



## *Revised Draft Rules*

# State Medical Board of Ohio Medical Marijuana Control Program



State Medical Board of  
**Ohio**

# Public Comment on Draft Rules

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## Avenues for Public Comment:

- Email account specific to rule comment
- Physician survey
- Patient advocate meeting
- Physician panel
- Pharmacy Board and Department of Commerce

## Results:

- 54 email comments
- 3,429 survey responses



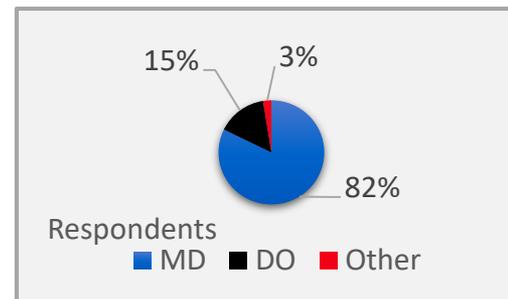
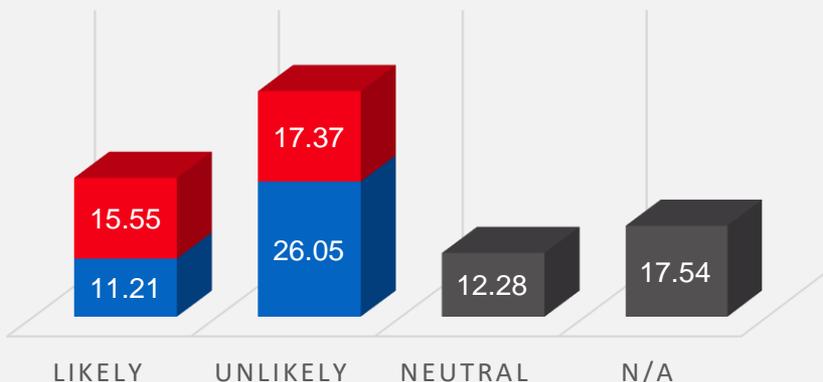
State Medical Board of

**Ohio**

# Physician Survey Results

## HOW LIKELY WOULD YOU BE TO RECOMMEND MEDICAL MARIJUANA TO A PATIENT WITH A QUALIFYING CONDITION? (PERCENT OF RESPONSES)

■ Extremely ■ Somewhat ■ Neutral



More than 3,000 licensees responded. There are approximately 46,000 physicians (MDs and DOs) currently licensed with the State Medical Board of Ohio.

Down 7% from the original survey in September. The difference shows up as an increase in the N/A category of respondents who indicated they do not manage patients with qualifying conditions.

### Has your employer indicated if they will allow you to recommend medical marijuana?



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# Unchanged Draft Rules

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No changes were recommended for the following rules:

- 4731-32-01: Definitions
- 4731-32-04: Suspension and Lifting of Suspension

# Certificate to Recommend

## (A)(7) Continuing Medical Education

Rule as Drafted	<p>(7) The applicant has completed at least two hours of continuing medical education in a course or courses certified by the Ohio state medical association or the Ohio osteopathic association that assist physicians in both of the following:</p> <ul style="list-style-type: none"> <li>(a) Diagnosing qualifying medical conditions as defined in Section 3796.01 of the Revised Code;</li> <li>(b) Treating qualifying medical conditions with medical marijuana, including the characteristics of medical marijuana and possible drug interactions.</li> </ul>
Key Comments Received	<ul style="list-style-type: none"> <li>• 2 hours on the initial licensure is unnecessary and will hold up applications</li> <li>• Minimum of 8 hours of CME is required on application and 4 hours on renewal</li> <li>• Requiring OSMA &amp; OOA approval is an impediment to having courses approved</li> </ul>
Analysis of Comments	<ul style="list-style-type: none"> <li>• In line with other licensing requirements for physicians</li> <li>• This amount can be adjusted if needed at any time after the program is implemented</li> </ul>
Recommended New Draft Rule Language	No change



# Certificate to Recommend

(B) An applicant for a certificate to recommend medical marijuana shall file an application under oath with the board in compliance with section 4731.30 of the Revised Code.

