



Rules & Policies Agenda for Board Meeting April 14, 2021

- A. Rule Review Update
 - B. Board of Nursing Consult Agreement Rules
 - C. Final Adoption of CME Rules
 - D. Medical and Osteopathic Examination
 - E. ODH Rule – Mobile Imaging Centers
 - F. Rules Filed with CSI
 - G. Legislative Update
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MEMORANDUM

TO: Mark Bechtel, M.D., President
Members, State Medical Board of Ohio

FROM: Kimberly C. Anderson, Chief Legal Counsel

RE: Rule Review Update

DATE: March 31, 2021

Attached please find the updated rule review schedule and spreadsheet.

Requested Action: No action requested.

Legal Dept. Rules Schedule

As of 3/29/21

April 2021 Board Meeting

For Adoption

4731-10-CME Rules (amended to reflect HB442 changes)

For approval to file with CSI

4730-1-07 4730-2-07 4731-35-01
4731-35-02

RULES AT CSI

Comment Deadline 5/27/20

4731-18 – Light Based Medical Device Rules

Comment Deadline 10/19/20

4731-11-02 4731-11-03 4731-11-04
4731-11-04.1 4731-11-07 4731-11-11

Comment Deadline 11/6/20

4731 Chapter 13 – 36 rules

Comment Deadline 11/23/20

4759-4-04 4759-4-08 4759-6-02

Comment Deadline 4/2/21

4731-11-08 4731-14-01 4731-23-01
4731-23-02 4731-23-03 4731-23-04
4731-26-01 4731-26-02 4731-26-03

RULES SENT FOR INITIAL CIRCULATION

Comment Deadline – September 25, 2020

4731-6-14

RULES AT JCARR

Filed 2/11/21 – Hearing held 3/15/21

4731-8-04 4731-8-05 4774-1-02
4774-1-03 4731-17-01 4731-17-04
4731-17-05 4731-17-07 4731-36-04

No Change Rules-Filed 2/11/21-JCARR jurisdiction ends 5/12/21

4774-1-01 4731-17-03 4731-8-02
4774-1-04 4731-17-06 4731-8-03
4731-17-02 4731-8-01 4731-8-06

Rules for review in 2021

4731-1-12-Examination-Due 11.30.21
4731-1-16-Massage Therapy Curriculum-Due 11.30.21
4731-11-08-Utilizing controlled substances for self and family members-Due 8.17.21
4731-14-01-Pronouncement of Death-Due 6.30.21
4731-23-01-Delegation of Medical Tasks-Definitions-Due 11.30.21
4731-23-02-Delegation of Medical Tasks-Due 11.30.21
4731-23-03-Delegation of Medical Tasks-Prohibitions-Due 8.17.21
4731-23-04-Violations-Due 8.17.21
4731-26-01-Sexual Misconduct Definitions-Due-6.30.21
4731-26-02-Prohibitions-Due 6.14.21
4731-26-03-Violations; Miscellaneous-Due 6.30.21

Rules Needing Amendments Due to HB442

The following rules need to be amended or rescinded to remove references to cosmetic therapy and oriental medicine:

4731-1-01 Definition of terms
4731-1-02 Application of rules governing limited branches of medicine or surgery
4731-1-03 General prohibitions
4731-1-07 Eligibility of electrologists licensed by Ohio state board of cosmetology

to obtain licensure as cosmetic therapists (rescind)

4731-10-02 Requisite hours of continuing medical education

Rules Needing Amendments Due to HB442, con't.

- 4731-1-08 Continuing cosmetic therapy education requirements (rescind)
- 4731-1-09 Cosmetic therapy curriculum requirements (rescind)
- 4731-1-10 Distance education
- 4731-1-11 Application and examination for certificate to practice cosmetic therapy
- 4731-1-15 Determination of standing of school, college or institution
- 4731-1-17 Instructional staff in Ohio cosmetic therapy and massage therapy programs
- 4731-1-18 Grounds for suspension, revocation or denial of certificate of good standing
- 4731-16-01 Impaired Practitioners Definitions
- 4731-16-02 General Procedures in Impairment cases
- 4731-16-05 Examinations
- 4731-16-08 Criteria for approval
- 4731-16-18 Eligibility for one-bite program
- 4731-17-07 Exposure-Prone Invasive Procedure Precautions
- 4731-18-03 Delegation of Use of Light-based Medical Devices
- 4731-22-07 Change to active status
- 4731-26-01 Definitions
- 4731-26-03 Violations; miscellaneous
- 4731-30-03 Approval of licensure applications
- 4731-36-01 Military Provisions Related to Education and Experience Requirements for Licensure

Changes related to massage therapy curriculum requirements

- 4731-1-12 Application and examination for certificate to practice massage therapy
- 4731-1-16 Massage therapy curriculum requirements

Changes related to continuing education (volunteer hours and clinical research faculty certificate)

Rule Number	Rule Description	Sent for Initial Comment	Board Approval to File with CSI	CSI filing	CSI recommendation	JCARR filing	Rules Hearing	JCARR Hearing	Board Adoption	New Effective Date	Current Review Date
4730-1-01	Regulation of Physician Assistants - Definitions		06/12/19	07/16/19	11/07/19	06/18/20	No change rule			09/16/20	06/18/25
4730-1-05	Quality Assurance System		06/12/19	07/16/19	11/07/19	06/19/20	No change rule			09/17/20	06/19/25
4730-1-06	Licensure as a physician assistant	03/22/19	06/12/19	12/04/19		06/18/20	07/23/20	08/17/20	09/09/20	12/31/20	09/30/23
4730-1-07	Miscellaneous Provisions	01/25/21								09/30/20	09/30/23
4730-2-01	Physician Delegated Prescriptive Authority - Definitions		06/12/19	07/16/19	11/07/19	06/18/20	No change rule			09/18/20	06/18/25
4730-2-04	Period of on-site supervision of physician-delegated prescriptive authority		06/12/19	07/16/19	11/07/19	06/18/20	07/23/20	08/17/20	09/09/20	09/30/20	11/15/23
4730-2-05	Addition of valid prescriber number after initial licensure		06/12/19	07/16/19	11/07/19	06/18/20	07/23/20	08/17/20	09/09/20	09/30/20	09/30/23
4730-2-07	Standards for Prescribing	01/25/21								09/30/20	09/30/25
4730-2-10	Standards and Procedures for use of OARRS		06/12/19	07/16/19	11/07/19	06/18/20	07/23/20	08/17/20	09/09/20	09/30/20	09/30/23
4730-4-01	Definitions	05/09/19		11/15/19	05/20/20	06/18/20	07/23/20	08/17/20	10/14/20	10/31/20	04/30/24
4730-4-02	Standards and procedures for withdrawal management for drug or alcohol addiction	05/09/19		11/15/19	05/20/20	06/18/20	07/23/20	08/17/20	10/14/20	10/31/20	10/31/25
4730-4-03	Office Based Treatment for Opioid addiction									04/30/19	04/30/24
4730-4-04	Medication assisted treatment using naltrexone									04/30/19	04/30/24
4730-5-01											
4730-5-02											
4731-1-01	Limited Practitioners - Definition of Terms									03/30/20	03/30/25
4731-1-02	Application of Rules Governing Limited Branches of Medicine or Surgery									07/31/19	07/31/24
4731-1-03	General Prohibitions										08/31/23
4731-1-04	Scope of Practice: Mechanotherapy									12/31/18	12/31/23
4731-1-05	Scope of Practice: Massage Therapy				04/24/19	Refiled 8/20/19 4/29/19	06/05/19		10/16/19	11/05/19	11/05/24
4731-1-06	Scope of Practice: Naprapathy									08/31/18	08/31/23

Rule Number	Rule Description	Sent for Initial Comment	Board Approval to File with CSI	CSI filing	CSI recommendation	JCARR filing	Rules Hearing	JCARR Hearing	Board Adoption	New Effective Date	Current Review Date
4731-1-07	Eligibility of Electrologists Licensed by the Ohio State Board of Cosmetology to Obtain Licensure as Cosmetic Therapists Pursuant to Chapter 4731 ORC and Subsequent Limitations									12/31/18	12/31/23
4731-1-08	Continuing Cosmetic Therapy Education Requirements for Registration or Reinstatement of a License to Practice Cosmetic Therapy									09/30/19	09/30/24
4731-1-09	Cosmetic Therapy Curriculum Requirements										08/31/23
4731-1-10	Distance Education									01/31/19	01/31/24
4731-1-11	Application and Certification for certificate to practice cosmetic therapy									03/30/20	03/30/25
4731-1-12	Examination									11/30/16	11/30/21
4731-1-15	Determination of Standing of School, College or Institution									12/31/18	12/31/23
4731-1-16	Massage Therapy curriculum rule (Five year review)									01/31/19	11/30/21
4731-1-17	Instructional Staff									05/31/19	05/31/24
4731-1-18	Grounds for Suspension, Revocation or Denial of Certificate of Good Standing, Hearing Rights									03/30/20	03/30/25
4731-1-19	Probationary Status of a limited branch school									03/30/20	03/30/25
4731-1-24	Massage Therapy Continuing Education	03/09/16		10/26/16	04/24/19	04/29/19	06/05/19				
4731-2-01	Public Notice of Rules Procedure									12/07/17	12/07/22
4731-4-01	Criminal Records Checks - Definitions									09/30/19	09/30/24
4731-4-02	Criminal Records Checks									09/30/19	09/30/24
4731-5-01	Admission to Examinations									06/09/17	06/09/22
4731-5-02	Examination Failure; Inspection and Regrading									06/09/17	06/09/22
4731-5-03	Conduct During Examinations									06/09/17	06/09/22
4731-5-04	Termination of Examinations									06/09/17	06/09/22
4731-6-01	Medical or Osteopathic Licensure: Definitions									07/31/19	07/31/24
4731-6-02	Preliminary Education for Medical and Osteopathic Licensure									07/31/19	07/31/24

