

As Reported by the House Finance Committee

131st General Assembly

Regular Session

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Sub. S. B. No. 319

Senator Eklund

Cosponsors: Senators Manning, Beagle, Tavares, Brown, Coley, Faber, Hackett, Hite, Jones, Obhof, Skindell, Thomas, Uecker, Williams Representatives Green, Sprague

A BILL

To amend sections 307.86, 321.44, 340.01, 340.011, 1
340.03, 340.031, 340.032, 340.033, 340.034, 2
340.04, 340.05, 340.07, 340.08, 340.09, 340.091, 3
340.10, 340.12, 340.13, 340.15, 340.20, 1739.05, 4
2921.22, 2925.61, 2929.13, 2929.14, 2929.15, 5
2947.231, 3313.65, 3707.56, 3707.57, 3719.121, 6
3719.13, 3719.21, 3719.27, 3959.111, 4511.191, 7
4729.06, 4729.071, 4729.16, 4729.18, 4729.19, 8
4729.291, 4729.38, 4729.51, 4729.54, 4729.541, 9
4729.55, 4729.571, 4729.60, 4729.68, 4729.99, 10
4731.22, 4731.62, 4731.94, 4776.02, 4776.04, 11
5107.42, 5119.01, 5119.10, 5119.11, 5119.17, 12
5119.21, 5119.22, 5119.23, 5119.25, 5119.28, 13
5119.36, 5119.361, 5119.362, 5119.364, 5119.371, 14
5119.391, 5119.392, 5119.41, 5119.42, 5119.60, 15
5119.61, 5120.035, 5122.31, 5139.01, and 16
5167.12; to amend, for the purpose of adopting 17
new section numbers as indicated in parentheses, 18
sections 340.032 (340.04), 340.04 (340.041), 19
5119.361 (5119.366), 5119.371 (5119.361), and 20
5119.372 (5119.367); to enact new section 21
340.032 and sections 340.036, 340.037, 1751.691, 22

2151.26, 2945.65, 3701.59, 3707.561, 3707.562, 23
3719.062, 3923.851, 4729.10, 4729.40, 4729.45, 24
4729.513, 4729.514, 4729.553, 4729.90, 4729.901, 25
4729.902, 4729.91, 4729.92, 4729.921, 4729.93, 26
4729.94, 4729.95, 4729.96, 4731.943, 5119.221, 27
and 5164.091; and to repeal section 4729.42 of 28
the Revised Code and to amend Sections 331.90 29
and 331.120 of Am. Sub. H.B. 64 of the 131st 30
General Assembly to revise certain laws 31
regarding the regulation of drugs, the practice 32
of pharmacy, the procedures used by pharmacy 33
benefit managers, and the provision of addiction 34
and mental health services. 35

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

Section 1. That sections 307.86, 321.44, 340.01, 340.011, 36
340.03, 340.031, 340.032, 340.033, 340.034, 340.04, 340.05, 37
340.07, 340.08, 340.09, 340.091, 340.10, 340.12, 340.13, 340.15, 38
340.20, 1739.05, 2921.22, 2925.61, 2929.13, 2929.14, 2929.15, 39
2947.231, 3313.65, 3707.56, 3707.57, 3719.121, 3719.13, 3719.21, 40
3719.27, 3959.111, 4511.191, 4729.06, 4729.071, 4729.16, 41
4729.18, 4729.19, 4729.291, 4729.38, 4729.51, 4729.54, 4729.541, 42
4729.55, 4729.571, 4729.60, 4729.68, 4729.99, 4731.22, 4731.62, 43
4731.94, 4776.02, 4776.04, 5107.42, 5119.01, 5119.10, 5119.11, 44
5119.17, 5119.21, 5119.22, 5119.23, 5119.25, 5119.28, 5119.36, 45
5119.361, 5119.362, 5119.364, 5119.371, 5119.391, 5119.392, 46
5119.41, 5119.42, 5119.60, 5119.61, 5120.035, 5122.31, 5139.01, 47
and 5167.12 be amended; sections 340.032 (340.04), 340.04 48
(340.041), 5119.361 (5119.366), 5119.371 (5119.361), and 49

5119.372 (5119.367) be amended for the purpose of adopting new 50
section numbers as indicated in parentheses; and new section 51
340.032 and sections 340.036, 340.037, 1751.691, 2151.26, 52
2945.65, 3701.59, 3707.561, 3707.562, 3719.062, 3923.851, 53
4729.10, 4729.40, 4729.45, 4729.513, 4729.514, 4729.553, 54
4729.90, 4729.901, 4729.902, 4729.91, 4729.92, 4729.921, 55
4729.93, 4729.94, 4729.95, 4729.96, 4731.943, 5119.221, and 56
5164.091 of the Revised Code be enacted to read as follows: 57

Sec. 307.86. Anything to be purchased, leased, leased with 58
an option or agreement to purchase, or constructed, including, 59
but not limited to, any product, structure, construction, 60
reconstruction, improvement, maintenance, repair, or service, 61
except the services of an accountant, architect, attorney at 62
law, physician, professional engineer, construction project 63
manager, consultant, surveyor, or appraiser, by or on behalf of 64
the county or contracting authority, as defined in section 65
307.92 of the Revised Code, at a cost in excess of fifty 66
thousand dollars, except as otherwise provided in division (D) 67
of section 713.23 and in sections 9.48, 125.04, 125.60 to 68
125.6012, 307.022, 307.041, 307.861, 339.05, ~~340.03~~ 340.036, 69
4115.31 to 4115.35, 5119.44, 5513.01, 5543.19, 5713.01, and 70
6137.05 of the Revised Code, shall be obtained through 71
competitive bidding. However, competitive bidding is not 72
required when any of the following applies: 73

(A) The board of county commissioners, by a unanimous vote 74
of its members, makes a determination that a real and present 75
emergency exists, and that determination and the reasons for it 76
are entered in the minutes of the proceedings of the board, when 77
either of the following applies: 78

(1) The estimated cost is less than one hundred thousand 79

dollars.	80
(2) There is actual physical disaster to structures, radio communications equipment, or computers.	81 82
For purposes of this division, "unanimous vote" means all three members of a board of county commissioners when all three members are present, or two members of the board if only two members, constituting a quorum, are present.	83 84 85 86
Whenever a contract of purchase, lease, or construction is exempted from competitive bidding under division (A)(1) of this section because the estimated cost is less than one hundred thousand dollars, but the estimated cost is fifty thousand dollars or more, the county or contracting authority shall solicit informal estimates from no fewer than three persons who could perform the contract, before awarding the contract. With regard to each such contract, the county or contracting authority shall maintain a record of such estimates, including the name of each person from whom an estimate is solicited. The county or contracting authority shall maintain the record for the longer of at least one year after the contract is awarded or the amount of time the federal government requires.	87 88 89 90 91 92 93 94 95 96 97 98 99
(B)(1) The purchase consists of supplies or a replacement or supplemental part or parts for a product or equipment owned or leased by the county, and the only source of supply for the supplies, part, or parts is limited to a single supplier.	100 101 102 103
(2) The purchase consists of services related to information technology, such as programming services, that are proprietary or limited to a single source.	104 105 106
(C) The purchase is from the federal government, the state, another county or contracting authority of another	107 108

county, or a board of education, educational service center, 109
township, or municipal corporation. 110

(D) The purchase is made by a county department of job and 111
family services under section 329.04 of the Revised Code and 112
consists of family services duties or workforce development 113
activities or is made by a county board of developmental 114
disabilities under section 5126.05 of the Revised Code and 115
consists of program services, such as direct and ancillary 116
client services, child care, case management services, 117
residential services, and family resource services. 118

(E) The purchase consists of criminal justice services, 119
social services programs, family services, or workforce 120
development activities by the board of county commissioners from 121
nonprofit corporations or associations under programs funded by 122
the federal government or by state grants. 123

(F) The purchase consists of any form of an insurance 124
policy or contract authorized to be issued under Title XXXIX of 125
the Revised Code or any form of health care plan authorized to 126
be issued under Chapter 1751. of the Revised Code, or any 127
combination of such policies, contracts, plans, or services that 128
the contracting authority is authorized to purchase, and the 129
contracting authority does all of the following: 130

(1) Determines that compliance with the requirements of 131
this section would increase, rather than decrease, the cost of 132
the purchase; 133

(2) Requests issuers of the policies, contracts, plans, or 134
services to submit proposals to the contracting authority, in a 135
form prescribed by the contracting authority, setting forth the 136
coverage and cost of the policies, contracts, plans, or services 137

as the contracting authority desires to purchase;	138
(3) Negotiates with the issuers for the purpose of	139
purchasing the policies, contracts, plans, or services at the	140
best and lowest price reasonably possible.	141
(G) The purchase consists of computer hardware, software,	142
or consulting services that are necessary to implement a	143
computerized case management automation project administered by	144
the Ohio prosecuting attorneys association and funded by a grant	145
from the federal government.	146
(H) Child care services are purchased for provision to	147
county employees.	148
(I) (1) Property, including land, buildings, and other real	149
property, is leased for offices, storage, parking, or other	150
purposes, and all of the following apply:	151
(a) The contracting authority is authorized by the Revised	152
Code to lease the property.	153
(b) The contracting authority develops requests for	154
proposals for leasing the property, specifying the criteria that	155
will be considered prior to leasing the property, including the	156
desired size and geographic location of the property.	157
(c) The contracting authority receives responses from	158
prospective lessors with property meeting the criteria specified	159
in the requests for proposals by giving notice in a manner	160
substantially similar to the procedures established for giving	161
notice under section 307.87 of the Revised Code.	162
(d) The contracting authority negotiates with the	163
prospective lessors to obtain a lease at the best and lowest	164
price reasonably possible considering the fair market value of	165

the property and any relocation and operational costs that may 166
be incurred during the period the lease is in effect. 167

(2) The contracting authority may use the services of a 168
real estate appraiser to obtain advice, consultations, or other 169
recommendations regarding the lease of property under this 170
division. 171

(J) The purchase is made pursuant to section 5139.34 or 172
sections 5139.41 to 5139.46 of the Revised Code and is of 173
programs or services that provide case management, treatment, or 174
prevention services to any felony or misdemeanor delinquent, 175
unruly youth, or status offender under the supervision of the 176
juvenile court, including, but not limited to, community 177
residential care, day treatment, services to children in their 178
home, or electronic monitoring. 179

(K) The purchase is made by a public children services 180
agency pursuant to section 307.92 or 5153.16 of the Revised Code 181
and consists of family services, programs, or ancillary services 182
that provide case management, prevention, or treatment services 183
for children at risk of being or alleged to be abused, 184
neglected, or dependent children. 185

(L) The purchase is to obtain the services of emergency 186
medical service organizations under a contract made by the board 187
of county commissioners pursuant to section 307.05 of the 188
Revised Code with a joint emergency medical services district. 189

(M) The county contracting authority determines that the 190
use of competitive sealed proposals would be advantageous to the 191
county and the contracting authority complies with section 192
307.862 of the Revised Code. 193

Any issuer of policies, contracts, plans, or services 194

listed in division (F) of this section and any prospective 195
lessor under division (I) of this section may have the issuer's 196
or prospective lessor's name and address, or the name and 197
address of an agent, placed on a special notification list to be 198
kept by the contracting authority, by sending the contracting 199
authority that name and address. The contracting authority shall 200
send notice to all persons listed on the special notification 201
list. Notices shall state the deadline and place for submitting 202
proposals. The contracting authority shall mail the notices at 203
least six weeks prior to the deadline set by the contracting 204
authority for submitting proposals. Every five years the 205
contracting authority may review this list and remove any person 206
from the list after mailing the person notification of that 207
action. 208

Any contracting authority that negotiates a contract under 209
division (F) of this section shall request proposals and 210
negotiate with issuers in accordance with that division at least 211
every three years from the date of the signing of such a 212
contract, unless the parties agree upon terms for extensions or 213
renewals of the contract. Such extension or renewal periods 214
shall not exceed six years from the date the initial contract is 215
signed. 216

Any real estate appraiser employed pursuant to division 217
(I) of this section shall disclose any fees or compensation 218
received from any source in connection with that employment. 219

Sec. 321.44. (A) (1) A county probation services fund shall 220
be established in the county treasury of each county. The fund a 221
county establishes under this division shall contain all moneys 222
paid to the treasurer of the county under section 2951.021 of 223
the Revised Code for deposit into the fund. The moneys paid into 224

the fund shall be deposited by the treasurer of the county into 225
the appropriate account established under divisions (A) (1) (a) to 226
(d) of this section. Separate accounts shall be maintained in 227
accordance with the following criteria in the fund a county 228
establishes under this division: 229

(a) If a county department of probation is established in 230
the county, a separate account shall be maintained in the fund 231
for the county department of probation. 232

(b) If the judges of the court of common pleas of the 233
county have affiliated with the judges of the court of common 234
pleas of one or more other counties and have established a 235
multicounty department of probation, a separate account shall be 236
maintained in the fund for the multicounty department of 237
probation. 238

(c) If a department of probation is established in a 239
county-operated municipal court that has jurisdiction within the 240
county, a separate account shall be maintained in the fund for 241
the municipal court department of probation. 242

(d) If a county department of probation has not been 243
established in the county and if the court of common pleas of 244
the county, pursuant to section 2301.32 of the Revised Code, has 245
entered into an agreement with the adult parole authority under 246
which the court may place defendants under a community control 247
sanction in charge of the authority, a separate account shall be 248
maintained in the fund for the court of common pleas. 249

(2) For any county, if a county department of probation is 250
established in the county or if a department of probation is 251
established in a county-operated municipal court that has 252
jurisdiction within the county, the board of county 253

commissioners of the county shall appropriate to the county 254
department of probation or municipal court department of 255
probation all money that is contained in the department's 256
account in the county probation services fund established in the 257
county for use only for specialized staff, purchase of 258
equipment, purchase of services, reconciliation programs for 259
offenders and victims, other treatment programs, including 260
~~community alcohol and drug addiction services providers~~ 261
certified under section 5119.36 of the Revised Code, determined 262
to be appropriate by the chief probation officer of the 263
department of probation, and other similar expenses related to 264
placing offenders under a community control sanction. 265

For any county, if the judges of the court of common pleas 266
of the county have affiliated with the judges of the court of 267
common pleas of one or more other counties and have established 268
a multicounty department of probation to serve the counties, the 269
board of county commissioners of the county shall appropriate 270
and the county treasurer shall transfer to the multicounty 271
probation services fund established for the multicounty 272
department of probation under division (B) of this section all 273
money that is contained in the multicounty department of 274
probation account in the county probation services fund 275
established in the county for use in accordance with that 276
division. 277

For any county, if a county department of probation has 278
not been established in the county and if the court of common 279
pleas of the county, pursuant to section 2301.32 of the Revised 280
Code, has entered into an agreement with the adult parole 281
authority under which the court may place defendants under a 282
community control sanction in charge of the authority, the board 283
of county commissioners of the county shall appropriate to the 284

court all money that is contained in the court's account in the 285
county probation services fund established in the county for use 286
only for specialized staff, purchase of equipment, purchase of 287
services, reconciliation programs for offenders and victims, 288
other treatment and recovery support services, including 289
properly credentialed treatment and recovery support services 290
program providers or ~~those~~ alcohol and drug addiction services 291
certified under section 5119.36 of the Revised Code, determined 292
to be appropriate by the authority, and other similar uses 293
related to placing offenders under a community control sanction. 294

(B) If the judges of the courts of common pleas of two or 295
more counties have established a multicounty department of 296
probation, a multicounty probation services fund shall be 297
established in the county treasury of the county whose 298
treasurer, in accordance with section 2301.27 of the Revised 299
Code, is designated by the judges of the courts of common pleas 300
as the treasurer to whom monthly supervision fees are to be 301
appropriated and transferred under division (A) (2) of this 302
section for deposit into the fund. The fund shall contain all 303
moneys that are paid to the treasurer of any member county under 304
section 2951.021 of the Revised Code for deposit into the 305
county's probation services fund and that subsequently are 306
appropriated and transferred to the multicounty probation 307
services fund under division (A) (2) of this section. The board 308
of county commissioners of the county in which the multicounty 309
probation services fund is established shall appropriate the 310
money contained in that fund to the multicounty department of 311
probation, for use only for specialized staff, purchase of 312
equipment, purchase of services, reconciliation programs for 313
offenders and victims, other treatment programs, including 314
~~community alcohol and drug addiction services providers~~ 315

certified under section 5119.36 of the Revised Code, determined 316
to be appropriate by the chief probation officer, and for other 317
similar expenses related to placing offenders under a community 318
control sanction. 319

(C) Any money in a county or multicounty probation 320
services fund at the end of a fiscal year shall not revert to 321
the general fund of the county but shall be retained in the 322
fund. 323

(D) As used in this section: 324

(1) "County-operated municipal court" has the same meaning 325
as in section 1901.03 of the Revised Code. 326

(2) "Multicounty department of probation" means a 327
probation department established under section 2301.27 of the 328
Revised Code to serve more than one county. 329

(3) "Community control sanction" has the same meaning as 330
in section 2929.01 of the Revised Code. 331

Sec. 340.01. (A) As used in this chapter: 332

(1) "Addiction," "addiction services," "alcohol and drug 333
addiction services," "alcoholism," "certifiable services and 334
supports," "community addiction services provider," "community 335
mental health services provider," "drug addiction," "gambling 336
addiction services," "included opioid and co-occurring drug 337
addiction services and recovery supports," "mental health 338
services," ~~and~~ "mental illness," and "recovery supports" have 339
the same meanings as in section 5119.01 of the Revised Code. 340

(2) "Medication-assisted treatment" means alcohol and drug 341
addiction services that are accompanied by medication approved 342
by the United States food and drug administration for the 343

treatment of alcoholism or drug addiction, prevention of relapse 344
of alcoholism or drug addiction, or both. 345

(3) "Recovery housing" means housing for individuals 346
recovering from alcoholism or drug addiction that provides an 347
alcohol and drug-free living environment, peer support, 348
assistance with obtaining alcohol and drug addiction services, 349
and other alcoholism and drug addiction recovery assistance. 350

(B) An alcohol, drug addiction, and mental health service 351
district shall be established in any county or combination of 352
counties having a population of at least fifty thousand ~~to~~ 353
~~provide addiction services and mental health services.~~ With the 354
approval of the director of mental health and addiction 355
services, any county or combination of counties having a 356
population of less than fifty thousand may establish such a 357
district. Districts comprising more than one county shall be 358
known as joint-county districts. 359

The board of county commissioners of any county 360
participating in a joint-county district may submit a resolution 361
requesting withdrawal from the district together with a 362
comprehensive plan or plans that are in compliance with rules 363
adopted by the director of mental health and addiction services 364
under section 5119.22 of the Revised Code, and that provide for 365
the equitable adjustment and division of all services, assets, 366
property, debts, and obligations, if any, of the joint-county 367
district to the board of alcohol, drug addiction, and mental 368
health services, to the boards of county commissioners of each 369
county in the district, and to the director. No county 370
participating in a joint-county service district may withdraw 371
from the district without the consent of the director of mental 372
health and addiction services nor earlier than one year after 373

the submission of such resolution unless all of the 374
participating counties agree to an earlier withdrawal. Any 375
county withdrawing from a joint-county district shall continue 376
to have levied against its tax list and duplicate any tax levied 377
by the district during the period in which the county was a 378
member of the district until such time as the levy expires or is 379
renewed or replaced. 380

Sec. 340.011. (A) This chapter shall be interpreted to 381
accomplish all of the following: 382

(1) Establish a unified system of treatment for mentally 383
ill persons and persons with addictions; 384

(2) Establish a community support system available for 385
every alcohol, drug addiction, and mental health service 386
district; 387

(3) Protect the personal liberty of mentally ill persons 388
so that they may be treated in the least restrictive 389
environment; 390

(4) Encourage the development of high quality, cost 391
effective, and comprehensive services, including culturally 392
sensitive services; 393

(5) Foster the development of comprehensive community 394
mental health services, based on recognized local needs, 395
especially for severely mentally disabled children, adolescents, 396
and adults; 397

(6) Ensure that services provided meet minimum standards 398
established by the director of mental health and addiction 399
services; 400

(7) Promote the delivery of high quality and cost- 401

effective addiction and mental health services; 402

(8) Promote the participation of persons receiving mental 403
health services and addiction services in the planning, 404
delivery, and evaluation of these services. 405

(B) Nothing in Chapter 340., 5119., or 5122. of the 406
Revised Code shall be construed as requiring a board of county 407
commissioners to provide resources beyond the total amount set 408
forth in a budget and ~~statement~~ list of addiction services to be 409
~~provided by the alcohol, drug addiction, and mental health~~ 410
~~services board, as developed and submitted under, mental health~~ 411
services, and recovery supports required by section 340.08 of 412
the Revised Code and approved by the department of mental health 413
and addiction services under section 5119.22 of the Revised 414
Code. 415

Sec. 340.03. (A) Subject to rules issued by the director 416
of mental health and addiction services after consultation with 417
relevant constituencies as required by division (A) (10) of 418
section 5119.21 of the Revised Code, ~~the each~~ board of alcohol, 419
drug addiction, and mental health services shall: 420

(1) Serve as the community addiction and mental health 421
~~services~~ planning agency for the county or counties under its 422
jurisdiction, and in so doing it shall: 423

(a) Evaluate the need for ~~facilities and community~~ 424
facility services, addiction and services, mental health 425
services, and recovery supports; 426

(b) In cooperation with other local and regional planning 427
and funding bodies and with relevant ethnic organizations, 428
~~assess the community addiction and mental health needs, evaluate~~ 429
strengths and challenges, and set priorities for ~~community~~ 430

addiction ~~and services,~~ mental health services, ~~including~~ 431
~~treatment and prevention and recovery supports.~~ A board shall 432
include treatment and prevention services when setting 433
priorities for addiction services and mental health services. 434
When ~~the~~ a board sets priorities for ~~the operation of~~ addiction 435
services, the board shall consult with the county commissioners 436
of the counties in the board's service district regarding the 437
services described in section 340.15 of the Revised Code and 438
shall give priority to those services, except that those 439
services shall not have a priority over services provided to 440
pregnant women under programs developed in relation to the 441
mandate established in section 5119.17 of the Revised Code~~;~~. 442

(c) In accordance with guidelines issued by the director 443
of mental health and addiction services ~~after consultation with~~ 444
~~board representatives~~ under division (F) of section 5119.22 of 445
the Revised Code, annually develop and submit to the department 446
of mental health and addiction services a community addiction 447
and mental health ~~services plan listing community addiction and~~ 448
~~mental health services needs, including the~~ that addresses both 449
of the following: 450

(i) The needs of all residents of the district currently 451
receiving inpatient services in state-operated hospitals, the 452
needs of other populations as required by state or federal law 453
or programs, and the needs of all children subject to a 454
determination made pursuant to section 121.38 of the Revised 455
Code, ~~and~~; 456

(ii) The department's priorities for ~~facilities and~~ 457
~~community facility services,~~ addiction and services, mental 458
health services, and recovery supports during the period for 459
which the plan will be in effect. The department shall inform 460

all of the boards of the department's priorities in a timely 461
manner that enables the boards to know the department's 462
priorities before the boards develop and submit the plans. 463

In alcohol, drug addiction, and mental health service 464
districts that have separate alcohol and drug addiction services 465
and community mental health boards, the alcohol and drug 466
addiction services board shall submit a community addiction 467
~~services~~ plan and the community mental health board shall submit 468
a community mental health ~~services~~ plan. Each board shall 469
consult with its counterpart in developing its plan and address 470
the interaction between the local addiction ~~services~~ and mental 471
health ~~services~~ systems and populations with regard to needs and 472
priorities in developing its plan. 473

The department shall approve or disapprove the plan, in 474
whole or in part, ~~according to the criteria developed pursuant~~ 475
~~to~~ in accordance with division (G) of section 5119.22 of the 476
Revised Code. Eligibility for state and federal funding shall be 477
contingent upon an approved plan or relevant part of a plan. 478

If a board determines that it is necessary to amend ~~a~~ an 479
approved plan that has been approved under this division, the 480
board shall submit a proposed amendment to the director. The 481
director ~~may~~ shall approve or disapprove all or part of the 482
amendment in accordance with division (H) of section 5119.22 of 483
the Revised Code. The director shall inform the board of the 484
~~reasons for disapproval of all or part of an amendment and of~~ 485
~~the criteria that must be met before the amendment may be~~ 486
~~approved. The director shall provide the board an opportunity to~~ 487
~~present its case on behalf of the amendment. The director shall~~ 488
~~give the board a reasonable time in which to meet the criteria,~~ 489
~~and shall offer the board technical assistance to help it meet~~ 490

~~the criteria.~~ 491

The board shall operate in accordance with the plan 492
approved by the department. 493

(d) Promote, arrange, and implement working agreements 494
with social agencies, both public and private, and with judicial 495
agencies. 496

(2) Investigate, or request another agency to investigate, 497
any complaint alleging abuse or neglect of any person receiving 498
addiction services, mental health services, or recovery supports 499
from a community addiction ~~or mental health~~ services provider or 500
community mental health services provider or alleging abuse or 501
neglect of a resident receiving addiction services or with 502
mental illness or severe mental disability residing in a 503
residential facility licensed under section 5119.34 of the 504
Revised Code. If the investigation substantiates the charge of 505
abuse or neglect, the board shall take whatever action it 506
determines is necessary to correct the situation, including 507
notification of the appropriate authorities. Upon request, the 508
board shall provide information about such investigations to the 509
department. 510

(3) For the purpose of section 5119.36 of the Revised 511
Code, cooperate with the director of mental health and addiction 512
services in visiting and evaluating whether the ~~addiction or~~ 513
~~mental health certifiable~~ services and supports of a community 514
addiction services provider or community mental health services 515
provider satisfy the certification standards established by 516
rules adopted under that section; 517

(4) In accordance with criteria established under division 518
~~(E)~~ (D) of section 5119.22 of the Revised Code, conduct program 519

audits that review and evaluate the quality, effectiveness, and 520
efficiency of addiction ~~and services,~~ mental health services, 521
and recovery supports provided ~~through its~~ by community 522
addiction services providers and community mental health 523
services providers under contract with the board and submit ~~its~~ 524
the board's findings and recommendations to the department of 525
mental health and addiction services; 526

(5) In accordance with section 5119.34 of the Revised 527
Code, review an application for a residential facility license 528
and provide to the department of mental health and addiction 529
services any information about the applicant or facility that 530
the board would like the department to consider in reviewing the 531
application; 532

(6) Audit, in accordance with rules adopted by the auditor 533
of state pursuant to section 117.20 of the Revised Code, at 534
least annually all programs ~~and,~~ addiction services, mental 535
health services, and recovery supports provided under contract 536
with the board. In so doing, the board may contract for or 537
employ the services of private auditors. A copy of the fiscal 538
audit report shall be provided to the director of mental health 539
and addiction services, the auditor of state, and the county 540
auditor of each county in the board's district. 541

(7) Recruit and promote local financial support for 542
addiction ~~and services,~~ mental health services, and recovery 543
supports from private and public sources; 544

(8) ~~(a) Enter into contracts with public and private~~ 545
~~facilities for the operation of facility services and enter into~~ 546
~~contracts with public and private community addiction and mental~~ 547
~~health services providers for the provision of addiction and~~ 548
~~mental health services. The board may not contract with a~~ 549

~~residential facility subject to section 5119.34 of the Revised Code unless the facility is licensed by the director of mental health and addiction services. The board may not contract with a community addiction or mental health services provider to provide addiction or mental health services unless the services are certified by the director of mental health and addiction services under section 5119.36 of the Revised Code. Section 307.86 of the Revised Code does not apply to contracts entered into under this division. In contracting with a community addiction or mental health services provider, a board shall consider the cost effectiveness of addiction or mental health services provided by that provider and the quality and continuity of care, and may review cost elements, including salary costs, of the services to be provided. A utilization review process may be established as part of the contract for services entered into between a board and a community addiction or mental health services provider. The board may establish this process in a way that is most effective and efficient in meeting local needs.~~

~~If either the board or a facility or community addiction or mental health services provider with which the board contracts under this division proposes not to renew the contract or proposes substantial changes in contract terms, the other party shall be given written notice at least one hundred twenty days before the expiration date of the contract. During the first sixty days of this one hundred twenty day period, both parties shall attempt to resolve any dispute through good faith collaboration and negotiation in order to continue to provide services to persons in need. If the dispute has not been resolved sixty days before the expiration date of the contract, either party may notify the department of mental health and~~

~~addiction services of the unresolved dispute. The director may~~ 581
~~require both parties to submit the dispute to a third party with~~ 582
~~the cost to be shared by the board and the facility or provider.~~ 583
~~The third party shall issue to the board, the facility or~~ 584
~~provider, and the department recommendations on how the dispute~~ 585
~~may be resolved twenty days prior to the expiration date of the~~ 586
~~contract, unless both parties agree to a time extension. The~~ 587
~~director shall adopt rules establishing the procedures of this~~ 588
~~dispute resolution process.~~ 589

~~(b) With the prior approval of the director of mental~~ 590
~~health and addiction services, a board may operate a facility or~~ 591
~~provide an addiction or mental health service as follows, if~~ 592
~~there is no other qualified private or public facility or~~ 593
~~community addiction or mental health services provider that is~~ 594
~~immediately available and willing to operate such a facility or~~ 595
~~provide the service.~~ 596

~~(i) In an emergency situation, any board may operate a~~ 597
~~facility or provide an addiction or mental health service in~~ 598
~~order to provide essential services for the duration of the~~ 599
~~emergency.~~ 600

~~(ii) In a service district with a population of at least~~ 601
~~one hundred thousand but less than five hundred thousand, a~~ 602
~~board may operate a facility or provide an addiction or mental~~ 603
~~health service for no longer than one year.~~ 604

~~(iii) In a service district with a population of less than~~ 605
~~one hundred thousand, a board may operate a facility or provide~~ 606
~~an addiction or mental health service for no longer than one~~ 607
~~year, except that such a board may operate a facility or provide~~ 608
~~an addiction or mental health service for more than one year~~ 609
~~with the prior approval of the director and the prior approval~~ 610

~~of the board of county commissioners, or of a majority of the~~ 611
~~boards of county commissioners if the district is a joint county~~ 612
~~district.~~ 613

~~The director shall not give a board approval to operate a~~ 614
~~facility or provide an addiction or mental health service under~~ 615
~~division (A) (8) (b) (ii) or (iii) of this section unless the~~ 616
~~director determines that it is not feasible to have the~~ 617
~~department operate the facility or provide the service.~~ 618

~~The director shall not give a board approval to operate a~~ 619
~~facility or provide an addiction or mental health service under~~ 620
~~division (A) (8) (b) (iii) of this section unless the director~~ 621
~~determines that the board will provide greater administrative~~ 622
~~efficiency and more or better services than would be available~~ 623
~~if the board contracted with a private or public facility or~~ 624
~~community addiction or mental health services provider.~~ 625

~~The director shall not give a board approval to operate a~~ 626
~~facility previously operated by a person or other government~~ 627
~~entity unless the board has established to the director's~~ 628
~~satisfaction that the person or other government entity cannot~~ 629
~~effectively operate the facility or that the person or other~~ 630
~~government entity has requested the board to take over operation~~ 631
~~of the facility. The director shall not give a board approval to~~ 632
~~provide an addiction or mental health service previously~~ 633
~~provided by a community addiction or mental health services~~ 634
~~provider unless the board has established to the director's~~ 635
~~satisfaction that the provider cannot effectively provide the~~ 636
~~service or that the provider has requested the board take over~~ 637
~~providing the service.~~ 638

~~The director shall review and evaluate a board's operation~~ 639
~~of a facility and provision of addiction or mental health~~ 640

~~services under division (A) (8) (b) of this section.~~ 641

~~Nothing in division (A) (8) (b) of this section authorizes a board to administer or direct the daily operation of any facility or community addiction or mental health services provider, but a facility or provider may contract with a board to receive administrative services or staff direction from the board under the direction of the governing body of the facility or provider.~~ 642
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~~(9) Approve~~ In accordance with guidelines issued by the department as necessary to comply with state and federal laws pertaining to financial assistance, approve fee schedules and related charges or adopt a unit cost schedule or other methods of payment for ~~contract~~ addiction services, mental health services, and recovery supports provided by community addiction or mental health services providers in accordance with guidelines issued by the department as necessary to comply with state and federal laws pertaining to financial assistance and community mental health services providers that have contracted with the board under section 340.036 of the Revised Code; 649
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~~(10)~~ (9) Submit to the director and the county commissioners of the county or counties served by the board, and make available to the public, an annual report of the addiction services, mental health services, and recovery supports under the jurisdiction of the board, including a fiscal accounting; 660
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~~(11) Establish, to the extent resources are available, a continuum of care that provides for prevention, treatment, support, and rehabilitation services and opportunities. The essential elements of the continuum of care shall include the following components:~~ 665
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(a) To locate persons in need of addiction or mental health services to inform them of available services and benefits;	670
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(b) Assistance for persons receiving addiction or mental health services to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income;	673
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(c) Addiction and mental health services, including all of the following:	677
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(i) Outpatient;	679
(ii) Residential;	680
(iii) Partial hospitalization;	681
(iv) Where appropriate, inpatient care;	682
(v) Sub-acute detoxification;	683
(vi) Intensive and other supports;	684
(vii) Recovery support;	685
(viii) Prevention and wellness management;	686
(ix) In accordance with section 340.033 of the Revised Code, an array of treatment and support services for all levels of opioid and co-occurring drug addiction.	687
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(d) Emergency services and crisis intervention;	690
(e) Assistance for persons receiving services to obtain vocational services and opportunities for jobs;	691
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(f) The provision of services designed to develop social, community, and personal living skills;	693
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- ~~(g) Access to a wide range of housing and the provision of residential treatment and support;~~ 695
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- ~~(h) Support, assistance, consultation, and education for families, friends, persons receiving addiction or mental health services, and others;~~ 697
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- ~~(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and community employment as natural supports for persons receiving addiction or mental health services;~~ 700
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- ~~(j) Grievance procedures and protection of the rights of persons receiving addiction or mental health services;~~ 705
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- ~~(k) Community psychiatric supportive treatment services, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured;~~ 707
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- ~~(l) Any additional component the department, pursuant to section 5119.21 of the Revised Code, determines is necessary to establish the continuum of care.~~ 710
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- ~~(12)~~(10) Establish a method for evaluating referrals for court-ordered treatment and affidavits filed pursuant to section 5122.11 of the Revised Code in order to assist the probate division of the court of common pleas in determining whether there is probable cause that a respondent is subject to court-ordered treatment and whether alternatives to hospitalization are available and appropriate; 713
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- ~~(13)~~(11) Designate the treatment services, provider, facility, or other placement for each person involuntarily committed to the board pursuant to Chapter 5122. of the Revised Code. The board shall provide the least restrictive and most 720
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appropriate alternative that is available for any person 724
involuntarily committed to it and shall assure that the ~~listed-~~ 725
list of addiction services, mental health services, and recovery 726
supports submitted and approved in accordance with division (B) 727
of section 340.08 of the Revised Code are available to severely 728
mentally disabled persons residing within its service district. 729
The board shall establish the procedure for authorizing payment 730
for the services and supports, which may include prior 731
authorization in appropriate circumstances. In accordance with 732
~~division (A) (8) (b) of this section 340.037 of the Revised Code,~~ 733
the board may provide ~~for~~ addiction services and mental health 734
services directly to a severely mentally disabled person when 735
life or safety is endangered and when no community addiction 736
services provider or community mental health services provider 737
is available to provide the service. 738

~~(14)~~ (12) Ensure that housing built, subsidized, 739
renovated, rented, owned, or leased by the board or a community 740
addiction services provider or community mental health services 741
provider has been approved as meeting minimum fire safety 742
standards and that persons residing in the housing have access 743
to appropriate and necessary services, including culturally 744
relevant services, from a community addiction services provider 745
or community mental health services provider. This division does 746
not apply to residential facilities licensed pursuant to section 747
5119.34 of the Revised Code. 748

~~(15)~~ (13) Establish a mechanism for obtaining advice and 749
involvement of persons receiving addiction ~~or~~ services, mental 750
health services, or recovery supports on matters pertaining to 751
~~addiction and mental health services~~ and supports in the 752
alcohol, drug addiction, and mental health service district; 753

~~(16)~~-(14) Perform the duties required by rules adopted 754
under section 5119.22 of the Revised Code regarding referrals by 755
the board or community mental health services providers under 756
contract with the board of individuals with mental illness or 757
severe mental disability to class two residential facilities 758
licensed under section 5119.34 of the Revised Code and effective 759
arrangements for ongoing mental health services for the 760
individuals. The board is accountable in the manner specified in 761
the rules for ensuring that the ongoing mental health services 762
are effectively arranged for the individuals. 763

(B) ~~The~~ Each board of alcohol, drug addiction, and mental 764
health services shall establish such rules, operating 765
procedures, standards, and bylaws, and perform such other duties 766
as may be necessary or proper to carry out the purposes of this 767
chapter. 768

(C) A board of alcohol, drug addiction, and mental health 769
services may receive by gift, grant, devise, or bequest any 770
moneys, lands, or property for the benefit of the purposes for 771
which the board is established, and may hold and apply it 772
according to the terms of the gift, grant, or bequest. All money 773
received, including accrued interest, by gift, grant, or bequest 774
shall be deposited in the treasury of the county, the treasurer 775
of which is custodian of the alcohol, drug addiction, and mental 776
health services funds to the credit of the board and shall be 777
available for use by the board for purposes stated by the donor 778
or grantor. 779

(D) No ~~board~~-member or employee of a board of alcohol, 780
drug addiction, and mental health services shall be liable for 781
injury or damages caused by any action or inaction taken within 782
the scope of the ~~board~~-member's official duties or the 783

employee's employment, whether or not such action or inaction is 784
expressly authorized by this section or any other section of the 785
Revised Code, unless such action or inaction constitutes willful 786
or wanton misconduct. Chapter 2744. of the Revised Code applies 787
to any action or inaction by a ~~board~~-member or employee of a 788
board taken within the scope of the ~~board~~-member's official 789
duties or employee's employment. For the purposes of this 790
division, the conduct of a ~~board~~-member or employee shall not be 791
considered willful or wanton misconduct if the ~~board~~-member or 792
employee acted in good faith and in a manner that the ~~board~~- 793
member or employee reasonably believed was in or was not opposed 794
to the best interests of the board and, with respect to any 795
criminal action or proceeding, had no reasonable cause to 796
believe the conduct was unlawful. 797

(E) The meetings held by any committee established by a 798
board of alcohol, drug addiction, and mental health services 799
shall be considered to be meetings of a public body subject to 800
section 121.22 of the Revised Code. 801

Sec. 340.031. A board of alcohol, drug addiction, and 802
mental health services may: 803

(A) Inspect any residential facility licensed under 804
section 5119.34 of the Revised Code and located in its service 805
district; 806

(B) Acquire, convey, lease, or enter into a contract to 807
purchase, lease, or sell property for ~~community~~-addiction and- 808
services, mental health services, and related purposes, and 809
enter into loan agreements, including mortgages, for the 810
acquisition of such property. 811

Sec. 340.032. Subject to rules adopted by the director of 812

mental health and addiction services after consultation with 813
relevant constituencies as required by division (A) (10) of 814
section 5119.21 of the Revised Code, each board of alcohol, drug 815
addiction, and mental health services shall do all of the 816
following: 817

(A) Establish, to the extent resources are available, a 818
community-based continuum of care that includes, except as 819
otherwise authorized by a time-limited waiver issued under 820
division (A) (1) of section 5119.221 of the Revised Code, all of 821
the following as essential elements: 822

(1) Prevention and wellness management services; 823

(2) At least both of the following outreach and engagement 824
activities: 825

(a) Locating persons in need of addiction services and 826
persons in need of mental health services to inform them of 827
available addiction services, mental health services, and 828
recovery supports; 829

(b) Helping persons who receive addiction services and 830
persons who receive mental health services obtain services 831
necessary to meet basic human needs for food, clothing, shelter, 832
medical care, personal safety, and income. 833

(3) Assessment services; 834

(4) Care coordination; 835

(5) Residential services; 836

(6) At least the following outpatient services: 837

(a) Nonintensive; 838

(b) Intensive, such as partial hospitalization and 839

<u>assertive community treatment;</u>	840
<u>(c) Withdrawal management;</u>	841
<u>(d) Emergency and crisis.</u>	842
<u>(7) Where appropriate, at least the following inpatient</u>	843
<u>services:</u>	844
<u>(a) Psychiatric care;</u>	845
<u>(b) Medically managed alcohol or drug treatment.</u>	846
<u>(8) At least all of the following recovery supports:</u>	847
<u>(a) Peer support;</u>	848
<u>(b) A wide range of housing and support services,</u>	849
<u>including recovery housing;</u>	850
<u>(c) Employment, vocational, and educational opportunities;</u>	851
<u>(d) Assistance with social, personal, and living skills;</u>	852
<u>(e) Multiple paths to recovery such as twelve-step</u>	853
<u>approaches and parent advocacy connection;</u>	854
<u>(f) Support, assistance, consultation, and education for</u>	855
<u>families, friends, and persons receiving addiction services,</u>	856
<u>mental health services, and recovery supports.</u>	857
<u>(9) In accordance with section 340.033 of the Revised</u>	858
<u>Code, an array of addiction services and recovery supports for</u>	859
<u>all levels of opioid and co-occurring drug addiction;</u>	860
<u>(10) Any additional elements the department of mental</u>	861
<u>health and addiction services, pursuant to section 5119.21 of</u>	862
<u>the Revised Code, determines are necessary to establish the</u>	863
<u>community-based continuum of care.</u>	864

(B) Ensure that the rights of persons receiving any 865
elements of the community-based continuum of care are protected; 866

(C) Ensure that persons receiving any elements of the 867
community-based continuum of care are able to utilize grievance 868
procedures applicable to the elements. 869

Sec. 340.033. The array of ~~treatment and support~~ addiction 870
services and recovery supports for all levels of opioid and co- 871
occurring drug addiction required by ~~division (A) (11) (c) (ix) of~~ 872
section 340.03-340.032 of the Revised Code to be included in a 873
community-based continuum of care established under that section 874
shall include, except as otherwise authorized by a waiver issued 875
under division (A) (2) of section 5119.221 of the Revised Code, 876
at least ambulatory and sub-acute detoxification, non-intensive 877
and intensive outpatient services, medication-assisted 878
treatment, peer-mentoring support, residential ~~treatment~~ 879
services, recovery housing pursuant to section 340.034 of the 880
Revised Code, and multiple paths to recovery such as twelve-step 881
approaches. The ~~treatment and support~~ services and supports 882
shall be made available in the service district of each board of 883
alcohol, drug addiction, and mental health services, except that 884
sub-acute detoxification and residential ~~treatment~~ services may 885
be made available through a contract with one or more providers 886
of sub-acute detoxification or residential ~~treatment~~ services 887
located in other service districts. The ~~treatment and support~~ 888
services and supports shall be made available in a manner that 889
ensures that ~~service~~ recipients are able to access the services 890
and supports they need for opioid and co-occurring drug 891
addiction in an integrated manner and without delay in 892
accordance with their assessed needs when changing or obtaining 893
additional ~~treatment or support~~ addiction services or recovery 894
supports for such addiction. An individual seeking a ~~treatment~~ 895

service or support ~~service~~ for opioid and co-occurring drug 896
addiction included in a community-based continuum of care shall 897
not be denied the service or support on the basis ~~that~~ of the 898
~~service previously failed~~ individual's prior experience with the 899
service or support. 900

Sec. 340.034. All of the following apply to the recovery 901
housing required by section 340.033 of the Revised Code to be 902
part of included in the ~~array of treatment services and recovery~~ 903
~~support for all levels of~~ opioid and co-occurring drug addiction 904
~~that are part of the continuum of care established by each board~~ 905
~~of alcohol, drug addiction, and mental health services pursuant~~ 906
~~to division (A) (11) of section 340.03 of the Revised Code~~ 907
services and recovery supports: 908

(A) The recovery housing shall not be subject to 909
residential facility licensure by the department of mental 910
health and addiction services under section 5119.34 of the 911
Revised Code. ~~In addition, the~~ 912

(B) The recovery housing shall not be subject to 913
certification as a recovery support under section 5119.36 of the 914
Revised Code. 915

(C) The recovery housing shall not be owned and operated 916
by a board of alcohol, drug addiction, and mental health 917
services unless any of the following applies: 918

(1) The board owns and operates the recovery housing on 919
July 1, 2017. 920

(2) The board utilizes local funds in the development, 921
purchase, or operation of the recovery housing. 922

(3) The board determines that there is a need for the 923
board to assume the ownership and operation of the recovery 924

housing such as when an existing owner and operator of the 925
recovery housing goes out of business, and the board considers 926
the assumption of ownership and operation of the recovery 927
housing to be in the best interest of the community. 928

~~(B)~~ (D) The recovery housing shall have protocols for all 929
of the following: 930

(1) Administrative oversight; 931

(2) Quality standards; 932

(3) Policies and procedures, including house rules, for 933
its residents to which the residents must agree to adhere. 934

~~(C)~~ (E) Family members of the recovery housing's residents 935
may reside in the recovery housing to the extent the recovery 936
housing's protocols permit. 937

~~(D)~~ (F) The recovery housing shall not limit a resident's 938
duration of stay to an arbitrary or fixed amount of time. 939
Instead, each resident's duration of stay shall be determined by 940
the resident's needs, progress, and willingness to abide by the 941
recovery housing's protocols, in collaboration with the recovery 942
housing's owner and operator, and, if appropriate, in 943
consultation and integration with a community addiction services 944
provider. 945

~~(E)~~ (G) The recovery housing may permit its residents to 946
receive medication-assisted treatment. 947

~~(F)~~ (H) A recovery housing resident may receive addiction 948
services that are certified by the department of mental health 949
and addiction services under section 5119.36 of the Revised 950
Code. 951

Sec. 340.036. (A) Subject to division (B) of this section 952

and rules adopted by the director of mental health and addiction 953
services after consultation with relevant constituencies as 954
required by division (A) (10) of section 5119.21 of the Revised 955
Code, each board of alcohol, drug addiction, and mental health 956
services shall enter into contracts with all of the following: 957

(1) Public and private facilities for the operation of 958
facility services; 959

(2) Community addiction services providers for addiction 960
services and recovery supports; 961

(3) Community mental health services providers for mental 962
health services and recovery supports. 963

(B) No board shall do any of the following: 964

(1) Contract with a residential facility required to be 965
licensed under section 5119.34 of the Revised Code unless the 966
facility is so licensed; 967

(2) Contract with a community addiction services provider 968
or community mental health services provider for certifiable 969
services and supports unless the certifiable services and 970
supports are certified under section 5119.36 of the Revised 971
Code; 972

(3) Contract with a community addiction services provider 973
or community mental health services provider for recovery 974
supports that are required by the director to meet quality 975
criteria or core competencies unless the recovery supports meet 976
the criteria or competencies. 977

(C) When a board contracts with a community addiction 978
services provider or community mental health services provider 979
for addiction services, mental health services, or recovery 980

<u>supports, all of the following apply:</u>	981
<u>(1) The board shall consider both of the following:</u>	982
<u>(a) The cost effectiveness and quality of the provider's</u> <u>services and supports;</u>	983 984
<u>(b) Continuity of care.</u>	985
<u>(2) The board may review cost elements, including salary</u> <u>costs, of the services and supports.</u>	986 987
<u>(3) The board may establish, in a way that is most</u> <u>effective and efficient in meeting local needs, a utilization</u> <u>review process as part of the contract.</u>	988 989 990
<u>(D) If a party to a contract entered into under this</u> <u>section proposes not to renew the contract or proposes</u> <u>substantial changes in contract terms, the other party shall be</u> <u>given written notice at least one hundred twenty days before the</u> <u>expiration date of the contract. During the first sixty days of</u> <u>this one-hundred-twenty-day period, both parties shall attempt</u> <u>to resolve any dispute through good faith collaboration and</u> <u>negotiation in order to continue to provide services and</u> <u>supports to persons in need. If the dispute has not been</u> <u>resolved sixty days before the expiration date of the contract,</u> <u>either party may notify the director of the unresolved dispute.</u> <u>The director may require both parties to submit the dispute to</u> <u>another entity with the cost to be shared by the parties. Not</u> <u>later than twenty days before the expiration date of the</u> <u>contract or a later date to which both parties agree, the other</u> <u>entity shall issue to the parties and director recommendations</u> <u>on how the dispute may be resolved. The director shall adopt</u> <u>rules establishing the procedures of this dispute resolution</u> <u>process.</u>	991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009

(E) Section 307.86 of the Revised Code does not apply to 1010
contracts entered into under this section. 1011

Sec. 340.037. (A) Subject to division (B) of this section 1012
and rules adopted by the director of mental health and addiction 1013
services after consultation with relevant constituencies as 1014
required by division (A) (10) of section 5119.21 of the Revised 1015
Code, a board of alcohol, drug addiction, and mental health 1016
services may operate a facility or provide an addiction service 1017
or mental health service if both of the following apply: 1018

(1) The director gives the board prior approval; 1019

(2) There is no other qualified private or public 1020
facility, community addiction services provider, or community 1021
mental health services provider that is immediately available 1022
and willing to operate such a facility or provide the service. 1023

(B) (1) In an emergency situation, a board may operate a 1024
facility or provide an addiction service or mental health 1025
service in order to provide essential services for the duration 1026
of the emergency. 1027

(2) In a service district with a population of at least 1028
one hundred thousand but less than five hundred thousand, a 1029
board may operate a facility or provide an addiction service or 1030
mental health service for not longer than one year. 1031

(3) In a service district with a population of less than 1032
one hundred thousand, a board may operate a facility or provide 1033
an addiction service or mental health service for not longer 1034
than one year, except that the board may operate a facility or 1035
provide an addiction service or mental health service for more 1036
than one year with the prior approval of both of the following: 1037

(a) The director; 1038

(b) The board of county commissioners with jurisdiction 1039
over the service district or, if the service district is a 1040
joint-county district, a majority of the boards of county 1041
commissioners with jurisdiction over the district. 1042

(C) The director shall not do any of the following: 1043

(1) Except in an emergency situation, give a board 1044
approval to operate a facility or provide an addiction service 1045
or mental health service unless the director determines that it 1046
is not feasible to have the department operate the facility or 1047
provide the service; 1048

(2) Give a board that serves a service district with a 1049
population of less than one hundred thousand approval to operate 1050
a facility or provide an addiction service or mental health 1051
service unless the director determines that the board will 1052
provide greater administrative efficiency and more or better 1053
services than would be available if the board contracted with a 1054
private or public facility, community addiction services 1055
provider, or community mental health services provider; 1056

(3) Give a board approval to operate a facility previously 1057
operated by a person or other government entity unless the board 1058
has established to the director's satisfaction that the person 1059
or other government entity cannot effectively operate the 1060
facility or that the person or other government entity has 1061
requested the board to take over operation of the facility; 1062

(4) Give a board approval to provide an addiction service 1063
or mental health service previously provided by a community 1064
addiction services provider or community mental health services 1065
provider unless the board has established to the director's 1066
satisfaction that the provider cannot effectively provide the 1067

service or that the provider has requested the board to take 1068
over providing the service. 1069

(D) The director shall review and evaluate a board's 1070
operation of a facility and provision of addiction services or 1071
mental health services under this section. 1072

(E) Nothing in this section authorizes a board to 1073
administer or direct the daily operation of any facility, 1074
community addiction services provider, or community mental 1075
health services provider. However, a facility or provider may 1076
contract with a board to receive administrative services or 1077
staff direction from the board under the direction of the 1078
governing body of the facility or provider. 1079

Sec. ~~340.032~~ 340.04. ~~The~~ Each board of alcohol, drug 1080
addiction, and mental health services shall employ a qualified 1081
mental health or addiction services professional with experience 1082
in administration or a professional administrator with 1083
experience in mental health services or addiction services to 1084
serve as executive director of the board and shall prescribe the 1085
director's duties. 1086

The board shall fix the compensation of the executive 1087
director. In addition to such compensation, the director shall 1088
be reimbursed for actual and necessary expenses incurred in the 1089
performance of the director's official duties. The board, by 1090
majority vote of the full membership, may remove the director 1091
for cause, upon written charges, after an opportunity has been 1092
afforded the director for a hearing before the board on request. 1093

The board may delegate to its executive director the 1094
authority to act in its behalf in the performance of its 1095
administrative duties. 1096

As used in this section, "mental health professional" and 1097
"addiction services professional" mean an individual who is 1098
qualified to work with mentally ill persons or persons receiving 1099
addiction services, pursuant to standards established by the 1100
director of mental health and addiction services under Chapter 1101
5119. of the Revised Code. 1102

~~Sec. 340.04~~ 340.041. In addition to such other duties as 1103
may be lawfully imposed, the executive director of a board of 1104
alcohol, drug addiction, and mental health services shall: 1105

(A) Serve as executive officer of the board and subject to 1106
the prior approval of the board for each contract, execute 1107
contracts on its behalf; 1108

(B) Supervise addiction services, mental health services, 1109
recovery supports, and facilities provided, operated, 1110
contracted, or supported by the board to the extent of 1111
determining that services, supports, and facilities are being 1112
administered in conformity with this chapter and rules of the 1113
director of mental health and addiction services; 1114

(C) Provide consultation to community addiction services 1115
providers and community mental health services providers 1116
~~providing services supported by the board;~~ 1117

(D) Recommend to the board the changes necessary to 1118
increase the effectiveness of addiction ~~and services,~~ mental 1119
health services, and recovery supports and other matters 1120
necessary or desirable to carry out this chapter; 1121

(E) Employ and remove from office such employees and 1122
consultants in the classified civil service and, subject to the 1123
approval of the board, employ and remove from office such other 1124
employees and consultants as may be necessary for the work of 1125

the board, and fix their compensation and reimbursement within 1126
the limits set by the salary schedule and the budget approved by 1127
the board; 1128

(F) Encourage the development and expansion of preventive, 1129
treatment, ~~rehabilitative,~~ and consultative services, as well as 1130
recovery supports, in the ~~field~~ fields of addiction services and 1131
mental health services with emphasis on continuity of care; 1132

(G) Prepare for board approval an annual report of the 1133
addiction services, mental health services, recovery supports, 1134
and facilities under the jurisdiction of the board, including a 1135
fiscal accounting of all services and supports; 1136

(H) Conduct such studies as may be necessary and 1137
practicable for the promotion of mental health, promotion of 1138
addiction services, and the prevention of mental illness, 1139
emotional disorders, and addiction; 1140

(I) Authorize the county auditor, or in a joint-county 1141
district the county auditor designated as the auditor for the 1142
district, to issue warrants for the payment of board obligations 1143
approved by the board, provided that all payments from funds 1144
distributed to the board by the department of mental health and 1145
addiction services are in accordance with the budget submitted 1146
pursuant to section 340.08 of the Revised Code, as approved by 1147
the department of mental health and addiction services. 1148

Sec. 340.05. ~~A~~ If a community addiction services provider 1149
or community mental health services provider ~~that~~ receives a 1150
complaint alleging abuse or neglect of an individual with mental 1151
illness or severe mental disability, or an individual receiving 1152
addiction services, who resides in a residential facility 1153
licensed under section 5119.34 of the Revised Code, the provider 1154

shall report the complaint to the board of alcohol, drug 1155
addiction, and mental health services serving the alcohol, drug 1156
addiction, and mental health service district in which the 1157
residential facility is located. A board of alcohol, drug 1158
addiction, and mental health services that receives such a 1159
~~complaint or a~~ report from a community addiction services 1160
provider or community mental health services provider of such a 1161
complaint shall report the complaint to the director of mental 1162
health and addiction services for the purpose of the director 1163
conducting an investigation under section 5119.34 of the Revised 1164
Code. The board may enter the facility with or without the 1165
director and, if the health and safety of a resident is in 1166
immediate danger, take any necessary action to protect the 1167
resident. The board's action shall not violate any resident's 1168
rights specified in rules adopted by the department of mental 1169
health and addiction services under section 5119.34 of the 1170
Revised Code. The board shall immediately report to the director 1171
regarding the board's actions under this section. 1172

Sec. 340.07. The board of county commissioners of any 1173
county participating in an alcohol, drug addiction, and mental 1174
health service district or joint-county district, upon receipt 1175
from the board of alcohol, drug ~~addition~~ addiction, and mental 1176
health services of a resolution so requesting, may appropriate 1177
money to such board for the operation, lease, acquisition, 1178
construction, renovation, and maintenance of community addiction 1179
~~or services providers, community~~ mental health services 1180
providers, and facilities in accordance with the ~~comprehensive~~ 1181
~~community mental health and addiction services~~ budget required 1182
by section 340.08 of the Revised Code and approved by the 1183
department of mental health and addiction services pursuant to 1184
section 5119.22 of the Revised Code. 1185

Sec. 340.08. In accordance with rules or guidelines issued 1186
by the director of mental health and addiction services, each 1187
board of alcohol, drug addiction, and mental health services 1188
shall do all of the following: 1189

(A) Submit to the department of mental health and 1190
addiction services a ~~report~~ proposed budget of receipts and 1191
expenditures for all federal, state, and local moneys the board 1192
expects to receive. 1193

(1) The ~~report~~ proposed budget shall identify funds the 1194
board has available for ~~the array of treatment and support~~ 1195
~~services for all levels of~~ included opioid and co-occurring drug 1196
addiction ~~required by division (A) (11) (c) (ix) of section 340.03~~ 1197
~~of the Revised Code to be included in the continuum of care~~ 1198
~~established under that section~~ services and recovery supports. 1199

(2) The ~~report~~ proposed budget shall identify funds the 1200
board and public children services agencies in the board's 1201
service district have available to fund jointly the services 1202
described in section 340.15 of the Revised Code. 1203

(3) The board's proposed budget for expenditures of state 1204
and federal funds distributed to the board by the department 1205
shall be deemed an application for funds, and the department 1206
shall approve or disapprove the budget for these expenditures in 1207
accordance with division (G) of section 5119.22 of the Revised 1208
Code. ~~The department shall disapprove the board's proposed~~ 1209
~~budget if the proposed budget would not make available in the~~ 1210
~~board's service district the essential elements of the continuum~~ 1211
~~of care required by division (A) (11) of section 340.03 of the~~ 1212
~~Revised Code. The department shall inform the board of the~~ 1213
~~reasons for disapproval of the budget for the expenditure of~~ 1214
~~state and federal funds and of the criteria that must be met~~ 1215

~~before the budget may be approved. The director shall provide~~ 1216
~~the board an opportunity to present its case on behalf of the~~ 1217
~~submitted budget. The director shall give the board a reasonable~~ 1218
~~time in which to meet the criteria and shall offer the board~~ 1219
~~technical assistance to help it meet the criteria.~~ 1220

If a board determines that it is necessary to amend ~~a~~an 1221
approved budget ~~that has been approved under this section,~~ 1222
the board shall submit a proposed amendment to the director. The 1223
director ~~may~~shall approve or disapprove all or part of the 1224
amendment in accordance with division (H) of section 5119.22 of 1225
the Revised Code. ~~The director shall inform the board of the~~ 1226
~~reasons for disapproval of all or part of the amendment and of~~ 1227
~~the criteria that must be met before the amendment may be~~ 1228
~~approved. The director shall provide the board an opportunity to~~ 1229
~~present its case on behalf of the amendment. The director shall~~ 1230
~~give the board a reasonable time in which to meet the criteria~~ 1231
~~and shall offer the board technical assistance to help it meet~~ 1232
~~the criteria.~~ 1233

~~(4) The director of mental health and addiction services~~ 1234
~~shall withhold funds otherwise to be allocated to a board of~~ 1235
~~alcohol, drug addiction, and mental health services under~~ 1236
~~Chapter 5119. of the Revised Code if the board's use of state~~ 1237
~~and federal funds fails to comply with the approved budget, as~~ 1238
~~it may be amended with the approval of the department.~~ 1239

(B) Submit to the department a ~~statement identifying the~~ 1240
proposed list of addiction services, mental health services, and 1241
recovery supports the board intends to make available. ~~The~~ 1242
Except as otherwise authorized by a time-limited waiver issued 1243
under division (A) (1) of section 5119.221 of the Revised Code, 1244
the board shall include the services and supports required by 1245

~~division (A) (11) of section 340.03-340.032 of the Revised Code~~ 1246
to be included in the community-based continuum of care and the 1247
services required by section 340.15 of the Revised Code. The 1248
board shall explain the manner in which the board intends to 1249
make such services and supports available. The list ~~of services-~~ 1250
shall be compatible with the budget submitted pursuant to 1251
division (A) of this section. The department shall approve or 1252
disapprove the ~~proposed listing of services to be made available-~~ 1253
list in accordance with division (G) of section 5119.22 of the 1254
Revised Code. ~~The department shall inform the board of the~~ 1255
~~reasons for disapproval of the listing of proposed services and~~ 1256
~~of the criteria that must be met before listing of proposed~~ 1257
~~services may be approved. The director shall provide the board~~ 1258
~~an opportunity to present its case on behalf of the submitted~~ 1259
~~listing of proposed services. The director shall give the board~~ 1260
~~a reasonable time in which to meet the criteria and shall offer~~ 1261
~~the board technical assistance to help it meet the criteria.~~ 1262

If a board determines that it is necessary to amend an 1263
approved list, the board shall submit a proposed amendment to 1264
the director. The director shall approve or disapprove all or 1265
part of the amendment in accordance with division (H) of section 1266
5119.22 of the Revised Code. 1267

(C) Enter into a continuity of care agreement with the 1268
state institution operated by the department of mental health 1269
and addiction services and designated as the institution serving 1270
the district encompassing the board's service district. The 1271
continuity of care agreement shall outline the department's and 1272
the board's responsibilities to plan for and coordinate with 1273
each other to address the needs of board residents who are 1274
patients in the institution, with an emphasis on managing 1275
appropriate hospital bed day use and discharge planning. The 1276

continuity of care agreement shall not require the board to 1277
provide addiction services, mental health services, or recovery 1278
supports other than those on the list of services and supports 1279
submitted by the board ~~and approved by the department~~ pursuant 1280
to division (B) of this section and approved by the department 1281
in accordance with division (G) of section 5119.22 of the 1282
Revised Code. 1283

(D) In conjunction with the department ~~of mental health~~ 1284
~~and addiction services~~, operate a coordinated system for 1285
tracking and monitoring persons found not guilty by reason of 1286
insanity and committed pursuant to section 2945.40 of the 1287
Revised Code who have been granted a conditional release and 1288
persons found incompetent to stand trial and committed pursuant 1289
to section 2945.39 of the Revised Code who have been granted a 1290
conditional release. The system shall do all of the following: 1291

(1) Centralize responsibility for the tracking of those 1292
persons; 1293

(2) Provide for uniformity in monitoring those persons; 1294

(3) Provide a mechanism to allow prompt rehospitalization, 1295
reinstitutionalization, or detention when a violation of the 1296
conditional release or decompensation occurs. 1297

(E) Submit to the department a report summarizing 1298
~~complaints~~ all of the following: 1299

(1) Complaints and grievances received by the board 1300
concerning the rights of persons seeking or receiving addiction 1301
services, investigations ~~mental health services, or recovery~~ 1302
supports; 1303

(2) Investigations of the complaints and grievances, ~~and~~ 1304
~~outcomes;~~ 1305

(3) <u>Outcomes</u> of the investigations.	1306
(F) Provide to the department information to be submitted to the community addiction and mental <u>behavioral</u> health information system or systems established by the department under Chapter 5119. of the Revised Code.	1307 1308 1309 1310
(G) Annually, and upon any change in membership, submit to the department a list of all current members of the board of alcohol, drug addiction, and mental health services, including the appointing authority for each member, and the member's specific qualification for appointment pursuant to section 340.02 or 340.021 of the Revised Code, if applicable.	1311 1312 1313 1314 1315 1316
(H) Submit to the department other information as is reasonably required for purposes of the department's operations, service evaluation, reporting activities, research, system administration, and oversight.	1317 1318 1319 1320
Sec. 340.09. (A) Using funds the general assembly appropriates for these purposes, the department of mental health and addiction services shall provide <u>any county</u> assistance to each county for all <u>one or more</u> of the following:	1321 1322 1323 1324
(1) The operation of the board of alcohol, drug addiction, and mental health services serving the county;	1325 1326
(2) The provision of <u>addiction services, mental health services, and recovery supports included in the board's list of services and supports required by section 340.08 of the Revised Code and</u> approved by the department within the continuum of care established pursuant to division (A)(11) of <u>section 340.03-5119.22</u> of the Revised Code;	1327 1328 1329 1330 1331 1332
(3) The provision of approved support functions;	1333

