine	3359
diagnostic procedures, developing treatment plans for patients,	3360
and implementing treatment plans that have been reviewed and	3361
approved by the supervising physician;	3362
(4) Monitoring the effectiveness of therapeutic	3363
interventions;	3364
(5) Assisting in surgery in a hospital, as defined in section	3365
3727.01 of the Revised Code, or an outpatient surgical care center	3366
affiliated with the hospital if the center meets the same	3367
credential, quality assurance, and utilization review standards as	3368
the hospital;	3369
(6) Providing instruction to meet patient needs;	3370
(7) Instituting and changing orders on patient charts as	3371
directed by the supervising physician;	3372
(8) Carrying out or relaying the supervising physician's	3373
orders for medication, to the extent permitted under laws	3374
pertaining to drugs.	3375

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: 3376
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(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. 3380
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(2) If the applicant is seeking approval of a physician supervisory plan under which the supervising physician will delegate to one or more physician assistants the performance of special services, the board shall submit the special services portion of the plan to the board's physician assistant policy committee at the committee's next regularly scheduled meeting. 3386
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The committee shall review the special services portion of the physician supervisory plan and form a recommendation as to whether the board should approve or disapprove inclusion of all or some of the special services in the plan. The committee, on a case-by-case basis, may request documentation from the applicant certifying that additional education and training will have been provided to or obtained by each physician assistant who is given authority to perform the special services to ensure that the physician assistant is qualified to perform the services. The committee shall submit its recommendation for approval or disapproval to the board not later than sixty days after receiving the special services portion of the plan. 3392
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Not later than sixty days after receiving the committee's recommendation, the board shall approve or disapprove the special services portion of the physician supervisory plan. The board 3404
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shall provide written notice of its decision to the applicant and 3407
the committee. 3408

(B) After a physician supervisory plan has been approved, the 3409
holder of the plan may apply for an addendum to the plan for 3410
authorization to delegate to one or more physician assistants the 3411
performance of a special service that was not included at the time 3412
the plan was approved. An application for an addendum to an 3413
approved physician supervisory plan shall be submitted in the same 3414
manner that an application for approval of an original plan is 3415
submitted under section 4730.15 of the Revised Code. The 3416
application shall be processed in same manner that an application 3417
for approval of an original physician supervisory plan is 3418
processed under division (A) of this section. 3419

(C) A physician supervisory plan approved under this section 3420
is valid until the supervising physician for whom the plan was 3421
approved, or the group of supervising physicians for which the 3422
plan was approved, notifies the board that the plan should be 3423
canceled or replaced. 3424

Sec. 4730.18. Before initiating supervision of one or more 3425
physician assistants under a physician supervisory plan or the 3426
policies of a health care facility, a physician shall obtain 3427
approval from the state medical board under section 4730.19 of the 3428
Revised Code of a supervision agreement between the physician and 3429
each physician assistant who will be supervised. 3430

A physician seeking approval of a supervision agreement shall 3431
submit an application to the board on a form the board shall 3432
prescribe and furnish. The application shall list each physician 3433
assistant who will be supervised. Each application shall be 3434
accompanied by a fee of twenty-five dollars. Fees shall be 3435
deposited in accordance with section 4731.24 of the Revised Code. 3436

~~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. 3467
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(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 3470
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(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. 3474
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(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. 3487
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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 3492
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~~requirements are met, the board shall issue a letter to notify the~~ 3498
~~physician acknowledging of its approval of the addition to the~~ 3499
~~supervision agreement. The board shall provide notice of its~~ 3500
~~approval not later than thirty days after the board receives a~~ 3501
~~complete application for approval.~~ 3502

~~There is no fee for applying for additions to a supervision~~ 3503
~~agreement under this division.~~ 3504

~~(D) The board's approval of a supervision agreement expires~~ 3505
~~on the thirty first day of January of each odd numbered year. The~~ 3506
~~board may renew its approval of a supervision agreement if the~~ 3507
~~supervising physician submits to the board a signed statement on a~~ 3508
~~form prescribed and provided by the board specifying that the~~ 3509
~~physician seeks to continue supervising one or more physician~~ 3510
~~assistants and the board determines that each physician assistant~~ 3511
~~who will be supervised holds a valid certificate of registration.~~ 3512
~~The statement shall be accompanied by a fee of twenty five~~ 3513
~~dollars. All fees shall be deposited in accordance with section~~ 3514
~~4731.24 of the Revised Code.~~ 3515

Sec. 4730.20. (A) The state medical board's approval of a 3516
supervision agreement expires on the thirty-first day of January 3517
of each odd-numbered year and may be renewed. A supervising 3518
physician seeking renewal of the board's approval of a supervision 3519
agreement shall submit to the board an application for renewal on 3520
forms prescribed and furnished by the board. The application shall 3521
be accompanied by a renewal fee of twenty-five dollars. Renewal 3522
fees shall be deposited in accordance with section 4731.24 of the 3523
Revised Code. 3524

(B) For the board's approval of a supervision agreement to be 3525
renewed under this section, all of the following apply: 3526

(1) The applicant shall submit a signed statement on a form 3527
prescribed by the board specifying that the physician intends to 3528

continue supervising the one or more physician assistants 3529
specified in the agreement. 3530

(2) Each of the physician assistants specified in the 3531
agreement shall hold a current certificate to practice as a 3532
physician assistant. 3533

(3) If physician-delegated prescriptive authority will be 3534
granted to one or more physician assistants under the supervision 3535
agreement, each of the physician assistants shall hold a valid 3536
certificate to prescribe issued under this chapter. 3537

(C) The board shall renew its approval of the supervision 3538
agreement if the fee has been paid and the requirements specified 3539
in division (B) of this section have been met. 3540

Sec. 4730.21. (A) The supervising physician of a physician 3541
assistant exercises ~~oversight~~ supervision, control, and direction 3542
of the physician assistant. In supervising a physician assistant, 3543
~~the supervising physician shall do~~ all of the following apply: 3544

(1) ~~Be~~ Except when the on-site supervision requirements 3545
specified in section 4730.45 of the Revised Code are applicable, 3546
the supervising physician shall be continuously available for 3547
direct communication with the physician assistant by either of the 3548
following means: 3549

(a) Being physically present at the location where the 3550
physician assistant is practicing; 3551

(b) Being readily available to the physician assistant 3552
through some means of telecommunication and being in a location 3553
that under normal conditions is not more than sixty minutes travel 3554
time away from the location where the physician assistant is 3555
practicing. 3556

(2) ~~Personally~~ The supervising physician shall personally and 3557
actively review the physician assistant's professional 3558

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(3) ~~Regularly~~ The supervising physician shall regularly 3560
review the condition of the patients treated by the physician 3561
assistant~~;~~. 3562

(4) ~~Regularly~~ The supervising physician shall ensure that the 3563
quality assurance system established pursuant to division (F) of 3564
this section is implemented and maintained. 3565

(5) The supervising physician shall regularly perform any 3566
other reviews of the physician assistant that the supervising 3567
physician considers necessary. 3568

(B) A physician may enter into supervision agreements with 3569
any number of physician assistants, but the physician may not 3570
supervise more than two physician assistants at any one time. A 3571
physician assistant may enter into supervision agreements with any 3572
number of supervising physicians, but when practicing under the 3573
supervision of a particular physician, the physician assistant's 3574
scope of practice is subject to the limitations of the ~~utilization~~ 3575
physician supervisory plan that has been approved under section 3576
4730.17 of the Revised Code for that physician or the policies of 3577
the health care facility in which the physician and physician 3578
assistant are practicing. 3579

~~When a supervision agreement between a physician assistant~~ 3580
~~and a supervising physician is terminated, the physician and the~~ 3581
~~physician assistant shall notify the state medical board. The~~ 3582
~~notice shall be submitted not later than two week days after the~~ 3583
~~agreement is terminated. The notice must include an explanation of~~ 3584
~~the reasons for terminating the agreement.~~ 3585

(C) A supervising physician may authorize a physician 3586
assistant to perform a service only if the service is ~~included in~~ 3587
authorized under the physician assistant utilization supervisory 3588
plan approved for that physician and or the policies of the health 3589

care facility in which the physician and physician assistant are 3590
practicing. A supervising physician may authorize a physician 3591
assistant to perform a service only if the physician is satisfied 3592
that the physician assistant is capable of competently performing 3593
the service. A supervising physician shall not authorize a 3594
physician assistant to perform any service that is beyond the 3595
physician's or the physician assistant's ~~expertise or~~ normal 3596
course of practice and expertise. 3597

(D) ~~A patient new to a physician's practice may be seen by a~~ 3598
~~physician assistant only when a supervising physician is on the~~ 3599
~~premises, except in those situations specified in a standard or~~ 3600
~~supplemental utilization plan under which the presence of the~~ 3601
~~physician is not necessary. A patient new to a physician's~~ 3602
~~practice or an established patient of a physician with a new~~ 3603
~~condition shall be seen and personally evaluated by a supervising~~ 3604
~~physician prior to initiation of any treatment plan proposed by a~~ 3605
~~physician assistant for the new patient or the established~~ 3606
~~patient's new condition.~~ (1) A supervising physician may authorize 3607
a physician assistant to practice in any setting within which the 3608
supervising physician routinely practices. ~~When a~~ 3609

