

As Passed by the Senate

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

Sub. S. B. No. 154

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

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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. 75

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

A health insuring corporation shall not offer coverage for a 78
health care service, defined as a basic health care service by 79

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

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

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

(2) Dental care services;

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

(4) Podiatric care or foot care services;

(5) Mental health services including psychological services;

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

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| (7) Medical or psychological treatment and referral services | 110 |
| for alcohol and drug abuse or addiction; | 111 |
| (8) Home health services; | 112 |
| (9) Prescription drug services; | 113 |
| (10) Nursing services; | 114 |
| (11) Services of a dietitian licensed under Chapter 4759. of | 115 |
| the Revised Code; | 116 |
| (12) Physical therapy services; | 117 |
| (13) Chiropractic services; | 118 |
| (14) Any other category of services approved by the | 119 |
| superintendent of insurance. | 120 |
| (C) "Specialty health care services" means one of the | 121 |
| supplemental health care services listed in division (B)(1) to | 122 |
| (13) of this section, when provided by a health insuring | 123 |
| corporation on an outpatient-only basis and not in combination | 124 |
| with other supplemental health care services. | 125 |
| (D) "Closed panel plan" means a health care plan that | 126 |
| requires enrollees to use participating providers. | 127 |
| (E) "Compensation" means remuneration for the provision of | 128 |
| health care services, determined on other than a fee-for-service | 129 |
| or discounted-fee-for-service basis. | 130 |
| (F) "Contractual periodic prepayment" means the formula for | 131 |
| determining the premium rate for all subscribers of a health | 132 |
| insuring corporation. | 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
enrollee's health status that would occur if such services were
not received as soon as possible, and includes, where appropriate,
provisions for transportation and indemnity payments or service
agreements for out-of-area coverage.

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

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

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

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

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

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

or a closed panel plan.

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

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

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

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

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

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

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

presumed to exist if at least eighty per cent of the voting rights
or governance rights of a provider sponsored organization are
directly or indirectly owned, controlled, or otherwise held by any
combination of the physicians and hospitals described in this
division.

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

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

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

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

(B)(1) If prior to the expiration of the one-year period
specified in division (A) of this section, a claimant who
allegedly possesses a medical, dental, optometric, or chiropractic
claim gives to the person who is the subject of that claim written

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

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| chiropractic diagnosis, care, or treatment. | 418 |
| (8) "Registered nurse" means any person who is licensed to practice nursing as a registered nurse by the board of nursing. | 419 420 |
| (9) "Chiropractic claim" means any claim that is asserted in any civil action against a chiropractor, or against any employee or agent of a chiropractor, and that arises out of the chiropractic diagnosis, care, or treatment of any person. "Chiropractic claim" includes derivative claims for relief that arise from the chiropractic diagnosis, care, or treatment of a person. | 421 422 423 424 425 426 427 |
| (10) "Chiropractor" means any person who is licensed to practice chiropractic by the state chiropractic board. | 428 429 |
| (11) "Optometric claim" means any claim that is asserted in any civil action against an optometrist, or against any employee or agent of an optometrist, and that arises out of the optometric diagnosis, care, or treatment of any person. "Optometric claim" includes derivative claims for relief that arise from the optometric diagnosis, care, or treatment of a person. | 430 431 432 433 434 435 |
| (12) "Optometrist" means any person licensed to practice optometry by the state board of optometry. | 436 437 |
| (13) "Physical therapist" means any person who is licensed to practice physical therapy under Chapter 4755. of the Revised Code. | 438 439 |
| (14) "Home" has the same meaning as in section 3721.10 of the Revised Code. | 440 441 |
| (15) "Residential facility" means a facility licensed under section 5123.19 of the Revised Code. | 442 443 |
| (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 | 444 445 446 447 |

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| Chapter 4723. of the Revised Code. | 448 |
| (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. | 449 450 451 |
| (18) "Physician assistant" means any person who holds a valid certificate of registration or temporary certificate of registration <u>to practice</u> issued pursuant to Chapter 4730. of the Revised Code. | 452 453 454 455 |
| (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. | 456 457 458 459 460 461 |
| Sec. 2925.02. (A) No person shall knowingly do any of the following: | 462 463 |
| (1) By force, threat, or deception, administer to another or induce or cause another to use a controlled substance; | 464 465 |
| (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; | 466 467 468 469 |
| (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; | 470 471 472 473 |
| (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 | 475 476 |

offender knows the age of the juvenile or is reckless in that regard; 477
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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 drug involved is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, corrupting another with drugs is a felony of the second degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the drug involved 501
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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
the suspension. 571
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(3) If the offender is a professionally licensed person , in 573
addition to any other sanction imposed for a violation of this 574
section, the court immediately shall comply with section 2925.38 575
of the Revised Code. 576

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

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

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

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

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

(1) Manufacturers, licensed health professionals authorized 600

to prescribe drugs, pharmacists, owners of pharmacies, and other 601
persons whose conduct is in accordance with Chapters 3719., 4715., 602
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 603

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

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

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

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

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

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

trafficking in drugs is a felony of the third degree, and division 632
(C) of section 2929.13 of the Revised Code applies in determining 633
whether to impose a prison term on the offender. 634

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

determined as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

juvenile, trafficking in L.S.D. is a felony of the third degree, 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 the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

authorized to prescribe drugs. 1292

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Prescription; 1798

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

(3) Official written order; 1801

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

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

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

(1) A prescription; 1809

(2) An uncompleted preprinted prescription blank used for 1810

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

offender. 1841

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

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

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

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

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

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

sample drug. 1871

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

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

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

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

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

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

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

of the second degree. 1901

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) No 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

