



## Ohio’s Physician Assistant Prescribing Regulations

Effective March 20, 2019, the Ohio Physician Assistant Formulary no longer exists. However, Section 4730.41, Ohio Revised Code, states that a physician assistant shall not prescribe any drug in violation of state or federal law. This guidance document summarizes the state and federal laws that are applicable to a physician assistant who holds a prescriber number.

This guidance document groups the regulations into four general categories. Click on the heading to see the entire language of the Ohio Revised Code, Ohio Administrative Code, U.S. Code, or federal regulation that is summarized.

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**Ohio law** is the current set of statutes decided upon by the Ohio General Assembly, comprised of the Ohio House of Representatives and Ohio Senate. They are collected and published in the Ohio Revised Code.

**Rules** are adopted by the state agencies of Ohio and are established to carry out the policies and intent of the law. They are collected and published in the Ohio Administrative Code.

### GENERAL PROVISIONS

#### [Section 4730.02, Ohio Revised Code: Prohibited acts.](#)

- A physician assistant shall not prescribe any drug or device to perform or induce an abortion, or otherwise perform or induce an abortion.
- A physician assistant shall not perform any service not within the supervising physician’s normal course of practice.

#### [Section 4730.20, Ohio Revised Code - Services performed by physician assistant.](#)

- An Ohio licensed physician assistant who holds a valid prescriber number issued by the State Medical Board and who has been granted physician-delegated prescriptive authority, may order, prescribe, personally furnish, and administer drugs and medical devices.

**Section 4730.41, Ohio Revised Code: Physician assistant's authority under certificate to prescribe.**

The physician assistant may exercise physician-delegated prescriptive authority:

- To the extent the supervising physician has granted authority
- In compliance with all conditions placed on that authority by the supervising physician
- For controlled substances, with registration with the DEA
- If authorized to prescribe a controlled substance containing an opioid to a minor, such prescribing must be in compliance with Section 3719.061, Ohio Revised Code.

**Rule 4729-5-30, Ohio Administrative Code: Manner of issuance of a prescription.**

- Each prescription a physician assistant writes must comply with Rule 4729-5-30, Ohio Administrative Code, including, but not limited to:
  - ✓ Be dated on the date of issuance;
  - ✓ Provide contact information for the physician assistant;
  - ✓ Indicate the drug, strength, quantity to be dispensed, explicit directions, and number of refills (if any);
  - ✓ For a controlled substance, indicate the ICD-10 code of the condition being treated and the number of days the drug is expected to last.

**Rule 4731-11-09, Ohio Administrative Code: Prescribing to persons not seen by the physician assistant.**

- A physician assistant must comply with paragraphs (B) and (C) of Rule 4731-11-09, Ohio Administrative Code, when prescribing a non-controlled substance drug to a person for whom the physician assistant has not performed an in-person examination appropriate to the medical condition. This includes, but is not limited to, that the physician assistant must, through interaction with the patient, complete a medical evaluation that is appropriate for the patient and the condition with which the patient presents and establish or confirm a diagnosis and treatment plan. The rule applies to all situations, including on-call, cross-coverage, and telemedicine situations.



**[Section 3719.061, Ohio Revised Code: Prescription of opioids to minors.](#)**

Before prescribing a drug containing an opioid to a person under the age of 18, the physician assistant must complete specific activities, including:

- (1) Assess whether the minor has ever suffered, or is currently suffering, from mental health or substance abuse disorders and whether the minor has taken or is currently taking prescription drugs for treatment of those disorders;
- (2) Discuss with the minor and the minor's parent, guardian, or another adult authorized to consent to the minor's medical treatment all of the following:
  - (a) The risks of addiction and overdose associated with opioid analgesics;
  - (b) The increased risk of addiction to controlled substances of individuals suffering from both mental and substance abuse disorders;
  - (c) The dangers of taking opioid analgesics with benzodiazepines, alcohol, or other central nervous system depressants;
  - (d) Any other information in the patient counseling information section of the labeling for the opioid analgesic required under 21 C.F.R. 201.57(c)(18).
- (3) Obtain written consent for the prescription from the minor's parent, guardian, or, subject to division (E) of this section, another adult authorized to consent to the minor's medical treatment.

**[Section 4730.411, Ohio Revised Code: Prescription of schedule II controlled substance by physician assistant.](#)**

For prescribing schedule II drugs:

- The physician assistant's prescribing of schedule II drugs is generally limited to a prescription for a single twenty-four-hour period for a patient who has a terminal condition and the supervising physician initially prescribed the drug. However, there are thirteen practice locations where the schedule II prescribing limitation is not applicable when the specified criteria are met.

**[Section 4730.53, Ohio Revised Code: Conditions for prescribing opioid analgesic or benzodiazepine drugs; adoption of rules regarding review of drug database.](#)**

- When prescribing controlled substance opioid analgesics or benzodiazepines, the physician assistant must check OARRS before the first prescription and, if the patient is prescribed the drug for more than 90 days, at least every 90 days. The physician must also comply with Rule 4730-2-10, Ohio Administrative Code.
- When prescribing reported drugs other than opioid analgesics or benzodiazepines, the physician assistant must check OARRS in compliance with Rule 4730-2-10, Ohio Administrative Code.



