

Ohio Biennium Budget Bill Changes Legislative Summary & Frequently Asked Questions

Legislative Summary

Ohio's biennium budget (House Bill 33) was passed by the Ohio General Assembly on June 30, 2023. Effective October 3, this new legislation makes several changes that will impact licensees of the Medical Board.

Changes Affecting All License Types

- The board has created a new Confidential Monitoring Program for licensees impaired with substance use disorders, mental health disorders, and physical conditions. The newly created Confidential Monitoring Program will be administered by the [Ohio Professionals Health Program \(OhioPHP\)](#). Licensees currently participating in One-Bite or the Board's confidential monitoring program for physical or mental impairment will receive detailed information about transition into the new program. House Bill 33 also authorizes the Board to transfer both the ongoing monitoring of board ordered probationers and the approval of treatment providers to OhioPHP.
 - Licensees may change their licenses to a retired status. Eligibility requirements include a voluntary retirement from practice, a paid application fee, and no pending investigations or disciplinary actions. Retired status prohibits practice but continues the use of any titles authorized for the license, if "retired" is included in the title, and allows the reactivation of the license if certain conditions are met.
 - The SMBO's active license roster will only include the business address of the licensee.
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Changes Affecting Specific License Types

- House Bill 33 authorizes sonographers to administer intravenously ultrasound enhancing agents, if:
 - A physician delegates the authority.
 - The sonographer administers the agent in accordance with a written practice protocol developed by the facility where the physician practices.
 - The delegating physician is physically present at the facility where the sonographer administers the agent.
 - The sonographer has successfully completed an education and training program in sonography, is certified by a nationally recognized accrediting organization, and has successfully completed training in the intravenous administration of ultrasound enhancing agents.

- House Bill 33 allows a physician assistant to prescribe schedule II controlled substances if the prescription is issued at the site of a behavioral health practice that does not otherwise qualify under current law as a site where physician assistants may prescribe those drugs. If (1) the behavioral health practice is organized to provide outpatient services for treating mental health conditions, substance use disorders or both, and (2) The physician assistant has entered into a supervisory agreement with a physician who is employed by the same practice.
- A licensed acupuncturist with national certification in Chinese herbology or oriental medicine may practice herbal therapy (the law does not prohibit unlicensed persons from practicing herbal therapy within Ohio if they do not represent themselves as licensed). Additionally, supervisory requirements for newly licensed acupuncturists, including duties and reimbursement allowances for supervising physicians and chiropractors will be eliminated.

Frequently Asked Questions

Impairment Modernization

Q: What is the new Confidential Monitoring Program (CMP)?

A: The new Confidential Monitoring Program is a confidential non-disciplinary program for the evaluation and treatment of practitioners and applicants who are or may be impaired.

Q: What does impairment mean?

A: Impairment means the inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills and impairment of the ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice.

Q: Is my call to the Ohio PHP confidential?

A: If you think you may qualify for the Confidential Monitoring Program or know a colleague in need of help, please contact the OhioPHP at (614) 841-9690 or ohiophp.org. Calls are confidential unless an extenuating circumstance is present. For more information on the rare occurrence when a call may not be confidential, read more [here](#).

Q: Will my ongoing work and/or monitoring with the Ohio PHP be confidential?

A: OhioPHP will not disclose to the Medical Board the name or records relating to a practitioner participating in the Confidential Monitoring Program unless an extenuating circumstance is present. For more information on the rare occurrence when a call may not be confidential, read more [here](#).

Q: What happens to the board's One-Bite program?

A: The current One-Bite Program will be replaced with a new program that includes licensees impaired with substance use disorders, mental health disorders and certain physical conditions.

Q: What if I'm already in One-Bite?

A: If you are in compliance with your monitoring agreement with OhioPHP, nothing changes. If you have additional questions, please contact OhioPHP at (614) 841-9690 or [ohiophp.org](https://www.ohiophp.org).

