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**CHAPTER 4730-2, OHIO ADMINISTRATIVE CODE:  
PHYSICIAN ASSISTANT PRESCRIBING**

The State Medical Board is reviewing the rules concerning physician assistants for compliance with the provisions of S.B. 110, which was effective on October 15, 2015. The Medical Board, with the recommendation of the Physician Assistant Policy Committee, has completed its initial review of the rules discussed below and invites comments from interested parties concerning the proposed actions. Comments received will be reviewed for possible incorporation into the proposed rules.

The rules in Chapter 4730-2, Ohio Administrative Code, are applicable to physician assistant prescribing. The initial proposal for the following rules is to amend some and rescind others as follows:

**Rule 4730-2-01** contains definitions for Chapter 4730-2 of the Administrative Code.

- Paragraph (H) is amended to current terminology

**Rule 4730-2-06** concerns the physician assistant formulary.

- It is proposed to be amended to update terminology.

**Rule 4730-2-07** contains the standards for prescribing.

- Several paragraphs are proposed to be amended to update to current terminology.

**Rule 4730-2-08** sets the standards for personally furnishing drugs and therapeutic devices.

- It is proposed to be rescinded as unnecessarily because it only repeats what is in the Revised Code.

**Rule 4730-2-09** sets the standards for personally furnishing samples of drugs and therapeutic devices.

- It is proposed to be rescinded as unnecessarily because it only repeats what is in the Revised Code.

The proposed rules are attached to this memo. Comments on the proposed amendments and rescissions are invited. Comments should be submitted no later than **June 9, 2016** to

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## **4730-2-01 Definitions.**

As used in Chapter 4730-2 of the Administrative Code:

- (A) "ARC-PA" means the "Accreditation Review Commission on Education for the Physician Assistant."
- (B) "CHEA" means the "Council for Higher Education Accreditation."
- (C) "AAPA" means the "American Academy of Physician Assistants."
- (D) "NCCPA" means the "National Commission on Certification for Physician Assistants."
- (E) "CME" means continuing medical education.
- (F) "ACCME" means the "Accreditation Council for Continuing Medical Education."
- (G) "Contact hour" means a minimum of fifty minutes of education.
- (H) "Licensure registration period" means the period between granting of the initial or renewed ~~certificate to prescribe and the next scheduled renewal date for the certificate to prescribe~~ license and the next scheduled renewal date for the license.
- (I) "Board" means the state medical board of Ohio.

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4730-2-06

**Physician assistant formulary.**

(A) This formulary, as contained in the appendix to this rule, is established for individuals who hold a ~~current, valid certificate~~license to practice as a physician assistant and ~~either a current, valid provisional certificate to prescribe or a certificate to prescribe~~a valid prescriber number issued by the board, and who have been authorized to prescribe pursuant to ~~a board~~ a approved supervisory plan~~supervision agreement~~ ~~or~~ and, as applicable, the policies of the health care facility in which the physician assistant is practicing. The formulary does not authorize a physician assistant to prescribe any drug or device used to perform or induce an abortion.

(B) For purposes of the physician assistant formulary:

- (1) “CTP” means either a provisional certificate to prescribe or a certificate to prescribe issued by the board pursuant to section 4730.44 of the Revised Code.
- (2) “CTP holder may not prescribe” means medications in the category may not be prescribed by any CTP holder for any indication.
- (3) “CTP holder may prescribe” means medications in the category may be prescribed by any CTP holder as appropriate.
- (4) “Physician initiated/consultation” means that either the supervising physician must initiate the drug after personally evaluating the patient or the physician assistant must consult with the supervising physician by direct, real time communication prior to initiating the drug.
- (5) “Therapeutic device” means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including a component part, or accessory which is intended to affect the structure or any function of the body and which does not achieve any of its primary intended purposes through chemical action within or on the body and which is not dependent upon being metabolized for the achievement of any of its primary intended purposes. Therapeutic device includes any device subject to regulation by the “Food and Drug Administration.”

(C) All physician assistant prescribing shall be in compliance with the ~~supervisory plan~~supervision agreement under which the physician assistant is prescribing ~~or~~ and, as applicable, the policies of the health care facility in which the physician assistant is prescribing, as may be restricted by the supervising physician.

