



## Rules & Policies Agenda for Board Meeting April 12, 2023

- A. Rule Review Update
  - B. Light-Based Medical Device Rules
  - C. Voluntary Retirement Proposal
  - D. Legislative Update
-



**MEMORANDUM**

TO: Sherry Johnson, D.O., President  
Members, State Medical Board of Ohio

FROM: Kimberly C. Anderson, Chief Legal Counsel

RE: Rule Review Update

DATE: March 30, 2023

---

Attached please find the Rule Schedule and Spreadsheet for April 2023.

**Requested Action:** No action requested.

# Legal Dept. Rules Schedule

As of March 30, 2023

## RULES TO APRIL BOARD MEETING

### **Rules Filed with JCARR**

Light Based Medical Device Rules-Public Hearing  
2/10/23; JCARR Meeting 3/6/23; JCARR jurisdiction  
ends 3/9/23-Ready for Final Adoption

4731-18-01      4731-18-02  
4731-18-03

### **Rules Filed with CSI-Comment Period Ends April 14, 2023**

#### Medical Marijuana Rules

4731-32-01  
4731-32-02  
4731-32-03  
4731-32-04  
4731-32-05

Rule Number	Rule Description	Sent for Initial Comment	Board Approval to File with CSI	CSI filing	CSI recommendation	JCARR filing	Rules Hearing	JCARR Hearing	Board Adoption	New Effective Date	Current Review Date	Notes
4730-1-01	Regulation of Physician Assistants - Definitions		06/12/19	07/16/19	11/07/19	06/18/20	No change rule			09/16/20	06/18/25	
4730-1-05	Quality Assurance System		06/12/19	07/16/19	11/07/19	06/19/20	No change rule			09/17/20	06/19/25	
4730-1-06	Licensure as a physician assistant	03/22/19	06/12/19	12/04/19		06/18/20	07/23/20	08/17/20	09/09/20	12/31/20	09/30/23	
4730-1-07	Miscellaneous Provisions	02/12/22	05/11/22	05/16/22	09/22/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	
4730-2-01	Physician Delegated Prescriptive Authority - Definitions		06/12/19	07/16/19	11/07/19	06/18/20	No change rule	01/30/23	02/08/23	02/28/23	02/28/28	
4730-2-04	Period of on-site supervision of physician-delegated prescriptive authority		06/12/19	07/16/19	11/07/19	06/18/20	07/23/20	08/17/20	09/09/20	09/30/20	11/15/23	
4730-2-05	Addition of valid prescriber number after initial licensure		06/12/19	07/16/19	11/07/19	06/18/20	07/23/20	08/17/20	09/09/20	09/30/20	09/30/23	
4730-2-07	Standards for Prescribing	02/12/22	05/11/22	05/16/22	09/22/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	
4730-2-10	Standards and Procedures for use of OARRS		06/12/19	07/16/19	11/07/19	06/18/20	07/23/20	08/17/20	09/09/20	09/30/20	09/30/23	
4730-4-01	Definitions	05/09/19		11/15/19	05/20/20	06/18/20	07/23/20	08/17/20	10/14/20	10/31/20	04/30/24	
4730-4-02	Standards and procedures for withdrawal management for drug or alcohol addition	05/09/19		11/15/19	05/20/20	06/18/20	07/23/20	08/17/20	10/14/20	10/31/20	10/31/25	
4730-4-03	Office Based Treatment for Opioid addiction									04/30/19	04/30/24	
4730-4-04	Medication assisted treatment using naltrexone									04/30/19	04/30/24	
4730-5-01												
4730-5-02												new rules re consult rules
4731-1-01	Limited Practitioners - Definition of Terms	06/17/21		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	
4731-1-02	Application of Rules Governing Limited Branches of Medicine or Surgery	06/17/21		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	07/31/24	
4731-1-03	General Prohibitions	06/17/21		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	
4731-1-04	Scope of Practice: Mechanotherapy	06/17/21		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	
4731-1-05	Scope of Practice: Massage Therapy	06/17/21		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	11/05/24	
4731-1-06	Scope of Practice: Naprapathy									08/31/18	08/31/23	
4731-1-07	<i>Eligibility of Electrologists Licensed by the Ohio State Board of Cosmetology to Obtain Licensure as Cosmetic Therapists Pursuant to Chapter 4731 ORC and Subsequent Limitations</i>	06/17/21		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23		Rescinded
4731-1-08	<i>Continuing Cosmetic Therapy Education Requirements for Registration or Reinstatement of a License to Practice Cosmetic Therapy</i>	06/17/21		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23		Rescinded
4731-1-09	<i>Cosmetic Therapy Curriculum Requirements</i>	06/17/21		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23		Rescinded
4731-1-10	<i>Distance Education</i>	06/17/21		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23		Rescinded
4731-1-11	<i>Application and Certification for certificate to practice cosmetic therapy</i>	06/17/21		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23		Rescinded
4731-1-12	<i>Examination</i>			09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	
4731-1-15	<i>Determination of Standing of School, College or Institution</i>	06/17/21		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	Rescinded
4731-1-16	<i>Massage Therapy curriculum rule (Five year review)</i>	06/17/21		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	Rescinded
4731-1-17	<i>Instructional Staff</i>	06/17/21		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	Rescinded
4731-1-18	<i>Grounds for Suspension, Revocation or Denial of Certificate of Good Standing, Hearing Rights</i>	06/17/21		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	Rescinded

Rule Number	Rule Description	Sent for Initial Comment	Board Approval to File with CSI	CSI filing	CSI recommendation	JCARR filing	Rules Hearing	JCARR Hearing	Board Adoption	New Effective Date	Current Review Date	Notes
4731-1- 19	Probationary Status of a limited branch school	06/17/21		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	Rescinded
4731-2-01	Public Notice of Rules Procedure	05/15/22			10/31/22	09/28/22				09/28/22	09/28/27	
4731-4-01	Criminal Records Checks - Definitions									09/30/19	09/30/24	
4731-4-02	Criminal Records Checks									09/30/19	09/30/24	
4731-5-01	Admission to Examinations	05/15/22		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	Rescinded
4731-5-02	Examination Failure; Inspection and Regrading	05/15/22		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	Rescinded
4731-5-03	Conduct During Examinations	05/15/22		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	Rescinded
4731-5-04	Termination of Examinations	05/15/22		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	Rescinded
4731-6-01	Medical or Osteopathic Licensure: Definitions				10/31/22					07/31/19	07/31/24	
4731-6-02	Preliminary Education for Medical and Osteopathic Licensure				10/31/22					07/31/19	07/31/24	
4731-6-04	Demonstration of proficiency in spoken English	05/15/22		09/22/22	10/31/22	11/14/22			no change	11/14/22	11/14/27	
4731-6-05	Format of Medical and Osteopathic Examination		09/08/21	09/24/21	10/27/21	10/29/21	12/03/21		01/12/22	01/31/22	01/31/27	
4731-6-14	Examination for physician licensure	09/03/20								07/31/19	07/31/24	
4731-6-15	Eligibility for Licensure of National Board Diplomats and Medical Council of Canada Licentiatees									07/31/19	07/31/24	
4731-6-21	Application Procedures for Certificate Issuance; Investigation; Notice of Hearing Rights									07/31/19	07/31/24	
4731-6-22	Abandonment and Withdrawal of Medical and Osteopathic Licensure Applications									07/31/19	07/31/24	
4731-6-30	Training Certificates									07/31/19	07/31/24	
4731-6-31	Limited Preexamination Registration and Limited Certification									07/31/19	07/31/24	
4731-6-33	Special Activity Certificates									07/31/19	07/31/24	
4731-6-34	Volunteer's Certificates									07/31/19	07/31/24	
4731-7-01	Method of Notice of Meetings									07/31/19	07/31/24	
4731-8-01	Personal Information Systems	04/29/20		10/05/20	11/18/20	02/11/21			no change	02/11/21	02/11/26	
4731-8-02	Definitions	04/29/20		10/05/20	11/18/20	02/11/21			no change	02/11/21	02/11/26	
4731-8-03	Procedures for accessing confidential personal information	04/29/20		10/05/20	11/18/20	02/11/21			no change	02/11/21	02/11/26	
4731-8-04	Valid reasons for accessing confidential personal information	04/29/20		10/05/20	11/18/20	02/11/21	03/15/21	03/29/21	05/12/21	05/31/21	05/31/26	
4731-8-05	Confidentiality Statutes	04/29/20		10/05/20	11/18/20	02/11/21	03/15/21	03/29/21	05/12/21	05/31/21	05/31/26	
4731-8-06	Restricting & Logging access to confidential personal information	04/29/20		10/05/20	11/18/20	02/11/21			no change	02/11/21	02/11/26	
4731-9-01	Record of Board Meetings; Recording, Filming, and Photographing of Meetings									09/15/19	06/17/24	
4731-10-01	Definitions	10/25/19		05/26/20		Revised filing 11/3/20 10/30/20	12/04/20	12/07/20	05/12/21	05/31/21	05/31/26	
4731-10-02	Requisite Hours of Continuing Medical Education for License Renewal or Reinstatement	10/25/19		05/26/20		Revised filing 11/3/20 10/30/20	03/15/21	03/29/21	05/12/21	05/31/21	05/31/26	