**Rule 4730-2-10, Ohio Administrative Code: Standards and procedures for review of "Ohio Automated Rx Reporting System" (OARRS).**

- The physician assistant must comply with this rule when prescribing any drug that is reported to OARRS. The reported drugs include: all controlled substances, gabapentin, and naloxone.

**Rule 4731-11-03, Ohio Administrative Code: Utilization of anabolic steroids, schedule II controlled substance cocaine hydrochloride, and schedule II controlled substance stimulants.**

- A physician assistant shall not:
  - (1) Use anabolic steroids, growth hormones, testosterone or its analogs, human chorionic gonadotropin ("HCG"), or other hormones for the purpose of enhancing athletic ability.
  - (2) Use the schedule II controlled substance cocaine hydrochloride for a purpose other than as a topical anesthetic in situations in which it is properly indicated, or for in-office diagnostic testing for pupillary disorders.
  - (3) Use a schedule II controlled substance stimulant for any of the following: for purposes of weight reduction or control; when the physician assistant knows or has reason to believe that a recognized contra-indication to its use exists; or in the treatment of a patient who the physician assistant knows or should know is pregnant, except if specified criteria are met.
- A physician assistant may only use a schedule II controlled substance stimulant for the following purposes:
  - (1) The treatment of narcolepsy, idiopathic hypersomnia, and hypersomnias due to medical conditions known to cause excessive sleepiness;
  - (2) The treatment of abnormal behavioral syndrome (attention deficit disorder, hyperkinetic syndrome), and/or related disorders;
  - (3) The treatment of drug-induced or trauma-induced brain dysfunction;
  - (4) The differential diagnostic psychiatric evaluation of depression;
  - (5) The treatment of depression shown to be refractory to other therapeutic modalities, including pharmacologic approaches, such as antidepressants;
  - (6) As adjunctive therapy in the treatment of the following:
    - (7) Chronic severe pain;
    - (8) Closed head injuries;
    - (9) Cancer-related fatigue;
    - (10) Fatigue experienced during the terminal stages of disease;
    - (11) Depression experienced during the terminal stages of disease; or
    - (12) Chronic pain.

**Rule 4731-11-04, Ohio Administrative Code: Controlled substances: Utilization of short term anorexiant for weight reduction.**

- A physician must personally prescribe short-term weight loss drugs to patients. Accordingly, the physician may not authorize a physician assistant to prescribe short-term weight loss drugs.



**Rule 4731-11-04.01, Ohio Administrative Code: Controlled substances: utilization for chronic weight management.**

- For chronic weight management drugs (currently Qsymia and Belviq) the physician must personally see the patient before prescribing at the initial visit and at two subsequent visits. A physician assistant may see the patient and prescribe for the patient starting with the fourth visit.

**Rule 4731-11-08, Ohio Administrative Code: Utilizing controlled substances for self and family members.**

- A physician assistant shall not prescribe a controlled substance to himself/herself
- A physician assistant shall not prescribe a controlled substance to a family member, except in an emergency.

**Rule 4731-11-09, Ohio Administrative Code: Prescribing to persons not seen by the physician assistant.**

- A physician assistant must comply with paragraphs (A), (C), and (D) of Rule 4731-11-09, Ohio Administrative Code, when prescribing a controlled substance drug to a person for whom the physician assistant has not performed an in-person examination appropriate to the medical condition. The rule applies to all situations, including on-call, cross-coverage, and telemedicine situations. Paragraph (D) reflects the federal definition of “telemedicine” in 21 C.F.R. §1300.04.

**Rule 4731-11-13, Ohio Administrative Code: Prescribing of opiate analgesics for acute pain.**

- A physician assistant must comply with Rule 4731-11-13, Ohio Administrative Code, when prescribing an out-patient opioid analgesic for acute pain.

**Rule 4731-11-14, Ohio Administrative Code: Prescribing for subacute and chronic pain.**

- A physician assistant must comply with Rule 4731-11-14, Ohio Administrative Code, when prescribing an opioid analgesic for subacute or chronic pain.

**21 CFR Section 1300.04, Definitions relating to the dispensing of controlled substances by means of the internet.**

- A physician assistant must have personally evaluated the patient prior to prescribing a controlled substance, unless the situation is one set forth in (i)(1) – (7), including the use of a telecommunications system that meets the specified requirement. See Rule 4731-11-09(D), OAC.



**Provisions applicable to delegation of the administration of a drug**

**[Section 4730.203, Ohio Revised Code: Delegation of administration of drug.](#)**

- A physician assistant’s delegation of the administration of a drug must be in compliance with the following:
  - ✓ The physician assistant has determined that the drug is appropriate for the patient and the person to whom the delegation is to be made is able to safely or administer the drug;
  - ✓ The drug is not a controlled substance;
  - ✓ The drug is not administered by IV; or
  - ✓ The drug will not be administered in a hospital inpatient care unit, as defined in section 3727.50 of the Revised Code; a hospital emergency department; a freestanding emergency department; or an ambulatory surgical facility licensed under section 3702.30 of the Revised Code.