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- (D) All drugs and therapeutic devices shall be prescribed in accordance with the manufacturer's package insert, the "United States Pharmacopoeia," and the minimal standard of care.
- (E) Drugs may be prescribed for purposes other than "Food and Drug Administration" indications when both of the following requirements are met:
  - (1) The purpose is supported by current peer review literature, which emanates from a recognized body of knowledge; and
  - (2) Prescribing for the purpose is authorized by the supervising physician under whom the physician assistant is prescribing or the policies of the health care facility in which the physician assistant is prescribing.
- (F) In order for a physician assistant to prescribe a combination medication, each component drug must be listed on the formulary as "CTP holder may prescribe" or the combination medication itself must be listed on the formulary as "CTP holder may prescribe."
- (G) For medications that are denoted "Physician initiated/consultation," both of the following requirements apply:
  - (1) The supervising physician's initiation of the drug or the prior consultation between the physician assistant and the supervising physician shall be documented in the patient record; and
  - (2) The physician assistant shall consult with the supervising physician before changing the dosage of the drug or before renewing a prescription when there is a change in patient status. The consultation shall be documented in the patient record.
- (H) A drug for which the classification is not included on the formulary shall not be prescribed by a physician assistant until it is reviewed and added to the formulary.
- (I) The prescription of oxygen and plasma expanders is regulated by the Ohio state board of pharmacy and requires the physician assistant to hold a current, valid ~~certificate~~ [prescriber number](#).
- (J) A physician assistant's prescription of therapeutic devices shall be in compliance with both of the following:

- (1) The physician assistant may only prescribe a therapeutic device that has been approved by the “Food and Drug Administration” and which the supervising physician prescribes in the routine course of practice for the specific use approved by the “Food and Drug Administration;” and
  - (2) The physician assistant shall not prescribe a therapeutic device that federal or state statute, rule, or regulation prohibits the physician assistant from using.
- (K) A physician assistant, with or without physician delegated prescriptive authority, may order blood products with physician initiation or consultation, consistent with the physician assistant's ~~supervisory plan~~ supervision agreement ~~or~~ and, as applicable, the policies of the health care facility, ~~as applicable.~~

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4730-2-07

**Standards for prescribing.**

~~For purposes of this rule, the term "certificate to prescribe" includes the provisional certificate to prescribe and the full certificate to prescribe issued by the board pursuant to section 4730.44 of the Revised Code.~~

(A) A physician assistant who holds a current valid ~~certificate to prescribe~~ [prescriber number](#) and who has been granted physician-delegated prescriptive authority by a supervising physician may prescribe a drug or therapeutic device provided the prescription is in accordance with all of the following:

- (1) The extent and conditions of the physician-delegated prescriptive authority, granted by the supervising physician who is supervising the physician assistant in the exercise of the authority, for the prescription of drugs and devices listed on the formulary set forth rules promulgated by the board;
- (2) The requirements of Chapter 4730. of the Revised Code;
- (3) The requirements of Chapters 4730-1, 4730-2, 4731-11, and 4731-21 of the Administrative Code; and
- (4) The requirements of state and federal law pertaining to the prescription of drugs and therapeutic devices.

(B) A physician assistant who holds a current valid ~~certificate to prescribe~~ [prescriber number](#) who has been granted physician-delegated prescriptive authority by a supervising physician shall prescribe in a valid prescriber-patient relationship. This includes, but is not limited to:

- (1) Obtaining a thorough history of the patient;
- (2) Conducting a physical examination of the patient;
- (3) Rendering or confirming a diagnosis;
- (4) Prescribing medication, ruling out the existence of any recognized contraindications;
- (5) Consulting with the supervising physician when necessary; and
- (6) Properly documenting these steps in the patient's medical record.

- (C) The physician assistant's prescriptive authority shall not exceed the prescriptive authority of the supervising physician under whose supervision the prescription is being written, including but not limited to, any restrictions imposed on the physician's practice by action of the United States drug enforcement administration or the state medical board of Ohio.
- (D) A physician assistant holding a current valid ~~certificate to prescribe~~ prescriber number and who has been granted physician-delegated prescriptive authority by a supervising physician to prescribe controlled substances shall apply for and obtain the United States drug enforcement administration registration prior to prescribing any controlled substances.
- (E) A physician assistant holding a current valid ~~certificate to prescribe~~ prescriber number and who has been granted physician-delegated prescriptive authority by a supervising physician shall not prescribe any drug or device to perform or induce an abortion.
- (F) A physician assistant holding a current valid ~~certificate to prescribe~~ prescriber number and who has been granted physician-delegated prescriptive authority by a supervising physician shall include on each prescription the ~~certificate number of the~~ physician assistant's ~~certificate to prescribe~~ license number, and, where applicable, shall include the physician assistant's DEA number.

