

As Reported by the House Health and Aging Committee

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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
Representatives Garland, Hackett, Johnson, Smith, Yuko**

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A B I L L

To amend sections 3719.41, 4715.033, 4715.034, 1
4715.30, 4715.301, 4715.302, 4723.487, 4725.092, 2
4729.162, 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- 40
phenylpropanamide); 41

(9) Benzethidine; 42

(10) Betacetylmethadol; 43

(11) Beta-hydroxyfentanyl 44
(N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N- phenylpropanamide); 45

(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N- phenylpropanamide);	46 47 48
(13) Betameprodine;	49
(14) Betamethadol;	50
(15) Betaprodine;	51
(16) Clonitazene;	52
(17) Dextromoramide;	53
(18) Diampromide;	54
(19) Diethylthiambutene;	55
(20) Difenoixin;	56
(21) Dimenoxadol;	57
(22) Dimepheptanol;	58
(23) Dimethylthiambutene;	59
(24) Dioxaphetyl butyrate;	60
(25) Dipipanone;	61
(26) Ethylmethylthiambutene;	62
(27) Etonitazene;	63
(28) Etoxidine;	64
(29) Furethidine;	65
(30) Hydroxypethidine;	66
(31) Ketobemidone;	67
(32) Levomoramide;	68
(33) Levophenacilmorphan;	69
(34) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	70 71

(35) 3-methylthiofentanyl	72
(N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	73
	74
(36) Morpheridine;	75
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);	76
(38) Noracymethadol;	77
(39) Norlevorphanol;	78
(40) Normethadone;	79
(41) Norpipanone;	80
(42) Para-fluorofentanyl	81
(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	82
(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine;	83
(44) Phenadoxone;	84
(45) Phenampromide;	85
(46) Phenomorphan;	86
(47) Phenoperidine;	87
(48) Piritramide;	88
(49) Proheptazine;	89
(50) Properidine;	90
(51) Propiram;	91
(52) Racemoramide;	92
(53) Thiofentanyl	93
(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	94
(54) Tilidine;	95
(55) Trimeperidine.	96
(B) Narcotics-opium derivatives	97

Any of the following opium derivatives, including their	98
salts, isomers, and salts of isomers, unless specifically excepted	99
under federal drug abuse control laws, whenever the existence of	100
these salts, isomers, and salts of isomers is possible within the	101
specific chemical designation:	102
(1) Acetorphine;	103
(2) Acetyldihydrocodeine;	104
(3) Benzylmorphine;	105
(4) Codeine methylbromide;	106
(5) Codeine-n-oxide;	107
(6) Cyprenorphine;	108
(7) Desomorphine;	109
(8) Dihydromorphine;	110
(9) Drotebanol;	111
(10) Etorphine (except hydrochloride salt);	112
(11) Heroin;	113
(12) Hydromorphenol;	114
(13) Methyldesorphine;	115
(14) Methyldihydromorphine;	116
(15) Morphine methylbromide;	117
(16) Morphine methylsulfonate;	118
(17) Morphine-n-oxide;	119
(18) Myrophine;	120
(19) Nicocodeine;	121
(20) Nicomorphine;	122
(21) Normorphine;	123

(22) Pholcodine;	124
(23) Thebacon.	125
(C) Hallucinogens	126
Any material, compound, mixture, or preparation that contains	127
any quantity of the following hallucinogenic substances, including	128
their salts, isomers, and salts of isomers, unless specifically	129
excepted under federal drug abuse control laws, whenever the	130
existence of these salts, isomers, and salts of isomers is	131
possible within the specific chemical designation. For the	132
purposes of this division only, "isomer" includes the optical	133
isomers, position isomers, and geometric isomers.	134
(1) Alpha-ethyltryptamine (some trade or other names:	135
etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine;	136
3-(2-aminobutyl) indole; alpha-ET; and AET);	137
(2) 4-bromo-2,5-dimethoxyamphetamine (some trade or other	138
names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;	139
4-bromo-2,5-DMA);	140
(3) 4-bromo-2,5-dimethoxyphenethylamine (some trade or other	141
names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane;	142
alpha-desmethyl DOB; 2C-B, Nexus);	143
(4) 2,5-dimethoxyamphetamine (some trade or other names:	144
2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);	145
(5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other	146
names: DOET);	147
(6) 4-methoxyamphetamine (some trade or other names:	148
4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine;	149
PMA);	150
(7) 5-methoxy-3,4-methylenedioxy-amphetamine;	151
(8) 4-methyl-2,5-dimethoxy-amphetamine (some trade or other	152
names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"	153

and "STP");	154
(9) 3,4-methylenedioxy amphetamine;	155
(10) 3,4-methylenedioxymethamphetamine (MDMA);	156
(11) 3,4-methylenedioxy-N-ethylamphetamine (also known as 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	180 181 182

