

**As Passed by the House**

**129th General Assembly  
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**Sub. S. B. No. 301**

**Senators Burke, Cafaro**

**Cosponsors: Senators Lehner, Seitz, Jones, Tavares, Brown, Bacon,  
Balderson, Beagle, Gentile, Hite, Hughes, Kearney, LaRose, Manning, Obhof,  
Oelslager, Peterson, Schaffer, Schiavoni, Skindell, Smith, Turner  
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Hayes, Heard, Kozlowski, Letson, Lundy, Mallory, McClain, Milkovich,  
Newbold, O'Brien, Patmon, Phillips, Rosenberger, Ruhl, Scherer, Schuring,  
Sears, Sprague, Stebelton, Terhar, Thompson, Winburn, Young**

**Speaker Batchelder**

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**A B I L L**

To amend sections 3719.41, 4715.033, 4715.034, 1  
4715.30, 4715.301, 4715.302, 4723.487, 4725.092, 2  
4729.162, 4729.291, 4729.51, 4729.552, 4729.57, 3  
4729.79, 4729.80, 4729.86, 4730.53, 4731.054, 4  
4731.055, 4731.22, and 4731.39 of the Revised Code 5  
regarding enforcement powers of certain health 6  
care professional licensing boards, regulation of 7  
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, 4729.162, 12  
4729.291, 4729.51, 4729.552, 4729.57, 4729.79, 4729.80, 4729.86, 13  
4730.53, 4731.054, 4731.055, 4731.22, and 4731.39 of the Revised 14  
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, 22  
esters, ethers, salts, and salts of isomers, esters, and ethers, 23  
unless specifically excepted under federal drug abuse control 24  
laws, whenever the existence of these isomers, esters, ethers, and 25  
salts is possible within the specific chemical designation: 26

(1) Acetyl-alpha-methylfentanyl 27  
(N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); 28

(2) Acetylmethadol; 29

(3) Allylprodine; 30

(4) Alphacetylmethadol (except levo-alphacetylmethadol, also 31  
known as levo-alpha-acetylmethadol, levomethadyl acetate, or 32  
LAAM); 33

(5) Alphameprodine; 34

(6) Alphamethadol; 35

(7) Alpha-methylfentanyl 36  
(N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 37  
1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine); 38

(8) Alpha-methylthiofentanyl	39
(N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);	40 41
(9) Benzethidine;	42
(10) Betacetylmethadol;	43
(11) Beta-hydroxyfentanyl	44
(N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N- phenylpropanamide);	45
(12) Beta-hydroxy-3-methylfentanyl (other name:	46
N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	47 48
(13) Betameprodine;	49
(14) Betamethadol;	50
(15) Betaprodine;	51
(16) Clonitazene;	52
(17) Dextromoramide;	53
(18) Diampromide;	54
(19) Diethylthiambutene;	55
(20) Difenoazin;	56
(21) Dimenoxadol;	57
(22) Dimepheptanol;	58
(23) Dimethylthiambutene;	59
(24) Dioxaphetyl butyrate;	60
(25) Dipipanone;	61
(26) Ethylmethylthiambutene;	62
(27) Etonitazene;	63
(28) Etoperidone;	64
(29) Furethidine;	65

(30) Hydroxypethidine;	66
(31) Ketobemidone;	67
(32) Levomoramide;	68
(33) Levophenacylmorphan;	69
(34) 3-methylfentanyl	70
(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	71
(35) 3-methylthiofentanyl	72
(N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-	73
phenylpropanamide);	74
(36) Morpheridine;	75
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);	76
(38) Noracymethadol;	77
(39) Norlevorphanol;	78
(40) Normethadone;	79
(41) Norpipanone;	80
(42) Para-fluorofentanyl	81
(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	82
(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine;	83
(44) Phenadoxone;	84
(45) Phenampromide;	85
(46) Phenomorphan;	86
(47) Phenoperidine;	87
(48) Piritramide;	88
(49) Proheptazine;	89
(50) Properidine;	90
(51) Propiram;	91

(52) Racemoramide;	92
(53) Thiofentanyl	93
(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	94
(54) Tilidine;	95
(55) Trimeperidine.	96
(B) Narcotics-opium derivatives	97
Any of the following opium derivatives, including their	98
salts, isomers, and salts of isomers, unless specifically excepted	99
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-methyphenethylamine;	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: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA);	148 149 150
(7) 5-methoxy-3,4-methylenedioxy-amphetamine;	151
(8) 4-methyl-2,5-dimethoxy-amphetamine (some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM" and "STP");	152 153 154
(9) 3,4-methylenedioxy amphetamine;	155
(10) 3,4-methylenedioxymethamphetamine (MDMA);	156
(11) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);	157 158 159
(12) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);	160 161 162
(13) 3,4,5-trimethoxy amphetamine;	163
(14) Bufotenine (some trade or other names: 3-(beta-dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine);	164 165 166 167
(15) Diethyltryptamine (some trade or other names: N, N-diethyltryptamine; DET);	168 169
(16) Dimethyltryptamine (some trade or other names: DMT);	170
(17) Ibogaine (some trade or other names: 7-ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano- 5H-pyrido[1',2':1,2] azepino [5, 4-b] indole; tabernanthe iboga);	171 172 173
(18) Lysergic acid diethylamide;	174
(19) Marihuana;	175
(20) Mescaline;	176

(21) Parahexyl (some trade or other names: 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; synhexyl);	177 178 179
(22) Peyote (meaning all parts of the plant presently classified botanically as "Lophophora williamsii Lemaire," whether growing or not, the seeds of that plant, any extract from any part of that plant, and every compound, manufacture, salts, derivative, mixture, or preparation of that plant, its seeds, or its extracts);	180 181 182 183 184 185
(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 substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: delta-1-cis or trans tetrahydrocannabinol, and their optical isomers; delta-6-cis or trans tetrahydrocannabinol, and their optical isomers; delta-3,4-cis or trans tetrahydrocannabinol, and its optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions, are covered.));	190 191 192 193 194 195 196 197 198 199 200 201
(28) Ethylamine analog of phencyclidine (some trade or other names: N-ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE);	202 203 204 205
(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 names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP);	208 209 210
(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) Mephylone (3,4-methylenedioxymethcathinone);</del>	228
<del>(41) MDPV (3,4-methylenedioxypropylvalerone);</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	235
any quantity of the following substances having a depressant	236
effect on the central nervous system, including their salts,	237
isomers, and salts of isomers, unless specifically excepted under	238
federal drug abuse control laws, whenever the existence of these	239
salts, isomers, and salts of isomers is possible within the	240
specific chemical designation:	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)-propylphenone; alpha-(methylamino)propylphenone;	258
2-methylamino)-1-phenylpropan-1-one;	259
alpha-N-methylaminopropylphenone; 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 N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine);	266 267 268
<u>(8) Methylone (3,4-methylenedioxymethcathinone);</u>	269
<u>(9) MDPV (3,4-methylenedioxypropylamphetamine);</u>	270
<u>(10) Mephedrone (4-methylmethcathinone);</u>	271
<u>(11) 4-methoxymethcathinone;</u>	272
<u>(12) 4-fluoromethcathinone;</u>	273
<u>(13) 3-fluoromethcathinone.</u>	274
SCHEDULE II	275
(A) Narcotics-opium and opium derivatives	276
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:	277 278 279 280 281 282
(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived buprenorphine, dextropropoxyphene, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, but including the following:	283 284 285 286 287
(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 laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine:

(a) Phenylacetone (some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone);

(2) Immediate precursors to phencyclidine (PCP):

(a) 1-phenylcyclohexylamine;

(b) 1-piperidinocyclohexanecarbonitrile (PCC).

SCHEDULE III

(A) Stimulants

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

(2) Benzphetamine;

(3) Chlorphentermine;

(4) Clortermine;

(5) Phendimetrazine.

(B) Depressants



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 having a depressant effect on the central nervous system:

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

(2) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs and approved by the food and drug administration for marketing only as a suppository;

(3) Any substance that contains any quantity of a derivative of barbituric acid or any salt of a derivative of barbituric acid;

(4) Chlorhexadol;

(5) Ketamine, its salts, isomers, and salts of isomers (some other names for ketamine: (+/-)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone);

(6) Lysergic acid;

(7) Lysergic acid amide;

(8) Methyprylon;

(9) Sulfondiethylmethane;

(10) Sulfonethylmethane;

(11) Sulfonmethane;

(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- 461  
dihydro-1,3,8-trimethylpyrazolo-[3, 4-e][1,4]-diazepin-7(1H)-one; 462  
flupyrzapon). 463

(C) Narcotic antidotes 464

(1) Nalorphine. 465

(D) Narcotics-narcotic preparations 466

Unless specifically excepted under federal drug abuse control 467  
laws or unless listed in another schedule, any material, compound, 468  
mixture, or preparation that contains any of the following 469  
narcotic drugs, or their salts calculated as the free anhydrous 470  
base or alkaloid, in limited quantities as set forth below: 471

(1) Not more than 1.8 grams of codeine per 100 milliliters or 472  
not more than 90 milligrams per dosage unit, with an equal or 473  
greater quantity of an isoquinoline alkaloid of opium; 474

(2) Not more than 1.8 grams of codeine per 100 milliliters or 475  
not more than 90 milligrams per dosage unit, with one or more 476  
active, nonnarcotic ingredients in recognized therapeutic amounts; 477

(3) Not more than 300 milligrams of dihydrocodeinone per 100 478  
milliliters or not more than 15 milligrams per dosage unit, with a 479  
fourfold or greater quantity of an isoquinoline alkaloid of opium; 480

(4) Not more than 300 milligrams of dihydrocodeinone per 100 481  
milliliters or not more than 15 milligrams per dosage unit, with 482  
one or more active, nonnarcotic ingredients in recognized 483  
therapeutic amounts; 484

(5) Not more than 1.8 grams of dihydrocodeine per 100 485  
milliliters or not more than 90 milligrams per dosage unit, with 486  
one or more active, nonnarcotic ingredients in recognized 487  
therapeutic amounts; 488

(6) Not more than 300 milligrams of ethylmorphine per 100 489  
milliliters or not more than 15 milligrams per dosage unit, with 490

one or more active, nonnarcotic ingredients in recognized 491  
therapeutic amounts; 492

(7) Not more than 500 milligrams of opium per 100 milliliters 493  
or per 100 grams or not more than 25 milligrams per dosage unit, 494  
with one or more active, nonnarcotic ingredients in recognized 495  
therapeutic amounts; 496

(8) Not more than 50 milligrams of morphine per 100 497  
milliliters or per 100 grams, with one or more active, nonnarcotic 498  
ingredients in recognized therapeutic amounts. 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.

(F) Hallucinogenic substances

(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).

