



Ohio Administrative Code Rule 4731-32-03 Standard of care.

Effective: February 29, 2024

In order to practice within the minimal standards of care when recommending treatment with medical marijuana, a physician shall comply with all of the following requirements:

(A) The physician shall establish and maintain a bona fide physician-patient relationship with the patient for the provision of medical services that is established through an examination of the patient by the physician either in-person or through the use of telehealth services that complies with this rule and for which there is an expectation that the physician will provide care to the patient on an ongoing basis.

(B) The physician shall create and maintain a medical record that documents the provision of medical services. The documentation shall include all of the following:

(1) Patient's name and date or dates of office or telehealth visits or treatments;

(2) A description of the patient's current medical condition;

(3) Documented assessment of the patient's medical history, including relevant prescription history and any history of substance use disorder;

(4) Documented review of any available relevant diagnostic test results;

(5) Documented review of prior treatment and the patient's response to the treatment;

(6) Documented review of the patient's current medication to identify possible drug interactions, including benzodiazepines and opioids.

(7) Documented review that standard medical treatment has been attempted or considered. If standard medical treatment is not attempted, the physician must document the reasons that standard



medical treatment is not appropriate for this patient;

(8) Based on evidence or behavioral indications of addiction or drug abuse, the physician may obtain a drug screen on the patient. It is within the physician's discretion to decide the nature of the screen and which type of drug to be screened;

(9) The physician's performance of an appropriate examination relevant to the patient's current medical condition;

(10) The physician's diagnosis of the patient's medical condition; and

(11) If the patient has been previously diagnosed with a qualifying medical condition as defined in section 3796.01 of the Revised Code, by a physician licensed to practice medicine under section 4731.14, 4731.11, or 4731.299 of the Revised Code, the physician may confirm the diagnosis so long as the physician obtains a copy of the medical records or a detailed written summary indicating the diagnosis and the physician is satisfied that he or she can rely on those records to confirm diagnosis of a qualifying condition. The practitioner shall maintain a copy of any record or report of any physician on which the physician relied for purposes of meeting the requirements under this paragraph.

(C) If the physician diagnoses or confirms the diagnosis of a qualifying medical condition, as that term is defined in section 3796.01 of the Revised Code, the physician shall document in the medical record compliance with all of the following actions when recommending treatment with medical marijuana:

(1) Development of a treatment plan, including consideration of whether treatment with medical marijuana is complementary to standard medical treatment.

(2) The review of the report concerning the patient obtained from the drug database established and maintained by the board of pharmacy pursuant to section 4729.75 of the Revised Code. The report shall cover at least the twelve months immediately preceding the date of the report.

(3) Discussion with the patient regarding any indicators of possible abuse or diversion of controlled



substances that are reflected on the drug database report obtained from the board of pharmacy.

(4) The explanation of the risks and benefits of treatment with medical marijuana as it pertains to the patient's qualifying medical condition and medical history.

(5) The patient's consent prior to completing a recommendation for treatment with medical marijuana. If the patient is a minor, the physician shall obtain the consent of the patient's parent or legal representative prior to completing a recommendation for treatment with medical marijuana for the patient.

(6) Whether the patient needs a caregiver to assist in the use or administration of medical marijuana. If the patient needs a caregiver, the physician shall document the name of the caregiver designated by the patient or the patient's legal representative.

(D) In recommending treatment with medical marijuana, the physician or the physician's delegate shall determine from the medical marijuana patient registry maintained by the division of marijuana control whether the patient has an active registration for medical marijuana.

(1) If the patient is not registered or if the patient's registration will expire within thirty days, the physician or physician's delegate shall submit the patient's application for registration or renewal in compliance with the requirements of section 3796.08 of the Revised Code and the rules of the division of marijuana control adopted under section 3796.03 of the Revised Code.

(2) The recommendation for treatment with medical marijuana shall include a statement from the physician certifying the following:

(a) A bona fide physician-patient relationship exists between the physician and patient;

(b) The patient has been diagnosed with at least one qualifying medical condition;

(c) Description of the qualifying medical condition(s) and indication whether the qualifying condition is a terminal illness for which the patient has a life expectancy of six months or less;



(d) The physician or physician's delegate has requested from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the report; and

(e) The physician has informed the patient of the risks and benefits of medical marijuana as it pertains to the patient's qualifying medical condition and medical history.

(E) A physician who recommends treatment with medical marijuana shall be available to provide follow-up care and treatment to the patient, including appropriate examinations relevant to the patient's condition to determine the efficacy of medical marijuana in treating the patient's qualifying medical condition. If the qualifying condition was indicated as a terminal illness in the prior six months, the physician shall confirm whether the patient's condition continues to be a terminal illness.

(F) The physician shall terminate or decline to issue a new recommendation for medical marijuana under any of the following circumstances:

(1) The patient no longer has the diagnosis of or symptoms of the qualifying medical condition.

(2) The physician no longer has a valid certificate to recommend medical marijuana.

(3) Based on the physician's clinical judgement, the patient or caregiver is abusing or diverting medical marijuana.

(4) The patient is deceased.

(G) The records required for the recommendation of medical marijuana may be kept with the patient's other medical records and shall be retained for at least three years following the last visit by the patient.

(H) The physician shall submit to the board an annual report describing the physician's observations regarding the effectiveness of medical marijuana in treating patients. The report shall not contain patient-identifying information.