of that plant, and every compound, manufacture, salts, derivative,	183
mixture, or preparation of that plant, its seeds, or its	184
extracts);	185
(23) N-ethyl-3-piperidyl benzilate;	186
(24) N-methyl-3-piperidyl benzilate;	187
(25) Psilocybin;	188
(26) Psilocyn;	189
(27) Tetrahydrocannabinols (synthetic equivalents of the	190
substances contained in the plant, or in the resinous extractives	191
of Cannabis, sp. and/or synthetic substances, derivatives, and	192
their isomers with similar chemical structure and pharmacological	193
activity such as the following: delta-1-cis or trans	194
tetrahydrocannabinol, and their optical isomers; delta-6-cis or	195
trans tetrahydrocannabinol, and their optical isomers;	196
delta-3,4-cis or trans tetrahydrocannabinol, and its optical	197
isomers. (Since nomenclature of these substances is not	198
internationally standardized, compounds of these structures,	199
regardless of numerical designation of atomic positions, are	200
covered.));	201
(28) Ethylamine analog of phencyclidine (some trade or other	202
names: N-ethyl-1-phenylcyclohexylamine;	203
(1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine;	204
cyclohexamine; PCE);	205
(29) Pyrrolidine analog of phencyclidine (some trade or other	206
names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP);	207
(30) Thiophene analog of phencyclidine (some trade or other	208
names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog	209
of phencyclidine; TPCP; TCP);	210
(31) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;	211
(32) Hashish;	212

(33) Salvia divinorum;	213
(34) Salvinorin A;	214
(35) 1-Pentyl-3-(1-naphthoyl)indole (some trade or other names: JWH-018);	215 216
(36) 1-Butyl-3-(1-naphthoyl)indole (some trade or other names: JWH-073);	217 218
(37) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (some trade or other names: JWH-200);	219 220
(38) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: CP-47,497);	221 222 223
(39) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: cannabicyclohexanol; CP-47,497 C8 homologue)†	224 225 226 227
(40) Methyloone (3,4-methylenedioxy-methcathinone);	228
(41) MDPV (3,4-methylenedioxy-pyrovalerone);	229
(42) Mephedrone (4-methylmethcathinone);	230
(43) 4-methoxymethcathinone;	231
(44) 4-fluoromethcathinone;	232
(45) 3-fluoromethcathinone.	233
(D) Depressants	234
Any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers, unless specifically excepted under federal drug abuse control laws, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:	235 236 237 238 239 240 241

(1) Mecloqualone;	242
(2) Methaqualone.	243
(E) Stimulants	244
Unless specifically excepted or unless listed in another	245
schedule, any material, compound, mixture, or preparation that	246
contains any quantity of the following substances having a	247
stimulant effect on the central nervous system, including their	248
salts, isomers, and salts of isomers:	249
(1) Aminorex (some other names: aminoxaphen;	250
2-amino-5-phenyl-2-oxazoline; or	251
4,5-dihydro-5-phenyl-2-oxazolamine);	252
(2) Cathinone (some trade or other names:	253
2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,	254
2-aminopropiophenone, and norephedrone);	255
(3) Fenethylamine;	256
(4) Methcathinone (some other names:	257
2-(methylamino)-propionophenone; alpha-(methylamino)propionophenone;	258
2-methylamino)-1-phenylpropan-1-one;	259
alpha-N-methylaminopropionophenone; monomethylpropion; ephedrone;	260
N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and	261
UR1432, its salts, optical isomers, and salts of optical isomers;	262
(5) (+/-)cis-4-methylaminorex	263
((+/-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);	264
(6) N-ethylamphetamine;	265
(7) N,N-dimethylamphetamine (also known as	266
N,N-alpha-trimethyl-benzeneethanamine;	267
N,N-alpha-trimethylphenethylamine);	268
<u>(8) Mephedrone (3,4-methylenedioxymethamphetamine);</u>	269
<u>(9) MDPV (3,4-methylenedioxypyrovalerone);</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 277
laws or unless listed in another schedule, any of the following 278
substances whether produced directly or indirectly by extraction 279
from substances of vegetable origin, independently by means of 280
chemical synthesis, or by a combination of extraction and chemical 281
synthesis: 282