Rule Number	Rule Description	Sent for Initial Comment	Board Approval to File with CSI	CSI filing	CSI recommendation	JCARR filing	Rules Hearing	JCARR Hearing	Board Adoption	New Effective Date	Current Review Date
4731-6-04	Demonstration of proficiency in spoken English									06/09/17	06/09/22
4731-6-05	Format of Medical and Osteopathic Examination									07/31/19	07/31/24
4731-6-14	Examination for physician licensure	09/03/20								07/31/19	07/31/24
4731-6-15	Eligibility for Licensure of National Board Diplomats and Medical Council of Canada Licentiates									07/31/19	07/31/24
4731-6-21	Application Procedures for Certificate Issuance; Investigation; Notice of Hearing Rights									07/31/19	07/31/24
4731-6-22	Abandonment and Withdrawal of Medical and Osteopathic Licensure Applications									07/31/19	07/31/24
4731-6-30	Training Certificates									07/31/19	07/31/24
4731-6-31	Limited Preexamination Registration and Limited Certification									07/31/19	07/31/24
4731-6-33	Special Activity Certificates									07/31/19	07/31/24
4731-6-34	Volunteer's Certificates									07/31/19	07/31/24
4731-7-01	Method of Notice of Meetings									07/31/19	07/31/24
4731-8-01	Personal Information Systems	04/29/20		10/05/20	11/18/20	02/11/21	03/15/21	03/29/21		04/21/16	04/21/21
4731-8-02	Definitions	04/29/20		10/05/20	11/18/20	02/11/21	03/15/21	03/29/21		04/21/16	04/21/21
4731-8-03	Procedures for accessing confidential personal information	04/29/20		10/05/20	11/18/20	02/11/21	03/15/21	03/29/21		04/21/16	04/21/21
4731-8-04	Valid reasons for accessing confidential personal information	04/29/20		10/05/20	11/18/20	02/11/21	03/15/21	03/29/21		04/21/16	04/21/21
4731-8-05	Confidentiality Statutes	04/29/20		10/05/20	11/18/20	02/11/21	03/15/21	03/29/21		07/31/16	07/31/21
4731-8-06	Restricting & Logging access to confidential personal information	04/29/20		10/05/20	11/18/20	02/11/21	03/15/21	03/29/21		04/21/16	04/21/21
4731-9-01	Record of Board Meetings; Recording, Filming, and Photographing of Meetings									09/15/19	06/17/24
4731-10-01	Definitions	10/25/19		05/26/20		Revised filing 11/3/20 10/30/20	12/04/20	12/07/20		02/02/18	02/02/23
4731-10-02	Requisite Hours of Continuing Medical Education for License Renewal or Reinstatement	10/25/19		05/26/20		Revised filing 11/3/20 10/30/20	03/15/21	03/29/21		05/31/18	05/31/23

Rule Number	Rule Description	Sent for Initial Comment	Board Approval to File with CSI	CSI filing	CSI recommendation	JCARR filing	Rules Hearing	JCARR Hearing	Board Adoption	New Effective Date	Current Review Date
4731-10-03	CME Waiver	10/25/19		05/26/20		Revised filings 11/24 & 11/3 - orig 10/30/20	12/04/20	12/07/20		05/31/18	05/31/23
4731-10-04	Continuing Medical Education Requirements for Restoration of a License	10/25/19		05/26/20		Revised filings 11/24 & 11/3 - orig 10/30/20	12/04/20	12/07/20		05/31/18	05/31/23
4731-10-05	<i>Out-of-State Licensees</i>	10/25/19		05/26/20		<i>Revised filings 11/24 & 11/3 - orig 10/30/20</i>	12/04/20	12/07/20		05/31/18	05/31/23
4731-10-06	<i>Licensure After Cutoff for Preparation of Registration Notices</i>	10/25/19		05/26/20		<i>Revised filings 11/24 & 11/3 - orig 10/30/20</i>	12/04/20	12/07/20		05/31/18	05/31/23
4371-10-07	<i>Internships, Residencies and Fellowships</i>	10/25/19		05/26/20		<i>Revised filings 11/24 & 11/3 - orig 10/30/20</i>	12/04/20	12/07/20		05/31/18	05/31/23
4371-10-08	Evidence of Continuing Medical Education	10/25/19		05/26/20		Revised filings 11/24 & 11/3 - orig 10/30/20	03/15/21	03/29/21		05/31/18	05/31/23
4731-10-09	<i>Continuing Medical Education Requirement for Mid-term Licensees</i>	10/25/19		05/26/20		<i>Revised filings 11/24 & 11/3 - orig 10/30/20</i>	12/04/20	12/07/20		05/31/18	05/31/23

Rule Number	Rule Description	Sent for Initial Comment	Board Approval to File with CSI	CSI filing	CSI recommendation	JCARR filing	Rules Hearing	JCARR Hearing	Board Adoption	New Effective Date	Current Review Date
4731-10-10	Continuing Medical Education Requirements Following License Restoration	10/25/19		05/26/20		Revised filings 11/24 & 11/3 - orig 10/30/20	12/04/20	12/07/20		05/31/18	05/31/23
4731-10-11	Telemedicine Certificates	10/25/19		05/26/20		Revised filings 11/24 & 11/3 - orig 10/30/20	12/04/20	12/07/20		05/31/18	05/31/23
4731-11-01	Controlled substances; General Provisions Definitions				11/14/19	corrected-7/16/20 6/18/2020	07/23/20	08/17/20	10/14/20	10/31/20	10/31/25
4731-11-02	Controlled Substances - General Provisions	07/26/19	11/13/19	10/05/20						04/30/19	12/31/20
4731-11-03	Schedule II Controlled Substance Stimulants	07/26/19	11/13/19	10/05/20						12/31/15	12/31/20
4731-11-04	Controlled Substances: Utilization for Weight Reduction	07/26/19	11/13/19	10/05/20						02/29/16	02/28/21
4731-11-04.1	Controlled substances: Utilization for chronic weight management	07/26/19	11/13/19	10/05/20						12/31/15	12/31/20
4731-11-07	Research Utilizing Controlled Substances	07/26/19	11/13/19	10/05/20						09/30/15	09/30/20
4731-11-08	Utilizing Controlled Substances for Self and Family Members	01/25/21	03/10/21	03/18/21						08/17/16	08/17/21
4731-11-09	Prescribing to persons the physician has never personally examined.									03/23/17	03/23/22
4731-11-11	Standards and procedures for review of "Ohio Automated Rx Reporting System" (OARRS).	07/26/19	11/13/19	10/05/20						12/31/15	12/31/20
4731-11-13	Prescribing of Opioid Analgesics for Acute Pain									08/31/17	08/31/22
4731-11-14	Prescribing for subacute and chronic pain			3/21/19	11/14/19	corrected-7/16/20 6/18/2020	07/23/20	08/17/20	10/14/20	10/31/20	12/23/23
4731-12-01	Preliminary Education for Licensure in Podiatric Medicine and Surgery									06/30/17	06/30/22
4731-12-02	Standing of Colleges of Podiatric Surgery and Medicine									06/30/17	06/30/22

Rule Number	Rule Description	Sent for Initial Comment	Board Approval to File with CSI	CSI filing	CSI recommendation	JCARR filing	Rules Hearing	JCARR Hearing	Board Adoption	New Effective Date	Current Review Date
4731-12-03	Eligibility for the Examination in Podiatric Surgery and Medicine (see note below)									04/19/17	04/19/22
4731-12-04	Eligibility of Licensure in Podiatric Medicine and Surgery by Endorsement from Another State									06/30/17	06/30/22
4731-12-05	Application Procedures for Licensure in Podiatric Medicine and Surgery, Investigation, Notice of Hearing Rights.									06/30/17	06/30/22
4731-12-06	Visiting Podiatric Faculty Certificates									06/30/17	06/30/22
4731-12-07	Podiatric Training Certificates									06/30/17	06/30/22
4731-13-01	Conduct of Hearings - Representative; Appearances	08/26/20	10/14/20	10/23/20						07/31/16	07/31/21
4731-13-02	Filing Request for Hearing	08/26/20	10/14/20	10/23/20						07/31/16	07/31/21
4731-13-03	Authority and Duties of Hearing Examiners	08/26/20	10/14/20	amended filing 1/6/21 10/23/20						09/30/18	07/31/21
4731-13-04	Consolidation	08/26/20	10/14/20	10/23/20							04/21/21
4731-13-05	Intervention	08/26/20	10/14/20	10/23/20							04/21/21
4731-13-06	Continuance of Hearing	08/26/20	10/14/20	10/23/20						09/30/16	09/30/21
4731-13-07	Motions	08/26/20	10/14/20	10/23/20						09/30/18	04/21/21
4731-13-07.1	Form and page limitations for briefs and memoranda	08/26/20	10/14/20	10/23/20						09/30/18	09/30/23
4731-13-08	Filing	08/26/20	10/14/20	10/23/20						07/31/16	07/31/21
4731-13-09	Service	08/26/20	10/14/20	10/23/20						07/31/16	07/31/21
4731-13-10	Computation and Extension of Time	08/26/20	10/14/20	10/23/20						07/31/16	07/31/21
4731-13-11	Notice of Hearings	08/26/20	10/14/20	10/23/20						07/31/16	07/31/21
4731-13-12	Transcripts	08/26/20	10/14/20	10/23/20						07/31/16	07/31/21
4731-13-13	Subpoenas for Purposes of Hearing	08/26/20	10/14/20	10/23/20						07/31/16	07/31/21
4731-13-14	Mileage Reimbursement and Witness Fees	08/26/20	10/14/20	10/23/20							04/21/21
4731-13-15	Reports and Recommendations	08/26/20	10/14/20	10/23/20						07/31/16	07/31/21
4731-13-16	Reinstatement or Restoration of Certificate	08/26/20	10/14/20	10/23/20						07/31/16	07/31/21
4731-13-17	Settlements, Dismissals, and Voluntary Surrenders	08/26/20	10/14/20	10/23/20						04/21/16	04/21/21
4731-13-18	Exchange of Documents and Witness Lists	08/26/20	10/14/20	10/23/20						07/31/16	07/31/21
4731-13-20	Depositions in Lieu of Live Testimony and Transcripts in place of Prior Testimony	08/26/20	10/14/20	10/23/20						07/31/16	07/31/21
4731-13-20.1	Electronic Testimony	08/26/20	10/14/20	10/23/20						07/31/16	07/31/21