SCHEDULE IV

(A) Narcotic drugs

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:

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

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

(B) Depressants

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:

(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 638  
nervous system, including their salts, their optical isomers, 639  
position isomers, or geometric isomers, and salts of these 640  
isomers, whenever the existence of these salts, isomers, and salts 641  
of isomers is possible within the specific chemical designation: 642

(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 650  
thereof); 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:	657 658 659 660
(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:	665 666 667 668
(1) Buprenorphine.	669
(B) Narcotics-narcotic preparations	670
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:	671 672 673 674 675 676 677 678
(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;	679 680
(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;	681 682
(3) Not more than 100 milligrams of ethylmorphine per 100	683

milliliters or per 100 grams;	684
(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;	685 686
(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;	687 688
(6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.	689 690
(C) Stimulants	691
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 the central nervous system, including their salts, isomers, and salts of isomers:	692 693 694 695 696 697
(1) Ephedrine, except as provided in division (K) of section 3719.44 of the Revised Code;	698 699
(2) Pyrovalerone.	700
<b>Sec. 4715.033.</b> (A) All subpoenas the state dental board seeks to issue with respect to an investigation shall, subject to division (B) of this section, be authorized by the supervisory investigative panel.	701 702 703 704
(B) Before the supervisory investigative panel authorizes the board to issue a subpoena, the panel shall consult with the office of the attorney general and determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the information sought pursuant to the subpoena is relevant to the alleged violation and material to the investigation.	705 706 707 708 709 710 711
(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; 767

(4) Commission of an act that constitutes a felony in this 768  
state, regardless of the jurisdiction in which the act was 769  
committed; 770

(5) Commission of an act in the course of practice that 771  
constitutes a misdemeanor in this state, regardless of the 772

<u>jurisdiction in which the act was committed;</u>	773
<u>+4)+(6) Conviction of, a plea of guilty to, a judicial finding</u>	774
<u>of guilt of, a judicial finding of guilt resulting from a plea of</u>	775
<u>no contest to, or a judicial finding of eligibility for</u>	776
<u>intervention in lieu of conviction for, any felony or of a</u>	777
<u>misdemeanor committed in the course of practice <del>or of any felony;</del></u>	778
<u>+5)+(7) Engaging in lewd or immoral conduct in connection with</u>	779
<u>the provision of dental services;</u>	780
<u>+6)+(8) Selling, prescribing, giving away, or administering</u>	781
<u>drugs for other than legal and legitimate therapeutic purposes, or</u>	782
<u>conviction of <del>violating,</del> a plea of guilty to, a judicial finding</u>	783
<u>of guilt of, a judicial finding of guilt resulting from a plea of</u>	784
<u>no contest to, or a judicial finding of eligibility for</u>	785
<u>intervention in lieu of conviction for, a violation of any law <del>of</del></u>	786
<u>this state or the federal government or state law regulating the</u>	787
<u>possession, distribution, or use of any drug;</u>	788
<u>+7)+(9) Providing or allowing dental hygienists, expanded</u>	789
<u>function dental auxiliaries, or other practitioners of auxiliary</u>	790
<u>dental occupations working under the certificate or license</u>	791
<u>holder's supervision, or a dentist holding a temporary limited</u>	792
<u>continuing education license under division (C) of section 4715.16</u>	793
<u>of the Revised Code working under the certificate or license</u>	794
<u>holder's direct supervision, to provide dental care that departs</u>	795
<u>from or fails to conform to accepted standards for the profession,</u>	796
<u>whether or not injury to a patient results;</u>	797
<u>+8)+(10) Inability to practice under accepted standards of the</u>	798
<u>profession because of physical or mental disability, dependence on</u>	799
<u>alcohol or other drugs, or excessive use of alcohol or other</u>	800
<u>drugs;</u>	801
<u>+9)+(11) Violation of any provision of this chapter or any</u>	802
<u>rule adopted thereunder;</u>	803

~~(10)~~(12) Failure to use universal blood and body fluid 804  
precautions established by rules adopted under section 4715.03 of 805  
the Revised Code; 806

~~(11)~~(13) Except as provided in division (H) of this section, 807  
either of the following: 808

(a) Waiving the payment of all or any part of a deductible or 809  
copayment that a patient, pursuant to a health insurance or health 810  
care policy, contract, or plan that covers dental services, would 811  
otherwise be required to pay if the waiver is used as an 812  
enticement to a patient or group of patients to receive health 813  
care services from that ~~provider~~ certificate or license holder; 814

~~(12)~~(b) Advertising that the certificate or license holder 815  
will waive the payment of all or any part of a deductible or 816  
copayment that a patient, pursuant to a health insurance or health 817  
care policy, contract, or plan that covers dental services, would 818  
otherwise be required to pay. 819

~~(13)~~(14) Failure to comply with section 4729.79 of the 820  
Revised Code, unless the state board of pharmacy no longer 821  
maintains a drug database pursuant to section 4729.75 of the 822  
Revised Code; 823

(15) Any of the following actions taken by an agency 824  
responsible for authorizing, certifying, or regulating an 825  
individual to practice a health care occupation or provide health 826  
care services in this state or another jurisdiction, for any 827  
reason other than the nonpayment of fees: the limitation, 828  
revocation, or suspension of an individual's license to practice; 829  
acceptance of an individual's license surrender; denial of a 830  
license; refusal to renew or reinstate a license; imposition of 831  
probation; or issuance of an order of censure or other reprimand; 832

(16) Failure to cooperate in an investigation conducted by 833  
the board under division (D) of section 4715.03 of the Revised 834

Code, including failure to comply with a subpoena or order issued 835  
by the board or failure to answer truthfully a question presented 836  
by the board at a deposition or in written interrogatories, except 837  
that failure to cooperate with an investigation shall not 838  
constitute grounds for discipline under this section if a court of 839  
competent jurisdiction has issued an order that either quashes a 840  
subpoena or permits the individual to withhold the testimony or 841  
evidence in issue. 842

(B) A manager, proprietor, operator, or conductor of a dental 843  
facility shall be subject to disciplinary action if any dentist, 844  
dental hygienist, expanded function dental auxiliary, or qualified 845  
personnel providing services in the facility is found to have 846  
committed a violation listed in division (A) of this section and 847  
the manager, proprietor, operator, or conductor knew of the 848  
violation and permitted it to occur on a recurring basis. 849

(C) Subject to Chapter 119. of the Revised Code, the board 850  
may take one or more of the following disciplinary actions if one 851  
or more of the grounds for discipline listed in divisions (A) and 852  
(B) of this section exist: 853

(1) Censure the license or certificate holder; 854

(2) Place the license or certificate on probationary status 855  
for such period of time the board determines necessary and require 856  
the holder to: 857

(a) Report regularly to the board upon the matters which are 858  
the basis of probation; 859

(b) Limit practice to those areas specified by the board; 860

(c) Continue or renew professional education until a 861  
satisfactory degree of knowledge or clinical competency has been 862  
attained in specified areas. 863

(3) Suspend the certificate or license; 864

(4) Revoke the certificate or license. 865

Where the board places a holder of a license or certificate 866  
on probationary status pursuant to division (C)(2) of this 867  
section, the board may subsequently suspend or revoke the license 868  
or certificate if it determines that the holder has not met the 869  
requirements of the probation or continues to engage in activities 870  
that constitute grounds for discipline pursuant to division (A) or 871  
(B) of this section. 872

Any order suspending a license or certificate shall state the 873  
conditions under which the license or certificate will be 874  
restored, which may include a conditional restoration during which 875  
time the holder is in a probationary status pursuant to division 876  
(C)(2) of this section. The board shall restore the license or 877  
certificate unconditionally when such conditions are met. 878

(D) If the physical or mental condition of an applicant or a 879  
license or certificate holder is at issue in a disciplinary 880  
proceeding, the board may order the license or certificate holder 881  
to submit to reasonable examinations by an individual designated 882  
or approved by the board and at the board's expense. The physical 883  
examination may be conducted by any individual authorized by the 884  
Revised Code to do so, including a physician assistant, a clinical 885  
nurse specialist, a certified nurse practitioner, or a certified 886  
nurse-midwife. Any written documentation of the physical 887  
examination shall be completed by the individual who conducted the 888  
examination. 889

Failure to comply with an order for an examination shall be 890  
grounds for refusal of a license or certificate or summary 891  
suspension of a license or certificate under division (E) of this 892  
section. 893

(E) If ~~the board has reason to believe that~~ a license or 894  
~~certificate holder represents a clear and immediate danger to the~~ 895



~~public health and safety if the holder is allowed to continue to~~ 896  
~~practice, or if the holder~~ has failed to comply with an order 897  
under division (D) of this section, the board may apply to the 898  
court of common pleas of the county in which the holder resides 899  
for an order temporarily suspending the holder's license or 900  
certificate, without a prior hearing being afforded by the board, 901  
until the board conducts an adjudication hearing pursuant to 902  
Chapter 119. of the Revised Code. If the court temporarily 903  
suspends a holder's license or certificate, the board shall give 904  
written notice of the suspension personally or by certified mail 905  
to the license or certificate holder. Such notice shall ~~include~~ 906  
~~specific facts and reasons for finding a clear and immediate~~ 907  
~~danger to the public health and safety and shall~~ inform the 908  
license or certificate holder of the right to a hearing pursuant 909  
to Chapter 119. of the Revised Code. 910

(F) Any holder of a certificate or license issued under this 911  
chapter who has pleaded guilty to, has been convicted of, or has 912  
had a judicial finding of eligibility for intervention in lieu of 913  
conviction entered against the holder in this state for aggravated 914  
murder, murder, voluntary manslaughter, felonious assault, 915  
kidnapping, rape, sexual battery, gross sexual imposition, 916  
aggravated arson, aggravated robbery, or aggravated burglary, or 917  
who has pleaded guilty to, has been convicted of, or has had a 918  
judicial finding of eligibility for treatment or intervention in 919  
lieu of conviction entered against the holder in another 920  
jurisdiction for any substantially equivalent criminal offense, is 921  
automatically suspended from practice under this chapter in this 922  
state and any certificate or license issued to the holder under 923  
this chapter is automatically suspended, as of the date of the 924  
guilty plea, conviction, or judicial finding, whether the 925  
proceedings are brought in this state or another jurisdiction. 926  
Continued practice by an individual after the suspension of the 927  
individual's certificate or license under this division shall be 928

considered practicing without a certificate or license. The board 929  
shall notify the suspended individual of the suspension of the 930  
individual's certificate or license under this division by 931  
certified mail or in person in accordance with section 119.07 of 932  
the Revised Code. If an individual whose certificate or license is 933  
suspended under this division fails to make a timely request for 934  
an adjudicatory hearing, the board shall enter a final order 935  
revoking the individual's certificate or license. 936

(G) ~~Notwithstanding divisions (A)(11) and (12) of this~~ 937  
~~section, sanctions~~ If the supervisory investigative panel 938  
determines both of the following, the panel may recommend that the 939  
board suspend an individual's certificate or license without a 940  
prior hearing: 941

(1) That there is clear and convincing evidence that an 942  
individual has violated division (A) of this section; 943

(2) That the individual's continued practice presents a 944  
danger of immediate and serious harm to the public. 945

Written allegations shall be prepared for consideration by 946  
the board. The board, upon review of those allegations and by an 947  
affirmative vote of not fewer than four dentist members of the 948  
board and seven of its members in total, excluding any member on 949  
the supervisory investigative panel, may suspend a certificate or 950  
license without a prior hearing. A telephone conference call may 951  
be utilized for reviewing the allegations and taking the vote on 952  
the summary suspension. 953

The board shall issue a written order of suspension by 954  
certified mail or in person in accordance with section 119.07 of 955  
the Revised Code. The order shall not be subject to suspension by 956  
the court during pendency or any appeal filed under section 119.12 957  
of the Revised Code. If the individual subject to the summary 958  
suspension requests an adjudicatory hearing by the board, the date 959

set for the hearing shall be within fifteen days, but not earlier 960  
than seven days, after the individual requests the hearing, unless 961  
otherwise agreed to by both the board and the individual. 962

