

As Introduced

**129th General Assembly
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H. B. No. 467

Representatives Johnson, Peterson

**Cosponsors: Representatives Wachtmann, Adams, J., Beck, Hayes, Patmon,
Grossman, Stebelton, Conditt, Yuko**

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A B I L L

To amend sections 3719.41, 4715.033, 4715.034, 1
4715.30, 4715.301, 4715.302, 4723.487, 4725.092, 2
4729.16, 4729.162, 4729.291, 4729.51, 4729.552, 3
4729.57, 4729.79, 4729.80, 4729.86, 4730.53, 4
4731.054, 4731.055, 4731.22, and 4731.39 of the 5
Revised Code regarding enforcement powers of 6
certain health care professional licensing boards, 7
regulation of pain management clinics, limits on 8
prescriber-furnished controlled substances, and 9
classifications of certain controlled substances. 10

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

Section 1. That sections 3719.41, 4715.033, 4715.034, 11
4715.30, 4715.301, 4715.302, 4723.487, 4725.092, 4729.16, 12
4729.162, 4729.291, 4729.51, 4729.552, 4729.57, 4729.79, 4729.80, 13
4729.86, 4730.53, 4731.054, 4731.055, 4731.22, and 4731.39 of the 14
Revised Code be amended to read as follows: 15

Sec. 3719.41. Controlled substance schedules I, II, III, IV, 16
and V are hereby established, which schedules include the 17
following, subject to amendment pursuant to section 3719.43 or 18

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| 3719.44 of the Revised Code. | 19 |
| SCHEDULE I | 20 |
| (A) Narcotics-opiates | 21 |
| Any of the following opiates, including their isomers, | 22 |
| esters, ethers, salts, and salts of isomers, esters, and ethers, | 23 |
| unless specifically excepted under federal drug abuse control | 24 |
| laws, whenever the existence of these isomers, esters, ethers, and | 25 |
| salts is possible within the specific chemical designation: | 26 |
| (1) Acetyl-alpha-methylfentanyl | 27 |
| (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); | 28 |
| (2) Acetylmethadol; | 29 |
| (3) Allylprodine; | 30 |
| (4) Alphacetylmethadol (except levo-alphacetylmethadol, also | 31 |
| known as levo-alpha-acetylmethadol, levomethadyl acetate, or | 32 |
| LAAM); | 33 |
| (5) Alphameprodine; | 34 |
| (6) Alphamethadol; | 35 |
| (7) Alpha-methylfentanyl | 36 |
| (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; | 37 |
| 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine); | 38 |
| (8) Alpha-methylthiofentanyl | 39 |
| (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N- | 40 |
| phenylpropanamide); | 41 |
| (9) Benzethidine; | 42 |
| (10) Betacetylmethadol; | 43 |
| (11) Beta-hydroxyfentanyl | 44 |
| (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl)-N- phenylpropanamide); | 45 |
| (12) Beta-hydroxy-3-methylfentanyl (other name: | 46 |
| N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N- | 47 |

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| phenylpropanamide); | 48 |
| (13) Betameprodine; | 49 |
| (14) Betamethadol; | 50 |
| (15) Betaprodine; | 51 |
| (16) Clonitazene; | 52 |
| (17) Dextromoramide; | 53 |
| (18) Diampromide; | 54 |
| (19) Diethylthiambutene; | 55 |
| (20) Difenoquin; | 56 |
| (21) Dimenoxadol; | 57 |
| (22) Dimepheptanol; | 58 |
| (23) Dimethylthiambutene; | 59 |
| (24) Dioxaphetyl butyrate; | 60 |
| (25) Dipipanone; | 61 |
| (26) Ethylmethylthiambutene; | 62 |
| (27) Etonitazene; | 63 |
| (28) Etoxadoline; | 64 |
| (29) Furethidine; | 65 |
| (30) Hydroxypethidine; | 66 |
| (31) Ketobemidone; | 67 |
| (32) Levomoramide; | 68 |
| (33) Levophenacetylmorphan; | 69 |
| (34) 3-methylfentanyl | 70 |
| (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide); | 71 |
| (35) 3-methylthiofentanyl | 72 |
| (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N- | 73 |

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| phenylpropanamide); | 74 |
| (36) Morpheridine; | 75 |
| (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine); | 76 |
| (38) Noracymethadol; | 77 |
| (39) Norlevorphanol; | 78 |
| (40) Normethadone; | 79 |
| (41) Norpipanone; | 80 |
| (42) Para-fluorofentanyl | 81 |
| (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide; | 82 |
| (43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine; | 83 |
| (44) Phenadoxone; | 84 |
| (45) Phenampromide; | 85 |
| (46) Phenomorphan; | 86 |
| (47) Phenoperidine; | 87 |
| (48) Piritramide; | 88 |
| (49) Proheptazine; | 89 |
| (50) Properidine; | 90 |
| (51) Propiram; | 91 |
| (52) Racemoramide; | 92 |
| (53) Thiofentanyl | 93 |
| (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide; | 94 |
| (54) Tilidine; | 95 |
| (55) Trimeperidine. | 96 |
| (B) Narcotics-opium derivatives | 97 |
| Any of the following opium derivatives, including their | 98 |
| salts, isomers, and salts of isomers, unless specifically excepted | 99 |

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| under federal drug abuse control laws, whenever the existence of | 100 |
| these salts, isomers, and salts of isomers is possible within the | 101 |
| specific chemical designation: | 102 |
| (1) Acetorphine; | 103 |
| (2) Acetyldihydrocodeine; | 104 |
| (3) Benzylmorphine; | 105 |
| (4) Codeine methylbromide; | 106 |
| (5) Codeine-n-oxide; | 107 |
| (6) Cyprenorphine; | 108 |
| (7) Desomorphine; | 109 |
| (8) Dihydromorphine; | 110 |
| (9) Drotebanol; | 111 |
| (10) Etorphine (except hydrochloride salt); | 112 |
| (11) Heroin; | 113 |
| (12) Hydromorphenol; | 114 |
| (13) Methyldesorphine; | 115 |
| (14) Methyldihydromorphine; | 116 |
| (15) Morphine methylbromide; | 117 |
| (16) Morphine methylsulfonate; | 118 |
| (17) Morphine-n-oxide; | 119 |
| (18) Myrophine; | 120 |
| (19) Nicocodeine; | 121 |
| (20) Nicomorphine; | 122 |
| (21) Normorphine; | 123 |
| (22) Pholcodine; | 124 |
| (23) Thebacon. | 125 |

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| (C) Hallucinogens | 126 |
| Any material, compound, mixture, or preparation that contains | 127 |
| any quantity of the following hallucinogenic substances, including | 128 |
| their salts, isomers, and salts of isomers, unless specifically | 129 |
| excepted under federal drug abuse control laws, whenever the | 130 |
| existence of these salts, isomers, and salts of isomers is | 131 |
| possible within the specific chemical designation. For the | 132 |
| purposes of this division only, "isomer" includes the optical | 133 |
| isomers, position isomers, and geometric isomers. | 134 |
| (1) Alpha-ethyltryptamine (some trade or other names: | 135 |
| etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; | 136 |
| 3-(2-aminobutyl) indole; alpha-ET; and AET); | 137 |
| (2) 4-bromo-2,5-dimethoxyamphetamine (some trade or other | 138 |
| names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; | 139 |
| 4-bromo-2,5-DMA); | 140 |
| (3) 4-bromo-2,5-dimethoxyphenethylamine (some trade or other | 141 |
| names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; | 142 |
| alpha-desmethyl DOB; 2C-B, Nexus); | 143 |
| (4) 2,5-dimethoxyamphetamine (some trade or other names: | 144 |
| 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA); | 145 |
| (5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other | 146 |
| names: DOET); | 147 |
| (6) 4-methoxyamphetamine (some trade or other names: | 148 |
| 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; | 149 |
| PMA); | 150 |
| (7) 5-methoxy-3,4-methylenedioxy-amphetamine; | 151 |
| (8) 4-methyl-2,5-dimethoxy-amphetamine (some trade or other | 152 |
| names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM" | 153 |
| and "STP"); | 154 |
| (9) 3,4-methylenedioxy amphetamine; | 155 |

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| (10) 3,4-methylenedioxymethamphetamine (MDMA); | 156 |
| (11) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA); | 157 158 159 |
| (12) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and N-hydroxy MDA); | 160 161 162 |
| (13) 3,4,5-trimethoxy amphetamine; | 163 |
| (14) Bufotenine (some trade or other names: 3-(beta-dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine); | 164 165 166 167 |
| (15) Diethyltryptamine (some trade or other names: N, N-diethyltryptamine; DET); | 168 169 |
| (16) Dimethyltryptamine (some trade or other names: DMT); | 170 |
| (17) Ibogaine (some trade or other names: 7-ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano- 5H-pyrido[1',2':1,2] azepino [5, 4-b] indole; tabernanthe iboga); | 171 172 173 |
| (18) Lysergic acid diethylamide; | 174 |
| (19) Marihuana; | 175 |
| (20) Mescaline; | 176 |
| (21) Parahexyl (some trade or other names: 3-hexyl-1- hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; synhexyl); | 177 178 179 |
| (22) Peyote (meaning all parts of the plant presently classified botanically as "Lophophora williamsii Lemaire," whether growing or not, the seeds of that plant, any extract from any part of that plant, and every compound, manufacture, salts, derivative, mixture, or preparation of that plant, its seeds, or its | 180 181 182 183 184 |

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| extracts); | 185 |
| (23) N-ethyl-3-piperidyl benzilate; | 186 |
| (24) N-methyl-3-piperidyl benzilate; | 187 |
| (25) Psilocybin; | 188 |
| (26) Psilocyn; | 189 |
| (27) Tetrahydrocannabinols (synthetic equivalents of the | 190 |
| substances contained in the plant, or in the resinous extractives | 191 |
| of Cannabis, sp. and/or synthetic substances, derivatives, and | 192 |
| their isomers with similar chemical structure and pharmacological | 193 |
| activity such as the following: delta-1-cis or trans | 194 |
| tetrahydrocannabinol, and their optical isomers; delta-6-cis or | 195 |
| trans tetrahydrocannabinol, and their optical isomers; | 196 |
| delta-3,4-cis or trans tetrahydrocannabinol, and its optical | 197 |
| isomers. (Since nomenclature of these substances is not | 198 |
| internationally standardized, compounds of these structures, | 199 |
| regardless of numerical designation of atomic positions, are | 200 |
| covered.)); | 201 |
| (28) Ethylamine analog of phencyclidine (some trade or other | 202 |
| names: N-ethyl-1-phenylcyclohexylamine; | 203 |
| (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; | 204 |
| cyclohexamine; PCE); | 205 |
| (29) Pyrrolidine analog of phencyclidine (some trade or other | 206 |
| names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP); | 207 |
| (30) Thiophene analog of phencyclidine (some trade or other | 208 |
| names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog | 209 |
| of phencyclidine; TPCP; TCP); | 210 |
| (31) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine; | 211 |
| (32) Hashish; | 212 |
| (33) Salvia divinorum; | 213 |

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| (34) Salvinorin A; | 214 |
| (35) 1-Pentyl-3-(1-naphthoyl)indole (some trade or other names: JWH-018); | 215 216 |
| (36) 1-Butyl-3-(1-naphthoyl)indole (some trade or other names: JWH-073); | 217 218 |
| (37) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (some trade or other names: JWH-200); | 219 220 |
| (38) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: CP-47,497); | 221 222 223 |
| (39) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: cannabicyclohexanol; CP-47,497 C8 homologue)÷ | 224 225 226 227 |
| (40) Methylenone (3,4-methylenedioxymethcathinone); | 228 |
| (41) MDPV (3,4-methylenedioxypyrovalerone); | 229 |
| (42) Mephedrone (4-methylmethcathinone); | 230 |
| (43) 4-methoxymethcathinone; | 231 |
| (44) 4-fluoromethcathinone; | 232 |
| (45) 3-fluoromethcathinone. | 233 |
| (D) Depressants | 234 |
| Any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers, unless specifically excepted under federal drug abuse control laws, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation: | 235 236 237 238 239 240 241 |
| (1) Mecloqualone; | 242 |

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| (2) Methaqualone. | 243 |
| (E) Stimulants | 244 |
| Unless specifically excepted or unless listed in another | 245 |
| schedule, any material, compound, mixture, or preparation that | 246 |
| contains any quantity of the following substances having a | 247 |
| stimulant effect on the central nervous system, including their | 248 |
| salts, isomers, and salts of isomers: | 249 |
| (1) Aminorex (some other names: aminoxaphen; | 250 |
| 2-amino-5-phenyl-2-oxazoline; or | 251 |
| 4,5-dihydro-5-phenyl-2-oxazolamine); | 252 |
| (2) Cathinone (some trade or other names: | 253 |
| 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, | 254 |
| 2-aminopropiophenone, and norephedrone); | 255 |
| (3) Fenethylamine; | 256 |
| (4) Methcathinone (some other names: | 257 |
| 2-(methylamino)-propionophenone; alpha-(methylamino)propionophenone; | 258 |
| 2-methylamino)-1-phenylpropan-1-one; | 259 |
| alpha-N-methylaminopropionophenone; monomethylpropion; ephedrone; | 260 |
| N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and | 261 |
| UR1432, its salts, optical isomers, and salts of optical isomers; | 262 |
| (5) (+/-)cis-4-methylaminorex | 263 |
| ((+/-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine); | 264 |
| (6) N-ethylamphetamine; | 265 |
| (7) N,N-dimethylamphetamine (also known as | 266 |
| N,N-alpha-trimethyl-benzeneethanamine; | 267 |
| N,N-alpha-trimethylphenethylamine); | 268 |
| <u>(8) Methylone (3,4-methylenedioxymethcathinone);</u> | 269 |
| <u>(9) MDPV (3,4-methylenedioxypropionophenone);</u> | 270 |
| <u>(10) Mephedrone (4-methylmethcathinone);</u> | 271 |

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| <u>(11) 4-methoxymethcathinone;</u> | 272 |
| <u>(12) 4-fluoromethcathinone;</u> | 273 |
| <u>(13) 3-fluoromethcathinone.</u> | 274 |

SCHEDULE II 275

(A) Narcotics-opium and opium derivatives 276

Unless specifically excepted under federal drug abuse control 277
laws or unless listed in another schedule, any of the following 278
substances whether produced directly or indirectly by extraction 279
from substances of vegetable origin, independently by means of 280
chemical synthesis, or by a combination of extraction and chemical 281
synthesis: 282

(1) Opium and opiate, and any salt, compound, derivative, or 283
preparation of opium or opiate, excluding apomorphine, 284
thebaine-derived butorphanol, dextorphan, nalbuphine, nalmefene, 285
naloxone, and naltrexone, and their respective salts, but 286
including the following: 287

- (a) Raw opium; 288
- (b) Opium extracts; 289
- (c) Opium fluid extracts; 290
- (d) Powdered opium; 291
- (e) Granulated opium; 292
- (f) Tincture of opium; 293
- (g) Codeine; 294
- (h) Ethylmorphine; 295
- (i) Etorphine hydrochloride; 296
- (j) Hydrocodone; 297
- (k) Hydromorphone; 298
- (l) Metopon; 299