Rule Number	Rule Description	Sent for Initial Comment	Board Approval to File with CSI	CSI filing	CSI recommendation	JCARR filing	Rules Hearing	JCARR Hearing	Board Adoption	New Effective Date	Current Review Date
4731-13-21	Prior Action by the State Medical Board	08/26/20	10/14/20	10/23/20						04/21/16	04/21/21
4731-13-22	Stipulation of Facts	08/26/20	10/14/20	10/23/20						04/21/16	04/21/21
4731-13-23	Witnesses	08/26/20	10/14/20	10/23/20						09/14/16	09/30/21
4731-13-24	Conviction of a Crime	08/26/20	10/14/20	10/23/20						04/21/16	04/21/21
4731-13-25	Evidence	08/26/20	10/14/20	10/23/20						07/31/16	07/31/21
4731-13-26	Broadcasting and Photographing Administrative Hearings	08/26/20	10/14/20	10/23/20						04/21/16	04/21/21
4731-13-27	Sexual Misconduct Evidence	08/26/20	10/14/20	10/23/20						04/21/16	04/21/21
4731-13-28	Supervision of Hearing Examiners	08/26/20	10/14/20	10/23/20						04/21/16	04/21/21
4731-13-30	Prehearing Conference	08/26/20	10/14/20	10/23/20						04/21/16	04/21/21
4731-13-31	Transcripts of Prior Testimony	08/26/20	10/14/20	10/23/20						04/21/16	04/21/21
4731-13-32	Prior Statements of the Respondent	08/26/20	10/14/20	10/23/20						04/21/16	04/21/21
4731-13-33	Physician's Desk Physician	08/26/20	10/14/20	10/23/20						04/21/16	04/21/21
4731-13-34	Ex Parte Communication	08/26/20	10/14/20	10/23/20						07/31/16	07/31/21
4731-13-35	Severability	08/26/20	10/14/20	10/23/20						04/21/16	04/21/21
4731-13-36	Disciplinary Actions	08/26/20	10/14/20	10/23/20						07/31/16	07/31/21
4731-14-01	Pronouncement of Death	01/25/21	03/10/21	03/18/21						06/30/16	06/30/21
4731-15-01	Licensee Reporting Requirement; Exceptions									11/17/17	11/17/22
4731-15-02	Healthcare Facility Reporting Requirement									11/17/17	11/17/22
4731-15-03	Malpractice Reporting Requirement									11/17/17	11/17/22
4731-15-04	Professional Society Reporting									11/17/17	11/17/22
4731-15-05	Liability; Reporting Forms; Confidentially and Disclosure									11/17/17	11/17/22
4731-16-01	Rules governing impaired physicians and approval of treatments programs - Definitions									11/17/17	11/17/22
4731-16-02	General Procedures in Impairment Cases									11/17/17	11/17/22
4731-16-04	Other Violations									11/17/17	11/17/22
4731-16-05	Examinations									11/17/17	11/17/22
4731-16-06	Consent Agreements and Orders for Reinstatement of Impaired Practitioners									11/17/17	11/17/22
4731-16-07	Treatment Provider Program Obligations									11/17/17	11/17/22
4731-16-08	Criteria for Approval									11/17/17	11/17/22
4731-16-09	Procedures for Approval									11/17/17	11/17/22
4731-16-10	Aftercare Contracts									11/17/17	11/17/22
4731-16-11	Revocation, Suspension, or Denial of Certificate of Good Standing									11/17/17	11/17/22

Rule Number	Rule Description	Sent for Initial Comment	Board Approval to File with CSI	CSI filing	CSI recommendation	JCARR filing	Rules Hearing	JCARR Hearing	Board Adoption	New Effective Date	Current Review Date
4731-16-12	Out-of-State Impairment Cases									11/17/17	11/17/22
4731-16-13	Patient Consent; Revocation of Consent									11/17/17	11/17/22
4731-16-14	Caffeine, Nicotine, and Over-The Counter Drugs									11/17/17	11/17/22
4731-16-15	Patient Rights									11/17/17	11/17/22
4731-16-17	Requirements for the one-bite program									01/31/19	01/31/24
4731-16-18	Eligibility for the one-bite program									01/31/19	01/31/24
4731-16-19	Monitoring organization for one-bite program									01/31/19	01/31/24
4731-16-20	Treatment providers in the one-bite program									01/31/19	01/31/24
4731-16-21	Continuing care for the one-bite program									01/31/19	01/31/24
4731-17-01	Exposure-Prone Invasive Procedure Precautions - Definitions	08/26/20	10/14/20	10/23/20	11/24/20	02/11/21	03/15/21	03/29/21		12/31/16	12/31/21
4731-17-02	Universal Precautions	08/26/20	10/14/20	10/23/20	11/24/20	02/11/21	03/15/21	03/29/21		11/30/16	11/30/21
4731-17-03	Hand Washing	08/26/20	10/14/20	10/23/20	11/24/20	02/11/21	03/15/21	03/29/21			08/17/21
4731-17-04	Disinfection and Sterilization	08/26/20	10/14/20	10/23/20	11/24/20	02/11/21	03/15/21	03/29/21		12/31/16	12/31/21
4731-17-05	Handling and Disposal of Sharps and Wastes	08/26/20	10/14/20	10/23/20	11/24/20	02/11/21	03/15/21	03/29/21			08/17/21
4731-17-06	Barrier Techniques	08/26/20	10/14/20	10/23/20	11/24/20	02/11/21	03/15/21	03/29/21			08/17/21
4731-17-07	Violations	08/26/20	10/14/20	10/23/20	11/24/20	02/11/21	03/15/21	03/29/21		11/09/16	11/30/21
4731-18-01	Definitions	01/10/18	01/20/20	05/12/20							
4731-18-02	Use of Light Based Medical Devices	01/10/18	01/20/20	05/12/20						05/31/02	06/30/05
4731-18-03	Delegation of the Use of Light Based Medical Devices	01/10/18	01/20/20	05/12/20						06/30/00	06/30/05
4731-18-04	Delegation of phototherapy and photodynamic therapy	01/10/18	01/20/20	05/12/20						05/31/02	05/31/07
4731-20-01	Surgery Privileges of Podiatrist - Definition of Foot									05/31/18	05/31/23
4731-20-02	Surgery: Ankle Joint									05/31/18	05/31/23
4731-22-01	Emeritus Registration - Definitions									08/31/17	08/31/22
4731-22-02	Application									08/31/17	08/31/22
4731-22-03	Status of Registrant									05/12/17	05/12/22
4731-22-04	Continuing Education Requirements									05/12/17	05/12/22
4731-22-06	Renewal of Cycle of Fees									05/12/17	05/12/22
4731-22-07	Change to Active Status									08/31/17	08/31/22
4731-22-08	Cancellation of or Refusal to Issue an Emeritus Registration									05/12/17	05/12/22

Rule Number	Rule Description	Sent for Initial Comment	Board Approval to File with CSI	CSI filing	CSI recommendation	JCARR filing	Rules Hearing	JCARR Hearing	Board Adoption	New Effective Date	Current Review Date
4731-23-01	Delegation of Medical Tasks - Definitions	01/25/21	03/10/21	03/18/21						11/30/16	11/30/21
4731-23-02	Delegation of Medical Tasks	01/25/21	03/10/21	03/18/21						11/30/16	11/30/21
4731-23-03	Delegation of Medical Tasks: Prohibitions	01/25/21	03/10/21	03/18/21						08/17/16	08/17/21
4731-23-04	Violations	01/25/21	03/10/21	03/18/21						08/17/16	08/17/21
4731-24-01	Anesthesiologist Assistants - Definitions									07/31/19	07/31/24
4731-24-02	Anesthesiologist Assistants; Supervision									07/31/19	07/31/24
4731-24-03	Anesthesiologist Assistants; Enhanced Supervision									07/31/19	07/31/24
4731-25-01	Office-Based Surgery - Definition of Terms										03/01/23
4731-25-02	General Provisions									05/31/18	05/31/23
4731-25-03	Standards for Surgery Using Moderate Sedation/Analgesia									05/31/18	08/31/23
4731-25-04	Standards for Surgery Using Anesthesia Services									05/31/18	05/31/23
4731-25-05	Liposuction in the Office Setting									03/01/18	03/01/23
4731-25-07	Accreditation of Office Settings									05/31/18	05/31/23
4731-25-08	Standards for Surgery									09/30/19	09/30/24
4731-26-01	Sexual Misconduct - Definitions	01/25/21	03/10/21	03/18/21						06/30/16	06/30/21
4731-26-02	Prohibitions	01/25/21	03/10/21	03/18/21						06/14/16	06/14/21
4731-26-03	Violations; Miscellaneous	01/25/21	03/10/21	03/18/21						06/30/16	06/30/21
4731-27-01	Definitions									02/04/19	02/02/24
4731-27-02	Dismissing a patient from the medical practice									05/31/19	05/31/24
4731-27-03	Notice of termination of physician employment or physician leaving a practice, selling a practice, or retiring from the practice of medicine									05/31/19	05/31/24
4731-28-01	Mental or Physical Impairment									08/31/17	08/31/22
4731-28-02	Eligibility for confidential monitoring program									08/31/18	08/31/23
4731-28-03	Participation in the confidential monitoring program									08/31/18	08/31/23
4731-28-04	Disqualification from continued participation in the confidential monitoring program									08/31/18	08/31/23
4731-28-05	Termination of the participation agreement for the confidential monitoring program									08/31/18	08/31/23

Rule Number	Rule Description	Sent for Initial Comment	Board Approval to File with CSI	CSI filing	CSI recommendation	JCARR filing	Rules Hearing	JCARR Hearing	Board Adoption	New Effective Date	Current Review Date
4731-29-01	Standards and procedures for operation of a pain management clinic.									06/30/17	06/30/22
4731-30-01	Internal Management Definitions									09/23/18	09/23/23
4731-30-02	Internal Management Board Metrics	07/26/19								09/23/18	09/23/23
4731-30-03	Approval of Licensure Applications					05/07/20				10/17/19	10/17/24
4731-31-01	Requirements for assessing and granting clearance for return to practice or competition. (concussion rule)					04/10/19	05/13/19			11/30/19	11/30/24
4731-32-01	Definition of Terms									09/08/17	09/08/22
4731-32-02	Certificate to Recommend Medical Marijuana									09/08/17	09/08/22
4731-32-03	Standard of Care									09/08/17	09/08/22
4731-32-04	Suspension and Revocation of Certificate to Recommend									09/08/17	09/08/22
4731-32-05	Petition to Request Additional Qualifying Condition or Disease									09/08/17	09/08/22
4731-33-01	Definitions	05/09/19		11/15/19	05/20/20	06/18/20	07/23/20	08/17/20	10/14/20	10/31/20	04/30/24
4731-33-02	Standards and procedures for withdrawal management for drug or alcohol addiction	05/09/19		11/15/19	05/20/20	06/18/20	07/23/20	08/17/20	10/14/20	10/31/20	10/31/25
4731-33-03	Office-Based Treatment for Opioid Addiction									04/30/19	04/30/24
4731-33-04	Medication Assisted Treatment Using Naltrexone									04/30/19	04/30/24
4731-34-01	Standards and Procedures to be followed by physicians when prescribing a dangerous drug that may be administered by a pharmacist by injection.									07/31/19	07/31/24
4731-35-01	Consult Agreements	01/25/21								10/31/20	10/31/25
4731-35-02	Standards for managing drug therapy	01/25/21								10/31/20	10/31/25
4731-36-01	Military provisions related to education and experience requirements for licensure	03/22/19	06/12/19	12/05/19	09/11/20	09/25/20	10/27/20	11/16/20	12/09/20	12/31/20	12/31/25
4731-36-02	Military provisions related to renewal of license and continuing education	03/22/19	06/12/19	12/05/19	09/11/20	09/25/20	10/27/20	11/16/20	12/09/20	12/31/20	12/31/25
4731-36-03	Processing applications from service members, veterans, or spouses of service members or veterans.	03/22/19	06/12/19	12/05/19	09/11/20	09/25/20	10/27/20	11/16/20	12/09/20	12/31/20	12/31/25
4731-36-04	Temporary license for military spouse	02/11/20	02/12/20	02/14/20		02/11/21	03/15/21	03/29/21			
4759-2-01	Definitions									11/30/19	11/30/24