Any summary suspension imposed under this division shall 963  
remain in effect, unless reversed on appeal, until a final 964  
adjudicative order issued by the board pursuant to this section 965  
and Chapter 119. of the Revised Code becomes effective. The board 966  
shall issue its final adjudicative order within seventy-five days 967  
after completion of its hearing. A failure to issue the order 968  
within seventy-five days shall result in dissolution of the 969  
summary suspension order but shall not invalidate any subsequent, 970  
final adjudicative order. 971

(H) Sanctions shall not be imposed under division (A)(13) of 972  
this section against any licensee certificate or license holder 973  
who waives deductibles and copayments as follows: 974

(1) In compliance with the health benefit plan that expressly 975  
allows such a practice. Waiver of the deductibles or copayments 976  
shall be made only with the full knowledge and consent of the plan 977  
purchaser, payer, and third-party administrator. ~~Such~~ 978  
Documentation of the consent shall be made available to the board 979  
upon request. 980

(2) For professional services rendered to any other person 981  
~~licensed~~ who holds a certificate or license issued pursuant to 982  
this chapter to the extent allowed by this chapter and the rules 983  
of the board. 984

~~(H)~~(I) In no event shall the board consider or raise during a 985  
hearing required by Chapter 119. of the Revised Code the 986  
circumstances of, or the fact that the board has received, one or 987  
more complaints about a person unless the one or more complaints 988  
are the subject of the hearing or resulted in the board taking an 989  
action authorized by this section against the person on a prior 990

occasion. 991

(J) The board may share any information it receives pursuant 992  
to an investigation under division (D) of section 4715.03 of the 993  
Revised Code, including patient records and patient record 994  
information, with law enforcement agencies, other licensing 995  
boards, and other governmental agencies that are prosecuting, 996  
adjudicating, or investigating alleged violations of statutes or 997  
administrative rules. An agency or board that receives the 998  
information shall comply with the same requirements regarding 999  
confidentiality as those with which the state dental board must 1000  
comply, notwithstanding any conflicting provision of the Revised 1001  
Code or procedure of the agency or board that applies when it is 1002  
dealing with other information in its possession. In a judicial 1003  
proceeding, the information may be admitted into evidence only in 1004  
accordance with the Rules of Evidence, but the court shall require 1005  
that appropriate measures are taken to ensure that confidentiality 1006  
is maintained with respect to any part of the information that 1007  
contains names or other identifying information about patients or 1008  
complainants whose confidentiality was protected by the state 1009  
dental board when the information was in the board's possession. 1010  
Measures to ensure confidentiality that may be taken by the court 1011  
include sealing its records or deleting specific information from 1012  
its records. 1013

**Sec. 4715.301.** The state dental board shall adopt rules in 1014  
accordance with Chapter 119. of the Revised Code establishing 1015  
standards for approving and designating physicians and facilities 1016  
as treatment providers for dentists or dental hygienists with 1017  
substance abuse problems and shall approve and designate treatment 1018  
providers in accordance with the rules. The rules shall include 1019  
standards for both inpatient and outpatient treatment. The rules 1020  
shall provide that to be approved, a treatment provider must be 1021  
capable of making an initial examination to determine the type of 1022

treatment required for a dentist or dental hygienist with 1023  
substance abuse problems. Subject to the rules, the board shall 1024  
review and approve treatment providers on a regular basis and may, 1025  
at its discretion, withdraw or deny approval. 1026

An approved treatment provider shall: 1027

(A) Report to the board the name of any dentist or dental 1028  
hygienist suffering or showing evidence of suffering inability to 1029  
practice under accepted standards as described in division 1030  
(A)~~(8)~~(10) of section 4715.30 of the Revised Code who fails to 1031  
comply within one week with a referral for examination; 1032

(B) Report to the board the name of any impaired dentist or 1033  
dental hygienist who fails to enter treatment within forty-eight 1034  
hours following the provider's determination that treatment is 1035  
needed; 1036

(C) Require every dentist or dental hygienist who enters 1037  
treatment to agree to a treatment contract establishing the terms 1038  
of treatment and aftercare, including any required supervision or 1039  
restrictions of practice during treatment or aftercare; 1040

(D) Require a dentist or dental hygienist to suspend practice 1041  
on entering any required inpatient treatment; 1042

(E) Report to the board any failure by an impaired dentist or 1043  
dental hygienist to comply with the terms of the treatment 1044  
contract during inpatient or outpatient treatment or aftercare; 1045

(F) Report to the board the resumption of practice of any 1046  
impaired dentist or dental hygienist before the treatment provider 1047  
has made a clear determination that the individual is capable of 1048  
practicing according to accepted standards of the profession; 1049

(G) Require a dentist or dental hygienist who resumes 1050  
practice after completion of treatment to comply with an aftercare 1051  
contract that meets the requirements of rules adopted by the board 1052

for approval of treatment providers; 1053

(H) Report to the board any dentist or dental hygienist who 1054  
suffers a relapse at any time during or following aftercare. 1055

Any dentist or dental hygienist who enters into treatment by 1056  
an approved treatment provider shall be deemed to have waived any 1057  
confidentiality requirements that would otherwise prevent the 1058  
treatment provider from making reports required under this 1059  
section. 1060

In the absence of fraud or bad faith, no professional 1061  
association of dentists or dental hygienists licensed under this 1062  
chapter that sponsors a committee or program to provide peer 1063  
assistance to dentists or dental hygienists with substance abuse 1064  
problems, no representative or agent of such a committee or 1065  
program, and no member of the state dental board shall be liable 1066  
to any person for damages in a civil action by reason of actions 1067  
taken to refer a dentist or dental hygienist to a treatment 1068  
provider designated by the board or actions or omissions of the 1069  
provider in treating a dentist or dental hygienist. 1070

In the absence of fraud or bad faith, no person who reports 1071  
to the board a dentist or dental hygienist with a suspected 1072  
substance abuse problem shall be liable to any person for damages 1073  
in a civil action as a result of making the report. 1074

**Sec. 4715.302.** (A) As used in this section, "drug database" 1075  
means the database established and maintained by the state board 1076  
of pharmacy pursuant to section 4729.75 of the Revised Code. 1077

(B) The state dental board shall adopt rules in accordance 1078  
with Chapter 119. of the Revised Code that establish standards and 1079  
procedures to be followed by a dentist regarding the review of 1080  
patient information available through the drug database under 1081  
division (A)(5) of section 4729.80 of the Revised Code. 1082

(C) This section and the rules adopted under it do not apply 1083  
if the state board of pharmacy no longer maintains the drug 1084  
database. 1085

**Sec. 4723.487.** (A) As used in this section, "drug database" 1086  
means the database established and maintained by the state board 1087  
of pharmacy pursuant to section 4729.75 of the Revised Code. 1088

(B) The board of nursing shall adopt rules in accordance with 1089  
Chapter 119. of the Revised Code that establish standards and 1090  
procedures to be followed by an advanced practice nurse with a 1091  
certificate to prescribe issued under section 4723.48 of the 1092  
Revised Code regarding the review of patient information available 1093  
through the drug database under division (A)(5) of section 4729.80 1094  
of the Revised Code. 1095

(C) This section and the rules adopted under it do not apply 1096  
if the state board of pharmacy no longer maintains the drug 1097  
database. 1098

**Sec. 4725.092.** (A) As used in this section, "drug database" 1099  
means the database established and maintained by the state board 1100  
of pharmacy pursuant to section 4729.75 of the Revised Code. 1101

(B) The state board of optometry shall adopt rules in 1102  
accordance with Chapter 119. of the Revised Code that establish 1103  
standards and procedures to be followed by an optometrist who 1104  
holds a therapeutic pharmaceutical agents certificate regarding 1105  
the review of patient information available through the drug 1106  
database under division (A)(5) of section 4729.80 of the Revised 1107  
Code. 1108

(C) This section and the rules adopted under it do not apply 1109  
if the state board of pharmacy no longer maintains the drug 1110  
database. 1111

**Sec. 4729.162.** (A) As used in this section, "drug database" 1112  
means the database established and maintained by the state board 1113  
of pharmacy pursuant to section 4729.75 of the Revised Code. 1114

(B) The state board of pharmacy shall adopt rules in 1115  
accordance with Chapter 119. of the Revised Code that establish 1116  
standards and procedures to be followed by a pharmacist regarding 1117  
the review of patient information available through the drug 1118  
database under division (A)(6) of section 4729.80 of the Revised 1119  
Code. 1120

(C) This section and the rules adopted under it do not apply 1121  
if the board no longer maintains the drug database. 1122

**Sec. 4729.291.** (A) When a licensed health professional 1123  
authorized to prescribe drugs personally furnishes drugs to a 1124  
patient pursuant to division (B) of section 4729.29 of the Revised 1125  
Code, the prescriber shall ensure that the drugs are labeled and 1126  
packaged in accordance with state and federal drug laws and any 1127  
rules and regulations adopted pursuant to those laws. Records of 1128  
purchase and disposition of all drugs personally furnished to 1129  
patients shall be maintained by the prescriber in accordance with 1130  
state and federal drug statutes and any rules adopted pursuant to 1131  
those statutes. 1132

(B) When personally furnishing to a patient RU-486 1133  
(mifepristone), a prescriber is subject to section 2919.123 of the 1134  
Revised Code. A prescription for RU-486 (mifepristone) shall be in 1135  
writing and in accordance with section 2919.123 of the Revised 1136  
Code. 1137

(C)(1) Except as provided in division ~~(C)(2)~~(D) of this 1138  
section, a prescriber may not do either of the following: 1139

(a) In any thirty-day period, personally furnish to ~~all~~ or 1140  
for patients, taken as a whole, controlled substances in an amount 1141



that exceeds a total of two thousand five hundred dosage units; 1142

(b) In any seventy-two-hour period, personally furnish to or 1143  
for a patient an amount of a controlled substance that exceeds the 1144  
amount necessary for the patient's use in a seventy-two-hour 1145  
period. 1146

~~(2) Division (C)(1) of this section does not apply to either 1147  
of the following: 1148~~

~~(a) A veterinarian; 1149~~

~~(b) The amount of any methadone personally furnished to a 1150  
patient by a prescriber for the purpose of treating drug 1151  
addiction. 1152~~

~~(3) The state board of pharmacy may impose a fine of not more 1153  
than five thousand dollars on a prescriber who fails to comply 1154  
with the limits established under division (C)(1) of this section. 1155  
A separate fine may be imposed for each instance of failing to 1156  
comply with the limits. In imposing the fine, the board's actions 1157  
shall be taken in accordance with Chapter 119. of the Revised 1158  
Code. 1159~~

(D)(1) None of the following shall be counted in determining 1160  
whether the amounts specified in division (C)(1) of this section 1161  
have been exceeded: 1162

(a) Methadone provided to patients for the purpose of 1163  
treating drug addiction, if the prescriber meets the conditions 1164  
specified in 21 C.F.R. 1306.07; 1165

(b) Buprenorphine provided to patients for the purpose of 1166  
treating drug addiction, if the prescriber is exempt from separate 1167  
registration with the United States drug enforcement 1168  
administration pursuant to 21 C.F.R. 1301.28; 1169