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| physician or podiatrist of the records of patients treated by the nurse; | 2299 2300 |
| (c) Acceptable travel time between the location at which the nurse is engaging in the prescribing components of the nurse's practice and the location of the nurse's collaborating physician or podiatrist; | 2301 2302 2303 2304 |
| (d) Any other criteria recommended by the committee on prescriptive governance. | 2305 2306 |
| (4) Establish standards and procedures for issuance and renewal of a certificate to prescribe, including specification of any additional information the board may require under division (A)(4) of section 4723.482 or division (B)(3) of section 4723.484 of the Revised Code; | 2307 2308 2309 2310 2311 |
| (5) Establish requirements for board approval of the instruction in advanced pharmacology and related topics required by section 4723.482 of the Revised Code; | 2312 2313 2314 |
| (6) Establish standards and procedures for the appropriate conduct of an externship required by division (B)(1) of section 4723.484 of the Revised Code, including the following: | 2315 2316 2317 |
| (a) Standards and procedures to be used in evaluating a nurse's participation in an externship. Regardless of the method of evaluation used, a nurse shall not be required to participate in an externship longer than one thousand eight hundred hours. | 2318 2319 2320 2321 |
| (b) Standards and procedures for the supervision that a physician must provide during an externship, including supervision provided by working with the nurse and supervision provided by making timely reviews of the records of patients treated by the nurse. The manner in which supervision must be provided may vary according to the location where the nurse is practicing and with the nurse's level of experience. | 2322 2323 2324 2325 2326 2327 2328 |

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| Sec. 4729.01. As used in this chapter: | 2329 |
| (A) "Pharmacy," except when used in a context that refers to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing where the practice of pharmacy is conducted. | 2330 2331 2332 2333 |
| (B) "Practice of pharmacy" means providing pharmacist care requiring specialized knowledge, judgment, and skill derived from the principles of biological, chemical, behavioral, social, pharmaceutical, and clinical sciences. As used in this division, "pharmacist care" includes the following: | 2334 2335 2336 2337 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, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances; | 2342 2343 2344 2345 2346 |
| (5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs; | 2347 2348 2349 |
| (6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber; | 2350 2351 2352 2353 |
| (7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy; | 2354 2355 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

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| the drug may be dispensed only upon a prescription; | 2418 |
| (b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription. | 2419 2420 |
| (2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply; | 2421 2422 2423 |
| (3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body. | 2424 2425 2426 |
| (G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code. | 2427 2428 |
| (H) "Prescription" means a written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs. | 2429 2430 2431 2432 |
| (I) "Licensed health professional authorized to prescribe drugs" or "prescriber" means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice, including only the following: | 2433 2434 2435 2436 2437 |
| (1) A dentist licensed under Chapter 4715. of the Revised Code; | 2438 2439 |
| (2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code; | 2440 2441 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 | 2446 2447 |

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| surgery, or podiatry; | 2448 |
| (5) <u>A physician assistant who holds a certificate to</u> | 2449 |
| <u>prescribe issued under Chapter 4730. of the Revised Code;</u> | 2450 |
| (6) A veterinarian licensed under Chapter 4741. of the | 2451 |
| Revised Code. | 2452 |
| (J) "Sale" and "sell" include delivery, transfer, barter, | 2453 |
| exchange, or gift, or offer therefor, and each such transaction | 2454 |
| made by any person, whether as principal proprietor, agent, or | 2455 |
| employee. | 2456 |
| (K) "Wholesale sale" and "sale at wholesale" mean any sale in | 2457 |
| which the purpose of the purchaser is to resell the article | 2458 |
| purchased or received by the purchaser. | 2459 |
| (L) "Retail sale" and "sale at retail" mean any sale other | 2460 |
| than a wholesale sale or sale at wholesale. | 2461 |
| (M) "Retail seller" means any person that sells any dangerous | 2462 |
| drug to consumers without assuming control over and responsibility | 2463 |
| for its administration. Mere advice or instructions regarding | 2464 |
| administration do not constitute control or establish | 2465 |
| responsibility. | 2466 |
| (N) "Price information" means the price charged for a | 2467 |
| prescription for a particular drug product and, in an easily | 2468 |
| understandable manner, all of the following: | 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 | 2472 |
| a single active ingredient or if the drug product contains more | 2473 |
| than one active ingredient and a relevant strength can be | 2474 |
| associated with the product without indicating each active | 2475 |
| ingredient. The established name and quantity of each active | 2476 |
| ingredient are required if such a relevant strength cannot be so | 2477 |

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

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| drug at retail. | 2509 |
| (S) "Person" includes any individual, partnership, association, limited liability company, or corporation, the state, any political subdivision of the state, and any district, department, or agency of the state or its political subdivisions. | 2510 2511 2512 2513 |
| (T) "Finished dosage form" has the same meaning as in section 3715.01 of the Revised Code. | 2514 2515 |
| (U) "Generically equivalent drug" has the same meaning as in section 3715.01 of the Revised Code. | 2516 2517 |
| (V) "Animal shelter" means a facility operated by a humane society or any society organized under Chapter 1717. of the Revised Code or a dog pound operated pursuant to Chapter 955. of the Revised Code. | 2518 2519 2520 2521 |
| (W) "Food" has the same meaning as in section 3715.01 of the Revised Code. | 2522 2523 |
| Sec. 4729.51. (A) No person other than a registered wholesale distributor of dangerous drugs shall possess for sale, sell, distribute, or deliver, at wholesale, dangerous drugs, except as follows: | 2524 2525 2526 2527 |
| (1) A pharmacist who is a licensed terminal distributor of dangerous drugs or who is employed by a licensed terminal distributor of dangerous drugs may make occasional sales of dangerous drugs at wholesale; | 2528 2529 2530 2531 |
| (2) A licensed terminal distributor of dangerous drugs having more than one establishment or place may transfer or deliver dangerous drugs from one establishment or place for which a license has been issued to the terminal distributor to another establishment or place for which a license has been issued to the terminal distributor if the license issued for each establishment or place is in effect at the time of the transfer or delivery. | 2532 2533 2534 2535 2536 2537 2538 |

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| (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 2592
person shall possess dangerous drugs. 2593

(4) Divisions (C)(1), (2), and (3) of this section do not 2594
apply to a registered wholesale distributor of dangerous drugs, a 2595
licensed terminal distributor of dangerous drugs, or a person who 2596
possesses, or possesses for sale or sells, at retail, a dangerous 2597
drug in accordance with Chapters 3719., 4715., 4723., 4725., 2598

4729., 4730., 4731., and 4741. of the Revised Code.

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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.

