

Rule Summary and Fiscal Analysis (Part A)**State Medical Board**

Agency Name

Division

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4731-11-03

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

**Utilization of anabolic steroids, schedule II controlled
substance cocaine hydrochloride, and schedule II controlled
substance stimulants.****RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **No**
2. Are you proposing this rule as a result of recent legislation? **No**
3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**
4. Statute(s) authorizing agency to adopt the rule: **4731.05**
5. Statute(s) the rule, as filed, amplifies or implements: **4731.22**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Proposed new rule 4731-11-03 regulates the utilization of cocaine hydrochloride, schedule II controlled substance stimulants (such as methamphetamine, Dexedrine, Ritalin, and Adderall), and controlled substance steroids and athletic performance enhancing drugs in the care of patients.
7. If the rule is an AMENDMENT, then summarize the changes and the content

of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

New rule 4731-11-03 consolidates and simplifies several of the Medical Board's controlled substance rules. The provision in current rule 4731-11-02 that addresses cocaine hydrochloride is moved to new rule 4731-11-03. In addition, the provisions currently in rule 4731-11-05 regulating the utilization of controlled substance steroids and other athletic performance enhancing drugs are moved to new rule 4731-11-03. The violations paragraph is reorganized from the current rule for ease in reading.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

The rule cites provisions of the Ohio Revised Code and a rule found in the Ohio Administrative Code. They are generally available via an internet search, including the Medical Board's website.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not applicable.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

The revision is filed on Nov. 3rd because the version filed on Nov. 2nd continued to show, "Draft-Not yet filed." JCARR staff advised that the rule should be filed revised.

Two provisions were amended as a result of comments received after the proposed rule had been filed with JCARR. Paragraph (A)(3)(c) is added to provide a physician medical discretion to prescribe schedule II controlled substance stimulants to pregnant women. Paragraph (B)(2)(g) is added to authorize physicians to prescribe a schedule II controlled substance stimulant for the treatment of binge eating disorder.

12. Five Year Review (FYR) Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.00

Not applicable.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

There is no cost as the requirements are standard in appropriate medical practice.

16. Does this rule have a fiscal effect on school districts, counties, townships, or

municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **Yes**

Violation of the rule may result in administrative licensure discipline for the licensee. Discipline might include reprimand, suspension of the license, required course work, administrative fines under Section 4731.225 of the Revised Code, and/or revocation of the license. The cost of course work is borne by the licensee.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**