



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

Executive Order 2011-10K

The Emergency Adoption of Rule 4731-29-01 of the Ohio Administrative Code
by the State Medical Board of Ohio

WHEREAS, the State of Ohio's opiate epidemic is a crisis of unparalleled proportions with devastating, often deadly, consequences. The most culpable of substances are the opiate family, which includes prescription pain reliever medications.

WHEREAS, these substances accounted for nearly forty percent (40%) of the State of Ohio's 1,373 overdose deaths in 2009.

WHEREAS, the Ohio Prescription Drug Abuse Task Force report, dated October 1, 2010, identified certain criteria and conduct that characterized "pill mill" facilities, which are sometimes disguised as independent pain management centers.

WHEREAS, some Ohio licensed physicians provide opiates through independent pain management centers over which there has not been regulatory oversight.

WHEREAS, Am. Sub. H.B. No. 93 of the 129th General Assembly ("H.B. 93") authorizes the State Medical Board of Ohio, through Section 4731.054 of the Ohio Revised Code, to promulgate rules that establish standards and procedures for each of the following:

1. The operation of a pain management clinic;
2. Physicians who provide care at a pain management clinic; and
3. Owners providing supervision, direction, and control of individuals at a pain management clinic.

WHEREAS, H.B. 93, through Sections 4729.54 and 4729.552 of the Ohio Revised Code, requires a business entity that meets the requirements of a pain management clinic to hold a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued by the Ohio State Board of Pharmacy.

WHEREAS, Section 119.03(F) of the Ohio Revised Code authorizes the Governor, upon the request of a state agency, to determine that an emergency exists necessitating the immediate adoption, amendment, or rescission of an agency rule.

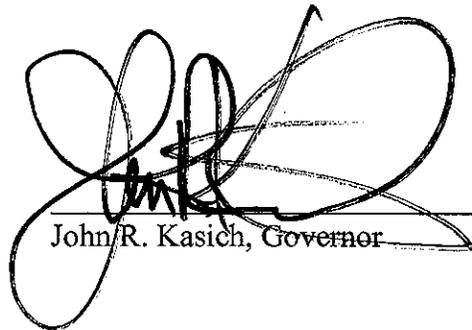
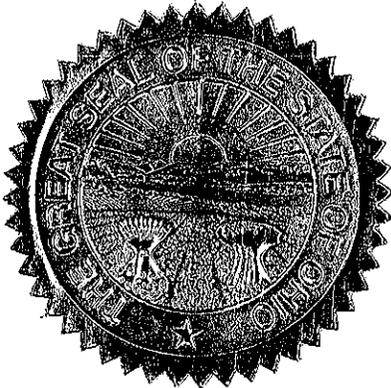
WHEREAS, the State Medical Board of Ohio has requested a determination whether an emergency exists that requires the immediate adoption of Rule 4731-29-01 of the Ohio

Administrative Code, pursuant to the authority granted the State Medical Board of Ohio in Section 4731.054 of the Ohio Revised Code to regulate the standards and procedures at pain management clinics in Ohio.

NOW THEREFORE, I, John R. Kasich, Governor of the State of Ohio, have determined, upon the request of the State Medical Board of Ohio, that an emergency exists requiring the immediate adoption of Rule 4731-29-01 of the Ohio Administrative Code by the State Medical Board of Ohio. Further, I hereby order that the procedure prescribed by Section 119.03 of the Ohio Revised Code with respect to the adoption of such specified rule be suspended and the State Medical Board of Ohio be permitted to immediately adopt this rule by electronically filing it with the Secretary of State, Director of the Legislative Services Commission, and the Joint Committee on Agency Rule Review.

Further, I hereby order that this Executive Order be filed in electronic form with the State Medical Board of Ohio, the Secretary of State, the Director of the Legislative Services Commission, and the Joint Committee on Agency Rule Review.

I signed this Executive Order on June 20, 2011 in Columbus, Ohio and it will expire at the end of the ninetieth day it is in effect.



John R. Kasich, Governor

ATTEST:

Jon Husted, Secretary of State