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4730-2-08

**Standards for personally furnishing drugs and therapeutic devices TO BE RESCINDED.**

(A) The following general provisions apply for purposes of this rule:

- (1) The term "certificate to prescribe" includes the provisional certificate to prescribe and the full certificate to prescribe issued by the board pursuant to section 4730.44 of the Revised Code.
- (2) The physician assistant may personally furnish a complete or partial supply of a drug or therapeutic device only in accordance with this rule and any other applicable state or federal laws or rules relative to personally furnishing drugs and therapeutic devices, including, but not limited to, rules adopted by the Ohio board of pharmacy.

(B) A physician assistant who holds a certificate to prescribe and who has been granted physician-delegated prescriptive authority by a supervising physician may personally furnish to a patient a complete or partial supply of drugs and therapeutic devices, in accordance with all of the following conditions:

- (1) The physician assistant shall not personally furnish drugs and devices in locations other than a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code, a federally funded comprehensive primary care clinic, or a nonprofit health clinic or program;
- (2) The physician assistant may personally furnish only those types of drugs and devices that meet all of the following requirements:
  - (a) The drugs and devices are antibiotics, antifungals, scabicides, contraceptives, prenatal vitamins, antihypertensives, drugs and devices used in the treatment of diabetes, drugs and devices used in the treatment of asthma, or drugs used in the treatment of dyslipidemia;
  - (b) The drugs and devices are included among the drugs and devices set forth in the formulary established in rule 4730-2-06 of the Administrative Code; and
  - (c) The drugs and devices are included among the drugs and devices for which the supervising physician has granted prescriptive authority to the physician assistant.

(3) The physician assistant shall not personally furnish either of the following:

- (a) Any schedule II controlled substance; or
  - (b) Any drug or device used to perform or induce an abortion.
- (4) The physician assistant shall affix to the container or device a label showing all of the following information:
- (a) The name, address, and certificate to prescribe number of the prescribing physician assistant;
  - (b) The name of the patient for whom the drug or device is intended;
  - (c) Name and strength of the drug;
  - (d) Directions for use; and
  - (e) Date furnished.
- (C) The physician assistant who holds a certificate to prescribe and who has been granted physician-delegated prescriptive authority by a supervising physician shall maintain a written record of all drugs and devices personally furnished by the physician assistant.

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4730-2-09

**Standards for personally furnishing samples of drugs and therapeutic devices TO BE RESCINDED.**

(A) The following general provisions apply for purposes of this rule:

- (1) The term "certificate to prescribe" includes the provisional certificate to prescribe and the full certificate to prescribe issued by the board pursuant to section 4730.44 of the Revised Code.
- (2) The physician assistant may personally furnish a sample of a drug or therapeutic device only in accordance with this rule and any other applicable state or federal laws or rules relative to personally furnishing drugs and therapeutic devices, including, but not limited to, rules adopted by the Ohio board of pharmacy.

(B) A physician assistant who holds a certificate to prescribe and who has been granted physician-delegated prescriptive authority by a supervising physician may personally furnish to a patient a sample of drugs and therapeutic devices included within the physician-delegated prescriptive authority, in accordance with all of the following conditions:

- (1) The physician assistant shall personally furnish the samples in accordance with the requirements of section 3719.81 of the Revised Code;
- (2) The physician assistant shall not personally furnish samples of controlled substances or any drug or device used to perform or induce an abortion;
- (3) The samples are of drugs and devices included among the drugs and devices set forth in the formulary established in rule 4730-2-06 of the Administrative Code;
- (4) The samples are of drugs and devices included among the drugs and devices for which the supervising physician has granted prescriptive authority to the physician assistant;
- (5) The amount of the sample furnished shall not exceed a seventy-two hour supply, except when the minimum available quantity of the sample is packaged in an amount that is greater than a seventy-two hour supply, in which case the physician assistant must furnish the sample in the packaged amount;
- (6) The physician assistant shall not sell, impose a charge, or accept a fee for the sample or for furnishing it;

- (7) Where the directions for use by a particular patient are different from the directions on or in the sample container, the physician assistant shall provide, in written format, the following:
  - (a) The name of the prescribing physician assistant and the name of the physician under whose supervision the physician assistant is authorized to write the prescription;
  - (b) The name of the patient; and
  - (c) Directions for use of the drug or therapeutic device.
- (8) The physician assistant shall maintain a written record of all samples of drugs and devices personally furnished by the physician assistant.