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

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

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

(a) 1-phenylcyclohexylamine; 412

(b) 1-piperidinocyclohexanecarbonitrile (PCC). 413

SCHEDULE III 414

(A) Stimulants 415

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

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

(2) Benzphetamine; 427

(3) Chlorphentermine; 428

(4) Clortermine; 429

(5) Phendimetrazine. 430

(B) Depressants 431

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

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

(2) Any suppository dosage form containing amobarbital,	441
secobarbital, pentobarbital, or any salt of any of these drugs and	442
approved by the food and drug administration for marketing only as	443
a suppository;	444
(3) Any substance that contains any quantity of a derivative	445
of barbituric acid or any salt of a derivative of barbituric acid;	446
(4) Chlorhexadol;	447
(5) Ketamine, its salts, isomers, and salts of isomers (some	448
other names for ketamine:	449
(+/-)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone);	450
(6) Lysergic acid;	451
(7) Lysergic acid amide;	452
(8) Methyprylon;	453
(9) Sulfondiethylmethane;	454
(10) Sulfonethylmethane;	455
(11) Sulfonmethane;	456
(12) Tiletamine, zolazepam, or any salt of tiletamine or	457
zolazepam (some trade or other names for a tiletamine-zolazepam	458
combination product: Telazol); (some trade or other names for	459
tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone); (some	460
trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-	461
dihydro-1,3,8-trimethylpyrazolo-[3, 4-e][1,4]-diazepin-7(1H)-one;	462
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 laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts, esters, isomers, and salts of esters and isomers, whenever the existence of these salts, esters, and isomers is possible within the specific chemical designation:	501 502 503 504 505 506 507
(1) Anabolic steroids. Except as otherwise provided in division (E)(1) of schedule III, "anabolic steroids" means any drug or hormonal substance that is chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) and that promotes muscle growth. "Anabolic steroids" does not include an anabolic steroid that is expressly intended for administration through implants to cattle or other nonhuman species and that has been approved by the United States secretary of health and human services for that administration, unless a person prescribes, dispenses, or distributes this type of anabolic steroid for human use. "Anabolic steroid" includes, but is not limited to, the following:	508 509 510 511 512 513 514 515 516 517 518 519
(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	547
of a drug or hormonal substance described or listed in division	548
(E)(1) of schedule III if the salt, ester, or isomer promotes	549
muscle growth.	550
(F) Hallucinogenic substances	551
(1) Dronabinol (synthetic) in sesame oil and encapsulated in	552
a soft gelatin capsule in a United States food and drug	553
administration approved drug product (some other names for	554
dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro-	555

6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or 556
(-)-delta-9-(trans)-tetrahydrocannabinol). 557

SCHEDULE IV 558

(A) Narcotic drugs 559

Unless specifically excepted by federal drug abuse control 560
laws or unless listed in another schedule, any material, compound, 561
mixture, or preparation that contains any of the following 562
narcotic drugs, or their salts calculated as the free anhydrous 563
base or alkaloid, in limited quantities as set forth below: 564

(1) Not more than one milligram of difenoxin and not less 565
than 25 micrograms of atropine sulfate per dosage unit; 566

(2) Dextropropoxyphene 567
(alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2- 568
propionoxybutane)[final dosage forms]. 569

(B) Depressants 570

Unless specifically excepted under federal drug abuse control 571
laws or unless listed in another schedule, any material, compound, 572
mixture, or preparation that contains any quantity of the 573
following substances, including their salts, isomers, and salts of 574
isomers, whenever the existence of these salts, isomers, and salts 575
of isomers is possible within the specific chemical designation: 576

(1) Alprazolam; 577

(2) Barbitol; 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 657
laws or unless listed in another schedule, any material, compound, 658
mixture, or preparation that contains any quantity of the 659
following substances, including their salts: 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:

(1) Buprenorphine.

(B) Narcotics-narcotic preparations

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

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

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

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

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

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

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

(C) Stimulants

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

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

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

(2) Pyrovalerone. 700

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

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

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

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

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

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

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

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

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

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

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

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

(5) Terminate the investigation. 743

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

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

the case. 755

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

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

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

(3) Advertising services in a false or misleading manner or 765
violating the board's rules governing time, place, and manner of 766
advertising; 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
jurisdiction in which the act was committed; 773

~~(4)~~(6) Conviction of, a plea of guilty to, a judicial finding 774
of guilt of, a judicial finding of guilt resulting from a plea of 775
no contest to, or a judicial finding of eligibility for 776
intervention in lieu of conviction for, any felony or of a 777
misdemeanor committed in the course of practice ~~or of any felony;~~ 778

~~(5)~~(7) Engaging in lewd or immoral conduct in connection with 779
the provision of dental services; 780

~~(6)~~(8) Selling, prescribing, giving away, or administering 781
drugs for other than legal and legitimate therapeutic purposes, or 782
conviction of ~~violating,~~ a plea of guilty to, a judicial finding 783
of guilt of, a judicial finding of guilt resulting from a plea of 784

no contest to, or a judicial finding of eligibility for 785
intervention in lieu of conviction for, a violation of any law of 786
~~this state or the federal government~~ or state law regulating the 787
possession, distribution, or use of any drug; 788

~~(7)~~(9) Providing or allowing dental hygienists, expanded 789
function dental auxiliaries, or other practitioners of auxiliary 790
dental occupations working under the certificate or license 791
holder's supervision, or a dentist holding a temporary limited 792
continuing education license under division (C) of section 4715.16 793
of the Revised Code working under the certificate or license 794
holder's direct supervision, to provide dental care that departs 795
from or fails to conform to accepted standards for the profession, 796
whether or not injury to a patient results; 797

~~(8)~~(10) Inability to practice under accepted standards of the 798
profession because of physical or mental disability, dependence on 799
alcohol or other drugs, or excessive use of alcohol or other 800
drugs; 801