Rule Number	Rule Description	Sent for Initial Comment	Board Approval to File with CSI	CSI filing	CSI recommendation	JCARR filing	Rules Hearing	JCARR Hearing	Board Adoption	New Effective Date	Current Review Date	Notes
4731-10-03	CME Waiver	10/25/19		05/26/20		Revised filings 11/24 & 11/3 - orig 10/30/20	12/04/20	12/07/20	05/12/21	05/31/21	05/31/26	
4731-10-04	Continuing Medical Education Requirements for Restoration of a License	10/25/19		05/26/20		Revised filings 11/24 & 11/3 - orig 10/30/20	12/04/20	12/07/20	05/12/21	05/31/21	05/31/26	
4371-10-08	Evidence of Continuing Medical Education	10/25/19		05/26/20		Revised filings 11/24 & 11/3 - orig 10/30/20	03/15/21	03/29/21	05/12/21	05/31/21	05/31/26	
4731-11-01	Controlled substances; General Provisions Definitions	02/12/22								10/31/20	10/31/25	
4731-11-02	Controlled Substances - General Provisions	07/26/19	11/13/19	10/05/20		05/27/21			no change		05/27/26	
4731-11-03	Schedule II Controlled Substance Stimulants			09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	
4731-11-04	Controlled Substances: Utilization for Weight Reduction			09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	
4731-11-04.1	Controlled substances: Utilization for chronic weight management			09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	Rescinded
4731-11-07	Research Utilizing Controlled Substances	07/26/19	11/13/19	10/05/20		05/27/21			no change		05/27/26	
4731-11-08	Utilizing Controlled Substances for Self and Family Members	01/25/21	03/10/21	03/18/21	04/23/21	05/27/21			no change		05/27/26	
4731-11-09	Prescribing to persons the physician has never personally examined.	02/12/22	05/11/22	05/16/22	09/22/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	
4731-11-11	Standards and procedures for review of "Ohio Automated Rx Reporting System" (OARRS).	07/26/19	11/13/19	10/05/20		05/27/21	06/28/21		09/08/21	09/30/21	09/30/26	
4731-11-13	Prescribing of Opioid Analgesics for Acute Pain									08/31/17	08/31/22	
4731-11-14	Prescribing for subacute and chronic pain			3/21/19	11/14/19	corrected-7/16/20 6/18/2020	07/23/20	08/17/20	10/14/20	10/31/20	12/23/23	
4731-12-01	Preliminary Education for Licensure in Podiatric Medicine and Surgery	04/18/22		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	
4731-12-02	Standing of Colleges of Podiatric Surgery and Medicine	04/18/22		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/02/23	02/28/28	
4731-12-03	Eligibility for the Examination in Podiatric Surgery and Medicine	04/18/22		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	
4731-12-04	Eligibility of Licensure in Podiatric Medicine and Surgery by Endorsement from Another State	04/18/22		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	
4731-12-05	Application Procedures for Licensure in Podiatric Medicine and Surgery, Investigation, Notice of Hearing Rights.	04/18/22		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	
4731-12-06	Visiting Podiatric Faculty Certificates	04/18/22		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	Rescinded
4731-12-07	Podiatric Training Certificates	04/18/22		09/22/22	10/31/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	
4731-13-01	Conduct of Hearings - Representative; Appearances	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	05/17/21	06/07/21	07/14/21	07/31/21	07/31/26	
4731-13-02	Filing Request for Hearing	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	No change				04/12/26	

Rule Number	Rule Description	Sent for Initial Comment	Board Approval to File with CSI	CSI filing	CSI recommendation	JCARR filing	Rules Hearing	JCARR Hearing	Board Adoption	New Effective Date	Current Review Date	Notes
4731-13-03	Authority and Duties of Hearing Examiners	08/26/20	10/14/20	amended filing 1/6/21 10/23/20	04/02/21	04/12/21	05/17/21	06/07/21	07/14/21	07/31/21	07/31/26	
4731-13-04	Consolidation	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	no change				04/12/26	
4731-13-05	Intervention	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	no change				04/12/26	
4731-13-06	Continuance of Hearing	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	05/17/21	06/07/21	07/14/21	07/31/21	07/31/26	
4731-13-07	Motions	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	05/17/21	06/07/21	07/14/21	07/31/21	07/31/26	
4731-13-07.1	Form and page limitations for briefs and memoranda	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	05/17/21	06/07/21	07/14/21	07/31/21	07/31/26	
4731-13-08	Filing	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	05/17/21	06/07/21	07/14/21	07/31/21	07/31/26	
4731-13-09	Service	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	05/17/21	06/07/21	07/14/21	07/31/21	07/31/26	
4731-13-10	Computation and Extension of Time	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	no change				04/12/26	
4731-13-11	Notice of Hearings	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	no change				04/12/26	
4731-13-12	Transcripts	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	no change				04/12/26	
4731-13-13	Subpoenas for Purposes of Hearing	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	05/17/21	06/07/21	07/14/21	07/31/21	07/31/26	
4731-13-14	Mileage Reimbursement and Witness Fees	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	no change				04/12/26	
4731-13-15	Reports and Recommendations	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	05/17/21	06/07/21	07/14/21	07/31/21	07/31/26	
4731-13-16	Reinstatement or Restoration of Certificate	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	05/17/21	06/07/21	07/14/21	07/31/21	07/31/26	
4731-13-17	Settlements, Dismissals, and Voluntary Surrenders	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	05/17/21	06/07/21	07/14/21	07/31/21	07/31/26	
4731-13-18	Exchange of Documents and Witness Lists	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	no change				04/12/26	
4731-13-20	Depositions in Lieu of Live Testimony and Transcripts in place of Prior Testimony	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	no change				04/12/26	
4731-13-20.1	Electronic Testimony	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	no change				04/12/26	
4731-13-21	Prior Action by the State Medical Board	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	no change				04/12/26	
4731-13-22	Stipulation of Facts	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	no change				04/12/26	
4731-13-23	Witnesses	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	no change				04/12/26	
4731-13-24	Conviction of a Crime	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	no change				04/12/26	
4731-13-25	Evidence	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	no change				04/12/26	
4731-13-26	Broadcasting and Photographing Administrative Hearings	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	no change				04/12/26	
4731-13-27	Sexual Misconduct Evidence	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	no change				04/12/26	
4731-13-28	Supervision of Hearing Examiners	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	no change				04/12/26	
4731-13-30	Prehearing Conference	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	no change				04/12/26	
4731-13-31	Transcripts of Prior Testimony	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	no change				04/12/26	
4731-13-32	Prior Statements of the Respondent	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	no change				04/12/26	
4731-13-33	Physician's Desk Physician	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	05/17/21	06/07/21	07/14/21	07/31/21	07/31/26	
4731-13-34	Ex Parte Communication	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	no change				04/12/26	
4731-13-35	Severability	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	no change				04/12/26	
4731-13-36	Disciplinary Actions	08/26/20	10/14/20	10/23/20	04/02/21	04/12/21	05/17/21	06/07/21	07/14/21	07/31/21	07/31/26	
4731-14-01	Pronouncement of Death	01/25/21	03/10/21	03/18/21		05/27/21	06/28/21		09/08/21	09/30/21	09/30/26	
4731-15-01	Licensee Reporting Requirement; Exceptions									11/17/17	05/17/23	*
4731-15-02	Healthcare Facility Reporting Requirement									11/17/17	05/17/23	*
4731-15-03	Malpractice Reporting Requirement									11/17/17	05/17/23	*
4731-15-04	Professional Society Reporting									11/17/17	05/17/23	*
4731-15-05	Liability; Reporting Forms; Confidentiality and Disclosure									11/17/17	05/17/23	*
4731-16-01	Rules governing impaired physicians and approval of treatments programs - Definitions									11/17/17	05/17/23	*
4731-16-02	General Procedures in Impairment Cases	06/17/21	09/08/21	09/24/21	10/27/21	10/29/21	12/03/21		01/12/22	01/31/22	05/17/23	*
4731-16-04	Other Violations									11/17/17	05/17/23	*

