



Ohio Administrative Code Rule 4729:5-18-02 Ownership.

Effective: March 1, 2020

(A) The holder of a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification shall be in control of a clinic that is owned and operated solely by one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(B) A waiver of the requirement in paragraph (A) of this rule may be granted by the board upon request of an applicant.

(1) A waiver request shall be included as part of the clinic's initial licensure application for a terminal distributor of dangerous drugs license with an office-based opioid treatment classification. The request shall include all information, as deemed necessary by the board, to determine if it is in the public interest to issue a license to a clinic that does not meet the requirement in paragraph (A) of this rule. The board reserves the right to request additional information from the applicant and conduct an inspection of the clinic pursuant to rule 4729:5-3-03 of the Administrative Code prior to rendering its decision.

(2) If the board approves a waiver, the clinic shall retain the waiver unless there is a change of ownership. Upon any change of ownership, the clinic shall submit a new application pursuant to rule 4729:5-2-03 of the Administrative Code.

(3) An applicant whose waiver is denied by the board will be provided with a written explanation of the denial and allowed one opportunity to resubmit its request to address the identified concerns. The resubmission of the request shall occur within sixty days of receiving the board's written explanation or the application will be deemed abandoned.

(4) In determining whether to grant a waiver request, the board shall consider, at a minimum, all the following:



- (a) The results of criminal records checks conducted in accordance with rule 4729:5-18-03 of the Administrative Code;
- (b) The results of a pre-inspection authorized in accordance with rule 4729:5-3-03 of the Administrative Code;
- (c) A review of any past disciplinary actions taken against any owner that are based, in whole or in part, on the owner's inappropriate prescribing, personally furnishing, diverting, administering, storing, compounding, supplying or selling a controlled substance or other dangerous drug; and
- (d) Commission of an act by any owner that constitutes a misdemeanor or felony in this state, regardless of the jurisdiction in which the act was committed.