~~(9)~~(11) Violation of any provision of this chapter or any 802
rule adopted thereunder; 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~~r~~. 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 individual has violated division (A) of this section; 942
943

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public. 944
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Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than four dentist members of the board and seven of its members in total, excluding any member on the supervisory investigative panel, may suspend a certificate or license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension. 946
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The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency or any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual. 954
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Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order. 963
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(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 treatment to agree to a treatment contract establishing the terms of treatment and aftercare, including any required supervision or restrictions of practice during treatment or aftercare;	1037 1038 1039 1040
(D) Require a dentist or dental hygienist to suspend practice on entering any required inpatient treatment;	1041 1042
(E) Report to the board any failure by an impaired dentist or dental hygienist to comply with the terms of the treatment contract during inpatient or outpatient treatment or aftercare;	1043 1044 1045
(F) Report to the board the resumption of practice of any impaired dentist or dental hygienist before the treatment provider has made a clear determination that the individual is capable of practicing according to accepted standards of the profession;	1046 1047 1048 1049
(G) Require a dentist or dental hygienist who resumes practice after completion of treatment to comply with an aftercare contract that meets the requirements of rules adopted by the board for approval of treatment providers;	1050 1051 1052 1053
(H) Report to the board any dentist or dental hygienist who suffers a relapse at any time during or following aftercare.	1054 1055
Any dentist or dental hygienist who enters into treatment by an approved treatment provider shall be deemed to have waived any confidentiality requirements that would otherwise prevent the treatment provider from making reports required under this section.	1056 1057 1058 1059 1060
In the absence of fraud or bad faith, no professional association of dentists or dental hygienists licensed under this chapter that sponsors a committee or program to provide peer assistance to dentists or dental hygienists with substance abuse problems, no representative or agent of such a committee or	1061 1062 1063 1064 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 Code, the prescriber shall ensure that the drugs are labeled and packaged in accordance with state and federal drug laws and any rules and regulations adopted pursuant to those laws. Records of purchase and disposition of all drugs personally furnished to patients shall be maintained by the prescriber in accordance with state and federal drug statutes and any rules adopted pursuant to those statutes.

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

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

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

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

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

~~(a) A veterinarian;~~

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

~~(3) The state board of pharmacy may impose a fine of not more than five thousand dollars on a prescriber who fails to comply~~

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 1203
terminal distributor of dangerous drugs; 1204

(f) Carriers or warehouses for the purpose of carriage or 1205
storage; 1206

(g) Terminal or wholesale distributors of dangerous drugs who 1207
are not engaged in the sale of dangerous drugs within this state; 1208

(h) An individual who holds a current license, certificate, 1209
or registration issued under Title 47 of the Revised Code and has 1210
been certified to conduct diabetes education by a national 1211
certifying body specified in rules adopted by the state board of 1212
pharmacy under section 4729.68 of the Revised Code, but only with 1213
respect to insulin that will be used for the purpose of diabetes 1214

education and only if diabetes education is within the 1215
individual's scope of practice under statutes and rules regulating 1216
the individual's profession; 1217

(i) An individual who holds a valid certificate issued by a 1218
nationally recognized S.C.U.B.A. diving certifying organization 1219
approved by the state board of pharmacy in rule, but only with 1220
respect to medical oxygen that will be used for the purpose of 1221
emergency care or treatment at the scene of a diving emergency; 1222

(j) Except as provided in division (B)(2)(b) of this section, 1223
a business entity that is a corporation formed under division (B) 1224
of section 1701.03 of the Revised Code, a limited liability 1225
company formed under Chapter 1705. of the Revised Code, or a 1226
professional association formed under Chapter 1785. of the Revised 1227
Code if the entity has a sole shareholder who is a licensed health 1228
professional authorized to prescribe drugs and is authorized to 1229
provide the professional services being offered by the entity; 1230

(k) Except as provided in division (B)(2)(c) of this section, 1231
a business entity that is a corporation formed under division (B) 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 1264
license, only dangerous drugs described in category I, as defined 1265
in division (A)(1) of section 4729.54 of the Revised Code; 1266

(b) In the case of a terminal distributor with a category II 1267
license, only dangerous drugs described in category I and category 1268
II, as defined in divisions (A)(1) and (2) of section 4729.54 of 1269
the Revised Code; 1270

(c) In the case of a terminal distributor with a category III 1271
license, dangerous drugs described in category I, category II, and 1272
category III, as defined in divisions (A)(1), (2), and (3) of 1273
section 4729.54 of the Revised Code; 1274

(d) In the case of a terminal distributor with a limited 1275
category I, II, or III license, only the dangerous drugs specified 1276

in the certificate furnished by the terminal distributor in 1277
accordance with section 4729.60 of the Revised Code. 1278

(C)(1) Except as provided in division (C)(4) of this section, 1279
no person shall sell, at retail, dangerous drugs. 1280