(2) In the case of a health care facility with an emergency 3610
department, if the supervising physician authorizes a physician 3611
assistant to practice routinely practices in a the facility's 3612
emergency department, the supervising physician shall provide 3613
on-site supervision of the physician assistant when the physician 3614
assistant practices in the emergency department. If the 3615
supervising physician does not routinely practice in the 3616
facility's emergency department, the supervising physician may, on 3617
occasion, send the physician assistant to the facility's emergency 3618
department to assess and manage a patient. In supervising the 3619
physician assistant's assessment and management of the patient, 3620
the supervising physician shall determine the appropriate level of 3621

supervision in compliance with the requirements of divisions (A) 3622
to (C) of this section, except that the supervising physician must 3623
be available to go to the emergency department to personally 3624
evaluate the patient and, at the request of an emergency 3625
department physician, the supervising physician shall go to the 3626
emergency department to personally evaluate the patient. 3627

(E) Each time a physician assistant writes a medical order, 3628
including prescriptions written in the exercise of 3629
physician-delegated prescriptive authority, the physician 3630
assistant shall sign the form on which the order is written and 3631
record on the form the time and date that the order is written. 3632
When writing a medical order, the physician assistant shall use 3633
~~forms that~~ clearly identify the physician under whose supervision 3634
the physician assistant is authorized to write the order. ~~The 3635~~

~~supervising physician named on the order shall review each 3636~~
~~medical order written by the physician assistant not later than 3637~~
~~twenty four hours after the order is written, unless the 3638~~
~~supervising physician's utilization plan specifically authorizes a 3639~~
~~longer period of time for review. After reviewing an order, the 3640~~
~~supervising physician shall countersign the order if the 3641~~
~~supervising physician determines that the order is appropriate. 3642~~
~~Countersignature by the supervising physician is necessary before 3643~~
~~any 3644~~

~~person may execute the physician assistant's order, except in 3645~~
~~situations in which a patient requires immediate attention and any 3646~~
~~other circumstances specified in a supplemental utilization plan 3647~~
~~under which countersignature is not necessary. The supervising 3648~~
~~physician shall review each medical order executed without 3649~~
~~countersignature not later than twenty four hours after the order 3650~~
~~is written 3651~~

(F)(1) The supervising physician of a physician assistant 3652
shall establish a quality assurance system to be used in 3653

supervising the physician assistant. All or part of the system may 3654
be applied to other physician assistants who are supervised by the 3655
supervising physician. The system shall be developed in 3656
consultation with each physician assistant to be supervised by the 3657
physician. 3658

(2) In establishing the quality assurance system, the 3659
supervising physician shall describe a process to be used for all 3660
of the following: 3661

(a) Routine review by the physician of selected patient 3662
record entries made by the physician assistant and selected 3663
medical orders issued by the physician assistant; 3664

(b) Discussion of complex cases; 3665

(c) Discussion of new medical developments relevant to the 3666
practice of the physician and physician assistant; 3667

(d) Performance of any quality assurance activities required 3668
in rules adopted by state medical board pursuant to any 3669
recommendations made by the physician assistant policy committee 3670
under section 4730.06 of the Revised Code; 3671

(e) Performance of any other quality assurance activities 3672
that the supervising physician considers to be appropriate. 3673

(3) The supervising physician and physician assistant shall 3674
keep records of their quality assurance activities. On request, 3675
the records shall be made available to the board and any health 3676
care professional working with the supervising physician and 3677
physician assistant. 3678

Sec. 4730.22. (A) A physician assistant's supervising 3679
physician assumes legal liability for the services provided by the 3680
physician assistant. 3681

The physician is not liable for any services provided by the 3682

physician assistant after their supervision agreement is 3683
terminated. 3684

(B) When ~~any~~ a health care facility permits physician 3685
assistants to practice within that facility or any other health 3686
care facility under its control, the health care facility shall 3687
make reasonable efforts to explain to each individual who may work 3688
with a particular physician assistant the scope of that physician 3689
assistant's practice ~~as determined by each supervising physician's~~ 3690
~~physician assistant utilization plan and any policies maintained~~ 3691
~~by the facility regarding the practice of physician assistants~~ 3692
within the facility. The appropriate credentialing body within the 3693
health care facility shall provide, on request of an individual 3694
practicing in the facility with a physician assistant, a copy of 3695
the facility's policies on the practice of physician assistants 3696
within the facility and a copy of each physician assistant 3697
utilization supervisory plan and supervision agreement applicable 3698
to the physician assistant. 3699

An individual who follows the orders of a physician assistant 3700
practicing in a health care facility is not subject to 3701
disciplinary action by any administrative agency that governs that 3702
individual's conduct and is not liable in damages in a civil 3703
action for injury, death, or loss to person or property resulting 3704
from the individual's acts or omissions in the performance of any 3705
procedure, treatment, or other health care service if the 3706
individual reasonably believed that the physician assistant was 3707
acting within the proper scope of practice or was relaying medical 3708
orders from a supervising physician, unless the act or omission 3709
constitutes willful or wanton misconduct. 3710

Sec. 4730.25. (A) The state medical board, by an affirmative 3711
vote of not fewer than six members, may revoke or may refuse to 3712
grant a certificate ~~of registration~~ to practice as a physician 3713

assistant or a certificate to prescribe to a person found by the 3714
board to have committed fraud, misrepresentation, or deception in 3715
applying for or securing the certificate. 3716

(B) The board, by an affirmative vote of not fewer than six 3717
members, shall, to the extent permitted by law, limit, revoke, or 3718
suspend an individual's certificate ~~of registration~~ to practice as 3719
a physician assistant or certificate to prescribe, refuse to issue 3720
a certificate to an applicant, refuse to reinstate a certificate, 3721
or reprimand or place on probation the holder of a certificate for 3722
any of the following reasons: 3723

(1) Failure to practice in accordance with the conditions 3724
under which the supervising physician's supervision agreement with 3725
the physician assistant was approved, including the requirement 3726
that when practicing under a particular supervising physician, the 3727
physician assistant must practice only according to the ~~standard~~ 3728
~~or supplemental utilization~~ physician supervisory plan the board 3729
approved for that physician or the policies of the health care 3730
facility in which the supervising physician and physician 3731
assistant are practicing; 3732

(2) Failure to comply with the requirements of this chapter, 3733
Chapter 4731. of the Revised Code, or any rules adopted by the 3734
board; 3735

(3) Violating or attempting to violate, directly or 3736
indirectly, or assisting in or abetting the violation of, or 3737
conspiring to violate, any provision of this chapter, Chapter 3738
4731. of the Revised Code, or the rules adopted by the board; 3739

(4) Inability to practice according to acceptable and 3740
prevailing standards of care by reason of mental illness or 3741
physical illness, including physical deterioration that adversely 3742
affects cognitive, motor, or perceptive skills; 3743

(5) Impairment of ability to practice according to acceptable 3744

and prevailing standards of care because of habitual or excessive
use or abuse of drugs, alcohol, or other substances that impair
ability to practice;

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

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(7) Willfully betraying a professional confidence;

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(8) Making a false, fraudulent, deceptive, or misleading
statement in soliciting or advertising for employment as a
physician assistant; in connection with any solicitation or
advertisement for patients; in relation to the practice of
medicine as it pertains to physician assistants; or in securing
or attempting to secure a certificate ~~of registration~~ to practice
as a physician assistant, a certificate to prescribe, or approval
of a supervision agreement.

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

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

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

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(11) A plea of guilty to, a judicial finding of guilt of, or

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a judicial finding of eligibility for treatment <u>intervention</u> in lieu of conviction for, a felony;	3775 3776
(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	3777 3778 3779
(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;	3780 3781 3782 3783
(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;	3784 3785 3786
(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;	3787 3788 3789
(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;	3790 3791 3792
(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;	3793 3794 3795 3796 3797
(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	3798 3799 3800 3801 3802 3803 3804

censure or other reprimand;	3805
(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;	3806 3807 3808 3809
(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>	3810 3811 3812 3813
(21) Violation of the conditions on which a temporary certificate of registration is issued;	3814 3815
(22) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	3816 3817 3818
(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;	3819 3820 3821 3822 3823 3824 3825 3826 3827
(24) <u>(23)</u> Assisting suicide as defined in section 3795.01 of the Revised Code;	3828 3829
<u>(24) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion.</u>	3830 3831
(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	3832 3833 3834

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 3867
be deemed to have given consent to submit to a mental or physical 3868
examination when directed to do so in writing by the board and to 3869
have waived all objections to the admissibility of testimony or 3870
examination reports that constitute a privileged communication. 3871

(1) In enforcing division (B)(4) of this section, the board, 3872
upon a showing of a possible violation, may compel any individual 3873
who holds a certificate ~~of registration~~ issued under this chapter 3874
or who has applied for a certificate ~~of registration~~ pursuant to 3875
this chapter to submit to a mental examination, physical 3876
examination, including an HIV test, or both a mental and physical 3877
examination. The expense of the examination is the responsibility 3878
of the individual compelled to be examined. Failure to submit to a 3879
mental or physical examination or consent to an HIV test ordered 3880
by the board constitutes an admission of the allegations against 3881
the individual unless the failure is due to circumstances beyond 3882
the individual's control, and a default and final order may be 3883
entered without the taking of testimony or presentation of 3884
evidence. If the board finds a physician assistant unable to 3885
practice because of the reasons set forth in division (B)(4) of 3886
this section, the board shall require the physician assistant to 3887
submit to care, counseling, or treatment by physicians approved or 3888
designated by the board, as a condition for an initial, continued, 3889
reinstated, or renewed certificate ~~of registration~~. An individual 3890
affected under this division shall be afforded an opportunity to 3891
demonstrate to the board the ability to resume practicing in 3892
compliance with acceptable and prevailing standards of care. 3893

