



## Ohio Revised Code

### Section 4731.25 Confidential monitoring program.

Effective: October 3, 2023

Legislation: House Bill 33

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(A) As used in this section and in sections 4731.251 to 4731.255 of the Revised Code:

(1) "Applicant" means an individual who has applied under Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4774., or 4778. of the Revised Code for a license, training or other certificate, limited permit, or other authority to practice as any one of the following practitioners: a physician assistant, physician, podiatrist, limited branch of medicine practitioner, dietitian, anesthesiologist assistant, respiratory care professional, acupuncturist, radiologist assistant, or genetic counselor. "Applicant" may include an individual who has been granted authority by the state medical board to practice as one type of practitioner, but has applied for authority to practice as another type of practitioner.

(2) "Impaired" or "impairment" means either or both of the following:

(a) Impairment of ability to practice as described 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;

(b) Inability to practice as described in division (B)(4) of section 4730.25, division (B)(19) of section 4731.22, division (A)(14) of section 4759.07, division (B)(5) of section 4760.13, division (A)(14) of section 4761.09, division (B)(5) of section 4762.13, division (B)(5) of section 4774.13, or division (B)(5) of section 4778.14 of the Revised Code.

(3) "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 licensed under Chapter 4762. of the Revised Code to practice as an acupuncturist;

(g) An individual licensed 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, nondisciplinary program for the evaluation and treatment of practitioners and applicants who are, or may be, impaired and also meet the eligibility conditions described in section 4731.252 or 4731.253 of the Revised Code. The program shall be known as the confidential monitoring program.

The board shall contract with a monitoring organization to conduct the program and perform monitoring services. To be qualified to contract with the board, an organization shall meet all of the following requirements:

(1) Be a professionals health program 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 a medical director 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 licensed health care professionals necessary for the organization's operation.

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

(1) Receive from the board a referral regarding an applicant or receive any report of suspected practitioner impairment from any source, including from the board;

(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) Provide a practitioner who is the subject of a report received under division (C)(1) of this section with the list of approved evaluators and treatment providers prepared and updated as described in section 4731.251 of the Revised Code;

(4) Determine whether a practitioner reported or applicant referred to the monitoring organization is eligible to participate in the program, which in the case of an applicant may include evaluating records as described in division (E)(1)(d) of this section, and notify the practitioner or applicant of the determination;

(5) In the case of a practitioner reported by a treatment provider, notify the treatment provider of the eligibility determination;

(6) Report to the board any practitioner or applicant who is determined ineligible to participate in the program;

(7) Refer an eligible practitioner who chooses to participate in the program for evaluation by an evaluator approved by the monitoring organization, unless the report received by the monitoring organization was made by an approved evaluator and the practitioner has already been evaluated;



- (8) Monitor the evaluation of an eligible practitioner;
  - (9) Refer an eligible practitioner who chooses to participate in the program to a treatment provider approved by the monitoring organization;
  - (10) 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;
  - (11) 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;
  - (12) 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 4731.251 to 4731.255 of the Revised Code.
- (D) The monitoring organization shall not disclose to the board the name of a practitioner or applicant or any records relating to a practitioner or applicant, unless any of the following occurs:
- (1) The practitioner or applicant is determined to be ineligible to participate in the program.
  - (2) The practitioner or applicant requests the disclosure.
  - (3) The practitioner or applicant is unwilling or unable to complete or comply with any part of the program, including evaluation, treatment, or monitoring.
  - (4) The practitioner or applicant presents an imminent danger to oneself or the public, as a result of the practitioner's or applicant's impairment.
  - (5) 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) Receiving applicant referrals as described in section 4731.253 of the Revised Code;
- (d) Evaluating records of referred applicants, in particular records from other jurisdictions regarding prior treatment for impairment or current or continued monitoring;
- (e) Notifying applicants of eligibility determinations;
- (f) Referring eligible practitioners for evaluation or treatment;
- (g) Establishing individualized treatment plans for eligible practitioners, as recommended by treatment providers;
- (h) Establishing individualized terms and conditions with which eligible practitioners or applicants 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 or applicants 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 or applicant who due to impairment presents an imminent danger to oneself or the public;
- (c) Reporting to the board any practitioner or applicant 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 or applicant whose impairment was not substantially alleviated by participation in the program.