



Ohio Administrative Code

Rule 4723-6-02 Eligibility requirements for participation in the alternative program for chemical dependency.

Effective: February 1, 2020

[Comment: Information regarding the availability and effective date of the materials incorporated by reference in this rule can be found in paragraph (G) of rule 4723-1-03 of the Administrative Code.]

(A) An individual may participate in the program if the board supervising member for disciplinary matters determines that all of the following conditions are met:

(1) The individual holds a current, valid license to practice nursing as either a registered nurse or a licensed practical nurse in Ohio, or a current, valid certificate or intern certificate to practice as a dialysis technician or community health worker in Ohio;

(2) The individual requests and the board provides the individual an "Alternative Program for Substance Use Disorder Admission Application," that includes an "Initial Voluntary Temporary License/Certificate Surrender" form. Within ten business days of the date the application was mailed by the board to the individual, the board must receive the individual's completed "Initial Voluntary Temporary License/Certificate Surrender" form;

(3) The individual submits a completed "Alternative Program for Substance Use Disorder Admission Application" to the board within sixty days of the date the application was mailed by the board to the individual. The completed application shall be accompanied by all of the following:

(a) A substance use disorder assessment that:

(i) Includes a bio-psycho-social evaluation performed by a licensed healthcare provider with demonstrated expertise in the treatment of substance use disorders; and

(ii) Documents a diagnosis of substance use disorder and sets forth an organized plan for treatment.

(b) Signed waivers giving the program consent to receive and release information necessary for



purposes of determining program eligibility. This includes, but is not limited to, information to and from employers, probation officers, law enforcement agencies, peer assistance programs, and any treatment providers or health care practitioners. No person with knowledge of any information disclosed by the program pursuant to this paragraph shall divulge the information to any other person. The information contained in the completed application shall indicate to the board supervising member for disciplinary matters all of the following:

- (i) The individual may be effectively treated for the substance use disorder;
- (ii) The individual may be effectively monitored for compliance with program requirements; and
- (iii) The individual is not subject to the prohibitions in paragraph (B) of this rule.

(B) An individual may not participate in the program if the board receives information indicating that the individual's compliance with the program may not be effectively monitored while participating in the program. This information includes, but is not limited to, the following:

- (1) The individual is currently using or being prescribed a drug of abuse, as defined in paragraph (D) of rule 4723-6-01 of the Administrative Code, except if the drug is prescribed in the course of medication-assisted treatment in accordance state law;
- (2) The individual has a medical and/or psychiatric condition, diagnosis, or disorder, other than a substance use disorder, in which the manifest symptoms are not adequately controlled;
- (3) The individual has attempted or completed two or more substance use disorder treatment programs as of the date of the application, not including the individual's current substance use disorder treatment plan and related treatment currently submitted for purposes of program eligibility;
- (4) The individual has substituted or tampered with a substance or drug of abuse;
- (5) The board has taken action against the individual's license to practice nursing as either a registered nurse or a licensed practical nurse or certificate or intern certificate to practice as a dialysis technician or community health worker;



- (6) A board regulating nurses, dialysis technicians or community health workers in another jurisdiction has taken action against the individual's license to practice nursing as either a registered nurse or a licensed practical nurse in that jurisdiction or certificate or intern certificate to practice as a dialysis technician or community health worker in that jurisdiction;
- (7) The individual has completed the program or a similar program in another jurisdiction;
- (8) The individual has been terminated from the program or from a similar program in another jurisdiction;
- (9) The individual was admitted to, but did not complete or is no longer in good standing, a similar program in another jurisdiction;
- (10) The individual has been convicted of, pled guilty to (other than a plea resulting in a finding of eligibility for intervention in lieu of conviction), had a judicial finding of eligibility for diversion for, or had a judicial finding of guilt resulting from a plea of no contest to any felony or an act in another jurisdiction that would constitute a felony in Ohio;
- (11) The board determines that the public may not be adequately protected from unsafe practice if the individual enters the program; or
- (12) The individual has failed or refused to cooperate with a board investigation.