(4) The partnership in, or support for, approved	1334
<u>community-based</u> continuum of care-related activities.	1335
(B) Support functions may include the following:	1336
(1) Consultation;	1337
(2) Research;	1338
(3) Administrative;	1339
(4) Referral and information;	1340
(5) Training;	1341
(6) Service and program evaluation.	1342
Sec. 340.091. Each board of alcohol, drug addiction, and	1343
mental health services shall contract with a community mental	1344
health services provider under division (A) (8) (a) of section	1345
340.03 <u>340.036</u> of the Revised Code for the provider to do all of	1346
the following in accordance with rules adopted under section	1347
5119.22 of the Revised Code for an individual referred to the	1348
provider under division (D) (2) of section 5119.41 of the Revised	1349
Code:	1350
(A) Assess the individual and, if the provider determines	1351
that the environment in which the individual will be living	1352
while receiving residential state supplement payments is	1353
appropriate for the individual's needs, issue a recommendation	1354
to the referring residential state supplement administrative	1355
agency that the referring agency should conclude that the living	1356
environment is appropriate when it makes its determination	1357
regarding the appropriateness of the environment;	1358
(B) Provide ongoing monitoring to ensure that listed the	1359
<u>approved list of addiction services, mental health services, and</u>	1360

recovery supports submitted ~~and approved~~ under division (B) of 1361
section 340.08 of the Revised Code are available to the 1362
individual; 1363

(C) Provide discharge planning to ensure the individual's 1364
earliest possible transition to a less restrictive environment. 1365

Sec. 340.10. The county auditor or, in a joint-county 1366
alcohol, drug addiction, and mental health service district, the 1367
auditor of the county, the treasurer of which has been 1368
designated in the agreement between the counties of the district 1369
as custodian of the ~~community funds for addiction and services,~~ 1370
mental health services ~~funds,~~ and recovery supports, is hereby 1371
designated as the auditor and fiscal officer of an alcohol, drug 1372
addiction, and mental health service district or joint-county 1373
district. State funds allocated for the support of a service 1374
district shall be paid to the county treasurer or, in a joint- 1375
county district, to the treasurer of that county designated in 1376
the agreement as custodian of the ~~community funds for addiction~~ 1377
~~and services,~~ mental health services ~~funds,~~ and recovery 1378
supports and authorized to make payments from such funds on 1379
order of the county auditor and on recommendation of the board 1380
of alcohol, drug addiction, and mental health services, or the 1381
executive director of the board when authorized by the board. 1382
The auditor shall submit to the board a detailed monthly 1383
statement of all receipts, disbursements, and ending balances 1384
for the ~~community funds for addiction and services,~~ mental 1385
health services ~~funds,~~ and recovery supports. 1386

Sec. 340.12. As used in this section, "disability" has the 1387
same meaning as in section 4112.01 of the Revised Code. 1388

No board of alcohol, drug addiction, and mental health 1389
services or any community addiction services provider or 1390

community mental health services provider under contract with 1391
such a board shall discriminate in the provision of addiction 1392
services, mental health services, or recovery supports under its 1393
authority, in employment, or under a contract on the basis of 1394
race, color, religion, ~~creed~~ ancestry, military status, sex, 1395
age, national origin, or disability. 1396

Each board ~~and each~~, community addiction ~~or services~~ 1397
provider, and community mental health services provider shall 1398
have a written affirmative action program. The affirmative 1399
action program shall include goals for the employment and 1400
effective utilization of, including contracts with, members of 1401
economically disadvantaged groups as defined in division (E)(1) 1402
of section 122.71 of the Revised Code in percentages reflecting 1403
as nearly as possible the composition of the alcohol, drug 1404
addiction, and mental health service district served by the 1405
board. Each board and provider shall file a description of the 1406
affirmative action program and a progress report on its 1407
implementation with the department of mental health and 1408
addiction services. 1409

Sec. 340.13. (A) As used in this section: 1410

(1) "Minority business enterprise" has the same meaning as 1411
in section 122.71 of the Revised Code. 1412

(2) "EDGE business enterprise" has the same meaning as in 1413
section 123.152 of the Revised Code. 1414

(B) Any minority business enterprise that desires to bid 1415
on a contract under division (C) of this section shall first 1416
apply to the equal employment opportunity coordinator in the 1417
department of administrative services for certification as a 1418
minority business enterprise. Any EDGE business enterprise that 1419

desires to bid on a contract under division (D) of this section 1420
shall first apply to the equal employment opportunity 1421
coordinator of the department of administrative services for 1422
certification as an EDGE business enterprise. The coordinator 1423
shall approve the application of any minority business 1424
enterprise or EDGE business enterprise that complies with the 1425
rules adopted under section 122.71 or 123.152 of the Revised 1426
Code, respectively. The coordinator shall prepare and maintain a 1427
list of minority business enterprises and EDGE business 1428
enterprises certified under those sections. 1429

(C) From the contracts to be awarded for the purchases of 1430
equipment, materials, supplies, or services, other than 1431
contracts entered into under section ~~340.03~~340.036 of the 1432
Revised Code, each board of alcohol, drug addiction, and mental 1433
health services shall select a number of contracts with an 1434
aggregate value of approximately fifteen per cent of the total 1435
estimated value of contracts to be awarded in the current fiscal 1436
year. The board shall set aside the contracts so selected for 1437
bidding by minority business enterprises only. The bidding 1438
procedures for such contracts shall be the same as for all other 1439
contracts awarded under section 307.86 of the Revised Code, 1440
except that only minority business enterprises certified and 1441
listed pursuant to division (B) of this section shall be 1442
qualified to submit bids. 1443

(D) To the extent that a board is authorized to enter into 1444
contracts for construction, the board shall strive to attain a 1445
yearly contract dollar procurement goal the aggregate value of 1446
which equals approximately five per cent of the aggregate value 1447
of construction contracts for the current fiscal year for EDGE 1448
business enterprises only. 1449

(E) (1) In the case of contracts set aside under division 1450
(C) of this section, if no bid is submitted by a minority 1451
business enterprise, the contract shall be awarded according to 1452
normal bidding procedures. The board shall from time to time set 1453
aside such additional contracts as are necessary to replace 1454
those contracts previously set aside on which no minority 1455
business enterprise bid. 1456

(2) If a board, after having made a good faith effort, is 1457
unable to comply with the goal of procurement for contracting 1458
with EDGE business enterprises pursuant to division (D) of this 1459
section, the board may apply in writing, on a form prescribed by 1460
the department of administrative services, to the director of 1461
mental health and addiction services for a waiver or 1462
modification of the goal. 1463

(F) This section does not preclude any minority business 1464
enterprise or EDGE business enterprise from bidding on any other 1465
contract not specifically set aside for minority business 1466
enterprises or subject to procurement goals for EDGE business 1467
enterprises. 1468

(G) Within ninety days after the beginning of each fiscal 1469
year, each board shall file a report with the department of 1470
mental health and addiction services that shows for that fiscal 1471
year the name of each minority business enterprise and EDGE 1472
business enterprise with which the board entered into a 1473
contract, the value and type of each such contract, the total 1474
value of contracts awarded under divisions (C) and (D) of this 1475
section, the total value of contracts awarded for the purchases 1476
of equipment, materials, supplies, or services, other than 1477
contracts entered into under section ~~340.03~~340.036 of the 1478
Revised Code, and the total value of contracts entered into for 1479

construction. 1480

(H) Any person who intentionally misrepresents self as 1481
owning, controlling, operating, or participating in a minority 1482
business enterprise or an EDGE business enterprise for the 1483
purpose of obtaining contracts or any other benefits under this 1484
section shall be guilty of theft by deception as provided for in 1485
section 2913.02 of the Revised Code. 1486

Sec. 340.15. (A) A public children services agency that 1487
identifies a child by a risk assessment conducted pursuant to 1488
section 5153.16 of the Revised Code as being at imminent risk of 1489
being abused or neglected because of an addiction of a parent, 1490
guardian, or custodian of the child to a drug of abuse or 1491
alcohol shall refer the child's addicted parent, guardian, or 1492
custodian and, if the agency determines that the child needs 1493
alcohol ~~or other~~ and drug addiction services, the child to a 1494
community addiction services provider. A public children 1495
services agency that is sent a court order issued pursuant to 1496
division (B) of section 2151.3514 of the Revised Code shall 1497
refer the addicted parent or other caregiver of the child 1498
identified in the court order to a community addiction services 1499
provider. On receipt of a referral under this division and to 1500
the extent funding identified under division (A) (2) of section 1501
340.08 of the Revised Code is available, the provider shall 1502
provide the following services to the addicted parent, guardian, 1503
custodian, or caregiver and child in need of addiction services: 1504

(1) If it is determined pursuant to an initial screening 1505
to be needed, assessment and appropriate treatment; 1506

(2) Documentation of progress in accordance with a 1507
treatment plan developed for the addicted parent, guardian, 1508
custodian, caregiver, or child; 1509

(3) If the referral is based on a court order issued 1510
pursuant to division (B) of section 2151.3514 of the Revised 1511
Code and the order requires the specified parent or other 1512
caregiver of the child to submit to alcohol or other drug 1513
testing during, after, or both during and after, treatment, 1514
testing in accordance with the court order. 1515

(B) The services described in division (A) of this section 1516
shall have a priority as provided in the community addiction and 1517
mental health ~~services~~ plan and budget established pursuant to 1518
sections 340.03 and 340.08 of the Revised Code. Once a referral 1519
has been received pursuant to this section, the public children 1520
services agency and the community addiction services provider 1521
shall, in accordance with 42 C.F.R. Part 2, share with each 1522
other any information concerning the persons and services 1523
described in that division that the agency and provider 1524
determine are necessary to share. If the referral is based on a 1525
court order issued pursuant to division (B) of section 2151.3514 1526
of the Revised Code, the results and recommendations of the 1527
community addiction services provider also shall be provided and 1528
used as described in division (D) of that section. Information 1529
obtained or maintained by the agency or provider pursuant to 1530
this section that could enable the identification of any person 1531
described in division (A) of this section is not a public record 1532
subject to inspection or copying under section 149.43 of the 1533
Revised Code. 1534

Sec. 340.20. ~~(A)~~—In accordance with the rules adopted 1535
under section 5119.363 of the Revised Code, each board of 1536
alcohol, drug addiction, and mental health services ~~monthly~~ 1537
shall do all of the following: 1538

~~(1) Compile on an aggregate basis~~ (A) Acknowledge to the 1539

department of mental health and addiction services that the 1540
board has received and reviewed the information made available 1541
to the board ~~receives that month from community addiction~~ 1542
~~services providers~~ under division (A) (2) of section 5119.362- 1543
5119.364 of the Revised Code; 1544

~~(2) Determine the number of applications for treatment and~~ 1545
~~support services included, pursuant to section 340.033 of the~~ 1546
~~Revised Code, in the array of treatment and support services for~~ 1547
~~all levels of opioid and co-occurring drug addiction that the~~ 1548
~~board received in the immediately preceding month and that the~~ 1549
~~board denied that month, each type of service so denied, and the~~ 1550
~~reasons for the denials~~ 1551

(B) Using the information received and reviewed under 1552
division (A) of this section, determine whether any included 1553
opioid and co-occurring drug addiction services and recovery 1554
supports are not meeting the needs for addiction services and 1555
recovery supports in the alcohol, drug addiction, and mental 1556
health service district that the board serves; 1557

~~(3) Subject to division (B) of this section, report all of~~ 1558
~~the following to the department of mental health and addiction~~ 1559
~~services:~~ 1560

~~(a) The information that the board compiles under division~~ 1561
~~(A) (1) of this section that month;~~ 1562

~~(b) The information that the board determines under~~ 1563
~~division (A) (2) of this section that month;~~ 1564

~~(c) All other information required by the rules~~ 1565

(C) Inform the department, with any commentary the board 1566
determines necessary, of the determination the board makes under 1567
division (B) of this section. 1568

~~(B) Each board shall report the information required by
division (A) (3) of this section as follows:~~ 1569
1570

~~(1) In an electronic format;~~ 1571

~~(2) In a manner that maintains the confidentiality of all
individuals for whom information is included in the report;~~ 1572
1573

~~(3) In a manner that presents the information about the
individuals whose information is included in the report by their
counties of residence.~~ 1574
1575
1576

Sec. 1739.05. (A) A multiple employer welfare arrangement 1577
that is created pursuant to sections 1739.01 to 1739.22 of the 1578
Revised Code and that operates a group self-insurance program 1579
may be established only if any of the following applies: 1580

(1) The arrangement has and maintains a minimum enrollment 1581
of three hundred employees of two or more employers. 1582

(2) The arrangement has and maintains a minimum enrollment 1583
of three hundred self-employed individuals. 1584

(3) The arrangement has and maintains a minimum enrollment 1585
of three hundred employees or self-employed individuals in any 1586
combination of divisions (A) (1) and (2) of this section. 1587

(B) A multiple employer welfare arrangement that is 1588
created pursuant to sections 1739.01 to 1739.22 of the Revised 1589
Code and that operates a group self-insurance program shall 1590
comply with all laws applicable to self-funded programs in this 1591
state, including sections 3901.04, 3901.041, 3901.19 to 3901.26, 1592
3901.38, 3901.381 to 3901.3814, 3901.40, 3901.45, 3901.46, 1593
3901.491, 3902.01 to 3902.14, 3923.041, 3923.24, 3923.282, 1594
3923.30, 3923.301, 3923.38, 3923.581, 3923.602, 3923.63, 1595
3923.80, 3923.85, 3923.851, 3924.031, 3924.032, and 3924.27 of 1596

the Revised Code. 1597

(C) A multiple employer welfare arrangement created 1598
pursuant to sections 1739.01 to 1739.22 of the Revised Code 1599
shall solicit enrollments only through agents or solicitors 1600
licensed pursuant to Chapter 3905. of the Revised Code to sell 1601
or solicit sickness and accident insurance. 1602

(D) A multiple employer welfare arrangement created 1603
pursuant to sections 1739.01 to 1739.22 of the Revised Code 1604
shall provide benefits only to individuals who are members, 1605
employees of members, or the dependents of members or employees, 1606
or are eligible for continuation of coverage under section 1607
1751.53 or 3923.38 of the Revised Code or under Title X of the 1608
"Consolidated Omnibus Budget Reconciliation Act of 1985," 100 1609
Stat. 227, 29 U.S.C.A. 1161, as amended. 1610

(E) A multiple employer welfare arrangement created 1611
pursuant to sections 1739.01 to 1739.22 of the Revised Code is 1612
subject to, and shall comply with, sections 3903.81 to 3903.93 1613
of the Revised Code in the same manner as other life or health 1614
insurers, as defined in section 3903.81 of the Revised Code. 1615

Sec. 1751.691. (A) As used in this section: 1616

(1) "Benzodiazepine" has the same meaning as in section 1617
3719.01 of the Revised Code. 1618

(2) "Chronic pain" has the same meaning as in section 1619
4731.052 of the Revised Code. 1620

(3) "Hospice care program" and "hospice patient" have the 1621
same meanings as in section 3712.01 of the Revised Code. 1622

(4) "Opioid analgesic" has the same meaning as in section 1623
3719.01 of the Revised Code. 1624

(5) "Prescriber" has the same meaning as in section 1625
4729.01 of the Revised Code. 1626

(6) "Terminal condition" means an irreversible, incurable, 1627
and untreatable condition that is caused by disease, illness, or 1628
injury and will likely result in death. A terminal condition is 1629
one in which there can be no recovery, although there may be 1630
periods of remission. 1631

(B)(1) An individual or group health insuring corporation 1632
policy, contract, or agreement that is delivered, issued for 1633
delivery, or renewed in this state and covers prescription drugs 1634
shall contain prior authorization requirements or other 1635
utilization review measures as conditions of providing coverage 1636
of an opioid analgesic prescribed for the treatment of chronic 1637
pain, except when the drug is prescribed under one of the 1638
following circumstances: 1639

(a) To an individual who is a hospice patient in a hospice 1640
care program; 1641

(b) To an individual who has been diagnosed with a 1642
terminal condition but is not a hospice patient in a hospice 1643
care program; 1644

(c) To an individual who has cancer or another condition 1645
associated with the individual's cancer or history of cancer. 1646

(2) When implementing division (B)(1) of this section, the 1647
health insuring corporation shall consider either or both of the 1648
following, as applicable to the case in which the opioid 1649
analgesic is prescribed: 1650

(a) If the course of treatment with the drug continues for 1651
more than ninety days, the requirements of section 4731.052 of 1652
the Revised Code; 1653

(b) If the morphine equivalent daily dose for the drug exceeds eighty milligrams or the individual is being treated with a benzodiazepine at the time the opioid analgesic is prescribed, the guidelines established by the governor's cabinet opiate action team and presented in the document titled "Ohio Guidelines for Prescribing Opioids for the Treatment of Chronic, Non-terminal Pain 80 mg of a Morphine Equivalent Daily Dose (MED) 'Trigger Point'" or a successor document, unless the guidelines are no longer in effect at the time the opioid analgesic is prescribed. 1654
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(C) If a health insuring corporation measures the efficiency, quality of care, or clinical performance of a prescriber, including through the use of patient satisfaction surveys, it shall not penalize the prescriber, financially or otherwise, for deciding not to prescribe an opioid analgesic. 1664
1665
1666
1667
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Sec. 2151.26. (A) As used in this section: 1669

(1) "Addiction services" and "alcohol and drug addiction services" have the same meanings as in section 5119.01 of the Revised Code. 1670
1671
1672

(2) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 1673
1674

(3) "Newborn" means a child who is less than thirty days old. 1675
1676

(B) A public children services agency shall not file a complaint pursuant to section 2151.27 of the Revised Code regarding a newborn solely because the newborn's mother used a controlled substance while pregnant if the mother did all of the following: 1677
1678
1679
1680
1681

(1) Before the end of the twentieth week of pregnancy, 1682

enrolled in a drug treatment program provided by a provider of 1683
addiction services or alcohol and drug addiction services; 1684

(2) Successfully completed the program or is in the 1685
process of completing the program and is in compliance with the 1686
program's terms and conditions as determined by the program; 1687

(3) Maintained her regularly scheduled appointments and 1688
prenatal care recommended by her health care provider for the 1689
remaining duration of her pregnancy. 1690

(C) If a pregnant woman enrolled in a drug treatment 1691
program after the end of the twentieth week of pregnancy, the 1692
court, in its discretion, may do either of the following in lieu 1693
of considering a complaint filed pursuant to section 2151.27 of 1694
the Revised Code based solely on the newborn's mother's use of a 1695
controlled substance while pregnant: 1696

(1) Hold the complaint in abeyance if the court finds that 1697
the woman is in the process of completing the program and 1698
maintained her regularly scheduled appointments and prenatal 1699
care recommended by her health care provider for the remaining 1700
duration of her pregnancy; 1701

(2) Dismiss the complaint if the court finds that the 1702
woman successfully completed the program and maintained her 1703
regularly scheduled appointments and prenatal care recommended 1704
by her health care provider for the remaining duration of her 1705
pregnancy. 1706

(D) This section does not prevent a public children 1707
services agency from filing a complaint pursuant to section 1708
2151.27 of the Revised Code if the public children services 1709
agency determines that the newborn's mother, or any other adult 1710
caring for the newborn, is unable to provide adequate parental 1711

care. 1712

Sec. 2921.22. (A) (1) Except as provided in division (A) (2) 1713
of this section, no person, knowing that a felony has been or is 1714
being committed, shall knowingly fail to report such information 1715
to law enforcement authorities. 1716

(2) No person, knowing that a violation of division (B) of 1717
section 2913.04 of the Revised Code has been, or is being 1718
committed or that the person has received information derived 1719
from such a violation, shall knowingly fail to report the 1720
violation to law enforcement authorities. 1721

(B) Except for conditions that are within the scope of 1722
division (E) of this section, no physician, limited 1723
practitioner, nurse, or other person giving aid to a sick or 1724
injured person shall negligently fail to report to law 1725
enforcement authorities any gunshot or stab wound treated or 1726
observed by the physician, limited practitioner, nurse, or 1727
person, or any serious physical harm to persons that the 1728
physician, limited practitioner, nurse, or person knows or has 1729
reasonable cause to believe resulted from an offense of 1730
violence. 1731

(C) No person who discovers the body or acquires the first 1732
knowledge of the death of a person shall fail to report the 1733
death immediately to a physician whom the person knows to be 1734
treating the deceased for a condition from which death at such 1735
time would not be unexpected, or to a law enforcement officer, 1736
an ambulance service, an emergency squad, or the coroner in a 1737
political subdivision in which the body is discovered, the death 1738
is believed to have occurred, or knowledge concerning the death 1739
is obtained. 1740

(D) No person shall fail to provide upon request of the 1741
person to whom a report required by division (C) of this section 1742
was made, or to any law enforcement officer who has reasonable 1743
cause to assert the authority to investigate the circumstances 1744
surrounding the death, any facts within the person's knowledge 1745
that may have a bearing on the investigation of the death. 1746

(E) (1) As used in this division, "burn injury" means any 1747
of the following: 1748

(a) Second or third degree burns; 1749

(b) Any burns to the upper respiratory tract or laryngeal 1750
edema due to the inhalation of superheated air; 1751

(c) Any burn injury or wound that may result in death; 1752

(d) Any physical harm to persons caused by or as the 1753
result of the use of fireworks, novelties and trick noisemakers, 1754
and wire sparklers, as each is defined by section 3743.01 of the 1755
Revised Code. 1756

(2) No physician, nurse, or limited practitioner who, 1757
outside a hospital, sanitarium, or other medical facility, 1758
attends or treats a person who has sustained a burn injury that 1759
is inflicted by an explosion or other incendiary device or that 1760
shows evidence of having been inflicted in a violent, malicious, 1761
or criminal manner shall fail to report the burn injury 1762
immediately to the local arson, or fire and explosion 1763
investigation, bureau, if there is a bureau of this type in the 1764
jurisdiction in which the person is attended or treated, or 1765
otherwise to local law enforcement authorities. 1766

(3) No manager, superintendent, or other person in charge 1767
of a hospital, sanitarium, or other medical facility in which a 1768
person is attended or treated for any burn injury that is 1769

inflicted by an explosion or other incendiary device or that 1770
shows evidence of having been inflicted in a violent, malicious, 1771
or criminal manner shall fail to report the burn injury 1772
immediately to the local arson, or fire and explosion 1773
investigation, bureau, if there is a bureau of this type in the 1774
jurisdiction in which the person is attended or treated, or 1775
otherwise to local law enforcement authorities. 1776

(4) No person who is required to report any burn injury 1777
under division (E) (2) or (3) of this section shall fail to file, 1778
within three working days after attending or treating the 1779
victim, a written report of the burn injury with the office of 1780
the state fire marshal. The report shall comply with the uniform 1781
standard developed by the state fire marshal pursuant to 1782
division (A) (15) of section 3737.22 of the Revised Code. 1783

(5) Anyone participating in the making of reports under 1784
division (E) of this section or anyone participating in a 1785
judicial proceeding resulting from the reports is immune from 1786
any civil or criminal liability that otherwise might be incurred 1787
or imposed as a result of such actions. Notwithstanding section 1788
4731.22 of the Revised Code, the physician-patient relationship 1789
is not a ground for excluding evidence regarding a person's burn 1790
injury or the cause of the burn injury in any judicial 1791
proceeding resulting from a report submitted under division (E) 1792
of this section. 1793

(F) (1) Any doctor of medicine or osteopathic medicine, 1794
hospital intern or resident, registered or licensed practical 1795
nurse, psychologist, social worker, independent social worker, 1796
social work assistant, licensed professional clinical counselor, 1797
licensed professional counselor, independent marriage and family 1798
therapist, or marriage and family therapist who knows or has 1799

reasonable cause to believe that a patient or client has been 1800
the victim of domestic violence, as defined in section 3113.31 1801
of the Revised Code, shall note that knowledge or belief and the 1802
basis for it in the patient's or client's records. 1803

(2) Notwithstanding section 4731.22 of the Revised Code, 1804
the doctor-patient privilege shall not be a ground for excluding 1805
any information regarding the report containing the knowledge or 1806
belief noted under division (F)(1) of this section, and the 1807
information may be admitted as evidence in accordance with the 1808
Rules of Evidence. 1809

(G) Divisions (A) and (D) of this section do not require 1810
disclosure of information, when any of the following applies: 1811

(1) The information is privileged by reason of the 1812
relationship between attorney and client; doctor and patient; 1813
licensed psychologist or licensed school psychologist and 1814
client; licensed professional clinical counselor, licensed 1815
professional counselor, independent social worker, social 1816
worker, independent marriage and family therapist, or marriage 1817
and family therapist and client; member of the clergy, rabbi, 1818
minister, or priest and any person communicating information 1819
confidentially to the member of the clergy, rabbi, minister, or 1820
priest for a religious counseling purpose of a professional 1821
character; husband and wife; or a communications assistant and 1822
those who are a party to a telecommunications relay service 1823
call. 1824

(2) The information would tend to incriminate a member of 1825
the actor's immediate family. 1826

(3) Disclosure of the information would amount to 1827
revealing a news source, privileged under section 2739.04 or 1828

2739.12 of the Revised Code. 1829

(4) Disclosure of the information would amount to 1830
disclosure by a member of the ordained clergy of an organized 1831
religious body of a confidential communication made to that 1832
member of the clergy in that member's capacity as a member of 1833
the clergy by a person seeking the aid or counsel of that member 1834
of the clergy. 1835

(5) Disclosure would amount to revealing information 1836
acquired by the actor in the course of the actor's duties in 1837
connection with a bona fide program of treatment or services for 1838
drug dependent persons or persons in danger of drug dependence, 1839
which program is maintained or conducted by a hospital, clinic, 1840
person, agency, or community addiction services provider whose 1841
alcohol and drug addiction services are certified pursuant to 1842
section 5119.36 of the Revised Code. 1843

(6) Disclosure would amount to revealing information 1844
acquired by the actor in the course of the actor's duties in 1845
connection with a bona fide program for providing counseling 1846
services to victims of crimes that are violations of section 1847
2907.02 or 2907.05 of the Revised Code or to victims of 1848
felonious sexual penetration in violation of former section 1849
2907.12 of the Revised Code. As used in this division, 1850
"counseling services" include services provided in an informal 1851
setting by a person who, by education or experience, is 1852
competent to provide those services. 1853

(H) No disclosure of information pursuant to this section 1854
gives rise to any liability or recrimination for a breach of 1855
privilege or confidence. 1856

(I) Whoever violates division (A) or (B) of this section 1857

is guilty of failure to report a crime. Violation of division 1858
(A) (1) of this section is a misdemeanor of the fourth degree. 1859
Violation of division (A) (2) or (B) of this section is a 1860
misdemeanor of the second degree. 1861

(J) Whoever violates division (C) or (D) of this section 1862
is guilty of failure to report knowledge of a death, a 1863
misdemeanor of the fourth degree. 1864

(K) (1) Whoever negligently violates division (E) of this 1865
section is guilty of a minor misdemeanor. 1866

(2) Whoever knowingly violates division (E) of this 1867
section is guilty of a misdemeanor of the second degree. 1868

Sec. 2925.61. (A) As used in this section: 1869

(1) "Law enforcement agency" means a government entity 1870
that employs peace officers to perform law enforcement duties. 1871

(2) "Licensed health professional" means all of the 1872
following: 1873

(a) A physician; 1874

(b) A physician assistant who is licensed under Chapter 1875
4730. of the Revised Code, holds a valid prescriber number 1876
issued by the state medical board, and has been granted 1877
physician-delegated prescriptive authority; 1878

(c) A clinical nurse specialist, certified nurse-midwife, 1879
or certified nurse practitioner who holds a certificate to 1880
prescribe issued under section 4723.48 of the Revised Code. 1881

(3) "Peace officer" has the same meaning as in section 1882
2921.51 of the Revised Code. 1883

(4) "Physician" means an individual who is authorized 1884

under Chapter 4731. of the Revised Code to practice medicine and 1885
surgery, osteopathic medicine and surgery, or podiatric medicine 1886
and surgery. 1887

(B) A family member, friend, or other individual who is in 1888
a position to assist an individual who is apparently 1889
experiencing or at risk of experiencing an opioid-related 1890
overdose, is not subject to criminal prosecution for a violation 1891
of section 4731.41 of the Revised Code or criminal prosecution 1892
under this chapter if the individual, acting in good faith, does 1893
all of the following: 1894

(1) Obtains naloxone pursuant to a prescription issued by 1895
a licensed health professional or obtains naloxone from one of 1896
the following: a 1897

(a) A licensed health professional,~~an~~; 1898

(b) An individual who is authorized by either a physician 1899
under section 4731.941 of the Revised Code or a board of health 1900
under section 3707.561 of the Revised Code to personally furnish 1901
naloxone,~~or a~~; 1902

(c) A pharmacist or pharmacy intern who is authorized by a 1903
physician or board of health under section 4729.44 of the 1904
Revised Code to dispense naloxone without a prescription~~+~~. 1905

(2) Administers the naloxone obtained as described in 1906
division (B)(1) of this section to an individual who is 1907
apparently experiencing an opioid-related overdose; 1908

(3) Attempts to summon emergency services as soon as 1909
practicable either before or after administering the naloxone. 1910

(C) ~~Division~~An individual who is an employee, volunteer, 1911
or contractor of a service entity, as defined in section 1912

4729.514 of the Revised Code, and has been authorized under 1913
section 3707.562 or 4731.943 of the Revised Code to administer 1914
naloxone is not subject to criminal prosecution for a violation 1915
of section 4731.41 of the Revised Code or criminal prosecution 1916
under this chapter if the individual, acting in good faith, does 1917
all of the following: 1918

(1) Obtains naloxone from the service entity of which the 1919
individual is an employee, volunteer, or contractor; 1920

(2) Administers the naloxone obtained to an individual who 1921
is apparently experiencing an opioid-related overdose; 1922

(3) Attempts to summon emergency services as soon as 1923
practicable either before or after administering the naloxone. 1924

(D) Divisions (B) and (C) of this section does do not 1925
apply to a peace officer or to an emergency medical technician- 1926
basic, emergency medical technician-intermediate, or emergency 1927
medical technician-paramedic, as defined in section 4765.01 of 1928
the Revised Code. 1929

~~(D) A (E) (1) If a peace officer employed by a law~~ 1930
~~enforcement agency is not subject to administrative action,~~ 1931
~~criminal prosecution for a violation of section 4731.41 of the~~ 1932
~~Revised Code, or criminal prosecution under this chapter if the~~ 1933
~~peace officer, acting in good faith, obtains naloxone from the~~ 1934
~~peace officer's law enforcement agency and administers the~~ 1935
naloxone to an individual who is apparently experiencing an 1936
opioid-related overdose, both of the following apply: 1937

(a) The peace officer is not subject to administrative 1938
action, criminal prosecution for a violation of section 4731.41 1939
of the Revised Code, or criminal prosecution under this chapter. 1940

(b) The peace officer is not liable for damages in a civil 1941

action for injury, death, or loss to person or property for an 1942
act or omission that allegedly arises from obtaining, 1943
maintaining, accessing, or administering the naloxone. 1944

(2) Division (E)(1)(b) of this section does not eliminate, 1945
limit, or reduce any other immunity or defense that an entity or 1946
person may be entitled to under section 9.86 or Chapter 2744. of 1947
the Revised Code, any other provision of the Revised Code, or 1948
the common law of this state. 1949

Sec. 2929.13. (A) Except as provided in division (E), (F), 1950
or (G) of this section and unless a specific sanction is 1951
required to be imposed or is precluded from being imposed 1952
pursuant to law, a court that imposes a sentence upon an 1953
offender for a felony may impose any sanction or combination of 1954
sanctions on the offender that are provided in sections 2929.14 1955
to 2929.18 of the Revised Code. 1956

If the offender is eligible to be sentenced to community 1957
control sanctions, the court shall consider the appropriateness 1958
of imposing a financial sanction pursuant to section 2929.18 of 1959
the Revised Code or a sanction of community service pursuant to 1960
section 2929.17 of the Revised Code as the sole sanction for the 1961
offense. Except as otherwise provided in this division, if the 1962
court is required to impose a mandatory prison term for the 1963
offense for which sentence is being imposed, the court also 1964
shall impose any financial sanction pursuant to section 2929.18 1965
of the Revised Code that is required for the offense and may 1966
impose any other financial sanction pursuant to that section but 1967
may not impose any additional sanction or combination of 1968
sanctions under section 2929.16 or 2929.17 of the Revised Code. 1969

If the offender is being sentenced for a fourth degree 1970
felony OVI offense or for a third degree felony OVI offense, in 1971

addition to the mandatory term of local incarceration or the 1972
mandatory prison term required for the offense by division (G) 1973
(1) or (2) of this section, the court shall impose upon the 1974
offender a mandatory fine in accordance with division (B) (3) of 1975
section 2929.18 of the Revised Code and may impose whichever of 1976
the following is applicable: 1977

(1) For a fourth degree felony OVI offense for which 1978
sentence is imposed under division (G) (1) of this section, an 1979
additional community control sanction or combination of 1980
community control sanctions under section 2929.16 or 2929.17 of 1981
the Revised Code. If the court imposes upon the offender a 1982
community control sanction and the offender violates any 1983
condition of the community control sanction, the court may take 1984
any action prescribed in division (B) of section 2929.15 of the 1985
Revised Code relative to the offender, including imposing a 1986
prison term on the offender pursuant to that division. 1987

(2) For a third or fourth degree felony OVI offense for 1988
which sentence is imposed under division (G) (2) of this section, 1989
an additional prison term as described in division (B) (4) of 1990
section 2929.14 of the Revised Code or a community control 1991
sanction as described in division (G) (2) of this section. 1992

(B) (1) (a) Except as provided in division (B) (1) (b) of this 1993
section, if an offender is convicted of or pleads guilty to a 1994
felony of the fourth or fifth degree that is not an offense of 1995
violence or that is a qualifying assault offense, the court 1996
shall sentence the offender to a community control sanction of 1997
at least one year's duration if all of the following apply: 1998

(i) The offender previously has not been convicted of or 1999
pleaded guilty to a felony offense. 2000

(ii) The most serious charge against the offender at the time of sentencing is a felony of the fourth or fifth degree.	2001 2002
(iii) If the court made a request of the department of rehabilitation and correction pursuant to division (B)(1)(c) of this section, the department, within the forty-five-day period specified in that division, provided the court with the names of, contact information for, and program details of one or more community control sanctions of at least one year's duration that are available for persons sentenced by the court.	2003 2004 2005 2006 2007 2008 2009
(iv) The offender previously has not been convicted of or pleaded guilty to a misdemeanor offense of violence that the offender committed within two years prior to the offense for which sentence is being imposed.	2010 2011 2012 2013
(b) The court has discretion to impose a prison term upon an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense if any of the following apply:	2014 2015 2016 2017 2018
(i) The offender committed the offense while having a firearm on or about the offender's person or under the offender's control.	2019 2020 2021
(ii) If the offense is a qualifying assault offense, the offender caused serious physical harm to another person while committing the offense, and, if the offense is not a qualifying assault offense, the offender caused physical harm to another person while committing the offense.	2022 2023 2024 2025 2026
(iii) The offender violated a term of the conditions of bond as set by the court.	2027 2028
(iv) The court made a request of the department of	2029

rehabilitation and correction pursuant to division (B)(1)(c) of 2030
this section, and the department, within the forty-five-day 2031
period specified in that division, did not provide the court 2032
with the name of, contact information for, and program details 2033
of any community control sanction of at least one year's 2034
duration that is available for persons sentenced by the court. 2035

(v) The offense is a sex offense that is a fourth or fifth 2036
degree felony violation of any provision of Chapter 2907. of the 2037
Revised Code. 2038

(vi) In committing the offense, the offender attempted to 2039
cause or made an actual threat of physical harm to a person with 2040
a deadly weapon. 2041

(vii) In committing the offense, the offender attempted to 2042
cause or made an actual threat of physical harm to a person, and 2043
the offender previously was convicted of an offense that caused 2044
physical harm to a person. 2045

(viii) The offender held a public office or position of 2046
trust, and the offense related to that office or position; the 2047
offender's position obliged the offender to prevent the offense 2048
or to bring those committing it to justice; or the offender's 2049
professional reputation or position facilitated the offense or 2050
was likely to influence the future conduct of others. 2051

(ix) The offender committed the offense for hire or as 2052
part of an organized criminal activity. 2053

(x) The offender at the time of the offense was serving, 2054
or the offender previously had served, a prison term. 2055

(xi) The offender committed the offense while under a 2056
community control sanction, while on probation, or while 2057
released from custody on a bond or personal recognizance. 2058

(c) If a court that is sentencing an offender who is 2059
convicted of or pleads guilty to a felony of the fourth or fifth 2060
degree that is not an offense of violence or that is a 2061
qualifying assault offense believes that no community control 2062
sanctions are available for its use that, if imposed on the 2063
offender, will adequately fulfill the overriding principles and 2064
purposes of sentencing, the court shall contact the department 2065
of rehabilitation and correction and ask the department to 2066
provide the court with the names of, contact information for, 2067
and program details of one or more community control sanctions 2068
of at least one year's duration that are available for persons 2069
sentenced by the court. Not later than forty-five days after 2070
receipt of a request from a court under this division, the 2071
department shall provide the court with the names of, contact 2072
information for, and program details of one or more community 2073
control sanctions of at least one year's duration that are 2074
available for persons sentenced by the court, if any. Upon 2075
making a request under this division that relates to a 2076
particular offender, a court shall defer sentencing of that 2077
offender until it receives from the department the names of, 2078
contact information for, and program details of one or more 2079
community control sanctions of at least one year's duration that 2080
are available for persons sentenced by the court or for forty- 2081
five days, whichever is the earlier. 2082

If the department provides the court with the names of, 2083
contact information for, and program details of one or more 2084
community control sanctions of at least one year's duration that 2085
are available for persons sentenced by the court within the 2086
forty-five-day period specified in this division, the court 2087
shall impose upon the offender a community control sanction 2088
under division (B)(1)(a) of this section, except that the court 2089

may impose a prison term under division (B) (1) (b) of this 2090
section if a factor described in division (B) (1) (b) (i) or (ii) 2091
of this section applies. If the department does not provide the 2092
court with the names of, contact information for, and program 2093
details of one or more community control sanctions of at least 2094
one year's duration that are available for persons sentenced by 2095
the court within the forty-five-day period specified in this 2096
division, the court may impose upon the offender a prison term 2097
under division (B) (1) (b) (iv) of this section. 2098

(d) A sentencing court may impose an additional penalty 2099
under division (B) of section 2929.15 of the Revised Code upon 2100
an offender sentenced to a community control sanction under 2101
division (B) (1) (a) of this section if the offender violates the 2102
conditions of the community control sanction, violates a law, or 2103
leaves the state without the permission of the court or the 2104
offender's probation officer. 2105

(2) If division (B) (1) of this section does not apply, 2106
except as provided in division (E), (F), or (G) of this section, 2107
in determining whether to impose a prison term as a sanction for 2108
a felony of the fourth or fifth degree, the sentencing court 2109
shall comply with the purposes and principles of sentencing 2110
under section 2929.11 of the Revised Code and with section 2111
2929.12 of the Revised Code. 2112

(C) Except as provided in division (D), (E), (F), or (G) 2113
of this section, in determining whether to impose a prison term 2114
as a sanction for a felony of the third degree or a felony drug 2115
offense that is a violation of a provision of Chapter 2925. of 2116
the Revised Code and that is specified as being subject to this 2117
division for purposes of sentencing, the sentencing court shall 2118
comply with the purposes and principles of sentencing under 2119

section 2929.11 of the Revised Code and with section 2929.12 of 2120
the Revised Code. 2121

(D) (1) Except as provided in division (E) or (F) of this 2122
section, for a felony of the first or second degree, for a 2123
felony drug offense that is a violation of any provision of 2124
Chapter 2925., 3719., or 4729. of the Revised Code for which a 2125
presumption in favor of a prison term is specified as being 2126
applicable, and for a violation of division (A) (4) or (B) of 2127
section 2907.05 of the Revised Code for which a presumption in 2128
favor of a prison term is specified as being applicable, it is 2129
presumed that a prison term is necessary in order to comply with 2130
the purposes and principles of sentencing under section 2929.11 2131
of the Revised Code. Division (D) (2) of this section does not 2132
apply to a presumption established under this division for a 2133
violation of division (A) (4) of section 2907.05 of the Revised 2134
Code. 2135

(2) Notwithstanding the presumption established under 2136
division (D) (1) of this section for the offenses listed in that 2137
division other than a violation of division (A) (4) or (B) of 2138
section 2907.05 of the Revised Code, the sentencing court may 2139
impose a community control sanction or a combination of 2140
community control sanctions instead of a prison term on an 2141
offender for a felony of the first or second degree or for a 2142
felony drug offense that is a violation of any provision of 2143
Chapter 2925., 3719., or 4729. of the Revised Code for which a 2144
presumption in favor of a prison term is specified as being 2145
applicable if it makes both of the following findings: 2146

(a) A community control sanction or a combination of 2147
community control sanctions would adequately punish the offender 2148
and protect the public from future crime, because the applicable 2149

factors under section 2929.12 of the Revised Code indicating a 2150
lesser likelihood of recidivism outweigh the applicable factors 2151
under that section indicating a greater likelihood of 2152
recidivism. 2153

(b) A community control sanction or a combination of 2154
community control sanctions would not demean the seriousness of 2155
the offense, because one or more factors under section 2929.12 2156
of the Revised Code that indicate that the offender's conduct 2157
was less serious than conduct normally constituting the offense 2158
are applicable, and they outweigh the applicable factors under 2159
that section that indicate that the offender's conduct was more 2160
serious than conduct normally constituting the offense. 2161

(E) (1) Except as provided in division (F) of this section, 2162
for any drug offense that is a violation of any provision of 2163
Chapter 2925. of the Revised Code and that is a felony of the 2164
third, fourth, or fifth degree, the applicability of a 2165
presumption under division (D) of this section in favor of a 2166
prison term or of division (B) or (C) of this section in 2167
determining whether to impose a prison term for the offense 2168
shall be determined as specified in section 2925.02, 2925.03, 2169
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2170
2925.36, or 2925.37 of the Revised Code, whichever is applicable 2171
regarding the violation. 2172

(2) If an offender who was convicted of or pleaded guilty 2173
to a felony violates the conditions of a community control 2174
sanction imposed for the offense solely by reason of producing 2175
positive results on a drug test or by acting pursuant to 2176
division (B) (2) (b) of section 2925.11 of the Revised Code with 2177
respect to a minor drug possession offense, the court, as 2178
punishment for the violation of the sanction, shall not order 2179

that the offender be imprisoned unless the court determines on 2180
the record either of the following: 2181

(a) The offender had been ordered as a sanction for the 2182
felony to participate in a drug treatment program, in a drug 2183
education program, or in narcotics anonymous or a similar 2184
program, and the offender continued to use illegal drugs after a 2185
reasonable period of participation in the program. 2186

(b) The imprisonment of the offender for the violation is 2187
consistent with the purposes and principles of sentencing set 2188
forth in section 2929.11 of the Revised Code. 2189

(3) A court that sentences an offender for a drug abuse 2190
offense that is a felony of the third, fourth, or fifth degree 2191
may require that the offender be assessed by a properly 2192
credentialed professional within a specified period of time. The 2193
court shall require the professional to file a written 2194
assessment of the offender with the court. If the offender is 2195
eligible for a community control sanction and after considering 2196
the written assessment, the court may impose a community control 2197
sanction that includes ~~treatment and recovery support~~ addiction 2198
services authorized by division (A) (11) of and recovery supports 2199
included in a community-based continuum of care established 2200
under section ~~340.03-340.032~~ of the Revised Code. If the court 2201
imposes ~~treatment and recovery support~~ addiction services and 2202
recovery supports as a community control sanction, the court 2203
shall direct the level and type of ~~treatment and recovery~~ 2204
~~support~~ addiction services and recovery supports after 2205
considering the assessment and recommendation of community 2206
addiction services providers. 2207

(F) Notwithstanding divisions (A) to (E) of this section, 2208
the court shall impose a prison term or terms under sections 2209

2929.02 to 2929.06, section 2929.14, section 2929.142, or 2210
section 2971.03 of the Revised Code and except as specifically 2211
provided in section 2929.20, divisions (C) to (I) of section 2212
2967.19, or section 2967.191 of the Revised Code or when parole 2213
is authorized for the offense under section 2967.13 of the 2214
Revised Code shall not reduce the term or terms pursuant to 2215
section 2929.20, section 2967.19, section 2967.193, or any other 2216
provision of Chapter 2967. or Chapter 5120. of the Revised Code 2217
for any of the following offenses: 2218

(1) Aggravated murder when death is not imposed or murder; 2219

(2) Any rape, regardless of whether force was involved and 2220
regardless of the age of the victim, or an attempt to commit 2221
rape if, had the offender completed the rape that was attempted, 2222
the offender would have been guilty of a violation of division 2223
(A) (1) (b) of section 2907.02 of the Revised Code and would be 2224
sentenced under section 2971.03 of the Revised Code; 2225

(3) Gross sexual imposition or sexual battery, if the 2226
victim is less than thirteen years of age and if any of the 2227
following applies: 2228

(a) Regarding gross sexual imposition, the offender 2229
previously was convicted of or pleaded guilty to rape, the 2230
former offense of felonious sexual penetration, gross sexual 2231
imposition, or sexual battery, and the victim of the previous 2232
offense was less than thirteen years of age; 2233

(b) Regarding gross sexual imposition, the offense was 2234
committed on or after August 3, 2006, and evidence other than 2235
the testimony of the victim was admitted in the case 2236
corroborating the violation. 2237

(c) Regarding sexual battery, either of the following 2238

applies: 2239

(i) The offense was committed prior to August 3, 2006, the 2240
offender previously was convicted of or pleaded guilty to rape, 2241
the former offense of felonious sexual penetration, or sexual 2242
battery, and the victim of the previous offense was less than 2243
thirteen years of age. 2244

(ii) The offense was committed on or after August 3, 2006. 2245

(4) A felony violation of section 2903.04, 2903.06, 2246
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 2247
or 2923.132 of the Revised Code if the section requires the 2248
imposition of a prison term; 2249

(5) A first, second, or third degree felony drug offense 2250
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2251
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 2252
or 4729.99 of the Revised Code, whichever is applicable 2253
regarding the violation, requires the imposition of a mandatory 2254
prison term; 2255

(6) Any offense that is a first or second degree felony 2256
and that is not set forth in division (F) (1), (2), (3), or (4) 2257
of this section, if the offender previously was convicted of or 2258
pleaded guilty to aggravated murder, murder, any first or second 2259
degree felony, or an offense under an existing or former law of 2260
this state, another state, or the United States that is or was 2261
substantially equivalent to one of those offenses; 2262

(7) Any offense that is a third degree felony and either 2263
is a violation of section 2903.04 of the Revised Code or an 2264
attempt to commit a felony of the second degree that is an 2265
offense of violence and involved an attempt to cause serious 2266
physical harm to a person or that resulted in serious physical 2267

harm to a person if the offender previously was convicted of or	2268
pleaded guilty to any of the following offenses:	2269
(a) Aggravated murder, murder, involuntary manslaughter,	2270
rape, felonious sexual penetration as it existed under section	2271
2907.12 of the Revised Code prior to September 3, 1996, a felony	2272
of the first or second degree that resulted in the death of a	2273
person or in physical harm to a person, or complicity in or an	2274
attempt to commit any of those offenses;	2275
(b) An offense under an existing or former law of this	2276
state, another state, or the United States that is or was	2277
substantially equivalent to an offense listed in division (F) (7)	2278
(a) of this section that resulted in the death of a person or in	2279
physical harm to a person.	2280
(8) Any offense, other than a violation of section 2923.12	2281
of the Revised Code, that is a felony, if the offender had a	2282
firearm on or about the offender's person or under the	2283
offender's control while committing the felony, with respect to	2284
a portion of the sentence imposed pursuant to division (B) (1) (a)	2285
of section 2929.14 of the Revised Code for having the firearm;	2286
(9) Any offense of violence that is a felony, if the	2287
offender wore or carried body armor while committing the felony	2288
offense of violence, with respect to the portion of the sentence	2289
imposed pursuant to division (B) (1) (d) of section 2929.14 of the	2290
Revised Code for wearing or carrying the body armor;	2291
(10) Corrupt activity in violation of section 2923.32 of	2292
the Revised Code when the most serious offense in the pattern of	2293
corrupt activity that is the basis of the offense is a felony of	2294
the first degree;	2295
(11) Any violent sex offense or designated homicide,	2296

assault, or kidnapping offense if, in relation to that offense, 2297
the offender is adjudicated a sexually violent predator; 2298

(12) A violation of division (A) (1) or (2) of section 2299
2921.36 of the Revised Code, or a violation of division (C) of 2300
that section involving an item listed in division (A) (1) or (2) 2301
of that section, if the offender is an officer or employee of 2302
the department of rehabilitation and correction; 2303

(13) A violation of division (A) (1) or (2) of section 2304
2903.06 of the Revised Code if the victim of the offense is a 2305
peace officer, as defined in section 2935.01 of the Revised 2306
Code, or an investigator of the bureau of criminal 2307
identification and investigation, as defined in section 2903.11 2308
of the Revised Code, with respect to the portion of the sentence 2309
imposed pursuant to division (B) (5) of section 2929.14 of the 2310
Revised Code; 2311

(14) A violation of division (A) (1) or (2) of section 2312
2903.06 of the Revised Code if the offender has been convicted 2313
of or pleaded guilty to three or more violations of division (A) 2314
or (B) of section 4511.19 of the Revised Code or an equivalent 2315
offense, as defined in section 2941.1415 of the Revised Code, or 2316
three or more violations of any combination of those divisions 2317
and offenses, with respect to the portion of the sentence 2318
imposed pursuant to division (B) (6) of section 2929.14 of the 2319
Revised Code; 2320

(15) Kidnapping, in the circumstances specified in section 2321
2971.03 of the Revised Code and when no other provision of 2322
division (F) of this section applies; 2323

(16) Kidnapping, abduction, compelling prostitution, 2324
promoting prostitution, engaging in a pattern of corrupt 2325

activity, illegal use of a minor in a nudity-oriented material 2326
or performance in violation of division (A) (1) or (2) of section 2327
2907.323 of the Revised Code, or endangering children in 2328
violation of division (B) (1), (2), (3), (4), or (5) of section 2329
2919.22 of the Revised Code, if the offender is convicted of or 2330
pleads guilty to a specification as described in section 2331
2941.1422 of the Revised Code that was included in the 2332
indictment, count in the indictment, or information charging the 2333
offense; 2334

(17) A felony violation of division (A) or (B) of section 2335
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 2336
that section, and division (D) (6) of that section, require the 2337
imposition of a prison term; 2338

(18) A felony violation of section 2903.11, 2903.12, or 2339
2903.13 of the Revised Code, if the victim of the offense was a 2340
woman that the offender knew was pregnant at the time of the 2341
violation, with respect to a portion of the sentence imposed 2342
pursuant to division (B) (8) of section 2929.14 of the Revised 2343
Code; 2344

(19) (a) Any violent felony offense if the offender is a 2345
violent career criminal and had a firearm on or about the 2346
offender's person or under the offender's control during the 2347
commission of the violent felony offense and displayed or 2348
brandished the firearm, indicated that the offender possessed a 2349
firearm, or used the firearm to facilitate the offense, with 2350
respect to the portion of the sentence imposed under division 2351
(K) of section 2929.14 of the Revised Code. 2352

(b) As used in division (F) (19) (a) of this section, 2353
"violent career criminal" and "violent felony offense" have the 2354
same meanings as in section 2923.132 of the Revised Code. 2355

(G) Notwithstanding divisions (A) to (E) of this section, 2356
if an offender is being sentenced for a fourth degree felony OVI 2357
offense or for a third degree felony OVI offense, the court 2358
shall impose upon the offender a mandatory term of local 2359
incarceration or a mandatory prison term in accordance with the 2360
following: 2361

(1) If the offender is being sentenced for a fourth degree 2362
felony OVI offense and if the offender has not been convicted of 2363
and has not pleaded guilty to a specification of the type 2364
described in section 2941.1413 of the Revised Code, the court 2365
may impose upon the offender a mandatory term of local 2366
incarceration of sixty days or one hundred twenty days as 2367
specified in division (G)(1)(d) of section 4511.19 of the 2368
Revised Code. The court shall not reduce the term pursuant to 2369
section 2929.20, 2967.193, or any other provision of the Revised 2370
Code. The court that imposes a mandatory term of local 2371
incarceration under this division shall specify whether the term 2372
is to be served in a jail, a community-based correctional 2373
facility, a halfway house, or an alternative residential 2374
facility, and the offender shall serve the term in the type of 2375
facility specified by the court. A mandatory term of local 2376
incarceration imposed under division (G)(1) of this section is 2377
not subject to any other Revised Code provision that pertains to 2378
a prison term except as provided in division (A)(1) of this 2379
section. 2380

(2) If the offender is being sentenced for a third degree 2381
felony OVI offense, or if the offender is being sentenced for a 2382
fourth degree felony OVI offense and the court does not impose a 2383
mandatory term of local incarceration under division (G)(1) of 2384
this section, the court shall impose upon the offender a 2385
mandatory prison term of one, two, three, four, or five years if 2386

the offender also is convicted of or also pleads guilty to a 2387
specification of the type described in section 2941.1413 of the 2388
Revised Code or shall impose upon the offender a mandatory 2389
prison term of sixty days or one hundred twenty days as 2390
specified in division (G)(1)(d) or (e) of section 4511.19 of the 2391
Revised Code if the offender has not been convicted of and has 2392
not pleaded guilty to a specification of that type. Subject to 2393
divisions (C) to (I) of section 2967.19 of the Revised Code, the 2394
court shall not reduce the term pursuant to section 2929.20, 2395
2967.19, 2967.193, or any other provision of the Revised Code. 2396
The offender shall serve the one-, two-, three-, four-, or five- 2397
year mandatory prison term consecutively to and prior to the 2398
prison term imposed for the underlying offense and consecutively 2399
to any other mandatory prison term imposed in relation to the 2400
offense. In no case shall an offender who once has been 2401
sentenced to a mandatory term of local incarceration pursuant to 2402
division (G)(1) of this section for a fourth degree felony OVI 2403
offense be sentenced to another mandatory term of local 2404
incarceration under that division for any violation of division 2405
(A) of section 4511.19 of the Revised Code. In addition to the 2406
mandatory prison term described in division (G)(2) of this 2407
section, the court may sentence the offender to a community 2408
control sanction under section 2929.16 or 2929.17 of the Revised 2409
Code, but the offender shall serve the prison term prior to 2410
serving the community control sanction. The department of 2411
rehabilitation and correction may place an offender sentenced to 2412
a mandatory prison term under this division in an intensive 2413
program prison established pursuant to section 5120.033 of the 2414
Revised Code if the department gave the sentencing judge prior 2415
notice of its intent to place the offender in an intensive 2416
program prison established under that section and if the judge 2417
did not notify the department that the judge disapproved the 2418

placement. Upon the establishment of the initial intensive 2419
program prison pursuant to section 5120.033 of the Revised Code 2420
that is privately operated and managed by a contractor pursuant 2421
to a contract entered into under section 9.06 of the Revised 2422
Code, both of the following apply: 2423

(a) The department of rehabilitation and correction shall 2424
make a reasonable effort to ensure that a sufficient number of 2425
offenders sentenced to a mandatory prison term under this 2426
division are placed in the privately operated and managed prison 2427
so that the privately operated and managed prison has full 2428
occupancy. 2429

(b) Unless the privately operated and managed prison has 2430
full occupancy, the department of rehabilitation and correction 2431
shall not place any offender sentenced to a mandatory prison 2432
term under this division in any intensive program prison 2433
established pursuant to section 5120.033 of the Revised Code 2434
other than the privately operated and managed prison. 2435

(H) If an offender is being sentenced for a sexually 2436
oriented offense or child-victim oriented offense that is a 2437
felony committed on or after January 1, 1997, the judge shall 2438
require the offender to submit to a DNA specimen collection 2439
procedure pursuant to section 2901.07 of the Revised Code. 2440

(I) If an offender is being sentenced for a sexually 2441
oriented offense or a child-victim oriented offense committed on 2442
or after January 1, 1997, the judge shall include in the 2443
sentence a summary of the offender's duties imposed under 2444
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 2445
Code and the duration of the duties. The judge shall inform the 2446
offender, at the time of sentencing, of those duties and of 2447
their duration. If required under division (A) (2) of section 2448

2950.03 of the Revised Code, the judge shall perform the duties 2449
specified in that section, or, if required under division (A) (6) 2450
of section 2950.03 of the Revised Code, the judge shall perform 2451
the duties specified in that division. 2452

(J) (1) Except as provided in division (J) (2) of this 2453
section, when considering sentencing factors under this section 2454
in relation to an offender who is convicted of or pleads guilty 2455
to an attempt to commit an offense in violation of section 2456
2923.02 of the Revised Code, the sentencing court shall consider 2457
the factors applicable to the felony category of the violation 2458
of section 2923.02 of the Revised Code instead of the factors 2459
applicable to the felony category of the offense attempted. 2460

(2) When considering sentencing factors under this section 2461
in relation to an offender who is convicted of or pleads guilty 2462
to an attempt to commit a drug abuse offense for which the 2463
penalty is determined by the amount or number of unit doses of 2464
the controlled substance involved in the drug abuse offense, the 2465
sentencing court shall consider the factors applicable to the 2466
felony category that the drug abuse offense attempted would be 2467
if that drug abuse offense had been committed and had involved 2468
an amount or number of unit doses of the controlled substance 2469
that is within the next lower range of controlled substance 2470
amounts than was involved in the attempt. 2471

(K) As used in this section: 2472

(1) "Community addiction services provider" has the same 2473
meaning as in section 5119.01 of the Revised Code. 2474

(2) "Drug abuse offense" has the same meaning as in 2475
section 2925.01 of the Revised Code. 2476

(3) "Minor drug possession offense" has the same meaning 2477

as in section 2925.11 of the Revised Code. 2478

(4) "Qualifying assault offense" means a violation of 2479
section 2903.13 of the Revised Code for which the penalty 2480
provision in division (C) (8) (b) or (C) (9) (b) of that section 2481
applies. 2482

(L) At the time of sentencing an offender for any sexually 2483
oriented offense, if the offender is a tier III sex 2484
offender/child-victim offender relative to that offense and the 2485
offender does not serve a prison term or jail term, the court 2486
may require that the offender be monitored by means of a global 2487
positioning device. If the court requires such monitoring, the 2488
cost of monitoring shall be borne by the offender. If the 2489
offender is indigent, the cost of compliance shall be paid by 2490
the crime victims reparations fund. 2491

Sec. 2929.14. (A) Except as provided in division (B) (1), 2492
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (E), 2493
(G), (H), (J), or (K) of this section or in division (D) (6) of 2494
section 2919.25 of the Revised Code and except in relation to an 2495
offense for which a sentence of death or life imprisonment is to 2496
be imposed, if the court imposing a sentence upon an offender 2497
for a felony elects or is required to impose a prison term on 2498
the offender pursuant to this chapter, the court shall impose a 2499
definite prison term that shall be one of the following: 2500

(1) For a felony of the first degree, the prison term 2501
shall be three, four, five, six, seven, eight, nine, ten, or 2502
eleven years. 2503

(2) For a felony of the second degree, the prison term 2504
shall be two, three, four, five, six, seven, or eight years. 2505

(3) (a) For a felony of the third degree that is a 2506

violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 2507
2907.05 of the Revised Code or that is a violation of section 2508
2911.02 or 2911.12 of the Revised Code if the offender 2509
previously has been convicted of or pleaded guilty in two or 2510
more separate proceedings to two or more violations of section 2511
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 2512
prison term shall be twelve, eighteen, twenty-four, thirty, 2513
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 2514

(b) For a felony of the third degree that is not an 2515
offense for which division (A) (3) (a) of this section applies, 2516
the prison term shall be nine, twelve, eighteen, twenty-four, 2517
thirty, or thirty-six months. 2518

(4) For a felony of the fourth degree, the prison term 2519
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 2520
fourteen, fifteen, sixteen, seventeen, or eighteen months. 2521

(5) For a felony of the fifth degree, the prison term 2522
shall be six, seven, eight, nine, ten, eleven, or twelve months. 2523

(B) (1) (a) Except as provided in division (B) (1) (e) of this 2524
section, if an offender who is convicted of or pleads guilty to 2525
a felony also is convicted of or pleads guilty to a 2526
specification of the type described in section 2941.141, 2527
2941.144, or 2941.145 of the Revised Code, the court shall 2528
impose on the offender one of the following prison terms: 2529

(i) A prison term of six years if the specification is of 2530
the type described in division (A) of section 2941.144 of the 2531
Revised Code that charges the offender with having a firearm 2532
that is an automatic firearm or that was equipped with a firearm 2533
muffler or suppressor on or about the offender's person or under 2534
the offender's control while committing the offense; 2535

(ii) A prison term of three years if the specification is 2536
of the type described in division (A) of section 2941.145 of the 2537
Revised Code that charges the offender with having a firearm on 2538
or about the offender's person or under the offender's control 2539
while committing the offense and displaying the firearm, 2540
brandishing the firearm, indicating that the offender possessed 2541
the firearm, or using it to facilitate the offense; 2542

(iii) A prison term of one year if the specification is of 2543
the type described in division (A) of section 2941.141 of the 2544
Revised Code that charges the offender with having a firearm on 2545
or about the offender's person or under the offender's control 2546
while committing the offense; 2547

(iv) A prison term of nine years if the specification is 2548
of the type described in division (D) of section 2941.144 of the 2549
Revised Code that charges the offender with having a firearm 2550
that is an automatic firearm or that was equipped with a firearm 2551
muffler or suppressor on or about the offender's person or under 2552
the offender's control while committing the offense and 2553
specifies that the offender previously has been convicted of or 2554
pleaded guilty to a specification of the type described in 2555
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 2556
the Revised Code; 2557

(v) A prison term of fifty-four months if the 2558
specification is of the type described in division (D) of 2559
section 2941.145 of the Revised Code that charges the offender 2560
with having a firearm on or about the offender's person or under 2561
the offender's control while committing the offense and 2562
displaying the firearm, brandishing the firearm, indicating that 2563
the offender possessed the firearm, or using the firearm to 2564
facilitate the offense and that the offender previously has been 2565

convicted of or pleaded guilty to a specification of the type 2566
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2567
2941.1412 of the Revised Code; 2568

(vi) A prison term of eighteen months if the specification 2569
is of the type described in division (D) of section 2941.141 of 2570
the Revised Code that charges the offender with having a firearm 2571
on or about the offender's person or under the offender's 2572
control while committing the offense and that the offender 2573
previously has been convicted of or pleaded guilty to a 2574
specification of the type described in section 2941.141, 2575
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 2576

(b) If a court imposes a prison term on an offender under 2577
division (B)(1)(a) of this section, the prison term shall not be 2578
reduced pursuant to section 2967.19, section 2929.20, section 2579
2967.193, or any other provision of Chapter 2967. or Chapter 2580
5120. of the Revised Code. Except as provided in division (B)(1) 2581
(g) of this section, a court shall not impose more than one 2582
prison term on an offender under division (B)(1)(a) of this 2583
section for felonies committed as part of the same act or 2584
transaction. 2585

(c) (i) Except as provided in division (B)(1)(e) of this 2586
section, if an offender who is convicted of or pleads guilty to 2587
a violation of section 2923.161 of the Revised Code or to a 2588
felony that includes, as an essential element, purposely or 2589
knowingly causing or attempting to cause the death of or 2590
physical harm to another, also is convicted of or pleads guilty 2591
to a specification of the type described in division (A) of 2592
section 2941.146 of the Revised Code that charges the offender 2593
with committing the offense by discharging a firearm from a 2594
motor vehicle other than a manufactured home, the court, after 2595

imposing a prison term on the offender for the violation of 2596
section 2923.161 of the Revised Code or for the other felony 2597
offense under division (A), (B) (2), or (B) (3) of this section, 2598
shall impose an additional prison term of five years upon the 2599
offender that shall not be reduced pursuant to section 2929.20, 2600
section 2967.19, section 2967.193, or any other provision of 2601
Chapter 2967. or Chapter 5120. of the Revised Code. 2602

(ii) Except as provided in division (B) (1) (e) of this 2603
section, if an offender who is convicted of or pleads guilty to 2604
a violation of section 2923.161 of the Revised Code or to a 2605
felony that includes, as an essential element, purposely or 2606
knowingly causing or attempting to cause the death of or 2607
physical harm to another, also is convicted of or pleads guilty 2608
to a specification of the type described in division (C) of 2609
section 2941.146 of the Revised Code that charges the offender 2610
with committing the offense by discharging a firearm from a 2611
motor vehicle other than a manufactured home and that the 2612
offender previously has been convicted of or pleaded guilty to a 2613
specification of the type described in section 2941.141, 2614
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 2615
the court, after imposing a prison term on the offender for the 2616
violation of section 2923.161 of the Revised Code or for the 2617
other felony offense under division (A), (B) (2), or (3) of this 2618
section, shall impose an additional prison term of ninety months 2619
upon the offender that shall not be reduced pursuant to section 2620
2929.20, 2967.19, 2967.193, or any other provision of Chapter 2621
2967. or Chapter 5120. of the Revised Code. 2622

(iii) A court shall not impose more than one additional 2623
prison term on an offender under division (B) (1) (c) of this 2624
section for felonies committed as part of the same act or 2625
transaction. If a court imposes an additional prison term on an 2626

offender under division (B) (1) (c) of this section relative to an 2627
offense, the court also shall impose a prison term under 2628
division (B) (1) (a) of this section relative to the same offense, 2629
provided the criteria specified in that division for imposing an 2630
additional prison term are satisfied relative to the offender 2631
and the offense. 2632

(d) If an offender who is convicted of or pleads guilty to 2633
an offense of violence that is a felony also is convicted of or 2634
pleads guilty to a specification of the type described in 2635
section 2941.1411 of the Revised Code that charges the offender 2636
with wearing or carrying body armor while committing the felony 2637
offense of violence, the court shall impose on the offender a 2638
prison term of two years. The prison term so imposed, subject to 2639
divisions (C) to (I) of section 2967.19 of the Revised Code, 2640
shall not be reduced pursuant to section 2929.20, section 2641
2967.19, section 2967.193, or any other provision of Chapter 2642
2967. or Chapter 5120. of the Revised Code. A court shall not 2643
impose more than one prison term on an offender under division 2644
(B) (1) (d) of this section for felonies committed as part of the 2645
same act or transaction. If a court imposes an additional prison 2646
term under division (B) (1) (a) or (c) of this section, the court 2647
is not precluded from imposing an additional prison term under 2648
division (B) (1) (d) of this section. 2649

(e) The court shall not impose any of the prison terms 2650
described in division (B) (1) (a) of this section or any of the 2651
additional prison terms described in division (B) (1) (c) of this 2652
section upon an offender for a violation of section 2923.12 or 2653
2923.123 of the Revised Code. The court shall not impose any of 2654
the prison terms described in division (B) (1) (a) or (b) of this 2655
section upon an offender for a violation of section 2923.122 2656
that involves a deadly weapon that is a firearm other than a 2657

dangerous ordnance, section 2923.16, or section 2923.121 of the Revised Code. The court shall not impose any of the prison terms described in division (B) (1) (a) of this section or any of the additional prison terms described in division (B) (1) (c) of this section upon an offender for a violation of section 2923.13 of the Revised Code unless all of the following apply:

(i) The offender previously has been convicted of aggravated murder, murder, or any felony of the first or second degree.