(2) For purposes of division (B)(5) of this section, if the 3894
board has reason to believe that any individual who holds a 3895
certificate ~~of registration~~ issued under this chapter or any 3896
applicant for a certificate ~~of registration~~ suffers such 3897
impairment, the board may compel the individual to submit to a 3898

mental or physical examination, or both. The expense of the 3899
examination is the responsibility of the individual compelled to 3900
be examined. Any mental or physical examination required under 3901
this division shall be undertaken by a treatment provider or 3902
physician qualified to conduct such examination and chosen by the 3903
board. 3904

Failure to submit to a mental or physical examination ordered 3905
by the board constitutes an admission of the allegations against 3906
the individual unless the failure is due to circumstances beyond 3907
the individual's control, and a default and final order may be 3908
entered without the taking of testimony or presentation of 3909
evidence. If the board determines that the individual's ability to 3910
practice is impaired, the board shall suspend the individual's 3911
certificate or deny the individual's application and shall require 3912
the individual, as a condition for initial, continued, reinstated, 3913
or renewed ~~licensure~~ certification to practice or prescribe, to 3914
submit to treatment. 3915

Before being eligible to apply for reinstatement of a 3916
certificate suspended under this division, the physician assistant 3917
shall demonstrate to the board the ability to resume practice or 3918
prescribing in compliance with acceptable and prevailing standards 3919
of care. The demonstration shall include the following: 3920

(a) Certification from a treatment provider approved under 3921
section 4731.25 of the Revised Code that the individual has 3922
successfully completed any required inpatient treatment; 3923

(b) Evidence of continuing full compliance with an aftercare 3924
contract or consent agreement; 3925

(c) Two written reports indicating that the individual's 3926
ability to practice has been assessed and that the individual has 3927
been found capable of practicing according to acceptable and 3928
prevailing standards of care. The reports shall be made by 3929

individuals or providers approved by the board for making such 3930
assessments and shall describe the basis for their determination. 3931

The board may reinstate a certificate suspended under this 3932
division after such demonstration and after the individual has 3933
entered into a written consent agreement. 3934

When the impaired physician assistant resumes practice or 3935
prescribing, the board shall require continued monitoring of the 3936
physician assistant. The monitoring shall include compliance with 3937
the written consent agreement entered into before reinstatement or 3938
with conditions imposed by board order after a hearing, and, upon 3939
termination of the consent agreement, submission to the board for 3940
at least two years of annual written progress reports made under 3941
penalty of falsification stating whether the physician assistant 3942
has maintained sobriety. 3943

(G) If the secretary and supervising member determine that 3944
there is clear and convincing evidence that a physician assistant 3945
has violated division (B) of this section and that the 3946
individual's continued practice or prescribing presents a danger 3947
of immediate and serious harm to the public, they may recommend 3948
that the board suspend the individual's certificate to practice or 3949
prescribe without a prior hearing. Written allegations shall be 3950
prepared for consideration by the board. 3951

The board, upon review of those allegations and by an 3952
affirmative vote of not fewer than six of its members, excluding 3953
the secretary and supervising member, may suspend a certificate 3954
without a prior hearing. A telephone conference call may be 3955
utilized for reviewing the allegations and taking the vote on the 3956
summary suspension. 3957

The board shall issue a written order of suspension by 3958
certified mail or in person in accordance with section 119.07 of 3959
the Revised Code. The order shall not be subject to suspension by 3960

the court during pendency of any appeal filed under section 119.12 3961
of the Revised Code. If the physician assistant requests an 3962
adjudicatory hearing by the board, the date set for the hearing 3963
shall be within fifteen days, but not earlier than seven days, 3964
after the physician assistant requests the hearing, unless 3965
otherwise agreed to by both the board and the certificate holder. 3966

A summary suspension imposed under this division shall remain 3967
in effect, unless reversed on appeal, until a final adjudicative 3968
order issued by the board pursuant to this section and Chapter 3969
119. of the Revised Code becomes effective. The board shall issue 3970
its final adjudicative order within sixty days after completion of 3971
its hearing. Failure to issue the order within sixty days shall 3972
result in dissolution of the summary suspension order, but shall 3973
not invalidate any subsequent, final adjudicative order. 3974

(H) If the board takes action under division (B)(11), (13), 3975
or (14) of this section, and the judicial finding of guilt, guilty 3976
plea, or judicial finding of eligibility for ~~treatment~~ 3977
intervention in lieu of conviction is overturned on appeal, upon 3978
exhaustion of the criminal appeal, a petition for reconsideration 3979
of the order may be filed with the board along with appropriate 3980
court documents. Upon receipt of a petition and supporting court 3981
documents, the board shall reinstate the certificate ~~of~~ 3982
~~registration to practice or prescribe~~. The board may then hold an 3983
adjudication under Chapter 119. of the Revised Code to determine 3984
whether the individual committed the act in question. Notice of 3985
opportunity for hearing shall be given in accordance with Chapter 3986
119. of the Revised Code. If the board finds, pursuant to an 3987
adjudication held under this division, that the individual 3988
committed the act, or if no hearing is requested, it may order any 3989
of the sanctions identified under division (B) of this section. 3990

(I) The certificate ~~of registration of~~ to practice issued to 3991
a physician assistant and the physician assistant's practice in 3992

this state are automatically suspended as of the date the 3993
physician assistant pleads guilty to, is found by a judge or jury 3994
to be guilty of, or is subject to a judicial finding of 3995
eligibility for intervention in lieu of conviction in this state 3996
or treatment or intervention in lieu of conviction in another 3997
state for any of the following criminal offenses in this state or 3998
a substantially equivalent criminal offense in another 3999
jurisdiction: aggravated murder, murder, voluntary manslaughter, 4000
felonious assault, kidnapping, rape, sexual battery, gross sexual 4001
imposition, aggravated arson, aggravated robbery, or aggravated 4002
burglary. Continued practice after the suspension shall be 4003
considered practicing without a certificate. 4004

The board shall notify the individual subject to the 4005
suspension by certified mail or in person in accordance with 4006
section 119.07 of the Revised Code. If an individual whose 4007
certificate is suspended under this division fails to make a 4008
timely request for an adjudication under Chapter 119. of the 4009
Revised Code, the board shall enter a final order permanently 4010
revoking the individual's certificate ~~of registration~~ to practice. 4011

(J) In any instance in which the board is required by Chapter 4012
119. of the Revised Code to give notice of opportunity for hearing 4013
and the individual subject to the notice does not timely request a 4014
hearing in accordance with section 119.07 of the Revised Code, the 4015
board is not required to hold a hearing, but may adopt, by an 4016
affirmative vote of not fewer than six of its members, a final 4017
order that contains the board's findings. In that final order, the 4018
board may order any of the sanctions identified under division (A) 4019
or (B) of this section. 4020

(K) Any action taken by the board under division (B) of this 4021
section resulting in a suspension shall be accompanied by a 4022
written statement of the conditions under which the physician 4023
assistant's certificate may be reinstated. The board shall adopt 4024

rules in accordance with Chapter 119. of the Revised Code 4025
governing conditions to be imposed for reinstatement. 4026
Reinstatement of a certificate suspended pursuant to division (B) 4027
of this section requires an affirmative vote of not fewer than six 4028
members of the board. 4029

(L) When the board refuses to grant to an applicant a 4030
certificate ~~of registration to practice~~ as a physician assistant 4031
~~to an applicant~~ or a certificate to prescribe, revokes an 4032
individual's certificate ~~of registration~~, refuses to issue a 4033
certificate ~~of registration~~, or refuses to reinstate an 4034
individual's certificate ~~of registration~~, the board may specify 4035
that its action is permanent. An individual subject to a permanent 4036
action taken by the board is forever thereafter ineligible to hold 4037
a the certificate ~~of registration as a physician assistant~~ and the 4038
board shall not accept an application for reinstatement of the 4039
certificate or for issuance of a new certificate. 4040

(M) Notwithstanding any other provision of the Revised Code, 4041
all of the following apply: 4042

(1) The surrender of a certificate ~~of registration as a~~ 4043
~~physician assistant~~ issued under this chapter is not effective 4044
unless or until accepted by the board. Reinstatement of a 4045
certificate surrendered to the board requires an affirmative vote 4046
of not fewer than six members of the board. 4047

(2) An application made under this chapter for a certificate 4048
~~of registration~~, approval of a ~~standard or supplemental~~ 4049
~~utilization~~ physician supervisory plan, or approval of a 4050
supervision agreement may not be withdrawn without approval of the 4051
board. 4052

(3) Failure by an individual to renew a certificate ~~of~~ 4053
~~registration~~ in accordance with section ~~4730.12~~ 4730.14 or section 4054
4730.48 of the Revised Code shall not remove or limit the board's 4055

jurisdiction to take disciplinary action under this section 4056
against the individual. 4057