(c) Controlled substances provided to research subjects by a 1170  
facility conducting clinical research in studies approved by a 1171

hospital-based institutional review board or an institutional 1172  
review board accredited by the association for the accreditation 1173  
of human research protection programs. 1174

(2) Division (C)(1) of this section does not apply to a 1175  
prescriber who is a veterinarian. 1176

**Sec. 4729.51.** (A) No person other than a registered wholesale 1177  
distributor of dangerous drugs shall possess for sale, sell, 1178  
distribute, or deliver, at wholesale, dangerous drugs, except as 1179  
follows: 1180

(1) A pharmacist who is a licensed terminal distributor of 1181  
dangerous drugs or who is employed by a licensed terminal 1182  
distributor of dangerous drugs may make occasional sales of 1183  
dangerous drugs at wholesale; 1184

(2) A licensed terminal distributor of dangerous drugs having 1185  
more than one establishment or place may transfer or deliver 1186  
dangerous drugs from one establishment or place for which a 1187  
license has been issued to the terminal distributor to another 1188  
establishment or place for which a license has been issued to the 1189  
terminal distributor if the license issued for each establishment 1190  
or place is in effect at the time of the transfer or delivery. 1191

(B)(1) No registered wholesale distributor of dangerous drugs 1192  
shall possess for sale, or sell, at wholesale, dangerous drugs to 1193  
any person other than the following: 1194

(a) Except as provided in division (B)~~(3)~~(2)(a) of this 1195  
section, a licensed health professional authorized to prescribe 1196  
drugs; 1197

(b) An optometrist licensed under Chapter 4725. of the 1198  
Revised Code who holds a topical ocular pharmaceutical agents 1199  
certificate; 1200

(c) A registered wholesale distributor of dangerous drugs; 1201

(d) A manufacturer of dangerous drugs;	1202
(e) Subject to division (B)(3) of this section, a licensed terminal distributor of dangerous drugs;	1203 1204
(f) Carriers or warehouses for the purpose of carriage or storage;	1205 1206
(g) Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state;	1207 1208
(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;	1209 1210 1211 1212 1213 1214 1215 1216 1217
(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;	1218 1219 1220 1221 1222
(j) Except as provided in division (B)(2)( <u>b</u> ) 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 professional association formed under Chapter 1785. of the Revised Code if the entity has a sole shareholder who is a licensed health professional authorized to prescribe drugs and is authorized to provide the professional services being offered by the entity;	1223 1224 1225 1226 1227 1228 1229 1230
(k) Except as provided in division (B)(2)( <u>c</u> ) of this section, a business entity that is a corporation formed under division (B)	1231 1232

of section 1701.03 of the Revised Code, a limited liability 1233  
company formed under Chapter 1705. of the Revised Code, a 1234  
partnership or a limited liability partnership formed under 1235  
Chapter 1775. of the Revised Code, or a professional association 1236  
formed under Chapter 1785. of the Revised Code, if, to be a 1237  
shareholder, member, or partner, an individual is required to be 1238  
licensed, certified, or otherwise legally authorized under Title 1239  
XLVII of the Revised Code to perform the professional service 1240  
provided by the entity and each such individual is a licensed 1241  
health professional authorized to prescribe drugs. 1242

(2) No registered ~~wholesaler~~ wholesale distributor of 1243  
dangerous drugs shall possess for sale, or sell, at wholesale, 1244  
dangerous drugs to any of the following: 1245

(a) A prescriber who is employed by a pain management clinic 1246  
that is not licensed as a terminal distributor of dangerous drugs 1247  
with a pain management clinic classification issued under section 1248  
4729.552 of the Revised Code; 1249

(b) A business entity described in division (B)(1)(j) of this 1250  
section that is, or is operating, a pain management clinic without 1251  
a license as a terminal distributor of dangerous drugs with a pain 1252  
management clinic classification issued under section 4729.552 of 1253  
the Revised Code; 1254

(c) A business entity described in division (B)(1)(k) of this 1255  
section that is, or is operating, a pain management clinic without 1256  
a license as a terminal distributor of dangerous drugs with a pain 1257  
management clinic classification issued under section 4729.552 of 1258  
the Revised Code. 1259

(3) No registered wholesale distributor of dangerous drugs 1260  
shall possess dangerous drugs for sale at wholesale, or sell such 1261  
drugs at wholesale, to a licensed terminal distributor of 1262  
dangerous drugs, except as follows: 1263

(a) In the case of a terminal distributor with a category I license, only dangerous drugs described in category I, as defined in division (A)(1) of section 4729.54 of the Revised Code;	1264 1265 1266
(b) In the case of a terminal distributor with a category II license, only dangerous drugs described in category I and category II, as defined in divisions (A)(1) and (2) of section 4729.54 of the Revised Code;	1267 1268 1269 1270
(c) In the case of a terminal distributor with a category III license, dangerous drugs described in category I, category II, and category III, as defined in divisions (A)(1), (2), and (3) of section 4729.54 of the Revised Code;	1271 1272 1273 1274
(d) In the case of a terminal distributor with a limited category I, II, or III license, only the dangerous drugs specified in the certificate furnished by the terminal distributor in accordance with section 4729.60 of the Revised Code.	1275 1276 1277 1278
(C)(1) Except as provided in division (C)(4) of this section, no person shall sell, at retail, dangerous drugs.	1279 1280
(2) Except as provided in division (C)(4) of this section, no person shall possess for sale, at retail, dangerous drugs.	1281 1282
(3) Except as provided in division (C)(4) of this section, no person shall possess dangerous drugs.	1283 1284
(4) Divisions (C)(1), (2), and (3) of this section do not apply to a registered wholesale distributor of dangerous drugs, a licensed terminal distributor of dangerous drugs, or a person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code.	1285 1286 1287 1288 1289 1290
Divisions (C)(1), (2), and (3) of this section do not apply to an individual who holds a current license, certificate, or registration issued under Title XLVII of the Revised Code and has	1291 1292 1293

been certified to conduct diabetes education by a national 1294  
certifying body specified in rules adopted by the state board of 1295  
pharmacy under section 4729.68 of the Revised Code, but only to 1296  
the extent that the individual possesses insulin or personally 1297  
supplies insulin solely for the purpose of diabetes education and 1298  
only if diabetes education is within the individual's scope of 1299  
practice under statutes and rules regulating the individual's 1300  
profession. 1301

Divisions (C)(1), (2), and (3) of this section do not apply 1302  
to an individual who holds a valid certificate issued by a 1303  
nationally recognized S.C.U.B.A. diving certifying organization 1304  
approved by the state board of pharmacy in rule, but only to the 1305  
extent that the individual possesses medical oxygen or personally 1306  
supplies medical oxygen for the purpose of emergency care or 1307  
treatment at the scene of a diving emergency. 1308

(D) No licensed terminal distributor of dangerous drugs shall 1309  
purchase for the purpose of resale dangerous drugs from any person 1310  
other than a registered wholesale distributor of dangerous drugs, 1311  
except as follows: 1312

(1) A licensed terminal distributor of dangerous drugs may 1313  
make occasional purchases of dangerous drugs for resale from a 1314  
pharmacist who is a licensed terminal distributor of dangerous 1315  
drugs or who is employed by a licensed terminal distributor of 1316  
dangerous drugs; 1317

(2) A licensed terminal distributor of dangerous drugs having 1318  
more than one establishment or place may transfer or receive 1319  
dangerous drugs from one establishment or place for which a 1320  
license has been issued to the terminal distributor to another 1321  
establishment or place for which a license has been issued to the 1322  
terminal distributor if the license issued for each establishment 1323  
or place is in effect at the time of the transfer or receipt. 1324

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

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

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

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

(B) The holder of a terminal distributor license with a pain  
management clinic classification shall do all of the following:

(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;

(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; 1356  
1357  
1358

(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; 1359  
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1361  
1362

~~(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; 1363  
1364  
1365  
1366  
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~~(4)~~(5) Require all employees of the facility to submit to a criminal records check in accordance with section 4776.02 of the Revised Code and ensure that no person is employed who has previously been convicted of, or pleaded guilty to, either of the following: 1368  
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1370  
1371  
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(a) A theft offense, described in division (K)(3) of section 2913.01 of the Revised Code, that would constitute a felony under the laws of this state, any other state, or the United States; 1373  
1374  
1375

(b) A felony drug abuse offense, as defined in section 2925.01 of the Revised Code. 1376  
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~~(5)~~(6) Maintain a list of each person with ownership of the facility and notify the state board of pharmacy of any change to that list. 1378  
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1380

(C) No person shall operate a facility that under this chapter is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification without obtaining and maintaining the license with the classification. 1381  
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No person who holds a category III license with a pain management clinic classification shall fail to remain in compliance with the requirements of division ~~(A)~~(B) of this section and any other applicable requirements ~~under~~ of this chapter ~~or Chapter 3719.~~ of the Revised Code.

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

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

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

(1) Making any false material statements in an application for a license as a terminal distributor of dangerous drugs;

(2) Violating any rule of the board;

(3) Violating any provision of this chapter;

(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;

(5) Violating any provision of the federal drug abuse control laws or Chapter 2925. or 3719. of the Revised Code;	1416 1417
(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;	1418 1419 1420 1421 1422
(7) Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code;	1423 1424 1425
(8) Except as provided in division (B) of this section:	1426
(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;	1427 1428 1429 1430 1431 1432 1433
(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.	1434 1435 1436 1437 1438
(B) Sanctions shall not be imposed under division (A)(8) of this section against any terminal distributor of dangerous drugs that waives deductibles and copayments as follows:	1439 1440 1441
(1) In compliance with a health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board on request.	1442 1443 1444 1445 1446

(2) For professional services rendered to any other person 1447  
licensed pursuant to this chapter to the extent allowed by this 1448  
chapter and the rules of the board. 1449

(C)(1) Upon the suspension or revocation of a license issued 1450  
to a terminal distributor of dangerous drugs or the refusal by the 1451  
board to renew such a license, the distributor shall immediately 1452  
surrender the license to the board. 1453

(2) The board may place under seal all dangerous drugs that 1454  
are owned by or in the possession, custody, or control of a 1455  
terminal distributor at the time the license is suspended or 1456  
revoked or at the time the board refuses to renew the license. 1457  
Except as otherwise provided in this division, dangerous drugs so 1458  
sealed shall not be disposed of until appeal rights under Chapter 1459  
119. of the Revised Code have expired or an appeal filed pursuant 1460  
to that chapter has been determined. 1461

The court involved in an appeal filed pursuant to Chapter 1462  
119. of the Revised Code may order the board, during the pendency 1463  
of the appeal, to sell sealed dangerous drugs that are perishable. 1464  
The proceeds of such a sale shall be deposited with that court. 1465

**Sec. 4729.79.** (A) If the state board of pharmacy establishes 1466  
and maintains a drug database pursuant to section 4729.75 of the 1467  
Revised Code, each licensed health professional authorized to 1468  
prescribe drugs, ~~other than a veterinarian~~ except as provided in 1469  
division (C) of this section, who personally furnishes to a 1470  
patient a controlled substance or other dangerous drug the board 1471  
includes in the database pursuant to rules adopted under section 1472  
4729.84 of the Revised Code ~~to a patient in this state~~ shall 1473  
submit to the board the following information: 1474