(ii) Less than five years have passed since the offender was released from prison or post-release control, whichever is later, for the prior offense.

(f) (i) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in division (A) of section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer as defined in section 2935.01 of the Revised Code or a corrections officer, as defined in section 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (B) (2), or (B) (3) of this section, shall impose an additional prison term of seven years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code.

(ii) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and

also is convicted of or pleads guilty to a specification of the 2688
type described in division (B) of section 2941.1412 of the 2689
Revised Code that charges the offender with committing the 2690
offense by discharging a firearm at a peace officer, as defined 2691
in section 2935.01 of the Revised Code, or a corrections 2692
officer, as defined in section 2941.1412 of the Revised Code, 2693
and that the offender previously has been convicted of or 2694
pleaded guilty to a specification of the type described in 2695
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 2696
the Revised Code, the court, after imposing a prison term on the 2697
offender for the felony offense under division (A), (B) (2), or 2698
(3) of this section, shall impose an additional prison term of 2699
one hundred twenty-six months upon the offender that shall not 2700
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 2701
any other provision of Chapter 2967. or 5120. of the Revised 2702
Code. 2703

(iii) If an offender is convicted of or pleads guilty to 2704
two or more felonies that include, as an essential element, 2705
causing or attempting to cause the death or physical harm to 2706
another and also is convicted of or pleads guilty to a 2707
specification of the type described under division (B) (1) (f) of 2708
this section in connection with two or more of the felonies of 2709
which the offender is convicted or to which the offender pleads 2710
guilty, the sentencing court shall impose on the offender the 2711
prison term specified under division (B) (1) (f) of this section 2712
for each of two of the specifications of which the offender is 2713
convicted or to which the offender pleads guilty and, in its 2714
discretion, also may impose on the offender the prison term 2715
specified under that division for any or all of the remaining 2716
specifications. If a court imposes an additional prison term on 2717
an offender under division (B) (1) (f) of this section relative to 2718

an offense, the court shall not impose a prison term under 2719
division (B) (1) (a) or (c) of this section relative to the same 2720
offense. 2721

(g) If an offender is convicted of or pleads guilty to two 2722
or more felonies, if one or more of those felonies are 2723
aggravated murder, murder, attempted aggravated murder, 2724
attempted murder, aggravated robbery, felonious assault, or 2725
rape, and if the offender is convicted of or pleads guilty to a 2726
specification of the type described under division (B) (1) (a) of 2727
this section in connection with two or more of the felonies, the 2728
sentencing court shall impose on the offender the prison term 2729
specified under division (B) (1) (a) of this section for each of 2730
the two most serious specifications of which the offender is 2731
convicted or to which the offender pleads guilty and, in its 2732
discretion, also may impose on the offender the prison term 2733
specified under that division for any or all of the remaining 2734
specifications. 2735

(2) (a) If division (B) (2) (b) of this section does not 2736
apply, the court may impose on an offender, in addition to the 2737
longest prison term authorized or required for the offense, an 2738
additional definite prison term of one, two, three, four, five, 2739
six, seven, eight, nine, or ten years if all of the following 2740
criteria are met: 2741

(i) The offender is convicted of or pleads guilty to a 2742
specification of the type described in section 2941.149 of the 2743
Revised Code that the offender is a repeat violent offender. 2744

(ii) The offense of which the offender currently is 2745
convicted or to which the offender currently pleads guilty is 2746
aggravated murder and the court does not impose a sentence of 2747
death or life imprisonment without parole, murder, terrorism and 2748

the court does not impose a sentence of life imprisonment 2749
without parole, any felony of the first degree that is an 2750
offense of violence and the court does not impose a sentence of 2751
life imprisonment without parole, or any felony of the second 2752
degree that is an offense of violence and the trier of fact 2753
finds that the offense involved an attempt to cause or a threat 2754
to cause serious physical harm to a person or resulted in 2755
serious physical harm to a person. 2756

(iii) The court imposes the longest prison term for the 2757
offense that is not life imprisonment without parole. 2758

(iv) The court finds that the prison terms imposed 2759
pursuant to division (B) (2) (a) (iii) of this section and, if 2760
applicable, division (B) (1) or (3) of this section are 2761
inadequate to punish the offender and protect the public from 2762
future crime, because the applicable factors under section 2763
2929.12 of the Revised Code indicating a greater likelihood of 2764
recidivism outweigh the applicable factors under that section 2765
indicating a lesser likelihood of recidivism. 2766

(v) The court finds that the prison terms imposed pursuant 2767
to division (B) (2) (a) (iii) of this section and, if applicable, 2768
division (B) (1) or (3) of this section are demeaning to the 2769
seriousness of the offense, because one or more of the factors 2770
under section 2929.12 of the Revised Code indicating that the 2771
offender's conduct is more serious than conduct normally 2772
constituting the offense are present, and they outweigh the 2773
applicable factors under that section indicating that the 2774
offender's conduct is less serious than conduct normally 2775
constituting the offense. 2776

(b) The court shall impose on an offender the longest 2777
prison term authorized or required for the offense and shall 2778

impose on the offender an additional definite prison term of 2779
one, two, three, four, five, six, seven, eight, nine, or ten 2780
years if all of the following criteria are met: 2781

(i) The offender is convicted of or pleads guilty to a 2782
specification of the type described in section 2941.149 of the 2783
Revised Code that the offender is a repeat violent offender. 2784

(ii) The offender within the preceding twenty years has 2785
been convicted of or pleaded guilty to three or more offenses 2786
described in division (CC)(1) of section 2929.01 of the Revised 2787
Code, including all offenses described in that division of which 2788
the offender is convicted or to which the offender pleads guilty 2789
in the current prosecution and all offenses described in that 2790
division of which the offender previously has been convicted or 2791
to which the offender previously pleaded guilty, whether 2792
prosecuted together or separately. 2793

(iii) The offense or offenses of which the offender 2794
currently is convicted or to which the offender currently pleads 2795
guilty is aggravated murder and the court does not impose a 2796
sentence of death or life imprisonment without parole, murder, 2797
terrorism and the court does not impose a sentence of life 2798
imprisonment without parole, any felony of the first degree that 2799
is an offense of violence and the court does not impose a 2800
sentence of life imprisonment without parole, or any felony of 2801
the second degree that is an offense of violence and the trier 2802
of fact finds that the offense involved an attempt to cause or a 2803
threat to cause serious physical harm to a person or resulted in 2804
serious physical harm to a person. 2805

(c) For purposes of division (B)(2)(b) of this section, 2806
two or more offenses committed at the same time or as part of 2807
the same act or event shall be considered one offense, and that 2808

one offense shall be the offense with the greatest penalty. 2809

(d) A sentence imposed under division (B) (2) (a) or (b) of 2810
this section shall not be reduced pursuant to section 2929.20, 2811
section 2967.19, or section 2967.193, or any other provision of 2812
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 2813
shall serve an additional prison term imposed under this section 2814
consecutively to and prior to the prison term imposed for the 2815
underlying offense. 2816

(e) When imposing a sentence pursuant to division (B) (2) 2817
(a) or (b) of this section, the court shall state its findings 2818
explaining the imposed sentence. 2819

(3) Except when an offender commits a violation of section 2820
2903.01 or 2907.02 of the Revised Code and the penalty imposed 2821
for the violation is life imprisonment or commits a violation of 2822
section 2903.02 of the Revised Code, if the offender commits a 2823
violation of section 2925.03 or 2925.11 of the Revised Code and 2824
that section classifies the offender as a major drug offender, 2825
if the offender commits a felony violation of section 2925.02, 2826
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 2827
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 2828
division ~~(C)~~ (E) of section 4729.51, or division (J) of section 2829
4729.54 of the Revised Code that includes the sale, offer to 2830
sell, or possession of a schedule I or II controlled substance, 2831
with the exception of marihuana, and the court imposing sentence 2832
upon the offender finds that the offender is guilty of a 2833
specification of the type described in section 2941.1410 of the 2834
Revised Code charging that the offender is a major drug 2835
offender, if the court imposing sentence upon an offender for a 2836
felony finds that the offender is guilty of corrupt activity 2837
with the most serious offense in the pattern of corrupt activity 2838

being a felony of the first degree, or if the offender is guilty 2839
of an attempted violation of section 2907.02 of the Revised Code 2840
and, had the offender completed the violation of section 2907.02 2841
of the Revised Code that was attempted, the offender would have 2842
been subject to a sentence of life imprisonment or life 2843
imprisonment without parole for the violation of section 2907.02 2844
of the Revised Code, the court shall impose upon the offender 2845
for the felony violation a mandatory prison term of the maximum 2846
prison term prescribed for a felony of the first degree that, 2847
subject to divisions (C) to (I) of section 2967.19 of the 2848
Revised Code, cannot be reduced pursuant to section 2929.20, 2849
section 2967.19, or any other provision of Chapter 2967. or 2850
5120. of the Revised Code. 2851

(4) If the offender is being sentenced for a third or 2852
fourth degree felony OVI offense under division (G) (2) of 2853
section 2929.13 of the Revised Code, the sentencing court shall 2854
impose upon the offender a mandatory prison term in accordance 2855
with that division. In addition to the mandatory prison term, if 2856
the offender is being sentenced for a fourth degree felony OVI 2857
offense, the court, notwithstanding division (A) (4) of this 2858
section, may sentence the offender to a definite prison term of 2859
not less than six months and not more than thirty months, and if 2860
the offender is being sentenced for a third degree felony OVI 2861
offense, the sentencing court may sentence the offender to an 2862
additional prison term of any duration specified in division (A) 2863
(3) of this section. In either case, the additional prison term 2864
imposed shall be reduced by the sixty or one hundred twenty days 2865
imposed upon the offender as the mandatory prison term. The 2866
total of the additional prison term imposed under division (B) 2867
(4) of this section plus the sixty or one hundred twenty days 2868
imposed as the mandatory prison term shall equal a definite term 2869

in the range of six months to thirty months for a fourth degree 2870
felony OVI offense and shall equal one of the authorized prison 2871
terms specified in division (A) (3) of this section for a third 2872
degree felony OVI offense. If the court imposes an additional 2873
prison term under division (B) (4) of this section, the offender 2874
shall serve the additional prison term after the offender has 2875
served the mandatory prison term required for the offense. In 2876
addition to the mandatory prison term or mandatory and 2877
additional prison term imposed as described in division (B) (4) 2878
of this section, the court also may sentence the offender to a 2879
community control sanction under section 2929.16 or 2929.17 of 2880
the Revised Code, but the offender shall serve all of the prison 2881
terms so imposed prior to serving the community control 2882
sanction. 2883

If the offender is being sentenced for a fourth degree 2884
felony OVI offense under division (G) (1) of section 2929.13 of 2885
the Revised Code and the court imposes a mandatory term of local 2886
incarceration, the court may impose a prison term as described 2887
in division (A) (1) of that section. 2888

(5) If an offender is convicted of or pleads guilty to a 2889
violation of division (A) (1) or (2) of section 2903.06 of the 2890
Revised Code and also is convicted of or pleads guilty to a 2891
specification of the type described in section 2941.1414 of the 2892
Revised Code that charges that the victim of the offense is a 2893
peace officer, as defined in section 2935.01 of the Revised 2894
Code, or an investigator of the bureau of criminal 2895
identification and investigation, as defined in section 2903.11 2896
of the Revised Code, the court shall impose on the offender a 2897
prison term of five years. If a court imposes a prison term on 2898
an offender under division (B) (5) of this section, the prison 2899
term, subject to divisions (C) to (I) of section 2967.19 of the 2900

Revised Code, shall not be reduced pursuant to section 2929.20, 2901
section 2967.19, section 2967.193, or any other provision of 2902
Chapter 2967. or Chapter 5120. of the Revised Code. A court 2903
shall not impose more than one prison term on an offender under 2904
division (B) (5) of this section for felonies committed as part 2905
of the same act. 2906

(6) If an offender is convicted of or pleads guilty to a 2907
violation of division (A) (1) or (2) of section 2903.06 of the 2908
Revised Code and also is convicted of or pleads guilty to a 2909
specification of the type described in section 2941.1415 of the 2910
Revised Code that charges that the offender previously has been 2911
convicted of or pleaded guilty to three or more violations of 2912
division (A) or (B) of section 4511.19 of the Revised Code or an 2913
equivalent offense, as defined in section 2941.1415 of the 2914
Revised Code, or three or more violations of any combination of 2915
those divisions and offenses, the court shall impose on the 2916
offender a prison term of three years. If a court imposes a 2917
prison term on an offender under division (B) (6) of this 2918
section, the prison term, subject to divisions (C) to (I) of 2919
section 2967.19 of the Revised Code, shall not be reduced 2920
pursuant to section 2929.20, section 2967.19, section 2967.193, 2921
or any other provision of Chapter 2967. or Chapter 5120. of the 2922
Revised Code. A court shall not impose more than one prison term 2923
on an offender under division (B) (6) of this section for 2924
felonies committed as part of the same act. 2925

(7) (a) If an offender is convicted of or pleads guilty to 2926
a felony violation of section 2905.01, 2905.02, 2907.21, 2927
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 2928
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 2929
the Revised Code and also is convicted of or pleads guilty to a 2930
specification of the type described in section 2941.1422 of the 2931

Revised Code that charges that the offender knowingly committed 2932
the offense in furtherance of human trafficking, the court shall 2933
impose on the offender a mandatory prison term that is one of 2934
the following: 2935

(i) If the offense is a felony of the first degree, a 2936
definite prison term of not less than five years and not greater 2937
than ten years; 2938

(ii) If the offense is a felony of the second or third 2939
degree, a definite prison term of not less than three years and 2940
not greater than the maximum prison term allowed for the offense 2941
by division (A) of section 2929.14 of the Revised Code; 2942

(iii) If the offense is a felony of the fourth or fifth 2943
degree, a definite prison term that is the maximum prison term 2944
allowed for the offense by division (A) of section 2929.14 of 2945
the Revised Code. 2946

(b) Subject to divisions (C) to (I) of section 2967.19 of 2947
the Revised Code, the prison term imposed under division (B) (7) 2948
(a) of this section shall not be reduced pursuant to section 2949
2929.20, section 2967.19, section 2967.193, or any other 2950
provision of Chapter 2967. of the Revised Code. A court shall 2951
not impose more than one prison term on an offender under 2952
division (B) (7) (a) of this section for felonies committed as 2953
part of the same act, scheme, or plan. 2954

(8) If an offender is convicted of or pleads guilty to a 2955
felony violation of section 2903.11, 2903.12, or 2903.13 of the 2956
Revised Code and also is convicted of or pleads guilty to a 2957
specification of the type described in section 2941.1423 of the 2958
Revised Code that charges that the victim of the violation was a 2959
woman whom the offender knew was pregnant at the time of the 2960

violation, notwithstanding the range of prison terms prescribed 2961
in division (A) of this section for felonies of the same degree 2962
as the violation, the court shall impose on the offender a 2963
mandatory prison term that is either a definite prison term of 2964
six months or one of the prison terms prescribed in section 2965
2929.14 of the Revised Code for felonies of the same degree as 2966
the violation. 2967

(C) (1) (a) Subject to division (C) (1) (b) of this section, 2968
if a mandatory prison term is imposed upon an offender pursuant 2969
to division (B) (1) (a) of this section for having a firearm on or 2970
about the offender's person or under the offender's control 2971
while committing a felony, if a mandatory prison term is imposed 2972
upon an offender pursuant to division (B) (1) (c) of this section 2973
for committing a felony specified in that division by 2974
discharging a firearm from a motor vehicle, or if both types of 2975
mandatory prison terms are imposed, the offender shall serve any 2976
mandatory prison term imposed under either division 2977
consecutively to any other mandatory prison term imposed under 2978
either division or under division (B) (1) (d) of this section, 2979
consecutively to and prior to any prison term imposed for the 2980
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 2981
this section or any other section of the Revised Code, and 2982
consecutively to any other prison term or mandatory prison term 2983
previously or subsequently imposed upon the offender. 2984

(b) If a mandatory prison term is imposed upon an offender 2985
pursuant to division (B) (1) (d) of this section for wearing or 2986
carrying body armor while committing an offense of violence that 2987
is a felony, the offender shall serve the mandatory term so 2988
imposed consecutively to any other mandatory prison term imposed 2989
under that division or under division (B) (1) (a) or (c) of this 2990
section, consecutively to and prior to any prison term imposed 2991

for the underlying felony under division (A), (B) (2), or (B) (3) 2992
of this section or any other section of the Revised Code, and 2993
consecutively to any other prison term or mandatory prison term 2994
previously or subsequently imposed upon the offender. 2995

(c) If a mandatory prison term is imposed upon an offender 2996
pursuant to division (B) (1) (f) of this section, the offender 2997
shall serve the mandatory prison term so imposed consecutively 2998
to and prior to any prison term imposed for the underlying 2999
felony under division (A), (B) (2), or (B) (3) of this section or 3000
any other section of the Revised Code, and consecutively to any 3001
other prison term or mandatory prison term previously or 3002
subsequently imposed upon the offender. 3003

(d) If a mandatory prison term is imposed upon an offender 3004
pursuant to division (B) (7) or (8) of this section, the offender 3005
shall serve the mandatory prison term so imposed consecutively 3006
to any other mandatory prison term imposed under that division 3007
or under any other provision of law and consecutively to any 3008
other prison term or mandatory prison term previously or 3009
subsequently imposed upon the offender. 3010

(2) If an offender who is an inmate in a jail, prison, or 3011
other residential detention facility violates section 2917.02, 3012
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 3013
(2) of section 2921.34 of the Revised Code, if an offender who 3014
is under detention at a detention facility commits a felony 3015
violation of section 2923.131 of the Revised Code, or if an 3016
offender who is an inmate in a jail, prison, or other 3017
residential detention facility or is under detention at a 3018
detention facility commits another felony while the offender is 3019
an escapee in violation of division (A) (1) or (2) of section 3020
2921.34 of the Revised Code, any prison term imposed upon the 3021

offender for one of those violations shall be served by the 3022
offender consecutively to the prison term or term of 3023
imprisonment the offender was serving when the offender 3024
committed that offense and to any other prison term previously 3025
or subsequently imposed upon the offender. 3026

(3) If a prison term is imposed for a violation of 3027
division (B) of section 2911.01 of the Revised Code, a violation 3028
of division (A) of section 2913.02 of the Revised Code in which 3029
the stolen property is a firearm or dangerous ordnance, or a 3030
felony violation of division (B) of section 2921.331 of the 3031
Revised Code, the offender shall serve that prison term 3032
consecutively to any other prison term or mandatory prison term 3033
previously or subsequently imposed upon the offender. 3034

(4) If multiple prison terms are imposed on an offender 3035
for convictions of multiple offenses, the court may require the 3036
offender to serve the prison terms consecutively if the court 3037
finds that the consecutive service is necessary to protect the 3038
public from future crime or to punish the offender and that 3039
consecutive sentences are not disproportionate to the 3040
seriousness of the offender's conduct and to the danger the 3041
offender poses to the public, and if the court also finds any of 3042
the following: 3043

(a) The offender committed one or more of the multiple 3044
offenses while the offender was awaiting trial or sentencing, 3045
was under a sanction imposed pursuant to section 2929.16, 3046
2929.17, or 2929.18 of the Revised Code, or was under post- 3047
release control for a prior offense. 3048

(b) At least two of the multiple offenses were committed 3049
as part of one or more courses of conduct, and the harm caused 3050
by two or more of the multiple offenses so committed was so 3051

great or unusual that no single prison term for any of the 3052
offenses committed as part of any of the courses of conduct 3053
adequately reflects the seriousness of the offender's conduct. 3054

(c) The offender's history of criminal conduct 3055
demonstrates that consecutive sentences are necessary to protect 3056
the public from future crime by the offender. 3057

(5) If a mandatory prison term is imposed upon an offender 3058
pursuant to division (B) (5) or (6) of this section, the offender 3059
shall serve the mandatory prison term consecutively to and prior 3060
to any prison term imposed for the underlying violation of 3061
division (A) (1) or (2) of section 2903.06 of the Revised Code 3062
pursuant to division (A) of this section or section 2929.142 of 3063
the Revised Code. If a mandatory prison term is imposed upon an 3064
offender pursuant to division (B) (5) of this section, and if a 3065
mandatory prison term also is imposed upon the offender pursuant 3066
to division (B) (6) of this section in relation to the same 3067
violation, the offender shall serve the mandatory prison term 3068
imposed pursuant to division (B) (5) of this section 3069
consecutively to and prior to the mandatory prison term imposed 3070
pursuant to division (B) (6) of this section and consecutively to 3071
and prior to any prison term imposed for the underlying 3072
violation of division (A) (1) or (2) of section 2903.06 of the 3073
Revised Code pursuant to division (A) of this section or section 3074
2929.142 of the Revised Code. 3075

(6) When consecutive prison terms are imposed pursuant to 3076
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 3077
of this section, the term to be served is the aggregate of all 3078
of the terms so imposed. 3079

(D) (1) If a court imposes a prison term for a felony of 3080
the first degree, for a felony of the second degree, for a 3081

felony sex offense, or for a felony of the third degree that is 3082
not a felony sex offense and in the commission of which the 3083
offender caused or threatened to cause physical harm to a 3084
person, it shall include in the sentence a requirement that the 3085
offender be subject to a period of post-release control after 3086
the offender's release from imprisonment, in accordance with 3087
that division. If a court imposes a sentence including a prison 3088
term of a type described in this division on or after July 11, 3089
2006, the failure of a court to include a post-release control 3090
requirement in the sentence pursuant to this division does not 3091
negate, limit, or otherwise affect the mandatory period of post- 3092
release control that is required for the offender under division 3093
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 3094
the Revised Code applies if, prior to July 11, 2006, a court 3095
imposed a sentence including a prison term of a type described 3096
in this division and failed to include in the sentence pursuant 3097
to this division a statement regarding post-release control. 3098

(2) If a court imposes a prison term for a felony of the 3099
third, fourth, or fifth degree that is not subject to division 3100
(D)(1) of this section, it shall include in the sentence a 3101
requirement that the offender be subject to a period of post- 3102
release control after the offender's release from imprisonment, 3103
in accordance with that division, if the parole board determines 3104
that a period of post-release control is necessary. Section 3105
2929.191 of the Revised Code applies if, prior to July 11, 2006, 3106
a court imposed a sentence including a prison term of a type 3107
described in this division and failed to include in the sentence 3108
pursuant to this division a statement regarding post-release 3109
control. 3110

(E) The court shall impose sentence upon the offender in 3111
accordance with section 2971.03 of the Revised Code, and Chapter 3112

2971. of the Revised Code applies regarding the prison term or 3113
term of life imprisonment without parole imposed upon the 3114
offender and the service of that term of imprisonment if any of 3115
the following apply: 3116

(1) A person is convicted of or pleads guilty to a violent 3117
sex offense or a designated homicide, assault, or kidnapping 3118
offense, and, in relation to that offense, the offender is 3119
adjudicated a sexually violent predator. 3120

(2) A person is convicted of or pleads guilty to a 3121
violation of division (A) (1) (b) of section 2907.02 of the 3122
Revised Code committed on or after January 2, 2007, and either 3123
the court does not impose a sentence of life without parole when 3124
authorized pursuant to division (B) of section 2907.02 of the 3125
Revised Code, or division (B) of section 2907.02 of the Revised 3126
Code provides that the court shall not sentence the offender 3127
pursuant to section 2971.03 of the Revised Code. 3128

(3) A person is convicted of or pleads guilty to attempted 3129
rape committed on or after January 2, 2007, and a specification 3130
of the type described in section 2941.1418, 2941.1419, or 3131
2941.1420 of the Revised Code. 3132

(4) A person is convicted of or pleads guilty to a 3133
violation of section 2905.01 of the Revised Code committed on or 3134
after January 1, 2008, and that section requires the court to 3135
sentence the offender pursuant to section 2971.03 of the Revised 3136
Code. 3137

(5) A person is convicted of or pleads guilty to 3138
aggravated murder committed on or after January 1, 2008, and 3139
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 3140
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 3141

(d) of section 2929.03, or division (A) or (B) of section 3142
2929.06 of the Revised Code requires the court to sentence the 3143
offender pursuant to division (B) (3) of section 2971.03 of the 3144
Revised Code. 3145

(6) A person is convicted of or pleads guilty to murder 3146
committed on or after January 1, 2008, and division (B) (2) of 3147
section 2929.02 of the Revised Code requires the court to 3148
sentence the offender pursuant to section 2971.03 of the Revised 3149
Code. 3150

(F) If a person who has been convicted of or pleaded 3151
guilty to a felony is sentenced to a prison term or term of 3152
imprisonment under this section, sections 2929.02 to 2929.06 of 3153
the Revised Code, section 2929.142 of the Revised Code, section 3154
2971.03 of the Revised Code, or any other provision of law, 3155
section 5120.163 of the Revised Code applies regarding the 3156
person while the person is confined in a state correctional 3157
institution. 3158

(G) If an offender who is convicted of or pleads guilty to 3159
a felony that is an offense of violence also is convicted of or 3160
pleads guilty to a specification of the type described in 3161
section 2941.142 of the Revised Code that charges the offender 3162
with having committed the felony while participating in a 3163
criminal gang, the court shall impose upon the offender an 3164
additional prison term of one, two, or three years. 3165

(H) (1) If an offender who is convicted of or pleads guilty 3166
to aggravated murder, murder, or a felony of the first, second, 3167
or third degree that is an offense of violence also is convicted 3168
of or pleads guilty to a specification of the type described in 3169
section 2941.143 of the Revised Code that charges the offender 3170
with having committed the offense in a school safety zone or 3171

towards a person in a school safety zone, the court shall impose 3172
upon the offender an additional prison term of two years. The 3173
offender shall serve the additional two years consecutively to 3174
and prior to the prison term imposed for the underlying offense. 3175

(2) (a) If an offender is convicted of or pleads guilty to 3176
a felony violation of section 2907.22, 2907.24, 2907.241, or 3177
2907.25 of the Revised Code and to a specification of the type 3178
described in section 2941.1421 of the Revised Code and if the 3179
court imposes a prison term on the offender for the felony 3180
violation, the court may impose upon the offender an additional 3181
prison term as follows: 3182

(i) Subject to division (H) (2) (a) (ii) of this section, an 3183
additional prison term of one, two, three, four, five, or six 3184
months; 3185

(ii) If the offender previously has been convicted of or 3186
pleaded guilty to one or more felony or misdemeanor violations 3187
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 3188
the Revised Code and also was convicted of or pleaded guilty to 3189
a specification of the type described in section 2941.1421 of 3190
the Revised Code regarding one or more of those violations, an 3191
additional prison term of one, two, three, four, five, six, 3192
seven, eight, nine, ten, eleven, or twelve months. 3193

(b) In lieu of imposing an additional prison term under 3194
division (H) (2) (a) of this section, the court may directly 3195
impose on the offender a sanction that requires the offender to 3196
wear a real-time processing, continual tracking electronic 3197
monitoring device during the period of time specified by the 3198
court. The period of time specified by the court shall equal the 3199
duration of an additional prison term that the court could have 3200
imposed upon the offender under division (H) (2) (a) of this 3201

section. A sanction imposed under this division shall commence 3202
on the date specified by the court, provided that the sanction 3203
shall not commence until after the offender has served the 3204
prison term imposed for the felony violation of section 2907.22, 3205
2907.24, 2907.241, or 2907.25 of the Revised Code and any 3206
residential sanction imposed for the violation under section 3207
2929.16 of the Revised Code. A sanction imposed under this 3208
division shall be considered to be a community control sanction 3209
for purposes of section 2929.15 of the Revised Code, and all 3210
provisions of the Revised Code that pertain to community control 3211
sanctions shall apply to a sanction imposed under this division, 3212
except to the extent that they would by their nature be clearly 3213
inapplicable. The offender shall pay all costs associated with a 3214
sanction imposed under this division, including the cost of the 3215
use of the monitoring device. 3216

(I) At the time of sentencing, the court may recommend the 3217
offender for placement in a program of shock incarceration under 3218
section 5120.031 of the Revised Code or for placement in an 3219
intensive program prison under section 5120.032 of the Revised 3220
Code, disapprove placement of the offender in a program of shock 3221
incarceration or an intensive program prison of that nature, or 3222
make no recommendation on placement of the offender. In no case 3223
shall the department of rehabilitation and correction place the 3224
offender in a program or prison of that nature unless the 3225
department determines as specified in section 5120.031 or 3226
5120.032 of the Revised Code, whichever is applicable, that the 3227
offender is eligible for the placement. 3228

If the court disapproves placement of the offender in a 3229
program or prison of that nature, the department of 3230
rehabilitation and correction shall not place the offender in 3231
any program of shock incarceration or intensive program prison. 3232

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison, and if the offender is subsequently placed in the recommended program or prison, the department shall notify the court of the placement and shall include with the notice a brief description of the placement.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified in section 5120.031 or 5120.032 of the Revised Code and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement.

(J) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division (B) (2) (c) of

that section applies, the person shall be sentenced pursuant to 3263
section 2929.142 of the Revised Code. 3264

(K) (1) The court shall impose an additional mandatory 3265
prison term of two, three, four, five, six, seven, eight, nine, 3266
ten, or eleven years on an offender who is convicted of or 3267
pleads guilty to a violent felony offense if the offender also 3268
is convicted of or pleads guilty to a specification of the type 3269
described in section 2941.1424 of the Revised Code that charges 3270
that the offender is a violent career criminal and had a firearm 3271
on or about the offender's person or under the offender's 3272
control while committing the presently charged violent felony 3273
offense and displayed or brandished the firearm, indicated that 3274
the offender possessed a firearm, or used the firearm to 3275
facilitate the offense. The offender shall serve the prison term 3276
imposed under this division consecutively to and prior to the 3277
prison term imposed for the underlying offense. The prison term 3278
shall not be reduced pursuant to section 2929.20 or 2967.19 or 3279
any other provision of Chapter 2967. or 5120. of the Revised 3280
Code. A court may not impose more than one sentence under 3281
division (B) (2) (a) of this section and this division for acts 3282
committed as part of the same act or transaction. 3283

(2) As used in division (K) (1) of this section, "violent 3284
career criminal" and "violent felony offense" have the same 3285
meanings as in section 2923.132 of the Revised Code. 3286

Sec. 2929.15. (A) (1) If in sentencing an offender for a 3287
felony the court is not required to impose a prison term, a 3288
mandatory prison term, or a term of life imprisonment upon the 3289
offender, the court may directly impose a sentence that consists 3290
of one or more community control sanctions authorized pursuant 3291
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 3292

the court is sentencing an offender for a fourth degree felony 3293
OVI offense under division (G) (1) of section 2929.13 of the 3294
Revised Code, in addition to the mandatory term of local 3295
incarceration imposed under that division and the mandatory fine 3296
required by division (B) (3) of section 2929.18 of the Revised 3297
Code, the court may impose upon the offender a community control 3298
sanction or combination of community control sanctions in 3299
accordance with sections 2929.16 and 2929.17 of the Revised 3300
Code. If the court is sentencing an offender for a third or 3301
fourth degree felony OVI offense under division (G) (2) of 3302
section 2929.13 of the Revised Code, in addition to the 3303
mandatory prison term or mandatory prison term and additional 3304
prison term imposed under that division, the court also may 3305
impose upon the offender a community control sanction or 3306
combination of community control sanctions under section 2929.16 3307
or 2929.17 of the Revised Code, but the offender shall serve all 3308
of the prison terms so imposed prior to serving the community 3309
control sanction. 3310

The duration of all community control sanctions imposed 3311
upon an offender under this division shall not exceed five 3312
years. If the offender absconds or otherwise leaves the 3313
jurisdiction of the court in which the offender resides without 3314
obtaining permission from the court or the offender's probation 3315
officer to leave the jurisdiction of the court, or if the 3316
offender is confined in any institution for the commission of 3317
any offense while under a community control sanction, the period 3318
of the community control sanction ceases to run until the 3319
offender is brought before the court for its further action. If 3320
the court sentences the offender to one or more nonresidential 3321
sanctions under section 2929.17 of the Revised Code, the court 3322
shall impose as a condition of the nonresidential sanctions 3323

that, during the period of the sanctions, the offender must 3324
abide by the law and must not leave the state without the 3325
permission of the court or the offender's probation officer. The 3326
court may impose any other conditions of release under a 3327
community control sanction that the court considers appropriate, 3328
including, but not limited to, requiring that the offender not 3329
ingest or be injected with a drug of abuse and submit to random 3330
drug testing as provided in division (D) of this section to 3331
determine whether the offender ingested or was injected with a 3332
drug of abuse and requiring that the results of the drug test 3333
indicate that the offender did not ingest or was not injected 3334
with a drug of abuse. 3335

(2) (a) If a court sentences an offender to any community 3336
control sanction or combination of community control sanctions 3337
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 3338
the Revised Code, the court shall place the offender under the 3339
general control and supervision of a department of probation in 3340
the county that serves the court for purposes of reporting to 3341
the court a violation of any condition of the sanctions, any 3342
condition of release under a community control sanction imposed 3343
by the court, a violation of law, or the departure of the 3344
offender from this state without the permission of the court or 3345
the offender's probation officer. Alternatively, if the offender 3346
resides in another county and a county department of probation 3347
has been established in that county or that county is served by 3348
a multicounty probation department established under section 3349
2301.27 of the Revised Code, the court may request the court of 3350
common pleas of that county to receive the offender into the 3351
general control and supervision of that county or multicounty 3352
department of probation for purposes of reporting to the court a 3353
violation of any condition of the sanctions, any condition of 3354

release under a community control sanction imposed by the court, 3355
a violation of law, or the departure of the offender from this 3356
state without the permission of the court or the offender's 3357
probation officer, subject to the jurisdiction of the trial 3358
judge over and with respect to the person of the offender, and 3359
to the rules governing that department of probation. 3360

If there is no department of probation in the county that 3361
serves the court, the court shall place the offender, regardless 3362
of the offender's county of residence, under the general control 3363
and supervision of the adult parole authority for purposes of 3364
reporting to the court a violation of any of the sanctions, any 3365
condition of release under a community control sanction imposed 3366
by the court, a violation of law, or the departure of the 3367
offender from this state without the permission of the court or 3368
the offender's probation officer. 3369

(b) If the court imposing sentence upon an offender 3370
sentences the offender to any community control sanction or 3371
combination of community control sanctions authorized pursuant 3372
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 3373
if the offender violates any condition of the sanctions, any 3374
condition of release under a community control sanction imposed 3375
by the court, violates any law, or departs the state without the 3376
permission of the court or the offender's probation officer, the 3377
public or private person or entity that operates or administers 3378
the sanction or the program or activity that comprises the 3379
sanction shall report the violation or departure directly to the 3380
sentencing court, or shall report the violation or departure to 3381
the county or multicounty department of probation with general 3382
control and supervision over the offender under division (A) (2) 3383
(a) of this section or the officer of that department who 3384
supervises the offender, or, if there is no such department with 3385

general control and supervision over the offender under that 3386
division, to the adult parole authority. If the public or 3387
private person or entity that operates or administers the 3388
sanction or the program or activity that comprises the sanction 3389
reports the violation or departure to the county or multicounty 3390
department of probation or the adult parole authority, the 3391
department's or authority's officers may treat the offender as 3392
if the offender were on probation and in violation of the 3393
probation, and shall report the violation of the condition of 3394
the sanction, any condition of release under a community control 3395
sanction imposed by the court, the violation of law, or the 3396
departure from the state without the required permission to the 3397
sentencing court. 3398

(3) If an offender who is eligible for community control 3399
sanctions under this section admits to being drug addicted or 3400
the court has reason to believe that the offender is drug 3401
addicted, and if the offense for which the offender is being 3402
sentenced was related to the addiction, the court may require 3403
that the offender be assessed by a properly credentialed 3404
professional within a specified period of time and shall require 3405
the professional to file a written assessment of the offender 3406
with the court. If a court imposes treatment and recovery 3407
support services as a community control sanction, the court 3408
shall direct the level and type of treatment and recovery 3409
support services after consideration of the written assessment, 3410
if available at the time of sentencing, and recommendations of 3411
the professional and other treatment and recovery support 3412
services providers. 3413

(4) If an assessment completed pursuant to division (A) (3) 3414
of this section indicates that the offender is addicted to drugs 3415
or alcohol, the court may include in any community control 3416

sanction imposed for a violation of section 2925.02, 2925.03, 3417
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 3418
2925.36, or 2925.37 of the Revised Code a requirement that the 3419
offender participate in ~~a treatment and recovery support~~ alcohol 3420
and drug addiction services program and recovery supports 3421
certified under section 5119.36 of the Revised Code or offered 3422
by ~~another~~ a properly credentialed community addiction services 3423
provider. 3424

(B) (1) If the conditions of a community control sanction 3425
are violated or if the offender violates a law or leaves the 3426
state without the permission of the court or the offender's 3427
probation officer, the sentencing court may impose upon the 3428
violation one or more of the following penalties: 3429

(a) A longer time under the same sanction if the total 3430
time under the sanctions does not exceed the five-year limit 3431
specified in division (A) of this section; 3432

(b) A more restrictive sanction under section 2929.16, 3433
2929.17, or 2929.18 of the Revised Code; 3434

(c) A prison term on the offender pursuant to section 3435
2929.14 of the Revised Code. 3436

(2) If an offender was acting pursuant to division (B) (2) 3437
(b) of section 2925.11 of the Revised Code and in so doing 3438
violated the conditions of a community control sanction based on 3439
a minor drug possession offense, as defined in section 2925.11 3440
of the Revised Code, the sentencing court may consider the 3441
offender's conduct in seeking or obtaining medical assistance 3442
for another in good faith or for self or may consider the 3443
offender being the subject of another person seeking or 3444
obtaining medical assistance in accordance with that division as 3445

a mitigating factor before imposing any of the penalties 3446
described in division (B) (1) of this section. 3447

(3) The prison term, if any, imposed upon a violator 3448
pursuant to this division shall be within the range of prison 3449
terms available for the offense for which the sanction that was 3450
violated was imposed and shall not exceed the prison term 3451
specified in the notice provided to the offender at the 3452
sentencing hearing pursuant to division (B) (2) of section 3453
2929.19 of the Revised Code. The court may reduce the longer 3454
period of time that the offender is required to spend under the 3455
longer sanction, the more restrictive sanction, or a prison term 3456
imposed pursuant to this division by the time the offender 3457
successfully spent under the sanction that was initially 3458
imposed. 3459

(C) If an offender, for a significant period of time, 3460
fulfills the conditions of a sanction imposed pursuant to 3461
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 3462
exemplary manner, the court may reduce the period of time under 3463
the sanction or impose a less restrictive sanction, but the 3464
court shall not permit the offender to violate any law or permit 3465
the offender to leave the state without the permission of the 3466
court or the offender's probation officer. 3467

(D) (1) If a court under division (A) (1) of this section 3468
imposes a condition of release under a community control 3469
sanction that requires the offender to submit to random drug 3470
testing, the department of probation or the adult parole 3471
authority that has general control and supervision of the 3472
offender under division (A) (2) (a) of this section may cause the 3473
offender to submit to random drug testing performed by a 3474
laboratory or entity that has entered into a contract with any 3475

of the governmental entities or officers authorized to enter 3476
into a contract with that laboratory or entity under section 3477
341.26, 753.33, or 5120.63 of the Revised Code. 3478

(2) If no laboratory or entity described in division (D) 3479
(1) of this section has entered into a contract as specified in 3480
that division, the department of probation or the adult parole 3481
authority that has general control and supervision of the 3482
offender under division (A)(2)(a) of this section shall cause 3483
the offender to submit to random drug testing performed by a 3484
reputable public laboratory to determine whether the individual 3485
who is the subject of the drug test ingested or was injected 3486
with a drug of abuse. 3487

(3) A laboratory or entity that has entered into a 3488
contract pursuant to section 341.26, 753.33, or 5120.63 of the 3489
Revised Code shall perform the random drug tests under division 3490
(D)(1) of this section in accordance with the applicable 3491
standards that are included in the terms of that contract. A 3492
public laboratory shall perform the random drug tests under 3493
division (D)(2) of this section in accordance with the standards 3494
set forth in the policies and procedures established by the 3495
department of rehabilitation and correction pursuant to section 3496
5120.63 of the Revised Code. An offender who is required under 3497
division (A)(1) of this section to submit to random drug testing 3498
as a condition of release under a community control sanction and 3499
whose test results indicate that the offender ingested or was 3500
injected with a drug of abuse shall pay the fee for the drug 3501
test if the department of probation or the adult parole 3502
authority that has general control and supervision of the 3503
offender requires payment of a fee. A laboratory or entity that 3504
performs the random drug testing on an offender under division 3505
(D)(1) or (2) of this section shall transmit the results of the 3506

drug test to the appropriate department of probation or the 3507
adult parole authority that has general control and supervision 3508
of the offender under division (A) (2) (a) of this section. 3509

Sec. 2945.65. Evidence of the use of a controlled 3510
substance obtained as part of a screening or test performed to 3511
determine pregnancy or provide prenatal care is not admissible 3512
in a criminal proceeding against the woman who was screened or 3513
tested. This section does not prohibit criminal prosecution 3514
based on evidence obtained through methods other than the 3515
screening or testing described in this section. 3516

Sec. 2947.231. If a business entity described in division 3517
~~(B) (1) (j)~~ (A) (2) or ~~(k) (3)~~ of section ~~4729.51~~ 4729.541 of the 3518
Revised Code pleads guilty or no contest to or is found guilty 3519
of any criminal offense, the judge or magistrate shall include 3520
in the sentence any costs incurred by the state board of 3521
pharmacy in an investigation leading to the plea or conviction. 3522
Investigative costs include staff salaries, administrative 3523
costs, travel expenses, attorney's fees, and any other 3524
reasonable expense incurred by the board. The board shall set 3525
forth the costs the entity is required to pay in an itemized 3526
statement provided to the judge or magistrate. 3527

Sec. 3313.65. (A) As used in this section and section 3528
3313.64 of the Revised Code: 3529

(1) A person is "in a residential facility" if the person 3530
is a resident or a resident patient of an institution, home, or 3531
other residential facility that is: 3532

(a) Licensed as a nursing home, residential care facility, 3533
or home for the aging by the director of health under section 3534
3721.02 of the Revised Code; 3535

(b) Maintained as a county home or district home by the board of county commissioners or a joint board of county commissioners under Chapter 5155. of the Revised Code;	3536 3537 3538
(c) Operated or administered by a board of alcohol, drug addiction, and mental health services under section 340.03 <u>340.037</u> of the Revised Code, or provides residential care pursuant to contracts made under section 340.03 <u>340.036</u> of the Revised Code;	3539 3540 3541 3542 3543
(d) Maintained as a state institution for the mentally ill under Chapter 5119. of the Revised Code;	3544 3545
(e) Licensed by the department of mental health and addiction services under section 5119.33 or 5119.34 of the Revised Code;	3546 3547 3548
(f) Licensed as a residential facility by the department of developmental disabilities under section 5123.19 of the Revised Code;	3549 3550 3551
(g) Operated by the veteran's administration or another agency of the United States government;	3552 3553
(h) Operated by the Ohio veterans' home.	3554
(2) A person is "in a correctional facility" if any of the following apply:	3555 3556
(a) The person is an Ohio resident and is:	3557
(i) Imprisoned, as defined in section 1.05 of the Revised Code;	3558 3559
(ii) Serving a term in a community-based correctional facility or a district community-based correctional facility;	3560 3561
(iii) Required, as a condition of parole, a post-release	3562

control sanction, a community control sanction, transitional 3563
control, or early release from imprisonment, as a condition of 3564
shock parole or shock probation granted under the law in effect 3565
prior to July 1, 1996, or as a condition of a furlough granted 3566
under the version of section 2967.26 of the Revised Code in 3567
effect prior to March 17, 1998, to reside in a halfway house or 3568
other community residential center licensed under section 3569
2967.14 of the Revised Code or a similar facility designated by 3570
the court of common pleas that established the condition or by 3571
the adult parole authority. 3572

(b) The person is imprisoned in a state correctional 3573
institution of another state or a federal correctional 3574
institution but was an Ohio resident at the time the sentence 3575
was imposed for the crime for which the person is imprisoned. 3576

(3) A person is "in a juvenile residential placement" if 3577
the person is an Ohio resident who is under twenty-one years of 3578
age and has been removed, by the order of a juvenile court, from 3579
the place the person resided at the time the person became 3580
subject to the court's jurisdiction in the matter that resulted 3581
in the person's removal. 3582

(4) "Community control sanction" has the same meaning as 3583
in section 2929.01 of the Revised Code. 3584

(5) "Post-release control sanction" has the same meaning 3585
as in section 2967.01 of the Revised Code. 3586

(B) If the circumstances described in division (C) of this 3587
section apply, the determination of what school district must 3588
admit a child to its schools and what district, if any, is 3589
liable for tuition shall be made in accordance with this 3590
section, rather than section 3313.64 of the Revised Code. 3591

(C) A child who does not reside in the school district in 3592
which the child's parent resides and for whom a tuition 3593
obligation previously has not been established under division 3594
(C) (2) of section 3313.64 of the Revised Code shall be admitted 3595
to the schools of the district in which the child resides if at 3596
least one of the child's parents is in a residential or 3597
correctional facility or a juvenile residential placement and 3598
the other parent, if living and not in such a facility or 3599
placement, is not known to reside in this state. 3600

(D) Regardless of who has custody or care of the child, 3601
whether the child resides in a home, or whether the child 3602
receives special education, if a district admits a child under 3603
division (C) of this section, tuition shall be paid to that 3604
district as follows: 3605

(1) If the child's parent is in a juvenile residential 3606
placement, by the district in which the child's parent resided 3607
at the time the parent became subject to the jurisdiction of the 3608
juvenile court; 3609

(2) If the child's parent is in a correctional facility, 3610
by the district in which the child's parent resided at the time 3611
the sentence was imposed; 3612

(3) If the child's parent is in a residential facility, by 3613
the district in which the parent resided at the time the parent 3614
was admitted to the residential facility, except that if the 3615
parent was transferred from another residential facility, 3616
tuition shall be paid by the district in which the parent 3617
resided at the time the parent was admitted to the facility from 3618
which the parent first was transferred; 3619

(4) In the event of a disagreement as to which school 3620

district is liable for tuition under division (C) (1), (2), or 3621
(3) of this section, the superintendent of public instruction 3622
shall determine which district shall pay tuition. 3623

(E) If a child covered by division (D) of this section 3624
receives special education in accordance with Chapter 3323. of 3625
the Revised Code, the tuition shall be paid in accordance with 3626
section 3323.13 or 3323.14 of the Revised Code. Tuition for 3627
children who do not receive special education shall be paid in 3628
accordance with division (J) of section 3313.64 of the Revised 3629
Code. 3630

Sec. 3701.59. (A) As used in this section: 3631

(1) "Addiction services" and "alcohol and drug addiction 3632
services" have the same meanings as in section 5119.01 of the 3633
Revised Code. 3634

(2) "Controlled substance" has the same meaning as in 3635
section 3719.01 of the Revised Code. 3636

(B) Any of the following health care professionals who 3637
attends a pregnant woman for conditions relating to pregnancy 3638
before the end of the twentieth week of pregnancy and who has 3639
reason to believe that the woman is using or has used a 3640
controlled substance in a manner that may place the woman's 3641
fetus in jeopardy shall encourage the woman to enroll in a drug 3642
treatment program offered by a provider of addiction services or 3643
alcohol and drug addiction services: 3644

(1) Physicians authorized under Chapter 4731. of the 3645
Revised Code to practice medicine and surgery or osteopathic 3646
medicine and surgery; 3647

(2) Registered nurses and licensed practical nurses 3648
licensed under Chapter 4723. of the Revised Code; 3649

(3) Physician assistants licensed under Chapter 4730. of 3650
the Revised Code. 3651

(C) A health care professional is immune from civil 3652
liability and is not subject to criminal prosecution with regard 3653
to both of the following: 3654

(1) Failure to recognize that a pregnant woman has used or 3655
is using a controlled substance in a manner that may place the 3656
woman's fetus in jeopardy; 3657

(2) Any action taken in good faith compliance with this 3658
section. 3659

Sec. 3707.56. (A) As used in this section and in sections 3660
3707.561 and 3707.562 of the Revised Code, "board of health" 3661
means a board of health of a city or general health district or 3662
the authority having the duties of a board of health under 3663
section 3709.05 of the Revised Code. 3664

(B) A board of health, through a physician serving as the 3665
board's health commissioner or medical director, may authorize 3666
pharmacists and pharmacy interns ~~working~~ practicing pharmacy in 3667
a county that includes all or part of the board's jurisdiction- 3668
health district represented by the board to use the protocol 3669
developed pursuant to rules adopted under section 4729.44 of the 3670
Revised Code for the purpose of dispensing naloxone under 3671
section 4729.44 of the Revised Code. 3672

Sec. 3707.561. (A) A board of health that establishes a 3673
protocol under division (C) of this section may, through a 3674
physician serving as the board's health commissioner or medical 3675
director, authorize one or more individuals to personally 3676
furnish a supply of naloxone pursuant to the protocol to either 3677
of the following: 3678

(1) An individual who there is reason to believe is 3679
experiencing or at risk of experiencing an opioid-related 3680
overdose; 3681

(2) A family member, friend, or other person in a position 3682
to assist an individual who there is reason to believe is at 3683
risk of experiencing an opioid-related overdose. 3684

(B) (1) An individual authorized under this section may 3685
personally furnish naloxone to an individual described in 3686
division (A) of this section if both of the following conditions 3687
are met: 3688

(a) The authorized individual complies with the protocol 3689
established by the authorizing board, including having completed 3690
the training required by the protocol. 3691

(b) The authorized individual instructs the individual to 3692
whom naloxone is furnished to summon emergency services as soon 3693
as practicable either before or after administering naloxone. 3694

(2) An individual authorized under this section to 3695
personally furnish naloxone may do so without having examined 3696
the individual to whom it may be administered. 3697

(C) A board of health, through a physician serving as the 3698
board's health commissioner or medical director, may establish a 3699
protocol for personally furnishing naloxone under division (A) 3700
of this section. The protocol must be in writing and include all 3701
of the following: 3702

(1) A description of the clinical pharmacology of 3703
naloxone; 3704

(2) Precautions and contraindications concerning 3705
furnishing naloxone; 3706

<u>(3) Any limitations the board specifies concerning the</u>	3707
<u>individuals to whom naloxone may be furnished;</u>	3708
<u>(4) The naloxone dosage that may be furnished and any</u>	3709
<u>variation in the dosage based on circumstances specified in the</u>	3710
<u>protocol;</u>	3711
<u>(5) Labeling, storage, record keeping, and administrative</u>	3712
<u>requirements;</u>	3713
<u>(6) Training requirements that must be met before an</u>	3714
<u>individual can be authorized to furnish naloxone;</u>	3715
<u>(7) Any instructions or training the authorized individual</u>	3716
<u>must provide to an individual to whom naloxone is furnished.</u>	3717
<u>(D) A board that in good faith authorizes an individual to</u>	3718
<u>personally furnish naloxone under this section is not liable for</u>	3719
<u>damages in any civil action for any act or omission of the</u>	3720
<u>individual to whom the naloxone is furnished.</u>	3721
<u>A physician serving as a board's health commissioner or</u>	3722
<u>medical director who in good faith authorizes an individual to</u>	3723
<u>personally furnish naloxone under this section is not liable for</u>	3724
<u>or subject to any of the following for any act or omission of</u>	3725
<u>the individual to whom the naloxone is furnished: damages in any</u>	3726
<u>civil action, prosecution in any criminal proceeding, or</u>	3727
<u>professional disciplinary action.</u>	3728
<u>An individual authorized under this section to personally</u>	3729
<u>furnish naloxone who does so in good faith is not liable for or</u>	3730
<u>subject to any of the following for any act or omission of the</u>	3731
<u>individual to whom the naloxone is furnished: damages in any</u>	3732
<u>civil action, prosecution in any criminal proceeding, or</u>	3733
<u>professional disciplinary action.</u>	3734

Sec. 3707.562. (A) As used in this section, "service 3735
entity" has the same meaning as in section 4729.514 of the 3736
Revised Code. 3737

(B) A board of health that has established a protocol 3738
under division (D) of this section may authorize an individual 3739
who is an employee, volunteer, or contractor of a service entity 3740
to administer naloxone to an individual who is apparently 3741
experiencing an opioid-related overdose. 3742

(C) An individual authorized by a board of health under 3743
this section may administer naloxone to an individual who is 3744
apparently experiencing an opioid-related overdose if both of 3745
the following conditions are met: 3746

(1) The authorized individual complies with the protocol 3747
established by the board. 3748

(2) The authorized individual summons emergency services 3749
as soon as practicable either before or after administering the 3750
naloxone. 3751

(D) A board of health, through a physician serving as the 3752
board's health commissioner or medical director, may establish a 3753
protocol for administering naloxone under this section. The 3754
protocol must be established in writing and include all of the 3755
following: 3756

(1) A description of the clinical pharmacology of 3757
naloxone; 3758

(2) Precautions and contraindications concerning the 3759
administration of naloxone; 3760

(3) Any limitations the board specifies concerning the 3761
individuals to whom naloxone may be administered; 3762

(4) The naloxone dosage that may be administered and any variation in the dosage based on circumstances specified in the protocol; 3763
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(5) Labeling, storage, record keeping, and administrative requirements; 3766
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(6) Training requirements that must be met before an individual can be authorized to administer naloxone. 3768
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(E) A board that in good faith authorizes an individual to administer naloxone under this section is not liable for damages in any civil action for any act or omission of the authorized individual. 3770
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A physician serving as a board's health commissioner or medical director who in good faith authorizes an individual to administer naloxone under this section is not liable for or subject to any of the following for any act or omission of the authorized individual: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action. 3774
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A service entity or an employee, volunteer, or contractor of a service entity is not liable for or subject to any of the following for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using naloxone under this section, unless the act or omission constitutes willful or wanton misconduct: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action. 3780
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This section does not eliminate, limit, or reduce any other immunity or defense that a service entity or an employee, volunteer, or contractor of a service entity may be entitled to under Chapter 2305. or any other provision of the Revised Code 3788
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or under the common law of this state. 3792

Sec. 3707.57. (A) As used in this section: 3793

(1) "Bloodborne pathogens" means the human 3794
immunodeficiency virus (HIV), hepatitis B virus, and hepatitis C 3795
virus. 3796

(2) "Board of health" means the board of health of a city 3797
or general health district or the authority having the duties of 3798
a board of health under section 3709.05 of the Revised Code. 3799

(B) A board of health may establish a bloodborne 3800
infectious disease prevention program. The cost of the program 3801
is the responsibility of the board of health. 3802

(C) A board of health that establishes a bloodborne 3803
infectious disease prevention program shall determine the manner 3804
in which the program is operated and the individuals who are 3805
eligible to participate. The program shall do all of the 3806
following: 3807

(1) If resources are available, provide on-site screening 3808
for bloodborne pathogens; 3809

(2) Provide education to each program participant 3810
regarding exposure to bloodborne pathogens; 3811

(3) Identify health and supportive services providers and 3812
substance abuse treatment programs available in the area served 3813
by the prevention program and, as appropriate, develop and enter 3814
into referral agreements with the identified providers and 3815
programs; 3816

(4) Encourage each program participant to seek appropriate 3817
medical care, mental health services, substance abuse treatment, 3818
or social services and, as appropriate, make referrals to health 3819

and supportive services providers and substance abuse treatment 3820
programs with which the prevention program has entered into 3821
referral agreements; 3822

(5) Use a recordkeeping system that ensures that the 3823
identity of each program participant remains anonymous; 3824

(6) Comply with applicable state and federal laws 3825
governing participant confidentiality; 3826

(7) Provide each program participant with documentation 3827
identifying the individual as an active participant in the 3828
program. 3829

(D) A bloodborne infectious disease prevention program may 3830
collect demographic information about each program participant, 3831
including the zip code applicable to the participant's address, 3832
and the participant's comorbidity diagnosis, if any. The program 3833
may report the information to the department of mental health 3834
and addiction services. 3835

(E) (1) Before establishing a bloodborne infectious disease 3836
prevention program, the board of health shall consult with all 3837
of the following: 3838

(a) Interested parties from the health district 3839
represented by the board, including all of the following: 3840

(i) Law enforcement representatives; 3841

(ii) Prosecutors, as defined in section 2935.01 of the 3842
Revised Code; 3843

(iii) Representatives of community addiction services 3844
providers whose alcohol and drug addiction services are 3845
certified under section 5119.36 of the Revised Code; 3846

(iv) Persons recovering from substance abuse;	3847
(v) Relevant private, nonprofit organizations, including hepatitis C and HIV advocacy organizations;	3848 3849
(vi) Residents of the health district;	3850
(vii) The board of alcohol, drug addiction, and mental health services that serves the area in which the health district is located.	3851 3852 3853
(b) Representatives selected by the governing authority of the city, village, or township in which the program is proposed to be established.	3854 3855 3856
(2) If the board of health, after consulting with the interested parties and representatives listed in division (D) (1) of this section, decides to establish a bloodborne infectious disease prevention program, the board shall provide written notice of the proposed location to the governing authority of the city, village, or township in which the program is to be located. The governing authority retains all zoning rights.	3857 3858 3859 3860 3861 3862 3863
(F) (1) If carrying out a duty under a component of a bloodborne infectious disease prevention program would be considered a violation of any of the following, an employee or volunteer of the program, when carrying out the duty, is not subject to criminal prosecution for the violation:	3864 3865 3866 3867 3868
(a) Section 2923.24 of the Revised Code;	3869
(b) Section 2925.12 of the Revised Code;	3870
(c) Division (C) (1) of section 2925.14 of the Revised Code regarding the prohibition against illegal possession of drug paraphernalia;	3871 3872 3873

(d) Division (C) or (D) of section 3719.172 of the Revised Code regarding the prohibition against furnishing a hypodermic needle to another person. 3874
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(2) If participating in a component of a bloodborne infectious disease prevention program would be considered a violation of any of the following, a program participant who is within one thousand feet of a program facility and is in possession of documentation from the program identifying the individual as an active participant in the program is not subject to criminal prosecution for the violation: 3877
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(a) Section 2923.24 of the Revised Code; 3884

(b) Section 2925.12 of the Revised Code; 3885

(c) Division (C)(1) of section 2925.14 of the Revised Code regarding the prohibition against illegal possession of drug paraphernalia. 3886
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(G) A board of health that establishes a bloodborne infectious disease prevention program shall include details about the program in its annual report prepared under section 3707.47 of the Revised Code. 3889
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Sec. 3719.062. As used in this section, "health-related licensing board" means a state board authorized to issue a license to engage in the practice of a licensed health professional authorized to prescribe drugs. 3893
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A health-related licensing board may adopt rules limiting the amount of an opioid analgesic that may be prescribed pursuant to a single prescription by an individual licensed by the board. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 3897
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Sec. 3719.121. (A) Except as otherwise provided in section 3902
4723.28, 4723.35, 4730.25, 4731.22, 4734.39, or 4734.41 of the 3903
Revised Code, the license, certificate, or registration of any 3904
dentist, chiropractor, physician, podiatrist, registered nurse, 3905
licensed practical nurse, physician assistant, pharmacist, 3906
pharmacy intern, pharmacy technician trainee, registered 3907
pharmacy technician, certified pharmacy technician, optometrist, 3908
or veterinarian who is or becomes addicted to the use of 3909
controlled substances shall be suspended by the board that 3910
authorized the person's license, certificate, or registration 3911
until the person offers satisfactory proof to the board that the 3912
person no longer is addicted to the use of controlled 3913
substances. 3914

(B) If the board under which a person has been issued a 3915
license, certificate, or evidence of registration determines 3916
that there is clear and convincing evidence that continuation of 3917
the person's professional practice or method of administering, 3918
prescribing, preparing, distributing, dispensing, or personally 3919
furnishing controlled substances or other dangerous drugs 3920
presents a danger of immediate and serious harm to others, the 3921
board may suspend the person's license, certificate, or 3922
registration without a hearing. Except as otherwise provided in 3923
sections 4715.30, 4723.281, 4729.16, 4730.25, 4731.22, and 3924
4734.36 of the Revised Code, the board shall follow the 3925
procedure for suspension without a prior hearing in section 3926
119.07 of the Revised Code. The suspension shall remain in 3927
effect, unless removed by the board, until the board's final 3928
adjudication order becomes effective, except that if the board 3929
does not issue its final adjudication order within ninety days 3930
after the hearing, the suspension shall be void on the ninety- 3931
first day after the hearing. 3932

(C) On receiving notification pursuant to section 2929.42 3933
or 3719.12 of the Revised Code, the board under which a person 3934
has been issued a license, certificate, or evidence of 3935
registration immediately shall suspend the license, certificate, 3936
or registration of that person on a plea of guilty to, a finding 3937
by a jury or court of the person's guilt of, or conviction of a 3938
felony drug abuse offense; a finding by a court of the person's 3939
eligibility for intervention in lieu of conviction; a plea of 3940
guilty to, or a finding by a jury or court of the person's guilt 3941
of, or the person's conviction of an offense in another 3942
jurisdiction that is essentially the same as a felony drug abuse 3943
offense; or a finding by a court of the person's eligibility for 3944
treatment or intervention in lieu of conviction in another 3945
jurisdiction. The board shall notify the holder of the license, 3946
certificate, or registration of the suspension, which shall 3947
remain in effect until the board holds an adjudicatory hearing 3948
under Chapter 119. of the Revised Code. 3949

Sec. 3719.13. Prescriptions, orders, and records, required 3950
by Chapter 3719. of the Revised Code, and stocks of dangerous 3951
drugs and controlled substances, shall be open for inspection 3952
only to federal, state, county, and municipal officers, and 3953
employees of the state board of pharmacy whose duty it is to 3954
enforce the laws of this state or of the United States relating 3955
to controlled substances. Such prescriptions, orders, records, 3956
and stocks shall be open for inspection by employees of the 3957
state medical board for purposes of enforcing Chapters 4730. and 3958
4731. of the Revised Code, employees of the board of nursing for 3959
purposes of enforcing Chapter 4723. of the Revised Code, and 3960
employees of the department of mental health and addiction 3961
services for purposes of section ~~5119.372~~5119.367 of the 3962
Revised Code. No person having knowledge of any such 3963

prescription, order, or record shall divulge such knowledge, 3964
except in connection with a prosecution or proceeding in court 3965
or before a licensing or registration board or officer, to which 3966
prosecution or proceeding the person to whom such prescriptions, 3967
orders, or records relate is a party. 3968