(2) Except as provided in division (C)(4) of this section, no 1281
person shall possess for sale, at retail, dangerous drugs. 1282

(3) Except as provided in division (C)(4) of this section, no 1283
person shall possess dangerous drugs. 1284

(4) Divisions (C)(1), (2), and (3) of this section do not 1285
apply to a registered wholesale distributor of dangerous drugs, a 1286
licensed terminal distributor of dangerous drugs, or a person who 1287
possesses, or possesses for sale or sells, at retail, a dangerous 1288
drug in accordance with Chapters 3719., 4715., 4723., 4725., 1289
4729., 4730., 4731., and 4741. of the Revised Code. 1290

Divisions (C)(1), (2), and (3) of this section do not apply 1291
to an individual who holds a current license, certificate, or 1292
registration issued under Title XLVII of the Revised Code and has 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 1325
engage in the sale or other distribution of dangerous drugs at 1326
retail or maintain possession, custody, or control of dangerous 1327
drugs for any purpose other than the distributor's personal use or 1328
consumption, at any establishment or place other than that or 1329
those described in the license issued by the state board of 1330
pharmacy to such terminal distributor. 1331

(F) Nothing in this section shall be construed to interfere 1332
with the performance of official duties by any law enforcement 1333
official authorized by municipal, county, state, or federal law to 1334
collect samples of any drug, regardless of its nature or in whose 1335
possession it may be. 1336

Sec. 4729.552. (A) To be eligible to receive a license as a 1337

category III terminal distributor of dangerous drugs with a pain 1338
management clinic classification, an applicant shall submit 1339
evidence satisfactory to the state board of pharmacy that the 1340
applicant's pain management clinic will be operated in accordance 1341
with the requirements specified in division (B) of this section 1342
and that the applicant meets any other applicable requirements 1343
under of this chapter ~~or Chapter 3719. of the Revised Code.~~ 1344

If the board determines that an applicant meets all of the 1345
requirements, the board shall issue to the applicant a license as 1346
a category III terminal distributor of dangerous drugs and specify 1347
on the license that the terminal distributor is classified as a 1348
pain management clinic. 1349

(B) The holder of a terminal distributor license with a pain 1350
management clinic classification shall do all of the following: 1351

(1) Be in control of a facility that is owned and operated 1352
solely by one or more physicians authorized under Chapter 4731. of 1353
the Revised Code to practice medicine and surgery or osteopathic 1354
medicine and surgery; 1355

(2) Comply with the requirements for the operation of a pain 1356
management clinic, as established by the state medical board in 1357
rules adopted under section 4731.054 of the Revised Code; 1358

(3) Ensure that any person employed by the facility complies 1359
with the requirements for the operation of a pain management 1360
clinic established by the state medical board in rules adopted 1361
under section 4731.054 of the Revised Code; 1362

~~(3)~~(4) Require any person with ownership of the facility to 1363
submit to a criminal records check in accordance with section 1364
4776.02 of the Revised Code and send the results of the criminal 1365
records check directly to the state board of pharmacy for review 1366
and decision under section 4729.071 of the Revised Code; 1367

~~(4)~~(5) Require all employees of the facility to submit to a 1368

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:

(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;

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

~~(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.

(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.

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. 1400

Sec. 4729.57. (A) The state board of pharmacy may suspend, 1401
revoke, or refuse to grant or renew any license ~~issued to~~ as a 1402
terminal distributor of dangerous drugs ~~pursuant to section~~ 1403
~~4729.54 of the Revised Code~~, or may impose a monetary penalty or 1404
forfeiture not to exceed in severity any fine designated under the 1405
Revised Code for a similar offense or one thousand dollars if the 1406
acts committed have not been classified as an offense by the 1407
Revised Code, for any of the following causes: 1408

(1) Making any false material statements in an application 1409
for a license as a terminal distributor of dangerous drugs; 1410

(2) Violating any rule of the board; 1411

(3) Violating any provision of this chapter; 1412

(4) Violating any provision of the "Federal Food, Drug, and 1413
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 1414
3715. of the Revised Code; 1415

(5) Violating any provision of the federal drug abuse control 1416
laws or Chapter 2925. or 3719. of the Revised Code; 1417

(6) Falsely or fraudulently promoting to the public a 1418
dangerous drug, except that nothing in this division prohibits a 1419
terminal distributor of dangerous drugs from furnishing 1420
information concerning a dangerous drug to a health care provider 1421
or another licensed terminal distributor; 1422

(7) Ceasing to satisfy the qualifications of a terminal 1423
distributor of dangerous drugs set forth in section 4729.55 of the 1424
Revised Code; 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 1427
copayment that an individual, pursuant to a health insurance or 1428

health care policy, contract, or plan that covers the services 1429
provided by a terminal distributor of dangerous drugs, would 1430
otherwise be required to pay for the services if the waiver is 1431
used as an enticement to a patient or group of patients to receive 1432
pharmacy services from that terminal distributor; 1433

