



## Ohio Administrative Code Rule 5122-40-01 Definitions and applicability.

Effective: January 31, 2025

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(A) In addition to the definitions in rule 5122-24-01 of the Administrative Code, the following definitions apply to Chapter 5122-40 of the Administrative Code:

(1) "Certified nurse practitioner" means an advanced practice registered nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code and is designated as a certified nurse practitioner in accordance with section 4723.42 of the Revised Code and rules adopted by the board of nursing.

(2) "Correctional facility" means any of the following:

(a) A "state correctional facility," as defined in section 2967.01 of the Revised Code;

(b) A "local correctional facility," as defined in section 2903.13 of the Revised Code;

(c) A correctional facility that is privately operated and managed pursuant to section 9.06 of the Revised Code.

(d) A facility operated directly or at the direction of the department of youth services.

(3) "Department" mean the Ohio department of mental health and addiction services.

(4) "Dispense" has the same meaning as in rule 4729:1-1-01 of the Administrative Code.

(5) "Interim treatment" means that a patient, on a temporary basis, may receive some services from an opioid treatment program while waiting to access more comprehensive treatment services. The duration of interim treatment is limited to one hundred eighty days.

(6) "Licensed practical nurse" means an individual who holds a current, valid license issued under



Chapter 4723. of the Revised Code that authorizes the practice of nursing as a licensed practical nurse.

(7) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code."

(8) "Medical director" is a physician who assumes the responsibility for the delivery of all medical services performed by an opioid treatment program, either by performing them directly or by delegating specific responsibility to authorized program physicians and qualified healthcare professionals functioning under the medical director's direct supervision.

(9) "Medication unit" means any center for substance abuse treatment (CSAT) approved facility established as part of, but geographically separate from, an opioid treatment program from which medication assisted treatment is administered or dispensed.

(10) "Medication maintenance" means the administering or dispensing of medication assisted treatment at stable dosage levels for a period in excess of twenty-one days in the treatment of a patient for opioid addiction.

(11) "Mobile medication unit" means a vehicle that is associated with an opioid treatment program. Mobile medication units can dispense narcotic drugs in schedules II-V at remote locations for the purpose of maintenance or withdrawal management.

(12) "Non-mobile medication unit" means a stationary brick-and-mortar medication unit.

(13) "Opioid treatment program" (OTP) or "program" has the same meaning as in rule 4729:5-21-01 of the Administrative Code .

(14) "Partial opioid agonist" means buprenorphine products or combination products approved by the federal food and drug administration for maintenance or detoxification withdrawal management of opioid dependence, or any other partial agonists federally approved, controlled substances used for the purpose of opioid replacement treatment. These medications are used as an alternative to opioid agonists in the treatment of opioid addiction. At certain dosages, a partial agonist can both activate and block the effects of opioid medications or receptors, thereby assisting in control of



opioid addiction. Partial agonists bind to the receptors and activate them, but not to the same degree as full agonists.

(15) "Permanent patient transfer" means the transfer of a patient from one opioid treatment program to another opioid treatment program.

(16) "Personally furnish" or "personally furnishing" has the same meaning as in rule 4729:5-21-01 of the Administrative Code.

(17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(18) "Physician assistant" means an individual who is licensed to practice as a physician assistant under Chapter 4730. of the Revised Code.

(19) "Prescriber" has the same meaning as in rule 4729:5-21-01 of the Administrative Code.

(20) "Principal" means a person who has controlling authority or is in a leading position, e.g., executive director, chief financial officer, chief clinical officer, chief operating officer.

(21) "Program director" means a person who is identified in the central registry described in rule 5122-40-08 of the Administrative Code and is responsible for the day-to-day operation of the opioid treatment program in a manner consistent with the laws and regulations of the United States department of health and human services, United States drug enforcement administration, and the laws and rules of the state of Ohio.

(22) "Program prescriber" means a prescriber who is employed by or under contract to work for an opioid treatment program.

(23) "Program sponsor" is a person or representative of the program, who is responsible for the operation of the opioid treatment program and who assumes responsibility for all of its employees, including any practitioners, agents, or other persons providing medical, rehabilitative, or counseling services at the program.



(24) "Registered nurse" means an individual who holds a current, valid license issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a registered nurse.

(25) "SAMHSA" means the federal substance abuse and mental health services administration.

(26) "State authority" or "state opioid treatment authority" (SOTA) means the agency or individual designated by the Ohio department of mental health and addiction services to exercise the responsibility and authority of the state for governing the treatment of opiate addiction by an opioid treatment program. The state authority shall act as the state's coordinator for the development and monitoring of opioid treatment programs and shall serve as a liaison with the appropriate federal, state, and local agencies.

(27) "State oversight agency" means the agency or office of state government identified by the governor to provide regulatory oversight of opioid treatment programs on behalf of the state of Ohio. The designated state oversight agency is responsible for licensing, monitoring, and investigating complaints or grievances regarding opioid treatment programs. The Ohio department of mental health and addiction services is the agency designated by the governor to provide regulatory oversight on behalf of the state of Ohio.

(28) "Telemedicine" or "telemedical," as used in this chapter, have the same meaning as "telehealth" as defined in agency 5122 rule of the Administrative Code pertaining to telehealth.

(29) "Withdrawal management" means the administering or dispensing of medications used in medication-assisted treatment in decreasing doses to an individual to alleviate adverse physiological or psychological effects of withdrawal from the continuous use of an opioid and as a method of bringing the individual to an opiate drug-free state.

(B) This chapter is applicable to any community mental health services provider or community addiction services provider subject to licensure as an opioid treatment program in accordance with section 5119.37 of the Revised Code, which includes any opioid treatment program requiring certification as certification is defined in 42 C.F.R. 8.2.



(C) An opioid treatment program directly operated by the department of veterans affairs, the Indian health service, or any other department or agency of the United States is not required to obtain a state license.