Sec. 4730.26. (A) The state medical board shall investigate 4058
evidence that appears to show that any person has violated this 4059
chapter or a rule adopted under it. ~~Any~~ In an investigation 4060
involving the practice or supervision of a physician assistant 4061
pursuant to the policies of a health care facility, the board may 4062
require that the health care facility provide any information the 4063
board considers necessary to identify either or both of the 4064
following: 4065

(1) The facility's policies for the practice of physician 4066
assistants within the facility; 4067

(2) The services that the facility has authorized a 4068
particular physician assistant to provide for the facility. 4069

(B) ~~Any~~ person may report to the board in a signed writing 4070
any information the person has that appears to show a violation of 4071
any provision of this chapter or rule adopted under it. In the 4072
absence of bad faith, a person who reports such information or 4073
testifies before the board in an adjudication conducted under 4074
Chapter 119. of the Revised Code shall not be liable for civil 4075
damages as a result of reporting the information or providing 4076
testimony. Each complaint or allegation of a violation received by 4077
the board shall be assigned a case number and be recorded by the 4078
board. 4079

~~(B)~~ (C) Investigations of alleged violations of this chapter 4080
or rules adopted under it shall be supervised by the supervising 4081
member elected by the board in accordance with section 4731.02 of 4082
the Revised Code and by the secretary as provided in section 4083
4730.33 of the Revised Code. The president may designate another 4084
member of the board to supervise the investigation in place of the 4085
supervising member. A member of the board who supervises the 4086

investigation of a case shall not participate in further 4087
adjudication of the case. 4088

~~(C)~~(D) In investigating a possible violation of this chapter 4089
or a rule adopted under it, the board may administer oaths, order 4090
the taking of depositions, issue subpoenas, and compel the 4091
attendance of witnesses and production of books, accounts, papers, 4092
records, documents, and testimony, except that a subpoena for 4093
patient record information shall not be issued without 4094
consultation with the attorney general's office and approval of 4095
the secretary and supervising member of the board. Before issuance 4096
of a subpoena for patient record information, the secretary and 4097
supervising member shall determine whether there is probable cause 4098
to believe that the complaint filed alleges a violation of this 4099
chapter or a rule adopted under it and that the records sought are 4100
relevant to the alleged violation and material to the 4101
investigation. The subpoena may apply only to records that cover a 4102
reasonable period of time surrounding the alleged violation. 4103

On failure to comply with any subpoena issued by the board 4104
and after reasonable notice to the person being subpoenaed, the 4105
board may move for an order compelling the production of persons 4106
or records pursuant to the Rules of Civil Procedure. 4107

A subpoena issued by the board may be served by a sheriff, 4108
the sheriff's deputy, or a board employee designated by the board. 4109
Service of a subpoena issued by the board may be made by 4110
delivering a copy of the subpoena to the person named therein, 4111
reading it to the person, or leaving it at the person's usual 4112
place of residence. When the person being served is a physician 4113
assistant, service of the subpoena may be made by certified mail, 4114
restricted delivery, return receipt requested, and the subpoena 4115
shall be deemed served on the date delivery is made or the date 4116
the person refuses to accept delivery. 4117

A sheriff's deputy who serves a subpoena shall receive the 4118

same fees as a sheriff. Each witness who appears before the board 4119
in obedience to a subpoena shall receive the fees and mileage 4120
provided for witnesses in civil cases in the courts of common 4121
pleas. 4122

~~(D)~~(E) All hearings and investigations of the board shall be 4123
considered civil actions for the purposes of section 2305.252 of 4124
the Revised Code. 4125

~~(E)~~(F) Information received by the board pursuant to an 4126
investigation is confidential and not subject to discovery in any 4127
civil action. 4128

The board shall conduct all investigations and proceedings in 4129
a manner that protects the confidentiality of patients and persons 4130
who file complaints with the board. The board shall not make 4131
public the names or any other identifying information about 4132
patients or complainants unless proper consent is given or, in the 4133
case of a patient, a waiver of the patient privilege exists under 4134
division (B) of section 2317.02 of the Revised Code, except that 4135
consent or a waiver is not required if the board possesses 4136
reliable and substantial evidence that no bona fide 4137
physician-patient relationship exists. 4138

The board may share any information it receives pursuant to 4139
an investigation, including patient records and patient record 4140
information, with law enforcement agencies, other licensing 4141
boards, and other governmental agencies that are prosecuting, 4142
adjudicating, or investigating alleged violations of statutes or 4143
administrative rules. An agency or board that receives the 4144
information shall comply with the same requirements regarding 4145
confidentiality as those with which the state medical board must 4146
comply, notwithstanding any conflicting provision of the Revised 4147
Code or procedure of the agency or board that applies when it is 4148
dealing with other information in its possession. In a judicial 4149

proceeding, the information may be admitted into evidence only in 4150
accordance with the Rules of Evidence, but the court shall require 4151
that appropriate measures are taken to ensure that confidentiality 4152
is maintained with respect to any part of the information that 4153
contains names or other identifying information about patients or 4154
complainants whose confidentiality was protected by the state 4155
medical board when the information was in the board's possession. 4156
Measures to ensure confidentiality that may be taken by the court 4157
include sealing its records or deleting specific information from 4158
its records. 4159

~~(F)~~(G) The state medical board shall develop requirements for 4160
and provide appropriate initial and continuing training for 4161
investigators employed by the board to carry out its duties under 4162
this chapter. The training and continuing education may include 4163
enrollment in courses operated or approved by the Ohio peace 4164
officer training council that the board considers appropriate 4165
under conditions set forth in section 109.79 of the Revised Code. 4166

~~(G)~~(H) On a quarterly basis, the board shall prepare a report 4167
that documents the disposition of all cases during the preceding 4168
three months. The report shall contain the following information 4169
for each case with which the board has completed its activities: 4170

(1) The case number assigned to the complaint or alleged 4171
violation; 4172

(2) The type of certificate ~~to practice~~, if any, held by the 4173
individual against whom the complaint is directed; 4174

(3) A description of the allegations contained in the 4175
complaint; 4176

(4) The disposition of the case. 4177

The report shall state how many cases are still pending, and 4178
shall be prepared in a manner that protects the identity of each 4179

person involved in each case. The report shall be submitted to the 4180
physician assistant policy committee of the board and is a public 4181
record for purposes of section 149.43 of the Revised Code. 4182

Sec. 4730.27. If the state medical board has reason to 4183
believe that any person who has been granted a certificate of 4184
~~registration~~ under this chapter is mentally ill or mentally 4185
incompetent, it may file in the probate court of the county in 4186
which such person has a legal residence an affidavit in the form 4187
prescribed in section 5122.11 of the Revised Code and signed by 4188
the board secretary or a member of the secretary's staff, 4189
whereupon the same proceedings shall be had as provided in Chapter 4190
5122. of the Revised Code. The attorney general may represent the 4191
board in any proceeding commenced under this section. 4192

If a physician assistant is adjudged by a probate court to be 4193
mentally ill or mentally incompetent, the individual's certificate 4194
~~of registration~~ shall be automatically suspended until the 4195
individual has filed with the board a certified copy of an 4196
adjudication by a probate court of being restored to competency or 4197
has submitted to the board proof, satisfactory to the board, of 4198
having been discharged as being restored to competency in the 4199
manner and form provided in section 5122.38 of the Revised Code. 4200
The judge of the court shall immediately notify the board of an 4201
adjudication of incompetence and note any suspension of a 4202
certificate in the margin of the court's record of the 4203
certificate. 4204

Sec. 4730.28. (A) An individual whose certificate of 4205
~~registration~~ to practice as a physician assistant has been 4206
suspended or is in an inactive state for any cause for more than 4207
two years may apply to the state medical board to have the 4208
certificate ~~reinstated~~ restored. ~~Before reinstating~~ 4209

~~(B)(1) Before restoring a certificate that has been in a~~ 4210
~~suspended or inactive state for any cause for more than two years~~ 4211
~~under this section,~~ the board shall determine the ~~physician~~ 4212
~~assistant's~~ applicant's present fitness to resume practice. The 4213
board shall consider the moral background and the activities of 4214
the applicant during the period of suspension or inactivity. 4215

~~(2) When reinstating~~ restoring a certificate, the board may 4216
impose terms and conditions, including the following: 4217

~~(A)(a)~~ Requiring the ~~physician assistant~~ applicant to obtain 4218
additional training and pass an examination upon completion of the 4219
training; 4220

~~(B)(b)~~ Restricting or limiting the extent, scope, or type of 4221
practice ~~of the~~ as a physician assistant that the individual may 4222
resume. 4223

Sec. 4730.31. (A) As used in this section, "prosecutor" has 4224
the same meaning as in section 2935.01 of the Revised Code. 4225

(B) Whenever any person holding a valid certificate issued 4226
pursuant to this chapter pleads guilty to, is subject to a 4227
judicial finding of guilt of, or is subject to a judicial finding 4228
of eligibility for ~~treatment~~ intervention in lieu of conviction 4229
for a violation of Chapter 2907., 2925., or 3719. of the Revised 4230
Code or of any substantively comparable ordinance of a municipal 4231
corporation in connection with practicing as a physician 4232
assistant, the prosecutor in the case shall, on forms prescribed 4233
and provided by the state medical board, promptly notify the board 4234
of the conviction. Within thirty days of receipt of such 4235
information, the board shall initiate action in accordance with 4236
Chapter 119. of the Revised Code to determine whether to suspend 4237
or revoke the certificate under section ~~4730.31~~ 4730.25 of the 4238
Revised Code. 4239