(1) Prescriber identification; 1475

(2) Patient identification; 1476

(3) Date drug was furnished by the prescriber;	1477
(4) Indication of whether the drug furnished is new or a refill;	1478 1479
(5) Name, strength, and national drug code of drug furnished;	1480
(6) Quantity of drug furnished;	1481
(7) Number of days' supply of drug furnished;	1482
(8) Source of payment for the drug furnished;	1483
<u>(9) Identification of the owner of the drug furnished.</u>	1484
(B)(1) The information shall be transmitted as specified by the board in rules adopted under section 4729.84 of the Revised Code.	1485 1486 1487
(2) The information shall be submitted electronically in the format specified by the board, except that the board may grant a waiver allowing the prescriber to submit the information in another format.	1488 1489 1490 1491
(3) The information shall be submitted in accordance with any time limits specified by the board, except that the board may grant an extension if either of the following occurs:	1492 1493 1494
(a) The prescriber's transmission system suffers a mechanical or electronic failure, or the prescriber cannot meet the deadline for other reasons beyond the prescriber's control.	1495 1496 1497
(b) The board is unable to receive electronic submissions.	1498
<u>(C)(1) The information required to be submitted under division (A) of this section may be submitted on behalf of the prescriber by the owner of the drug being personally furnished or by a delegate approved by that owner.</u>	1499 1500 1501 1502
<u>(2) The requirements of this section to submit information to the board do not apply to a prescriber who is a veterinarian.</u>	1503 1504
<u>(D) If the board becomes aware of a prescriber's failure to</u>	1505

comply with this section, the board shall notify the government 1506  
entity responsible for licensing the prescriber. 1507

**Sec. 4729.80.** (A) If the state board of pharmacy establishes 1508  
and maintains a drug database pursuant to section 4729.75 of the 1509  
Revised Code, the board is authorized or required to provide 1510  
information from the database in accordance with the following: 1511

(1) On receipt of a request from a designated representative 1512  
of a government entity responsible for the licensure, regulation, 1513  
or discipline of health care professionals with authority to 1514  
prescribe, administer, or dispense drugs, the board may provide to 1515  
the representative information from the database relating to the 1516  
professional who is the subject of an active investigation being 1517  
conducted by the government entity. 1518

(2) On receipt of a request from a federal officer, or a 1519  
state or local officer of this or any other state, whose duties 1520  
include enforcing laws relating to drugs, the board shall provide 1521  
to the officer information from the database relating to the 1522  
person who is the subject of an active investigation of a drug 1523  
abuse offense, as defined in section 2925.01 of the Revised Code, 1524  
being conducted by the officer's employing government entity. 1525

(3) Pursuant to a subpoena issued by a grand jury, the board 1526  
shall provide to the grand jury information from the database 1527  
relating to the person who is the subject of an investigation 1528  
being conducted by the grand jury. 1529

(4) Pursuant to a subpoena, search warrant, or court order in 1530  
connection with the investigation or prosecution of a possible or 1531  
alleged criminal offense, the board shall provide information from 1532  
the database as necessary to comply with the subpoena, search 1533  
warrant, or court order. 1534

(5) On receipt of a request from a prescriber or the 1535

prescriber's ~~agent registered with~~ delegate approved by the board, 1536  
the board may provide to the prescriber information from the 1537  
database relating to a ~~current patient of the prescriber~~ who is 1538  
either of the following, if the prescriber certifies in a form 1539  
specified by the board that it is for the purpose of providing 1540  
medical treatment to the patient who is the subject of the 1541  
request; 1542

(a) A current patient of the prescriber; 1543

(b) A potential patient of the prescriber based on a referral 1544  
of the patient to the prescriber. 1545

(6) On receipt of a request from a pharmacist or the 1546  
pharmacist's delegate approved by the board, the board may provide 1547  
to the pharmacist information from the database relating to a 1548  
current patient of the pharmacist, if the pharmacist certifies in 1549  
a form specified by the board that it is for the purpose of the 1550  
pharmacist's practice of pharmacy involving the patient who is the 1551  
subject of the request. 1552

(7) On receipt of a request from an individual seeking the 1553  
individual's own database information in accordance with the 1554  
procedure established in rules adopted under section 4729.84 of 1555  
the Revised Code, the board may provide to the individual the 1556  
individual's own database information. 1557

(8) On receipt of a request from the medical director of a 1558  
managed care organization that has entered into a data security 1559  
agreement with the board required by section 5111.1710 of the 1560  
Revised Code, the board may provide to the medical director 1561  
information from the database relating to a medicaid recipient 1562  
enrolled in the managed care organization. 1563

(9) On receipt of a request from the director of job and 1564  
family services, the board may provide to the director information 1565  
from the database relating to a recipient of a program 1566

administered by the department of job and family services. 1567

(10) On receipt of a request from the administrator of 1568  
workers' compensation, the board may provide to the administrator 1569  
information from the database relating to a claimant under Chapter 1570  
4121., 4123., 4127., or 4131. of the Revised Code. 1571

(11) On receipt of a request from a requestor described in 1572  
division (A)(1), (2), (5), or (6) of this section who is from or 1573  
participating with another state's prescription monitoring 1574  
program, the board may provide to the requestor information from 1575  
the database, but only if there is a written agreement under which 1576  
the information is to be used and disseminated according to the 1577  
laws of this state. 1578

(B) The state board of pharmacy shall maintain a record of 1579  
each individual or entity that requests information from the 1580  
database pursuant to this section. In accordance with rules 1581  
adopted under section 4729.84 of the Revised Code, the board may 1582  
use the records to document and report statistics and law 1583  
enforcement outcomes. 1584

The board may provide records of an individual's requests for 1585  
database information to the following: 1586

(1) A designated representative of a government entity that 1587  
is responsible for the licensure, regulation, or discipline of 1588  
health care professionals with authority to prescribe, administer, 1589  
or dispense drugs who is involved in an active investigation being 1590  
conducted by the government entity of the individual who submitted 1591  
the requests for database information; 1592

(2) A federal officer, or a state or local officer of this or 1593  
any other state, whose duties include enforcing laws relating to 1594  
drugs and who is involved in an active investigation being 1595  
conducted by the officer's employing government entity of the 1596  
individual who submitted the requests for database information. 1597

(C) Information contained in the database and any information 1598  
obtained from it is not a public record. Information contained in 1599  
the records of requests for information from the database is not a 1600  
public record. Information that does not identify a person may be 1601  
released in summary, statistical, or aggregate form. 1602

(D) A pharmacist or prescriber shall not be held liable in 1603  
damages to any person in any civil action for injury, death, or 1604  
loss to person or property on the basis that the pharmacist or 1605  
prescriber did or did not seek or obtain information from the 1606  
database. 1607

**Sec. 4729.86.** If the state board of pharmacy establishes and 1608  
maintains a drug database pursuant to section 4729.75 of the 1609  
Revised Code, all of the following apply: 1610

(A)(1) No person identified in divisions (A)(1) to (10) or 1611  
(B) of section 4729.80 of the Revised Code shall disseminate any 1612  
written or electronic ~~document~~ information the person receives 1613  
from the drug database or otherwise provide another person access 1614  
to the information that the person receives from the database, 1615  
except as follows: 1616

(a) When necessary in the investigation or prosecution of a 1617  
possible or alleged criminal offense; 1618

(b) When a person provides the information to the prescriber 1619  
or pharmacist for whom the person is approved by the board to 1620  
serve as a delegate of the prescriber or pharmacist for purposes 1621  
of requesting and receiving information from the drug database 1622  
under division (A)(5) or (6) of section 4729.80 of the Revised 1623  
Code; 1624

(c) When a prescriber or pharmacist provides the information 1625  
to a person who is approved by the board to serve as such a 1626  
delegate of the prescriber or pharmacist. 1627



(2) No person shall provide false information to the state board of pharmacy with the intent to obtain or alter information contained in the drug database.

(3) No person shall obtain drug database information by any means except as provided under section 4729.80 or 4729.81 of the Revised Code.

(B) A person shall not use ~~a document~~ information obtained pursuant to division (A) of section 4729.80 of the Revised Code as evidence in any civil or administrative proceeding.

(C)(1) The board may restrict a person from obtaining further information from the drug database if any of the following is the case:

(a) ~~The person is convicted of or pleads guilty to a violation of~~ violates division (A)(1), (2), or (3) of this section;

(b) The person is a requestor identified in division (A)(11) of section 4729.80 of the Revised Code and the board determines that the person's actions in another state would have constituted a violation of division (A)(1), (2), or (3) of this section;

(c) The person fails to comply with division (B) of this section, regardless of the jurisdiction in which the failure to comply occurred.

(2) The board shall determine the extent to which the person is restricted from obtaining further information from the database.

**Sec. 4730.53.** (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 medical board shall adopt rules in accordance with Chapter 119. of the Revised Code that establish standards and

procedures to be followed by a physician assistant who holds a 1658  
certificate to prescribe issued under this chapter regarding the 1659  
review of patient information available through the drug database 1660  
under division (A)(5) of section 4729.80 of the Revised Code. 1661

(C) This section and the rules adopted under it do not apply 1662  
if the state board of pharmacy no longer maintains the drug 1663  
database. 1664

**Sec. 4731.054.** (A) As used in this section: 1665

(1) "Chronic pain" has the same meaning as in section 1666  
4731.052 of the Revised Code. 1667

(2) "Controlled substance" has the same meaning as in section 1668  
3719.01 of the Revised Code. 1669

(3) "Hospital" means a hospital registered with the 1670  
department of health under section 3701.07 of the Revised Code. 1671

(4) "Owner" means each person included on the list maintained 1672  
under division (B)~~(5)~~(6) of section 4729.552 of the Revised Code. 1673

(5)(a) "Pain management clinic" means a facility to which ~~all~~ 1674  
both of the following apply: 1675

(i) ~~The primary component of practice is treatment of pain or~~ 1676  
~~chronic pain;~~ 1677

~~(ii)~~ The majority of patients of the prescribers at the 1678  
facility are provided treatment for ~~pain or~~ chronic pain ~~that~~ 1679  
~~includes~~ through the use of controlled substances, tramadol, 1680  
~~earisopredol,~~ or other drugs specified in rules adopted under this 1681  
section; 1682

~~(iii)~~(ii) The facility meets any other identifying criteria 1683  
established in rules adopted under this section. 1684

(b) "Pain management clinic" does not include any of the 1685  
following: 1686

(i) A hospital;	1687
(ii) A facility operated by a hospital for the treatment of <del>pain or</del> chronic pain;	1688 1689
(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;	1690 1691 1692
(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;	1693 1694 1695 1696 1697 1698
(v) A hospice program licensed under Chapter 3712. of the Revised Code;	1699 1700
(vi) An ambulatory surgical facility licensed under section 3702.30 of the Revised Code;	1701 1702
(vii) An interdisciplinary pain rehabilitation program with three-year accreditation from the commission on accreditation of rehabilitation facilities;	1703 1704 1705
<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>	1706 1707 1708
<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 accredited by the association for the accreditation of human research protection programs.</u>	1709 1710 1711 1712 1713
(6) "Physician" means an individual authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery.	1714 1715 1716

(7) "Prescriber" has the same meaning as in section 4729.01 1717  
of the Revised Code. 1718

(B) Each owner shall supervise, control, and direct the 1719  
activities of each individual, including an employee, volunteer, 1720  
or individual under contract, who provides treatment of ~~pain or~~ 1721  
chronic pain at the clinic or is associated with the provision of 1722  
that treatment. The supervision, control, and direction shall be 1723  
provided in accordance with rules adopted under this section. 1724

(C) The state medical board shall adopt rules in accordance 1725  
with Chapter 119. of the Revised Code that establish all of the 1726  
following: 1727

(1) Standards and procedures for the operation of a pain 1728  
management clinic; 1729

(2) Standards and procedures to be followed by a physician 1730  
who provides care at a pain management clinic; 1731

(3) For purposes of division (A)(5)(a)~~(ii)~~(i) of this 1732  
section, the other drugs used to treat ~~pain or~~ chronic pain that 1733  
identify a facility as a pain management clinic; 1734

(4) For purposes of division (A)(5)(a)~~(iii)~~(ii) of this 1735  
section, the other criteria that identify a facility as a pain 1736  
management clinic; 1737

(5) For purposes of division (B) of this section, standards 1738  
and procedures to be followed by an owner in providing 1739  
supervision, direction, and control of individuals at a pain 1740  
management clinic. 1741

(D) The board may impose a fine of not more than twenty 1742  
thousand dollars on a physician who fails to comply with rules 1743  
adopted under this section. The fine may be in addition to or in 1744  
lieu of any other action that may be taken under section 4731.22 1745  
of the Revised Code. The board shall deposit any amounts received 1746

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 procedures to be followed by a physician regarding the review of patient information available through the drug database under division (A)(5) of section 4729.80 of the Revised Code.

