

As Passed by the Senate

132nd General Assembly

Regular Session

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Am. Sub. H. B. No. 111

Representatives Carfagna, Ryan

Cosponsors: Representatives Brenner, Butler, Cupp, Dever, Duffey, Goodman, Hambley, LaTourette, Riedel, Schaffer, Seitz, Stein, Wiggam, Young, Holmes, O'Brien, Bishoff, Anielski, Antonio, Arndt, Blessing, Bocchieri, Boyd, Celebrezze, Clyde, Craig, Edwards, Fedor, Gavarone, Ginter, Green, Greenspan, Householder, Howse, Huffman, Ingram, Keller, Kent, Kick, Landis, Leland, Lepore-Hagan, Manning, Miller, Patton, Pelanda, Perales, Ramos, Reece, Reineke, Rogers, Scherer, Sprague, Strahorn, Sweeney, West

Senators Brown, Burke, Eklund, Hackett, Hoagland, Kunze, Lehner, O'Brien, Schiavoni, Sykes, Tavares, Thomas, Yuko

A BILL

To amend sections 140.01, 339.01, 2925.03, 3715.08,	1
3719.13, 3719.27, 3719.61, 3721.01, 4723.41,	2
4723.431, 4723.44, 4723.482, 4723.75, 4729.291,	3
4729.292, 4730.19, 4731.09, 4731.19, 4731.22,	4
4731.222, 4731.27, 4731.291, 4731.295, 4731.297,	5
4731.52, 4759.05, 4761.03, 4761.05, 4761.06,	6
4779.08, 4779.19, 4779.20, 5119.01, 5119.21,	7
5119.34, 5119.36, 5119.361, 5119.37, 5119.39,	8
5119.391, 5119.392, 5119.99, 5122.01, and	9
5122.10; to amend, for the purpose of adopting	10
new section numbers as indicated in parentheses,	11
sections 5119.37 (5119.431) and 5119.39	12
(5119.43); to enact new section 5119.37 and	13
sections 5119.35 and 5119.371 of the Revised	14
Code; and to amend Section 757.20 of Am. Sub.	15

H.B. 49 of the 132nd General Assembly to 16
authorize certain advanced practice registered 17
nurses (APRNs) to have a person involuntarily 18
transported to a hospital for a mental health 19
examination; to modify APRN standard care 20
arrangement requirements; to clarify APRN 21
license application requirements; to grandfather 22
certain APRNs from meeting educational and 23
examination requirements for licensure; to 24
reduce the pre-examination practice requirement 25
for certain dialysis technician applicants; to 26
make changes in the laws administered by the 27
State Medical Board, including those related to 28
physician training certificates and limited 29
permits to practice respiratory care; to 30
coordinate procedures for investigating 31
Respiratory Care Law violations with procedures 32
governing State Medical Board investigations; to 33
make changes relating to physician assistant 34
supervision agreements; to authorize a board of 35
county hospital trustees of a charter county 36
hospital to have hospital facilities in a county 37
contiguous to any charter county; to establish a 38
biennial license renewal system for orthotists, 39
prosthetists, and pedorthists; to modify an 40
allocation to children's crisis care facilities; 41
to require certification of certain addiction 42
services; to modify the requirements for 43
licensure of methadone treatment programs and to 44
require licensure of other opioid treatment 45
programs; to repeal sections 5119.367, 5119.391, 46
and 5119.392 of the Revised Code twelve months 47

after the effective date of this act; and to 48
declare an emergency. 49

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

Section 1. That sections 140.01, 339.01, 2925.03, 3715.08, 50
3719.13, 3719.27, 3719.61, 3721.01, 4723.41, 4723.431, 4723.44, 51
4723.482, 4723.75, 4729.291, 4729.292, 4730.19, 4731.09, 52
4731.19, 4731.22, 4731.222, 4731.27, 4731.291, 4731.295, 53
4731.297, 4731.52, 4759.05, 4761.03, 4761.05, 4761.06, 4779.08, 54
4779.19, 4779.20, 5119.01, 5119.21, 5119.34, 5119.36, 5119.361, 55
5119.37, 5119.39, 5119.391, 5119.392, 5119.99, 5122.01, and 56
5122.10 be amended; sections 5119.37 (5119.431) and 5119.39 57
(5119.43) be amended for the purpose of adopting new section 58
numbers as indicated in parentheses; and new section 5119.37 and 59
sections 5119.35 and 5119.371 of the Revised Code be enacted to 60
read as follows: 61

Sec. 140.01. As used in this chapter: 62

(A) "Hospital agency" means any public hospital agency or 63
any nonprofit hospital agency. 64

(B) "Public hospital agency" means any county, board of 65
county hospital trustees established pursuant to section 339.02 66
of the Revised Code, county hospital commission established 67
pursuant to section 339.14 of the Revised Code, municipal 68
corporation, new community authority organized under Chapter 69
349. of the Revised Code, joint township hospital district, 70
state or municipal university or college operating or authorized 71
to operate a hospital facility, or the state. 72

(C) "Nonprofit hospital agency" means a corporation or 73
association not for profit, no part of the net earnings of which 74
inures or may lawfully inure to the benefit of any private 75
shareholder or individual, that has authority to own or operate 76
a hospital facility or provides or is to provide services to one 77
or more other hospital agencies. 78

(D) "Governing body" means, in the case of a county, the 79
board of county commissioners or other legislative body; in the 80
case of a board of county hospital trustees, the board; in the 81
case of a county hospital commission, the commission; in the 82
case of a municipal corporation, the council or other 83
legislative authority; in the case of a new community authority, 84
its board of trustees; in the case of a joint township hospital 85
district, the joint township district hospital board; in the 86
case of a state or municipal university or college, its board of 87
trustees or board of directors; in the case of a nonprofit 88
hospital agency, the board of trustees or other body having 89
general management of the agency; and, in the case of the state, 90
the director of development services or the Ohio higher 91
educational facility commission. 92

(E) "Hospital facilities" means buildings, structures and 93
other improvements, additions thereto and extensions thereof, 94
furnishings, equipment, and real estate and interests in real 95
estate, used or to be used for or in connection with one or more 96
hospitals, emergency, intensive, intermediate, extended, long- 97
term, or self-care facilities, diagnostic and treatment and out- 98
patient facilities, facilities related to programs for home 99
health services, clinics, laboratories, public health centers, 100
research facilities, and rehabilitation facilities, for or 101
pertaining to diagnosis, treatment, care, or rehabilitation of 102
sick, ill, injured, infirm, impaired, disabled, or handicapped 103

persons, or the prevention, detection, and control of disease, 104
and also includes education, training, and food service 105
facilities for health professions personnel, housing facilities 106
for such personnel and their families, and parking and service 107
facilities in connection with any of the foregoing; and includes 108
any one, part of, or any combination of the foregoing; and 109
further includes site improvements, utilities, machinery, 110
facilities, furnishings, and any separate or connected 111
buildings, structures, improvements, sites, utilities, 112
facilities, or equipment to be used in, or in connection with 113
the operation or maintenance of, or supplementing or otherwise 114
related to the services or facilities to be provided by, any one 115
or more of such hospital facilities. 116

(F) "Costs of hospital facilities" means the costs of 117
acquiring hospital facilities or interests in hospital 118
facilities, including membership interests in nonprofit hospital 119
agencies, costs of constructing hospital facilities, costs of 120
improving one or more hospital facilities, including 121
reconstructing, rehabilitating, remodeling, renovating, and 122
enlarging, costs of equipping and furnishing such facilities, 123
and all financing costs pertaining thereto, including, without 124
limitation thereto, costs of engineering, architectural, and 125
other professional services, designs, plans, specifications and 126
surveys, and estimates of cost, costs of tests and inspections, 127
the costs of any indemnity or surety bonds and premiums on 128
insurance, all related direct or allocable administrative 129
expenses pertaining thereto, fees and expenses of trustees, 130
depositories, and paying agents for the obligations, cost of 131
issuance of the obligations and financing charges and fees and 132
expenses of financial advisors, attorneys, accountants, 133
consultants and rating services in connection therewith, 134

capitalized interest on the obligations, amounts necessary to 135
establish reserves as required by the bond proceedings, the 136
reimbursement of all moneys advanced or applied by the hospital 137
agency or others or borrowed from others for the payment of any 138
item or items of costs of such facilities, and all other 139
expenses necessary or incident to planning or determining 140
feasibility or practicability with respect to such facilities, 141
and such other expenses as may be necessary or incident to the 142
acquisition, construction, reconstruction, rehabilitation, 143
remodeling, renovation, enlargement, improvement, equipment, and 144
furnishing of such facilities, the financing thereof, and the 145
placing of the same in use and operation, including any one, 146
part of, or combination of such classes of costs and expenses, 147
and means the costs of refinancing obligations issued by, or 148
reimbursement of money advanced by, nonprofit hospital agencies 149
or others the proceeds of which were used for the payment of 150
costs of hospital facilities, if the governing body of the 151
public hospital agency determines that the refinancing or 152
reimbursement advances the purposes of this chapter, whether or 153
not the refinancing or reimbursement is in conjunction with the 154
acquisition or construction of additional hospital facilities. 155

(G) "Hospital receipts" means all moneys received by or on 156
behalf of a hospital agency from or in connection with the 157
ownership, operation, acquisition, construction, improvement, 158
equipping, or financing of any hospital facilities, including, 159
without limitation thereto, any rentals and other moneys 160
received from the lease, sale, or other disposition of hospital 161
facilities, and any gifts, grants, interest subsidies, or other 162
moneys received under any federal program for assistance in 163
financing the costs of hospital facilities, and any other gifts, 164
grants, and donations, and receipts therefrom, available for 165

financing the costs of hospital facilities. 166

(H) "Obligations" means bonds, notes, or other evidences 167
of indebtedness or obligation, including interest coupons 168
pertaining thereto, issued or issuable by a public hospital 169
agency to pay costs of hospital facilities. 170

(I) "Bond service charges" means principal, interest, and 171
call premium, if any, required to be paid on obligations. 172

(J) "Bond proceedings" means one or more ordinances, 173
resolutions, trust agreements, indentures, and other agreements 174
or documents, and amendments and supplements to the foregoing, 175
or any combination thereof, authorizing or providing for the 176
terms, including any variable interest rates, and conditions 177
applicable to, or providing for the security of, obligations and 178
the provisions contained in such obligations. 179

(K) "Nursing home" has the same meaning as in division (A) 180
(1) of section 5701.13 of the Revised Code. 181

(L) "Residential care facility" has the same meaning as in 182
division (A) (2) of section 5701.13 of the Revised Code. 183

(M) "Independent living facility" means any self-care 184
facility or other housing facility designed or used as a 185
residence for elderly persons. An "independent living facility" 186
does not include a residential facility, or that part of a 187
residential facility, that is any of the following: 188

(1) A hospital required to be certified by section 3727.02 189
of the Revised Code; 190

(2) A nursing home or residential care facility; 191

(3) A facility operated by a hospice care program licensed 192
under section 3712.04 of the Revised Code and used for the 193

program's hospice patients; 194

(4) A residential facility licensed by the department of 195
mental health and addiction services under section 5119.34 of 196
the Revised Code that provides accommodations, supervision, and 197
personal care services for three to sixteen unrelated adults; 198

(5) A residential facility licensed by the department of 199
mental health and addiction services under section 5119.34 of 200
the Revised Code that is not a residential facility described in 201
division (M) (4) of this section; 202

(6) A facility licensed to ~~provide methadone~~ operate an 203
opioid treatment program under section ~~5119.391~~ 5119.37 of the 204
Revised Code; 205

(7) A community addiction services provider, as defined in 206
section 5119.01 of the Revised Code; 207

(8) A residential facility licensed under section 5123.19 208
of the Revised Code or a facility providing services under a 209
contract with the department of developmental disabilities under 210
section 5123.18 of the Revised Code; 211

(9) A residential facility used as part of a hospital to 212
provide housing for staff of the hospital or students pursuing a 213
course of study at the hospital. 214

Sec. 339.01. (A) As used in sections 339.01 to 339.17 of 215
the Revised Code: 216

(1) "Hospital facilities" has the meaning given in section 217
140.01 of the Revised Code. 218

(2) "County hospital" includes all of the county 219
hospital's branches and hospital facilities, wherever located. 220

(3) "Outpatient health facility" means a facility where 221
medical care and preventive, diagnostic, therapeutic, 222
rehabilitative, or palliative items or services are provided to 223
outpatients by or under the direction of a physician or dentist. 224

(B) A board of county commissioners may purchase, acquire, 225
lease, appropriate, and construct a county hospital or hospital 226
facilities thereof. After a county hospital or hospital 227
facilities have been fully completed and sufficiently equipped 228
for occupancy, any subsequent improvements, enlargements, or 229
rebuilding of any such facility shall be made by the board of 230
county hospital trustees or a hospital commission appointed 231
pursuant to section 339.14 of the Revised Code. 232

(C) (1) A board of county commissioners, board of county 233
hospital trustees, or hospital commission may purchase, acquire, 234
lease, appropriate, or construct an outpatient health facility 235
in another county to serve as a branch of the county hospital. 236
The outpatient health facility may include office space for 237
physicians. The facility shall be operated pursuant to the law 238
that regulates the operation of the county hospital. 239

(2) When a proposal to establish an outpatient health 240
facility in another county is made by a board of hospital 241
trustees or a hospital commission, all of the following apply: 242

(a) The board of county hospital trustees or hospital 243
commission shall give written notice to its board of county 244
commissioners and to the board of county commissioners of the 245
county where the facility is to be located. The board of county 246
commissioners where the facility is to be located, by resolution 247
adopted within forty days after receipt of the notice, may 248
object to the proposed facility. The resolution shall include an 249
explanation of the objection and may make any recommendations 250

the board considers necessary. The board shall send a copy of 251
the resolution to the board of county hospital trustees or the 252
hospital commission and to the board of county commissioners of 253
the county that proposes to locate the facility in the other 254
county. 255

(b) Except as provided in division (C) (2) (c) of this 256
section, the board of county hospital trustees or the hospital 257
commission may establish and operate the facility, unless the 258
board of county commissioners of the county proposing to locate 259
the facility in the other county, not later than twenty days 260
after receiving a resolution of objection from the other 261
county's board of county commissioners pursuant to division (C) 262
(2) (a) of this section, adopts a resolution denying the trustees 263
or commission the right to establish the facility. 264

(c) If a board of county commissioners provides a subsidy 265
for uncompensated care to a board of county hospital trustees or 266
hospital commission, the board of county hospital trustees or 267
hospital commission may establish and operate the outpatient 268
health facility only if that board of county commissioners 269
approves the establishment of the facility. 270

(D) Notwithstanding division (C) of this section, a board 271
of county hospital trustees of a charter county hospital, as 272
defined in section 339.061 of the Revised Code, may purchase, 273
acquire, lease, construct, own, operate, or manage hospital 274
facilities in a county contiguous to a charter county. Such 275
hospital facilities shall be operated pursuant to the law that 276
regulates the operation of a charter county hospital. 277

(E) A county hospital may be designated as a monument to 278
commemorate the services of the soldiers, sailors, marines, and 279
pioneers of the county. 280

Sec. 2925.03. (A) No person shall knowingly do any of the 281
following: 282

(1) Sell or offer to sell a controlled substance or a 283
controlled substance analog; 284

(2) Prepare for shipment, ship, transport, deliver, 285
prepare for distribution, or distribute a controlled substance 286
or a controlled substance analog, when the offender knows or has 287
reasonable cause to believe that the controlled substance or a 288
controlled substance analog is intended for sale or resale by 289
the offender or another person. 290

(B) This section does not apply to any of the following: 291

(1) Manufacturers, licensed health professionals 292
authorized to prescribe drugs, pharmacists, owners of 293
pharmacies, and other persons whose conduct is in accordance 294
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 295
4741. of the Revised Code; 296

(2) If the offense involves an anabolic steroid, any 297
person who is conducting or participating in a research project 298
involving the use of an anabolic steroid if the project has been 299
approved by the United States food and drug administration; 300

(3) Any person who sells, offers for sale, prescribes, 301
dispenses, or administers for livestock or other nonhuman 302
species an anabolic steroid that is expressly intended for 303
administration through implants to livestock or other nonhuman 304
species and approved for that purpose under the "Federal Food, 305
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 306
as amended, and is sold, offered for sale, prescribed, 307
dispensed, or administered for that purpose in accordance with 308
that act. 309

(C) Whoever violates division (A) of this section is 310
guilty of one of the following: 311

(1) If the drug involved in the violation is any compound, 312
mixture, preparation, or substance included in schedule I or 313
schedule II, with the exception of marihuana, cocaine, L.S.D., 314
heroin, hashish, and controlled substance analogs, whoever 315
violates division (A) of this section is guilty of aggravated 316
trafficking in drugs. The penalty for the offense shall be 317
determined as follows: 318

(a) Except as otherwise provided in division (C) (1) (b), 319
(c), (d), (e), or (f) of this section, aggravated trafficking in 320
drugs is a felony of the fourth degree, and division (C) of 321
section 2929.13 of the Revised Code applies in determining 322
whether to impose a prison term on the offender. 323

(b) Except as otherwise provided in division (C) (1) (c), 324
(d), (e), or (f) of this section, if the offense was committed 325
in the vicinity of a school or in the vicinity of a juvenile, 326
aggravated trafficking in drugs is a felony of the third degree, 327
and division (C) of section 2929.13 of the Revised Code applies 328
in determining whether to impose a prison term on the offender. 329

(c) Except as otherwise provided in this division, if the 330
amount of the drug involved equals or exceeds the bulk amount 331
but is less than five times the bulk amount, aggravated 332
trafficking in drugs is a felony of the third degree, and, 333
except as otherwise provided in this division, there is a 334
presumption for a prison term for the offense. If aggravated 335
trafficking in drugs is a felony of the third degree under this 336
division and if the offender two or more times previously has 337
been convicted of or pleaded guilty to a felony drug abuse 338
offense, the court shall impose as a mandatory prison term one 339

of the prison terms prescribed for a felony of the third degree. 340
If the amount of the drug involved is within that range and if 341
the offense was committed in the vicinity of a school or in the 342
vicinity of a juvenile, aggravated trafficking in drugs is a 343
felony of the second degree, and the court shall impose as a 344
mandatory prison term one of the prison terms prescribed for a 345
felony of the second degree. 346

(d) Except as otherwise provided in this division, if the 347
amount of the drug involved equals or exceeds five times the 348
bulk amount but is less than fifty times the bulk amount, 349
aggravated trafficking in drugs is a felony of the second 350
degree, and the court shall impose as a mandatory prison term 351
one of the prison terms prescribed for a felony of the second 352
degree. If the amount of the drug involved is within that range 353
and if the offense was committed in the vicinity of a school or 354
in the vicinity of a juvenile, aggravated trafficking in drugs 355
is a felony of the first degree, and the court shall impose as a 356
mandatory prison term one of the prison terms prescribed for a 357
felony of the first degree. 358

(e) If the amount of the drug involved equals or exceeds 359
fifty times the bulk amount but is less than one hundred times 360
the bulk amount and regardless of whether the offense was 361
committed in the vicinity of a school or in the vicinity of a 362
juvenile, aggravated trafficking in drugs is a felony of the 363
first degree, and the court shall impose as a mandatory prison 364
term one of the prison terms prescribed for a felony of the 365
first degree. 366

(f) If the amount of the drug involved equals or exceeds 367
one hundred times the bulk amount and regardless of whether the 368
offense was committed in the vicinity of a school or in the 369

vicinity of a juvenile, aggravated trafficking in drugs is a 370
felony of the first degree, the offender is a major drug 371
offender, and the court shall impose as a mandatory prison term 372
the maximum prison term prescribed for a felony of the first 373
degree. 374

(2) If the drug involved in the violation is any compound, 375
mixture, preparation, or substance included in schedule III, IV, 376
or V, whoever violates division (A) of this section is guilty of 377
trafficking in drugs. The penalty for the offense shall be 378
determined as follows: 379

(a) Except as otherwise provided in division (C) (2) (b), 380
(c), (d), or (e) of this section, trafficking in drugs is a 381
felony of the fifth degree, and division (B) of section 2929.13 382
of the Revised Code applies in determining whether to impose a 383
prison term on the offender. 384

(b) Except as otherwise provided in division (C) (2) (c), 385
(d), or (e) of this section, if the offense was committed in the 386
vicinity of a school or in the vicinity of a juvenile, 387
trafficking in drugs is a felony of the fourth degree, and 388
division (C) of section 2929.13 of the Revised Code applies in 389
determining whether to impose a prison term on the offender. 390

(c) Except as otherwise provided in this division, if the 391
amount of the drug involved equals or exceeds the bulk amount 392
but is less than five times the bulk amount, trafficking in 393
drugs is a felony of the fourth degree, and division (B) of 394
section 2929.13 of the Revised Code applies in determining 395
whether to impose a prison term for the offense. If the amount 396
of the drug involved is within that range and if the offense was 397
committed in the vicinity of a school or in the vicinity of a 398
juvenile, trafficking in drugs is a felony of the third degree, 399

and there is a presumption for a prison term for the offense. 400

(d) Except as otherwise provided in this division, if the 401
amount of the drug involved equals or exceeds five times the 402
bulk amount but is less than fifty times the bulk amount, 403
trafficking in drugs is a felony of the third degree, and there 404
is a presumption for a prison term for the offense. If the 405
amount of the drug involved is within that range and if the 406
offense was committed in the vicinity of a school or in the 407
vicinity of a juvenile, trafficking in drugs is a felony of the 408
second degree, and there is a presumption for a prison term for 409
the offense. 410

(e) Except as otherwise provided in this division, if the 411
amount of the drug involved equals or exceeds fifty times the 412
bulk amount, trafficking in drugs is a felony of the second 413
degree, and the court shall impose as a mandatory prison term 414
one of the prison terms prescribed for a felony of the second 415
degree. If the amount of the drug involved equals or exceeds 416
fifty times the bulk amount and if the offense was committed in 417
the vicinity of a school or in the vicinity of a juvenile, 418
trafficking in drugs is a felony of the first degree, and the 419
court shall impose as a mandatory prison term one of the prison 420
terms prescribed for a felony of the first degree. 421

(3) If the drug involved in the violation is marihuana or 422
a compound, mixture, preparation, or substance containing 423
marihuana other than hashish, whoever violates division (A) of 424
this section is guilty of trafficking in marihuana. The penalty 425
for the offense shall be determined as follows: 426

(a) Except as otherwise provided in division (C) (3) (b), 427
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 428
marihuana is a felony of the fifth degree, and division (B) of 429

section 2929.13 of the Revised Code applies in determining 430
whether to impose a prison term on the offender. 431

(b) Except as otherwise provided in division (C) (3) (c), 432
(d), (e), (f), (g), or (h) of this section, if the offense was 433
committed in the vicinity of a school or in the vicinity of a 434
juvenile, trafficking in marihuana is a felony of the fourth 435
degree, and division (B) of section 2929.13 of the Revised Code 436
applies in determining whether to impose a prison term on the 437
offender. 438

(c) Except as otherwise provided in this division, if the 439
amount of the drug involved equals or exceeds two hundred grams 440
but is less than one thousand grams, trafficking in marihuana is 441
a felony of the fourth degree, and division (B) of section 442
2929.13 of the Revised Code applies in determining whether to 443
impose a prison term on the offender. If the amount of the drug 444
involved is within that range and if the offense was committed 445
in the vicinity of a school or in the vicinity of a juvenile, 446
trafficking in marihuana is a felony of the third degree, and 447
division (C) of section 2929.13 of the Revised Code applies in 448
determining whether to impose a prison term on the offender. 449

(d) Except as otherwise provided in this division, if the 450
amount of the drug involved equals or exceeds one thousand grams 451
but is less than five thousand grams, trafficking in marihuana 452
is a felony of the third degree, and division (C) of section 453
2929.13 of the Revised Code applies in determining whether to 454
impose a prison term on the offender. If the amount of the drug 455
involved is within that range and if the offense was committed 456
in the vicinity of a school or in the vicinity of a juvenile, 457
trafficking in marihuana is a felony of the second degree, and 458
there is a presumption that a prison term shall be imposed for 459

the offense. 460

(e) Except as otherwise provided in this division, if the 461
amount of the drug involved equals or exceeds five thousand 462
grams but is less than twenty thousand grams, trafficking in 463
marihuana is a felony of the third degree, and there is a 464
presumption that a prison term shall be imposed for the offense. 465
If the amount of the drug involved is within that range and if 466
the offense was committed in the vicinity of a school or in the 467
vicinity of a juvenile, trafficking in marihuana is a felony of 468
the second degree, and there is a presumption that a prison term 469
shall be imposed for the offense. 470

(f) Except as otherwise provided in this division, if the 471
amount of the drug involved equals or exceeds twenty thousand 472
grams but is less than forty thousand grams, trafficking in 473
marihuana is a felony of the second degree, and the court shall 474
impose a mandatory prison term of five, six, seven, or eight 475
years. If the amount of the drug involved is within that range 476
and if the offense was committed in the vicinity of a school or 477
in the vicinity of a juvenile, trafficking in marihuana is a 478
felony of the first degree, and the court shall impose as a 479
mandatory prison term the maximum prison term prescribed for a 480
felony of the first degree. 481

(g) Except as otherwise provided in this division, if the 482
amount of the drug involved equals or exceeds forty thousand 483
grams, trafficking in marihuana is a felony of the second 484
degree, and the court shall impose as a mandatory prison term 485
the maximum prison term prescribed for a felony of the second 486
degree. If the amount of the drug involved equals or exceeds 487
forty thousand grams and if the offense was committed in the 488
vicinity of a school or in the vicinity of a juvenile, 489

trafficking in marihuana is a felony of the first degree, and 490
the court shall impose as a mandatory prison term the maximum 491
prison term prescribed for a felony of the first degree. 492

(h) Except as otherwise provided in this division, if the 493
offense involves a gift of twenty grams or less of marihuana, 494
trafficking in marihuana is a minor misdemeanor upon a first 495
offense and a misdemeanor of the third degree upon a subsequent 496
offense. If the offense involves a gift of twenty grams or less 497
of marihuana and if the offense was committed in the vicinity of 498
a school or in the vicinity of a juvenile, trafficking in 499
marihuana is a misdemeanor of the third degree. 500

(4) If the drug involved in the violation is cocaine or a 501
compound, mixture, preparation, or substance containing cocaine, 502
whoever violates division (A) of this section is guilty of 503
trafficking in cocaine. The penalty for the offense shall be 504
determined as follows: 505

(a) Except as otherwise provided in division (C) (4) (b), 506
(c), (d), (e), (f), or (g) of this section, trafficking in 507
cocaine is a felony of the fifth degree, and division (B) of 508
section 2929.13 of the Revised Code applies in determining 509
whether to impose a prison term on the offender. 510

(b) Except as otherwise provided in division (C) (4) (c), 511
(d), (e), (f), or (g) of this section, if the offense was 512
committed in the vicinity of a school or in the vicinity of a 513
juvenile, trafficking in cocaine is a felony of the fourth 514
degree, and division (C) of section 2929.13 of the Revised Code 515
applies in determining whether to impose a prison term on the 516
offender. 517

(c) Except as otherwise provided in this division, if the 518

amount of the drug involved equals or exceeds five grams but is 519
less than ten grams of cocaine, trafficking in cocaine is a 520
felony of the fourth degree, and division (B) of section 2929.13 521
of the Revised Code applies in determining whether to impose a 522
prison term for the offense. If the amount of the drug involved 523
is within that range and if the offense was committed in the 524
vicinity of a school or in the vicinity of a juvenile, 525
trafficking in cocaine is a felony of the third degree, and 526
there is a presumption for a prison term for the offense. 527

(d) Except as otherwise provided in this division, if the 528
amount of the drug involved equals or exceeds ten grams but is 529
less than twenty grams of cocaine, trafficking in cocaine is a 530
felony of the third degree, and, except as otherwise provided in 531
this division, there is a presumption for a prison term for the 532
offense. If trafficking in cocaine is a felony of the third 533
degree under this division and if the offender two or more times 534
previously has been convicted of or pleaded guilty to a felony 535
drug abuse offense, the court shall impose as a mandatory prison 536
term one of the prison terms prescribed for a felony of the 537
third degree. If the amount of the drug involved is within that 538
range and if the offense was committed in the vicinity of a 539
school or in the vicinity of a juvenile, trafficking in cocaine 540
is a felony of the second degree, and the court shall impose as 541
a mandatory prison term one of the prison terms prescribed for a 542
felony of the second degree. 543

(e) Except as otherwise provided in this division, if the 544
amount of the drug involved equals or exceeds twenty grams but 545
is less than twenty-seven grams of cocaine, trafficking in 546
cocaine is a felony of the second degree, and the court shall 547
impose as a mandatory prison term one of the prison terms 548
prescribed for a felony of the second degree. If the amount of 549

the drug involved is within that range and if the offense was 550
committed in the vicinity of a school or in the vicinity of a 551
juvenile, trafficking in cocaine is a felony of the first 552
degree, and the court shall impose as a mandatory prison term 553
one of the prison terms prescribed for a felony of the first 554
degree. 555

(f) If the amount of the drug involved equals or exceeds 556
twenty-seven grams but is less than one hundred grams of cocaine 557
and regardless of whether the offense was committed in the 558
vicinity of a school or in the vicinity of a juvenile, 559
trafficking in cocaine is a felony of the first degree, and the 560
court shall impose as a mandatory prison term one of the prison 561
terms prescribed for a felony of the first degree. 562

(g) If the amount of the drug involved equals or exceeds 563
one hundred grams of cocaine and regardless of whether the 564
offense was committed in the vicinity of a school or in the 565
vicinity of a juvenile, trafficking in cocaine is a felony of 566
the first degree, the offender is a major drug offender, and the 567
court shall impose as a mandatory prison term the maximum prison 568
term prescribed for a felony of the first degree. 569

(5) If the drug involved in the violation is L.S.D. or a 570
compound, mixture, preparation, or substance containing L.S.D., 571
whoever violates division (A) of this section is guilty of 572
trafficking in L.S.D. The penalty for the offense shall be 573
determined as follows: 574

(a) Except as otherwise provided in division (C) (5) (b), 575
(c), (d), (e), (f), or (g) of this section, trafficking in 576
L.S.D. is a felony of the fifth degree, and division (B) of 577
section 2929.13 of the Revised Code applies in determining 578
whether to impose a prison term on the offender. 579

(b) Except as otherwise provided in division (C) (5) (c), 580
(d), (e), (f), or (g) of this section, if the offense was 581
committed in the vicinity of a school or in the vicinity of a 582
juvenile, trafficking in L.S.D. is a felony of the fourth 583
degree, and division (C) of section 2929.13 of the Revised Code 584
applies in determining whether to impose a prison term on the 585
offender. 586

(c) Except as otherwise provided in this division, if the 587
amount of the drug involved equals or exceeds ten unit doses but 588
is less than fifty unit doses of L.S.D. in a solid form or 589
equals or exceeds one gram but is less than five grams of L.S.D. 590
in a liquid concentrate, liquid extract, or liquid distillate 591
form, trafficking in L.S.D. is a felony of the fourth degree, 592
and division (B) of section 2929.13 of the Revised Code applies 593
in determining whether to impose a prison term for the offense. 594
If the amount of the drug involved is within that range and if 595
the offense was committed in the vicinity of a school or in the 596
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 597
third degree, and there is a presumption for a prison term for 598
the offense. 599

(d) Except as otherwise provided in this division, if the 600
amount of the drug involved equals or exceeds fifty unit doses 601
but is less than two hundred fifty unit doses of L.S.D. in a 602
solid form or equals or exceeds five grams but is less than 603
twenty-five grams of L.S.D. in a liquid concentrate, liquid 604
extract, or liquid distillate form, trafficking in L.S.D. is a 605
felony of the third degree, and, except as otherwise provided in 606
this division, there is a presumption for a prison term for the 607
offense. If trafficking in L.S.D. is a felony of the third 608
degree under this division and if the offender two or more times 609
previously has been convicted of or pleaded guilty to a felony 610

drug abuse offense, the court shall impose as a mandatory prison 611
term one of the prison terms prescribed for a felony of the 612
third degree. If the amount of the drug involved is within that 613
range and if the offense was committed in the vicinity of a 614
school or in the vicinity of a juvenile, trafficking in L.S.D. 615
is a felony of the second degree, and the court shall impose as 616
a mandatory prison term one of the prison terms prescribed for a 617
felony of the second degree. 618

(e) Except as otherwise provided in this division, if the 619
amount of the drug involved equals or exceeds two hundred fifty 620
unit doses but is less than one thousand unit doses of L.S.D. in 621
a solid form or equals or exceeds twenty-five grams but is less 622
than one hundred grams of L.S.D. in a liquid concentrate, liquid 623
extract, or liquid distillate form, trafficking in L.S.D. is a 624
felony of the second degree, and the court shall impose as a 625
mandatory prison term one of the prison terms prescribed for a 626
felony of the second degree. If the amount of the drug involved 627
is within that range and if the offense was committed in the 628
vicinity of a school or in the vicinity of a juvenile, 629
trafficking in L.S.D. is a felony of the first degree, and the 630
court shall impose as a mandatory prison term one of the prison 631
terms prescribed for a felony of the first degree. 632

(f) If the amount of the drug involved equals or exceeds 633
one thousand unit doses but is less than five thousand unit 634
doses of L.S.D. in a solid form or equals or exceeds one hundred 635
grams but is less than five hundred grams of L.S.D. in a liquid 636
concentrate, liquid extract, or liquid distillate form and 637
regardless of whether the offense was committed in the vicinity 638
of a school or in the vicinity of a juvenile, trafficking in 639
L.S.D. is a felony of the first degree, and the court shall 640
impose as a mandatory prison term one of the prison terms 641

prescribed for a felony of the first degree.

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(g) If the amount of the drug involved equals or exceeds
five thousand unit doses of L.S.D. in a solid form or equals or
exceeds five hundred grams of L.S.D. in a liquid concentrate,
liquid extract, or liquid distillate form and regardless of
whether the offense was committed in the vicinity of a school or
in the vicinity of a juvenile, trafficking in L.S.D. is a felony
of the first degree, the offender is a major drug offender, and
the court shall impose as a mandatory prison term the maximum
prison term prescribed for a felony of the first degree.

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(6) If the drug involved in the violation is heroin or a
compound, mixture, preparation, or substance containing heroin,
whoever violates division (A) of this section is guilty of
trafficking in heroin. The penalty for the offense shall be
determined as follows:

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(a) Except as otherwise provided in division (C) (6) (b),
(c), (d), (e), (f), or (g) of this section, trafficking in
heroin is a felony of the fifth degree, and division (B) of
section 2929.13 of the Revised Code applies in determining
whether to impose a prison term on the offender.

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(b) Except as otherwise provided in division (C) (6) (c),
(d), (e), (f), or (g) of this section, if the offense was
committed in the vicinity of a school or in the vicinity of a
juvenile, trafficking in heroin is a felony of the fourth
degree, and division (C) of section 2929.13 of the Revised Code
applies in determining whether to impose a prison term on the
offender.