Sec. 3719.21. Except as provided in division (C) of 3969
section 2923.42, division (B) of section 2923.44, divisions (D) 3970
(1), (F), and (H) of section 2925.03, division (D)(1) of section 3971
2925.02, 2925.04, or 2925.05, division (E)(1) of section 3972
2925.11, division (E) of section 2925.13, division (F) of 3973
section 2925.36, division (D) of section 2925.22, division (H) 3974
of section 2925.23, division (M) of section 2925.37, division 3975
(B) of section 2925.42, division (B) of section 2929.18, 3976
division (D) of section 3719.99, division (B)(1) of section 3977
4729.65, division (E)(3) of section 4729.99, and division (I)~~(4)~~— 3978
(3) of section 4729.99 of the Revised Code, the clerk of the 3979
court shall pay all fines or forfeited bail assessed and 3980
collected under prosecutions or prosecutions commenced for 3981
violations of this chapter, section 2923.42 of the Revised Code, 3982
or Chapter 2925. of the Revised Code, within thirty days, to the 3983
executive director of the state board of pharmacy, and the 3984
executive director shall deposit the fines into the state 3985
treasury to the credit of the occupational licensing and 3986
regulatory fund. 3987

Sec. 3719.27. (A) Persons required by Chapter 3719. of the 3988
Revised Code to keep files or records shall, upon the written 3989
request of an officer or employee designated by the state board 3990
of pharmacy, make such files or records available to such 3991
officer or employee, at all reasonable hours, for inspection and 3992
copying, and accord to such officer or employee full opportunity 3993
to check the correctness of such files or records, including 3994

opportunity to make inventory of all stocks of controlled 3995
substances on hand. No person shall fail to make such files or 3996
records available or to accord such opportunity to check their 3997
correctness. 3998

(B) Persons required by Chapter 3719. of the Revised Code 3999
to keep files or records shall, upon the written request of an 4000
employee designated by the director of mental health and 4001
addiction services, make such files or records available to the 4002
employee for the purpose of section ~~5119.372~~5119.367 of the 4003
Revised Code, at all reasonable hours, for inspection and 4004
copying, and accord to such employee full opportunity to check 4005
the correctness of such files or records. No person shall fail 4006
to make such files or records available or to accord such 4007
opportunity to check their correctness. 4008

Sec. 3923.851. (A) As used in this section: 4009

(1) "Benzodiazepine" has the same meaning as in section 4010
3719.01 of the Revised Code. 4011

(2) "Chronic pain" has the same meaning as in section 4012
4731.052 of the Revised Code. 4013

(3) "Hospice care program" and "hospice patient" have the 4014
same meanings as in section 3712.01 of the Revised Code. 4015

(4) "Opioid analgesic" has the same meaning as in section 4016
3719.01 of the Revised Code. 4017

(5) "Prescriber" has the same meaning as in section 4018
4729.01 of the Revised Code. 4019

(6) "Terminal condition" means an irreversible, incurable, 4020
and untreatable condition that is caused by disease, illness, or 4021
injury and will likely result in death. A terminal condition is 4022

one in which there can be no recovery, although there may be 4023
periods of remission. 4024

(B)(1) An individual or group policy of sickness and 4025
accident insurance or a public employee benefit plan that is 4026
delivered, issued for delivery, or renewed in this state and 4027
covers prescription drugs shall contain prior authorization 4028
requirements or other utilization review measures as conditions 4029
of providing coverage of an opioid analgesic prescribed for the 4030
treatment of chronic pain, except when the drug is prescribed 4031
under one of the following circumstances: 4032

(a) To an individual who is a hospice patient in a hospice 4033
care program; 4034

(b) To an individual who has been diagnosed with a 4035
terminal condition but is not a hospice patient in a hospice 4036
care program; 4037

(c) To an individual who has cancer or another condition 4038
associated with the individual's cancer or history of cancer. 4039

(2) When implementing division (B)(1) of this section, the 4040
sickness and accident insurer or public employee benefit plan 4041
shall consider either or both of the following, as applicable to 4042
the case in which the opioid analgesic is prescribed: 4043

(a) If the course of treatment with the drug continues for 4044
more than ninety days, the requirements of section 4731.052 of 4045
the Revised Code; 4046

(b) If the morphine equivalent daily dose for the drug 4047
exceeds eighty milligrams or the individual is being treated 4048
with a benzodiazepine at the time the opioid analgesic is 4049
prescribed, the guidelines established by the governor's cabinet 4050
opiate action team and presented in the document titled "Ohio 4051

Guidelines for Prescribing Opioids for the Treatment of Chronic, 4052
Non-terminal Pain 80 mg of a Morphine Equivalent Daily Dose 4053
(MED) 'Trigger Point'" or a successor document, unless the 4054
guidelines are no longer in effect at the time the opioid 4055
analgesic is prescribed. 4056

(C) If a sickness and accident insurer or public employee 4057
benefit plan measures the efficiency, quality of care, or 4058
clinical performance of a prescriber, including through the use 4059
of patient satisfaction surveys, it shall not penalize the 4060
prescriber, financially or otherwise, for deciding not to 4061
prescribe an opioid analgesic. 4062

Sec. 3959.111. (A) (1) (a) In each contract between a 4063
pharmacy benefit manager and a pharmacy, the pharmacy shall be 4064
given the right to obtain from the pharmacy benefit manager, 4065
within ten days after any request, a current list of the sources 4066
used to determine maximum allowable cost pricing. In each 4067
contract between a pharmacy benefit manager and a pharmacy, the 4068
pharmacy benefit manager shall be obligated to update and 4069
implement the pricing information at least every seven days and 4070
provide a means by which contracted pharmacies may promptly 4071
review maximum allowable cost pricing updates in a~~an~~ electronic 4072
format that is readily available~~and~~, accessible, and secure 4073
and that can be easily searched. 4074

Subject to division (A) (1) of this section, a pharmacy 4075
benefit manager shall utilize the most up-to-date pricing data 4076
when calculating drug product reimbursements for all contracting 4077
pharmacies within one business day of any price update or 4078
modification. 4079

(b) A pharmacy benefit manager shall maintain a written 4080
procedure to eliminate products from the list of drugs subject 4081

to maximum allowable cost pricing in a timely manner. The 4082
written procedure, and any updates, shall promptly be made 4083
available to a pharmacy upon request. 4084

(2) In each contract between a pharmacy benefit manager 4085
and a pharmacy, a pharmacy benefit manager shall be obligated to 4086
ensure that all of the following conditions are met prior to 4087
placing a prescription drug on a maximum allowable cost list: 4088

(a) The drug is listed as "A" or "B" rated in the most 4089
recent version of the United States food and drug 4090
administration's approved drug products with therapeutic 4091
equivalence evaluations, or has an "NR" or "NA" rating or 4092
similar rating by nationally recognized reference. 4093

(b) The drug is generally available for purchase by 4094
pharmacies in this state from a national or regional wholesaler 4095
and is not obsolete. 4096

(3) Each contract between a pharmacy benefit manager and a 4097
pharmacy shall include ~~a~~an electronic process to appeal, 4098
investigate, and resolve disputes regarding maximum allowable 4099
cost pricing that includes all of the following: 4100

(a) A twenty-one-day limit on the right to appeal 4101
following the initial claim; 4102

(b) A requirement that the appeal be investigated and 4103
resolved within twenty-one days after the appeal; 4104

(c) A telephone number at which the pharmacy may contact 4105
the pharmacy benefit manager to speak to a person responsible 4106
for processing appeals; 4107

(d) A requirement that a pharmacy benefit manager provide 4108
a reason for any appeal denial ~~and the identification of,~~ 4109

~~including the national drug code of a drug that may be purchased~~ 4110
~~in this state by the pharmacy in this state from a~~ 4111
~~and the identity of the national or regional wholesaler at a price~~ 4112
~~wholesalers from whom the drug was generally available for~~ 4113
~~purchase at or below the benchmark price determined by the~~ 4114
pharmacy benefit manager; 4115

(e) A requirement that if the appeal is upheld or granted, 4116
then the pharmacy benefit manager shall adjust the drug product 4117
reimbursement to the pharmacy's upheld appeal price; 4118

(f) A requirement that a pharmacy benefit manager make an 4119
adjustment not later than one day after the date of 4120
determination of the appeal. The adjustment shall be retroactive 4121
to the date the appeal was made and shall apply to all situated 4122
pharmacies as determined by the pharmacy benefit manager. This 4123
requirement does not prohibit a pharmacy benefit manager from 4124
retroactively adjusting a claim for the appealing pharmacy or 4125
for any other similarly situated pharmacies. 4126

(B) (1) (a) A pharmacy benefit manager shall disclose to the 4127
plan sponsor whether or not the pharmacy benefit manager uses 4128
the same maximum allowable cost list when billing a plan sponsor 4129
as it does when reimbursing a pharmacy. 4130

(b) If a pharmacy benefit manager uses multiple maximum 4131
allowable cost lists, the pharmacy benefit manager shall 4132
disclose in the aggregate to a plan sponsor any differences 4133
between the amount paid to a pharmacy and the amount charged to 4134
a plan sponsor. 4135

(2) The disclosures required under division (B) (1) of this 4136
section shall be made within ten days of a pharmacy benefit 4137
manager and a plan sponsor signing a contract or ~~within ten days~~ 4138

~~of any applicable update to on a maximum allowable cost list or~~ 4139
~~lists quarterly basis.~~ 4140

(3) (a) Division (B) of this section does not apply to 4141
plans governed by the "Employee Retirement Income Security Act 4142
of 1974," 29 U.S.C. 1001, et seq. or medicare part D. 4143

(b) As used in this division, "medicare part D" means the 4144
voluntary prescription drug benefit program established under 4145
Part D of Title XVIII of the "Social Security Act," 42 U.S.C. 4146
1395w-101, et seq. 4147

(C) Notwithstanding division (B) (5) of section 3959.01 of 4148
the Revised Code, a health insuring corporation or a sickness 4149
and accident insurer shall comply with the requirements of this 4150
section and is subject to the penalties under section 3959.12 of 4151
the Revised Code if the corporation or insurer is a pharmacy 4152
benefit manager, as defined in section 3959.01 of the Revised 4153
Code. 4154

(D) The superintendent of insurance shall adopt rules as 4155
necessary to implement the requirements of this section. 4156

Sec. 4511.191. (A) (1) As used in this section: 4157

(a) "Physical control" has the same meaning as in section 4158
4511.194 of the Revised Code. 4159

(b) "Alcohol monitoring device" means any device that 4160
provides for continuous alcohol monitoring, any ignition 4161
interlock device, any immobilizing or disabling device other 4162
than an ignition interlock device that is constantly available 4163
to monitor the concentration of alcohol in a person's system, or 4164
any other device that provides for the automatic testing and 4165
periodic reporting of alcohol consumption by a person and that a 4166
court orders a person to use as a sanction imposed as a result 4167

of the person's conviction of or plea of guilty to an offense. 4168

(c) "Community addiction services provider" has the same 4169
meaning as in section 5119.01 of the Revised Code. 4170

(2) Any person who operates a vehicle, streetcar, or 4171
trackless trolley upon a highway or any public or private 4172
property used by the public for vehicular travel or parking 4173
within this state or who is in physical control of a vehicle, 4174
streetcar, or trackless trolley shall be deemed to have given 4175
consent to a chemical test or tests of the person's whole blood, 4176
blood serum or plasma, breath, or urine to determine the 4177
alcohol, drug of abuse, controlled substance, metabolite of a 4178
controlled substance, or combination content of the person's 4179
whole blood, blood serum or plasma, breath, or urine if arrested 4180
for a violation of division (A) or (B) of section 4511.19 of the 4181
Revised Code, section 4511.194 of the Revised Code or a 4182
substantially equivalent municipal ordinance, or a municipal OVI 4183
ordinance. 4184

(3) The chemical test or tests under division (A) (2) of 4185
this section shall be administered at the request of a law 4186
enforcement officer having reasonable grounds to believe the 4187
person was operating or in physical control of a vehicle, 4188
streetcar, or trackless trolley in violation of a division, 4189
section, or ordinance identified in division (A) (2) of this 4190
section. The law enforcement agency by which the officer is 4191
employed shall designate which of the tests shall be 4192
administered. 4193

(4) Any person who is dead or unconscious, or who 4194
otherwise is in a condition rendering the person incapable of 4195
refusal, shall be deemed to have consented as provided in 4196
division (A) (2) of this section, and the test or tests may be 4197

administered, subject to sections 313.12 to 313.16 of the 4198
Revised Code. 4199

(5) (a) If a law enforcement officer arrests a person for a 4200
violation of division (A) or (B) of section 4511.19 of the 4201
Revised Code, section 4511.194 of the Revised Code or a 4202
substantially equivalent municipal ordinance, or a municipal OVI 4203
ordinance and if the person if convicted would be required to be 4204
sentenced under division (G) (1) (c), (d), or (e) of section 4205
4511.19 of the Revised Code, the law enforcement officer shall 4206
request the person to submit, and the person shall submit, to a 4207
chemical test or tests of the person's whole blood, blood serum 4208
or plasma, breath, or urine for the purpose of determining the 4209
alcohol, drug of abuse, controlled substance, metabolite of a 4210
controlled substance, or combination content of the person's 4211
whole blood, blood serum or plasma, breath, or urine. A law 4212
enforcement officer who makes a request pursuant to this 4213
division that a person submit to a chemical test or tests is not 4214
required to advise the person of the consequences of submitting 4215
to, or refusing to submit to, the test or tests and is not 4216
required to give the person the form described in division (B) 4217
of section 4511.192 of the Revised Code, but the officer shall 4218
advise the person at the time of the arrest that if the person 4219
refuses to take a chemical test the officer may employ whatever 4220
reasonable means are necessary to ensure that the person submits 4221
to a chemical test of the person's whole blood or blood serum or 4222
plasma. The officer shall also advise the person at the time of 4223
the arrest that the person may have an independent chemical test 4224
taken at the person's own expense. Divisions (A) (3) and (4) of 4225
this section apply to the administration of a chemical test or 4226
tests pursuant to this division. 4227

(b) If a person refuses to submit to a chemical test upon 4228

a request made pursuant to division (A) (5) (a) of this section, 4229
the law enforcement officer who made the request may employ 4230
whatever reasonable means are necessary to ensure that the 4231
person submits to a chemical test of the person's whole blood or 4232
blood serum or plasma. A law enforcement officer who acts 4233
pursuant to this division to ensure that a person submits to a 4234
chemical test of the person's whole blood or blood serum or 4235
plasma is immune from criminal and civil liability based upon a 4236
claim for assault and battery or any other claim for the acts, 4237
unless the officer so acted with malicious purpose, in bad 4238
faith, or in a wanton or reckless manner. 4239

(B) (1) Upon receipt of the sworn report of a law 4240
enforcement officer who arrested a person for a violation of 4241
division (A) or (B) of section 4511.19 of the Revised Code, 4242
section 4511.194 of the Revised Code or a substantially 4243
equivalent municipal ordinance, or a municipal OVI ordinance 4244
that was completed and sent to the registrar of motor vehicles 4245
and a court pursuant to section 4511.192 of the Revised Code in 4246
regard to a person who refused to take the designated chemical 4247
test, the registrar shall enter into the registrar's records the 4248
fact that the person's driver's or commercial driver's license 4249
or permit or nonresident operating privilege was suspended by 4250
the arresting officer under this division and that section and 4251
the period of the suspension, as determined under this section. 4252
The suspension shall be subject to appeal as provided in section 4253
4511.197 of the Revised Code. The suspension shall be for 4254
whichever of the following periods applies: 4255

(a) Except when division (B) (1) (b), (c), or (d) of this 4256
section applies and specifies a different class or length of 4257
suspension, the suspension shall be a class C suspension for the 4258
period of time specified in division (B) (3) of section 4510.02 4259

of the Revised Code. 4260

(b) If the arrested person, within six years of the date 4261
on which the person refused the request to consent to the 4262
chemical test, had refused one previous request to consent to a 4263
chemical test or had been convicted of or pleaded guilty to one 4264
violation of division (A) or (B) of section 4511.19 of the 4265
Revised Code or one other equivalent offense, the suspension 4266
shall be a class B suspension imposed for the period of time 4267
specified in division (B) (2) of section 4510.02 of the Revised 4268
Code. 4269

(c) If the arrested person, within six years of the date 4270
on which the person refused the request to consent to the 4271
chemical test, had refused two previous requests to consent to a 4272
chemical test, had been convicted of or pleaded guilty to two 4273
violations of division (A) or (B) of section 4511.19 of the 4274
Revised Code or other equivalent offenses, or had refused one 4275
previous request to consent to a chemical test and also had been 4276
convicted of or pleaded guilty to one violation of division (A) 4277
or (B) of section 4511.19 of the Revised Code or other 4278
equivalent offenses, which violation or offense arose from an 4279
incident other than the incident that led to the refusal, the 4280
suspension shall be a class A suspension imposed for the period 4281
of time specified in division (B) (1) of section 4510.02 of the 4282
Revised Code. 4283

(d) If the arrested person, within six years of the date 4284
on which the person refused the request to consent to the 4285
chemical test, had refused three or more previous requests to 4286
consent to a chemical test, had been convicted of or pleaded 4287
guilty to three or more violations of division (A) or (B) of 4288
section 4511.19 of the Revised Code or other equivalent 4289

offenses, or had refused a number of previous requests to 4290
consent to a chemical test and also had been convicted of or 4291
pleaded guilty to a number of violations of division (A) or (B) 4292
of section 4511.19 of the Revised Code or other equivalent 4293
offenses that cumulatively total three or more such refusals, 4294
convictions, and guilty pleas, the suspension shall be for five 4295
years. 4296

(2) The registrar shall terminate a suspension of the 4297
driver's or commercial driver's license or permit of a resident 4298
or of the operating privilege of a nonresident, or a denial of a 4299
driver's or commercial driver's license or permit, imposed 4300
pursuant to division (B)(1) of this section upon receipt of 4301
notice that the person has entered a plea of guilty to, or that 4302
the person has been convicted after entering a plea of no 4303
contest to, operating a vehicle in violation of section 4511.19 4304
of the Revised Code or in violation of a municipal OVI 4305
ordinance, if the offense for which the conviction is had or the 4306
plea is entered arose from the same incident that led to the 4307
suspension or denial. 4308

The registrar shall credit against any judicial suspension 4309
of a person's driver's or commercial driver's license or permit 4310
or nonresident operating privilege imposed pursuant to section 4311
4511.19 of the Revised Code, or pursuant to section 4510.07 of 4312
the Revised Code for a violation of a municipal OVI ordinance, 4313
any time during which the person serves a related suspension 4314
imposed pursuant to division (B)(1) of this section. 4315

(C)(1) Upon receipt of the sworn report of the law 4316
enforcement officer who arrested a person for a violation of 4317
division (A) or (B) of section 4511.19 of the Revised Code or a 4318
municipal OVI ordinance that was completed and sent to the 4319

registrar and a court pursuant to section 4511.192 of the 4320
Revised Code in regard to a person whose test results indicate 4321
that the person's whole blood, blood serum or plasma, breath, or 4322
urine contained at least the concentration of alcohol specified 4323
in division (A) (1) (b), (c), (d), or (e) of section 4511.19 of 4324
the Revised Code or at least the concentration of a listed 4325
controlled substance or a listed metabolite of a controlled 4326
substance specified in division (A) (1) (j) of section 4511.19 of 4327
the Revised Code, the registrar shall enter into the registrar's 4328
records the fact that the person's driver's or commercial 4329
driver's license or permit or nonresident operating privilege 4330
was suspended by the arresting officer under this division and 4331
section 4511.192 of the Revised Code and the period of the 4332
suspension, as determined under divisions (C) (1) (a) to (d) of 4333
this section. The suspension shall be subject to appeal as 4334
provided in section 4511.197 of the Revised Code. The suspension 4335
described in this division does not apply to, and shall not be 4336
imposed upon, a person arrested for a violation of section 4337
4511.194 of the Revised Code or a substantially equivalent 4338
municipal ordinance who submits to a designated chemical test. 4339
The suspension shall be for whichever of the following periods 4340
applies: 4341

(a) Except when division (C) (1) (b), (c), or (d) of this 4342
section applies and specifies a different period, the suspension 4343
shall be a class E suspension imposed for the period of time 4344
specified in division (B) (5) of section 4510.02 of the Revised 4345
Code. 4346

(b) The suspension shall be a class C suspension for the 4347
period of time specified in division (B) (3) of section 4510.02 4348
of the Revised Code if the person has been convicted of or 4349
pleaded guilty to, within six years of the date the test was 4350

conducted, one violation of division (A) or (B) of section 4351
4511.19 of the Revised Code or one other equivalent offense. 4352

(c) If, within six years of the date the test was 4353
conducted, the person has been convicted of or pleaded guilty to 4354
two violations of a statute or ordinance described in division 4355
(C) (1) (b) of this section, the suspension shall be a class B 4356
suspension imposed for the period of time specified in division 4357
(B) (2) of section 4510.02 of the Revised Code. 4358

(d) If, within six years of the date the test was 4359
conducted, the person has been convicted of or pleaded guilty to 4360
more than two violations of a statute or ordinance described in 4361
division (C) (1) (b) of this section, the suspension shall be a 4362
class A suspension imposed for the period of time specified in 4363
division (B) (1) of section 4510.02 of the Revised Code. 4364

(2) The registrar shall terminate a suspension of the 4365
driver's or commercial driver's license or permit of a resident 4366
or of the operating privilege of a nonresident, or a denial of a 4367
driver's or commercial driver's license or permit, imposed 4368
pursuant to division (C) (1) of this section upon receipt of 4369
notice that the person has entered a plea of guilty to, or that 4370
the person has been convicted after entering a plea of no 4371
contest to, operating a vehicle in violation of section 4511.19 4372
of the Revised Code or in violation of a municipal OVI 4373
ordinance, if the offense for which the conviction is had or the 4374
plea is entered arose from the same incident that led to the 4375
suspension or denial. 4376

The registrar shall credit against any judicial suspension 4377
of a person's driver's or commercial driver's license or permit 4378
or nonresident operating privilege imposed pursuant to section 4379
4511.19 of the Revised Code, or pursuant to section 4510.07 of 4380

the Revised Code for a violation of a municipal OVI ordinance, 4381
any time during which the person serves a related suspension 4382
imposed pursuant to division (C) (1) of this section. 4383

(D) (1) A suspension of a person's driver's or commercial 4384
driver's license or permit or nonresident operating privilege 4385
under this section for the time described in division (B) or (C) 4386
of this section is effective immediately from the time at which 4387
the arresting officer serves the notice of suspension upon the 4388
arrested person. Any subsequent finding that the person is not 4389
guilty of the charge that resulted in the person being requested 4390
to take the chemical test or tests under division (A) of this 4391
section does not affect the suspension. 4392

(2) If a person is arrested for operating a vehicle, 4393
streetcar, or trackless trolley in violation of division (A) or 4394
(B) of section 4511.19 of the Revised Code or a municipal OVI 4395
ordinance, or for being in physical control of a vehicle, 4396
streetcar, or trackless trolley in violation of section 4511.194 4397
of the Revised Code or a substantially equivalent municipal 4398
ordinance, regardless of whether the person's driver's or 4399
commercial driver's license or permit or nonresident operating 4400
privilege is or is not suspended under division (B) or (C) of 4401
this section or Chapter 4510. of the Revised Code, the person's 4402
initial appearance on the charge resulting from the arrest shall 4403
be held within five days of the person's arrest or the issuance 4404
of the citation to the person, subject to any continuance 4405
granted by the court pursuant to section 4511.197 of the Revised 4406
Code regarding the issues specified in that division. 4407

(E) When it finally has been determined under the 4408
procedures of this section and sections 4511.192 to 4511.197 of 4409
the Revised Code that a nonresident's privilege to operate a 4410

vehicle within this state has been suspended, the registrar 4411
shall give information in writing of the action taken to the 4412
motor vehicle administrator of the state of the person's 4413
residence and of any state in which the person has a license. 4414

(F) At the end of a suspension period under this section, 4415
under section 4511.194, section 4511.196, or division (G) of 4416
section 4511.19 of the Revised Code, or under section 4510.07 of 4417
the Revised Code for a violation of a municipal OVI ordinance 4418
and upon the request of the person whose driver's or commercial 4419
driver's license or permit was suspended and who is not 4420
otherwise subject to suspension, cancellation, or 4421
disqualification, the registrar shall return the driver's or 4422
commercial driver's license or permit to the person upon the 4423
occurrence of all of the conditions specified in divisions (F) 4424
(1) and (2) of this section: 4425

(1) A showing that the person has proof of financial 4426
responsibility, a policy of liability insurance in effect that 4427
meets the minimum standards set forth in section 4509.51 of the 4428
Revised Code, or proof, to the satisfaction of the registrar, 4429
that the person is able to respond in damages in an amount at 4430
least equal to the minimum amounts specified in section 4509.51 4431
of the Revised Code. 4432

(2) Subject to the limitation contained in division (F)(3) 4433
of this section, payment by the person to the registrar or an 4434
eligible deputy registrar of a license reinstatement fee of four 4435
hundred seventy-five dollars, which fee shall be deposited in 4436
the state treasury and credited as follows: 4437

(a) One hundred twelve dollars and fifty cents shall be 4438
credited to the statewide treatment and prevention fund created 4439
by section 4301.30 of the Revised Code. Money credited to the 4440

fund under this section shall be used for purposes identified 4441
under section 5119.22 of the Revised Code. 4442

(b) Seventy-five dollars shall be credited to the 4443
repairs fund created by section 2743.191 of the Revised 4444
Code. 4445

(c) Thirty-seven dollars and fifty cents shall be credited 4446
to the indigent drivers alcohol treatment fund, which is hereby 4447
established in the state treasury. The department of mental 4448
health and addiction services shall distribute the moneys in 4449
that fund to the county indigent drivers alcohol treatment 4450
funds, the county juvenile indigent drivers alcohol treatment 4451
funds, and the municipal indigent drivers alcohol treatment 4452
funds that are required to be established by counties and 4453
municipal corporations pursuant to division (H) of this section 4454
to be used only as provided in division (H) (3) of this section. 4455
Moneys in the fund that are not distributed to a county indigent 4456
drivers alcohol treatment fund, a county juvenile indigent 4457
drivers alcohol treatment fund, or a municipal indigent drivers 4458
alcohol treatment fund under division (H) of this section 4459
because the director of mental health and addiction services 4460
does not have the information necessary to identify the county 4461
or municipal corporation where the offender or juvenile offender 4462
was arrested may be transferred by the director of budget and 4463
management to the statewide treatment and prevention fund 4464
created by section 4301.30 of the Revised Code, upon 4465
certification of the amount by the director of mental health and 4466
addiction services. 4467

(d) Seventy-five dollars shall be credited to the 4468
opportunities for Ohioans with disabilities agency established 4469
by section 3304.15 of the Revised Code, to the services for 4470

rehabilitation fund, which is hereby established. The fund shall 4471
be used to match available federal matching funds where 4472
appropriate, and for any other purpose or program of the agency 4473
to rehabilitate persons with disabilities to help them become 4474
employed and independent. 4475

(e) Seventy-five dollars shall be deposited into the state 4476
treasury and credited to the drug abuse resistance education 4477
programs fund, which is hereby established, to be used by the 4478
attorney general for the purposes specified in division (F) (4) 4479
of this section. 4480

(f) Thirty dollars shall be credited to the state bureau 4481
of motor vehicles fund created by section 4501.25 of the Revised 4482
Code. 4483

(g) Twenty dollars shall be credited to the trauma and 4484
emergency medical services fund created by section 4513.263 of 4485
the Revised Code. 4486

(h) Fifty dollars shall be credited to the indigent 4487
drivers interlock and alcohol monitoring fund, which is hereby 4488
established in the state treasury. Moneys in the fund shall be 4489
distributed by the department of public safety to the county 4490
indigent drivers interlock and alcohol monitoring funds, the 4491
county juvenile indigent drivers interlock and alcohol 4492
monitoring funds, and the municipal indigent drivers interlock 4493
and alcohol monitoring funds that are required to be established 4494
by counties and municipal corporations pursuant to this section, 4495
and shall be used only to pay the cost of an immobilizing or 4496
disabling device, including a certified ignition interlock 4497
device, or an alcohol monitoring device used by an offender or 4498
juvenile offender who is ordered to use the device by a county, 4499
juvenile, or municipal court judge and who is determined by the 4500

county, juvenile, or municipal court judge not to have the means 4501
to pay for the person's use of the device. 4502

(3) If a person's driver's or commercial driver's license 4503
or permit is suspended under this section, under section 4504
4511.196 or division (G) of section 4511.19 of the Revised Code, 4505
under section 4510.07 of the Revised Code for a violation of a 4506
municipal OVI ordinance or under any combination of the 4507
suspensions described in division (F) (3) of this section, and if 4508
the suspensions arise from a single incident or a single set of 4509
facts and circumstances, the person is liable for payment of, 4510
and shall be required to pay to the registrar or an eligible 4511
deputy registrar, only one reinstatement fee of four hundred 4512
seventy-five dollars. The reinstatement fee shall be distributed 4513
by the bureau in accordance with division (F) (2) of this 4514
section. 4515

(4) The attorney general shall use amounts in the drug 4516
abuse resistance education programs fund to award grants to law 4517
enforcement agencies to establish and implement drug abuse 4518
resistance education programs in public schools. Grants awarded 4519
to a law enforcement agency under this section shall be used by 4520
the agency to pay for not more than fifty per cent of the amount 4521
of the salaries of law enforcement officers who conduct drug 4522
abuse resistance education programs in public schools. The 4523
attorney general shall not use more than six per cent of the 4524
amounts the attorney general's office receives under division 4525
(F) (2) (e) of this section to pay the costs it incurs in 4526
administering the grant program established by division (F) (2) 4527
(e) of this section and in providing training and materials 4528
relating to drug abuse resistance education programs. 4529

The attorney general shall report to the governor and the 4530

general assembly each fiscal year on the progress made in 4531
establishing and implementing drug abuse resistance education 4532
programs. These reports shall include an evaluation of the 4533
effectiveness of these programs. 4534

(5) In addition to the reinstatement fee under this 4535
section, if the person pays the reinstatement fee to a deputy 4536
registrar, the deputy registrar shall collect a service fee of 4537
ten dollars to compensate the deputy registrar for services 4538
performed under this section. The deputy registrar shall retain 4539
eight dollars of the service fee and shall transmit the 4540
reinstatement fee, plus two dollars of the service fee, to the 4541
registrar in the manner the registrar shall determine. 4542

(G) Suspension of a commercial driver's license under 4543
division (B) or (C) of this section shall be concurrent with any 4544
period of disqualification under section 3123.611 or 4506.16 of 4545
the Revised Code or any period of suspension under section 4546
3123.58 of the Revised Code. No person who is disqualified for 4547
life from holding a commercial driver's license under section 4548
4506.16 of the Revised Code shall be issued a driver's license 4549
under Chapter 4507. of the Revised Code during the period for 4550
which the commercial driver's license was suspended under 4551
division (B) or (C) of this section. No person whose commercial 4552
driver's license is suspended under division (B) or (C) of this 4553
section shall be issued a driver's license under Chapter 4507. 4554
of the Revised Code during the period of the suspension. 4555

(H) (1) Each county shall establish an indigent drivers 4556
alcohol treatment fund and a juvenile indigent drivers alcohol 4557
treatment fund. Each municipal corporation in which there is a 4558
municipal court shall establish an indigent drivers alcohol 4559
treatment fund. All revenue that the general assembly 4560

appropriates to the indigent drivers alcohol treatment fund for 4561
transfer to a county indigent drivers alcohol treatment fund, a 4562
county juvenile indigent drivers alcohol treatment fund, or a 4563
municipal indigent drivers alcohol treatment fund, all portions 4564
of fees that are paid under division (F) of this section and 4565
that are credited under that division to the indigent drivers 4566
alcohol treatment fund in the state treasury for a county 4567
indigent drivers alcohol treatment fund, a county juvenile 4568
indigent drivers alcohol treatment fund, or a municipal indigent 4569
drivers alcohol treatment fund, all portions of additional costs 4570
imposed under section 2949.094 of the Revised Code that are 4571
specified for deposit into a county, county juvenile, or 4572
municipal indigent drivers alcohol treatment fund by that 4573
section, and all portions of fines that are specified for 4574
deposit into a county or municipal indigent drivers alcohol 4575
treatment fund by section 4511.193 of the Revised Code shall be 4576
deposited into that county indigent drivers alcohol treatment 4577
fund, county juvenile indigent drivers alcohol treatment fund, 4578
or municipal indigent drivers alcohol treatment fund. The 4579
portions of the fees paid under division (F) of this section 4580
that are to be so deposited shall be determined in accordance 4581
with division (H) (2) of this section. Additionally, all portions 4582
of fines that are paid for a violation of section 4511.19 of the 4583
Revised Code or of any prohibition contained in Chapter 4510. of 4584
the Revised Code, and that are required under section 4511.19 or 4585
any provision of Chapter 4510. of the Revised Code to be 4586
deposited into a county indigent drivers alcohol treatment fund 4587
or municipal indigent drivers alcohol treatment fund shall be 4588
deposited into the appropriate fund in accordance with the 4589
applicable division of the section or provision. 4590

(2) That portion of the license reinstatement fee that is 4591

paid under division (F) of this section and that is credited 4592
under that division to the indigent drivers alcohol treatment 4593
fund shall be deposited into a county indigent drivers alcohol 4594
treatment fund, a county juvenile indigent drivers alcohol 4595
treatment fund, or a municipal indigent drivers alcohol 4596
treatment fund as follows: 4597

(a) Regarding a suspension imposed under this section, 4598
that portion of the fee shall be deposited as follows: 4599

(i) If the fee is paid by a person who was charged in a 4600
county court with the violation that resulted in the suspension 4601
or in the imposition of the court costs, the portion shall be 4602
deposited into the county indigent drivers alcohol treatment 4603
fund under the control of that court; 4604

(ii) If the fee is paid by a person who was charged in a 4605
juvenile court with the violation that resulted in the 4606
suspension or in the imposition of the court costs, the portion 4607
shall be deposited into the county juvenile indigent drivers 4608
alcohol treatment fund established in the county served by the 4609
court; 4610

(iii) If the fee is paid by a person who was charged in a 4611
municipal court with the violation that resulted in the 4612
suspension or in the imposition of the court costs, the portion 4613
shall be deposited into the municipal indigent drivers alcohol 4614
treatment fund under the control of that court. 4615

(b) Regarding a suspension imposed under section 4511.19 4616
of the Revised Code or under section 4510.07 of the Revised Code 4617
for a violation of a municipal OVI ordinance, that portion of 4618
the fee shall be deposited as follows: 4619

(i) If the fee is paid by a person whose license or permit 4620

was suspended by a county court, the portion shall be deposited 4621
into the county indigent drivers alcohol treatment fund under 4622
the control of that court; 4623

(ii) If the fee is paid by a person whose license or 4624
permit was suspended by a municipal court, the portion shall be 4625
deposited into the municipal indigent drivers alcohol treatment 4626
fund under the control of that court. 4627

(3) (a) As used in division (H) (3) of this section, 4628
"indigent person" means a person who is convicted of a violation 4629
of division (A) or (B) of section 4511.19 of the Revised Code or 4630
a substantially similar municipal ordinance or found to be a 4631
juvenile traffic offender by reason of a violation of division 4632
(A) or (B) of section 4511.19 of the Revised Code or a 4633
substantially similar municipal ordinance, who is ordered by the 4634
court to attend an alcohol and drug addiction treatment program, 4635
and who is determined by the court under division (H) (5) of this 4636
section to be unable to pay the cost of the assessment or the 4637
cost of attendance at the treatment program. 4638

(b) A county, juvenile, or municipal court judge, by 4639
order, may make expenditures from a county indigent drivers 4640
alcohol treatment fund, a county juvenile indigent drivers 4641
alcohol treatment fund, or a municipal indigent drivers alcohol 4642
treatment fund with respect to an indigent person for any of the 4643
following: 4644

(i) To pay the cost of an assessment that is conducted by 4645
an appropriately licensed clinician at either a driver 4646
intervention program that is certified under section 5119.38 of 4647
the Revised Code or at a community addiction services provider 4648
~~that is whose alcohol and drug addiction services are~~ certified 4649
under section 5119.36 of the Revised Code; 4650

(ii) To pay the cost of alcohol addiction services, drug 4651
addiction services, or integrated alcohol and drug addiction 4652
services at a community addiction services provider ~~that is~~ 4653
whose alcohol and drug addiction services are certified under 4654
section 5119.36 of the Revised Code; 4655

(iii) To pay the cost of transportation to attend an 4656
assessment as provided under division (H) (3) (b) (i) of this 4657
section or addiction services as provided under division (H) (3) 4658
(b) (ii) of this section. 4659

The alcohol and drug addiction services board or the board 4660
of alcohol, drug addiction, and mental health services 4661
established pursuant to section 340.02 or 340.021 of the Revised 4662
Code and serving the alcohol, drug addiction, and mental health 4663
service district in which the court is located shall administer 4664
the indigent drivers alcohol treatment program of the court. 4665
When a court orders an offender or juvenile traffic offender to 4666
obtain an assessment or attend an alcohol and drug addiction 4667
treatment program, the board shall determine which program is 4668
suitable to meet the needs of the offender or juvenile traffic 4669
offender, and when a suitable program is located and space is 4670
available at the program, the offender or juvenile traffic 4671
offender shall attend the program designated by the board. A 4672
reasonable amount not to exceed five per cent of the amounts 4673
credited to and deposited into the county indigent drivers 4674
alcohol treatment fund, the county juvenile indigent drivers 4675
alcohol treatment fund, or the municipal indigent drivers 4676
alcohol treatment fund serving every court whose program is 4677
administered by that board shall be paid to the board to cover 4678
the costs it incurs in administering those indigent drivers 4679
alcohol treatment programs. 4680

(c) Upon exhaustion of moneys in the indigent drivers 4681
interlock and alcohol monitoring fund for the use of an alcohol 4682
monitoring device, a county, juvenile, or municipal court judge 4683
may use moneys in the county indigent drivers alcohol treatment 4684
fund, county juvenile indigent drivers alcohol treatment fund, 4685
or municipal indigent drivers alcohol treatment fund in either 4686
of the following manners: 4687

(i) If the source of the moneys was an appropriation of 4688
the general assembly, a portion of a fee that was paid under 4689
division (F) of this section, a portion of a fine that was 4690
specified for deposit into the fund by section 4511.193 of the 4691
Revised Code, or a portion of a fine that was paid for a 4692
violation of section 4511.19 of the Revised Code or of a 4693
provision contained in Chapter 4510. of the Revised Code that 4694
was required to be deposited into the fund, to pay for the 4695
continued use of an alcohol monitoring device by an offender or 4696
juvenile traffic offender, in conjunction with a treatment 4697
program approved by the department of mental health and 4698
addiction services, when such use is determined clinically 4699
necessary by the treatment program and when the court determines 4700
that the offender or juvenile traffic offender is unable to pay 4701
all or part of the daily monitoring or cost of the device; 4702

(ii) If the source of the moneys was a portion of an 4703
additional court cost imposed under section 2949.094 of the 4704
Revised Code, to pay for the continued use of an alcohol 4705
monitoring device by an offender or juvenile traffic offender 4706
when the court determines that the offender or juvenile traffic 4707
offender is unable to pay all or part of the daily monitoring or 4708
cost of the device. The moneys may be used for a device as 4709
described in this division if the use of the device is in 4710
conjunction with a treatment program approved by the department 4711

of mental health and addiction services, when the use of the 4712
device is determined clinically necessary by the treatment 4713
program, but the use of a device is not required to be in 4714
conjunction with a treatment program approved by the department 4715
in order for the moneys to be used for the device as described 4716
in this division. 4717

(4) If a county, juvenile, or municipal court determines, 4718
in consultation with the alcohol and drug addiction services 4719
board or the board of alcohol, drug addiction, and mental health 4720
services established pursuant to section 340.02 or 340.021 of 4721
the Revised Code and serving the alcohol, drug addiction, and 4722
mental health district in which the court is located, that the 4723
funds in the county indigent drivers alcohol treatment fund, the 4724
county juvenile indigent drivers alcohol treatment fund, or the 4725
municipal indigent drivers alcohol treatment fund under the 4726
control of the court are more than sufficient to satisfy the 4727
purpose for which the fund was established, as specified in 4728
divisions (H) (1) to (3) of this section, the court may declare a 4729
surplus in the fund. If the court declares a surplus in the 4730
fund, the court may take any of the following actions with 4731
regard to the amount of the surplus in the fund: 4732

(a) Expend any of the surplus amount for alcohol and drug 4733
abuse assessment and treatment, and for the cost of 4734
transportation related to assessment and treatment, of persons 4735
who are charged in the court with committing a criminal offense 4736
or with being a delinquent child or juvenile traffic offender 4737
and in relation to whom both of the following apply: 4738

(i) The court determines that substance abuse was a 4739
contributing factor leading to the criminal or delinquent 4740
activity or the juvenile traffic offense with which the person 4741

is charged. 4742

(ii) The court determines that the person is unable to pay 4743
the cost of the alcohol and drug abuse assessment and treatment 4744
for which the surplus money will be used. 4745

(b) Expend any of the surplus amount to pay all or part of 4746
the cost of purchasing alcohol monitoring devices to be used in 4747
conjunction with division (H) (3) (c) of this section, upon 4748
exhaustion of moneys in the indigent drivers interlock and 4749
alcohol monitoring fund for the use of an alcohol monitoring 4750
device. 4751

(c) Transfer to another court in the same county any of 4752
the surplus amount to be utilized in a manner consistent with 4753
division (H) (3) of this section. If surplus funds are 4754
transferred to another court, the court that transfers the funds 4755
shall notify the alcohol and drug addiction services board or 4756
the board of alcohol, drug addiction, and mental health services 4757
that serves the alcohol, drug addiction, and mental health 4758
service district in which that court is located. 4759

(d) Transfer to the alcohol and drug addiction services 4760
board or the board of alcohol, drug addiction, and mental health 4761
services that serves the alcohol, drug addiction, and mental 4762
health service district in which the court is located any of the 4763
surplus amount to be utilized in a manner consistent with 4764
division (H) (3) of this section or for board contracted recovery 4765
support services. 4766

(5) In order to determine if an offender does not have the 4767
means to pay for the offender's attendance at an alcohol and 4768
drug addiction treatment program for purposes of division (H) (3) 4769
of this section or if an alleged offender or delinquent child is 4770

unable to pay the costs specified in division (H) (4) of this 4771
section, the court shall use the indigent client eligibility 4772
guidelines and the standards of indigency established by the 4773
state public defender to make the determination. 4774

(6) The court shall identify and refer any community 4775
addiction services provider that intends to provide alcohol and 4776
drug addiction services and has not had its alcohol and drug 4777
addiction services certified under section 5119.36 of the 4778
Revised Code and that is interested in receiving amounts from 4779
the surplus in the fund declared under division (H) (4) of this 4780
section to the department of mental health and addiction 4781
services in order for the community addiction services provider 4782
to have its alcohol and drug addiction services certified by the 4783
department. The department shall keep a record of applicant 4784
referrals received pursuant to this division and shall submit a 4785
report on the referrals each year to the general assembly. If a 4786
community addiction services provider interested in having its 4787
alcohol and drug addiction services certified makes an 4788
application pursuant to section 5119.36 of the Revised Code, the 4789
community addiction services provider is eligible to receive 4790
surplus funds as long as the application is pending with the 4791
department. The department of mental health and addiction 4792
services must offer technical assistance to the applicant. If 4793
the interested community addiction services provider withdraws 4794
the certification application, the department must notify the 4795
court, and the court shall not provide the interested community 4796
addiction services provider with any further surplus funds. 4797

(7) (a) Each alcohol and drug addiction services board and 4798
board of alcohol, drug addiction, and mental health services 4799
established pursuant to section 340.02 or 340.021 of the Revised 4800
Code shall submit to the department of mental health and 4801

addiction services an annual report for each indigent drivers 4802
alcohol treatment fund in that board's area. 4803

(b) The report, which shall be submitted not later than 4804
sixty days after the end of the state fiscal year, shall provide 4805
the total payment that was made from the fund, including the 4806
number of indigent consumers that received treatment services 4807
and the number of indigent consumers that received an alcohol 4808
monitoring device. The report shall identify the treatment 4809
program and expenditure for an alcohol monitoring device for 4810
which that payment was made. The report shall include the fiscal 4811
year balance of each indigent drivers alcohol treatment fund 4812
located in that board's area. In the event that a surplus is 4813
declared in the fund pursuant to division (H) (4) of this 4814
section, the report also shall provide the total payment that 4815
was made from the surplus moneys and identify the authorized 4816
purpose for which that payment was made. 4817

(c) If a board is unable to obtain adequate information to 4818
develop the report to submit to the department for a particular 4819
indigent drivers alcohol treatment fund, the board shall submit 4820
a report detailing the effort made in obtaining the information. 4821

(I) (1) Each county shall establish an indigent drivers 4822
interlock and alcohol monitoring fund and a juvenile indigent 4823
drivers interlock and alcohol treatment fund. Each municipal 4824
corporation in which there is a municipal court shall establish 4825
an indigent drivers interlock and alcohol monitoring fund. All 4826
revenue that the general assembly appropriates to the indigent 4827
drivers interlock and alcohol monitoring fund for transfer to a 4828
county indigent drivers interlock and alcohol monitoring fund, a 4829
county juvenile indigent drivers interlock and alcohol 4830
monitoring fund, or a municipal indigent drivers interlock and 4831

alcohol monitoring fund, all portions of license reinstatement 4832
fees that are paid under division (F) (2) of this section and 4833
that are credited under that division to the indigent drivers 4834
interlock and alcohol monitoring fund in the state treasury, and 4835
all portions of fines that are paid under division (G) of 4836
section 4511.19 of the Revised Code and that are credited by 4837
division (G) (5) (e) of that section to the indigent drivers 4838
interlock and alcohol monitoring fund in the state treasury 4839
shall be deposited in the appropriate fund in accordance with 4840
division (I) (2) of this section. 4841

(2) That portion of the license reinstatement fee that is 4842
paid under division (F) of this section and that portion of the 4843
fine paid under division (G) of section 4511.19 of the Revised 4844
Code and that is credited under either division to the indigent 4845
drivers interlock and alcohol monitoring fund shall be deposited 4846
into a county indigent drivers interlock and alcohol monitoring 4847
fund, a county juvenile indigent drivers interlock and alcohol 4848
monitoring fund, or a municipal indigent drivers interlock and 4849
alcohol monitoring fund as follows: 4850

(a) If the fee or fine is paid by a person who was charged 4851
in a county court with the violation that resulted in the 4852
suspension or fine, the portion shall be deposited into the 4853
county indigent drivers interlock and alcohol monitoring fund 4854
under the control of that court. 4855

(b) If the fee or fine is paid by a person who was charged 4856
in a juvenile court with the violation that resulted in the 4857
suspension or fine, the portion shall be deposited into the 4858
county juvenile indigent drivers interlock and alcohol 4859
monitoring fund established in the county served by the court. 4860

(c) If the fee or fine is paid by a person who was charged 4861

in a municipal court with the violation that resulted in the 4862
suspension, the portion shall be deposited into the municipal 4863
indigent drivers interlock and alcohol monitoring fund under the 4864
control of that court. 4865

(3) If a county, juvenile, or municipal court determines 4866
that the funds in the county indigent drivers interlock and 4867
alcohol monitoring fund, the county juvenile indigent drivers 4868
interlock and alcohol monitoring fund, or the municipal indigent 4869
drivers interlock and alcohol monitoring fund under the control 4870
of that court are more than sufficient to satisfy the purpose 4871
for which the fund was established as specified in division (F) 4872
(2) (h) of this section, the court may declare a surplus in the 4873
fund. The court then may order the transfer of a specified 4874
amount into the county indigent drivers alcohol treatment fund, 4875
the county juvenile indigent drivers alcohol treatment fund, or 4876
the municipal indigent drivers alcohol treatment fund under the 4877
control of that court to be utilized in accordance with division 4878
(H) of this section. 4879

Sec. 4729.06. The state board of pharmacy shall keep a 4880
record of its proceedings and a register of all ~~persons to whom~~ 4881
~~identification cards and~~, licenses, and registrations that have 4882
been granted ~~as pharmacists or pharmacy interns~~, together with 4883
each renewal and suspension or revocation of an identification 4884
card ~~and~~, license, or registration. The books and registers of 4885
the board shall be prima-facie evidence of the matters therein 4886
recorded. The books and registers may be in electronic format. 4887

The president and executive director of the board may 4888
administer oaths. 4889

A statement signed by the executive director to which is 4890
affixed the official seal of the board to the effect that it 4891

appears from the records of the board that the board has not 4892
issued an identification card ~~and, license to practice~~ 4893
~~pharmacy, or any of its branches, or registration~~ to the person 4894
specified in the statement, or that an identification card ~~and, license,~~ 4895
~~or registration,~~ if issued, has been revoked or 4896
suspended, or the holder has been subjected to disciplinary 4897
action by the board shall be received as prima-facie evidence of 4898
the record of the board in any court or before any officer of 4899
this state. 4900

Sec. 4729.071. (A) As used in this section, "license" and 4901
"applicant for an initial license" have the same meanings as in 4902
section 4776.01 of the Revised Code, except that "license" as 4903
used in both of those terms refers to the types of 4904
authorizations otherwise issued or conferred under this chapter. 4905

(B) In addition to any other eligibility requirement set 4906
forth in this chapter, each applicant for an initial license 4907
shall comply with sections 4776.01 to 4776.04 of the Revised 4908
Code. The state board of pharmacy shall not grant a license to 4909
an applicant for an initial license unless the applicant 4910
complies with sections 4776.01 to 4776.04 of the Revised Code 4911
and the board, in its discretion, decides that the results of 4912
the criminal records check do not make the applicant ineligible 4913
for a license issued pursuant to section 4729.08, 4729.09, 4914
4729.11, ~~or 4729.552,~~ or 4729.553 of the Revised Code. 4915

Sec. 4729.10. The state board of pharmacy may adopt rules 4916
under section 4729.26 of the Revised Code requiring a licensee 4917
or registrant under this chapter to report to the board a 4918
violation of state or federal law, including any rule adopted 4919
under this chapter. 4920

In the absence of fraud or bad faith, a person who reports 4921

under this section or testifies in any adjudication conducted 4922
under Chapter 119. of the Revised Code is not liable to any 4923
person for damages in a civil action as a result of the report 4924
or testimony. 4925

Sec. 4729.16. (A) (1) The state board of pharmacy, after 4926
notice and hearing in accordance with Chapter 119. of the 4927
Revised Code, may ~~revoke,~~ impose any one or more of the 4928
following sanctions on a pharmacist or pharmacy intern if the 4929
board finds the individual engaged in any of the conduct set 4930
forth in division (A) (2) of this section: 4931

(a) Revoke, suspend, restrict, limit, or refuse to grant 4932
or renew a license; 4933

(b) Reprimand or place the license holder on probation, ~~or~~ 4934
~~refuse to grant or renew an identification card, or may impose ;~~ 4935

(c) Impose a monetary penalty or forfeiture not to exceed 4936
in severity any fine designated under the Revised Code for a 4937
similar offense, or in the case of a violation of a section of 4938
the Revised Code that does not bear a penalty, a monetary 4939
penalty or forfeiture of not more than five hundred dollars~~;~~. 4940

(2) The board may impose the sanctions listed in division 4941
(A) (1) of this section if the board finds a pharmacist or 4942
pharmacy intern: 4943

~~(1) Guilty of a felony or gross immorality;~~ 4944

~~(2) Guilty of~~ (a) Has been convicted of a felony, or a 4945
crime of moral turpitude, as defined in section 4776.10 of the 4946
Revised Code; 4947

(b) Engaged in dishonesty or unprofessional conduct in the 4948
practice of pharmacy; 4949

~~(3) Addicted~~ (c) Is addicted to or abusing alcohol or 4950
drugs or is impaired physically or mentally to such a degree as 4951
to render the pharmacist or pharmacy intern unfit to practice 4952
pharmacy; 4953

~~(4) (d)~~ Has been convicted of a misdemeanor related to, or 4954
committed in, the practice of pharmacy; 4955

~~(5) Guilty of willfully violating, conspiring~~ (e) 4956
Violated, conspired to violate, ~~attempting~~ attempted to violate, 4957
or ~~aiding and abetting~~ aided and abetted the violation of any of 4958
the provisions of this chapter, sections 3715.52 to 3715.72 of 4959
the Revised Code, Chapter 2925. or 3719. of the Revised Code, or 4960
any rule adopted by the board under those provisions; 4961

~~(6) Guilty of permitting anyone~~ (f) Permitted someone 4962
other than a pharmacist or pharmacy intern to practice pharmacy; 4963

~~(7) Guilty of knowingly lending~~ (g) Knowingly lent the 4964
pharmacist's or pharmacy intern's name to an illegal 4965
practitioner of pharmacy or ~~having had a~~ professional connection 4966
with an illegal practitioner of pharmacy; 4967

~~(8) Guilty of dividing~~ (h) Divided or agreeing agreed to 4968
divide remuneration made in the practice of pharmacy with any 4969
other individual, including, but not limited to, any licensed 4970
health professional authorized to prescribe drugs or any owner, 4971
manager, or employee of a health care facility, residential care 4972
facility, or nursing home; 4973

~~(9) Has violated~~ (i) Violated the terms of a consult 4974
agreement entered into pursuant to section 4729.39 of the 4975
Revised Code; 4976

~~(10) Has committed~~ (j) Committed fraud, misrepresentation, 4977
or deception in applying for or securing a license or 4978

identification card issued by the board under this chapter or 4979
under Chapter 3715. or 3719. of the Revised Code; 4980

(k) Failed to comply with an order of the board or a 4981
settlement agreement; 4982

(l) Engaged in any other conduct for which the board may 4983
impose discipline as set forth in rules adopted under section 4984
4729.26 of the Revised Code. 4985

(B) Any individual whose identification card or license is 4986
revoked, suspended, or refused, shall return the identification 4987
card and license to the offices of the state board of pharmacy 4988
within ten days after receipt of notice of such action. 4989

(C) As used in this section: 4990

"Unprofessional conduct in the practice of pharmacy" 4991
includes any of the following: 4992

(1) Advertising or displaying signs that promote dangerous 4993
drugs to the public in a manner that is false or misleading; 4994

(2) Except as provided in section 4729.281 or 4729.44 of 4995
the Revised Code, the dispensing or sale of any drug for which a 4996
prescription is required, without having received a prescription 4997
for the drug; 4998

(3) Knowingly dispensing medication pursuant to false or 4999
forged prescriptions; 5000

(4) Knowingly failing to maintain complete and accurate 5001
records of all dangerous drugs received or dispensed in 5002
compliance with federal laws and regulations and state laws and 5003
rules; 5004

(5) Obtaining any remuneration by fraud, 5005

misrepresentation, or deception; 5006

(6) Failing to conform to prevailing standards of care of 5007
similar pharmacists or pharmacy interns under the same or 5008
similar circumstances, whether or not actual injury to a patient 5009
is established; 5010

(7) Engaging in any other conduct that the board specifies 5011
as unprofessional conduct in the practice of pharmacy in rules 5012
adopted under section 4729.26 of the Revised Code. 5013

(D) The board may suspend a license or identification card 5014
under division (B) of section 3719.121 of the Revised Code by 5015
utilizing a telephone conference call to review the allegations 5016
and take a vote. 5017

~~(E) If, pursuant to an adjudication under Chapter 119. of~~ 5018
~~the Revised Code, For purposes of this division, an individual~~ 5019
authorized to practice as a pharmacist or pharmacy intern 5020
accepts the privilege of practicing in this state subject to 5021
supervision by the board. By filing an application for or 5022
holding a license to practice as a pharmacist or pharmacy 5023
intern, an individual gives consent to submit to a mental or 5024
physical examination when ordered to do so by the board in 5025
writing and waives all objections to the admissibility of 5026
testimony or examination reports that constitute privileged 5027
communications. 5028

If the board has reasonable cause to believe that an 5029
individual who is a pharmacist or pharmacy intern is physically 5030
or mentally impaired, the board may require the ~~pharmacist or~~ 5031
~~pharmacy intern~~ individual to submit to a physical or mental 5032
examination, or both. The expense of the examination is the 5033
responsibility of the individual required to be examined. 5034

Failure of an individual who is a pharmacist or pharmacy intern to submit to a physical or mental examination ordered by the board, unless the failure is due to circumstances beyond the individual's control, constitutes an admission of the allegations and a suspension order shall be entered without the taking of testimony or presentation of evidence. Any subsequent adjudication hearing under Chapter 119. of the Revised Code concerning failure to submit to an examination is limited to consideration of whether the failure was beyond the individual's control. 5035
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If, based on the results of an examination ordered under this division, the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license to practice, to submit to a physical or mental examination and treatment. 5045
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An order of suspension issued under this division shall not be subject to suspension by a court during pendency of any appeal filed under section 119.12 of the Revised Code. 5052
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(F) If the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant or licensee does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division (A) of this section. 5055
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(G) Notwithstanding the provision of division (C) (2) of section 2953.32 of the Revised Code specifying that if records 5063
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pertaining to a criminal case are sealed under that section the 5065
proceedings in the case must be deemed not to have occurred, 5066
sealing of the following records on which the board has based an 5067
action under this section shall have no effect on the board's 5068
action or any sanction imposed by the board under this section: 5069
records of any conviction, guilty plea, judicial finding of 5070
guilt resulting from a plea of no contest, or a judicial finding 5071
of eligibility for a pretrial diversion program or intervention 5072
in lieu of conviction. The board shall not be required to seal, 5073
destroy, redact, or otherwise modify its records to reflect the 5074
court's sealing of conviction records. 5075

(H) No pharmacist or pharmacy intern shall knowingly 5076
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 5077
(e) to (l) of this section. 5078

Sec. 4729.18. The state board of pharmacy shall adopt 5079
rules in accordance with Chapter 119. of the Revised Code 5080
establishing standards for approving and designating physicians 5081
and facilities as treatment providers for pharmacists with 5082
substance abuse problems and shall approve and designate 5083
treatment providers in accordance with the rules. The rules 5084
shall include standards for both inpatient and outpatient 5085
treatment. The rules shall provide that to be approved, a 5086
treatment provider must be capable of making an initial 5087
examination to determine the type of treatment required for a 5088
pharmacist with substance abuse problems. Subject to the rules, 5089
the board shall review and approve treatment providers on a 5090
regular basis and may, at its discretion, withdraw or deny 5091
approval. 5092

An approved treatment provider shall: 5093

(A) Report to the board the name of any pharmacist 5094

suffering or showing evidence of suffering impairment by reason 5095
of being addicted to or abusing alcohol or drugs as described in 5096
division (A) ~~(3)~~ (2) (c) of section 4729.16 of the Revised Code who 5097
fails to comply within one week with a referral for examination; 5098

(B) Report to the board the name of any impaired 5099
pharmacist who fails to enter treatment within forty-eight hours 5100
following the provider's determination that the pharmacist needs 5101
treatment; 5102

(C) Require every pharmacist who enters treatment to agree 5103
to a treatment contract establishing the terms of treatment and 5104
aftercare, including any required supervision or restrictions of 5105
practice during treatment or aftercare; 5106

(D) Require a pharmacist to suspend practice on entering 5107
any required inpatient treatment; 5108

(E) Report to the board any failure by an impaired 5109
pharmacist to comply with the terms of the treatment contract 5110
during inpatient or outpatient treatment or aftercare; 5111

(F) Report to the board the resumption of practice of any 5112
impaired pharmacist before the treatment provider has made a 5113
clear determination that the pharmacist is capable of practicing 5114
according to acceptable and prevailing standards; 5115

(G) Require a pharmacist who resumes practice after 5116
completion of treatment to comply with an aftercare contract 5117
that meets the requirements of rules adopted by the board for 5118
approval of treatment providers; 5119

(H) Report to the board any pharmacist who suffers a 5120
relapse at any time during or following aftercare. 5121

Any pharmacist who enters into treatment by an approved 5122

treatment provider shall be deemed to have waived any 5123
confidentiality requirements that would otherwise prevent the 5124
treatment provider from making reports required under this 5125
section. 5126

In the absence of fraud or bad faith, no professional 5127
association of pharmacists licensed under this chapter that 5128
sponsors a committee or program to provide peer assistance to 5129
pharmacists with substance abuse problems, no representative or 5130
agent of such a committee or program, and no member of the state 5131
board of pharmacy shall be liable to any person for damages in a 5132
civil action by reason of actions taken to refer a pharmacist to 5133
a treatment provider designated by the board or actions or 5134
omissions of the provider in treating a pharmacist. 5135

In the absence of fraud or bad faith, no person who 5136
reports to the board a pharmacist with a suspected substance 5137
abuse problem shall be liable to any person for damages in a 5138
civil action as a result of the report. 5139

Sec. 4729.19. Notwithstanding division (B) (4) of section 5140
2317.02 of the Revised Code, a pharmacist, pharmacy intern, 5141
pharmacy technician trainee, registered pharmacy technician, 5142
certified pharmacy technician, licensed terminal distributor of 5143
dangerous drugs, or registered wholesale distributor of 5144
dangerous drugs shall cooperate with federal, state, and local 5145
government investigations and shall divulge all relevant 5146
information when requested by a government agency. 5147

Sec. 4729.291. (A) When a licensed health professional 5148
authorized to prescribe drugs personally furnishes drugs to a 5149
patient pursuant to division (B) of section 4729.29 of the 5150
Revised Code, the prescriber shall ensure that the drugs are 5151
labeled and packaged in accordance with state and federal drug 5152

laws and any rules and regulations adopted pursuant to those 5153
laws. Records of purchase and disposition of all drugs 5154
personally furnished to patients shall be maintained by the 5155
prescriber in accordance with state and federal drug statutes 5156
and any rules adopted pursuant to those statutes. 5157

(B) When personally furnishing to a patient RU-486 5158
(mifepristone), a prescriber is subject to section 2919.123 of 5159
the Revised Code. A prescription for RU-486 (mifepristone) shall 5160
be in writing and in accordance with section 2919.123 of the 5161
Revised Code. 5162

(C) (1) Except as provided in divisions (D) and (E) of this 5163
section, no prescriber shall do either of the following: 5164

(a) In any thirty-day period, personally furnish to or for 5165
patients, taken as a whole, controlled substances in an amount 5166
that exceeds a total of two thousand five hundred dosage units; 5167

(b) In any seventy-two-hour period, personally furnish to 5168
or for a patient an amount of a controlled substance that 5169
exceeds the amount necessary for the patient's use in a seventy- 5170
two-hour period. 5171

(2) The state board of pharmacy may impose a fine of not 5172
more than five thousand dollars on a prescriber who fails to 5173
comply with the limits established under division (C) (1) of this 5174
section. A separate fine may be imposed for each instance of 5175
failing to comply with the limits. In imposing the fine, the 5176
board's actions shall be taken in accordance with Chapter 119. 5177
of the Revised Code. 5178

(D) None of the following shall be counted in determining 5179
whether the amounts specified in division (C) (1) of this section 5180
have been exceeded: 5181

(1) Methadone personally furnished to patients for the 5182
purpose of treating drug dependence or addiction, if the 5183
prescriber meets the conditions specified in 21 C.F.R. 1306.07; 5184

(2) Buprenorphine personally furnished to patients for the 5185
purpose of treating drug dependence or addiction as part of an 5186
opioid treatment program that possesses a terminal distributor 5187
of dangerous drugs license issued under section 4729.54 of the 5188
Revised Code, is the subject of a current, valid certification 5189
from the substance abuse and mental health services 5190
administration of the United States department of health and 5191
human services pursuant to 42 C.F.R. 8.11, and meets either of 5192
the following criteria: 5193

(a) Buprenorphine and methadone are personally furnished 5194
by physicians treating patients participating in the program. 5195

(b) Buprenorphine, but not methadone, is personally 5196
furnished by physicians treating patients participating in the 5197
program, the program is accredited by a national accrediting 5198
organization approved by the substance abuse and mental health 5199
services administration, the service of personally furnishing 5200
buprenorphine has, notwithstanding section ~~5119.371~~ 5119.361 of 5201
the Revised Code, been certified by the department of mental 5202
health and addiction services under section 5119.36 of the 5203
Revised Code, and the program maintains in the record of a 5204
patient to whom buprenorphine has been administered or 5205
personally furnished a copy of the physician's signed and dated 5206
written order for that act. 5207