(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 4270
administrator or executive officer of the facility shall report to 4271
the state medical board the name of the individual, the action 4272
taken by the facility, and a summary of the underlying facts 4273
leading to the action taken. Upon request, the board shall be 4274
provided certified copies of the patient records that were the 4275
basis for the facility's action. Prior to release to the board, 4276
the summary shall be approved by the peer review committee that 4277
reviewed the case or by the governing board of the facility. 4278

The filing of a report with the board or decision not to file 4279
a report, investigation by the board, or any disciplinary action 4280
taken by the board, does not preclude a health care facility from 4281
taking disciplinary action against a physician assistant. 4282

In the absence of fraud or bad faith, no individual or entity 4283
that provides patient records to the board shall be liable in 4284
damages to any person as a result of providing the records. 4285

(B) A physician assistant, professional association or 4286
society of physician assistants, physician, or professional 4287
association or society of physicians that believes a violation of 4288
any provision of this chapter, Chapter 4731. of the Revised Code, 4289
or rule of the board has occurred shall report to the board the 4290
information upon which the belief is based. This division does not 4291
require any treatment provider approved by the board under section 4292
4731.25 of the Revised Code or any employee, agent, or 4293
representative of such a provider to make reports with respect to 4294
a physician assistant participating in treatment or aftercare for 4295
substance abuse as long as the physician assistant maintains 4296
participation in accordance with the requirements of section 4297
4731.25 of the Revised Code and the treatment provider or 4298
employee, agent, or representative of the provider has no reason 4299
to believe that the physician assistant has violated any provision 4300
of this chapter or rule adopted under it, other than being 4301

impaired by alcohol, drugs, or other substances. This division 4302
does not require reporting by any member of an impaired 4303
practitioner committee established by a health care facility or by 4304
any representative or agent of a committee or program sponsored by 4305
a professional association or society of physician assistants to 4306
provide peer assistance to physician assistants with substance 4307
abuse problems with respect to a physician assistant who has been 4308
referred for examination to a treatment program approved by the 4309
board under section 4731.25 of the Revised Code if the physician 4310
assistant cooperates with the referral for examination and with 4311
any determination that the physician assistant should enter 4312
treatment and as long as the committee member, representative, or 4313
agent has no reason to believe that the physician assistant has 4314
ceased to participate in the treatment program in accordance with 4315
section 4731.25 of the Revised Code or has violated any provision 4316
of this chapter or rule adopted under it, other than being 4317
impaired by alcohol, drugs, or other substances. 4318

(C) Any professional association or society composed 4319
primarily of physician assistants that suspends or revokes an 4320
individual's membership for violations of professional ethics, or 4321
for reasons of professional incompetence or professional 4322
malpractice, within sixty days after a final decision, shall 4323
report to the board, on forms prescribed and provided by the 4324
board, the name of the individual, the action taken by the 4325
professional organization, and a summary of the underlying facts 4326
leading to the action taken. 4327

The filing or nonfiling of a report with the board, 4328
investigation by the board, or any disciplinary action taken by 4329
the board, shall not preclude a professional organization from 4330
taking disciplinary action against a physician assistant. 4331

(D) Any insurer providing professional liability insurance to 4332
any person holding a valid certificate ~~of registration~~ to practice 4333

as a physician assistant or any other entity that seeks to 4334
indemnify the professional liability of a physician assistant 4335
shall notify the board within thirty days after the final 4336
disposition of any written claim for damages where such 4337
disposition results in a payment exceeding twenty-five thousand 4338
dollars. The notice shall contain the following information: 4339

(1) The name and address of the person submitting the 4340
notification; 4341

(2) The name and address of the insured who is the subject of 4342
the claim; 4343

(3) The name of the person filing the written claim; 4344

(4) The date of final disposition; 4345

(5) If applicable, the identity of the court in which the 4346
final disposition of the claim took place. 4347

(E) The board may investigate possible violations of this 4348
chapter or the rules adopted under it that are brought to its 4349
attention as a result of the reporting requirements of this 4350
section, except that the board shall conduct an investigation if a 4351
possible violation involves repeated malpractice. As used in this 4352
division, "repeated malpractice" means three or more claims for 4353
malpractice within the previous five-year period, each resulting 4354
in a judgment or settlement in excess of twenty-five thousand 4355
dollars in favor of the claimant, and each involving negligent 4356
conduct by the physician assistant. 4357

(F) All summaries, reports, and records received and 4358
maintained by the board pursuant to this section shall be held in 4359
confidence and shall not be subject to discovery or introduction 4360
in evidence in any federal or state civil action involving a 4361
physician assistant, supervising physician, or health care 4362
facility arising out of matters that are the subject of the 4363
reporting required by this section. The board may use the 4364

information obtained only as the basis for an investigation, as 4365
evidence in a disciplinary hearing against a physician assistant 4366
or supervising physician, or in any subsequent trial or appeal of 4367
a board action or order. 4368

The board may disclose the summaries and reports it receives 4369
under this section only to health care facility committees within 4370
or outside this state that are involved in credentialing or 4371
recredentialing a physician assistant or supervising physician or 4372
reviewing their privilege to practice within a particular 4373
facility. The board shall indicate whether or not the information 4374
has been verified. Information transmitted by the board shall be 4375
subject to the same confidentiality provisions as when maintained 4376
by the board. 4377

(G) Except for reports filed by an individual pursuant to 4378
division (B) of this section, the board shall send a copy of any 4379
reports or summaries it receives pursuant to this section to the 4380
physician assistant. The physician assistant shall have the right 4381
to file a statement with the board concerning the correctness or 4382
relevance of the information. The statement shall at all times 4383
accompany that part of the record in contention. 4384

(H) An individual or entity that reports to the board or 4385
refers an impaired physician assistant to a treatment provider 4386
approved by the board under section 4731.25 of the Revised Code 4387
shall not be subject to suit for civil damages as a result of the 4388
report, referral, or provision of the information. 4389

(I) In the absence of fraud or bad faith, a professional 4390
association or society of physician assistants that sponsors a 4391
committee or program to provide peer assistance to a physician 4392
assistant with substance abuse problems, a representative or agent 4393
of such a committee or program, and a member of the state medical 4394
board shall not be held liable in damages to any person by reason 4395

of actions taken to refer a physician assistant to a treatment 4396
provider approved under section 4731.25 of the Revised Code for 4397
examination or treatment. 4398

Sec. 4730.33. The secretary of the state medical board shall 4399
enforce the laws relating to the practice of physician assistants. 4400
If the secretary has knowledge or notice of a violation of this 4401
chapter or the rules adopted under it, the secretary shall 4402
investigate the matter, and, upon probable cause appearing, file a 4403
complaint and prosecute the offender. When requested by the 4404
secretary, the prosecuting attorney of the proper county shall 4405
take charge of and conduct such prosecution. 4406

In the prosecution of any person for violation of division 4407
(A) of section 4730.02 of the Revised Code it shall not be 4408
necessary to allege or prove want of a valid certificate ~~of~~ 4409
~~registration to practice~~ as a physician assistant, but such 4410
matters shall be a matter of defense to be established by the 4411
accused. 4412

Sec. 4730.34. In the absence of fraud or bad faith, the state 4413
medical board, the board's physician assistant policy committee, a 4414
current or former board or committee member, an agent of the board 4415
or committee, a person formally requested by the board to be the 4416
board's representative or by the committee to be the committee's 4417
representative, or an employee of the board or committee shall not 4418
be held liable in damages to any person as the result of any act, 4419
omission, proceeding, conduct, or decision related to official 4420
duties undertaken or performed pursuant to this chapter. If any 4421
such person requests to be defended by the state against any claim 4422
or action arising out of any act, omission, proceeding, conduct, 4423
or decision related to the person's official duties, and if the 4424
request is made in writing at a reasonable time before trial and 4425

the person requesting defense cooperates in good faith in the 4426
defense of the claim or action, the state shall provide and pay 4427
for the person's defense and shall pay any resulting judgment, 4428
compromise, or settlement. At no time shall the state pay any part 4429
of a claim or judgment that is for punitive or exemplary damages. 4430
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Sec. 4730.38. (A) Not later than six months after the 4432
effective date of this section, the physician assistant policy 4433
committee of the state medical board shall submit to the board its 4434
initial recommendations regarding physician-delegated prescriptive 4435
authority for physician assistants. The committee's 4436
recommendations shall address all of the following: 4437

(1) Policy and procedures regarding physician-delegated 4438
prescriptive authority, including the issuance of certificates to 4439
prescribe under this chapter; 4440

(2) Subject to the limitations specified in section 4730.40 4441
of the Revised Code, a formulary listing the drugs and therapeutic 4442
devices by class and specific nomenclature that a supervising 4443
physician may include in the physician-delegated prescriptive 4444
authority granted to a physician assistant who holds a certificate 4445
to prescribe issued under this chapter; 4446

(3) Any issue the committee considers necessary to assist the 4447
board in fulfilling its duty to adopt rules governing 4448
physician-delegated prescriptive authority, including the issuance 4449
of certificates to prescribe. 4450

(B) After the board's adoption of initial rules under section 4451
4730.39 of the Revised Code, the committee shall conduct an annual 4452
review of its recommendations regarding physician-delegated 4453
prescriptive authority. Based on its review, the committee shall 4454
submit recommendations to the board as the committee considers 4455
necessary. 4456