(b) Advertising that the terminal distributor will waive the 1434
payment of all or any part of a deductible or copayment that an 1435
individual, pursuant to a health insurance or health care policy, 1436
contract, or plan that covers the pharmaceutical services, would 1437
otherwise be required to pay for the services. 1438

(B) Sanctions shall not be imposed under division (A)(8) of 1439
this section against any terminal distributor of dangerous drugs 1440
that waives deductibles and copayments as follows: 1441

(1) In compliance with a health benefit plan that expressly 1442
allows such a practice. Waiver of the deductibles or copayments 1443
shall be made only with the full knowledge and consent of the plan 1444
purchaser, payer, and third-party administrator. Documentation of 1445
the consent shall be made available to the board on request. 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 1478
refill; 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

(9) Identification of the owner of the drug furnished. 1484

(B)(1) The information shall be transmitted as specified by 1485
the board in rules adopted under section 4729.84 of the Revised 1486
Code. 1487

(2) The information shall be submitted electronically in the 1488
format specified by the board, except that the board may grant a 1489
waiver allowing the prescriber to submit the information in 1490
another format. 1491

(3) The information shall be submitted in accordance with any 1492
time limits specified by the board, except that the board may 1493
grant an extension if either of the following occurs: 1494

(a) The prescriber's transmission system suffers a mechanical 1495
or electronic failure, or the prescriber cannot meet the deadline 1496
for other reasons beyond the prescriber's control. 1497

(b) The board is unable to receive electronic submissions. 1498

(C)(1) The information required to be submitted under 1499
division (A) of this section may be submitted on behalf of the 1500
prescriber by the owner of the drug being personally furnished or 1501
by a delegate approved by that owner. 1502

(2) The requirements of this section to submit information to 1503
the board do not apply to a prescriber who is a veterinarian. 1504

(D) If the board becomes aware of a prescriber's failure to 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 1628
board of pharmacy with the intent to obtain or alter information 1629
contained in the drug database. 1630

(3) No person shall obtain drug database information by any 1631
means except as provided under section 4729.80 or 4729.81 of the 1632
Revised Code. 1633

(B) A person shall not use ~~a document~~ information obtained 1634
pursuant to division (A) of section 4729.80 of the Revised Code as 1635
evidence in any civil or administrative proceeding. 1636

(C)(1) The board may restrict a person from obtaining further 1637
information from the drug database if any of the following is the 1638
case: 1639

(a) The person ~~is convicted of or pleads guilty to a~~ 1640
~~violation of~~ violates division (A)(1), (2), or (3) of this 1641
section; 1642

(b) The person is a requestor identified in division (A)(11) 1643
of section 4729.80 of the Revised Code and the board determines 1644
that the person's actions in another state would have constituted 1645
a violation of division (A)(1), (2), or (3) of this section; 1646

(c) The person fails to comply with division (B) of this 1647
section, regardless of the jurisdiction in which the failure to 1648
comply occurred. 1649

(2) The board shall determine the extent to which the person 1650
is restricted from obtaining further information from the 1651
database. 1652

Sec. 4730.53. (A) As used in this section, "drug database" 1653
means the database established and maintained by the state board 1654
of pharmacy pursuant to section 4729.75 of the Revised Code. 1655

(B) The medical board shall adopt rules in accordance with 1656
Chapter 119. of the Revised Code that establish standards and 1657
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 1688
~~pain or~~ chronic pain; 1689

(iii) A physician practice owned or controlled, in whole or 1690
in part, by a hospital or by an entity that owns or controls, in 1691
whole or in part, one or more hospitals; 1692

(iv) A school, college, university, or other educational 1693
institution or program to the extent that it provides instruction 1694
to individuals preparing to practice as physicians, podiatrists, 1695
dentists, nurses, physician assistants, optometrists, or 1696
veterinarians or any affiliated facility to the extent that it 1697
participates in the provision of that instruction; 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 of the Revised Code.	1717 1718
(B) Each owner shall supervise, control, and direct the activities of each individual, including an employee, volunteer, or individual under contract, who provides treatment of pain or chronic pain at the clinic or is associated with the provision of that treatment. The supervision, control, and direction shall be provided in accordance with rules adopted under this section.	1719 1720 1721 1722 1723 1724
(C) The state medical board shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following:	1725 1726 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 who provides care at a pain management clinic;	1730 1731
(3) For purposes of division (A)(5)(a) (ii) (i) of this section, the other drugs used to treat pain or chronic pain that identify a facility as a pain management clinic;	1732 1733 1734
(4) For purposes of division (A)(5)(a) (iii) (ii) of this section, the other criteria that identify a facility as a pain management clinic;	1735 1736 1737
(5) For purposes of division (B) of this section, standards and procedures to be followed by an owner in providing supervision, direction, and control of individuals at a pain management clinic.	1738 1739 1740 1741
(D) The board may impose a fine of not more than twenty thousand dollars on a physician who fails to comply with rules adopted under this section. The fine may be in addition to or in lieu of any other action that may be taken under section 4731.22 of the Revised Code. The board shall deposit any amounts received under this division in accordance with section 4731.24 of the Revised Code.	1742 1743 1744 1745 1746 1747 1748
<u>(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:</u>	1749 1750 1751
<u>(a) A pain management clinic;</u>	1752
<u>(b) A facility or physician practice that the board suspects is operating as a pain management clinic in violation of this chapter.</u>	1753 1754 1755
<u>(2) The board's inspection shall be conducted in accordance with division (F) of section 4731.22 of the Revised Code.</u>	1756 1757
<u>(3) Before conducting an on-site inspection, the board shall</u>	1758