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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.

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(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:

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

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(2) A licensed terminal distributor of dangerous drugs having more than one establishment or place may transfer or receive dangerous drugs from one establishment or place for which a

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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 ~~pediatry~~ 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 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
assistants, in accordance with section 4730.38 of the Revised 2834
Code; 2835

(4) Application procedures and forms for certificates ~~of~~ 2836
~~registration for~~ to practice as a physician assistants assistant, 2837
~~standard and supplemental physician assistant utilization~~ 2838
physician supervisory plans, and supervision agreements; 2839

~~(4) Registration and renewal fees~~ (5) Fees required by this 2840
chapter for issuance and renewal of certificates to practice as a 2841

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| <u>physician assistant;</u> | 2842 |
| <u>(5)(6) Criteria to be included in applications submitted to the board for approval of physician supervisory plans, including criteria to be included in applications for approval to delegate to physician assistants the performance of special services;</u> | 2843 2844 2845 2846 |
| <u>(7) Criteria to be included in standard and supplemental utilization plans and in supervision agreements submitted to the board for approval and renewal of the board's approval;</u> | 2847 2848 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 reviewed under division (A) of this section, the committee may review, and may submit to the board recommendations concerning, either or both of the following:</u> | 2852 2853 2854 2855 |
| <u>(1) Quality assurance activities to be performed by a supervising physician and physician assistant under a quality assurance system established pursuant to division (F) of section 4730.21 of the Revised Code;</u> | 2856 2857 2858 2859 |
| <u>(2) The development and approval of one or more model physician supervisory plans and one or more models for a special services portion of the one or more model physician supervisory plans. The committee may submit recommendations for model plans that reflect various medical specialties.</u> | 2860 2861 2862 2863 2864 |
| <u>(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</u> | 2865 2866 2867 2868 2869 2870 2871 |

addressing the concerns expressed by the board and modifying the 2872
disapproved recommendation accordingly. Not later than ninety days 2873
after receiving a resubmitted recommendation, the board shall 2874
approve or disapprove the recommendation. There is no limit on the 2875
number of times the committee may resubmit a recommendation for 2876
consideration by the board. ~~It is not necessary for the committee~~ 2877
~~to make a recommendation before~~ 2878

(D)(1) Except as provided in division (D)(2) of this section, 2879
the board may not take action regarding a particular matter that 2880
is subject to the committee's review under division (A) or (B) of 2881
this section unless the committee has made a recommendation to the 2882
board concerning the matter. 2883

(2) If the board submits to the committee a request for a 2884
recommendation regarding a matter that is subject to the 2885
committee's review under division (A) or (B) of this section, and 2886
the committee does not provide a recommendation before the 2887
sixty-first day after the request is submitted, the board may take 2888
action regarding the matter without a recommendation. 2889

Sec. 4730.07. In addition to rules that are specifically 2890
required or authorized by this chapter to be adopted, the state 2891
medical board may, subject to division (D) of section 4730.06 of 2892
the Revised Code, adopt any other rules necessary to govern the 2893
practice of physician assistants, the supervisory relationship 2894
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 supervision, control, and direction of a physician with whom the physician assistant has entered into a supervision agreement approved by the state medical board under section 4730.17 of the Revised Code. 2903
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(2) When the physician assistant practices outside a health care facility, the physician assistant shall practice in accordance with the physician supervisory plan approved under section 4730.17 of the Revised Code for the physician who is responsible for supervising the physician assistant. 2908
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(3) When the physician assistant practices within a health care facility, the physician assistant shall practice in accordance with the policies of the health care facility. 2913
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(B) For purposes of division (A) of this section and all other provisions of this chapter pertaining to the practice of a physician assistant under the policies of a health care facility, both of the following apply: 2916
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(1) A physician who is supervising a physician assistant within a health care facility may impose limitations on the physician assistant's practice that are in addition to any limitations applicable under the policies of the facility. 2920
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(2) The state medical board may, subject to division (D) of 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. 2924
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Sec. 4730.081. For purposes of the Revised Code and any rules 2930

adopted under it, a certificate to practice as a physician 2931
assistant issued under this chapter constitutes the state's 2932
licensure of the certificate holder to practice as a physician 2933
assistant. The certificate holder may present the certificate as 2934
evidence of the state's licensure of the holder to any health care 2935
insurer, accrediting body, or other entity that requires evidence 2936
of licensure by a government entity to be recognized or authorized 2937
to practice as a physician assistant. 2938

Sec. 4730.09. (A) Under a physician supervisory plan approved 2939
under section 4730.17 of the Revised Code, a physician assistant 2940
may provide any or all of the following services without approval 2941
by the state medical board as special services: 2942

(1) Obtaining comprehensive patient histories; 2943

(2) Performing physical examinations, including audiometry 2944
screening, routine visual screening, and pelvic, rectal, and 2945
genital-urinary examinations, when indicated; 2946

(3) Ordering, performing, or ordering and performing routine 2947
diagnostic procedures, as indicated; 2948

(4) Identifying normal and abnormal findings on histories, 2949
physical examinations, and commonly performed diagnostic studies; 2950

(5) Assessing patients and developing and implementing 2951
treatment plans for patients; 2952

(6) Monitoring the effectiveness of therapeutic 2953
interventions; 2954

(7) Exercising physician-delegated prescriptive authority 2955
pursuant to a certificate to prescribe issued under this chapter; 2956

(8) Carrying out or relaying the supervising physician's 2957
orders for the administration of medication, to the extent 2958
permitted by law; 2959

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| <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 children with regard to neurological, motor, and mental functions;</u> | 2962 2963 |
| <u>(12) Performing wound care management, suturing minor lacerations and removing the sutures, and incision and drainage of uncomplicated superficial abscesses;</u> | 2964 2965 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 bladder and removing the catheter;</u> | 2969 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 supervising physician;</u> | 2973 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 iliac crest;</u> | 2978 2979 |
| <u>(23) Performing bone marrow biopsies from the posterior iliac crest;</u> | 2980 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 |