Rule Number	Rule Description	Sent for Initial Comment	Board Approval to File with CSI	CSI filing	CSI recommendation	JCARR filing	Rules Hearing	JCARR Hearing	Board Adoption	New Effective Date	Current Review Date	Notes
4731-16-05	Examinations	06/17/21	09/08/21	09/24/21	10/27/21	10/29/21	12/03/21		01/12/22	01/31/22	05/17/23	*
4731-16-06	Consent Agreements and Orders for Reinstatement of Impaired Practitioners								01/12/22	01/31/22	05/17/23	*
4731-16-07	Treatment Provider Program Obligations									11/17/17	05/17/23	*
4731-16-08	Criteria for Approval	06/17/21	09/08/21	09/24/21	10/27/21	10/29/21	12/03/21			11/17/17	05/17/23	*
4731-16-09	Procedures for Approval									11/17/17	05/17/23	*
4731-16-10	Aftercare Contracts									11/17/17	05/17/23	*
4731-16-11	Revocation, Suspension, or Denial of Certificate of Good Standing									11/17/17	05/17/23	*
4731-16-12	Out-of-State Impairment Cases									11/17/17	05/17/23	*
4731-16-13	Patient Consent; Revocation of Consent									11/17/17	05/17/23	*
4731-16-14	Caffeine, Nicotine, and Over-The Counter Drugs									11/17/17	05/17/23	*
4731-16-15	Patient Rights									11/17/17	05/17/23	*
4731-16-17	Requirements for the one-bite program									01/31/19	01/31/24	
4731-16-18	Eligibility for the one-bite program									01/31/19	01/31/24	
4731-16-19	Monitoring organization for one-bite program									01/31/19	01/31/24	
4731-16-20	Treatment providers in the one-bite program									01/31/19	01/31/24	
4731-16-21	Continuing care for the one-bite program									01/31/19	01/31/24	
4731-17-01	Exposure-Prone Invasive Procedure Precautions - Definitions	08/26/20	10/14/20	10/23/20	11/24/20	02/11/21	03/15/21	03/29/21	05/12/21	05/31/21	05/31/26	
4731-17-02	Universal Precautions	08/26/20	10/14/20	10/23/20	11/24/20	02/11/21			no change		02/11/26	
4731-17-03	Hand Washing	08/26/20	10/14/20	10/23/20	11/24/20	02/11/21			no change		02/11/26	
4731-17-04	Disinfection and Sterilization	08/26/20	10/14/20	10/23/20	11/24/20	02/11/21	03/15/21	03/29/21	05/12/21	05/31/21	05/31/26	
4731-17-05	Handling and Disposal of Sharps and Wastes	08/26/20	10/14/20	10/23/20	11/24/20	02/11/21	03/15/21	03/29/21	05/12/21	05/31/21	05/31/26	
4731-17-06	Barrier Techniques	08/26/20	10/14/20	10/23/20	11/24/20	02/11/21			no change		02/11/26	
4731-17-07	Violations	08/26/20	10/14/20	10/23/20	11/24/20	02/11/21	03/15/21	03/29/21	05/12/21	05/31/21	05/31/26	
4731-18-01	Definitions			09/22/22	12/22/22	03/06/23	02/10/23	03/06/23		07/31/21	07/31/26	
4731-18-02	Use of Light Based Medical Devices			09/22/22	12/22/22	03/06/23	02/10/23	03/06/23		07/31/21	07/31/26	
4731-18-03	Delegation of the Use of Light Based Medical Devices			09/22/22	12/22/22	03/06/23	02/10/23	03/06/23		07/31/21	07/31/26	
4731-18-04	Delegation of phototherapy and photodynamic therapy	01/10/18	01/20/20	05/12/20	04/05/21	04/09/21	refiled 6-9-21 5/17/2021	06/25/21	07/14/21	07/31/21	07/31/26	
4731-20-01	Surgery Privileges of Podiatrist - Definition of Foot									05/31/18	05/31/23	
4731-20-02	Surgery: Ankle Joint									05/31/18	05/31/23	
4731-22-01	Emeritus Registration - Definitions									08/31/17	08/31/22	
4731-22-02	Application									08/31/17	08/31/22	
4731-22-03	Status of Registrant									05/12/17	05/12/22	
4731-22-04	Continuing Education Requirements									05/12/17	05/12/22	
4731-22-06	Renewal of Cycle of Fees									05/12/17	05/12/22	
4731-22-07	Change to Active Status	06/17/21	09/08/21	09/24/21	10/27/21	10/29/21	12/03/21		01/12/22	01/31/22	08/31/22	
4731-22-08	Cancellation of or Refusal to Issue an Emeritus Registration									05/12/17	05/12/22	
4731-23-01	Delegation of Medical Tasks - Definitions	01/25/21	03/10/21	03/18/21	04/23/21	05/27/21			no change		05/27/26	
4731-23-02	Delegation of Medical Tasks	01/25/21	03/10/21	03/18/21	04/23/21	refiled 7/14/21 5/27/2021	06/28/21		09/08/21	09/30/21	09/30/26	
4731-23-03	Delegation of Medical Tasks: Prohibitions	01/25/21	03/10/21	03/18/21	04/23/21	05/27/21			no change		05/27/26	
4731-23-04	Violations	01/25/21	03/10/21	03/18/21	04/23/21	05/27/21			no change		05/27/26	
4731-24-01	Anesthesiologist Assistants - Definitions									07/31/19	07/31/24	



Rule Number	Rule Description	Sent for Initial Comment	Board Approval to File with CSI	CSI filing	CSI recommendation	JCARR filing	Rules Hearing	JCARR Hearing	Board Adoption	New Effective Date	Current Review Date	Notes
4731-24-02	Anesthesiologist Assistants; Supervision									07/31/19	07/31/24	
4731-24-03	Anesthesiologist Assistants; Enhanced Supervision									07/31/19	07/31/24	
4731-25-01	Office-Based Surgery - Definition of Terms										03/01/23	
4731-25-02	General Provisions									05/31/18	05/31/23	
4731-25-03	Standards for Surgery Using Moderate Sedation/Analgesia									05/31/18	08/31/23	
4731-25-04	Standards for Surgery Using Anesthesia Services									05/31/18	05/31/23	
4731-25-05	Liposuction in the Office Setting									03/01/18	03/01/23	
4731-25-07	Accreditation of Office Settings									05/31/18	05/31/23	
4731-25-08	Standards for Surgery									09/30/19	09/30/24	
4731-26-01	Sexual Misconduct - Definitions	01/25/21	03/10/21	03/18/21	04/23/21	refiled 7/14/21 5/27/2021	06/28/21		09/08/21	09/30/21	09/30/26	
4731-26-02	Prohibitions	01/25/21	03/10/21	03/18/21	04/23/21	05/27/21	06/28/21		09/08/21	09/30/21	09/30/26	
4731-26-03	Violations; Miscellaneous	01/25/21	03/10/21	03/18/21	04/23/21	05/27/21	06/28/21		09/08/21	09/30/21	09/30/26	
4731-27-01	Definitions									02/04/19	02/02/24	
4731-27-02	Dismissing a patient from the medical practice									05/31/19	05/31/24	
4731-27-03	Notice of termination of physician employment or physician leaving a practice, selling a practice, or retiring from the practice of medicine									05/31/19	05/31/24	see comments for future folder
4731-28-01	Mental or Physical Impairment									08/31/17	08/31/22	
4731-28-02	Eligibility for confidential monitoring program									08/31/18	08/31/23	
4731-28-03	Participation in the confidential monitoring program									08/31/18	08/31/23	
4731-28-04	Disqualification from continued participation in the confidential monitoring program									08/31/18	08/31/23	
4731-28-05	Termination of the participation agreement for the confidential monitoring program									08/31/18	08/31/23	
4731-29-01	Standards and procedures for operation of a pain management clinic.									06/30/17	06/30/22	
4731-30-01	Internal Management Definitions									09/23/18	09/23/23	
4731-30-02	Internal Management Board Metrics	07/26/19								09/23/18	09/23/23	
4731-30-03	Approval of Licensure Applications	06/17/21				refiled 11-4-21 5/7/2020			01/12/22	01/31/22	10/17/24	
4731-30-04	Maintenance of List of Disqualifying Criminal Offenses	08/13/21				refiled 11-4-21			09/08/21	12/31/21	12/31/26	
4731-31-01	Requirements for assessing and granting clearance for return to practice or competition. (concussion rule)					04/10/19	05/13/19			11/30/19	11/30/24	
	Definition of Terms	02/09/23	03/08/23	03/30/23						09/08/17	09/08/22	
4731-32-02	Certificate to Recommend Medical Marijuana	02/09/23	03/08/23	03/30/23						09/08/17	09/08/22	
4731-32-03	Standard of Care	02/09/23	03/08/23	03/30/23						09/08/17	09/08/22	
4731-32-04	Suspension and Revocation of Certificate to Recommend	02/09/23	03/08/23	03/30/23						09/08/17	09/08/22	
4731-32-05	Petition to Request Additional Qualifying Condition or Disease	02/09/23	03/08/23	03/30/23						09/08/17	09/08/22	
4731-33-01	Definitions	05/09/19		11/15/19	05/20/20	06/18/20	07/23/20	08/17/20	10/14/20	10/31/20	04/30/24	

