

**4758-11-02      Procedures in impairment cases.**

- (A) Should the board have reason to believe that a licensee or certificate holder suffers from impairment as defined by paragraph (T) of rule 4758-2-01 of the Administrative Code, it may compel the individual to submit to a mental or physical examination, or both. Such examination shall be completed by a treatment provider that has been approved by the board. The notice issued to the individual ordering him to submit to examination shall specify conduct, acts or behavior committed or displayed by him to establish reason to believe that he is impaired. Failure to submit to examination ordered by the board constitutes an admission of impairment, unless the failure is due to circumstances beyond the individual's control.
- (B) If the examination outlined in paragraph (A) of the rule finds that the individual is not impaired, no action shall be initiated by the board.
- (C) If the examination outlined in paragraph (A) of this rule finds that the individual is impaired, or if the board has substantial evidence of impairment, such as evidence of a relapse, the board shall initiate proceedings to suspend the license or deny the initial application.
  - (1) Before being eligible to apply for reinstatement of a license suspended under this rule, the practitioner shall provide evidence to the board of the following:
    - (a) Certification from the designated treatment provider that the practitioner has successfully completed any required inpatient or outpatient program;
    - (b) Evidence of continuing compliance with an aftercare contract;
    - (c) Two written reports indicating that the practitioner has been assessed and that he or she has been found capable of practicing according to acceptable and prevailing standards of care.
  - (2) The board may reinstate the suspended license or certificate or reactivate an inactive license or certificate under this rule after demonstration outlined in paragraph (C)(1) of this rule and after the individual has entered into a written consent agreement with the board.
  - (3) When the licensee resumes practice under this rule, the board shall require continued monitoring of the practitioner.
- (D) A licensee or certificate holder may appeal rulings of the board in regards to impairment.