(c) Controlled substances personally furnished to research 5208
subjects by a facility conducting clinical research in studies 5209
approved by a hospital-based institutional review board or an 5210
institutional review board accredited by the association for the 5211

accreditation of human research protection programs. 5212

(E) Division (C) (1) of this section does not apply to a 5213
prescriber who is a veterinarian. 5214

Sec. 4729.38. (A) Unless instructed otherwise by the 5215
person receiving the drug pursuant to the prescription, a 5216
pharmacist filling a prescription for a drug prescribed by its 5217
brand name may select a generically equivalent drug, as defined 5218
in section 3715.01 of the Revised Code, subject to the following 5219
conditions: 5220

(1) The pharmacist shall not select a generically 5221
equivalent drug if the prescriber handwrites "dispense as 5222
written," or "D.A.W.," on the written prescription, or, when 5223
ordering a prescription electronically or orally, the prescriber 5224
specifies that the prescribed drug is medically necessary. These 5225
designations shall not be preprinted or stamped on the 5226
prescription. Division (A) (1) of this section does not preclude 5227
a reminder of the procedure required to prohibit the selection 5228
of a generically equivalent drug from being preprinted on the 5229
prescription. 5230

(2) The pharmacist shall not select a generically 5231
equivalent drug unless its price to the patient is less than or 5232
equal to the price of the prescribed drug. 5233

(3) The pharmacist, or the pharmacist's agent, assistant, 5234
or employee shall inform the patient or the patient's agent if a 5235
generically equivalent drug is available at a lower or equal 5236
cost, and of the person's right to refuse the drug selected. 5237
Division (A) (3) of this section does not apply to any: 5238

(a) Prescription that is billed to any agency, division, 5239
or department of this state which will reimburse the pharmacy; 5240

(b) Prescriptions for patients of a hospital, nursing 5241
home, or similar patient care facility. 5242

(B) Unless the prescriber instructs otherwise, the label 5243
for every drug dispensed shall include the drug's brand name, if 5244
any, or its generic name and the name of the distributor, using 5245
abbreviations if necessary. When dispensing at retail a 5246
generically equivalent drug for the brand name drug prescribed, 5247
the pharmacist shall indicate on the drug's label or container 5248
that a generic substitution was made. The labeling requirements 5249
established by this division are in addition to all other 5250
labeling requirements of Chapter 3715. of the Revised Code. 5251

(C) A pharmacist who selects a generically equivalent drug 5252
pursuant to this section assumes no greater liability for 5253
selecting the dispensed drug than would be incurred in filling a 5254
prescription for a drug prescribed by its brand name. 5255

(D) The failure of a prescriber to restrict a prescription 5256
by specifying "dispense as written," or "D.A.W.," pursuant to 5257
division (A) (1) of this section shall not constitute evidence of 5258
the prescriber's negligence unless the prescriber had reasonable 5259
cause to believe that the health condition of the patient for 5260
whom the drug was intended warranted the prescription of a 5261
specific brand name drug and no other. No prescriber shall be 5262
liable for civil damages or in any criminal prosecution arising 5263
from the interchange of a generically equivalent drug for a 5264
prescribed brand name drug by a pharmacist, unless the 5265
prescribed brand name drug would have reasonably caused the same 5266
loss, damage, injury, or death. 5267

(E) No pharmacist shall knowingly engage in conduct that 5268
is prohibited by division (A) or (B) of this section. 5269

Sec. 4729.40. (A) (1) (a) The state board of pharmacy may 5270
designate one or more attorneys at law who have been admitted to 5271
the practice of law, and who are classified as either 5272
administrative law attorney examiners or as administrative law 5273
attorney examiner administrators under the state job 5274
classification plan adopted under section 124.14 of the Revised 5275
Code, as hearing examiners, subject to Chapter 119. of the 5276
Revised Code, to conduct any hearing the board is empowered to 5277
hold or undertake pursuant to Chapter 119. of the Revised Code. 5278

(b) Notwithstanding the requirement of division (A) (1) (a) 5279
of this section that the board designate as a hearing examiner 5280
an attorney who is classified as either an administrative law 5281
attorney examiner or an administrative law attorney examiner 5282
administrator, the board may, subject to section 127.16 of the 5283
Revised Code, enter into a personal service contract with an 5284
attorney admitted to the practice of law in this state to serve 5285
as a hearing examiner. 5286

(2) The hearing examiner shall hear and consider the oral 5287
and documented evidence introduced by the parties and issue in 5288
writing proposed findings of fact and conclusions of law to the 5289
board for their consideration within thirty days following the 5290
close of the hearing. 5291

(B) The board shall be given copies of the transcript of 5292
the hearing record and all exhibits and documents presented by 5293
the parties at the hearing. 5294

(C) The board shall render a decision and take action 5295
within ninety days following the receipt of the hearing 5296
examiner's proposed findings of fact and conclusions of law. 5297

(D) The final decision of the board in any hearing shall 5298

be in writing and contain findings of fact and conclusions of 5299
law. Copies of the decision shall be delivered to the parties 5300
personally or by certified mail. The decision is final on 5301
delivery or mailing, but may be appealed as provided by Chapter 5302
119. of the Revised Code. 5303

Sec. 4729.45. (A) As used in this section, "opioid 5304
analgesic" has the same meaning as in section 3719.01 of the 5305
Revised Code. 5306

(B) Except as provided in division (C) of this section or 5307
in any rules adopted under division (D) of this section, all of 5308
the following apply with respect to a prescription for an opioid 5309
analgesic to be used by an individual on an outpatient basis: 5310

(1) A pharmacist, pharmacy intern, or terminal distributor 5311
of dangerous drugs shall not dispense or sell the opioid 5312
analgesic in an amount that exceeds a ninety-day supply, as 5313
determined according to the prescription's directions for use of 5314
the drug, regardless of whether the prescription was issued for 5315
a greater amount. 5316

(2) Except as provided in division (B)(3) of this section, 5317
a pharmacist, pharmacy intern, or terminal distributor of 5318
dangerous drugs shall not dispense or sell the opioid analgesic 5319
if more than fourteen days have elapsed since the prescription 5320
was issued. 5321

(3) A pharmacist, pharmacy intern, or terminal distributor 5322
of dangerous drugs may dispense or sell the opioid analgesic 5323
after more than fourteen days have elapsed since the 5324
prescription was issued if all of the following apply: 5325

(a) The prescription is one of multiple prescriptions for 5326
the drug issued by a single prescriber to the patient on a 5327

single day. 5328

(b) When combined, the prescriptions do not authorize the 5329
patient to receive an amount that exceeds a ninety-day supply of 5330
the drug, as determined according to the prescriptions' 5331
directions for use of the drug. 5332

(c) The prescriber has provided written instructions on 5333
the prescription indicating the earliest date on which the 5334
prescription may be filled. 5335

(d) Not more than fourteen days have elapsed since the 5336
date described in division (B) (3) (c) of this section. 5337

(C) Division (B) of this section does not apply when a 5338
pharmacist, pharmacy intern, or terminal distributor of 5339
dangerous drugs dispenses or sells an opioid analgesic to be 5340
delivered outside of this state by mail, parcel post, or common 5341
carrier to a patient who resides outside of this state. 5342

(D) The state board of pharmacy may adopt rules 5343
establishing an amount that is less than the ninety-day supply 5344
described in division (B) (1) of this section or a period that is 5345
less than the fourteen-day period described in division (B) (2) 5346
of this section. The rules shall be adopted in accordance with 5347
Chapter 119. of the Revised Code. 5348

Sec. 4729.51. ~~(A) (1) Except as provided in division (A) (2)~~ 5349
~~of this section, no~~ No person other than a registered wholesale 5350
distributor of dangerous drugs shall possess for sale, sell, 5351
distribute, or deliver, at wholesale, dangerous drugs, except as 5352
follows: 5353

~~(a) (1) A pharmacist who is a licensed terminal~~ 5354
~~distributor of dangerous drugs or who is employed by a licensed~~ 5355
~~terminal distributor of dangerous drugs that is a pharmacy may~~ 5356

make occasional sales of dangerous drugs at wholesale. 5357

~~(b) (2) A licensed terminal distributor of dangerous drugs 5358
having more than one establishment or place licensed location 5359
may transfer or deliver dangerous drugs from one establishment- 5360
or place for which a license has been issued to the terminal- 5361
distributor licensed location to another establishment or place- 5362
for which a license has been issued to licensed location owned 5363
by the terminal distributor if the license issued for each 5364
establishment or place location is in effect at the time of the 5365
transfer or delivery. 5366~~

~~(e) (3) A licensed terminal distributor of dangerous drugs 5367
that is not a pharmacy may make occasional sales of naloxone at 5368
wholesale to a state or local law enforcement agency if the- 5369
terminal distributor is any of the following:- 5370~~

~~(i) A board of health of a city or general health 5371
district;- 5372~~

~~(ii) An authority having the duties of a board of health- 5373
under section 3709.05 of the Revised Code;- 5374~~

~~(iii) A health department operated by such a board or 5375
authority.- 5376~~

~~(2) A manufacturer of dangerous drugs may donate inhalers,- 5377
as defined in section 3313.7113 of the Revised Code, and 5378
epinephrine autoinjectors to any of the following:- 5379~~

~~(a) The board of education of a city, local, exempted 5380
village, or joint vocational school district;- 5381~~

~~(b) A community school established under Chapter 3314. of 5382
the Revised Code;- 5383~~

~~(c) A STEM school established under Chapter 3326. of the 5384~~

Revised Code;	5385
(d) A college preparatory boarding school established under Chapter 3328. of the Revised Code;	5386
(e) A chartered or nonchartered nonpublic school.	5387
(B) (1) No registered wholesale distributor of dangerous drugs shall possess for sale, or sell, or distribute, at wholesale, dangerous drugs to any person other than the following:	5388
(a) Except as provided in division (B) (2) (a) of this section and division (B) of section 4729.541 of the Revised Code, a licensed health professional authorized to prescribe drugs;	5389
(b) An optometrist licensed under Chapter 4725. of the Revised Code who holds a topical ocular pharmaceutical agents certificate;	5390
(c) (1) Subject to division (D) of this section, a licensed terminal distributor of dangerous drugs;	5391
(2) Subject to division (C) of this section, any person exempt from licensure as a terminal distributor of dangerous drugs under section 4729.541 of the Revised Code;	5392
(3) A registered wholesale distributor of dangerous drugs;	5393
(d) A manufacturer of dangerous drugs;	5394
(e) Subject to division (B) (3) of this section, a licensed terminal distributor of dangerous drugs;	5395
(f) Carriers or warehouses for the purpose of carriage or storage;	5396
(g) Terminal (4) A terminal or wholesale distributors	5397
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distributor of dangerous drugs who are that is located in 5412
another state, is not engaged in the sale of dangerous drugs 5413
within this state, and is actively licensed to engage in the 5414
sale of dangerous drugs by the state in which the distributor 5415
conducts business. 5416

~~(h) An individual who holds a current license,~~ 5417
~~certificate, or registration issued under Title XLVII of the~~ 5418
~~Revised Code and has been certified to conduct diabetes~~ 5419
~~education by a national certifying body specified in rules~~ 5420
~~adopted by the state board of pharmacy under section 4729.68 of~~ 5421
~~the Revised Code, but only with respect to insulin that will be~~ 5422
~~used for the purpose of diabetes education and only if diabetes~~ 5423
~~education is within the individual's scope of practice under~~ 5424
~~statutes and rules regulating the individual's profession;~~ 5425

~~(i) An individual who holds a valid certificate issued by~~ 5426
~~a nationally recognized S.C.U.B.A. diving certifying~~ 5427
~~organization approved by the state board of pharmacy in rule,~~ 5428
~~but only with respect to medical oxygen that will be used for~~ 5429
~~the purpose of emergency care or treatment at the scene of a~~ 5430
~~diving emergency;~~ 5431

~~(j) Except as provided in division (B) (2) (b) of this~~ 5432
~~section and division (A) of section 4729.541 of the Revised~~ 5433
~~Code, a business entity that is a corporation formed under~~ 5434
~~division (B) of section 1701.03 of the Revised Code, a limited~~ 5435
~~liability company formed under Chapter 1705. of the Revised~~ 5436
~~Code, or a professional association formed under Chapter 1785.~~ 5437
~~of the Revised Code if the entity has a sole shareholder who is~~ 5438
~~a licensed health professional authorized to prescribe drugs and~~ 5439
~~is authorized to provide the professional services being offered~~ 5440
~~by the entity;~~ 5441

~~(k) Except as provided in division (B) (2) (c) of this section and division (A) of section 4729.541 of the Revised Code, a business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership or a limited liability partnership formed under Chapter 1775. of the Revised Code, or a professional association formed under Chapter 1785. of the Revised Code, if, to be a shareholder, member, or partner, an individual is required to be licensed, certified, or otherwise legally authorized under Title XLVII of the Revised Code to perform the professional service provided by the entity and each such individual is a licensed health professional authorized to prescribe drugs;~~

~~(l) With respect to epinephrine autoinjectors that may be possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code, any of the following: the board of education of a city, local, exempted village, or joint vocational school district; a chartered or nonchartered nonpublic school; a community school established under Chapter 3314. of the Revised Code; a STEM school established under Chapter 3326. of the Revised Code; or a college preparatory boarding school established under Chapter 3328. of the Revised Code;~~

~~(m) With respect to epinephrine autoinjectors that may be possessed under section 5101.76 of the Revised Code, any of the following: a residential camp, as defined in section 2151.011 of the Revised Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district~~

~~created under section 1545.04 of the Revised Code, or joint- 5473
recreation district established under section 755.14 of the 5474
Revised Code;— 5475~~

~~(n) With respect to epinephrine autoinjectors that may be 5476
possessed under Chapter 3728. of the Revised Code, a qualified 5477
entity, as defined in section 3728.01 of the Revised Code; 5478~~

~~(o) With respect to naloxone that may be possessed under 5479
section 2925.61 of the Revised Code, a law enforcement agency— 5480
and its peace officers;— 5481~~

~~(p) With respect to inhalers that may be possessed under 5482
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 5483
the Revised Code, any of the following: the board of education 5484
of a city, local, exempted village, or joint vocational school 5485
district; a chartered or nonchartered nonpublic school; a 5486
community school established under Chapter 3314. of the Revised 5487
Code; a STEM school established under Chapter 3326. of the 5488
Revised Code; or a college preparatory boarding school— 5489
established under Chapter 3328. of the Revised Code;— 5490~~

~~(q) With respect to inhalers that may be possessed under 5491
section 5101.77 of the Revised Code, any of the following: a 5492
residential camp, as defined in section 2151.011 of the Revised 5493
Code; a child day camp, as defined in section 5104.01 of the 5494
Revised Code; or a child day camp operated by any county, 5495
township, municipal corporation, township park district created 5496
under section 511.18 of the Revised Code, park district created 5497
under section 1545.04 of the Revised Code, or joint recreation 5498
district established under section 755.14 of the Revised Code.— 5499~~

~~(2) (C) No registered wholesale distributor of dangerous 5500
drugs shall possess for sale, ~~or~~ sell, or distribute, at 5501~~

wholesale, dangerous drugs to ~~any~~ either of the following: 5502

~~(a)~~ (1) A prescriber who is employed by ~~a~~ either of the
following: 5503
5504

(a) A pain management clinic that is not licensed as a 5505
terminal distributor of dangerous drugs with a pain management 5506
clinic classification issued under section 4729.552 of the 5507
Revised Code; 5508

(b) A facility, clinic, or other location that provides 5509
office-based opioid treatment but is not licensed as a terminal 5510
distributor of dangerous drugs with an office-based opioid 5511
treatment classification issued under section 4729.553 of the 5512
Revised Code if such a license is required by that section. 5513

(2) A business entity described in division ~~(B) (1) (j)~~ (A) 5514
(2) or (3) of this section 4729.541 of the Revised Code that is, 5515
or is operating, ~~a~~ either of the following: 5516

(a) A pain management clinic without a license as a 5517
terminal distributor of dangerous drugs with a pain management 5518
clinic classification issued under section 4729.552 of the 5519
Revised Code; 5520

~~(c)~~ ~~A business entity described in division (B) (1) (k) of~~ 5521
~~this section that is, or is operating, a pain management clinic~~ 5522
~~without a license as a terminal distributor of dangerous drugs~~ 5523
~~with a pain management clinic classification issued under~~ 5524
~~section 4729.552 of the Revised Code.~~ (b) A facility, clinic, or 5525
other location that provides office-based opioid treatment 5526
without a license as a terminal distributor of dangerous drugs 5527
with an office-based opioid treatment classification issued 5528
under section 4729.553 of the Revised Code if such a license is 5529
required by that section. 5530

~~(3)~~ (D) No registered wholesale distributor of dangerous drugs shall possess dangerous drugs for sale at wholesale, or sell or distribute such drugs at wholesale, to a licensed terminal distributor of dangerous drugs, except as follows:

~~(a)~~ (1) In the case of a terminal distributor with a category I license, only dangerous drugs described in category I, as defined in division (A) (1) of section 4729.54 of the Revised Code;

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

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

~~(d)~~ (4) In the case of a terminal distributor with a limited category I, II, or III license, only the dangerous drugs specified in the certificate furnished by the terminal distributor in accordance with section 4729.60 of the Revised Code.

~~(C)~~ (E) (1) Except as provided in division ~~(C) (4)~~ (E) (2) of this section, no person shall ~~sell~~ do any of the following:

(a) Sell or distribute, at retail, dangerous drugs.—

~~(2) Except as provided in division (C) (4) of this section, no person shall possess;~~

(b) Possess for sale, at retail, dangerous drugs.—

~~(3) Except as provided in division (C) (4) of this section,—~~

~~no person shall possess;~~ 5559

(c) Possess dangerous drugs. 5560

~~(4) Divisions (C) (1), (2), and (3)~~ (2) (a) Divisions (E) (1) 5561
(a), (b), and (c) of this section do not apply to a registered 5562
wholesale distributor of dangerous drugs or any of the 5563
following: 5564

(i) A licensed terminal distributor of dangerous drugs; 5565

~~Divisions (C) (1), (2), and (3) of this section do not~~ 5566
~~apply to a~~ (ii) A person who possesses, or possesses for sale or 5567
sells, at retail, a dangerous drug in accordance with Chapters 5568
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 5569
the Revised Code; 5570

(iii) Any of the persons identified in divisions (A) (1) to 5571
(5) and (13) of section 4729.541 of the Revised Code, but only 5572
to the extent specified in that section. 5573

~~Divisions (C) (1), (2), and (3) of this section do not~~ 5574
~~apply to an individual who holds a current license, certificate,~~ 5575
~~or registration issued under Title XLVII of the Revised Code and~~ 5576
~~has been certified to conduct diabetes education by a national~~ 5577
~~certifying body specified in rules adopted by the state board of~~ 5578
~~pharmacy under section 4729.68 of the Revised Code, but only to~~ 5579
~~the extent that the individual possesses insulin or personally~~ 5580
~~supplies insulin solely for the purpose of diabetes education~~ 5581
~~and only if diabetes education is within the individual's scope~~ 5582
~~of practice under statutes and rules regulating the individual's~~ 5583
~~profession.~~ 5584

~~Divisions (C) (1), (2), and (3) of this section do not~~ 5585
~~apply to an individual who holds a valid certificate issued by a~~ 5586
~~nationally recognized S.C.U.B.A. diving certifying organization~~ 5587

~~approved by the state board of pharmacy in rule, but only to the extent that the individual possesses medical oxygen or personally supplies medical oxygen for the purpose of emergency care or treatment at the scene of a diving emergency.~~

~~Division (C) (3) of this section does not apply to the board of education of a city, local, exempted village, or joint-vocational school district, a school building operated by a school district board of education, a chartered or nonchartered nonpublic school, a community school, a STEM school, or a college preparatory boarding school for the purpose of possessing epinephrine autoinjectors under section 3313.7110, 3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code and for the purpose of possessing inhalers under section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of the Revised Code.~~

~~Division (C) (3) of this section does not apply to a residential camp, as defined in section 2151.011 of the Revised Code, a child day camp, as defined in section 5104.01 of the Revised Code, or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code for the purpose of possessing epinephrine autoinjectors under section 5101.76 of the Revised Code and for the purpose of possessing inhalers under section 5101.77 of the Revised Code.~~

~~Division (C) (3) of this section does not apply to a qualified entity, as defined in section 3728.01 of the Revised Code, for the purpose of possessing epinephrine autoinjectors under Chapter 3728. of the Revised Code.~~

~~Division (C) (3) of this section does not apply to a law~~

~~enforcement agency or the agency's peace officers if the agency or officers possess naloxone for administration to individuals who are apparently experiencing opioid-related overdoses (b) Division (E) (1) (c) of this section does not apply to any of the following:~~ 5618
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(i) A registered wholesale distributor of dangerous drugs; 5623

(ii) Any of the persons identified in divisions (A) (6) to (12) of section 4729.541 of the Revised Code, but only to the extent specified in that section. 5624
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~~(D) (F) No licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code shall purchase for the purpose of resale dangerous drugs from any person other than a registered wholesale distributor of dangerous drugs, except as follows:~~ 5627
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(1) A licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code may make occasional purchases of dangerous drugs for resale from a pharmacist who is a licensed terminal distributor of dangerous drugs or who is employed by a licensed terminal distributor of dangerous drugs, that are sold in accordance with division (A) (1) or (3) of this section. 5632
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(2) A licensed terminal distributor of dangerous drugs having more than one establishment or place licensed location may transfer or receive-deliver dangerous drugs from one establishment or place for which a license has been issued to the terminal distributor licensed location to another establishment or place for which a license has been issued to the terminal distributor licensed location if the license issued for each establishment or place location is in effect at the 5639
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time of the transfer or ~~receipt~~ delivery. 5647

~~(E)~~ (G) No licensed terminal distributor of dangerous 5648
drugs shall engage in the retail sale or other distribution of 5649
dangerous drugs ~~at retail~~ or maintain possession, custody, or 5650
control of dangerous drugs for any purpose other than the 5651
distributor's personal use or consumption, at any establishment 5652
or place other than that or those described in the license 5653
issued by the state board of pharmacy to such terminal 5654
distributor. 5655

~~(F)~~ (H) Nothing in this section shall be construed to 5656
interfere with the performance of official duties by any law 5657
enforcement official authorized by municipal, county, state, or 5658
federal law to collect samples of any drug, regardless of its 5659
nature or in whose possession it may be. 5660

~~(G)~~ (I) Notwithstanding anything to the contrary in this 5661
section, the board of education of a city, local, exempted 5662
village, or joint vocational school district may ~~deliver~~ 5663
distribute epinephrine autoinjectors ~~to a school under its~~ 5664
~~control for the purpose of possessing the epinephrine~~ 5665
~~autoinjectors under~~ for use in accordance with section 3313.7110 5666
of the Revised Code and may ~~deliver~~ distribute inhalers ~~to a~~ 5667
~~school under its control for the purpose of possessing the~~ 5668
~~inhalers under~~ for use in accordance with section 3313.7113 of 5669
the Revised Code. 5670

Sec. 4729.513. A manufacturer of dangerous drugs may 5671
donate inhalers, as defined in section 3313.7113 of the Revised 5672
Code, and epinephrine autoinjectors to any of the following: 5673

(A) The board of education of a city, local, exempted 5674
village, or joint vocational school district; 5675

<u>(B) A community school established under Chapter 3314. of</u>	5676
<u>the Revised Code;</u>	5677
<u>(C) A STEM school established under Chapter 3326. of the</u>	5678
<u>Revised Code;</u>	5679
<u>(D) A college-preparatory boarding school established</u>	5680
<u>under Chapter 3328. of the Revised Code;</u>	5681
<u>(E) A chartered or nonchartered nonpublic school.</u>	5682
<u>Sec. 4729.514. (A) As used in this section, "service</u>	5683
<u>entity" means a public or private entity that provides services</u>	5684
<u>to individuals who there is reason to believe may be at risk of</u>	5685
<u>experiencing an opioid-related overdose. "Service entity"</u>	5686
<u>includes a college or university, school, local health</u>	5687
<u>department, community addiction services provider, court,</u>	5688
<u>probation department, halfway house, prison, jail, community</u>	5689
<u>residential center, homeless shelter, or similar entity.</u>	5690
<u>(B) A service entity may procure naloxone for use in</u>	5691
<u>emergency situations.</u>	5692
<u>(C) A service entity or an employee, volunteer, or</u>	5693
<u>contractor of a service entity is not liable for or subject to</u>	5694
<u>any of the following for injury, death, or loss to person or</u>	5695
<u>property that allegedly arises from an act or omission</u>	5696
<u>associated with procuring, maintaining, accessing, or using</u>	5697
<u>naloxone under this section, unless the act or omission</u>	5698
<u>constitutes willful or wanton misconduct: damages in any civil</u>	5699
<u>action, prosecution in any criminal proceeding, or professional</u>	5700
<u>disciplinary action.</u>	5701
<u>This section does not eliminate, limit, or reduce any</u>	5702
<u>other immunity or defense that a service entity or an employee,</u>	5703
<u>volunteer, or contractor of a service entity may be entitled to</u>	5704

under Chapter 2305. or any other provision of the Revised Code 5705
or under the common law of this state. 5706

Sec. 4729.54. (A) As used in this section: 5707

(1) "Category I" means single-dose injections of 5708
intravenous fluids, including saline, Ringer's lactate, five per 5709
cent dextrose and distilled water, and other intravenous fluids 5710
or parenteral solutions included in this category by rule of the 5711
state board of pharmacy, that have a volume of one hundred 5712
milliliters or more and that contain no added substances, or 5713
single-dose injections of epinephrine to be administered 5714
pursuant to sections 4765.38 and 4765.39 of the Revised Code. 5715

(2) "Category II" means any dangerous drug that is not 5716
included in category I or III. 5717

(3) "Category III" means any controlled substance that is 5718
contained in schedule I, II, III, IV, or V. 5719

(4) "Emergency medical service organization" has the same 5720
meaning as in section 4765.01 of the Revised Code. 5721

(5) "Person" includes an emergency medical service 5722
organization. 5723

(6) "Schedule I, schedule II, schedule III, schedule IV, 5724
and schedule V" mean controlled substance schedules I, II, III, 5725
IV, and V, respectively, as established pursuant to section 5726
3719.41 of the Revised Code and as amended. 5727

(B) (1) A person who desires to be licensed as a terminal 5728
distributor of dangerous drugs shall file with the executive 5729
director of the state board of pharmacy a verified application. 5730
After it is filed, the application may not be withdrawn without 5731
approval of the board. 5732

- (2) An application shall contain all the following that 5733
apply in the applicant's case: 5734
- (a) Information that the board requires relative to the 5735
qualifications of a terminal distributor of dangerous drugs set 5736
forth in section 4729.55 of the Revised Code; 5737
- (b) A statement that the person wishes to be licensed as a 5738
category I, category II, category III, limited category I, 5739
limited category II, or limited category III terminal 5740
distributor of dangerous drugs; 5741
- (c) If the person wishes to be licensed as a limited 5742
category I, limited category II, or limited category III 5743
terminal distributor of dangerous drugs, a notarized list of the 5744
dangerous drugs that the person wishes to possess, have custody 5745
or control of, and distribute, which list shall also specify the 5746
purpose for which those drugs will be used and their source; 5747
- (d) If the person is an emergency medical service 5748
organization, the information that is specified in division (C) 5749
(1) of this section; 5750
- (e) Except for an emergency medical service organization, 5751
the identity of the one establishment or place at which the 5752
person intends to engage in the sale or other distribution of 5753
dangerous drugs at retail, and maintain possession, custody, or 5754
control of dangerous drugs for purposes other than the person's 5755
own use or consumption; 5756
- (f) If the application pertains to a pain management 5757
clinic, information that demonstrates, to the satisfaction of 5758
the board, compliance with division (A) of section 4729.552 of 5759
the Revised Code; 5760
- (g) If the application pertains to a facility, clinic, or 5761

other location described in division (B) of section 4729.553 of 5762
the Revised Code that must hold a category III terminal 5763
distributor of dangerous drugs license with an office-based 5764
opioid treatment classification, information that demonstrates, 5765
to the satisfaction of the board, compliance with division (C) 5766
of that section. 5767

(C) (1) An emergency medical service organization that 5768
wishes to be licensed as a terminal distributor of dangerous 5769
drugs shall list in its application for licensure the following 5770
additional information: 5771

(a) The units under its control that the organization 5772
determines will possess dangerous drugs for the purpose of 5773
administering emergency medical services in accordance with 5774
Chapter 4765. of the Revised Code; 5775

(b) With respect to each such unit, whether the dangerous 5776
drugs that the organization determines the unit will possess are 5777
in category I, II, or III. 5778

(2) An emergency medical service organization that is 5779
licensed as a terminal distributor of dangerous drugs shall file 5780
a new application for such licensure if there is any change in 5781
the number, or location of, any of its units or any change in 5782
the category of the dangerous drugs that any unit will possess. 5783

(3) A unit listed in an application for licensure pursuant 5784
to division (C) (1) of this section may obtain the dangerous 5785
drugs it is authorized to possess from its emergency medical 5786
service organization or, on a replacement basis, from a hospital 5787
pharmacy. If units will obtain dangerous drugs from a hospital 5788
pharmacy, the organization shall file, and maintain in current 5789
form, the following items with the pharmacist who is responsible 5790

for the hospital's terminal distributor of dangerous drugs 5791
license: 5792

(a) A copy of its standing orders or protocol; 5793

(b) A list of the personnel employed or used by the 5794
organization to provide emergency medical services in accordance 5795
with Chapter 4765. of the Revised Code, who are authorized to 5796
possess the drugs, which list also shall indicate the personnel 5797
who are authorized to administer the drugs. 5798

(D) Each emergency medical service organization that 5799
applies for a terminal distributor of dangerous drugs license 5800
shall submit with its application the following: 5801

(1) A notarized copy of its standing orders or protocol, 5802
which orders or protocol shall be signed by a physician and 5803
specify the dangerous drugs that its units may carry, expressed 5804
in standard dose units; 5805

(2) A list of the personnel employed or used by the 5806
organization to provide emergency medical services in accordance 5807
with Chapter 4765. of the Revised Code. 5808

An emergency medical service organization that is licensed 5809
as a terminal distributor shall notify the board immediately of 5810
any changes in its standing orders or protocol. 5811

(E) There shall be six categories of terminal distributor 5812
of dangerous drugs licenses, which categories shall be as 5813
follows: 5814

(1) Category I license. A person who obtains this license 5815
may possess, have custody or control of, and distribute only the 5816
dangerous drugs described in category I. 5817

(2) Limited category I license. A person who obtains this 5818

license may possess, have custody or control of, and distribute 5819
only the dangerous drugs described in category I that were 5820
listed in the application for licensure. 5821

(3) Category II license. A person who obtains this license 5822
may possess, have custody or control of, and distribute only the 5823
dangerous drugs described in category I and category II. 5824

(4) Limited category II license. A person who obtains this 5825
license may possess, have custody or control of, and distribute 5826
only the dangerous drugs described in category I or category II 5827
that were listed in the application for licensure. 5828

(5) Category III license, which may include a pain 5829
management clinic classification issued under section 4729.552 5830
of the Revised Code. A person who obtains this license may 5831
possess, have custody or control of, and distribute the 5832
dangerous drugs described in category I, category II, and 5833
category III. If the license includes a pain management clinic 5834
classification, the person may operate a pain management clinic. 5835

(6) Limited category III license. A person who obtains 5836
this license may possess, have custody or control of, and 5837
distribute only the dangerous drugs described in category I, 5838
category II, or category III that were listed in the application 5839
for licensure. 5840

(F) Except for an application made on behalf of an animal 5841
shelter, if an applicant for licensure as a limited category I, 5842
II, or III terminal distributor of dangerous drugs intends to 5843
administer dangerous drugs to a person or animal, the applicant 5844
shall submit, with the application, a notarized copy of its 5845
protocol or standing orders, which protocol or orders shall be 5846
signed by a licensed health professional authorized to prescribe 5847

drugs, specify the dangerous drugs to be administered, and list 5848
personnel who are authorized to administer the dangerous drugs 5849
in accordance with federal law or the law of this state. An 5850
application made on behalf of an animal shelter shall include a 5851
notarized list of the dangerous drugs to be administered to 5852
animals and the personnel who are authorized to administer the 5853
drugs to animals in accordance with section 4729.532 of the 5854
Revised Code. After obtaining a terminal distributor license, a 5855
licensee shall notify the board immediately of any changes in 5856
its protocol or standing orders, or in such personnel. 5857

(G) (1) Except as provided in division (G) (2) of this 5858
section, each applicant for licensure as a terminal distributor 5859
of dangerous drugs shall submit, with the application, a license 5860
fee determined as follows: 5861

(a) For a category I or limited category I license, forty- 5862
five dollars; 5863

(b) For a category II or limited category II license, one 5864
hundred twelve dollars and fifty cents; 5865

(c) For a category III license, including a license with a 5866
pain management clinic classification issued under section 5867
4729.552 of the Revised Code, or a limited category III license, 5868
one hundred fifty dollars. 5869

(2) (a) Except as provided in division (G) (2) (b) of this 5870
section, for a person who is required to hold a license as a 5871
terminal distributor of dangerous drugs pursuant to division (D) 5872
of section 4729.541 of the Revised Code, the fee shall be sixty 5873
dollars. 5874

(b) For a professional association, corporation, 5875
partnership, or limited liability company organized for the 5876

purpose of practicing veterinary medicine, the fee shall be 5877
forty dollars. 5878

(3) Fees assessed under divisions (G) (1) and (2) of this 5879
section shall not be returned if the applicant fails to qualify 5880
for registration. 5881

(H) (1) The board shall issue a terminal distributor of 5882
dangerous drugs license to each person who submits an 5883
application for such licensure in accordance with this section, 5884
pays the required license fee, is determined by the board to 5885
meet the requirements set forth in section 4729.55 of the 5886
Revised Code, and satisfies any other applicable requirements of 5887
this section. 5888

(2) The license of a person other than an emergency 5889
medical service organization shall describe the one 5890
establishment or place at which the licensee may engage in the 5891
sale or other distribution of dangerous drugs at retail and 5892
maintain possession, custody, or control of dangerous drugs for 5893
purposes other than the licensee's own use or consumption. The 5894
one establishment or place shall be that which is described in 5895
the application for licensure. 5896

No such license shall authorize or permit the terminal 5897
distributor of dangerous drugs named in it to engage in the sale 5898
or other distribution of dangerous drugs at retail or to 5899
maintain possession, custody, or control of dangerous drugs for 5900
any purpose other than the distributor's own use or consumption, 5901
at any establishment or place other than that described in the 5902
license, except that an agent or employee of an animal shelter 5903
may possess and use dangerous drugs in the course of business as 5904
provided in division (D) of section 4729.532 of the Revised 5905
Code. 5906

(3) The license of an emergency medical service organization shall cover and describe all the units of the organization listed in its application for licensure.

(4) The license of every terminal distributor of dangerous drugs shall indicate, on its face, the category of licensure. If the license is a limited category I, II, or III license, it shall specify, and shall authorize the licensee to possess, have custody or control of, and distribute only, the dangerous drugs that were listed in the application for licensure.

(I) All licenses issued pursuant to this section shall be effective for a period of twelve months from the first day of April of each year. A license shall be renewed by the board for a like period, annually, according to the provisions of this section, and the standard renewal procedure of Chapter 4745. of the Revised Code. A person who desires to renew a license shall submit an application for renewal and pay the required fee on or before the thirty-first day of March each year. The fee required for the renewal of a license shall be the same as the fee paid for the license being renewed, and shall accompany the application for renewal.

A license that has not been renewed during March in any year and by the first day of May of the same year may be reinstated only upon payment of the required renewal fee and a penalty fee of fifty-five dollars.

(J) (1) No emergency medical service organization that is licensed as a terminal distributor of dangerous drugs shall fail to comply with division (C) (2) or (3) of this section.

(2) No emergency medical service organization that is licensed as a terminal distributor of dangerous drugs shall fail

to comply with division (D) of this section. 5936

(3) No licensed terminal distributor of dangerous drugs 5937
shall possess, have custody or control of, or distribute 5938
dangerous drugs that the terminal distributor is not entitled to 5939
possess, have custody or control of, or distribute by virtue of 5940
its category of licensure. 5941

(4) No licensee that is required by division (F) of this 5942
section to notify the board of changes in its protocol or 5943
standing orders, or in personnel, shall fail to comply with that 5944
division. 5945

Sec. 4729.541. (A) ~~(1)~~ Except as provided in divisions ~~(A)~~ 5946
~~(2)~~ and ~~(3)~~ (B) to (D) of this section, a ~~business entity~~ 5947
~~described in division (B) (1) (j) or (k) of section 4729.51 of the~~ 5948
~~Revised Code may possess, have custody or control of, and~~ 5949
~~distribute the dangerous drugs in category I, category II, and~~ 5950
~~category III, as defined in section 4729.54 of the Revised Code,~~ 5951
~~without holding a terminal distributor of dangerous drugs~~ 5952
~~license issued under that section. all of the following are~~ 5953
exempt from licensure as a terminal distributor of dangerous 5954
drugs: 5955

(1) A licensed health professional authorized to prescribe 5956
drugs; 5957

(2) A business entity that is a corporation formed under 5958
division (B) of section 1701.03 of the Revised Code, a limited 5959
liability company formed under Chapter 1705. of the Revised 5960
Code, or a professional association formed under Chapter 1785. 5961
of the Revised Code if the entity has a sole shareholder who is 5962
a prescriber and is authorized to provide the professional 5963
services being offered by the entity; 5964

(3) A business entity that is a corporation formed under 5965
division (B) of section 1701.03 of the Revised Code, a limited 5966
liability company formed under Chapter 1705. of the Revised 5967
Code, a partnership or a limited liability partnership formed 5968
under Chapter 1775. of the Revised Code, or a professional 5969
association formed under Chapter 1785. of the Revised Code, if, 5970
to be a shareholder, member, or partner, an individual is 5971
required to be licensed, certified, or otherwise legally 5972
authorized under Title XLVII of the Revised Code to perform the 5973
professional service provided by the entity and each such 5974
individual is a prescriber; 5975

(4) An individual who holds a current license, 5976
certificate, or registration issued under Title XLVII of the 5977
Revised Code and has been certified to conduct diabetes 5978
education by a national certifying body specified in rules 5979
adopted by the state board of pharmacy under section 4729.68 of 5980
the Revised Code, but only with respect to insulin that will be 5981
used for the purpose of diabetes education and only if diabetes 5982
education is within the individual's scope of practice under 5983
statutes and rules regulating the individual's profession; 5984

(5) An individual who holds a valid certificate issued by 5985
a nationally recognized S.C.U.B.A. diving certifying 5986
organization approved by the state board of pharmacy under rules 5987
adopted by the board, but only with respect to medical oxygen 5988
that will be used for the purpose of emergency care or treatment 5989
at the scene of a diving emergency; 5990

(6) With respect to epinephrine autoinjectors that may be 5991
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 5992
or 3328.29 of the Revised Code, any of the following: the board 5993
of education of a city, local, exempted village, or joint 5994

vocational school district; a chartered or nonchartered 5995
nonpublic school; a community school established under Chapter 5996
3314. of the Revised Code; a STEM school established under 5997
Chapter 3326. of the Revised Code; or a college-preparatory 5998
boarding school established under Chapter 3328. of the Revised 5999
Code; 6000

(7) With respect to epinephrine autoinjectors that may be 6001
possessed under section 5101.76 of the Revised Code, any of the 6002
following: a residential camp, as defined in section 2151.011 of 6003
the Revised Code; a child day camp, as defined in section 6004
5104.01 of the Revised Code; or a child day camp operated by any 6005
county, township, municipal corporation, township park district 6006
created under section 511.18 of the Revised Code, park district 6007
created under section 1545.04 of the Revised Code, or joint 6008
recreation district established under section 755.14 of the 6009
Revised Code; 6010

(8) With respect to epinephrine autoinjectors that may be 6011
possessed under Chapter 3728. of the Revised Code, a qualified 6012
entity, as defined in section 3728.01 of the Revised Code; 6013

(9) With respect to inhalers that may be possessed under 6014
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 6015
the Revised Code, any of the following: the board of education 6016
of a city, local, exempted village, or joint vocational school 6017
district; a chartered or nonchartered nonpublic school; a 6018
community school established under Chapter 3314. of the Revised 6019
Code; a STEM school established under Chapter 3326. of the 6020
Revised Code; or a college-preparatory boarding school 6021
established under Chapter 3328. of the Revised Code; 6022

(10) With respect to inhalers that may be possessed under 6023
section 5101.77 of the Revised Code, any of the following: a 6024

residential camp, as defined in section 2151.011 of the Revised 6025
Code; a child day camp, as defined in section 5104.01 of the 6026
Revised Code; or a child day camp operated by any county, 6027
township, municipal corporation, township park district created 6028
under section 511.18 of the Revised Code, park district created 6029
under section 1545.04 of the Revised Code, or joint recreation 6030
district established under section 755.14 of the Revised Code; 6031

(11) With respect to naloxone that may be possessed under 6032
section 2925.61 of the Revised Code, a law enforcement agency 6033
and its peace officers; 6034

(12) With respect to naloxone that may be possessed under 6035
section 4729.514 of the Revised Code, a service entity, as 6036
defined in that section; 6037

(13) A facility that is owned and operated by the United 6038
States department of defense, the United States department of 6039
veterans affairs, or any other federal agency. 6040

(B) If a ~~business entity person~~ described in division (B) 6041
~~(1) (j) or (k) (A)~~ of ~~this~~ section 4729.51 of the Revised Code is 6042
a pain management clinic or is operating a pain management 6043
clinic, the ~~entity person~~ shall hold a license as a terminal 6044
distributor of dangerous drugs with a pain management clinic 6045
classification issued under section 4729.552 of the Revised 6046
Code. 6047

(C) If a person described in division (A) of this section 6048
is operating a facility, clinic, or other location described in 6049
division (B) of section 4729.553 of the Revised Code that must 6050
hold a category III terminal distributor of dangerous drugs 6051
license with an office-based opioid treatment classification, 6052
the person shall hold a license with that classification. 6053

~~(3) A business entity (D) Any of the persons described in~~ 6054
~~division (B) (1) (j) or (k) divisions (A) (1) to (12) of this~~ 6055
section 4729.51 of the Revised Code shall hold a license as a 6056
terminal distributor of dangerous drugs in order to possess, 6057
have custody or control of, and distribute ~~either any~~ of the 6058
following: 6059

~~(a) (1) Dangerous drugs that are compounded or used for~~ 6060
the purpose of compounding; 6061

~~(b) Controlled substances containing buprenorphine that~~ 6062
~~are used for the purpose of treating drug dependence or~~ 6063
~~addiction (2) A schedule I, II, III, IV, or V controlled~~ 6064
~~substance, as defined in section 3719.01 of the Revised Code.~~ 6065

~~(B) A licensed health professional authorized to prescribe~~ 6066
~~drugs who does not practice in the form of a business entity~~ 6067
~~described in division (B) (1) (j) or (k) of section 4729.51 of the~~ 6068
~~Revised Code shall hold a license as a terminal distributor of~~ 6069
~~dangerous drugs in order to possess, have custody or control of,~~ 6070
~~and distribute, including personally furnish, either of the~~ 6071
~~following:—~~ 6072

~~(1) Dangerous drugs that are compounded or used for the~~ 6073
~~purpose of compounding;—~~ 6074

~~(2) Controlled substances containing buprenorphine that~~ 6075
~~are used for the purpose of treating drug dependence or~~ 6076
~~addiction.—~~ 6077

Sec. 4729.55. No license shall be issued to an applicant 6078
for licensure as a terminal distributor of dangerous drugs 6079
unless the applicant has furnished satisfactory proof to the 6080
state board of pharmacy that: 6081

(A) The applicant is equipped as to land, buildings, and 6082

equipment to properly carry on the business of a terminal 6083
distributor of dangerous drugs within the category of licensure 6084
approved by the board. 6085

(B) A pharmacist, licensed health professional authorized 6086
to prescribe drugs, animal shelter licensed with the state board 6087
of pharmacy under section 4729.531 of the Revised Code, or a 6088
laboratory as defined in section 3719.01 of the Revised Code 6089
will maintain supervision and control over the possession and 6090
custody of dangerous drugs that may be acquired by or on behalf 6091
of the applicant. 6092

(C) Adequate safeguards are assured to prevent the sale or 6093
other distribution of dangerous drugs by any person other than a 6094
pharmacist or licensed health professional authorized to 6095
prescribe drugs. 6096

(D) Adequate safeguards are assured that the applicant 6097
will carry on the business of a terminal distributor of 6098
dangerous drugs in a manner that allows pharmacists and pharmacy 6099
interns employed by the terminal distributor to practice 6100
pharmacy in a safe and effective manner. 6101

(E) If the applicant, or any agent or employee of the 6102
applicant, has been found guilty of violating section 4729.51 of 6103
the Revised Code, the "Federal Food, Drug, and Cosmetic Act," 52 6104
Stat. 1040 (1938), 21 U.S.C.A. 301, the federal drug abuse 6105
control laws, Chapter 2925., 3715., 3719., or 4729. of the 6106
Revised Code, or any rule of the board, adequate safeguards are 6107
assured to prevent the recurrence of the violation. 6108

(F) In the case of an applicant who is a food processor or 6109
retail seller of food, the applicant will maintain supervision 6110
and control over the possession and custody of nitrous oxide. 6111

(G) In the case of an applicant who is a retail seller of oxygen in original packages labeled as required by the "Federal Food, Drug, and Cosmetic Act," the applicant will maintain supervision and control over the possession, custody, and retail sale of the oxygen.

(H) If the application is made on behalf of an animal shelter, at least one of the agents or employees of the animal shelter is certified in compliance with section 4729.532 of the Revised Code.

(I) In the case of an applicant who is a retail seller of peritoneal dialysis solutions in original packages labeled as required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, the applicant will maintain supervision and control over the possession, custody, and retail sale of the peritoneal dialysis solutions.

(J) In the case of an applicant who is a pain management clinic, the applicant meets the requirements to receive a license with a pain management clinic classification issued under section 4729.552 of the Revised Code.

(K) In the case of an applicant who is operating a facility, clinic, or other location described in division (B) of section 4729.553 of the Revised Code that must hold a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification, the applicant meets the requirements to receive that license with that classification.

Sec. 4729.553. (A) As used in this section:

(1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(2) "Hospital" means a hospital registered with the 6141
department of health under section 3701.07 of the Revised Code. 6142

(3) "Office-based opioid treatment" means the treatment of 6143
opioid dependence or addiction using a controlled substance. 6144

(B) (1) Except as provided in division (B) (2) of this 6145
section, no person shall knowingly operate a facility, clinic, 6146
or other location where a prescriber provides office-based 6147
opioid treatment to more than thirty patients or that meets any 6148
other identifying criteria established in rules adopted under 6149
division (G) of this section without holding a category III 6150
terminal distributor of dangerous drugs license with an office- 6151
based opioid treatment classification. 6152

(2) Division (B) (1) of this section does not apply to any 6153
of the following: 6154

(a) A hospital; 6155

(b) A facility for the treatment of opioid dependence or 6156
addiction that is operated by a hospital; 6157

(c) A physician practice owned or controlled, in whole or 6158
in part, by a hospital or by an entity that owns or controls, in 6159
whole or in part, one or more hospitals; 6160

(d) A facility that conducts only clinical research and 6161
uses controlled substances in studies approved by a hospital- 6162
based institutional review board or an institutional review 6163
board that is accredited by the association for the 6164
accreditation of human research protection programs, inc.; 6165

(e) A facility that holds a category III terminal 6166
distributor of dangerous drugs license in accordance with 6167
section 4729.54 of the Revised Code for the purpose of treating 6168

drug dependence or addiction as part of an opioid treatment 6169
program and is the subject of a current, valid certification 6170
from the substance abuse and mental health services 6171
administration of the United States department of health and 6172
human services pursuant to 42 C.F.R. 8.11; 6173

(f) A program or facility that is licensed or certified by 6174
the department of mental health and addiction services under 6175
Chapter 5119. of the Revised Code. 6176

(C) To be eligible to receive a license as a category III 6177
terminal distributor of dangerous drugs with an office-based 6178
opioid treatment classification, an applicant shall submit 6179
evidence satisfactory to the state board of pharmacy that the 6180
applicant's office-based opioid treatment will be operated in 6181
accordance with the requirements specified in division (D) of 6182
this section and that the applicant meets any other applicable 6183
requirements of this chapter. 6184

If the board determines that an applicant meets all of the 6185
requirements, the board shall issue to the applicant a license 6186
as a category III terminal distributor of dangerous drugs with 6187
an office-based opioid treatment classification. 6188

(D) The holder of a category III terminal distributor 6189
license with an office-based opioid treatment classification 6190
shall do all of the following: 6191

(1) Be in control of a facility that is owned and operated 6192
solely by one or more physicians authorized under Chapter 4731. 6193
of the Revised Code to practice medicine and surgery or 6194
osteopathic medicine and surgery, unless the state board of 6195
pharmacy has exempted the holder from this requirement; 6196

(2) Comply with the requirements for conducting office- 6197

based opioid treatment, as established by the state medical 6198
board in rules adopted under section 4731.056 of the Revised 6199
Code; 6200

(3) Require any person with ownership of the facility to 6201
submit to a criminal records check in accordance with section 6202
4776.02 of the Revised Code and send the results of the criminal 6203
records check directly to the state board of pharmacy for review 6204
and decision under section 4729.071 of the Revised Code; 6205

(4) Require all employees of the facility to submit to a 6206
criminal records check in accordance with section 4776.02 of the 6207
Revised Code and ensure that no person is employed who has 6208
previously been convicted of, or pleaded guilty to, either of 6209
the following: 6210

(a) A theft offense, described in division (K) (3) of 6211
section 2913.01 of the Revised Code, that would constitute a 6212
felony under the laws of this state, any other state, or the 6213
United States; 6214

(b) A felony drug offense, as defined in section 2925.01 6215
of the Revised Code. 6216

(5) Maintain a list of each person with ownership of the 6217
facility and notify the state board of pharmacy of any change to 6218
that list. 6219

(E) No person subject to licensure as a category III 6220
terminal distributor of dangerous drugs with an office-based 6221
opioid treatment classification shall knowingly fail to remain 6222
in compliance with the requirements of division (D) of this 6223
section and any other applicable requirements of this chapter. 6224

(F) The state board of pharmacy may impose a fine of not 6225
more than five thousand dollars on a person who violates 6226

division (B) or (E) of this section. A separate fine may be 6227
imposed for each day the violation continues. In imposing the 6228
fine, the board's actions shall be taken in accordance with 6229
Chapter 119. of the Revised Code. 6230

(G) The state board of pharmacy shall adopt rules as it 6231
considers necessary to implement and administer this section. 6232
The rules shall be adopted in accordance with Chapter 119. of 6233
the Revised Code. 6234

Sec. 4729.571. If the state board of pharmacy determines 6235
that there is clear and convincing evidence that the method used 6236
by a terminal distributor of dangerous drugs to distribute or 6237
prescribe dangerous drugs presents a danger of immediate and 6238
serious harm to others, the board may suspend the terminal 6239
distributor's license without a hearing. The board shall follow 6240
the procedure for suspension without a prior hearing in section 6241
119.07 of the Revised Code. The suspension shall remain in 6242
effect, unless removed by the board, until the board's final 6243
adjudication order becomes effective, except that if the board 6244
does not issue its final adjudication order within ninety days 6245
after the hearing, the suspension shall be void on the ninety- 6246
first day after the suspension. 6247

If the terminal distributor holds a license with a pain 6248
management clinic classification issued under section 4729.552 6249
of the Revised Code or a license with an office-based opioid 6250
treatment classification issued under section 4729.553 of the 6251
Revised Code and the person holding the license also holds a 6252
certificate issued under Chapter 4731. of the Revised Code to 6253
practice medicine and surgery or osteopathic medicine and 6254
surgery, prior to suspending the license without a hearing, the 6255
board shall consult with the secretary of the state medical 6256

board or, if the secretary is unavailable, another physician 6257
member of the board. 6258

Sec. 4729.60. (A) (1) Before a registered wholesale 6259
distributor of dangerous drugs may sell dangerous drugs at 6260
wholesale to any person, ~~other than the persons specified in~~ 6261
~~divisions (B) (1) (a) to (d), (f) to (h), and (l) to (q) of~~ 6262
~~section 4729.51 of the Revised Code~~ except as provided in 6263
division (A) (2) of this section, ~~such the~~ wholesale distributor 6264
shall obtain from the purchaser and the purchaser shall furnish 6265
to the wholesale distributor a certificate indicating that the 6266
purchaser is a licensed terminal distributor of dangerous drugs. 6267
The certificate shall be in the form that the state board of 6268
pharmacy shall prescribe, and shall set forth the name of the 6269
licensee, the number of the license, a description of the place 6270
or establishment or each place or establishment for which the 6271
license was issued, the category of licensure, and, if the 6272
license is a limited category I, II, or III license, the 6273
dangerous drugs that the licensee is authorized to possess, have 6274
custody or control of, and distribute. 6275

If no certificate is obtained or furnished before a sale 6276
is made, it shall be presumed that the sale of dangerous drugs 6277
by the wholesale distributor is in violation of division (B) of 6278
section 4729.51 of the Revised Code and the purchase of 6279
dangerous drugs by the purchaser is in violation of division ~~(C)~~ 6280
(E) of section 4729.51 of the Revised Code. If a registered 6281
wholesale distributor of dangerous drugs obtains or is furnished 6282
a certificate from a terminal distributor of dangerous drugs and 6283
relies on the certificate in selling dangerous drugs at 6284
wholesale to the terminal distributor of dangerous drugs, the 6285
wholesale distributor of dangerous drugs shall be deemed not to 6286
have violated division (B) of section 4729.51 of the Revised 6287

Code in making the sale. 6288

(2) Division (A) (1) of this section does not apply when a 6289
wholesale distributor sells dangerous drugs at wholesale to any 6290
of the following: 6291

(a) A person specified in division (B) (4) of section 6292
4729.51 of the Revised Code; 6293

(b) Any of the persons described in divisions (A) (1) to 6294
(13) of section 4729.541 of the Revised Code, but only if the 6295
purchaser is not required to obtain licensure as provided in 6296
divisions (B) to (D) of that section. 6297

(B) Before a licensed terminal distributor of dangerous 6298
drugs may purchase dangerous drugs at wholesale, the terminal 6299
distributor shall obtain from the seller and the seller shall 6300
furnish to the terminal distributor the number of the seller's 6301
registration certificate to engage in the sale of dangerous 6302
drugs at wholesale. 6303

If no registration number is obtained or furnished before 6304
a purchase is made, it shall be presumed that the purchase of 6305
dangerous drugs by the terminal distributor is in violation of 6306
division ~~(D)~~(F) of section 4729.51 of the Revised Code and the 6307
sale of dangerous drugs by the seller is in violation of 6308
division (A) of section 4729.51 of the Revised Code. If a 6309
licensed terminal distributor of dangerous drugs obtains or is 6310
furnished a registration number from a wholesale distributor of 6311
dangerous drugs and relies on the registration number in 6312
purchasing dangerous drugs at wholesale from the wholesale 6313
distributor of dangerous drugs, the terminal distributor shall 6314
be deemed not to have violated division ~~(D)~~(F) of section 6315
4729.51 of the Revised Code in making the purchase. 6316

Sec. 4729.68. The state board of pharmacy shall adopt 6317
rules pursuant to Chapter 119. of the Revised Code specifying 6318
for the purposes of sections 3719.172 and ~~4729.51~~4729.541 of 6319
the Revised Code the national bodies recognized by the board 6320
that certify persons who successfully complete diabetes 6321
education programs. 6322

Sec. 4729.90. (A) As used in this section, "responsible 6323
person" has the same meaning as in rules adopted by the state 6324
board of pharmacy under section 4729.26 of the Revised Code. 6325

(B) (1) An applicant for registration as a registered 6326
pharmacy technician shall: 6327

(a) Be at least eighteen years of age; 6328

(b) Possess a high school diploma or a certificate of high 6329
school equivalence or have been employed continuously since 6330
prior to April 8, 2009, as a pharmacy technician without a high 6331
school diploma or certificate of high school equivalence; 6332

(c) Be of good moral character, as defined in rules 6333
adopted by the state board of pharmacy under section 4729.26 of 6334
the Revised Code; 6335

(d) Except as provided in division (D) of this section, 6336
comply with sections 4776.01 to 4776.04 of the Revised Code; 6337

(e) Except as provided in division (E) (1) of this section, 6338
obtain from a pharmacy's responsible person an attestation that 6339
the applicant has successfully completed education and training 6340
that meets the requirements established by the board in rules 6341
adopted under section 4729.94 of the Revised Code. 6342

(2) An applicant for registration as a certified pharmacy 6343
technician shall: 6344

- (a) Comply with divisions (B) (1) (a), (c), and (d) of this section; 6345
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- (b) Possess a high school diploma or a certificate of high school equivalence; 6347
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- (c) Except as provided in division (E) (2) of this section, obtain from a pharmacy's responsible person an attestation that the applicant has successfully completed education and training that meets the requirements established by the board in rules adopted under section 4729.94 of the Revised Code; 6349
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- (d) Have a current pharmacy technician certification from an organization that has been recognized by the board. 6354
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- (C) A pharmacist or pharmacy intern whose license has been denied, revoked, suspended, or otherwise restricted by the board shall not be registered as a registered pharmacy technician or certified pharmacy technician. 6356
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- (D) Until the date that is two years after the effective date of this section, an applicant for registration as a registered pharmacy technician or certified pharmacy technician who meets the requirements to be a qualified pharmacy technician under section 4729.42 of the Revised Code, as it existed immediately prior to the effective date of section 4729.95 of the Revised Code, may, instead of complying with division (B) (1) (d) of this section, authorize the superintendent of the bureau of criminal identification and investigation to make the results of a criminal records check of the applicant available to the state board of pharmacy. The criminal records check must have been conducted not earlier than twenty-four months before the date of the application for registration. 6360
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- (E) (1) Until the date that is two years after the 6373

effective date of this section, an applicant for registration as 6374
a registered pharmacy technician who meets the requirements to 6375
be a qualified pharmacy technician under section 4729.42 of the 6376
Revised Code, as it existed immediately prior to the effective 6377
date of section 4729.95 of the Revised Code, may, instead of 6378
complying with division (B)(1)(e) of this section, submit an 6379
attestation from a pharmacy's responsible person that the 6380
applicant has completed a pharmacy technician training program 6381
that is of appropriate breadth and depth to clearly address the 6382
competencies for a technician to safely and effectively work in 6383
that particular setting and includes instruction in all of the 6384
following: 6385

(a) Packaging and labeling drugs; 6386

(b) Pharmacy terminology; 6387

(c) Basic drug information; 6388

(d) Basic calculations; 6389

(e) Quality control procedures; 6390

(f) State and federal statutes, rules, and regulations 6391
regarding pharmacy technician duties, pharmacist duties, 6392
pharmacy intern duties, prescription or drug order processing 6393
procedures, non-sterile drug compounding, drug record-keeping 6394
requirements, patient confidentiality, security requirements, 6395
and storage requirements. 6396

(2) Until the date that is two years after the effective 6397
date of this section, an applicant for registration as a 6398
certified pharmacy technician who meets the requirements to be a 6399
qualified pharmacy technician under section 4729.42 of the 6400
Revised Code, as it existed immediately prior to the effective 6401
date of section 4729.95 of the Revised Code, may, instead of 6402

complying with division (B) (2) (c) of this section, submit an 6403
attestation from a pharmacy's responsible person that the 6404
applicant has completed a pharmacy technician training program 6405
that is of appropriate breadth and depth to clearly address the 6406
competencies for a technician to safely and effectively work in 6407
that particular setting and includes instruction in all of the 6408
following: 6409

(a) The topics listed in divisions (E) (1) (a) to (f) of 6410
this section; 6411

(b) Sterile drug compounding; 6412

(c) Preparing and mixing intravenous drugs to be injected 6413
into a human being. 6414

Sec. 4729.901. An applicant for registration under section 6415
4729.90 of the Revised Code shall file with the state board of 6416
pharmacy an application in the form and manner prescribed in 6417
rules adopted under section 4729.94 of the Revised Code. The 6418
application shall be accompanied by an application fee of fifty 6419
dollars, which shall not be returned if the applicant fails to 6420
qualify for registration. 6421

If the board is satisfied that the applicant meets the 6422
requirements of section 4729.90 of the Revised Code and any 6423
additional requirements established by the board and determines 6424
that the results of a criminal records check do not make the 6425
applicant ineligible, the board shall register the applicant as 6426
a registered pharmacy technician or certified pharmacy 6427
technician, as applicable. 6428

Registration under this section is valid for the period 6429
specified by the board in rules adopted under section 4729.94 of 6430
the Revised Code. The period shall not exceed twenty-four months 6431

unless the board extends the period in the rules to adjust 6432
license renewal schedules. 6433

Sec. 4729.902. (A) A registered pharmacy technician or 6434
certified pharmacy technician shall file an application for 6435
registration renewal in the form and manner prescribed by the 6436
state board of pharmacy in rules adopted under section 4729.94 6437
of the Revised Code. Registrations shall be renewed in 6438
accordance with the rules and the standard renewal procedure set 6439
forth in Chapter 4745. of the Revised Code. The renewal fee is 6440
twenty-five dollars per year. 6441

(B) (1) A registered pharmacy technician or certified 6442
pharmacy technician who fails to renew registration in 6443
accordance with division (A) of this section is prohibited from 6444
engaging in the activities authorized by section 4729.91 of the 6445
Revised Code. 6446

(2) (a) A registration that is not renewed by a date 6447
determined under division (A) of this section but has not lapsed 6448
for more than ninety days may be reinstated if the applicant 6449
does both of the following: 6450

(i) Submits a renewal application in a form prescribed by 6451
the board in rules adopted under section 4729.94 of the Revised 6452
Code; 6453

(ii) Pays the renewal fee and a late fee of fifty dollars. 6454

(b) A registration that has lapsed for more than ninety 6455
days cannot be renewed, but the registration holder may reapply 6456
for registration. 6457

Sec. 4729.91. (A) A registered pharmacy technician may, 6458
under the direct supervision of a pharmacist, engage in the 6459
following activities at a location licensed as a terminal 6460

<u>distributor of dangerous drugs to the extent that the activities</u>	6461
<u>do not require the exercise of professional judgment:</u>	6462
<u>(1) Accepting new written or electronic prescription</u>	6463
<u>orders from a prescriber or a prescriber's agent;</u>	6464
<u>(2) Entering information into and retrieving information</u>	6465
<u>from a database or patient profile;</u>	6466
<u>(3) Preparing and affixing labels;</u>	6467
<u>(4) Stocking dangerous drugs and retrieving those drugs</u>	6468
<u>from inventory;</u>	6469
<u>(5) Counting and pouring dangerous drugs into containers;</u>	6470
<u>(6) Placing dangerous drugs into patient storage</u>	6471
<u>containers;</u>	6472
<u>(7) Non-sterile drug compounding as authorized by the</u>	6473
<u>state board of pharmacy in rules adopted under section 4729.94</u>	6474
<u>of the Revised Code;</u>	6475
<u>(8) Other activities specified by the board in rules</u>	6476
<u>adopted under section 4729.94 of the Revised Code.</u>	6477
<u>(B) A certified pharmacy technician may, under the direct</u>	6478
<u>supervision of a pharmacist, engage in the following activities</u>	6479
<u>at a location licensed as a terminal distributor of dangerous</u>	6480
<u>drugs to the extent that the activities do not require the</u>	6481
<u>exercise of professional judgment:</u>	6482
<u>(1) Any activity listed in division (A) of this section;</u>	6483
<u>(2) Accepting or requesting refill authorizations for</u>	6484
<u>dangerous drugs that are not controlled substances from a</u>	6485
<u>prescriber or the prescriber's agent, so long as there is no</u>	6486
<u>change from the original prescription;</u>	6487

(3) Sterile and non-sterile drug compounding as authorized 6488
by the board in rules adopted under section 4729.94 of the 6489
Revised Code; 6490

(4) Other activities specified by the board in rules 6491
adopted under section 4729.94 of the Revised Code. 6492

Sec. 4729.92. (A) An applicant for registration as a 6493
pharmacy technician trainee shall: 6494

(1) Comply with divisions (B)(1)(a) to (c) of section 6495
4729.90 of the Revised Code; 6496

(2) Be enrolled in or plan to enroll in education and 6497
training that will allow the applicant to meet the requirements 6498
established by the state board of pharmacy in rules adopted 6499
under section 4729.94 of the Revised Code; 6500

(3) Comply with sections 4776.01 to 4776.04 of the Revised 6501
Code. 6502

(B) A pharmacist or pharmacy intern whose license has been 6503
denied, revoked, suspended, or otherwise restricted by the board 6504
shall not be registered as a pharmacy technician trainee. 6505

Sec. 4729.921. An applicant for registration as a pharmacy 6506
technician trainee shall file with the state board of pharmacy 6507
an application in the form and manner prescribed in rules 6508
adopted under section 4729.94 of the Revised Code. The 6509
application shall be accompanied by an application fee of 6510
twenty-five dollars, which shall not be returned if the 6511
applicant fails to qualify for registration. 6512

If the board is satisfied that an applicant meets the 6513
requirements of section 4729.92 of the Revised Code and any 6514
additional requirements established by the board and determines 6515

that the results of a criminal records check do not make the 6516
applicant ineligible, the board shall register the applicant as 6517
a pharmacy technician trainee. 6518

Registration is valid for one year from the date of 6519
registration. Registration is not renewable, but an individual 6520
may reapply for registration if the individual's previous 6521
registration has lapsed for more than five years or the board 6522
grants its approval. 6523

Sec. 4729.93. A pharmacy technician trainee may, under the 6524
direct supervision of a pharmacist, engage in the same 6525
activities as a registered pharmacy technician, as listed in 6526
division (A) of section 4729.91 of the Revised Code. 6527

Sec. 4729.94. The state board of pharmacy shall adopt 6528
rules under section 4729.26 of the Revised Code governing 6529
registration of registered pharmacy technicians, certified 6530
pharmacy technicians, and pharmacy technician trainees. The 6531
rules shall include all of the following: 6532

(A) Application and renewal forms and procedures; 6533

(B) Reapplication forms and procedures for individuals 6534
whose registration has lapsed more than ninety days; 6535

(C) Education and training requirements, requirements for 6536
employer-administered training programs, and other requirements 6537
considered appropriate by the board; 6538

(D) Additional activities permitted by divisions (A) (7) 6539
and (B) (4) of section 4729.91 of the Revised Code; 6540

(E) Requirements for sterile and non-sterile drug 6541
compounding; 6542

(F) Continuing education requirements; 6543

(G) Conduct that constitutes dishonesty or unprofessional conduct by a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee; 6544
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(H) Additional conduct for which the board may impose discipline under section 4729.96 of the Revised Code on a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee; 6547
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(I) Any other rules the board considers appropriate to implement sections 4729.90 to 4729.96 of the Revised Code. 6551
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Sec. 4729.95. (A) No person who is not a pharmacist, pharmacy intern, registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee shall knowingly engage in any of the activities listed in section 4729.91 of the Revised Code in a location licensed as a terminal distributor of dangerous drugs or while performing the function of a terminal distributor, except that this division does not prevent a licensed health care professional from engaging in activities that are authorized by law as part of the licensed professional's practice. 6553
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(B) No pharmacist shall knowingly allow any person employed or otherwise under the control of the pharmacist to violate division (A) of this section. 6563
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(C) No terminal distributor of dangerous drugs shall knowingly allow any person employed or otherwise under the control of the person who owns, manages, or conducts the terminal distributor to violate division (A) of this section. 6566
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Sec. 4729.96. (A) (1) The state board of pharmacy, after notice and hearing in accordance with Chapter 119. of the Revised Code, may impose one or more of the following sanctions 6570
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on a pharmacy technician trainee, registered pharmacy 6573
technician, or certified pharmacy technician if the board finds 6574
the individual engaged in any of the conduct set forth in 6575
division (A) (2) of this section: 6576

(a) Revoke, suspend, restrict, limit, or refuse to grant 6577
or renew a registration; 6578

(b) Reprimand or place the holder of the registration on 6579
probation; 6580

(c) Impose a monetary penalty or forfeiture not to exceed 6581
in severity any fine designated under the Revised Code for a 6582
similar offense, or in the case of a violation of a section of 6583
the Revised Code that does not bear a penalty, a monetary 6584
penalty or forfeiture of not more than five hundred dollars. 6585

(2) The board may impose the sanctions listed in division 6586
(A) (1) of this section if the board finds a pharmacy technician 6587
trainee, registered pharmacy technician, or certified pharmacy 6588
technician: 6589

(a) Has been convicted of a felony, or a crime of moral 6590
turpitude, as defined in section 4776.10 of the Revised Code; 6591

(b) Engaged in dishonesty or unprofessional conduct, as 6592
prescribed in rules adopted by the board under section 4729.94 6593
of the Revised Code; 6594

(c) Is addicted to or abusing alcohol or drugs or impaired 6595
physically or mentally to such a degree as to render the 6596
individual unable to perform the individual's duties; 6597

(d) Violated, conspired to violate, attempted to violate, 6598
or aided and abetted the violation of any of the provisions of 6599
this chapter, sections 3715.52 to 3715.72 of the Revised Code, 6600

Chapter 2925. or 3719. of the Revised Code, or any rule adopted 6601
by the board under those provisions; 6602

(e) Committed fraud, misrepresentation, or deception in 6603
applying for or securing a registration issued by the board 6604
under this chapter; 6605

(f) Failed to comply with an order of the board or a 6606
settlement agreement; 6607

(g) Engaged in any other conduct for which the board may 6608
impose discipline as set forth in rules adopted by the board 6609
under section 4729.94 of the Revised Code. 6610

(B) The board may suspend a registration under division 6611
(B) of section 3719.121 of the Revised Code by utilizing a 6612
telephone conference call to review the allegations and take a 6613
vote. 6614

(C) For purposes of this division, an individual 6615
authorized to practice as a pharmacy technician trainee, 6616
registered pharmacy technician, or certified pharmacy technician 6617
accepts the privilege of practicing in this state subject to 6618
supervision by the board. By filing an application for or 6619
holding a registration under this chapter, the individual gives 6620
consent to submit to a mental or physical examination when 6621
ordered to do so by the board in writing and waives all 6622
objections to the admissibility of testimony or examination 6623
reports that constitute privileged communications. 6624

If the board has reasonable cause to believe that an 6625
individual who is a pharmacy technician trainee, registered 6626
pharmacy technician, or certified pharmacy technician is 6627
physically or mentally impaired, the board may require the 6628
individual to submit to a physical or mental examination, or 6629

both. The expense of the examination is the responsibility of 6630
the individual required to be examined. 6631

Failure of an individual who is a pharmacy technician 6632
trainee, registered pharmacy technician, or certified pharmacy 6633
technician to submit to a physical or mental examination ordered 6634
by the board, unless the failure is due to circumstances beyond 6635
the individual's control, constitutes an admission of the 6636
allegations and a suspension order shall be entered without the 6637
taking of testimony or presentation of evidence. Any subsequent 6638
adjudication hearing under Chapter 119. of the Revised Code 6639
concerning failure to submit to an examination is limited to 6640
consideration of whether the failure was beyond the individual's 6641
control. 6642

If, based on the results of an examination ordered under 6643
this division, the board determines that the individual's 6644
ability to practice is impaired, the board shall suspend the 6645
individual's registration or deny the individual's application 6646
and shall require the individual, as a condition for an initial, 6647
continued, reinstated, or renewed registration to practice, to 6648
submit to a physical or mental examination and treatment. 6649

An order of suspension issued under this division shall 6650
not be subject to suspension by a court during pendency of any 6651
appeal filed under section 119.12 of the Revised Code. 6652

(D) If the board is required under Chapter 119. of the 6653
Revised Code to give notice of an opportunity for a hearing and 6654
the applicant or registrant does not make a timely request for a 6655
hearing in accordance with section 119.07 of the Revised Code, 6656
the board is not required to hold a hearing, but may adopt a 6657
final order that contains the board's findings. In the final 6658
order, the board may impose any of the sanctions listed in 6659

division (A) of this section. 6660

(E) Notwithstanding the provision of division (C) (2) of 6661
section 2953.32 of the Revised Code specifying that if records 6662
pertaining to a criminal case are sealed under that section the 6663
proceedings in the case must be deemed not to have occurred, 6664
sealing of the following records on which the board has based an 6665
action under this section shall have no effect on the board's 6666
action or any sanction imposed by the board under this section: 6667
records of any conviction, guilty plea, judicial finding of 6668
guilt resulting from a plea of no contest, or a judicial finding 6669
of eligibility for a pretrial diversion program or intervention 6670
in lieu of conviction. The board shall not be required to seal, 6671
destroy, redact, or otherwise modify its records to reflect the 6672
court's sealing of conviction records. 6673

(F) No pharmacy technician trainee, registered pharmacy 6674
technician, or certified pharmacy technician shall knowingly 6675
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 6676
(d) to (g) of this section. 6677

Sec. 4729.99. (A) Whoever violates division (H) of section 6678
4729.16, division ~~(A) or (B)~~(E) of section 4729.38, or section 6679
4729.57, or division (F) of section 4729.96 of the Revised Code 6680
is guilty of a minor misdemeanor, unless a different penalty is 6681
otherwise specified in the Revised Code. Each day's violation 6682
constitutes a separate offense. 6683

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 6684
of the Revised Code is guilty of a misdemeanor of the third 6685
degree. Each day's violation constitutes a separate offense. If 6686
the offender previously has been convicted of or pleaded guilty 6687
to a violation of this chapter, that person is guilty of a 6688
misdemeanor of the second degree. 6689

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 of the Revised Code is guilty of a misdemeanor.