Rule Number	Rule Description	Sent for Initial Comment	Board Approval to File with CSI	CSI filing	CSI recommendation	JCARR filing	Rules Hearing	JCARR Hearing	Board Adoption	New Effective Date	Current Review Date
4759-4-01	Applications									11/30/19	11/30/24
4759-4-02	Preprofessional experience										08/28/24
4759-4-03	Examination									11/30/19	11/30/24
4759-4-04	Continuing Education	08/27/19		11/10/20						11/30/19	11/30/24
4759-4-08	Limited permit	8/27/19 4/19/18	07/11/18	11/10/20						11/30/19	11/30/24
4759-4-09	License certificates and permits	04/19/18	07/11/18	09/25/18						11/30/19	11/30/24
4759-5-01	Supervision of persons claiming exemption									08/28/19	08/28/24
4759-5-02	Student practice exemption									11/30/19	11/30/24
4759-5-03	Plan of treatment exemption									11/30/19	11/30/24
4759-5-04	Additional nutritional activities exemption										07/01/24
4759-5-05	Distribution of literature exemption										07/01/24
4759-5-06	Weight control program exemption										07/01/24
4759-6-01	Standards of practice innutrition care									11/30/19	11/30/24
4759-6-02	Standards of professional performance	04/19/18	07/11/18	11/10/20							12/18/17
4759-6-03	Interpretation of standards									11/30/19	11/30/24
4759-9-01	Severability									11/30/19	11/30/24
4759-11-01	Miscellaneous Provisions									11/30/19	11/30/24
4761-2-03	Board Records									02/28/19	02/28/24
4761-3-01	Definition of terms									02/28/19	02/28/24
4761-4-01	Approval of educational programs									02/28/19	02/28/24
4761-4-02	Monitoring of Ohio respiratory care educational programs									02/28/19	02/28/24
4761-5-01	Waiver of licensing requirements pursuant to division (B) of section 4761.04 or the Revised Code	04/23/19	06/12/19	11/06/19	01/10/20	06/18/20	07/23/20	08/17/20	09/09/20	09/30/20	09/30/25
4761-5-02	Admission to the Ohio credentialing examination	04/23/19	06/12/19	11/06/19	01/10/20	06/19/20	No change rule			09/19/20	06/19/25
4761-5-04	License application procedure	04/23/19	06/12/19	11/06/19	01/10/20	06/18/20	07/23/20	08/17/20	09/09/20	09/30/20	09/30/25
4761-5-06	Respiratory care practice by polysomnographic technologists	04/23/19	06/12/19	11/06/19	01/10/20	06/18/20	No change rule			09/18/20	06/18/25
4761-6-01	Limited permit application procedure	04/23/19	06/12/19	11/06/19	01/10/20	06/18/20	07/23/20	08/17/20	09/09/20	09/30/20	02/28/24
4761-7-01	Original license or permit, identification card or electronic license verification									02/28/19	02/28/24
4761-7-03	Scope of respiratory care defined										11/15/23
4761-7-04	Supervision			11/06/19	01/10/20	06/18/20	07/23/20	08/17/20	09/09/20	09/30/20	09/30/25
4761-7-05	Administration of medicines										11/15/23
4761-8-01	Renewal of license or permits	03/22/19	06/12/19	12/05/19	09/11/20	09/25/20	10/27/20	11/16/20	12/09/20	12/31/20	12/31/25

Rule Number	Rule Description	Sent for Initial Comment	Board Approval to File with CSI	CSI filing	CSI recommendation	JCARR filing	Rules Hearing	JCARR Hearing	Board Adoption	New Effective Date	Current Review Date
4761-9-01	Definition of respiratory care continuing education			11/06/19	01/10/20	06/18/20	07/23/20	08/17/20	09/09/20	09/30/20	02/28/24
4761-9-02	General RCCE requirements and reporting mechanism	03/22/19	06/12/19	12/05/19	09/11/20	09/25/20	10/27/20	11/16/20	12/09/20	12/31/20	12/31/25
4761-9-03	Activities which do not meet the Ohio RCCE requirements									02/28/19	02/28/24
4761-9-04	Ohio respiratory care law and professional ethics course criteria			11/06/19	01/10/20	Refiled 8/24/20 6/18/2020	9/24/20 7/23/2020	08/17/20	11/10/20		02/28/24
4761-9-05	Approved sources of RCCE			11/06/19	01/10/20	06/18/20	07/23/20	08/17/20	09/09/20	09/30/20	02/28/24
4761-9-07	Auditing for compliance with RCCE requirements			11/06/19	01/10/20	06/18/20	07/23/20	08/17/20	09/09/20	09/30/20	09/30/25
4761-10-01	Ethical and professional conduct									02/28/19	02/28/24
4761-10-02	Proper use of credentials										11/15/23
4761-10-03	Providing information to the Board	04/23/19	06/12/19	11/06/19	01/10/20	06/18/20	07/23/20	08/17/20	09/09/20	09/30/20	09/30/25
4761-15-01	Miscellaneous Provisions									02/28/19	02/28/24
4774-1-01	Definitions	04/29/20	10/14/20	10/23/20	11/24/20	02/11/21	03/15/21	03/29/21		12/31/16	12/31/21
4774-1-02	Application for Certificate to Practice	04/29/20	10/14/20	10/23/20	11/24/20	02/11/21	03/15/21	03/29/21		11/30/16	11/30/21
4774-1-03	Renewal of Certificate to Practice	04/29/20	10/14/20	10/23/20	11/24/20	02/11/21	03/15/21	03/29/21		11/30/16	11/30/21
4774-1-04	Miscellaneous Provisions	04/29/20	10/14/20	10/23/20	11/24/20	02/11/21	03/15/21	03/29/21		08/17/16	08/17/21
4778-1-01	Definition									01/29/19	01/24/24
4778-1-02	Application									04/30/19	04/30/24
4778-1-03	Special Activity License									01/24/19	01/24/24
4778-1-05	Collaboration Agreement									04/30/19	04/30/24
4778-1-06	Miscellaneous Provisions									04/30/19	04/30/24



MEMORANDUM

TO: Mark Bechtel, M.D., President
Members, State Medical Board of Ohio

FROM: Kimberly C. Anderson, Chief Legal Counsel

RE: Board of Nursing-Consult Agreement Rules

DATE: March 22, 2021

Pursuant to Section 4729.39(E)(3), the Ohio Board of Nursing is required to consult with the Medical Board and the Pharmacy Board regarding proposed rules for clinical nurse specialists, certified nurse-midwives and certified nurse practitioners entering into consult agreements with pharmacists. The rules mirror the Medical Board's rules related to physician assistants, with a few minor differences, as follows:

1. Added language to 4723-8-12(B)(1)(a) -paragraph (iv) - indicating the consult agreement "may" include identification of the practitioner who is the primary practitioner. This may not be necessary as paragraph (B)(3) requires the primary to sign the agreement but Ohio Board of Nursing has received questions about it and the language adds clarity.
2. Correct reference paragraphs for Rule 4729:1-06-01 regarding patient's consent to drug therapy. Medical Board rules reference paragraphs (H) and (I), but paragraph (E) is correct in the updated draft of Rule 4729:1-06-01;
3. In (B)(3) and (B)(4), the language about the "medical director or designee licensed under Chapter 4731" is not included since this rule pertains to APRNs licensed under Chapter 4723.
4. The language in (B)(6) is reworded for APRNs/collaborating physician authorization.

I recommend that the Medical Board amend Rule 4731-35-01 to include the Board of Nursing's proposed changes in 1 and 2. I also recommend that the Board approve an amendment of Rule 4731-35-01(B)(6) to add clinical nurse specialist to the list of practitioners who may enter into a consult agreement. A copy of the changes in Rule 4731-35-01 is attached.

In addition, the Board of Nursing received a comment on paragraph (B)(1)(I) of Rule 4723-8-12, which is identical to 4731-35-01(B)(1)(I), as set forth below:

The training and experience criteria for managing pharmacists. The criteria may include privileging or credentialing, board certification, continuing education or any other training requirements. **The agreement shall include a process to verify that the managing pharmacists meet the specified criteria.**

The APRN Committee recommended deletion of the highlighted sentence because of a concern that this placed an undue burden on the APRNs entering into the consult agreement. Alternatively, the APRN Committee recommended language to make it clear that the training and experience does not have to be verified for each consult agreement and each pharmacist.

The language in 4731-35-01(B)(1)(l) currently exists in Rule 4729:1-6-02(A)(l), the Board of Pharmacy rule. In addition, Section 4729.39(C)(3) requires that prior to entering into a consult agreement, each pharmacist must have training and experience related to the particular diagnosis for which drug therapy is to be prescribed.

The rule language as written allows flexibility in that the agreement must include a process to verify that the managing pharmacist meets the specified criteria but sets no requirements as to how it is done. As written, the language allows flexibility and variation for each consult agreement so it can be adjusted by the parties to the agreement.

I would recommend not making the suggested changes because the rule as written allows maximum flexibility to meet statutory and rule requirements.

Requested Action:

- (1) Approve amendments to Rule 4731-35-01, OAC and approve filing with CSI.
- (2) Provide feedback to Ohio Board of Nursing regarding the comment received from the APRN Committee and any other feedback regarding the draft rules.

4723-8-12

Consult agreements for a certified nurse-midwife, certified nurse practitioner, and clinical nurse specialist.

(A) For purposes of this rule and rule 4723-8-13 of the Administrative Code, practitioner means an advanced practice registered nurse licensed under Chapter 4723 of the Revised Code and practicing in Ohio as a certified nurse-midwife, certified nurse practitioner, or clinical nurse specialist.

(B) Requirements of a consult agreement

(1) A consult agreement shall include all of the following:

(a) Identification of the practitioner(s) and pharmacist(s) authorized to enter the agreement. They may include:

(i) Individual names of the practitioner(s) and pharmacists;

(ii) Practitioner or pharmacist practice groups;

(iii) Identification based on institutional credentialing or privileging; or

(iv) If multiple practitioners are entering the consult agreement, identification of the primary practitioner for the patient.

(b) A description of the patient's consent to drug therapy management pursuant to the consult agreement in compliance with paragraph (E) of rule 4729:1-06-01 of the Administrative Code.

(c) The specific diagnoses and diseases being managed under the agreement, including whether each disease is primary or comorbid.

(d) A description of the drugs or drug categories managed as part of the agreement.

(e) A description of the procedures, decision criteria, and plan the managing pharmacist is to follow in acting under a consult agreement. Such a description should provide a reasonable set of parameters for the activities a managing pharmacist is allowed to perform under a consult agreement.

(f) A description of the types of tests permitted pursuant to section 4729.39 of the Revised Code that may be ordered and evaluated by the managing pharmacist as long as the tests relate directly to the management of drug therapy. This may include specific tests or categories of testing that may be ordered and evaluated.

(g) A description of how the managing pharmacist shall maintain a record of each action taken for each patient whose drug therapy is managed under

the agreement. All prescribing, administering, and dispensing of drugs shall be documented using positive identification pursuant to paragraph (N) of rule 4729-5-01 of the Administrative Code.