Rule Number	Rule Description	Sent for Initial Comment	Board Approval to File with CSI	CSI filing	CSI recommendation	JCARR filing	Rules Hearing	JCARR Hearing	Board Adoption	New Effective Date	Current Review Date	Notes
4731-33-02	Standards and procedures for withdrawal management for drug or alcohol addiction	05/09/19		11/15/19	05/20/20	06/18/20	07/23/20	08/17/20	10/14/20	10/31/20	10/31/25	
4731-33-03	Office-Based Treatment for Opioid Addiction									04/30/19	04/30/24	
4731-33-04	Medication Assisted Treatment Using Naltrexone									04/30/19	04/30/24	
4731-34-01	Standards and Procedures to be followed by physicians when prescribing a dangerous drug that may be administered by a pharmacist by injection.									07/31/19	07/31/24	
4731-35-01	Consult Agreements	01/25/21	04/14/21	04/26/21	06/04/21	09/22/21	10/29/21	11/08/21	12/08/21	12/31/21	10/31/25	
4731-35-02	Standards for managing drug therapy	01/25/21	04/14/21	04/26/21	06/04/21	09/22/21	10/29/21	11/08/21	12/08/21	12/31/21	10/31/25	
4731-36-01	Military provisions related to education and experience requirements for licensure	06/17/21	09/08/21	09/24/21	10/27/21	10/29/21	12/03/21		01/12/22	01/31/22	10/29/21 and 1/31/27	
4731-36-02	Military provisions related to renewal of license and continuing education	03/22/19	06/12/19	12/05/19	09/11/20	09/25/20	10/27/20	11/16/20	12/09/20	12/31/20	12/31/25	
4731-36-03	Processing applications from service members, veterans, or spouses of service members or veterans.	03/22/19	06/12/19	12/05/19	09/11/20	09/25/20	10/27/20	11/16/20	12/09/20	12/31/20	12/31/25	
4731-36-04	Temporary license for military spouse	02/11/20	02/12/20	02/14/20		02/11/21	03/15/21	03/29/21	05/12/21	05/31/21	05/31/26	
4731-37-01	Telemedicine	02/12/22	05/11/22	05/16/22	09/22/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	
4731-38-01	Licenses Issued or Renewed Under the Interstate Medical Licensure Compact	11/12/21	01/12/22	01/14/22	02/14/22	02/18/22	03/25/22		05/11/22	05/31/22	05/31/27	
4759-2-01	Definitions									11/30/19	11/30/24	
4759-4-01	Applications									11/30/19	11/30/24	
4759-4-02	Preprofessional experience										08/28/24	
4759-4-03	Examination									11/30/19	11/30/24	
4759-4-04	Continuing Education	08/27/19		11/10/20	04/02/21	04/09/21	05/17/21	06/07/21	07/14/21	07/31/21	07/31/26	
4759-4-08	Limited permit	8/27/19 4/19/18	07/11/18	11/10/20	04/02/21	04/09/21	05/17/21	06/07/21	07/14/21	07/31/21	07/31/26	
4759-4-09	License certificates and permits	04/19/18	07/11/18	09/25/18						11/30/19	11/30/24	
4759-5-01	Supervision of persons claiming exemption									08/28/19	08/28/24	
4759-5-02	Student practice exemption									11/30/19	11/30/24	
4759-5-03	Plan of treatment exemption									11/30/19	11/30/24	
4759-5-04	Additional nutritional activities exemption										07/01/24	
4759-5-05	Distribution of literature exemption										07/01/24	
4759-5-06	Weight control program exemption										07/01/24	
4759-6-01	Standards of practice innutrition care									11/30/19	11/30/24	
4759-6-02	Standards of professional performance	04/19/18	07/11/18	11/10/20	04/02/21	refiled 6/9/21 4/9/2021	05/17/21	06/25/21	07/14/21	07/31/21	07/31/26	
4759-6-03	Interpretation of standards									11/30/19	11/30/24	
4759-9-01	Severability									11/30/19	11/30/24	
4759-11-01	Miscellaneous Provisions	02/12/22	05/11/22	05/16/22	09/22/22	11/29/22	01/04/23	01/30/23	02/08/23	02/28/23	02/28/28	
4761-2-03	Board Records									02/28/19	02/28/24	
4761-3-01	Definition of terms									02/28/19	02/28/24	
4761-4-01	Approval of educational programs									02/28/19	02/28/24	
4761-4-02	Monitoring of Ohio respiratory care educational programs									02/28/19	02/28/24	
4761-5-01	Waiver of licensing requirements pursuant to division (B) of section 4761.04 or the Revised Code	04/23/19	06/12/19	11/06/19	01/10/20	06/18/20	07/23/20	08/17/20	09/09/20	09/30/20	09/30/25	
4761-5-02	Admission to the Ohio credentialing examination	04/23/19	06/12/19	11/06/19	01/10/20	06/19/20	No change rule			09/19/20	06/19/25	





---

**MEMORANDUM**

TO: Sherry Johnson, D.O., President  
Members, State Medical Board of Ohio

FROM: Kimberly C. Anderson, Chief Legal Counsel

RE: Final Adoption of Rules

DATE: March 30, 2023

---

This memo proposes adoption, rescission and amendment for rules as listed below.

**The public hearing was held on February 10, 2023. The hearing report was provided to you at the March Board meeting. The rules were considered at the JCARR meeting on March 6, 2023. JCARR jurisdiction ended on March 9, 2023.**

4731-18-01	Definitions	Proposed to Amend
4731-18-02	Use of Light Based Medical Devices	Proposed to Amend
4731-18-03	Delegation of the Use of Light Based Medical Devices for Specified Non-Ablative Procedures	Proposed to Rescind
4731-18-03	Delegation of the Use of Light Based Medical Devices for Specified Non-Ablative Procedures	Proposed New Rule

**Requested Motion: I move to adopt, rescind, and amend the rules as described in this memorandum from Ms. Anderson and to assign each rule action the effective date of April 30, 2023.**

---

4731-18-01

**Definitions.**

As used in this chapter of the Administrative Code:

- (A) “Light based medical device ” means any device that can be made to produce or amplify electromagnetic radiation at wavelengths equal to or greater than one hundred eighty nm but less than or equal to  $1.0 \times 10^6$  nm [ten to the sixth power] and that is manufactured, designed, intended or promoted for irradiation of any part of the human body for the purpose of affecting the structure or function of the body.
- (B) “Phototherapy” means the following:
- (1) For paragraph (A) of rule 4731-18-04 of the Administrative Code, phototherapy means the application of light for the treatment of hyperbilirubinemia in neonates.
  - (2) For paragraphs (B) and (C) of rule 4731-18-04 of the Administrative Code, phototherapy means the application of ultraviolet light for the treatment of psoriasis and similar skin diseases. This application can occur with any device cleared or approved by the United States food and drug administration for the indicated use that can be made to produce irradiation with broadband ultraviolet B (290-320nm), narrowband ultraviolet B (311-313 nm), excimer light based (308nm), ultraviolet A1 (340-400nm), or UVA (320-400nm) plus oral psoralen called PUVA.
- (C) “Photodynamic therapy” means light therapy involving the activation of a photosensitizer by visible light in the presence of oxygen, resulting in the creation of reactive oxygen species, which selectively destroy the target tissue.
- (D) “Ablative dermatologic procedure” means a dermatologic procedure that is expected to excise, burn, or vaporize the skin below the dermo-epidermal junction.
- (E) “Non-ablative dermatologic procedure” means a dermatologic procedure that is not expected or intended to excise, burn, or vaporize the epidermal surface of the skin.
- (F) “Physician” means a person authorized to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code and acting within the scope of their practice.
- (G) “Delegation” means the assignment of the performance of a service to a person who is not a physician.
- (H) “On-site supervision” means the physical presence of the supervising physician is required in the same location (i.e., the physician's office suite) as the delegate of the

light based medical device but does not require the physician's presence in the same room.

~~(I)~~ "Off-site supervision" means that the supervising physician shall be continuously available for direct communication with the cosmetic therapist.

~~(J)~~(I) "Direct physical oversight" means the physical presence of the supervising physician is required in the same room to directly observe the delegate of the light based medical device.

~~(K)~~(J) "Vascular laser" means light-based medical devices including lasers and intense pulsed light apparatuses whose primary cutaneous target structures are telangiectasia, venulectasia, and superficial cutaneous vascular structures. In general, these lasers have wavelengths that correspond to the hemoglobin absorption spectrum.

Effective:

Five Year Review (FYR) Dates: 7/31/2026

---

Certification

---

Date

Promulgated Under: 119.03  
Statutory Authority: 4730.07, 4731.05  
Rule Amplifies: 4730.07, 4731.05, 4731.33  
Prior Effective Dates: 07/31/2021

4731-18-02

**Use of light based medical devices.**

- (A) The application of light based medical devices to the human body is the practice of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.
- (B) A physician shall not delegate the application of light based medical devices for ablative procedures.
- (C) A physician may delegate the application of a vascular laser for non-ablative dermatologic procedures according to the requirements in paragraph (A) of rule 4731-18-03 of the Administrative Code.
- (D) A physician may delegate the application of light based medical devices for the purpose of hair removal according to the respective requirements of section 4731.33 of the Revised Code, ~~in paragraphs (B) and (C) of rule 4731-18-03 of the Administrative Code.~~
- (E) A physician may delegate the application of phototherapy for the treatment of hyperbilirubinemia in neonates according to the requirements in paragraph (A) of rule 4731-18-04 of the Administrative Code.
- (F) A physician may delegate the application of phototherapy and photodynamic therapy only for dermatologic purposes according to the requirements of paragraphs (B) and (C) of rule 4731-18-04 of the Administrative Code.
- (G) A violation of paragraph (B) of this rule shall constitute "a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established," as that clause is used in division (B)(6) of section 4731.22 of the Revised Code and "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in division (B)(20) of section 4731.22 of the Revised Code, to wit: section 4731.41 of the Revised Code.



