



Ohio Administrative Code

Rule 4731-32-02 Certificate to recommend medical marijuana.

Effective: September 8, 2017

(A) Eligibility for a certificate to recommend medical marijuana requires that all of the following requirements be met:

(1) The applicant holds an active, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery under section 4731.14 or 4731.29 of the Revised Code;

(2) The applicant has been granted access to and is not under any prohibition for access to the drug database established and maintained by the board of pharmacy pursuant to section 4729.75 of the Revised Code.

(3) The applicant holds an active registration with the drug enforcement administration

(4) The applicant has not been denied a license to prescribe, possess, dispense, administer, supply, or sell a controlled substance by the drug enforcement administration or appropriate issuing body of any state or jurisdiction, based, in whole or in part, on the applicant's inappropriate prescribing, personally furnishing, dispensing, administering, supplying or selling a controlled substance or other dangerous drug.

(5) The applicant has not held a license issued by the drug enforcement administration or a state licensing administration in any jurisdiction, under which the person may prescribe, personally furnish, dispense, possess, administer, supply or sell a controlled substance, that has ever been restricted, based, in whole or in part, on the applicant's inappropriate prescribing, dispensing, administering, supplying, or selling a controlled substance or other dangerous drug.

(6) The applicant has not been subject to disciplinary action by any licensing entity that was based, in whole or in part, on the applicants inappropriate prescribing, personally furnishing, dispensing, diverting, administering, supplying or selling a controlled substance or other dangerous drug.



(7) The applicant has completed at least two hours of continuing medical education in a course or courses certified by the Ohio state medical association or the Ohio osteopathic association that assist physicians in both of the following:

(a) Diagnosing qualifying medical conditions as defined in section 3796.01 of the Revised Code;

(b) Treating qualifying medical conditions with medical marijuana, including the characteristics of medical marijuana and possible drug interactions.

(8) The applicant has no ownership or investment interest in or compensation agreement with any medical marijuana entity licensed or applicant seeking licensure under Chapter 3796. of the Revised Code.

(B) An applicant for a certificate to recommend medical marijuana shall file an application under oath with the board in compliance with section 4731.30 of the Revised Code.

(1) An application shall be considered complete when all the following requirements are met:

(a) Evidence of all the requirements in paragraph (A) of this rule are received by the board.

(b) The board is not conducting an investigation pursuant to section 4731.22 of the Revised Code of evidence appearing to show that the applicant has violated section 4731.22 or 4731.30 of the Revised Code or applicable rules adopted by the board.

(2) The application shall be processed in accordance with the following:

(a) All application materials submitted to the board will be thoroughly investigated. The board may contact individuals, agencies, or organizations for information about applicants as the board deems necessary. As part of the application process, an applicant may be requested to appear before the board or a board representative to answer questions or provide additional information.

(b) Any applicant to whom the board proposes to deny certificate issuance shall be entitled to a hearing on the issue of such proposed denial in compliance with the provisions of Chapter 119. of



the Revised Code and the rules in Chapter 4731-13 of the Administrative Code.

(c) No application for a certificate to recommend medical marijuana may be withdrawn without the approval of the board.

(3) The following processes apply when an application is not complete within six months of the date the application is received by the board:

(a) If the application is not complete because required information, facts, or other materials have not been received by the board, the board may notify the applicant that it intends to consider the application abandoned if the application is not completed.

(i) The notice shall specifically identify the information, facts, or other materials required to complete the application and inform the applicant that the information, facts, or other materials must be received by the specified deadline date. The notice shall also inform the applicant that if the application remains incomplete at the close of business on the deadline date the application may be deemed to be abandoned.

(ii) If all of the information, facts, or other materials are received by the board by the deadline date and the application is determined to be complete, the board shall process the application and may require updated information as it deems necessary.

(b) If the application is not complete because the board is investigating, pursuant to section 4731.22 of the Revised Code, evidence appearing to show that the applicant has violated Chapter 4731. of the Revised Code or applicable rules adopted by the board, the board shall do both of the following:

(i) Notify the applicant that although otherwise complete, the application will not be processed pending completion of the investigation; and

(ii) Upon completion of the investigation and the determination that the applicant is not in violation of statute or rule, process the application, including requiring updated information as it deems necessary.



(C) The certificate to recommend shall be renewed when the holders license to practice as a physician or osteopathic physician is renewed or restored, conditioned upon the holders certification of having met the requirements in paragraph (A) of this rule and having completed annually at least two hours of continuing medical education in medical marijuana approved in accordance with paragraph (A)(7) of this rule.

(D) The board shall notify the board of pharmacy if a physicians certificate to recommend is lapsed, surrendered, suspended, revoked or otherwise not renewed.