- (h) A description of how communication between a managing pharmacist and practitioner acting under a consult agreement shall take place at regular intervals specified by the practitioner who authorized the agreement. The agreement may include a requirement that the managing pharmacist send a consult report to each consulting practitioner.
 - (i) A provision that allow a practitioner to override a decision made by the managing pharmacist when appropriate.
 - (j) An appropriate quality assurance mechanism to ensure that managing pharmacists only act within the scope authorized by the consult agreement.
 - (k) A description of a continuous quality improvement (COI) program used to evaluate effectiveness of patient care and ensure positive patient outcomes. The COI program shall be implemented pursuant to the agreement.
 - (l) The training and experience criteria for managing pharmacists. The criteria may include privileging or credentialing, board certification, continuing education or any other training requirements. The agreement shall include a process to verify that the managing pharmacists meet the specified criteria.
 - (m) A statement that the practitioner(s) and pharmacists shall meet minimal standards of care at all times.
 - (n) An effective date and expiration date.
 - (o) Any other requirements contained in rules 4729:1-6-01, 4729:1-6-02 and 4729:1-6-03 of the Administrative Code.
- (2) Institutional or ambulatory outpatient facilities may implement a consult agreement and meet the requirements of paragraphs (A)(1)(c) to (A)(1)(f) of this rule through institutional credentialing standards or policies. Such standards or policies shall be referenced as part of the consult agreement and available to an agent of the board upon request.
- (3) The consult agreement shall be signed by the primary practitioner and one of the following:
- (a) The terminal distributor's responsible person, which may include the responsible person's designee if the designee meets the qualifications of

the responsible person pursuant to Chapter 4729. of the Revised Code;
or

(b) A managing pharmacist licensed pursuant to Chapter 4729. of the Revised Code.

(4) All amendments to a consult agreement shall be signed and dated by the primary practitioner and one of the following:

(a) The terminal distributor's responsible person, which may include the responsible person's designee if the designee meets the qualifications of the responsible person pursuant to Chapter 4729. of the Revised Code;
or

(b) A managing pharmacist licensed pursuant to Chapter 4729. of the Revised Code.

(c) Amendments to the consult agreement are required when the scope of the managing pharmacist's permitted procedures expands past what was contemplated in the original agreement.

(5) A consult agreement shall be valid for a period not to exceed two years.

(6) A practitioner may enter a consult agreement with an Ohio licensed pharmacist if the physician or podiatrist with whom the practitioner collaborates, with respect to patient(s) that are the proposed subjects of consult agreements, has authorized in the standard care agreement that the practitioner may enter consult agreements for those patient(s).

(C) Recordkeeping. The primary practitioner, practitioner group or institution as defined in agency 4729 of the Administrative Code shall maintain a copy of the original consult agreement, all amendments made to the agreement, and a record of actions made in consultation with the managing pharmacist regarding each patient's drug therapy. The records shall be maintained in such a manner that they are readily retrievable for at least three years from the date of the last action taken under the agreement. Consult agreements shall be considered confidential patient records.

(D) Managing drug therapy.

(1) For purposes of implementing the management of a patient's drug therapy by an authorized managing pharmacist acting pursuant to a consult agreement, the primary practitioner must:

(a) Provide the managing pharmacist with access to the patient's medical record;

(b) Establish the managing pharmacist's prescriptive authority as one or both

of the following:

(i) A prescriber authorized to issue a drug order in writing, orally, by a manually signed drug order sent via facsimile or by an electronic prescribing system for drugs or combinations or mixtures of drugs to be used by a particular patient as authorized by the consult agreement. For all prescriptions issued by a pharmacist pursuant to this paragraph, the pharmacist shall comply with rules 4729-5-30 and 4729-5-13 of the Administrative Code; and or

(ii) With respect to non-controlled dangerous drugs only, an agent of the consulting practitioner(s). As an agent of the consulting practitioner(s), a pharmacist is authorized to issue a drug order, on behalf of the consulting practitioner(s), in writing, orally, by a manually signed drug order sent via facsimile or by an electronic prescribing system for drugs or combinations or mixtures of drugs to be used by a particular patient as authorized by the consult agreement;

(c) Specifically authorize the managing pharmacist's ability to:

(i) Change the duration of treatment for the current drug therapy; adjust a drug's strength, dose, dosage form, frequency of administration, route of administration, discontinue a drug, or to prescribe new drugs; and or

(ii) Order tests related to the drug therapy being managed and to evaluate those results; and

(d) Identify the extent to which, and to whom, the managing pharmacist may delegate drug therapy management to other authorized pharmacists under the agreement.

(E) Review of consult agreements. Upon the request of the board, the practitioner shall immediately provide a copy of the consult agreement, amendments, and any related policies or documentation pursuant to this rule and section 4729.39 of the Revised Code. The board may prohibit the execution of a consult agreement, or subsequently void a consult agreement, if the board finds any of the following:

(1) The agreement does not meet the requirements set forth in section 4729.39 of the Revised Code or Chapter 4723. of the Administrative Code; or

(2) The consult agreement, if executed, would present a danger to patient safety.

4723-8-13

Standards for managing drug therapy according to a consult agreement.

(A) A practitioner may elect to manage the drug therapy of an established patient by entering into a consult agreement with a pharmacist. The agreement is subject to but not limited by the following standards:

(1) The primary practitioner must ensure that the managing pharmacist has access to the patient's medical record, the medical record is accurate, and that while transferring the medical record, the primary practitioner ensures the confidentiality of the medical record.

(2) The practitioner must have an ongoing practitioner-patient relationship with the patient whose drug therapy is being managed, including an initial assessment and diagnosis by the practitioner prior to the commencement of the consult agreement.

(3) With the exception of inpatient management of patient care at an institutional facility as defined in agency 4729 of the Administrative Code, the practitioner, prior to a pharmacist managing the patient's drug therapy, shall communicate the content of the proposed consult agreement to each patient whose drug therapy is managed under the agreement, in such a manner that the patient or the patient's representative understands the scope and role of the managing pharmacist, which includes the following:

(a) That a pharmacist may be utilized in the management of the patient's care;

(b) That the patient or an individual authorized to act on behalf of a patient has the right to elect to participate in and to withdraw from the consult agreement; and

(c) Consent may be obtained as part of the patient's initial consent to treatment.

(4) The diagnosis by the practitioner must be within the practitioner's scope of practice.

(5) The practitioner shall meet the minimal and prevailing standards of care.

(6) The practitioner must ensure that the pharmacist managing the patient's drug therapy has the requisite training and experience related to the particular diagnosis for which the drug therapy is prescribed. Practitioners practicing at institutional or ambulatory outpatient facilities may meet this requirement through institutional credentialing standards or policies.

(7) The practitioner shall review the records of all services provided to the patient under the consult agreement.

(B) Quality assurance mechanisms. The following quality assurance mechanisms shall be implemented to verify information contained within the consult agreement, and ensure the managing pharmacist's actions are authorized and meet the standards listed in paragraphs (A) and (B) of this rule:

(1) Verification of ongoing practitioner-patient relationship. A practitioner-patient relationship can be established by detailing criteria set forth in paragraph (A)(2) of this rule within the consult agreement.

(2) Verification that practitioner diagnosis is within the practitioner's scope of practice. Establishing that a diagnosis is within the practitioner scope of practice may be established by detailing the criteria set forth in paragraph (A)(4) of this rule within the consult agreement.

(3) Verification that the pharmacist's training and experience is related to the drug therapy. Establishing that a pharmacist's requisite training and experience with a particular drug therapy is related to the diagnosis for which the drug therapy is prescribed may be established by detailing the criteria set forth in paragraph (A)(6) of this rule within the consult agreement.

(C) Continuous quality improvement program. The following should be included in the development of a continuous quality improvement program in order to evaluate the effectiveness of patient care and ensure positive patient outcome:

(1) Notifications to the primary practitioner. The managing pharmacist must notify the primary practitioner of the following situations regarding any pharmacist authorized to manage drug therapy under the agreement:

(a) A pharmacist has had their pharmacist license revoked, suspended, or denied by the state board of pharmacy;

(b) If prescribing controlled substances, a pharmacist has failed to renew their controlled substance prescriber registration;

(c) If prescribing controlled substances, a pharmacist fails to obtain or maintain a valid D.E.A. registration;

(D) Overriding decisions of managing pharmacist. Any authorized practitioner identified under the consult agreement may override any decision, change, modification, evaluation or other action by any pharmacist acting pursuant to the consult agreement or under the direction of the managing pharmacist, that was made with respect to the management of the patient's drug therapy under the consult agreement.

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4731-35-01 **Consult agreements.**

(A) For purposes of this chapter, practitioner includes the following:

- (1) Physician authorized to practice medicine and surgery or osteopathic medicine and surgery under chapter 4731 of the Revised Code.
- (2) Physician assistant who is licensed to practice as a physician assistant under chapter 4730 of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority.

~~(A)~~(B) Requirements of a consult agreement.

(1) A consult agreement shall include all of the following:

- (a) Identification of the ~~physician~~practitioner(s) and pharmacist(s) authorized to enter into the agreement. They may include:
 - (i) Individual names of ~~physicians~~practitioners and pharmacists;
 - (ii) ~~Physician~~Practitioner or pharmacist practice groups; or
 - (iii) Identification based on institutional credentialing or privileging;~~;~~or
 - (iv) If multiple practitioners are entering the consult agreement, identification of the primary practitioner for the patient.
- (b) A description of the patient's consent to drug therapy management pursuant to the consult agreement as set forth in paragraphs ~~(H)~~ and ~~(I)~~ of rule 4729:1-06-01 of the Administrative Code.
- (c) The specific diagnoses and diseases being managed under the agreement, including whether each disease is primary or comorbid.
- (d) A description of the drugs or drug categories managed as part of the agreement.
- (e) A description of the procedures, decision criteria, and plan the managing pharmacist is to follow in acting under a consult agreement. Such a description should provide a reasonable set of parameters of the activities a managing pharmacist is allowed to perform under a consult agreement.
- (f) A description of the types of ~~blood, urine or other~~ tests permitted pursuant to section 4729.39 of the Revised Code that may be ordered and

evaluated by the managing pharmacist as long as the tests relate directly to the management of drug therapy. This may include specific tests or categories of testing that may be ordered and evaluated.

- (g) A description of how the managing pharmacist shall maintain a record of each action taken for each patient whose drug therapy is managed under the agreement. All prescribing, administering, and dispensing of drugs shall be documented using positive identification pursuant to paragraph (N) of rule 4729-5-01 of the Administrative Code.
- (h) A description of how communication between a managing pharmacist and [physicianpractitioner](#) acting under a consult agreement shall take place at regular intervals specified by the [physicianpractitioner](#) who authorized the agreement. The agreement may include a requirement that the managing pharmacist send a consult report to each consulting [physicianpractitioner](#).
- (i) A provision that allows a [physicianpractitioner](#) to override a decision made by the managing pharmacist when appropriate.
- (j) An appropriate quality assurance mechanism to ensure that managing pharmacists only act within the scope authorized by the consult agreement.
- (k) A description of a continuous quality improvement (CQI) program used to evaluate effectiveness of patient care and ensure positive patient outcomes. The CQI program shall be implemented pursuant to the agreement.
- (l) The training and experience criteria for managing pharmacists. The criteria may include privileging or credentialing, board certification, continuing education or any other training requirements. The agreement shall include a process to verify that the managing pharmacists meet the specified criteria.
- (m) A statement that the [physicianspractitioners](#) and pharmacists shall meet minimal and prevailing standards of care at all times.
- (n) An effective date and expiration date.
- (o) Any other requirements contained in rules 4729:1-6-01, 4729:1-6-02 and 4729:1-6-03 of the Administrative Code.