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(c) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds ten unit doses but

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is less than fifty unit doses or equals or exceeds one gram but 671
is less than five grams, trafficking in heroin is a felony of 672
the fourth degree, and division (B) of section 2929.13 of the 673
Revised Code applies in determining whether to impose a prison 674
term for the offense. If the amount of the drug involved is 675
within that range and if the offense was committed in the 676
vicinity of a school or in the vicinity of a juvenile, 677
trafficking in heroin is a felony of the third degree, and there 678
is a presumption for a prison term for the offense. 679

(d) Except as otherwise provided in this division, if the 680
amount of the drug involved equals or exceeds fifty unit doses 681
but is less than one hundred unit doses or equals or exceeds 682
five grams but is less than ten grams, trafficking in heroin is 683
a felony of the third degree, and there is a presumption for a 684
prison term for the offense. If the amount of the drug involved 685
is within that range and if the offense was committed in the 686
vicinity of a school or in the vicinity of a juvenile, 687
trafficking in heroin is a felony of the second degree, and 688
there is a presumption for a prison term for the offense. 689

(e) Except as otherwise provided in this division, if the 690
amount of the drug involved equals or exceeds one hundred unit 691
doses but is less than five hundred unit doses or equals or 692
exceeds ten grams but is less than fifty grams, trafficking in 693
heroin is a felony of the second degree, and the court shall 694
impose as a mandatory prison term one of the prison terms 695
prescribed for a felony of the second degree. If the amount of 696
the drug involved is within that range and if the offense was 697
committed in the vicinity of a school or in the vicinity of a 698
juvenile, trafficking in heroin is a felony of the first degree, 699
and the court shall impose as a mandatory prison term one of the 700
prison terms prescribed for a felony of the first degree. 701

(f) If the amount of the drug involved equals or exceeds 702
five hundred unit doses but is less than one thousand unit doses 703
or equals or exceeds fifty grams but is less than one hundred 704
grams and regardless of whether the offense was committed in the 705
vicinity of a school or in the vicinity of a juvenile, 706
trafficking in heroin is a felony of the first degree, and the 707
court shall impose as a mandatory prison term one of the prison 708
terms prescribed for a felony of the first degree. 709

(g) If the amount of the drug involved equals or exceeds 710
one thousand unit doses or equals or exceeds one hundred grams 711
and regardless of whether the offense was committed in the 712
vicinity of a school or in the vicinity of a juvenile, 713
trafficking in heroin is a felony of the first degree, the 714
offender is a major drug offender, and the court shall impose as 715
a mandatory prison term the maximum prison term prescribed for a 716
felony of the first degree. 717

(7) If the drug involved in the violation is hashish or a 718
compound, mixture, preparation, or substance containing hashish, 719
whoever violates division (A) of this section is guilty of 720
trafficking in hashish. The penalty for the offense shall be 721
determined as follows: 722

(a) Except as otherwise provided in division (C) (7) (b), 723
(c), (d), (e), (f), or (g) of this section, trafficking in 724
hashish is a felony of the fifth degree, and division (B) of 725
section 2929.13 of the Revised Code applies in determining 726
whether to impose a prison term on the offender. 727

(b) Except as otherwise provided in division (C) (7) (c), 728
(d), (e), (f), or (g) of this section, if the offense was 729
committed in the vicinity of a school or in the vicinity of a 730
juvenile, trafficking in hashish is a felony of the fourth 731

degree, and division (B) of section 2929.13 of the Revised Code 732
applies in determining whether to impose a prison term on the 733
offender. 734

(c) Except as otherwise provided in this division, if the 735
amount of the drug involved equals or exceeds ten grams but is 736
less than fifty grams of hashish in a solid form or equals or 737
exceeds two grams but is less than ten grams of hashish in a 738
liquid concentrate, liquid extract, or liquid distillate form, 739
trafficking in hashish is a felony of the fourth degree, and 740
division (B) of section 2929.13 of the Revised Code applies in 741
determining whether to impose a prison term on the offender. If 742
the amount of the drug involved is within that range and if the 743
offense was committed in the vicinity of a school or in the 744
vicinity of a juvenile, trafficking in hashish is a felony of 745
the third degree, and division (C) of section 2929.13 of the 746
Revised Code applies in determining whether to impose a prison 747
term on the offender. 748

(d) Except as otherwise provided in this division, if the 749
amount of the drug involved equals or exceeds fifty grams but is 750
less than two hundred fifty grams of hashish in a solid form or 751
equals or exceeds ten grams but is less than fifty grams of 752
hashish in a liquid concentrate, liquid extract, or liquid 753
distillate form, trafficking in hashish is a felony of the third 754
degree, and division (C) of section 2929.13 of the Revised Code 755
applies in determining whether to impose a prison term on the 756
offender. If the amount of the drug involved is within that 757
range and if the offense was committed in the vicinity of a 758
school or in the vicinity of a juvenile, trafficking in hashish 759
is a felony of the second degree, and there is a presumption 760
that a prison term shall be imposed for the offense. 761

(e) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds two hundred fifty
grams but is less than one thousand grams of hashish in a solid
form or equals or exceeds fifty grams but is less than two
hundred grams of hashish in a liquid concentrate, liquid
extract, or liquid distillate form, trafficking in hashish is a
felony of the third degree, and there is a presumption that a
prison term shall be imposed for the offense. If the amount of
the drug involved is within that range and if the offense was
committed in the vicinity of a school or in the vicinity of a
juvenile, trafficking in hashish is a felony of the second
degree, and there is a presumption that a prison term shall be
imposed for the offense.

(f) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds one thousand grams
but is less than two thousand grams of hashish in a solid form
or equals or exceeds two hundred grams but is less than four
hundred grams of hashish in a liquid concentrate, liquid
extract, or liquid distillate form, trafficking in hashish is a
felony of the second degree, and the court shall impose a
mandatory prison term of five, six, seven, or eight years. If
the amount of the drug involved is within that range and if the
offense was committed in the vicinity of a school or in the
vicinity of a juvenile, trafficking in hashish is a felony of
the first degree, and the court shall impose as a mandatory
prison term the maximum prison term prescribed for a felony of
the first degree.

(g) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds two thousand grams
of hashish in a solid form or equals or exceeds four hundred
grams of hashish in a liquid concentrate, liquid extract, or

liquid distillate form, trafficking in hashish is a felony of 793
the second degree, and the court shall impose as a mandatory 794
prison term the maximum prison term prescribed for a felony of 795
the second degree. If the amount of the drug involved equals or 796
exceeds two thousand grams of hashish in a solid form or equals 797
or exceeds four hundred grams of hashish in a liquid 798
concentrate, liquid extract, or liquid distillate form and if 799
the offense was committed in the vicinity of a school or in the 800
vicinity of a juvenile, trafficking in hashish is a felony of 801
the first degree, and the court shall impose as a mandatory 802
prison term the maximum prison term prescribed for a felony of 803
the first degree. 804

(8) If the drug involved in the violation is a controlled 805
substance analog or compound, mixture, preparation, or substance 806
that contains a controlled substance analog, whoever violates 807
division (A) of this section is guilty of trafficking in a 808
controlled substance analog. The penalty for the offense shall 809
be determined as follows: 810

(a) Except as otherwise provided in division (C) (8) (b), 811
(c), (d), (e), (f), or (g) of this section, trafficking in a 812
controlled substance analog is a felony of the fifth degree, and 813
division (C) of section 2929.13 of the Revised Code applies in 814
determining whether to impose a prison term on the offender. 815

(b) Except as otherwise provided in division (C) (8) (c), 816
(d), (e), (f), or (g) of this section, if the offense was 817
committed in the vicinity of a school or in the vicinity of a 818
juvenile, trafficking in a controlled substance analog is a 819
felony of the fourth degree, and division (C) of section 2929.13 820
of the Revised Code applies in determining whether to impose a 821
prison term on the offender. 822

(c) Except as otherwise provided in this division, if the 823
amount of the drug involved equals or exceeds ten grams but is 824
less than twenty grams, trafficking in a controlled substance 825
analog is a felony of the fourth degree, and division (B) of 826
section 2929.13 of the Revised Code applies in determining 827
whether to impose a prison term for the offense. If the amount 828
of the drug involved is within that range and if the offense was 829
committed in the vicinity of a school or in the vicinity of a 830
juvenile, trafficking in a controlled substance analog is a 831
felony of the third degree, and there is a presumption for a 832
prison term for the offense. 833

(d) Except as otherwise provided in this division, if the 834
amount of the drug involved equals or exceeds twenty grams but 835
is less than thirty grams, trafficking in a controlled substance 836
analog is a felony of the third degree, and there is a 837
presumption for a prison term for the offense. If the amount of 838
the drug involved is within that range and if the offense was 839
committed in the vicinity of a school or in the vicinity of a 840
juvenile, trafficking in a controlled substance analog is a 841
felony of the second degree, and there is a presumption for a 842
prison term for the offense. 843

(e) Except as otherwise provided in this division, if the 844
amount of the drug involved equals or exceeds thirty grams but 845
is less than forty grams, trafficking in a controlled substance 846
analog is a felony of the second degree, and the court shall 847
impose as a mandatory prison term one of the prison terms 848
prescribed for a felony of the second degree. If the amount of 849
the drug involved is within that range and if the offense was 850
committed in the vicinity of a school or in the vicinity of a 851
juvenile, trafficking in a controlled substance analog is a 852
felony of the first degree, and the court shall impose as a 853

mandatory prison term one of the prison terms prescribed for a 854
felony of the first degree. 855

(f) If the amount of the drug involved equals or exceeds 856
forty grams but is less than fifty grams and regardless of 857
whether the offense was committed in the vicinity of a school or 858
in the vicinity of a juvenile, trafficking in a controlled 859
substance analog is a felony of the first degree, and the court 860
shall impose as a mandatory prison term one of the prison terms 861
prescribed for a felony of the first degree. 862

(g) If the amount of the drug involved equals or exceeds 863
fifty grams and regardless of whether the offense was committed 864
in the vicinity of a school or in the vicinity of a juvenile, 865
trafficking in a controlled substance analog is a felony of the 866
first degree, the offender is a major drug offender, and the 867
court shall impose as a mandatory prison term the maximum prison 868
term prescribed for a felony of the first degree. 869

(D) In addition to any prison term authorized or required 870
by division (C) of this section and sections 2929.13 and 2929.14 871
of the Revised Code, and in addition to any other sanction 872
imposed for the offense under this section or sections 2929.11 873
to 2929.18 of the Revised Code, the court that sentences an 874
offender who is convicted of or pleads guilty to a violation of 875
division (A) of this section may suspend the driver's or 876
commercial driver's license or permit of the offender in 877
accordance with division (G) of this section. However, if the 878
offender pleaded guilty to or was convicted of a violation of 879
section 4511.19 of the Revised Code or a substantially similar 880
municipal ordinance or the law of another state or the United 881
States arising out of the same set of circumstances as the 882
violation, the court shall suspend the offender's driver's or 883

commercial driver's license or permit in accordance with 884
division (G) of this section. If applicable, the court also 885
shall do the following: 886

(1) If the violation of division (A) of this section is a 887
felony of the first, second, or third degree, the court shall 888
impose upon the offender the mandatory fine specified for the 889
offense under division (B) (1) of section 2929.18 of the Revised 890
Code unless, as specified in that division, the court determines 891
that the offender is indigent. Except as otherwise provided in 892
division (H) (1) of this section, a mandatory fine or any other 893
fine imposed for a violation of this section is subject to 894
division (F) of this section. If a person is charged with a 895
violation of this section that is a felony of the first, second, 896
or third degree, posts bail, and forfeits the bail, the clerk of 897
the court shall pay the forfeited bail pursuant to divisions (D) 898
(1) and (F) of this section, as if the forfeited bail was a fine 899
imposed for a violation of this section. If any amount of the 900
forfeited bail remains after that payment and if a fine is 901
imposed under division (H) (1) of this section, the clerk of the 902
court shall pay the remaining amount of the forfeited bail 903
pursuant to divisions (H) (2) and (3) of this section, as if that 904
remaining amount was a fine imposed under division (H) (1) of 905
this section. 906

(2) If the offender is a professionally licensed person, 907
the court immediately shall comply with section 2925.38 of the 908
Revised Code. 909

(E) When a person is charged with the sale of or offer to 910
sell a bulk amount or a multiple of a bulk amount of a 911
controlled substance, the jury, or the court trying the accused, 912
shall determine the amount of the controlled substance involved 913

at the time of the offense and, if a guilty verdict is returned, 914
shall return the findings as part of the verdict. In any such 915
case, it is unnecessary to find and return the exact amount of 916
the controlled substance involved, and it is sufficient if the 917
finding and return is to the effect that the amount of the 918
controlled substance involved is the requisite amount, or that 919
the amount of the controlled substance involved is less than the 920
requisite amount. 921

(F) (1) Notwithstanding any contrary provision of section 922
3719.21 of the Revised Code and except as provided in division 923
(H) of this section, the clerk of the court shall pay any 924
mandatory fine imposed pursuant to division (D) (1) of this 925
section and any fine other than a mandatory fine that is imposed 926
for a violation of this section pursuant to division (A) or (B) 927
(5) of section 2929.18 of the Revised Code to the county, 928
township, municipal corporation, park district, as created 929
pursuant to section 511.18 or 1545.04 of the Revised Code, or 930
state law enforcement agencies in this state that primarily were 931
responsible for or involved in making the arrest of, and in 932
prosecuting, the offender. However, the clerk shall not pay a 933
mandatory fine so imposed to a law enforcement agency unless the 934
agency has adopted a written internal control policy under 935
division (F) (2) of this section that addresses the use of the 936
fine moneys that it receives. Each agency shall use the 937
mandatory fines so paid to subsidize the agency's law 938
enforcement efforts that pertain to drug offenses, in accordance 939
with the written internal control policy adopted by the 940
recipient agency under division (F) (2) of this section. 941

(2) Prior to receiving any fine moneys under division (F) 942
(1) of this section or division (B) of section 2925.42 of the 943
Revised Code, a law enforcement agency shall adopt a written 944

internal control policy that addresses the agency's use and 945
disposition of all fine moneys so received and that provides for 946
the keeping of detailed financial records of the receipts of 947
those fine moneys, the general types of expenditures made out of 948
those fine moneys, and the specific amount of each general type 949
of expenditure. The policy shall not provide for or permit the 950
identification of any specific expenditure that is made in an 951
ongoing investigation. All financial records of the receipts of 952
those fine moneys, the general types of expenditures made out of 953
those fine moneys, and the specific amount of each general type 954
of expenditure by an agency are public records open for 955
inspection under section 149.43 of the Revised Code. 956
Additionally, a written internal control policy adopted under 957
this division is such a public record, and the agency that 958
adopted it shall comply with it. 959

(3) As used in division (F) of this section: 960

(a) "Law enforcement agencies" includes, but is not 961
limited to, the state board of pharmacy and the office of a 962
prosecutor. 963

(b) "Prosecutor" has the same meaning as in section 964
2935.01 of the Revised Code. 965

(G)(1) If the sentencing court suspends the offender's 966
driver's or commercial driver's license or permit under division 967
(D) of this section or any other provision of this chapter, the 968
court shall suspend the license, by order, for not more than 969
five years. If an offender's driver's or commercial driver's 970
license or permit is suspended pursuant to this division, the 971
offender, at any time after the expiration of two years from the 972
day on which the offender's sentence was imposed or from the day 973
on which the offender finally was released from a prison term 974

under the sentence, whichever is later, may file a motion with 975
the sentencing court requesting termination of the suspension; 976
upon the filing of such a motion and the court's finding of good 977
cause for the termination, the court may terminate the 978
suspension. 979

(2) Any offender who received a mandatory suspension of 980
the offender's driver's or commercial driver's license or permit 981
under this section prior to ~~the effective date of this amendment~~ 982
September 13, 2016, may file a motion with the sentencing court 983
requesting the termination of the suspension. However, an 984
offender who pleaded guilty to or was convicted of a violation 985
of section 4511.19 of the Revised Code or a substantially 986
similar municipal ordinance or law of another state or the 987
United States that arose out of the same set of circumstances as 988
the violation for which the offender's license or permit was 989
suspended under this section shall not file such a motion. 990

Upon the filing of a motion under division (G) (2) of this 991
section, the sentencing court, in its discretion, may terminate 992
the suspension. 993

(H) (1) In addition to any prison term authorized or 994
required by division (C) of this section and sections 2929.13 995
and 2929.14 of the Revised Code, in addition to any other 996
penalty or sanction imposed for the offense under this section 997
or sections 2929.11 to 2929.18 of the Revised Code, and in 998
addition to the forfeiture of property in connection with the 999
offense as prescribed in Chapter 2981. of the Revised Code, the 1000
court that sentences an offender who is convicted of or pleads 1001
guilty to a violation of division (A) of this section may impose 1002
upon the offender an additional fine specified for the offense 1003
in division (B) (4) of section 2929.18 of the Revised Code. A 1004

fine imposed under division (H) (1) of this section is not 1005
subject to division (F) of this section and shall be used solely 1006
for the support of one or more eligible community addiction 1007
services providers in accordance with divisions (H) (2) and (3) 1008
of this section. 1009

(2) The court that imposes a fine under division (H) (1) of 1010
this section shall specify in the judgment that imposes the fine 1011
one or more eligible community addiction services providers for 1012
the support of which the fine money is to be used. No community 1013
addiction services provider shall receive or use money paid or 1014
collected in satisfaction of a fine imposed under division (H) 1015
(1) of this section unless the services provider is specified in 1016
the judgment that imposes the fine. No community addiction 1017
services provider shall be specified in the judgment unless the 1018
services provider is an eligible community addiction services 1019
provider and, except as otherwise provided in division (H) (2) of 1020
this section, unless the services provider is located in the 1021
county in which the court that imposes the fine is located or in 1022
a county that is immediately contiguous to the county in which 1023
that court is located. If no eligible community addiction 1024
services provider is located in any of those counties, the 1025
judgment may specify an eligible community addiction services 1026
provider that is located anywhere within this state. 1027

(3) Notwithstanding any contrary provision of section 1028
3719.21 of the Revised Code, the clerk of the court shall pay 1029
any fine imposed under division (H) (1) of this section to the 1030
eligible community addiction services provider specified 1031
pursuant to division (H) (2) of this section in the judgment. The 1032
eligible community addiction services provider that receives the 1033
fine moneys shall use the moneys only for the alcohol and drug 1034
addiction services identified in the application for 1035

certification of services under section 5119.36 of the Revised 1036
Code or in the application for a license under section ~~5119.391~~ 1037
5119.37 of the Revised Code filed with the department of mental 1038
health and addiction services by the community addiction 1039
services provider specified in the judgment. 1040

(4) Each community addiction services provider that 1041
receives in a calendar year any fine moneys under division (H) 1042
(3) of this section shall file an annual report covering that 1043
calendar year with the court of common pleas and the board of 1044
county commissioners of the county in which the services 1045
provider is located, with the court of common pleas and the 1046
board of county commissioners of each county from which the 1047
services provider received the moneys if that county is 1048
different from the county in which the services provider is 1049
located, and with the attorney general. The community addiction 1050
services provider shall file the report no later than the first 1051
day of March in the calendar year following the calendar year in 1052
which the services provider received the fine moneys. The report 1053
shall include statistics on the number of persons served by the 1054
community addiction services provider, identify the types of 1055
alcohol and drug addiction services provided to those persons, 1056
and include a specific accounting of the purposes for which the 1057
fine moneys received were used. No information contained in the 1058
report shall identify, or enable a person to determine the 1059
identity of, any person served by the community addiction 1060
services provider. Each report received by a court of common 1061
pleas, a board of county commissioners, or the attorney general 1062
is a public record open for inspection under section 149.43 of 1063
the Revised Code. 1064

(5) As used in divisions (H) (1) to (5) of this section: 1065

(a) "Community addiction services provider" and "alcohol
and drug addiction services" have the same meanings as in
section 5119.01 of the Revised Code.

(b) "Eligible community addiction services provider" means
a community addiction services provider, ~~as defined in section~~
~~5119.01 of the Revised Code, or including~~ a community addiction
services provider that ~~maintains a methadone~~ operates an opioid
treatment program licensed under section ~~5119.391~~ 5119.37 of the
Revised Code.

(I) As used in this section, "drug" includes any substance
that is represented to be a drug.

(J) It is an affirmative defense to a charge of
trafficking in a controlled substance analog under division (C)
(8) of this section that the person charged with violating that
offense sold or offered to sell, or prepared for shipment,
shipped, transported, delivered, prepared for distribution, or
distributed an item described in division (HH) (2) (a), (b), or
(c) of section 3719.01 of the Revised Code.

Sec. 3715.08. (A) As used in this section:

(1) "Medication-assisted treatment" has the same meaning
as in section 340.01 of the Revised Code.

(2) "Prescriber" means any of the following:

(a) An advanced practice registered nurse who holds a
current, valid license issued under Chapter 4723. of the Revised
Code and is designated as a clinical nurse specialist, certified
nurse-midwife, or certified nurse practitioner;

(b) A physician authorized under Chapter 4731. of the
Revised Code to practice medicine and surgery or osteopathic

medicine and surgery; 1094

(c) A physician assistant who is licensed under Chapter 1095
4730. of the Revised Code, holds a valid prescriber number 1096
issued by the state medical board, and has been granted 1097
physician-delegated prescriptive authority. 1098

(3) "Qualifying practitioner" has the same meaning as in 1099
section 303(g) (2) (G) (iii) of the "Controlled Substances Act of 1100
1970," 21 U.S.C. 823(g) (2) (G) (iii), as amended. 1101

(B) Before initiating medication-assisted treatment, a 1102
prescriber shall give the patient or the patient's 1103
representative information about all drugs approved by the 1104
United States food and drug administration for use in 1105
medication-assisted treatment. The information must be provided 1106
both orally and in writing. The prescriber or the prescriber's 1107
delegate shall note in the patient's medical record when this 1108
information was provided and make the record available to 1109
employees of the board of nursing or state medical board on 1110
their request. 1111

If the prescriber is not a qualifying practitioner and the 1112
patient's choice is opioid treatment ~~with a controlled substance~~ 1113
~~containing buprenorphine~~ and the prescriber determines that such 1114
treatment is clinically appropriate and meets generally accepted 1115
standards of medicine, the prescriber shall refer the patient to 1116
an opioid treatment program licensed under section 5119.37 of 1117
the Revised Code or a qualifying practitioner. ~~If the patient's~~ 1118
~~choice is methadone treatment and the prescriber determines that~~ 1119
~~such treatment is clinically appropriate and meets generally~~ 1120
~~accepted standards of medicine, the prescriber shall refer the~~ 1121
~~patient to a community addiction services provider licensed~~ 1122
~~under section 5119.391 of the Revised Code. In either case, the~~ 1123

The prescriber or the prescriber's delegate shall make a 1124
notation in the patient's medical record naming the program or 1125
practitioner ~~or provider~~ to whom the patient was referred and 1126
specifying when the referral was made. 1127

Sec. 3719.13. Prescriptions, orders, and records, required 1128
by Chapter 3719. of the Revised Code, and stocks of dangerous 1129
drugs and controlled substances, shall be open for inspection 1130
only to federal, state, county, and municipal officers, and 1131
employees of the state board of pharmacy whose duty it is to 1132
enforce the laws of this state or of the United States relating 1133
to controlled substances. Such prescriptions, orders, records, 1134
and stocks shall be open for inspection by employees of the 1135
state medical board for purposes of enforcing Chapters 4730. and 1136
4731. of the Revised Code, employees of the board of nursing for 1137
purposes of enforcing Chapter 4723. of the Revised Code, and 1138
employees of the department of mental health and addiction 1139
services for purposes of section ~~5119.367~~ 5119.37 of the Revised 1140
Code. No person having knowledge of any such prescription, 1141
order, or record shall divulge such knowledge, except in 1142
connection with a prosecution or proceeding in court or before a 1143
licensing or registration board or officer, to which prosecution 1144
or proceeding the person to whom such prescriptions, orders, or 1145
records relate is a party. 1146

Sec. 3719.27. (A) Persons required by Chapter 3719. of the 1147
Revised Code to keep files or records shall, upon the written 1148
request of an officer or employee designated by the state board 1149
of pharmacy, make such files or records available to such 1150
officer or employee, at all reasonable hours, for inspection and 1151
copying, and accord to such officer or employee full opportunity 1152
to check the correctness of such files or records, including 1153
opportunity to make inventory of all stocks of controlled 1154

substances on hand. No person shall fail to make such files or 1155
records available or to accord such opportunity to check their 1156
correctness. 1157

(B) Persons required by Chapter 3719. of the Revised Code 1158
to keep files or records shall, upon the written request of an 1159
employee designated by the director of mental health and 1160
addiction services, make such files or records available to the 1161
employee for the purpose of section ~~5119.367~~ 5119.37 of the 1162
Revised Code, at all reasonable hours, for inspection and 1163
copying, and accord to such employee full opportunity to check 1164
the correctness of such files or records. No person shall fail 1165
to make such files or records available or to accord such 1166
opportunity to check their correctness. 1167

Sec. 3719.61. Nothing in the laws dealing with drugs of 1168
abuse shall be construed to prohibit treatment of narcotic drug 1169
dependent persons by the continuing maintenance of their 1170
dependence through ~~the administration of methadone in accordance~~ 1171
~~with the rules adopted by the department of mental health and~~ 1172
~~addiction services under section 5119.391 of the Revised Code,~~ 1173
~~when all of the following apply:~~ 1174

~~(A) The likelihood that any person undergoing maintenance~~ 1175
~~treatment will be cured of dependence on narcotic drugs is~~ 1176
~~remote, the treatment is prescribed for the purpose of~~ 1177
~~alleviating or controlling the patient's drug dependence, and~~ 1178
~~the patient's prognosis while undergoing treatment is at least a~~ 1179
~~partial improvement in the patient's asocial or antisocial~~ 1180
~~behavior patterns;~~ 1181

~~(B) In the case of an inpatient in a hospital or clinic,~~ 1182
~~the amount of the maintenance drug dispensed at any one time~~ 1183
~~does not exceed the quantity necessary for a single dose, and~~ 1184

~~the dose is administered to the patient immediately;~~ 1185

~~(C) In the case of an outpatient, the amount of the 1186
maintenance drug dispensed at any one time shall be determined 1187
by the patient's treatment provider taking into account the 1188
patient's progress in the treatment program and the patient's 1189
needs for gainful employment, education, and responsible 1190
homemaking, except that in no event shall the dosage be greater 1191
than the amount permitted by federal law and rules adopted by 1192
the department pursuant to section 5119.391 of the Revised Code;~~ 1193

~~(D) The drug is not dispensed in any case to replace or 1194
supplement any part of a supply of the drug previously 1195
dispensed, or when there is reasonable cause to believe it will 1196
be used or disposed of unlawfully;~~ 1197

~~(E) The drug is dispensed through a an opioid treatment 1198
program licensed and operated in accordance with section 1199
5119.391-5119.37 of the Revised Code and the rules adopted under 1200
that section. 1201~~

Sec. 3721.01. (A) As used in sections 3721.01 to 3721.09 1202
and 3721.99 of the Revised Code: 1203

(1) (a) "Home" means an institution, residence, or facility 1204
that provides, for a period of more than twenty-four hours, 1205
whether for a consideration or not, accommodations to three or 1206
more unrelated individuals who are dependent upon the services 1207
of others, including a nursing home, residential care facility, 1208
home for the aging, and a veterans' home operated under Chapter 1209
5907. of the Revised Code. 1210

(b) "Home" also means both of the following: 1211

(i) Any facility that a person, as defined in section 1212
3702.51 of the Revised Code, proposes for certification as a 1213

skilled nursing facility or nursing facility under Title XVIII 1214
or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 1215
U.S.C.A. 301, as amended, and for which a certificate of need, 1216
other than a certificate to recategorize hospital beds as 1217
described in section 3702.521 of the Revised Code or division 1218
(R) (7) (d) of the version of section 3702.51 of the Revised Code 1219
in effect immediately prior to April 20, 1995, has been granted 1220
to the person under sections 3702.51 to 3702.62 of the Revised 1221
Code after August 5, 1989; 1222

(ii) A county home or district home that is or has been 1223
licensed as a residential care facility. 1224

(c) "Home" does not mean any of the following: 1225

(i) Except as provided in division (A) (1) (b) of this 1226
section, a public hospital or hospital as defined in section 1227
3701.01 or 5122.01 of the Revised Code; 1228

(ii) A residential facility as defined in section 5119.34 1229
of the Revised Code; 1230

(iii) A residential facility as defined in section 5123.19 1231
of the Revised Code; 1232

(iv) A community addiction services provider as defined in 1233
section 5119.01 of the Revised Code; 1234

(v) A facility licensed ~~to provide methadone treatment~~ 1235
under section ~~5119.391~~ 5119.37 of the Revised Code to operate an 1236
opioid treatment program; 1237

(vi) A facility providing services under contract with the 1238
department of developmental disabilities under section 5123.18 1239
of the Revised Code; 1240

(vii) A facility operated by a hospice care program 1241

licensed under section 3712.04 of the Revised Code that is used 1242
exclusively for care of hospice patients; 1243

(viii) A facility operated by a pediatric respite care 1244
program licensed under section 3712.041 of the Revised Code that 1245
is used exclusively for care of pediatric respite care patients; 1246

(ix) A facility, infirmary, or other entity that is 1247
operated by a religious order, provides care exclusively to 1248
members of religious orders who take vows of celibacy and live 1249
by virtue of their vows within the orders as if related, and 1250
does not participate in the medicare program or the medicaid 1251
program if on January 1, 1994, the facility, infirmary, or 1252
entity was providing care exclusively to members of the 1253
religious order; 1254

(x) A county home or district home that has never been 1255
licensed as a residential care facility. 1256

(2) "Unrelated individual" means one who is not related to 1257
the owner or operator of a home or to the spouse of the owner or 1258
operator as a parent, grandparent, child, grandchild, brother, 1259
sister, niece, nephew, aunt, uncle, or as the child of an aunt 1260
or uncle. 1261

(3) "Mental impairment" does not mean mental illness, as 1262
defined in section 5122.01 of the Revised Code, or developmental 1263
disability, as defined in section 5123.01 of the Revised Code. 1264

(4) "Skilled nursing care" means procedures that require 1265
technical skills and knowledge beyond those the untrained person 1266
possesses and that are commonly employed in providing for the 1267
physical, mental, and emotional needs of the ill or otherwise 1268
incapacitated. "Skilled nursing care" includes, but is not 1269
limited to, the following: 1270

(a) Irrigations, catheterizations, application of 1271
dressings, and supervision of special diets; 1272

(b) Objective observation of changes in the patient's 1273
condition as a means of analyzing and determining the nursing 1274
care required and the need for further medical diagnosis and 1275
treatment; 1276

(c) Special procedures contributing to rehabilitation; 1277

(d) Administration of medication by any method ordered by 1278
a physician, such as hypodermically, rectally, or orally, 1279
including observation of the patient after receipt of the 1280
medication; 1281

(e) Carrying out other treatments prescribed by the 1282
physician that involve a similar level of complexity and skill 1283
in administration. 1284

(5) (a) "Personal care services" means services including, 1285
but not limited to, the following: 1286

(i) Assisting residents with activities of daily living; 1287

(ii) Assisting residents with self-administration of 1288
medication, in accordance with rules adopted under section 1289
3721.04 of the Revised Code; 1290

(iii) Preparing special diets, other than complex 1291
therapeutic diets, for residents pursuant to the instructions of 1292
a physician or a licensed dietitian, in accordance with rules 1293
adopted under section 3721.04 of the Revised Code. 1294

(b) "Personal care services" does not include "skilled 1295
nursing care" as defined in division (A) (4) of this section. A 1296
facility need not provide more than one of the services listed 1297
in division (A) (5) (a) of this section to be considered to be 1298

providing personal care services. 1299

(6) "Nursing home" means a home used for the reception and 1300
care of individuals who by reason of illness or physical or 1301
mental impairment require skilled nursing care and of 1302
individuals who require personal care services but not skilled 1303
nursing care. A nursing home is licensed to provide personal 1304
care services and skilled nursing care. 1305

(7) "Residential care facility" means a home that provides 1306
either of the following: 1307

(a) Accommodations for seventeen or more unrelated 1308
individuals and supervision and personal care services for three 1309
or more of those individuals who are dependent on the services 1310
of others by reason of age or physical or mental impairment; 1311

(b) Accommodations for three or more unrelated 1312
individuals, supervision and personal care services for at least 1313
three of those individuals who are dependent on the services of 1314
others by reason of age or physical or mental impairment, and, 1315
to at least one of those individuals, any of the skilled nursing 1316
care authorized by section 3721.011 of the Revised Code. 1317

(8) "Home for the aging" means a home that provides 1318
services as a residential care facility and a nursing home, 1319
except that the home provides its services only to individuals 1320
who are dependent on the services of others by reason of both 1321
age and physical or mental impairment. 1322

The part or unit of a home for the aging that provides 1323
services only as a residential care facility is licensed as a 1324
residential care facility. The part or unit that may provide 1325
skilled nursing care beyond the extent authorized by section 1326
3721.011 of the Revised Code is licensed as a nursing home. 1327

(9) "County home" and "district home" mean a county home 1328
or district home operated under Chapter 5155. of the Revised 1329
Code. 1330

(B) The director of health may further classify homes. For 1331
the purposes of this chapter, any residence, institution, hotel, 1332
congregate housing project, or similar facility that meets the 1333
definition of a home under this section is such a home 1334
regardless of how the facility holds itself out to the public. 1335

(C) For purposes of this chapter, personal care services 1336
or skilled nursing care shall be considered to be provided by a 1337
facility if they are provided by a person employed by or 1338
associated with the facility or by another person pursuant to an 1339
agreement to which neither the resident who receives the 1340
services nor the resident's sponsor is a party. 1341

(D) Nothing in division (A) (4) of this section shall be 1342
construed to permit skilled nursing care to be imposed on an 1343
individual who does not require skilled nursing care. 1344

Nothing in division (A) (5) of this section shall be 1345
construed to permit personal care services to be imposed on an 1346
individual who is capable of performing the activity in question 1347
without assistance. 1348

(E) Division (A) (1) (c) (ix) of this section does not 1349
prohibit a facility, infirmary, or other entity described in 1350
that division from seeking licensure under sections 3721.01 to 1351
3721.09 of the Revised Code or certification under Title XVIII 1352
or XIX of the "Social Security Act." However, such a facility, 1353
infirmary, or entity that applies for licensure or certification 1354
must meet the requirements of those sections or titles and the 1355
rules adopted under them and obtain a certificate of need from 1356

the director of health under section 3702.52 of the Revised 1357
Code. 1358

(F) Nothing in this chapter, or rules adopted pursuant to 1359
it, shall be construed as authorizing the supervision, 1360
regulation, or control of the spiritual care or treatment of 1361
residents or patients in any home who rely upon treatment by 1362
prayer or spiritual means in accordance with the creed or tenets 1363
of any recognized church or religious denomination. 1364

Sec. 4723.41. (A) Each person who desires to practice 1365
nursing as a certified nurse-midwife and has not been authorized 1366
to practice midwifery prior to December 1, 1967, and each person 1367
who desires to practice nursing as a certified registered nurse 1368
anesthetist, clinical nurse specialist, or certified nurse 1369
practitioner shall file with the board of nursing a written 1370
application for a license to practice nursing as an advanced 1371
practice registered nurse and designation in the desired 1372
specialty. The application must be filed, under oath, on a form 1373
prescribed by the board accompanied by the application fee 1374
required by section 4723.08 of the Revised Code. 1375

Except as provided in division (B), (C), or (D) of this 1376
section, at the time of making application, the applicant shall 1377
meet all of the following requirements: 1378

(1) Be a registered nurse; 1379

(2) Submit documentation satisfactory to the board that 1380
the applicant has earned a master's or doctoral degree with a 1381
major in a nursing specialty or in a related field that 1382
qualifies the applicant to sit for the certification examination 1383
of a national certifying organization approved by the board 1384
under section 4723.46 of the Revised Code; 1385

(3) Submit documentation satisfactory to the board of 1386
having passed the certification examination of a national 1387
certifying organization approved by the board under section 1388
4723.46 of the Revised Code to examine and certify, as 1389
applicable, nurse-midwives, registered nurse anesthetists, 1390
clinical nurse specialists, or nurse practitioners; 1391

(4) Submit an affidavit with the application that states 1392
all of the following: 1393

(a) That the applicant is the person named in the 1394
documents submitted under ~~divisions (A) (2) and (3) of this~~ 1395
section and is the lawful possessor thereof; 1396

(b) The applicant's age, residence, the school at which 1397
the applicant obtained education in the applicant's nursing 1398
specialty, and any other facts that the board requires; 1399

(c) The specialty in which the applicant seeks 1400
designation. 1401

(B) (1) A certified registered nurse anesthetist, clinical 1402
nurse specialist, certified nurse-midwife, or certified nurse 1403
practitioner who is practicing or has practiced as such in 1404
another jurisdiction may apply for a license by endorsement to 1405
practice nursing as an advanced practice registered nurse and 1406
designation as a certified registered nurse anesthetist, 1407
clinical nurse specialist, certified nurse-midwife, or certified 1408
nurse practitioner in this state if the nurse meets the 1409
requirements set forth in division (A) of this section or 1410
division (B) (2) of this section. 1411

(2) If an applicant who is practicing or has practiced in 1412
another jurisdiction applies for designation under division (B) 1413
(2) of this section, the application shall be submitted to the 1414

board in the form prescribed by rules of the board and be 1415
accompanied by the application fee required by section 4723.08 1416
of the Revised Code. The application shall include evidence that 1417
the applicant meets the requirements of division (B) (2) of this 1418
section, holds authority to practice nursing and is in good 1419
standing in another jurisdiction granted after meeting 1420
requirements approved by the entity of that jurisdiction that 1421
regulates nurses, and other information required by rules of the 1422
board of nursing. 1423

With respect to the educational requirements and national 1424
certification requirements that an applicant under division (B) 1425
(2) of this section must meet, both of the following apply: 1426

