



Common Sense Initiative

Mike DeWine, Governor
Jim Tressel, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Kimberly Anderson, State Medical Board of Ohio

FROM: Caleb White, Business Advocate

DATE: September 26, 2025

RE: CSI Review – Controlled Substance Prescribing Rules (OAC 4731-11-01, 4731-11-13, 4731-11-14, and 4731-29-01)

Pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Board as provided for in ORC 107.54.

Analysis

This rule package consists of three amended rules and one no-change rule proposed by the State Medical Board of Ohio (Board) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on August 6, 2025, and the public comment period was held open through August 22, 2025. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on August 6, 2025.

Ohio Administrative Code (OAC) 4731-11-01 establishes the definitions used in OAC Chapter 4731-11. This rule is amended to correct a typographical error. OAC 4731-11-13 establishes the scope and prescribing requirements for opiate analgesics for the treatment of acute pain. This rule is proposed as a no-change rule. OAC 4731-11-14 establishes the prescribing requirements for opiate analgesics for the treatment of subacute and chronic pain. This rule is amended to exclude medication orders from the requirements of the rule and update an OAC reference. OAC 4731-29-01 establishes the definitions as well as the requirements and procedures for the operation of pain management clinics.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

This rule is amended to update the definition for “hospital,” eliminate the effective date of a federal law, add a general requirement for pain management clinics to comply with the applicable provisions of federal law, and update an OAC reference.

During early stakeholder outreach, the Board sent the proposed rules to interested parties on April 16, 2025. This group of interested parties included the Ohio State Medical Association, the Ohio Hospital Association, the physician assistant policy council, and the Ohio Board of Pharmacy. During this period the Board received one comment which highlighted a typographical error in OAC 4731-11-14. The Board corrected this error in response to this comment. No comments were received during the CSI public comment period.

The business community impacted by the rules are Board licensees that are authorized to prescribe controlled substances such as opioids. This includes those holding Doctor of Medicine, Doctor of Osteopathic Medicine, and Doctor of Podiatric Medicine certifications, as well as physician assistants that are authorized to prescribe. The adverse impacts created by the rules include practice and documentation requirements in addition to twenty hours of continuing education every two years for physicians working in a pain management clinic. The Board also notes that a failure to comply with the rule may subject the prescriber to discipline including a civil penalty. The Board states that the adverse impacts created by the rules are justified to effectively treat patient pain while reducing the risks of inappropriate controlled substance prescribing and ensure that pain management clinics are owned by physicians with training in pain management.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.