**[Rule 4730-1-08, Ohio Administrative Code: Physician assistant delegation of medical tasks and administration of drugs.](#)**

- The rule sets out factors the physician assistant must consider when determining whether it is appropriate to delegate the administration of a drug to an unlicensed person.

**Provisions applicable to prescribing during a period of emergency**

**[Section 3701.048, Ohio Revised Code – Protocols for the administration of drugs in a declared emergency.](#)**

- A physician assistant may administer, deliver, or distribute drugs, other than Schedule II and III drugs, according to an Ohio Department of Health protocol during a period of emergency that affects the public health. The emergency must be declared by the Governor. The Director of the Ohio Department of Health must identify the one or more protocols to be implemented and the period of time during which the one or more protocols are effective.

**[Section 4730.04, Ohio Revised Code - Disaster or emergency medical care.](#)**

- During a disaster or emergency, as defined in the section, a physician assistant may practice under the supervision of the medical director of the disaster or emergency.



**Section 4730.43, Ohio Revised Code: Samples provided by physician assistant.**

- (A) A physician assistant may furnish samples. The amount generally may not exceed that needed for a seventy-two hour supply. The physician assistant may not personally furnish (dispense) samples of controlled substances.
- (B) A physician assistant may only personally furnish (dispense) drugs when the following conditions are met:
  - (1) The drugs are the following: antibiotics, antifungals, scabicides, contraceptives, prenatal vitamins, antihypertensives, drugs and devices used in the treatment of diabetes, drugs and devices used in the treatment of asthma, or drugs used in the treatment of dyslipidemia
  - (2) The personally furnishing (dispensing) occurs at one of the following locations: a health department operated by the board of health of a city, general health district, or authority under Section 3709.05 of the Revised Code; a federally funded comprehensive primary care clinic; or a nonprofit health care clinic or program.

**Section 4730.431, Ohio Revised Code: Authority to supply naloxone.**

- A physician assistant with a prescriber number may personally furnish a supply of naloxone, or issue a prescription for naloxone, without having personally examined the person to whom it will be administered in compliance with Section 4730.431, Ohio Revised Code.

**Section 4730.432, Ohio Revised Code: Authority to prescribe or furnish drugs to sexual partner of a patient diagnosed with chlamydia, gonorrhea, or trichomoniasis.**

- A physician assistant may be authorized to issue a prescription for or personally furnish a complete or partial supply of a drug to treat chlamydia, gonorrhea, or trichomoniasis without having examined the individual for whom the drug is intended, when specified conditions are met.

**Section 4730.433, Ohio Revised Code: Epinephrine autoinjectors.**

- A physician assistant may be authorized to personally furnish a supply of epinephrine autoinjectors for use when specified conditions are met or issue a prescription for epinephrine autoinjectors.



**[Section 3719.064 Ohio Revised Code, Prerequisites for Initiation of drug-assisted treatment.](#)**

Applicable to all prescribers

- Before initiating medication-assisted treatment, a physician assistant must give the patient or the patient's representative information about all drugs approved by the United States FDA for use in medication-assisted treatment. The information must be provided both orally and in writing. The prescriber or the prescriber's delegate shall note in the patient's medical record when this information was provided and make the record available to employees of the board of nursing or state medical board on their request.

If the prescriber is not a qualifying practitioner and the patient's choice is opioid treatment and the prescriber determines that such treatment is clinically appropriate and meets generally accepted standards of medicine, the prescriber shall refer the patient to an opioid treatment program licensed under section 5119.37 of the Revised Code or a qualifying practitioner. The prescriber or the prescriber's delegate shall make a notation in the patient's medical record naming the program or practitioner to whom the patient was referred and specifying when the referral was made.

**[Sections 4730.55 and 4730.56, Ohio Revised Code](#)**

- When providing medication-assisted treatment for drug addiction or prevention of relapse, the physician assistant must comply with Sections 4730.55 and 4730.56, Ohio Revised Code, and the rules in Chapter 4730-4, Ohio Administrative Code.

**[Rules 4730-4-01, 4730-4-03, and 4730-4-04, Ohio Administrative Code: Medication-assisted treatment.](#)**

- A physician assistant who holds a Data 2000 waiver issued by the Substance Abuse and Mental Health Services Administration ("SAMHSA") must comply with Rules 4730-4-01 and 4730-4-03 when providing office-based treatment for opioid addiction ("OBOT"). OBOT involves providing treatment using a controlled substance medication that is approved by the FDA for such treatment.
- A physician assistant must comply with Rules 4730-4-01 and 4730-4-04, Ohio Administrative Code, when providing medication-assisted treatment for addiction or prevention of relapse using a non-controlled medication.