(C) Recommendations submitted under this section are subject 4457
to the procedures and time frames specified in division (C) of 4458
section 4730.06 of the Revised Code. 4459

Sec. 4730.39. (A) Not later than six months after receiving 4460
the initial recommendations of the physician assistant policy 4461
committee submitted pursuant to division (A) of section 4730.38 of 4462
the Revised Code, the state medical board shall adopt rules 4463
governing physician-delegated prescriptive authority for physician 4464
assistants, including the issuance of certificates to prescribe 4465
under this chapter. The board's rules shall establish all of the 4466
following: 4467

(1) Subject to the limitations specified in section 4730.40 4468
of the Revised Code, a formulary listing the drugs and therapeutic 4469
devices by class and specific generic nomenclature that a 4470
physician may include in the physician-delegated prescriptive 4471
authority granted to a physician assistant who holds a certificate 4472
to prescribe under this chapter; 4473

(2) Requirements regarding the pharmacology courses that a 4474
physician assistant is required to complete to receive a 4475
certificate to prescribe; 4476

(3) Standards and procedures for the issuance and renewal of 4477
certificates to prescribe to physician assistants; 4478

(4) Standards and procedures for the appropriate conduct of 4479
the provisional period that a physician assistant is required to 4480
complete pursuant to section 4730.45 of the Revised Code and for 4481
determining whether a physician assistant has successfully 4482
completed the provisional period; 4483

(5) A specific prohibition against prescribing any drug or 4484
device to perform or induce an abortion; 4485

(6) Standards and procedures to be followed by a physician 4486

assistant in personally furnishing samples of drugs or complete or 4487
partial supplies of drugs to patients under section 4730.43 of the 4488
Revised Code; 4489

(7) Any other requirements the board considers necessary to 4490
implement the provisions of this chapter regarding 4491
physician-delegated prescriptive authority and the issuance of 4492
certificates to prescribe. 4493

(B) After adopting the initial rules, the board shall conduct 4494
an annual review of the rules. Based on its review, the board 4495
shall make any necessary modifications to the rules. 4496

(C) All rules adopted under this section shall be adopted in 4497
accordance with Chapter 119. of the Revised Code. When adopting 4498
the initial rules, the board shall consider the recommendations of 4499
the physician assistant policy committee submitted pursuant to 4500
division (A) of section 4730.38 of the Revised Code. When making 4501
any modifications to the rules subsequent to its annual review of 4502
the rules, the board shall consider the committee's 4503
recommendations submitted pursuant to division (B) of section 4504
4730.38 of the Revised Code. 4505

Sec. 4730.40. (A) Subject to divisions (B) and (C) of this 4506
section, the formulary established by the state medical board in 4507
rules adopted under section 4730.39 of the Revised Code listing 4508
the drugs and therapeutic devices by class and specific 4509
nomenclature that a supervising physician may include in the 4510
physician-delegated prescriptive authority granted to a physician 4511
assistant who holds a certificate to prescribe issued under this 4512
chapter may include any or all of the following drugs: 4513

(1) Schedule III, IV, and V controlled substances; 4514

(2) Drugs that under state or federal law may be dispensed 4515
only pursuant to a prescription by a licensed health professional 4516

authorized to prescribe drugs, as defined in section 4729.01 of 4517
the Revised Code; 4518

(3) Any drug that is not a dangerous drug, as defined in 4519
section 4729.01 of the Revised Code. 4520

(B) The formulary established in the board's rules shall not 4521
include, and shall specify that it does not include, the 4522
following: 4523

(1) Any schedule II controlled substance; 4524

(2) Any drug or device used to perform or induce an abortion. 4525

(C) When adopting rules establishing the initial formulary, 4526
the board shall include provisions ensuring that a physician 4527
assistant who holds a certificate to prescribe issued under this 4528
chapter may be granted physician-delegated prescriptive authority 4529
for all drugs and therapeutic devices that may be prescribed on 4530
the effective date of the rules by a holder of a certificate to 4531
prescribe issued by the board of nursing under Chapter 4723. of 4532
the Revised Code, with the exception of schedule II controlled 4533
substances. To the extent permitted by division (A) of this 4534
section, the initial formulary may include additional drugs or 4535
therapeutic devices. 4536

Sec. 4730.401. Notwithstanding the provisions of this chapter 4537
referring to the formulary established in rules adopted by the 4538
state medical board under section 4730.39 of the Revised Code, all 4539
of the following apply: 4540

(A) If the state medical board has adopted all rules 4541
necessary to issue certificates to prescribe under this chapter 4542
other than the formulary, the board shall begin issuing the 4543
certificates to prescribe, and the formulary established under 4544
Chapter 4723. of the Revised Code shall constitute the formulary 4545
of drugs and therapeutic devices that a physician may include in 4546

the physician-delegated prescriptive authority granted to a 4547
physician assistant who holds a certificate to prescribe issued 4548
under this chapter. The application of the formulary established 4549
under Chapter 4723. of the Revised Code shall cease on the 4550
effective date of the initial rules establishing a formulary under 4551
section 4730.39 of the Revised Code. 4552

(B) During the period specified in division (A) of this 4553
section, all changes relative to the formulary established under 4554
Chapter 4723. of the Revised Code shall apply in like manner to 4555
physician-delegated prescriptive authority for physician 4556
assistants. 4557

(C) Notwithstanding the inclusion of schedule II controlled 4558
substances in the formulary established under Chapter 4723. of the 4559
Revised Code, the formulary that applies to physician-delegated 4560
prescriptive authority for physician assistants under this section 4561
shall not include schedule II controlled substances. 4562

Sec. 4730.41. (A) A certificate to prescribe issued under 4563
this chapter authorizes a physician assistant to prescribe and 4564
personally furnish drugs and therapeutic devices in the exercise 4565
of physician-delegated prescriptive authority. 4566

(B) In exercising physician-delegated prescriptive authority, 4567
a physician assistant is subject to all of the following: 4568

(1) The physician assistant shall exercise 4569
physician-delegated prescriptive authority only to the extent that 4570
the physician supervising the physician assistant has granted that 4571
authority. 4572

(2) The physician assistant shall comply with all conditions 4573
placed on the physician-delegated prescriptive authority, as 4574
specified by the supervising physician who is supervising the 4575
physician assistant in the exercise of physician-delegated 4576

prescriptive authority.

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

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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:

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(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.

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(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.

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

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

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(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;

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(b) The physician supervisory plan approved for the

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supervising physician or the policies of the health care facility 4607
in which the physician and physician assistant are practicing; 4608

(c) The supervision agreement approved under section 4730.19 4609
of the Revised Code that applies to the supervising physician and 4610
the physician assistant. 4611

(B)(1) The supervising physician of a physician assistant may 4612
place conditions on the physician-delegated prescriptive authority 4613
granted to the physician assistant. If conditions are placed on 4614
that authority, the supervising physician shall maintain a written 4615
record of the conditions and make the record available to the 4616
state medical board on request. 4617

(2) The conditions that a supervising physician may place on 4618
the physician-delegated prescriptive authority granted to a 4619
physician assistant include the following: 4620

(a) Identification by class and specific generic nomenclature 4621
of drugs and therapeutic devices that the physician chooses not to 4622
permit the physician assistant to prescribe; 4623

(b) Limitations on the dosage units or refills that the 4624
physician assistant is authorized to prescribe; 4625

(c) Specification of circumstances under which the physician 4626
assistant is required to refer patients to the supervising 4627
physician or another physician when exercising physician-delegated 4628
prescriptive authority; 4629

(d) Responsibilities to be fulfilled by the physician in 4630
supervising the physician assistant that are not otherwise 4631
specified in the physician supervisory plan or otherwise required 4632
by this chapter. 4633

Sec. 4730.43. (A) A physician assistant who holds a 4634
certificate to prescribe issued under this chapter and has been 4635
granted physician-delegated prescriptive authority by a 4636

supervising physician may personally furnish to a patient samples 4637
of drugs and therapeutic devices that are included in the 4638
physician assistant's physician-delegated prescriptive authority, 4639
subject to all of the following: 4640

(1) The amount of the sample furnished shall not exceed a 4641
seventy-two hour supply, except when the minimum available 4642
quantity of the sample is packaged in an amount that is greater 4643
than a seventy-two hour supply, in which case the physician 4644
assistant may furnish the sample in the package amount. 4645

(2) No charge may be imposed for the sample or for furnishing 4646
it. 4647

(3) Samples of controlled substances may not be personally 4648
furnished. 4649

(B) A physician assistant who holds a certificate to 4650
prescribe issued under this chapter and has been granted 4651
physician-delegated prescriptive authority by a supervising 4652
physician may personally furnish to a patient a complete or 4653
partial supply of the drugs and therapeutic devices that are 4654
included in the physician assistant's physician-delegated 4655
prescriptive authority, subject to all of the following: 4656

(1) The physician assistant shall personally furnish only 4657
antibiotics, antifungals, scabicides, contraceptives, prenatal 4658
vitamins, antihypertensives, drugs and devices used in the 4659
treatment of diabetes, drugs and devices used in the treatment of 4660
asthma, and drugs used in the treatment of dyslipidemia. 4661