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| <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 provide for the facility. The services a health care facility may authorize a physician assistant to provide for the facility include the following:</u> | 3006 3007 3008 3009 3010 3011 |
| <u>(1) Any or all of the services specified in division (A) of this section;</u> | 3012 3013 |
| <u>(2) Assisting in surgery in the health care facility;</u> | 3014 |

(3) Any other services permitted by the policies of the health care facility, except that the facility may not authorize a physician assistant to perform a service that is prohibited by this chapter. 3015
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Sec. 4730.091. (A) As used in this section, "local anesthesia" means the injection of a drug or combination of drugs to stop or prevent a painful sensation in a circumscribed area of the body where a painful procedure is to be performed. "Local anesthesia" includes only local infiltration anesthesia, digital blocks, and pudendal blocks. 3019
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(B) A physician assistant may administer, monitor, or maintain local anesthesia as a component of a procedure the physician assistant is performing or as a separate service when the procedure requiring local anesthesia is to be performed by the physician assistant's supervising physician or another person. A physician assistant shall not administer, monitor, or maintain any other form of anesthesia, including regional anesthesia or any systemic sedation, regardless of whether the physician assistant is practicing under a physician supervisory plan or the policies of a health care facility. 3025
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Sec. 4730.10. (A) An individual seeking a certificate of registration to practice as a physician assistant shall file with the state medical board a written application on a form prescribed and supplied by the board. The application shall include all of the following: 3035
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(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 age and of good moral character requirements specified in divisions (A)(1) and (2) of section 3042
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| <u>4730.11 of the Revised Code;</u> | 3045 |
| (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 3047 3048 3049 3050 |
| (3) <u>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;</u> | 3051 3052 3053 3054 3055 |
| (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 3058 3059 3060 3061 3062 3063 |
| A certificate of registration shall not be issued to an applicant unless the applicant is certified by the national commission on certification of physician assistants or a successor organization that is recognized by the board, except that the board may issue a temporary certificate of registration to an applicant who has not yet taken the examination of the commission or its successor organization but is eligible for and has made application to take the examination. A temporary certificate shall be valid only until the results of the next examinations are available to the board. | 3064 3065 3066 3067 3068 3069 3070 3071 3072 3073 |
| (C) At the time of making application for a certificate of registration <u>to practice</u>, the applicant shall pay the board a fee | 3074 3075 |

of one hundred dollars, no part of which shall be returned. Such 3076
fees shall be deposited in accordance with section 4731.24 of the 3077
Revised Code. 3078

Sec. 4730.11. (A) For an individual to be eligible to receive 3079
a certificate to practice as a physician assistant, all of the 3080
following apply: 3081

(1) The applicant shall be at least eighteen years of age. 3082

(2) The applicant shall be of good moral character. 3083

(3) The applicant shall hold current certification by the 3084
national commission on certification of physician assistants or a 3085
successor organization that is recognized by the state medical 3086
board. 3087

(4) Effective January 1, 2008, except as provided in division 3088
(B) of this section, the applicant shall meet one of the following 3089
educational requirements: 3090

(a) The applicant shall hold a master's or higher degree that 3091
was obtained from a program accredited by the accreditation review 3092
commission on education for the physician assistant or a 3093
predecessor or successor organization recognized by the board; 3094

(b) The applicant shall hold a degree other than a master's 3095
or higher degree that was obtained from a program accredited by 3096
the accreditation review commission on education for the physician 3097
assistant or a predecessor or successor organization recognized by 3098
the board and shall hold a master's or higher degree in a course 3099
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 dollars. The board 3163
shall deposit the fees in accordance with section 4731.24 of the 3164
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 (G)(1) of this section for two years or less, it may be reinstated. The board shall reinstate a certificate suspended for failure to renew upon an applicant's submission of the biennial renewal fee, the any applicable monetary penalty, and certification by signature of the applicant that the applicant has completed the number of hours of continuing education necessary to have a certificate reinstated have been completed, as specified in rules the board shall adopt in accordance with Chapter 119. of the Revised Code. The 3228
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If a certificate has been suspended pursuant to division (G)(1) of this division for more than two years, it may be restored. In accordance with section 4730.28 of the Revised Code, the board may restore a certificate suspended for failure to renew upon an applicant's submission of a restoration application, the biennial renewal fee, and any applicable monetary penalty. 3238
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The penalty for reinstatement shall be twenty-five dollars if the certificate has been suspended for two years or less and the penalty for restoration shall be fifty dollars if the certificate has been suspended for more than two years. The board shall deposit penalties in accordance with section 4731.24 of the Revised Code. 3244
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(F)(H) If an individual certifies that the individual has completed the number of hours and type of continuing medical education required for renewal or reinstatement of a certificate of registration to practice as a physician assistant, and the board finds through a random sample conducted under division (C)(E) of this section or through any other means that the individual did not complete the requisite continuing medical education, the board may impose a civil penalty of not more than five thousand dollars. The board's finding shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by 3250
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an 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 3286
same ~~type of~~ physician ~~assistant-utilization~~ supervisory plan. 3287
When making simultaneous applications with ~~these forms~~ this form, 3288
the physicians are required to include only one copy of the 3289
proposed plan with all of their applications. Subsequent to the 3290

filing of simultaneous applications, a physician who seeks to join 3291
the physicians who filed simultaneous applications may apply for 3292
approval of the same ~~type of physician assistant utilization~~ 3293
supervisory plan by using the ~~forms~~ form developed by the board 3294
for simultaneous applications. The physician shall identify the 3295
plan for which approval is sought. Identification of the plan 3296
fulfills the requirement for filing a copy of the plan. 3297

Each application for approval filed separately shall be 3298
accompanied by a fee of seventy-five dollars. Applications filed 3299
simultaneously shall be accompanied by a fee of seventy-five 3300
dollars per physician, up to a maximum of seven hundred fifty 3301
dollars. An application from a physician who seeks to join 3302
physicians who filed simultaneous applications shall include a fee 3303
of seventy-five dollars, unless the fees paid by the physicians in 3304
the group have reached the maximum of seven hundred fifty dollars. 3305
Fees shall be deposited in accordance with section 4731.24 of the 3306
Revised Code. 3307