Q: Where can I learn more about the new CMP?

A: You can find additional information about the new CMP on the Medical Board's Website at <https://med.ohio.gov/for-licensees/treatment-and-compliance/impairment-modernization-parent> or via OhioPHP's website at <https://www.ohiophp.org/smbo>.

Voluntary Retirement

Q: What license types are eligible to place a license in retired status with the SMBO?

A: Anyone who holds a current, valid license under Ohio Revised Code sections 4730 (physician assistant), 4731 (physicians [MD, DO, and DPM] and massage therapists), 4759 (dietitian), 4760 (anesthesiologist assistant), 4761 (respiratory care professional), 4762 (acupuncturist), 4774 (radiologist assistant), or 4778 (genetic counselor) except training certificate (MD, DO, DPM) and dietetics and respiratory care limited permit holders may be eligible to place a license in retired status.

Q: What steps must a licensee take to place a license in retired status?

A: Licensees seeking to place a license into retired status must file an application with the board **before the license expires**. The application must include:

- The applicant's full name, license number, mailing address, and email address.
- An attestation that the information included in the application is accurate and truthful and that the applicant meets the following qualifications:
 - The applicant holds a current, valid license issued by the board.
 - The applicant has retired voluntarily from the practice of the licensed occupation.
 - In the case of an applicant who holds a current, valid license to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or as a physician assistant, that the applicant does not hold an active registration with the federal drug enforcement administration.
 - The applicant does not have any criminal charges pending.
 - The applicant is not subject of discipline by, or an investigation pending with, a regulatory agency of this state, another state, or the United States.
 - The applicant does not have any complaints pending with the board.
 - The applicant is not, at the time of application, subject to the board's hearing, disciplinary, or compliance processes under the terms of a citation, notice of opportunity for hearing, board order, or consent agreement.
- A licensee may submit an application via their eLicense account. For additional information, you may email license@med.ohio.gov.

Q: Is there a fee to place a license in retired status?

A: Yes. At the time of application, the applicant must pay a fee in an amount equal to the restoration fee amount for that license.

License Type	Fee
Acupuncture	\$150.00
Anesthesiologist Assistant	\$150.00
Dietitian	\$230.00
Genetic Counselor	\$200.00
Massage Therapist	\$150.00
Physician – MD, DO, DPM	\$485.00
Physician Assistant	\$300.00
Radiologist Assistant	\$250.00
Respiratory Care Professional	\$125.00

Q: What are the benefits of a licensee being in retired status?

A: A license holder on retired status does not have to expend time and money to renew their license every two years. A license can remain on retired status for the life of the license holder. Further, a license holder on retired status does not have to complete continuing education or keep a professional certification current.

Q: Can I practice my profession after placing my license in retired status?

A: No, a licensee in retired status cannot practice their profession in any manner.

Q: Can I still use my title, after placing my license in retired status?

A: Yes. The license holder may use a title authorized for the holder’s license type as described in the Ohio Revised Code, but only if “retired” also is included in the title.

- Example: Dr. John Smith (retired)

Q: Can I reactive my license, after placing it in retired status?

A: Yes. A license placed in retired status can be reactivated, if the following conditions are met:

- The license holder certifies completion of continuing education.
- Payment of reactivation fee.
- Completion of a Criminal Records Check.
- Completion of any terms and conditions that may be imposed by the board on a case-by-case basis, including:
 - Additional training
 - Passing an examination
 - Completion of a physician examination and/or skill assessment
 - As with the granting of all licenses, the board may restrict or limit the extent, scope, or type of practice of the applicant.

Q: Can I use a license that is in retired status to obtain a license in another state?

A: No, a license holder of a license in retired status is prohibited from using the license to obtain a license in another state, whether by endorsement or reciprocity or through a licensure compact.

Q: Can the board take disciplinary action against the holder of a license placed on retired status?