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- (2) Institutional or ambulatory outpatient facilities may implement a consult agreement and meet the requirements of paragraphs (A)(1)(c) to (A)(1)(f) of this rule through institutional credentialing standards or policies. Such standards or policies shall be referenced as part of the consult agreement and available to an agent of the board upon request.
- (3) The agreement shall be signed by the primary physicianpractitioner, which may include a medical director or designee if the designee is licensed pursuant to Chapter 4731. of the Revised Code, and one of the following:
 - (a) The terminal distributor's responsible person, which may include the responsible person's designee if the designee meets the qualifications of the responsible person pursuant to Chapter 4729. of the Revised Code; or
 - (b) A managing pharmacist licensed pursuant to Chapter 4729. of the Revised Code. ~~if that pharmacist is not practicing at a pharmacy or institutional facility licensed as a terminal distributor of dangerous drugs.~~
- (4) All amendments to a consult agreement shall be signed and dated by the primary physicianpractitioner, which may include a medical director or designee if the designee is licensed pursuant to Chapter 4731. of the Revised Code, and one of the following:
 - (a) The terminal distributor's responsible person, which may include the responsible person's designee if the designee meets the qualifications of the responsible person pursuant to Chapter 4729. of the Revised Code; or
 - (b) A managing pharmacist licensed pursuant to Chapter 4729. of the Revised Code. ~~if that pharmacist is not practicing at a pharmacy or institutional facility licensed as a terminal distributor of dangerous drugs.~~
 - (c) Amendments to the consult agreement are required when the scope of the managing pharmacist's permitted procedures expands past what was contemplated withing the agreement
- (5) A consult agreement shall be valid for a period not to exceed two years.
- (6) Only the following Ohio licensed physicianspractitioners practicing in Ohio and Ohio licensed pharmacists may participate in a consult agreement pursuant to

section 4729.39 of the Revised Code.

(a) Physicians;

(b) Physician assistants if entering into a consult agreement is authorized by one or more supervising physicians under a supervision agreement under section 4730.19 of the Revised Code; and

(c) Clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners, if entering into a consult agreement is authorized by one or more collaborating physician

~~(B)~~(C) Recordkeeping. The primary ~~physicianpractitioner~~, ~~physicianpractitioner~~ group or institution as defined in agency 4729 of the Administrative Code shall maintain a copy of the original consult agreement, and all amendments made thereafter, and a record of actions made in consultation with the managing pharmacist regarding each patient's drug therapy. These records shall be maintained in such a manner that they are readily retrievable for at least three years from the date of the last action taken under the agreement. Such consult agreements shall be considered confidential patient records.

~~(E)~~(D) Managing drug therapy.

(1) For the purpose of implementing the management of a patient's drug therapy by an authorized managing pharmacist acting pursuant to a consult agreement, the primary ~~physicianpractitioner~~ must:

(a) Provide the managing pharmacist with access to the patient's medical record; and

(b) Establish the managing pharmacist's prescriptive authority as one or both of the following:

(i) A prescriber authorized to issue a drug order in writing, orally, by a manually signed drug order sent via facsimile or by an electronic prescribing system for drugs or combinations or mixtures of drugs to be used by a particular patient as authorized by the consult agreement. For all prescriptions issued by a pharmacist pursuant to this paragraph, the pharmacist shall comply with rules 4729-5-30 and 4729-5-13 of the Administrative Code; and or

(ii) With respect to non-controlled dangerous drugs only, an agent of the consulting ~~physicianpractitioner~~(s). As an agent of the consulting ~~physicianpractitioner~~(s), a pharmacist is authorized to issue a drug order, on behalf of the consulting ~~physicianpractitioner~~(s), in writing, orally, by a manually signed drug order sent via facsimile or by an electronic prescribing

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system for drugs or combinations or mixtures of drugs to be used by a particular patient as authorized by the consult agreement, and

(c) Specifically authorize the managing pharmacist's ability to:

(i) Change the duration of treatment for the current drug therapy; adjust a drug's strength, dose, dosage form, frequency of administration, route of administration, discontinue a drug, or to prescribe new drugs; and or

(ii) Order ~~blood, urine and other~~ tests related to the drug therapy being managed and to evaluate those results, and

(d) Identify the extent to which, and to whom, the managing pharmacist may delegate drug therapy management to other authorized pharmacists under the agreement.

~~(D)~~(E) Review of consult agreements. Upon the request of the state medical board, the primary ~~physician~~practitioner shall immediately provide a copy of the consult agreement, amendments, and any relating policies or documentation pursuant to this rule and section 4729.39 of the Revised Code. The state medical board may prohibit the execution of a consult agreement, or subsequently void a consult agreement, if the board finds any of the following:

(1) The agreement does not meet the requirements set forth in section 4729.39 of the Revised Code or this division of the administrative code; or

(2) The consult agreement, if executed, would present a danger to patient safety.



MEMORANDUM

TO: Mark Bechtel, M.D., President
Members, State Medical Board of Ohio

FROM: Kimberly C. Anderson, Chief Legal Counsel

RE: Adoption of CME Rules

DATE: March 24, 2021

The following rules are proposed for final adoption.

The public rules hearing was held December 4, 2020, and JCARR jurisdiction ended January 3, 2021. Rules 4731-1002 and 4731-10-08 were refiled on March 1, 2021 to account for changes required due to HB442 (changes in calculation of volunteer hours and continuing medical education for clinical research faculty license holders). Another public rules hearing was held on March 15, 2021 and JCARR jurisdiction ends on March 31, 2021. A copy of the hearing report is attached for your review. No comments were received at either public rules hearing.

4731-10-01	Definitions-proposed to rescind
4731-10-01	Definitions – proposed new rule
4731-10-02	Requisite Hours of Continuing Medical Education for License Renewal or Reinstatement –proposed to rescind
4731-10-02	Requisite Hours of Continuing Medical Education for License Renewal or Reinstatement – proposed new rule
4731-10-03	CME Waiver –proposed to rescind
4731-10-03	CME Waiver – proposed new rule
4731-10-04	Continuing Medical Education Requirements for Restoration of a License –proposed to rescind
4731-10-04	Continuing Medical Education Requirements for Restoration of a License – proposed new rule
4731-10-05	Out of State Licensees – proposed to rescind
4731-10-06	Licensure After Cutoff for Preparation of Registration Notices – proposed to rescind
4731-10-07	Internships, Residencies, and Fellowships – proposed to rescind

- 4731-10-08 Evidence of Continuing Medical Education –proposed to rescind
- 4731-10-08 Evidence of Continuing Medical Education – proposed new rule
- 4731-10-09 Continuing Medical Education Requirement for Mid-Term Licensees – proposed to rescind
- 4731-10-10 Continuing Medical Education Requirements Following License Restoration – proposed to rescind
- 4731-10-11 Telemedicine Certificates – proposed to rescind

Requested motion: I move to adopt, amend, and rescind the rules as described in the March 24, 2021 memorandum from Ms. Anderson and to assign each rule action the effective date of April 30, 2021.

STATE MEDICAL BOARD
OF OHIO

RECEIVED:
March 23, 2021

**SUMMARY OF THE MARCH 15, 2021 PUBLIC HEARING
REGARDING PROPOSED CHANGES TO THE OHIO ADMINISTRATIVE CODE**

Pursuant to Section 119.03, Ohio Revised Code, a public hearing was held on March 15, 2021, to hear comments concerning proposed changes to the administrative rules of the State Medical Board of Ohio (“Board”). Kimberly A. Lee, Hearing Examiner, presided.

PURPOSE OF THE HEARING

The following changes are proposed:

Rule No.	Title	Proposed Action
4731-8-04	Valid reasons for accessing confidential personal information	Amend
4731-8-05	Confidentiality statutes	Amend
4731-10-02	Requisite Hours of Continuing Medical Education for License Renewal or Reinstatement	Rescind
4731-10-02	Requisite Hours of Continuing Medical Education for License Renewal or Reinstatement	New Rule
4731-10-08	Evidence of Continuing Medical Education	Rescind
4731-10-08	Evidence of Continuing Medical Education	New Rule
4731-17-01	Definitions	Amend
4731-17-04	Disinfection and sterilization	Amend
4731-17-05	Handling and disposal of sharps and wastes	Amend
4731-17-07	Violations	Amend
4731-36-04	Temporary licensure for members of the military and spouses who are licensed in another jurisdiction	New Rule
4774-1-02	Application for a certificate to practice	Rescind
4774-1-02	Application for an initial license to practice	New Rule
4774-1-03	Renewal of a certificate to practice	Amend

PROCEDURAL MATTERS

1. The record was held open until 5:00 p.m. on March 15, 2021, for the purpose of receiving written comments concerning the proposed changes to the Ohio Administrative Code. No written comments were received.

2. Due to the ongoing Covid-19 emergency, the hearing was conducted via videoconferencing software.

TESTIMONY HEARD

Kimberly Anderson, Chief Legal Counsel for the Board

EXHIBITS EXAMINED

Exhibit 1: Copy of the rules originally filed in Package 189600 with JCARR, Secretary of State, and the Legislative Services Commission via the Electronic Rule-Filing System on February 11, 2021 and a copy of the confirmation of filing.

Exhibit 2: Copy of the rules originally filed in Package 189602 with JCARR, Secretary of State, and the Legislative Services Commission via the Electronic Rule-Filing System on February 11, 2021 and a copy of the confirmation of filing.

Exhibit 3: Copy of the rule originally filed in Package 189615 with JCARR, Secretary of State, and the Legislative Services Commission via the Electronic Rule-Filing System on February 11, 2021 and a copy of the confirmation of filing.

Exhibit 4: Copy of the rules originally filed in Package 189619 with JCARR, Secretary of State, and the Legislative Services Commission via the Electronic Rule-Filing System on February 11, 2021 and a copy of the confirmation of filing.

Exhibit 5: Copy of the rules refiled in Package 189167 with JCARR, Secretary of State, and the Legislative Services Commission via the Electronic Rule-Filing System on March 1, 2021 and a copy of the confirmation of filing.

Exhibit 6: Copy of the Notice of Public Hearing for the rules in Packages 189600, 189602, 189615, 189619, and 189167 showing it was filed on February 11, 2021.

Exhibit 7: Copies of the address portion of e-mails sent to persons and organizations pursuant to their standing request to be notified when the Medical Board proposes rules.