(D) Whoever violates division (A), (B), ~~(C)~~, (D), (E) or ~~(E)~~ ~~(G)~~ of section 4729.51 of the Revised Code is guilty of a misdemeanor of the first degree.

(E) (1) Whoever violates section 4729.37, division ~~(C)~~ ~~(2)~~ (E) (1) (b) of section 4729.51, division (J) of section 4729.54, division (B) or (D) of section 4729.553, or section 4729.61 of the Revised Code is guilty of a felony of the fifth degree. If the offender previously has been convicted of or pleaded guilty to a violation of this chapter or a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony of the fourth degree.

(2) If an offender is convicted of or pleads guilty to a violation of section 4729.37, division ~~(C)~~ (E) of section 4729.51, division (J) of section 4729.54, or section 4729.61 of the Revised Code, if the violation involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender, as defined in section 2929.01 of the Revised Code, and is guilty of a specification of the type described in section 2941.1410 of the Revised Code, the court, in lieu of the prison term authorized or required by division (E) (1) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under sections 2929.11 to 2929.18 of the Revised Code, shall impose upon the offender, in accordance with division (B) (3) of section 2929.14 of the Revised Code, the mandatory prison term specified in that division.

(3) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of court shall pay any fine imposed for a violation of section 4729.37, division ~~(C)~~ (E) of section 4729.51, division (J) of section 4729.54, or section 4729.61 of the Revised Code pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code.

(F) Whoever violates section 4729.531 of the Revised Code or any rule adopted thereunder or section 4729.532 of the Revised Code is guilty of a misdemeanor of the first degree.

(G) Whoever violates division ~~(C)(1)~~ (E)(1)(a) of section 4729.51 of the Revised Code is guilty of a felony of the fourth degree. If the offender has previously been convicted of or pleaded guilty to a violation of this chapter, or of a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony of the third degree.

(H) Whoever violates division ~~(C)(3)~~ (E)(1)(c) of section 4729.51 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender has previously been convicted of or pleaded guilty to a violation of this chapter, or of a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony of the fifth degree.

(I) (1) Whoever violates division ~~(B)~~ (A) of section ~~4729.42-4729.95~~ of the Revised Code is guilty of unauthorized pharmacy-related drug conduct. Except as otherwise provided in this section, unauthorized pharmacy-related drug conduct is a misdemeanor of the second degree. If the offender previously has

been convicted of or pleaded guilty to a violation of division 6750
(A), (B), or (C), ~~(D), or (E)~~ of that section, unauthorized 6751
pharmacy-related drug conduct is a misdemeanor of the first 6752
degree on a second offense and a felony of the fifth degree on a 6753
third or subsequent offense. 6754

(2) Whoever violates division (B) or (C) ~~or (D)~~ of section 6755
~~4729.42~~ 4729.95 of the Revised Code is guilty of permitting 6756
unauthorized pharmacy-related drug conduct. Except as otherwise 6757
provided in this section, permitting unauthorized pharmacy- 6758
related drug conduct is a misdemeanor of the second degree. If 6759
the offender previously has been convicted of or pleaded guilty 6760
to a violation of division (A), (B), or (C), ~~(D), or (E)~~ of that 6761
section, permitting unauthorized pharmacy-related drug conduct 6762
is a misdemeanor of the first degree on a second offense and a 6763
felony of the fifth degree on a third or subsequent offense. 6764

~~(3) Whoever violates division (E) of section 4729.42 of~~ 6765
~~the Revised Code is guilty of the offense of falsification under~~ 6766
~~section 2921.13 of the Revised Code. In addition to any other~~ 6767
~~sanction imposed for the violation, the offender is forever~~ 6768
~~disqualified from engaging in any activity specified in division~~ 6769
~~(B) (1), (2), or (3) of section 4729.42 of the Revised Code and~~ 6770
~~from performing any function as a health care professional or~~ 6771
~~health care worker. As used in this division, "health care~~ 6772
~~professional" and "health care worker" have the same meanings as~~ 6773
~~in section 2305.234 of the Revised Code.~~ 6774

~~(4)~~ Notwithstanding any contrary provision of section 6775
3719.21 of the Revised Code or any other provision of law that 6776
governs the distribution of fines, the clerk of the court shall 6777
pay any fine imposed pursuant to division (I) (1), or (2), ~~or (3)~~ 6778
of this section to the state board of pharmacy if the board has 6779

adopted a written internal control policy under division (F) (2) 6780
of section 2925.03 of the Revised Code that addresses fine 6781
moneys that it receives under Chapter 2925. of the Revised Code 6782
and if the policy also addresses fine moneys paid under this 6783
division. The state board of pharmacy shall use the fines so 6784
paid in accordance with the written internal control policy to 6785
subsidize the board's law enforcement efforts that pertain to 6786
drug offenses. 6787

(J) (1) Whoever violates division (A) (1) of section 4729.86 6788
of the Revised Code is guilty of a misdemeanor of the third 6789
degree. If the offender has previously been convicted of or 6790
pleaded guilty to a violation of division (A) (1), (2), or (3) of 6791
section 4729.86 of the Revised Code, that person is guilty of a 6792
misdemeanor of the first degree. 6793

(2) Whoever violates division (A) (2) of section 4729.86 of 6794
the Revised Code is guilty of a misdemeanor of the first degree. 6795
If the offender has previously been convicted of or pleaded 6796
guilty to a violation of division (A) (1), (2), or (3) of section 6797
4729.86 of the Revised Code, that person is guilty of a felony 6798
of the fifth degree. 6799

(3) Whoever violates division (A) (3) of section 4729.86 of 6800
the Revised Code is guilty of a felony of the fifth degree. If 6801
the offender has previously been convicted of or pleaded guilty 6802
to a violation of division (A) (1), (2), or (3) of section 6803
4729.86 of the Revised Code, that person is guilty of a felony 6804
of the fourth degree. 6805

(K) A person who violates division (C) of section 4729.552 6806
of the Revised Code is guilty of a misdemeanor of the first 6807
degree. If the person previously has been convicted of or 6808
pleaded guilty to a violation of division (C) of section 6809

4729.552 of the Revised Code, that person is guilty of a felony 6810
of the fifth degree. 6811

Sec. 4731.22. (A) The state medical board, by an 6812
affirmative vote of not fewer than six of its members, may 6813
limit, revoke, or suspend an individual's certificate to 6814
practice or certificate to recommend, refuse to grant a 6815
certificate to an individual, refuse to renew a certificate, 6816
refuse to reinstate a certificate, or reprimand or place on 6817
probation the holder of a certificate if the individual or 6818
certificate holder is found by the board to have committed fraud 6819
during the administration of the examination for a certificate 6820
to practice or to have committed fraud, misrepresentation, or 6821
deception in applying for, renewing, or securing any certificate 6822
to practice or certificate to recommend issued by the board. 6823

(B) The board, by an affirmative vote of not fewer than 6824
six members, shall, to the extent permitted by law, limit, 6825
revoke, or suspend an individual's certificate to practice or 6826
certificate to recommend, refuse to issue a certificate to an 6827
individual, refuse to renew a certificate, refuse to reinstate a 6828
certificate, or reprimand or place on probation the holder of a 6829
certificate for one or more of the following reasons: 6830

(1) Permitting one's name or one's certificate to practice 6831
to be used by a person, group, or corporation when the 6832
individual concerned is not actually directing the treatment 6833
given; 6834

(2) Failure to maintain minimal standards applicable to 6835
the selection or administration of drugs, or failure to employ 6836
acceptable scientific methods in the selection of drugs or other 6837
modalities for treatment of disease; 6838

(3) Selling, giving away, personally furnishing, 6839
prescribing, or administering drugs for other than legal and 6840
legitimate therapeutic purposes or a plea of guilty to, a 6841
judicial finding of guilt of, or a judicial finding of 6842
eligibility for intervention in lieu of conviction of, a 6843
violation of any federal or state law regulating the possession, 6844
distribution, or use of any drug; 6845

(4) Willfully betraying a professional confidence. 6846

For purposes of this division, "willfully betraying a 6847
professional confidence" does not include providing any 6848
information, documents, or reports under sections 307.621 to 6849
307.629 of the Revised Code to a child fatality review board; 6850
does not include providing any information, documents, or 6851
reports to the director of health pursuant to guidelines 6852
established under section 3701.70 of the Revised Code; does not 6853
include written notice to a mental health professional under 6854
section 4731.62 of the Revised Code; and does not include the 6855
making of a report of an employee's use of a drug of abuse, or a 6856
report of a condition of an employee other than one involving 6857
the use of a drug of abuse, to the employer of the employee as 6858
described in division (B) of section 2305.33 of the Revised 6859
Code. Nothing in this division affects the immunity from civil 6860
liability conferred by section 2305.33 or 4731.62 of the Revised 6861
Code upon a physician who makes a report in accordance with 6862
section 2305.33 or notifies a mental health professional in 6863
accordance with section 4731.62 of the Revised Code. As used in 6864
this division, "employee," "employer," and "physician" have the 6865
same meanings as in section 2305.33 of the Revised Code. 6866

(5) Making a false, fraudulent, deceptive, or misleading 6867
statement in the solicitation of or advertising for patients; in 6868

relation to the practice of medicine and surgery, osteopathic 6869
medicine and surgery, podiatric medicine and surgery, or a 6870
limited branch of medicine; or in securing or attempting to 6871
secure any certificate to practice issued by the board. 6872

As used in this division, "false, fraudulent, deceptive, 6873
or misleading statement" means a statement that includes a 6874
misrepresentation of fact, is likely to mislead or deceive 6875
because of a failure to disclose material facts, is intended or 6876
is likely to create false or unjustified expectations of 6877
favorable results, or includes representations or implications 6878
that in reasonable probability will cause an ordinarily prudent 6879
person to misunderstand or be deceived. 6880

(6) A departure from, or the failure to conform to, 6881
minimal standards of care of similar practitioners under the 6882
same or similar circumstances, whether or not actual injury to a 6883
patient is established; 6884

(7) Representing, with the purpose of obtaining 6885
compensation or other advantage as personal gain or for any 6886
other person, that an incurable disease or injury, or other 6887
incurable condition, can be permanently cured; 6888

(8) The obtaining of, or attempting to obtain, money or 6889
anything of value by fraudulent misrepresentations in the course 6890
of practice; 6891

(9) A plea of guilty to, a judicial finding of guilt of, 6892
or a judicial finding of eligibility for intervention in lieu of 6893
conviction for, a felony; 6894

(10) Commission of an act that constitutes a felony in 6895
this state, regardless of the jurisdiction in which the act was 6896
committed; 6897

(11) A plea of guilty to, a judicial finding of guilt of, 6898
or a judicial finding of eligibility for intervention in lieu of 6899
conviction for, a misdemeanor committed in the course of 6900
practice; 6901

(12) Commission of an act in the course of practice that 6902
constitutes a misdemeanor in this state, regardless of the 6903
jurisdiction in which the act was committed; 6904

(13) A plea of guilty to, a judicial finding of guilt of, 6905
or a judicial finding of eligibility for intervention in lieu of 6906
conviction for, a misdemeanor involving moral turpitude; 6907

(14) Commission of an act involving moral turpitude that 6908
constitutes a misdemeanor in this state, regardless of the 6909
jurisdiction in which the act was committed; 6910

(15) Violation of the conditions of limitation placed by 6911
the board upon a certificate to practice; 6912

(16) Failure to pay license renewal fees specified in this 6913
chapter; 6914

(17) Except as authorized in section 4731.31 of the 6915
Revised Code, engaging in the division of fees for referral of 6916
patients, or the receiving of a thing of value in return for a 6917
specific referral of a patient to utilize a particular service 6918
or business; 6919

(18) Subject to section 4731.226 of the Revised Code, 6920
violation of any provision of a code of ethics of the American 6921
medical association, the American osteopathic association, the 6922
American podiatric medical association, or any other national 6923
professional organizations that the board specifies by rule. The 6924
state medical board shall obtain and keep on file current copies 6925
of the codes of ethics of the various national professional 6926

organizations. The individual whose certificate is being 6927
suspended or revoked shall not be found to have violated any 6928
provision of a code of ethics of an organization not appropriate 6929
to the individual's profession. 6930

For purposes of this division, a "provision of a code of 6931
ethics of a national professional organization" does not include 6932
any provision that would preclude the making of a report by a 6933
physician of an employee's use of a drug of abuse, or of a 6934
condition of an employee other than one involving the use of a 6935
drug of abuse, to the employer of the employee as described in 6936
division (B) of section 2305.33 of the Revised Code. Nothing in 6937
this division affects the immunity from civil liability 6938
conferred by that section upon a physician who makes either type 6939
of report in accordance with division (B) of that section. As 6940
used in this division, "employee," "employer," and "physician" 6941
have the same meanings as in section 2305.33 of the Revised 6942
Code. 6943

(19) Inability to practice according to acceptable and 6944
prevailing standards of care by reason of mental illness or 6945
physical illness, including, but not limited to, physical 6946
deterioration that adversely affects cognitive, motor, or 6947
perceptive skills. 6948

In enforcing this division, the board, upon a showing of a 6949
possible violation, may compel any individual authorized to 6950
practice by this chapter or who has submitted an application 6951
pursuant to this chapter to submit to a mental examination, 6952
physical examination, including an HIV test, or both a mental 6953
and a physical examination. The expense of the examination is 6954
the responsibility of the individual compelled to be examined. 6955
Failure to submit to a mental or physical examination or consent 6956

to an HIV test ordered by the board constitutes an admission of 6957
the allegations against the individual unless the failure is due 6958
to circumstances beyond the individual's control, and a default 6959
and final order may be entered without the taking of testimony 6960
or presentation of evidence. If the board finds an individual 6961
unable to practice because of the reasons set forth in this 6962
division, the board shall require the individual to submit to 6963
care, counseling, or treatment by physicians approved or 6964
designated by the board, as a condition for initial, continued, 6965
reinstated, or renewed authority to practice. An individual 6966
affected under this division shall be afforded an opportunity to 6967
demonstrate to the board the ability to resume practice in 6968
compliance with acceptable and prevailing standards under the 6969
provisions of the individual's certificate. For the purpose of 6970
this division, any individual who applies for or receives a 6971
certificate to practice under this chapter accepts the privilege 6972
of practicing in this state and, by so doing, shall be deemed to 6973
have given consent to submit to a mental or physical examination 6974
when directed to do so in writing by the board, and to have 6975
waived all objections to the admissibility of testimony or 6976
examination reports that constitute a privileged communication. 6977

(20) Except when civil penalties are imposed under section 6978
4731.225 or 4731.282 of the Revised Code, and subject to section 6979
4731.226 of the Revised Code, violating or attempting to 6980
violate, directly or indirectly, or assisting in or abetting the 6981
violation of, or conspiring to violate, any provisions of this 6982
chapter or any rule promulgated by the board. 6983

This division does not apply to a violation or attempted 6984
violation of, assisting in or abetting the violation of, or a 6985
conspiracy to violate, any provision of this chapter or any rule 6986
adopted by the board that would preclude the making of a report 6987

by a physician of an employee's use of a drug of abuse, or of a 6988
condition of an employee other than one involving the use of a 6989
drug of abuse, to the employer of the employee as described in 6990
division (B) of section 2305.33 of the Revised Code. Nothing in 6991
this division affects the immunity from civil liability 6992
conferred by that section upon a physician who makes either type 6993
of report in accordance with division (B) of that section. As 6994
used in this division, "employee," "employer," and "physician" 6995
have the same meanings as in section 2305.33 of the Revised 6996
Code. 6997

(21) The violation of section 3701.79 of the Revised Code 6998
or of any abortion rule adopted by the director of health 6999
pursuant to section 3701.341 of the Revised Code; 7000

(22) Any of the following actions taken by an agency 7001
responsible for authorizing, certifying, or regulating an 7002
individual to practice a health care occupation or provide 7003
health care services in this state or another jurisdiction, for 7004
any reason other than the nonpayment of fees: the limitation, 7005
revocation, or suspension of an individual's license to 7006
practice; acceptance of an individual's license surrender; 7007
denial of a license; refusal to renew or reinstate a license; 7008
imposition of probation; or issuance of an order of censure or 7009
other reprimand; 7010

(23) The violation of section 2919.12 of the Revised Code 7011
or the performance or inducement of an abortion upon a pregnant 7012
woman with actual knowledge that the conditions specified in 7013
division (B) of section 2317.56 of the Revised Code have not 7014
been satisfied or with a heedless indifference as to whether 7015
those conditions have been satisfied, unless an affirmative 7016
defense as specified in division (H) (2) of that section would 7017

apply in a civil action authorized by division (H) (1) of that section; 7018
7019

(24) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice; 7020
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(25) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (B) (2), (3), (6), (8), or (19) of this section; 7026
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(26) Impairment of 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. 7031
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For the purposes of this division, any individual authorized to practice by this chapter accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a certificate to practice under this chapter, an individual shall be deemed to have given consent to submit to a mental or physical examination when ordered to do so by the board in writing, and to have waived all objections to the admissibility of testimony or examination reports that constitute privileged communications. 7035
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If it has reason to believe that any individual authorized to practice by this chapter or any applicant for certification to practice suffers such impairment, the board may compel the 7044
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individual to submit to a mental or physical examination, or 7047
both. The expense of the examination is the responsibility of 7048
the individual compelled to be examined. Any mental or physical 7049
examination required under this division shall be undertaken by 7050
a treatment provider or physician who is qualified to conduct 7051
the examination and who is chosen by the board. 7052

Failure to submit to a mental or physical examination 7053
ordered by the board constitutes an admission of the allegations 7054
against the individual unless the failure is due to 7055
circumstances beyond the individual's control, and a default and 7056
final order may be entered without the taking of testimony or 7057
presentation of evidence. If the board determines that the 7058
individual's ability to practice is impaired, the board shall 7059
suspend the individual's certificate or deny the individual's 7060
application and shall require the individual, as a condition for 7061
initial, continued, reinstated, or renewed certification to 7062
practice, to submit to treatment. 7063

Before being eligible to apply for reinstatement of a 7064
certificate suspended under this division, the impaired 7065
practitioner shall demonstrate to the board the ability to 7066
resume practice in compliance with acceptable and prevailing 7067
standards of care under the provisions of the practitioner's 7068
certificate. The demonstration shall include, but shall not be 7069
limited to, the following: 7070

(a) Certification from a treatment provider approved under 7071
section 4731.25 of the Revised Code that the individual has 7072
successfully completed any required inpatient treatment; 7073

(b) Evidence of continuing full compliance with an 7074
aftercare contract or consent agreement; 7075

(c) Two written reports indicating that the individual's 7076
ability to practice has been assessed and that the individual 7077
has been found capable of practicing according to acceptable and 7078
prevailing standards of care. The reports shall be made by 7079
individuals or providers approved by the board for making the 7080
assessments and shall describe the basis for their 7081
determination. 7082

The board may reinstate a certificate suspended under this 7083
division after that demonstration and after the individual has 7084
entered into a written consent agreement. 7085

When the impaired practitioner resumes practice, the board 7086
shall require continued monitoring of the individual. The 7087
monitoring shall include, but not be limited to, compliance with 7088
the written consent agreement entered into before reinstatement 7089
or with conditions imposed by board order after a hearing, and, 7090
upon termination of the consent agreement, submission to the 7091
board for at least two years of annual written progress reports 7092
made under penalty of perjury stating whether the individual has 7093
maintained sobriety. 7094

(27) A second or subsequent violation of section 4731.66 7095
or 4731.69 of the Revised Code; 7096

(28) Except as provided in division (N) of this section: 7097

(a) Waiving the payment of all or any part of a deductible 7098
or copayment that a patient, pursuant to a health insurance or 7099
health care policy, contract, or plan that covers the 7100
individual's services, otherwise would be required to pay if the 7101
waiver is used as an enticement to a patient or group of 7102
patients to receive health care services from that individual; 7103

(b) Advertising that the individual will waive the payment 7104

of all or any part of a deductible or copayment that a patient, 7105
pursuant to a health insurance or health care policy, contract, 7106
or plan that covers the individual's services, otherwise would 7107
be required to pay. 7108

(29) Failure to use universal blood and body fluid 7109
precautions established by rules adopted under section 4731.051 7110
of the Revised Code; 7111

(30) Failure to provide notice to, and receive 7112
acknowledgment of the notice from, a patient when required by 7113
section 4731.143 of the Revised Code prior to providing 7114
nonemergency professional services, or failure to maintain that 7115
notice in the patient's file; 7116

(31) Failure of a physician supervising a physician 7117
assistant to maintain supervision in accordance with the 7118
requirements of Chapter 4730. of the Revised Code and the rules 7119
adopted under that chapter; 7120

(32) Failure of a physician or podiatrist to enter into a 7121
standard care arrangement with a clinical nurse specialist, 7122
certified nurse-midwife, or certified nurse practitioner with 7123
whom the physician or podiatrist is in collaboration pursuant to 7124
section 4731.27 of the Revised Code or failure to fulfill the 7125
responsibilities of collaboration after entering into a standard 7126
care arrangement; 7127

(33) Failure to comply with the terms of a consult 7128
agreement entered into with a pharmacist pursuant to section 7129
4729.39 of the Revised Code; 7130

(34) Failure to cooperate in an investigation conducted by 7131
the board under division (F) of this section, including failure 7132
to comply with a subpoena or order issued by the board or 7133

failure to answer truthfully a question presented by the board 7134
in an investigative interview, an investigative office 7135
conference, at a deposition, or in written interrogatories, 7136
except that failure to cooperate with an investigation shall not 7137
constitute grounds for discipline under this section if a court 7138
of competent jurisdiction has issued an order that either 7139
quashes a subpoena or permits the individual to withhold the 7140
testimony or evidence in issue; 7141

(35) Failure to supervise an oriental medicine 7142
practitioner or acupuncturist in accordance with Chapter 4762. 7143
of the Revised Code and the board's rules for providing that 7144
supervision; 7145

(36) Failure to supervise an anesthesiologist assistant in 7146
accordance with Chapter 4760. of the Revised Code and the 7147
board's rules for supervision of an anesthesiologist assistant; 7148

(37) Assisting suicide, as defined in section 3795.01 of 7149
the Revised Code; 7150

(38) Failure to comply with the requirements of section 7151
2317.561 of the Revised Code; 7152

(39) Failure to supervise a radiologist assistant in 7153
accordance with Chapter 4774. of the Revised Code and the 7154
board's rules for supervision of radiologist assistants; 7155

(40) Performing or inducing an abortion at an office or 7156
facility with knowledge that the office or facility fails to 7157
post the notice required under section 3701.791 of the Revised 7158
Code; 7159

(41) Failure to comply with the standards and procedures 7160
established in rules under section 4731.054 of the Revised Code 7161
for the operation of or the provision of care at a pain 7162

management clinic;	7163
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	7164 7165 7166 7167
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	7168 7169 7170 7171
(44) Failure to comply with the requirements of section 2919.171 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 of the Revised Code;	7172 7173 7174 7175
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	7176 7177 7178 7179 7180
(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	7181 7182 7183 7184
(47) Failure to comply with the requirement regarding maintaining notes described in division (B) of section 2919.191 of the Revised Code or failure to satisfy the requirements of section 2919.191 of the Revised Code prior to performing or inducing an abortion upon a pregnant woman;	7185 7186 7187 7188 7189
(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a	7190 7191

prescription for an opioid analgesic, as defined in section 7192
3719.01 of the Revised Code; 7193

(49) Failure to comply with the requirements of section 7194
4731.30 of the Revised Code or rules adopted under section 7195
4731.301 of the Revised Code when recommending treatment with 7196
medical marijuana; 7197

(50) Practicing at a facility, clinic, or other location 7198
that is subject to licensure as a category III terminal 7199
distributor of dangerous drugs with an office-based opioid 7200
treatment classification unless the person operating that place 7201
has obtained and maintains the license with the classification; 7202

(51) Owning a facility, clinic, or other location that is 7203
subject to licensure as a category III terminal distributor of 7204
dangerous drugs with an office-based opioid treatment 7205
classification unless that place is licensed with the 7206
classification. 7207

(C) Disciplinary actions taken by the board under 7208
divisions (A) and (B) of this section shall be taken pursuant to 7209
an adjudication under Chapter 119. of the Revised Code, except 7210
that in lieu of an adjudication, the board may enter into a 7211
consent agreement with an individual to resolve an allegation of 7212
a violation of this chapter or any rule adopted under it. A 7213
consent agreement, when ratified by an affirmative vote of not 7214
fewer than six members of the board, shall constitute the 7215
findings and order of the board with respect to the matter 7216
addressed in the agreement. If the board refuses to ratify a 7217
consent agreement, the admissions and findings contained in the 7218
consent agreement shall be of no force or effect. 7219

A telephone conference call may be utilized for 7220

ratification of a consent agreement that revokes or suspends an 7221
individual's certificate to practice or certificate to 7222
recommend. The telephone conference call shall be considered a 7223
special meeting under division (F) of section 121.22 of the 7224
Revised Code. 7225

If the board takes disciplinary action against an 7226
individual under division (B) of this section for a second or 7227
subsequent plea of guilty to, or judicial finding of guilt of, a 7228
violation of section 2919.123 of the Revised Code, the 7229
disciplinary action shall consist of a suspension of the 7230
individual's certificate to practice for a period of at least 7231
one year or, if determined appropriate by the board, a more 7232
serious sanction involving the individual's certificate to 7233
practice. Any consent agreement entered into under this division 7234
with an individual that pertains to a second or subsequent plea 7235
of guilty to, or judicial finding of guilt of, a violation of 7236
that section shall provide for a suspension of the individual's 7237
certificate to practice for a period of at least one year or, if 7238
determined appropriate by the board, a more serious sanction 7239
involving the individual's certificate to practice. 7240

(D) For purposes of divisions (B) (10), (12), and (14) of 7241
this section, the commission of the act may be established by a 7242
finding by the board, pursuant to an adjudication under Chapter 7243
119. of the Revised Code, that the individual committed the act. 7244
The board does not have jurisdiction under those divisions if 7245
the trial court renders a final judgment in the individual's 7246
favor and that judgment is based upon an adjudication on the 7247
merits. The board has jurisdiction under those divisions if the 7248
trial court issues an order of dismissal upon technical or 7249
procedural grounds. 7250

(E) The sealing of conviction records by any court shall 7251
have no effect upon a prior board order entered under this 7252
section or upon the board's jurisdiction to take action under 7253
this section if, based upon a plea of guilty, a judicial finding 7254
of guilt, or a judicial finding of eligibility for intervention 7255
in lieu of conviction, the board issued a notice of opportunity 7256
for a hearing prior to the court's order to seal the records. 7257
The board shall not be required to seal, destroy, redact, or 7258
otherwise modify its records to reflect the court's sealing of 7259
conviction records. 7260

(F) (1) The board shall investigate evidence that appears 7261
to show that a person has violated any provision of this chapter 7262
or any rule adopted under it. Any person may report to the board 7263
in a signed writing any information that the person may have 7264
that appears to show a violation of any provision of this 7265
chapter or any rule adopted under it. In the absence of bad 7266
faith, any person who reports information of that nature or who 7267
testifies before the board in any adjudication conducted under 7268
Chapter 119. of the Revised Code shall not be liable in damages 7269
in a civil action as a result of the report or testimony. Each 7270
complaint or allegation of a violation received by the board 7271
shall be assigned a case number and shall be recorded by the 7272
board. 7273

(2) Investigations of alleged violations of this chapter 7274
or any rule adopted under it shall be supervised by the 7275
supervising member elected by the board in accordance with 7276
section 4731.02 of the Revised Code and by the secretary as 7277
provided in section 4731.39 of the Revised Code. The president 7278
may designate another member of the board to supervise the 7279
investigation in place of the supervising member. No member of 7280
the board who supervises the investigation of a case shall 7281

participate in further adjudication of the case. 7282

(3) In investigating a possible violation of this chapter 7283
or any rule adopted under this chapter, or in conducting an 7284
inspection under division (E) of section 4731.054 of the Revised 7285
Code, the board may question witnesses, conduct interviews, 7286
administer oaths, order the taking of depositions, inspect and 7287
copy any books, accounts, papers, records, or documents, issue 7288
subpoenas, and compel the attendance of witnesses and production 7289
of books, accounts, papers, records, documents, and testimony, 7290
except that a subpoena for patient record information shall not 7291
be issued without consultation with the attorney general's 7292
office and approval of the secretary and supervising member of 7293
the board. 7294

(a) Before issuance of a subpoena for patient record 7295
information, the secretary and supervising member shall 7296
determine whether there is probable cause to believe that the 7297
complaint filed alleges a violation of this chapter or any rule 7298
adopted under it and that the records sought are relevant to the 7299
alleged violation and material to the investigation. The 7300
subpoena may apply only to records that cover a reasonable 7301
period of time surrounding the alleged violation. 7302

(b) On failure to comply with any subpoena issued by the 7303
board and after reasonable notice to the person being 7304
subpoenaed, the board may move for an order compelling the 7305
production of persons or records pursuant to the Rules of Civil 7306
Procedure. 7307

(c) A subpoena issued by the board may be served by a 7308
sheriff, the sheriff's deputy, or a board employee designated by 7309
the board. Service of a subpoena issued by the board may be made 7310
by delivering a copy of the subpoena to the person named 7311

therein, reading it to the person, or leaving it at the person's
usual place of residence, usual place of business, or address on
file with the board. When serving a subpoena to an applicant for
or the holder of a certificate issued under this chapter,
service of the subpoena may be made by certified mail, return
receipt requested, and the subpoena shall be deemed served on
the date delivery is made or the date the person refuses to
accept delivery. If the person being served refuses to accept
the subpoena or is not located, service may be made to an
attorney who notifies the board that the attorney is
representing the person.

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

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

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

The board shall conduct all investigations or inspections
and proceedings in a manner that protects the confidentiality of
patients and persons who file complaints with the board. The
board shall not make public the names or any other identifying
information about patients or complainants unless proper consent
is given or, in the case of a patient, a waiver of the patient
privilege exists under division (B) of section 2317.02 of the

Revised Code, except that consent or a waiver of that nature is 7342
not required if the board possesses reliable and substantial 7343
evidence that no bona fide physician-patient relationship 7344
exists. 7345

The board may share any information it receives pursuant 7346
to an investigation or inspection, including patient records and 7347
patient record information, with law enforcement agencies, other 7348
licensing boards, and other governmental agencies that are 7349
prosecuting, adjudicating, or investigating alleged violations 7350
of statutes or administrative rules. An agency or board that 7351
receives the information shall comply with the same requirements 7352
regarding confidentiality as those with which the state medical 7353
board must comply, notwithstanding any conflicting provision of 7354
the Revised Code or procedure of the agency or board that 7355
applies when it is dealing with other information in its 7356
possession. In a judicial proceeding, the information may be 7357
admitted into evidence only in accordance with the Rules of 7358
Evidence, but the court shall require that appropriate measures 7359
are taken to ensure that confidentiality is maintained with 7360
respect to any part of the information that contains names or 7361
other identifying information about patients or complainants 7362
whose confidentiality was protected by the state medical board 7363
when the information was in the board's possession. Measures to 7364
ensure confidentiality that may be taken by the court include 7365
sealing its records or deleting specific information from its 7366
records. 7367

(6) On a quarterly basis, the board shall prepare a report 7368
that documents the disposition of all cases during the preceding 7369
three months. The report shall contain the following information 7370
for each case with which the board has completed its activities: 7371

(a) The case number assigned to the complaint or alleged violation; 7372
7373

(b) The type of certificate to practice, if any, held by the individual against whom the complaint is directed; 7374
7375

(c) A description of the allegations contained in the complaint; 7376
7377

(d) The disposition of the case. 7378

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code. 7379
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(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's certificate to practice or certificate to recommend without a prior hearing: 7383
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(1) That there is clear and convincing evidence that an individual has violated division (B) of this section; 7387
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(2) That the individual's continued practice presents a danger of immediate and serious harm to the public. 7389
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Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension. 7391
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The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of 7398
7399

the Revised Code. The order shall not be subject to suspension 7400
by the court during pendency of any appeal filed under section 7401
119.12 of the Revised Code. If the individual subject to the 7402
summary suspension requests an adjudicatory hearing by the 7403
board, the date set for the hearing shall be within fifteen 7404
days, but not earlier than seven days, after the individual 7405
requests the hearing, unless otherwise agreed to by both the 7406
board and the individual. 7407

Any summary suspension imposed under this division shall 7408
remain in effect, unless reversed on appeal, until a final 7409
adjudicative order issued by the board pursuant to this section 7410
and Chapter 119. of the Revised Code becomes effective. The 7411
board shall issue its final adjudicative order within seventy- 7412
five days after completion of its hearing. A failure to issue 7413
the order within seventy-five days shall result in dissolution 7414
of the summary suspension order but shall not invalidate any 7415
subsequent, final adjudicative order. 7416

(H) If the board takes action under division (B) (9), (11), 7417
or (13) of this section and the judicial finding of guilt, 7418
guilty plea, or judicial finding of eligibility for intervention 7419
in lieu of conviction is overturned on appeal, upon exhaustion 7420
of the criminal appeal, a petition for reconsideration of the 7421
order may be filed with the board along with appropriate court 7422
documents. Upon receipt of a petition of that nature and 7423
supporting court documents, the board shall reinstate the 7424
individual's certificate to practice. The board may then hold an 7425
adjudication under Chapter 119. of the Revised Code to determine 7426
whether the individual committed the act in question. Notice of 7427
an opportunity for a hearing shall be given in accordance with 7428
Chapter 119. of the Revised Code. If the board finds, pursuant 7429
to an adjudication held under this division, that the individual 7430

committed the act or if no hearing is requested, the board may 7431
order any of the sanctions identified under division (B) of this 7432
section. 7433

(I) The certificate to practice issued to an individual 7434
under this chapter and the individual's practice in this state 7435
are automatically suspended as of the date of the individual's 7436
second or subsequent plea of guilty to, or judicial finding of 7437
guilt of, a violation of section 2919.123 of the Revised Code. 7438
In addition, the certificate to practice or certificate to 7439
recommend issued to an individual under this chapter and the 7440
individual's practice in this state are automatically suspended 7441
as of the date the individual pleads guilty to, is found by a 7442
judge or jury to be guilty of, or is subject to a judicial 7443
finding of eligibility for intervention in lieu of conviction in 7444
this state or treatment or intervention in lieu of conviction in 7445
another jurisdiction for any of the following criminal offenses 7446
in this state or a substantially equivalent criminal offense in 7447
another jurisdiction: aggravated murder, murder, voluntary 7448
manslaughter, felonious assault, kidnapping, rape, sexual 7449
battery, gross sexual imposition, aggravated arson, aggravated 7450
robbery, or aggravated burglary. Continued practice after 7451
suspension shall be considered practicing without a certificate. 7452

The board shall notify the individual subject to the 7453
suspension by certified mail or in person in accordance with 7454
section 119.07 of the Revised Code. If an individual whose 7455
certificate is automatically suspended under this division fails 7456
to make a timely request for an adjudication under Chapter 119. 7457
of the Revised Code, the board shall do whichever of the 7458
following is applicable: 7459

(1) If the automatic suspension under this division is for 7460

a second or subsequent plea of guilty to, or judicial finding of 7461
guilt of, a violation of section 2919.123 of the Revised Code, 7462
the board shall enter an order suspending the individual's 7463
certificate to practice for a period of at least one year or, if 7464
determined appropriate by the board, imposing a more serious 7465
sanction involving the individual's certificate to practice. 7466

(2) In all circumstances in which division (I)(1) of this 7467
section does not apply, enter a final order permanently revoking 7468
the individual's certificate to practice. 7469

(J) If the board is required by Chapter 119. of the 7470
Revised Code to give notice of an opportunity for a hearing and 7471
if the individual subject to the notice does not timely request 7472
a hearing in accordance with section 119.07 of the Revised Code, 7473
the board is not required to hold a hearing, but may adopt, by 7474
an affirmative vote of not fewer than six of its members, a 7475
final order that contains the board's findings. In that final 7476
order, the board may order any of the sanctions identified under 7477
division (A) or (B) of this section. 7478

(K) Any action taken by the board under division (B) of 7479
this section resulting in a suspension from practice shall be 7480
accompanied by a written statement of the conditions under which 7481
the individual's certificate to practice may be reinstated. The 7482
board shall adopt rules governing conditions to be imposed for 7483
reinstatement. Reinstatement of a certificate suspended pursuant 7484
to division (B) of this section requires an affirmative vote of 7485
not fewer than six members of the board. 7486

(L) When the board refuses to grant or issue a certificate 7487
to practice to an applicant, revokes an individual's certificate 7488
to practice, refuses to renew an individual's certificate to 7489
practice, or refuses to reinstate an individual's certificate to 7490

practice, the board may specify that its action is permanent. An 7491
individual subject to a permanent action taken by the board is 7492
forever thereafter ineligible to hold a certificate to practice 7493
and the board shall not accept an application for reinstatement 7494
of the certificate or for issuance of a new certificate. 7495

(M) Notwithstanding any other provision of the Revised 7496
Code, all of the following apply: 7497

(1) The surrender of a certificate issued under this 7498
chapter shall not be effective unless or until accepted by the 7499
board. A telephone conference call may be utilized for 7500
acceptance of the surrender of an individual's certificate to 7501
practice. The telephone conference call shall be considered a 7502
special meeting under division (F) of section 121.22 of the 7503
Revised Code. Reinstatement of a certificate surrendered to the 7504
board requires an affirmative vote of not fewer than six members 7505
of the board. 7506

(2) An application for a certificate made under the 7507
provisions of this chapter may not be withdrawn without approval 7508
of the board. 7509

(3) Failure by an individual to renew a certificate to 7510
practice in accordance with this chapter or a certificate to 7511
recommend in accordance with rules adopted under section 7512
4731.301 of the Revised Code shall not remove or limit the 7513
board's jurisdiction to take any disciplinary action under this 7514
section against the individual. 7515

(4) At the request of the board, a certificate holder 7516
shall immediately surrender to the board a certificate that the 7517
board has suspended, revoked, or permanently revoked. 7518

(N) Sanctions shall not be imposed under division (B) (28) 7519

of this section against any person who waives deductibles and 7520
copayments as follows: 7521

(1) In compliance with the health benefit plan that 7522
expressly allows such a practice. Waiver of the deductibles or 7523
copayments shall be made only with the full knowledge and 7524
consent of the plan purchaser, payer, and third-party 7525
administrator. Documentation of the consent shall be made 7526
available to the board upon request. 7527

(2) For professional services rendered to any other person 7528
authorized to practice pursuant to this chapter, to the extent 7529
allowed by this chapter and rules adopted by the board. 7530

(0) Under the board's investigative duties described in 7531
this section and subject to division (F) of this section, the 7532
board shall develop and implement a quality intervention program 7533
designed to improve through remedial education the clinical and 7534
communication skills of individuals authorized under this 7535
chapter to practice medicine and surgery, osteopathic medicine 7536
and surgery, and podiatric medicine and surgery. In developing 7537
and implementing the quality intervention program, the board may 7538
do all of the following: 7539

(1) Offer in appropriate cases as determined by the board 7540
an educational and assessment program pursuant to an 7541
investigation the board conducts under this section; 7542

(2) Select providers of educational and assessment 7543
services, including a quality intervention program panel of case 7544
reviewers; 7545

(3) Make referrals to educational and assessment service 7546
providers and approve individual educational programs 7547
recommended by those providers. The board shall monitor the 7548

progress of each individual undertaking a recommended individual 7549
educational program. 7550

(4) Determine what constitutes successful completion of an 7551
individual educational program and require further monitoring of 7552
the individual who completed the program or other action that 7553
the board determines to be appropriate; 7554

(5) Adopt rules in accordance with Chapter 119. of the 7555
Revised Code to further implement the quality intervention 7556
program. 7557

An individual who participates in an individual 7558
educational program pursuant to this division shall pay the 7559
financial obligations arising from that educational program. 7560

Sec. 4731.62. (A) As used in this section: 7561

(1) "Controlled substance" and "controlled substance 7562
analog" have the same meanings as in section 3719.01 of the 7563
Revised Code. 7564

(2) "Dangerous drug" has the same meaning as in section 7565
4729.01 of the Revised Code. 7566

(3) "Mental health professional" has the same meaning as 7567
in section ~~340.032~~340.04 of the Revised Code. 7568

(B) A physician who is acting in a professional capacity 7569
and who knows, or has reasonable cause to suspect based on facts 7570
that would cause a reasonable person in a similar position to 7571
suspect, that a patient is experiencing an overdose of a 7572
dangerous drug, controlled substance, controlled substance 7573
analog, or metabolite of a controlled substance may refer the 7574
patient to a mental health professional. If the physician refers 7575
the patient to a mental health professional, the physician shall 7576

promptly notify the mental health professional in writing of the 7577
referral. Within thirty days after receiving the written 7578
notification, the mental health professional shall inform the 7579
physician in writing of the status of treatment of the patient 7580
provided by the mental health professional. 7581

(C) A communication between a physician and a mental 7582
health professional made under this section shall not be 7583
considered a breach of confidentiality between a physician or 7584
psychologist or other mental health professional and a patient 7585
or a waiver of a testimonial privilege by the patient. 7586

(D) A physician or mental health professional is not 7587
liable in damages in a civil action for harm allegedly incurred 7588
as a result of a communication made under this section. 7589

Sec. 4731.94. (A) As used in this section and sections 7590
4731.941 ~~and~~ 4731.942, and 4731.943 of the Revised Code, 7591
"physician" means an individual authorized under this chapter to 7592
practice medicine and surgery, osteopathic medicine and surgery, 7593
or podiatric medicine and surgery. 7594

(B) Notwithstanding any provision of this chapter or rule 7595
adopted by the state medical board, a physician may personally 7596
furnish a supply of naloxone, or issue a prescription for 7597
naloxone, without having examined the individual to whom it may 7598
be administered if both of the following conditions are met: 7599

(1) The naloxone supply is furnished to, or the 7600
prescription is issued to and in the name of, a family member, 7601
friend, or other individual in a position to assist an 7602
individual who there is reason to believe is at risk of 7603
experiencing an opioid-related overdose. 7604

(2) The physician instructs the individual receiving the 7605

naloxone supply or prescription to summon emergency services as 7606
soon as practicable either before or after administering the 7607
naloxone to an individual apparently experiencing an opioid- 7608
related overdose. 7609

(C) A physician who under division (B) of this section in 7610
good faith furnishes a supply of naloxone or issues a 7611
prescription for naloxone is not liable for or subject to any of 7612
the following for any ~~action~~act or omission of the individual 7613
to whom the naloxone is furnished or the prescription is issued: 7614
damages in any civil action, prosecution in any criminal 7615
proceeding, or professional disciplinary action. 7616

Sec. 4731.943. (A) As used in this section, "service 7617
entity" has the same meaning as in section 4729.514 of the 7618
Revised Code. 7619

(B) A physician who has established a protocol under 7620
division (D) of this section may authorize an individual who is 7621
an employee, volunteer, or contractor of a service entity to 7622
administer naloxone to an individual who is apparently 7623
experiencing an opioid-related overdose. 7624

(C) An individual authorized by a physician under this 7625
section may administer naloxone to an individual who is 7626
apparently experiencing an opioid-related overdose if all of the 7627
following conditions are met: 7628

(1) The naloxone is obtained from a service entity of 7629
which the authorized individual is an employee, volunteer, or 7630
contractor. 7631

(2) The authorized individual complies with the protocol 7632
established by the authorizing physician. 7633

(3) The authorized individual summons emergency services 7634

as soon as practicable either before or after administering the naloxone. 7635
7636

(D) A protocol established by a physician for purposes of this section must be in writing and include all of the following: 7637
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(1) A description of the clinical pharmacology of naloxone; 7640
7641

(2) Precautions and contraindications concerning the administration of naloxone; 7642
7643

(3) Any limitations the physician specifies concerning the individuals to whom naloxone may be administered; 7644
7645

(4) The naloxone dosage that may be administered and any variation in the dosage based on circumstances specified in the protocol; 7646
7647
7648

(5) Labeling, storage, record-keeping, and administrative requirements; 7649
7650

(6) Training requirements that must be met before an individual can be authorized to administer naloxone. 7651
7652

(E) A physician who in good faith authorizes an individual to administer naloxone under this section is not liable for or subject to any of the following for any act or omission of the authorized individual: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action. 7653
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A service entity or an employee, volunteer, or contractor of a service entity is not liable for or subject to any of the following for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or administering naloxone 7658
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under this section, unless the act or omission constitutes 7663
willful or wanton misconduct: damages in any civil action, 7664
prosecution in any criminal proceeding, or professional 7665
disciplinary action. 7666

This section does not eliminate, limit, or reduce any 7667
other immunity or defense that a service entity or an employee, 7668
volunteer, or contractor of a service entity may be entitled to 7669
under Chapter 2305. or any other provision of the Revised Code 7670
or under the common law of this state. 7671

Sec. 4776.02. (A) An applicant for an initial license or 7672
restored license from a licensing agency, ~~a person seeking to~~ 7673
~~satisfy the criteria for being a qualified pharmacy technician~~ 7674
~~that are specified in section 4729.42 of the Revised Code,~~ a 7675
person seeking to satisfy the requirements to be an employee of 7676
a pain management clinic as specified in section 4729.552 of the 7677
Revised Code, a person seeking to satisfy the requirements to be 7678
an employee of a facility, clinic, or other location that is 7679
subject to licensure as a category III terminal distributor of 7680
dangerous drugs with an office-based opioid treatment 7681
classification under section 4729.553 of the Revised Code, or a 7682
person seeking employment with an entity holding a license 7683
issued under Chapter 3796. of the Revised Code shall submit a 7684
request to the bureau of criminal identification and 7685
investigation for a criminal records check of the applicant or 7686
person. The request shall be accompanied by a completed copy of 7687
the form prescribed under division (C) (1) of section 109.572 of 7688
the Revised Code, a set of fingerprint impressions obtained as 7689
described in division (C) (2) of that section, and the fee 7690
prescribed under division (C) (3) of that section. The applicant 7691
or person shall ask the superintendent of the bureau of criminal 7692
identification and investigation in the request to obtain from 7693

the federal bureau of investigation any information it has 7694
pertaining to the applicant or person. 7695

An applicant or person requesting a criminal records check 7696
shall provide the bureau of criminal identification and 7697
investigation with the applicant's or person's name and address 7698
and, regarding an applicant, with the licensing agency's name 7699
and address. If the person requesting the criminal records check 7700
is a person seeking employment with an entity holding a license 7701
under Chapter 3796. of the Revised Code, the person also shall 7702
provide the bureau with the name and address of the entity 7703
holding the license. 7704

(B) Upon receipt of the completed form, the set of 7705
fingerprint impressions, and the fee provided for in division 7706
(A) of this section, the superintendent of the bureau of 7707
criminal identification and investigation shall conduct a 7708
criminal records check of the applicant or person under division 7709
(B) of section 109.572 of the Revised Code. Upon completion of 7710
the criminal records check, the superintendent shall do 7711
whichever of the following is applicable: 7712

(1) If the request was submitted by an applicant for an 7713
initial license or restored license, report the results of the 7714
criminal records check and any information the federal bureau of 7715
investigation provides to the licensing agency identified in the 7716
request for a criminal records check; 7717

(2) If the request was submitted by ~~a person seeking to~~ 7718
~~satisfy the criteria for being a qualified pharmacy technician~~ 7719
~~that are specified in section 4729.42 of the Revised Code or a~~ 7720
person seeking to satisfy the requirements to be an employee of 7721
a pain management clinic ~~as specified in section 4729.552 of the~~ 7722
~~Revised Code~~ or a person seeking to satisfy the requirements to 7723

be an employee of a facility, clinic, or other location that is 7724
subject to licensure as a category III terminal distributor of 7725
dangerous drugs with an office-based opioid treatment 7726
classification, do both of the following: 7727

(a) Report the results of the criminal records check and 7728
any information the federal bureau of investigation provides to 7729
the person who submitted the request; 7730

(b) Report the results of the portion of the criminal 7731
records check performed by the bureau of criminal identification 7732
and investigation under division (B)(1) of section 109.572 of 7733
the Revised Code to the employer or potential employer specified 7734
in the request of the person who submitted the request and send 7735
a letter to that employer or potential employer regarding the 7736
information provided by the federal bureau of investigation that 7737
states ~~either that~~ whichever of the following is applicable: 7738

(i) That based on that information there is no record of 7739
any conviction ~~or that~~; 7740

(ii) That based on that information the person who 7741
submitted the request may not meet the criteria that are 7742
specified in section ~~4729.42~~ 4729.552 or 4729.553 of the Revised 7743
Code, whichever is applicable. 7744

(3) If the request was submitted by a person seeking 7745
employment with an entity holding a license issued under Chapter 7746
3796. of the Revised Code, report the results of the criminal 7747
records check, including any information the federal bureau of 7748
investigation provides as part of the criminal records check, to 7749
both of the following: 7750

(a) The person who submitted the request; 7751

(b) The entity holding a license issued under Chapter 7752

3796. of the Revised Code from which the person who submitted 7753
the request is seeking employment. 7754

Sec. 4776.04. The results of any criminal records check 7755
conducted pursuant to a request made under this chapter and any 7756
report containing those results, including any information the 7757
federal bureau of investigation provides, are not public records 7758
for purposes of section 149.43 of the Revised Code and shall not 7759
be made available to any person or for any purpose other than as 7760
follows: 7761

(A) If the request for the criminal records check was 7762
submitted by an applicant for an initial license or restored 7763
license, as follows: 7764

(1) The superintendent of the bureau of criminal 7765
identification and investigation shall make the results 7766
available to the licensing agency for use in determining, under 7767
the agency's authorizing chapter of the Revised Code, whether 7768
the applicant who is the subject of the criminal records check 7769
should be granted a license under that chapter. 7770

(2) The licensing agency shall make the results available 7771
to the applicant who is the subject of the criminal records 7772
check. 7773

(B) If the request for the criminal records check was 7774
submitted by ~~a person seeking to satisfy the criteria for being~~ 7775
~~a qualified pharmacy technician that are specified in section~~ 7776
~~4729.42 of the Revised Code or a person seeking to satisfy the~~ 7777
requirements to be an employee of a pain management clinic as 7778
specified in section 4729.552 of the Revised Code or a person 7779
seeking to satisfy the requirements to be an employee of a 7780
facility, clinic, or other location that is subject to licensure 7781

as a category III terminal distributor of dangerous drugs with 7782
an office-based opioid treatment classification, the 7783
superintendent of the bureau of criminal identification and 7784
investigation shall make the results available in accordance 7785
with the following: 7786

(1) The superintendent shall make the results of the 7787
criminal records check, including any information the federal 7788
bureau of investigation provides, available to the person who 7789
submitted the request and is the subject of the criminal records 7790
check. 7791

(2) The superintendent shall make the results of the 7792
portion of the criminal records check performed by the bureau of 7793
criminal identification and investigation under division (B)(1) 7794
of section 109.572 of the Revised Code available to the employer 7795
or potential employer specified in the request of the person who 7796
submitted the request and shall send a letter of the type 7797
described in division (B)(2) of section 4776.02 of the Revised 7798
Code to that employer or potential employer regarding the 7799
information provided by the federal bureau of investigation that 7800
contains one of the types of statements described in that 7801
division. 7802

(C) If the request for the criminal records check was 7803
submitted by an applicant for a trainee license under section 7804
4776.021 of the Revised Code, as follows: 7805

(1) The superintendent of the bureau of criminal 7806
identification and investigation shall make the results 7807
available to the licensing agency or other agency identified in 7808
division (B) of section 4776.021 of the Revised Code for use in 7809
determining, under the agency's authorizing chapter of the 7810
Revised Code and division (D) of section 4776.021 of the Revised 7811

Code, whether the applicant who is the subject of the criminal 7812
records check should be granted a trainee license under that 7813
chapter and that division. 7814

(2) The licensing agency or other agency identified in 7815
division (B) of section 4776.021 of the Revised Code shall make 7816
the results available to the applicant who is the subject of the 7817
criminal records check. 7818

(D) If the request for the criminal records check was 7819
submitted by a person seeking employment with an entity holding 7820
a license issued under Chapter 3796. of the Revised Code, the 7821
superintendent shall make the results available in accordance 7822
with division (B) (3) of section 4776.02 of the Revised Code. 7823

Sec. 5107.42. (A) Except as provided in divisions (B) and 7824
(C) of this section, county departments of job and family 7825
services shall assign each minor head of household and adult 7826
participating in Ohio works first, other than a minor head of 7827
household participating in the LEAP program, to one or more work 7828
activities and developmental activities. 7829

If a county department assigns a minor head of household 7830
or adult to the work activity established under division (H) of 7831
section 5107.60 of the Revised Code, the county department shall 7832
make reasonable efforts to assign the minor head of household or 7833
adult to at least one other work activity at the same time. If a 7834
county department assigns a minor head of household or adult to 7835
the work activity established under section 5107.58 of the 7836
Revised Code, the county department shall assign the minor head 7837
of household or adult to at least one other work activity at the 7838
same time. 7839

A county department may not assign a minor head of 7840

household or adult to a work activity established under division 7841
(D) of section 5107.60 of the Revised Code for more than twelve 7842
months. 7843

(B) If a county department determines that a minor head of 7844
household or adult has a temporary or permanent barrier to 7845
participation in a work activity, it may assign the minor head 7846
of household or adult to one or more alternative work activities 7847
instead of assigning the minor head of household or adult to one 7848
or more work activities or developmental activities. A county 7849
department may not assign more than twenty per cent of minor 7850
heads of household and adults participating in Ohio works first 7851
to an alternative work activity. 7852

County departments shall establish standards for 7853
determining whether a minor head of household or adult has a 7854
temporary or permanent barrier to participating in a work 7855
activity. The following are examples of circumstances that a 7856
county department may consider when it develops its standards: 7857

(1) A minor head of household or adult provides the county 7858
department documented evidence that one or more members of the 7859
assistance group have been the victim of domestic violence and 7860
are in imminent danger of suffering continued domestic violence; 7861

(2) A minor head of household or adult is actively 7862
participating in ~~a community~~ alcohol and drug addiction services 7863
~~provider~~ certified by the department of mental health and 7864
addiction services under section 5119.36 of the Revised Code; 7865

(3) An assistance group is homeless. 7866

(C) A county department may exempt a minor head of 7867
household or adult who is unmarried and caring for a minor child 7868
under twelve months of age from the work requirements of 7869

sections 5107.40 to 5107.69 of the Revised Code for not more 7870
than twelve months. While exempt, the minor head of household or 7871
adult shall be disregarded in determining whether the county 7872
department is meeting the requirement of section 5107.44 of the 7873
Revised Code. The county department shall assign the exempt 7874
minor head of household or adult to at least one developmental 7875
activity for a number of hours a week the county department 7876
determines. The county department may assign the exempt minor 7877
head of household or adult to one or more work activities, in 7878
addition to developmental activities, for a number of hours the 7879
county department determines. Division (B) of section 5107.43 of 7880
the Revised Code does not apply to the exempt minor head of 7881
household or adult. 7882

(D) A county department may reassign a minor head of 7883
household or adult when the county department determines 7884
reassignment will aid the assistance group in achieving self 7885
sufficiency and personal responsibility and shall make 7886
reassignments when circumstances requiring reassignment occur, 7887
including when a temporary barrier to participating in a work 7888
activity is eliminated. 7889

A county department shall include assignments in the self- 7890
sufficiency contract entered into under section 5107.14 of the 7891
Revised Code and shall amend the contract when a reassignment is 7892
made to include the reassignment in the contract. 7893

Sec. 5119.01. (A) As used in this chapter: 7894

(1) "Addiction" means the chronic and habitual use of 7895
alcoholic beverages, the use of a drug of abuse as defined in 7896
section 3719.011 of the Revised Code, or the use of gambling by 7897
an individual to the extent that the individual no longer can 7898
control the individual's use of alcohol, the individual becomes 7899

physically or psychologically dependent on the drug, the 7900
individual's use of alcohol or drugs endangers the health, 7901
safety, or welfare of the individual or others, or the 7902
individual's gambling causes psychological, financial, 7903
emotional, marital, legal, or other difficulties endangering the 7904
health, safety, or welfare of the individual or others. 7905