Rule as Drafted	(2) The application shall be processed in accordance with the following: (a) All application materials submitted to the board will be thoroughly investigated. The board may contact individuals, agencies, or organizations for information about applicants as the board deems necessary. As part of the application process, an applicant may be requested to appear before the board or a board representative to answer questions or provide additional information.
Key Comments Received	This will unnecessarily hold up the applications and deter physician participation.
Analysis of Comments	<ul style="list-style-type: none"> <li>• In line with other licensure requirements set forth by the Medical Board</li> <li>• Time study of application process shows reasonable time frame</li> </ul>
Recommended New Draft Rule Language	No change



# 4731-32-03 Standard of Care

(B) The physician shall create and maintain a medical record that documents the provision of medical services. The documentation shall include all of the following:

Rule as Drafted	(6) Documented review of the patient's current medication to identify possible drug interactions, including benzodiazepines and opioids
Key Comments Received	Review of current medication to identify possible drug interactions should not include benzodiazepines and opioids.
Analysis of Comments	This language was included at the specific request of the physician panel.
Recommended New Draft Rule Language	No change



State Medical Board of

**Ohio**

# 4731-32-03 Standard of Care

(B) The physician shall create and maintain a medical record that documents the provision of medical services. The documentation shall include all of the following:

Rule as Drafted	(7) Documented review that that standard medical treatment has been attempted or considered and one of the following is met: (a) The patient had inadequate treatment response to standard medical treatment; (b) The patient was unable to tolerate the standard medical treatment; (c) Standard medical approaches are not appropriate in this patient for other documented reasons
Key Comments Received	Several comments that sections (a), (b) and (c) under this paragraph should be eliminated.
Analysis of Comments	<ul style="list-style-type: none"><li>• Language was included at the specific request of the physician panel</li><li>• Can eliminate (a), (b), (c) and still preserve the standard of care</li></ul>
Recommended New Draft Rule Language	(7) Documented review that that standard medical treatment has been attempted or considered.



State Medical Board of

**Ohio**

# 4731-32-03 Standard of Care

(D) In recommending treatment with medical marijuana, the physician shall complete all of the following actions:

Rule as Drafted	(2) Prepare the recommendation form in compliance with rules promulgated by the board of pharmacy. The recommendation shall include the following information: (f) Any instructions for use of medication marijuana, as determined by the physician.
Key Comments Received	<ul style="list-style-type: none"><li>• This should be eliminated.</li><li>• The physician should be required to include specific dosing information.</li></ul>
Analysis of Comments	<ul style="list-style-type: none"><li>• Statute allows a physician to include any instructions for use as determined by the physician, but it is not mandatory.</li><li>• Based on the concerns expressed, Board proposes elimination of this from the rule.</li></ul>
Recommended New Draft Rule Language	Line deleted



State Medical Board of

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# 4731-32-03 Standard of Care

(F) The physician shall terminate or decline to issue new recommendation for medical marijuana under any of the following circumstances:

Rule as Drafted	(4) The physician has concerns that the patient or caregiver is abusing or diverting medical marijuana.
Key Comments Received	“Concerns” is too vague, overbroad and will deter physicians
Analysis of Comments	Board understands the comment and language will reflect that the physician makes the decision based on his or her clinical judgement.
Recommended New Draft Rule Language	(4) Based on the physician’s clinical judgment, the patient or caregiver is abusing or diverting medical marijuana.



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# 4731-32-03 Standard of Care

(H) Annual report	
Rule as Drafted	The physician shall submit to the board an annual report describing the physician's observations regarding the effectiveness of medical marijuana in treating patients. The report shall not contain patient-identifying information.
Key Comments Received	More detail should be provided regarding the annual report.
Analysis of Comments	Still gathering information about the annual report and continue to seek feedback.
Recommended New Draft Rule Language	No change



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# Petition to Add Qualifying Condition

(C) A petition shall include all of the following information:

Rule as Drafted	(5) Evidence that conventional medical therapies are insufficient to treat or alleviate the disease or condition;
Key Comments Received	Object to inclusion of this statement as requirement for petition.
Analysis of Comments	Changed the language to better line up with statutory requirement.
Recommended New Draft Rule Language	(5) Consideration of whether conventional medical therapies are insufficient to treat or alleviate the disease or condition;



# Petition to Add Qualifying Condition

(E) In making its decision, the board shall review the petitions and supporting material.	
Rule as Drafted	(5) The board shall consider whether conventional medical therapies are insufficient to treat or alleviate the disease or condition.
Key Comments Received	Objection to inclusion of this criteria
Analysis of Comments	Statutory requirement
Recommended New Draft Rule Language	No change



# Petition to Add Qualifying Condition

(G) Previously rejected petition must have new scientific research	
Rule as Drafted	(G) Any petition for a condition that has been previously reviewed by the board and rejected will not be considered by the board unless new scientific research that supports the request is offered.
Key Comments Received	Objection to this requirement
Analysis of Comments	Board wants to eliminate multiple petitions without new, relevant information.
Recommended New Draft Rule Language	No change