~~(B) To be approved by the board, a standard utilization plan 3308
must meet the requirements of section 4730.16 of the Revised Code 3309
and any applicable rules adopted by the board. To be approved, a 3310
supplemental utilization plan must meet the requirements of 3311
section 4730.17 of the Revised Code and any applicable rules 3312
adopted by the board. 3313~~

~~On receipt of a complete application, the board shall process 3314
the application as follows: 3315~~

~~(1) If an application is for approval of a standard 3316
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
the application and form a recommendation as to whether the board
should approve or disapprove the plan. The committee shall submit
its recommendation to the board not later than sixty days after
receiving the application. Not later than sixty days after
receiving the committee's recommendation, the board shall review
the application, approve or disapprove the supplemental
utilization plan, and notify the applicant of its decision.~~

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

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

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

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

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

~~(4)(D)~~ (D) Procedures to be followed by a physician assistant
when writing medical orders, including prescriptions written in
the exercise of the physician-delegated prescriptive authority
granted to the physician assistant;

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

(E) Any special services that the physician may delegate to a

physician assistant. 3352

~~(B) The types of services a supervising physician may
authorize a physician assistant to perform under a standard
utilization plan are limited to the following:~~ 3353
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~~(1) Obtaining comprehensive patient histories;~~ 3356

~~(2) Performing physical examinations, including pelvic and
rectal examinations when indicated;~~ 3357
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~~(3) Assessing patients, ordering and performing routine
diagnostic procedures, developing treatment plans for patients,
and implementing treatment plans that have been reviewed and
approved by the supervising physician;~~ 3359
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~~(4) Monitoring the effectiveness of therapeutic
interventions;~~ 3363
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~~(5) Assisting in surgery in a hospital, as defined in section
3727.01 of the Revised Code, or an outpatient surgical care center
affiliated with the hospital if the center meets the same
credential, quality assurance, and utilization review standards as
the hospital;~~ 3365
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~~(6) Providing instruction to meet patient needs;~~ 3370

~~(7) Instituting and changing orders on patient charts as
directed by the supervising physician;~~ 3371
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~~(8) Carrying out or relaying the supervising physician's
orders for medication, to the extent permitted under laws
pertaining to drugs.~~ 3373
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Sec. 4730.17. (A) On receipt of a complete application for 3376
approval of a physician supervisory plan submitted under section 3377
4730.15 of the Revised Code, the state medical board shall process 3378
the application as follows: 3379

(1) Not later than sixty days after receiving the 3380

application, the board shall approve or disapprove the plan or 3381
that portion of the plan under which one or more physician 3382
assistants will be authorized to perform the services specified in 3383
division (A) of section 4730.09 of the Revised Code. The board 3384
shall provide written notice of its decision to the applicant. 3385

(2) If the applicant is seeking approval of a physician 3386
supervisory plan under which the supervising physician will 3387
delegate to one or more physician assistants the performance of 3388
special services, the board shall submit the special services 3389
portion of the plan to the board's physician assistant policy 3390
committee at the committee's next regularly scheduled meeting. 3391

The committee shall review the special services portion of 3392
the physician supervisory plan and form a recommendation as to 3393
whether the board should approve or disapprove inclusion of all or 3394
some of the special services in the plan. The committee, on a 3395
case-by-case basis, may request documentation from the applicant 3396
certifying that additional education and training will have been 3397
provided to or obtained by each physician assistant who is given 3398
authority to perform the special services to ensure that the 3399
physician assistant is qualified to perform the services. The 3400
committee shall submit its recommendation for approval or 3401
disapproval to the board not later than sixty days after receiving 3402
the special services portion of the plan. 3403

Not later than sixty days after receiving the committee's 3404
recommendation, the board shall approve or disapprove the special 3405
services portion of the physician supervisory plan. The board 3406
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 3437
more physician assistants under a standard or supplemental 3438
physician assistant utilization plan, a physician must receive the 3439
state medical board's approval of a supervision agreement between 3440
the physician and each physician assistant who will be supervised. 3441

~~A physician seeking approval of a supervision agreement shall 3442
submit an application to the board on a form the board shall 3443
prescribe and furnish. The application shall list each physician 3444
assistant who will be supervised. Each application shall be 3445
accompanied by a fee of twenty five dollars. Fees shall be 3446
deposited in accordance with section 4731.24 of the Revised Code. 3447~~

~~(B) To~~ For a supervision agreement to be approved by the 3448
board, a all of the following apply: 3449

(1) The supervision agreement must shall specify that the 3450
physician agrees to supervise the physician assistant and the 3451
physician assistant agrees to practice in accordance with the 3452
conditions specified in the physician assistant utilization 3453
supervisory plan approved for that physician or the policies of 3454
the health care facility in which the supervising physician and 3455
physician assistant are practicing. The 3456

(2) The agreement must shall be signed by the physician and 3457
the physician assistant. The 3458

(3) The physician assistant must shall hold a current 3459
certificate of registration to practice as a physician assistant 3460
and. 3461

(4) If a physician supervisory plan applies to the physician 3462
assistant's practice, the physician must have received approval of 3463
a shall hold an approved physician assistant utilization 3464
supervisory plan. If 3465

(5) If the physician intends to grant physician-delegated 3466
prescriptive authority to a physician assistant, the physician 3467
assistant shall hold a certificate to prescribe issued under this 3468
chapter. 3469

(6) If the physician holds approval of more than one 3470
physician assistant utilization supervisory plan, the agreement 3471
must shall specify the plan under which the physician assistant 3472

will practice. ~~If these conditions are~~ 3473

(B) The board shall review each application received. If the 3474
board finds that the requirements specified in division (A) of 3475
this section have been met and the applicant has paid the fee ~~is~~ 3476
~~paid~~ specified in section 4730.18 of the Revised Code, the board 3477
shall ~~issue a letter to~~ approve the supervision agreement and 3478
notify the supervising physician ~~acknowledging its~~ of the board's 3479
approval of the supervision agreement. If physician-delegated 3480
prescriptive authority will be granted to more than one physician 3481
assistant under the supervision agreement, the board shall specify 3482
in the notice that its approval is specific to each physician 3483
assistant. The board shall provide notice of its approval of a 3484
supervision agreement not later than thirty days after the board 3485
receives a complete application for approval. 3486