(2) "Addiction services" means services, including 7906
intervention, for the treatment of persons with alcohol, drug, 7907
or gambling addictions, and for the prevention of such 7908
addictions. 7909

(3) "Alcohol and drug addiction services" means services, 7910
including intervention, for the treatment of alcoholics or 7911
persons who abuse drugs of abuse and for the prevention of 7912
alcoholism and drug addiction. 7913

(4) "Alcoholic" means a person suffering from alcoholism. 7914

(5) "Alcoholism" means the chronic and habitual use of 7915
alcoholic beverages by an individual to the extent that the 7916
individual no longer can control the individual's use of alcohol 7917
or endangers the health, safety, or welfare of the individual or 7918
others. 7919

(6) "Certifiable services and supports" means all of the 7920
following: 7921

(a) Alcohol and drug addiction services; 7922

(b) Mental health services; 7923

(c) The types of recovery supports that are specified in 7924
rules adopted under section 5119.36 of the Revised Code as 7925
requiring certification under that section. 7926

(7) "Community addiction services provider" means an 7927

agency, association, corporation, individual, or program that 7928
provides ~~alcohol~~, one or more of the following: 7929

(a) Alcohol and drug addiction, or gambling addiction 7930
services that are certified by the department of mental health 7931
and addiction services under section 5119.36 of the Revised 7932
Code; 7933

(b) Gambling addiction services; 7934

(c) Recovery supports that are related to alcohol and drug 7935
addiction services or gambling addiction services and paid for 7936
with federal, state, or local funds administered by the 7937
department of mental health and addiction services or a board of 7938
alcohol, drug addiction, and mental health services. 7939

~~(7)~~ (8) "Community mental health services provider" means 7940
an agency, association, corporation, individual, or program that 7941
provides ~~mental~~ either of the following: 7942

(a) Mental health services that are certified by the 7943
department of mental health and addiction services under section 7944
5119.36 of the Revised Code; 7945

(b) Recovery supports that are related to mental health 7946
services and paid for with federal, state, or local funds 7947
administered by the department of mental health and addiction 7948
services or a board of alcohol, drug addiction, and mental 7949
health services. 7950

~~(8)~~ (9) "Drug addiction" means the use of a drug of abuse, 7951
as defined in section 3719.011 of the Revised Code, by an 7952
individual to the extent that the individual becomes physically 7953
or psychologically dependent on the drug or endangers the 7954
health, safety, or welfare of the individual or others. 7955

~~(9)~~-(10) "Gambling addiction" means the use of gambling by 7956
an individual to the extent that it causes psychological, 7957
financial, emotional, marital, legal, or other difficulties 7958
endangering the health, safety, or welfare of the individual or 7959
others. 7960

~~(10)~~-(11) "Gambling addiction services" means services for 7961
the treatment of persons who have a gambling addiction and for 7962
the prevention of gambling addiction. 7963

~~(11)~~-(12) "Hospital" means a hospital or inpatient unit 7964
licensed by the department of mental health and addiction 7965
services under section 5119.33 of the Revised Code, and any 7966
institution, hospital, or other place established, controlled, 7967
or supervised by the department under Chapter 5119. of the 7968
Revised Code. 7969

~~(12)~~-(13) "Included opioid and co-occurring drug addiction 7970
services and recovery supports" means the addiction services and 7971
recovery supports that, pursuant to section 340.033 of the 7972
Revised Code, are included in the array of services and recovery 7973
supports for all levels of opioid and co-occurring drug 7974
addiction required, except as otherwise authorized by a time- 7975
limited waiver issued under division (A) (1) of section 5119.221 7976
of the Revised Code, to be included in the community-based 7977
continuum of care established under section 340.032 of the 7978
Revised Code. 7979

~~(14)~~ "Mental illness" means a substantial disorder of 7980
thought, mood, perception, orientation, or memory that grossly 7981
impairs judgment, behavior, capacity to recognize reality, or 7982
ability to meet the ordinary demands of life. 7983

~~(13)~~-(15) "Mental health services" means services for the 7984

assessment, care, or treatment of persons who have a mental 7985
illness ~~as defined in this section~~ and for the prevention of 7986
mental illness. 7987

~~(14)~~(16) "Recovery supports" means assistance that is 7988
intended to help an individual who is an alcoholic or has a drug 7989
addiction or mental illness, or a member of such an individual's 7990
family, initiate and sustain the individual's recovery from 7991
alcoholism, drug addiction, or mental illness. "Recovery 7992
supports" does not mean alcohol and drug addiction services or 7993
mental health services. 7994

(17)(a) "Residence" means a person's physical presence in 7995
a county with intent to remain there, except in either of the 7996
following circumstances: 7997

(i) If a person is receiving a mental health treatment 7998
service at a facility that includes nighttime sleeping 7999
accommodations, "residence" means that county in which the 8000
person maintained the person's primary place of residence at the 8001
time the person entered the facility; 8002

(ii) If a person is committed pursuant to section 2945.38, 8003
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 8004
"residence" means the county where the criminal charges were 8005
filed. 8006

(b) When the residence of a person is disputed, the matter 8007
of residence shall be referred to the department of mental 8008
health and addiction services for investigation and 8009
determination. Residence shall not be a basis for a board of 8010
alcohol, drug addiction, and mental health services to deny 8011
services to any person present in the board's service district, 8012
and the board shall provide services for a person whose 8013

residence is in dispute while residence is being determined and 8014
for a person in an emergency situation. 8015

(B) Any reference in this chapter to a board of alcohol, 8016
drug addiction, and mental health services also refers to an 8017
alcohol and drug addiction services board or a community mental 8018
health board in a service district in which an alcohol and drug 8019
addiction services board or a community mental health board has 8020
been established under section 340.021 or former section 340.02 8021
of the Revised Code. 8022

Sec. 5119.10. (A) The director of mental health and 8023
addiction services is the chief executive and appointing 8024
authority of the department of mental health and addiction 8025
services. The director may organize the department for its 8026
efficient operation, including creating divisions or offices as 8027
necessary. The director may establish procedures for the 8028
governance of the department, conduct of its employees and 8029
officers, performance of its business, and custody, use, and 8030
preservation of departmental records, papers, books, documents, 8031
and property. Whenever the Revised Code imposes a duty upon or 8032
requires an action of the department or any of its institutions, 8033
the director or the director's designee shall perform the action 8034
or duty in the name of the department, except that the medical 8035
director appointed pursuant to section 5119.11 of the Revised 8036
Code shall be responsible for decisions relating to medical 8037
diagnosis, treatment, rehabilitation, quality assurance, and the 8038
clinical aspects of the following: licensure of hospitals and 8039
residential facilities, research, community addiction and mental 8040
health ~~services~~ plans, and certification and delivery of 8041
addiction services and mental health services. 8042

(B) The director shall: 8043

(1) Adopt rules for the proper execution of the powers and 8044
duties of the department with respect to the institutions under 8045
its control, and require the performance of additional duties by 8046
the officers of the institutions as necessary to fully meet the 8047
requirements, intents, and purposes of this chapter. In case of 8048
an apparent conflict between the powers conferred upon any 8049
managing officer and those conferred by such sections upon the 8050
department, the presumption shall be conclusive in favor of the 8051
department. 8052

(2) Adopt rules for the nonpartisan management of the 8053
institutions under the department's control. An officer or 8054
employee of the department or any officer or employee of any 8055
institution under its control who, by solicitation or otherwise, 8056
exerts influence directly or indirectly to induce any other 8057
officer or employee of the department or any of its institutions 8058
to adopt the exerting officer's or employee's political views or 8059
to favor any particular person, issue, or candidate for office 8060
shall be removed from the exerting officer's or employee's 8061
office or position, by the department in case of an officer or 8062
employee, and by the governor in case of the director. 8063

(3) Appoint such employees, including the medical 8064
director, as are necessary for the efficient conduct of the 8065
department, and prescribe their titles and duties; 8066

(4) Prescribe the forms of affidavits, applications, 8067
medical certificates, orders of hospitalization and release, and 8068
all other forms, reports, and records that are required in the 8069
hospitalization or admission and release of all persons to the 8070
institutions under the control of the department, or are 8071
otherwise required under this chapter or Chapter 5122. of the 8072
Revised Code; 8073

(5) Exercise the powers and perform the duties relating to 8074
addiction and mental health facilities ~~and~~, addiction services, 8075
mental health services, and recovery supports that are assigned 8076
to the director under this chapter and Chapter 340. of the 8077
Revised Code; 8078

(6) Develop and implement clinical evaluation and 8079
monitoring of services that are operated by the department; 8080

(7) Adopt rules establishing standards for the performance 8081
of evaluations by a forensic center or other psychiatric program 8082
or facility of the mental condition of defendants ordered by the 8083
court under section 2919.271, or 2945.371 of the Revised Code, 8084
and for the treatment of defendants who have been found 8085
incompetent to stand trial and ordered by the court under 8086
section 2945.38, 2945.39, 2945.401, or 2945.402 of the Revised 8087
Code to receive treatment in facilities; 8088

(8) On behalf of the department, have the authority and 8089
responsibility for entering into contracts and other agreements 8090
with providers, agencies, institutions, and other entities, both 8091
public and private, as necessary for the department to carry out 8092
its duties under this chapter and Chapters 340., 2919., 2945., 8093
and 5122. of the Revised Code. Chapter 125. of the Revised Code 8094
does not apply to contracts the director enters into under this 8095
section for addiction services, mental health services, or 8096
recovery supports provided to individuals ~~with~~ who have an 8097
addiction or mental illness by providers, agencies, 8098
institutions, and other entities not owned or operated by the 8099
department. 8100

(9) Adopt rules in accordance with Chapter 119. of the 8101
Revised Code specifying the supplemental services that may be 8102
provided through a trust authorized by section 5815.28 of the 8103

Revised Code; 8104

(10) Adopt rules in accordance with Chapter 119. of the 8105
Revised Code establishing standards for the maintenance and 8106
distribution to a beneficiary of assets of a trust authorized by 8107
section 5815.28 of the Revised Code. 8108

(C) The director may contract with hospitals licensed by 8109
the department under section 5119.33 of the Revised Code for the 8110
care and treatment of mentally ill patients, or with persons, 8111
organizations, or agencies for the custody, evaluation, 8112
supervision, care, or treatment of mentally ill persons 8113
receiving services elsewhere than within the enclosure of a 8114
hospital operated under section 5119.14 of the Revised Code. 8115

Sec. 5119.11. (A) The director of mental health and 8116
addiction services shall appoint a medical director who is 8117
eligible or certified by the American board of psychiatry and 8118
neurology or the American osteopathic board of neurology and 8119
psychiatry, and has at least five years of clinical and two 8120
years of administrative experience. The medical director shall 8121
also have certification or substantial training and experience 8122
in the field of addiction medicine or addiction psychiatry. The 8123
medical director shall be responsible for decisions relating to 8124
medical diagnosis, treatment, prevention, rehabilitation, 8125
quality assurance, and the clinical aspects of addiction 8126
services and mental health services involving all of the 8127
following: 8128

(1) Licensure of hospitals, residential facilities, and 8129
outpatient facilities; 8130

(2) Research; 8131

(3) Community addiction and mental health ~~services~~ plans; 8132

(4) Certification and delivery of addiction and mental health services. 8133
8134

(B) The medical director shall also exercise clinical supervision of the chief clinical officers of hospitals and institutions under the jurisdiction of the department and shall review and approve decisions relating to the employment of the chief clinical officers. The medical director or the medical director's designee shall advise the director on matters relating to licensure, research, ~~and~~ the certification and delivery of addiction services and mental health services, and community addiction and mental health plans. The medical director shall participate in the development of guidelines for community addiction and mental health ~~services~~ plans. The director of mental health and addiction services may establish other duties of the medical director. 8135
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Sec. 5119.17. (A) The department of mental health and addiction services, in accordance with division (B) of this section, shall give priority to developing, and promptly shall develop, with available public and private resources a program that does all of the following: 8148
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(1) Provides a manner of identifying the aggregate number of pregnant women in this state who are addicted to a drug of abuse; 8153
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(2) Provides for an effective means of intervention to eliminate the addiction of pregnant women to drugs of abuse prior to the birth of their children; 8156
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(3) Gives priority to the treatment of pregnant women addicted to drugs of abuse, including by requiring community addiction services providers that receive public funds to give 8159
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8161

priority to pregnant women referred for treatment; 8162

(4) Provides for the continued monitoring of women who 8163
were addicted to a drug of abuse during their pregnancies, after 8164
the birth of their children, and for the availability of 8165
treatment and rehabilitation for those women; 8166

~~(4)~~(5) Provides a manner of determining the aggregate 8167
number of children who are born in this state to women who are 8168
addicted, at the time of birth, to a drug of abuse, and of 8169
children who are born in this state with an addiction to or a 8170
dependency on a drug of abuse; 8171

~~(5)~~(6) Provides for the continued monitoring of children 8172
who are born in this state to women who are addicted, at the 8173
time of birth, to a drug of abuse, or who are born in this state 8174
with an addiction to or dependency on a drug of abuse, after 8175
their birth; 8176

~~(6)~~(7) Provides for the treatment and rehabilitation of 8177
any child who is born to a woman who is addicted, at the time of 8178
birth, to a drug of abuse, and of any child who is born with an 8179
addiction to or dependency on a drug of abuse. 8180

(B) In developing the program described in division (A) of 8181
this section, the department may obtain information from the 8182
department of health and the department of job and family 8183
services, and those departments shall cooperate with the 8184
department of mental health and addiction services in its 8185
development and implementation of the program. 8186

(C) Immediately upon its development of the program 8187
described in division (A) of this section, the department shall 8188
implement the program. 8189

(D) Any record or information that is obtained or 8190

maintained by the department in connection with the program 8191
described in division (A) of this section and could enable the 8192
identification of any woman or child described in division (A) 8193
(1) or ~~(4)~~ (5) of this section is not a public record subject to 8194
inspection or copying under section 149.43 of the Revised Code. 8195

(E) A community addiction services provider that receives 8196
public funds shall not refuse to treat a person solely because 8197
the person is pregnant if appropriate treatment is offered by 8198
the provider. 8199

Sec. 5119.21. (A) The department of mental health and 8200
addiction services shall: 8201

(1) To the extent the department has available resources 8202
and in consultation with boards of alcohol, drug addiction, and 8203
mental health services, support the community-based continuum of 8204
care that the boards are required by ~~division (A) (11) of section~~ 8205
~~340.03-340.032~~ of the Revised Code to establish. The department 8206
shall provide the support on a district or multi-district basis. 8207
The department shall assist in identifying resources, and may 8208
prioritize support, for one or more of the elements of the 8209
community-based continuum of care. For the purpose of division 8210
(A) ~~(11)~~ (10) of section ~~340.03-340.032~~ of the Revised Code and 8211
to the extent the department determines is necessary, the 8212
department shall define additional ~~components to be included in~~ 8213
~~the essential elements of~~ to be included in the community-based 8214
continuum of care. 8215

(2) Provide training, consultation, and technical 8216
assistance regarding addiction ~~and services,~~ mental health 8217
services, recovery supports, and appropriate prevention, 8218
recovery, and mental health promotion activities, including 8219
those that are culturally competent, to employees of the 8220

department, community addiction services providers, community 8221
mental health ~~and addiction services providers~~, and boards of 8222
alcohol, drug addiction, and mental health services, ~~and other~~ 8223
~~agencies providing addiction and mental health services;~~ 8224

(3) To the extent the department has available resources, 8225
promote and support a full range of addiction ~~and services~~, 8226
mental health services, and recovery supports that are available 8227
and accessible to all residents of this state, especially for 8228
severely emotionally disturbed children and adolescents, 8229
severely mentally disabled adults, pregnant women, parents, 8230
guardians or custodians of children at risk of abuse or neglect, 8231
and other special target populations, including racial and 8232
ethnic minorities, as determined by the department; 8233

(4) Develop standards and measures for ~~evaluating both of~~ 8234
the following: 8235

(a) Evaluating the effectiveness of addiction ~~and mental~~ 8236
~~health services~~, including ~~services those~~ that use methadone 8237
treatment, of ~~gambling addiction mental health services~~, and ~~for~~ 8238
~~increasing~~ recovery supports; 8239

(b) Increasing the accountability of community addiction 8240
services providers and community mental health ~~and addiction~~ 8241
~~services providers;~~ 8242

(5) Design and set criteria for the determination of 8243
priority populations; 8244

(6) Promote, direct, conduct, and coordinate scientific 8245
research, taking ethnic and racial differences into 8246
consideration, concerning ~~the all of the following:~~ 8247

(a) The causes and prevention of mental illness and 8248
addiction, ~~methods;~~ 8249

<u>(b) Methods of providing effective addiction services,</u>	8250
<u>mental health services, and treatment, and means recovery</u>	8251
<u>supports;</u>	8252
<u>(c) Means of enhancing the mental health of and recovery</u>	8253
<u>from addiction of all residents of this state+.</u>	8254
(7) Foster the establishment and availability of	8255
vocational rehabilitation services and the creation of	8256
employment opportunities for individuals with addiction and	8257
mental health needs, including members of racial and ethnic	8258
minorities;	8259
(8) Establish a program to protect and promote the rights	8260
of persons receiving addiction and services, mental health	8261
services, <u>and recovery supports,</u> including the issuance of	8262
guidelines on informed consent and other rights;	8263
(9) Promote the involvement of persons who are receiving	8264
or have received addiction and services, mental health services,	8265
<u>and recovery supports</u> including families and other persons	8266
having a close relationship to a person receiving those services	8267
<u>and supports,</u> in the planning, evaluation, delivery, and	8268
operation of addiction and services, mental health services, <u>and</u>	8269
<u>recovery supports;</u>	8270
(10) Notify and consult with the relevant constituencies	8271
that may be affected by rules, standards, and guidelines issued	8272
by the department of mental health and addiction services. These	8273
constituencies shall include consumers of addiction and	8274
<u>services,</u> mental health services and their, <u>and recovery</u>	8275
<u>supports and the families, and of such consumers. These</u>	8276
<u>constituencies</u> may include public and private providers,	8277
employee organizations, and others when appropriate. Whenever	8278

the department proposes the adoption, amendment, or rescission 8279
of rules under Chapter 119. of the Revised Code, the 8280
notification and consultation required by this division shall 8281
occur prior to the commencement of proceedings under Chapter 8282
119. The department shall adopt rules under Chapter 119. of the 8283
Revised Code that establish procedures for the notification and 8284
consultation required by this division. 8285

(11) Provide consultation to the department of 8286
rehabilitation and correction concerning the delivery of 8287
addiction services and mental health services in state 8288
correctional institutions; 8289

(12) Promote and coordinate efforts in the provision of 8290
~~alcohol and drug~~ addiction services ~~and of gambling addiction~~ 8291
~~services~~ by other state agencies, as defined in section 1.60 of 8292
the Revised Code; courts; hospitals; clinics; physicians in 8293
private practice; public health authorities; boards of alcohol, 8294
drug addiction, and mental health services; community addiction 8295
services providers; law enforcement agencies; and related 8296
groups; 8297

(13) Provide to each court of record, and biennially 8298
update, a list of the treatment and education programs within 8299
that court's jurisdiction that the court may require an 8300
offender, sentenced pursuant to section 4511.19 of the Revised 8301
Code, to attend; 8302

(14) Make the warning sign described in sections 3313.752, 8303
3345.41, and 3707.50 of the Revised Code available on the 8304
department's internet web site; 8305

(15) Provide a program of gambling addiction services on 8306
behalf of the state lottery commission, pursuant to an agreement 8307

entered into with the director of the commission under division 8308
(K) of section 3770.02 of the Revised Code, and provide a 8309
program of gambling addiction services on behalf of the Ohio 8310
casino control commission, under an agreement entered into with 8311
the executive director of the commission under section 3772.062 8312
of the Revised Code. Under Section 6(C)(3) of Article XV, Ohio 8313
Constitution, the department may enter into agreements with 8314
boards of alcohol, drug addiction, and mental health services, 8315
including boards with districts in which a casino facility is 8316
not located, and nonprofit organizations to provide ~~gambling-~~ 8317
~~addiction services and alcohol and drug addiction services,~~ and 8318
with state institutions of higher education or private nonprofit 8319
institutions that possess a certificate of authorization issued 8320
under Chapter 1713. of the Revised Code to perform related 8321
research. 8322

(B) The department may accept and administer grants from 8323
public or private sources for carrying out any of the duties 8324
enumerated in this section. 8325

(C) The department may adopt rules in accordance with 8326
Chapter 119. of the Revised Code as necessary to implement the 8327
requirements of this chapter. 8328

Sec. 5119.22. The director of mental health and addiction 8329
services, with respect to all mental health and addiction 8330
facilities and, addiction services, mental health services, and 8331
recovery supports established and operated or provided under 8332
Chapter 340. of the Revised Code, shall do all of the following: 8333

(A) Adopt rules pursuant to Chapter 119. of the Revised 8334
Code that may be necessary to carry out the purposes of this 8335
chapter and Chapters 340. and 5122. of the Revised Code. 8336

(B) Review and evaluate the community-based continuum of 8337
care required by ~~division (A) (11) of section 340.03-340.032~~ of 8338
the Revised Code to be established in each service district, 8339
taking into account the findings and recommendations of the 8340
board of alcohol, drug addiction, and mental health services of 8341
the district submitted under division (A) (4) of section 340.03 8342
of the Revised Code and the priorities and plans of the 8343
department of mental health and addiction services, including 8344
the needs of residents of the district currently receiving 8345
services in state-operated hospitals, and make recommendations 8346
for needed improvements to boards of alcohol, drug addiction, 8347
and mental health services; 8348

(C) At the director's discretion, provide to boards of 8349
alcohol, drug addiction, and mental health services state or 8350
federal funds, in addition to those allocated under section 8351
5119.23 of the Revised Code, for special programs or projects 8352
the director considers necessary but for which local funds are 8353
not available; 8354

~~(D) Establish, in consultation with board of alcohol, drug- 8355
addiction, and mental health service representatives and after- 8356
consideration of the recommendations of the medical director, 8357
guidelines for the development of community mental health and 8358
addiction services plans and the review and approval or 8359
disapproval of such plans submitted pursuant to section 340.03- 8360
of the Revised Code. 8361~~

~~(E) Establish criteria by which a each board of alcohol, 8362
drug addiction, and mental health services reviews and evaluates 8363
the quality, effectiveness, and efficiency of ~~its contracted the~~ 8364
facility services, addiction services, mental health services, 8365
and recovery supports for which it contracts under section 8366~~

340.036 of the Revised Code. The criteria shall include 8367
requirements ensuring appropriate ~~service~~-utilization of the 8368
services and supports. The department shall assess ~~a~~-each 8369
board's evaluation of the services and supports and the 8370
compliance of each board with this section, Chapter 340. of the 8371
Revised Code, and other state or federal law and regulations. 8372
The department, in cooperation with the board, periodically 8373
shall review and evaluate the quality, effectiveness, and 8374
efficiency of the facility services, addiction services, mental 8375
health services, and recovery supports for which each board 8376
contracts under section 340.036 of the Revised Code and the 8377
facilities, addiction services provided through each board, and 8378
mental health services that each board operates or provides 8379
under section 340.037 of the Revised Code. The department shall 8380
collect information that is necessary to perform these 8381
functions. 8382

~~(F)~~-(E) To the extent the director determines necessary 8383
and after consulting with boards of alcohol, drug addiction, and 8384
mental health services ~~and~~, community addiction services 8385
providers, and community mental health services providers, 8386
develop and operate, or contract for the operation of, a 8387
community behavioral health information system or systems. The 8388
department shall specify the information that must be provided 8389
by ~~the boards of alcohol, drug addiction, and mental health~~ 8390
~~services and by community addiction and mental health services~~ 8391
providers for inclusion in the system or systems. 8392

Boards of alcohol, drug addiction, and mental health 8393
services ~~and~~, community addiction services providers, and 8394
community mental health services providers shall submit 8395
information requested by the department in the form and manner 8396
and in accordance with time frames prescribed by the department. 8397

Information collected by the department may include all of the 8398
following: 8399

(1) Information on addiction services, mental health 8400
services, and recovery supports provided; 8401

(2) Financial information regarding expenditures of 8402
federal, state, or local funds; 8403

(3) Information about persons served. 8404

The department shall not collect any personal information 8405
from the boards or providers except as required or permitted by 8406
state or federal law for purposes related to payment, health 8407
care operations, program and service evaluation, reporting 8408
activities, research, system administration, and oversight. 8409

(F) In consultation with representatives of boards of 8410
alcohol, drug addiction, and mental health services and after 8411
consideration of recommendations made by the medical director 8412
appointed under section 5119.11 of the Revised Code, establish 8413
all of the following: 8414

(1) Guidelines, including a timetable, for the boards' 8415
development and submission of proposed community addiction and 8416
mental health plans, budgets, and lists of addiction services, 8417
mental health services, and recovery supports under sections 8418
340.03 and 340.08 of the Revised Code; 8419

(2) Procedures, including a timetable, for the director's 8420
review and approval or disapproval of the plans, budgets, and 8421
lists; 8422

(3) Procedures for corrective action regarding the plans, 8423
budgets, and lists, including submission of revised or new 8424
plans, budgets, and lists; 8425

(4) Procedures for the director to follow in offering technical assistance to boards to assist them in making the plans, budgets, and lists acceptable or in making proposed amendments to approved plans, budgets, and lists meet criteria for approval; 8426
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(5) Procedures for issuing time-limited waivers under division (A) (1) of section 5119.221 of the Revised Code and waivers under division (A) (2) of that section. 8431
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~~(G)(1)~~ Review each board's proposed community addiction and mental health and addiction services plan, budget, and statement list of addiction services, mental health services, and recovery supports submitted pursuant to sections 340.03 and 340.08 of the Revised Code and approve or disapprove the plan, the budget, and the ~~statement of services list~~ in whole or in part. Except as otherwise authorized by a time-limited waiver issued under division (A) (1) of section 5119.221 of the Revised Code, the director shall disapprove a board's proposed budget in whole if the proposed budget would not make available in the board's service district the essential elements of the community-based continuum of care required by section 340.032 of the Revised Code. 8434
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~~The department shall withhold all or part of the funds allocated to a board if it disapproves all or part of a plan, budget, or statement of services. Prior to a final decision to disapprove a plan, budget, or statement of services list, or to withhold funds from a board, a representative of the director of mental health and addiction services shall meet with the board and discuss the reason for the action the department director proposes to take and any corrective action that should be taken to make the plan, budget, or statement of services list~~ 8447
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acceptable to the ~~department director~~. In addition, the 8456
~~department director~~ shall offer technical assistance to the 8457
board to assist it to make the plan, budget, or ~~statement of~~
~~services list~~ acceptable. The ~~department director~~ shall give the 8458
board a reasonable time in which to revise the plan, budget, or 8459
~~statement of services list~~. The board thereafter shall submit a 8460
revised plan, budget, or ~~statement of services list~~ or a new 8461
plan, budget, or ~~statement of services list~~. 8462
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~~(2) If a board determines that it is necessary to amend~~ 8464
~~the plan, budget, or statement of services that has been~~ 8465
~~approved under this section, the board shall submit the proposed~~ 8466
~~amendment to the department. The department may approve (H)~~ 8467
Approve or disapprove all or part of ~~the amendment proposed~~ 8468
amendments that a board of alcohol, drug addiction, or mental 8469
health services submits under section 340.03 or 340.08 of the 8470
Revised Code to an approved community addiction and mental 8471
health plan, budget, or list of addiction services, mental 8472
health services, and recovery supports. 8473

~~(3) If the director disapproves of all or part of any~~ 8474
~~proposed amendment, the director shall provide the board an~~ 8475
~~opportunity to present its position. The director shall inform~~ 8476
~~the board of the reasons for the disapproval and of the criteria~~ 8477
~~that must be met before the proposed amendment may be approved.~~ 8478
The director shall give the board a reasonable time within which 8479
to meet the criteria and shall offer technical assistance to the 8480
board to help it meet the criteria. 8481

~~(4) The department shall establish procedures for the~~ 8482
~~review of plans, budgets, and statements of services, and a~~ 8483
~~timetable for submission and review of plans, budgets, and~~ 8484
~~statements of services and for corrective action and submission~~ 8485

~~of new or revised plans, budgets, and statements of services.~~ 8486

Sec. 5119.221. (A) The director of mental health and 8487
addiction services, in accordance with procedures established 8488
under division (F) (5) of section 5119.22 of the Revised Code, 8489
may do either or both of the following: 8490

(1) Subject to division (B) of this section, issue to a 8491
board of alcohol, drug addiction, and mental health services a 8492
time-limited waiver of the requirement of section 340.032 of the 8493
Revised Code that a community-based continuum of care include 8494
all of the essential elements specified in that section; 8495

(2) Subject to division (C) of this section, issue to a 8496
board a waiver of the requirement of section 340.033 of the 8497
Revised Code that ambulatory detoxification and medication- 8498
assisted treatment be included in the array of addiction 8499
services and recovery supports for all levels of opioid and co- 8500
occurring drug addiction. 8501

(B) The director may not issue a time-limited waiver under 8502
division (A) (1) of this section unless the director determines 8503
that the board seeking the waiver has made reasonable efforts to 8504
include in the community-based continuum of care the essential 8505
elements being waived. The waiver shall specify the amount of 8506
time for which it is issued and which of the essential elements 8507
are waived. 8508

(C) The director may not issue a waiver under division (A) 8509
(2) of this section unless the director determines that both of 8510
the following apply: 8511

(1) Ambulatory detoxification and medication-assisted 8512
treatment can be made available through one or more contracts 8513
between the board seeking the waiver and community addiction 8514

services providers that are located not more than thirty miles 8515
beyond the borders of the service district the board serves; 8516

(2) The amount of time it takes for residents of the 8517
service district the board serves to travel to a community 8518
addiction services provider that provides ambulatory 8519
detoxification and medication-assisted treatment does not impose 8520
a significant barrier to successful treatment. 8521

Sec. 5119.23. (A) The department of mental health and 8522
addiction services shall establish a methodology for allocating 8523
to boards of alcohol, drug addiction, and mental health services 8524
the funds appropriated by the general assembly to the department 8525
for the purpose of the community-based continuum of care that 8526
each board establishes under section ~~340.03~~ 340.032 of the 8527
Revised Code. The department shall establish the methodology 8528
after notifying and consulting with relevant constituencies as 8529
required by division (A) (10) of section 5119.21 of the Revised 8530
Code. The methodology may provide for the funds to be allocated 8531
to boards on a district or multi-district basis. 8532

(B) Subject to section 5119.25 of the Revised Code, and to 8533
required submissions and approvals under ~~section~~ sections 340.08 8534
and 5119.22 of the Revised Code, the department shall allocate 8535
the funds to the boards in a manner consistent with the 8536
methodology, this section, other state and federal laws, rules, 8537
and regulations. 8538

(C) In consultation with boards, community addiction 8539
services providers, community mental health services providers, 8540
and persons receiving addiction services, mental health 8541
services, and recovery supports, the department shall establish 8542
guidelines for the use of funds allocated under this section. 8543

Sec. 5119.25. (A) The director of mental health and 8544
addiction services, ~~in whole or in part,~~ may withhold funds, in 8545
whole or in part, that otherwise are to be allocated to a board 8546
of alcohol, drug addiction, and mental health services under 8547
section 5119.23 of the Revised Code if ~~the~~ either of the 8548
following circumstances apply: 8549

(1) The board fails to comply with Chapter 340. or 5119. 8550
of the Revised Code or rules of the department of mental health 8551
and addiction services. However, beginning July 1, 2017, the 8552
director shall withhold all such funds from the board when 8553
required to do so under division (A) (4) of section 340.08 of the 8554
Revised Code or division (G) (1) of section 5119.22 of the 8555
Revised Code. 8556

~~(B) The director of mental health and addiction services~~ 8557
~~may withhold funds otherwise to be allocated to a board of~~ 8558
~~alcohol, drug addiction, and mental health services under~~ 8559
~~section 5119.23 of the Revised Code if the ;~~ 8560

(2) The board denies available service on the basis of 8561
race, color, religion, ~~creed~~ ancestry, military status, sex, 8562
age, national origin, disability as defined in section 4112.01 8563
of the Revised Code, or developmental disability. 8564

(B) The director shall withhold funds, in whole or in 8565
part, that otherwise are to be allocated to a board under 8566
section 5119.23 of the Revised Code if either of the following 8567
circumstances apply: 8568

(1) The director, under division (G) of section 5119.22 of 8569
the Revised Code, disapproves all or part of the board's 8570
proposed community addiction and mental health plan, budget, or 8571
list of addiction services, mental health services, and recovery 8572

supports; 8573

(2) The board's use of state and federal funds fails to 8574
comply with the board's approved budget, including approved 8575
amendments to the budget. 8576

(C) The director shall issue a notice identifying the 8577
areas of noncompliance and the action necessary to achieve 8578
compliance. The director may offer technical assistance to the 8579
board to achieve compliance. The board shall have thirty days 8580
from receipt of the notice of noncompliance to present its 8581
position that it is in compliance or to submit to the director 8582
evidence of corrective action the board took to achieve 8583
compliance. Before withholding funds, the director or the 8584
director's designee shall hold a hearing within thirty days of 8585
receipt of the board's position or evidence to determine if 8586
there are continuing violations and that either assistance is 8587
rejected or the board is unable, or has failed, to achieve 8588
compliance. The director may appoint a representative from 8589
another board of alcohol, drug addiction, and mental health 8590
services to serve as a mentor for the board in developing and 8591
executing a plan of corrective action to achieve compliance. Any 8592
such representative shall be from a board that is in compliance 8593
with Chapter 340. of the Revised Code, this chapter, and the 8594
department's rules. Subsequent to the hearing process, if it is 8595
determined that compliance has not been achieved, the director 8596
may allocate all or part of the withheld funds to one or more 8597
community mental health services providers or community 8598
addiction services providers to provide the mental health 8599
service ~~or~~, addiction service, or recovery support for which 8600
the board is not in compliance until the time that there is 8601
compliance. ~~The~~ 8602

(D) The director shall adopt rules in accordance with 8603
Chapter 119. of the Revised Code to implement this section. 8604

Sec. 5119.28. (A) All records, and reports, other than 8605
court journal entries or court docket entries, identifying a 8606
person and pertaining to the person's mental health condition, 8607
assessment, provision of care ~~or~~, treatment, or recovery 8608
supports, or payment for assessment, care ~~or~~, treatment, or 8609
recovery supports that are maintained in connection with any 8610
services certified by the department of mental health and 8611
addiction services, any recovery supports paid for with funds 8612
administered by the department or a board of alcohol, drug 8613
addiction, and mental health services, or any hospitals or 8614
facilities licensed or operated by the department, shall be kept 8615
confidential and shall not be disclosed by any person except: 8616

(1) If the person identified, or the person's legal 8617
guardian, if any, or if the person is a minor, the person's 8618
parent or legal guardian, consents; 8619

(2) When disclosure is provided for in this chapter or 8620
Chapter 340. or 5122. of the Revised Code or in accordance with 8621
other provisions of state or federal law authorizing such 8622
disclosure; 8623

(3) That hospitals, boards of alcohol, drug addiction, and 8624
mental health services, licensed facilities, and community 8625
mental health services providers may release necessary 8626
information to insurers and other third-party payers, including 8627
government entities responsible for processing and authorizing 8628
payment, to obtain payment for goods and services furnished to 8629
the person; 8630

(4) Pursuant to a court order signed by a judge; 8631

(5) That a person shall be granted access to the person's
own psychiatric and medical records, unless access specifically
is restricted in a person's treatment plan for clear treatment
reasons;

(6) That the department of mental health and addiction
services may exchange psychiatric records and other pertinent
information with community mental health services providers and
boards of alcohol, drug addiction, and mental health services
relating to the person's care or services. Records and
information that may be exchanged pursuant to this division
shall be limited to medication history, physical health status
and history, financial status, summary of course of treatment,
summary of treatment needs, and a discharge summary, if any.

(7) That the department of mental health and addiction
services, hospitals and community providers operated by the
department, hospitals licensed by the department under section
5119.33 of the Revised Code, and community mental health
services providers may exchange psychiatric records and other
pertinent information with payers and other providers of
treatment and health services if the purpose of the exchange is
to facilitate continuity of care for the person or for the
emergency treatment of the person;

(8) That the department of mental health and addiction
services and community mental health services providers may
exchange psychiatric records and other pertinent information
with boards of alcohol, drug addiction, and mental health
services for purposes of any board function set forth in Chapter
340. of the Revised Code. Boards of alcohol, drug addiction, and
mental health services shall not access any personal information
from the department or providers except as required or permitted

by this section, or Chapter 340. or 5122. of the Revised Code 8662
for purposes related to payment, care coordination, health care 8663
operations, program and service evaluation, reporting 8664
activities, research, system administration, oversight, or other 8665
authorized purposes. 8666

(9) That a person's family member who is involved in the 8667
provision, planning, and monitoring of services to the person 8668
may receive medication information, a summary of the person's 8669
diagnosis and prognosis, and a list of the services and 8670
personnel available to assist the person and the person's 8671
family, if the person's treatment provider determines that the 8672
disclosure would be in the best interests of the person. No such 8673
disclosure shall be made unless the person is notified first and 8674
receives the information and does not object to the disclosure. 8675

(10) That community mental health services providers may 8676
exchange psychiatric records and certain other information with 8677
the board of alcohol, drug addiction, and mental health services 8678
and other providers in order to provide services to a person 8679
involuntarily committed to a board. Release of records under 8680
this division shall be limited to medication history, physical 8681
health status and history, financial status, summary of course 8682
of treatment, summary of treatment needs, and discharge summary, 8683
if any. 8684

(11) That information may be disclosed to the executor or 8685
the administrator of an estate of a deceased person when the 8686
information is necessary to administer the estate; 8687

(12) That information may be disclosed to staff members of 8688
the appropriate board or to staff members designated by the 8689
director of mental health and addiction services for the purpose 8690
of evaluating the quality, effectiveness, and efficiency of 8691

mental health services and recovery supports and determining if 8692
the services and supports meet minimum standards. Information 8693
obtained during such evaluations shall not be retained with the 8694
name of any person. 8695

(13) That records pertaining to the person's diagnosis, 8696
course of treatment, treatment needs, and prognosis shall be 8697
disclosed and released to the appropriate prosecuting attorney 8698
if the person was committed pursuant to section 2945.38, 8699
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or 8700
to the attorney designated by the board for proceedings pursuant 8701
to involuntary commitment under Chapter 5122. of the Revised 8702
Code; 8703

(14) That the department of mental health and addiction 8704
services may exchange psychiatric hospitalization records, other 8705
mental health treatment records, and other pertinent information 8706
with the department of rehabilitation and correction and with 8707
the department of youth services to ensure continuity of care 8708
for inmates and offenders who are receiving mental health 8709
services in an institution of the department of rehabilitation 8710
and correction or the department of youth services and may 8711
exchange psychiatric hospitalization records, other mental 8712
health treatment records, and other pertinent information with 8713
boards of alcohol, drug addiction, and mental health services 8714
and community mental health services providers to ensure 8715
continuity of care for inmates or offenders who are receiving 8716
mental health services in an institution and are scheduled for 8717
release within six months. The release of records under this 8718
division is limited to records regarding an inmate's or 8719
offender's medication history, physical health status and 8720
history, summary of course of treatment, summary of treatment 8721
needs, and a discharge summary, if any. 8722

(15) That a community mental health services provider that 8723
ceases to operate may transfer to either a community mental 8724
health services provider that assumes its caseload or to the 8725
board of alcohol, drug addiction, and mental health services of 8726
the service district in which the person resided at the time 8727
mental health services or recovery supports were most recently 8728
provided any records concerning ~~treatment~~ the services or 8729
supports that have not been transferred elsewhere at the 8730
person's request; 8731

(16) That records and reports relating to a person who has 8732
been deceased for fifty years or more are no longer considered 8733
confidential. 8734

(B) Before records are disclosed pursuant to divisions (A) 8735
(3), (6), and (10) of this section, the custodian of the records 8736
shall attempt to obtain the person's consent for the disclosure. 8737

(C) No person shall reveal the content of a medical record 8738
of a person that is confidential pursuant to this section, 8739
except as authorized by law. 8740

Sec. 5119.36. (A) A community mental health services 8741
provider applicant or community addiction services provider 8742
applicant that seeks certification of its ~~mental health services~~ 8743
~~or addiction~~ certifiable services and supports shall submit an 8744
application to the director of mental health and addiction 8745
services. On receipt of the application, the director may 8746
conduct an on-site review and shall evaluate the applicant to 8747
determine whether its certifiable services and supports satisfy 8748
the standards established by rules adopted under ~~division (E) of~~ 8749
this section. The director shall make the evaluation, and, if 8750
the director conducts an on-site review of the applicant, may 8751
make the review, in cooperation with ~~the~~ a board of alcohol, 8752

drug addiction, and mental health services ~~for treatment or~~ 8753
~~prevention services that seeks to contract with which the~~ 8754
applicant ~~seeks to contract under division (A) (8) (a) of section~~ 8755
~~340.03 340.036~~ of the Revised Code. 8756

(B) Subject to section ~~5119.371~~5119.361 of the Revised 8757
Code, the director shall determine whether the certifiable 8758
services and supports of a community mental health services 8759
provider applicant or community addiction services provider 8760
applicant satisfy the standards for certification ~~of the~~ 8761
~~services~~. If the director determines that an applicant's 8762
certifiable services and supports satisfy the standards for 8763
certification and the applicant has paid the fee required ~~under~~ 8764
~~division (D) of by~~ this section, the director shall certify the 8765
certifiable services and supports. No community mental health 8766
services provider or community addiction services provider shall 8767
be eligible to receive state or federal funds, or funds 8768
administered by a board of alcohol, drug addiction, and mental 8769
health services for ~~treatment or prevention~~ certifiable services 8770
and supports unless its certifiable services and supports have 8771
been certified by the ~~department~~ director. 8772

(C) If the director determines that a community mental 8773
health services provider applicant's or a community addiction 8774
services provider applicant's certifiable services and supports 8775
do not satisfy the standards for certification, the director 8776
shall identify the areas of noncompliance, specify what action 8777
is necessary to satisfy the standards, and may offer technical 8778
assistance to the applicant and to ~~the a~~ board of alcohol, drug 8779
addiction, and mental health services so that the board may 8780
assist the applicant in satisfying the standards. The director 8781
shall give the applicant a reasonable time within which to 8782
demonstrate that its certifiable services and supports satisfy 8783

the standards or to bring ~~the services them~~ into compliance with 8784
the standards. If the director concludes that the certifiable 8785
services and supports continue to fail to satisfy the standards, 8786
the director may request that the board reallocate any funds for 8787
the ~~mental health or addiction~~ certifiable services and supports 8788
the applicant was to provide to another community mental health 8789
services provider or community addiction services provider whose 8790
~~mental health or addiction~~ certifiable services and supports 8791
satisfy the standards. If the board does not reallocate such 8792
funds in a reasonable period of time, the director may withhold 8793
state and federal funds for the certifiable services and 8794
supports and allocate those funds directly to a community mental 8795
health services provider or community addiction services 8796
provider whose certifiable services and supports satisfy the 8797
standards. 8798

(D) Each community mental health services provider 8799
applicant or community addiction services provider applicant 8800
seeking certification of its ~~addiction or mental health~~ 8801
certifiable services and supports under this section shall pay a 8802
fee for the certification required by this section, unless the 8803
applicant is exempt under rules adopted under ~~division (E) of~~ 8804
this section. Fees shall be paid into the state treasury to the 8805
credit of the sale of goods and services fund created pursuant 8806
to section 5119.45 of the Revised Code. 8807

(E) The director shall adopt rules in accordance with 8808
Chapter 119. of the Revised Code to implement this section. The 8809
rules shall do all of the following: 8810

(1) Subject to section 340.034 of the Revised Code, 8811
specify the types of recovery supports that are required to be 8812
certified under this section; 8813

(2) Establish certification standards for ~~mental health-~~ 8814
~~services and addiction-certifiable services and supports~~ that 8815
are consistent with nationally recognized applicable standards 8816
and facilitate participation in federal assistance programs. The 8817
rules shall include as certification standards only requirements 8818
that improve the quality of certifiable services and supports or 8819
the health and safety of persons receiving ~~addiction and mental-~~ 8820
~~health-certifiable services and supports~~. The standards shall 8821
address at a minimum all of the following: 8822

(a) Reporting major unusual incidents to the director; 8823

(b) Procedures for applicants for and persons receiving 8824
~~addiction and mental health-certifiable services and supports~~ to 8825
file grievances and complaints; 8826

(c) Seclusion; 8827

(d) Restraint; 8828

(e) Requirements regarding the physical facilities of- 8829
~~service delivery sites in which certifiable services and~~ 8830
supports are provided; 8831

(f) Requirements with regard to health, safety, adequacy, 8832
and cultural specificity and sensitivity; 8833

(g) Standards for evaluating certifiable services and 8834
supports; 8835

(h) Standards and procedures for granting full, 8836
probationary, and interim certification ~~to~~ of the certifiable 8837
services and supports of a community mental health services 8838
provider applicant or community addiction services provider 8839
applicant; 8840

(i) Standards and procedures for revoking the 8841

certification of a community mental health services provider's 8842
or community addiction services provider's certifiable services 8843
and supports that do not continue to meet the minimum standards 8844
established pursuant to this section; 8845

(j) The limitations to be placed on a provider ~~that is~~ 8846
whose certifiable services and supports are granted probationary 8847
or interim certification; 8848

(k) Development of written policies addressing the rights 8849
of persons receiving certifiable services and supports, 8850
including all of the following: 8851

(i) The right to a copy of the written policies addressing 8852
the rights of persons receiving certifiable services and 8853
supports; 8854

(ii) The right at all times to be treated with 8855
consideration and respect for the person's privacy and dignity; 8856

(iii) The right to have access to the person's own 8857
psychiatric, medical, or other treatment records unless access 8858
is specifically restricted in the person's treatment plan for 8859
clear treatment reasons; 8860

(iv) The right to have a client rights officer provided by 8861
the provider or board of alcohol, drug addiction, and mental 8862
health services advise the person of the person's rights, 8863
including the person's rights under Chapter 5122. of the Revised 8864
Code if the person is committed to the provider or board. 8865

~~(2)~~ (3) Establish the process for certification of 8866
~~addiction and mental health~~ certifiable services and supports; 8867

~~(3)~~ (4) Set the amount of certification review fees; 8868

~~(4)~~ (5) Specify the type of notice and hearing to be 8869

provided prior to a decision on whether to reallocate funds. 8870

(F) The ~~department~~ director may issue an order suspending 8871
admissions to a community addiction services provider that 8872
provides overnight accommodations if ~~it~~ the director finds 8873
either of the following: 8874

(1) The ~~provider is~~ provider's certifiable services and 8875
supports are not in compliance with rules adopted ~~by the~~ 8876
~~director pursuant to division (E) of~~ under this section; 8877

(2) The provider has been cited for more than one 8878
violation of statutes or rules during any previous certification 8879
period of the provider. 8880

(G) The department of mental health and addiction services 8881
shall maintain a current list of community addiction services 8882
providers and shall provide a copy of the list to a judge of a 8883
court of common pleas who requests a copy for the use of the 8884
judge under division (H) of section 2925.03 of the Revised Code. 8885
The list shall identify each provider by its name, its address, 8886
and the county in which it is located. 8887

(H) No person shall represent in any manner that a 8888
~~provider is~~ community mental health services provider's or 8889
community addiction services provider's certifiable services and 8890
supports are certified by the ~~department~~ director if the 8891
~~provider is~~ certifiable services and supports are not so 8892
certified at the time the representation is made. 8893

Sec. ~~5119.371~~ 5119.361. (A) In lieu of a determination by 8894
the director of mental health and addiction services of whether 8895
the mental health services of a community mental health services 8896
provider or the alcohol and drug addition services of a 8897
community addiction services provider satisfy the standards for 8898

certification under section 5119.36 of the Revised Code, the 8899
director shall accept appropriate accreditation of an 8900
applicant's mental health services, alcohol and drug addiction 8901
services, integrated mental health services and alcohol and 8902
~~other~~ drug addiction services, integrated mental health services 8903
and physical health services, or integrated alcohol and ~~other~~ 8904
drug addiction services and physical health services being 8905
provided in this state from any of the following national 8906
accrediting organizations as evidence that the applicant 8907
satisfies the standards for certification: 8908

(1) The joint commission; 8909

(2) The commission on accreditation of rehabilitation 8910
facilities; 8911

(3) The council on accreditation; 8912

(4) Other behavioral health accreditation as determined by 8913
the director. 8914

(B) If the director determines that an applicant's 8915
accreditation is current, is appropriate for the services for 8916
which the applicant is seeking certification, and the applicant 8917
meets any other requirements established under this section or 8918
in rules adopted under this section, the director shall certify 8919
under section 5119.36 of the Revised Code the applicant's 8920
services that are accredited. Except as provided in division (C) 8921
(2) of this section, the director shall issue the certification 8922
without further evaluation of the services. 8923

(C) For purposes of this section, all of the following 8924
apply: 8925

(1) The director may review the accrediting organizations 8926
listed in division (A) of this section to evaluate whether the 8927

accreditation standards and processes used by the organizations 8928
are consistent with service delivery models the director 8929
considers appropriate for mental health services, alcohol ~~or~~ 8930
~~other and~~ drug addiction services, or physical health services, 8931
~~or both~~. The director may communicate to an accrediting 8932
organization any identified concerns, trends, needs, and 8933
recommendations. 8934

(2) The director may conduct an on-site review or 8935
otherwise evaluate a community mental health services provider 8936
or a community addiction services provider at any time based on 8937
cause, including complaints made by or on behalf of persons 8938
receiving mental health services or alcohol and drug addiction 8939
services and confirmed or alleged deficiencies brought to the 8940
attention of the director. This authority does not affect the 8941
director's duty to conduct the annual inspections required by 8942
section ~~5119.372~~ 5119.367 of the Revised Code. 8943

(3) The director shall require a community mental health 8944
services provider and a community addiction services provider to 8945
notify the director not later than ten days after any change in 8946
the provider's accreditation status. The provider may notify the 8947
director by providing a copy of the relevant document the 8948
provider received from the accrediting organization. 8949

(4) The director shall require a community mental health 8950
services provider and a community addiction services provider to 8951
submit to the director reports of major unusual incidents. 8952

(5) The director may require a community mental health 8953
services provider or a community addiction services provider to 8954
submit to the director cost reports pertaining to the provider. 8955

(D) The director shall adopt rules in accordance with 8956

Chapter 119. of the Revised Code to implement this section. In 8957
adopting the rules, the director shall do all of the following: 8958

(1) Specify the documentation that must be submitted as 8959
evidence of holding appropriate accreditation; 8960

(2) Establish a process by which the director may review 8961
the accreditation standards and processes used by the national 8962
accrediting organizations listed in division (A) of this 8963
section; 8964

(3) Specify the circumstances under which reports of major 8965
unusual incidents and provider cost reports must be submitted to 8966
the director; 8967

(4) Specify the circumstances under which the director may 8968
conduct an on-site review or otherwise evaluate a community 8969
mental health services provider and a community addiction 8970
services provider for cause; 8971

(5) Establish a process by which the director, based on 8972
deficiencies identified as a result of conducting an on-site 8973
review or evaluating a community mental health services provider 8974
or a community addiction services provider under division (C) (2) 8975
of this section, may take any of a range of corrective actions, 8976
with the most stringent being revocation of the certification of 8977
the provider's mental health services or alcohol and drug 8978
addiction services. 8979

Sec. 5119.362. (A) In accordance with rules adopted under 8980
section 5119.363 of the Revised Code, each community addiction 8981
services provider shall do all of the following: 8982

(1) ~~Maintain, in an aggregate form, a waiting list of~~ 8983
~~individuals to whom all of the following apply:~~ 8984

~~(a) The individual has been documented as having a clinical need for alcohol and drug addiction services due to an opioid or co-occurring drug addiction.~~ 8985
8986
8987

~~(b) The individual has applied to the provider for a clinically necessary treatment or support service required by division (A) (11) (c) (ix) of section 340.03 of the Revised Code to be included in the continuum of care established under that section.~~ 8988
8989
8990
8991
8992

~~(c) The individual has not begun to receive the clinically necessary treatment or support service within five days of the individual's application for the service because the provider lacks an available slot for the individual. for the provider's included opioid and co-occurring drug addiction services and recovery supports;~~ 8993
8994
8995
8996
8997
8998

(2) Notify an individual included on the provider's waiting list when the provider has a slot available for the individual and, if the individual does not contact the provider about the slot within a period of time specified in the rules, contact the individual to determine why the individual did not contact the provider and to assess whether the individual still needs the treatment or support service included opioid and co-occurring drug addiction services and recovery supports; 8999
9000
9001
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(3) Remove an individual from the waiting list if either of the following applies: 9007
9008

(a) The individual withdraws the individual's request for included opioid and co-occurring drug addiction services and recovery supports; 9009
9010
9011

(b) When the provider notifies the individual about an available slot, the individual does not contact the provider 9012
9013

about the slot within the period of time specified in the rules 9014
or otherwise vacates the slot before beginning to receive the 9015
services and supports. 9016

(4) As part of the process of maintaining the waiting 9017
list, determine both of the following: 9018

(a) For each individual who seeks from the provider 9019
included opioid and co-occurring drug addiction services and 9020
recovery supports, the number of days that starts with the day 9021
the individual first contacts the provider about accessing the 9022
services and supports and ends on the following day: 9023

(i) If the individual is required to be assessed for the 9024
individual's clinical need for the services and supports, the 9025
day of the assessment; 9026

(ii) If the individual is not required to be assessed for 9027
the individual's clinical need for the services and supports, 9028
the first day of the individual's access to the services and 9029
supports. 9030

(b) For each such individual who is required to be 9031
assessed for the individual's clinical need for the services and 9032
supports, the number of days that starts with the day of the 9033
assessment and ends with the first day of the individual's 9034
access to the services and supports. 9035

(5) Using information the provider acquires by maintaining 9036
the waiting list, determine whether included opioid and co- 9037
occurring drug addiction services and recovery supports are 9038
insufficient to meet the needs of individuals on the waiting 9039
list; 9040

(6) Subject to ~~divisions~~ division (B) and (C) of this 9041
section, report all of the following information not later than 9042

~~the last day of each month to the board of alcohol, drug~~ 9043
~~addiction, and mental health services that serves the county or~~ 9044
~~counties in which the provider provides alcohol and drug~~ 9045
~~addiction services~~ department of mental health and addiction 9046
services: 9047

(a) An unduplicated count of all individuals who ~~reside in~~ 9048
~~a county that the board serves and were included on the~~ 9049
provider's waiting list ~~as of the last day of~~ during the 9050
immediately preceding month and each type of ~~treatment and~~ 9051
~~support service~~ included opioid and co-occurring drug addiction 9052
services and recovery supports for which they were waiting; 9053

(b) The total number of days ~~all each such individuals~~ 9054
individual had been on the provider's waiting list ~~as of the~~ 9055
~~last day of~~ during the immediately preceding month; 9056

(c) The last known ~~types type~~ of residential ~~settings~~ 9057
setting in which ~~all each such individuals individual~~ resided ~~as~~ 9058
~~of the last day of~~ during the immediately preceding month; 9059

(d) The total number of ~~all such~~ individuals who did not 9060
contact the provider after receiving, during the immediately 9061
preceding month, the notices under division (A) (2) of this 9062
section about the provider having slots available for the 9063
individuals, ~~and,~~ if known, the reasons the contacts were not 9064
made; 9065

(e) The total number ~~of all such~~ individuals who withdrew, 9066
in the immediately preceding month, their ~~applications~~ requests 9067
for ~~the treatment and support~~ included opioid and co-occurring 9068
drug addiction services and recovery supports, each type of 9069
service ~~for which and support that~~ those individuals had ~~applied~~ 9070
requested or been assessed as having a clinical need for, and, 9071

if known, the reasons the applications were withdrawn those 9072
individuals withdrew their requests; 9073

(f) An unduplicated count of all individuals who were 9074
referred to another community addiction services provider 9075
because the referring provider does not provide the type of 9076
included opioid and co-occurring drug addiction services and 9077
recovery supports that those individuals had requested or been 9078
assessed as having a clinical need for and each type of service 9079
and support for which those individuals were referred; 9080

(g) All other information specified in the rules. 9081

~~(B) If a community addiction services provider provides~~ 9082
~~alcohol and drug addiction services in more than one county and~~ 9083
~~those counties are served by different boards of alcohol, drug~~ 9084
~~addiction, and mental health services, the provider shall~~ 9085
~~provide separate reports under division (C)(3) of this section~~ 9086
~~to each of the boards serving the counties in which the provider~~ 9087
~~provides the services. The report provided to a board shall be~~ 9088
~~specific to the county or counties the board serves and not~~ 9089
~~include information for individuals residing in other counties.~~ 9090

~~(C) Each report that a community addiction services~~ 9091
~~provider provides to a board of alcohol, drug addiction, and~~ 9092
~~mental health services the department under this section shall~~ 9093
~~do all both of the following:~~ 9094

~~(1) Maintain the confidentiality of all individuals for~~ 9095
~~whom information is included in the report For the purposes of~~ 9096
~~divisions (A)(6)(a) and (f) of this section, specify the~~ 9097
~~counties of residence of the individuals in the unduplicated~~ 9098
~~counts and include identifying information required by the rules~~ 9099
~~adopted under section 5119.363 of the Revised Code so that the~~ 9100

department is able to identify any individuals who are 9101
inadvertently duplicated in the counts; 9102

(2) For the purpose of the information reported under 9103
division (A) ~~(3)~~ (6)(c) of this section, identify the types of 9104
residential settings at least as either institutional or 9105
noninstitutional. 9106

~~(3) If the report is provided to a board that serves more-~~ 9107
~~than one county, present the information included in the report~~ 9108
~~in a manner that is broken down for each of the counties the~~ 9109
~~board serves.~~ 9110

Sec. 5119.364. (A) The department of mental health and 9111
addiction services shall do both of the following with the 9112
reports it receives from community addiction services providers 9113
under section 5119.362 of the Revised Code: 9114

(1) Subject to division (B) of this section, make the 9115
reports it receives under section 340.20 of the Revised Code 9116
from boards of alcohol, drug addiction, and mental health 9117
services available on the department's internet web site; 9118

(2) Make the reports available in an electronic format to 9119
boards of alcohol, drug addiction, and mental health services in 9120
a manner that provides the information about an individual 9121
contained in a report to the board that serves the individual's 9122
county. The 9123

(B) In making the reports available on the department's 9124
web site, the department shall present the information contained 9125
in the reports shall be presented on the web site on both a 9126
statewide aggregate basis and county-level aggregate basis. The 9127
information on the web site shall be updated monthly after the 9128
boards community addiction services providers submit new reports 9129

to the department. 9130

Sec. ~~5119.361~~ 5119.366. The director of mental health and 9131
addiction services shall require that each board of alcohol, 9132
drug addiction, and mental health services ensure that each 9133
community mental health services provider and community 9134
addiction services provider with which it contracts under 9135
~~division (A) (8) (a) of section 340.03~~ 340.036 of the Revised Code 9136
to provide ~~addiction or mental health~~ certifiable services and 9137
supports establish grievance procedures consistent with rules 9138
adopted under section 5119.36 of the Revised Code that are 9139
available to all persons seeking or receiving certifiable 9140
services and supports from a community mental health services 9141
provider or community addiction services provider. 9142

Sec. ~~5119.372~~ 5119.367. The director of mental health and 9143
addiction services shall annually conduct an on-site review of 9144
each community mental health services provider and community 9145
addiction services provider that is an opioid treatment program 9146
described in division (D) (2) (b) of section 4729.291 of the 9147
Revised Code. The review may include an inspection of pharmacy 9148
records as described in section 3719.13 of the Revised Code and 9149
an inspection of patient treatment records. If the director has 9150
reason to believe that a violation of local, state, or federal 9151
drug law, including any provision of Chapter 2925., 3715., 9152
3719., or 4729. of the Revised Code, has occurred, the director 9153
shall report that information to the state board of pharmacy. 9154

The director may adopt rules in accordance with Chapter 9155
119. of the Revised Code to implement this section. 9156

Sec. 5119.391. (A) No community addiction services 9157
provider shall employ methadone treatment or prescribe, 9158
dispense, or administer methadone unless the program is licensed 9159

under this section. No community addiction services provider 9160
licensed under this section shall maintain methadone treatment 9161
in a manner inconsistent with this section and the rules adopted 9162
under it. 9163

(B) A community addiction services provider may apply to 9164
the department of mental health and addiction services for a 9165
license to maintain methadone treatment. The department shall 9166
review all applications received. 9167

(C) The department may issue a license to maintain 9168
methadone treatment to a community addiction services provider 9169
only if all of the following apply: 9170

~~(1) The provider is operated by a private, nonprofit 9171
organization or by a government entity;~~ 9172

~~(2) For at least two years immediately preceding the date 9173
of application, the provider has been fully certified under 9174
section 5119.36 of the Revised Code;~~ 9175

~~(3) The provider has not been denied a license to maintain 9176
methadone treatment or had its license withdrawn or revoked 9177
within the five-year period immediately preceding the date of 9178
application;~~ 9179

~~(4)~~ (2) It affirmatively appears to the department that 9180
the provider is adequately staffed and equipped to maintain 9181
methadone treatment; 9182

~~(5)~~ (3) It affirmatively appears to the department that 9183
the provider will maintain methadone treatment in strict 9184
compliance with section 3719.61 of the Revised Code, all other 9185
laws relating to drug abuse, and the rules adopted by the 9186
department; 9187

~~(6)~~-(4) Except as provided in division (D) of this section 9188
and section 5119.392 of the Revised Code, there is no public or 9189
private school, licensed child day-care center, or other child- 9190
serving agency within a radius of five hundred linear feet of 9191
the location where the program is to maintain methadone 9192
treatment; 9193

(5) The provider meets any additional requirements 9194
established by the department in rules adopted under division 9195
(F) of this section. 9196

(D) The department may waive the requirement of division 9197
(C)~~(6)~~-(4) of this section if it receives, from each public or 9198
private school, licensed child day-care center, or other child- 9199
serving agency that is within the five hundred linear feet 9200
radius of the location where the program is to maintain 9201
methadone treatment, a letter of support for the location. The 9202
department shall determine whether a letter of support is 9203
satisfactory for purposes of waiving the requirement. 9204

(E) A license to maintain methadone treatment shall expire 9205
one year from the date of issuance. Licenses may be renewed. 9206

(F) The department shall establish procedures and adopt 9207
rules for licensing, inspection, and supervision of community 9208
addiction services providers that maintain methadone treatment. 9209
The rules shall establish standards for the control, storage, 9210
furnishing, use, and dispensing of methadone; prescribe minimum 9211
standards for the operation of the methadone treatment component 9212
of the provider's operations; and comply with federal laws and 9213
regulations. 9214

All rules adopted under this division shall be adopted in 9215
accordance with Chapter 119. of the Revised Code. All actions 9216

taken by the department regarding the licensing of providers to 9217
maintain methadone treatment shall be conducted in accordance 9218
with Chapter 119. of the Revised Code, except as provided in 9219
division (L) of this section. 9220

(G) The department of mental health and addiction services 9221
shall inspect all community addiction services providers 9222
licensed to maintain methadone treatment. Inspections shall be 9223
conducted at least annually and may be conducted more 9224
frequently. No person or government entity shall interfere with 9225
a state or local government official acting on behalf of the 9226
department while conducting an inspection. 9227

(H) A community addiction services provider shall not 9228
administer or dispense methadone in a tablet, powder, or 9229
intravenous form. Methadone shall be administered or dispensed 9230
only in a liquid form intended for ingestion. A services 9231
provider shall not administer or dispense methadone to an 9232
individual for pain or other medical reasons. 9233

(I) As used in this division, "program sponsor" means a 9234
person who assumes responsibility for the operation and 9235
employees of the methadone treatment component of a community 9236
addiction services provider. 9237

A community addiction services provider shall not employ 9238
an individual who receives methadone treatment from that 9239
services provider. A program shall not permit an individual to 9240
act as a provider sponsor, medical director, or director of the 9241
provider if the individual is receiving methadone treatment from 9242
any community addiction services provider. 9243

(J) The department may issue orders to assure compliance 9244
with section 3719.61 of the Revised Code, all other laws 9245

relating to drug abuse, and the rules adopted under this 9246
section. Subject to section 5119.27 of the Revised Code, the 9247
department may hold hearings, require the production of relevant 9248
matter, compel testimony, issue subpoenas, and make 9249
adjudications. Upon failure of a person without lawful excuse to 9250
obey a subpoena or to produce relevant matter, the department 9251
may apply to a court of common pleas for an order compelling 9252
compliance. 9253

