



Ohio Revised Code

Section 4731.054 Operation of pain management clinics; supervision and control of employees, volunteers and contractors.

Effective: March 20, 2019

Legislation: House Bill 286 - 132nd General Assembly

(A) As used in this section:

- (1) "Chronic pain" has the same meaning as in section 4731.052 of the Revised Code.
- (2) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.
- (3) "Hospice care program" means a program licensed under Chapter 3712. of the Revised Code.
- (4) "Hospital" means a hospital registered with the department of health under section 3701.07 of the Revised Code.
- (5) "Owner" means each person included on the list maintained under division (B)(6) of section 4729.552 of the Revised Code.
- (6)(a) "Pain management clinic" means a facility to which both of the following apply:
 - (i) The majority of patients of the prescribers at the facility are provided treatment for chronic pain through the use of controlled substances, tramadol, or other drugs specified in rules adopted under this section;
 - (ii) The facility meets any other identifying criteria established in rules adopted under this section.
- (b) "Pain management clinic" does not include any of the following:
 - (i) A hospital;
 - (ii) A facility operated by a hospital for the treatment of chronic pain;



- (iii) A physician practice owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals;
 - (iv) A school, college, university, or other educational institution or program to the extent that it provides instruction to individuals preparing to practice as physicians, podiatrists, dentists, nurses, physician assistants, optometrists, or veterinarians or any affiliated facility to the extent that it participates in the provision of that instruction;
 - (v) A hospice care program with respect to its hospice patients;
 - (vi) A hospice care program with respect to its provision of palliative care in an inpatient facility or unit to patients who are not hospice patients, as authorized by section 3712.10 of the Revised Code, but only in the case of those palliative care patients who have a life-threatening illness ;
 - (vii) A palliative care inpatient facility or unit that does not admit hospice patients and is not otherwise excluded as a pain management clinic under division (A)(6)(b) of this section, but only in the case of those palliative care patients who have a life-threatening illness ;
 - (viii) An ambulatory surgical facility licensed under section 3702.30 of the Revised Code;
 - (ix) An interdisciplinary pain rehabilitation program with three-year accreditation from the commission on accreditation of rehabilitation facilities;
 - (x) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;
 - (xi) A facility conducting only clinical research that may use controlled substances in studies approved by a hospital-based institutional review board or an institutional review board accredited by the association for the accreditation of human research protection programs.
- (7) "Physician" means an individual authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery.



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

(B) Each owner shall supervise, control, and direct the activities of each individual, including an employee, volunteer, or individual under contract, who provides treatment of chronic pain at the pain management clinic or is associated with the provision of that treatment. The supervision, control, and direction shall be provided in accordance with rules adopted under this section.

(C) The state medical board shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following:

(1) Standards and procedures for the operation of a pain management clinic;

(2) Standards and procedures to be followed by a physician who provides care at a pain management clinic;

(3) For purposes of division (A)(5)(a)(i) of this section, the other drugs used to treat chronic pain that identify a facility as a pain management clinic;

(4) For purposes of division (A)(5)(a)(ii) of this section, the other criteria that identify a facility as a pain management clinic;

(5) For purposes of division (B) of this section, standards and procedures to be followed by an owner in providing supervision, direction, and control of individuals at a pain management clinic.

(D) The board may impose a fine of not more than twenty thousand dollars on a physician who fails to comply with rules adopted under this section. The fine may be in addition to or in lieu of any other action that may be taken under section 4731.22 of the Revised Code. The board shall deposit any amounts received under this division in accordance with section 4731.24 of the Revised Code.

(E)(1) The board may inspect either of the following as the board determines necessary to ensure compliance with this chapter and any rules adopted under it regarding pain management clinics:



- (a) A pain management clinic;
 - (b) A facility or physician practice that the board suspects is operating as a pain management clinic in violation of this chapter.
- (2) The board's inspection shall be conducted in accordance with division (F) of section 4731.22 of the Revised Code.
- (3) Before conducting an on-site inspection, the board shall provide notice to the owner or other person in charge of the facility or physician practice, except that the board is not required to provide the notice if, in the judgment of the board, the notice would jeopardize an investigation being conducted by the board.