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Ohio Physician Alert: Application Available to Become Certified to Recommend Medical Marijuana

This means that licensed medical doctors and doctors of osteopathy with a full, unrestricted license are eligible to apply. Full requirements are outlined in [House Bill 523](#) and medical board rules [O.A.C. 4731-32](#), and include an OSMA-approved or OOA-approved, two-hour CME course on the subject. The State Medical Board of Ohio stated that the first round of certificate to recommend approvals is anticipated on April 11, 2018. An application guide for a certificate to recommend was also provided. Doctors interested in recommending medical marijuana will want to check out my [Physicians Guide to Cannabis Compliance](#) for additional information regarding the standard of care associated with medical marijuana treatments.

Legal Implications

Physicians worried about what federal law enforcement might say about doctors obtaining a certificate to recommend will want to fully understand the [Rohrabacher Amendment](#) ("Amendment"). In brief, this Amendment has been interpreted by district courts within the Sixth Circuit – the federal court system with jurisdiction over Ohio – as a prohibition on federal prosecutions of those involved in a state-sanctioned medical marijuana program when the accused can demonstrate that their conduct was expressly authorized by [state law](#). That is why strict adherence to Ohio's medical marijuana law is critical for all physicians. Although this Amendment is currently set to expire March 23, 2018, it has been routinely extended in Congressional budget appropriations. Physicians should also be aware that while marijuana remains a Schedule I controlled substance federally, prohibiting it from being prescribed, according to Ohio law, [physicians are recommending marijuana, not prescribing it](#) – a critical distinction.

Status of the Program

Physicians should note that the Ohio Medical Marijuana Program is not fully operational. The program is anticipated to be in place by September 2018. The [State of Ohio Board of Pharmacy](#) is currently structuring the patient registry with an anticipated go-live date sometime this summer. The dispensaries, where patients will purchase the medical marijuana product, are anticipated to be operational by September 2018. Physicians planning to apply for the certificate to recommend should use this time to understand their obligations under state law and to prepare policies and procedures to follow when recommending medical marijuana. Documentation will be key to show strict adherence to the rules of the program and to keep physicians from any disciplinary actions by the State Medical Board of Ohio.

Ohio doctors will undoubtedly have questions about the medical marijuana program. I have been routinely providing legal updates on the laws and regulations affecting the program on our [blog](#). For those more in-depth inquiries, please contact a member of our [Health Care Innovation Team](#). You can also visit our [Health Law Matters blog](#) for more insight into legal issues impacting the health care industry.

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