Effective:

Five Year Review (FYR) Dates: 7/31/2026

---

Certification

---

Date

Promulgated Under: 119.03  
Statutory Authority: 4730.07, 4731.05  
Rule Amplifies: 4730.07, 4731.05, 4731.22, 4731.33  
Prior Effective Dates: 06/30/2000, 05/31/2002, 07/31/2021

## TO BE RESCINDED

**4731-18-03                    Delegation of the use of light based medical devices for specified non-ablative procedures.**

- (A) A physician may delegate the application of a vascular laser for non-ablative dermatologic procedures only if all the following conditions are met:
- (1) The vascular laser has been specifically cleared or approved by the United States food and drug administration for the specific intended non-ablative dermatologic procedure;
  - (2) The use of the vascular laser for the specific non-ablative dermatologic use is within the physician's normal course of practice and expertise;
  - (3) The physician has seen and evaluated the patient to determine whether the proposed application of the specific vascular laser is appropriate;
  - (4) The physician has seen and evaluated the patient following the initial application of the specific vascular laser, but prior to any continuation of treatment in order to determine that the patient responded well to the initial application of the specific vascular laser;
  - (5) The person to whom the delegation is made is one of the following:
    - (a) A physician assistant licensed under Chapter 4730. of the Revised Code with whom the physician has an effective supervision agreement; or,
    - (b) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code;
  - (6) For a physician assistant, the authorization must meet the requirements of section 4730.21 of the Revised Code.
  - (7) For a registered nurse or licensed practical nurse, the physician must ensure that the person to whom the delegation is made has received adequate education and training to provide the level of skill and care required including:
    - (a) Eight hours of basic education that must include the following topics: light based procedure physics, tissue interaction in light based procedures, light based procedure safety including use of proper safety equipment, clinical application of light based procedures, pre and post-operative care of light based procedure patients, and reporting of adverse events;

- (b) Observation of fifteen procedures for each specific type of vascular laser non-ablative procedure delegated. The procedures observed must be performed by a physician for whom the use of this specific vascular laser procedure is within the physician's normal course of practice and expertise; and
  - (c) Performance of twenty procedures under the direct physical oversight of the physician on each specific type of vascular laser non-ablative procedure delegated. The physician overseeing the performance of these procedures must use this specific vascular laser procedure within the physician's normal course of practice and expertise;
  - (d) Satisfactory completion of training shall be documented and retained by each physician delegating and the delegate. The education requirement in paragraph (A)(7)(a) of this rule must only be completed once by the delegate regardless of the number of types of specific vascular laser procedures delegated and the number of delegating physicians. The training requirements in paragraphs (A)(7)(b) and (A)(7)(c) of this rule must be completed by the delegate once for each specific type of vascular laser procedure delegated regardless of the number of delegating physician;
- (8) For delegation to a registered nurse or licensed practical nurse, the physician provides on-site supervision at all times that the person to whom the delegation is made is applying the vascular laser; and,
- (9) For delegation to a registered nurse or licensed practical nurse, the physician supervises no more than two persons pursuant to this rule at the same time.
- (B) A physician may delegate the application of light based medical devices for the purpose of hair removal only if all the following conditions are met:
- (1) The light based medical device has been specifically cleared or approved by the United States food and drug administration for the removal of hair from the human body;
  - (2) The use of the light based medical device for the purpose of hair removal is within the physician's normal course of practice and expertise;
  - (3) The physician has seen and evaluated the patient to determine whether the proposed application of the specific light based medical device is appropriate;
  - (4) The physician has seen and evaluated the patient following the initial application of the specific light based medical device, but prior to any continuation of

treatment in order to determine that the patient responded well to that initial application of the specific light based medical device;

- (5) The person to whom the delegation is made is one of the following:
- (a) A physician assistant licensed under Chapter 4730. of the Revised Code with whom the physician has an effective supervision agreement;
  - (b) A cosmetic therapist who was licensed under Chapter 4731. of the Revised Code on April 11, 2021 or who has completed a cosmetic therapy course of instruction for a minimum of seven hundred fifty clock hours and received a passing score on the “Certified Laser Hair Removal Professional ® Examination” administered by “The Society for Clinical and Medical Hair Removal”; or,
  - (c) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code.
- (6) For a physician assistant, the authorization must meet the requirements of section 4730.21 of the Revised Code.
- (7) For cosmetic therapists, registered nurses and licensed practical nurses, the physician shall ensure the person to whom the delegation is made has received adequate education and training to provide the level of skill and care required including:
- (a) Eight hours of basic education that must include the following topics: light based procedure physics, tissue interaction in light based procedures, light based procedure safety including use of proper safety equipment, clinical application of light based procedures, pre and post-operative care of light based procedure patients, and reporting of adverse events;
  - (b) Observation of fifteen procedures for each specific type of light based medical device procedure for hair removal delegated. The procedures observed must be performed by a physician for whom the use of this specific light based medical device procedure for hair removal is within the physician’s normal course of practice and expertise; and
  - (c) Performance of twenty procedures under the direct physical oversight of the physician on each specific type of light based medical device procedure for hair removal delegated. The physician overseeing the performance of these procedures must use this specific light based medical device procedure for hair removal within the physician’s normal course of practice and expertise;

- (d) Satisfactory completion of training shall be documented and retained by each physician delegating and the delegate. The education requirement in paragraph (A)(7)(a) of this rule must only be completed once by the delegate regardless of the number of types of specific light based medical device procedures for hair removal delegated and the number of delegating physicians. The training requirements of paragraphs (A)(7)(b) and (A)(7)(c) of this rule must be completed by the delegate once for each specific type of light based medical device procedure for hair removal delegated regardless of the number of delegating physicians;
  - (e) Delegates who, prior to the effective date of this rule, have been applying a specific type of light based medical device procedure for hair removal for at least two years through a lawful delegation by a physician, shall be exempted from the education and training requirements of paragraphs (A)(7)(a), (A)(7)(b), and (A)(7)(c) of this rule for that type of procedure provided that they obtain a written certification from one of their current delegating physicians stating that the delegate has received sufficient education and training to competently apply that type of light based medical device procedure. This written certification must be completed no later than sixty days after the effective date of this rule, and a copy of the certification shall be retained by each delegating physician and each delegate.
  - (f) For cosmetic therapists, the education and training requirements of paragraph (A)(7)(a), (A)(7)(b), or (A)(7)(c) of this rule may be satisfied through the cosmetic therapy course of instruction in paragraph (B)(5)(b) of this rule if the program provides written verification to the physician that the cosmetic therapist completed the requirements of paragraph (A)(7)(a), (A)(7)(b), or (A)(7)(c) of this rule as part of the cosmetic therapy course of instruction.
  - (8) For cosmetic therapists, registered nurses and licensed practical nurses, the physician provides on-site supervision at all times that the person to whom the delegation is made is applying the light based medical device; and,
  - (9) For cosmetic therapists, registered nurses and licensed practical nurses, the physician supervises no more than two persons pursuant to this rule at the same time.
- (C) Notwithstanding paragraph (B)(8) of this rule, the physician may provide off-site supervision when the light based medical device is applied for the purpose of hair removal to an established patient if the person to whom the delegation is made

pursuant to paragraph (B) of this rule is a cosmetic therapist who meets all of the following criteria:

- (1) The cosmetic therapist has successfully completed a course in the use of light based medical devices for the purpose of hair removal that has been approved by the delegating physician;
- (2) The course consisted of at least fifty hours of training, at least thirty hours of which was clinical experience; and
- (3) The cosmetic therapist has worked under the on-site supervision of the physician making the delegation a sufficient period of time that the physician is satisfied that the cosmetic therapist is capable of competently performing the service with off-site supervision.

The cosmetic therapist shall maintain documentation of the successful completion of the required training.

- (D) The cosmetic therapist, physician assistant, registered nurse or licensed practical nurse shall immediately report to the supervising physician any clinically significant side effect following the application of the light based medical device or any failure of the treatment to progress as was expected at the time the delegation was made. The physician shall see and personally evaluate the patient who has experienced the clinically significant side effect or whose treatment is not progressing as expected as soon as practicable.
- (E) A violation of paragraph (A), (B), (C), or (D) of this rule by a physician shall constitute "a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established," as that clause is used in division (B)(6) of section 4731.22 of the Revised Code.
- (F) A violation of division (A)(5) or (B)(5) of this rule shall constitute "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in division (B)(20) of section 4731.22 of the Revised Code, to wit: section 4731.41 of the Revised Code.
- (G) A violation of paragraph (C) or (D) of this rule by a cosmetic therapist shall constitute the unauthorized practice of medicine pursuant to section 4731.41 of the Revised Code.
- (H) A violation of paragraph (D) of this rule by a physician assistant shall constitute "a departure from, or failure to conform to, minimal standards of care of similar

physician assistants under the same or similar circumstances, regardless of whether actual injury to patient is established," as that clause is used in division (B)(19) of section 4730.25 of the Revised Code.

Effective:

Five Year Review (FYR) Dates: 1/3/2023

---

Certification

---

Date

Promulgated Under: 119.03  
Statutory Authority: 4730.07, 4731.05  
Rule Amplifies: 4730.07, 4730.21, 4730.25, 4731.05, 4731.22,  
4731.33, 4731.41  
Prior Effective Dates: 06/30/2000, 04/09/2021 (Emer.), 07/31/2021



4731-18-03**Delegation of the use of light based medical devices for specified non-ablative procedures.**

(A) A physician may delegate the application of a vascular laser for non-ablative dermatologic procedures only if all the following conditions are met:

- (1) The vascular laser has been specifically cleared or approved by the United States food and drug administration for the specific intended non-ablative dermatologic procedure;
- (2) The use of the vascular laser for the specific non-ablative dermatologic use is within the physician's normal course of practice and expertise;
- (3) The physician has seen and evaluated the patient to determine whether the proposed application of the specific vascular laser is appropriate;
- (4) The physician has seen and evaluated the patient following the initial application of the specific vascular laser, but prior to any continuation of treatment in order to determine that the patient responded well to the initial application of the specific vascular laser;
- (5) The person to whom the delegation is made is one of the following:
  - (a) A physician assistant licensed under Chapter 4730. of the Revised Code with whom the physician has an effective supervision agreement; or,
  - (b) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code;
- (6) For a physician assistant, the authorization must meet the requirements of section 4730.21 of the Revised Code.
- (7) For a registered nurse or licensed practical nurse, the physician must ensure that the person to whom the delegation is made has received adequate education and training to provide the level of skill and care required including:
  - (a) Eight hours of basic education that must include the following topics: light based procedure physics, tissue interaction in light based procedures, light based procedure safety including use of proper safety equipment, clinical application of light based procedures, pre and post-operative care of light based procedure patients, and reporting of adverse events;
  - (b) Observation of fifteen procedures for each specific type of vascular laser non-ablative procedure delegated. The procedures observed must be performed by a physician for whom the use of this specific vascular

laser procedure is within the physician's normal course of practice and expertise; and

