

As Introduced

130th General Assembly  
Regular Session  
2013-2014

H. B. No. 378

Representatives Smith, Sprague

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A BILL

To amend section 5119.11 and to enact section 1  
4731.056 of the Revised Code to prohibit a 2  
physician from prescribing or personally 3  
furnishing certain drugs to treat opioid 4  
dependence or addiction unless the patient is 5  
receiving appropriate behavioral counseling or 6  
treatment. 7

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

Section 1. That section 5119.11 be amended and section 8  
4731.056 of the Revised Code be enacted to read as follows: 9

Sec. 4731.056. (A) As used in this section "physician" means 10  
an individual authorized under this chapter to practice medicine 11  
and surgery, osteopathic medicine and surgery, or podiatric 12  
medicine and surgery. 13

(B) No physician for the purpose of treating a patient's 14  
dependence on or addiction to opioids shall prescribe or 15  
personally furnish a drug containing buprenorphine, methadone, or 16  
naltrexone unless all of the following occur: 17

(1) The patient provides evidence that demonstrates active 18  
participation in appropriate behavioral counseling or treatment. 19

(2) The evidence of participation is documented in the 20  
patient's medical record. 21

(3) The physician is certified by the medical director of the 22  
department of mental health and addiction services as qualified by 23  
training and experience to prescribe or personally furnish drugs 24  
containing buprenorphine, methadone, or naltrexone in conjunction 25  
with behavioral counseling or treatment. 26

(C) The director of mental health and addiction services 27  
shall establish a program for certification of physicians under 28  
section 5119.11 of the Revised Code as qualified by training and 29  
experience to prescribe or personally furnish drugs containing 30  
buprenorphine, methadone, or naltrexone in conjunction with 31  
behavioral counseling or treatment. 32

**Sec. 5119.11.** (A) The director of mental health and addiction 33  
services shall appoint a medical director who is eligible or 34  
certified by the American board of psychiatry and neurology or the 35  
American osteopathic board of neurology and psychiatry, and has at 36  
least five years of clinical and two years of administrative 37  
experience. The medical director shall also have certification or 38  
substantial training and experience in the field of addiction 39  
medicine or addiction psychiatry. The medical director shall be 40  
responsible for decisions relating to medical diagnosis, 41  
treatment, prevention, rehabilitation, quality assurance, and the 42  
clinical aspects of mental health and addiction services involving 43  
all of the following: 44

(1) Licensure of hospitals, residential facilities, and 45  
outpatient facilities; 46

(2) Research; 47

(3) Community addiction and mental health services plans; 48

(4) Certification and delivery of mental health and addiction 49

services, including certification of physicians under section 50  
4731.056 of the Revised Code. 51

(B) The medical director shall also exercise clinical 52  
supervision of the chief clinical officers of hospitals and 53  
institutions under the jurisdiction of the department and shall 54  
review and approve decisions relating to the employment of the 55  
chief clinical officers. The medical director or the medical 56  
director's designee shall advise the director on matters relating 57  
to licensure, research, and the certification and delivery of 58  
mental health and addiction services and community plans. The 59  
medical director shall participate in the development of 60  
guidelines for community addiction and mental health services 61  
plans. The director of mental health and addiction services may 62  
establish other duties of the medical director. 63

**Section 2.** That existing section 5119.11 of the Revised Code 64  
is hereby repealed. 65