(C) This section and the rules adopted under it do not apply 1776  
if the state board of pharmacy no longer maintains the drug 1777  
database. 1778

**Sec. 4731.22.** (A) The state medical board, by an affirmative 1779  
vote of not fewer than six of its members, may limit, revoke, or 1780  
may suspend an individual's certificate to practice, refuse to 1781  
grant a certificate to ~~a person~~ an individual, refuse to register 1782  
an individual, refuse to reinstate a certificate, or reprimand or 1783  
place on probation the holder of a certificate if the individual 1784  
or certificate holder is found by the board to have committed 1785  
fraud during the administration of the examination for a 1786  
certificate to practice or to have committed fraud, 1787  
misrepresentation, or deception in applying for or securing any 1788  
certificate to practice or certificate of registration issued by 1789  
the board. 1790

(B) The board, by an affirmative vote of not fewer than six 1791  
members, shall, to the extent permitted by law, limit, revoke, or 1792  
suspend an individual's certificate to practice, refuse to 1793  
register an individual, refuse to reinstate a certificate, or 1794  
reprimand or place on probation the holder of a certificate for 1795  
one or more of the following reasons: 1796

(1) Permitting one's name or one's certificate to practice or 1797  
certificate of registration to be used by a person, group, or 1798  
corporation when the individual concerned is not actually 1799  
directing the treatment given; 1800

(2) Failure to maintain minimal standards applicable to the 1801  
selection or administration of drugs, or failure to employ 1802  
acceptable scientific methods in the selection of drugs or other 1803  
modalities for treatment of disease; 1804

(3) Selling, giving away, personally furnishing, prescribing, 1805  
or administering drugs for other than legal and legitimate 1806

therapeutic purposes or a plea of guilty to, a judicial finding of 1807  
guilt of, or a judicial finding of eligibility for intervention in 1808  
lieu of conviction of, a violation of any federal or state law 1809  
regulating the possession, distribution, or use of any drug; 1810

(4) Willfully betraying a professional confidence. 1811

For purposes of this division, "willfully betraying a 1812  
professional confidence" does not include providing any 1813  
information, documents, or reports to a child fatality review 1814  
board under sections 307.621 to 307.629 of the Revised Code and 1815  
does not include the making of a report of an employee's use of a 1816  
drug of abuse, or a report of a condition of an employee other 1817  
than one involving the use of a drug of abuse, to the employer of 1818  
the employee as described in division (B) of section 2305.33 of 1819  
the Revised Code. Nothing in this division affects the immunity 1820  
from civil liability conferred by that section upon a physician 1821  
who makes either type of report in accordance with division (B) of 1822  
that section. As used in this division, "employee," "employer," 1823  
and "physician" have the same meanings as in section 2305.33 of 1824  
the Revised Code. 1825

(5) Making a false, fraudulent, deceptive, or misleading 1826  
statement in the solicitation of or advertising for patients; in 1827  
relation to the practice of medicine and surgery, osteopathic 1828  
medicine and surgery, podiatric medicine and surgery, or a limited 1829  
branch of medicine; or in securing or attempting to secure any 1830  
certificate to practice or certificate of registration issued by 1831  
the board. 1832

As used in this division, "false, fraudulent, deceptive, or 1833  
misleading statement" means a statement that includes a 1834  
misrepresentation of fact, is likely to mislead or deceive because 1835  
of a failure to disclose material facts, is intended or is likely 1836  
to create false or unjustified expectations of favorable results, 1837  
or includes representations or implications that in reasonable 1838

probability will cause an ordinarily prudent person to 1839  
misunderstand or be deceived. 1840

(6) A departure from, or the failure to conform to, minimal 1841  
standards of care of similar practitioners under the same or 1842  
similar circumstances, whether or not actual injury to a patient 1843  
is established; 1844

(7) Representing, with the purpose of obtaining compensation 1845  
or other advantage as personal gain or for any other person, that 1846  
an incurable disease or injury, or other incurable condition, can 1847  
be permanently cured; 1848

(8) The obtaining of, or attempting to obtain, money or 1849  
anything of value by fraudulent misrepresentations in the course 1850  
of practice; 1851

(9) A plea of guilty to, a judicial finding of guilt of, or a 1852  
judicial finding of eligibility for intervention in lieu of 1853  
conviction for, a felony; 1854

(10) Commission of an act that constitutes a felony in this 1855  
state, regardless of the jurisdiction in which the act was 1856  
committed; 1857

(11) A plea of guilty to, a judicial finding of guilt of, or 1858  
a judicial finding of eligibility for intervention in lieu of 1859  
conviction for, a misdemeanor committed in the course of practice; 1860

(12) Commission of an act in the course of practice that 1861  
constitutes a misdemeanor in this state, regardless of the 1862  
jurisdiction in which the act was committed; 1863

(13) A plea of guilty to, a judicial finding of guilt of, or 1864  
a judicial finding of eligibility for intervention in lieu of 1865  
conviction for, a misdemeanor involving moral turpitude; 1866

(14) Commission of an act involving moral turpitude that 1867  
constitutes a misdemeanor in this state, regardless of the 1868



jurisdiction in which the act was committed;	1869
(15) Violation of the conditions of limitation placed by the board upon a certificate to practice;	1870 1871
(16) Failure to pay license renewal fees specified in this chapter;	1872 1873
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;	1874 1875 1876 1877
(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The individual whose certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to the individual's profession.	1878 1879 1880 1881 1882 1883 1884 1885 1886 1887 1888
For purposes of this division, a "provision of a code of ethics of a national professional organization" does not include any provision 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	1889 1890 1891 1892 1893 1894 1895 1896 1897 1898 1899

meanings as in section 2305.33 of the Revised Code. 1900

(19) Inability to practice according to acceptable and 1901  
prevailing standards of care by reason of mental illness or 1902  
physical illness, including, but not limited to, physical 1903  
deterioration that adversely affects cognitive, motor, or 1904  
perceptive skills. 1905

In enforcing this division, the board, upon a showing of a 1906  
possible violation, may compel any individual authorized to 1907  
practice by this chapter or who has submitted an application 1908  
pursuant to this chapter to submit to a mental examination, 1909  
physical examination, including an HIV test, or both a mental and 1910  
a physical examination. The expense of the examination is the 1911  
responsibility of the individual compelled to be examined. Failure 1912  
to submit to a mental or physical examination or consent to an HIV 1913  
test ordered by the board constitutes an admission of the 1914  
allegations against the individual unless the failure is due to 1915  
circumstances beyond the individual's control, and a default and 1916  
final order may be entered without the taking of testimony or 1917  
presentation of evidence. If the board finds an individual unable 1918  
to practice because of the reasons set forth in this division, the 1919  
board shall require the individual to submit to care, counseling, 1920  
or treatment by physicians approved or designated by the board, as 1921  
a condition for initial, continued, reinstated, or renewed 1922  
authority to practice. An individual affected under this division 1923  
shall be afforded an opportunity to demonstrate to the board the 1924  
ability to resume practice in compliance with acceptable and 1925  
prevailing standards under the provisions of the individual's 1926  
certificate. For the purpose of this division, any individual who 1927  
applies for or receives a certificate to practice under this 1928  
chapter accepts the privilege of practicing in this state and, by 1929  
so doing, shall be deemed to have given consent to submit to a 1930  
mental or physical examination when directed to do so in writing 1931

by the board, and to have waived all objections to the 1932  
admissibility of testimony or examination reports that constitute 1933  
a privileged communication. 1934

(20) Except when civil penalties are imposed under section 1935  
4731.225 or 4731.281 of the Revised Code, and subject to section 1936  
4731.226 of the Revised Code, violating or attempting to violate, 1937  
directly or indirectly, or assisting in or abetting the violation 1938  
of, or conspiring to violate, any provisions of this chapter or 1939  
any rule promulgated by the board. 1940

This division does not apply to a violation or attempted 1941  
violation of, assisting in or abetting the violation of, or a 1942  
conspiracy to violate, any provision of this chapter or any rule 1943  
adopted by the board that would preclude the making of a report by 1944  
a physician of an employee's use of a drug of abuse, or of a 1945  
condition of an employee other than one involving the use of a 1946  
drug of abuse, to the employer of the employee as described in 1947  
division (B) of section 2305.33 of the Revised Code. Nothing in 1948  
this division affects the immunity from civil liability conferred 1949  
by that section upon a physician who makes either type of report 1950  
in accordance with division (B) of that section. As used in this 1951  
division, "employee," "employer," and "physician" have the same 1952  
meanings as in section 2305.33 of the Revised Code. 1953

(21) The violation of section 3701.79 of the Revised Code or 1954  
of any abortion rule adopted by the public health council pursuant 1955  
to section 3701.341 of the Revised Code; 1956

(22) Any of the following actions taken by an agency 1957  
responsible for authorizing, certifying, or regulating an 1958  
individual to practice a health care occupation or provide health 1959  
care services in this state or another jurisdiction, for any 1960  
reason other than the nonpayment of fees: the limitation, 1961  
revocation, or suspension of an individual's license to practice; 1962  
acceptance of an individual's license surrender; denial of a 1963

license; refusal to renew or reinstate a license; imposition of 1964  
probation; or issuance of an order of censure or other reprimand; 1965

(23) The violation of section 2919.12 of the Revised Code or 1966  
the performance or inducement of an abortion upon a pregnant woman 1967  
with actual knowledge that the conditions specified in division 1968  
(B) of section 2317.56 of the Revised Code have not been satisfied 1969  
or with a heedless indifference as to whether those conditions 1970  
have been satisfied, unless an affirmative defense as specified in 1971  
division (H)(2) of that section would apply in a civil action 1972  
authorized by division (H)(1) of that section; 1973

(24) The revocation, suspension, restriction, reduction, or 1974  
termination of clinical privileges by the United States department 1975  
of defense or department of veterans affairs or the termination or 1976  
suspension of a certificate of registration to prescribe drugs by 1977  
the drug enforcement administration of the United States 1978  
department of justice; 1979

