



## Ohio Revised Code

### Section 4731.251 One-bite program.

Effective: February 8, 2018

Legislation: House Bill 145 - 132nd General Assembly

---

(A) As used in this section and in sections 4731.252 and 4731.253 of the Revised Code:

(1) "Impaired" or "impairment" has the same meaning as in division (B)(5) of section 4730.25, division (B)(26) of section 4731.22, division (A)(18) of section 4759.07, division (B)(6) of section 4760.13, division (A)(18) of section 4761.09, division (B)(6) of section 4762.13, division (B)(6) of section 4774.13, or division (B)(6) of section 4778.14 of the Revised Code.

(2) "Practitioner" means any of the following:

(a) An individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine;

(b) An individual licensed under Chapter 4730. of the Revised Code to practice as a physician assistant;

(c) An individual authorized under Chapter 4759. of the Revised Code to practice as a dietitian;

(d) An individual authorized under Chapter 4760. of the Revised Code to practice as an anesthesiologist assistant;

(e) An individual authorized under Chapter 4761. of the Revised Code to practice respiratory care;

(f) An individual authorized under Chapter 4762. of the Revised Code to practice as an acupuncturist or oriental medicine practitioner;

(g) An individual authorized under Chapter 4774. of the Revised Code to practice as a radiologist assistant;



(h) An individual licensed under Chapter 4778. of the Revised Code to practice as a genetic counselor.

(B) The state medical board shall establish a confidential program for treatment of impaired practitioners, which shall be known as the one-bite program. The board shall contract with one organization to conduct the program and perform monitoring services.

To be qualified to contract with the board under this section, an organization must meet all of the following requirements:

- (1) Be sponsored by one or more professional associations or societies of practitioners;
- (2) Be organized as a not-for-profit entity and exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code;
- (3) Contract with or employ to serve as the organization's medical director an individual who is authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery and specializes or has training and expertise in addiction medicine;
- (4) Contract with or employ one or more of the following as necessary for the organization's operation:
  - (a) An individual licensed under Chapter 4758. of the Revised Code as an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, chemical dependency counselor III, or chemical dependency counselor II;
  - (b) An individual licensed under Chapter 4757. of the Revised Code as an independent social worker, social worker, licensed professional clinical counselor, or licensed professional counselor;
  - (c) An individual licensed under Chapter 4732. of the Revised Code as a psychologist.

(C) The monitoring organization shall do all of the following pursuant to the contract:



- (1) Receive any report of suspected impairment, including a report made under division (B)(2) of section 4730.32, division (B)(2) of section 4731.224, section 4759.13, division (B)(2) of section 4760.16, section 4761.19, division (B)(2) of section 4762.16, division (B)(2) of section 4774.16, or section 4778.17 of the Revised Code;
- (2) Notify a practitioner who is the subject of a report received under division (C)(1) of this section that the report has been made and that the practitioner may be eligible to participate in the program conducted under this section;
- (3) Determine whether a practitioner reported to the monitoring organization is eligible to participate in the program and notify the practitioner of the determination;
- (4) In the case of a practitioner reported by a treatment provider, notify the treatment provider of the eligibility determination;
- (5) Report to the board any practitioner who is determined ineligible to participate in the program;
- (6) Refer an eligible practitioner who chooses to participate in the program for evaluation by a treatment provider approved by the board under section 4731.25 of the Revised Code, unless the report received by the monitoring organization was made by an approved treatment provider and the practitioner has already been evaluated by the treatment provider;
- (7) Monitor the evaluation of an eligible practitioner;
- (8) Refer an eligible practitioner who chooses to participate in the program to a treatment provider approved by the board under section 4731.25 of the Revised Code;
- (9) Establish, in consultation with the treatment provider to which a practitioner is referred, the terms and conditions with which the practitioner must comply for continued participation in and successful completion of the program;
- (10) Report to the board any practitioner who does not complete evaluation or treatment or does not comply with any of the terms and conditions established by the monitoring organization and the



treatment provider;

(11) Perform any other activities specified in the contract with the board or that the monitoring organization considers necessary to comply with this section and sections 4731.252 and 4731.253 of the Revised Code.

(D) The monitoring organization shall not disclose to the board the name of a practitioner or any records relating to a practitioner, unless any of the following occurs:

(1) The practitioner is determined to be ineligible to participate in the program.

(2) The practitioner requests the disclosure.

(3) The practitioner is unwilling or unable to complete or comply with any part of the program, including evaluation, treatment, or monitoring.

(4) The practitioner presents an imminent danger to the public or to the practitioner, as a result of the practitioner's impairment.

(5) The practitioner has relapsed or the practitioner's impairment has not been substantially alleviated by participation in the program.

(E)(1) The monitoring organization shall develop procedures governing each of the following:

(a) Receiving reports of practitioner impairment;

(b) Notifying practitioners of reports and eligibility determinations;

(c) Referring eligible practitioners for evaluation or treatment;

(d) Establishing individualized treatment plans for eligible practitioners, as recommended by treatment providers;



- (e) Establishing individualized terms and conditions with which eligible practitioners must comply for continued participation in and successful completion of the program.
- (2) The monitoring organization, in consultation with the board, shall develop procedures governing each of the following:
- (a) Providing reports to the board on a periodic basis on the total number of practitioners participating in the program, without disclosing the names or records of any program participants other than those about whom reports are required by this section;
  - (b) Reporting to the board any practitioner who due to impairment presents an imminent danger to the public or to the practitioner;
  - (c) Reporting to the board any practitioner who is unwilling or unable to complete or comply with any part of the program, including evaluation, treatment, or monitoring;
  - (d) Reporting to the board any practitioner whose impairment was not substantially alleviated by participation in the program or who has relapsed.
- (F) The board may adopt any rules it considers necessary to implement this section and sections 4731.252 and 4731.253 of the Revised Code, including rules regarding the monitoring organization and treatment providers that provide treatment to practitioners referred by the monitoring organization. Any such rules shall be adopted in accordance with Chapter 119. of the Revised Code.