



Rules and Policies
February 10, 2021

1. Rule Review Update
2. Updates to Rule 4731-11-03
3. RN Scope of Practice - Surgical Tasks
4. Legislative Update



MEMORANDUM

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

FROM: Kimberly C. Anderson, Chief Legal Counsel

RE: Rule Review Updates

DATE: February 4, 2021

Attached please find the updated rule schedule and rule spreadsheet. Please note that the rules impacted by HB442 have been added to the rule spreadsheet.

Please let me know if you have any questions.

Action Requested: No Action Needed

Legal Dept. Rules Schedule

As of February 4, 2021

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

RULES SENT FOR INITIAL CIRCULATION

Comment Deadline – September 25, 2020

4731-6-14

Comment Deadline – February 12, 2021

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

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

4731-35-02

RULES AT JCARR

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

Ready to be filed with JCARR

4731-8-01 4731-8-02 4731-8-03

4731-8-04 4731-8-05 4731-8-06

4774-1-01 4774-1-02 4774-1-03

4774-1-04 4731-17-01 4731-17-02

4731-17-03 4731-17-04 4731-17-05

4731-17-06 4731-17-07 4731-36-04

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The following rules need to be amended or rescinded to remove references to cosmetic therapy and oriental medicine: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

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)

4731-10-02	Requisite hours of continuing medical education
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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					04/21/16	04/21/21
4731-8-02	Definitions	04/29/20		10/05/20	11/18/20					04/21/16	04/21/21
4731-8-03	Procedures for accessing confidential personal information	04/29/20		10/05/20	11/18/20					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					04/21/16	04/21/21
4731-8-05	Confidentiality Statutes	04/29/20		10/05/20	11/18/20					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					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	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
4731-10-03	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	12/04/20	12/07/20		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								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								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					12/31/16	12/31/21
4731-17-02	Universal Precautions	08/26/20	10/14/20	10/23/20	11/24/20					11/30/16	11/30/21
4731-17-03	Hand Washing	08/26/20	10/14/20	10/23/20	11/24/20						08/17/21
4731-17-04	Disinfection and Sterilization	08/26/20	10/14/20	10/23/20	11/24/20					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						08/17/21
4731-17-06	Barrier Techniques	08/26/20	10/14/20	10/23/20	11/24/20						08/17/21
4731-17-07	Violations	08/26/20	10/14/20	10/23/20	11/24/20					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								11/30/16	11/30/21
4731-23-02	Delegation of Medical Tasks	01/25/21								11/30/16	11/30/21
4731-23-03	Delegation of Medical Tasks: Prohibitions	01/25/21								08/17/16	08/17/21
4731-23-04	Violations	01/25/21								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								06/30/16	06/30/21
4731-26-02	Prohibitions	01/25/21								06/14/16	06/14/21
4731-26-03	Violations; Miscellaneous	01/25/21								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							
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					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					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					11/30/16	11/30/21
4774-1-04	Miscellaneous Provisions	04/29/20	10/14/20	10/23/20	11/24/20					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: Updates to Rule 4731-11-03, Ohio Administrative Code

DATE: January 28, 2021

Rule 4731-11-03, OAC, regarding the utilization of anabolic steroids, schedule II controlled substance cocaine hydrochloride, and schedule II controlled substance stimulants is currently pending at CSI for its five-year rule review.

Dr. Schottenstein recommended some changes to update paragraph (B) regarding the use of a schedule II controlled substance stimulant. The proposed changes update the terminology, current practice and streamline the language.

If approved, I will update the rule with the Common Sense Initiative.

Action Requested: Approve updated language to be filed with Common Sense Initiative

4731-11-03 Utilization of anabolic steroids, schedule II controlled substance cocaine hydrochloride, and schedule II controlled substance stimulants.

(A) A physician shall not:

(1) Utilize anabolic steroids, growth hormones, testosterone or its analogs, human chorionic gonadotropin ("HCG"), or other hormones for the purpose of enhancing athletic ability.

(2) Utilize the schedule II controlled substance cocaine hydrochloride for a purpose other than one of the following:

(a) As a topical anesthetic in situations in which it is properly indicated; or

(b) For in-office diagnostic testing for pupillary disorders.

(3) Utilize a schedule II controlled substance stimulant in any of the following circumstances:

(a) For purposes of weight reduction or control;

(b) When the physician knows or has reason to believe that a recognized contra-indication to its use exists; or

(c) In the treatment of a patient who the physician knows or should know is pregnant, except if the following criteria are met:

(i) After the physician's medical assessment the physician and patient determine that the benefits of treating the patient with a schedule II controlled substance stimulant outweigh the risks, and

(ii) The basis for the determination is documented in the patient record.

(B) Utilizing a schedule II controlled substance stimulant:

(1) Before initiating treatment utilizing a schedule II controlled substance stimulant, the physician shall perform all of the following:

(a) Obtain a thorough history;

(b) Perform an appropriate physical examination and mental status examination of the patient; and

(c) Rule out the existence of any recognized contra-indications to the use of the controlled substance stimulant to be utilized.