(25) Termination or suspension from participation in the 1980  
medicare or medicaid programs by the department of health and 1981  
human services or other responsible agency for any act or acts 1982  
that also would constitute a violation of division (B)(2), (3), 1983  
(6), (8), or (19) of this section; 1984

(26) Impairment of ability to practice according to 1985  
acceptable and prevailing standards of care because of habitual or 1986  
excessive use or abuse of drugs, alcohol, or other substances that 1987  
impair ability to practice. 1988

For the purposes of this division, any individual authorized 1989  
to practice by this chapter accepts the privilege of practicing in 1990  
this state subject to supervision by the board. By filing an 1991  
application for or holding a certificate to practice under this 1992  
chapter, an individual shall be deemed to have given consent to 1993  
submit to a mental or physical examination when ordered to do so 1994

by the board in writing, and to have waived all objections to the 1995  
admissibility of testimony or examination reports that constitute 1996  
privileged communications. 1997

If it has reason to believe that any individual authorized to 1998  
practice by this chapter or any applicant for certification to 1999  
practice suffers such impairment, the board may compel the 2000  
individual to submit to a mental or physical examination, or both. 2001  
The expense of the examination is the responsibility of the 2002  
individual compelled to be examined. Any mental or physical 2003  
examination required under this division shall be undertaken by a 2004  
treatment provider or physician who is qualified to conduct the 2005  
examination and who is chosen by the board. 2006

Failure to submit to a mental or physical examination ordered 2007  
by the board constitutes an admission of the allegations against 2008  
the individual unless the failure is due to circumstances beyond 2009  
the individual's control, and a default and final order may be 2010  
entered without the taking of testimony or presentation of 2011  
evidence. If the board determines that the individual's ability to 2012  
practice is impaired, the board shall suspend the individual's 2013  
certificate or deny the individual's application and shall require 2014  
the individual, as a condition for initial, continued, reinstated, 2015  
or renewed certification to practice, to submit to treatment. 2016

Before being eligible to apply for reinstatement of a 2017  
certificate suspended under this division, the impaired 2018  
practitioner shall demonstrate to the board the ability to resume 2019  
practice in compliance with acceptable and prevailing standards of 2020  
care under the provisions of the practitioner's certificate. The 2021  
demonstration shall include, but shall not be limited to, the 2022  
following: 2023

(a) Certification from a treatment provider approved under 2024  
section 4731.25 of the Revised Code that the individual has 2025  
successfully completed any required inpatient treatment; 2026

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement; 2027  
2028

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making the assessments and shall describe the basis for their determination. 2029  
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The board may reinstate a certificate suspended under this division after that demonstration and after the individual has entered into a written consent agreement. 2035  
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When the impaired practitioner resumes practice, the board shall require continued monitoring of the individual. The monitoring shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of perjury stating whether the individual has maintained sobriety. 2038  
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(27) A second or subsequent violation of section 4731.66 or 4731.69 of the Revised Code; 2047  
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(28) Except as provided in division (N) of this section: 2049

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual; 2050  
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(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, 2056  
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pursuant to a health insurance or health care policy, contract, or 2058  
plan that covers the individual's services, otherwise would be 2059  
required to pay. 2060

(29) Failure to use universal blood and body fluid 2061  
precautions established by rules adopted under section 4731.051 of 2062  
the Revised Code; 2063

(30) Failure to provide notice to, and receive acknowledgment 2064  
of the notice from, a patient when required by section 4731.143 of 2065  
the Revised Code prior to providing nonemergency professional 2066  
services, or failure to maintain that notice in the patient's 2067  
file; 2068

(31) Failure of a physician supervising a physician assistant 2069  
to maintain supervision in accordance with the requirements of 2070  
Chapter 4730. of the Revised Code and the rules adopted under that 2071  
chapter; 2072

(32) Failure of a physician or podiatrist to enter into a 2073  
standard care arrangement with a clinical nurse specialist, 2074  
certified nurse-midwife, or certified nurse practitioner with whom 2075  
the physician or podiatrist is in collaboration pursuant to 2076  
section 4731.27 of the Revised Code or failure to fulfill the 2077  
responsibilities of collaboration after entering into a standard 2078  
care arrangement; 2079

(33) Failure to comply with the terms of a consult agreement 2080  
entered into with a pharmacist pursuant to section 4729.39 of the 2081  
Revised Code; 2082

(34) Failure to cooperate in an investigation conducted by 2083  
the board under division (F) of this section, including failure to 2084  
comply with a subpoena or order issued by the board or failure to 2085  
answer truthfully a question presented by the board in an 2086  
investigative interview, an investigative office conference, at a 2087  
deposition, or in written interrogatories, except that failure to 2088

cooperate with an investigation shall not constitute grounds for	2089
discipline under this section if a court of competent jurisdiction	2090
has issued an order that either quashes a subpoena or permits the	2091
individual to withhold the testimony or evidence in issue;	2092
(35) Failure to supervise an acupuncturist in accordance with	2093
Chapter 4762. of the Revised Code and the board's rules for	2094
supervision of an acupuncturist;	2095
(36) Failure to supervise an anesthesiologist assistant in	2096
accordance with Chapter 4760. of the Revised Code and the board's	2097
rules for supervision of an anesthesiologist assistant;	2098
(37) Assisting suicide as defined in section 3795.01 of the	2099
Revised Code;	2100
(38) Failure to comply with the requirements of section	2101
2317.561 of the Revised Code;	2102
(39) Failure to supervise a radiologist assistant in	2103
accordance with Chapter 4774. of the Revised Code and the board's	2104
rules for supervision of radiologist assistants;	2105
(40) Performing or inducing an abortion at an office or	2106
facility with knowledge that the office or facility fails to post	2107
the notice required under section 3701.791 of the Revised Code;	2108
(41) Failure to comply with the standards and procedures	2109
established in rules under section 4731.054 of the Revised Code	2110
for the operation of or the provision of care at a pain management	2111
clinic;	2112
(42) Failure to comply with the standards and procedures	2113
established in rules under section 4731.054 of the Revised Code	2114
for providing supervision, direction, and control of individuals	2115
at a pain management clinic;	2116
(43) Failure to comply with the requirements of section	2117
4729.79 of the Revised Code, unless the state board of pharmacy no	2118



longer maintains a drug database pursuant to section 4729.75 of 2119  
the Revised Code; 2120

~~(41)~~(44) Failure to comply with the requirements of section 2121  
2919.171 of the Revised Code or failure to submit to the 2122  
department of health in accordance with a court order a complete 2123  
report as described in section 2919.171 of the Revised Code; 2124

(45) Practicing at a facility that is subject to licensure as 2125  
a category III terminal distributor of dangerous drugs with a pain 2126  
management clinic classification unless the person operating the 2127  
facility has obtained and maintains the license with the 2128  
classification; 2129

(46) Owning a facility that is subject to licensure as a 2130  
category III terminal distributor of dangerous drugs with a pain 2131  
management clinic classification unless the facility is licensed 2132  
with the classification. 2133

(C) Disciplinary actions taken by the board under divisions 2134  
(A) and (B) of this section shall be taken pursuant to an 2135  
adjudication under Chapter 119. of the Revised Code, except that 2136  
in lieu of an adjudication, the board may enter into a consent 2137  
agreement with an individual to resolve an allegation of a 2138  
violation of this chapter or any rule adopted under it. A consent 2139  
agreement, when ratified by an affirmative vote of not fewer than 2140  
six members of the board, shall constitute the findings and order 2141  
of the board with respect to the matter addressed in the 2142  
agreement. If the board refuses to ratify a consent agreement, the 2143  
admissions and findings contained in the consent agreement shall 2144  
be of no force or effect. 2145

A telephone conference call may be utilized for ratification 2146  
of a consent agreement that revokes or suspends an individual's 2147  
certificate to practice. The telephone conference call shall be 2148  
considered a special meeting under division (F) of section 121.22 2149

of the Revised Code. 2150

If the board takes disciplinary action against an individual 2151  
under division (B) of this section for a second or subsequent plea 2152  
of guilty to, or judicial finding of guilt of, a violation of 2153  
section 2919.123 of the Revised Code, the disciplinary action 2154  
shall consist of a suspension of the individual's certificate to 2155  
practice for a period of at least one year or, if determined 2156  
appropriate by the board, a more serious sanction involving the 2157  
individual's certificate to practice. Any consent agreement 2158  
entered into under this division with an individual that pertains 2159  
to a second or subsequent plea of guilty to, or judicial finding 2160  
of guilt of, a violation of that section shall provide for a 2161  
suspension of the individual's certificate to practice for a 2162  
period of at least one year or, if determined appropriate by the 2163  
board, a more serious sanction involving the individual's 2164  
certificate to practice. 2165

(D) For purposes of divisions (B)(10), (12), and (14) of this 2166  
section, the commission of the act may be established by a finding 2167  
by the board, pursuant to an adjudication under Chapter 119. of 2168  
the Revised Code, that the individual committed the act. The board 2169  
does not have jurisdiction under those divisions if the trial 2170  
court renders a final judgment in the individual's favor and that 2171  
judgment is based upon an adjudication on the merits. The board 2172  
has jurisdiction under those divisions if the trial court issues 2173  
an order of dismissal upon technical or procedural grounds. 2174

(E) The sealing of conviction records by any court shall have 2175  
no effect upon a prior board order entered under this section or 2176  
upon the board's jurisdiction to take action under this section 2177  
if, based upon a plea of guilty, a judicial finding of guilt, or a 2178  
judicial finding of eligibility for intervention in lieu of 2179  
conviction, the board issued a notice of opportunity for a hearing 2180  
prior to the court's order to seal the records. The board shall 2181

not be required to seal, destroy, redact, or otherwise modify its 2182  
records to reflect the court's sealing of conviction records. 2183

(F)(1) The board shall investigate evidence that appears to 2184  
show that a person has violated any provision of this chapter or 2185  
any rule adopted under it. Any person may report to the board in a 2186  
signed writing any information that the person may have that 2187  
appears to show a violation of any provision of this chapter or 2188  
any rule adopted under it. In the absence of bad faith, any person 2189  
who reports information of that nature or who testifies before the 2190  
board in any adjudication conducted under Chapter 119. of the 2191  
Revised Code shall not be liable in damages in a civil action as a 2192  
result of the report or testimony. Each complaint or allegation of 2193  
a violation received by the board shall be assigned a case number 2194  
and shall be recorded by the board. 2195

(2) Investigations of alleged violations of this chapter or 2196  
any rule adopted under it shall be supervised by the supervising 2197  
member elected by the board in accordance with section 4731.02 of 2198  
the Revised Code and by the secretary as provided in section 2199  
4731.39 of the Revised Code. The president may designate another 2200  
member of the board to supervise the investigation in place of the 2201  
supervising member. No member of the board who supervises the 2202  
investigation of a case shall participate in further adjudication 2203  
of the case. 2204

(3) In investigating a possible violation of this chapter or 2205  
any rule adopted under this chapter, or in conducting an 2206  
inspection under division (E) of section 4731.054 of the Revised 2207  
Code, the board may question witnesses, conduct interviews, 2208  
administer oaths, order the taking of depositions, inspect and 2209  
copy any books, accounts, papers, records, or documents, issue 2210  
subpoenas, and compel the attendance of witnesses and production 2211  
of books, accounts, papers, records, documents, and testimony, 2212  
except that a subpoena for patient record information shall not be 2213

issued without consultation with the attorney general's office and 2214  
approval of the secretary and supervising member of the board. 2215