(c) Performance of twenty procedures under the direct physical oversight of the physician on each specific type of vascular laser non-ablative procedure delegated. The physician overseeing the performance of these procedures must use this specific vascular laser procedure within the physician's normal course of practice and expertise;

(d) Satisfactory completion of training shall be documented and retained by each physician delegating and the delegate. The education requirement in paragraph (A)(7)(a) of this rule must only be completed once by the delegate regardless of the number of types of specific vascular laser procedures delegated and the number of delegating physicians. The training requirements in paragraphs (A)(7)(b) and (A)(7)(c) of this rule must be completed by the delegate once for each specific type of vascular laser procedure delegated regardless of the number of delegating physicians;

(8) For delegation to a registered nurse or licensed practical nurse, the physician provides on-site supervision at all times that the person to whom the delegation is made is applying the vascular laser; and,

(9) For delegation to a registered nurse or licensed practical nurse, the physician supervises no more than two persons pursuant to this rule at the same time.

(B) A physician may delegate the application of light based medical devices for the purpose of hair removal in accordance with the requirements of section 4731.33 of the Revised Code.

(C) The physician assistant, registered nurse or licensed practical nurse shall immediately report to the supervising physician any clinically significant side effect following the application of the light based medical device or any failure of the treatment to progress as was expected at the time the delegation was made. The physician shall see and personally evaluate the patient who has experienced the clinically significant side effect or whose treatment is not progressing as expected as soon as practicable.

(D) A violation of paragraph (A), (B), or (C) of this rule by a physician shall constitute "a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established," as that clause is used in division (B)(6) of section 4731.22 of the Revised Code.

(E) A violation of division (A)(5) of this rule shall constitute "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in division (B)(20) of section 4731.22 of the Revised Code, to wit: section 4731.41 of the Revised Code.

(F) A violation of paragraph (C) of this rule by a physician assistant shall constitute "a departure from, or failure to conform to, minimal standards of care of similar physician assistants under the same or similar circumstances, regardless of whether actual injury to patient is established," as that clause is used in division (B)(19) of section 4730.25 of the Revised Code.

Replaces: 4731-18-03

Effective:

Five Year Review (FYR) Dates:

---

Certification

---

Date

Promulgated Under: 119.03  
Statutory Authority: 4730.07, 4731.05  
Rule Amplifies: 4730.07, 4730.21, 4730.25, 4731.05, 4731.22,  
4731.33, 4731.41  
Prior Effective Dates: 06/30/2000, 04/09/2021 (Emer.), 07/31/2021



# ELECTRONIC RULE-FILING SYSTEM

FILING OF OHIO ADMINISTRATIVE RULES AND RULE-RELATED DOCUMENTS

**The Honorable Frank LaRose**  
Secretary of State  
180 E. Broad St., 16th Floor  
Columbus, OH 43215

**Wendy Zhan, Director**  
Legislative Service Commission  
77 South High St., 9th Floor  
Columbus, OH 43215

**Larry Wolpert, Director**  
Joint Committee on Agency Rule Review  
77 South High St., Concourse Level  
Columbus, OH 43215

It is hereby confirmed that the State Medical Board **original filed** the following rule(s) pursuant to section 119.03 of the Ohio Revised Code.

**Package Number:** 195806  
**File Date and Time:** 01/03/2023 9:42 AM  
**Confirmation Number:** 1f66d3804f306b404c565e7257d5cd

## ORIGINAL FILE

Rule Number	Type	FYR	CSI	JE Date	Eff Date	Next FYR	Tagline
4731-18-01	Amendment	N	Y	03/09/2023			Definitions.
4731-18-02	Amendment	N	Y	03/09/2023			Use of light based medical devices.
4731-18-03	Rescission	Y	Y	03/09/2023			Delegation of the use of light based medical devices for specified non-ablative procedures.
4731-18-03	New	N	Y	03/09/2023			Delegation of the use of light based medical devices for specified non-ablative procedures.



---

MEMORANDUM

TO: Sherry Johnson, DO, President, State Medical Board of Ohio  
Members, State Medical Board of Ohio

FROM: Nathan T. Smith, Senior Legal and Policy Counsel

DATE: April 4, 2023

RE: Voluntary Retirement Proposal

---

The Medical Board's prior feedback on the concept of non-disciplinary, voluntary retirement articulated the goal to create a pathway for a licensee to retire with dignity while also providing necessary safeguards to deter misuse of this process to avoid impending disciplinary action. The attached draft legislative language proposes to accomplish this through a new statute that allows a person holding any type of Medical Board license to convert that active license to retired status. (Note: holders of limited permits or training certificates are not included.) Below is a summary of the draft legislation.

The conversion of a license to retired status in the draft legislation allows for dignified retirement. An applicant must complete the application which includes a one-time fee equal to the restoration fee for that license. Once the Board has determined that the applicant has met the qualifications, the license is converted to retired status and the holder of the license cannot practice the licensed occupation. However, a license holder in retired status may continue to use the same titles as an active license holder provided the retired status is conveyed by using the word "retired" after a title. Further, a license in retired status is good for the lifetime of the license holder and does not require the time or expense of renewal and continuing education requirements.

Consistent with the consensus among other states, who have a retired status or a retired license in law or rule, this draft legislation allows a licensee in retired status to apply to reactivate the license. The proposed legislation builds in appropriate safeguards by allowing the Board to reactivate a license in retired status subject to the fitness to practice statute for that license type. This gives the Board an appropriate toolbox to make sure that the applicant is fit to practice. In addition, the applicant must complete a background check, and the continuing education hours required to renew an active license in that occupation within the past two years. Lastly, the licensee must pay a reactivation fee that is equal to the restoration fee for that license. These requirements are rigorous enough to protect the public and make sure that the retiree makes a well-considered decision regarding whether to return to practice through reactivation of the license.

This proposal not only allows for a dignified retirement, but also provides necessary safeguards. The licensee must meet the following qualifications to convert a license to retired status including:

- (a) The licensee holds an active and unrestricted license;
  - (b) The licensee has retired from the practice of the licensed occupation;
-

- (c) The licensee does not hold an active drug enforcement administration registration;
- (d) The licensee does not have any criminal charges pending;
- (e) The licensee is not the subject of a pending investigation or discipline from a regulatory agency of this state, another state, or the United States;
- (f) The licensee does not have open complaints pending with the board; and
- (g) The licensee is not currently subject to this board's hearing, disciplinary, or compliance processes under the terms of a citation, notice of opportunity for hearing, board order, or consent agreement

Further, the Board, may discipline an individual who commits fraud, misrepresentation, or deception in applying for retired status or violates any provision of the retired status statute, including the prohibition against practice of the occupation while a license is in retired status.

These provisions will protect against the misuse of this process to avoid discipline. Because the licensee initiates the process for voluntary retirement by filing an application to convert an active license to retired status, the process is completely voluntary and non-disciplinary, and does not require reporting to the NPDB.

In addition, the attached draft legislation also includes minor revisions to statutes in Chapter 4731 related to discipline (R.C. 4731.22), fitness to practice (R.C. 4731.222) and continuing education (R.C. 4731.282) to incorporate conversion of a license to retired status and reactivation of a license in retired status into Chapter 4731. Similar changes would need to be made to the statutes on these topics in Chapters 4730, 4759, 4760, 4761, 4762, 4774, and 4778 of the Revised Code.

**Action requested:**

Approve Medical Board staff to pursue legislation for voluntary retirement of a license consistent with the concepts conveyed in this memo and the attached legislative draft language.

**Draft Proposed section 4731.283 Retired status.**

- (A) As used in this section:
- (1) “Licensee means an individual holding a license under Chapters 4730, 4731, 4759, 4760, 4761, 4762, 4774, or 4778 of the Revised Code. Licensee does not include holders of limited permits or training certificates issued under these chapters of the Revised Code.
  - (2) “License” means a license issued under Chapters 4730, 4731, 4759, 4760, 4761, 4762, 4774, or 4778 of the Revised Code. License does not include limited permits or training certificates issued under these chapters of the Revised Code.
  - (3) "Retired status" is a licensure status that means a licensee has voluntarily retired from the practice of the occupation for which the licensee holds a license and has voluntarily converted the active status of the license to retired status.
- (B) The state medical board may convert the active license of a licensee to retired status if the licensee meets the qualifications under this section.
- (C) A licensee who chooses to apply for retired status shall submit to the board an application in the form and manner prescribed by the board. The application must include all the following:
- (1) The full name, license number, address, and electronic mail address of the applicant;
  - (2) An attestation that the information submitted in the application is accurate and truthful and that the applicant meets the following qualifications;
    - (a) The licensee holds an active and unrestricted license;
    - (b) The licensee has retired from the practice of the licensed occupation;
    - (c) The licensee does not hold an active drug enforcement administration registration;
    - (d) The licensee does not have any criminal charges pending;
    - (e) The licensee is not the subject of a pending investigation or discipline from a regulatory agency of this state, another state, or the United States;
    - (f) The licensee does not have open complaints pending with the board; and
    - (g) The licensee is not currently subject to this board’s hearing, disciplinary, or compliance processes under the terms of a citation, notice of opportunity for hearing, board order, or consent agreement; and
  - (3) Payment of a fee equal to the restoration fee for the licensee’s license. An application is not considered submitted until the board receives the fee. The board shall deposit the fee in accordance with section 4731.24 of the Revised Code.
- (D) A license in retired status is valid for the life of the license holder and does not require renewal. A person holding a license in retired status is exempt from all continuing education or certification requirements for that license during the time the license is in retired status, unless the holder of the license applies to reactivate the license to active status.
- (E) If an individual who holds a licensee commits fraud, misrepresentation, or deception in applying for retired status or violates this section, the state medical board may take any disciplinary action against the individual that is authorized for that license by Chapters 4730, 4731, 4759, 4760, 4761, 4762, 4774, or 4778 of the Revised Code.
- (F) The holder of a license in retired status shall not practice the licensed occupation under any circumstances. The board may permanently revoke the license on receiving proof satisfactory to the board that the holder of the license in retired status license has violated this division.
- (G) The holder of a license in retired status shall not use this license to obtain licensure in another state whether by endorsement, reciprocity, or through an occupational licensure compact.