(2) The physician assistant shall not furnish the drugs and 4662
devices in locations other than a health department operated by 4663
the board of health of a city or general health district or the 4664
authority having the duties of a board of health under section 4665
3709.05 of the Revised Code, a federally funded comprehensive 4666

primary care clinic, or a nonprofit health care clinic or program. 4667

(3) The physician assistant shall comply with all standards 4668
and procedures for personally furnishing supplies of drugs and 4669
devices, as established in rules adopted under section 4730.39 of 4670
the Revised Code. 4671

Sec. 4730.44. (A) A physician assistant seeking a certificate 4672
to prescribe shall submit to the state medical board a written 4673
application on a form prescribed and supplied by the board. The 4674
application shall include all of the following information: 4675

(1) The applicant's name, residential address, business 4676
address, if any, and social security number; 4677

(2) Evidence of holding a valid certificate to practice as a 4678
physician assistant issued under this chapter; 4679

(3) Satisfactory proof that the applicant meets the 4680
requirements specified in section 4730.46 of the Revised Code to 4681
participate in a provisional period of physician-delegated 4682
prescriptive authority or satisfactory proof of successful 4683
completion of the provisional period, evidenced by a letter or 4684
copy of a letter attesting to the successful completion written by 4685
a supervising physician of the physician assistant at the time of 4686
completion; 4687

(4) Any other information the board requires. 4688

(B) At the time of making application for a certificate to 4689
prescribe, the applicant shall pay the board a fee of one hundred 4690
dollars, no part of which shall be returned. The fees shall be 4691
deposited in accordance with section 4731.24 of the Revised Code. 4692

(C) The board shall review all applications received. If an 4693
application is complete and the board determines that the 4694
applicant meets the requirements for a certificate to prescribe, 4695
the board shall issue the certificate to the applicant. The 4696

initial certificate to prescribe issued to an applicant shall be 4697
issued as a provisional certificate to prescribe. 4698

Sec. 4730.45. (A) A provisional certificate to prescribe 4699
issued under section 4730.44 of the Revised Code authorizes the 4700
physician assistant holding the certificate to participate in a 4701
provisional period of physician-delegated prescriptive authority. 4702
The physician assistant shall successfully complete the 4703
provisional period as a condition of receiving a new certificate 4704
to prescribe. 4705

(B) The provisional period shall be conducted by one or more 4706
supervising physicians in accordance with rules adopted under 4707
section 4730.39 of the Revised Code. When supervising a physician 4708
assistant who is completing the first five hundred hours of a 4709
provisional period, the supervising physician shall provide 4710
on-site supervision of the physician assistant's exercise of 4711
physician-delegated prescriptive authority. 4712

The provisional period shall last not longer than one year, 4713
unless it is extended for not longer than one additional year at 4714
the direction of a supervising physician. The physician assistant 4715
shall not be required to participate in the provisional period for 4716
more than one-thousand-eight-hundred hours, except when a 4717
supervising physician has extended the physician assistant's 4718
provisional period. 4719

(C) If a physician assistant does not successfully complete 4720
the provisional period, each supervising physician shall cease 4721
granting physician-delegated prescriptive authority to the 4722
physician assistant. The supervising physician with primary 4723
responsibility for conducting the provisional period shall 4724
promptly notify the state medical board that the physician 4725
assistant did not successfully complete the provisional period and 4726
the board shall revoke the certificate. 4727

(D) A physician assistant who successfully completes a 4728
provisional period shall not be required to complete another 4729
provisional period as a condition of being eligible to be granted 4730
physician-delegated prescriptive authority by a supervising 4731
physician who was not involved in the conduct of the provisional 4732
period. 4733

Sec. 4730.46. (A) To be eligible to participate in the 4734
provisional period of physician-delegated prescriptive authority 4735
required by section 4730.45 of the Revised Code, both of the 4736
following apply: 4737

(1) The physician assistant shall meet the educational 4738
requirements specified in division (B)(1) of this section or the 4739
educational and clinical experience requirements specified in 4740
division (B)(2) of this section. 4741

(2) The physician assistant shall successfully complete the 4742
pharmacology instruction specified in division (C) of this 4743
section. 4744

(B)(1) For purposes of division (A)(1) of this section, a 4745
physician assistant shall meet either of the following educational 4746
requirements unless division (B)(2) of this section applies: 4747

(a) The physician assistant shall hold a master's or higher 4748
degree that was obtained from a program accredited by the 4749
accreditation review commission on education for the physician 4750
assistant or a predecessor or successor organization recognized by 4751
the state medical board. 4752

(b) The physician assistant shall hold a degree other than a 4753
master's or higher degree that was obtained from a school or 4754
program accredited by the accreditation review commission on 4755
education for the physician assistant or a predecessor or 4756
successor organization recognized by the board and shall hold a 4757

master's or higher degree in a course of study with clinical 4758
relevance to the practice of physician assistants that was 4759
obtained from a program accredited by a regional or specialized 4760
and professional accrediting agency recognized by the council for 4761
higher education accreditation. 4762

(2) Until two years after the effective date of the initial 4763
rules adopted under section 4730.39 of the Revised Code, a 4764
physician assistant who does not hold a master's or higher degree 4765
as specified in division (B)(1) of this section is eligible to 4766
participate in a provisional period if both of the following 4767
apply: 4768

(a) The physician assistant holds a degree other than a 4769
master's or higher degree that was obtained from a program 4770
accredited by the accreditation review commission on education for 4771
the physician assistant or a predecessor or successor organization 4772
recognized by the board. 4773

(b) The physician assistant has obtained not less than ten 4774
years of clinical experience as a physician assistant in this 4775
state or another jurisdiction, three years of which were obtained 4776
in the five-year period immediately preceding the date the 4777
evidence is submitted to the supervising physician. 4778

(C) For purposes of division (A)(2) of this section, all of 4779
the following conditions shall be met: 4780

(1) The pharmacology instruction shall be completed not 4781
longer than three years prior to applying for the certificate to 4782
prescribe. 4783

(2) The instruction shall be obtained through a course of 4784
study consisting of planned classroom or continued education and 4785
clinical study that meets either of the following conditions: 4786

(a) It is accredited by the accreditation review commission 4787

on education for the physician assistant or a predecessor or 4788
successor organization recognized by the board. 4789

(b) It is approved by the board in accordance with standards 4790
established in rules adopted under section 4730.39 of the Revised 4791
Code. 4792

(3) The content of the instruction shall include all of the 4793
following: 4794

(a) A minimum of thirty contact hours of training in 4795
pharmacology that includes pharmacokinetic principles and clinical 4796
application and the use of drugs and therapeutic devices in the 4797
prevention of illness and maintenance of health; 4798

(b) A minimum of twenty contact hours of clinical training in 4799
pharmacology; 4800

(c) A minimum of fifteen contact hours including training in 4801
the fiscal and ethical implications of prescribing drugs and 4802
therapeutic devices and training in the state and federal laws 4803
that apply to the authority to prescribe; 4804

(d) Any additional training required pursuant to rules 4805
adopted under section 4730.39 of the Revised Code. 4806

Sec. 4730.47. (A) After a physician assistant successfully 4807
completes the provisional period of physician-delegated 4808
prescriptive authority required under section 4730.45 of the 4809
Revised Code, the physician assistant may apply for a new 4810
certificate to prescribe. 4811

(B) A supervising physician participating in the provisional 4812
period may continue to grant physician-delegated prescriptive 4813
authority to the physician assistant pursuant to the provisional 4814
certificate to prescribe until one of the following occurs: 4815

(1) The supervision agreement between the supervising 4816

physician and the physician assistant expires; 4817

(2) The supervision agreement is terminated; 4818

(3) A decision is made by the state medical board regarding 4819
an application submitted by the physician assistant for a new 4820
certificate to prescribe. 4821

Sec. 4730.48. (A) Except in the case of a provisional 4822
certificate to prescribe, a physician assistant's certificate to 4823
prescribe expires on the same date as the physician assistant's 4824
certificate to practice as a physician assistant, as provided in 4825
section 4730.14 of the Revised Code. The certificate to prescribe 4826
may be renewed in accordance with this section. 4827

A person seeking to renew a certificate to prescribe shall, 4828
on or before the thirty-first day of January of each even-numbered 4829
year, apply for renewal of the certificate. The state medical 4830
board shall send renewal notices at least one month prior to the 4831
expiration date. The notice may be sent as part of the notice sent 4832
for renewal of the certificate to practice. 4833

Applications for renewal shall be submitted to the board on 4834
forms the board shall prescribe and furnish. An application for 4835
renewal of a certificate to prescribe may be submitted in 4836
conjunction with an application for renewal of a certificate to 4837
practice. 4838

Each application for renewal of a certificate to prescribe 4839
shall be accompanied by a biennial renewal fee of fifty dollars. 4840
The board shall deposit the fees in accordance with section 4841
4731.24 of the Revised Code. 4842

The applicant shall report any criminal offense that 4843
constitutes grounds under section 4730.25 of the Revised Code for 4844
refusing to issue a certificate to prescribe to which the 4845
applicant has pleaded guilty, of which the applicant has been 4846

found guilty, or for which the applicant has been found eligible 4847
for intervention in lieu of conviction, since last signing an 4848
application for a certificate to prescribe. 4849

