



Physician Certificate to Recommend Medical Marijuana and Petition for Added Qualifying Condition

Draft Rules



State Medical Board of
Ohio

Background

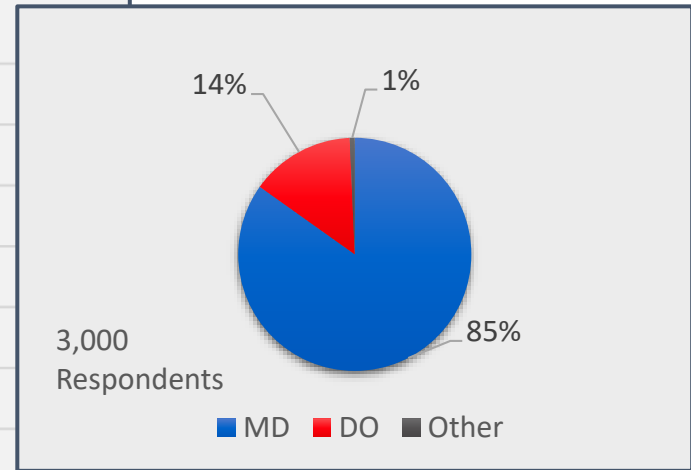
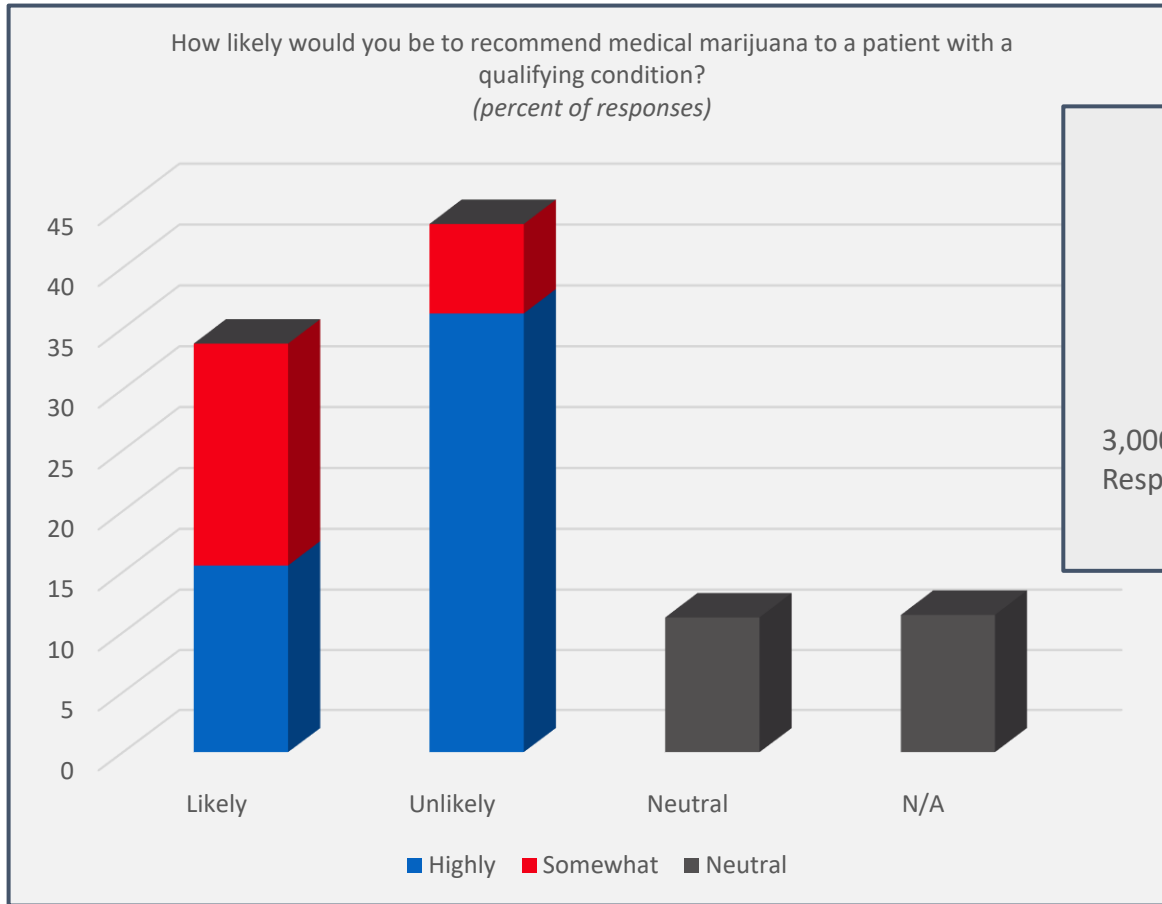
- Balances access for patients with qualifying medical conditions with patient safety
- Benchmarked with:
 - Other states
 - Ohio physicians
 - Patient advocates
- Physician survey to determine interest