SUMMARY OF EVIDENCE

1. Kimberly Anderson, Chief Legal Counsel for the Board, identified Exhibits 1 through 7. She further testified with respect to the notice that the Board provided to the public and interested parties regarding the proposed rule changes, and with respect to other procedural matters. (Hearing Transcript at 7-9)

CONCLUSION

The requirements of Chapter 119, Ohio Revised Code, have been satisfied. The Board may proceed to take action regarding the proposed rescission of Rules 4731-10-02, 4731-10-08, and 4774-1-02; the proposed adoption of new Rules 4731-10-02, 4731-10-08, 4731-36-04, and 4774-1-02; and the proposed amendment of Rules 4731-8-04, 4731-8-05, 4731-17-01, 4731-17-04, 4731-17-05, 4731-17-07, and 4774-1-03.



Kimberly A. Lee
Hearing Examiner

4731-10-01

Definitions.

As used in this chapter of the Administrative Code:

(A) "License" means the legal authorization issued by the board to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery in Ohio.

(B) "CME" means continuing medical education.

(C) "License renewal" means the extension of a current license by fulfilling the requirements of section 4731.281 of the Revised Code, and this chapter of the Administrative Code.

(D) "License reinstatement" means the reactivation of a license which has lapsed or been in a suspended or inactive status for two years or less for any reason.

(E) "License restoration" means the reactivation of a license which has lapsed or been in a suspended or inactive status for more than two years for any reason.

(F) "Licensee" means a person who holds a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery in Ohio.

(G) "Registration period" means the period between the granting or renewal of a license and the next scheduled license renewal date.

(H) "Volunteer registration period" means the period between the granting or renewal of a volunteer certificate and the next scheduled renewal date.

(I) "Board" means the state medical board of Ohio.

(J) "CME waiver" means a reduction of CME hours that may be granted by the board on an individual basis to licensees or certificate holders that have been disabled by illness or accident for a minimum of six consecutive months, or absent from United States for a minimum of six consecutive months, during a CME registration period, volunteer registration period, clinical research registration period, or conceded eminence registration period.

(K) "Clinical research registration period" means the period between the granting or renewal of a clinical research faculty certificate and the next scheduled renewal date."

(L) "Conceded eminence registration period" means the period between the granting or renewal of a certificate of conceded eminence and the next scheduled renewal date.

(M) "Certificate holder" means a person that holds a volunteer's certificate, clinical research faculty certificate, or certificate of conceded eminence.

4731-10-02**Requisite hours of continuing medical education for license renewal or reinstatement.**

(A) During a registration period, a licensee shall be required to complete fifty hours of CME. A licensee must complete a minimum of one hour of CME, approved by the board, on the topic of a licensee's duty to report misconduct under section 4731.224 of the Revised Code. The remainder shall be completed by participating in the following:

- (1) Educational activities recognized by the American medical association as category 1 pursuant to its CME categorization system, and
 - (a) Are certified for category 1 CME credit by the Ohio state medical association
 - (b) Are certified for category 1 CME credit by an institution or organization accredited by the Ohio State Medical Association or the Accreditation Council for Continuing Medical Education; or
 - (c) Have been awarded category 1 CME credit directly by the American medical association.
- (2) Educational activities recognized by the American osteopathic association as category 1 pursuant to its CME categorization system, and
 - (a) Are certified for category 1 CME credit by the Ohio osteopathic association
 - (b) Are certified for category 1 CME credit by an institution or organization accredited by the Ohio osteopathic association or the American osteopathic association; or
 - (c) Have been awarded category 1 CME credit directly by the American osteopathic association
- (3) Educational activities certified for category 1 CME credit by the Ohio foot and ankle medical association
- (4) Educational activities certified for continuing education contact hours by a provider approved by the council on podiatric medical education
- (5) Internships, residencies, or fellowships accredited by the accreditation council for graduate medical education, the American osteopathic association, or the council on podiatric medical education. Credit shall be earned at a rate of one hour of CME for each week of participation.

- (6) Pursuant to section 4745.04 of the Revised Code, providing health care services in Ohio, as a volunteer, to indigent and uninsured persons.
- (B) If a licensee has not completed the requisite hours of CME, a licensee is not eligible for license renewal or license reinstatement until such time as the requisite hours have been completed. Any CME undertaken after the end of a registration period and utilized for purposes of renewing or reinstating a suspended license cannot also be utilized to meet the CME requirement of the current registration period.
- (C) Licensees who are not working in the medical profession or who are retired from practice but wish to renew or reinstate their licenses shall meet the CME requirements of section 4731.282 of the Revised Code and this chapter of the Administrative Code.
- (D) Licensees residing or practicing out of the state who wish to renew or reinstate their licenses must meet the CME requirements of section 4731.282 of the Revised Code and this chapter of the Administrative Code even though not currently residing or practicing in Ohio.
- (E) During a volunteer registration period, every holder of a volunteer's certificate shall be required to complete one hundred fifty hours of CME pursuant to the requirements of section 4731.295 of the Revised Code. Seventy-five hours must meet the criteria established in paragraph (A)(1) of this rule. If a holder of a volunteer's certificate has not completed the requisite hours of CME, a holder is not eligible for certificate renewal until such time as the requisite hours have been completed. Any CME undertaken after the end of a volunteer registration period and utilized for purposes of renewing a suspended certificate cannot also be utilized to meet the CME requirement of the current volunteer registration period.
- (F) During a conceded eminence registration period, every holder of a certificate of conceded eminence shall be required to complete fifty hours of CME pursuant to the requirements of section 4731.297. Such hours must meet the criteria established in paragraph (A)(1) of this rule. If a holder of a certificate of conceded eminence has not completed the requisite hours of CME, a holder is not eligible for certificate renewal until such time as the requisite hours have been completed. Any CME undertaken after the end of a conceded eminence registration period and utilized for purposes of renewing a suspended certificate cannot also be utilized to meet the CME requirement of the current conceded eminence registration period.

Replaces: 4731-10-02, 4731-10-05, 4731-10-07

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4731.05, 4745.04
Rule Amplifies: 4731.282, 4731.291, 4731.293, 4731.295, 4731.297,
4745.04
Prior Effective Dates: 03/10/1998 (Emer.), 06/08/1998, 02/28/2003,
05/31/2018

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4731-10-03

CME waiver.

For purposes of obtaining a CME waiver, a licensee or certificate holder shall have the burden of establishing that the illness, accident, or absence affected the reasonable opportunity to participate in CME activities. Request for a CME waiver shall be submitted to the board at least sixty days prior to the end of the registration period, volunteer registration period, clinical research registration period, or conceded eminence registration period, as applicable. A licensee or holder of a certificate shall not submit the renewal application prior to receiving approval from the board of the waiver request.

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4731-10-04

Continuing medical education requirements for restoration of a license.

To be eligible for restoration of a license the licensee shall submit evidence establishing that the licensee has met the requirements of rule 4731-10-02 during the twenty four months preceding the board's receipt of the application for restoration. If the licensee has not met the requirements, the licensee must do so as a prerequisite to restoration of the license.

4731-10-08

Evidence of continuing medical education.

- (A) Each licensee or certificate holder applying for license renewal or license reinstatement shall certify completion of the requisite hours of CME pursuant to the rules in this chapter.
- (B) The board may select applications for verification that all CME requirements have been met. Licensees and certificate holders whose applications are selected shall submit additional documentation of compliance with CME requirements as the board may require. Failure to submit the additional documents shall constitute a violation of section 4731.282 of the Revised Code and section 4731.22 of the Revised Code.
- (C) Licensees and certificate holders have a continuing obligation to maintain detailed records of CME hours completed. The licensee or certificate holder shall obtain verification of completion of CME activities. At a minimum, verification shall include a description of the CME activity, the date of attendance or completion, and the number of hours completed. Records of all CME undertaken shall be retained by the licensee or certificate holder for two years after the end of the CME period and shall be made available to the board upon request.
- (D) Licensees seeking to receive credit pursuant to paragraph (A)(6) of rule 4731-10-02 of the Administrative Code shall maintain a log of their qualifying activities. The log shall indicate the dates the health care services were provided, the number of hours spent providing health care services on those dates, and the location where the health care services were provided.
- (E) Notwithstanding the provisions of paragraph (C) of this rule, licensees and certificate holders shall not destroy or otherwise make unavailable written documentation of CME activity after the board has requested verification of CME pursuant to this rule or section 4731.22 of the Revised Code. Upon verification that all CME requirements have been met, the applicant or licensee or certificate holder may destroy the requested records.
- (F) Nothing in this rule shall limit the board's authority to investigate and take action under section 4731.22 of the Revised Code.

Replaces: 4731-10-08

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4745.04, 4731.282, 4731.05
Rule Amplifies: 4731.22, 4745.04, 4731.282
Prior Effective Dates: 05/16/1983, 10/31/1996, 03/10/1998 (Emer.),
06/08/1998, 02/28/2003, 05/31/2018

4731-10-01

Definitions.

TO BE RESCINDED

(A) As used in this chapter of the Administrative Code:

- (1) "License" means the legal authorization issued by the board to practice medicine and surgery, osteopathic medicine and surgery or podiatric medicine and surgery in Ohio.
- (2) "Certificate of registration" means the document issued by the state medical board which evidences an individual's license to practice medicine and surgery, osteopathic medicine and surgery, or podiatry in Ohio during a specific registration period.
- (3) "CME" means continuing medical education.
- (4) "License renewal " means the extension of a current license by fulfilling the requirements of section 4731.281 of the Revised Code and this chapter of the Administrative Code.
- (5) "License reinstatement" means the return of a license which has lapsed or been in a suspended or inactive status for two years or less for any reason.
- (6) "License restoration" means the return of a license which has lapsed or been in a suspended or inactive status for more than two years for any reason.
- (7) "Applicant" means an individual who seeks to attain a certificate of registration from the board.
- (8) "Licensee" means a person who holds a current and valid license to practice medicine and surgery, osteopathic medicine and surgery or podiatric medicine and surgery in Ohio.
- (9) "CME period" means a period of two years in which every doctor of medicine, doctor of osteopathic medicine and doctor of podiatric medicine licensed in Ohio must attain one hundred hours of CME to register their certificate as current and valid pursuant to section 4731.281 of the Revised Code and this chapter of the Administrative Code.
- (10) "Registration period" means the period between granting of initial licensure or renewal and the next scheduled license renewal date.
- (11) "Volunteer registration period" means a period of three years between the

granting or renewal of a volunteer certificate and the next scheduled renewal date. Every doctor of medicine or doctor of osteopathic medicine holding a volunteer's certificate, shall be required to earn one hundred and fifty hours of CME to register their certificate as current and valid pursuant to sections 4731.295 and 4731.281 of the Revised Code and this chapter of the Administrative Code.

(12) "Board" means the state medical board of Ohio.

(13) "CME waiver" means a reduction of hours that may be granted by the board on an individual basis to those applicants who have been ill for more than six consecutive months or out of the United States for more than six consecutive months during the CME period.