(a) If the applicant is a certified registered nurse 1427
anesthetist, certified nurse-midwife, or certified nurse 1428
practitioner who, on or before December 31, 2000, obtained 1429
certification in the applicant's nursing specialty with a 1430
national certifying organization listed in division (A) (3) of 1431
section 4723.41 of the Revised Code as that division existed 1432
prior to March 20, 2013, or that was at that time approved by 1433
the board under section 4723.46 of the Revised Code, the 1434
applicant must have maintained the certification. The applicant 1435
is not required to have earned a master's or doctoral degree 1436
with a major in a nursing specialty or in a related field that 1437
qualifies the applicant to sit for the certification 1438
examination. 1439

(b) If the applicant is a clinical nurse specialist, one 1440
of the following must apply to the applicant: 1441

(i) On or before December 31, 2000, the applicant obtained 1442
a master's or doctoral degree with a major in a clinical area of 1443
nursing from an educational institution accredited by a national 1444

or regional accrediting organization. The applicant is not 1445
required to have passed a certification examination. 1446

(ii) On or before December 31, 2000, the applicant 1447
obtained a master's or doctoral degree in nursing or a related 1448
field and was certified as a clinical nurse specialist by the 1449
American nurses credentialing center or another national 1450
certifying organization that was at that time approved by the 1451
board under section 4723.46 of the Revised Code. 1452

(3) The board may grant a nonrenewable temporary permit to 1453
practice nursing as an advanced practice registered nurse to an 1454
applicant for licensure by endorsement if the board is satisfied 1455
by the evidence that the applicant holds a valid, unrestricted 1456
license in or equivalent authorization from another 1457
jurisdiction. The temporary permit shall expire at the earlier 1458
of one hundred eighty days after issuance or upon the issuance 1459
of a license by endorsement. 1460

(C) An applicant who desires to practice nursing as a 1461
certified registered nurse anesthetist, certified nurse-midwife, 1462
or certified nurse practitioner is exempt from the educational 1463
requirements in division (A) (2) of this section if all of the 1464
following are the case: 1465

(1) Before January 1, 2001, the board issued to the 1466
applicant a certificate of authority to practice as a certified 1467
registered nurse anesthetist, certified nurse-midwife, or 1468
certified nurse practitioner; 1469

(2) The applicant submits documentation satisfactory to 1470
the board that the applicant obtained certification in the 1471
applicant's nursing specialty with a national certifying 1472
organization listed in division (A) (3) of section 4723.41 of the 1473

Revised Code as that division existed prior to March 20, 2013, 1474
or that was at that time approved by the board under section 1475
4723.46 of the Revised Code; 1476

(3) The applicant submits documentation satisfactory to 1477
the board that the applicant has maintained the certification 1478
described in division (C) (2) of this section. 1479

(D) An applicant who desires to practice as a clinical 1480
nurse specialist is exempt from the examination requirement in 1481
division (A) (3) of this section if both of the following are the 1482
case: 1483

(1) Before January 1, 2001, the board issued to the 1484
applicant a certificate of authority to practice as a clinical 1485
nurse specialist; 1486

(2) The applicant submits documentation satisfactory to 1487
the board that the applicant earned either of the following: 1488

(a) A master's or doctoral degree with a major in a 1489
clinical area of nursing from an educational institution 1490
accredited by a national or regional accrediting organization; 1491

(b) A master's or doctoral degree in nursing or a related 1492
field and was certified as a clinical nurse specialist by the 1493
American nurses credentialing center or another national 1494
certifying organization that was at that time approved by the 1495
board under section 4723.46 of the Revised Code. 1496

Sec. 4723.431. (A) (1) An advanced practice registered 1497
nurse who is designated as a clinical nurse specialist, 1498
certified nurse-midwife, or certified nurse practitioner may 1499
practice only in accordance with a standard care arrangement 1500
entered into with each physician or podiatrist with whom the 1501
nurse collaborates. A copy of the standard care arrangement 1502

shall be retained on file by the nurse's employer. Prior 1503
approval of the standard care arrangement by the board of 1504
nursing is not required, but the board may periodically review 1505
it for compliance with this section. 1506

A clinical nurse specialist, certified nurse-midwife, or 1507
certified nurse practitioner may enter into a standard care 1508
arrangement with one or more collaborating physicians or 1509
podiatrists. ~~Not~~ If a collaborating physician or podiatrist 1510
enters into standard care arrangements with more than five 1511
nurses, the physician or podiatrist shall not collaborate at the 1512
same time with more than five nurses in the prescribing 1513
component of their practices. 1514

Not later than thirty days after first engaging in the 1515
practice of nursing as a clinical nurse specialist, certified 1516
nurse-midwife, or certified nurse practitioner, the nurse shall 1517
submit to the board the name and business address of each 1518
collaborating physician or podiatrist. Thereafter, the nurse 1519
shall notify the board of any additions or deletions to the 1520
nurse's collaborating physicians or podiatrists. Except as 1521
provided in division ~~(E)~~ (D) of this section, the notice must be 1522
provided not later than thirty days after the change takes 1523
effect. 1524

~~Each collaborating~~ (2) All of the following conditions 1525
apply with respect to the practice of a collaborating physician 1526
or podiatrist with whom a clinical nurse specialist, certified 1527
nurse-midwife, or certified nurse practitioner may enter into a 1528
standard care arrangement: 1529

(a) The physician or podiatrist must be authorized to 1530
practice in this state ~~and, except~~ . 1531

(b) Except as provided in division (D) (A) (2) (c) of this 1532
section, practice the physician or podiatrist must be practicing 1533
in a specialty that is the same as or similar to the nurse's 1534
nursing specialty. If a collaborating physician or podiatrist 1535
enters into standard care arrangements with more than five 1536
nurses, the physician or podiatrist shall not collaborate at the 1537
same time with more than five nurses in the prescribing 1538
component of their practices. 1539

(c) If the nurse is a clinical nurse specialist who is 1540
certified as a psychiatric-mental health CNS by the American 1541
nurses credentialing center or a certified nurse practitioner 1542
who is certified as a psychiatric-mental health NP by the 1543
American nurses credentialing center, the nurse may enter into a 1544
standard care arrangement with a physician but not a podiatrist 1545
and the collaborating physician must be practicing in one of the 1546
following specialties: 1547

(i) Psychiatry; 1548

(ii) Pediatrics; 1549

(iii) Primary care or family practice. 1550

(B) A standard care arrangement shall be in writing and 1551
shall contain all of the following: 1552

(1) Criteria for referral of a patient by the clinical 1553
nurse specialist, certified nurse-midwife, or certified nurse 1554
practitioner to a collaborating physician or podiatrist or 1555
another physician or podiatrist; 1556

(2) A process for the clinical nurse specialist, certified 1557
nurse-midwife, or certified nurse practitioner to obtain a 1558
consultation with a collaborating physician or podiatrist or 1559
another physician or podiatrist; 1560

(3) A plan for coverage in instances of emergency or 1561
planned absences of either the clinical nurse specialist, 1562
certified nurse-midwife, or certified nurse practitioner or a 1563
collaborating physician or podiatrist that provides the means 1564
whereby a physician or podiatrist is available for emergency 1565
care; 1566

(4) The process for resolution of disagreements regarding 1567
matters of patient management between the clinical nurse 1568
specialist, certified nurse-midwife, or certified nurse 1569
practitioner and a collaborating physician or podiatrist; 1570

(5) Any other criteria required by rule of the board 1571
adopted pursuant to section 4723.07 or 4723.50 of the Revised 1572
Code. 1573

(C) (1) A standard care arrangement entered into pursuant 1574
to this section may permit a clinical nurse specialist, 1575
certified nurse-midwife, or certified nurse practitioner to 1576
supervise services provided by a home health agency as defined 1577
in section 3701.881 of the Revised Code. 1578

(2) A standard care arrangement entered into pursuant to 1579
this section may permit a clinical nurse specialist, certified 1580
nurse-midwife, or certified nurse practitioner to admit a 1581
patient to a hospital in accordance with section 3727.06 of the 1582
Revised Code. 1583

(D) ~~A collaborating physician who enters into a standard-~~ 1584
~~care arrangement with a clinical nurse specialist whose nursing-~~ 1585
~~specialty is mental health or psychiatric mental health, as-~~ 1586
~~determined by the board, must practice in one of the following-~~ 1587
~~specialties:~~ 1588

~~(1) A specialty that is the same as or similar to the-~~ 1589

~~nurse's nursing specialty.~~ 1590

~~(2) Pediatrics.~~ 1591

~~(3) Primary care or family practice.~~ 1592

~~(E)~~ (1) Except as provided in division ~~(E)~~ (D) (2) of this 1593
section, if a physician or podiatrist terminates the 1594
collaboration between the physician or podiatrist and a 1595
certified nurse-midwife, certified nurse practitioner, or 1596
clinical nurse specialist before their standard care arrangement 1597
expires, all of the following apply: 1598

(a) The physician or podiatrist must give the nurse 1599
written or electronic notice of the termination. 1600

(b) Once the nurse receives the termination notice, the 1601
nurse must notify the board of nursing of the termination as 1602
soon as practicable by submitting to the board a copy of the 1603
physician's or podiatrist's termination notice. 1604

(c) Notwithstanding the requirement of section 4723.43 of 1605
the Revised Code that the nurse practice in collaboration with a 1606
physician or podiatrist, the nurse may continue to practice 1607
under the existing standard care arrangement without a 1608
collaborating physician or podiatrist for not more than one 1609
hundred twenty days after submitting to the board a copy of the 1610
termination notice. 1611

(2) In the event that the collaboration between a 1612
physician or podiatrist and a certified nurse-midwife, certified 1613
nurse practitioner, or clinical nurse specialist terminates 1614
because of the physician's or podiatrist's death, the nurse must 1615
notify the board of the death as soon as practicable. The nurse 1616
may continue to practice under the existing standard care 1617
arrangement without a collaborating physician or podiatrist for 1618

not more than one hundred twenty days after notifying the board 1619
of the physician's or podiatrist's death. 1620

~~(F)~~ (E) Nothing in this section prohibits a hospital from 1621
hiring a clinical nurse specialist, certified nurse-midwife, or 1622
certified nurse practitioner as an employee and negotiating 1623
standard care arrangements on behalf of the employee as 1624
necessary to meet the requirements of this section. A standard 1625
care arrangement between the hospital's employee and the 1626
employee's collaborating physician is subject to approval by the 1627
medical staff and governing body of the hospital prior to 1628
implementation of the arrangement at the hospital. 1629

Sec. 4723.44. (A) No person shall knowingly do any of the 1630
following unless the person holds a current, valid license 1631
issued by the board of nursing under this chapter to practice 1632
nursing as an advanced practice registered nurse in the 1633
specialty indicated by the designation: 1634

(1) Engage in the practice of nursing as an advanced 1635
practice registered nurse for a fee, salary, or other 1636
consideration, or as a volunteer; 1637

(2) Represent the person as being an advanced practice 1638
registered nurse, including representing the person as being a 1639
certified registered nurse anesthetist, clinical nurse 1640
specialist, certified nurse-midwife, or certified nurse 1641
practitioner; 1642

(3) Use any title or initials implying that the person is 1643
an advanced practice registered nurse, including using any title 1644
or initials implying the person is a certified registered nurse 1645
anesthetist, clinical nurse specialist, certified nurse-midwife, 1646
or certified nurse practitioner. 1647

(B) No advanced practice registered nurse shall knowingly 1648
do any of the following: 1649

(1) Engage, for a fee, salary, or other consideration, or 1650
as a volunteer, in the practice of a nursing specialty other 1651
than the specialty designated on the nurse's current, valid 1652
license issued by the board under this chapter to practice 1653
nursing as an advanced practice registered nurse; 1654

(2) Represent the person as being authorized to practice 1655
any nursing specialty other than the specialty designated on the 1656
current, valid license to practice nursing as an advanced 1657
practice registered nurse; 1658

(3) Use the title "certified registered nurse anesthetist" 1659
or the initials "N.A." or "C.R.N.A.," the title "clinical nurse 1660
specialist" or the initials "C.N.S.," the title "certified 1661
nurse-midwife" or the initials "C.N.M.," the title "certified 1662
nurse practitioner" or the initials "C.N.P.," the title 1663
"advanced practice registered nurse" or the initials "A.P.R.N.," 1664
or any other title or initials implying that the nurse is 1665
authorized to practice any nursing specialty other than the 1666
specialty designated on the nurse's current, valid license to 1667
practice nursing as an advanced practice registered nurse; 1668

(4) Except as provided in division ~~(D)~~ (A) (2) (c) of 1669
section 4723.431 of the Revised Code, enter into a standard care 1670
arrangement with a physician or podiatrist ~~whose practice who is~~ 1671
practicing in a specialty that is not the same as or similar to 1672
the nurse's nursing specialty; 1673

(5) Prescribe drugs or therapeutic devices in a manner 1674
that does not comply with section 4723.481 of the Revised Code; 1675

(6) Prescribe any drug or device to perform or induce an 1676

abortion, or otherwise perform or induce an abortion. 1677

(C) No person shall knowingly employ a person to engage in 1678
the practice of nursing as an advanced practice registered nurse 1679
unless the person so employed holds a current, valid license and 1680
designation issued by the board under this chapter to practice 1681
as an advanced practice registered nurse in the specialty 1682
indicated by the designation. 1683

(D) A document certified by the executive director of the 1684
board, under the official seal of the board, to the effect that 1685
it appears from the records of the board that no license to 1686
practice nursing as an advanced practice registered nurse has 1687
been issued to the person specified in the document, or that a 1688
license to practice nursing as an advanced practice registered 1689
nurse, if issued, has been revoked or suspended, shall be 1690
received as prima-facie evidence of the record of the board in 1691
any court or before any officer of the state. 1692

Sec. 4723.482. (A) An-Except as provided in divisions (C) 1693
and (D) of this section, an applicant for a license to practice 1694
nursing as an advanced practice registered nurse who seeks 1695
designation as a clinical nurse specialist, certified nurse- 1696
midwife, or certified nurse practitioner shall include with the 1697
application submitted under section 4723.41 of the Revised Code 1698
evidence of successfully completing the course of study in 1699
advanced pharmacology and related topics in accordance with the 1700
requirements specified in division (B) of this section. 1701

(B) With respect to the course of study in advanced 1702
pharmacology and related topics, all of the following 1703
requirements apply: 1704

(1) The course of study shall be completed not longer than 1705

five years before the application is filed. 1706

(2) The course of study shall be not less than forty-five 1707
contact hours. 1708

(3) The course of study shall meet the requirements to be 1709
approved by the board in accordance with standards established 1710
in rules adopted under section 4723.50 of the Revised Code. 1711

(4) The content of the course of study shall be specific 1712
to the applicant's nursing specialty. 1713

(5) The instruction provided in the course of study shall 1714
include all of the following: 1715

(a) A minimum of thirty-six contact hours of instruction 1716
in advanced pharmacology that includes pharmacokinetic 1717
principles and clinical application and the use of drugs and 1718
therapeutic devices in the prevention of illness and maintenance 1719
of health; 1720

(b) Instruction in the fiscal and ethical implications of 1721
prescribing drugs and therapeutic devices; 1722

(c) Instruction in the state and federal laws that apply 1723
to the authority to prescribe; 1724

(d) Instruction that is specific to schedule II controlled 1725
substances, including instruction in all of the following: 1726

(i) Indications for the use of schedule II controlled 1727
substances in drug therapies; 1728

(ii) The most recent guidelines for pain management 1729
therapies, as established by state and national organizations 1730
such as the Ohio pain initiative and the American pain society; 1731

(iii) Fiscal and ethical implications of prescribing 1732

schedule II controlled substances; 1733

(iv) State and federal laws that apply to the authority to 1734
prescribe schedule II controlled substances; 1735

(v) Prevention of abuse and diversion of schedule II 1736
controlled substances, including identification of the risk of 1737
abuse and diversion, recognition of abuse and diversion, types 1738
of assistance available for prevention of abuse and diversion, 1739
and methods of establishing safeguards against abuse and 1740
diversion. 1741

(C) An applicant who practiced or is practicing as a 1742
clinical nurse specialist, certified nurse-midwife, or certified 1743
nurse practitioner in another jurisdiction or as an employee of 1744
the United States government shall include with the application 1745
submitted under section 4723.41 of the Revised Code all of the 1746
following: 1747

(1) Evidence of having completed a two-hour course of 1748
instruction approved by the board in the laws of this state that 1749
govern drugs and prescriptive authority; 1750

(2) Either of the following: 1751

(a) Evidence of having held, for a continuous period of at 1752
least one year during the three years immediately preceding the 1753
date of application, valid authority issued by another 1754
jurisdiction to prescribe therapeutic devices and drugs, 1755
including at least some controlled substances; 1756

(b) Evidence of having been employed by the United States 1757
government and authorized, for a continuous period of at least 1758
one year during the three years immediately preceding the date 1759
of application, to prescribe therapeutic devices and drugs, 1760
including at least some controlled substances, in conjunction 1761

with that employment. 1762

(D) In lieu of including with an application submitted 1763
under section 4723.41 of the Revised Code the evidence described 1764
in division (A) of this section, an applicant described in 1765
division (C) or (D) of section 4723.41 of the Revised Code may 1766
include evidence of all of the following: 1767

(1) Successfully completing the course of study in 1768
advanced pharmacology and related topics more than five years 1769
before the date the application is filed; 1770

(2) Holding, for a continuous period of at least one year 1771
during the three years immediately preceding the date of 1772
application, valid authority in any jurisdiction to prescribe 1773
therapeutic devices and drugs, including at least some 1774
controlled substances; 1775

(3) Exercising the prescriptive authority described in 1776
division (D) (2) of this section for the minimum one-year period. 1777

Sec. 4723.75. (A) The board of nursing shall issue a 1778
certificate to practice as a dialysis technician to an applicant 1779
if the conditions of divisions (A) (1) to (5) of this section 1780
have been met: 1781

(1) The application is submitted to the board in 1782
accordance with rules adopted under section 4723.79 of the 1783
Revised Code and includes both of the following: 1784

(a) The fee established in rules adopted under section 1785
4723.79 of the Revised Code; 1786

(b) The name and address of each approved dialysis 1787
training program in which the applicant has enrolled and the 1788
dates during which the applicant was enrolled in each program. 1789

(2) The applicant meets the requirements established by 1790
the board's rules. 1791

(3) The applicant demonstrates competency to practice as a 1792
dialysis technician, as specified in division (B) of this 1793
section. 1794

(4) In the case of an applicant who entered a dialysis 1795
training program on or after June 1, 2003, the results of a 1796
criminal records check conducted in accordance with section 1797
4723.091 of the Revised Code demonstrate that the applicant is 1798
not ineligible for certification as specified in section 1799
4723.092 of the Revised Code. 1800

(5) The applicant is not required to register under 1801
Chapter 2950. of the Revised Code or a substantially similar law 1802
of another state, the United States, or another country. 1803

(B) For an applicant to demonstrate competence to practice 1804
as a dialysis technician, one of the following must apply: 1805

(1) The applicant has successfully completed a dialysis 1806
training program approved by the board under section 4723.74 of 1807
the Revised Code and meets both of the following requirements: 1808

(a) Has performed dialysis care for a dialysis provider 1809
for not less than ~~twelve~~six months immediately prior to the 1810
date of application; 1811

(b) Has passed a certification examination demonstrating 1812
competence to perform dialysis care not later than eighteen 1813
months after successfully completing a dialysis training program 1814
approved by the board under section 4723.74 of the Revised Code. 1815

(2) The applicant does all of the following: 1816

(a) Has a testing organization approved by the board 1817

submit evidence satisfactory to the board that the applicant 1818
passed an examination, in another jurisdiction, that 1819
demonstrates the applicant's competence to provide dialysis 1820
care; 1821

(b) Submits evidence satisfactory to the board that the 1822
applicant has been employed to perform dialysis care in another 1823
jurisdiction for not less than ~~twelve~~six months immediately 1824
prior to the date of application for certification under this 1825
section; 1826

(c) Submits evidence satisfactory to the board that the 1827
applicant completed at least two hours of education directly 1828
related to this chapter and the rules adopted under it. 1829

(C) An applicant who does not pass the certification 1830
examination described in division (B) (1) (b) of this section 1831
within the time period prescribed in that division may continue 1832
to pursue certification by repeating the entire training and 1833
application process, including doing all of the following: 1834

(1) Enrolling in and successfully completing a dialysis 1835
training program approved by the board; 1836

(2) Submitting a request to the bureau of criminal 1837
identification and investigation for a criminal records check 1838
and check of federal bureau of investigation records pursuant to 1839
section 4723.091 of the Revised Code; 1840

(3) Submitting an application for a dialysis technician 1841
intern certificate in accordance with section 4723.76 of the 1842
Revised Code; 1843

(4) Demonstrating competence to perform dialysis care in 1844
accordance with division (B) of this section. 1845

Sec. 4729.291. (A) Except when provided under section 1846
4731.97 of the Revised Code, when a licensed health professional 1847
authorized to prescribe drugs personally furnishes drugs to a 1848
patient pursuant to division (B) of section 4729.29 of the 1849
Revised Code, the prescriber shall ensure that the drugs are 1850
labeled and packaged in accordance with state and federal drug 1851
laws and any rules and regulations adopted pursuant to those 1852
laws. Records of purchase and disposition of all drugs 1853
personally furnished to patients shall be maintained by the 1854
prescriber in accordance with state and federal drug statutes 1855
and any rules adopted pursuant to those statutes. 1856

(B) When personally furnishing to a patient RU-486 1857
(mifepristone), a prescriber is subject to section 2919.123 of 1858
the Revised Code. A prescription for RU-486 (mifepristone) shall 1859
be in writing and in accordance with section 2919.123 of the 1860
Revised Code. 1861

(C) (1) Except as provided in divisions (D) and (E) of this 1862
section, no prescriber shall do either of the following: 1863

(a) In any thirty-day period, personally furnish to or for 1864
patients, taken as a whole, controlled substances in an amount 1865
that exceeds a total of two thousand five hundred dosage units; 1866

(b) In any seventy-two-hour period, personally furnish to 1867
or for a patient an amount of a controlled substance that 1868
exceeds the amount necessary for the patient's use in a seventy- 1869
two-hour period. 1870

(2) The state board of pharmacy may impose a fine of not 1871
more than five thousand dollars on a prescriber who fails to 1872
comply with the limits established under division (C) (1) of this 1873
section. A separate fine may be imposed for each instance of 1874

failing to comply with the limits. In imposing the fine, the 1875
board's actions shall be taken in accordance with Chapter 119. 1876
of the Revised Code. 1877

(D) None of the following shall be counted in determining 1878
whether the amounts specified in division (C) (1) of this section 1879
have been exceeded: 1880

(1) Methadone personally furnished to patients for the 1881
purpose of treating drug dependence or addiction, if the 1882
prescriber meets the conditions specified in 21 C.F.R. 1306.07; 1883

(2) Buprenorphine personally furnished to patients for the 1884
purpose of treating drug dependence or addiction as part of an 1885
opioid treatment program ~~that possesses a terminal distributor~~ 1886
~~of dangerous drugs license issued under section 4729.54 of the~~ 1887
~~Revised Code, is the subject of a current, valid certification~~ 1888
~~from the substance abuse and mental health services~~ 1889
~~administration of the United States department of health and~~ 1890
~~human services pursuant to 42 C.F.R. 8.11, and meets either of~~ 1891
~~the following criteria:~~ 1892

~~(a) Buprenorphine and methadone are personally furnished~~ 1893
~~by physicians treating patients participating in the program.~~ 1894

~~(b) Buprenorphine, but not methadone, is personally~~ 1895
~~furnished by physicians treating patients participating in the~~ 1896
~~program, the program is accredited by a national accrediting~~ 1897
~~organization approved by the substance abuse and mental health~~ 1898
~~services administration, the service of personally furnishing~~ 1899
~~buprenorphine has, notwithstanding section 5119.361 of the~~ 1900
~~Revised Code, been certified by the department of mental health~~ 1901
~~and addiction services under section 5119.36 of the Revised~~ 1902
~~Code, and the program maintains in the record of a patient to~~ 1903

~~whom buprenorphine has been administered or personally furnished~~ 1904
~~a copy of the physician's signed and dated written order for~~ 1905
~~that act~~ licensed under section 5119.37 of the Revised Code. 1906

~~(e)~~ (3) Controlled substances personally furnished to 1907
research subjects by a facility conducting clinical research in 1908
studies approved by a hospital-based institutional review board 1909
or an institutional review board accredited by the association 1910
for the accreditation of human research protection programs. 1911

(E) Division (C) (1) of this section does not apply to a 1912
prescriber who is a veterinarian. 1913

Sec. 4729.292. The state board of pharmacy shall annually 1914
conduct an on-site inspection of ~~a community mental health~~ 1915
~~services provider or community addiction services provider that~~ 1916
~~is an~~ each opioid treatment program ~~described in division (D) (2)~~ 1917
~~(b) of~~ licensed under section 4729.291-5119.37 of the Revised 1918
Code. 1919

Sec. 4730.19. (A) Before initiating supervision of one or 1920
more physician assistants licensed under this chapter, a 1921
physician shall enter into a supervision agreement with each 1922
physician assistant who will be supervised. A supervision 1923
agreement may apply to one or more physician assistants, but, 1924
except as provided in division (B) (2) (e) of this section, may 1925
apply to not more than one physician. The supervision agreement 1926
shall specify that the physician agrees to supervise the 1927
physician assistant and the physician assistant agrees to 1928
practice under that physician's supervision. 1929

The agreement shall clearly state that the supervising 1930
physician is legally responsible and assumes legal liability for 1931
the services provided by the physician assistant. The agreement 1932

shall be signed by the physician and the physician assistant. 1933

(B) A supervision agreement shall include either or both 1934
of the following: 1935

(1) If a physician assistant will practice within a health 1936
care facility, the agreement shall include terms that require 1937
the physician assistant to practice in accordance with the 1938
policies of the health care facility. 1939

(2) If a physician assistant will practice outside a 1940
health care facility, the agreement shall include terms that 1941
specify all of the following: 1942

(a) The responsibilities to be fulfilled by the physician 1943
in supervising the physician assistant; 1944

(b) The responsibilities to be fulfilled by the physician 1945
assistant when performing services under the physician's 1946
supervision; 1947

(c) Any limitations on the responsibilities to be 1948
fulfilled by the physician assistant; 1949

(d) The circumstances under which the physician assistant 1950
is required to refer a patient to the supervising physician; 1951

(e) If the supervising physician chooses to designate 1952
physicians to act as alternate supervising physicians, the 1953
names, business addresses, and business telephone numbers of the 1954
physicians who have agreed to act in that capacity. 1955

~~(C) (1) The supervising physician shall submit a copy of~~ 1956
~~each supervision agreement to the board. The board may review~~ 1957
~~the supervision agreement at any time for compliance with this~~ 1958
~~section and for verification of licensure of the supervising~~ 1959
~~physician and the physician assistant. All of the following~~ 1960

~~apply to the submission and review process:—~~ 1961

~~(a) If the board reviews a supervision agreement, the 1962
board shall notify the supervising physician of any way that the 1963
agreement fails to comply with this section.— 1964~~

~~(b) A supervision agreement becomes effective at the end 1965
of the fifth business day after the day the board receives the 1966
agreement unless the board notifies the supervising physician 1967
that the agreement fails to comply with this section.— 1968~~

~~(c) If a physician receives a notice under division (C) (1) 1969
(a) of this section, the physician may revise the supervision 1970
agreement and resubmit the agreement to the board. The board may 1971
review the agreement as provided in division (C) (1) of this 1972
section.— 1973~~

~~(2) A supervision agreement expires two years after the 1974
day it takes effect. The agreement may be renewed by submitting 1975
a copy of it to the board.— 1976~~

~~Before expiration, a A supervision agreement may be 1977
amended by including to modify the responsibilities of one or 1978
more physician assistants or to include one or more additional 1979
physician assistants. An amendment to a supervision agreement— 1980
shall be submitted to the board for review in the manner— 1981
provided for review of an initial agreement under division (C) 1982
(1) of this section. The amendment does not alter the 1983
agreement's expiration date.— 1984~~

~~(D) A supervision agreement shall be kept in the records 1985
maintained by the supervising physician who entered into the 1986
agreement. 1987~~

~~(E) (1) The board may impose a civil penalty of not more 1988
than one five thousand dollars if it finds through a review 1989~~

conducted under this section or through any other means ~~either~~ 1990
any of the following: 1991

(a) That a physician assistant has practiced in a manner 1992
that departs from, or fails to conform to, the terms of a 1993
supervision agreement entered into under this section; 1994

(b) That a physician has supervised a physician assistant 1995
in a manner that departs from, or fails to conform to, the terms 1996
of a supervision agreement entered into under this section; 1997

(c) That a physician failed to comply with this section. 1998

(2) The board's finding under division (A) (1) of this 1999
section shall be made pursuant to an adjudication conducted 2000
under Chapter 119. of the Revised Code. A civil penalty imposed 2001
under that division may be in addition to or in lieu of any 2002
other action the board may take under section 4730.25 or 4731.22 2003
of the Revised Code. 2004

Sec. 4731.09. (A) An applicant for a license to practice 2005
medicine and surgery or osteopathic medicine and surgery must 2006
meet all of the following requirements: 2007

(1) Be at least eighteen years of age and of good moral 2008
character; 2009

(2) Possess a high school diploma or a certificate of high 2010
school equivalence or have obtained the equivalent of such 2011
education as determined by the state medical board; 2012

(3) Have completed two years of undergraduate work in a 2013
college of arts and sciences or the equivalent of such education 2014
as determined by the board; 2015

(4) Meet one of the following medical education and 2016
graduate medical education requirements: 2017

(a) Hold a diploma from a medical school or osteopathic medical school that, at the time the diploma was issued, was a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association and have successfully completed not less than twelve months of graduate medical education through the first-year level of graduate medical education or its equivalent as determined by the board;

(b) Hold certification from the educational commission for foreign medical graduates and have successfully completed not less than twenty-four months of graduate medical education through the second-year level of graduate medical education or its equivalent as determined by the board;

(c) Be a qualified graduate of a fifth pathway training program as recognized by the board under section 4731.091 of the Revised Code and have successfully completed, subsequent to completing fifth pathway training, not less than twelve months of graduate medical education or its equivalent as determined by the board.

(5) Have successfully passed an examination prescribed in rules adopted by the board to determine competency to practice medicine and surgery or osteopathic medicine and surgery;

(6) Comply with section 4731.08 of the Revised Code;

(7) Meet the requirements of section 4731.142 of the Revised Code if eligibility for the license applied for is based in part on certification from the educational commission for foreign medical graduates and the undergraduate education requirements established by this section were fulfilled at an institution outside of the United States.

(B) An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery shall submit to the board an application in the form and manner prescribed by the board. The application must include all of the following:

(1) Evidence satisfactory to the board to demonstrate that the applicant meets all of the requirements of division (A) of this section;

(2) ~~An affidavit from the applicant attesting to the accuracy and truthfulness of attestation that~~ the information submitted under this section is accurate and truthful;

(3) Consent to the release of the applicant's information;

(4) Any other information the board requires.

(C) An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery shall include with the application a fee of three hundred five dollars, no part of which may be returned. An application is not considered submitted until the board receives the fee.

(D) The board may conduct an investigation related to the application materials received pursuant to this section and may contact any individual, agency, or organization for recommendations or other information about the applicant.

