



Ohio Administrative Code Rule 4765-23-04 Impaired practitioners.

Effective: February 5, 2026

(A) The division hereby establishes a confidential, non-disciplinary program for the evaluation and treatment of eligible fire professionals who need assistance with a potential or existing impairment due to abuse of or dependency on alcohol or drugs, mental health, or other health-related medical condition or illness. This program shall be known as the safe haven program.

(1) The executive director may abstain from taking disciplinary action under Chapter 4765. of the Revised Code or rules adopted thereunder if the individual can be treated effectively and there is no impairment of the individual's ability to practice according to acceptable and prevailing firefighter standards.

(2) The division may enter into an agreement with a monitoring organization to conduct the safe haven program. The monitoring organization shall assist with determining eligibility for participation in the safe haven program and provide associated services to eligible fire professionals.

(3) Subject to the eligibility standards in paragraphs (B) and (C) of this rule, eligible fire professionals shall include firefighters, instructors, applicants for certification, and students enrolled in a chartered program.

(4) The monitoring organization that contracts with the division to conduct the safe haven program may receive referrals from any of the following:

(a) Applicants, certificate holders, or regulated persons;

(b) Other individuals;

(c) Employers;

(d) Professional societies and associations;



(e) Health care personnel and treatment providers;

(f) Other entities and organizations; or

(g) The division.

(B) An individual may not participate in the safe haven program if the division 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 has diverted, substituted, or tampered with a substance or drug of abuse;

(2) The board or executive director has taken action against the individual's EMS or fire certification;

(3) Denial, revocation, suspension, or restriction of authority to engage in emergency medical services or firefighting in Ohio or another state or jurisdiction;

(4) 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;

(5) The public may not be adequately protected if the individual enters the program; or

(6) The individual has failed or refused to cooperate with a division investigation.

(C) To participate in the safe haven program, a fire professional must enter into an agreement with the division approved monitoring organization to seek assistance for a potential or existing impairment due to abuse of or dependency on alcohol or drugs or other medical condition or illness. The agreement may specify but is not limited to the following:

(1) Treatment and therapy plan;



(2) Support group participation;

(3) Case management;

(4) Relapses and other failures to comply with the terms of the agreement may result in a longer period of monitoring. As appropriate, an addendum to the agreement may be necessary;

(5) Random toxicology testing;

(6) Releases for seeking information or records related to the fire professional's impairment, including but not limited to family, peers, health care personnel, employers, and treatment providers;

(7) Grounds for dismissal from participation in the safe haven program for failure to comply with program requirements; or

(8) Any required fees associated with participation in the safe haven program, including but not limited to fees for toxicology testing.

(D) The executive director shall not institute disciplinary action solely based on impairment against a safe haven program participant so long as the participant enters into an agreement for treatment and monitoring and complies with the same. The presence of impairment shall not excuse acts or preclude investigation or disciplinary action against a participant for other violations of Chapter 4765. of the Revised Code or other provisions or rules adopted under it.

(E) Participation in the program may be terminated for any of the following reasons:

(1) The participant fails to comply with any of the terms and conditions of the program;

(2) The participant is unable to practice according to acceptable and prevailing firefighter or instructor standards and treatment has not been effective; or

(3) The division receives information which, after investigation, indicates that the participant may



have committed an additional violation of a provision of Chapter 4765. of the Revised Code or any of the rules promulgated thereunder.

(F) Eligibility requirements for admission to and continued participation in the safe haven program shall be made by the monitoring organization, but the participant may be removed or determined no longer eligible by the executive director.

(G) All information received and maintained by the division or monitoring organization shall be held in confidence subject to section 2317.02 of the Revised Code and in accordance with federal law.

(H) The division at its discretion may:

- (1) Contract with providers of impaired treatment programs;
- (2) Receive and evaluate reports of suspected impairment from any source;
- (3) Intervene in cases of verified impairment;
- (4) Monitor treatment and rehabilitation of the impairment;
- (5) Recommend post-treatment monitoring and support; or
- (6) Provide other functions as necessary to carry out the provisions of this rule.