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| (m) Morphine; | 300 |
| (n) Oxycodone; | 301 |
| (o) Oxymorphone; | 302 |
| (p) Thebaine. | 303 |
| (2) Any salt, compound, derivative, or preparation thereof | 304 |
| that is chemically equivalent to or identical with any of the | 305 |
| substances referred to in division (A)(1) of this schedule, except | 306 |
| that these substances shall not include the isoquinoline alkaloids | 307 |
| of opium; | 308 |
| (3) Opium poppy and poppy straw; | 309 |
| (4) Coca leaves and any salt, compound, derivative, or | 310 |
| preparation of coca leaves (including cocaine and ecgonine, their | 311 |
| salts, isomers, and derivatives, and salts of those isomers and | 312 |
| derivatives), and any salt, compound, derivative, or preparation | 313 |
| thereof that is chemically equivalent to or identical with any of | 314 |
| these substances, except that the substances shall not include | 315 |
| decocainized coca leaves or extraction of coca leaves, which | 316 |
| extractions do not contain cocaine or ecgonine; | 317 |
| (5) Concentrate of poppy straw (the crude extract of poppy | 318 |
| straw in either liquid, solid, or powder form that contains the | 319 |
| phenanthrene alkaloids of the opium poppy). | 320 |
| (B) Narcotics-opiates | 321 |
| Unless specifically excepted under federal drug abuse control | 322 |
| laws or unless listed in another schedule, any of the following | 323 |
| opiates, including their isomers, esters, ethers, salts, and salts | 324 |
| of isomers, esters, and ethers, whenever the existence of these | 325 |
| isomers, esters, ethers, and salts is possible within the specific | 326 |
| chemical designation, but excluding dextrorphan and | 327 |
| levopropoxyphene: | 328 |
| (1) Alfentanil; | 329 |

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| (2) Alphaprodine; | 330 |
| (3) Anileridine; | 331 |
| (4) Bezitramide; | 332 |
| (5) Bulk dextropropoxyphene (non-dosage forms); | 333 |
| (6) Carfentanil; | 334 |
| (7) Dihydrocodeine; | 335 |
| (8) Diphenoxylate; | 336 |
| (9) Fentanyl; | 337 |
| (10) Isomethadone; | 338 |
| (11) Levo-alpha-acetylmethadol (some other names: | 339 |
| levo-alpha-acetylmethadol; levomethadyl acetate; LAAM); | 340 |
| (12) Levomethorphan; | 341 |
| (13) Levorphanol; | 342 |
| (14) Metazocine; | 343 |
| (15) Methadone; | 344 |
| (16) Methadone-intermediate, | 345 |
| 4-cyano-2-dimethylamino-4,4-diphenyl butane; | 346 |
| (17) Moramide-intermediate, | 347 |
| 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid; | 348 |
| (18) Pethidine (meperidine); | 349 |
| (19) Pethidine-intermediate-A, | 350 |
| 4-cyano-1-methyl-4-phenylpiperidine; | 351 |
| (20) Pethidine-intermediate-B, | 352 |
| ethyl-4-phenylpiperidine-4-carboxylate; | 353 |
| (21) Pethidine-intermediate-C, | 354 |
| 1-methyl-4-phenylpiperidine-4-carboxylic acid; | 355 |
| (22) Phenazocine; | 356 |

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| (23) Piminodine; | 357 |
| (24) Racemethorphan; | 358 |
| (25) Racemorphan; | 359 |
| (26) Remifentanil; | 360 |
| (27) Sufentanil. | 361 |
| (C) Stimulants | 362 |
| Unless specifically excepted under federal drug abuse control | 363 |
| laws or unless listed in another schedule, any material, compound, | 364 |
| mixture, or preparation that contains any quantity of the | 365 |
| following substances having a stimulant effect on the central | 366 |
| nervous system: | 367 |
| (1) Amphetamine, its salts, its optical isomers, and salts of | 368 |
| its optical isomers; | 369 |
| (2) Methamphetamine, its salts, its isomers, and salts of its | 370 |
| isomers; | 371 |
| (3) Methylphenidate; | 372 |
| (4) Phenmetrazine and its salts. | 373 |
| (D) Depressants | 374 |
| Unless specifically excepted under federal drug abuse control | 375 |
| laws or unless listed in another schedule, any material, compound, | 376 |
| mixture, or preparation that contains any quantity of the | 377 |
| following substances having a depressant effect on the central | 378 |
| nervous system, including their salts, isomers, and salts of | 379 |
| isomers, whenever the existence of these salts, isomers, and salts | 380 |
| of isomers is possible within the specific chemical designation: | 381 |
| (1) Amobarbital; | 382 |
| (2) Gamma-hydroxy-butyrate; | 383 |
| (3) Glutethimide; | 384 |

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| (4) Pentobarbital; | 385 |
| (5) Phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)piperidine; PCP); | 386 387 |
| (6) Secobarbital; | 388 |
| (7) 1-aminophenylcyclohexane and all N-mono-substituted and/or all N-N-disubstituted analogs including, but not limited to, the following: | 389 390 391 |
| (a) 1-phenylcyclohexylamine; | 392 |
| (b) (1-phenylcyclohexyl) methylamine; | 393 |
| (c) (1-phenylcyclohexyl) dimethylamine; | 394 |
| (d) (1-phenylcyclohexyl) methylethylamine; | 395 |
| (e) (1-phenylcyclohexyl) isopropylamine; | 396 |
| (f) 1-(1-phenylcyclohexyl) morpholine. | 397 |
| (E) Hallucinogenic substances | 398 |
| (1) Nabilone (another name for nabilone: (+)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1- hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one). | 399 400 401 |
| (F) Immediate precursors | 402 |
| Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances: | 403 404 405 406 |
| (1) Immediate precursor to amphetamine and methamphetamine: | 407 |
| (a) Phenylacetone (some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone); | 408 409 410 |
| (2) Immediate precursors to phencyclidine (PCP): | 411 |
| (a) 1-phenylcyclohexylamine; | 412 |

(b) 1-piperidinocyclohexanecarbonitrile (PCC). 413

SCHEDULE III 414

(A) Stimulants 415

Unless specifically excepted under federal drug abuse control 416
laws or unless listed in another schedule, any material, compound, 417
mixture, or preparation that contains any quantity of the 418
following substances having a stimulant effect on the central 419
nervous system, including their salts, their optical isomers, 420
position isomers, or geometric isomers, and salts of these 421
isomers, whenever the existence of these salts, isomers, and salts 422
of isomers is possible within the specific chemical designation: 423

(1) All stimulant compounds, mixtures, and preparations 424
included in schedule III pursuant to the federal drug abuse 425
control laws and regulations adopted under those laws; 426

(2) Benzphetamine; 427

(3) Chlorphentermine; 428

(4) Clortermine; 429

(5) Phendimetrazine. 430

(B) Depressants 431

Unless specifically excepted under federal drug abuse control 432
laws or unless listed in another schedule, any material, compound, 433
mixture, or preparation that contains any quantity of the 434
following substances having a depressant effect on the central 435
nervous system: 436

(1) Any compound, mixture, or preparation containing 437
amobarbital, secobarbital, pentobarbital, or any salt of any of 438
these drugs, and one or more other active medicinal ingredients 439
that are not listed in any schedule; 440

(2) Any suppository dosage form containing amobarbital, 441
secobarbital, pentobarbital, or any salt of any of these drugs and 442

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| approved by the food and drug administration for marketing only as | 443 |
| a suppository; | 444 |
| (3) Any substance that contains any quantity of a derivative | 445 |
| of barbituric acid or any salt of a derivative of barbituric acid; | 446 |
| (4) Chlorhexadol; | 447 |
| (5) Ketamine, its salts, isomers, and salts of isomers (some | 448 |
| other names for ketamine: | 449 |
| (+/-)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone); | 450 |
| (6) Lysergic acid; | 451 |
| (7) Lysergic acid amide; | 452 |
| (8) Methyprylon; | 453 |
| (9) Sulfondiethylmethane; | 454 |
| (10) Sulfonethylmethane; | 455 |
| (11) Sulfonmethane; | 456 |
| (12) Tiletamine, zolazepam, or any salt of tiletamine or | 457 |
| zolazepam (some trade or other names for a tiletamine-zolazepam | 458 |
| combination product: Telazol); (some trade or other names for | 459 |
| tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone); (some | 460 |
| trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8- | 461 |
| dihydro-1,3,8-trimethylpyrazolo-[3, 4-e][1,4]-diazepin-7(1H)-one; | 462 |
| flupyrazapon). | 463 |
| (C) Narcotic antidotes | 464 |
| (1) Nalorphine. | 465 |
| (D) Narcotics-narcotic preparations | 466 |
| Unless specifically excepted under federal drug abuse control | 467 |
| laws or unless listed in another schedule, any material, compound, | 468 |
| mixture, or preparation that contains any of the following | 469 |
| narcotic drugs, or their salts calculated as the free anhydrous | 470 |
| base or alkaloid, in limited quantities as set forth below: | 471 |

| | |
|---|--------------------------|
| (1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium; | 472 473 474 |
| (2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; | 475 476 477 |
| (3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium; | 478 479 480 |
| (4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; | 481 482 483 484 |
| (5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; | 485 486 487 488 |
| (6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; | 489 490 491 492 |
| (7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; | 493 494 495 496 |
| (8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts. | 497 498 499 |
| (E) Anabolic steroids | 500 |
| Unless specifically excepted under federal drug abuse control | 501 |

laws or unless listed in another schedule, any material, compound, 502
mixture, or preparation that contains any quantity of the 503
following substances, including their salts, esters, isomers, and 504
salts of esters and isomers, whenever the existence of these 505
salts, esters, and isomers is possible within the specific 506
chemical designation: 507

(1) Anabolic steroids. Except as otherwise provided in 508
division (E)(1) of schedule III, "anabolic steroids" means any 509
drug or hormonal substance that is chemically and 510
pharmacologically related to testosterone (other than estrogens, 511
progestins, and corticosteroids) and that promotes muscle growth. 512
"Anabolic steroids" does not include an anabolic steroid that is 513
expressly intended for administration through implants to cattle 514
or other nonhuman species and that has been approved by the United 515
States secretary of health and human services for that 516
administration, unless a person prescribes, dispenses, or 517
distributes this type of anabolic steroid for human use. "Anabolic 518
steroid" includes, but is not limited to, the following: 519

- (a) Boldenone; 520
- (b) Chlorotestosterone (4-chlorotestosterone); 521
- (c) Clostebol; 522
- (d) Dehydrochlormethyltestosterone; 523
- (e) Dihydrotestosterone (4-dihydrotestosterone); 524
- (f) Drostanolone; 525
- (g) Ethylestrenol; 526
- (h) Fluoxymesterone; 527
- (i) Formebolone (formebolone); 528
- (j) Mesterolone; 529
- (k) Methandienone; 530

| | |
|---|--|
| (l) Methandranone; | 531 |
| (m) Methandriol; | 532 |
| (n) Methandrostenolone; | 533 |
| (o) Methenolone; | 534 |
| (p) Methyltestosterone; | 535 |
| (q) Mibolerone; | 536 |
| (r) Nandrolone; | 537 |
| (s) Norethandrolone; | 538 |
| (t) Oxandrolone; | 539 |
| (u) Oxymesterone; | 540 |
| (v) Oxymetholone; | 541 |
| (w) Stanolone; | 542 |
| (x) Stanozolol; | 543 |
| (y) Testolactone; | 544 |
| (z) Testosterone; | 545 |
| (aa) Trenbolone; | 546 |
| (bb) Any salt, ester, isomer, or salt of an ester or isomer of a drug or hormonal substance described or listed in division (E)(1) of schedule III if the salt, ester, or isomer promotes muscle growth. | 547 548 549 550 |
| (F) Hallucinogenic substances | 551 |
| (1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved drug product (some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro- 6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol). | 552 553 554 555 556 557 |

SCHEDULE IV

558

(A) Narcotic drugs

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Unless specifically excepted by federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

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(1) Not more than one milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;

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(2) Dextropropoxyphene

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(alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane)[final dosage forms].

568

569

(B) Depressants

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Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

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576

(1) Alprazolam;

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(2) Barbital;

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(3) Bromazepam;

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(4) Camazepam;

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(5) Chloral betaine;

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(6) Chloral hydrate;

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(7) Chlordiazepoxide;

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(8) Clobazam;

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(9) Clonazepam;

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| | |
|---|-----|
| (10) Clorazepate; | 586 |
| (11) Clotiazepam; | 587 |
| (12) Cloxazolam; | 588 |
| (13) Delorazepam; | 589 |
| (14) Diazepam; | 590 |
| (15) Estazolam; | 591 |
| (16) Ethchlorvynol; | 592 |
| (17) Ethinamate; | 593 |
| (18) Ethyl loflazepate; | 594 |
| (19) Fludiazepam; | 595 |
| (20) Flunitrazepam; | 596 |
| (21) Flurazepam; | 597 |
| (22) Halazepam; | 598 |
| (23) Haloxazolam; | 599 |
| (24) Ketazolam; | 600 |
| (25) Loprazolam; | 601 |
| (26) Lorazepam; | 602 |
| (27) Lormetazepam; | 603 |
| (28) Mebutamate; | 604 |
| (29) Medazepam; | 605 |
| (30) Meprobamate; | 606 |
| (31) Methohexital; | 607 |
| (32) Methylphenobarbital (mephobarbital); | 608 |
| (33) Midazolam; | 609 |
| (34) Nimetazepam; | 610 |

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|---------------------|-----|
| (35) Nitrazepam; | 611 |
| (36) Nordiazepam; | 612 |
| (37) Oxazepam; | 613 |
| (38) Oxazolam; | 614 |
| (39) Paraldehyde; | 615 |
| (40) Petrichloral; | 616 |
| (41) Phenobarbital; | 617 |
| (42) Pinazepam; | 618 |
| (43) Prazepam; | 619 |
| (44) Quazepam; | 620 |
| (45) Temazepam; | 621 |
| (46) Tetrazepam; | 622 |
| (47) Triazolam; | 623 |
| (48) Zaleplon; | 624 |
| (49) Zolpidem. | 625 |
| (C) Fenfluramine | 626 |

Any material, compound, mixture, or preparation that contains 627
any quantity of the following substances, including their salts, 628
their optical isomers, position isomers, or geometric isomers, and 629
salts of these isomers, whenever the existence of these salts, 630
isomers, and salts of isomers is possible within the specific 631
chemical designation: 632

(1) Fenfluramine. 633

(D) Stimulants 634

Unless specifically excepted under federal drug abuse control 635
laws or unless listed in another schedule, any material, compound, 636
mixture, or preparation that contains any quantity of the 637

following substances having a stimulant effect on the central nervous system, including their salts, their optical isomers, position isomers, or geometric isomers, and salts of these isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Cathine ((+)-norpseudoephedrine);

(2) Diethylpropion;

(3) Fencamfamin;

(4) Fenproporex;

(5) Mazindol;

(6) Mefenorex;

(7) Modafinil;

(8) Pemoline (including organometallic complexes and chelates thereof);

(9) Phentermine;

(10) Pipradrol;

(11) Sibutramine;

(12) SPA [(-)-1-dimethylamino-1,2-diphenylethane].

(E) Other substances

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts:

(1) Pentazocine;

(2) Butorphanol (including its optical isomers).

SCHEDULE V

(A) Narcotic drugs

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, and their salts, as set forth below:

(1) Buprenorphine.