(E) The board shall conclude any investigation of an applicant conducted under section 4731.22 of the Revised Code not later than ninety days after receipt of a complete application unless the applicant agrees in writing to an extension or the board determines that there is a substantial question of a violation of this chapter or the rules adopted under it and notifies the applicant in writing of the reasons for continuation of the investigation. If the board determines

that the applicant is not in violation of this chapter or the 2076
rules adopted under it, the board shall issue a license not 2077
later than forty-five days after making that determination. 2078

Sec. 4731.19. (A) A person seeking a certificate to 2079
practice a limited branch of medicine shall file with the state 2080
medical board an application in a manner prescribed by the 2081
board. The application shall include or be accompanied by all of 2082
the following: 2083

(1) Evidence that the applicant is at least eighteen years 2084
of age and of good moral character; 2085

(2) Evidence that the applicant has attained high school 2086
graduation or its equivalent; 2087

(3) Evidence that the applicant holds one of the 2088
following: 2089

(a) A diploma or certificate from a school, college, or 2090
institution in good standing as determined by the board, showing 2091
the completion of the required courses of instruction; 2092

(b) A diploma or certificate from a school, college, or 2093
institution in another state or jurisdiction showing completion 2094
of a course of instruction that meets course requirements 2095
determined by the board through rules adopted under section 2096
4731.05 of the Revised Code; 2097

(c) For not less than five years preceding application, a 2098
current license, registration, or certificate in good standing 2099
in another state for massage therapy or cosmetic therapy. 2100

(4) Evidence that the applicant has successfully passed an 2101
examination, prescribed in rules described in section 4731.16 of 2102
the Revised Code, to determine competency to practice the 2103

applicable limited branch of medicine; 2104

(5) An ~~affidavit signed by the applicant attesting to the~~ 2105
~~accuracy and truthfulness of attestation that the~~ information 2106
submitted under this section is accurate and truthful and 2107
~~consenting that the applicant consents~~ to release of 2108
information; 2109

(6) Any other information the board requires. 2110

(B) An applicant for a certificate to practice a limited 2111
branch of medicine shall comply with the requirements of section 2112
4731.171 of the Revised Code. 2113

(C) At the time of making application for a certificate to 2114
practice a limited branch of medicine, the applicant shall pay 2115
to the board a fee of one hundred fifty dollars, no part of 2116
which shall be returned. No application shall be considered 2117
filed until the board receives the appropriate fee. 2118

(D) The board may investigate the application materials 2119
received under this section and contact any agency or 2120
organization for recommendations or other information about the 2121
applicant. 2122

Sec. 4731.22. (A) The state medical board, by an 2123
affirmative vote of not fewer than six of its members, may 2124
limit, revoke, or suspend a license or certificate to practice 2125
or certificate to recommend, refuse to grant a license or 2126
certificate, refuse to renew a license or certificate, refuse to 2127
reinstate a license or certificate, or reprimand or place on 2128
probation the holder of a license or certificate if the 2129
individual applying for or holding the license or certificate is 2130
found by the board to have committed fraud during the 2131
administration of the examination for a license or certificate 2132

to practice or to have committed fraud, misrepresentation, or 2133
deception in applying for, renewing, or securing any license or 2134
certificate to practice or certificate to recommend issued by 2135
the board. 2136

(B) The board, by an affirmative vote of not fewer than 2137
six members, shall, to the extent permitted by law, limit, 2138
revoke, or suspend a license or certificate to practice or 2139
certificate to recommend, refuse to issue a license or 2140
certificate, refuse to renew a license or certificate, refuse to 2141
reinstate a license or certificate, or reprimand or place on 2142
probation the holder of a license or certificate for one or more 2143
of the following reasons: 2144

(1) Permitting one's name or one's license or certificate 2145
to practice to be used by a person, group, or corporation when 2146
the individual concerned is not actually directing the treatment 2147
given; 2148

(2) Failure to maintain minimal standards applicable to 2149
the selection or administration of drugs, or failure to employ 2150
acceptable scientific methods in the selection of drugs or other 2151
modalities for treatment of disease; 2152

(3) Except as provided in section 4731.97 of the Revised 2153
Code, selling, giving away, personally furnishing, prescribing, 2154
or administering drugs for other than legal and legitimate 2155
therapeutic purposes or a plea of guilty to, a judicial finding 2156
of guilt of, or a judicial finding of eligibility for 2157
intervention in lieu of conviction of, a violation of any 2158
federal or state law regulating the possession, distribution, or 2159
use of any drug; 2160

(4) Willfully betraying a professional confidence. 2161

For purposes of this division, "willfully betraying a professional confidence" does not include providing any information, documents, or reports under sections 307.621 to 307.629 of the Revised Code to a child fatality review board; does not include providing any information, documents, or reports to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code; does not include written notice to a mental health professional under section 4731.62 of the Revised Code; and does not include the making of a report of an employee's use of a drug of abuse, or a report of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by section 2305.33 or 4731.62 of the Revised Code upon a physician who makes a report in accordance with section 2305.33 or notifies a mental health professional in accordance with section 4731.62 of the Revised Code. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

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

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or

is likely to create false or unjustified expectations of 2193
favorable results, or includes representations or implications 2194
that in reasonable probability will cause an ordinarily prudent 2195
person to misunderstand or be deceived. 2196

(6) A departure from, or the failure to conform to, 2197
minimal standards of care of similar practitioners under the 2198
same or similar circumstances, whether or not actual injury to a 2199
patient is established; 2200

(7) Representing, with the purpose of obtaining 2201
compensation or other advantage as personal gain or for any 2202
other person, that an incurable disease or injury, or other 2203
incurable condition, can be permanently cured; 2204

(8) The obtaining of, or attempting to obtain, money or 2205
anything of value by fraudulent misrepresentations in the course 2206
of practice; 2207

(9) A plea of guilty to, a judicial finding of guilt of, 2208
or a judicial finding of eligibility for intervention in lieu of 2209
conviction for, a felony; 2210

(10) Commission of an act that constitutes a felony in 2211
this state, regardless of the jurisdiction in which the act was 2212
committed; 2213

(11) A plea of guilty to, a judicial finding of guilt of, 2214
or a judicial finding of eligibility for intervention in lieu of 2215
conviction for, a misdemeanor committed in the course of 2216
practice; 2217

(12) Commission of an act in the course of practice that 2218
constitutes a misdemeanor in this state, regardless of the 2219
jurisdiction in which the act was committed; 2220

(13) A plea of guilty to, a judicial finding of guilt of, 2221
or a judicial finding of eligibility for intervention in lieu of 2222
conviction for, a misdemeanor involving moral turpitude; 2223

(14) Commission of an act involving moral turpitude that 2224
constitutes a misdemeanor in this state, regardless of the 2225
jurisdiction in which the act was committed; 2226

(15) Violation of the conditions of limitation placed by 2227
the board upon a license or certificate to practice; 2228

(16) Failure to pay license renewal fees specified in this 2229
chapter; 2230

(17) Except as authorized in section 4731.31 of the 2231
Revised Code, engaging in the division of fees for referral of 2232
patients, or the receiving of a thing of value in return for a 2233
specific referral of a patient to utilize a particular service 2234
or business; 2235

(18) Subject to section 4731.226 of the Revised Code, 2236
violation of any provision of a code of ethics of the American 2237
medical association, the American osteopathic association, the 2238
American podiatric medical association, or any other national 2239
professional organizations that the board specifies by rule. The 2240
state medical board shall obtain and keep on file current copies 2241
of the codes of ethics of the various national professional 2242
organizations. The individual whose license or certificate is 2243
being suspended or revoked shall not be found to have violated 2244
any provision of a code of ethics of an organization not 2245
appropriate to the individual's profession. 2246

For purposes of this division, a "provision of a code of 2247
ethics of a national professional organization" does not include 2248
any provision that would preclude the making of a report by a 2249

physician of an employee's use of a drug of abuse, or of a 2250
condition of an employee other than one involving the use of a 2251
drug of abuse, to the employer of the employee as described in 2252
division (B) of section 2305.33 of the Revised Code. Nothing in 2253
this division affects the immunity from civil liability 2254
conferred by that section upon a physician who makes either type 2255
of report in accordance with division (B) of that section. As 2256
used in this division, "employee," "employer," and "physician" 2257
have the same meanings as in section 2305.33 of the Revised 2258
Code. 2259

(19) Inability to practice according to acceptable and 2260
prevailing standards of care by reason of mental illness or 2261
physical illness, including, but not limited to, physical 2262
deterioration that adversely affects cognitive, motor, or 2263
perceptive skills. 2264

In enforcing this division, the board, upon a showing of a 2265
possible violation, may compel any individual authorized to 2266
practice by this chapter or who has submitted an application 2267
pursuant to this chapter to submit to a mental examination, 2268
physical examination, including an HIV test, or both a mental 2269
and a physical examination. The expense of the examination is 2270
the responsibility of the individual compelled to be examined. 2271
Failure to submit to a mental or physical examination or consent 2272
to an HIV test ordered by the board constitutes an admission of 2273
the allegations against the individual unless the failure is due 2274
to circumstances beyond the individual's control, and a default 2275
and final order may be entered without the taking of testimony 2276
or presentation of evidence. If the board finds an individual 2277
unable to practice because of the reasons set forth in this 2278
division, the board shall require the individual to submit to 2279
care, counseling, or treatment by physicians approved or 2280

designated by the board, as a condition for initial, continued, 2281
reinstated, or renewed authority to practice. An individual 2282
affected under this division shall be afforded an opportunity to 2283
demonstrate to the board the ability to resume practice in 2284
compliance with acceptable and prevailing standards under the 2285
provisions of the individual's license or certificate. For the 2286
purpose of this division, any individual who applies for or 2287
receives a license or certificate to practice under this chapter 2288
accepts the privilege of practicing in this state and, by so 2289
doing, shall be deemed to have given consent to submit to a 2290
mental or physical examination when directed to do so in writing 2291
by the board, and to have waived all objections to the 2292
admissibility of testimony or examination reports that 2293
constitute a privileged communication. 2294

(20) Except as provided in division (F)(1)(b) of section 2295
4731.282 of the Revised Code or when civil penalties are imposed 2296
under section 4731.225 of the Revised Code, and subject to 2297
section 4731.226 of the Revised Code, violating or attempting to 2298
violate, directly or indirectly, or assisting in or abetting the 2299
violation of, or conspiring to violate, any provisions of this 2300
chapter or any rule promulgated by the board. 2301

This division does not apply to a violation or attempted 2302
violation of, assisting in or abetting the violation of, or a 2303
conspiracy to violate, any provision of this chapter or any rule 2304
adopted by the board that would preclude the making of a report 2305
by a physician of an employee's use of a drug of abuse, or of a 2306
condition of an employee other than one involving the use of a 2307
drug of abuse, to the employer of the employee as described in 2308
division (B) of section 2305.33 of the Revised Code. Nothing in 2309
this division affects the immunity from civil liability 2310
conferred by that section upon a physician who makes either type 2311

of report in accordance with division (B) of that section. As 2312
used in this division, "employee," "employer," and "physician" 2313
have the same meanings as in section 2305.33 of the Revised 2314
Code. 2315

(21) The violation of section 3701.79 of the Revised Code 2316
or of any abortion rule adopted by the director of health 2317
pursuant to section 3701.341 of the Revised Code; 2318

(22) Any of the following actions taken by an agency 2319
responsible for authorizing, certifying, or regulating an 2320
individual to practice a health care occupation or provide 2321
health care services in this state or another jurisdiction, for 2322
any reason other than the nonpayment of fees: the limitation, 2323
revocation, or suspension of an individual's license to 2324
practice; acceptance of an individual's license surrender; 2325
denial of a license; refusal to renew or reinstate a license; 2326
imposition of probation; or issuance of an order of censure or 2327
other reprimand; 2328

(23) The violation of section 2919.12 of the Revised Code 2329
or the performance or inducement of an abortion upon a pregnant 2330
woman with actual knowledge that the conditions specified in 2331
division (B) of section 2317.56 of the Revised Code have not 2332
been satisfied or with a heedless indifference as to whether 2333
those conditions have been satisfied, unless an affirmative 2334
defense as specified in division (H)(2) of that section would 2335
apply in a civil action authorized by division (H)(1) of that 2336
section; 2337

(24) The revocation, suspension, restriction, reduction, 2338
or termination of clinical privileges by the United States 2339
department of defense or department of veterans affairs or the 2340
termination or suspension of a certificate of registration to 2341

prescribe drugs by the drug enforcement administration of the 2342
United States department of justice; 2343

(25) Termination or suspension from participation in the 2344
medicare or medicaid programs by the department of health and 2345
human services or other responsible agency ~~for any act or acts~~ 2346
~~that also would constitute a violation of division (B) (2), (3),~~ 2347
~~(6), (8), or (19) of this section;~~ 2348

(26) Impairment of ability to practice according to 2349
acceptable and prevailing standards of care because of habitual 2350
or excessive use or abuse of drugs, alcohol, or other substances 2351
that impair ability to practice. 2352

For the purposes of this division, any individual 2353
authorized to practice by this chapter accepts the privilege of 2354
practicing in this state subject to supervision by the board. By 2355
filing an application for or holding a license or certificate to 2356
practice under this chapter, an individual shall be deemed to 2357
have given consent to submit to a mental or physical examination 2358
when ordered to do so by the board in writing, and to have 2359
waived all objections to the admissibility of testimony or 2360
examination reports that constitute privileged communications. 2361

If it has reason to believe that any individual authorized 2362
to practice by this chapter or any applicant for licensure or 2363
certification to practice suffers such impairment, the board may 2364
compel the individual to submit to a mental or physical 2365
examination, or both. The expense of the examination is the 2366
responsibility of the individual compelled to be examined. Any 2367
mental or physical examination required under this division 2368
shall be undertaken by a treatment provider or physician who is 2369
qualified to conduct the examination and who is chosen by the 2370
board. 2371

Failure to submit to a mental or physical examination 2372
ordered by the board constitutes an admission of the allegations 2373
against the individual unless the failure is due to 2374
circumstances beyond the individual's control, and a default and 2375
final order may be entered without the taking of testimony or 2376
presentation of evidence. If the board determines that the 2377
individual's ability to practice is impaired, the board shall 2378
suspend the individual's license or certificate or deny the 2379
individual's application and shall require the individual, as a 2380
condition for initial, continued, reinstated, or renewed 2381
licensure or certification to practice, to submit to treatment. 2382

Before being eligible to apply for reinstatement of a 2383
license or certificate suspended under this division, the 2384
impaired practitioner shall demonstrate to the board the ability 2385
to resume practice in compliance with acceptable and prevailing 2386
standards of care under the provisions of the practitioner's 2387
license or certificate. The demonstration shall include, but 2388
shall not be limited to, the following: 2389

(a) Certification from a treatment provider approved under 2390
section 4731.25 of the Revised Code that the individual has 2391
successfully completed any required inpatient treatment; 2392

(b) Evidence of continuing full compliance with an 2393
aftercare contract or consent agreement; 2394

(c) Two written reports indicating that the individual's 2395
ability to practice has been assessed and that the individual 2396
has been found capable of practicing according to acceptable and 2397
prevailing standards of care. The reports shall be made by 2398
individuals or providers approved by the board for making the 2399
assessments and shall describe the basis for their 2400
determination. 2401

The board may reinstate a license or certificate suspended 2402
under this division after that demonstration and after the 2403
individual has entered into a written consent agreement. 2404

When the impaired practitioner resumes practice, the board 2405
shall require continued monitoring of the individual. The 2406
monitoring shall include, but not be limited to, compliance with 2407
the written consent agreement entered into before reinstatement 2408
or with conditions imposed by board order after a hearing, and, 2409
upon termination of the consent agreement, submission to the 2410
board for at least two years of annual written progress reports 2411
made under penalty of perjury stating whether the individual has 2412
maintained sobriety. 2413

(27) A second or subsequent violation of section 4731.66 2414
or 4731.69 of the Revised Code; 2415

(28) Except as provided in division (N) of this section: 2416

(a) Waiving the payment of all or any part of a deductible 2417
or copayment that a patient, pursuant to a health insurance or 2418
health care policy, contract, or plan that covers the 2419
individual's services, otherwise would be required to pay if the 2420
waiver is used as an enticement to a patient or group of 2421
patients to receive health care services from that individual; 2422

(b) Advertising that the individual will waive the payment 2423
of all or any part of a deductible or copayment that a patient, 2424
pursuant to a health insurance or health care policy, contract, 2425
or plan that covers the individual's services, otherwise would 2426
be required to pay. 2427

(29) Failure to use universal blood and body fluid 2428
precautions established by rules adopted under section 4731.051 2429
of the Revised Code; 2430

(30) Failure to provide notice to, and receive 2431
acknowledgment of the notice from, a patient when required by 2432
section 4731.143 of the Revised Code prior to providing 2433
nonemergency professional services, or failure to maintain that 2434
notice in the patient's medical record; 2435

(31) Failure of a physician supervising a physician 2436
assistant to maintain supervision in accordance with the 2437
requirements of Chapter 4730. of the Revised Code and the rules 2438
adopted under that chapter; 2439

(32) Failure of a physician or podiatrist to enter into a 2440
standard care arrangement with a clinical nurse specialist, 2441
certified nurse-midwife, or certified nurse practitioner with 2442
whom the physician or podiatrist is in collaboration pursuant to 2443
section 4731.27 of the Revised Code or failure to fulfill the 2444
responsibilities of collaboration after entering into a standard 2445
care arrangement; 2446

(33) Failure to comply with the terms of a consult 2447
agreement entered into with a pharmacist pursuant to section 2448
4729.39 of the Revised Code; 2449

(34) Failure to cooperate in an investigation conducted by 2450
the board under division (F) of this section, including failure 2451
to comply with a subpoena or order issued by the board or 2452
failure to answer truthfully a question presented by the board 2453
in an investigative interview, an investigative office 2454
conference, at a deposition, or in written interrogatories, 2455
except that failure to cooperate with an investigation shall not 2456
constitute grounds for discipline under this section if a court 2457
of competent jurisdiction has issued an order that either 2458
quashes a subpoena or permits the individual to withhold the 2459
testimony or evidence in issue; 2460

(35) Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	2461 2462 2463 2464
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	2465 2466 2467
(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;	2468 2469
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	2470 2471
(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;	2472 2473 2474
(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;	2475 2476 2477 2478
(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;	2479 2480 2481 2482
(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;	2483 2484 2485 2486
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board	2487 2488

of pharmacy no longer maintains a drug database pursuant to 2489
section 4729.75 of the Revised Code; 2490

(44) Failure to comply with the requirements of section 2491
2919.171, 2919.202, or 2919.203 of the Revised Code or failure 2492
to submit to the department of health in accordance with a court 2493
order a complete report as described in section 2919.171 or 2494
2919.202 of the Revised Code; 2495

(45) Practicing at a facility that is subject to licensure 2496
as a category III terminal distributor of dangerous drugs with a 2497
pain management clinic classification unless the person 2498
operating the facility has obtained and maintains the license 2499
with the classification; 2500

(46) Owning a facility that is subject to licensure as a 2501
category III terminal distributor of dangerous drugs with a pain 2502
management clinic classification unless the facility is licensed 2503
with the classification; 2504

(47) Failure to comply with the requirement regarding 2505
maintaining notes described in division (B) of section 2919.191 2506
of the Revised Code or failure to satisfy the requirements of 2507
section 2919.191 of the Revised Code prior to performing or 2508
inducing an abortion upon a pregnant woman; 2509

(48) Failure to comply with the requirements in section 2510
3719.061 of the Revised Code before issuing for a minor a 2511
prescription for an opioid analgesic, as defined in section 2512
3719.01 of the Revised Code; 2513

(49) Failure to comply with the requirements of section 2514
4731.30 of the Revised Code or rules adopted under section 2515
4731.301 of the Revised Code when recommending treatment with 2516
medical marijuana; 2517

(50) Practicing at a facility, clinic, or other location 2518
that is subject to licensure as a category III terminal 2519
distributor of dangerous drugs with an office-based opioid 2520
treatment classification unless the person operating that place 2521
has obtained and maintains the license with the classification; 2522

(51) Owning a facility, clinic, or other location that is 2523
subject to licensure as a category III terminal distributor of 2524
dangerous drugs with an office-based opioid treatment 2525
classification unless that place is licensed with the 2526
classification. 2527

(C) Disciplinary actions taken by the board under 2528
divisions (A) and (B) of this section shall be taken pursuant to 2529
an adjudication under Chapter 119. of the Revised Code, except 2530
that in lieu of an adjudication, the board may enter into a 2531
consent agreement with an individual to resolve an allegation of 2532
a violation of this chapter or any rule adopted under it. A 2533
consent agreement, when ratified by an affirmative vote of not 2534
fewer than six members of the board, shall constitute the 2535
findings and order of the board with respect to the matter 2536
addressed in the agreement. If the board refuses to ratify a 2537
consent agreement, the admissions and findings contained in the 2538
consent agreement shall be of no force or effect. 2539

A telephone conference call may be utilized for 2540
ratification of a consent agreement that revokes or suspends an 2541
individual's license or certificate to practice or certificate 2542
to recommend. The telephone conference call shall be considered 2543
a special meeting under division (F) of section 121.22 of the 2544
Revised Code. 2545

If the board takes disciplinary action against an 2546
individual under division (B) of this section for a second or 2547

subsequent plea of guilty to, or judicial finding of guilt of, a 2548
violation of section 2919.123 of the Revised Code, the 2549
disciplinary action shall consist of a suspension of the 2550
individual's license or certificate to practice for a period of 2551
at least one year or, if determined appropriate by the board, a 2552
more serious sanction involving the individual's license or 2553
certificate to practice. Any consent agreement entered into 2554
under this division with an individual that pertains to a second 2555
or subsequent plea of guilty to, or judicial finding of guilt 2556
of, a violation of that section shall provide for a suspension 2557
of the individual's license or certificate to practice for a 2558
period of at least one year or, if determined appropriate by the 2559
board, a more serious sanction involving the individual's 2560
license or certificate to practice. 2561

(D) For purposes of divisions (B)(10), (12), and (14) of 2562
this section, the commission of the act may be established by a 2563
finding by the board, pursuant to an adjudication under Chapter 2564
119. of the Revised Code, that the individual committed the act. 2565
The board does not have jurisdiction under those divisions if 2566
the trial court renders a final judgment in the individual's 2567
favor and that judgment is based upon an adjudication on the 2568
merits. The board has jurisdiction under those divisions if the 2569
trial court issues an order of dismissal upon technical or 2570
procedural grounds. 2571

(E) The sealing of conviction records by any court shall 2572
have no effect upon a prior board order entered under this 2573
section or upon the board's jurisdiction to take action under 2574
this section if, based upon a plea of guilty, a judicial finding 2575
of guilt, or a judicial finding of eligibility for intervention 2576
in lieu of conviction, the board issued a notice of opportunity 2577
for a hearing prior to the court's order to seal the records. 2578

The board shall not be required to seal, destroy, redact, or 2579
otherwise modify its records to reflect the court's sealing of 2580
conviction records. 2581

(F) (1) The board shall investigate evidence that appears 2582
to show that a person has violated any provision of this chapter 2583
or any rule adopted under it. Any person may report to the board 2584
in a signed writing any information that the person may have 2585
that appears to show a violation of any provision of this 2586
chapter or any rule adopted under it. In the absence of bad 2587
faith, any person who reports information of that nature or who 2588
testifies before the board in any adjudication conducted under 2589
Chapter 119. of the Revised Code shall not be liable in damages 2590
in a civil action as a result of the report or testimony. Each 2591
complaint or allegation of a violation received by the board 2592
shall be assigned a case number and shall be recorded by the 2593
board. 2594

(2) Investigations of alleged violations of this chapter 2595
or any rule adopted under it shall be supervised by the 2596
supervising member elected by the board in accordance with 2597
section 4731.02 of the Revised Code and by the secretary as 2598
provided in section 4731.39 of the Revised Code. The president 2599
may designate another member of the board to supervise the 2600
investigation in place of the supervising member. No member of 2601
the board who supervises the investigation of a case shall 2602
participate in further adjudication of the case. 2603

(3) In investigating a possible violation of this chapter 2604
or any rule adopted under this chapter, or in conducting an 2605
inspection under division (E) of section 4731.054 of the Revised 2606
Code, the board may question witnesses, conduct interviews, 2607
administer oaths, order the taking of depositions, inspect and 2608

copy any books, accounts, papers, records, or documents, issue 2609
subpoenas, and compel the attendance of witnesses and production 2610
of books, accounts, papers, records, documents, and testimony, 2611
except that a subpoena for patient record information shall not 2612
be issued without consultation with the attorney general's 2613
office and approval of the secretary and supervising member of 2614
the board. 2615

(a) Before issuance of a subpoena for patient record 2616
information, the secretary and supervising member shall 2617
determine whether there is probable cause to believe that the 2618
complaint filed alleges a violation of this chapter or any rule 2619
adopted under it and that the records sought are relevant to the 2620
alleged violation and material to the investigation. The 2621
subpoena may apply only to records that cover a reasonable 2622
period of time surrounding the alleged violation. 2623

(b) On failure to comply with any subpoena issued by the 2624
board and after reasonable notice to the person being 2625
subpoenaed, the board may move for an order compelling the 2626
production of persons or records pursuant to the Rules of Civil 2627
Procedure. 2628

(c) A subpoena issued by the board may be served by a 2629
sheriff, the sheriff's deputy, or a board employee or agent 2630
designated by the board. Service of a subpoena issued by the 2631
board may be made by delivering a copy of the subpoena to the 2632
person named therein, reading it to the person, or leaving it at 2633
the person's usual place of residence, usual place of business, 2634
or address on file with the board. When serving a subpoena to an 2635
applicant for or the holder of a license or certificate issued 2636
under this chapter, service of the subpoena may be made by 2637
certified mail, return receipt requested, and the subpoena shall 2638

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

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

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

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

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

The board may share any information it receives pursuant

to an investigation or inspection, including patient records and 2668
patient record information, with law enforcement agencies, other 2669
licensing boards, and other governmental agencies that are 2670
prosecuting, adjudicating, or investigating alleged violations 2671
of statutes or administrative rules. An agency or board that 2672
receives the information shall comply with the same requirements 2673
regarding confidentiality as those with which the state medical 2674
board must comply, notwithstanding any conflicting provision of 2675
the Revised Code or procedure of the agency or board that 2676
applies when it is dealing with other information in its 2677
possession. In a judicial proceeding, the information may be 2678
admitted into evidence only in accordance with the Rules of 2679
Evidence, but the court shall require that appropriate measures 2680
are taken to ensure that confidentiality is maintained with 2681
respect to any part of the information that contains names or 2682
other identifying information about patients or complainants 2683
whose confidentiality was protected by the state medical board 2684
when the information was in the board's possession. Measures to 2685
ensure confidentiality that may be taken by the court include 2686
sealing its records or deleting specific information from its 2687
records. 2688

(6) On a quarterly basis, the board shall prepare a report 2689
that documents the disposition of all cases during the preceding 2690
three months. The report shall contain the following information 2691
for each case with which the board has completed its activities: 2692

(a) The case number assigned to the complaint or alleged 2693
violation; 2694

(b) The type of license or certificate to practice, if 2695
any, held by the individual against whom the complaint is 2696
directed; 2697

(c) A description of the allegations contained in the 2698
complaint; 2699

(d) The disposition of the case. 2700

The report shall state how many cases are still pending 2701
and shall be prepared in a manner that protects the identity of 2702
each person involved in each case. The report shall be a public 2703
record under section 149.43 of the Revised Code. 2704

(G) If the secretary and supervising member determine both 2705
of the following, they may recommend that the board suspend an 2706
individual's license or certificate to practice or certificate 2707
to recommend without a prior hearing: 2708

(1) That there is clear and convincing evidence that an 2709
individual has violated division (B) of this section; 2710

(2) That the individual's continued practice presents a 2711
danger of immediate and serious harm to the public. 2712

Written allegations shall be prepared for consideration by 2713
the board. The board, upon review of those allegations and by an 2714
affirmative vote of not fewer than six of its members, excluding 2715
the secretary and supervising member, may suspend a license or 2716
certificate without a prior hearing. A telephone conference call 2717
may be utilized for reviewing the allegations and taking the 2718
vote on the summary suspension. 2719

The board shall issue a written order of suspension by 2720
certified mail or in person in accordance with section 119.07 of 2721
the Revised Code. The order shall not be subject to suspension 2722
by the court during pendency of any appeal filed under section 2723
119.12 of the Revised Code. If the individual subject to the 2724
summary suspension requests an adjudicatory hearing by the 2725
board, the date set for the hearing shall be within fifteen 2726

days, but not earlier than seven days, after the individual 2727
requests the hearing, unless otherwise agreed to by both the 2728
board and the individual. 2729

Any summary suspension imposed under this division shall 2730
remain in effect, unless reversed on appeal, until a final 2731
adjudicative order issued by the board pursuant to this section 2732
and Chapter 119. of the Revised Code becomes effective. The 2733
board shall issue its final adjudicative order within seventy- 2734
five days after completion of its hearing. A failure to issue 2735
the order within seventy-five days shall result in dissolution 2736
of the summary suspension order but shall not invalidate any 2737
subsequent, final adjudicative order. 2738

(H) If the board takes action under division (B) (9), (11), 2739
or (13) of this section and the judicial finding of guilt, 2740
guilty plea, or judicial finding of eligibility for intervention 2741
in lieu of conviction is overturned on appeal, upon exhaustion 2742
of the criminal appeal, a petition for reconsideration of the 2743
order may be filed with the board along with appropriate court 2744
documents. Upon receipt of a petition of that nature and 2745
supporting court documents, the board shall reinstate the 2746
individual's license or certificate to practice. The board may 2747
then hold an adjudication under Chapter 119. of the Revised Code 2748
to determine whether the individual committed the act in 2749
question. Notice of an opportunity for a hearing shall be given 2750
in accordance with Chapter 119. of the Revised Code. If the 2751
board finds, pursuant to an adjudication held under this 2752
division, that the individual committed the act or if no hearing 2753
is requested, the board may order any of the sanctions 2754
identified under division (B) of this section. 2755

(I) The license or certificate to practice issued to an 2756

individual under this chapter and the individual's practice in 2757
this state are automatically suspended as of the date of the 2758
individual's second or subsequent plea of guilty to, or judicial 2759
finding of guilt of, a violation of section 2919.123 of the 2760
Revised Code. In addition, the license or certificate to 2761
practice or certificate to recommend issued to an individual 2762
under this chapter and the individual's practice in this state 2763
are automatically suspended as of the date the individual pleads 2764
guilty to, is found by a judge or jury to be guilty of, or is 2765
subject to a judicial finding of eligibility for intervention in 2766
lieu of conviction in this state or treatment or intervention in 2767
lieu of conviction in another jurisdiction for any of the 2768
following criminal offenses in this state or a substantially 2769
equivalent criminal offense in another jurisdiction: aggravated 2770
murder, murder, voluntary manslaughter, felonious assault, 2771
kidnapping, rape, sexual battery, gross sexual imposition, 2772
aggravated arson, aggravated robbery, or aggravated burglary. 2773
Continued practice after suspension shall be considered 2774
practicing without a license or certificate. 2775

The board shall notify the individual subject to the 2776
suspension by certified mail or in person in accordance with 2777
section 119.07 of the Revised Code. If an individual whose 2778
license or certificate is automatically suspended under this 2779
division fails to make a timely request for an adjudication 2780
under Chapter 119. of the Revised Code, the board shall do 2781
whichever of the following is applicable: 2782

(1) If the automatic suspension under this division is for 2783
a second or subsequent plea of guilty to, or judicial finding of 2784
guilt of, a violation of section 2919.123 of the Revised Code, 2785
the board shall enter an order suspending the individual's 2786
license or certificate to practice for a period of at least one 2787

year or, if determined appropriate by the board, imposing a more 2788
serious sanction involving the individual's license or 2789
certificate to practice. 2790

(2) In all circumstances in which division (I)(1) of this 2791
section does not apply, enter a final order permanently revoking 2792
the individual's license or certificate to practice. 2793

(J) If the board is required by Chapter 119. of the 2794
Revised Code to give notice of an opportunity for a hearing and 2795
if the individual subject to the notice does not timely request 2796
a hearing in accordance with section 119.07 of the Revised Code, 2797
the board is not required to hold a hearing, but may adopt, by 2798
an affirmative vote of not fewer than six of its members, a 2799
final order that contains the board's findings. In that final 2800
order, the board may order any of the sanctions identified under 2801
division (A) or (B) of this section. 2802

(K) Any action taken by the board under division (B) of 2803
this section resulting in a suspension from practice shall be 2804
accompanied by a written statement of the conditions under which 2805
the individual's license or certificate to practice may be 2806
reinstated. The board shall adopt rules governing conditions to 2807
be imposed for reinstatement. Reinstatement of a license or 2808
certificate suspended pursuant to division (B) of this section 2809
requires an affirmative vote of not fewer than six members of 2810
the board. 2811

(L) When the board refuses to grant or issue a license or 2812
certificate to practice to an applicant, revokes an individual's 2813
license or certificate to practice, refuses to renew an 2814
individual's license or certificate to practice, or refuses to 2815
reinstate an individual's license or certificate to practice, 2816
the board may specify that its action is permanent. An 2817

individual subject to a permanent action taken by the board is 2818
forever thereafter ineligible to hold a license or certificate 2819
to practice and the board shall not accept an application for 2820
reinstatement of the license or certificate or for issuance of a 2821
new license or certificate. 2822

(M) Notwithstanding any other provision of the Revised 2823
Code, all of the following apply: 2824

(1) The surrender of a license or certificate issued under 2825
this chapter shall not be effective unless or until accepted by 2826
the board. A telephone conference call may be utilized for 2827
acceptance of the surrender of an individual's license or 2828
certificate to practice. The telephone conference call shall be 2829
considered a special meeting under division (F) of section 2830
121.22 of the Revised Code. Reinstatement of a license or 2831
certificate surrendered to the board requires an affirmative 2832
vote of not fewer than six members of the board. 2833

(2) An application for a license or certificate made under 2834
the provisions of this chapter may not be withdrawn without 2835
approval of the board. 2836

(3) Failure by an individual to renew a license or 2837
certificate to practice in accordance with this chapter or a 2838
certificate to recommend in accordance with rules adopted under 2839
section 4731.301 of the Revised Code shall not remove or limit 2840
the board's jurisdiction to take any disciplinary action under 2841
this section against the individual. 2842

(4) At the request of the board, a license or certificate 2843
holder shall immediately surrender to the board a license or 2844
certificate that the board has suspended, revoked, or 2845
permanently revoked. 2846

(N) Sanctions shall not be imposed under division (B) (28) 2847
of this section against any person who waives deductibles and 2848
copayments as follows: 2849

(1) In compliance with the health benefit plan that 2850
expressly allows such a practice. Waiver of the deductibles or 2851
copayments shall be made only with the full knowledge and 2852
consent of the plan purchaser, payer, and third-party 2853
administrator. Documentation of the consent shall be made 2854
available to the board upon request. 2855

(2) For professional services rendered to any other person 2856
authorized to practice pursuant to this chapter, to the extent 2857
allowed by this chapter and rules adopted by the board. 2858

(O) Under the board's investigative duties described in 2859
this section and subject to division (F) of this section, the 2860
board shall develop and implement a quality intervention program 2861
designed to improve through remedial education the clinical and 2862
communication skills of individuals authorized under this 2863
chapter to practice medicine and surgery, osteopathic medicine 2864
and surgery, and podiatric medicine and surgery. In developing 2865
and implementing the quality intervention program, the board may 2866
do all of the following: 2867

(1) Offer in appropriate cases as determined by the board 2868
an educational and assessment program pursuant to an 2869
investigation the board conducts under this section; 2870

(2) Select providers of educational and assessment 2871
services, including a quality intervention program panel of case 2872
reviewers; 2873

(3) Make referrals to educational and assessment service 2874
providers and approve individual educational programs 2875

recommended by those providers. The board shall monitor the 2876
progress of each individual undertaking a recommended individual 2877
educational program. 2878

(4) Determine what constitutes successful completion of an 2879
individual educational program and require further monitoring of 2880
the individual who completed the program or other action that 2881
the board determines to be appropriate; 2882

(5) Adopt rules in accordance with Chapter 119. of the 2883
Revised Code to further implement the quality intervention 2884
program. 2885

An individual who participates in an individual 2886
educational program pursuant to this division shall pay the 2887
financial obligations arising from that educational program. 2888

Sec. 4731.222. (A) This section applies to both of the 2889
following: 2890

(1) An applicant seeking restoration of a license or 2891
certificate issued under this chapter that has been in a 2892
suspended or inactive state for any cause for more than two 2893
years; 2894

(2) An applicant seeking issuance of a license or 2895
certificate pursuant to ~~section 4731.17 or 4731.295 of the~~ 2896
~~Revised Code~~ this chapter who for more than two years has not 2897
been engaged in the practice of medicine and surgery, 2898
osteopathic medicine and surgery, podiatric medicine and 2899
surgery, or a limited branch of medicine as any of the 2900
following: 2901

(a) An active practitioner; 2902

(b) A participant in a program of graduate medical 2903

education, as defined in section 4731.04 of the Revised Code; 2904

(c) A participant in a podiatric internship residency, or 2905
clinical fellowship program; 2906

(d) A student in a college of podiatry determined by the 2907
state medical board to be in good standing; 2908

~~(d)~~ (e) A student in a school, college, or institution 2909
giving instruction in a limited branch of medicine determined by 2910
the board to be in good standing under section 4731.16 of the 2911
Revised Code. 2912

(B) Before restoring a license or certificate to good 2913
standing for or issuing a license or certificate to an applicant 2914
subject to this section, the state medical board may impose 2915
terms and conditions including any one or more of the following: 2916

(1) Requiring the applicant to pass an oral or written 2917
examination, or both, to determine the applicant's present 2918
fitness to resume practice; 2919

(2) Requiring the applicant to obtain additional training 2920
and to pass an examination upon completion of such training; 2921

(3) Requiring an assessment of the applicant's physical 2922
skills for purposes of determining whether the applicant's 2923
coordination, fine motor skills, and dexterity are sufficient 2924
for performing medical evaluations and procedures in a manner 2925
that meets the minimal standards of care; 2926

(4) Requiring an assessment of the applicant's skills in 2927
recognizing and understanding diseases and conditions; 2928

(5) Requiring the applicant to undergo a comprehensive 2929
physical examination, which may include an assessment of 2930
physical abilities, evaluation of sensory capabilities, or 2931

screening for the presence of neurological disorders; 2932

(6) Restricting or limiting the extent, scope, or type of 2933
practice of the applicant. 2934

The board shall consider the moral background and the 2935
activities of the applicant during the period of suspension or 2936
inactivity, in accordance with section 4731.09, 4731.19, or 2937
4731.52 of the Revised Code. The board shall not restore a 2938
license or certificate under this section unless the applicant 2939
complies with sections 4776.01 to 4776.04 of the Revised Code. 2940

Sec. 4731.27. (A) As used in this section, 2941
"collaboration," "physician," "standard care arrangement," and 2942
"supervision" have the same meanings as in section 4723.01 of 2943
the Revised Code. 2944

(B) A physician or podiatrist shall enter into a standard 2945
care arrangement with each clinical nurse specialist, certified 2946
nurse-midwife, or certified nurse practitioner with whom the 2947
physician or podiatrist is in collaboration. 2948

The collaborating physician or podiatrist shall fulfill 2949
the responsibilities of collaboration, as specified in the 2950
arrangement and in accordance with division (A) of section 2951
4723.431 of the Revised Code. A copy of the standard care 2952
arrangement shall be retained on file by the nurse's employer. 2953
Prior approval of the standard care arrangement by the state 2954
medical board is not required, but the board may periodically 2955
review it. 2956

A physician or podiatrist who terminates collaboration 2957
with a certified nurse-midwife, certified nurse practitioner, or 2958
clinical nurse specialist before their standard care arrangement 2959
expires shall give the nurse the written or electronic notice of 2960

termination required by division ~~(E)~~ (D) (1) of section 4723.431 2961
of the Revised Code. 2962

Nothing in this division prohibits a hospital from hiring 2963
a clinical nurse specialist, certified nurse-midwife, or 2964
certified nurse practitioner as an employee and negotiating 2965
standard care arrangements on behalf of the employee as 2966
necessary to meet the requirements of this section. A standard 2967
care arrangement between the hospital's employee and the 2968
employee's collaborating physician is subject to approval by the 2969
medical staff and governing body of the hospital prior to 2970
implementation of the arrangement at the hospital. 2971

(C) A physician or podiatrist shall cooperate with the 2972
board of nursing in any investigation the board conducts with 2973
respect to a clinical nurse specialist, certified nurse-midwife, 2974
or certified nurse practitioner who collaborates with the 2975
physician or podiatrist or with respect to a certified 2976
registered nurse anesthetist who practices with the supervision 2977
of the physician or podiatrist. 2978

Sec. 4731.291. (A) An individual seeking to pursue an 2979
internship, residency, ~~or~~ clinical fellowship program, or 2980
elective clinical rotation in this state, who does not hold a 2981
license to practice medicine and surgery or osteopathic medicine 2982
or surgery issued under this chapter, shall apply to the state 2983
medical board for a training certificate. The application shall 2984
be made on forms that the board shall furnish and shall be 2985
accompanied by an application fee of one hundred thirty dollars. 2986

An applicant for a training certificate shall furnish to 2987
the board all of the following: 2988

(1) Evidence satisfactory to the board that the applicant 2989

is at least eighteen years of age and is of good moral 2990
character. 2991

(2) Evidence satisfactory to the board that the applicant 2992
has been accepted or appointed to participate in this state in 2993
one of the following: 2994