A: Yes, the board may take disciplinary action against the holder of a license placed on retired status if the holder practices under the license, uses the license to obtain licensure in another state, or uses a title that does not reflect the holder's retired status. The placement of an individual's license on retired status does not remove or limit the Medical Board's jurisdiction to take any disciplinary action against the individual with regard to the license as it existed before being placed on retired status. The board also may take disciplinary action against an applicant who seeks to place a license on retired status or to reactivate the license if the applicant commits fraud, misrepresentation, or deception in applying for or securing the retired status or reactivation.

Q: My license is inactive, am I eligible for Retired Status?

A: No. Only applicants holding a current, valid license to practice are eligible to apply for retired status. Those with an inactive license could renew or restore their license and then apply for retired status. However, payment of the renew or restoration fee and the retired license status fee would be required.

Q: I have an active DEA registration in another state, am I eligible for voluntary retirement?

A: No, you cannot hold any active DEA registrations to be eligible for voluntary retirement.

Q: I have retired from practice, am I required to place my license into retired status?

A: No, after retiring from practice you are not required to place your license into retired status.

Q: What if I am a physician or massage therapist that is a holder of emeritus registration in Ohio?

A: HB 33 provisions regarding retired license status effectively replace emeritus registration for retired physicians and massage therapists who obtained that registration. The Medical Board adopted [OAC 4731-22-01](#) to implement the conversion.

Active License Roster

Q: What changes with this HB 33 provision?

A: SMBO's active license roster will only include the business address of the licensee. You will note that eLicense address fields reading "Mailing Address" and "Public Address" will now read "Residential Mailing Address" and "Public Business Address".

Q: What is my residential mailing address?

A: This is the license holder's private residential address; this will be used for all postal communications from the Board. This address will not be published on the publicly available SMBO licensee roster.

Q: What is my public business address?

A: This address should be the license holder's place of business and will be publicly available on the SMBO licensee roster.

Q: Am I required to keep both of these addresses current?

A: Yes. Pursuant to the Ohio Revised Code, Medical Board licensees shall give written notice to the Board of any change of principal practice address or residence address within 30 days of change.

Q: Can I use the same address for both?

A: A licensee may use the same address for both fields. However, if the licensee chooses to use the same address, that address will be available to the public.

Q: Do I need to update my address on file with the board?

A: This is a good opportunity for licensees to check their addresses on file and make sure they are up to date. To do this, log onto eLicense:

- **For Residential Mailing Address:**
 - Select a residential mailing address by clicking the appropriate checkbox to the right (this is the address used for all postal communications from the Board for this license). To add a new address, click add address, complete the required fields, and click save.

 - **For Public Business Address:**
 - Select the public business address by clicking the appropriate checkbox to the right (this is the address that will be viewable to the public). To add a new address, click add address, complete required fields, and click save.
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Intravenous Administration of Ultrasound Enhancing Agents – Sonographers

Q: What requirements does a sonographer need to be able to administer intravenously ultrasound enhancing agents?

A: A sonographer must have successfully completed an education and training program in sonography, be certified by a nationally recognized accrediting organization, and successfully completed training in the intravenous administration of ultrasound enhancing agents.

Q: Who can delegate a sonographer to administer ultrasound enhancing agents intravenously?

A: A physician can make this delegation.

Q: Does the sonographer administering the ultrasound enhancing agent need to be supervised?

A: Yes. The delegating physician must be physically present at the facility where the sonographer administers the agent.

Practice of acupuncture and herbal therapy

Q: Can an acupuncturist practice herbal therapy in Ohio?

A: Yes. HB 33 authorizes a licensed acupuncturist with a national certification in Chinese herbology or oriental medicine to practice herbal therapy.

Q: Do newly licensed acupuncturists need to be supervised by a physician?

A: No. HB 33 eliminates supervisory requirements for newly licensed acupuncturists, including duties and reimbursement allowances for supervising physicians and chiropractors.

Last Revised 3/1/24