(C) After a supervision agreement is approved, a physician 3487
may apply to the board for approval to initiate supervision of a 3488
physician assistant who is not listed on the agreement. ~~If There~~ 3489
is no fee for applying for the addition of a physician assistant 3490
to a supervision agreement. 3491

To receive the board's approval of the addition to the 3492
supervision agreement, the physician assistant ~~holds~~ shall hold a 3493
current certificate of registration to practice as a physician 3494
assistant. If the physician intends to grant physician-delegated 3495
prescriptive authority to the physician assistant, the physician 3496
assistant shall hold a current certificate to prescribe. If these 3497
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
activities~~+~~. 3559

(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 record entries made by the physician assistant and selected medical orders issued by the physician assistant; 3662
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(b) Discussion of complex cases; 3665

(c) Discussion of new medical developments relevant to the practice of the physician and physician assistant; 3666
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(d) Performance of any quality assurance activities required in rules adopted by state medical board pursuant to any recommendations made by the physician assistant policy committee under section 4730.06 of the Revised Code; 3668
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(e) Performance of any other quality assurance activities that the supervising physician considers to be appropriate. 3672
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(3) The supervising physician and physician assistant shall keep records of their quality assurance activities. On request, the records shall be made available to the board and any health care professional working with the supervising physician and physician assistant. 3674
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Sec. 4730.22. (A) A physician assistant's supervising physician assumes legal liability for the services provided by the physician assistant. 3679
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The physician is not liable for any services provided by the physician assistant after their supervision agreement is terminated. 3682
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(B) When ~~any~~ a health care facility permits physician assistants to practice within that facility or any other health care facility under its control, the health care facility shall make reasonable efforts to explain to each individual who may work with a particular physician assistant the scope of that physician 3685
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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 3745
use or abuse of drugs, alcohol, or other substances that impair 3746
ability to practice; 3747

(6) Administering drugs for purposes other than those 3748
authorized under this chapter; 3749

(7) Willfully betraying a professional confidence; 3750

(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; i in relation to the practice of medicine as it pertains to physician assistants; i 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.

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.

(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;

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

(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for ~~treatment~~ intervention in lieu of conviction for, a felony;

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

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

lieu of conviction for, a misdemeanor committed in the course of 3782
practice; 3783

(14) A plea of guilty to, a judicial finding of guilt of, or 3784
a judicial finding of eligibility for ~~treatment~~ intervention in 3785
lieu of conviction for, a misdemeanor involving moral turpitude; 3786

(15) Commission of an act in the course of practice that 3787
constitutes a misdemeanor in this state, regardless of the 3788
jurisdiction in which the act was committed; 3789

(16) Commission of an act involving moral turpitude that 3790
constitutes a misdemeanor in this state, regardless of the 3791
jurisdiction in which the act was committed; 3792

(17) A plea of guilty to, a judicial finding of guilt of, or 3793
a judicial finding of eligibility for ~~treatment~~ intervention in 3794
lieu of conviction for violating any state or federal law 3795
regulating the possession, distribution, or use of any drug, 3796
including trafficking in drugs; 3797

(18) Any of the following actions taken by the state agency 3798
responsible for regulating the practice of physician assistants in 3799
another state, for any reason other than the nonpayment of fees: 3800
the limitation, revocation, or suspension of an individual's 3801
license to practice; acceptance of an individual's license 3802
surrender; denial of a license; refusal to renew or reinstate a 3803
license; imposition of probation; or issuance of an order of 3804
censure or other reprimand; 3805

(19) A departure from, or failure to conform to, minimal 3806
standards of care of similar physician assistants under the same 3807
or similar circumstances, regardless of whether actual injury to a 3808
patient is established; 3809

(20) Violation of the conditions placed by the board on a 3810
certificate ~~of registration~~ to practice as a physician assistant, 3811
a certificate to prescribe, physician assistant utilization a 3812

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| <u>physician supervisory plan, or supervision agreement;</u> | 3813 |
| (21) Violation of the conditions on which a temporary certificate of registration is issued; | 3814 |
| (22) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code; | 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) (22) Failure to cooperate in an investigation conducted by the board under section 4730.26 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue; | 3819 |
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| (24) (23) Assisting suicide as defined in section 3795.01 of the Revised Code; | 3828 |
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| <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 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. | 3832 |
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(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 be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(4) of this section, the board, upon a showing of a possible violation, may compel any individual who holds a certificate ~~of registration~~ issued under this chapter or who has applied for a certificate ~~of registration~~ pursuant to

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 entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's certificate or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, or renewed ~~license~~ certification to practice or prescribe, to submit to treatment.

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

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

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

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

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

When the impaired physician assistant resumes practice or prescribing, the board shall require continued monitoring of the physician assistant. The monitoring shall include compliance with the written consent agreement entered into before reinstatement or

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 assistants within the facility; 4066
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(2) The services that the facility has authorized a particular physician assistant to provide for the facility. 4068
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(B) Any person may report to the board in a signed writing any information the person has that appears to show a violation of any provision of this chapter or rule adopted under it. In the absence of bad faith, a person who reports such information or testifies before the board in an adjudication conducted under Chapter 119. of the Revised Code shall not be liable for civil damages as a result of reporting the information or providing testimony. Each complaint or allegation of a violation received by the board shall be assigned a case number and be recorded by the board. 4070
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~~(B)~~(C) Investigations of alleged violations of this chapter or rules adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4730.33 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. A member of the board who supervises the investigation of a case shall not participate in further adjudication of the case. 4080
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~~(C)~~(D) In investigating a possible violation of this chapter or a rule adopted under it, the board may administer oaths, order the taking of depositions, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary and supervising member of the board. Before issuance 4089
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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)~~ (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 4240
valid certificate issued pursuant to this chapter shall, on forms 4241
prescribed and provided by the state medical board, notify the 4242
board of any of the following: 4243

(1) A plea of guilty to, a judicial finding of guilt of, or 4244
judicial finding of eligibility for ~~treatment~~ intervention in lieu 4245
of conviction for a felony, or a case where the trial court issues 4246
an order of dismissal upon technical or procedural grounds of a 4247
felony charge; 4248