(a) An internship or residency program accredited by 2995
either the accreditation council for graduate medical education 2996
of the American medical association or the American osteopathic 2997
association; 2998

(b) A clinical fellowship program at an institution with a 2999
residency program accredited by either the accreditation council 3000
for graduate medical education of the American medical 3001
association or the American osteopathic association that is in a 3002
clinical field the same as or related to the clinical field of 3003
the fellowship program; 3004

(c) An elective clinical rotation that lasts not more than 3005
one year and is offered to interns, residents, or clinical 3006
fellows participating in programs that are located outside this 3007
state and meet the requirements of division (A) (2) (a) or (b) of 3008
this section. 3009

(3) Information identifying the beginning and ending dates 3010
of the period for which the applicant has been accepted or 3011
appointed to participate in the internship, residency, or 3012
clinical fellowship program; 3013

(4) Any other information that the board requires. 3014

(B) If no grounds for denying a license or certificate 3015
under section 4731.22 of the Revised Code apply, and the 3016
applicant meets the requirements of division (A) of this 3017
section, the board shall issue a training certificate to the 3018

applicant. The board shall not require an examination as a 3019
condition of receiving a training certificate. 3020

A training certificate issued pursuant to this section 3021
shall be valid only for three years, but may in the discretion 3022
of the board and upon application duly made, be renewed for one 3023
additional three-year period. The fee for renewal of a training 3024
certificate shall be one hundred dollars. 3025

The board shall maintain a register of all individuals who 3026
hold training certificates. 3027

(C) The holder of a valid training certificate shall be 3028
entitled to perform such acts as may be prescribed by or 3029
incidental to the holder's internship, residency, or clinical 3030
fellowship program, but the holder shall not be entitled 3031
otherwise to engage in the practice of medicine and surgery or 3032
osteopathic medicine and surgery in this state. The holder shall 3033
limit activities under the certificate to the programs of the 3034
hospitals or facilities for which the training certificate is 3035
issued. The holder shall train only under the supervision of the 3036
physicians responsible for supervision as part of the 3037
internship, residency, or clinical fellowship program. 3038

A training certificate may be revoked by the board upon 3039
proof, satisfactory to the board, that the holder thereof has 3040
engaged in practice in this state outside the scope of the 3041
internship, residency, or clinical fellowship program for which 3042
the training certificate has been issued, or upon proof, 3043
satisfactory to the board, that the holder thereof has engaged 3044
in unethical conduct or that there are grounds for action 3045
against the holder under section 4731.22 of the Revised Code. 3046

(D) The board may adopt rules as the board finds necessary 3047

to effect the purpose of this section. 3048

Sec. 4731.295. (A) (1) As used in this section: 3049

(a) "Free clinic" has the same meaning as in section 3050
3701.071 of the Revised Code. 3051

(b) "Indigent and uninsured person" and "operation" have 3052
the same meanings as in section 2305.234 of the Revised Code. 3053

(2) For the purposes of this section, a person shall be 3054
considered retired from practice if the person's license has 3055
expired with the person's intention of ceasing to practice 3056
medicine and surgery or osteopathic medicine and surgery for 3057
remuneration. 3058

(B) The state medical board may issue, without 3059
examination, a volunteer's certificate to a person who is 3060
retired from practice so that the person may provide medical 3061
services to indigent and uninsured persons at any location, 3062
including a free clinic. The board shall deny issuance of a 3063
volunteer's certificate to a person who is not qualified under 3064
this section to hold a volunteer's certificate. 3065

(C) An application for a volunteer's certificate shall 3066
include all of the following: 3067

(1) A copy of the applicant's degree of medicine or 3068
osteopathic medicine. 3069

(2) One of the following, as applicable: 3070

(a) A copy of the applicant's most recent license 3071
authorizing the practice of medicine and surgery or osteopathic 3072
medicine and surgery issued by a jurisdiction in the United 3073
States that licenses persons to practice medicine and surgery or 3074
osteopathic medicine and surgery. 3075

(b) A copy of the applicant's most recent license 3076
equivalent to a license to practice medicine and surgery or 3077
osteopathic medicine and surgery in one or more branches of the 3078
United States armed services that the United States government 3079
issued. 3080

(3) Evidence of one of the following, as applicable: 3081

(a) That the applicant has maintained for at least ten 3082
years prior to retirement full licensure in good standing in any 3083
jurisdiction in the United States that licenses persons to 3084
practice medicine and surgery or osteopathic medicine and 3085
surgery. 3086

(b) That the applicant has practiced for at least ten 3087
years prior to retirement in good standing as a doctor of 3088
medicine and surgery or osteopathic medicine and surgery in one 3089
or more of the branches of the United States armed services. 3090

(4) ~~A notarized statement from the applicant, on a form~~ 3091
~~prescribed by the board,~~ An attestation that the applicant will 3092
not accept any form of remuneration for any medical services 3093
rendered while in possession of a volunteer's certificate. 3094

(D) The holder of a volunteer's certificate may provide 3095
medical services only to indigent and uninsured persons, but may 3096
do so at any location, including a free clinic. The holder shall 3097
not accept any form of remuneration for providing medical 3098
services while in possession of the certificate. Except in a 3099
medical emergency, the holder shall not perform any operation or 3100
deliver babies. The board may revoke a volunteer's certificate 3101
on receiving proof satisfactory to the board that the holder has 3102
engaged in practice in this state outside the scope of the 3103
certificate. 3104

(E) (1) A volunteer's certificate shall be valid for a 3105
period of three years, unless earlier revoked under division (D) 3106
of this section or pursuant to section 4731.22 of the Revised 3107
Code. A volunteer's certificate may be renewed upon the 3108
application of the holder. The board shall maintain a register 3109
of all persons who hold volunteer's certificates. The board 3110
shall not charge a fee for issuing or renewing a certificate 3111
pursuant to this section. 3112

(2) To be eligible for renewal of a volunteer's 3113
certificate the holder of the certificate shall certify to the 3114
board completion of one hundred fifty hours of continuing 3115
medical education that meets the requirements of section 3116
4731.282 of the Revised Code regarding certification by private 3117
associations and approval by the board. The board may not renew 3118
a certificate if the holder has not complied with the continuing 3119
medical education requirements. Any entity for which the holder 3120
provides medical services may pay for or reimburse the holder 3121
for any costs incurred in obtaining the required continuing 3122
medical education credits. 3123

(3) The board shall issue a volunteer's certificate to 3124
each person who qualifies under this section for the 3125
certificate. The certificate shall state that the certificate 3126
holder is authorized to provide medical services pursuant to the 3127
laws of this state. The holder shall display the certificate 3128
prominently at the location where the holder primarily 3129
practices. 3130

(4) The holder of a volunteer's certificate issued 3131
pursuant to this section is subject to the immunity provisions 3132
regarding the provision of services to indigent and uninsured 3133
persons in section 2305.234 of the Revised Code. 3134

(F) The board shall adopt rules in accordance with Chapter 3135
119. of the Revised Code to administer and enforce this section. 3136

Sec. 4731.297. (A) As used in this section: 3137

(1) "Academic medical center" means a medical school and 3138
its affiliated teaching hospitals and clinics partnering to do 3139
all of the following: 3140

(a) Provide the highest quality of patient care from 3141
expert physicians; 3142

(b) Conduct groundbreaking research leading to medical 3143
advancements for current and future patients; 3144

(c) Provide medical education and graduate medical 3145
education to educate and train physicians. 3146

(2) "Affiliated physician group practice" means a medical 3147
practice that consists of one or more physicians authorized 3148
under this chapter to practice medicine and surgery or 3149
osteopathic medicine and surgery and that is affiliated with an 3150
academic medical center to further the objectives described in 3151
divisions (A) (1) (a) to (c) of this section. 3152

(B) The state medical board shall issue, without 3153
examination, to an applicant who meets the requirements of this 3154
section a certificate of conceded eminence authorizing the 3155
practice of medicine and surgery or osteopathic medicine and 3156
surgery as part of the applicant's employment with an academic 3157
medical center in this state or affiliated physician group 3158
practice in this state. 3159

(C) To be eligible for a certificate of conceded eminence, 3160
an applicant shall provide to the board all of the following: 3161

(1) Evidence satisfactory to the board of all of the 3162

following: 3163

(a) That the applicant is an international medical 3164
graduate who holds a medical degree from an educational 3165
institution listed in the international medical education 3166
directory; 3167

(b) That the applicant has been appointed to serve in this 3168
state as a full-time faculty member of a medical school 3169
accredited by the liaison committee on medical education or an 3170
osteopathic medical school accredited by the American 3171
osteopathic association; 3172

(c) That the applicant has accepted an offer of employment 3173
with an academic medical center in this state or affiliated 3174
physician group practice in this state; 3175

(d) That the applicant holds a license in good standing in 3176
another state or country authorizing the practice of medicine 3177
and surgery or osteopathic medicine and surgery; 3178

(e) That the applicant has unique talents and 3179
extraordinary abilities not generally found within the 3180
applicant's specialty, as demonstrated by satisfying at least 3181
four of the following: 3182

(i) The applicant has achieved educational qualifications 3183
beyond those that are required for entry into the applicant's 3184
specialty, including advanced degrees, special certifications, 3185
or other academic credentials. 3186

(ii) The applicant has written multiple articles in 3187
journals listed in the index medicus or an equivalent scholarly 3188
publication acceptable to the board. 3189

(iii) The applicant has a sustained record of excellence 3190

in original research, at least some of which involves serving as 3191
the principal investigator or co-principal investigator for a 3192
research project. 3193

(iv) The applicant has received nationally or 3194
internationally recognized prizes or awards for excellence. 3195

(v) The applicant has participated in peer review in a 3196
field of specialization that is the same as or similar to the 3197
applicant's specialty. 3198

(vi) The applicant has developed new procedures or 3199
treatments for complex medical problems that are recognized by 3200
peers as a significant advancement in the applicable field of 3201
medicine. 3202

(vii) The applicant has held previous academic 3203
appointments with or been employed by a health care organization 3204
that has a distinguished national or international reputation. 3205

(viii) The applicant has been the recipient of a national 3206
institutes of health or other competitive grant award. 3207

(f) That the applicant has received staff membership or 3208
professional privileges from the academic medical center 3209
pursuant to standards adopted under section 3701.351 of the 3210
Revised Code on a basis that requires the applicant's medical 3211
education and graduate medical education to be at least 3212
equivalent to that of a physician educated and trained in the 3213
United States; 3214

(g) That the applicant has sufficient written and oral 3215
English skills to communicate effectively and reliably with 3216
patients, their families, and other medical professionals; 3217

(h) That the applicant will have professional liability 3218

insurance through the applicant's employment with the academic 3219
medical center or affiliated physician group practice. 3220

(2) An ~~affidavit from~~ attestation that the applicant 3221
~~agreeing agrees~~ to practice only within the clinical setting of 3222
the academic medical center or for the affiliated physician 3223
group practice; 3224

(3) Three letters of reference from distinguished experts 3225
in the applicant's specialty attesting to the unique 3226
capabilities of the applicant, at least one of which must be 3227
from outside the academic medical center or affiliated physician 3228
group practice; 3229

(4) An affidavit from the dean of the medical school where 3230
the applicant has been appointed to serve as a faculty member 3231
stating that the applicant meets all of the requirements of 3232
division (C) (1) of this section and that the letters of 3233
reference submitted under division (C) (3) of this section are 3234
from distinguished experts in the applicant's specialty, and 3235
documentation to support the affidavit; 3236

(5) A fee of one thousand dollars for the certificate. 3237

(D) (1) The holder of a certificate of conceded eminence 3238
may practice medicine and surgery or osteopathic medicine and 3239
surgery only within the clinical setting of the academic medical 3240
center with which the certificate holder is employed or for the 3241
affiliated physician group practice with which the certificate 3242
holder is employed. 3243

(2) A certificate holder may supervise medical students, 3244
physicians participating in graduate medical education, advanced 3245
practice nurses, and physician assistants when performing 3246
clinical services in the certificate holder's area of specialty. 3247

(E) The board may revoke a certificate issued under this 3248
section on receiving proof satisfactory to the board that the 3249
certificate holder has engaged in practice in this state outside 3250
the scope of the certificate or that there are grounds for 3251
action against the certificate holder under section 4731.22 of 3252
the Revised Code. 3253

(F) A certificate of conceded eminence is valid for the 3254
shorter of two years or the duration of the certificate holder's 3255
employment with the academic medical center or affiliated 3256
physician group practice. The certificate ceases to be valid if 3257
the holder resigns or is otherwise terminated from the academic 3258
medical center or affiliated physician group practice. 3259

(G) A certificate of conceded eminence may be renewed for 3260
an additional two-year period. There is no limit on the number 3261
of times a certificate may be renewed. A person seeking renewal 3262
of a certificate shall apply to the board and is eligible for 3263
renewal if the applicant does all of the following: 3264

(1) Pays the renewal fee of one thousand dollars; 3265

(2) Provides to the board an affidavit and supporting 3266
documentation from the academic medical center or affiliated 3267
physician group practice of all of the following: 3268

(a) That the applicant's initial appointment to the 3269
medical faculty is still valid or has been renewed; 3270

(b) That the applicant's clinical practice is consistent 3271
with the established standards in the field; 3272

(c) That the applicant has demonstrated continued 3273
scholarly achievement; 3274

(d) That the applicant has demonstrated continued 3275

professional achievement consistent with the academic medical 3276
center's requirements, established pursuant to standards adopted 3277
under section 3701.351 of the Revised Code, for physicians with 3278
staff membership or professional privileges with the academic 3279
medical center. 3280

(3) Satisfies the same continuing medical education 3281
requirements set forth in section 4731.282 of the Revised Code 3282
that apply to a person who holds a certificate to practice 3283
medicine and surgery or osteopathic medicine and surgery issued 3284
under this chapter. 3285

(4) Complies with any other requirements established by 3286
the board. 3287

(H) The board may adopt any rules it considers necessary 3288
to implement this section. The rules shall be adopted in 3289
accordance with Chapter 119. of the Revised Code. 3290

Sec. 4731.52. (A) A person seeking a license to practice 3291
podiatric medicine and surgery shall file with the state medical 3292
board an application in the form and manner prescribed by the 3293
board. The application must include all of the following: 3294

(1) Evidence satisfactory to the board to demonstrate that 3295
the applicant meets all of the following requirements: 3296

(a) Is at least eighteen years of age and of good moral 3297
character; 3298

(b) Possesses a high school diploma or a certificate of 3299
high school equivalence or has obtained the equivalent of such 3300
education as determined by the board; 3301

(c) Has completed at least two years of undergraduate work 3302
in a college of arts and sciences or the equivalent of such 3303

education as determined by the board; 3304

(d) Holds a degree from a college of podiatric medicine 3305
and surgery that was in good standing with the board at the time 3306
the degree was granted, as determined by the board; 3307

(e) Has completed one year of postgraduate training in a 3308
podiatric internship, residency, or clinical fellowship program 3309
accredited by the council on podiatric medicine or the American 3310
podiatric medical association or its equivalent as determined by 3311
the board; 3312

(f) Has successfully passed an examination prescribed in 3313
rules adopted by the board to determine competency to practice 3314
podiatric medicine and surgery; 3315

(g) Has complied with section 4731.531 of the Revised 3316
Code. 3317

(2) ~~An affidavit signed by the applicant attesting to the~~ 3318
~~accuracy and truthfulness of attestation that~~ the information 3319
submitted under this section is accurate and truthful; 3320

(3) Consent to the release of the applicant's information; 3321

(4) Any other information the board requires. 3322

(B) An applicant for a license to practice podiatric 3323
medicine and surgery shall include with the application a fee of 3324
three hundred five dollars, no part of which may be returned. An 3325
application is not considered submitted until the board receives 3326
the fee. 3327

(C) The board may conduct an investigation related to the 3328
application materials received pursuant to this section and may 3329
contact any individual, agency, or organization for 3330
recommendations or other information about the applicant. 3331

(D) The board shall conclude any investigation of an 3332
applicant conducted under section 4731.22 of the Revised Code 3333
not later than ninety days after receipt of a complete 3334
application unless the applicant agrees in writing to an 3335
extension or the board determines that there is a substantial 3336
question of a violation of this chapter or the rules adopted 3337
under it and notifies the applicant in writing of the reasons 3338
for continuation of the investigation. If the board determines 3339
that the applicant is not in violation of this chapter or the 3340
rules adopted under it, the board shall issue a license not 3341
later than forty-five days after making that determination. 3342

Sec. 4759.05. (A) The state medical board shall adopt, 3343
amend, or rescind rules pursuant to Chapter 119. of the Revised 3344
Code to carry out the provisions of this chapter, including 3345
rules governing the following: 3346

(1) Selection and approval of a dietitian licensure 3347
examination offered by the commission on dietetic registration 3348
or any other examination; 3349

(2) The examination of applicants for licensure as a 3350
dietitian, as required under division (A) of section 4759.06 of 3351
the Revised Code; 3352

(3) Requirements for pre-professional dietetic experience 3353
of applicants for licensure as a dietitian that are at least 3354
equivalent to the requirements adopted by the commission on 3355
dietetic registration; 3356

(4) Requirements for a person holding a limited permit 3357
under division (E) of section 4759.06 of the Revised Code, 3358
including the duration of validity of a limited permit and 3359
procedures for renewal; 3360

(5) Continuing education requirements for renewal of a 3361
license, including rules providing for pro rata reductions by 3362
month of the number of hours of continuing education that must 3363
be completed for license holders who are in their first renewal 3364
period, have been disabled by illness or accident, or have been 3365
absent from the country. Rules adopted under this division shall 3366
be consistent with the continuing education requirements adopted 3367
by the commission on dietetic registration. 3368

(6) Any additional education requirements the board 3369
considers necessary, for applicants who have not practiced 3370
dietetics within five years of the initial date of application 3371
for licensure; 3372

(7) Standards of professional responsibility and practice 3373
for persons licensed under this chapter that are consistent with 3374
those standards of professional responsibility and practice 3375
adopted by the academy of nutrition and dietetics; 3376

(8) Formulation of an application form for licensure or 3377
license renewal; 3378

(9) Procedures for license renewal; 3379

(10) Requirements for criminal records checks of 3380
applicants under section 4776.03 of the Revised Code. 3381

(B) (1) The board shall investigate evidence that appears 3382
to show that a person has violated any provision of this chapter 3383
or any rule adopted under it. Any person may report to the board 3384
in a signed writing any information that the person may have 3385
that appears to show a violation of any provision of this 3386
chapter or any rule adopted under it. In the absence of bad 3387
faith, any person who reports information of that nature or who 3388
testifies before the board in any adjudication conducted under 3389

Chapter 119. of the Revised Code shall not be liable in damages 3390
in a civil action as a result of the report or testimony. Each 3391
complaint or allegation of a violation received by the board 3392
shall be assigned a case number and shall be recorded by the 3393
board. 3394

(2) Investigations of alleged violations of this chapter 3395
or any rule adopted under it shall be supervised by the 3396
supervising member elected by the board in accordance with 3397
section 4731.02 of the Revised Code and by the secretary as 3398
provided in section 4759.012 of the Revised Code. The president 3399
may designate another member of the board to supervise the 3400
investigation in place of the supervising member. No member of 3401
the board who supervises the investigation of a case shall 3402
participate in further adjudication of the case. 3403

(3) In investigating a possible violation of this chapter 3404
or any rule adopted under this chapter, the board may issue 3405
subpoenas, question witnesses, conduct interviews, administer 3406
oaths, order the taking of depositions, inspect and copy any 3407
books, accounts, papers, records, or documents, and compel the 3408
attendance of witnesses and the production of books, accounts, 3409
papers, records, documents, and testimony, except that a 3410
subpoena for patient record information shall not be issued 3411
without consultation with the attorney general's office and 3412
approval of the secretary and supervising member of the board. 3413

Before issuance of a subpoena for patient record 3414
information, the secretary and supervising member shall 3415
determine whether there is probable cause to believe that the 3416
complaint filed alleges a violation of this chapter or any rule 3417
adopted under it and that the records sought are relevant to the 3418
alleged violation and material to the investigation. The 3419

subpoena may apply only to records that cover a reasonable 3420
period of time surrounding the alleged violation. 3421

On failure to comply with any subpoena issued by the board 3422
and after reasonable notice to the person being subpoenaed, the 3423
board may move for an order compelling the production of persons 3424
or records pursuant to the Rules of Civil Procedure. 3425

A subpoena issued by the board may be served by a sheriff, 3426
the sheriff's deputy, or a board employee or agent designated by 3427
the board. Service of a subpoena issued by the board may be made 3428
by delivering a copy of the subpoena to the person named 3429
therein, reading it to the person, or leaving it at the person's 3430
usual place of residence, usual place of business, or address on 3431
file with the board. When serving a subpoena to an applicant for 3432
or the holder of a license or limited permit issued under this 3433
chapter, service of the subpoena may be made by certified mail, 3434
return receipt requested, and the subpoena shall be deemed 3435
served on the date delivery is made or the date the person 3436
refuses to accept delivery. If the person being served refuses 3437
to accept the subpoena or is not located, service may be made to 3438
an attorney who notifies the board that the attorney is 3439
representing the person. 3440

A sheriff's deputy who serves a subpoena shall receive the 3441
same fees as a sheriff. Each witness who appears before the 3442
board in obedience to a subpoena shall receive the fees and 3443
mileage provided for under section 119.094 of the Revised Code. 3444

(4) All hearings, investigations, and inspections of the 3445
board shall be considered civil actions for the purposes of 3446
section 2305.252 of the Revised Code. 3447

(5) A report required to be submitted to the board under 3448

this chapter, a complaint, or information received by the board 3449
pursuant to an investigation is confidential and not subject to 3450
discovery in any civil action. 3451

The board shall conduct all investigations or inspections 3452
and proceedings in a manner that protects the confidentiality of 3453
patients and persons who file complaints with the board. The 3454
board shall not make public the names or any other identifying 3455
information about patients or complainants unless proper consent 3456
is given. 3457

The board may share any information it receives pursuant 3458
to an investigation or inspection, including patient records and 3459
patient record information, with law enforcement agencies, other 3460
licensing boards, and other governmental agencies that are 3461
prosecuting, adjudicating, or investigating alleged violations 3462
of statutes or administrative rules. An agency or board that 3463
receives the information shall comply with the same requirements 3464
regarding confidentiality as those with which the state medical 3465
board must comply, notwithstanding any conflicting provision of 3466
the Revised Code or procedure of the agency or board that 3467
applies when it is dealing with other information in its 3468
possession. In a judicial proceeding, the information may be 3469
admitted into evidence only in accordance with the Rules of 3470
Evidence, but the court shall require that appropriate measures 3471
are taken to ensure that confidentiality is maintained with 3472
respect to any part of the information that contains names or 3473
other identifying information about patients or complainants 3474
whose confidentiality was protected by the state medical board 3475
when the information was in the board's possession. Measures to 3476
ensure confidentiality that may be taken by the court include 3477
sealing its records or deleting specific information from its 3478
records. 3479

(6) On a quarterly basis, the board shall prepare a report 3480
that documents the disposition of all cases during the preceding 3481
three months. The report shall contain the following information 3482
for each case with which the board has completed its activities: 3483

(a) The case number assigned to the complaint or alleged 3484
violation; 3485

(b) The type of license, if any, held by the individual 3486
against whom the complaint is directed; 3487

(c) A description of the allegations contained in the 3488
complaint; 3489

(d) The disposition of the case. 3490

The report shall state how many cases are still pending 3491
and shall be prepared in a manner that protects the identity of 3492
each person involved in each case. The report shall be a public 3493
record under section 149.43 of the Revised Code. 3494

(C) The board shall keep records as are necessary to carry 3495
out the provisions of this chapter. 3496

(D) The board shall maintain and publish on its internet 3497
web site the board's rules and requirements for licensure 3498
adopted under division (A) of this section. 3499

Sec. 4761.03. (A) The state medical board shall regulate 3500
the practice of respiratory care in this state and the persons 3501
to whom the board issues licenses and limited permits under this 3502
chapter. Rules adopted under this chapter that deal with the 3503
provision of respiratory care in a hospital, other than rules 3504
regulating the issuance of licenses or limited permits, shall be 3505
consistent with the conditions for participation under medicare, 3506
Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 3507

42 U.S.C.A. 1395, as amended, and with the respiratory care 3508
accreditation standards of the joint commission or the American 3509
osteopathic association. 3510

(B) The board shall adopt, and may rescind or amend, rules 3511
in accordance with Chapter 119. of the Revised Code to carry out 3512
the purposes of this chapter, including rules prescribing the 3513
following: 3514

(1) The form and manner for filing applications under 3515
sections 4761.05 and 4761.06 of the Revised Code; 3516

(2) Standards for the approval of examinations and 3517
reexaminations administered by national organizations for 3518
licensure, license renewal, and license reinstatement; 3519

(3) Standards for the approval of educational programs 3520
required to qualify for licensure and approval of continuing 3521
education programs required for license renewal; 3522

(4) Continuing education courses and the number of hour 3523
requirements necessary for license renewal under section 4761.06 3524
of the Revised Code, including rules providing for pro rata 3525
reductions by month of the number of hours of continuing 3526
education that must be completed for license holders who are in 3527
their first renewal period, have been disabled by illness or 3528
accident, or have been absent from the country; 3529

(5) Procedures for the issuance and renewal of licenses 3530
and limited permits, including the duties that may be fulfilled 3531
by the board's executive director and other board employees; 3532

(6) Procedures for the limitation, suspension, and 3533
revocation of licenses and limited permits, the refusal to 3534
issue, renew, or reinstate licenses and limited permits, and the 3535
imposition of a reprimand or probation under section 4761.09 of 3536

the Revised Code; 3537

(7) Standards of ethical conduct for the practice of 3538
respiratory care; 3539

(8) The respiratory care tasks that may be performed by an 3540
individual practicing as a polysomnographic technologist 3541
pursuant to division (B) (3) of section 4761.10 of the Revised 3542
Code; 3543

(9) Requirements for criminal records checks of applicants 3544
under section 4776.03 of the Revised Code. 3545

(C) The board shall determine the sufficiency of an 3546
applicant's qualifications for admission to the licensing 3547
examination or a reexamination, and for the issuance or renewal 3548
of a license or limited permit. 3549

(D) The board shall determine the respiratory care 3550
educational programs that are acceptable for fulfilling the 3551
requirements of division (A) of section 4761.04 of the Revised 3552
Code. 3553

(E) (1) The board shall investigate evidence that appears 3554
to show that a person has violated any provision of this chapter 3555
or any rule adopted under it. Any person may report to the board 3556
in a signed writing any information that the person may have 3557
that appears to show a violation of any provision of this 3558
chapter or any rule adopted under it. In the absence of bad 3559
faith, any person who reports information of that nature or who 3560
testifies before the board in any adjudication conducted under 3561
Chapter 119. of the Revised Code shall not be liable in damages 3562
in a civil action as a result of the report or testimony. Each 3563
complaint or allegation of a violation received by the board 3564
shall be assigned a case number and shall be recorded by the 3565

board. 3566

(2) Investigations of alleged violations of this chapter 3567
or any rule adopted under it shall be supervised by the 3568
supervising member elected by the board in accordance with 3569
section 4731.02 of the Revised Code and by the secretary as 3570
provided in section 4761.012 of the Revised Code. The president 3571
may designate another member of the board to supervise the 3572
investigation in place of the supervising member. No member of 3573
the board who supervises the investigation of a case shall 3574
participate in further adjudication of the case. 3575

(3) In investigating a possible violation of this chapter 3576
or any rule adopted under it, the board may issue subpoenas, 3577
administer oaths, question witnesses, conduct interviews, order 3578
the taking of depositions, inspect and copy any books, accounts, 3579
papers, records, or documents, and compel the attendance of 3580
witnesses and production of books, accounts, papers, records, 3581
documents, and testimony, except that a subpoena for patient 3582
record information shall not be issued without consultation with 3583
the attorney general's office and approval of the secretary and 3584
supervising member of the board. 3585

Before issuance of a subpoena for patient record 3586
information, the secretary and supervising member shall 3587
determine whether there is probable cause to believe that the 3588
complaint filed alleges a violation of this chapter or any rule 3589
adopted under it and that the records sought are relevant to the 3590
alleged violation and material to the investigation. The 3591
subpoena may apply only to records that cover a reasonable 3592
period of time surrounding the alleged violation. 3593

On failure to comply with any subpoena issued by the board 3594
and after reasonable notice to the person being subpoenaed, the 3595

board may move for an order compelling the production of persons 3596
or records pursuant to the Rules of Civil Procedure. 3597

A subpoena issued by the board may be served by a sheriff, 3598
the sheriff's deputy, or a board employee or agent designated by 3599
the board. Service of a subpoena issued by the board may be made 3600
by delivering a copy of the subpoena to the person named 3601
therein, reading it to the person, or leaving it at the person's 3602
usual place of residence, usual place of business, or address on 3603
file with the board. When serving a subpoena to an applicant for 3604
or the holder of a license or limited permit issued under this 3605
chapter, service of the subpoena may be made by certified mail, 3606
return receipt requested, and the subpoena shall be deemed 3607
served on the date delivery is made or the date the person 3608
refuses to accept delivery. If the person being served refuses 3609
to accept the subpoena or is not located, service may be made to 3610
an attorney who notifies the board that the attorney is 3611
representing the person. 3612

A sheriff's deputy who serves a subpoena shall receive the 3613
same fees as a sheriff. Each witness who appears before the 3614
board in obedience to a subpoena shall receive the fees and 3615
mileage provided for under section 119.094 of the Revised Code. 3616

(4) All hearings, investigations, and inspections of the 3617
board shall be considered civil actions for the purposes of 3618
section 2305.252 of the Revised Code. 3619

(5) A report required to be submitted to the board under 3620
this chapter, a complaint, or information received by the board 3621
pursuant to an investigation is confidential and not subject to 3622
discovery in any civil action. 3623

The board shall conduct all investigations or inspections 3624

and proceedings in a manner that protects the confidentiality of 3625
patients and persons who file complaints with the board. The 3626
board shall not make public the names or any other identifying 3627
information about patients or complainants unless proper consent 3628
is given. 3629

The board may share any information it receives pursuant 3630
to an investigation or inspection, including patient records and 3631
patient record information, with law enforcement agencies, other 3632
licensing boards, and other governmental agencies that are 3633
prosecuting, adjudicating, or investigating alleged violations 3634
of statutes or administrative rules. An agency or board that 3635
receives the information shall comply with the same requirements 3636
regarding confidentiality as those with which the state medical 3637
board must comply, notwithstanding any conflicting provision of 3638
the Revised Code or procedure of the agency or board that 3639
applies when it is dealing with other information in its 3640
possession. In a judicial proceeding, the information may be 3641
admitted into evidence only in accordance with the Rules of 3642
Evidence, but the court shall require that appropriate measures 3643
are taken to ensure that confidentiality is maintained with 3644
respect to any part of the information that contains names or 3645
other identifying information about patients or complainants 3646
whose confidentiality was protected by the state medical board 3647
when the information was in the board's possession. Measures to 3648
ensure confidentiality that may be taken by the court include 3649
sealing its records or deleting specific information from its 3650
records. 3651

(6) On a quarterly basis, the board shall prepare a report 3652
that documents the disposition of all cases during the preceding 3653
three months. The report shall contain the following information 3654
for each case with which the board has completed its activities: 3655

(a) The case number assigned to the complaint or alleged 3656
violation; 3657

(b) The type of license or limited permit, if any, held by 3658
the individual against whom the complaint is directed; 3659

(c) A description of the allegations contained in the 3660
complaint; 3661

(d) The disposition of the case. 3662

The report shall state how many cases are still pending 3663
and shall be prepared in a manner that protects the identity of 3664
each person involved in each case. The report shall be a public 3665
record under section 149.43 of the Revised Code. 3666

(F) The board shall keep records of its proceedings and do 3667
other things as are necessary and proper to carry out and 3668
enforce the provisions of this chapter. 3669

(G) The board shall maintain and publish on its internet 3670
web site all of the following: 3671

(1) The requirements for the issuance of licenses and 3672
limited permits under this chapter and rules adopted by the 3673
board; 3674

(2) A list of the names and locations of the institutions 3675
that each year granted degrees or certificates of completion in 3676
respiratory care. 3677

Sec. 4761.05. (A) The state medical board shall issue a 3678
license to any applicant who complies with the requirements of 3679
section 4761.04 of the Revised Code, files the prescribed 3680
application form, and pays the fee or fees required under 3681
section 4761.07 of the Revised Code. The license entitles the 3682
holder to practice respiratory care. 3683

(B) (1) The board shall issue a limited permit to any 3684
applicant who meets the requirements of division (A) (1) of 3685
section 4761.04 of the Revised Code, files an application on a 3686
form furnished by the board, pays the fee required under section 3687
4761.07 of the Revised Code, and meets either of the following 3688
requirements: 3689

(a) Is enrolled in and is in good standing in a 3690
respiratory care educational program approved by the board that 3691
meets the requirements of division (A) (2) of section 4761.04 of 3692
the Revised Code leading to a degree or certificate of 3693
completion or is a graduate of the program; 3694

(b) Is employed as a provider of respiratory care in this 3695
state and was employed as a provider of respiratory care in this 3696
state prior to March 14, 1989. 3697

(2) If no grounds apply under section 4761.09 of the 3698
Revised Code for denying a limited permit to the applicant and 3699
the applicant meets the requirements of division (B) of this 3700
section, the board shall issue a limited permit to the 3701
applicant. 3702

The board shall maintain a register of all persons holding 3703
limited permits under this chapter. The limited permit 3704
authorizes the holder to provide respiratory care under the 3705
supervision of a respiratory care professional. A person issued 3706
a limited permit under division (B) (1) (a) of this section may 3707
practice respiratory care under the limited permit for not more 3708
than ~~the earliest of the following:~~ 3709

~~(a) Three three years after the date the limited permit is~~ 3710
~~issued;~~ 3711

~~(b) One, except that the limited permit shall cease to be~~ 3712

valid one year following the date of receipt of a certificate of 3713
completion from a board-approved respiratory care education 3714
program~~;~~ 3715

~~(c) Until or immediately if~~ the holder discontinues 3716
participation in the educational program. 3717

The holder shall notify the board as soon as practicable 3718
when the holder completes a board-approved respiratory care 3719
education program or discontinues participation in the 3720
educational program. 3721

This division does not require a student enrolled in an 3722
educational program leading to a degree or certificate of 3723
completion in respiratory care approved by the board to obtain a 3724
limited permit to perform any duties that are part of the 3725
required course of study. 3726

(3) A person issued a limited permit under division (B) (1) 3727
(b) of this section may practice under a limited permit for not 3728
more than three years, except that this restriction does not 3729
apply to a permit holder who, on March 14, 1989, has been 3730
employed as a provider of respiratory care for an average of not 3731
less than twenty-five hours per week for a period of not less 3732
than five years by a hospital. 3733

(4) The board may revoke a limited permit upon proof 3734
satisfactory to the board that the permit holder has engaged in 3735
practice in this state outside the scope of the permit, that the 3736
holder has engaged in unethical conduct, or that there are 3737
grounds for action against the holder under section 4761.09 of 3738
the Revised Code. 3739

(C) The holder of a license or limited permit issued under 3740
this section shall either provide verification of licensure or 3741

permit status from the board's internet web site on request or 3742
prominently display a wall certificate in the license holder's 3743
office or place where the majority of the holder's practice is 3744
conducted. 3745

Sec. 4761.06. (A) Each license to practice respiratory 3746
care shall be renewed biennially on or before the last day of 3747
June of every even-numbered year. Each limited permit to 3748
practice respiratory care shall be renewed annually. Each person 3749
holding a license or limited permit to practice respiratory care 3750
shall apply to the state medical board on the form and according 3751
to the schedule prescribed by the board for renewal of the 3752
license or limited permit. Licenses and limited permits shall be 3753
renewed in accordance with the standard renewal procedure of 3754
Chapter 4745. of the Revised Code. The state medical board shall 3755
renew a license ~~upon the payment of~~ if the holder pays the 3756
license renewal fee prescribed under section 4761.07 of the 3757
Revised Code and ~~proof of satisfactory completion of~~ certifies 3758
that the holder has completed the continuing education or 3759
reexamination requirements of division (B) of this section. 3760

At least one month before a license expires, the board 3761
shall provide a renewal notice. Failure of any person to receive 3762
a notice of renewal from the board shall not excuse the person 3763
from the requirements contained in this section. Each person 3764
holding a license shall give notice to the board of a change in 3765
the license holder's residence address, business address, or 3766
electronic mail address not later than thirty days after the 3767
change occurs. 3768

