

**As Introduced**

**129th General Assembly  
Regular Session  
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**S. B. No. 301**

**Senators Burke, Cafaro**

**Cosponsors: Senators Lehner, Seitz, Jones**

—

**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  
3719.44 of the Revised Code. 19

SCHEDULE I	20
(A) Narcotics-opiates	21
Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted under federal drug abuse control laws, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:	22 23 24 25 26
(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);	27 28
(2) Acetylmethadol;	29
(3) Allylprodine;	30
(4) Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);	31 32 33
(5) Alphameprodine;	34
(6) Alphamethadol;	35
(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	36 37 38
(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide);	39 40 41
(9) Benzethidine;	42
(10) Betacetylmethadol;	43
(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl)-N- phenylpropanamide);	44 45
(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N- phenylpropanamide);	46 47 48

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

(10) 3,4-methylenedioxymethamphetamine (MDMA); 156

(11) 3,4-methylenedioxy-N-ethylamphetamine (also known as	157
N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl	158
MDA, MDE, MDEA);	159
(12) N-hydroxy-3,4-methylenedioxyamphetamine (also known as	160
N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and	161
N-hydroxy MDA);	162
(13) 3,4,5-trimethoxy amphetamine;	163
(14) Bufotenine (some trade or other names:	164
3-(beta-dimethylaminoethyl)-5-hydroxyindole;	165
3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin;	166
5-hydroxy-N, N-dimethyltryptamine; mappine);	167
(15) Diethyltryptamine (some trade or other names: N,	168
N-diethyltryptamine; DET);	169
(16) Dimethyltryptamine (some trade or other names: DMT);	170
(17) Ibogaine (some trade or other names:	171
7-ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-	172
5H-pyrido[1',2':1,2] azepino [5, 4-b] indole; tabernanthe iboga);	173
(18) Lysergic acid diethylamide;	174
(19) Marihuana;	175
(20) Mescaline;	176
(21) Parahexyl (some trade or other names: 3-hexyl-1-	177
hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran;	178
synhexyl);	179
(22) Peyote (meaning all parts of the plant presently	180
classified botanically as "Lophophora williamsii Lemaire," whether	181
growing or not, the seeds of that plant, any extract from any part	182
of that plant, and every compound, manufacture, salts, derivative,	183
mixture, or preparation of that plant, its seeds, or its	184
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
(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
<del>(40) Methylenone (3,4-methylenedioxy-methcathinone);</del>	228
<del>(41) MDPV (3,4-methylenedioxy-pyrrovalerone);</del>	229
<del>(42) Mephedrone (4-methylmethcathinone);</del>	230
<del>(43) 4-methoxymethcathinone;</del>	231
<del>(44) 4-fluoromethcathinone;</del>	232
<del>(45) 3-fluoromethcathinone.</del>	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
(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-methylaminopropiophenone; 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
<u>(11) 4-methoxymethcathinone;</u>	272

(12) 4-fluoromethcathinone; 273

(13) 3-fluoromethcathinone. 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, dextrorphan, 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

(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
(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
(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
(4) Pentobarbital;	385

(5) Phencyclidine (some trade or other names:	386
1-(1-phenylcyclohexyl)piperidine; PCP);	387
(6) Secobarbital;	388
(7) 1-aminophenylcyclohexane and all N-mono-substituted	389
and/or all N-N-disubstituted analogs including, but not limited	390
to, the following:	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:	399
(+)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-	400
hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one).	401
(F) Immediate precursors	402
Unless specifically excepted under federal drug abuse control	403
laws or unless listed in another schedule, any material, compound,	404
mixture, or preparation that contains any quantity of the	405
following substances:	406
(1) Immediate precursor to amphetamine and methamphetamine:	407
(a) Phenylacetone (some trade or other names:	408
phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl	409
ketone);	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  
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 of barbituric acid or any salt of a derivative of barbituric acid;	445
(4) Chlorhexadol;	447
(5) Ketamine, its salts, isomers, and salts of isomers (some other names for ketamine:	448
(+/-)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone);	449
(6) Lysergic acid;	450
(7) Lysergic acid amide;	451
(8) Methyprylon;	452
(9) Sulfondiethylmethane;	453
(10) Sulfonethylmethane;	454
(11) Sulfonmethane;	455
(12) Tiletamine, zolazepam, or any salt of tiletamine or zolazepam (some trade or other names for a tiletamine-zolazepam combination product: Telazol); (some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone); (some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3, 4-e][1,4]-diazepin-7(1H)-one; flupyrazapon).	456
(C) Narcotic antidotes	457
(1) Nalorphine.	458
(D) Narcotics-narcotic preparations	459
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, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:	460
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(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-chlortestosterone); 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	559
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:	560 561 562 563 564
(1) Not more than one milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;	565 566
(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane)[final dosage forms].	567 568 569
(B) Depressants	570
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:	571 572 573 574 575 576
(1) Alprazolam;	577
(2) Barbital;	578
(3) Bromazepam;	579
(4) Camazepam;	580
(5) Chloral betaine;	581
(6) Chloral hydrate;	582
(7) Chlordiazepoxide;	583
(8) Clobazam;	584
(9) Clonazepam;	585

(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

(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); 643

(2) Diethylpropion; 644

(3) Fencamfamin; 645

(4) Fenproporex; 646

(5) Mazindol; 647

(6) Mefenorex; 648

(7) Modafinil; 649

(8) Pemoline (including organometallic complexes and chelates thereof); 650  
651

(9) Phentermine; 652

(10) Pipradrol; 653

(11) Sibutramine; 654

(12) SPA [(-)-1-dimethylamino-1,2-diphenylethane]. 655

(E) Other substances 656

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; 661

(2) Butorphanol (including its optical isomers). 662

SCHEDULE V 663

(A) Narcotic drugs 664



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.

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) <del>(8)</del> <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

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  
1338

(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  
1430

(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  
1434

(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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1437

(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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1440  
1441

~~(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  
1443  
1444  
1445  
1446

~~(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  
1449  
1450  
1451

(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

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

<u>division (C) of this section</u> , who personally furnishes <u>to a</u>	1549
<u>patient</u> 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 <del>to a patient in this state</del> 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
<u>(9) Identification of the owner of the drug furnished.</u>	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
<u>(C)(1) The information required to be submitted under</u>	1578
<u>division (A) of this section may be submitted on behalf of the</u>	1579
<u>prescriber by the owner of the drug being personally furnished or</u>	1580
<u>by a delegate approved by that owner.</u>	1581
<u>(2) The requirements of this section to submit information to</u>	1582
<u>the board do not apply to a prescriber who is a veterinarian.</u>	1583
<u>(D) If the board becomes aware of a prescriber's failure to</u>	1584
<u>comply with this section, the board shall notify the government</u>	1585
<u>entity responsible for licensing the prescriber.</u>	1586
<b>Sec. 4729.80.</b> (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

<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 <del>a document</del> <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 <del>is convicted of or pleads guilty to a</del>	1715
<del>violation of</del> <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

section;	1757
<del>(iii)</del> (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 <del>pain or</del> 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

(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
<del>(41)</del> (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