(2) A plea of guilty to, a judicial finding of guilt of, or 4249
judicial finding or eligibility for ~~treatment~~ intervention in lieu 4250

of conviction for a misdemeanor committed in the course of 4251
practice, or a case where the trial court issues an order of 4252
dismissal upon technical or procedural grounds of a charge of a 4253
misdemeanor, if the alleged act was committed in the course of 4254
practice; 4255

(3) A plea of guilty to, a judicial finding of guilt of, or 4256
judicial finding of eligibility for ~~treatment~~ intervention in lieu 4257
of conviction for a misdemeanor involving moral turpitude, or a 4258
case where the trial court issues an order of dismissal upon 4259
technical or procedural grounds of a charge of a misdemeanor 4260
involving moral turpitude. 4261

The report shall include the name and address of the 4262
certificate holder, the nature of the offense for which the action 4263
was taken, and the certified court documents recording the action. 4264

Sec. 4730.32. (A) Within sixty days after the imposition of 4265
any formal disciplinary action taken by ~~any a~~ health care 4266
facility, ~~including a hospital, health care facility operated by~~ 4267
~~an insuring corporation, ambulatory surgical center, or similar~~ 4268
~~facility,~~ against any individual holding a valid certificate ~~of~~ 4269
~~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
ceased to participate in the treatment program in accordance with
section 4731.25 of the Revised Code or has violated any provision
of this chapter or rule adopted under it, other than being
impaired by alcohol, drugs, or other substances.

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

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

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

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

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

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

(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 prescriptive authority, including the issuance of certificates to prescribe under this chapter; 4438
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(2) Subject to the limitations specified in section 4730.40 of the Revised Code, a formulary listing the drugs and therapeutic devices by class and specific nomenclature that a supervising physician may include in the physician-delegated prescriptive authority granted to a physician assistant who holds a certificate to prescribe issued under this chapter; 4441
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(3) Any issue the committee considers necessary to assist the board in fulfilling its duty to adopt rules governing physician-delegated prescriptive authority, including the issuance of certificates to prescribe. 4447
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(B) After the board's adoption of initial rules under section 4730.39 of the Revised Code, the committee shall conduct an annual review of its recommendations regarding physician-delegated prescriptive authority. Based on its review, the committee shall submit recommendations to the board as the committee considers necessary. 4451
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(C) Recommendations submitted under this section are subject to the procedures and time frames specified in division (C) of section 4730.06 of the Revised Code. 4457
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Sec. 4730.39. (A) Not later than six months after receiving the initial recommendations of the physician assistant policy committee submitted pursuant to division (A) of section 4730.38 of the Revised Code, the state medical board shall adopt rules governing physician-delegated prescriptive authority for physician assistants, including the issuance of certificates to prescribe under this chapter. The board's rules shall establish all of the following: 4460
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(1) Subject to the limitations specified in section 4730.40 of the Revised Code, a formulary listing the drugs and therapeutic devices by class and specific generic nomenclature that a physician may include in the physician-delegated prescriptive authority granted to a physician assistant who holds a certificate to prescribe under this chapter; 4468
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(2) Requirements regarding the pharmacology courses that a physician assistant is required to complete to receive a certificate to prescribe; 4474
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(3) Standards and procedures for the issuance and renewal of certificates to prescribe to physician assistants; 4477
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(4) Standards and procedures for the appropriate conduct of the provisional period that a physician assistant is required to complete pursuant to section 4730.45 of the Revised Code and for determining whether a physician assistant has successfully completed the provisional period; 4479
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(5) A specific prohibition against prescribing any drug or device to perform or induce an abortion; 4484
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(6) Standards and procedures to be followed by a physician assistant in personally furnishing samples of drugs or complete or partial supplies of drugs to patients under section 4730.43 of the Revised Code; 4486
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(7) Any other requirements the board considers necessary to implement the provisions of this chapter regarding physician-delegated prescriptive authority and the issuance of certificates to prescribe. 4490
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(B) After adopting the initial rules, the board shall conduct an annual review of the rules. Based on its review, the board shall make any necessary modifications to the rules. 4494
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(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. 4577

(3) If the physician assistant possesses physician-delegated 4578
prescriptive authority for controlled substances, the physician 4579
assistant shall register with the federal drug enforcement 4580
administration. 4581

Sec. 4730.42. (A) In granting physician-delegated 4582
prescriptive authority to a particular physician assistant who 4583
holds a certificate to prescribe issued under this chapter, the 4584
supervising physician is subject to all of the following: 4585

(1) The supervising physician shall not grant 4586
physician-delegated prescriptive authority for any drug or 4587

therapeutic device that is not listed on the formulary established 4588
in rules adopted under section 4730.39 of the Revised Code as a 4589
drug or therapeutic device that may be included in the 4590
physician-delegated prescriptive authority granted to a physician 4591
assistant. 4592

(2) The supervising physician shall not grant 4593
physician-delegated prescriptive authority for any drug or device 4594
that may be used to perform or induce an abortion. 4595

(3) The supervising physician shall not grant 4596
physician-delegated prescriptive authority in a manner that 4597
exceeds the supervising physician's prescriptive authority. 4598

(4) The supervising physician shall supervise the physician 4599
assistant in accordance with all of the following: 4600

(a) The supervision requirements specified in section 4730.21 4601
of the Revised Code and, in the case of supervision provided 4602
during a provisional period of physician-delegated prescriptive 4603
authority, the supervision requirements specified in section 4604
4730.45 of the Revised Code; 4605