(B) Narcotics-narcotic preparations

Narcotic drugs containing non-narcotic active medicinal ingredients. Any compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, and that includes one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;

(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;

(6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(C) Stimulants

Unless specifically exempted or excluded under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any

quantity of the following substances having a stimulant effect on 695
the central nervous system, including their salts, isomers, and 696
salts of isomers: 697

(1) Ephedrine, except as provided in division (K) of section 698
3719.44 of the Revised Code; 699

(2) Pyrovalerone. 700

Sec. 4715.033. (A) All subpoenas the state dental board seeks 701
to issue with respect to an investigation shall, subject to 702
division (B) of this section, be authorized by the supervisory 703
investigative panel. 704

(B) Before the supervisory investigative panel authorizes the 705
board to issue a subpoena, the panel shall consult with the office 706
of the attorney general and determine whether there is probable 707
cause to believe that the complaint filed alleges a violation of 708
this chapter or any rule adopted under it and that the information 709
sought pursuant to the subpoena is relevant to the alleged 710
violation and material to the investigation. 711

(C)(1) Any subpoena to compel the production of records that 712
the board issues after authorization by the supervisory 713
investigative panel shall pertain to records that cover a 714
reasonable period of time surrounding the alleged violation. 715

(2)(a) Except as provided in division (C)(2)(b) of this 716
section, the subpoena shall state that the person being subpoenaed 717
has a reasonable period of time that is not less than ~~three~~ seven 718
calendar days to comply with the subpoena. 719

(b) If the board's secretary determines that the person being 720
subpoenaed represents a clear and immediate danger to the public 721
health and safety, the subpoena shall state that the person being 722
subpoenaed must immediately comply with the subpoena. 723

(D) On a person's failure to comply with a subpoena issued by 724

the board and after reasonable notice to that person of the 725
failure, the board may move for an order compelling the production 726
of persons or records pursuant to the Rules of Civil Procedure. 727

Sec. 4715.034. (A) At any time during an investigation, the 728
supervisory investigative panel may ask to meet with the 729
individual who is the subject of the investigation. At the 730
conclusion of the investigation, the panel shall recommend that 731
the state dental board do one of the following: 732

(1) Pursue disciplinary action under section 4715.30 of the 733
Revised Code; 734

(2) Seek an injunction under section 4715.05 of the Revised 735
Code; 736

(3) Enter into a consent agreement if the subject of the 737
investigation is a licensee; 738

(4) Refer the individual to the quality intervention program, 739
if that program is developed and implemented under section 740
4715.031 of the Revised Code and the subject of the investigation 741
is a licensee; 742

(5) Terminate the investigation. 743

(B) The supervisory investigative panel's recommendation 744
shall be in writing and specify the reasons for the 745
recommendation. Except as provided in section 4715.035 of the 746
Revised Code, the panel shall make its recommendation not later 747
than one year after the date the panel begins to supervise the 748
investigation or, if the investigation pertains to an alleged 749
violation of division (A)~~(7)~~(9) of section 4715.30 of the Revised 750
Code, not later than two years after the panel begins to supervise 751
the investigation. 752

Once the panel makes its recommendation, the members of the 753
panel shall not participate in any deliberations the board has on 754

the case. 755

Sec. 4715.30. (A) An applicant for or holder of a certificate 756
or license issued under this chapter is subject to disciplinary 757
action by the state dental board for any of the following reasons: 758
759

(1) Employing or cooperating in fraud or material deception 760
in applying for or obtaining a license or certificate; 761

(2) Obtaining or attempting to obtain money or anything of 762
value by intentional misrepresentation or material deception in 763
the course of practice; 764

(3) ~~Advertising services in a false or misleading manner or~~ 765
~~violating the board's rules governing time, place, and manner of~~ 766
~~advertising~~ Making a false, fraudulent, deceptive, or misleading 767
statement in the solicitation of or advertising for patients, or 768
in relation to the practice of dentistry, by making a statement to 769
which any of the following apply: it includes a misrepresentation 770
of fact, it is likely to mislead or deceive because of a failure 771
to disclose material facts, it is intended or is likely to create 772
false or unjustified expectations of favorable results, or it 773
includes representations or implications that in reasonable 774
probability will cause an ordinarily prudent person to 775
misunderstand or be deceived; 776

(4) Commission of an act that constitutes a felony in this 777
state, regardless of the jurisdiction in which the act was 778
committed; 779

(5) Commission of an act in the course of practice that 780
constitutes a misdemeanor in this state, regardless of the 781
jurisdiction in which the act was committed; 782

~~(4)~~(6) Conviction of, a plea of guilty to, a judicial finding 783
of guilt of, a judicial finding of guilt resulting from a plea of 784

no contest to, or a judicial finding of eligibility for 785
intervention in lieu of conviction for, any felony or of a 786
misdemeanor committed in the course of practice ~~or of any felony;~~ 787

~~(5)~~(7) Engaging in lewd or immoral conduct in connection with 788
the provision of dental services; 789

~~(6)~~(8) Selling, prescribing, giving away, or administering 790
drugs for other than legal and legitimate therapeutic purposes, or 791
conviction of ~~violating, a plea of guilty to, a judicial finding~~ 792
of guilt of, a judicial finding of guilt resulting from a plea of 793
no contest to, or a judicial finding of eligibility for 794
intervention in lieu of conviction for, a violation of any law of 795
~~this state or the federal government or state law~~ regulating the 796
possession, distribution, or use of any drug; 797

~~(7)~~(9) Providing or allowing dental hygienists, expanded 798
function dental auxiliaries, or other practitioners of auxiliary 799
dental occupations working under the certificate or license 800
holder's supervision, or a dentist holding a temporary limited 801
continuing education license under division (C) of section 4715.16 802
of the Revised Code working under the certificate or license 803
holder's direct supervision, to provide dental care that departs 804
from or fails to conform to accepted standards for the profession, 805
whether or not injury to a patient results; 806

~~(8)~~(10) Inability to practice under accepted standards of the 807
profession because of physical or mental disability, dependence on 808
alcohol or other drugs, or excessive use of alcohol or other 809
drugs; 810

~~(9)~~(11) Violation of any provision of this chapter or any 811
rule adopted thereunder; 812

~~(10)~~(12) Failure to use universal blood and body fluid 813
precautions established by rules adopted under section 4715.03 of 814
the Revised Code; 815

~~(11)~~(13) Except as provided in division (H) of this section, 816
either of the following: 817

(a) Waiving the payment of all or any part of a deductible or 818
copayment that a patient, pursuant to a health insurance or health 819
care policy, contract, or plan that covers dental services, would 820
otherwise be required to pay if the waiver is used as an 821
enticement to a patient or group of patients to receive health 822
care services from that ~~provider~~ certificate or license holder; 823

~~(12)~~(b) Advertising that the certificate or license holder 824
will waive the payment of all or any part of a deductible or 825
copayment that a patient, pursuant to a health insurance or health 826
care policy, contract, or plan that covers dental services, would 827
otherwise be required to pay. 828

~~(13)~~(14) Failure to comply with section 4729.79 of the 829
Revised Code, unless the state board of pharmacy no longer 830
maintains a drug database pursuant to section 4729.75 of the 831
Revised Code; 832

(15) Any of the following actions taken by an agency 833
responsible for authorizing, certifying, or regulating an 834
individual to practice a health care occupation or provide health 835
care services in this state or another jurisdiction, for any 836
reason other than the nonpayment of fees: the limitation, 837
revocation, or suspension of an individual's license to practice; 838
acceptance of an individual's license surrender; denial of a 839
license; refusal to renew or reinstate a license; imposition of 840
probation; or issuance of an order of censure or other reprimand; 841

(16) Failure to cooperate in an investigation conducted by 842
the board under division (D) of section 4715.03 of the Revised 843
Code, including failure to comply with a subpoena or order issued 844
by the board or failure to answer truthfully a question presented 845
by the board at a deposition or in written interrogatories, except 846

that failure to cooperate with an investigation shall not 847
constitute grounds for discipline under this section if a court of 848
competent jurisdiction has issued an order that either quashes a 849
subpoena or permits the individual to withhold the testimony or 850
evidence in issue. 851

(B) A manager, proprietor, operator, or conductor of a dental 852
facility shall be subject to disciplinary action if any dentist, 853
dental hygienist, expanded function dental auxiliary, or qualified 854
personnel providing services in the facility is found to have 855
committed a violation listed in division (A) of this section and 856
the manager, proprietor, operator, or conductor knew of the 857
violation and permitted it to occur on a recurring basis. 858

(C) Subject to Chapter 119. of the Revised Code, the board 859
may take one or more of the following disciplinary actions if one 860
or more of the grounds for discipline listed in divisions (A) and 861
(B) of this section exist: 862

(1) Censure the license or certificate holder; 863

(2) Place the license or certificate on probationary status 864
for such period of time the board determines necessary and require 865
the holder to: 866

(a) Report regularly to the board upon the matters which are 867
the basis of probation; 868

(b) Limit practice to those areas specified by the board; 869

(c) Continue or renew professional education until a 870
satisfactory degree of knowledge or clinical competency has been 871
attained in specified areas. 872

(3) Suspend the certificate or license; 873

(4) Revoke the certificate or license. 874

Where the board places a holder of a license or certificate 875
on probationary status pursuant to division (C)(2) of this 876

section, the board may subsequently suspend or revoke the license 877
or certificate if it determines that the holder has not met the 878
requirements of the probation or continues to engage in activities 879
that constitute grounds for discipline pursuant to division (A) or 880
(B) of this section. 881

Any order suspending a license or certificate shall state the 882
conditions under which the license or certificate will be 883
restored, which may include a conditional restoration during which 884
time the holder is in a probationary status pursuant to division 885
(C)(2) of this section. The board shall restore the license or 886
certificate unconditionally when such conditions are met. 887

(D) If the physical or mental condition of an applicant or a 888
license or certificate holder is at issue in a disciplinary 889
proceeding, the board may order the license or certificate holder 890
to submit to reasonable examinations by an individual designated 891
or approved by the board and at the board's expense. The physical 892
examination may be conducted by any individual authorized by the 893
Revised Code to do so, including a physician assistant, a clinical 894
nurse specialist, a certified nurse practitioner, or a certified 895
nurse-midwife. Any written documentation of the physical 896
examination shall be completed by the individual who conducted the 897
examination. 898

Failure to comply with an order for an examination shall be 899
grounds for refusal of a license or certificate or summary 900
suspension of a license or certificate under division (E) of this 901
section. 902

(E) ~~If the board has reason to believe that a license or~~ 903
~~certificate holder represents a clear and immediate danger to the~~ 904
~~public health and safety if the holder is allowed to continue to~~ 905
~~practice, or if the holder~~ has failed to comply with an order 906
under division (D) of this section, the board may apply to the 907
court of common pleas of the county in which the holder resides 908

for an order temporarily suspending the holder's license or 909
certificate, without a prior hearing being afforded by the board, 910
until the board conducts an adjudication hearing pursuant to 911
Chapter 119. of the Revised Code. If the court temporarily 912
suspends a holder's license or certificate, the board shall give 913
written notice of the suspension personally or by certified mail 914
to the license or certificate holder. Such notice shall ~~include~~ 915
~~specific facts and reasons for finding a clear and immediate~~ 916
~~danger to the public health and safety and shall~~ inform the 917
license or certificate holder of the right to a hearing pursuant 918
to Chapter 119. of the Revised Code. 919

(F) Any holder of a certificate or license issued under this 920
chapter who has pleaded guilty to, has been convicted of, or has 921
had a judicial finding of eligibility for intervention in lieu of 922
conviction entered against the holder in this state for aggravated 923
murder, murder, voluntary manslaughter, felonious assault, 924
kidnapping, rape, sexual battery, gross sexual imposition, 925
aggravated arson, aggravated robbery, or aggravated burglary, or 926
who has pleaded guilty to, has been convicted of, or has had a 927
judicial finding of eligibility for treatment or intervention in 928
lieu of conviction entered against the holder in another 929
jurisdiction for any substantially equivalent criminal offense, is 930
automatically suspended from practice under this chapter in this 931
state and any certificate or license issued to the holder under 932
this chapter is automatically suspended, as of the date of the 933
guilty plea, conviction, or judicial finding, whether the 934
proceedings are brought in this state or another jurisdiction. 935
Continued practice by an individual after the suspension of the 936
individual's certificate or license under this division shall be 937
considered practicing without a certificate or license. The board 938
shall notify the suspended individual of the suspension of the 939
individual's certificate or license under this division by 940
certified mail or in person in accordance with section 119.07 of 941

the Revised Code. If an individual whose certificate or license is 942
suspended under this division fails to make a timely request for 943
an adjudicatory hearing, the board shall enter a final order 944
revoking the individual's certificate or license. 945

(G) ~~Notwithstanding divisions (A)(11) and (12) of this~~ 946
~~section, sanctions~~ If the supervisory investigative panel 947
determines both of the following, the panel may recommend that the 948
board suspend an individual's certificate or license without a 949
prior hearing: 950

(1) That there is clear and convincing evidence that an 951
individual has violated division (A) of this section; 952

(2) That the individual's continued practice presents a 953
danger of immediate and serious harm to the public. 954

Written allegations shall be prepared for consideration by 955
the board. The board, upon review of those allegations and by an 956
affirmative vote of not fewer than four dentist members of the 957
board and seven of its members in total, excluding any member on 958
the supervisory investigative panel, may suspend a certificate or 959
license without a prior hearing. A telephone conference call may 960
be utilized for reviewing the allegations and taking the vote on 961
the summary suspension. 962

The board shall issue a written order of suspension by 963
certified mail or in person in accordance with section 119.07 of 964
the Revised Code. The order shall not be subject to suspension by 965
the court during pendency or any appeal filed under section 119.12 966
of the Revised Code. If the individual subject to the summary 967
suspension requests an adjudicatory hearing by the board, the date 968
set for the hearing shall be within fifteen days, but not earlier 969
than seven days, after the individual requests the hearing, unless 970
otherwise agreed to by both the board and the individual. 971

Any summary suspension imposed under this division shall 972

remain in effect, unless reversed on appeal, until a final 973
adjudicative order issued by the board pursuant to this section 974
and Chapter 119. of the Revised Code becomes effective. The board 975
shall issue its final adjudicative order within seventy-five days 976
after completion of its hearing. A failure to issue the order 977
within seventy-five days shall result in dissolution of the 978
summary suspension order but shall not invalidate any subsequent, 979
final adjudicative order. 980

(H) Sanctions shall not be imposed under division (A)(13) of 981
this section against any licensee certificate or license holder 982
who waives deductibles and copayments as follows: 983

(1) In compliance with the health benefit plan that expressly 984
allows such a practice. Waiver of the deductibles or copayments 985
shall be made only with the full knowledge and consent of the plan 986
purchaser, payer, and third-party administrator. ~~Such~~ 987
Documentation of the consent shall be made available to the board 988
upon request. 989

(2) For professional services rendered to any other person 990
~~licensed~~ who holds a certificate or license issued pursuant to 991
this chapter to the extent allowed by this chapter and the rules 992
of the board. 993

~~(H)~~(I) In no event shall the board consider or raise during a 994
hearing required by Chapter 119. of the Revised Code the 995
circumstances of, or the fact that the board has received, one or 996
more complaints about a person unless the one or more complaints 997
are the subject of the hearing or resulted in the board taking an 998
action authorized by this section against the person on a prior 999
occasion. 1000

(J) The board may share any information it receives pursuant 1001
to an investigation under division (D) of section 4715.03 of the 1002
Revised Code, including patient records and patient record 1003

information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state dental board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state dental board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

Sec. 4715.301. The state dental board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards for approving and designating physicians and facilities as treatment providers for dentists or dental hygienists with substance abuse problems and shall approve and designate treatment providers in accordance with the rules. The rules shall include standards for both inpatient and outpatient treatment. The rules shall provide that to be approved, a treatment provider must be capable of making an initial examination to determine the type of treatment required for a dentist or dental hygienist with substance abuse problems. Subject to the rules, the board shall review and approve treatment providers on a regular basis and may, at its discretion, withdraw or deny approval.