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Physician Survey



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Physician Survey

What kind of information would you like to learn from Ohio's Medical Marijuana Control Program outcomes?



efficacy, side effects, patient demographics



vehicle accident & OVI data

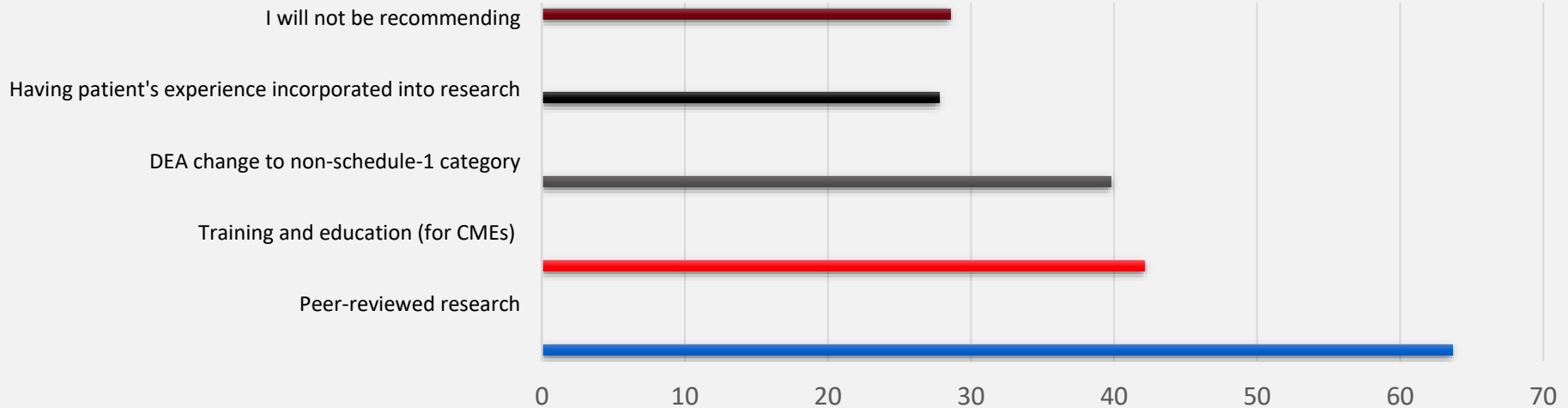


substance use disorder & diversion



mental health events

What would increase your likelihood of recommending? (percent of responses)



House Bill 523

The Board is **required** to promulgate rules establishing the following:

- Procedures when applying for a certificate to recommend medical marijuana
- Conditions that must be met to be eligible for a certificate to recommend
- Schedule and procedures for renewing a certificate to recommend



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House Bill 523

The Board is **required** to promulgate rules establishing the following:

- Reasons for which a certificate to recommend may be suspended or revoked
- Standards under which a suspension of a certificate to recommend may be lifted
- Minimal standards of care when recommending treatment with medical marijuana



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House Bill 523

The Board may develop the following rules:

- Any rules it considers necessary to implement sections 4731.30 and 4731.302 of the Revised Code
 - Information that must be included in a written recommendation for medical marijuana
- Rules regarding the approval or denial of a petition to add a qualifying medical condition



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Definitions

Definitions specific to the Medical Board's role in the Medical Marijuana Control Program are contained in Draft Rule 4731-32-01.