- (H) Any certificates or endorsements attached to a license that are issued under Chapters 4730, 4731, 4759, 4760, 4761, 4762, 4774, or 4778 of the Revised Code are also retired when the license is converted to retired status.
- (I) The holder of a license in retired status may use the titles authorized for that license under Chapter 4730, 4731, 4759, 4760, 4761, 4762, 4774, or 4778 of the Revised Code if the word “retired” immediately follows the authorized title.
- (J) The holder of a license in retired status may apply to reactivate the license in an application in the form and manner prescribed by the board.
  - (1) Subject to section 4730.28, 4731.222, 4759.063, 4760.061, 4761.061, 4762.061, 4774.061, or 4778.071 of the Revised Code, the board may reactivate a license in retired status upon the applicant’s completion of all the following:
    - (a) Submission of an application to reactivate the license;
    - (b) Completion within the last two years of the number of continuing education hours required for the renewal of that license under Chapter 4730, 4731, 4759, 4760, 4761, 4762, 4774, or 4778 of the Revised Code;
    - (c) Compliance with sections 4776.01 to 4776.04 of the Revised Code; and
    - (d) Payment of a fee equal to the amount of the restoration fee for the licensee’s license. An application is not considered submitted until the Board receives the fee. The board shall deposit the fee in accordance with section 4731.24 of the Revised Code.
  - (2) The board shall not reactivate a license in retired status unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license pursuant to the requirements of Chapter 4730, 4731, 4759, 4760, 4761, 4762, 4774, or 4778 of the Revised Code.
- (K) The board may adopt rules in accordance with Chapter 119. of the Revised Code to implement and enforce this section.

**Revision to R.C. 4731.22 Disciplinary actions.**

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

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

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

(3) Failure by an individual to renew a license or certificate to practice in accordance with this chapter or a certificate to recommend in accordance with rules adopted under section [4731.301](#) of the Revised

Code, or the conversion of an individual's license to retired status shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

**Revision to R.C. 4731.222 Determining applicant's fitness to practice.**

(A) This section applies to ~~both~~ all of the following:

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

**(2) An applicant seeking reactivation of a license in retired status; or**

~~(2)~~ **(3)** An applicant seeking issuance of a license or certificate pursuant to this chapter who for more than two years has not been engaged in the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine as any of the following:

(a) An active practitioner;

(b) A participant in a program of graduate medical education, as defined in section [4731.04](#) of the Revised Code;

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

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

(e) A student in a school, college, or institution giving instruction in a limited branch of medicine determined by the board to be in good standing under section [4731.16](#) of the Revised Code.

(B) Before issuing a license or certificate to an applicant subject to this section, ~~or restoring a license or certificate to good standing for an applicant subject to this section,~~ **or reactivating a license in retired status for an applicant subject to this section**, the state medical board may impose terms and conditions including any one or more of the following:

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

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

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

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

(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders;

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

The board shall consider the moral background and the activities of the applicant during the period of suspension, **retirement**, or inactivity, in accordance with section [4731.09](#), [4731.19](#), or [4731.52](#) of the Revised Code. The board shall not issue, **reactivate**, or restore a license or certificate under this section unless the applicant complies with sections [4776.01](#) to [4776.04](#) of the Revised Code.

**Revision to R.C. 4731.282 Continuing education – domestic violence and its relationship to child abuse.**

(A)(1) Except as provided in division (D) of this section, each person holding a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery issued by the state medical board shall complete biennially not less than fifty hours of continuing medical education that has been approved by the board.

(2) Each person holding a license to practice shall be given sufficient choice of continuing education programs to ensure that the person has had a reasonable opportunity to participate in continuing education programs that are relevant to the person's medical practice in terms of subject matter and level.

(B) In determining whether a course, program, or activity qualifies for credit as continuing medical education, the board shall approve all of the following:

(1) Continuing medical education completed by holders of licenses to practice medicine and surgery that is certified by the Ohio state medical association;

(2) Continuing medical education completed by holders of licenses to practice osteopathic medicine and surgery that is certified by the Ohio osteopathic association;

(3) Continuing medical education completed by holders of licenses to practice podiatric medicine and surgery that is certified by the Ohio podiatric medical association.

(C) The board shall approve one or more continuing medical education courses of study included within the programs certified by the Ohio state medical association and the Ohio osteopathic association under divisions (B)(1) and (2) of this section that assist doctors of medicine and doctors of osteopathic medicine in both of the following:

(1) Recognizing the signs of domestic violence and its relationship to child abuse;

(2) Diagnosing and treating chronic pain, as defined in section [4731.052](#) of the Revised Code.

(D) The board shall adopt rules providing for pro rata reductions by month of the number of hours of continuing education that must be completed for license holders who have been disabled by illness or accident or have been absent from the country. The board shall adopt the rules in accordance with Chapter 119. of the Revised Code.

(E) The board may require a random sample of holders of licenses to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery to submit materials documenting completion of the required number of hours of continuing medical education. This division does not limit the board's authority to conduct investigations pursuant to section [4731.22](#) of the Revised Code.

(F)(1) If, through a random sample conducted under division (E) of this section or any other means, the board finds that an individual who certified completion of the number of hours and type of continuing medical education required to renew, reinstate, or restore a license to practice, **or reactivate a license in retired status** did not complete the requisite continuing medical education, the board may do either of the following:

(a) Take disciplinary action against the individual under section [4731.22](#) of the Revised Code, impose a civil penalty, or both;

(b) Permit the individual to agree in writing to complete the continuing medical education and pay a civil penalty.

(2) The board's finding in any disciplinary action taken under division (F)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members.

(3) A civil penalty imposed under division (F)(1)(a) of this section or paid under division (F)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section [4731.24](#) of the Revised Code.



**SMBO Legislative Update:  
April 2023**

**Recent activity:**

**SB 21 – Court Jurisdictions (Sen. Rob McColley & Sen. Michelle Reynolds)**

To generally change the venue in which appeal from an agency order is proper to the local court of common pleas.

**Of note:**

- Requires an appeal from an order issued by an administrative agency be made to the Franklin County Court of Common Pleas or the court of common pleas in the county in which the place of business of the licensee is located or the county in which the licensee is a resident
- Requires appeals from an administrative order by any party who is not a resident of Ohio must be to the Franklin County Court of Common Pleas.

**Status:** Introduced 1/11/2023. 1<sup>st</sup> Hearing Senate Judiciary 1/17/2023. 2<sup>nd</sup> Hearing Senate Judiciary 2/7/2023. 3<sup>rd</sup> Hearing Senate Judiciary 2/8/2023. 4<sup>th</sup> Hearing Senate Judiciary 2/15/2023. REPORTED OUT Senate Judiciary 2/15/2023. PASSED Senate Floor 2/22/2023 24-7. Referred in House Civil Justice Committee 2/28/2023. 1<sup>st</sup> Hearing House Civil Justice 3/7/2023. 2<sup>nd</sup> Hearing House Civil Justice 3/14/2023. 3<sup>rd</sup> Hearing House Civil Justice 3/21/2023.

**SB 28 – Physician Assistant (Sen. Kristina Roegner)**

To enter into the Physician Assistant Licensure Compact

**Of note:**

- Allows participating states to grant compact privileges to a holder of a qualifying license
- Allows a participating state to charge a fee for granting compact privilege
- Licensee must be 2 years removed from any limitation or restriction on a license or compact privilege due to an adverse action
- Compact goes into effect after 7 states join

**Status:** Introduced 1/23/2023. Referred to Senate Health Committee 2/8/2023. 1<sup>st</sup> Hearing Senate Health Committee 3/1/2023. 2<sup>nd</sup> Hearing Senate Health Committee 3/8/2023. 3<sup>rd</sup> Hearing Senate Health Committee 3/15/2023.

**SB 56 – Interstate Massage Compact (Sen. Kristina Roegner)**

To enter into the Interstate Massage Compact (Impact).