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| An approved treatment provider shall: | 1036 |
| (A) Report to the board the name of any dentist or dental hygienist suffering or showing evidence of suffering inability to practice under accepted standards as described in division (A) (8) <u>(10)</u> of section 4715.30 of the Revised Code who fails to comply within one week with a referral for examination; | 1037 1038 1039 1040 1041 |
| (B) Report to the board the name of any impaired dentist or dental hygienist who fails to enter treatment within forty-eight hours following the provider's determination that treatment is needed; | 1042 1043 1044 1045 |
| (C) Require every dentist or dental hygienist who enters treatment to agree to a treatment contract establishing the terms of treatment and aftercare, including any required supervision or restrictions of practice during treatment or aftercare; | 1046 1047 1048 1049 |
| (D) Require a dentist or dental hygienist to suspend practice on entering any required inpatient treatment; | 1050 1051 |
| (E) Report to the board any failure by an impaired dentist or dental hygienist to comply with the terms of the treatment contract during inpatient or outpatient treatment or aftercare; | 1052 1053 1054 |
| (F) Report to the board the resumption of practice of any impaired dentist or dental hygienist before the treatment provider has made a clear determination that the individual is capable of practicing according to accepted standards of the profession; | 1055 1056 1057 1058 |
| (G) Require a dentist or dental hygienist who resumes practice after completion of treatment to comply with an aftercare contract that meets the requirements of rules adopted by the board for approval of treatment providers; | 1059 1060 1061 1062 |
| (H) Report to the board any dentist or dental hygienist who suffers a relapse at any time during or following aftercare. | 1063 1064 |
| Any dentist or dental hygienist who enters into treatment by | 1065 |

an approved treatment provider shall be deemed to have waived any 1066
confidentiality requirements that would otherwise prevent the 1067
treatment provider from making reports required under this 1068
section. 1069

In the absence of fraud or bad faith, no professional 1070
association of dentists or dental hygienists licensed under this 1071
chapter that sponsors a committee or program to provide peer 1072
assistance to dentists or dental hygienists with substance abuse 1073
problems, no representative or agent of such a committee or 1074
program, and no member of the state dental board shall be liable 1075
to any person for damages in a civil action by reason of actions 1076
taken to refer a dentist or dental hygienist to a treatment 1077
provider designated by the board or actions or omissions of the 1078
provider in treating a dentist or dental hygienist. 1079

In the absence of fraud or bad faith, no person who reports 1080
to the board a dentist or dental hygienist with a suspected 1081
substance abuse problem shall be liable to any person for damages 1082
in a civil action as a result of making the report. 1083

Sec. 4715.302. (A) As used in this section, "drug database" 1084
means the database established and maintained by the state board 1085
of pharmacy pursuant to section 4729.75 of the Revised Code. 1086

(B) The state dental board shall adopt rules in accordance 1087
with Chapter 119. of the Revised Code that establish standards and 1088
procedures to be followed by a dentist regarding the review of 1089
patient information available through the drug database under 1090
division (A)(5) of section 4729.80 of the Revised Code. 1091

(C) This section and the rules adopted under it do not apply 1092
if the state board of pharmacy no longer maintains the drug 1093
database. 1094

Sec. 4723.487. (A) As used in this section, "drug database" 1095

means the database established and maintained by the state board 1096
of pharmacy pursuant to section 4729.75 of the Revised Code. 1097

(B) The board of nursing shall adopt rules in accordance with 1098
Chapter 119. of the Revised Code that establish standards and 1099
procedures to be followed by an advanced practice nurse with a 1100
certificate to prescribe issued under section 4723.48 of the 1101
Revised Code regarding the review of patient information available 1102
through the drug database under division (A)(5) of section 4729.80 1103
of the Revised Code. 1104

(C) This section and the rules adopted under it do not apply 1105
if the state board of pharmacy no longer maintains the drug 1106
database. 1107

Sec. 4725.092. (A) As used in this section, "drug database" 1108
means the database established and maintained by the state board 1109
of pharmacy pursuant to section 4729.75 of the Revised Code. 1110

(B) The state board of optometry shall adopt rules in 1111
accordance with Chapter 119. of the Revised Code that establish 1112
standards and procedures to be followed by an optometrist who 1113
holds a therapeutic pharmaceutical agents certificate regarding 1114
the review of patient information available through the drug 1115
database under division (A)(5) of section 4729.80 of the Revised 1116
Code. 1117

(C) This section and the rules adopted under it do not apply 1118
if the state board of pharmacy no longer maintains the drug 1119
database. 1120

Sec. 4729.16. (A) The state board of pharmacy, after notice 1121
and hearing in accordance with Chapter 119. of the Revised Code, 1122
may revoke, suspend, limit, place on probation, or refuse to grant 1123
or renew an identification card, or may impose a monetary penalty 1124
or forfeiture not to exceed in severity any fine designated under 1125

the Revised Code for a similar offense, or in the case of a 1126
violation of a section of the Revised Code that does not bear a 1127
penalty, a monetary penalty or forfeiture of not more than five 1128
hundred dollars, if the board finds a pharmacist or pharmacy 1129
intern: 1130

(1) Guilty of a felony or gross immorality; 1131

(2) Guilty of dishonesty or unprofessional conduct in the 1132
practice of pharmacy; 1133

(3) Addicted to or abusing liquor or drugs or impaired 1134
physically or mentally to such a degree as to render the 1135
pharmacist or pharmacy intern unfit to practice pharmacy; 1136

(4) Has been convicted of a misdemeanor related to, or 1137
committed in, the practice of pharmacy; 1138

(5) Guilty of willfully violating, conspiring to violate, 1139
attempting to violate, or aiding and abetting the violation of any 1140
of the provisions of this chapter, sections 3715.52 to 3715.72 of 1141
the Revised Code, Chapter 2925. or 3719. of the Revised Code, or 1142
any rule adopted by the board under those provisions; 1143

(6) Guilty of permitting anyone other than a pharmacist or 1144
pharmacy intern to practice pharmacy; 1145

(7) Guilty of knowingly lending the pharmacist's or pharmacy 1146
intern's name to an illegal practitioner of pharmacy or having 1147
professional connection with an illegal practitioner of pharmacy; 1148

(8) Guilty of dividing or agreeing to divide remuneration 1149
made in the practice of pharmacy with any other individual, 1150
including, but not limited to, any licensed health professional 1151
authorized to prescribe drugs or any owner, manager, or employee 1152
of a health care facility, residential care facility, or nursing 1153
home; 1154

(9) Has violated the terms of a consult agreement entered 1155

into pursuant to section 4729.39 of the Revised Code; 1156

(10) Has committed fraud, misrepresentation, or deception in 1157
applying for or securing a license or identification card issued 1158
by the board under this chapter or under Chapter 3715. or 3719. of 1159
the Revised Code. 1160

(B) Any individual whose identification card is revoked, 1161
suspended, or refused, shall return the identification card and 1162
license to the offices of the state board of pharmacy within ten 1163
days after receipt of notice of such action. 1164

(C) As used in this section: 1165

"Unprofessional conduct in the practice of pharmacy" includes 1166
any of the following: 1167

(1) Advertising or displaying signs that promote dangerous 1168
drugs to the public in a manner that is false or misleading; 1169

(2) Except as provided in section 4729.281 of the Revised 1170
Code, the sale of any drug for which a prescription is required, 1171
without having received a prescription for the drug; 1172

(3) Knowingly dispensing medication pursuant to false or 1173
forged prescriptions; 1174

(4) Knowingly failing to maintain complete and accurate 1175
records of all dangerous drugs received or dispensed in compliance 1176
with federal laws and regulations and state laws and rules; 1177

(5) Obtaining any remuneration by fraud, misrepresentation, 1178
or deception; 1179

(6) Failing to practice in accordance with acceptable and 1180
prevailing standards for the practice of pharmacy. 1181

(D) The board may suspend a license or identification card 1182
under division (B) of section 3719.121 of the Revised Code by 1183
utilizing a telephone conference call to review the allegations 1184
and take a vote. 1185

(E) If, pursuant to an adjudication under Chapter 119. of the Revised Code, the board has reasonable cause to believe that a pharmacist or pharmacy intern is physically or mentally impaired, the board may require the pharmacist or pharmacy intern to submit to a physical or mental examination, or both.

Sec. 4729.162. (A) As used in this section, "drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.

(B) The state board of pharmacy shall adopt rules in accordance with Chapter 119. of the Revised Code that establish standards and procedures to be followed by a pharmacist regarding the review of patient information available through the drug database under division (A)(6) of section 4729.80 of the Revised Code.

(C) This section and the rules adopted under it do not apply if the board no longer maintains the drug database.

Sec. 4729.291. (A) When a licensed health professional authorized to prescribe drugs personally furnishes drugs to a patient pursuant to division (B) of section 4729.29 of the Revised Code, the prescriber shall ensure that the drugs are labeled and packaged in accordance with state and federal drug laws and any rules and regulations adopted pursuant to those laws. Records of purchase and disposition of all drugs personally furnished to patients shall be maintained by the prescriber in accordance with state and federal drug statutes and any rules adopted pursuant to those statutes.

(B) When personally furnishing to a patient RU-486 (mifepristone), a prescriber is subject to section 2919.123 of the Revised Code. A prescription for RU-486 (mifepristone) shall be in writing and in accordance with section 2919.123 of the Revised

Code. 1216

(C)(1) Except as provided in division ~~(C)(2)(D)~~ of this 1217
section, a prescriber may not do either of the following: 1218

(a) In any thirty-day period, personally furnish to ~~all~~ or 1219
for patients, taken as a whole, controlled substances in an amount 1220
that exceeds a total of two thousand five hundred dosage units; 1221

(b) In any seventy-two-hour period, personally furnish to or 1222
for a patient an amount of a controlled substance that exceeds the 1223
amount necessary for the patient's use in a seventy-two-hour 1224
period. 1225

~~(2) Division (C)(1) of this section does not apply to either~~ 1226
~~of the following:~~ 1227

~~(a) A veterinarian;~~ 1228

~~(b) The amount of any methadone personally furnished to a~~ 1229
~~patient by a prescriber for the purpose of treating drug~~ 1230
~~addiction.~~ 1231

~~(3) The state board of pharmacy may impose a fine of not more~~ 1232
~~than five thousand dollars on a prescriber who fails to comply~~ 1233
~~with the limits established under division (C)(1) of this section.~~ 1234
A separate fine may be imposed for each instance of failing to 1235
comply with the limits. In imposing the fine, the board's actions 1236
shall be taken in accordance with Chapter 119. of the Revised 1237
Code. 1238

(D)(1) None of the following shall be counted in determining 1239
whether the amounts specified in division (C)(1) of this section 1240
have been exceeded: 1241

(a) Methadone provided to patients for the purpose of 1242
treating drug addiction, if the prescriber meets the conditions 1243
specified in 21 C.F.R. 1306.07; 1244

(b) Buprenorphine provided to patients for the purpose of 1245

treating drug addiction, if the prescriber is exempt from separate 1246
registration with the United States drug enforcement 1247
administration pursuant to 21 C.F.R. 1301.28; 1248

(c) Controlled substances provided to research subjects by a 1249
facility conducting clinical research in studies approved by a 1250
hospital-based institutional review board or an institutional 1251
review board accredited by the association for the accreditation 1252
of human research protection programs. 1253

(2) Division (C)(1) of this section does not apply to a 1254
prescriber who is a veterinarian. 1255

Sec. 4729.51. (A) No person other than a registered wholesale 1256
distributor of dangerous drugs shall possess for sale, sell, 1257
distribute, or deliver, at wholesale, dangerous drugs, except as 1258
follows: 1259

(1) A pharmacist who is a licensed terminal distributor of 1260
dangerous drugs or who is employed by a licensed terminal 1261
distributor of dangerous drugs may make occasional sales of 1262
dangerous drugs at wholesale; 1263

(2) A licensed terminal distributor of dangerous drugs having 1264
more than one establishment or place may transfer or deliver 1265
dangerous drugs from one establishment or place for which a 1266
license has been issued to the terminal distributor to another 1267
establishment or place for which a license has been issued to the 1268
terminal distributor if the license issued for each establishment 1269
or place is in effect at the time of the transfer or delivery. 1270

(B)(1) No registered wholesale distributor of dangerous drugs 1271
shall possess for sale, or sell, at wholesale, dangerous drugs to 1272
any person other than the following: 1273

(a) Except as provided in division (B)~~(3)~~(2)(a) of this 1274
section, a licensed health professional authorized to prescribe 1275

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|---|--|
| drugs; | 1276 |
| (b) An optometrist licensed under Chapter 4725. of the Revised Code who holds a topical ocular pharmaceutical agents certificate; | 1277 1278 1279 |
| (c) A registered wholesale distributor of dangerous drugs; | 1280 |
| (d) A manufacturer of dangerous drugs; | 1281 |
| (e) Subject to division (B)(3) of this section, a licensed terminal distributor of dangerous drugs; | 1282 1283 |
| (f) Carriers or warehouses for the purpose of carriage or storage; | 1284 1285 |
| (g) Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state; | 1286 1287 |
| (h) An individual who holds a current license, certificate, or registration issued under Title 47 of the Revised Code and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the state board of pharmacy under section 4729.68 of the Revised Code, but only with respect to insulin that will be used for the purpose of diabetes education and only if diabetes education is within the individual's scope of practice under statutes and rules regulating the individual's profession; | 1288 1289 1290 1291 1292 1293 1294 1295 1296 |
| (i) An individual who holds a valid certificate issued by a nationally recognized S.C.U.B.A. diving certifying organization approved by the state board of pharmacy in rule, but only with respect to medical oxygen that will be used for the purpose of emergency care or treatment at the scene of a diving emergency; | 1297 1298 1299 1300 1301 |
| (j) Except as provided in division (B)(2)(b) of this section, a business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, or a | 1302 1303 1304 1305 |

professional association formed under Chapter 1785. of the Revised 1306
Code if the entity has a sole shareholder who is a licensed health 1307
professional authorized to prescribe drugs and is authorized to 1308
provide the professional services being offered by the entity; 1309

(k) Except as provided in division (B)(2)(c) of this section, 1310
a business entity that is a corporation formed under division (B) 1311
of section 1701.03 of the Revised Code, a limited liability 1312
company formed under Chapter 1705. of the Revised Code, a 1313
partnership or a limited liability partnership formed under 1314
Chapter 1775. of the Revised Code, or a professional association 1315
formed under Chapter 1785. of the Revised Code, if, to be a 1316
shareholder, member, or partner, an individual is required to be 1317
licensed, certified, or otherwise legally authorized under Title 1318
XLVII of the Revised Code to perform the professional service 1319
provided by the entity and each such individual is a licensed 1320
health professional authorized to prescribe drugs. 1321

(2) No registered ~~wholesaler~~ wholesale distributor of 1322
dangerous drugs shall possess for sale, or sell, at wholesale, 1323
dangerous drugs to any of the following: 1324

(a) A prescriber who is employed by a pain management clinic 1325
that is not licensed as a terminal distributor of dangerous drugs 1326
with a pain management clinic classification issued under section 1327
4729.552 of the Revised Code; 1328

(b) A business entity described in division (B)(1)(j) of this 1329
section that is, or is operating, a pain management clinic without 1330
a license as a terminal distributor of dangerous drugs with a pain 1331
management clinic classification issued under section 4729.552 of 1332
the Revised Code; 1333