provide notice to the owner or other person in charge of the 1759
facility or physician practice, except that the board is not 1760
required to provide the notice if, in the judgment of the board, 1761
the notice would jeopardize an investigation being conducted by 1762
the board. 1763

Sec. 4731.055. (A) As used in this section: 1764

(1) "Drug database" means the database established and 1765
maintained by the state board of pharmacy pursuant to section 1766
4729.75 of the Revised Code. 1767

(2) "Physician" means an individual authorized under this 1768
chapter to practice medicine and surgery, osteopathic medicine and 1769
surgery, or podiatric medicine and surgery. 1770

(B) The state medical board shall adopt rules in accordance 1771
with Chapter 119. of the Revised Code that establish standards and 1772
procedures to be followed by a physician regarding the review of 1773
patient information available through the drug database under 1774
division (A)(5) of section 4729.80 of the Revised Code. 1775

(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 judicial finding of eligibility for intervention in lieu of conviction for, a felony;	1852 1853 1854
(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	1855 1856 1857
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	1858 1859 1860
(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	1861 1862 1863
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	1864 1865 1866
(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	1867 1868 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	1878 1879 1880

American podiatric medical association, or any other national 1881
professional organizations that the board specifies by rule. The 1882
state medical board shall obtain and keep on file current copies 1883
of the codes of ethics of the various national professional 1884
organizations. The individual whose certificate is being suspended 1885
or revoked shall not be found to have violated any provision of a 1886
code of ethics of an organization not appropriate to the 1887
individual's profession. 1888

For purposes of this division, a "provision of a code of 1889
ethics of a national professional organization" does not include 1890
any provision that would preclude the making of a report by a 1891
physician of an employee's use of a drug of abuse, or of a 1892
condition of an employee other than one involving the use of a 1893
drug of abuse, to the employer of the employee as described in 1894
division (B) of section 2305.33 of the Revised Code. Nothing in 1895
this division affects the immunity from civil liability conferred 1896
by that section upon a physician who makes either type of report 1897
in accordance with division (B) of that section. As used in this 1898
division, "employee," "employer," and "physician" have the same 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 2027
contract or consent agreement; 2028

(c) Two written reports indicating that the individual's 2029
ability to practice has been assessed and that the individual has 2030
been found capable of practicing according to acceptable and 2031
prevailing standards of care. The reports shall be made by 2032
individuals or providers approved by the board for making the 2033
assessments and shall describe the basis for their determination. 2034

The board may reinstate a certificate suspended under this 2035
division after that demonstration and after the individual has 2036
entered into a written consent agreement. 2037

When the impaired practitioner resumes practice, the board 2038

shall require continued monitoring of the individual. The 2039
monitoring shall include, but not be limited to, compliance with 2040
the written consent agreement entered into before reinstatement or 2041
with conditions imposed by board order after a hearing, and, upon 2042
termination of the consent agreement, submission to the board for 2043
at least two years of annual written progress reports made under 2044
penalty of perjury stating whether the individual has maintained 2045
sobriety. 2046

(27) A second or subsequent violation of section 4731.66 or 2047
4731.69 of the Revised Code; 2048

(28) Except as provided in division (N) of this section: 2049

(a) Waiving the payment of all or any part of a deductible or 2050
copayment that a patient, pursuant to a health insurance or health 2051
care policy, contract, or plan that covers the individual's 2052
services, otherwise would be required to pay if the waiver is used 2053
as an enticement to a patient or group of patients to receive 2054
health care services from that individual; 2055

(b) Advertising that the individual will waive the payment of 2056
all or any part of a deductible or copayment that a patient, 2057
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 2317.561 of the Revised Code;	2101 2102
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	2103 2104 2105
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	2106 2107 2108
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	2109 2110 2111 2112
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	2113 2114 2115 2116
(43) Failure to comply with the requirements of section 4729.79 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	2117 2118 2119 2120
(41) (44) Failure to comply with the requirements of section 2919.171 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 of the Revised Code;	2121 2122 2123 2124
<u>(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;</u>	2125 2126 2127 2128 2129
<u>(46) Owning a facility that is subject to licensure as a</u>	2130

category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification. 2131
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(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect. 2134
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A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends 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. 2146
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If the board takes disciplinary action against an individual under division (B) of this section for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 of the Revised Code, the disciplinary action shall consist of a suspension of the individual's certificate to practice for a period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's certificate to practice. Any consent agreement entered into under this division with an individual that pertains to a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of that section shall provide for a suspension of the individual's certificate to practice for a 2151
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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 2246
board in obedience to a subpoena shall receive the fees and 2247
mileage provided for under section 119.094 of the Revised Code. 2248