**Of note:**

- “Driver’s License” Model: After verifying eligibility, the massage therapist is granted a multistate license which authorizes practice in all other compact member states. The massage therapist must maintain their “home state” license in good standing
- Member States must require continued competency as a condition of license renewal
- Applicant must have completed 625 hours clock hours of Massage Therapy education to qualify for a multistate license under the compact

**Status:** Introduced 2/14/2023. Referred to Senate Health Committee 2/22/2023. 1<sup>st</sup> Hearing Senate Health Committee 3/22/2023. 2<sup>nd</sup> Hearing Senate Health Committee 3/29/2023.

### **SB 60 – Mental Health Assistants (Sen. Gavarone) (Companion HB 97)**

To license certified mental health assistants

**Of note:**

- Defines “Certified Mental Health Assistant” as an individual who, under physician supervision, provides mental health care by engaging in any of the activities authorized in the bill
- Only practice under a supervision agreement with a supervising physician. Diagnose and provide treatment based on patient’s diagnosis. Order, prescribe, personally furnish drugs. Refer patient for voluntary or involuntary admission for substance abuse disorder treatment or inpatient psychiatric care.
- CMHA may only prescribe the following controlled substances: Buprenorphine only for a patient actively engaged in opioid use disorder treatment. Benzodiazepine in the following circumstances – a patient diagnosed as having a chronic anxiety disorder or a patient with acute anxiety or agitation but only in an amount for 7 days. Stimulant approved by the FDA for treatment of ADHD
- SMBO rule making authority for: Standards and procedures for issuing and renewing licenses to practice, Application fees for initial license and renewed license, Application process, fees, requirements for approval, reapproval, and curriculum standards for education programs

**Status:** Introduced 2/16/2023. Referred to Senate Workforce & Higher Education Committee 2/22/2023. 1<sup>st</sup> Hearing in Senate Workforce & Higher Education Committee 3/1/2023. 2<sup>nd</sup> Hearing Senate Workforce & Higher Education 3/15/2023.

### **HB 97 – Mental Health Assistants (Rep. Pavliga) (Companion SB 60)**

To license certified mental health assistants

**Of note:**

- Defines “Certified Mental Health Assistant” as an individual who, under physician supervision, provides mental health care by engaging in any of the activities authorized in the bill
- Only practice under a supervision agreement with a supervising physician. Diagnose and provide treatment based on patient’s diagnosis. Order, prescribe, personally furnish drugs. Refer patient for voluntary or involuntary admission for substance abuse disorder treatment or inpatient psychiatric care.

- CMHA may only prescribe the following controlled substances: Buprenorphine only for a patient actively engaged in opioid use disorder treatment. Benzodiazepine in the following circumstances – a patient diagnosed as having a chronic anxiety disorder or a patient with acute anxiety or agitation but only in an amount for 7 days. Stimulant approved by the FDA for treatment of ADHD
- SMBO rule making authority for: Standards and procedures for issuing and renewing licenses to practice, Application fees for initial license and renewed license, Application process, fees, requirements for approval, reapproval, and curriculum standards for education programs

**Status:** Introduced 3/7/2023. Referred to House Health Provider Services 3/14/2023.

## Actively Monitoring

### SB 9- Medical Marijuana (Sen. S. Huffman & Sen. Kirk Schuring)

To amend the law related to medical marijuana

#### Of Note:

- Creates the Division of Marijuana Control with the Department of Commerce for the purpose of overseeing Ohio's Medical Marijuana Program
- Expands the qualifying medical conditions to include – Arthritis, Migraines, Autism spectrum disorder, Spasticity or chronic muscle spasms, Hospice care or terminal illness, Opioid use disorder and any condition not specified that a recommending physician is qualified to treat and considers as debilitating to the patient as the conditions listed
- Allows the medical director of a dispensary to hold a CTR
- Allows SMBO to approve a course of education for employees of a medical marijuana dispensary

**Status:** Introduced 1/11/2023. 1<sup>st</sup> Hearing Senate General Government 1/17/2023. 2<sup>nd</sup> Hearing Senate General Government 2/7/2023. 3<sup>rd</sup> Hearing Senate General Government 3/7/2023. 4<sup>th</sup> Hearing Senate General Government 3/14/2023.

### HB 89 - Health Examinations (Rep. B. Hillyer and Rep. M. Abdullahi)

Regards intimate examinations and anesthetized or unconscious patients

#### Of note:

- Prohibits an APRN, PA, physician or student from performing or authorizing another individual to perform, a pelvic, prostate or rectal examination on an anesthetized or unconscious patient.
- Exemptions include – The performance of the intimate examination is within the scope of care for the surgical procedure or diagnostic exam to be performed
- The patient or patients representation gives specific, informed consent for the intimate exam
- An intimate exam is required for diagnostic purposes or treatment of the patient's medical condition
- A court orders the intimate exam for the purpose of collecting evidence

**Status:** Introduced 3/7/2023. Referred to House Public Health Policy Committee 3/14/2023.



## Closely Monitoring

### HB 80 – Pharmacist Care (Rep. S. Lipps)

Regards pharmacist care

#### Of note:

- Allows a pharmacist to conduct screenings and order lab tests and diagnostic tests and evaluate the results of the screenings, in order to treat: Influenza, COVID-19 and Group A streptococcus
- Allows a pharmacist to initiate drug therapy when treating one of the above health conditions

**Status:** Introduced 2/27/2023. Referred House Health Provider Services Committee 2/28/2023.

### HB 73 – Prescriptions (Rep. J. Gross and Rep. M. Loychik)

To authorize the prescribing of off-label drugs

#### Of note:

- Allows a prescriber to issue a prescription for any drug, including an off-label drug, with informed consent of the patient
- Does not require the prescriber to obtain a test result, positive screen for a particular disease, or for the patient to have been exposed to an illness before issuing the prescription
- Does not allow a health-related licensing board to discipline a prescriber for any action taken under this bill

**Status:** Introduced 2/27/2023. Referred to House Health Provider Services Committee 2/28/2023. 1<sup>st</sup> Hearing Health Provider Services 3/28/2023.

### HB 102 – Respiratory Therapists (Rep. T. Young and Rep. M. John)

To license advanced practice respiratory therapists and to amend the version of section 4761.01 of the Revised Code that is scheduled to take effect September 30,2024, to continue the change on and after that date

#### Of note:

- Allows for an APRT licensed under 4761.31 to exercise physician-delegated prescriptive authority. Prohibits a prescription for a controlled substance to be used outside of the healthcare facility the APRT is practicing
- Defines “Health Care Facility” as a hospital, A site where a medical practice is operated and provides direct patient care, an entity owned or controlled, in whole or in part, by a

hospital or by an entity that owns or controls, in whole or in part, one or more hospitals, and any other facility designated in rule by the state medical board

- Requires supervising physician to be physically present at the location where the APRT is practicing or be readily available to the APRT through telecommunication in a location reasonably close to where the APRT is practicing

**Status:** Introduced 3/14/2023. Referred to House Health Provider Services Committee  
3/22/2023

## Operationalizing

### SB 131 – Occupational Licensing (Reciprocity) (Sen. Roegner and Sen. McColley)

To require an occupational licensing authority to issue a license or government certification to an applicant who holds a license, government certification, or private certification or has satisfactory work experience in another state under certain circumstances.

**Of note:**

- Requires automatic licensure of out of state applicants that meet certain criteria.
- Allows for the licensing authority to take disciplinary action against an applicant, deny an application and determine fitness to practice of an applicant.
- Amended – A person who holds a license issued through an interstate licensure compact to which Ohio is a party is not required to obtain a license through reciprocity
- Amended – Delays the bill's effective date to 270 days after the bill's effective date

**Status:** Introduced in the Senate 3/16/2021. 1<sup>st</sup> Senate Workforce & Higher Education hearing 5/19/2021. 2<sup>nd</sup> Senate Workforce & Higher Education hearing 5/26/2021. 3<sup>rd</sup> Senate Workforce & Higher Education hearing 3/22/2022. 4<sup>th</sup> Senate Workforce & Higher Education hearing 5/18/2022. 5<sup>th</sup> Senate Workforce & Higher Education hearing 5/25/2022. Reported out of Senate Workforce & Higher Education 5/25/2022. Passed the Senate 6/1/2022. Referred to House State & Local Government Committee. 1<sup>st</sup> House State & Local Government Committee Hearing 11/30/2022. 2<sup>nd</sup> House State & Local Government Committee Hearing 12/13/2022. Passed House State & Local Government Committee 12/14/2022. Passed House 12/14/2022. Senate Concurs in House Amendments 12/14/2022. Signed by Governor 1/2/2023.

### HB 509 – Revise and streamline occupational regulations (Rep. John and Rep. Fowler Arthur)

**Of Note:**

- Amended to include language changing massage therapy curriculum from 600 hours of specified course hours to 600 hours of instruction in massage therapy

**Status:** Passed out of the House 3/23/2022. Referred to Senate Workforce & Higher Education 3/29/2022. 1<sup>st</sup> Senate Workforce & Higher Education hearing 5/25/2022. 2<sup>nd</sup> Senate Workforce & Higher Education hearing 11/16/2022. 3<sup>rd</sup> Senate Workforce & Higher Education hearing 11/30/2022. 4<sup>th</sup> Senate Workforce & Higher Education hearing 12/7/2022. Passed Senate Workforce & Higher Education 12/7/2022. Passed Senate Floor 12/7/2022 29-0. House Concurs in Senate Amendments 12/14/2022. Signed by Governor 1/5/2023.

**Enacted but no operational changes needed**

