

TO BE RESCINDED

4741-1-25 **Impairment.**

(A) A licensee may be subject to this rule when a finding has been made that he or she had practiced while impaired by alcohol or other drugs or when the licensee contacts the board and requests to participate in the program.

(B) Referral to and eligibility for the program

(1) All complaints involving allegations of impairment due to alcohol or chemical dependency shall be screened and investigated pursuant to section 4741.31 of the Revised Code.

(2) Eligibility for the program shall be determined by the board who shall review all relevant materials. Eligibility shall be determined upon criteria which shall include at a minimum the licensee's past or pending criminal, disciplinary or malpractice record, the circumstances of the licensee's referral to the board, or any other alleged violation. The decision on eligibility shall be consistent with the purpose of this program as described.

(C) Requirement for participation

(1) A licensee who participates in the program shall:

- (a) Sign an agreement for participation under this rule;
- (b) Remain free of alcohol, controlled substances, and prescription drugs, unless prescribed for a valid medical purpose;
- (c) Timely enroll and participate in a program approved by the board for chemical dependency;
- (d) Comply with any treatment recommendations and work restrictions or conditions deemed necessary by the board;
- (e) Submit random witnessed screens for alcohol or controlled substances as required by the program;
- (f) Execute releases valid under state and federal law to allow the board access to the licensee's counseling, treatment and monitoring records;
- (g) Have the licensee's supervising therapist file quarterly reports with the board;

- (h) Notify the board of any changes in the licensee's employer or place of employment within five days.

(D) Agreement for participation

- (1) The agreement for participation in the program shall at a minimum include:
 - (a) An acknowledgement by the licensee of the need for treatment for chemical dependency;
 - (b) An agreement to participate at the licensee's expense in an approved treatment program;
 - (c) An agreement to submit to random, witnessed drug screens at the licensee's expense, if deemed necessary;
 - (d) An agreement to submit to practice restrictions at any time during the treatment regimen as deemed necessary by the board;
 - (e) An agreement to furnish the board with signed consents for release of information from treatment providers and employers to the board for the purpose of monitoring the licensee's participation in the program;
 - (f) An agreement to participate in treatment for a period of time as established by the program approved by policy of the board.
- (2) The board may include additional requirements for an individual licensee, if the circumstances of the complaint of the licensee's condition warrant additional safeguards.
- (3) The board shall approve a treatment facility for the purpose of participation in the procedure if:
 - (a) The facility or treatment program is certified by the appropriate national or state certification agencies, where applicable;
 - (b) Facility treatment plans and protocols are available to the board;
 - (c) The facility has a random witnessed monitoring program of blood or urine as part of its treatment;
 - (d) The facility, the the licensee's supervising therapist, agrees to file reports as required by the board including quarterly progress reports and immediate reports if a licensee withdraws from therapy, submits a positive blood

or urine screen, relapses or is believed to be in an unsafe condition to practice.

(E) Records

- (1) Treatment records concerning individuals who are receiving or who at any time have received services for mental illness, alcoholism, or drug dependence which are maintained by the board are confidential and shall not be made available to the public.
- (2) Patient health care records are confidential and shall not be made available to the public.

Effective: 7/1/2023

Five Year Review (FYR) Dates: 3/6/2023

CERTIFIED ELECTRONICALLY

Certification

05/15/2023

Date

Promulgated Under: 119.03
Statutory Authority: 4741.03, 4741.31
Rule Amplifies: 4741.31
Prior Effective Dates: 05/23/1996, 06/21/2002