(B) The board shall review all renewal applications received. 4850
If an applicant submits a complete renewal application and meets 4851
the requirements for renewal specified in section 4730.49 of the 4852
Revised Code, the board shall issue to the applicant a renewed 4853
certificate to prescribe. 4854

Sec. 4730.49. (A) To be eligible for renewal of a certificate 4855
to prescribe, an applicant shall complete every two years at least 4856
twelve hours of continuing education in pharmacology from an 4857
accredited institution recognized by the state medical board. 4858
Except as provided in division (B) of this section and in section 4859
5903.12 of the Revised Code, the continuing education shall be 4860
completed not later than the thirty-first day of January of each 4861
even-numbered year. 4862

(B) The state medical board shall provide for pro rata 4863
reductions by month of the number of hours of continuing education 4864
in pharmacology that is required to be completed for physician 4865
assistants who are in their first certification period after 4866
completing the provisional period required under section 4730.45 4867
of the Revised Code, who have been disabled due to illness or 4868
accident, or who have been absent from the country. The board 4869
shall adopt rules, in accordance with Chapter 119. of the Revised 4870
Code, as necessary to implement this division. 4871

(C) The continuing education required by this section is in 4872
addition to the continuing education required under section 4873
4730.14 of the Revised Code. 4874

Sec. 4730.50. If a physician assistant holds a certificate to 4875
prescribe and the physician assistant's certificate to practice 4876

expires, the physician assistant's certificate to prescribe is 4877
lapsed until the certificate to practice is reinstated. If a 4878
sanction under section 4730.25 of the Revised Code applies to a 4879
physician assistant's certificate to practice, the same sanction 4880
is placed on the physician assistant's certificate to prescribe 4881
while the sanction applies to the certificate to practice. 4882

Sec. 4730.51. In the information the board maintains on the 4883
internet, the state medical board shall include the following: 4884

(A) The name of each physician assistant who holds a 4885
certificate to prescribe under this chapter; 4886

(B) For each physician assistant who holds a certificate to 4887
prescribe, the name of each supervising physician who has 4888
authority to grant physician-delegated prescriptive authority to 4889
the physician assistant. 4890

Sec. 4730.52. On application by the holder of a certificate 4891
to prescribe issued under this chapter, the state medical board 4892
shall issue a duplicate certificate to replace one that is missing 4893
or damaged, to reflect a name change, or for any other reasonable 4894
cause. The fee for a duplicate certificate is thirty-five dollars. 4895
All fees collected under this section shall be deposited in 4896
accordance with section 4731.24 of the Revised Code. 4897

Sec. 4731.141. Any person who was authorized in practice 4898
limited osteopathic medicine and surgery on January 1, 1980, may 4899
continue to practice in accordance with the statutory limitations 4900
in effect on that date. The board shall regulate such 4901
practitioners and shall require them to register on or before the 4902
first day of June, 1983, and on or before the first day of June 4903
every second year thereafter, on a form prescribed by the board 4904
and pay at such time a biennial registration fee of twenty-five 4905

dollars. At least one month in advance of the date of 4906
registration, a written notice shall be sent to such 4907
practitioners, whether a resident of the state or not, at the last 4908
known address, that the biennial registration fee is due on or 4909
before the first day of June. All such practitioners shall provide 4910
the board written notice of any change of address. A holder of a 4911
certificate to practice under this section shall have ~~his~~ the 4912
certificate automatically suspended if the registration fee is not 4913
paid by the first day of September of the same year, and continued 4914
practice after the suspension shall be considered as practicing 4915
without a license in violation of section 4731.43 of the Revised 4916
Code. An applicant for reinstatement of a certificate to practice 4917
suspended for failure to register shall submit ~~his~~ the applicant's 4918
current and delinquent registration fees and a penalty in the sum 4919
of twenty-five dollars. 4920

Any certificate ~~of registration~~ to practice issued pursuant 4921
to this section may be refused, limited, revoked, or suspended, an 4922
applicant may be denied certification or reinstatement, or the 4923
holder of a certificate may be reprimanded, or placed on probation 4924
as provided in section 4731.22 of the Revised Code. 4925

Sec. 5903.12. (A) As used in this section: 4926

(1) "Continuing education" means continuing education 4927
required of a licensee by law and includes, but is not limited to, 4928
the continuing education required of licensees under sections 4929
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 4930
4725.16, 4725.51, 4730.14, 4730.49, 4731.281, 4734.25, 4735.141, 4931
4736.11, 4741.16, 4741.19, 4751.07, 4755.63, 4757.33, 4759.06, 4932
4761.06, and 4763.07 of the Revised Code. 4933

(2) "License" means a license, certificate, permit, or other 4934
authorization issued or conferred by a licensing agency under 4935
which a licensee may engage in a profession, occupation, or 4936

occupational activity.	4937
(3) "Licensee" means a person to whom all of the following	4938
apply:	4939
(a) The person has been issued a license by a licensing	4940
agency.	4941
(b) The person is a member of the Ohio national guard, the	4942
Ohio military reserve, the Ohio naval militia, or a reserve	4943
component of the armed forces of the United States.	4944
(c) The person has been called to active duty, whether inside	4945
or outside the United States, because of an executive order issued	4946
by the president of the United States or an act of congress, for a	4947
period in excess of thirty-one days.	4948
(4) "Licensing agency" means any state department, division,	4949
board, commission, agency, or other state governmental unit	4950
authorized by the Revised Code to issue a license.	4951
(5) "Reporting period" means the period of time during which	4952
a licensee must complete the number of hours of continuing	4953
education required of the licensee by law.	4954
(B) Each licensing agency, upon receiving an application from	4955
one of its licensees that is accompanied by proper documentation	4956
certifying that the licensee has been called to active duty as	4957
described in division (A)(3)(c) of this section during the current	4958
or a prior reporting period and certifying the length of that	4959
active duty, shall extend the current reporting period by an	4960
amount of time equal to the total number of months that the	4961
licensee spent on active duty during the current reporting period.	4962
For purposes of this division, any portion of a month served on	4963
active duty shall be considered one full month.	4964
Section 2. That existing sections 1.64, 1751.01, 2305.113,	4965
2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36,	4966

3327.10, 3331.02, 3719.06, 3719.81, 4723.481, 4723.50, 4729.01, 4967
4729.51, 4730.01, 4730.02, 4730.03, 4730.05, 4730.06, 4730.07, 4968
4730.10, 4730.11, 4730.12, 4730.16, 4730.18, 4730.19, 4730.21, 4969
4730.22, 4730.25, 4730.26, 4730.27, 4730.28, 4730.31, 4730.32, 4970
4730.33, 4730.34, 4731.141, and 5903.12 and sections 4730.15 and 4971
4730.17 of the Revised Code are hereby repealed. 4972

Section 3. In addition to adopting rules under section 4973
4730.39 of the Revised Code governing physician-delegated 4974
prescriptive authority for physician assistants, the State Medical 4975
Board shall, not later than six months after the effective date of 4976
this section, adopt, amend, and rescind any other rules necessary 4977
to implement the remaining provisions of this act. The rules 4978
adopted under Chapter 4730. of the Revised Code that are in effect 4979
immediately prior to the effective date of this act shall continue 4980
in effect until rules are adopted, amended, or rescinded in 4981
accordance with the provisions of this act. 4982

Section 4. (A) Notwithstanding the provisions of section 4983
4730.05 of the Revised Code specifying that the terms of office of 4984
members of the Physician Assistant Policy Committee of the State 4985
Medical Board are two years, the Board shall appoint the initial 4986
pharmacist members of the Committee for terms ending on the same 4987
date as the terms of the members of the Committee in office 4988
immediately prior to the effective date of this act. 4989

(B) Notwithstanding the provisions of section 4730.05 of the 4990
Revised Code specifying that the terms of office of members of the 4991
Committee are two years, on the expiration date of the terms of 4992
the members of the Committee in office immediately prior to the 4993
effective date of this act and of the members of the Committee 4994
appointed pursuant to division (A) of this section, the Board 4995
shall do the following: 4996

(1) Appoint two physicians for terms ending two years after 4997
the date of appointment and one physician for a term ending one 4998
year after the date of appointment; 4999

(2) Appoint two physician assistants for terms ending two 5000
years after the date of appointment and one physician assistant 5001
for a term ending one year after the date of appointment; 5002

(3) Appoint one pharmacist for a term ending two years after 5003
the date of appointment and one pharmacist for a term ending one 5004
year after the date of appointment; 5005

(4) Appoint the member who is not affiliated with any health 5006
care profession for a term ending one year after the date of 5007
appointment. 5008

(C) After the terms specified in this section, terms of 5009
office shall be two years and appointments shall be made in 5010
accordance with section 4730.05 of the Revised Code. 5011

Section 5. This act does not require the State Medical Board 5012
to invalidate the supervision agreements between physicians and 5013
physician assistants that are in effect immediately prior to the 5014
effective date of this act. 5015

Section 6. Section 3719.81 of the Revised Code is presented 5016
in this act as a composite of the section as amended by both Am. 5017
Sub. H.B. 454 and Am. Sub. S.B. 80 of the 125th General Assembly. 5018
The General Assembly, applying the principle stated in division 5019
(B) of section 1.52 of the Revised Code that amendments are to be 5020
harmonized if reasonably capable of simultaneous operation, finds 5021
that the composite is the resulting version of the section in 5022
effect prior to the effective date of the section as presented in 5023
this act. 5024