



## Ohio Revised Code

### Section 4723.351 Monitoring organization.

Effective: September 20, 2024

Legislation: Senate Bill 81 - 135th General Assembly

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(A) To be qualified to contract with the board of nursing to conduct the safe haven program, an organization must meet all of the following requirements:

(1) Operate in this state as a professionals health program;

(2) Be organized as a not-for-profit entity and exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code;

(3) Contract with or employ to serve as the organization's medical director an individual who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery and specializes or has training and expertise in addiction medicine or psychiatry;

(4) Contract with or employ one or more licensed health care professionals as necessary for the organization's operation.

(B) The monitoring organization shall do all of the following pursuant to the contract:

(1) Conduct a review of individuals and entities providing impairment evaluation and treatment services to determine which should be approved to serve as the program's evaluators and treatment providers;

(2) Grant or deny approval to evaluators and treatment providers and periodically review and update the program's list of approved evaluators and providers, including by examining their outcomes and operations;

(3) Receive any report of applicant or practitioner impairment or suspected impairment from any source, including board referrals described in section 4723.35 of the Revised Code;



- (4) Notify an applicant or practitioner who is the subject of a referral or report received under this section that the referral or report has been made and that the applicant or practitioner may be eligible to participate in the program conducted under this section;
- (5) Determine whether an applicant or practitioner referred or reported to the monitoring organization is eligible to participate in the program, which may include evaluating records as described in division (D)(1)(c) of this section, and notify the practitioner or applicant of the determination;
- (6) In the case of an applicant or practitioner reported by a treatment provider, notify the treatment provider of the eligibility determination;
- (7) Report to the board any practitioner or applicant who is determined ineligible to participate in the program;
- (8) Refer an eligible applicant or practitioner who chooses to participate in the program for evaluation by a treatment provider approved by the monitoring organization, unless the report received by the monitoring organization was made by an approved treatment provider and the applicant or practitioner has already been evaluated by the treatment provider;
- (9) Monitor the evaluation of an eligible applicant or practitioner;
- (10) Refer an eligible applicant or practitioner who chooses to participate in the program to a treatment provider approved by the monitoring organization;
- (11) Establish, in consultation with the treatment provider to which an applicant or practitioner is referred, the terms and conditions with which the applicant or practitioner must comply for continued participation in and successful completion of the program;
- (12) Report to the board any applicant or practitioner who does not complete evaluation or treatment or does not comply with any of the terms and conditions established by the monitoring organization and the treatment provider;



(13) Perform any other activities specified in the contract with the board or that the monitoring organization considers necessary to comply with this section and section 4723.35 of the Revised Code.

(C) The monitoring organization shall not disclose to the board the name of an applicant or practitioner or any records relating to an applicant or practitioner, unless any of the following occurs:

(1) The applicant or practitioner is determined to be ineligible to participate in the program.

(2) The applicant or practitioner requests the disclosure.

(3) The applicant or practitioner is unwilling or unable to complete or comply with any part of the program, including evaluation, treatment, or monitoring.

(4) The applicant or practitioner presents an imminent danger to the public or to the applicant or practitioner, as a result of the applicant's or practitioner's impairment.

(5) The applicant's or practitioner's impairment has not been substantially alleviated by participation in the program.

(D)(1) The monitoring organization shall develop procedures governing each of the following:

(a) Receiving referrals or reports of applicant or practitioner impairment or potential impairment;

(b) Notifying applicants or practitioners of referrals, reports, and eligibility determinations;

(c) Evaluating records of referred applicants and practitioners, in particular records from other jurisdictions regarding prior treatment for impairment or continued monitoring;

(d) Referring eligible applicants and practitioners for evaluation or treatment;

(e) Establishing individualized treatment plans for eligible applicants and practitioners, as



recommended by treatment providers;

(f) Establishing individualized terms and conditions with which eligible applicants or practitioners must comply for continued participation in and successful completion of the program;

(g) Establishing criteria for the approval and periodic review of evaluators and treatment providers, including examinations of evaluator and provider outcomes and operations.

(2) The monitoring organization, in consultation with the board, shall develop procedures governing each of the following:

(a) Providing reports to the board on a periodic basis on the total number of applicants and practitioners participating in the program, without disclosing the names or records of any program participants other than those about whom reports are required by this section;

(b) Reporting to the board any applicant or practitioner who due to impairment presents an imminent danger to the public or to the applicant or practitioner;

(c) Reporting to the board any applicant or practitioner who is unwilling or unable to complete or comply with any part of the program, including evaluation, treatment, or monitoring;

(d) Reporting to the board any applicant or practitioner whose impairment was not substantially alleviated by participation in the program.

(E) The board may adopt any rules it considers necessary to implement this section and section 4723.35 of the Revised Code, including rules regarding the monitoring organization and treatment providers that provide treatment to practitioners referred by the monitoring organization. Any such rules shall be adopted in accordance with Chapter 119. of the Revised Code.