(4) All hearings ~~and~~, investigations, and inspections of the 2249
board shall be considered civil actions for the purposes of 2250
section 2305.252 of the Revised Code. 2251

(5) ~~Information~~ A report required to be submitted to the 2252
board under this chapter, a complaint, or information received by 2253
the board pursuant to an investigation ~~is~~ or pursuant to an 2254
inspection under division (E) of section 4731.054 of the Revised 2255
Code is confidential and not subject to discovery in any civil 2256
action. 2257

The board shall conduct all investigations or inspections and 2258
proceedings in a manner that protects the confidentiality of 2259
patients and persons who file complaints with the board. The board 2260
shall not make public the names or any other identifying 2261
information about patients or complainants unless proper consent 2262
is given or, in the case of a patient, a waiver of the patient 2263
privilege exists under division (B) of section 2317.02 of the 2264
Revised Code, except that consent or a waiver of that nature is 2265
not required if the board possesses reliable and substantial 2266
evidence that no bona fide physician-patient relationship exists. 2267

The board may share any information it receives pursuant to 2268
an investigation or inspection, including patient records and 2269
patient record information, with law enforcement agencies, other 2270
licensing boards, and other governmental agencies that are 2271
prosecuting, adjudicating, or investigating alleged violations of 2272
statutes or administrative rules. An agency or board that receives 2273
the information shall comply with the same requirements regarding 2274
confidentiality as those with which the state medical board must 2275
comply, notwithstanding any conflicting provision of the Revised 2276
Code or procedure of the agency or board that applies when it is 2277
dealing with other information in its possession. In a judicial 2278
proceeding, the information may be admitted into evidence only in 2279
accordance with the Rules of Evidence, but the court shall require 2280
that appropriate measures are taken to ensure that confidentiality 2281
is maintained with respect to any part of the information that 2282
contains names or other identifying information about patients or 2283
complainants whose confidentiality was protected by the state 2284
medical board when the information was in the board's possession. 2285
Measures to ensure confidentiality that may be taken by the court 2286
include sealing its records or deleting specific information from 2287
its records. 2288

(6) On a quarterly basis, the board shall prepare a report 2289

that documents the disposition of all cases during the preceding	2290
three months. The report shall contain the following information	2291
for each case with which the board has completed its activities:	2292
(a) The case number assigned to the complaint or alleged	2293
violation;	2294
(b) The type of certificate to practice, if any, held by the	2295
individual against whom the complaint is directed;	2296
(c) A description of the allegations contained in the	2297
complaint;	2298
(d) The disposition of the case.	2299
The report shall state how many cases are still pending and	2300
shall be prepared in a manner that protects the identity of each	2301
person involved in each case. The report shall be a public record	2302
under section 149.43 of the Revised Code.	2303
(G) If the secretary and supervising member determine both of	2304
the following, they may recommend that the board suspend an	2305
individual's certificate to practice without a prior hearing:	2306
(1) That there is clear and convincing evidence that an	2307
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 2402
applicant, revokes an individual's certificate to practice, 2403
refuses to register an applicant, or refuses to reinstate an 2404
individual's certificate to practice, the board may specify that 2405
its action is permanent. An individual subject to a permanent 2406
action taken by the board is forever thereafter ineligible to hold 2407
a certificate to practice and the board shall not accept an 2408
application for reinstatement of the certificate or for issuance 2409
of a new certificate. 2410

(M) Notwithstanding any other provision of the Revised Code, 2411
all of the following apply: 2412

(1) The surrender of a certificate issued under this chapter 2413
shall not be effective unless or until accepted by the board. A 2414

telephone conference call may be utilized for acceptance of the 2415
surrender of an individual's certificate to practice. The 2416
telephone conference call shall be considered a special meeting 2417
under division (F) of section 121.22 of the Revised Code. 2418
Reinstatement of a certificate surrendered to the board requires 2419
an affirmative vote of not fewer than six members of the board. 2420

(2) An application for a certificate made under the 2421
provisions of this chapter may not be withdrawn without approval 2422
of the board. 2423

(3) Failure by an individual to renew a certificate of 2424
registration in accordance with this chapter shall not remove or 2425
limit the board's jurisdiction to take any disciplinary action 2426
under this section against the individual. 2427

(4) At the request of the board, a certificate holder shall 2428
immediately surrender to the board a certificate that the board 2429
has suspended, revoked, or permanently revoked. 2430

(N) Sanctions shall not be imposed under division (B)(28) of 2431
this section against any person who waives deductibles and 2432
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

(O) 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

Section 4. 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