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CTR Eligibility

Eligibility for Certificate to Recommend (CTR) Medical Marijuana

- Active, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery
- OARRS registration
- DEA registration
- No prior action from the DEA or state licensing board based on inappropriate prescribing



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4731-32-02

CTR Eligibility

- 2 hours of continuing medical education that assist physicians in both:
 - Diagnosing qualifying medical conditions
 - Treating qualifying medical conditions with medical marijuana
- No ownership or investment interest in or compensation agreement with any licensed medical marijuana entity or applicant



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4731-32-02

CTR Application

- Follows Board's current licensure processes
- No fee for physicians seeking CTR
- No separate background check
- Denial of certificate to recommend is subject to due process requirements, including the right to request a hearing



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CTR Renewal

- Renewed on the same schedule as the holder's medical license
- At renewal, the physician must demonstrate
 - Still meets the eligibility requirements
 - 2 hours of continuing medical education regarding qualifying conditions and treatment with medical marijuana has been completed



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4731-32-02

Standard of Care

Physician shall establish and maintain a bona fide physician patient relationship that is established in an in-person visit and with the expectation that the physician will provide care to the patient on an ongoing basis.

Rule 4731-32-03



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4731-32-03

Standard of Care

The following shall be included in medical records created and maintained by the physician:

- Patient's name and date(s) of office visits or treatment
- Description of the patient's current medical conditions
- Documented assessment of the patient's medical history, including prescription history and any history of substance use disorder
- Documented review of any available relevant diagnostic test results
- Documented review of prior treatment and the patient's response to the treatment



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4731-32-03

Rule 4731-32-03

Standard of Care

The following shall be included in medical records created and maintained by the physician:

- Documented review that standard medical treatment has been attempted or considered
- If indicated, physician may require patient to provide a drug screen
- Perform physical examination relevant to the patient's current medical conditions
- Diagnosis of the patient's condition or confirmation of diagnosis made by another Ohio licensed physician



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4731-32-03

Standard of Care- *After Diagnosis*

If the patient is diagnosed with a qualifying medical condition, the physician shall document the following when recommending treatment with medical marijuana:

- Development of treatment plan
- Review of OARRS report for immediately preceding 12 months
- Discussion with patient regarding any indicators of possible abuse or diversion of controlled substances as reflected in OARRS report



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Standard of Care- *After Diagnosis*

- Explanation of risks and benefits of treatment with medical marijuana as it pertains to the patient's qualifying medical condition and history and the physician's opinion that the benefits of medical marijuana outweigh the risks
- Consent from patient and from patient's parent or legal representative if patient is a minor
- Name of caregiver if needed



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Standard of Care

- The physician must determine if there is already an active registration or recommendation for treatment with medical marijuana by reviewing OARRS
- If all conditions are met, recommendation is created in the registry



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Denial of Recommendation

The physician may terminate or decline to issue a new recommendation for medical marijuana under the following circumstances:

- Benefits of medical marijuana no longer outweigh the risks
- Patient no longer has the diagnosis of qualifying medical condition
- Physician no longer has a valid certificate to recommend
- Physician has concerns that the patient or caregiver is abusing or diverting medical marijuana
- Patient is deceased

A termination will trigger notification to the Board of Pharmacy.



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Standard of Care

- Records must be retained for at least 3 years following the patient's last office visit
- The physician must submit an annual report to the medical board regarding the effectiveness of medical marijuana in treating patients



Suspension/Revocation

The Board may take disciplinary action against a certificate to recommend in accordance with the Board's disciplinary statutes and rules



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4731-32-04

Adding a Qualifying Condition

Petition to Request Additional Qualifying Condition or Disease

- Rule specifies procedural requirements for the petitions to request additional qualifying conditions or diseases
- No later than October 15 of each year, the Board shall designate a period for the acceptance of petitions



Adding a Qualifying Condition

The petitions must include the following:

- Name and contact information for the person submitting the petition
- Specific disease or condition requested to be added as a qualifying condition
- Information from experts who specialize in the study of the disease or condition
- Relevant medical or scientific evidence pertaining to the disease or condition
- Evidence that conventional medical therapies are insufficient to treat or alleviate the disease or condition
- Evidence supporting the use of medical marijuana to treat or alleviate the disease or condition, including journal articles, peer-reviewed studies and other types of medical or scientific documentation
- Letters of support provided by physicians with knowledge of the disease or condition which may include a letter provided by the physician treating the petitioner, if applicable



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Adding a Qualifying Condition

- The Board shall review the petitions and supporting material and issue a written decision no later than 180 days after the acceptance period closes unless the board determines that good cause exists to allow an extension
- The board will publish its decision on the Medical Marijuana Control Program website



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4731-32-05



Public input on the draft rules: medicalmarijuana.ohio.gov/rules

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