(K) The department may refuse to issue, or may withdraw or 9254
revoke, a license to maintain methadone treatment. A license may 9255
be refused if a community addiction services provider does not 9256
meet the requirements of division (C) of this section. A license 9257
may be withdrawn at any time the department determines that the 9258
program no longer meets the requirements for receiving the 9259
license. A license may be revoked in accordance with division 9260
(L) of this section. 9261

Once a license is issued under this section, the 9262
department shall not consider the requirement of division (C) ~~(6)~~ 9263
(4) of this section in determining whether to renew, withdraw, 9264
or revoke the license or whether to reissue the license as a 9265
result of a change in ownership. 9266

(L) If the department of mental health and addiction 9267
services finds reasonable cause to believe that a community 9268
addiction services provider licensed under this section is in 9269
violation of any provision of section 3719.61 of the Revised 9270
Code, or of any other state or federal law or rule relating to 9271
drug abuse, the department may issue an order immediately 9272
revoking the license, subject to division (M) of this section. 9273
The department shall set a date not more than fifteen days later 9274
than the date of the order of revocation for a hearing on the 9275

continuation or cancellation of the revocation. For good cause, 9276
the department may continue the hearing on application of any 9277
interested party. In conducting hearings, the department has all 9278
the authority and power set forth in division (J) of this 9279
section. Following the hearing, the department shall either 9280
confirm or cancel the revocation. The hearing shall be conducted 9281
in accordance with Chapter 119. of the Revised Code, except that 9282
the provider shall not be permitted to maintain methadone 9283
treatment pending the hearing or pending any appeal from an 9284
adjudication made as a result of the hearing. Notwithstanding 9285
any provision of Chapter 119. of the Revised Code to the 9286
contrary, a court shall not stay or suspend any order of 9287
revocation issued by the director under this division pending 9288
judicial appeal. 9289

(M) The department shall not revoke a license to maintain 9290
methadone treatment unless all services recipients receiving 9291
methadone treatment from the community addiction services 9292
provider are provided adequate substitute treatment. For 9293
purposes of this division, the department may transfer the 9294
services recipients to other programs licensed to maintain 9295
methadone treatment or replace any or all of the administrators 9296
and staff of the provider with representatives of the department 9297
who shall continue on a provisional basis the methadone 9298
treatment component of the program. 9299

(N) Each time the department receives an application from 9300
a community addiction services provider for a license to 9301
maintain methadone treatment, issues or refuses to issue a 9302
license, or withdraws or revokes a license, the department shall 9303
notify the board of alcohol, drug addiction, and mental health 9304
services of each alcohol, drug addiction, and mental health 9305
service district in which the provider operates. 9306

(O) Whenever it appears to the department from files, upon 9307
complaint, or otherwise, that a community addiction services 9308
provider has engaged in any practice declared to be illegal or 9309
prohibited by section 3719.61 of the Revised Code, or any other 9310
state or federal laws or regulations relating to drug abuse, or 9311
when the department believes it to be in the best interest of 9312
the public and necessary for the protection of the citizens of 9313
the state, the department may request criminal proceedings by 9314
laying before the prosecuting attorney of the proper county any 9315
evidence of criminality which may come to its knowledge. 9316

(P) The department shall maintain a current list of 9317
community addiction services providers licensed by the 9318
department under this section and shall provide a copy of the 9319
current list to a judge of a court of common pleas who requests 9320
a copy for the use of the judge under division (H) of section 9321
2925.03 of the Revised Code. The list of licensed community 9322
addiction services providers shall identify each licensed 9323
provider by its name, its address, and the county in which it is 9324
located. 9325

Sec. 5119.392. (A) On application by a community addiction 9326
services provider that has purchased or leased real property to 9327
be used as the location of a methadone treatment program 9328
licensed under section 5119.391 of the Revised Code, the 9329
department of mental health and addiction services shall 9330
determine whether there is a public or private school, licensed 9331
child day-care center, or other child-serving agency within a 9332
radius of five hundred linear feet of the location of the 9333
property. 9334

If it determines there is not a public or private school, 9335
licensed child day-care center, or other child-serving agency 9336

within a radius of five hundred linear feet of the location, the 9337
department shall issue a declaration that the location is in 9338
compliance with division (C) ~~(6)~~ (4) section 5119.391 of the 9339
Revised Code. 9340

The declaration is valid for one year and shall be 9341
extended for up to two six-month periods on application by the 9342
provider to the department. 9343

The department shall provide to the provider either a copy 9344
of the declaration or notice that the department has determined 9345
that the location is not in compliance with division (C) ~~(6)~~ (4) 9346
of section 5119.391 of the Revised Code. 9347

If, before expiration of the declaration and any 9348
extensions, a community addiction services provider applies for 9349
a license to maintain a methadone treatment program, the 9350
department shall not consider the requirement of division (C) ~~(6)~~ 9351
(4) of section 5119.391 of the Revised Code in determining 9352
whether to issue the license. 9353

(B) A community addiction services provider that desires 9354
to relocate a methadone treatment program licensed under section 9355
5119.391 of the Revised Code may apply for and be granted a 9356
declaration under division (A) of this section. If, before 9357
expiration of the declaration and any extensions, the provider 9358
applies for issuance of a license due to relocation, the 9359
department shall not consider the requirement of division (C) ~~(6)~~ 9360
(4) of section 5119.391 of the Revised Code in determining 9361
whether to reissue the license due to relocation. 9362

Sec. 5119.41. (A) As used in this section: 9363

(1) "Nursing facility" has the same meaning as in section 9364
5165.01 of the Revised Code. 9365

(2) "Residential state supplement administrative agency" 9366
means the department of mental health and addiction services or, 9367
if the department designates an entity under division (C) of 9368
this section for a particular area, the designated entity. 9369

(3) "Residential state supplement program" means the 9370
program administered pursuant to this section. 9371

(B) The department of mental health and addiction services 9372
shall implement the residential state supplement program under 9373
which the state supplements the supplemental security income 9374
payments received by aged, blind, or disabled adults under Title 9375
XVI of the "Social Security Act," 42 U.S.C. 1381 et seq. 9376
Residential state supplement payments shall be used for the 9377
provision of accommodations, supervision, and personal care 9378
services to social security, supplemental security income, and 9379
social security disability insurance recipients who the 9380
department determines are at risk of needing institutional care. 9381

(C) In implementing the program, the department may 9382
designate one or more entities to be responsible for providing 9383
administrative services regarding the program. The department 9384
may designate an entity to be a residential state supplement 9385
administrative agency under this division either by entering 9386
into a contract with the entity to serve in that capacity or by 9387
otherwise delegating to the entity the responsibility to serve 9388
in that capacity. 9389

(D) For an individual to be eligible for residential state 9390
supplement payments, all of the following must be the case: 9391

(1) Except as provided by division (G) of this section, 9392
the individual must reside in one of the following living 9393
arrangements: 9394

(a) A residential care facility licensed by the department 9395
of health under Chapter 3721. of the Revised Code or an assisted 9396
living program as defined in section ~~5111.89~~173.51 of the 9397
Revised Code; 9398

(b) A class two residential facility licensed by the 9399
department of mental health and addiction services under section 9400
5119.34 of the Revised Code. 9401

(2) If a residential state supplement administrative 9402
agency is aware that an individual enrolled in the program has 9403
mental health needs, the agency shall refer the individual for 9404
an assessment pursuant to division (A) of section 340.091 of the 9405
Revised Code. 9406

(3) The individual satisfies all eligibility requirements 9407
established by rules adopted under division (E) of this section. 9408

(4) An individual residing in a living arrangement housing 9409
more than sixteen individuals shall not be eligible for 9410
inclusion in the program unless the director of mental health 9411
and addiction services specifically waives this size limitation 9412
with respect to that individual in that living arrangement. An 9413
individual with such a waiver as of October 1, 2015, shall 9414
remain eligible for the program as long as the individual 9415
remains in that living arrangement. 9416

(E) The director of mental health and addiction services 9417
and medicaid director shall adopt rules in accordance with 9418
Chapter 119. of the Revised Code as necessary to implement the 9419
residential state supplement program. 9420

To the extent permitted by Title XVI of the "Social 9421
Security Act," and any other provision of federal law, the 9422
medicaid director may adopt rules establishing standards for 9423

adjusting the eligibility requirements concerning the level of 9424
impairment a person must have so that the amount appropriated 9425
for the program by the general assembly is adequate for the 9426
number of eligible individuals. The rules shall not limit the 9427
eligibility of disabled persons solely on a basis classifying 9428
disabilities as physical or mental. The medicaid director also 9429
may adopt rules that establish eligibility standards for aged, 9430
blind, or disabled individuals who reside in one of the homes or 9431
facilities specified in division (D)(1) of this section but who, 9432
because of their income, do not receive supplemental security 9433
income payments. The rules may provide that these individuals 9434
may include individuals who receive other types of benefits, 9435
including, social security payments or social security 9436
disability insurance benefits provided under Title II of the 9437
"Social Security Act," 42 U.S.C. 401, et seq. Notwithstanding 9438
division (B) of this section, such payments may be made if funds 9439
are available for them. 9440

The director of mental health and addiction services may 9441
adopt rules establishing the method to be used to determine the 9442
amount an eligible individual will receive under the program. 9443
The amount the general assembly appropriates for the program may 9444
be a factor included in the method that director establishes. 9445

(F) The county department of job and family services of 9446
the county in which an applicant for the residential state 9447
supplement program resides or the department of medicaid shall 9448
determine whether the applicant meets income and resource 9449
requirements for the program. 9450

(G) An individual in a licensed or certified living 9451
arrangement receiving state supplementation on November 15, 9452
1990, under former section 5101.531 of the Revised Code shall 9453

not become ineligible for payments under this section solely by 9454
reason of the individual's living arrangement as long as the 9455
individual remains in the living arrangement in which the 9456
individual resided on November 15, 1990. 9457

(H) The county department of job and family services from 9458
which the person is receiving benefits or the department of 9459
medicaid shall notify each person denied approval for payments 9460
under this section of the person's right to a hearing. On 9461
request, the hearing shall be provided in accordance with 9462
section 5101.35 of the Revised Code. 9463

Sec. 5119.42. (A) As used in this section, "private, 9464
nonprofit organization" means a private association, 9465
organization, corporation, or other entity that is tax exempt 9466
under section 501(a) and described in section 501(c) of the 9467
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501. 9468

(B) To the extent funds are available and on application 9469
by boards of alcohol, drug addiction, and mental health 9470
services, the director of mental health and addiction services 9471
may approve state reimbursement of, or state grants for, 9472
community construction programs including residential housing 9473
for severely mentally disabled persons and persons with 9474
substance use disorders. The director may also approve an 9475
application for reimbursement or a grant for such programs 9476
submitted by other governmental entities or by private, 9477
nonprofit organizations, after the application has been reviewed 9478
and recommended for approval or disapproval by the board of 9479
alcohol, drug addiction, and mental health services for the 9480
district from which the application came, and the application is 9481
consistent with the ~~plan submitted by the board~~ board's approved 9482
community addiction and mental health plan submitted under 9483

division (A) of section 340.03 of the Revised Code and the 9484
board's approved budget and ~~statement-list of~~ addiction 9485
services, mental health services, and recovery supports 9486
submitted ~~by the board~~ under divisions (A) and (B) of section 9487
340.08 of the Revised Code. 9488

(C) (1) The director of mental health and addiction 9489
services shall adopt rules in accordance with Chapter 119. of 9490
the Revised Code that specify procedures for applying for state 9491
reimbursement of and state grants for community construction 9492
programs, including residential housing for severely mentally 9493
disabled persons and persons with substance use disorders and 9494
procedures and criteria for approval of such reimbursement and 9495
grants. 9496

(2) The director of mental health and addiction services 9497
shall not approve state reimbursement or a state grant unless 9498
all of the following conditions are met: 9499

(a) The applicant includes with the application a plan 9500
specifying the services, in addition to housing, that will be 9501
provided to persons who will reside in the residential housing. 9502
Services specified may include any of the services described in 9503
section 340.09 of the Revised Code. 9504

(b) The director is satisfied that the residential housing 9505
for severely mentally disabled persons will be developed to 9506
promote the maximum practical integration of severely mentally 9507
disabled persons with persons at the same site who are not 9508
severely mentally disabled. 9509

(c) The use of any funds distributed pursuant to the 9510
reimbursement or grant will not subject any obligation from 9511
which the funds are derived to federal income taxation. 9512

(3) The director may enter into an agreement establishing 9513
terms for any reimbursement or grant approved under this 9514
division with the organization, board, or other government 9515
entity that is the recipient of the reimbursement or grant. Any 9516
such agreement is subject to any covenant or agreement 9517
pertaining to any obligation issued to provide funds for the 9518
reimbursement or grant. 9519

Sec. 5119.60. The department of mental health and 9520
addiction services shall submit an annual report to the governor 9521
that shall describe the services the department offers and how 9522
appropriated funds have been spent. The report shall include all 9523
of the following: 9524

(A) The utilization of state hospitals by each alcohol, 9525
drug addiction, and mental health service district; 9526

(B) The number of persons served by community addiction 9527
services providers that receive funds distributed by the 9528
department, with a breakdown into categories including age, sex, 9529
race, the type of drug to which the person is addicted, and any 9530
other categories the director of mental health and addiction 9531
services considers significant; 9532

(C) The number of severely mentally disabled persons 9533
served in each district; 9534

(D) The number and types of addiction services, mental 9535
health services, and recovery supports provided to severely 9536
mentally disabled persons through state-operated services, 9537
community addiction services providers, and community mental 9538
health services providers; 9539

(E) A report measuring the success of community addiction 9540
services providers, based on the measures for accountability 9541

developed by the department, including the percentage of persons 9542
served by such community addiction services providers who have 9543
not relapsed; 9544

(F) Any other information that the director considers 9545
significant or is requested by the governor. 9546

Sec. 5119.61. (A) The department of mental health and 9547
addiction services shall collect and compile statistics and 9548
other information on the care and treatment of mentally disabled 9549
persons, and the care, treatment, and rehabilitation of 9550
alcoholics, drug dependent persons, ~~and persons in danger of~~ 9551
~~drug dependence, and persons with or in danger of developing a~~ 9552
~~gambling addiction in this state, including. The information~~ 9553
~~shall include~~, without limitation, information on the number of 9554
such persons, the type of drug involved, if any, the type of 9555
care, treatment, or rehabilitation prescribed or undertaken, and 9556
the success or failure of the care, treatment, or 9557
rehabilitation. The department shall collect information about 9558
addiction services, mental health services, and recovery 9559
supports delivered and persons served as required for reporting 9560
and evaluation relating to state and federal funds expended for 9561
such purposes. 9562

(B) No ~~alcohol, drug community addiction, services~~ 9563
provider or community mental health services provider shall fail 9564
to supply statistics and other information within its knowledge 9565
and with respect to its addiction services, mental health 9566
services, and recovery supports upon request of the department. 9567

(C) Communications by a person seeking aid in good faith 9568
for alcoholism or drug dependence are confidential, and this 9569
section does not require the collection or permit the disclosure 9570
of information which reveals or comprises the identity of any 9571

person seeking aid. 9572

(D) Based on the information collected and compiled under 9573
division (A) of this section, the department shall develop a 9574
project to assess the outcomes of persons served by community 9575
~~alcohol and drug~~-addiction services providers and community 9576
mental health services providers that receive funds distributed 9577
by the department. 9578

Sec. 5120.035. (A) As used in this section: 9579

(1) "Community treatment provider" means a program that 9580
provides substance use disorder assessment and treatment for 9581
persons and that satisfies all of the following: 9582

(a) It is located outside of a state correctional 9583
institution. 9584

(b) It shall provide the assessment and treatment for 9585
qualified prisoners referred and transferred to it under this 9586
section in a suitable facility that is licensed pursuant to 9587
division (C) of section 2967.14 of the Revised Code. 9588

(c) All qualified prisoners referred and transferred to it 9589
under this section shall reside initially in the suitable 9590
facility specified in division (A) (1) (b) of this section while 9591
undergoing the assessment and treatment. 9592

(2) "Electronic monitoring device" has the same meaning as 9593
in section 2929.01 of the Revised Code. 9594

(3) "State correctional institution" has the same meaning 9595
as in section 2967.01 of the Revised Code. 9596

(4) "Qualified prisoner" means a person who satisfies all 9597
of the following: 9598

(a) The person is confined in a state correctional institution under a prison term imposed for a felony of the fourth or fifth degree that is not an offense of violence. 9599
9600
9601

(b) The person has not previously been convicted of or pleaded guilty to an offense of violence. 9602
9603

(c) The department of rehabilitation and correction determines, using a standardized assessment tool, that the person has a substance use disorder. 9604
9605
9606

(d) The person has not more than twelve months remaining to be served under the prison term described in division (A) (4) (a) of this section. 9607
9608
9609

(e) The person is not serving any prison term other than the term described in division (A) (4) (a) of this section. 9610
9611

(f) The person is eighteen years of age or older. 9612

(g) The person does not show signs of drug or alcohol withdrawal and does not require medical detoxification. 9613
9614

(h) As determined by the department of rehabilitation and correction, the person is physically and mentally capable of uninterrupted participation in the substance use disorder treatment program established under division (B) of this section. 9615
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(B) The department of rehabilitation and correction shall establish and operate a program for community-based substance use disorder treatment for qualified prisoners. The purpose of the program shall be to provide substance use disorder assessment and treatment through community treatment providers to help reduce substance use relapses and recidivism for qualified prisoners while preparing them for reentry into the 9620
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community and improving public safety. 9627

(C) (1) The department shall determine which qualified 9628
prisoners in its custody should be placed in the substance use 9629
disorder treatment program established under division (B) of 9630
this section. The department has full discretion in making that 9631
determination. If the department determines that a qualified 9632
prisoner should be placed in the program, the department may 9633
refer the prisoner to a community treatment provider the 9634
department has approved under division (E) of this section for 9635
participation in the program and transfer the prisoner from the 9636
state correctional institution to the provider's approved and 9637
licensed facility. Except as otherwise provided in division (C) 9638
(3) of this section, no prisoner shall be placed under the 9639
program in any facility other than a facility of a community 9640
treatment provider that has been so approved. If the department 9641
places a prisoner in the program, the prisoner shall receive 9642
credit against the prisoner's prison term for all time served in 9643
the provider's approved and licensed facility and may earn days 9644
of credit under section 2967.193 of the Revised Code, but 9645
otherwise neither the placement nor the prisoner's participation 9646
in or completion of the program shall result in any reduction of 9647
the prisoner's prison term. 9648

(2) If the department places a prisoner in the substance 9649
use disorder treatment program, the prisoner does not 9650
satisfactorily participate in the program, and the prisoner has 9651
not served the prisoner's entire prison term, the department may 9652
remove the prisoner from the program and return the prisoner to 9653
a state correctional institution. 9654

(3) If the department places a prisoner in the substance 9655
use disorder treatment program and the prisoner is 9656

satisfactorily participating in the program, the department may 9657
permit the prisoner to reside at a residence approved by the 9658
department if the department determines, with input from the 9659
community treatment provider, that residing at the approved 9660
residence will help the prisoner prepare for reentry into the 9661
community and will help reduce substance use relapses and 9662
recidivism for the prisoner. If a prisoner is permitted under 9663
this division to reside at a residence approved by the 9664
department, the prisoner shall be monitored during the period of 9665
that residence by an electronic monitoring device. 9666

(D) (1) When a prisoner has been placed in the substance 9667
use disorder treatment program established under division (B) of 9668
this section, before the prisoner is released from custody of 9669
the department upon completion of the prisoner's prison term, 9670
the department shall conduct and prepare an evaluation of the 9671
prisoner, the prisoner's participation in the program, and the 9672
prisoner's needs regarding substance use disorder treatment upon 9673
release. Before the prisoner is released from custody of the 9674
department upon completion of the prisoner's prison term, the 9675
parole board or the court acting pursuant to an agreement under 9676
section 2967.29 of the Revised Code shall consider the 9677
evaluation, in addition to all other information and materials 9678
considered, as follows: 9679

(a) If the prisoner is a prisoner for whom post-release 9680
control is mandatory under section 2967.28 of the Revised Code, 9681
the board or court shall consider it in determining which post- 9682
release control sanction or sanctions to impose upon the 9683
prisoner under that section. 9684

(b) If the prisoner is a prisoner for whom post-release 9685
control is not mandatory under section 2967.28 of the Revised 9686

Code, the board or court shall consider it in determining 9687
whether a post-release control sanction is necessary and, if so, 9688
which post-release control sanction or sanctions to impose upon 9689
the prisoner under that section. 9690

(2) If the department determines that a prisoner it placed 9691
in the substance use disorder treatment program successfully 9692
completed the program and successfully completed a term of post- 9693
release control, if applicable, and if the prisoner submits an 9694
application under section 2953.32 of the Revised Code for 9695
sealing the record of the conviction, the director may issue a 9696
letter to the court in support of the application. 9697

(E) (1) The department shall accept applications from 9698
community treatment providers that satisfy the requirement 9699
specified in division (E) (2) of this section and that wish to 9700
participate in the substance use disorder treatment program 9701
established under division (B) of this section, and shall 9702
approve for participation in the program at least four and not 9703
more than eight of the providers that apply. To the extent 9704
feasible, the department shall approve one or more providers 9705
from each geographical quadrant of the state. 9706

(2) Each community treatment provider that applies under 9707
division (E) (1) of this section to participate in the program 9708
shall ~~be have the provider's alcohol and drug addiction services~~ 9709
that provide substance use disorder treatment certified by the 9710
department of mental health and addiction services under section 9711
5119.36 of the Revised Code ~~to provide substance use disorder~~ 9712
~~treatment, but shall~~. A community treatment provider is not be 9713
required to ~~be have the provider's halfway house or residential~~ 9714
treatment certified by the department of mental health and 9715
addiction services ~~to provide halfway house or residential~~ 9716

~~treatment.~~ 9717

(F) The department of rehabilitation and correction shall 9718
adopt rules for the operation of the substance use disorder 9719
treatment program it establishes under division (B) of this 9720
section and shall operate the program in accordance with this 9721
section and those rules. The rules shall establish, at a 9722
minimum, all of the following: 9723

(1) Criteria that establish which qualified prisoners are 9724
eligible for the program; 9725

(2) Criteria that must be satisfied to transfer a 9726
qualified prisoner to a residence pursuant to division (C) (3) of 9727
this section; 9728

(3) Criteria for the removal of a prisoner from the 9729
program pursuant to division (C) (2) of this section; 9730

(4) Criteria for determining when an offender has 9731
successfully completed the program for purposes of division (D) 9732
(2) of this section; 9733

(5) Criteria for community treatment providers to provide 9734
assessment and treatment, including minimum standards for 9735
treatment. 9736

Sec. 5122.31. (A) All certificates, applications, records, 9737
and reports made for the purpose of this chapter and sections 9738
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 9739
Code, other than court journal entries or court docket entries, 9740
and directly or indirectly identifying a patient or former 9741
patient or person whose hospitalization or commitment has been 9742
sought under this chapter, shall be kept confidential and shall 9743
not be disclosed by any person except: 9744

(1) If the person identified, or the person's legal guardian, if any, or if the person is a minor, the person's parent or legal guardian, consents, and if the disclosure is in the best interests of the person, as may be determined by the court for judicial records and by the chief clinical officer for medical records;

(2) When disclosure is provided for in this chapter or Chapters 340. or 5119. of the Revised Code or in accordance with other provisions of state or federal law authorizing such disclosure;

(3) That hospitals, boards of alcohol, drug addiction, and mental health services, and community mental health services providers may release necessary medical information to insurers and other third-party payers, including government entities responsible for processing and authorizing payment, to obtain payment for goods and services furnished to the patient;

(4) Pursuant to a court order signed by a judge;

(5) That a patient shall be granted access to the patient's own psychiatric and medical records, unless access specifically is restricted in a patient's treatment plan for clear treatment reasons;

(6) That hospitals and other institutions and facilities within the department of mental health and addiction services may exchange psychiatric records and other pertinent information with other hospitals, institutions, and facilities of the department, and with community mental health services providers and boards of alcohol, drug addiction, and mental health services with which the department has a current agreement for patient care or services. Records and information that may be

released pursuant to this division shall be limited to 9774
medication history, physical health status and history, 9775
financial status, summary of course of treatment in the 9776
hospital, summary of treatment needs, and a discharge summary, 9777
if any. 9778

(7) That hospitals within the department and other 9779
institutions and facilities within the department may exchange 9780
psychiatric records and other pertinent information with payers 9781
and other providers of treatment ~~and~~, health services, and 9782
recovery supports if the purpose of the exchange is to 9783
facilitate continuity of care for a patient or for the emergency 9784
treatment of an individual; 9785

(8) That a patient's family member who is involved in the 9786
provision, planning, and monitoring of services to the patient 9787
may receive medication information, a summary of the patient's 9788
diagnosis and prognosis, and a list of the services and 9789
personnel available to assist the patient and the patient's 9790
family, if the patient's treating physician determines that the 9791
disclosure would be in the best interests of the patient. No 9792
such disclosure shall be made unless the patient is notified 9793
first and receives the information and does not object to the 9794
disclosure. 9795

(9) That community mental health services providers may 9796
exchange psychiatric records and certain other information with 9797
the board of alcohol, drug addiction, and mental health services 9798
and other services providers in order to provide services to a 9799
person involuntarily committed to a board. Release of records 9800
under this division shall be limited to medication history, 9801
physical health status and history, financial status, summary of 9802
course of treatment, summary of treatment needs, and discharge 9803

summary, if any. 9804

(10) That information may be disclosed to the executor or 9805
the administrator of an estate of a deceased patient when the 9806
information is necessary to administer the estate; 9807

(11) That records in the possession of the Ohio history 9808
connection may be released to the closest living relative of a 9809
deceased patient upon request of that relative; 9810

(12) That records pertaining to the patient's diagnosis, 9811
course of treatment, treatment needs, and prognosis shall be 9812
disclosed and released to the appropriate prosecuting attorney 9813
if the patient was committed pursuant to section 2945.38, 9814
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or 9815
to the attorney designated by the board for proceedings pursuant 9816
to involuntary commitment under this chapter. 9817

(13) That the department of mental health and addiction 9818
services may exchange psychiatric hospitalization records, other 9819
mental health treatment records, and other pertinent information 9820
with the department of rehabilitation and correction and with 9821
the department of youth services to ensure continuity of care 9822
for inmates or offenders who are receiving mental health 9823
services in an institution of the department of rehabilitation 9824
and correction or the department of youth services and may 9825
exchange psychiatric hospitalization records, other mental 9826
health treatment records, and other pertinent information with 9827
boards of alcohol, drug addiction, and mental health services 9828
and community mental health services providers to ensure 9829
continuity of care for inmates or offenders who are receiving 9830
mental health services in an institution and are scheduled for 9831
release within six months. ~~The department shall not disclose~~ 9832
~~those records unless the inmate or offender is notified,~~ 9833

~~receives the information, and does not object to the disclosure.~~ 9834
The release of records under this division is limited to records 9835
regarding an inmate's or offender's medication history, physical 9836
health status and history, summary of course of treatment, 9837
summary of treatment needs, and a discharge summary, if any; 9838

(14) That records and reports relating to a person who has 9839
been deceased for fifty years or more are no longer considered 9840
confidential. 9841

(B) Before records are disclosed pursuant to divisions (A) 9842
(3), (6), and (9) of this section, the custodian of the records 9843
shall attempt to obtain the patient's consent for the 9844
disclosure. No person shall reveal the contents of a medical 9845
record of a patient except as authorized by law. 9846

(C) The managing officer of a hospital who releases 9847
necessary medical information under division (A) (3) of this 9848
section to allow an insurance carrier or other third party payor 9849
to comply with section 5121.43 of the Revised Code shall neither 9850
be subject to criminal nor civil liability. 9851

Sec. 5139.01. (A) As used in this chapter: 9852

(1) "Commitment" means the transfer of the physical 9853
custody of a child or youth from the court to the department of 9854
youth services. 9855

(2) "Permanent commitment" means a commitment that vests 9856
legal custody of a child in the department of youth services. 9857

(3) "Legal custody," insofar as it pertains to the status 9858
that is created when a child is permanently committed to the 9859
department of youth services, means a legal status in which the 9860
department has the following rights and responsibilities: the 9861
right to have physical possession of the child; the right and 9862

duty to train, protect, and control the child; the 9863
responsibility to provide the child with food, clothing, 9864
shelter, education, and medical care; and the right to determine 9865
where and with whom the child shall live, subject to the minimum 9866
periods of, or periods of, institutional care prescribed in 9867
sections 2152.13 to 2152.18 of the Revised Code; provided, that 9868
these rights and responsibilities are exercised subject to the 9869
powers, rights, duties, and responsibilities of the guardian of 9870
the person of the child, and subject to any residual parental 9871
rights and responsibilities. 9872

(4) Unless the context requires a different meaning, 9873
"institution" means a state facility that is created by the 9874
general assembly and that is under the management and control of 9875
the department of youth services or a private entity with which 9876
the department has contracted for the institutional care and 9877
custody of felony delinquents. 9878

(5) "Full-time care" means care for twenty-four hours a 9879
day for over a period of at least two consecutive weeks. 9880

(6) "Placement" means the conditional release of a child 9881
under the terms and conditions that are specified by the 9882
department of youth services. The department shall retain legal 9883
custody of a child released pursuant to division (C) of section 9884
2152.22 of the Revised Code or division (C) of section 5139.06 9885
of the Revised Code until the time that it discharges the child 9886
or until the legal custody is terminated as otherwise provided 9887
by law. 9888

(7) "Home placement" means the placement of a child in the 9889
home of the child's parent or parents or in the home of the 9890
guardian of the child's person. 9891

(8) "Discharge" means that the department of youth services' legal custody of a child is terminated. 9892
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(9) "Release" means the termination of a child's stay in an institution and the subsequent period during which the child returns to the community under the terms and conditions of supervised release. 9894
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(10) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code. 9898
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(11) "Felony delinquent" means any child who is at least ten years of age but less than eighteen years of age and who is adjudicated a delinquent child for having committed an act that if committed by an adult would be a felony. "Felony delinquent" includes any adult who is between the ages of eighteen and twenty-one and who is in the legal custody of the department of youth services for having committed an act that if committed by an adult would be a felony. 9900
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(12) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code. 9908
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(13) "Public safety beds" means all of the following: 9910

(a) Felony delinquents who have been committed to the department of youth services for the commission of an act, other than a violation of section 2911.01 or 2911.11 of the Revised Code, that is a category one offense or a category two offense and who are in the care and custody of an institution or have been diverted from care and custody in an institution and placed in a community corrections facility; 9911
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(b) Felony delinquents who, while committed to the department of youth services and in the care and custody of an institution or a community corrections facility, are adjudicated 9918
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delinquent children for having committed in that institution or 9921
community corrections facility an act that if committed by an 9922
adult would be a misdemeanor or a felony; 9923

(c) Children who satisfy all of the following: 9924

(i) They are at least ten years of age but less than 9925
eighteen years of age. 9926

(ii) They are adjudicated delinquent children for having 9927
committed acts that if committed by an adult would be a felony. 9928

(iii) They are committed to the department of youth 9929
services by the juvenile court of a county that has had one- 9930
tenth of one per cent or less of the statewide adjudications for 9931
felony delinquents as averaged for the past four fiscal years. 9932

(iv) They are in the care and custody of an institution or 9933
a community corrections facility. 9934

(d) Felony delinquents who, while committed to the 9935
department of youth services and in the care and custody of an 9936
institution are serving disciplinary time for having committed 9937
an act described in division (A)(18)(a), (b), or (c) of this 9938
section, and who have been institutionalized or 9939
institutionalized in a secure facility for the minimum period of 9940
time specified in divisions (A)(1)(b) to (e) of section 2152.16 9941
of the Revised Code. 9942

(e) Felony delinquents who are subject to and serving a 9943
three-year period of commitment order imposed by a juvenile 9944
court pursuant to divisions (A) and (B) of section 2152.17 of 9945
the Revised Code for an act, other than a violation of section 9946
2911.11 of the Revised Code, that would be a category one 9947
offense or category two offense if committed by an adult. 9948

(f) Felony delinquents who are described in divisions (A) 9949
(13)(a) to (e) of this section, who have been granted a judicial 9950
release to court supervision under division (B) or (D) of 9951
section 2152.22 of the Revised Code or a judicial release to the 9952
department of youth services supervision under division (C) or 9953
(D) of that section from the commitment to the department of 9954
youth services for the act described in divisions (A)(13)(a) to 9955
(e) of this section, who have violated the terms and conditions 9956
of that release, and who, pursuant to an order of the court of 9957
the county in which the particular felony delinquent was placed 9958
on release that is issued pursuant to division (E) of section 9959
2152.22 of the Revised Code, have been returned to the 9960
department for institutionalization or institutionalization in a 9961
secure facility. 9962

(g) Felony delinquents who have been committed to the 9963
custody of the department of youth services, who have been 9964
granted supervised release from the commitment pursuant to 9965
section 5139.51 of the Revised Code, who have violated the terms 9966
and conditions of that supervised release, and who, pursuant to 9967
an order of the court of the county in which the particular 9968
child was placed on supervised release issued pursuant to 9969
division (F) of section 5139.52 of the Revised Code, have had 9970
the supervised release revoked and have been returned to the 9971
department for institutionalization. A felony delinquent 9972
described in this division shall be a public safety bed only for 9973
the time during which the felony delinquent is institutionalized 9974
as a result of the revocation subsequent to the initial ninety- 9975
day period of institutionalization required by division (F) of 9976
section 5139.52 of the Revised Code. 9977

(14) Unless the context requires a different meaning, 9978
"community corrections facility" means a county or multicounty 9979

rehabilitation center for felony delinquents who have been 9980
committed to the department of youth services and diverted from 9981
care and custody in an institution and placed in the 9982
rehabilitation center pursuant to division (E) of section 9983
5139.36 of the Revised Code. 9984

(15) "Secure facility" means any facility that is designed 9985
and operated to ensure that all of its entrances and exits are 9986
under the exclusive control of its staff and to ensure that, 9987
because of that exclusive control, no child who has been 9988
institutionalized in the facility may leave the facility without 9989
permission or supervision. 9990

(16) "Community residential program" means a program that 9991
satisfies both of the following: 9992

(a) It is housed in a building or other structure that has 9993
no associated major restraining construction, including, but not 9994
limited to, a security fence. 9995

(b) It provides twenty-four-hour care, supervision, and 9996
programs for felony delinquents who are in residence. 9997

(17) "Category one offense" and "category two offense" 9998
have the same meanings as in section ~~2151.26~~2152.02 of the 9999
Revised Code. 10000

(18) "Disciplinary time" means additional time that the 10001
department of youth services requires a felony delinquent to 10002
serve in an institution, that delays the felony delinquent's 10003
planned release, and that the department imposes upon the felony 10004
delinquent following the conduct of an internal due process 10005
hearing for having committed any of the following acts while 10006
committed to the department and in the care and custody of an 10007
institution: 10008

(a) An act that if committed by an adult would be a felony;	10009 10010
(b) An act that if committed by an adult would be a misdemeanor;	10011 10012
(c) An act that is not described in division (A) (18) (a) or (b) of this section and that violates an institutional rule of conduct of the department.	10013 10014 10015
(19) "Unruly child" has the same meaning as in section 2151.022 of the Revised Code.	10016 10017
(20) "Revocation" means the act of revoking a child's supervised release for a violation of a term or condition of the child's supervised release in accordance with section 5139.52 of the Revised Code.	10018 10019 10020 10021
(21) "Release authority" means the release authority of the department of youth services that is established by section 5139.50 of the Revised Code.	10022 10023 10024
(22) "Supervised release" means the event of the release of a child under this chapter from an institution and the period after that release during which the child is supervised and assisted by an employee of the department of youth services under specific terms and conditions for reintegration of the child into the community.	10025 10026 10027 10028 10029 10030
(23) "Victim" means the person identified in a police report, complaint, or information as the victim of an act that would have been a criminal offense if committed by an adult and that provided the basis for adjudication proceedings resulting in a child's commitment to the legal custody of the department of youth services.	10031 10032 10033 10034 10035 10036

(24) "Victim's representative" means a member of the 10037
victim's family or another person whom the victim or another 10038
authorized person designates in writing, pursuant to section 10039
5139.56 of the Revised Code, to represent the victim with 10040
respect to proceedings of the release authority of the 10041
department of youth services and with respect to other matters 10042
specified in that section. 10043

(25) "Member of the victim's family" means a spouse, 10044
child, stepchild, sibling, parent, stepparent, grandparent, 10045
other relative, or legal guardian of a child but does not 10046
include a person charged with, convicted of, or adjudicated a 10047
delinquent child for committing a criminal or delinquent act 10048
against the victim or another criminal or delinquent act arising 10049
out of the same conduct, criminal or delinquent episode, or plan 10050
as the criminal or delinquent act committed against the victim. 10051

(26) "Judicial release to court supervision" means a 10052
release of a child from institutional care or institutional care 10053
in a secure facility that is granted by a court pursuant to 10054
division (B) of section 2152.22 of the Revised Code during the 10055
period specified in that division or that is granted by a court 10056
to court supervision pursuant to division (D) of that section 10057
during the period specified in that division. 10058

(27) "Judicial release to department of youth services 10059
supervision" means a release of a child from institutional care 10060
or institutional care in a secure facility that is granted by a 10061
court pursuant to division (C) of section 2152.22 of the Revised 10062
Code during the period specified in that division or that is 10063
granted to department supervision by a court pursuant to 10064
division (D) of that section during the period specified in that 10065
division. 10066

(28) "Juvenile justice system" includes all of the 10067
functions of the juvenile courts, the department of youth 10068
services, any public or private agency whose purposes include 10069
the prevention of delinquency or the diversion, adjudication, 10070
detention, or rehabilitation of delinquent children, and any of 10071
the functions of the criminal justice system that are applicable 10072
to children. 10073

(29) "Metropolitan county criminal justice services 10074
agency" means an agency that is established pursuant to division 10075
(A) of section 5502.64 of the Revised Code. 10076

(30) "Administrative planning district" means a district 10077
that is established pursuant to division (A) or (B) of section 10078
5502.66 of the Revised Code. 10079

(31) "Criminal justice coordinating council" means a 10080
criminal justice services agency that is established pursuant to 10081
division (D) of section 5502.66 of the Revised Code. 10082

(32) "Comprehensive plan" means a document that 10083
coordinates, evaluates, and otherwise assists, on an annual or 10084
multi-year basis, all of the functions of the juvenile justice 10085
systems of the state or a specified area of the state, that 10086
conforms to the priorities of the state with respect to juvenile 10087
justice systems, and that conforms with the requirements of all 10088
federal criminal justice acts. These functions include, but are 10089
not limited to, all of the following: 10090

(a) Delinquency; 10091

(b) Identification, detection, apprehension, and detention 10092
of persons charged with delinquent acts; 10093

(c) Assistance to crime victims or witnesses, except that 10094
the comprehensive plan does not include the functions of the 10095

attorney general pursuant to sections 109.91 and 109.92 of the Revised Code; 10096
10097

(d) Adjudication or diversion of persons charged with delinquent acts; 10098
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(e) Custodial treatment of delinquent children; 10100

(f) Institutional and noninstitutional rehabilitation of delinquent children. 10101
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(B) There is hereby created the department of youth services. The governor shall appoint the director of the department with the advice and consent of the senate. The director shall hold office during the term of the appointing governor but subject to removal at the pleasure of the governor. Except as otherwise authorized in section 108.05 of the Revised Code, the director shall devote the director's entire time to the duties of the director's office and shall hold no other office or position of trust or profit during the director's term of office. 10103
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The director is the chief executive and administrative officer of the department and has all the powers of a department head set forth in Chapter 121. of the Revised Code. The director may adopt rules for the government of the department, the conduct of its officers and employees, the performance of its business, and the custody, use, and preservation of the department's records, papers, books, documents, and property. The director shall be an appointing authority within the meaning of Chapter 124. of the Revised Code. Whenever this or any other chapter or section of the Revised Code imposes a duty on or requires an action of the department, the duty or action shall be performed by the director or, upon the director's order, in 10113
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the name of the department.	10125
<u>Sec. 5164.091. (A) As used in this section:</u>	10126
<u>(1) "Benzodiazepine" has the same meaning as in section</u>	10127
<u>3719.01 of the Revised Code.</u>	10128
<u>(2) "Chronic pain" has the same meaning as in section</u>	10129
<u>4731.052 of the Revised Code.</u>	10130
<u>(3) "Hospice care program" and "hospice patient" have the</u>	10131
<u>same meanings as in section 3712.01 of the Revised Code.</u>	10132
<u>(4) "Opioid analgesic" has the same meaning as in section</u>	10133
<u>3719.01 of the Revised Code.</u>	10134
<u>(5) "Prescriber" has the same meaning as in section</u>	10135
<u>4729.01 of the Revised Code.</u>	10136
<u>(6) "Terminal condition" means an irreversible, incurable,</u>	10137
<u>and untreatable condition that caused by disease, illness, or</u>	10138
<u>injury and will likely result in death. A terminal condition is</u>	10139
<u>one in which there can be no recovery, although there may be</u>	10140
<u>periods of remission.</u>	10141
<u>(B) (1) With respect to the medicaid program's coverage of</u>	10142
<u>prescribed drugs, the department of medicaid shall apply prior</u>	10143
<u>authorization requirements or other utilization review measures</u>	10144
<u>as conditions of providing coverage of an opioid analgesic</u>	10145
<u>prescribed for the treatment of chronic pain, except when the</u>	10146
<u>drug is prescribed under one of the following circumstances:</u>	10147
<u>(a) To an individual who is a hospice patient in a hospice</u>	10148
<u>care program;</u>	10149
<u>(b) To an individual who has been diagnosed with a</u>	10150
<u>terminal condition but is not a hospice patient in a hospice</u>	10151

care program; 10152

(c) To an individual who has cancer or another condition 10153
associated with the individual's cancer or history of cancer. 10154

(2) When implementing division (B)(1) of this section, the 10155
department shall consider either or both of the following, as 10156
applicable to the case in which the opioid analgesic is 10157
prescribed: 10158

(a) If the course of treatment with the drug continues for 10159
more than ninety days, the requirements of section 4731.052 of 10160
the Revised Code; 10161

(b) If the morphine equivalent daily dose for the drug 10162
exceeds eighty milligrams or the individual is being treated 10163
with a benzodiazepine at the time the opioid analgesic is 10164
prescribed, the guidelines established by the governor's cabinet 10165
opiate action team and presented in the document titled "Ohio 10166
Guidelines for Prescribing Opioids for the Treatment of Chronic, 10167
Non-terminal Pain 80 mg of a Morphine Equivalent Daily Dose 10168
(MED) 'Trigger Point'" or a successor document, unless the 10169
guidelines are no longer in effect at the time the opioid 10170
analgesic is prescribed. 10171

(C) If the department measures the efficiency, quality of 10172
care, or clinical performance of a prescriber, including through 10173
the use of patient satisfaction surveys, it shall not penalize 10174
the prescriber, financially or otherwise, for deciding not to 10175
prescribe an opioid analgesic. 10176

Sec. 5167.12. (A) When contracting under section 5167.10 10177
of the Revised Code with a managed care organization that is a 10178
health insuring corporation, the department of medicaid shall 10179
require the health insuring corporation to provide coverage of 10180

prescribed drugs for medicaid recipients enrolled in the health 10181
insuring corporation. In providing the required coverage, the 10182
health insuring corporation may, ~~subject to the department's~~ 10183
~~approval and the limitations specified in division (B) of this~~ 10184
~~section,~~ use strategies for the management of drug utilization, 10185
but any such strategies are subject to divisions (B) and (E) of 10186
this section and the department's approval. 10187

(B) The department shall not permit a health insuring 10188
corporation to impose a prior authorization requirement in the 10189
case of a drug to which all of the following apply: 10190

(1) The drug is an antidepressant or antipsychotic. 10191

(2) The drug is administered or dispensed in a standard 10192
tablet or capsule form, except that in the case of an 10193
antipsychotic, the drug also may be administered or dispensed in 10194
a long-acting injectable form. 10195

(3) The drug is prescribed by either of the following: 10196

(a) A physician whom the health insuring corporation, 10197
pursuant to division (C) of section 5167.10 of the Revised Code, 10198
has credentialed to provide care as a psychiatrist; 10199

(b) A psychiatrist practicing at a community mental health 10200
services provider whose mental health services are certified by 10201
the department of mental health and addiction services under 10202
section 5119.36 of the Revised Code. 10203

(4) The drug is prescribed for a use that is indicated on 10204
the drug's labeling, as approved by the federal food and drug 10205
administration. 10206

(C) ~~The~~ Subject to division (E) of this section, the 10207
department shall ~~permit~~ authorize a health insuring corporation 10208

to develop and implement a pharmacy utilization management 10209
program under which prior authorization through the program is 10210
established as a condition of obtaining a controlled substance 10211
pursuant to a prescription. 10212

(D) The department shall require a health insuring 10213
corporation to comply with section 5164.7511 of the Revised Code 10214
with respect to medication synchronization. 10215

(E) The department shall require a health insuring 10216
corporation to comply with section 5164.091 of the Revised Code 10217
as if the health insuring corporation were the department. 10218

Section 2. That existing sections 307.86, 321.44, 340.01, 10219
340.011, 340.03, 340.031, 340.032, 340.033, 340.034, 340.04, 10220
340.05, 340.07, 340.08, 340.09, 340.091, 340.10, 340.12, 340.13, 10221
340.15, 340.20, 1739.05, 2921.22, 2925.61, 2929.13, 2929.14, 10222
2929.15, 2947.231, 3313.65, 3707.56, 3707.57, 3719.121, 3719.13, 10223
3719.21, 3719.27, 3959.111, 4511.191, 4729.06, 4729.071, 10224
4729.16, 4729.18, 4729.19, 4729.291, 4729.38, 4729.51, 4729.54, 10225
4729.541, 4729.55, 4729.571, 4729.60, 4729.68, 4729.99, 4731.22, 10226
4731.62, 4731.94, 4776.02, 4776.04, 5107.42, 5119.01, 5119.10, 10227
5119.11, 5119.17, 5119.21, 5119.22, 5119.23, 5119.25, 5119.28, 10228
5119.36, 5119.361, 5119.362, 5119.364, 5119.371, 5119.372, 10229
5119.391, 5119.392, 5119.41, 5119.42, 5119.60, 5119.61, 10230
5120.035, 5122.31, 5139.01, and 5167.12 and section 4729.42 of 10231
the Revised Code are hereby repealed. 10232

Section 3. That Sections 331.90 and 331.120 of Am. Sub. 10233
H.B. 64 of the 131st General Assembly be amended to read as 10234
follows: 10235

Sec. 331.90. MEDICATION-ASSISTED TREATMENT DRUG COURT 10236
PROGRAM FOR SPECIALIZED DOCKET PROGRAMS 10237

(A) As used in this section:	10238
(1) "Medication-assisted treatment (MAT) drug court program" or " <u>MAT drug court program</u> " means a session of any of the following that holds initial or final certification from the Supreme Court of Ohio as a specialized docket program for drugs: a common pleas court, municipal court, or county court, or a division of any of those courts.	10239 10240 10241 10242 10243 10244
(2) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.	10245 10246
(B) (1) The Department of Mental Health and Addiction Services shall conduct a program to provide addiction treatment, including medication-assisted treatment, to persons who are offenders within the Criminal Justice System, eligible to participate in a MAT <u>medication-assisted treatment</u> drug court program, and are selected under this section to be participants in the program because of their dependence on opioids, alcohol, or both.	10247 10248 10249 10250 10251 10252 10253 10254
(2) The Department shall conduct the program in those courts of Allen, Clinton, Crawford, Cuyahoga, Franklin, Gallia, Hamilton, Hardin, Hocking, Jackson, Marion, Mercer, Montgomery, Summit, and Warren counties that are conducting MAT drug court programs. If in any of these counties there is no court conducting a MAT drug court program, the Department shall conduct the program in a court that is conducting a MAT drug court program in another county.	10255 10256 10257 10258 10259 10260 10261 10262
(3) In addition to conducting the program in accordance with division (B) (2) of this section, the Department may conduct the program in any court that is conducting a MAT drug court program.	10263 10264 10265 10266

(C) In conducting the program, the Department shall 10267
collaborate with the Supreme Court, the Department of 10268
Rehabilitation and Correction, and any agency of the state that 10269
the Department determines may be of assistance in accomplishing 10270
the objectives of the program. The Department may collaborate 10271
with the boards of alcohol, drug addiction, and mental health 10272
services and with local law enforcement agencies that serve the 10273
counties in which a court participating in the program is 10274
located. 10275

(D) (1) A MAT drug court program shall select persons who 10276
are criminal offenders to be participants in the program. A 10277
person shall not be selected to be a participant unless the 10278
person meets the legal and clinical eligibility criteria for the 10279
MAT drug court program and is an active participant in the 10280
program. 10281

(2) The total number of persons participating in a program 10282
at any time shall not exceed one thousand five hundred, subject 10283
to available funding, except that the Department of Mental 10284
Health and Addiction Services may authorize the maximum number 10285
to be exceeded in circumstances that the Department considers to 10286
be appropriate. 10287

(3) After being enrolled in a MAT drug court program, a 10288
participant shall comply with all requirements of the MAT drug 10289
court program. 10290

(E) The treatment provided in a MAT drug court program 10291
shall be provided by a community addiction services provider 10292
that is certified under section 5119.36 of the Revised Code. In 10293
serving as a community addiction services provider, a~~both of~~ 10294
the following apply: 10295

<u>(1) The provider shall do all of the following:</u>	10296
(1)(a) Provide treatment based on an integrated service delivery model that consists of the coordination of care between a prescriber and the community addiction services provider;	10297 10298 10299
(2)(b) Conduct professional, comprehensive substance abuse and mental health diagnostic assessments of a person under consideration for selection as a program participant to determine whether the person would benefit from substance abuse treatment and monitoring;	10300 10301 10302 10303 10304
(3)(c) Determine, based on the assessment described in division (E) (2)(1)(b) of this section, the treatment needs of the participants served by the treatment provider;	10305 10306 10307
(4)(d) Develop, for participants served by the treatment provider, individualized goals and objectives;	10308 10309
(5)(e) Provide access to the long-acting antagonist therapies, partial agonist therapies, or both, that are included in the program's medication-assisted treatment;	10310 10311 10312
(6)(f) Provide other types of therapies, including psychosocial therapies, for both substance abuse and any disorders that are considered by the treatment provider to be co-occurring disorders;	10313 10314 10315 10316
(7)(g) Monitor program compliance through the use of regular drug testing, including urinalysis, of the participants being served by the community addiction services provider.	10317 10318 10319
<u>(2) The provider may provide access to time-limited recovery supports. For purposes of this division:</u>	10320 10321
<u>(a) A recovery support is a form of assistance intended to help an individual with addiction or mental health needs, or a</u>	10322 10323

member of the family of such an individual, to initiate and 10324
sustain the individual's recovery from alcoholism, drug 10325
addiction, or mental illness. 10326

(b) A recovery support does not include an addiction or 10327
mental health treatment or prevention service. 10328

(F) In the case of medication-assisted treatment provided 10329
under the program, all of the following conditions apply: 10330

(1) A drug may be used only if the drug has been approved 10331
by the United States Food and Drug Administration for use in 10332
treating dependence on opioids, alcohol, or both, or for 10333
preventing relapse into the use of opioids, alcohol, or both. 10334

(2) One or more drugs may be used, but each drug that is 10335
used must constitute long-acting antagonist therapy or partial 10336
agonist therapy. 10337

(3) If a drug constituting partial agonist therapy is 10338
used, the program shall provide safeguards to minimize abuse and 10339
diversion of the drug, including such safeguards as routine drug 10340
testing of program participants. 10341

(G) It is anticipated and expected that drug courts will 10342
expand their ability to serve more drug court participants as a 10343
result of increased access to commercial or publicly funded 10344
health insurance. In order to ensure that funds appropriated to 10345
support this MAT drug court program are used in the most 10346
efficient manner with a goal of enrolling the maximum number of 10347
participants, the Medicaid Director with major Ohio healthcare 10348
plans, shall develop plans consistent with this division. There 10349
shall be no prior authorizations or step therapy for medication- 10350
assisted treatment for participants in the MAT drug court 10351
program. The plans developed under this division shall ensure 10352

all of the following: 10353

(1) The development of an efficient and timely process for 10354
review of eligibility for health benefits for all offenders 10355
selected to participate in the MAT drug court program; 10356

(2) A rapid conversion to reimbursement for all healthcare 10357
services by the participant's health insurance company following 10358
approval for coverage of healthcare benefits; 10359

(3) The development of a consistent benefit package that 10360
provides ready access to and reimbursement for essential 10361
healthcare services including, but not limited to, primary 10362
healthcare, alcohol and opiate detoxification services, 10363
appropriate psychosocial services, and medication for long- 10364
acting injectable antagonist therapies and partial agonist 10365
therapies; 10366

(4) The development of guidelines that require the 10367
provision of all treatment services, including medication, with 10368
minimal administrative barriers and within a ~~timeframe~~time 10369
frame that meets the requirements of individual patient care 10370
plans. 10371

(H) A report of the findings obtained from the addiction 10372
treatment pilot program established by Section 327.120 of Am. 10373
Sub. H.B. 59 of the 130th General Assembly shall be prepared by 10374
a research institution and include data derived from the drug 10375
testing and performance measures used in the program. The 10376
research institution shall complete its report not later than 10377
December 31, 2015. Upon completion, the institution shall submit 10378
the report to the Governor, Chief Justice of the Supreme Court, 10379
President of the Senate, Speaker of the House of 10380
Representatives, Department of Mental Health and Addiction 10381

Services, Department of Rehabilitation and Correction, and any 10382
other state agency that the Department of Mental Health and 10383
Addiction Services collaborates with in conducting the program. 10384

(I) Within 90 days after the effective date of this 10385
section, June 30, 2015, the Department shall select a research 10386
institution with experience in evaluating multiple court systems 10387
across jurisdictions in both rural and urban regions. The 10388
research institution shall have demonstrated experience 10389
evaluating the use of agonist and antagonist medication assisted 10390
treatment in drug courts, a track record of scientific 10391
publications, experience in health economics, and ethical and 10392
patient selection and consent issues. The institution shall also 10393
have an internal institutional review board. The institution 10394
shall prepare the report described in division (J) of this 10395
section. 10396

(J) A report of the findings obtained from the MAT drug 10397
court program established under this section shall be prepared 10398
by a research institution and include data derived from the drug 10399
testing and performance measures used in the program. The 10400
research institution shall complete its report not later than 10401
June 30, 2017. Upon completion, the institution shall submit the 10402
report to the Governor, Chief Justice of the Supreme Court, 10403
President of the Senate, Speaker of the House of 10404
Representatives, Department of Mental Health and Addiction 10405
Services, Department of Rehabilitation and Correction, and any 10406
other state agency that the Department of Mental Health and 10407
Addiction Services collaborates with in conducting the program. 10408

(K) Of the foregoing appropriation item 336422, Criminal 10409
Justice Services, not more than \$5.5 million in each fiscal year 10410
shall be used to support the Medication-Assisted Treatment Drug 10411

Court Program for Specialized Docket Programs. 10412

Sec. 331.120. COMMUNITY INNOVATIONS 10413

The foregoing appropriation item 336504, Community 10414
Innovations, may be used by the Department of Mental Health and 10415
Addiction Services to make targeted investments in programs, 10416
projects, or systems operated by or under the authority of other 10417
state agencies, governmental entities, or private not-for-profit 10418
agencies that impact, or are impacted by, the operations and 10419
functions of the Department, with the goal of achieving a net 10420
reduction in expenditure of state general revenue funds and/or 10421
improved outcomes for Ohio citizens without a net increase in 10422
state general revenue fund spending. 10423

The Director shall identify and evaluate programs, 10424
projects, or systems proposed or operated, in whole or in part, 10425
outside of the authority of the Department, where targeted 10426
investment of these funds in the program, project, or system is 10427
expected to decrease demand for the Department or other 10428
resources funded with state general revenue funds, and/or to 10429
measurably improve outcomes for Ohio citizens with mental 10430
illness or with alcohol, drug, or gambling addictions. The 10431
Director shall have discretion to transfer money from the 10432
appropriation item to other state agencies, governmental 10433
entities, or private not-for-profit agencies in amounts, and 10434
subject to conditions, that the Director determines most likely 10435
to achieve state savings and/or improved outcomes. Distribution 10436
of moneys from this appropriation item shall not be subject to 10437
sections 9.23 to 9.239 or Chapter 125. of the Revised Code. 10438

The Department shall enter into an agreement with each 10439
recipient of community innovation funds, identifying: allowable 10440
expenditure of the funds; other commitment of funds or other 10441

resources to the program, project, or system; expected state 10442
savings and/or improved outcomes and proposed mechanisms for 10443
measurement of such savings or outcomes; and required reporting 10444
regarding expenditure of funds and savings or outcomes achieved. 10445

Of the foregoing appropriation item 336504, Community 10446
Innovations, up to \$3,000,000 in each fiscal year shall be used 10447
to provide funding for community projects across the state that 10448
focus on support for families, assisting families in avoiding 10449
crisis, and crisis intervention. 10450

Of the foregoing appropriation item 336504, Community 10451
Innovations, up to \$500,000 in each fiscal year shall be used to 10452
enhance access to Naloxone across the state for county health 10453
departments to then disperse through a grant program to local 10454
law enforcement, emergency personnel, and first responders. If 10455
local law enforcement, emergency personnel, and first responders 10456
are not making use of the Naloxone grant, the county health 10457
department may use grant funding to provide Naloxone through a 10458
Project DAWN program within the county. 10459

Of the foregoing appropriation item 336504, Community 10460
Innovations, up to \$3,000,000 in each fiscal year shall be used 10461
to improve collaboration between local jails, state hospitals, 10462
and community addiction and mental health services providers in 10463
order to reduce transfers, improve safety and judicial oversight 10464
as well as address capacity issues in both jails and state 10465
hospitals. 10466

Of the foregoing appropriation item 336504, Community 10467
Innovations, up to \$100,000 in each fiscal year shall be used to 10468
continue the Department of Mental Health and Addiction Services 10469
cross-agency efforts to share evidence-based practices that 10470
encourage the use of trauma-informed care. 10471

Of the foregoing appropriation item 336504, Community Innovations, up to \$1,000,000 in each fiscal year shall be used to implement strategies to increase job opportunities, reduce the number of positive drug screens, and improve workforce readiness for individuals in recovery.

Section 4. That existing Sections 331.90 and 331.120 of Am. Sub. H.B. 64 of the 131st General Assembly are hereby repealed.

Section 5. (A) The Department of Mental Health and Addiction Services shall adopt rules pursuant to division (F) of section 5119.391 of the Revised Code that revise the requirements governing licensure of methadone treatment providers. The rules shall include the following as requirements for licensure:

(1) Being in good standing with the Medicaid program, Medicare program, and United States Drug Enforcement Administration;

(2) Being in good standing in any other jurisdiction in which the community addiction services provider provides services that are comparable to the methadone treatment services authorized under section 5119.391 of the Revised Code;

(3) The ability to meet, and a plan to provide treatment in accordance with, treatment standards established in 42 C.F.R. 8.12 and the accepted standards of medical care for opioid treatment services established by a nationally recognized standards organization selected by the Director of Mental Health and Addiction Services.

If the Department has not adopted the rules to revise the requirements governing licensure of methadone treatment

providers by, or if the rules are not in effect on, June 1, 10501
2017, it shall not issue any licenses under section 5119.391 of 10502
the Revised Code until those rules are adopted and in effect. 10503

(B) Not later than two years after the effective date of 10504
this section, the Department shall conduct an analysis of unmet 10505
needs for methadone treatment in Ohio and the impact of the 10506
changes made by this act to division (C) of section 5119.391 of 10507
the Revised Code on the overall treatment capacity in Ohio. The 10508
Department shall complete a report of its findings not later 10509
than 180 days after beginning the analysis. The Department shall 10510
publish a copy of the report on its Internet website. 10511

Section 6. Notwithstanding sections 4776.02 and 4776.04 of 10512
the Revised Code, as amended by this act, the provisions of 10513
those sections that were in effect immediately prior to the 10514
effective date of this act and referred to a person seeking to 10515
satisfy the criteria for being a qualified pharmacy technician 10516
that are specified in section 4729.42 of the Revised Code 10517
continue to apply for one year after the effective date of this 10518
section as if the provisions had not been removed from those 10519
sections by this act. 10520

Section 7. Sections 1739.05 and 1751.691 of the Revised 10521
Code, as amended or enacted by this act, apply only to 10522
arrangements, policies, contracts, and agreements that are 10523
created, delivered, issued for delivery, or renewed in this 10524
state on or after January 1, 2018. Section 3923.851 of the 10525
Revised Code, as enacted by this act, applies only to policies 10526
of sickness and accident insurance delivered, issued for 10527
delivery, or renewed in this state on or after January 1, 2018, 10528
and only to public employee benefit plans that are established 10529
or modified in this state on or after January 1, 2018. Sections 10530

5164.091 and 5167.12 of the Revised Code, as amended or enacted 10531
by this act, apply to the Medicaid program beginning January 1, 10532
2018, and to contracts the Department of Medicaid enters into 10533
with Medicaid managed care organizations on or after January 1, 10534
2018. 10535

Section 8. Sections 5119.17 and 5139.01, as amended by 10536
this act, and sections 2151.26, 2945.65, and 3701.59 of the 10537
Revised Code, as enacted by this act, shall be known as 10538
"Maiden's Law." 10539

Section 9. (A) The amendment by this act of sections 10540
5119.391 and 5119.392 of the Revised Code takes effect June 1, 10541
2017. 10542

(B) All of the following take effect July 1, 2017: 10543

(1) The amendment by this act of sections 307.86, 321.44, 10544
340.01, 340.011, 340.03, 340.031, 340.032, 340.033, 340.034, 10545
340.04, 340.05, 340.07, 340.08, 340.09, 340.091, 340.10, 340.12, 10546
340.13, 340.15, 340.20, 2921.22, 2929.13, 2929.15, 3313.65, 10547
3707.57, 3719.13, 3719.27, 4511.191, 4729.291, 4731.62, 5107.42, 10548
5119.01, 5119.10, 5119.11, 5119.21, 5119.22, 5119.23, 5119.25, 10549
5119.28, 5119.36, 5119.361, 5119.362, 5119.364, 5119.371, 10550
5119.41, 5119.42, 5119.60, 5119.61, 5120.035, 5122.31, and 10551
5167.12 of the Revised Code; 10552

(2) The amendment by this act, for the purpose of adopting 10553
new section numbers as shown in parentheses, of sections 340.032 10554
(340.04), 340.04 (340.041), 5119.361 (5119.366), 5119.371 10555
(5119.361), and 5119.372 (5119.367) of the Revised Code; 10556

(3) The enactment by this act of new section 340.032 of 10557
the Revised Code; 10558

(4) The enactment by this act of sections 340.036, 10559

340.037, and 5119.221 of the Revised Code.	10560
(C) The enactment by this act of section 4729.553 of the Revised Code takes effect 120 days after the effective date of this section.	10561 10562 10563
(D) All of the following take effect one year after the effective date of this section:	10564 10565
(1) The amendment by this act of section 3719.21 of the Revised Code;	10566 10567
(2) The amendment by this act of division (I) of section 4729.99 of the Revised Code;	10568 10569
(3) The enactment by this act of section 4729.95 of the Revised Code;	10570 10571
(4) The repeal by this act of section 4729.42 of the Revised Code.	10572 10573
Section 10. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:	10574 10575 10576 10577 10578 10579 10580 10581
Section 1739.05 of the Revised Code as amended by Am. Sub. H.B. 64, Sub. H.B. 116, and Sub. S.B. 129, all of the 131st General Assembly.	10582 10583 10584
Section 2925.61 of the Revised Code as amended by both Am. Sub. H.B. 4 and Sub. S.B. 110 of the 131st General Assembly.	10585 10586

Section 2929.13 of the Revised Code as amended by Sub.	10587
H.B. 60, Sub. H.B. 110, and Am. Sub. S.B. 97, all of the 131st	10588
General Assembly.	10589
Section 4729.16 of the Revised Code as amended by Am. Sub.	10590
H.B. 4 of the 131st General Assembly and Am. Sub. H.B. 394 and	10591
Am. Sub. S.B. 276, both of the 130th General Assembly.	10592
Section 5122.31 of the Revised Code as amended by both Am.	10593
Sub. H.B. 64 and Am. H.B. 141 of the 131st General Assembly.	10594