The board shall renew a limited permit ~~upon payment of~~ if 3769
the holder pays the limited permit renewal fee prescribed under 3770
section 4761.07 of the Revised Code and ~~submission of one~~ does 3771

either of the following: 3772

(1) If the limited permit was issued on the basis of 3773
division (B)(1)(a) of section 4761.05 of the Revised Code, ~~proof-~~ 3774
~~acceptable to the board of enrollment certifies that the holder~~ 3775
is enrolled and in good standing in an educational program that 3776
meets the requirements of division (A)(2) of section 4761.04 of 3777
the Revised Code or ~~of graduation~~ has graduated from such a 3778
program; 3779

(2) If the limited permit was issued on the basis of 3780
division (B)(1)(b) of section 4761.05 of the Revised Code, ~~proof-~~ 3781
~~acceptable to the board of employment certifies that the~~ 3782
applicant is employed as a provider of respiratory care under 3783
the supervision of a respiratory care professional. 3784

(B) On and after March 14, 1991, and every year 3785
thereafter, on or before the annual renewal date, the holder of 3786
a limited permit issued under division (B)(1)(b) of section 3787
4761.05 of the Revised Code shall ~~submit proof-~~ certify to the 3788
board that the holder has satisfactorily completed the number of 3789
hours of continuing education required by the board, which shall 3790
not be less than three nor more than ten hours of continuing 3791
education acceptable to the board. 3792

On or before the biennial renewal date, a license holder 3793
shall ~~submit proof-~~ certify to the board that the license holder 3794
has satisfactorily completed the number of hours of continuing 3795
education required by the board, which shall be not less than 3796
six nor more than twenty hours of continuing education 3797
acceptable to the board, or has passed a reexamination in 3798
accordance with the board's renewal requirements. 3799

(C)(1) A license to practice respiratory care that is not 3800

renewed on or before its expiration date is automatically 3801
suspended on its expiration date. Continued practice after 3802
suspension shall be considered as practicing in violation of 3803
section 4761.10 of the Revised Code. 3804

(2) If a license has been suspended pursuant to division 3805
(C) (1) of this section for two years or less, it may be 3806
reinstated. The state medical board shall reinstate the license 3807
upon the applicant's submission of a complete renewal 3808
application and payment of a reinstatement fee of one hundred 3809
dollars. 3810

(3) (a) If a license has been suspended pursuant to 3811
division (C) (1) of this section for more than two years, it may 3812
be restored. The board may restore the license upon an 3813
applicant's submission of a complete restoration application and 3814
a restoration fee of one hundred twenty-five dollars and 3815
compliance with sections 4776.01 to 4776.04 of the Revised Code. 3816
The board shall not restore a license unless the board, in its 3817
discretion, decides that the results of the criminal records 3818
check do not make the applicant ineligible for a license issued 3819
pursuant to division (A) of this section. 3820

(b) The board may impose terms and conditions for the 3821
restoration, including any one or more of the following: 3822

(i) Requiring the applicant to pass an oral or written 3823
examination, or both, to determine the applicant's present 3824
fitness to resume practice; 3825

(ii) Requiring the applicant to obtain additional training 3826
and to pass an examination upon completion of such training; 3827

(iii) Restricting or limiting the extent, scope, or type 3828
of practice of the applicant. 3829

Sec. 4779.08. (A) The Ohio occupational therapy, physical 3830
therapy, and athletic trainers board shall adopt rules in 3831
accordance with Chapter 119. of the Revised Code to carry out 3832
the purposes of this chapter, including rules prescribing all of 3833
the following: 3834

(1) The form and manner of filing of applications to be 3835
admitted to examinations and for licensure and license renewal; 3836

(2) Standards and procedures for formulating, evaluating, 3837
approving, and administering licensing examinations or 3838
recognizing other entities that conduct examinations; 3839

(3) The form, scoring, and scheduling of licensing 3840
examinations; 3841

(4) Fees for examinations and applications for licensure 3842
and license renewal; 3843

(5) Fees for approval of continuing education courses; 3844

(6) Procedures for issuance, renewal, suspension, and 3845
revocation of licenses and the conduct of disciplinary hearings; 3846

(7) The schedule to be used for biennial renewal of 3847
licenses; 3848

(8) Standards of ethical and professional conduct in the 3849
practice of orthotics, prosthetics, and pedorthics; 3850

~~(8)~~ (9) Standards for approving national certification 3851
organizations in orthotics, prosthetics, and pedorthics; 3852

~~(9)~~ (10) Fines for violations of this chapter; 3853

~~(10)~~ (11) Standards for the recognition and approval of 3854
educational programs required for licensure, including standards 3855
for approving foreign educational credentials; 3856

~~(11)~~ (12) Standards for continuing education programs 3857
required for license renewal; 3858

~~(12)~~ (13) The amount, scope, and nature of continuing 3859
education activities required for license renewal, including 3860
waivers of the continuing education requirements; 3861

(14) Provisions for making available the information 3862
described in section 4779.22 of the Revised Code; 3863

~~(13)~~ (15) Requirements for criminal records checks of 3864
applicants under section 4776.03 of the Revised Code. 3865

(B) The board may adopt any other rules necessary for the 3866
administration of this chapter. 3867

(C) All fees received by the board under this section 3868
shall be deposited in the state treasury to the credit of the 3869
occupational licensing and regulatory fund established in 3870
section 4743.05 of the Revised Code. 3871

Sec. 4779.19. A license issued under section 4779.09 of 3872
the Revised Code or renewed under section 4779.20 of the Revised 3873
Code is valid from the date of issuance until the date it 3874
expires, unless earlier suspended or revoked. An initial license 3875
and each renewed license expires ~~on the thirty-first day of~~ 3876
~~January immediately succeeding the date of issuance~~ biennially 3877
in accordance with the schedule established in rules adopted 3878
under section 4779.08 of the Revised Code. 3879

Sec. 4779.20. ~~(A)~~ An individual seeking to renew a license 3880
issued under section 4779.09 of the Revised Code shall, on or 3881
before the day the license expires pursuant to section 4779.19 3882
of the Revised Code, apply for renewal. The Ohio occupational 3883
therapy, physical therapy, and athletic trainers board shall 3884
send renewal notices at least one month prior to the expiration 3885

date. 3886

Applications shall be submitted to the board ~~on forms the~~ 3887
~~board prescribes and furnishes~~ electronically. Each application 3888
shall be accompanied by a renewal fee specified in rules adopted 3889
by the board under section 4779.08 of the Revised Code, except 3890
that the board may waive part of the renewal fee for the first 3891
renewal of an initial license that expires one hundred days or 3892
less after it is issued. 3893

~~(B) Beginning with the fourth renewal and every third~~ 3894
~~renewal thereafter, a license holder must certify to the board~~ 3895
~~one of the following:—~~ 3896

~~(1) In the case of an individual licensed as an orthotist~~ 3897
~~or prosthetist, the individual has completed within the~~ 3898
~~preceding three years forty five continuing education units~~ 3899
~~granted by the board under section 4779.24 of the Revised Code;—~~ 3900

~~(2) In the case of an individual licensed as a prosthetist~~ 3901
~~and orthotist, the individual has completed within the preceding~~ 3902
~~three years seventy five continuing education units granted by~~ 3903
~~the board under section 4779.24 of the Revised Code;—~~ 3904

~~(3) In the case of an individual licensed as a pedorthist,—~~ 3905
~~the individual has completed within the previous three years the~~ 3906
~~continuing education courses required by the board for~~ 3907
~~certification in pedorthics or an equivalent organization~~ 3908
~~recognized by the board. To be eligible for renewal, an~~ 3909
~~applicant must have completed the continuing education~~ 3910
~~requirements prescribed by the board in rules adopted under~~ 3911
~~section 4779.08 of the Revised Code. On the board's request, an~~ 3912
~~applicant shall submit evidence satisfactory to the board that~~ 3913
~~the requirements were completed.~~ 3914

Sec. 5119.01. (A) As used in this chapter: 3915

(1) "Addiction" means the chronic and habitual use of 3916
alcoholic beverages, the use of a drug of abuse as defined in 3917
section 3719.011 of the Revised Code, or the use of gambling by 3918
an individual to the extent that the individual no longer can 3919
control the individual's use of alcohol, the individual becomes 3920
physically or psychologically dependent on the drug, the 3921
individual's use of alcohol or drugs endangers the health, 3922
safety, or welfare of the individual or others, or the 3923
individual's gambling causes psychological, financial, 3924
emotional, marital, legal, or other difficulties endangering the 3925
health, safety, or welfare of the individual or others. 3926

(2) "Addiction services" means services, including 3927
intervention, for the treatment of persons with alcohol, drug, 3928
or gambling addictions, and for the prevention of such 3929
addictions. 3930

(3) "Alcohol and drug addiction services" means services, 3931
including intervention, for the treatment of alcoholics or 3932
persons who abuse drugs of abuse and for the prevention of 3933
alcoholism and drug addiction. 3934

(4) "Alcoholic" means a person suffering from alcoholism. 3935

(5) "Alcoholism" means the chronic and habitual use of 3936
alcoholic beverages by an individual to the extent that the 3937
individual no longer can control the individual's use of alcohol 3938
or endangers the health, safety, or welfare of the individual or 3939
others. 3940

(6) "Certifiable services and supports" means all of the 3941
following: 3942

(a) Alcohol and drug addiction services; 3943

(b) Mental health services; 3944

(c) The types of recovery supports that are specified in 3945
rules adopted under section 5119.36 of the Revised Code as 3946
requiring certification under that section. 3947

(7) "Community addiction services provider" means an 3948
agency, association, corporation or other legal entity, 3949
individual, or program that provides one or more of the 3950
following: 3951

(a) Alcohol and drug addiction services that are certified 3952
by the ~~department~~ director of mental health and addiction 3953
services under section 5119.36 of the Revised Code; 3954

(b) Gambling addiction services; 3955

(c) Recovery supports that are related to alcohol and drug 3956
addiction services or gambling addiction services and paid for 3957
with federal, state, or local funds administered by the 3958
department of mental health and addiction services or a board of 3959
alcohol, drug addiction, and mental health services. 3960

(8) "Community mental health services provider" means an 3961
agency, association, corporation, individual, or program that 3962
provides either of the following: 3963

(a) Mental health services that are certified by the 3964
~~department~~ director of mental health and addiction services 3965
under section 5119.36 of the Revised Code; 3966

(b) Recovery supports that are related to mental health 3967
services and paid for with federal, state, or local funds 3968
administered by the department of mental health and addiction 3969
services or a board of alcohol, drug addiction, and mental 3970
health services. 3971

(9) "Drug addiction" means the use of a drug of abuse, as 3972
defined in section 3719.011 of the Revised Code, by an 3973
individual to the extent that the individual becomes physically 3974
or psychologically dependent on the drug or endangers the 3975
health, safety, or welfare of the individual or others. 3976

(10) "Gambling addiction" means the use of gambling by an 3977
individual to the extent that it causes psychological, 3978
financial, emotional, marital, legal, or other difficulties 3979
endangering the health, safety, or welfare of the individual or 3980
others. 3981

(11) "Gambling addiction services" means services for the 3982
treatment of persons who have a gambling addiction and for the 3983
prevention of gambling addiction. 3984

(12) "Hospital" means a hospital or inpatient unit 3985
licensed by the department of mental health and addiction 3986
services under section 5119.33 of the Revised Code, and any 3987
institution, hospital, or other place established, controlled, 3988
or supervised by the department under Chapter 5119. of the 3989
Revised Code. 3990

(13) "Included opioid and co-occurring drug addiction 3991
services and recovery supports" means the addiction services and 3992
recovery supports that, pursuant to section 340.033 of the 3993
Revised Code, are included in the array of services and recovery 3994
supports for all levels of opioid and co-occurring drug 3995
addiction required to be included in the community-based 3996
continuum of care established under section 340.032 of the 3997
Revised Code. 3998

(14) "Medication-assisted treatment" has the same meaning 3999
as in section 340.01 of the Revised Code. 4000

(15) "Mental illness" means a substantial disorder of
thought, mood, perception, orientation, or memory that grossly
impairs judgment, behavior, capacity to recognize reality, or
ability to meet the ordinary demands of life.

~~(15)~~ (16) "Mental health services" means services for the
assessment, care, or treatment of persons who have a mental
illness and for the prevention of mental illness.

~~(16)~~ (17) "Opioid treatment program" has the same meaning
as in 42 C.F.R. 8.2.

(18) "Recovery supports" means assistance that is intended
to help an individual who is an alcoholic or has a drug
addiction or mental illness, or a member of such an individual's
family, initiate and sustain the individual's recovery from
alcoholism, drug addiction, or mental illness. "Recovery
supports" does not mean alcohol and drug addiction services or
mental health services.

~~(17)~~ (19) (a) "Residence" means a person's physical presence
in a county with intent to remain there, except in either of the
following circumstances:

(i) If a person is receiving a mental health treatment
service at a facility that includes nighttime sleeping
accommodations, "residence" means that county in which the
person maintained the person's primary place of residence at the
time the person entered the facility;

(ii) If a person is committed pursuant to section 2945.38,
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code,
"residence" means the county where the criminal charges were
filed.

(b) When the residence of a person is disputed, the matter

of residence shall be referred to the department of mental 4030
health and addiction services for investigation and 4031
determination. Residence shall not be a basis for a board of 4032
alcohol, drug addiction, and mental health services to deny 4033
services to any person present in the board's service district, 4034
and the board shall provide services for a person whose 4035
residence is in dispute while residence is being determined and 4036
for a person in an emergency situation. 4037

(B) Any reference in this chapter to a board of alcohol, 4038
drug addiction, and mental health services also refers to an 4039
alcohol and drug addiction services board or a community mental 4040
health board in a service district in which an alcohol and drug 4041
addiction services board or a community mental health board has 4042
been established under section 340.021 or former section 340.02 4043
of the Revised Code. 4044

Sec. 5119.21. (A) The department of mental health and 4045
addiction services shall: 4046

(1) To the extent the department has available resources 4047
and in consultation with boards of alcohol, drug addiction, and 4048
mental health services, support the community-based continuum of 4049
care that the boards are required by section 340.032 of the 4050
Revised Code to establish. The department shall provide the 4051
support on a district or multi-district basis. The department 4052
shall assist in identifying resources, and may prioritize 4053
support, for one or more of the elements of the community-based 4054
continuum of care. For the purpose of division (A)(10) of 4055
section 340.032 of the Revised Code and to the extent the 4056
department determines is necessary, the department shall define 4057
additional elements to be included in the community-based 4058
continuum of care. 4059

(2) Provide training, consultation, and technical 4060
assistance regarding addiction services, mental health services, 4061
recovery supports, and appropriate prevention, recovery, and 4062
mental health promotion activities, including those that are 4063
culturally competent, to employees of the department, community 4064
addiction services providers, community mental health services 4065
providers, and boards of alcohol, drug addiction, and mental 4066
health services; 4067

(3) To the extent the department has available resources, 4068
promote and support a full range of addiction services, mental 4069
health services, and recovery supports that are available and 4070
accessible to all residents of this state, especially for 4071
severely emotionally disturbed children and adolescents, 4072
severely mentally disabled adults, pregnant women, parents, 4073
guardians or custodians of children at risk of abuse or neglect, 4074
and other special target populations, including racial and 4075
ethnic minorities, as determined by the department; 4076

(4) Develop standards and measures for both of the 4077
following: 4078

(a) Evaluating the effectiveness of addiction services, 4079
including ~~those that use methadone~~ opioid treatment programs, of 4080
mental health services, and of recovery supports; 4081

(b) Increasing the accountability of community addiction 4082
services providers and community mental health services 4083
providers. 4084

(5) Design and set criteria for the determination of 4085
priority populations; 4086

(6) Promote, direct, conduct, and coordinate scientific 4087
research, taking ethnic and racial differences into 4088

consideration, concerning all of the following: 4089

(a) The causes and prevention of mental illness and 4090
addiction; 4091

(b) Methods of providing effective addiction services, 4092
mental health services, and recovery supports; 4093

(c) Means of enhancing the mental health of and recovery 4094
from addiction of all residents of this state. 4095

(7) Foster the establishment and availability of 4096
vocational rehabilitation services and the creation of 4097
employment opportunities for individuals with addiction and 4098
mental health needs, including members of racial and ethnic 4099
minorities; 4100

(8) Establish a program to protect and promote the rights 4101
of persons receiving addiction services, mental health services, 4102
and recovery supports, including the issuance of guidelines on 4103
informed consent and other rights; 4104

(9) Promote the involvement of persons who are receiving 4105
or have received addiction services, mental health services, and 4106
recovery supports including families and other persons having a 4107
close relationship to a person receiving those services and 4108
supports, in the planning, evaluation, delivery, and operation 4109
of addiction services, mental health services, and recovery 4110
supports; 4111

(10) Notify and consult with the relevant constituencies 4112
that may be affected by rules, standards, and guidelines issued 4113
by the department of mental health and addiction services. These 4114
constituencies shall include consumers of addiction services, 4115
mental health services, and recovery supports and the families 4116
of such consumers. These constituencies may include public and 4117

private providers, employee organizations, and others when 4118
appropriate. Whenever the department proposes the adoption, 4119
amendment, or rescission of rules under Chapter 119. of the 4120
Revised Code, the notification and consultation required by this 4121
division shall occur prior to the commencement of proceedings 4122
under Chapter 119. The department shall adopt rules under 4123
Chapter 119. of the Revised Code that establish procedures for 4124
the notification and consultation required by this division. 4125

(11) Provide consultation to the department of 4126
rehabilitation and correction concerning the delivery of 4127
addiction services and mental health services in state 4128
correctional institutions; 4129

(12) Promote and coordinate efforts in the provision of 4130
addiction services by other state agencies, as defined in 4131
section 1.60 of the Revised Code; courts; hospitals; clinics; 4132
physicians in private practice; public health authorities; 4133
boards of alcohol, drug addiction, and mental health services; 4134
community addiction services providers; law enforcement 4135
agencies; and related groups; 4136

(13) Provide to each court of record, and biennially 4137
update, a list of the treatment and education programs within 4138
that court's jurisdiction that the court may require an 4139
offender, sentenced pursuant to section 4511.19 of the Revised 4140
Code, to attend; 4141

(14) Make the warning sign described in sections 3313.752, 4142
3345.41, and 3707.50 of the Revised Code available on the 4143
department's internet web site; 4144

(15) Provide a program of gambling addiction services on 4145
behalf of the state lottery commission, pursuant to an agreement 4146

entered into with the director of the commission under division 4147
(K) of section 3770.02 of the Revised Code, and provide a 4148
program of gambling addiction services on behalf of the Ohio 4149
casino control commission, under an agreement entered into with 4150
the executive director of the commission under section 3772.062 4151
of the Revised Code. Under Section 6(C)(3) of Article XV, Ohio 4152
Constitution, the department may enter into agreements with 4153
boards of alcohol, drug addiction, and mental health services, 4154
including boards with districts in which a casino facility is 4155
not located, and nonprofit organizations to provide addiction 4156
services, and with state institutions of higher education or 4157
private nonprofit institutions that possess a certificate of 4158
authorization issued under Chapter 1713. of the Revised Code to 4159
perform related research. 4160

(B) The department may accept and administer grants from 4161
public or private sources for carrying out any of the duties 4162
enumerated in this section. 4163

(C) The department may adopt rules in accordance with 4164
Chapter 119. of the Revised Code as necessary to implement the 4165
requirements of this chapter. 4166

Sec. 5119.34. (A) As used in this section and sections 4167
5119.341 and 5119.342 of the Revised Code: 4168

(1) "Accommodations" means housing, daily meal 4169
preparation, laundry, housekeeping, arranging for 4170
transportation, social and recreational activities, maintenance, 4171
security, and other services that do not constitute personal 4172
care services or skilled nursing care. 4173

(2) "ADAMHS board" means a board of alcohol, drug 4174
addiction, and mental health services. 4175

(3) "Adult" means a person who is eighteen years of age or older, other than a person described in division (A) (4) of this section who is between eighteen and twenty-one years of age.

(4) "Child" means a person who is under eighteen years of age or a person with a mental disability who is under twenty-one years of age.

(5) "Community mental health services provider" means a community mental health services provider as defined in section 5119.01 of the Revised Code.

(6) "Community mental health services" means any mental health services certified by the department pursuant to section 5119.36 of the Revised Code.

(7) "Operator" means the person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the applicant for a residential facility license.

(8) "Personal care services" means services including, but not limited to, the following:

(a) Assisting residents with activities of daily living;

(b) Assisting residents with self-administration of medication in accordance with rules adopted under this section;

(c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section.

"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A

facility need not provide more than one of the services listed 4204
in division (A) (8) of this section to be considered to be 4205
providing personal care services. 4206

(9) "Room and board" means the provision of sleeping and 4207
living space, meals or meal preparation, laundry services, 4208
housekeeping services, or any combination thereof. 4209

(10) "Residential state supplement program" means the 4210
program established under section 5119.41 of the Revised Code. 4211

(11) "Supervision" means any of the following: 4212

(a) Observing a resident to ensure the resident's health, 4213
safety, and welfare while the resident engages in activities of 4214
daily living or other activities; 4215

(b) Reminding a resident to perform or complete an 4216
activity, such as reminding a resident to engage in personal 4217
hygiene or other self-care activities; 4218

(c) Assisting a resident in making or keeping an 4219
appointment. 4220

(12) "Unrelated" means that a resident is not related to 4221
the owner or operator of a residential facility or to the 4222
owner's or operator's spouse as a parent, grandparent, child, 4223
stepchild, grandchild, brother, sister, niece, nephew, aunt, or 4224
uncle, or as the child of an aunt or uncle. 4225

(B) (1) A "residential facility" is a publicly or privately 4226
operated home or facility that falls into one of the following 4227
categories: 4228

(a) Class one facilities provide accommodations, 4229
supervision, personal care services, and mental health services 4230
for one or more unrelated adults with mental illness or one or 4231

more unrelated children or adolescents with severe emotional 4232
disturbances; 4233

(b) Class two facilities provide accommodations, 4234
supervision, and personal care services to any of the following: 4235

(i) One or two unrelated persons with mental illness; 4236

(ii) One or two unrelated adults who are receiving 4237
payments under the residential state supplement program; 4238

(iii) Three to sixteen unrelated adults. 4239

(c) Class three facilities provide room and board for five 4240
or more unrelated adults with mental illness. 4241

(2) "Residential facility" does not include any of the 4242
following: 4243

(a) A hospital subject to licensure under section 5119.33 4244
of the Revised Code or an institution maintained, operated, 4245
managed, and governed by the department of mental health and 4246
addiction services for the hospitalization of mentally ill 4247
persons pursuant to section 5119.14 of the Revised Code; 4248

(b) A residential facility licensed under section 5123.19 4249
of the Revised Code or otherwise regulated by the department of 4250
developmental disabilities; 4251

(c) An institution or association subject to certification 4252
under section 5103.03 of the Revised Code; 4253

(d) A facility operated by a hospice care program licensed 4254
under section 3712.04 of the Revised Code that is used 4255
exclusively for care of hospice patients; 4256

(e) A nursing home, residential care facility, or home for 4257
the aging as defined in section 3721.02 of the Revised Code; 4258

(f) A facility licensed ~~to provide methadone treatment~~ 4259
under section ~~5119.391~~ 5119.37 of the Revised Code to operate an 4260
opioid treatment program; 4261

(g) Any facility that receives funding for operating costs 4262
from the development services agency under any program 4263
established to provide emergency shelter housing or transitional 4264
housing for the homeless; 4265

(h) A terminal care facility for the homeless that has 4266
entered into an agreement with a hospice care program under 4267
section 3712.07 of the Revised Code; 4268

(i) A facility approved by the veterans administration 4269
under section 104(a) of the "Veterans Health Care Amendments of 4270
1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used 4271
exclusively for the placement and care of veterans; 4272

(j) The residence of a relative or guardian of a person 4273
with mental illness. 4274

(C) Nothing in division (B) of this section shall be 4275
construed to permit personal care services to be imposed on a 4276
resident who is capable of performing the activity in question 4277
without assistance. 4278

(D) Except in the case of a residential facility described 4279
in division (B) (1) (a) of this section, members of the staff of a 4280
residential facility shall not administer medication to the 4281
facility's residents, but may do any of the following: 4282

(1) Remind a resident when to take medication and watch to 4283
ensure that the resident follows the directions on the 4284
container; 4285

(2) Assist a resident in the self-administration of 4286

medication by taking the medication from the locked area where 4287
it is stored, in accordance with rules adopted pursuant to this 4288
section, and handing it to the resident. If the resident is 4289
physically unable to open the container, a staff member may open 4290
the container for the resident. 4291

(3) Assist a physically impaired but mentally alert 4292
resident, such as a resident with arthritis, cerebral palsy, or 4293
Parkinson's disease, in removing oral or topical medication from 4294
containers and in consuming or applying the medication, upon 4295
request by or with the consent of the resident. If a resident is 4296
physically unable to place a dose of medicine to the resident's 4297
mouth without spilling it, a staff member may place the dose in 4298
a container and place the container to the mouth of the 4299
resident. 4300

(E) (1) Except as provided in division (E) (2) of this 4301
section, a person operating or seeking to operate a residential 4302
facility shall apply for licensure of the facility to the 4303
department of mental health and addiction services. The 4304
application shall be submitted by the operator. When applying 4305
for the license, the applicant shall pay to the department the 4306
application fee specified in rules adopted under division (L) of 4307
this section. The fee is nonrefundable. 4308

The department shall send a copy of an application to the 4309
ADAMHS board serving the county in which the person operates or 4310
seeks to operate the facility. The ADAMHS board shall review the 4311
application and provide to the department any information about 4312
the applicant or the facility that the board would like the 4313
department to consider in reviewing the application. 4314

(2) A person may not apply for a license to operate a 4315
residential facility if the person is or has been the owner, 4316

operator, or manager of a residential facility for which a 4317
license to operate was revoked or for which renewal of a license 4318
was refused for any reason other than nonpayment of the license 4319
renewal fee, unless both of the following conditions are met: 4320

(a) A period of not less than two years has elapsed since 4321
the date the director of mental health and addiction services 4322
issued the order revoking or refusing to renew the facility's 4323
license. 4324

(b) The director's revocation or refusal to renew the 4325
license was not based on an act or omission at the facility that 4326
violated a resident's right to be free from abuse, neglect, or 4327
exploitation. 4328

(F) (1) The department of mental health and addiction 4329
services shall inspect and license the operation of residential 4330
facilities. The department shall consider the past record of the 4331
facility and the applicant or licensee in arriving at its 4332
licensure decision. 4333

The department may issue full, probationary, and interim 4334
licenses. A full license shall expire up to three years after 4335
the date of issuance, a probationary license shall expire in a 4336
shorter period of time as specified in rules adopted by the 4337
director of mental health and addiction services under division 4338
(L) of this section, and an interim license shall expire ninety 4339
days after the date of issuance. A license may be renewed in 4340
accordance with rules adopted by the director under division (L) 4341
of this section. The renewal application shall be submitted by 4342
the operator. When applying for renewal of a license, the 4343
applicant shall pay to the department the renewal fee specified 4344
in rules adopted under division (L) of this section. The fee is 4345
nonrefundable. 4346

(2) The department may issue an order suspending the 4347
admission of residents to the facility or refuse to issue or 4348
renew and may revoke a license if it finds any of the following: 4349

(a) The facility is not in compliance with rules adopted 4350
by the director pursuant to division (L) of this section; 4351

(b) Any facility operated by the applicant or licensee has 4352
been cited for a pattern of serious noncompliance or repeated 4353
violations of statutes or rules during the period of current or 4354
previous licenses; 4355

(c) The applicant or licensee submits false or misleading 4356
information as part of a license application, renewal, or 4357
investigation. 4358

Proceedings initiated to deny applications for full or 4359
probationary licenses or to revoke such licenses are governed by 4360
Chapter 119. of the Revised Code. An order issued pursuant to 4361
this division remains in effect during the pendency of those 4362
proceedings. 4363

(G) The department may issue an interim license to operate 4364
a residential facility if both of the following conditions are 4365
met: 4366

(1) The department determines that the closing of or the 4367
need to remove residents from another residential facility has 4368
created an emergency situation requiring immediate removal of 4369
residents and an insufficient number of licensed beds are 4370
available. 4371

(2) The residential facility applying for an interim 4372
license meets standards established for interim licenses in 4373
rules adopted by the director under division (L) of this 4374
section. 4375

An interim license shall be valid for ninety days and may 4376
be renewed by the director no more than twice. Proceedings 4377
initiated to deny applications for or to revoke interim licenses 4378
under this division are not subject to Chapter 119. of the 4379
Revised Code. 4380

(H) (1) The department of mental health and addiction 4381
services may conduct an inspection of a residential facility as 4382
follows: 4383

(a) Prior to issuance of a license for the facility; 4384

(b) Prior to renewal of the license; 4385

(c) To determine whether the facility has completed a plan 4386
of correction required pursuant to division (H) (2) of this 4387
section and corrected deficiencies to the satisfaction of the 4388
department and in compliance with this section and rules adopted 4389
pursuant to it; 4390

(d) Upon complaint by any individual or agency; 4391

(e) At any time the director considers an inspection to be 4392
necessary in order to determine whether the facility is in 4393
compliance with this section and rules adopted pursuant to this 4394
section. 4395

(2) In conducting inspections the department may conduct 4396
an on-site examination and evaluation of the residential 4397
facility and its personnel, activities, and services. The 4398
department shall have access to examine and copy all records, 4399
accounts, and any other documents relating to the operation of 4400
the residential facility, including records pertaining to 4401
residents, and shall have access to the facility in order to 4402
conduct interviews with the operator, staff, and residents. 4403
Following each inspection and review, the department shall 4404

complete a report listing any deficiencies, and including, when 4405
appropriate, a time table within which the operator shall 4406
correct the deficiencies. The department may require the 4407
operator to submit a plan of correction describing how the 4408
deficiencies will be corrected. 4409

(I) No person shall do any of the following: 4410

(1) Operate a residential facility unless the facility 4411
holds a valid license; 4412

(2) Violate any of the conditions of licensure after 4413
having been granted a license; 4414

(3) Interfere with a state or local official's inspection 4415
or investigation of a residential facility; 4416

(4) Violate any of the provisions of this section or any 4417
rules adopted pursuant to this section. 4418

(J) The following may enter a residential facility at any 4419
time: 4420

(1) Employees designated by the director of mental health 4421
and addiction services; 4422

(2) Employees of an ADAMHS board under either of the 4423
following circumstances: 4424

(a) When a resident of the facility is receiving services 4425
from a community mental health services provider under contract 4426
with that ADAMHS board or another ADAMHS board; 4427

(b) When authorized by section 340.05 of the Revised Code. 4428

(3) Employees of a community mental health services 4429
provider under either of the following circumstances: 4430

(a) When the provider has a person receiving services 4431

residing in the facility; 4432

(b) When the provider is acting as an agent of an ADAMHS 4433
board other than the board with which it is under contract. 4434

(4) Representatives of the state long-term care ombudsman 4435
program when the facility provides accommodations, supervision, 4436
and personal care services for three to sixteen unrelated adults 4437
or to one or two unrelated adults who are receiving payments 4438
under the residential state supplement program. 4439

The persons specified in division (J) of this section 4440
shall be afforded access to examine and copy all records, 4441
accounts, and any other documents relating to the operation of 4442
the residential facility, including records pertaining to 4443
residents. 4444

(K) Employees of the department of mental health and 4445
addiction services may enter, for the purpose of investigation, 4446
any institution, residence, facility, or other structure which 4447
has been reported to the department as, or that the department 4448
has reasonable cause to believe is, operating as a residential 4449
facility without a valid license. 4450

(L) The director shall adopt and may amend and rescind 4451
rules pursuant to Chapter 119. of the Revised Code governing the 4452
licensing and operation of residential facilities. The rules 4453
shall establish all of the following: 4454

(1) Minimum standards for the health, safety, adequacy, 4455
and cultural competency of treatment of and services for persons 4456
in residential facilities; 4457

(2) Procedures for the issuance, renewal, or revocation of 4458
the licenses of residential facilities; 4459

(3) Procedures for conducting background investigations 4460
for prospective or current operators, employees, volunteers, and 4461
other non-resident occupants who may have direct access to 4462
facility residents; 4463

(4) The fee to be paid when applying for a new residential 4464
facility license or renewing the license; 4465

(5) Procedures for the operator of a residential facility 4466
to follow when notifying the ADAMHS board serving the county in 4467
which the facility is located when the facility is serving 4468
residents with mental illness or severe mental disability, 4469
including the circumstances under which the operator is required 4470
to make such a notification; 4471

(6) Procedures for the issuance and termination of orders 4472
of suspension of admission of residents to a residential 4473
facility; 4474

(7) Measures to be taken by residential facilities 4475
relative to residents' medication; 4476

(8) Requirements relating to preparation of special diets; 4477

(9) The maximum number of residents who may be served in a 4478
residential facility; 4479

(10) The rights of residents of residential facilities and 4480
procedures to protect such rights; 4481

(11) Standards and procedures under which the director may 4482
waive the requirements of any of the rules adopted. 4483

(M) (1) The department may withhold the source of any 4484
complaint reported as a violation of this section when the 4485
department determines that disclosure could be detrimental to 4486
the department's purposes or could jeopardize the investigation. 4487

The department may disclose the source of any complaint if the 4488
complainant agrees in writing to such disclosure and shall 4489
disclose the source upon order by a court of competent 4490
jurisdiction. 4491

(2) Any person who makes a complaint under division (M) (1) 4492
of this section, or any person who participates in an 4493
administrative or judicial proceeding resulting from such a 4494
complaint, is immune from civil liability and is not subject to 4495
criminal prosecution, other than for perjury, unless the person 4496
has acted in bad faith or with malicious purpose. 4497

(N) (1) The director of mental health and addiction 4498
services may petition the court of common pleas of the county in 4499
which a residential facility is located for an order enjoining 4500
any person from operating a residential facility without a 4501
license or from operating a licensed facility when, in the 4502
director's judgment, there is a present danger to the health or 4503
safety of any of the occupants of the facility. The court shall 4504
have jurisdiction to grant such injunctive relief upon a showing 4505
that the respondent named in the petition is operating a 4506
facility without a license or there is a present danger to the 4507
health or safety of any residents of the facility. 4508

(2) When the court grants injunctive relief in the case of 4509
a facility operating without a license, the court shall issue, 4510
at a minimum, an order enjoining the facility from admitting new 4511
residents to the facility and an order requiring the facility to 4512
assist with the safe and orderly relocation of the facility's 4513
residents. 4514

(3) If injunctive relief is granted against a facility for 4515
operating without a license and the facility continues to 4516
operate without a license, the director shall refer the case to 4517

the attorney general for further action.

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(O) The director may fine a person for violating division
(I) of this section. The fine shall be five hundred dollars for
a first offense; for each subsequent offense, the fine shall be
one thousand dollars. The director's actions in imposing a fine
shall be taken in accordance with Chapter 119. of the Revised
Code.

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Sec. 5119.35. (A) Except as provided in division (B) of
this section, no person or government entity shall provide any
of the following alcohol and drug addiction services unless the
services have been certified under section 5119.36 of the
Revised Code:

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(1) Withdrawal management addiction services provided in a
setting other than an acute care hospital;

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(2) Addiction services provided in a residential treatment
setting;

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(3) Addiction services provided on an outpatient basis.