(2) A physician may utilize a schedule II controlled substance stimulant only for one of the following purposes:

(a) The treatment of narcolepsy, idiopathic hypersomnia, and hypersomnias due to medical conditions known to cause excessive sleepiness;

(b) The treatment of ~~abnormal behavioral syndrome~~ (attention deficit hyperactivity disorder, ~~hyperkinetic syndrome~~), and/or related disorders;

(c) The treatment of major or mild neurocognitive disorder due to traumatic brain injury or substance/medication-induced major or mild neurocognitive disorder~~drug-induced or trauma-induced brain dysfunction~~;

~~(d) The differential diagnostic psychiatric evaluation of depression;~~

~~(de) The treatment of depression shown to be refractory to other therapeutic modalities, including pharmacologic approaches, such as antidepressants;~~

~~(ef) As adjunctive therapy in the treatment of chronic pain, as defined in rule 4731-11-01 of the administrative codethe following:~~

~~(i) Chronic severe pain;~~

~~(ii) Closed head injuries;~~

~~(iii) Cancer-related fatigue;~~

~~(iv) Fatigue experienced during the terminal stages of disease;~~

~~(v) Depression experienced during the terminal stages of disease; or~~

~~(vi) Intractable Chronic pain, as defined in rule 4731-21-01 4731-11-01 of the Administrative Code.~~

~~(fg) The treatment of binge eating disorder.~~

(3) Upon ascertaining or having reason to believe that the patient has a history of or shows a propensity for alcohol or drug abuse, or that the patient has consumed or disposed of any controlled substance other than in strict compliance with the treating physician's directions, the physician shall perform both of the following;

(a) Reappraise the desirability of continued utilization of schedule II controlled substance stimulants and shall document in the patient record the factors weighed in deciding to continue their use; and

(b) Actively monitor such patient for signs and symptoms of drug abuse and drug dependency.

(C) A violation of any provision of this rule, as determined by the board, shall constitute any or all of the following:

(1) "Failure to maintain minimal standards applicable to the selection or administration of drugs," as that clause is used in division (B)(2) of section 4731.22 of the Revised Code;

(2) "Selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes," as that clause is used in division (B)(3) of section [4731.22](#) of the Revised Code;

(3) "A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established," as that clause is used in division (B)(6) of section [4731.22](#) of the Revised Code.

Replaces: 4731-11-02, 4731-11-03, 4731-11-05

Effective: 12/31/2015

Five Year Review (FYR) Dates: 12/31/2020

Promulgated Under: [119.03](#)

Statutory Authority: [4731.05](#)

Rule Amplifies: [4731.22](#)

Prior Effective Dates: 11/17/86; 10/31/98; 9/1/00, 4/30/2009



MEMORANDUM

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

FROM: Kimberly C. Anderson, Chief Legal Counsel

RE: RN Scope of Practice-Surgical Tasks

DATE: February 4, 2021

Eric Plinke, an attorney at Dinsmore has asked for the Board to review whether specific surgical tasks may be delegated to an RN under the direct supervision of a physician under the Board's delegation rules in Chapter 4731-23. The questions, on behalf of a hospital client, arise from hypothetical situations where only one surgeon would be available, each of these tasks would be done at the direction of the surgeon, and each would be performed by the nurse under the surgeon's direct supervision. The tasks are as follows:

1. Pressing the trigger on a powered drill to fully insert a pin into a bone after the pin placement has already been started by the surgeon, while the surgeon maintains traction/fracture reduction on the bone;
2. Tapping the tip of a bone cutting instrument with a hammer after the surgeon has placed the bone cutting instrument against the bone while the surgeon, by hand, manually feels and assesses the depth of the bone cut being made. The surgeon would then verbally tell the nurse when to stop tapping the bone cutting instrument with the hammer based on his/her manual assessment; and
3. Insert/advance orthopedic instrumentation via manual pressure or mallet while the surgeon maintains bone reduction on an implant that has been placed by the surgeon within or outside the bone and the surgeon maintains position of the implant while the nurse inserts/advances the instrumentation.

The Ohio Board of Nursing reviewed the questions and stated that these tasks are not within an RN's scope of practice, but that it is possible that they may be delegated to an RN by a surgeon, pursuant to the surgeon's judgment and delegation and with the surgeon's direct supervision under the Medical Board's delegation rules in Chapter 4731-23, OAC. I have attached some guidance from the Ohio Board of Nursing with respect to RN scope of practice.

In addition, I requested some clarification from Mr. Plinke and he provided the following:

1. The three tasks would be performed in orthopedic cases in a hospital OR with surgeon directly supervising the nurse. More precisely, the physician is immediately present, giving verbal instruction/direction to the nurse at the time the nurse would be performing the task(s) and the physician is also performing a corresponding aspect of the surgery as described in the tasks.

2. In requesting your guidance and direction as to any requirements the surgeon must follow in connection with the delegation of such tasks, we wish to make clear that the delegated tasks would be performed and completed under the above conditions and in very temporally limited portions of the surgery. The description of the tasks and any delegation of them would not include on-going authority or tasks that are inconsistent with an RN's existing scope that could be performed outside the immediate presence and direction of the surgeon. As such we would expect that your guidance would mandate that the surgeon be immediately present and directing the nurse's performance of these tasks.

Under Rule 4731-23-02(B), OAC, the following must be determined by a physician prior to delegating each medical task:

- (1) That the task is within that physician's authority;
- (2) That the task is indicated for the patient;
- (3) The appropriate level of supervision;
- (4) That no law prohibits the delegation;
- (5) That the person to whom the task will be delegated is competent to perform that task; and,
- (6) That the task itself is one that should be appropriately delegated when considering the following factors:
 - (a) That the task can be performed without requiring the exercise of judgment based on medical knowledge;
 - (b) That results of the task are reasonably predictable;
 - (c) That the task can safely be performed according to exact, unchanging directions;
 - (d) That the task can be performed without a need for complex observations or critical decisions;
 - (e) That the task can be performed without repeated medical assessments; and,
 - (f) That the task, if performed improperly, would not present life threatening consequences or the danger of immediate and serious harm to the patient.

Action requested: Review the request and formulate a response based on Rule 4731-23-02, OAC.

RN and LPN Decision Making Model