(B) Action by the board refusing "license restoration" as that phrase is used in this chapter of the Administrative Code shall be deemed refusal to "register" or "reinstate" as such words are used in section 4731.22 of the Revised Code.

4731-10-02

Requisite hours of continuing medical education for license renewal or reinstatement.

TO BE RESCINDED

- (A) The respective CME program requirements certified by the Ohio state medical association, the Ohio osteopathic association or the Ohio podiatric medical association and approved by the board shall consist of two categories, category 1 and category 2.
- (1) Category 1 and category 2 CME shall be defined and identified within the programs certified by the respective state medical associations and approved by the board.
 - (2) In a two year CME period, a licensee shall be required to earn a total of one hundred hours of CME, of which a minimum of forty hours shall be category 1 as certified by their respective state professional associations and approved by the board. Certification is a process whereby the Ohio state medical association, the Ohio osteopathic medical association and the Ohio podiatric medical association define their respective CME program requirements for periodic submission to the board for approval. The board may approve each association's CME program requirements which consist of CME courses and activities that are deemed acceptable for completing the requisite hours of CME by each licensee.
 - (3) When undertaking a CME program, a licensee shall be responsible for ascertaining from the sponsor or co-sponsor whether the CME program will be credited toward the category 1 or category 2 requirement.
- (B) The board shall keep on file copies of the program requirements of the various state professional associations.
- (C) If a licensee has not completed the requisite hours of CME, a licensee is not eligible for license renewal or license reinstatement until such time as the requisite hours have been completed. Any CME undertaken after the end of a renewal period and utilized for purposes of renewing or reinstating a suspended license cannot also be utilized to meet the CME requirement of the current CME period.
- (D) Licensees and applicants who are not working in the medical profession or who are retired from practice but wish to renew or reinstate their licenses shall meet the CME requirements of section 4731.282 of the Revised Code and this chapter of the Administrative Code.
- (E) Pursuant to the provisions of section 4745.04 of the Revised Code, the board shall permit a licensee to earn one hour of CME for each sixty minutes spent providing health care services in Ohio, as a volunteer, to indigent and uninsured persons, up

to a maximum of thirty-three hours per CME period. Any hours of CME earned under this provision shall be credited toward category two requirements, and shall be documented in the manner required by rule 4731-10-08 of the Administrative Code.

4731-10-03

CME waiver.

TO BE RESCINDED

- (A) For purposes of obtaining a CME waiver, the applicant or licensee shall have the burden of establishing that the illness or absence affected the reasonable opportunity to participate in CME activities. No more than five hours will be subtracted from the CME requirement for each month which is approved for reduction of hours. Application for CME waiver shall be completed by the applicant or licensee and submitted to the board at least sixty days prior to the end of the CME period. Applicants shall not sign and submit the renewal application prior to receiving approval from the board of the waiver request.

- (B) The board shall not waive the total CME requirement for any CME period.

- (C) The board shall not grant a CME waiver for consecutive CME periods.

- (D) Applicants shall be eligible to apply for CME waiver only if the applicant's illness or absence from the United States lasted a minimum of six consecutive months and occurred in its entirety within a single CME period.

4731-10-04

Continuing medical education requirements for restoration of a license.

TO BE RESCINDED

- (A) To be eligible for restoration of a license the applicant shall submit evidence establishing the completion of one hundred hours of continuing medical education during the twenty four months after the most current expiration date which proceeded the board's receipt of the application for restoration.

- (B) The board may impose terms and conditions for the restoration of a license pursuant to section 4731.222 of the Revised Code.

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4731-10-05

Out-of-state licensees.

TO BE RESCINDED

Those applicants and licensees residing or practicing out of the state who wish to renew or reinstate their licenses to practice medicine or surgery, osteopathic medicine and surgery or podiatric medicine and surgery in Ohio must complete the required CME within the CME period even though not currently residing or practicing in Ohio.

4731-10-06

Licensure after cutoff for preparation of registration notices.

TO BE RESCINDED

- (A) The mailing of renewal applications requires that a cutoff date be established for preparation of renewal application notices. Individuals who are initially licensed between the cutoff date and the last day of a registration period are not required to renew for that registration period but shall be required to renew for all subsequent registration periods. These licensees shall be responsible for the requisite CME hours at the time of their next renewal.

- (B) Each licensee's registration group is based on the first letter of his or her last name at the time of the implementation of the staggered renewal system or at the time of initial licensure, whichever occurred later. Each licensee shall remain in their originally assigned license registration group for all subsequent license renewals.

4731-10-07

Internships, residencies, and fellowships.

TO BE RESCINDED

- (A) CME program requirements certified by the respective state professional societies and approved by the board may contain provisions authorizing CME credit for licensees in internships, residencies, or fellowships in an accredited program approved by the board. The training shall have been taken during the CME period. Any training received prior to initial licensure or license restoration shall not be utilized for CME credit.

- (B) Interns, residents, and fellows holding full licenses to practice shall make application for license renewal and comply with CME requirements under section 4731.282 of the Revised Code and this chapter of the Administrative Code.

4731-10-08

Evidence of continuing medical education.

TO BE RESCINDED

- (A) Each applicant for license renewal or license reinstatement shall certify that the applicant has completed the requisite hours of CME since the start of the CME period.
- (B) The board may select applications for verification that all CME requirements have been met. Licensees whose applications are selected shall submit additional documentation of compliance with CME requirements as the board may require. Failure to submit the additional documents shall constitute a violation of section 4731.282 of the Revised Code and section 4731.22 of the Revised Code.
- (C) Applicants and licensees have a continuing obligation to maintain detailed records of CME hours earned. Each applicant or licensee shall be responsible for and shall retain written verification obtained from the sponsoring entity of attendance at category 1 CME programs. Written verification shall include a description of the CME activity, the location of the CME activity, the dates of attendance, the hours of each CME activity and the category of CME. Each applicant or licensee shall retain written documentation of category 2 CME completed during the CME period. Records of all CME undertaken shall be retained by the licensee for two years after the end of the CME period and shall be made available to the board upon request.
- (D) Licensees seeking to receive credit toward category two CME requirements pursuant to paragraph (E) of rule 4731-10-02, paragraph (B) of rule 4731-10-09, or paragraph (B) of rule 4731-10-10 of the Administrative Code shall maintain a log of their qualifying activities. The log shall indicate the dates the health care services were provided, the number of hours spent providing health care services on those dates, and the location where the health care services were provided.
- (E) Notwithstanding the provisions of paragraph (C) of this rule, applicants and licensees shall not destroy or otherwise make unavailable written documentation of CME activity after the board has requested verification of CME pursuant to this rule or section 4731.22 of the Revised Code. Upon verification that all CME requirements have been met, the applicant or licensee may destroy the requested records.
- (F) Nothing in this rule shall limit the board's authority to investigate and take action under section 4731.22 of the Revised Code.

4731-10-09

Continuing medical education requirement for mid-term licensees.

TO BE RESCINDED

- (A) The CME requirements for individuals licensed after the start of a CME period shall be computed as follows:

If the license is initially issued prior to the first day of the second year of a CME period, an individual shall be required to earn fifty total hours, of which at least twenty shall be category 1; if the license is issued on or after the first day of the second year of a CME period and prior to the first day of the eighteenth month of that CME period, the licensee shall be required to earn twenty-five hours, of which at least ten hours shall be category 1; if the license is issued on or after the first day of the eighteenth month of a CME period, the licensee shall not be required to earn any hours of CME credits for that CME period.

- (B) Pursuant to the provisions of section 4745.04 of the Revised Code, the board shall permit a licensee to earn one hour of CME for each sixty minutes spent providing health care services in Ohio, as a volunteer, to indigent and uninsured persons, up to the following maximums:

(1) For a licensee required to earn fifty total hours, a maximum of sixteen hours for that CME period.

(2) For a licensee required to earn twenty-five total hours, a maximum of eight hours for that CME period.

Any hours of CME earned under this provision shall be credited toward category two requirements, and shall be documented in the manner required by paragraph (D) of rule 4731-10-08 of the Administrative Code.

- (C) Nothing in this rule shall limit the board's authority to require additional training under the provisions of section 4731.222 of the Revised Code. Training required by section 4731.222 of the Revised Code shall not be used to satisfy the CME requirement of this rule and of section 4731.282 of the Revised Code.

- (D) Only those hours earned from the date of initial licensure to the end of the CME period shall be used towards the total hour requirement as contained in paragraph (A) of this rule.

4731-10-10

Continuing medical education requirements following license restoration.

TO BE RESCINDED

- (A) After license restoration, the CME requirement for the CME period shall be computed as follows:

If the date of restoration is prior to the first day of the second year of a CME period, an individual shall be required to earn fifty total hours, of which at least twenty shall be category 1; if the date of restoration is on or after the first day of the second year of a CME period and prior to the first day of the eighteenth month of that CME period, the licensee shall be required to earn twenty-five hours, of which at least ten hours shall be category 1; if the date of restoration is on or after the first day of the eighteenth month of a CME period, the licensee shall not be required to earn any hours of CME credits for that CME period.

- (B) Pursuant to the provisions of section 4745.04 of the Revised Code, the board shall permit a licensee to earn one hour of CME for each sixty minutes spent providing health care services in Ohio, as a volunteer, to indigent and uninsured persons, up to the following maximums:

- (1) For a licensee required to earn fifty total hours, a maximum of sixteen hours for the CME period.
- (2) For a licensee required to earn twenty-five total hours, a maximum of eight hours for that CME period.

Any hours of CME earned under this provision shall be credited toward category two requirements, and shall be documented in the manner required by paragraph (D) of rule 4731-10-08 of the Administrative Code.

- (C) Nothing in this rule shall limit the board's authority to require additional training under the provisions of section 4731.222 of the Revised Code. Training required by section 4731.222 of the Revised Code shall not be used to satisfy the CME requirement of this rule and of section 4731.282 of the Revised Code.

4731-10-11

Telemedicine certificates.

TO BE RESCINDED

- (A) A telemedicine licensee's registration group shall be based on the first letter of his or her last name at the time of initial telemedicine licensure. Each licensee shall remain in their originally assigned license registration group for all subsequent license renewals. If a telemedicine certificate is converted, pursuant to division (E) of section 4731.296 of the Revised Code, to a certificate issued under section 4731.14 of the Revised Code the licensee shall remain in the same registration group as at the time of initial telemedicine licensure.

- (B) An initial telemedicine certificate shall be valid until the renewal date for the telemedicine licensee's registration group. If initial telemedicine licensure is granted on or after the first day of the eighteenth month of a registration period, the licensee shall not be required to renew for that registration period but shall be required to renew for all subsequent registration periods.

- (C) An applicant for an initial telemedicine certificate or for renewal of a telemedicine certificate shall hold a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state that requires license holders to complete at least fifty hours of CME every two years. A holder of a telemedicine certificate who fails to meet the CME requirements of the state in which he or she holds the license used to qualify for the telemedicine certificate shall report that failure in writing to the board.