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(B) Division (A) of this section does not apply to either
of the following:

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(1) An individual who holds a valid license, certificate,
or registration issued by this state authorizing the practice of
a health care profession that includes the performance of the
services described in divisions (A)(1) to (3) of this section,
regardless of whether the services are performed as part of a
sole proprietorship, partnership, or group practice;

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(2) An individual who provides the services described in
divisions (A)(1) to (3) of this section as part of an employment
or contractual relationship with a hospital outpatient clinic

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that is accredited by an accreditation agency or organization 4546
approved by the director of mental health and addiction 4547
services. 4548

Sec. 5119.36. (A) A community mental health services 4549
provider applicant or community addiction services provider 4550
applicant that seeks certification of its certifiable services 4551
and supports shall submit an application to the director of 4552
mental health and addiction services. On receipt of the 4553
application, the director may conduct an on-site review and 4554
shall evaluate the applicant to determine whether its 4555
certifiable services and supports satisfy the standards 4556
established by rules adopted under this section. The director 4557
shall make the evaluation, and, if the director conducts an on- 4558
site review of the applicant, may make the review, in 4559
cooperation with a board of alcohol, drug addiction, and mental 4560
health services that seeks to contract with the applicant under 4561
section 340.036 of the Revised Code. 4562

(B) Subject to section 5119.361 of the Revised Code, the 4563
director shall determine whether the certifiable services and 4564
supports of a community mental health services provider 4565
applicant or community addiction services provider applicant 4566
satisfy the standards for certification. If the director 4567
determines that an applicant's certifiable services and supports 4568
satisfy the standards for certification and the applicant has 4569
paid the fee required by this section, the director shall 4570
certify the certifiable services and supports. ~~No~~ 4571

~~No~~ community mental health services provider ~~or community~~ 4572
~~addiction services provider~~ shall be eligible to receive for its 4573
certifiable services and supports any state or funds, federal 4574
funds, or funds administered by a board of alcohol, drug 4575

addiction, and mental health services ~~for certifiable services~~ 4576
~~and supports,~~ unless ~~its~~ those certifiable services and 4577
supports have been certified by the director. 4578

No person or government entity subject to section 5119.35 4579
of the Revised Code or any other community addiction services 4580
provider shall be eligible to receive for its services described 4581
in that section or its other certifiable services and supports 4582
any state funds, federal funds, or funds administered by a board 4583
of alcohol, drug addiction, and mental health services, unless 4584
those services or other certifiable services and supports have 4585
been certified by the director. 4586

(C) If the director determines that a community mental 4587
health services provider applicant's or a community addiction 4588
services provider applicant's certifiable services and supports 4589
do not satisfy the standards for certification, the director 4590
shall identify the areas of noncompliance, specify what action 4591
is necessary to satisfy the standards, and may offer technical 4592
assistance to the applicant and to a board of alcohol, drug 4593
addiction, and mental health services so that the board may 4594
assist the applicant in satisfying the standards. The director 4595
shall give the applicant a reasonable time within which to 4596
demonstrate that its certifiable services and supports satisfy 4597
the standards or to bring them into compliance with the 4598
standards. If the director concludes that the certifiable 4599
services and supports continue to fail to satisfy the standards, 4600
the director may request that the board reallocate any funds for 4601
the certifiable services and supports the applicant was to 4602
provide to another community mental health services provider or 4603
community addiction services provider whose certifiable services 4604
and supports satisfy the standards. If the board does not 4605
reallocate such funds in a reasonable period of time, the 4606

director may withhold state and federal funds for the 4607
certifiable services and supports and allocate those funds 4608
directly to a community mental health services provider or 4609
community addiction services provider whose certifiable services 4610
and supports satisfy the standards. 4611

(D) Each community mental health services provider 4612
applicant or community addiction services provider applicant 4613
seeking certification of its certifiable services and supports 4614
under this section shall pay a fee for the certification 4615
required by this section, unless the applicant is exempt under 4616
rules adopted under this section. Fees shall be paid into the 4617
state treasury to the credit of the sale of goods and services 4618
fund created pursuant to section 5119.45 of the Revised Code. 4619

(E) The director shall adopt rules in accordance with 4620
Chapter 119. of the Revised Code to implement this section. The 4621
rules shall do all of the following: 4622

(1) Subject to section 340.034 of the Revised Code, 4623
specify the types of recovery supports that are required to be 4624
certified under this section; 4625

(2) Establish certification standards for certifiable 4626
services and supports that are consistent with nationally 4627
recognized applicable standards and facilitate participation in 4628
federal assistance programs. The rules shall include as 4629
certification standards only requirements that improve the 4630
quality of certifiable services and supports or the health and 4631
safety of persons receiving certifiable services and supports. 4632
The standards shall address at a minimum all of the following: 4633

(a) Reporting major unusual incidents to the director; 4634

(b) Procedures for applicants for and persons receiving 4635

certifiable services and supports to file grievances and 4636
complaints; 4637

(c) Seclusion; 4638

(d) Restraint; 4639

(e) Requirements regarding the physical facilities in 4640
which certifiable services and supports are provided; 4641

(f) Requirements with regard to health, safety, adequacy, 4642
and cultural specificity and sensitivity; 4643

(g) Standards for evaluating certifiable services and 4644
supports; 4645

(h) Standards and procedures for granting full, 4646
probationary, and interim certification of the certifiable 4647
services and supports of a community mental health services 4648
provider applicant or community addiction services provider 4649
applicant; 4650

(i) Standards and procedures for revoking the 4651
certification of a community mental health services provider's 4652
or community addiction services provider's certifiable services 4653
and supports that do not continue to meet the minimum standards 4654
established pursuant to this section; 4655

(j) The limitations to be placed on a provider whose 4656
certifiable services and supports are granted probationary or 4657
interim certification; 4658

(k) Development of written policies addressing the rights 4659
of persons receiving certifiable services and supports, 4660
including all of the following: 4661

(i) The right to a copy of the written policies addressing 4662

the rights of persons receiving certifiable services and 4663
supports; 4664

(ii) The right at all times to be treated with 4665
consideration and respect for the person's privacy and dignity; 4666

(iii) The right to have access to the person's own 4667
psychiatric, medical, or other treatment records unless access 4668
is specifically restricted in the person's treatment plan for 4669
clear treatment reasons; 4670

(iv) The right to have a client rights officer provided by 4671
the provider or board of alcohol, drug addiction, and mental 4672
health services advise the person of the person's rights, 4673
including the person's rights under Chapter 5122. of the Revised 4674
Code if the person is committed to the provider or board. 4675

(3) Establish the process for certification of certifiable 4676
services and supports; 4677

(4) Set the amount of certification review fees; 4678

(5) Specify the type of notice and hearing to be provided 4679
prior to a decision on whether to reallocate funds. 4680

(F) The director may issue an order suspending admissions 4681
to a community addiction services provider that provides 4682
overnight accommodations if the director finds either of the 4683
following: 4684

(1) The provider's certifiable services and supports are 4685
not in compliance with rules adopted under this section; 4686

(2) The provider has been cited for more than one 4687
violation of statutes or rules during any previous certification 4688
period of the provider. 4689

(G) The department of mental health and addiction services 4690
shall maintain a current list of community addiction services 4691
providers and shall provide a copy of the list to a judge of a 4692
court of common pleas who requests a copy for the use of the 4693
judge under division (H) of section 2925.03 of the Revised Code. 4694
The list shall identify each provider by its name, its address, 4695
and the county in which it is located. 4696

(H) No person shall represent in any manner that a 4697
community mental health services provider's or community 4698
addiction services provider's certifiable services and supports 4699
are certified by the director if the certifiable services and 4700
supports are not so certified at the time the representation is 4701
made. 4702

Sec. 5119.361. (A) In lieu of a determination by the 4703
director of mental health and addiction services of whether the 4704
mental health services of a community mental health services 4705
provider or the alcohol and drug addiction services of a 4706
community addiction services provider satisfy the standards for 4707
certification under section 5119.36 of the Revised Code, the 4708
director shall accept appropriate accreditation of an 4709
applicant's mental health services, alcohol and drug addiction 4710
services, integrated mental health services and alcohol and drug 4711
addiction services, integrated mental health services and 4712
physical health services, or integrated alcohol and drug 4713
addiction services and physical health services being provided 4714
in this state from any of the following national accrediting 4715
organizations as evidence that the applicant satisfies the 4716
standards for certification: 4717

(1) The joint commission; 4718

(2) The commission on accreditation of rehabilitation 4719

facilities; 4720

(3) The council on accreditation; 4721

(4) Other behavioral health accreditation as determined by 4722
the director. 4723

(B) If the director determines that an applicant's 4724
accreditation is current, is appropriate for the services for 4725
which the applicant is seeking certification, and the applicant 4726
meets any other requirements established under this section or 4727
in rules adopted under this section, the director shall certify 4728
under section 5119.36 of the Revised Code the applicant's 4729
services that are accredited. Except as provided in division (C) 4730
(2) of this section, the director shall issue the certification 4731
without further evaluation of the services. 4732

(C) For purposes of this section, all of the following 4733
apply: 4734

(1) The director may review the accrediting organizations 4735
listed in division (A) of this section to evaluate whether the 4736
accreditation standards and processes used by the organizations 4737
are consistent with service delivery models the director 4738
considers appropriate for mental health services, alcohol and 4739
drug addiction services, or physical health services. The 4740
director may communicate to an accrediting organization any 4741
identified concerns, trends, needs, and recommendations. 4742

(2) The director may conduct an on-site review or 4743
otherwise evaluate a community mental health services provider 4744
or a community addiction services provider at any time based on 4745
cause, including complaints made by or on behalf of persons 4746
receiving mental health services or alcohol and drug addiction 4747
services and confirmed or alleged deficiencies brought to the 4748

attention of the director. This authority does not affect the 4749
director's duty to conduct the ~~annual~~ inspections required by 4750
section ~~5119.367~~ 5119.37 of the Revised Code. 4751

(3) The director shall require a community mental health 4752
services provider and a community addiction services provider to 4753
notify the director not later than ten days after any change in 4754
the provider's accreditation status. The provider may notify the 4755
director by providing a copy of the relevant document the 4756
provider received from the accrediting organization. 4757

(4) The director shall require a community mental health 4758
services provider and a community addiction services provider to 4759
submit to the director reports of major unusual incidents. 4760

(5) The director may require a community mental health 4761
services provider or a community addiction services provider to 4762
submit to the director cost reports pertaining to the provider. 4763

(D) The director shall adopt rules in accordance with 4764
Chapter 119. of the Revised Code to implement this section. In 4765
adopting the rules, the director shall do all of the following: 4766

(1) Specify the documentation that must be submitted as 4767
evidence of holding appropriate accreditation; 4768

(2) Establish a process by which the director may review 4769
the accreditation standards and processes used by the national 4770
accrediting organizations listed in division (A) of this 4771
section; 4772

(3) Specify the circumstances under which reports of major 4773
unusual incidents and provider cost reports must be submitted to 4774
the director; 4775

(4) Specify the circumstances under which the director may 4776

conduct an on-site review or otherwise evaluate a community 4777
mental health services provider and a community addiction 4778
services provider for cause; 4779

(5) Establish a process by which the director, based on 4780
deficiencies identified as a result of conducting an on-site 4781
review or evaluating a community mental health services provider 4782
or a community addiction services provider under division (C) (2) 4783
of this section, may take any of a range of corrective actions, 4784
with the most stringent being revocation of the certification of 4785
the provider's mental health services or alcohol and drug 4786
addiction services. 4787

Sec. 5119.37. (A) (1) (a) Except as provided in division (A) 4788
(1) (b) of this section, no person or government entity shall 4789
operate an opioid treatment program requiring certification, as 4790
certification is defined in 42 C.F.R. 8.2, unless the person or 4791
government entity is a community addiction services provider and 4792
the program is licensed under this section. 4793

(b) Division (A) (1) (a) of this section does not apply to a 4794
program operated by the United States department of veterans 4795
affairs. 4796

(2) No community addiction services provider licensed 4797
under this section shall operate an opioid treatment program in 4798
a manner inconsistent with this section and the rules adopted 4799
under it. 4800

(B) A community addiction services provider seeking a 4801
license to operate an opioid treatment program shall apply to 4802
the department of mental health and addiction services. The 4803
department shall review all applications received. 4804

(C) The department may issue a license to operate an 4805

opioid treatment program to a community addiction services 4806
provider only if all of the following apply: 4807

(1) During the three-year period immediately preceding the 4808
date of application, the provider or any owner, sponsor, medical 4809
director, administrator, or principal of the provider has been 4810
in good standing to operate an opioid treatment program in all 4811
other locations where the provider or such other person has been 4812
operating a similar program, as evidenced by both of the 4813
following: 4814

(a) Not having been denied a license, certificate, or 4815
similar approval to operate an opioid treatment program by this 4816
state or another jurisdiction; 4817

(b) Not having been the subject of any of the following in 4818
this state or another jurisdiction: 4819

(i) An action that resulted in the suspension or 4820
revocation of the license, certificate, or similar approval of 4821
the provider or other person; 4822

(ii) A voluntary relinquishment, withdrawal, or other 4823
action taken by the provider or other person to avoid suspension 4824
or revocation of the license, certificate, or similar approval; 4825

(iii) A disciplinary action that was based, in whole or in 4826
part, on the provider or other person engaging in the 4827
inappropriate prescribing, dispensing, administering, personally 4828
furnishing, diverting, storing, supplying, compounding, or 4829
selling of a controlled substance or other dangerous drug. 4830

(2) It affirmatively appears to the department that the 4831
provider is adequately staffed and equipped to operate an opioid 4832
treatment program. 4833

(3) It affirmatively appears to the department that the 4834
provider will operate an opioid treatment program in strict 4835
compliance with all laws relating to drug abuse and the rules 4836
adopted by the department. 4837

(4) Except as provided in division (D) of this section and 4838
section 5119.371 of the Revised Code, if the provider is seeking 4839
an initial license for a particular location, the proposed 4840
opioid treatment program is not located on a parcel of real 4841
estate that is within a radius of five hundred linear feet of 4842
the boundaries of a parcel of real estate having situated on it 4843
a public or private school, child day-care center licensed under 4844
Chapter 5104. of the Revised Code, or child-serving agency 4845
regulated by the department under this chapter. 4846

(5) The provider meets any additional requirements 4847
established by the department in rules adopted under division 4848
(F) of this section. 4849

(D) The department may waive the requirement of division 4850
(C) (4) of this section if it receives, from each public or 4851
private school, child day-care center, or child-serving agency 4852
that is within the five hundred linear feet radius described in 4853
that division, a letter of support for the location. The 4854
department shall determine whether a letter of support is 4855
satisfactory for purposes of waiving the requirement. 4856

(E) A license to operate an opioid treatment program shall 4857
expire one year from the date of issuance. Licenses may be 4858
renewed. 4859

(F) The department shall establish procedures and adopt 4860
rules for licensing, inspection, and supervision of community 4861
addiction services providers that operate an opioid treatment 4862

program. The rules shall establish standards for the control, 4863
storage, furnishing, use, dispensing, and administering of 4864
medications used in medication-assisted treatment; prescribe 4865
minimum standards for the operation of the opioid treatment 4866
program component of the provider's operations; and comply with 4867
federal laws and regulations. 4868

All rules adopted under this division shall be adopted in 4869
accordance with Chapter 119. of the Revised Code. All actions 4870
taken by the department regarding the licensing of providers to 4871
operate opioid treatment programs shall be conducted in 4872
accordance with Chapter 119. of the Revised Code, except as 4873
provided in division (L) of this section. 4874

(G)(1) The department shall inspect all community 4875
addiction services providers licensed to operate an opioid 4876
treatment program. Inspections shall be conducted at least 4877
annually and may be conducted more frequently. 4878

In addition, the department may inspect any provider or 4879
other person that it reasonably believes to be operating an 4880
opioid treatment program without a license issued under this 4881
section. 4882

(2) When conducting an inspection, the department may do 4883
both of the following: 4884

(a) Examine and copy all records, accounts, and other 4885
documents relating to the provider's or other person's 4886
operations, including records pertaining to patients or clients; 4887

(b) Conduct interviews with any individual employed by or 4888
contracted or otherwise associated with the provider or person, 4889
including an administrator, staff person, patient, or client. 4890

(3) No person or government entity shall interfere with a 4891

state or local government official acting on behalf of the 4892
department while conducting an inspection. 4893

(H) A community addiction services provider shall not 4894
administer or dispense methadone in a tablet, powder, or 4895
intravenous form. Methadone shall be administered or dispensed 4896
only in a liquid form intended for ingestion. 4897

A community addiction services provider shall not 4898
administer or dispense a medication used in medication-assisted 4899
treatment for pain or other medical reasons. 4900

(I) As used in this division, "program sponsor" means a 4901
person who assumes responsibility for the operation and 4902
employees of the opioid treatment program component of a 4903
community addiction services provider's operations. 4904

A community addiction services provider shall not employ 4905
an individual who receives a medication used in medication- 4906
assisted treatment from that provider. A provider shall not 4907
permit an individual to act as a program sponsor, medical 4908
director, or director of the provider if the individual is 4909
receiving that medication from any community addiction services 4910
provider. 4911

(J) The department may issue orders to ensure compliance 4912
with all laws relating to drug abuse and the rules adopted under 4913
this section. Subject to section 5119.27 of the Revised Code, 4914
the department may hold hearings, require the production of 4915
relevant matter, compel testimony, issue subpoenas, and make 4916
adjudications. Upon failure of a person without lawful excuse to 4917
obey a subpoena or to produce relevant matter, the department 4918
may apply to a court of common pleas for an order compelling 4919
compliance. 4920

(K) The department may refuse to issue, or may withdraw or 4921
revoke, a license to operate an opioid treatment program. A 4922
license may be refused if a community addiction services 4923
provider does not meet the requirements of division (C) of this 4924
section. A license may be withdrawn at any time the department 4925
determines that the provider no longer meets the requirements 4926
for receiving the license. A license may be revoked in 4927
accordance with division (L) of this section. 4928

Once a license is issued under this section, the 4929
department shall not consider the requirement of division (C) (4) 4930
of this section in determining whether to renew, withdraw, or 4931
revoke the license or whether to reissue the license as a result 4932
of a change in ownership. 4933

(L) If the department finds reasonable cause to believe 4934
that a community addiction services provider licensed under this 4935
section is in violation of any state or federal law or rule 4936
relating to drug abuse, the department may issue an order 4937
immediately revoking the license, subject to division (M) of 4938
this section. The department shall set a date not more than 4939
fifteen days later than the date of the order of revocation for 4940
a hearing on the continuation or cancellation of the revocation. 4941
For good cause, the department may continue the hearing on 4942
application of any interested party. In conducting hearings, the 4943
department has all the authority and power set forth in division 4944
(J) of this section. Following the hearing, the department shall 4945
either confirm or cancel the revocation. The hearing shall be 4946
conducted in accordance with Chapter 119. of the Revised Code, 4947
except that the provider shall not be permitted to operate an 4948
opioid treatment program pending the hearing or pending any 4949
appeal from an adjudication made as a result of the hearing. 4950
Notwithstanding any provision of Chapter 119. of the Revised 4951

Code to the contrary, a court shall not stay or suspend any 4952
order of revocation issued by the department under this division 4953
pending judicial appeal. 4954

(M) The department shall not revoke a license to operate 4955
an opioid treatment program unless all clients receiving 4956
medication used in medication-assisted treatment from the 4957
community addiction services provider are provided adequate 4958
substitute medication or treatment. For purposes of this 4959
division, the department may transfer the clients to other 4960
providers licensed to operate opioid treatment programs or 4961
replace any or all of the administrators and staff of the 4962
provider with representatives of the department who shall 4963
continue on a provisional basis the opioid treatment component 4964
of the provider's operations. 4965

(N) Each time the department receives an application from 4966
a community addiction services provider for a license to operate 4967
an opioid treatment program, issues or refuses to issue a 4968
license, or withdraws or revokes a license, the department shall 4969
notify the board of alcohol, drug addiction, and mental health 4970
services of each alcohol, drug addiction, and mental health 4971
service district in which the provider operates. 4972

(O) Whenever it appears to the department from files, upon 4973
complaint, or otherwise, that a community addiction services 4974
provider has engaged in any practice declared to be illegal or 4975
prohibited by section 3719.61 of the Revised Code, or any other 4976
state or federal laws or regulations relating to drug abuse, or 4977
when the department believes it to be in the best interest of 4978
the public and necessary for the protection of the citizens of 4979
the state, the department may request criminal proceedings by 4980
laying before the prosecuting attorney of the proper county any 4981

evidence of criminality which may come to its knowledge. 4982

(P) The department shall maintain a current list of 4983
community addiction services providers licensed by the 4984
department under this section and shall provide a copy of the 4985
current list to a judge of a court of common pleas who requests 4986
a copy for the use of the judge under division (H) of section 4987
2925.03 of the Revised Code. The list of licensed community 4988
addiction services providers shall identify each licensed 4989
provider by its name, its address, and the county in which it is 4990
located. 4991

Sec. 5119.371. (A) On application by a community addiction 4992
services provider that has purchased or leased real property to 4993
be used as the location of an opioid treatment program subject 4994
to licensure under section 5119.37 of the Revised Code, the 4995
department of mental health and addiction services shall 4996
determine whether the location of the proposed program complies 4997
with the requirements of division (C)(4) of section 5119.37 of 4998
the Revised Code by not being located on a parcel of real estate 4999
that is within a radius of five hundred linear feet of the 5000
boundaries of a parcel of real estate having situated on it a 5001
public or private school, child day-care center licensed under 5002
Chapter 5104. of the Revised Code, or child-serving agency 5003
regulated by the department under this chapter. 5004

If the department determines that the location is in 5005
compliance with division (C)(4) of section 5119.37 of the 5006
Revised Code, the department shall issue a declaration stating 5007
that the location is in compliance. The declaration is valid for 5008
two years from the date of issuance. 5009

The department shall provide to the provider either a copy 5010
of the declaration or a notice that the department has 5011

determined that the location is not in compliance with division 5012
(C) (4) of section 5119.37 of the Revised Code. 5013

If, before expiration of the declaration, a community 5014
addiction services provider applies for a license to operate an 5015
opioid treatment program, the department shall not consider the 5016
requirement of division (C) (4) of section 5119.37 of the Revised 5017
Code in determining whether to issue the license. 5018

(B) A community addiction services provider seeking to 5019
relocate an opioid treatment program licensed under section 5020
5119.37 of the Revised Code may apply for and be granted a 5021
declaration under division (A) of this section. If, before 5022
expiration of the declaration, the provider applies for issuance 5023
of a license due to relocation, the department shall not 5024
consider the requirement of division (C) (4) of section 5119.37 5025
of the Revised Code in determining whether to reissue the 5026
license due to relocation. 5027

Sec. 5119.391. (A) No community addiction services 5028
provider shall employ methadone treatment or prescribe, 5029
dispense, or administer methadone unless the program is licensed 5030
under this section. No community addiction services provider 5031
licensed under this section shall maintain methadone treatment 5032
in a manner inconsistent with this section and the rules adopted 5033
under it. 5034

(B) A community addiction services provider may apply to 5035
the department of mental health and addiction services for a 5036
license to maintain methadone treatment. The department shall 5037
review all applications received. 5038

(C) The department may issue a license to maintain 5039
methadone treatment to a community addiction services provider 5040

only if all of the following apply:

(1) ~~The~~ During the three-year period immediately preceding
the date of application, the provider or any owner, sponsor,
medical director, administrator, or principal of the provider
~~has not been denied a license to maintain methadone treatment or~~
~~had its license withdrawn or revoked within the five year period~~
~~immediately preceding the date of application,~~ been in good
standing to operate a methadone treatment program in all other
locations where the provider or such other person has been
operating a similar program, as evidenced by both of the
following:

(a) Not having been denied a license, certificate, or
similar approval to operate a methadone treatment program by
this state or another jurisdiction;

(b) Not having been the subject of any of the following in
this state or another jurisdiction:

(i) An action that resulted in the suspension or
revocation of the license, certificate, or similar approval of
the provider or other person;

(ii) A voluntary relinquishment, withdrawal, or other
action taken by the provider or other person to avoid suspension
or revocation of the license, certificate, or similar approval;

(iii) A disciplinary action that was based, in whole or in
part, on the provider or other person engaging in the
inappropriate prescribing, dispensing, administering, personally
furnishing, diverting, storing, supplying, compounding, or
selling of a controlled substance or other dangerous drug.

(2) It affirmatively appears to the department that the
provider is adequately staffed and equipped to maintain

methadone treatment;

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(3) It affirmatively appears to the department that the
provider will maintain methadone treatment in strict compliance
with section 3719.61 of the Revised Code, all other laws
relating to drug abuse, and the rules adopted by the department;

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(4) Except as provided in division (D) of this section and
section 5119.392 of the Revised Code, ~~there is no public or~~
~~private school, licensed child day-care center, or other child-~~
~~serving agency if the community addiction services provider is~~
requesting an initial license for a particular location, the
proposed methadone treatment program is not located on a parcel
of real estate that is within a radius of five hundred linear
feet of the location where the program is to maintain methadone
treatment boundaries of a parcel of real estate having situated
on it a public or private school, child day-care center licensed
under Chapter 5104. of the Revised Code, or child-serving agency
regulated by the department under this chapter;

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(5) The provider meets any additional requirements
established by the department in rules adopted under division
(F) of this section.

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(D) The department maywaive the requirement of division
(C) (4) of this section if it receives, from each public or
private school, ~~licensed~~ child day-care center, or ~~other~~ child-
serving agency that is within the five hundred linear feet
~~radius of the location where the program is to maintain~~
~~methadone treatment described in that division,~~ a letter of
support for the location. The department shall determine whether
a letter of support is satisfactory for purposes of waiving the
requirement.

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(E) A license to maintain methadone treatment shall expire 5099
one year from the date of issuance. Licenses may be renewed. 5100

(F) The department shall establish procedures and adopt 5101
rules for licensing, inspection, and supervision of community 5102
addiction services providers that maintain methadone treatment. 5103
The rules shall establish standards for the control, storage, 5104
furnishing, use, and dispensing of methadone; prescribe minimum 5105
standards for the operation of the methadone treatment component 5106
of the provider's operations; and comply with federal laws and 5107
regulations. 5108

All rules adopted under this division shall be adopted in 5109
accordance with Chapter 119. of the Revised Code. All actions 5110
taken by the department regarding the licensing of providers to 5111
maintain methadone treatment shall be conducted in accordance 5112
with Chapter 119. of the Revised Code, except as provided in 5113
division (L) of this section. 5114

(G) The department of mental health and addiction services 5115
shall inspect all community addiction services providers 5116
licensed to maintain methadone treatment. Inspections shall be 5117
conducted at least annually and may be conducted more 5118
frequently. No person or government entity shall interfere with 5119
a state or local government official acting on behalf of the 5120
department while conducting an inspection. 5121

(H) A community addiction services provider shall not 5122
administer or dispense methadone in a tablet, powder, or 5123
intravenous form. Methadone shall be administered or dispensed 5124
only in a liquid form intended for ingestion. A services 5125
provider shall not administer or dispense methadone to an 5126
individual for pain or other medical reasons. 5127

(I) As used in this division, "program sponsor" means a 5128
person who assumes responsibility for the operation and 5129
employees of the methadone treatment component of a community 5130
addiction services provider. 5131

A community addiction services provider shall not employ 5132
an individual who receives methadone treatment from that 5133
services provider. A program shall not permit an individual to 5134
act as a provider sponsor, medical director, or director of the 5135
provider if the individual is receiving methadone treatment from 5136
any community addiction services provider. 5137

(J) The department may issue orders to assure compliance 5138
with section 3719.61 of the Revised Code, all other laws 5139
relating to drug abuse, and the rules adopted under this 5140
section. Subject to section 5119.27 of the Revised Code, the 5141
department may hold hearings, require the production of relevant 5142
matter, compel testimony, issue subpoenas, and make 5143
adjudications. Upon failure of a person without lawful excuse to 5144
obey a subpoena or to produce relevant matter, the department 5145
may apply to a court of common pleas for an order compelling 5146
compliance. 5147

(K) The department may refuse to issue, or may withdraw or 5148
revoke, a license to maintain methadone treatment. A license may 5149
be refused if a community addiction services provider does not 5150
meet the requirements of division (C) of this section. A license 5151
may be withdrawn at any time the department determines that the 5152
program no longer meets the requirements for receiving the 5153
license. A license may be revoked in accordance with division 5154
(L) of this section. 5155

Once a license is issued under this section, the 5156
department shall not consider the requirement of division (C) (4) 5157

of this section in determining whether to renew, withdraw, or 5158
revoke the license or whether to reissue the license as a result 5159
of a change in ownership. 5160

(L) If the department of mental health and addiction 5161
services finds reasonable cause to believe that a community 5162
addiction services provider licensed under this section is in 5163
violation of any provision of section 3719.61 of the Revised 5164
Code, or of any other state or federal law or rule relating to 5165
drug abuse, the department may issue an order immediately 5166
revoking the license, subject to division (M) of this section. 5167
The department shall set a date not more than fifteen days later 5168
than the date of the order of revocation for a hearing on the 5169
continuation or cancellation of the revocation. For good cause, 5170
the department may continue the hearing on application of any 5171
interested party. In conducting hearings, the department has all 5172
the authority and power set forth in division (J) of this 5173
section. Following the hearing, the department shall either 5174
confirm or cancel the revocation. The hearing shall be conducted 5175
in accordance with Chapter 119. of the Revised Code, except that 5176
the provider shall not be permitted to maintain methadone 5177
treatment pending the hearing or pending any appeal from an 5178
adjudication made as a result of the hearing. Notwithstanding 5179
any provision of Chapter 119. of the Revised Code to the 5180
contrary, a court shall not stay or suspend any order of 5181
revocation issued by the director under this division pending 5182
judicial appeal. 5183

(M) The department shall not revoke a license to maintain 5184
methadone treatment unless all services recipients receiving 5185
methadone treatment from the community addiction services 5186
provider are provided adequate substitute treatment. For 5187
purposes of this division, the department may transfer the 5188

services recipients to other programs licensed to maintain 5189
methadone treatment or replace any or all of the administrators 5190
and staff of the provider with representatives of the department 5191
who shall continue on a provisional basis the methadone 5192
treatment component of the program. 5193

(N) Each time the department receives an application from 5194
a community addiction services provider for a license to 5195
maintain methadone treatment, issues or refuses to issue a 5196
license, or withdraws or revokes a license, the department shall 5197
notify the board of alcohol, drug addiction, and mental health 5198
services of each alcohol, drug addiction, and mental health 5199
service district in which the provider operates. 5200

(O) Whenever it appears to the department from files, upon 5201
complaint, or otherwise, that a community addiction services 5202
provider has engaged in any practice declared to be illegal or 5203
prohibited by section 3719.61 of the Revised Code, or any other 5204
state or federal laws or regulations relating to drug abuse, or 5205
when the department believes it to be in the best interest of 5206
the public and necessary for the protection of the citizens of 5207
the state, the department may request criminal proceedings by 5208
laying before the prosecuting attorney of the proper county any 5209
evidence of criminality which may come to its knowledge. 5210

(P) The department shall maintain a current list of 5211
community addiction services providers licensed by the 5212
department under this section and shall provide a copy of the 5213
current list to a judge of a court of common pleas who requests 5214
a copy for the use of the judge under division (H) of section 5215
2925.03 of the Revised Code. The list of licensed community 5216
addiction services providers shall identify each licensed 5217
provider by its name, its address, and the county in which it is 5218

located. 5219

Sec. 5119.392. (A) On application by a community addiction 5220
services provider that has purchased or leased real property to 5221
be used as the location of a methadone treatment program 5222
~~licensed~~ subject to licensure under section 5119.391 of the 5223
Revised Code, the department of mental health and addiction 5224
services shall determine whether ~~there is the location of the~~ 5225
proposed program complies with the requirements of division (C) 5226
(4) of section 5119.391 of the Revised Code by not being located 5227
on a parcel of real estate that is within a radius of five 5228
hundred linear feet of the boundaries of a parcel of real estate 5229
having situated on it a public or private school, licensed child 5230
day-care center licensed under Chapter 5104. of the Revised 5231
Code, or other child-serving agency within a radius of five 5232
hundred linear feet of the location of the property regulated by 5233
the department under this chapter. 5234

~~If it the department determines there is not a public or~~ 5235
~~private school, licensed child day-care center, or other child-~~ 5236
~~serving agency within a radius of five hundred linear feet of-~~ 5237
~~the location, the department shall issue a declaration that the~~ 5238
~~location is in compliance with division (C) (4) of section~~ 5239
~~5119.391 of the Revised Code, the department shall issue a~~ 5240
~~declaration stating that the location is in compliance. The~~ 5241

~~The declaration is valid for one year and shall be~~ 5242
~~extended for up to two six month periods on application by the~~ 5243
~~provider to the department two years from the date of issuance.~~ 5244

The department shall provide to the provider either a copy 5245
of the declaration or notice that the department has determined 5246
that the location is not in compliance with division (C) (4) of 5247
section 5119.391 of the Revised Code. 5248

If, before expiration of the declaration~~and any~~ 5249
~~extensions~~, a community addiction services provider applies for 5250
a license to maintain a methadone treatment program, the 5251
department shall not consider the requirement of division (C) (4) 5252
of section 5119.391 of the Revised Code in determining whether 5253
to issue the license. 5254

(B) A community addiction services provider that desires 5255
to relocate a methadone treatment program licensed under section 5256
5119.391 of the Revised Code may apply for and be granted a 5257
declaration under division (A) of this section. If, before 5258
expiration of the declaration~~and any extensions~~, the provider 5259
applies for issuance of a license due to relocation, the 5260
department shall not consider the requirement of division (C) (4) 5261
of section 5119.391 of the Revised Code in determining whether 5262
to reissue the license due to relocation. 5263

Sec. ~~5119.39~~ 5119.43. (A) The director of mental health 5264
and addiction services may enter into agreements with any 5265
person, political subdivision, or state agency for the sale or 5266
lease of land or facilities under the jurisdiction of the 5267
director in the following manner: 5268

(1) The director shall designate lands and facilities that 5269
are not needed by the department of mental health and addiction 5270
services and are under the jurisdiction of the department. 5271

(2) The director shall have a preliminary appraisal made 5272
of any lands or facilities designated under division (A) (1) of 5273
this section by a disinterested professional appraiser from the 5274
department of administrative services. The appraiser shall 5275
deliver to the director a signed certificate of the probable 5276
market value of the lands and facilities as determined from the 5277
preliminary appraisal. 5278

(3) The director shall certify to the clerk of the house 5279
of representatives and to the clerk of the senate a list of all 5280
lands and facilities which may be sold or leased, and shall 5281
include with the list the results of the preliminary appraisals 5282
of the lands and facilities, a general description of the land 5283
and facilities, and a description of the current use of the land 5284
and facilities. 5285

(4) Every list of lands and facilities certified by the 5286
director to the clerk of the house of representatives and to the 5287
clerk of the senate under division (A) (3) of this section, shall 5288
immediately be transmitted by the respective clerks to the 5289
committees in the house and the senate to which land conveyance 5290
bills are usually referred. If either committee files in its 5291
clerk's office, within sixty calendar days of the original 5292
certification of the lands and facilities by the director, a 5293
report disapproving the sale or lease of any lands or 5294
facilities, the sale or lease of the lands or facilities 5295
disapproved in the report shall not be made under this section. 5296
With respect to a sale or lease of lands and facilities that has 5297
not been disapproved under this division, the director shall 5298
certify those lands and facilities to the auditor of state. 5299

(5) After certification to the auditor of state under 5300
division (A) (4) of this section, the director ~~of mental health~~ 5301
shall have a formal appraisal made of the lands and facilities 5302
by a disinterested professional appraiser from the department of 5303
administrative services. The director may accept the formal 5304
appraisal or may reject it and order a new formal appraisal by a 5305
disinterested professional appraiser who shall not be from the 5306
department of administrative services. The director may then 5307
sell or lease the lands or facilities in accordance with this 5308
division and department of administrative services procedures as 5309

set forth in Chapter 123. of the Revised Code. Any such deed or 5310
lease shall be prepared and recorded pursuant to section 5301.13 5311
of the Revised Code. The department of administrative services 5312
shall be the sole agent for the state and shall complete the 5313
sale or lease of the lands or facilities, up to and including 5314
the closing thereof, after the director approves the sale price. 5315
The director and the director of administrative services may, if 5316
it is determined to be in the best interests of the state, agree 5317
to sell surplus land for an amount less than the formal 5318
appraised value but shall not sell any land for less than two- 5319
thirds of the formal appraised value. 5320

(B) Coincident with the certification made under division 5321
(A) (3) of this section concerning lands which may be sold, the 5322
director shall give written notice of the director's intention 5323
to sell the lands by certified mail to the executive officer of 5324
each county, township, municipal corporation, and school 5325
district within which the lands are situated. In each notice, 5326
the director shall specify the conditions under which the lands 5327
shall be sold, including whether the lands will be sold as a 5328
single unit or sold in specific parcels that the director 5329
designates, and shall solicit from the subdivision offers to 5330
purchase the lands in accordance with the conditions the 5331
director has specified and at a price equal to the preliminary 5332
appraised value determined pursuant to division (A) (2) of this 5333
section. If, within thirty days of having certified the lands to 5334
the auditor of state under division (A) (4) of this section, the 5335
director receives from the executive officer of a subdivision a 5336
written offer to purchase the lands at or above the price 5337
specified in the director's original notice to the officer, 5338
provided such offer otherwise complies with the conditions of 5339
purchase specified in the director's original notice, the 5340

director shall forthwith enter into an agreement to sell the 5341
lands to the subdivision. The agreement shall incorporate any 5342
and all terms that are acceptable to both parties and that are 5343
consistent with the terms specified in the director's original 5344
notice. If no offer to purchase is received by the director 5345
within the thirty-day period provided in this division, the 5346
director's original notice shall be considered withdrawn and the 5347
director shall be under no obligation to sell any of the lands 5348
specified in the notice to the subdivision. If two or more 5349
offers to purchase the same parcels of land are received by the 5350
director within the required time period from the executive 5351
officers of two or more subdivisions, the director shall accept 5352
the offer or offers to purchase that the director considers to 5353
be in the best interests of the state and of the department of 5354
mental health and addiction services and shall proceed to enter 5355
into agreements of sale pursuant to this division. If all of the 5356
director's original notices relating to a given parcel of land 5357
become withdrawn, the director may thereupon proceed to sell the 5358
parcel as otherwise provided in this section. No subdivision may 5359
commence an action to enforce the provisions of this division, 5360
or to seek any other legal or equitable remedy relative to this 5361
division, with respect to any lands certified to the auditor of 5362
state under division (A) (4) of this section, except within sixty 5363
days of the date on which the lands were so certified. 5364