(b) The physician supervisory plan approved for the 4606
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 the physician-delegated prescriptive authority granted to a physician assistant include the following: 4618
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(a) Identification by class and specific generic nomenclature of drugs and therapeutic devices that the physician chooses not to permit the physician assistant to prescribe; 4621
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(b) Limitations on the dosage units or refills that the physician assistant is authorized to prescribe; 4624
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(c) Specification of circumstances under which the physician assistant is required to refer patients to the supervising physician or another physician when exercising physician-delegated prescriptive authority; 4626
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(d) Responsibilities to be fulfilled by the physician in supervising the physician assistant that are not otherwise specified in the physician supervisory plan or otherwise required by this chapter. 4630
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Sec. 4730.43. (A) A physician assistant who holds a certificate to prescribe issued under this chapter and has been granted physician-delegated prescriptive authority by a supervising physician may personally furnish to a patient samples of drugs and therapeutic devices that are included in the physician assistant's physician-delegated prescriptive authority, subject to all of the following: 4634
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(1) The amount of the sample furnished shall not exceed a seventy-two hour supply, except when the minimum available quantity of the sample is packaged in an amount that is greater than a seventy-two hour supply, in which case the physician assistant may furnish the sample in the package amount. 4641
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(2) No charge may be imposed for the sample or for furnishing it. 4646
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(3) Samples of controlled substances may not be personally furnished. 4648
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(B) A physician assistant who holds a certificate to prescribe issued under this chapter and has been granted physician-delegated prescriptive authority by a supervising physician may personally furnish to a patient a complete or partial supply of the drugs and therapeutic devices that are included in the physician assistant's physician-delegated prescriptive authority, subject to all of the following: 4650
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(1) The physician assistant shall personally furnish only antibiotics, antifungals, scabicides, contraceptives, prenatal vitamins, antihypertensives, drugs and devices used in the treatment of diabetes, drugs and devices used in the treatment of asthma, and drugs used in the treatment of dyslipidemia. 4657
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(2) The physician assistant shall not furnish the drugs and devices in locations other than a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code, a federally funded comprehensive primary care clinic, or a nonprofit health care clinic or program. 4662
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(3) The physician assistant shall comply with all standards and procedures for personally furnishing supplies of drugs and devices, as established in rules adopted under section 4730.39 of the Revised Code. 4668
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Sec. 4730.44. (A) A physician assistant seeking a certificate to prescribe shall submit to the state medical board a written application on a form prescribed and supplied by the board. The application shall include all of the following information: 4672
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(1) The applicant's name, residential address, business address, if any, and social security number; 4676
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(2) Evidence of holding a valid certificate to practice as a physician assistant issued under this chapter; 4678
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(3) Satisfactory proof that the applicant meets the requirements specified in section 4730.46 of the Revised Code to participate in a provisional period of physician-delegated prescriptive authority or satisfactory proof of successful completion of the provisional period, evidenced by a letter or copy of a letter attesting to the successful completion written by a supervising physician of the physician assistant at the time of completion; 4680
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(4) Any other information the board requires. 4688

(B) At the time of making application for a certificate to prescribe, the applicant shall pay the board a fee of one hundred dollars, no part of which shall be returned. The fees shall be deposited in accordance with section 4731.24 of the Revised Code. 4689
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(C) The board shall review all applications received. If an application is complete and the board determines that the applicant meets the requirements for a certificate to prescribe, the board shall issue the certificate to the applicant. The initial certificate to prescribe issued to an applicant shall be issued as a provisional certificate to prescribe. 4693
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Sec. 4730.45. (A) A provisional certificate to prescribe issued under section 4730.44 of the Revised Code authorizes the physician assistant holding the certificate to participate in a provisional period of physician-delegated prescriptive authority. The physician assistant shall successfully complete the provisional period as a condition of receiving a new certificate to prescribe. 4699
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(B) The provisional period shall be conducted by one or more supervising physicians in accordance with rules adopted under 4706
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section 4730.39 of the Revised Code. When supervising a physician assistant who is completing the first five hundred hours of a provisional period, the supervising physician shall provide on-site supervision of the physician assistant's exercise of physician-delegated prescriptive authority.

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

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

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

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

(1) The physician assistant shall meet the educational requirements specified in division (B)(1) of this section or the educational and clinical experience requirements specified in division (B)(2) of this section. 4738
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(2) The physician assistant shall successfully complete the pharmacology instruction specified in division (C) of this section. 4742
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(B)(1) For purposes of division (A)(1) of this section, a physician assistant shall meet either of the following educational requirements unless division (B)(2) of this section applies: 4745
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(a) The physician assistant shall hold a master's or higher degree that was obtained from a program accredited by the accreditation review commission on education for the physician assistant or a predecessor or successor organization recognized by the state medical board. 4748
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(b) The physician assistant shall hold a degree other than a master's or higher degree that was obtained from a school or program accredited by the accreditation review commission on education for the physician assistant or a predecessor or successor organization recognized by the board and shall hold a master's or higher degree in a course of study with clinical relevance to the practice of physician assistants that was obtained from a program accredited by a regional or specialized and professional accrediting agency recognized by the council for higher education accreditation. 4753
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(2) Until two years after the effective date of the initial rules adopted under section 4730.39 of the Revised Code, a physician assistant who does not hold a master's or higher degree as specified in division (B)(1) of this section is eligible to participate in a provisional period if both of the following apply: 4763
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(a) The physician assistant holds a degree other than a master's or higher degree that was obtained from a program accredited by the accreditation review commission on education for the physician assistant or a predecessor or successor organization recognized by the board. 4769
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(b) The physician assistant has obtained not less than ten years of clinical experience as a physician assistant in this state or another jurisdiction, three years of which were obtained in the five-year period immediately preceding the date the evidence is submitted to the supervising physician. 4774
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(C) For purposes of division (A)(2) of this section, all of the following conditions shall be met: 4779
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(1) The pharmacology instruction shall be completed not longer than three years prior to applying for the certificate to prescribe. 4781
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(2) The instruction shall be obtained through a course of study consisting of planned classroom or continued education and clinical study that meets either of the following conditions: 4784
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(a) It is accredited by the accreditation review commission on education for the physician assistant or a predecessor or successor organization recognized by the board. 4787
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(b) It is approved by the board in accordance with standards established in rules adopted under section 4730.39 of the Revised Code. 4790
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(3) The content of the instruction shall include all of the following: 4793
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(a) A minimum of thirty contact hours of training in pharmacology that includes pharmacokinetic principles and clinical application and the use of drugs and therapeutic devices in the prevention of illness and maintenance of health; 4795
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(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