



Ohio Administrative Code

Rule 4731-16-06 Consent agreements and orders for reinstatement of impaired applicants and practitioners.

Effective: November 30, 2023

(A) The written consent agreement for impaired practitioners or applicants prior to reinstatement of a suspended license, or any board order entered in lieu of a consent agreement, shall require, at a minimum, the following probationary and limiting terms:

- (1) Obedience of all federal, state, and local laws, and all rules governing practice in Ohio;
- (2) Submission of quarterly declarations attesting whether there has been compliance with all conditions of the consent agreement;
- (3) Periodic appearances before the board, its representatives, or the monitoring organization as requested;
- (4) Notification to the board of departures or absences from Ohio. Periods of departure or absence shall not reduce the probationary term, unless otherwise determined by the secretary or the supervising member of the board, in instances where the board can be assured that probationary monitoring is otherwise being performed;
- (5) Maintenance of a log of all controlled substances, and other drugs as directed by the board, which the practitioner prescribes, orders, personally furnishes, or administers, where appropriate;
- (6) Prohibition of authority to prescribe, administer, personally furnish, order, or possess controlled substances and as directed by the board, other substances which may impair ability to practice, where appropriate;
- (7) Abstinence from the use of alcohol, where appropriate;
- (8) Abstinence from the use or personal possession of drugs, except those prescribed, administered, or dispensed by another person so authorized by law who has knowledge of the patient's history and



of substance use disorder, where appropriate;

(9) Submission of urine, blood, or other toxicology samples upon request of the board or the monitoring organization, and without prior notice, where appropriate;

(10) Undertaking and maintaining participation in a self-help support group acceptable to the board or the monitoring organization, such as alcoholics anonymous or narcotics anonymous, where appropriate, with evidence of compliance to be provided in each quarterly report;

(11) Undertaking psychiatric evaluation, and, where appropriate, continuing treatment acceptable to the board or the monitoring organization, with evidence of compliance to be provided in each quarterly report;

(12) Monitoring physical medical condition, where appropriate;

(13) Monitoring of progress and status by a physician or other licensed healthcare professional approved by the board or the monitoring organization, with reports to be provided in each quarterly report, where appropriate;

(14) Prior approval by the board of any practice arrangements or any health care field employment, where appropriate;

(15) Copies of the agreement to be provided by the individual to all of the following during the effective period of the agreement or board order:

(a) All employers or prospective employers, entities with which the individual contracts or seeks to contract to provide health services or receive training, the chief of staff at each hospital where the individual has or applies for privileges, and all persons and entities that provide the individual treatment or monitoring; and

(b) The proper licensing authority of any state or jurisdiction in which the individual holds or applies for any professional license.



- (16) Contacting the monitoring organization to arrange for monitoring services, where appropriate;
- (17) Continuing compliance with the terms of any aftercare or continuing care contract entered into with the treatment provider or healthcare provider, provided, that where terms of the aftercare or continuing care contract conflict with the terms of the consent agreement or board order, the terms of the consent agreement or board order shall control;
- (18) Continuing authorization, through appropriate written consent forms, for disclosure by the evaluator or treatment provider to the board, to treating and monitoring physicians, the monitoring organization and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations;
- (19) Appropriate minimum probationary term;
- (20) Periods during which the probationer is not in compliance with all probationary terms, or during which all probationary monitoring provisions have not yet been implemented, as determined by the secretary of the board, may result in the extension of the term of probation;
- (21) No requests by the probationer for modifications to probationary terms for at least one year; and
- (22) Prohibition of consumption of poppy seeds or any other food or liquid that may produce false results in a toxicology screen, where appropriate.
- (B) A violation of any term of the consent agreement or board order described in this rule shall constitute grounds to take disciplinary action in accordance with Chapter 119. of the Revised Code.