(C) Any agreement under this section shall be at such 5365
terms as will be in the best interests of the state and the 5366
department of mental health and addiction services. However, the 5367
terms of any agreement for sale shall include a provision that 5368
the purchaser will abide by any comprehensive plan for the area 5369
that has been adopted by the local government in which the 5370
property is located before the parties enter into the agreement. 5371

No lease shall be of a duration greater than fifteen years. No 5372
agreement, except an agreement entered into under division (B) 5373
of this section, shall be entered into before the proposal to 5374
sell or lease the land or facilities has been advertised once 5375
each week for four weeks in a newspaper of general circulation 5376
in every county in which the lands or facilities are located and 5377
if the preliminary appraised value of the land to be sold or 5378
leased is more than one hundred thousand dollars, advertisement 5379
shall be made once each week for four weeks in at least two 5380
newspapers in the state having a daily circulation of one 5381
hundred thousand or more. If a city in this state is served by 5382
more than one newspaper having a circulation of one hundred 5383
thousand or more, advertisement may be made in only one of the 5384
newspapers serving the city. 5385

(D) Each deed or lease prepared and recorded pursuant to 5386
this section shall contain a recital stating that all provisions 5387
of this section have been complied with. The recital shall be 5388
considered binding and conclusive against all subdivisions of 5389
the state provided no action has been commenced pursuant to 5390
division (B) of this section. Any deed or lease containing such 5391
a recital shall be conclusively presumed to have been executed 5392
in compliance with this section insofar as title or other 5393
interest of any bona fide purchasers, lessees, or transferees of 5394
the property is concerned. 5395

(E) Nothing in this section shall be construed as 5396
establishing a precedent for the disposal of state lands and 5397
facilities by other departments of the state. 5398

Sec. ~~5119.37~~ 5119.431. When it is necessary for a state 5399
institution under the jurisdiction of the department of mental 5400
health and addiction services to acquire any real estate, right 5401

of way, or easement in real estate in order to accomplish the 5402
purposes for which it was organized or is being conducted, and 5403
the department is unable to agree with the owner of such 5404
property upon the price to be paid therefor, such property may 5405
be appropriated in the manner provided for the appropriation of 5406
property for other state purposes. 5407

Any instrument by which real property is acquired pursuant 5408
to this section shall identify the agency of the state that has 5409
the use and benefit of the real property as specified in section 5410
5301.012 of the Revised Code. 5411

Sec. 5119.99. (A) Whoever violates section 5119.333 of the 5412
Revised Code is guilty of a misdemeanor of the first degree. 5413

(B) Whoever violates division (B) of section 5119.61 of 5414
the Revised Code is guilty of a misdemeanor of the fourth 5415
degree. 5416

(C) Whoever violates section 5119.27 or 5119.28 ~~or, ,~~ 5417
division (A) of section 5119.35, division (H) of section 5418
5119.36, or division (A) (1) or (2) of section 5119.37 of the 5419
Revised Code is guilty of a felony of the fifth degree. 5420

Sec. 5122.01. As used in this chapter and Chapter 5119. of 5421
the Revised Code: 5422

(A) "Mental illness" means a substantial disorder of 5423
thought, mood, perception, orientation, or memory that grossly 5424
impairs judgment, behavior, capacity to recognize reality, or 5425
ability to meet the ordinary demands of life. 5426

(B) "Mentally ill person subject to court order" means a 5427
mentally ill person who, because of the person's illness: 5428

(1) Represents a substantial risk of physical harm to self 5429

as manifested by evidence of threats of, or attempts at, suicide 5430
or serious self-inflicted bodily harm; 5431

(2) Represents a substantial risk of physical harm to 5432
others as manifested by evidence of recent homicidal or other 5433
violent behavior, evidence of recent threats that place another 5434
in reasonable fear of violent behavior and serious physical 5435
harm, or other evidence of present dangerousness; 5436

(3) Represents a substantial and immediate risk of serious 5437
physical impairment or injury to self as manifested by evidence 5438
that the person is unable to provide for and is not providing 5439
for the person's basic physical needs because of the person's 5440
mental illness and that appropriate provision for those needs 5441
cannot be made immediately available in the community; 5442

(4) Would benefit from treatment for the person's mental 5443
illness and is in need of such treatment as manifested by 5444
evidence of behavior that creates a grave and imminent risk to 5445
substantial rights of others or the person; 5446

(5) (a) Would benefit from treatment as manifested by 5447
evidence of behavior that indicates all of the following: 5448

(i) The person is unlikely to survive safely in the 5449
community without supervision, based on a clinical 5450
determination. 5451

(ii) The person has a history of lack of compliance with 5452
treatment for mental illness and one of the following applies: 5453

(I) At least twice within the thirty-six months prior to 5454
the filing of an affidavit seeking court-ordered treatment of 5455
the person under section 5122.111 of the Revised Code, the lack 5456
of compliance has been a significant factor in necessitating 5457
hospitalization in a hospital or receipt of services in a 5458

forensic or other mental health unit of a correctional facility, 5459
provided that the thirty-six-month period shall be extended by 5460
the length of any hospitalization or incarceration of the person 5461
that occurred within the thirty-six-month period. 5462

(II) Within the forty-eight months prior to the filing of 5463
an affidavit seeking court-ordered treatment of the person under 5464
section 5122.111 of the Revised Code, the lack of compliance 5465
resulted in one or more acts of serious violent behavior toward 5466
self or others or threats of, or attempts at, serious physical 5467
harm to self or others, provided that the forty-eight-month 5468
period shall be extended by the length of any hospitalization or 5469
incarceration of the person that occurred within the forty- 5470
eight-month period. 5471

(iii) The person, as a result of the person's mental 5472
illness, is unlikely to voluntarily participate in necessary 5473
treatment. 5474

(iv) In view of the person's treatment history and current 5475
behavior, the person is in need of treatment in order to prevent 5476
a relapse or deterioration that would be likely to result in 5477
substantial risk of serious harm to the person or others. 5478

(b) An individual who meets only the criteria described in 5479
division (B) (5) (a) of this section is not subject to 5480
hospitalization. 5481

(C) (1) "Patient" means, subject to division (C) (2) of this 5482
section, a person who is admitted either voluntarily or 5483
involuntarily to a hospital or other place under section 5484
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code 5485
subsequent to a finding of not guilty by reason of insanity or 5486
incompetence to stand trial or under this chapter, who is under 5487

observation or receiving treatment in such place. 5488

(2) "Patient" does not include a person admitted to a 5489
hospital or other place under section 2945.39, 2945.40, 5490
2945.401, or 2945.402 of the Revised Code to the extent that the 5491
reference in this chapter to patient, or the context in which 5492
the reference occurs, is in conflict with any provision of 5493
sections 2945.37 to 2945.402 of the Revised Code. 5494

(D) "Licensed physician" means a person licensed under the 5495
laws of this state to practice medicine or a medical officer of 5496
the government of the United States while in this state in the 5497
performance of the person's official duties. 5498

(E) "Psychiatrist" means a licensed physician who has 5499
satisfactorily completed a residency training program in 5500
psychiatry, as approved by the residency review committee of the 5501
American medical association, the committee on post-graduate 5502
education of the American osteopathic association, or the 5503
American osteopathic board of neurology and psychiatry, or who 5504
on July 1, 1989, has been recognized as a psychiatrist by the 5505
Ohio state medical association or the Ohio osteopathic 5506
association on the basis of formal training and five or more 5507
years of medical practice limited to psychiatry. 5508

(F) "Hospital" means a hospital or inpatient unit licensed 5509
by the department of mental health and addiction services under 5510
section 5119.33 of the Revised Code, and any institution, 5511
hospital, or other place established, controlled, or supervised 5512
by the department under Chapter 5119. of the Revised Code. 5513

(G) "Public hospital" means a facility that is tax- 5514
supported and under the jurisdiction of the department of mental 5515
health and addiction services. 5516

(H) "Community mental health services provider" means an 5517
agency, association, corporation, individual, or program that 5518
provides community mental health services that are certified by 5519
the director of mental health and addiction services under 5520
section 5119.36 of the Revised Code. 5521

(I) "Licensed clinical psychologist" means a person who 5522
holds a current, valid psychologist license issued under section 5523
4732.12 of the Revised Code, and in addition, meets the 5524
educational requirements set forth in division (B) of section 5525
4732.10 of the Revised Code and has a minimum of two years' 5526
full-time professional experience, or the equivalent as 5527
determined by rule of the state board of psychology, at least 5528
one year of which shall be a predoctoral internship, in clinical 5529
psychological work in a public or private hospital or clinic or 5530
in private practice, diagnosing and treating problems of mental 5531
illness or intellectual disability under the supervision of a 5532
psychologist who is licensed or who holds a diploma issued by 5533
the American board of professional psychology, or whose 5534
qualifications are substantially similar to those required for 5535
licensure by the state board of psychology when the supervision 5536
has occurred prior to enactment of laws governing the practice 5537
of psychology. 5538

(J) "Health officer" means any public health physician; 5539
public health nurse; or other person authorized or designated by 5540
a city or general health district or a board of alcohol, drug 5541
addiction, and mental health services to perform the duties of a 5542
health officer under this chapter. 5543

(K) "Chief clinical officer" means the medical director of 5544
a hospital, community mental health services provider, or board 5545
of alcohol, drug addiction, and mental health services, or, if 5546

there is no medical director, the licensed physician responsible 5547
for the treatment provided by a hospital or community mental 5548
health services provider. The chief clinical officer may 5549
delegate to the attending physician responsible for a patient's 5550
care the duties imposed on the chief clinical officer by this 5551
chapter. ~~Within~~ In the case of a community mental health 5552
services provider, the chief clinical officer shall be 5553
designated by the governing body of the services provider and 5554
shall be a licensed physician or licensed clinical psychologist 5555
who supervises diagnostic and treatment services. A licensed 5556
physician or licensed clinical psychologist designated by the 5557
chief clinical officer may perform the duties and accept the 5558
responsibilities of the chief clinical officer in the chief 5559
clinical officer's absence. 5560

(L) "Working day" or "court day" means Monday, Tuesday, 5561
Wednesday, Thursday, and Friday, except when such day is a 5562
holiday. 5563

(M) "Indigent" means unable without deprivation of 5564
satisfaction of basic needs to provide for the payment of an 5565
attorney and other necessary expenses of legal representation, 5566
including expert testimony. 5567

(N) "Respondent" means the person whose detention, 5568
commitment, hospitalization, continued hospitalization or 5569
commitment, or discharge is being sought in any proceeding under 5570
this chapter. 5571

(O) "Ohio protection and advocacy system" has the same 5572
meaning as in section 5123.60 of the Revised Code. 5573

(P) "Independent expert evaluation" means an evaluation 5574
conducted by a licensed clinical psychologist, psychiatrist, or 5575

licensed physician who has been selected by the respondent or 5576
the respondent's counsel and who consents to conducting the 5577
evaluation. 5578

(Q) "Court" means the probate division of the court of 5579
common pleas. 5580

(R) "Expunge" means: 5581

(1) The removal and destruction of court files and 5582
records, originals and copies, and the deletion of all index 5583
references; 5584

(2) The reporting to the person of the nature and extent 5585
of any information about the person transmitted to any other 5586
person by the court; 5587

(3) Otherwise insuring that any examination of court files 5588
and records in question shall show no record whatever with 5589
respect to the person; 5590

(4) That all rights and privileges are restored, and that 5591
the person, the court, and any other person may properly reply 5592
that no such record exists, as to any matter expunged. 5593

(S) "Residence" means a person's physical presence in a 5594
county with intent to remain there, except that: 5595

(1) If a person is receiving a mental health service at a 5596
facility that includes nighttime sleeping accommodations, 5597
residence means that county in which the person maintained the 5598
person's primary place of residence at the time the person 5599
entered the facility; 5600

(2) If a person is committed pursuant to section 2945.38, 5601
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 5602
residence means the county where the criminal charges were 5603

filed. 5604

When the residence of a person is disputed, the matter of 5605
residence shall be referred to the department of mental health 5606
and addiction services for investigation and determination. 5607
Residence shall not be a basis for a ~~board's denying board of~~ 5608
alcohol, drug addiction, and mental health services to deny 5609
services to any person present in the board's service district, 5610
and the board shall provide services for a person whose 5611
residence is in dispute while residence is being determined and 5612
for a person in an emergency situation. 5613

(T) "Admission" to a hospital or other place means that a 5614
patient is accepted for and stays at least one night at the 5615
hospital or other place. 5616

(U) "Prosecutor" means the prosecuting attorney, village 5617
solicitor, city director of law, or similar chief legal officer 5618
who prosecuted a criminal case in which a person was found not 5619
guilty by reason of insanity, who would have had the authority 5620
to prosecute a criminal case against a person if the person had 5621
not been found incompetent to stand trial, or who prosecuted a 5622
case in which a person was found guilty. 5623

(V) (1) "Treatment plan" means a written statement of 5624
reasonable objectives and goals for an individual established by 5625
the treatment team, with specific criteria to evaluate progress 5626
towards achieving those objectives. 5627

(2) The active participation of the patient in 5628
establishing the objectives and goals shall be documented. The 5629
treatment plan shall be based on patient needs and include 5630
services to be provided to the patient while the patient is 5631
hospitalized, after the patient is discharged, or in an 5632

outpatient setting. The treatment plan shall address services to 5633
be provided. In the establishment of the treatment plan, 5634
consideration should be given to the availability of services, 5635
which may include but are not limited to all of the following: 5636

(a) Community psychiatric supportive treatment; 5637

(b) Assertive community treatment; 5638

(c) Medications; 5639

(d) Individual or group therapy; 5640

(e) Peer support services; 5641

(f) Financial services; 5642

(g) Housing or supervised living services; 5643

(h) Alcohol or substance abuse treatment; 5644

(i) Any other services prescribed to treat the patient's 5645
mental illness and to either assist the patient in living and 5646
functioning in the community or to help prevent a relapse or a 5647
deterioration of the patient's current condition. 5648

(3) If the person subject to the treatment plan has 5649
executed an ~~advanced~~advance directive for mental health 5650
treatment, the treatment team shall consider any directions 5651
included in such ~~advanced~~advance directive in developing the 5652
treatment plan. 5653

(W) "Community control sanction" has the same meaning as 5654
in section 2929.01 of the Revised Code. 5655

(X) "Post-release control sanction" has the same meaning 5656
as in section 2967.01 of the Revised Code. 5657

(Y) "Local correctional facility" has the same meaning as 5658

in section 2903.13 of the Revised Code. 5659

(Z) "Clinical nurse specialist" and "certified nurse 5660
practitioner" have the same meanings as in section 4723.01 of 5661
the Revised Code. 5662

Sec. 5122.10. (A) (1) Any psychiatrist, licensed clinical 5663
psychologist, licensed physician, health officer, parole 5664
officer, police officer, or sheriff of the following who has 5665
reason to believe that a person is a mentally ill person subject 5666
to court order and represents a substantial risk of physical 5667
harm to self or others if allowed to remain at liberty pending 5668
examination may take a the person into custody, or the chief of 5669
the adult parole authority or a parole or probation officer with 5670
the approval of the chief of the authority may take a parolee, 5671
an offender under a community control sanction or a post release 5672
control sanction, or an offender under transitional control into 5673
custody and may immediately transport the parolee, offender on 5674
community control or post release control, or offender under 5675
transitional control person to a hospital or, notwithstanding 5676
section 5119.33 of the Revised Code, to a general hospital not 5677
licensed by the department of mental health and addiction 5678
services where the parolee, offender on community control or 5679
post release control, or offender under transitional control 5680
person may be held for the period prescribed in this section, if 5681
the psychiatrist, licensed clinical psychologist, licensed 5682
physician, health officer, parole officer, police officer, or 5683
sheriff has reason to believe that the person is a mentally ill 5684
person subject to court order under division (B) of section 5685
5122.01 of the Revised Code, and represents a substantial risk 5686
of physical harm to self or others if allowed to remain at 5687
liberty pending examination. 5688

<u>(a) A psychiatrist;</u>	5689
<u>(b) A licensed physician;</u>	5690
<u>(c) A licensed clinical psychologist;</u>	5691
<u>(d) A clinical nurse specialist who is certified as a</u>	5692
<u>psychiatric-mental health CNS by the American nurses</u>	5693
<u>credentialing center;</u>	5694
<u>(e) A certified nurse practitioner who is certified as a</u>	5695
<u>psychiatric-mental health NP by the American nurses</u>	5696
<u>credentialing center;</u>	5697
<u>(f) A health officer;</u>	5698
<u>(g) A parole officer;</u>	5699
<u>(h) A police officer;</u>	5700
<u>(i) A sheriff.</u>	5701
<u>(2) If the chief of the adult parole authority or a parole</u>	5702
<u>or probation officer with the approval of the chief of the</u>	5703
<u>authority has reason to believe that a parolee, an offender</u>	5704
<u>under a community control sanction or post-release control</u>	5705
<u>sanction, or an offender under transitional control is a</u>	5706
<u>mentally ill person subject to court order and represents a</u>	5707
<u>substantial risk of physical harm to self or others if allowed</u>	5708
<u>to remain at liberty pending examination, the chief or officer</u>	5709
<u>may take the parolee or offender into custody and may</u>	5710
<u>immediately transport the parolee or offender to a hospital or,</u>	5711
<u>notwithstanding section 5119.33 of the Revised Code, to a</u>	5712
<u>general hospital not licensed by the department of mental health</u>	5713
<u>and addiction services where the parolee or offender may be held</u>	5714
<u>for the period prescribed in this section.</u>	5715

(B) A written statement shall be given to ~~such the~~ 5716
hospital by the ~~transporting psychiatrist, licensed clinical~~ 5717
~~psychologist, licensed physician, health officer, parole~~ 5718
~~officer, police officer, chief of the adult parole authority,~~ 5719
~~parole or probation officer, or sheriff stating individual~~ 5720
authorized under division (A) (1) or (2) of this section to 5721
transport the person. The statement shall specify the 5722
circumstances under which such person was taken into custody and 5723
the reasons for the ~~psychiatrist's, licensed clinical~~ 5724
~~psychologist's, licensed physician's, health officer's, parole~~ 5725
~~officer's, police officer's, chief of the adult parole~~ 5726
~~authority's, parole or probation officer's, or sheriff's belief~~ 5727
that the person is a mentally ill person subject to court order 5728
and represents a substantial risk of physical harm to self or 5729
others if allowed to remain at liberty pending examination. This 5730
statement shall be made available to the respondent or the 5731
respondent's attorney upon request of either. 5732

(C) Every reasonable and appropriate effort shall be made 5733
to take persons into custody in the least conspicuous manner 5734
possible. A person taking the respondent into custody pursuant 5735
to this section shall explain to the respondent: the name and 5736
professional designation and affiliation of the person taking 5737
the respondent into custody; that the custody-taking is not a 5738
criminal arrest; and that the person is being taken for 5739
examination by mental health professionals at a specified mental 5740
health facility identified by name. 5741

(D) If a person taken into custody under this section is 5742
transported to a general hospital, the general hospital may 5743
admit the person, or provide care and treatment for the person, 5744
or both, notwithstanding section 5119.33 of the Revised Code, 5745
but by the end of twenty-four hours after arrival at the general 5746

hospital, the person shall be transferred to a hospital as 5747
defined in section 5122.01 of the Revised Code. 5748

(E) A person transported or transferred to a hospital or 5749
community mental health services provider under this section 5750
shall be examined by the staff of the hospital or services 5751
provider within twenty-four hours after arrival at the hospital 5752
or services provider. If to conduct the examination requires 5753
that the person remain overnight, the hospital or services 5754
provider shall admit the person in an unclassified status until 5755
making a disposition under this section. After the examination, 5756
if the chief clinical officer of the hospital or services 5757
provider believes that the person is not a mentally ill person 5758
subject to court order, the chief clinical officer shall release 5759
or discharge the person immediately unless a court has issued a 5760
temporary order of detention applicable to the person under 5761
section 5122.11 of the Revised Code. After the examination, if 5762
the chief clinical officer believes that the person is a 5763
mentally ill person subject to court order, the chief clinical 5764
officer may detain the person for not more than three court days 5765
following the day of the examination and during such period 5766
admit the person as a voluntary patient under section 5122.02 of 5767
the Revised Code or file an affidavit under section 5122.11 of 5768
the Revised Code. If neither action is taken and a court has not 5769
otherwise issued a temporary order of detention applicable to 5770
the person under section 5122.11 of the Revised Code, the chief 5771
clinical officer shall discharge the person at the end of the 5772
three-day period unless the person has been sentenced to the 5773
department of rehabilitation and correction and has not been 5774
released from the person's sentence, in which case the person 5775
shall be returned to that department. 5776

Section 2. (A) That existing sections 140.01, 339.01, 5777

2925.03, 3715.08, 3719.13, 3719.27, 3719.61, 3721.01, 4723.41, 5778
4723.431, 4723.44, 4723.482, 4723.75, 4729.291, 4729.292, 5779
4730.19, 4731.09, 4731.19, 4731.22, 4731.222, 4731.27, 4731.291, 5780
4731.295, 4731.297, 4731.52, 4759.05, 4761.03, 4761.05, 4761.06, 5781
4779.08, 4779.19, 4779.20, 5119.01, 5119.21, 5119.34, 5119.36, 5782
5119.361, 5119.37, 5119.39, 5119.391, 5119.392, 5119.99, 5783
5122.01, and 5122.10 of the Revised Code are hereby repealed. 5784

(B) That sections 5119.367, 5119.391, and 5119.392 of the 5785
Revised Code are hereby repealed on the date that is twelve 5786
months after the effective date of this act. 5787

Section 3. That Section 757.20 of Am. Sub. H.B. 49 of the 5788
132nd General Assembly be amended to read as follows: 5789

Sec. 757.20. (A) Notwithstanding the requirements of 5790
division (C)(2) of section 5747.50 of the Revised Code, the Tax 5791
Commissioner shall reduce the total amount available for 5792
distribution to municipal corporations during the current month, 5793
as defined in that division, by one million dollars in each 5794
month of the period beginning with July 2017, and ending with 5795
December 2017, before calculating the amount to be distributed 5796
to each municipal corporation. 5797

(B) On or before the tenth day of each month in the period 5798
beginning with July 2017 and ending with December 2017, the tax 5799
commissioner shall provide for payment to each county undivided 5800
local government fund of a supplement for townships. The 5801
commissioner shall determine the amounts paid to each fund as 5802
follows: 5803

(1) An amount equal to forty-one and sixty-seven one- 5804
hundredths per cent of one million dollars shall be divided 5805
among every county fund so that each township in the state 5806

receives an equal amount. 5807

(2) An amount equal to forty-one and sixty-seven one- 5808
hundredths per cent of one million dollars shall be divided 5809
among every county fund so that each township receives a 5810
proportionate share based on the proportion that the total 5811
township road miles in the township is of the total township 5812
road miles in all townships in the state. 5813

(C) (1) As used in this division, "qualifying village" 5814
means a village with a population of less than one thousand 5815
according to the most recent federal decennial census. 5816

(2) On or before the tenth day of each month in the period 5817
beginning with July 2017, and ending with December 2017, the tax 5818
commissioner shall provide for payment to each county undivided 5819
local government fund of a supplement for qualifying villages. 5820
The commissioner shall determine the amounts paid to each fund 5821
as follows: 5822

(a) An amount equal to eight and thirty-three one- 5823
hundredths per cent of one million dollars shall be divided 5824
among every county fund so that each qualifying village in the 5825
state receives an equal amount. 5826

(b) An amount equal to eight and thirty-three one- 5827
hundredths per cent of one million dollars shall be divided 5828
among every county fund so that each qualifying village receives 5829
a proportionate share based on the proportion that the total 5830
village road miles in the qualifying village is of the total 5831
village road miles in all qualifying villages in the state. 5832

(D) The tax commissioner shall separately identify to the 5833
county treasurer the amounts to be allocated to each township 5834
under divisions (B) (1) and (2) of this section and to each 5835

qualifying village under divisions (C) (2) (a) and (b) of this 5836
section. The treasurer shall transfer those amounts to townships 5837
and qualifying villages from the undivided local government 5838
fund. 5839

(E) There is hereby created in the state treasury the 5840
Targeting Addiction Assistance Fund. 5841

(F) Notwithstanding the requirement in division (C) (2) of 5842
section 5747.50 of the Revised Code, the amounts that would 5843
otherwise be distributed to municipal corporations pursuant to 5844
that division during each month of fiscal years 2018 and 2019 5845
shall be deposited in the state treasury to the credit of the 5846
Targeting Addiction Assistance Fund (Fund 5TZ0). The amounts 5847
credited to Fund 5TZ0 shall be after any other reductions 5848
required by law to the amounts distributed to municipal 5849
corporations from the Local Government Fund under division (C) 5850
of section 5747.50 of the Revised Code and after the payments 5851
specified in divisions (A) to (D) of this section. 5852

(G) The Targeting Addiction Assistance Fund shall be used 5853
as follows: 5854

(1) In each fiscal year, \$1,000,000 shall be used by the 5855
Department of Health to reimburse county coroners in counties in 5856
which the coroner has performed toxicology screenings on victims 5857
of a drug overdose. The Director of Health shall transfer the 5858
funds to the counties in proportion to the numbers of toxicology 5859
screenings performed per county. 5860

(2) In each fiscal year, \$5,000,000 shall be allocated by 5861
the Department of Rehabilitation and Correction as Probation 5862
Improvement and Incentive Grants to municipalities with an 5863
emphasis on: (1) providing services to those addicted to opiates 5864

and other illegal substances, and (2) supplementing the programs 5865
and services funded by grants distributed from GRF appropriation 5866
item 501407, Community Nonresidential Programs. 5867

(3) In each fiscal year, \$6,000,000 shall be allocated by 5868
the Department of Mental Health and Addiction Services to boards 5869
of alcohol, drug addiction, and mental health services. The 5870
boards shall use their allocations to establish and administer, 5871
in collaboration with the other boards that serve the same state 5872
psychiatric hospital region, acute substance use disorder 5873
stabilization centers. There shall be one center located in each 5874
state psychiatric hospital region. The Department of Mental 5875
Health and Addiction Services shall conduct an analysis of each 5876
acute substance use disorder stabilization center. Not later 5877
than June 30, 2019, the Department shall submit the findings of 5878
the analysis to the Governor and the General Assembly, in 5879
accordance with section 101.68 of the Revised Code. 5880

(4) In each fiscal year, \$150,000 shall be allocated by 5881
the Department of Job and Family Services to children's crisis 5882
care facilities as defined in section 5103.13 of the Revised 5883
Code. ~~The In fiscal year 2018, the~~ Director of Job and Family 5884
Services shall allocate funds based on the number of children at 5885
each facility. In fiscal year 2019, the Director of Job and 5886
Family Services shall allocate funds based on the aggregate 5887
daily census of children in the facility during the previous 5888
fiscal year. The census is considered the total length of stay 5889
or days of care for each child residing in the facility and is 5890
determined by calculating the total days each child resides at 5891
the crisis care facility, including the date of admission, but 5892
not the day of discharge. A children's crisis care facility may 5893
decline to receive funds provided under this section. A 5894
children's crisis care facility that accepts funds provided 5895

under this section shall use the funds in accordance with 5896
section 5103.13 of the Revised Code and the rules as defined in 5897
rule 5101:2-9-36 of the Administrative Code. 5898

(5) In each fiscal year, \$500,000 shall be used by the 5899
Department of Medicaid, in consultation with the Department of 5900
Job and Family Services and the Department of Health, to develop 5901
a pilot program under which newborns who have neonatal 5902
abstinence syndrome are, after being medically stabilized at a 5903
hospital, transferred to a nonhospital, community facility that 5904
is located in Montgomery County and provides the newborns 5905
medical, pharmacological, and therapeutic services specified by 5906
the Department of Medicaid, the Department of Job and Family 5907
Services, and the Department of Health. The departments shall 5908
begin operation of the pilot program not later than ninety days 5909
after the effective date of this section and shall cease 5910
operation of the pilot program on July 1, 2018. Not later than 5911
ninety days after the date the pilot program ends, the 5912
Department of Medicaid, the Department of Job and Family 5913
Services, and the Department of Health shall jointly complete a 5914
report about the pilot program. The report shall include 5915
recommendations for making the pilot program statewide and part 5916
of the Medicaid program. The Department of Medicaid, the 5917
Department of Job and Family Services, and the Department of 5918
Health jointly shall submit the report to the General Assembly 5919
in accordance with section 101.68 of the Revised Code. 5920

(6) In each fiscal year, \$5,000,000 shall be allocated to 5921
the Department of Mental Health and Addiction Services and used 5922
in accordance with division (E) of Section 337.50 of ~~this act~~ 5923
Am. Sub. H.B. 49 of the 132nd General Assembly. 5924

(H) Boards of alcohol, drug addiction, and mental health 5925

services shall ensure that each acute substance use disorder 5926
stabilization center established and administered under division 5927
(G) (3) of this section complies with all of the following: 5928

(1) It admits individuals before and after the individuals 5929
receive treatment and care at hospital emergency departments or 5930
freestanding emergency departments. 5931

(2) It admits individuals before and after the individuals 5932
are confined in state or local correctional facilities. 5933

(3) It has a Medicaid provider agreement. 5934

(4) It is located in a building constructed for another 5935
purpose before the effective date of this section. 5936

(5) It admits individuals who have been identified as 5937
needing the stabilization services provided by the center. 5938

(6) It connects individuals when they are discharged from 5939
the center with community-based continuum of care services and 5940
supports as described in section 340.032 of the Revised Code. 5941

(I) As used in this section: 5942

(1) "Hospital" has the same meaning as in section 3727.01 5943
of the Revised Code. 5944

(2) "State or local correctional facility" means any of 5945
the following: 5946

(a) A "state correctional institution," as defined in 5947
section 2967.01 of the Revised Code; 5948

(b) A "local correctional facility," as defined in section 5949
2903.13 of the Revised Code; 5950

(c) A correctional facility that is privately operated and 5951
managed pursuant to section 9.06 of the Revised Code. 5952

(3) "State psychiatric hospital regions" means the six 5953
districts into which the Department of Mental Health and 5954
Addiction Services has divided the state pursuant to division 5955
(B) (2) of section 5119.14 of the Revised Code. 5956

Section 4. That existing section 757.20 of Am. Sub. H.B. 5957
49 of the 132nd General Assembly is hereby repealed. 5958

Section 5. The Ohio Occupational Therapy, Physical 5959
Therapy, and Athletic Trainers Board may do any of the following 5960
for purposes of converting the licensure of orthotists, 5961
prosthetists, and pedorthists under Chapter 4779. of the Revised 5962
Code from an annual license renewal period to a biennial license 5963
renewal period, as provided in sections 4779.08, 4779.19, and 5964
4779.20 of the Revised Code, as amended by this act: 5965

(A) Extend the expiration date that applies to an initial 5966
or renewed license to accommodate the schedule the Board 5967
establishes by rule for biennial renewal of licenses; 5968

(B) Adjust continuing education requirements; 5969

(C) Take any other action the Board considers necessary. 5970

Section 6. The Department of Mental Health and Addiction 5971
Services and the Director of Mental Health and Addiction 5972
Services may take any actions they consider necessary in 5973
preparation for the certification of alcohol and drug addiction 5974
services and licensure of opioid treatment programs as 5975
anticipated by this act's enactment of section 5119.35, 5976
amendment of section 5119.36, enactment of new section 5119.37, 5977
enactment of section 5119.371, and repeal of sections 5119.391 5978
and 5119.392 of the Revised Code. These actions may include 5979
acceptance and consideration of applications for certification 5980
or licensure, but the certification of an alcohol and drug 5981

addiction program may not be issued until section 5119.35 of the 5982
Revised Code takes effect and the license to operate an opioid 5983
treatment program may not be issued until section 5119.37 of the 5984
Revised Code takes effect. 5985

The Director and Department may take any actions they 5986
consider necessary to convert a previously issued license to 5987
maintain methadone treatment under section 5119.391 of the 5988
Revised Code into a license to operate an opioid treatment 5989
program under section 5119.37 of the Revised Code. In addition, 5990
the Director and Department may take any actions considered 5991
necessary to convert a previously issued declaration under 5992
section 5119.392 of the Revised Code into a two-year declaration 5993
issued under that section, as amended by this act, or into a 5994
declaration that applies with respect to an opioid treatment 5995
program pursuant to section 5119.371 of the Revised Code, as 5996
enacted by this act. 5997

Section 7. (A) Except for the amendment of sections 5998
4723.41 and 4723.482 of the Revised Code, all of the following 5999
apply with respect to the dates that the amendments and 6000
enactments in Sections 1 and 2 of this act take effect: 6001

(1) Both of the following take effect on the ninety-first 6002
day after the effective date of this act: 6003

(a) The amendment of sections 339.01, 4723.431, 4723.44, 6004
4723.75, 4730.19, 4731.09, 4731.19, 4731.22, 4731.222, 4731.27, 6005
4731.291, 4731.295, 4731.297, 4731.52, 4759.05, 4761.03, 6006
4761.05, 4761.06, 4779.08, 4779.19, 4779.20, 5119.37, 5119.39, 6007
5119.391, 5119.392, 5122.01, and 5122.10 of the Revised Code; 6008

(b) The amendment, for the purpose of adopting new section 6009
numbers as indicated in parentheses, of sections 5119.37 6010

(5119.531) and 5119.39 (5119.43) of the Revised Code. 6011

(2) Both of the following take effect on the date that is 6012
twelve months after the effective date of this act: 6013

(a) The amendment of sections 140.01, 2925.03, 3715.08, 6014
3719.13, 3719.27, 3719.61, 3721.01, 4729.291, 4729.292, 5119.01, 6015
5119.21, 5119.34, 5119.361, and 5119.99 of the Revised Code; 6016

(b) The enactment of new section 5119.37 and section 6017
5119.371 of the Revised Code. 6018

(3) Both of the following take effect on the date that is 6019
fifteen months after the effective date of this act: 6020

(a) The enactment of section 5119.35 of the Revised Code; 6021

(b) The amendment of section 5119.36 of the Revised Code. 6022

(B) Sections 3, 4, 5, and 6 of this act take effect on the 6023
ninety-first day after the effective date of this act. 6024

Section 8. Section 2925.03 of the Revised Code is 6025
presented in this act as a composite of the section as amended 6026
by Am. Sub. H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 6027
131st General Assembly. The General Assembly, applying the 6028
principle stated in division (B) of section 1.52 of the Revised 6029
Code that amendments are to be harmonized if reasonably capable 6030
of simultaneous operation, finds that the composite is the 6031
resulting version of the section in effect prior to the 6032
effective date of the section as presented in this act. 6033

Section 4729.291 of the Revised Code is presented in this 6034
act as a composite of the section as amended by both Sub. H.B. 6035
290 and Sub. S.B. 319 of the 131st General Assembly. The General 6036
Assembly, applying the principle stated in division (B) of 6037
section 1.52 of the Revised Code that amendments are to be 6038

harmonized if reasonably capable of simultaneous operation, 6039
finds that the composite is the resulting version of the section 6040
in effect prior to the effective date of the section as 6041
presented in this act. 6042

Section 9. This act is hereby declared to be an emergency 6043
measure necessary for the immediate preservation of the public 6044
peace, health, and safety. The reason for such necessity is that 6045
experienced individuals who desire to serve the unmet health 6046
care needs of Ohioans as advanced practice registered nurses 6047
will be precluded from practicing in this state because of 6048
recent educational and examination requirements for licensure. 6049
Therefore, this act shall go into immediate effect. 6050