~~Before~~ 2216

(a) Before issuance of a subpoena for patient record 2217  
information, the secretary and supervising member shall determine 2218  
whether there is probable cause to believe that the complaint 2219  
filed alleges a violation of this chapter or any rule adopted 2220  
under it and that the records sought are relevant to the alleged 2221  
violation and material to the investigation. The subpoena may 2222  
apply only to records that cover a reasonable period of time 2223  
surrounding the alleged violation. 2224

(b) On failure to comply with any subpoena issued by the 2225  
board and after reasonable notice to the person being subpoenaed, 2226  
the board may move for an order compelling the production of 2227  
persons or records pursuant to the Rules of Civil Procedure. 2228

(c) A subpoena issued by the board may be served by a 2229  
sheriff, the sheriff's deputy, or a board employee designated by 2230  
the board. Service of a subpoena issued by the board may be made 2231  
by delivering a copy of the subpoena to the person named therein, 2232  
reading it to the person, or leaving it at the person's usual 2233  
place of residence, usual place of business, or address on file 2234  
with the board. When ~~the person being served is a person whose~~ 2235  
~~practice is authorized by~~ serving a subpoena to an applicant for 2236  
or the holder of a certificate issued under this chapter, service 2237  
of the subpoena may be made by certified mail, ~~restricted~~ 2238  
~~delivery~~, return receipt requested, and the subpoena shall be 2239  
deemed served on the date delivery is made or the date the person 2240  
refuses to accept delivery. If the person being served refuses to 2241  
accept the subpoena or is not located, service may be made to an 2242  
attorney who notifies the board that the attorney is representing 2243  
the person. 2244

(d) A sheriff's deputy who serves a subpoena shall receive 2245

the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

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

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

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

The board may share any information it receives pursuant to an investigation or inspection, including patient records and patient record 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 medical 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 medical 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.

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

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

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

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

(d) The disposition of the case.

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.

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

(1) That there is clear and convincing evidence that an

individual has violated division (B) of this section; 2308

(2) That the individual's continued practice presents a 2309  
danger of immediate and serious harm to the public. 2310

Written allegations shall be prepared for consideration by 2311  
the board. The board, upon review of those allegations and by an 2312  
affirmative vote of not fewer than six of its members, excluding 2313  
the secretary and supervising member, may suspend a certificate 2314  
without a prior hearing. A telephone conference call may be 2315  
utilized for reviewing the allegations and taking the vote on the 2316  
summary suspension. 2317

The board shall issue a written order of suspension by 2318  
certified mail or in person in accordance with section 119.07 of 2319  
the Revised Code. The order shall not be subject to suspension by 2320  
the court during pendency of any appeal filed under section 119.12 2321  
of the Revised Code. If the individual subject to the summary 2322  
suspension requests an adjudicatory hearing by the board, the date 2323  
set for the hearing shall be within fifteen days, but not earlier 2324  
than seven days, after the individual requests the hearing, unless 2325  
otherwise agreed to by both the board and the individual. 2326

Any summary suspension imposed under this division shall 2327  
remain in effect, unless reversed on appeal, until a final 2328  
adjudicative order issued by the board pursuant to this section 2329  
and Chapter 119. of the Revised Code becomes effective. The board 2330  
shall issue its final adjudicative order within seventy-five days 2331  
after completion of its hearing. A failure to issue the order 2332  
within seventy-five days shall result in dissolution of the 2333  
summary suspension order but shall not invalidate any subsequent, 2334  
final adjudicative order. 2335

(H) If the board takes action under division (B)(9), (11), or 2336  
(13) of this section and the judicial finding of guilt, guilty 2337  
plea, or judicial finding of eligibility for intervention in lieu 2338

of conviction is overturned on appeal, upon exhaustion of the 2339  
criminal appeal, a petition for reconsideration of the order may 2340  
be filed with the board along with appropriate court documents. 2341  
Upon receipt of a petition of that nature and supporting court 2342  
documents, the board shall reinstate the individual's certificate 2343  
to practice. The board may then hold an adjudication under Chapter 2344  
119. of the Revised Code to determine whether the individual 2345  
committed the act in question. Notice of an opportunity for a 2346  
hearing shall be given in accordance with Chapter 119. of the 2347  
Revised Code. If the board finds, pursuant to an adjudication held 2348  
under this division, that the individual committed the act or if 2349  
no hearing is requested, the board may order any of the sanctions 2350  
identified under division (B) of this section. 2351

(I) The certificate to practice issued to an individual under 2352  
this chapter and the individual's practice in this state are 2353  
automatically suspended as of the date of the individual's second 2354  
or subsequent plea of guilty to, or judicial finding of guilt of, 2355  
a violation of section 2919.123 of the Revised Code, or the date 2356  
the individual pleads guilty to, is found by a judge or jury to be 2357  
guilty of, or is subject to a judicial finding of eligibility for 2358  
intervention in lieu of conviction in this state or treatment or 2359  
intervention in lieu of conviction in another jurisdiction for any 2360  
of the following criminal offenses in this state or a 2361  
substantially equivalent criminal offense in another jurisdiction: 2362  
aggravated murder, murder, voluntary manslaughter, felonious 2363  
assault, kidnapping, rape, sexual battery, gross sexual 2364  
imposition, aggravated arson, aggravated robbery, or aggravated 2365  
burglary. Continued practice after suspension shall be considered 2366  
practicing without a certificate. 2367

The board shall notify the individual subject to the 2368  
suspension by certified mail or in person in accordance with 2369  
section 119.07 of the Revised Code. If an individual whose 2370



certificate is automatically suspended under this division fails 2371  
to make a timely request for an adjudication under Chapter 119. of 2372  
the Revised Code, the board shall do whichever of the following is 2373  
applicable: 2374

(1) If the automatic suspension under this division is for a 2375  
second or subsequent plea of guilty to, or judicial finding of 2376  
guilt of, a violation of section 2919.123 of the Revised Code, the 2377  
board shall enter an order suspending the individual's certificate 2378  
to practice for a period of at least one year or, if determined 2379  
appropriate by the board, imposing a more serious sanction 2380  
involving the individual's certificate to practice. 2381

(2) In all circumstances in which division (I)(1) of this 2382  
section does not apply, enter a final order permanently revoking 2383  
the individual's certificate to practice. 2384

(J) If the board is required by Chapter 119. of the Revised 2385  
Code to give notice of an opportunity for a hearing and if the 2386  
individual subject to the notice does not timely request a hearing 2387  
in accordance with section 119.07 of the Revised Code, the board 2388  
is not required to hold a hearing, but may adopt, by an 2389  
affirmative vote of not fewer than six of its members, a final 2390  
order that contains the board's findings. In that final order, the 2391  
board may order any of the sanctions identified under division (A) 2392  
or (B) of this section. 2393

(K) Any action taken by the board under division (B) of this 2394  
section resulting in a suspension from practice shall be 2395  
accompanied by a written statement of the conditions under which 2396  
the individual's certificate to practice may be reinstated. The 2397  
board shall adopt rules governing conditions to be imposed for 2398  
reinstatement. Reinstatement of a certificate suspended pursuant 2399  
to division (B) of this section requires an affirmative vote of 2400  
not fewer than six members of the board. 2401

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

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

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

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

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

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

(N) Sanctions shall not be imposed under division (B)(28) of this section against any person who waives deductibles and

copayments as follows: 2433

(1) In compliance with the health benefit plan that expressly 2434  
allows such a practice. Waiver of the deductibles or copayments 2435  
shall be made only with the full knowledge and consent of the plan 2436  
purchaser, payer, and third-party administrator. Documentation of 2437  
the consent shall be made available to the board upon request. 2438

(2) For professional services rendered to any other person 2439  
authorized to practice pursuant to this chapter, to the extent 2440  
allowed by this chapter and rules adopted by the board. 2441

(0) Under the board's investigative duties described in this 2442  
section and subject to division (F) of this section, the board 2443  
shall develop and implement a quality intervention program 2444  
designed to improve through remedial education the clinical and 2445  
communication skills of individuals authorized under this chapter 2446  
to practice medicine and surgery, osteopathic medicine and 2447  
surgery, and podiatric medicine and surgery. In developing and 2448  
implementing the quality intervention program, the board may do 2449  
all of the following: 2450

(1) Offer in appropriate cases as determined by the board an 2451  
educational and assessment program pursuant to an investigation 2452  
the board conducts under this section; 2453

(2) Select providers of educational and assessment services, 2454  
including a quality intervention program panel of case reviewers; 2455

(3) Make referrals to educational and assessment service 2456  
providers and approve individual educational programs recommended 2457  
by those providers. The board shall monitor the progress of each 2458  
individual undertaking a recommended individual educational 2459  
program. 2460

(4) Determine what constitutes successful completion of an 2461  
individual educational program and require further monitoring of 2462  
the individual who completed the program or other action that the 2463

board determines to be appropriate; 2464

(5) Adopt rules in accordance with Chapter 119. of the 2465  
Revised Code to further implement the quality intervention 2466  
program. 2467

An individual who participates in an individual educational 2468  
program pursuant to this division shall pay the financial 2469  
obligations arising from that educational program. 2470

**Sec. 4731.39.** The secretary of the state medical board shall 2471  
~~enforce the laws relating to the practice of medicine and surgery~~ 2472  
~~this chapter and the rules adopted under it.~~ If ~~he~~ the secretary 2473  
has knowledge or notice of a violation, ~~he~~ the secretary shall 2474  
investigate the matter, and, upon probable cause appearing, file a 2475  
complaint and prosecute the offender. When requested by the 2476  
secretary, the prosecuting attorney of the proper county shall 2477  
take charge of and conduct such prosecution. 2478

**Section 2.** That existing sections 3719.41, 4715.033, 2479  
4715.034, 4715.30, 4715.301, 4715.302, 4723.487, 4725.092, 2480  
4729.162, 4729.291, 4729.51, 4729.552, 4729.57, 4729.79, 4729.80, 2481  
4729.86, 4730.53, 4731.054, 4731.055, 4731.22, and 4731.39 of the 2482  
Revised Code are hereby repealed. 2483

**Section 3.** Section 4729.51 of the Revised Code is presented 2484  
in this act as a composite of the section as amended by both Am. 2485  
H.B. 9 and Am. Sub. H.B. 93 of the 129th General Assembly. The 2486  
General Assembly, applying the principle stated in division (B) of 2487  
section 1.52 of the Revised Code that amendments are to be 2488  
harmonized if reasonably capable of simultaneous operation, finds 2489  
that the composite is the resulting version of the section in 2490  
effect prior to the effective date of the section as presented in 2491  
this act. 2492

<b>Section 4.</b> Section 4731.22 of the Revised Code is presented	2493
in this act as a composite of the section as amended by both H.B.	2494
78 and Am. Sub. H.B. 93 of the 129th General Assembly. The General	2495
Assembly, applying the principle stated in division (B) of section	2496
1.52 of the Revised Code that amendments are to be harmonized if	2497
reasonably capable of simultaneous operation, finds that the	2498
composite is the resulting version of the section in effect prior	2499
to the effective date of the section as presented in this act.	2500