(c) A business entity described in division (B)(1)(k) of this 1334
section that is, or is operating, a pain management clinic without 1335
a license as a terminal distributor of dangerous drugs with a pain 1336

management clinic classification issued under section 4729.552 of
the Revised Code. 1337
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(3) No registered wholesale distributor of dangerous drugs 1339
shall possess dangerous drugs for sale at wholesale, or sell such 1340
drugs at wholesale, to a licensed terminal distributor of 1341
dangerous drugs, except as follows: 1342

(a) In the case of a terminal distributor with a category I 1343
license, only dangerous drugs described in category I, as defined 1344
in division (A)(1) of section 4729.54 of the Revised Code; 1345

(b) In the case of a terminal distributor with a category II 1346
license, only dangerous drugs described in category I and category 1347
II, as defined in divisions (A)(1) and (2) of section 4729.54 of 1348
the Revised Code; 1349

(c) In the case of a terminal distributor with a category III 1350
license, dangerous drugs described in category I, category II, and 1351
category III, as defined in divisions (A)(1), (2), and (3) of 1352
section 4729.54 of the Revised Code; 1353

(d) In the case of a terminal distributor with a limited 1354
category I, II, or III license, only the dangerous drugs specified 1355
in the certificate furnished by the terminal distributor in 1356
accordance with section 4729.60 of the Revised Code. 1357

(C)(1) Except as provided in division (C)(4) of this section, 1358
no person shall sell, at retail, dangerous drugs. 1359

(2) Except as provided in division (C)(4) of this section, no 1360
person shall possess for sale, at retail, dangerous drugs. 1361

(3) Except as provided in division (C)(4) of this section, no 1362
person shall possess dangerous drugs. 1363

(4) Divisions (C)(1), (2), and (3) of this section do not 1364
apply to a registered wholesale distributor of dangerous drugs, a 1365
licensed terminal distributor of dangerous drugs, or a person who 1366

possesses, or possesses for sale or sells, at retail, a dangerous 1367
drug in accordance with Chapters 3719., 4715., 4723., 4725., 1368
4729., 4730., 4731., and 4741. of the Revised Code. 1369

Divisions (C)(1), (2), and (3) of this section do not apply 1370
to an individual who holds a current license, certificate, or 1371
registration issued under Title XLVII of the Revised Code and has 1372
been certified to conduct diabetes education by a national 1373
certifying body specified in rules adopted by the state board of 1374
pharmacy under section 4729.68 of the Revised Code, but only to 1375
the extent that the individual possesses insulin or personally 1376
supplies insulin solely for the purpose of diabetes education and 1377
only if diabetes education is within the individual's scope of 1378
practice under statutes and rules regulating the individual's 1379
profession. 1380

Divisions (C)(1), (2), and (3) of this section do not apply 1381
to an individual who holds a valid certificate issued by a 1382
nationally recognized S.C.U.B.A. diving certifying organization 1383
approved by the state board of pharmacy in rule, but only to the 1384
extent that the individual possesses medical oxygen or personally 1385
supplies medical oxygen for the purpose of emergency care or 1386
treatment at the scene of a diving emergency. 1387

(D) No licensed terminal distributor of dangerous drugs shall 1388
purchase for the purpose of resale dangerous drugs from any person 1389
other than a registered wholesale distributor of dangerous drugs, 1390
except as follows: 1391

(1) A licensed terminal distributor of dangerous drugs may 1392
make occasional purchases of dangerous drugs for resale from a 1393
pharmacist who is a licensed terminal distributor of dangerous 1394
drugs or who is employed by a licensed terminal distributor of 1395
dangerous drugs; 1396

(2) A licensed terminal distributor of dangerous drugs having 1397

more than one establishment or place may transfer or receive 1398
dangerous drugs from one establishment or place for which a 1399
license has been issued to the terminal distributor to another 1400
establishment or place for which a license has been issued to the 1401
terminal distributor if the license issued for each establishment 1402
or place is in effect at the time of the transfer or receipt. 1403

(E) No licensed terminal distributor of dangerous drugs shall 1404
engage in the sale or other distribution of dangerous drugs at 1405
retail or maintain possession, custody, or control of dangerous 1406
drugs for any purpose other than the distributor's personal use or 1407
consumption, at any establishment or place other than that or 1408
those described in the license issued by the state board of 1409
pharmacy to such terminal distributor. 1410

(F) Nothing in this section shall be construed to interfere 1411
with the performance of official duties by any law enforcement 1412
official authorized by municipal, county, state, or federal law to 1413
collect samples of any drug, regardless of its nature or in whose 1414
possession it may be. 1415

Sec. 4729.552. (A) To be eligible to receive a license as a 1416
category III terminal distributor of dangerous drugs with a pain 1417
management clinic classification, an applicant shall submit 1418
evidence satisfactory to the state board of pharmacy that the 1419
applicant's pain management clinic will be operated in accordance 1420
with the requirements specified in division (B) of this section 1421
and that the applicant meets any other applicable requirements 1422
~~under of this chapter or Chapter 3719. of the Revised Code.~~ 1423

If the board determines that an applicant meets all of the 1424
requirements, the board shall issue to the applicant a license as 1425
a category III terminal distributor of dangerous drugs and specify 1426
on the license that the terminal distributor is classified as a 1427
pain management clinic. 1428

(B) The holder of a terminal distributor license with a pain management clinic classification shall do all of the following: 1429
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(1) Be in control of a facility that is owned and operated solely by one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 1431
1432
1433
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(2) Comply with the requirements for the operation of a pain management clinic, as established by the state medical board in rules adopted under section 4731.054 of the Revised Code; 1435
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(3) Ensure that any person employed by the facility complies with the requirements for the operation of a pain management clinic established by the state medical board in rules adopted under section 4731.054 of the Revised Code; 1438
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~~(3)~~(4) Require any person with ownership of the facility to submit to a criminal records check in accordance with section 4776.02 of the Revised Code and send the results of the criminal records check directly to the state board of pharmacy for review and decision under section 4729.071 of the Revised Code; 1442
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~~(4)~~(5) Require all employees of the facility to submit to a criminal records check in accordance with section 4776.02 of the Revised Code and ensure that no person is employed who has previously been convicted of, or pleaded guilty to, either of the following: 1447
1448
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(a) A theft offense, described in division (K)(3) of section 2913.01 of the Revised Code, that would constitute a felony under the laws of this state, any other state, or the United States; 1452
1453
1454

(b) A felony drug abuse offense, as defined in section 2925.01 of the Revised Code. 1455
1456

~~(5)~~(6) Maintain a list of each person with ownership of the facility and notify the state board of pharmacy of any change to 1457
1458

that list. 1459

(C) No person shall operate a facility that under this 1460
chapter is subject to licensure as a category III terminal 1461
distributor of dangerous drugs with a pain management clinic 1462
classification without obtaining and maintaining the license with 1463
the classification. 1464

No person who holds a category III license with a pain 1465
management clinic classification shall fail to remain in 1466
compliance with the requirements of division ~~(A)~~(B) of this 1467
section and any other applicable requirements ~~under~~ of this 1468
chapter ~~or Chapter 3719. of the Revised Code.~~ 1469

(D) The state board of pharmacy may impose a fine of not more 1470
than five thousand dollars on a terminal distributor of dangerous 1471
drugs license holder who violates division (C) of this section. A 1472
separate fine may be imposed for each day the violation continues. 1473
In imposing the fine, the board's actions shall be taken in 1474
accordance with Chapter 119. of the Revised Code. 1475

(E) The state board of pharmacy shall adopt rules as it 1476
considers necessary to implement and administer this section. The 1477
rules shall be adopted in accordance with Chapter 119. of the 1478
Revised Code. 1479

Sec. 4729.57. (A) The state board of pharmacy may suspend, 1480
revoke, or refuse to grant or renew any license ~~issued to~~ as a 1481
terminal distributor of dangerous drugs ~~pursuant to section~~ 1482
~~4729.54 of the Revised Code,~~ or may impose a monetary penalty or 1483
forfeiture not to exceed in severity any fine designated under the 1484
Revised Code for a similar offense or one thousand dollars if the 1485
acts committed have not been classified as an offense by the 1486
Revised Code, for any of the following causes: 1487

(1) Making any false material statements in an application 1488

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|---|--|
| for a license as a terminal distributor of dangerous drugs; | 1489 |
| (2) Violating any rule of the board; | 1490 |
| (3) Violating any provision of this chapter; | 1491 |
| (4) Violating any provision of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 3715. of the Revised Code; | 1492 1493 1494 |
| (5) Violating any provision of the federal drug abuse control laws or Chapter 2925. or 3719. of the Revised Code; | 1495 1496 |
| (6) Falsely or fraudulently promoting to the public a dangerous drug, except that nothing in this division prohibits a terminal distributor of dangerous drugs from furnishing information concerning a dangerous drug to a health care provider or another licensed terminal distributor; | 1497 1498 1499 1500 1501 |
| (7) Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code; | 1502 1503 1504 |
| (8) Except as provided in division (B) of this section: | 1505 |
| (a) Waiving the payment of all or any part of a deductible or copayment that an individual, pursuant to a health insurance or health care policy, contract, or plan that covers the services provided by a terminal distributor of dangerous drugs, would otherwise be required to pay for the services if the waiver is used as an enticement to a patient or group of patients to receive pharmacy services from that terminal distributor; | 1506 1507 1508 1509 1510 1511 1512 |
| (b) Advertising that the terminal distributor will waive the payment of all or any part of a deductible or copayment that an individual, pursuant to a health insurance or health care policy, contract, or plan that covers the pharmaceutical services, would otherwise be required to pay for the services. | 1513 1514 1515 1516 1517 |
| (B) Sanctions shall not be imposed under division (A)(8) of | 1518 |

this section against any terminal distributor of dangerous drugs 1519
that waives deductibles and copayments as follows: 1520

(1) In compliance with a health benefit plan that expressly 1521
allows such a practice. Waiver of the deductibles or copayments 1522
shall be made only with the full knowledge and consent of the plan 1523
purchaser, payer, and third-party administrator. Documentation of 1524
the consent shall be made available to the board on request. 1525

(2) For professional services rendered to any other person 1526
licensed pursuant to this chapter to the extent allowed by this 1527
chapter and the rules of the board. 1528

(C)(1) Upon the suspension or revocation of a license issued 1529
to a terminal distributor of dangerous drugs or the refusal by the 1530
board to renew such a license, the distributor shall immediately 1531
surrender the license to the board. 1532

(2) The board may place under seal all dangerous drugs that 1533
are owned by or in the possession, custody, or control of a 1534
terminal distributor at the time the license is suspended or 1535
revoked or at the time the board refuses to renew the license. 1536
Except as otherwise provided in this division, dangerous drugs so 1537
sealed shall not be disposed of until appeal rights under Chapter 1538
119. of the Revised Code have expired or an appeal filed pursuant 1539
to that chapter has been determined. 1540

The court involved in an appeal filed pursuant to Chapter 1541
119. of the Revised Code may order the board, during the pendency 1542
of the appeal, to sell sealed dangerous drugs that are perishable. 1543
The proceeds of such a sale shall be deposited with that court. 1544

Sec. 4729.79. (A) If the state board of pharmacy establishes 1545
and maintains a drug database pursuant to section 4729.75 of the 1546
Revised Code, each licensed health professional authorized to 1547
prescribe drugs, ~~other than a veterinarian~~ except as provided in 1548

division (C) of this section, who personally furnishes to a 1549
patient a controlled substance or other dangerous drug the board 1550
includes in the database pursuant to rules adopted under section 1551
4729.84 of the Revised Code ~~to a patient in this state~~ shall 1552
submit to the board the following information: 1553

- (1) Prescriber identification; 1554
- (2) Patient identification; 1555
- (3) Date drug was furnished by the prescriber; 1556
- (4) Indication of whether the drug furnished is new or a 1557
refill; 1558
- (5) Name, strength, and national drug code of drug furnished; 1559
- (6) Quantity of drug furnished; 1560
- (7) Number of days' supply of drug furnished; 1561
- (8) Source of payment for the drug furnished; 1562
- (9) Identification of the owner of the drug furnished. 1563

(B)(1) The information shall be transmitted as specified by 1564
the board in rules adopted under section 4729.84 of the Revised 1565
Code. 1566

(2) The information shall be submitted electronically in the 1567
format specified by the board, except that the board may grant a 1568
waiver allowing the prescriber to submit the information in 1569
another format. 1570

(3) The information shall be submitted in accordance with any 1571
time limits specified by the board, except that the board may 1572
grant an extension if either of the following occurs: 1573

- (a) The prescriber's transmission system suffers a mechanical 1574
or electronic failure, or the prescriber cannot meet the deadline 1575
for other reasons beyond the prescriber's control. 1576

(b) The board is unable to receive electronic submissions. 1577

(C)(1) The information required to be submitted under 1578
division (A) of this section may be submitted on behalf of the 1579
prescriber by the owner of the drug being personally furnished or 1580
by a delegate approved by that owner. 1581

(2) The requirements of this section to submit information to 1582
the board do not apply to a prescriber who is a veterinarian. 1583

(D) If the board becomes aware of a prescriber's failure to 1584
comply with this section, the board shall notify the government 1585
entity responsible for licensing the prescriber. 1586

Sec. 4729.80. (A) If the state board of pharmacy establishes 1587
and maintains a drug database pursuant to section 4729.75 of the 1588
Revised Code, the board is authorized or required to provide 1589
information from the database in accordance with the following: 1590

(1) On receipt of a request from a designated representative 1591
of a government entity responsible for the licensure, regulation, 1592
or discipline of health care professionals with authority to 1593
prescribe, administer, or dispense drugs, the board may provide to 1594
the representative information from the database relating to the 1595
professional who is the subject of an active investigation being 1596
conducted by the government entity. 1597

(2) On receipt of a request from a federal officer, or a 1598
state or local officer of this or any other state, whose duties 1599
include enforcing laws relating to drugs, the board shall provide 1600
to the officer information from the database relating to the 1601
person who is the subject of an active investigation of a drug 1602
abuse offense, as defined in section 2925.01 of the Revised Code, 1603
being conducted by the officer's employing government entity. 1604

(3) Pursuant to a subpoena issued by a grand jury, the board 1605
shall provide to the grand jury information from the database 1606

relating to the person who is the subject of an investigation 1607
being conducted by the grand jury. 1608

(4) Pursuant to a subpoena, search warrant, or court order in 1609
connection with the investigation or prosecution of a possible or 1610
alleged criminal offense, the board shall provide information from 1611
the database as necessary to comply with the subpoena, search 1612
warrant, or court order. 1613

(5) On receipt of a request from a prescriber or the 1614
prescriber's ~~agent registered with~~ delegate approved by the board, 1615
the board may provide to the prescriber information from the 1616
database relating to a current patient of the prescriber, if the 1617
prescriber certifies in a form specified by the board that it is 1618
for the purpose of providing medical treatment to the patient who 1619
is the subject of the request. 1620

(6) On receipt of a request from a pharmacist or the 1621
pharmacist's delegate approved by the board, the board may provide 1622
to the pharmacist information from the database relating to a 1623
current patient of the pharmacist, if the pharmacist certifies in 1624
a form specified by the board that it is for the purpose of the 1625
pharmacist's practice of pharmacy involving the patient who is the 1626
subject of the request. 1627

(7) On receipt of a request from an individual seeking the 1628
individual's own database information in accordance with the 1629
procedure established in rules adopted under section 4729.84 of 1630
the Revised Code, the board may provide to the individual the 1631
individual's own database information. 1632

(8) On receipt of a request from the medical director of a 1633
managed care organization that has entered into a data security 1634
agreement with the board required by section 5111.1710 of the 1635
Revised Code, the board may provide to the medical director 1636
information from the database relating to a medicaid recipient 1637

enrolled in the managed care organization. 1638

(9) On receipt of a request from the director of job and 1639
family services, the board may provide to the director information 1640
from the database relating to a recipient of a program 1641
administered by the department of job and family services. 1642

