



## Ohio Administrative Code

### Rule 4731-16-19 Monitoring organization for confidential monitoring program.

Effective: November 30, 2023

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(A) The board shall enter into a contract with a monitoring organization to monitor applicants and practitioners participating in the confidential monitoring program.

(1) The monitoring organization shall provide practitioners and applicants with a list of treatment providers approved to provide evaluations and treatment for the confidential monitoring program.

(2) The medical director or designee of the monitoring organization shall, along with the medical director of the treatment provider, review and determine whether an individual is able to practice according to acceptable and prevailing standards of care.

(3) The medical director or designee of the monitoring organization shall, along with the continuing care provider, review and determine whether an individual is eligible for release from continuing care, if applicable.

(4) At the request of the board, the medical director of the monitoring organization, or designee, shall provide testimony in any disciplinary proceeding involving a practitioner or applicant reported to the board by the monitoring organization.

(B) The agreements between the monitoring organization and practitioner or applicant shall establish the monitoring terms, including the minimum duration and the events which could lead to a longer duration.

(C) The medical director or designee of the monitoring organization shall review each individual and make a determination as to whether the individual is released from monitoring.

(D) The monitoring organization shall, within seventy-two hours, report to the board any of the following:



- (1) Any practitioner or applicant referred to the confidential monitoring program who was found to be impaired and ineligible to participate in the program;
  - (2) Any practitioner or applicant who fails to attend an evaluation recommended by the monitoring organization;
  - (3) Any practitioner or applicant found to be impaired who fails to enter or complete treatment as recommended by the treatment provider and the monitoring organization;
  - (4) Any practitioner or applicant found to be impaired who fails to enter or complete continuing care as recommended by the treatment provider and the monitoring organization;
  - (5) Any practitioner or applicant found to be impaired who fails to enter into a monitoring agreement as recommended by the monitoring organization;
  - (6) Any practitioner or applicant who fails to comply with a monitoring agreement and that failure results in an imminent risk of harm to the public or the practitioner;
  - (7) Any practitioner or applicant who presents an imminent danger to the public or the practitioner, as a result of the practitioners or applicants impairment; and
  - (8) Any practitioner or applicant whose impairment has not been substantially alleviated by participation in the program.
- (E) The monitoring organization shall provide annual and quarterly reports to the board regarding the confidential monitoring program.
- (F) The monitoring organization, in consultation with the board, shall provide education to the practitioners, applicants, evaluators, treatment providers and continuing care providers regarding eligibility criteria for the confidential monitoring program and the statutes, rules and policies of the board regarding impairment.
- (G) The monitoring organization shall notify the board of any individual who returns to work prior



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to obtaining the release from the treatment provider and the monitoring organization medical director or designee.

(H) The monitoring organization shall notify the board of any individual who does not successfully complete the prescribed treatment.