(10) On receipt of a request from the administrator of 1643
workers' compensation, the board may provide to the administrator 1644
information from the database relating to a claimant under Chapter 1645
4121., 4123., 4127., or 4131. of the Revised Code. 1646

(11) On receipt of a request from a requestor described in 1647
division (A)(1), (2), (5), or (6) of this section who is from or 1648
participating with another state's prescription monitoring 1649
program, the board may provide to the requestor information from 1650
the database, but only if there is a written agreement under which 1651
the information is to be used and disseminated according to the 1652
laws of this state. 1653

(B) The state board of pharmacy shall maintain a record of 1654
each individual or entity that requests information from the 1655
database pursuant to this section. In accordance with rules 1656
adopted under section 4729.84 of the Revised Code, the board may 1657
use the records to document and report statistics and law 1658
enforcement outcomes. 1659

The board may provide records of an individual's requests for 1660
database information to the following: 1661

(1) A designated representative of a government entity that 1662
is responsible for the licensure, regulation, or discipline of 1663
health care professionals with authority to prescribe, administer, 1664
or dispense drugs who is involved in an active investigation being 1665
conducted by the government entity of the individual who submitted 1666
the requests for database information; 1667

(2) A federal officer, or a state or local officer of this or 1668

any other state, whose duties include enforcing laws relating to 1669
drugs and who is involved in an active investigation being 1670
conducted by the officer's employing government entity of the 1671
individual who submitted the requests for database information. 1672

(C) Information contained in the database and any information 1673
obtained from it is not a public record. Information contained in 1674
the records of requests for information from the database is not a 1675
public record. Information that does not identify a person may be 1676
released in summary, statistical, or aggregate form. 1677

(D) A pharmacist or prescriber shall not be held liable in 1678
damages to any person in any civil action for injury, death, or 1679
loss to person or property on the basis that the pharmacist or 1680
prescriber did or did not seek or obtain information from the 1681
database. 1682

Sec. 4729.86. If the state board of pharmacy establishes and 1683
maintains a drug database pursuant to section 4729.75 of the 1684
Revised Code, all of the following apply: 1685

(A)(1) No person identified in divisions (A)(1) to (10) or 1686
(B) of section 4729.80 of the Revised Code shall disseminate any 1687
written or electronic ~~document~~ information the person receives 1688
from the drug database or otherwise provide another person access 1689
to the information that the person receives from the database, 1690
except as follows: 1691

(a) When necessary in the investigation or prosecution of a 1692
possible or alleged criminal offense; 1693

(b) When a person provides the information to the prescriber 1694
or pharmacist for whom the person is approved by the board to 1695
serve as a delegate of the prescriber or pharmacist for purposes 1696
of requesting and receiving information from the drug database 1697
under division (A)(5) or (6) of section 4729.80 of the Revised 1698

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| <u>Code:</u> | 1699 |
| <u>(c) When a prescriber or pharmacist provides the information</u> | 1700 |
| <u>to a person who is approved by the board to serve as such a</u> | 1701 |
| <u>delegate of the prescriber or pharmacist.</u> | 1702 |
| (2) No person shall provide false information to the state | 1703 |
| board of pharmacy with the intent to obtain <u>or alter</u> information | 1704 |
| contained in the drug database. | 1705 |
| (3) No person shall obtain drug database information by any | 1706 |
| means except as provided under section 4729.80 or 4729.81 of the | 1707 |
| Revised Code. | 1708 |
| (B) A person shall not use a document <u>information</u> obtained | 1709 |
| pursuant to division (A) of section 4729.80 of the Revised Code as | 1710 |
| evidence in any civil or administrative proceeding. | 1711 |
| (C)(1) The board may restrict a person from obtaining further | 1712 |
| information from the drug database if any of the following is the | 1713 |
| case: | 1714 |
| (a) The person is convicted of or pleads guilty to a | 1715 |
| violation of <u>violates</u> division (A)(1), (2), or (3) of this | 1716 |
| section; | 1717 |
| (b) The person is a requestor identified in division (A)(11) | 1718 |
| of section 4729.80 of the Revised Code and the board determines | 1719 |
| that the person's actions in another state would have constituted | 1720 |
| a violation of division (A)(1), (2), or (3) of this section; | 1721 |
| (c) The person fails to comply with division (B) of this | 1722 |
| section, regardless of the jurisdiction in which the failure to | 1723 |
| comply occurred. | 1724 |
| (2) The board shall determine the extent to which the person | 1725 |
| is restricted from obtaining further information from the | 1726 |
| database. | 1727 |

Sec. 4730.53. (A) As used in this section, "drug database" 1728
means the database established and maintained by the state board 1729
of pharmacy pursuant to section 4729.75 of the Revised Code. 1730

(B) The medical board shall adopt rules in accordance with 1731
Chapter 119. of the Revised Code that establish standards and 1732
procedures to be followed by a physician assistant who holds a 1733
certificate to prescribe issued under this chapter regarding the 1734
review of patient information available through the drug database 1735
under division (A)(5) of section 4729.80 of the Revised Code. 1736

(C) This section and the rules adopted under it do not apply 1737
if the state board of pharmacy no longer maintains the drug 1738
database. 1739

Sec. 4731.054. (A) As used in this section: 1740

(1) "Chronic pain" has the same meaning as in section 1741
4731.052 of the Revised Code. 1742

(2) "Controlled substance" has the same meaning as in section 1743
3719.01 of the Revised Code. 1744

(3) "Hospital" means a hospital registered with the 1745
department of health under section 3701.07 of the Revised Code. 1746

(4) "Owner" means each person included on the list maintained 1747
under division (B)~~(5)~~(6) of section 4729.552 of the Revised Code. 1748

(5)(a) "Pain management clinic" means a facility to which ~~all~~ 1749
both of the following apply: 1750

(i) ~~The primary component of practice is treatment of pain or~~ 1751
~~chronic pain;~~ 1752

~~(ii)~~ The majority of patients of the prescribers at the 1753
facility are provided treatment for ~~pain or~~ chronic pain ~~that~~ 1754
~~includes~~ through the use of controlled substances, tramadol, 1755
carisoprodol, or other drugs specified in rules adopted under this 1756

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| section; | 1757 |
| (iii) (ii) The facility meets any other identifying criteria established in rules adopted under this section. | 1758 1759 |
| (b) "Pain management clinic" does not include any of the following: | 1760 1761 |
| (i) A hospital; | 1762 |
| (ii) A facility operated by a hospital for the treatment of pain or chronic pain; | 1763 1764 |
| (iii) A physician practice owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals; | 1765 1766 1767 |
| (iv) A school, college, university, or other educational institution or program to the extent that it provides instruction to individuals preparing to practice as physicians, podiatrists, dentists, nurses, physician assistants, optometrists, or veterinarians or any affiliated facility to the extent that it participates in the provision of that instruction; | 1768 1769 1770 1771 1772 1773 |
| (v) A hospice program licensed under Chapter 3712. of the Revised Code; | 1774 1775 |
| (vi) An ambulatory surgical facility licensed under section 3702.30 of the Revised Code; | 1776 1777 |
| (vii) An interdisciplinary pain rehabilitation program with three-year accreditation from the commission on accreditation of rehabilitation facilities; | 1778 1779 1780 |
| <u>(viii) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;</u> | 1781 1782 1783 |
| <u>(ix) A facility conducting only clinical research that may use controlled substances in studies approved by a hospital-based institutional review board or an institutional review board</u> | 1784 1785 1786 |

accredited by the association for the accreditation of human 1787
research protection programs. 1788

(6) "Physician" means an individual authorized under this 1789
chapter to practice medicine and surgery or osteopathic medicine 1790
and surgery. 1791

(7) "Prescriber" has the same meaning as in section 4729.01 1792
of the Revised Code. 1793

(B) Each owner shall supervise, control, and direct the 1794
activities of each individual, including an employee, volunteer, 1795
or individual under contract, who provides treatment of ~~pain or~~ 1796
chronic pain at the clinic or is associated with the provision of 1797
that treatment. The supervision, control, and direction shall be 1798
provided in accordance with rules adopted under this section. 1799

(C) The state medical board shall adopt rules in accordance 1800
with Chapter 119. of the Revised Code that establish all of the 1801
following: 1802

(1) Standards and procedures for the operation of a pain 1803
management clinic; 1804

(2) Standards and procedures to be followed by a physician 1805
who provides care at a pain management clinic; 1806

(3) For purposes of division (A)(5)(a)~~(iii)~~(i) of this 1807
section, the other drugs used to treat ~~pain or~~ chronic pain that 1808
identify a facility as a pain management clinic; 1809

(4) For purposes of division (A)(5)(a)~~(iii)~~(ii) of this 1810
section, the other criteria that identify a facility as a pain 1811
management clinic; 1812

(5) For purposes of division (B) of this section, standards 1813
and procedures to be followed by an owner in providing 1814
supervision, direction, and control of individuals at a pain 1815
management clinic. 1816

(D) The board may impose a fine of not more than twenty thousand dollars on a physician who fails to comply with rules adopted under this section. The fine may be in addition to or in lieu of any other action that may be taken under section 4731.22 of the Revised Code. The board shall deposit any amounts received under this division in accordance with section 4731.24 of the Revised Code.

(E)(1) The board may inspect either of the following as the board determines necessary to ensure compliance with this chapter and any rules adopted under it regarding pain management clinics:

(a) A pain management clinic;

(b) A facility or physician practice that the board suspects is operating as a pain management clinic in violation of this chapter.

(2) The board's inspection shall be conducted in accordance with division (F) of section 4731.22 of the Revised Code.

(3) Before conducting an on-site inspection, the board shall provide notice to the owner or other person in charge of the facility or physician practice, except that the board is not required to provide the notice if, in the judgment of the board, the notice would jeopardize an investigation being conducted by the board.

Sec. 4731.055. (A) As used in this section:

(1) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.

(2) "Physician" means an individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.

(B) The state medical board shall adopt rules in accordance

with Chapter 119. of the Revised Code that establish standards and 1847
procedures to be followed by a physician regarding the review of 1848
patient information available through the drug database under 1849
division (A)(5) of section 4729.80 of the Revised Code. 1850

(C) This section and the rules adopted under it do not apply 1851
if the state board of pharmacy no longer maintains the drug 1852
database. 1853

Sec. 4731.22. (A) The state medical board, by an affirmative 1854
vote of not fewer than six of its members, may limit, revoke, or 1855
may suspend an individual's certificate to practice, refuse to 1856
grant a certificate to ~~a person~~ an individual, refuse to register 1857
an individual, refuse to reinstate a certificate, or reprimand or 1858
place on probation the holder of a certificate if the individual 1859
or certificate holder is found by the board to have committed 1860
fraud during the administration of the examination for a 1861
certificate to practice or to have committed fraud, 1862
misrepresentation, or deception in applying for or securing any 1863
certificate to practice or certificate of registration issued by 1864
the board. 1865

(B) The board, by an affirmative vote of not fewer than six 1866
members, shall, to the extent permitted by law, limit, revoke, or 1867
suspend an individual's certificate to practice, refuse to 1868
register an individual, refuse to reinstate a certificate, or 1869
reprimand or place on probation the holder of a certificate for 1870
one or more of the following reasons: 1871

(1) Permitting one's name or one's certificate to practice or 1872
certificate of registration to be used by a person, group, or 1873
corporation when the individual concerned is not actually 1874
directing the treatment given; 1875

(2) Failure to maintain minimal standards applicable to the 1876
selection or administration of drugs, or failure to employ 1877

acceptable scientific methods in the selection of drugs or other 1878
modalities for treatment of disease; 1879

(3) Selling, giving away, personally furnishing, prescribing, 1880
or administering drugs for other than legal and legitimate 1881
therapeutic purposes or a plea of guilty to, a judicial finding of 1882
guilt of, or a judicial finding of eligibility for intervention in 1883
lieu of conviction of, a violation of any federal or state law 1884
regulating the possession, distribution, or use of any drug; 1885

(4) Willfully betraying a professional confidence. 1886

For purposes of this division, "willfully betraying a 1887
professional confidence" does not include providing any 1888
information, documents, or reports to a child fatality review 1889
board under sections 307.621 to 307.629 of the Revised Code and 1890
does not include the making of a report of an employee's use of a 1891
drug of abuse, or a report of a condition of an employee other 1892
than one involving the use of a drug of abuse, to the employer of 1893
the employee as described in division (B) of section 2305.33 of 1894
the Revised Code. Nothing in this division affects the immunity 1895
from civil liability conferred by that section upon a physician 1896
who makes either type of report in accordance with division (B) of 1897
that section. As used in this division, "employee," "employer," 1898
and "physician" have the same meanings as in section 2305.33 of 1899
the Revised Code. 1900

(5) Making a false, fraudulent, deceptive, or misleading 1901
statement in the solicitation of or advertising for patients; in 1902
relation to the practice of medicine and surgery, osteopathic 1903
medicine and surgery, podiatric medicine and surgery, or a limited 1904
branch of medicine; or in securing or attempting to secure any 1905
certificate to practice or certificate of registration issued by 1906
the board. 1907

As used in this division, "false, fraudulent, deceptive, or 1908

misleading statement" means a statement that includes a 1909
misrepresentation of fact, is likely to mislead or deceive because 1910
of a failure to disclose material facts, is intended or is likely 1911
to create false or unjustified expectations of favorable results, 1912
or includes representations or implications that in reasonable 1913
probability will cause an ordinarily prudent person to 1914
misunderstand or be deceived. 1915

(6) A departure from, or the failure to conform to, minimal 1916
standards of care of similar practitioners under the same or 1917
similar circumstances, whether or not actual injury to a patient 1918
is established; 1919

(7) Representing, with the purpose of obtaining compensation 1920
or other advantage as personal gain or for any other person, that 1921
an incurable disease or injury, or other incurable condition, can 1922
be permanently cured; 1923

(8) The obtaining of, or attempting to obtain, money or 1924
anything of value by fraudulent misrepresentations in the course 1925
of practice; 1926

(9) A plea of guilty to, a judicial finding of guilt of, or a 1927
judicial finding of eligibility for intervention in lieu of 1928
conviction for, a felony; 1929

(10) Commission of an act that constitutes a felony in this 1930
state, regardless of the jurisdiction in which the act was 1931
committed; 1932

(11) A plea of guilty to, a judicial finding of guilt of, or 1933
a judicial finding of eligibility for intervention in lieu of 1934
conviction for, a misdemeanor committed in the course of practice; 1935

(12) Commission of an act in the course of practice that 1936
constitutes a misdemeanor in this state, regardless of the 1937
jurisdiction in which the act was committed; 1938

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| (13) A plea of guilty to, a judicial finding of guilt of, or | 1939 |
| a judicial finding of eligibility for intervention in lieu of | 1940 |
| conviction for, a misdemeanor involving moral turpitude; | 1941 |
| (14) Commission of an act involving moral turpitude that | 1942 |
| constitutes a misdemeanor in this state, regardless of the | 1943 |
| jurisdiction in which the act was committed; | 1944 |
| (15) Violation of the conditions of limitation placed by the | 1945 |
| board upon a certificate to practice; | 1946 |
| (16) Failure to pay license renewal fees specified in this | 1947 |
| chapter; | 1948 |
| (17) Except as authorized in section 4731.31 of the Revised | 1949 |
| Code, engaging in the division of fees for referral of patients, | 1950 |
| or the receiving of a thing of value in return for a specific | 1951 |
| referral of a patient to utilize a particular service or business; | 1952 |
| (18) Subject to section 4731.226 of the Revised Code, | 1953 |
| violation of any provision of a code of ethics of the American | 1954 |
| medical association, the American osteopathic association, the | 1955 |
| American podiatric medical association, or any other national | 1956 |
| professional organizations that the board specifies by rule. The | 1957 |
| state medical board shall obtain and keep on file current copies | 1958 |
| of the codes of ethics of the various national professional | 1959 |
| organizations. The individual whose certificate is being suspended | 1960 |
| or revoked shall not be found to have violated any provision of a | 1961 |
| code of ethics of an organization not appropriate to the | 1962 |
| individual's profession. | 1963 |
| For purposes of this division, a "provision of a code of | 1964 |
| ethics of a national professional organization" does not include | 1965 |
| any provision that would preclude the making of a report by a | 1966 |
| physician of an employee's use of a drug of abuse, or of a | 1967 |
| condition of an employee other than one involving the use of a | 1968 |
| drug of abuse, to the employer of the employee as described in | 1969 |

division (B) of section 2305.33 of the Revised Code. Nothing in 1970
this division affects the immunity from civil liability conferred 1971
by that section upon a physician who makes either type of report 1972
in accordance with division (B) of that section. As used in this 1973
division, "employee," "employer," and "physician" have the same 1974
meanings as in section 2305.33 of the Revised Code. 1975

(19) Inability to practice according to acceptable and 1976
prevailing standards of care by reason of mental illness or 1977
physical illness, including, but not limited to, physical 1978
deterioration that adversely affects cognitive, motor, or 1979
perceptive skills. 1980

In enforcing this division, the board, upon a showing of a 1981
possible violation, may compel any individual authorized to 1982
practice by this chapter or who has submitted an application 1983
pursuant to this chapter to submit to a mental examination, 1984
physical examination, including an HIV test, or both a mental and 1985
a physical examination. The expense of the examination is the 1986
responsibility of the individual compelled to be examined. Failure 1987
to submit to a mental or physical examination or consent to an HIV 1988
test ordered by the board constitutes an admission of the 1989
allegations against the individual unless the failure is due to 1990
circumstances beyond the individual's control, and a default and 1991
final order may be entered without the taking of testimony or 1992
presentation of evidence. If the board finds an individual unable 1993
to practice because of the reasons set forth in this division, the 1994
board shall require the individual to submit to care, counseling, 1995
or treatment by physicians approved or designated by the board, as 1996
a condition for initial, continued, reinstated, or renewed 1997
authority to practice. An individual affected under this division 1998
shall be afforded an opportunity to demonstrate to the board the 1999
ability to resume practice in compliance with acceptable and 2000
prevailing standards under the provisions of the individual's 2001

certificate. For the purpose of this division, any individual who
applies for or receives a certificate to practice under this
chapter accepts the privilege of practicing in this state and, by
so doing, 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.

(20) Except when civil penalties are imposed under section
4731.225 or 4731.281 of the Revised Code, and subject to section
4731.226 of the Revised Code, violating or attempting to violate,
directly or indirectly, or assisting in or abetting the violation
of, or conspiring to violate, any provisions of this chapter or
any rule promulgated by the board.

This division does not apply to a violation or attempted
violation of, assisting in or abetting the violation of, or a
conspiracy to violate, any provision of this chapter or any rule
adopted by the board that would preclude the making of a report by
a physician of an employee's use of a drug of abuse, or of a
condition of an employee other than one involving the use of a
drug of abuse, to the employer of the employee as described in
division (B) of section 2305.33 of the Revised Code. Nothing in
this division affects the immunity from civil liability conferred
by that section upon a physician who makes either type of report
in accordance with division (B) of that section. As used in this
division, "employee," "employer," and "physician" have the same
meanings as in section 2305.33 of the Revised Code.

(21) The violation of section 3701.79 of the Revised Code or
of any abortion rule adopted by the public health council pursuant
to section 3701.341 of the Revised Code;

(22) Any of the following actions taken by an agency
responsible for authorizing, certifying, or regulating an

individual to practice a health care occupation or provide health 2034
care services in this state or another jurisdiction, for any 2035
reason other than the nonpayment of fees: the limitation, 2036
revocation, or suspension of an individual's license to practice; 2037
acceptance of an individual's license surrender; denial of a 2038
license; refusal to renew or reinstate a license; imposition of 2039
probation; or issuance of an order of censure or other reprimand; 2040

(23) The violation of section 2919.12 of the Revised Code or 2041
the performance or inducement of an abortion upon a pregnant woman 2042
with actual knowledge that the conditions specified in division 2043
(B) of section 2317.56 of the Revised Code have not been satisfied 2044
or with a heedless indifference as to whether those conditions 2045
have been satisfied, unless an affirmative defense as specified in 2046
division (H)(2) of that section would apply in a civil action 2047
authorized by division (H)(1) of that section; 2048

(24) The revocation, suspension, restriction, reduction, or 2049
termination of clinical privileges by the United States department 2050
of defense or department of veterans affairs or the termination or 2051
suspension of a certificate of registration to prescribe drugs by 2052
the drug enforcement administration of the United States 2053
department of justice; 2054

(25) Termination or suspension from participation in the 2055
medicare or medicaid programs by the department of health and 2056
human services or other responsible agency for any act or acts 2057
that also would constitute a violation of division (B)(2), (3), 2058
(6), (8), or (19) of this section; 2059

(26) Impairment of ability to practice according to 2060
acceptable and prevailing standards of care because of habitual or 2061
excessive use or abuse of drugs, alcohol, or other substances that 2062
impair ability to practice. 2063

For the purposes of this division, any individual authorized 2064

to practice by this chapter accepts the privilege of practicing in 2065
this state subject to supervision by the board. By filing an 2066
application for or holding a certificate to practice under this 2067
chapter, an individual shall be deemed to have given consent to 2068
submit to a mental or physical examination when ordered to do so 2069
by the board in writing, and to have waived all objections to the 2070
admissibility of testimony or examination reports that constitute 2071
privileged communications. 2072

If it has reason to believe that any individual authorized to 2073
practice by this chapter or any applicant for certification to 2074
practice suffers such impairment, the board may compel the 2075
individual to submit to a mental or physical examination, or both. 2076
The expense of the examination is the responsibility of the 2077
individual compelled to be examined. Any mental or physical 2078
examination required under this division shall be undertaken by a 2079
treatment provider or physician who is qualified to conduct the 2080
examination and who is chosen by the board. 2081

Failure to submit to a mental or physical examination ordered 2082
by the board constitutes an admission of the allegations against 2083
the individual unless the failure is due to circumstances beyond 2084
the individual's control, and a default and final order may be 2085
entered without the taking of testimony or presentation of 2086
evidence. If the board determines that the individual's ability to 2087
practice is impaired, the board shall suspend the individual's 2088
certificate or deny the individual's application and shall require 2089
the individual, as a condition for initial, continued, reinstated, 2090
or renewed certification to practice, to submit to treatment. 2091

Before being eligible to apply for reinstatement of a 2092
certificate suspended under this division, the impaired 2093
practitioner shall demonstrate to the board the ability to resume 2094
practice in compliance with acceptable and prevailing standards of 2095
care under the provisions of the practitioner's certificate. The 2096

demonstration shall include, but shall not be limited to, the 2097
following: 2098

(a) Certification from a treatment provider approved under 2099
section 4731.25 of the Revised Code that the individual has 2100
successfully completed any required inpatient treatment; 2101

(b) Evidence of continuing full compliance with an aftercare 2102
contract or consent agreement; 2103

(c) Two written reports indicating that the individual's 2104
ability to practice has been assessed and that the individual has 2105
been found capable of practicing according to acceptable and 2106
prevailing standards of care. The reports shall be made by 2107
individuals or providers approved by the board for making the 2108
assessments and shall describe the basis for their determination. 2109

The board may reinstate a certificate suspended under this 2110
division after that demonstration and after the individual has 2111
entered into a written consent agreement. 2112

When the impaired practitioner resumes practice, the board 2113
shall require continued monitoring of the individual. The 2114
monitoring shall include, but not be limited to, compliance with 2115
the written consent agreement entered into before reinstatement or 2116
with conditions imposed by board order after a hearing, and, upon 2117
termination of the consent agreement, submission to the board for 2118
at least two years of annual written progress reports made under 2119
penalty of perjury stating whether the individual has maintained 2120
sobriety. 2121

(27) A second or subsequent violation of section 4731.66 or 2122
4731.69 of the Revised Code; 2123

(28) Except as provided in division (N) of this section: 2124

(a) Waiving the payment of all or any part of a deductible or 2125
copayment that a patient, pursuant to a health insurance or health 2126

care policy, contract, or plan that covers the individual's 2127
services, otherwise would be required to pay if the waiver is used 2128
as an enticement to a patient or group of patients to receive 2129
health care services from that individual; 2130

(b) Advertising that the individual will waive the payment of 2131
all or any part of a deductible or copayment that a patient, 2132
pursuant to a health insurance or health care policy, contract, or 2133
plan that covers the individual's services, otherwise would be 2134
required to pay. 2135

(29) Failure to use universal blood and body fluid 2136
precautions established by rules adopted under section 4731.051 of 2137
the Revised Code; 2138

(30) Failure to provide notice to, and receive acknowledgment 2139
of the notice from, a patient when required by section 4731.143 of 2140
the Revised Code prior to providing nonemergency professional 2141
services, or failure to maintain that notice in the patient's 2142
file; 2143

(31) Failure of a physician supervising a physician assistant 2144
to maintain supervision in accordance with the requirements of 2145
Chapter 4730. of the Revised Code and the rules adopted under that 2146
chapter; 2147

(32) Failure of a physician or podiatrist to enter into a 2148
standard care arrangement with a clinical nurse specialist, 2149
certified nurse-midwife, or certified nurse practitioner with whom 2150
the physician or podiatrist is in collaboration pursuant to 2151
section 4731.27 of the Revised Code or failure to fulfill the 2152
responsibilities of collaboration after entering into a standard 2153
care arrangement; 2154

(33) Failure to comply with the terms of a consult agreement 2155
entered into with a pharmacist pursuant to section 4729.39 of the 2156
Revised Code; 2157

| | |
|--|------|
| (34) Failure to cooperate in an investigation conducted by | 2158 |
| the board under division (F) of this section, including failure to | 2159 |
| comply with a subpoena or order issued by the board or failure to | 2160 |
| answer truthfully a question presented by the board <u>in an</u> | 2161 |
| <u>investigative interview, an investigative office conference,</u> at a | 2162 |
| deposition, or in written interrogatories, except that failure to | 2163 |
| cooperate with an investigation shall not constitute grounds for | 2164 |
| discipline under this section if a court of competent jurisdiction | 2165 |
| has issued an order that either quashes a subpoena or permits the | 2166 |
| individual to withhold the testimony or evidence in issue; | 2167 |
| (35) Failure to supervise an acupuncturist in accordance with | 2168 |
| Chapter 4762. of the Revised Code and the board's rules for | 2169 |
| supervision of an acupuncturist; | 2170 |
| (36) Failure to supervise an anesthesiologist assistant in | 2171 |
| accordance with Chapter 4760. of the Revised Code and the board's | 2172 |
| rules for supervision of an anesthesiologist assistant; | 2173 |
| (37) Assisting suicide as defined in section 3795.01 of the | 2174 |
| Revised Code; | 2175 |
| (38) Failure to comply with the requirements of section | 2176 |
| 2317.561 of the Revised Code; | 2177 |
| (39) Failure to supervise a radiologist assistant in | 2178 |
| accordance with Chapter 4774. of the Revised Code and the board's | 2179 |
| rules for supervision of radiologist assistants; | 2180 |
| (40) Performing or inducing an abortion at an office or | 2181 |
| facility with knowledge that the office or facility fails to post | 2182 |
| the notice required under section 3701.791 of the Revised Code; | 2183 |
| (41) Failure to comply with the standards and procedures | 2184 |
| established in rules under section 4731.054 of the Revised Code | 2185 |
| for the operation of or the provision of care at a pain management | 2186 |
| clinic; | 2187 |

| | |
|--|--|
| (42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic; | 2188 2189 2190 2191 |
| (43) Failure to comply with the requirements of section 4729.79 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; | 2192 2193 2194 2195 |
| (41) (44) Failure to comply with the requirements of section 2919.171 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 of the Revised Code; | 2196 2197 2198 2199 |
| <u>(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;</u> | 2200 2201 2202 2203 2204 |
| <u>(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification.</u> | 2205 2206 2207 2208 |
| (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 an individual 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 | 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 |

admissions and findings contained in the consent agreement shall 2219
be of no force or effect. 2220

A telephone conference call may be utilized for ratification 2221
of a consent agreement that revokes or suspends an individual's 2222
certificate to practice. The telephone conference call shall be 2223
considered a special meeting under division (F) of section 121.22 2224
of the Revised Code. 2225

If the board takes disciplinary action against an individual 2226
under division (B) of this section for a second or subsequent plea 2227
of guilty to, or judicial finding of guilt of, a violation of 2228
section 2919.123 of the Revised Code, the disciplinary action 2229
shall consist of a suspension of the individual's certificate to 2230
practice for a period of at least one year or, if determined 2231
appropriate by the board, a more serious sanction involving the 2232
individual's certificate to practice. Any consent agreement 2233
entered into under this division with an individual that pertains 2234
to a second or subsequent plea of guilty to, or judicial finding 2235
of guilt of, a violation of that section shall provide for a 2236
suspension of the individual's certificate to practice for a 2237
period of at least one year or, if determined appropriate by the 2238
board, a more serious sanction involving the individual's 2239
certificate to practice. 2240

(D) For purposes of divisions (B)(10), (12), and (14) of this 2241
section, the commission of the act may be established by a finding 2242
by the board, pursuant to an adjudication under Chapter 119. of 2243
the Revised Code, that the individual committed the act. The board 2244
does not have jurisdiction under those divisions if the trial 2245
court renders a final judgment in the individual's favor and that 2246
judgment is based upon an adjudication on the merits. The board 2247
has jurisdiction under those divisions if the trial court issues 2248
an order of dismissal upon technical or procedural grounds. 2249

(E) The sealing of conviction records by any court shall have 2250

no effect upon a prior board order entered under this section or 2251
upon the board's jurisdiction to take action under this section 2252
if, based upon a plea of guilty, a judicial finding of guilt, or a 2253
judicial finding of eligibility for intervention in lieu of 2254
conviction, the board issued a notice of opportunity for a hearing 2255
prior to the court's order to seal the records. The board shall 2256
not be required to seal, destroy, redact, or otherwise modify its 2257
records to reflect the court's sealing of conviction records. 2258

(F)(1) The board shall investigate evidence that appears to 2259
show that a person has violated any provision of this chapter or 2260
any rule adopted under it. Any person may report to the board in a 2261
signed writing any information that the person may have that 2262
appears to show a violation of any provision of this chapter or 2263
any rule adopted under it. In the absence of bad faith, any person 2264
who reports information of that nature or who testifies before the 2265
board in any adjudication conducted under Chapter 119. of the 2266
Revised Code shall not be liable in damages in a civil action as a 2267
result of the report or testimony. Each complaint or allegation of 2268
a violation received by the board shall be assigned a case number 2269
and shall be recorded by the board. 2270

(2) Investigations of alleged violations of this chapter or 2271
any rule adopted under it shall be supervised by the supervising 2272
member elected by the board in accordance with section 4731.02 of 2273
the Revised Code and by the secretary as provided in section 2274
4731.39 of the Revised Code. The president may designate another 2275
member of the board to supervise the investigation in place of the 2276
supervising member. No member of the board who supervises the 2277
investigation of a case shall participate in further adjudication 2278
of the case. 2279

(3) In investigating a possible violation of this chapter or 2280
any rule adopted under this chapter, or in conducting an 2281
inspection under division (E) of section 4731.054 of the Revised 2282

Code, the board may question witnesses, conduct interviews, 2283
administer oaths, order the taking of depositions, inspect and 2284
copy any books, accounts, papers, records, or documents, issue 2285
subpoenas, and compel the attendance of witnesses and production 2286
of books, accounts, papers, records, documents, and testimony, 2287
except that a subpoena for patient record information shall not be 2288
issued without consultation with the attorney general's office and 2289
approval of the secretary and supervising member of the board. 2290
Before 2291

(a) Before issuance of a subpoena for patient record 2292
information, the secretary and supervising member shall determine 2293
whether there is probable cause to believe that the complaint 2294
filed alleges a violation of this chapter or any rule adopted 2295
under it and that the records sought are relevant to the alleged 2296
violation and material to the investigation. The subpoena may 2297
apply only to records that cover a reasonable period of time 2298
surrounding the alleged violation. 2299

(b) On failure to comply with any subpoena issued by the 2300
board and after reasonable notice to the person being subpoenaed, 2301
the board may move for an order compelling the production of 2302
persons or records pursuant to the Rules of Civil Procedure. 2303

(c) A subpoena issued by the board may be served by a 2304
sheriff, the sheriff's deputy, or a board employee designated by 2305
the board. Service of a subpoena issued by the board may be made 2306
by delivering a copy of the subpoena to the person named therein, 2307
reading it to the person, or leaving it at the person's usual 2308
place of residence, usual place of business, or address on file 2309
with the board. When ~~the person being served is a person whose~~ 2310
~~practice is authorized by~~ serving a subpoena to an applicant for 2311
or the holder of a certificate issued under this chapter, service 2312
of the subpoena may be made by certified mail, ~~restricted~~ 2313
~~delivery~~, return receipt requested, and the subpoena shall be 2314

deemed served on the date delivery is made or the date the person 2315
refuses to accept delivery. If the person being served refuses to 2316
accept the subpoena or is not located, service may be made to an 2317
attorney who notifies the board that the attorney is representing 2318
the person. 2319

(d) A sheriff's deputy who serves a subpoena shall receive 2320
the same fees as a sheriff. Each witness who appears before the 2321
board in obedience to a subpoena shall receive the fees and 2322
mileage provided for under section 119.094 of the Revised Code. 2323

(4) All hearings ~~and~~, investigations, and inspections of the 2324
board shall be considered civil actions for the purposes of 2325
section 2305.252 of the Revised Code. 2326

(5) ~~Information~~ A report required to be submitted to the 2327
board under this chapter, a complaint, or information received by 2328
the board pursuant to an investigation ~~is~~ or pursuant to an 2329
inspection under division (E) of section 4731.054 of the Revised 2330
Code is confidential and not subject to discovery in any civil 2331
action. 2332

The board shall conduct all investigations or inspections and 2333
proceedings in a manner that protects the confidentiality of 2334
patients and persons who file complaints with the board. The board 2335
shall not make public the names or any other identifying 2336
information about patients or complainants unless proper consent 2337
is given or, in the case of a patient, a waiver of the patient 2338
privilege exists under division (B) of section 2317.02 of the 2339
Revised Code, except that consent or a waiver of that nature is 2340
not required if the board possesses reliable and substantial 2341
evidence that no bona fide physician-patient relationship exists. 2342

The board may share any information it receives pursuant to 2343
an investigation or inspection, including patient records and 2344
patient record information, with law enforcement agencies, other 2345

licensing boards, and other governmental agencies that are 2346
prosecuting, adjudicating, or investigating alleged violations of 2347
statutes or administrative rules. An agency or board that receives 2348
the information shall comply with the same requirements regarding 2349
confidentiality as those with which the state medical board must 2350
comply, notwithstanding any conflicting provision of the Revised 2351
Code or procedure of the agency or board that applies when it is 2352
dealing with other information in its possession. In a judicial 2353
proceeding, the information may be admitted into evidence only in 2354
accordance with the Rules of Evidence, but the court shall require 2355
that appropriate measures are taken to ensure that confidentiality 2356
is maintained with respect to any part of the information that 2357
contains names or other identifying information about patients or 2358
complainants whose confidentiality was protected by the state 2359
medical board when the information was in the board's possession. 2360
Measures to ensure confidentiality that may be taken by the court 2361
include sealing its records or deleting specific information from 2362
its records. 2363

(6) On a quarterly basis, the board shall prepare a report 2364
that documents the disposition of all cases during the preceding 2365
three months. The report shall contain the following information 2366
for each case with which the board has completed its activities: 2367

(a) The case number assigned to the complaint or alleged 2368
violation; 2369

(b) The type of certificate to practice, if any, held by the 2370
individual against whom the complaint is directed; 2371

(c) A description of the allegations contained in the 2372
complaint; 2373

(d) The disposition of the case. 2374

The report shall state how many cases are still pending and 2375
shall be prepared in a manner that protects the identity of each 2376

person involved in each case. The report shall be a public record 2377
under section 149.43 of the Revised Code. 2378

(G) If the secretary and supervising member determine both of 2379
the following, they may recommend that the board suspend an 2380
individual's certificate to practice without a prior hearing: 2381

(1) That there is clear and convincing evidence that an 2382
individual has violated division (B) of this section; 2383

(2) That the individual's continued practice presents a 2384
danger of immediate and serious harm to the public. 2385

Written allegations shall be prepared for consideration by 2386
the board. The board, upon review of those allegations and by an 2387
affirmative vote of not fewer than six of its members, excluding 2388
the secretary and supervising member, may suspend a certificate 2389
without a prior hearing. A telephone conference call may be 2390
utilized for reviewing the allegations and taking the vote on the 2391
summary suspension. 2392

The board shall issue a written order of suspension by 2393
certified mail or in person in accordance with section 119.07 of 2394
the Revised Code. The order shall not be subject to suspension by 2395
the court during pendency of any appeal filed under section 119.12 2396
of the Revised Code. If the individual subject to the summary 2397
suspension requests an adjudicatory hearing by the board, the date 2398
set for the hearing shall be within fifteen days, but not earlier 2399
than seven days, after the individual requests the hearing, unless 2400
otherwise agreed to by both the board and the individual. 2401

Any summary suspension imposed under this division shall 2402
remain in effect, unless reversed on appeal, until a final 2403
adjudicative order issued by the board pursuant to this section 2404
and Chapter 119. of the Revised Code becomes effective. The board 2405
shall issue its final adjudicative order within seventy-five days 2406
after completion of its hearing. A failure to issue the order 2407

within seventy-five days shall result in dissolution of the 2408
summary suspension order but shall not invalidate any subsequent, 2409
final adjudicative order. 2410

(H) If the board takes action under division (B)(9), (11), or 2411
(13) of this section and the judicial finding of guilt, guilty 2412
plea, or judicial finding of eligibility for intervention in lieu 2413
of conviction is overturned on appeal, upon exhaustion of the 2414
criminal appeal, a petition for reconsideration of the order may 2415
be filed with the board along with appropriate court documents. 2416
Upon receipt of a petition of that nature and supporting court 2417
documents, the board shall reinstate the individual's certificate 2418
to practice. The board may then hold an adjudication under Chapter 2419
119. of the Revised Code to determine whether the individual 2420
committed the act in question. Notice of an opportunity for a 2421
hearing shall be given in accordance with Chapter 119. of the 2422
Revised Code. If the board finds, pursuant to an adjudication held 2423
under this division, that the individual committed the act or if 2424
no hearing is requested, the board may order any of the sanctions 2425
identified under division (B) of this section. 2426

(I) The certificate to practice issued to an individual under 2427
this chapter and the individual's practice in this state are 2428
automatically suspended as of the date of the individual's second 2429
or subsequent plea of guilty to, or judicial finding of guilt of, 2430
a violation of section 2919.123 of the Revised Code, or the date 2431
the individual pleads guilty to, is found by a judge or jury to be 2432
guilty of, or is subject to a judicial finding of eligibility for 2433
intervention in lieu of conviction in this state or treatment or 2434
intervention in lieu of conviction in another jurisdiction for any 2435
of the following criminal offenses in this state or a 2436
substantially equivalent criminal offense in another jurisdiction: 2437
aggravated murder, murder, voluntary manslaughter, felonious 2438
assault, kidnapping, rape, sexual battery, gross sexual 2439

imposition, aggravated arson, aggravated robbery, or aggravated 2440
burglary. Continued practice after suspension shall be considered 2441
practicing without a certificate. 2442

The board shall notify the individual subject to the 2443
suspension by certified mail or in person in accordance with 2444
section 119.07 of the Revised Code. If an individual whose 2445
certificate is automatically suspended under this division fails 2446
to make a timely request for an adjudication under Chapter 119. of 2447
the Revised Code, the board shall do whichever of the following is 2448
applicable: 2449

(1) If the automatic suspension under this division is for a 2450
second or subsequent plea of guilty to, or judicial finding of 2451
guilt of, a violation of section 2919.123 of the Revised Code, the 2452
board shall enter an order suspending the individual's certificate 2453
to practice for a period of at least one year or, if determined 2454
appropriate by the board, imposing a more serious sanction 2455
involving the individual's certificate to practice. 2456

(2) In all circumstances in which division (I)(1) of this 2457
section does not apply, enter a final order permanently revoking 2458
the individual's certificate to practice. 2459

(J) If the board is required by Chapter 119. of the Revised 2460
Code to give notice of an opportunity for a hearing and if the 2461
individual subject to the notice does not timely request a hearing 2462
in accordance with section 119.07 of the Revised Code, the board 2463
is not required to hold a hearing, but may adopt, by an 2464
affirmative vote of not fewer than six of its members, a final 2465
order that contains the board's findings. In that final order, the 2466
board may order any of the sanctions identified under division (A) 2467
or (B) of this section. 2468

(K) Any action taken by the board under division (B) of this 2469
section resulting in a suspension from practice shall be 2470

accompanied by a written statement of the conditions under which 2471
the individual's certificate to practice may be reinstated. The 2472
board shall adopt rules governing conditions to be imposed for 2473
reinstatement. Reinstatement of a certificate suspended pursuant 2474
to division (B) of this section requires an affirmative vote of 2475
not fewer than six members of the board. 2476

(L) When the board refuses to grant a certificate to an 2477
applicant, revokes an individual's certificate to practice, 2478
refuses to register an applicant, or refuses to reinstate an 2479
individual's certificate to practice, the board may specify that 2480
its action is permanent. An individual subject to a permanent 2481
action taken by the board is forever thereafter ineligible to hold 2482
a certificate to practice and the board shall not accept an 2483
application for reinstatement of the certificate or for issuance 2484
of a new certificate. 2485

(M) Notwithstanding any other provision of the Revised Code, 2486
all of the following apply: 2487

(1) The surrender of a certificate issued under this chapter 2488
shall not be effective unless or until accepted by the board. A 2489
telephone conference call may be utilized for acceptance of the 2490
surrender of an individual's certificate to practice. The 2491
telephone conference call shall be considered a special meeting 2492
under division (F) of section 121.22 of the Revised Code. 2493
Reinstatement of a certificate surrendered to the board requires 2494
an affirmative vote of not fewer than six members of the board. 2495

(2) An application for a certificate made under the 2496
provisions of this chapter may not be withdrawn without approval 2497
of the board. 2498

(3) Failure by an individual to renew a certificate of 2499
registration in accordance with this chapter shall not remove or 2500
limit the board's jurisdiction to take any disciplinary action 2501

under this section against the individual. 2502

(4) At the request of the board, a certificate holder shall 2503
immediately surrender to the board a certificate that the board 2504
has suspended, revoked, or permanently revoked. 2505

(N) Sanctions shall not be imposed under division (B)(28) of 2506
this section against any person who waives deductibles and 2507
copayments as follows: 2508

(1) In compliance with the health benefit plan that expressly 2509
allows such a practice. Waiver of the deductibles or copayments 2510
shall be made only with the full knowledge and consent of the plan 2511
purchaser, payer, and third-party administrator. Documentation of 2512
the consent shall be made available to the board upon request. 2513

(2) For professional services rendered to any other person 2514
authorized to practice pursuant to this chapter, to the extent 2515
allowed by this chapter and rules adopted by the board. 2516

(O) Under the board's investigative duties described in this 2517
section and subject to division (F) of this section, the board 2518
shall develop and implement a quality intervention program 2519
designed to improve through remedial education the clinical and 2520
communication skills of individuals authorized under this chapter 2521
to practice medicine and surgery, osteopathic medicine and 2522
surgery, and podiatric medicine and surgery. In developing and 2523
implementing the quality intervention program, the board may do 2524
all of the following: 2525

(1) Offer in appropriate cases as determined by the board an 2526
educational and assessment program pursuant to an investigation 2527
the board conducts under this section; 2528

(2) Select providers of educational and assessment services, 2529
including a quality intervention program panel of case reviewers; 2530

(3) Make referrals to educational and assessment service 2531

providers and approve individual educational programs recommended 2532
by those providers. The board shall monitor the progress of each 2533
individual undertaking a recommended individual educational 2534
program. 2535

(4) Determine what constitutes successful completion of an 2536
individual educational program and require further monitoring of 2537
the individual who completed the program or other action that the 2538
board determines to be appropriate; 2539

(5) Adopt rules in accordance with Chapter 119. of the 2540
Revised Code to further implement the quality intervention 2541
program. 2542

An individual who participates in an individual educational 2543
program pursuant to this division shall pay the financial 2544
obligations arising from that educational program. 2545

Sec. 4731.39. The secretary of the state medical board shall 2546
~~enforce the laws relating to the practice of medicine and surgery~~ 2547
~~this chapter and the rules adopted under it.~~ If ~~he~~ the secretary 2548
has knowledge or notice of a violation, ~~he~~ the secretary shall 2549
investigate the matter, and, upon probable cause appearing, file a 2550
complaint and prosecute the offender. When requested by the 2551
secretary, the prosecuting attorney of the proper county shall 2552
take charge of and conduct such prosecution. 2553

Section 2. That existing sections 3719.41, 4715.033, 2554
4715.034, 4715.30, 4715.301, 4715.302, 4723.487, 4725.092, 2555
4729.16, 4729.162, 4729.291, 4729.51, 4729.552, 4729.57, 4729.79, 2556
4729.80, 4729.86, 4730.53, 4731.054, 4731.055, 4731.22, and 2557
4731.39 of the Revised Code are hereby repealed. 2558

Section 3. Section 4729.51 of the Revised Code is presented 2559
in this act as a composite of the section as amended by both Am. 2560

H.B. 9 and Am. Sub. H.B. 93 of the 129th General Assembly. The 2561
General Assembly, applying the principle stated in division (B) of 2562
section 1.52 of the Revised Code that amendments are to be 2563
harmonized if reasonably capable of simultaneous operation, finds 2564
that the composite is the resulting version of the section in 2565
effect prior to the effective date of the section as presented in 2566
this act. 2567

Section 4. Section 4731.22 of the Revised Code is presented 2568
in this act as a composite of the section as amended by both H.B. 2569
78 and Am. Sub. H.B. 93 of the 129th General Assembly. The General 2570
Assembly, applying the principle stated in division (B) of section 2571
1.52 of the Revised Code that amendments are to be harmonized if 2572
reasonably capable of simultaneous operation, finds that the 2573
composite is the resulting version of the section in effect prior 2574
to the effective date of the section as presented in this act. 2575