



**U. S. Department of Justice
Drug Enforcement Administration**

www.dea.gov

Mr. Michael R. Everhart
Ohio State Board of Optometry
77 South High Street, 14th Floor
Columbus, OH 43215-6108

SEP 02 2008

Dear Mr. Everhart:

This responds to your correspondence dated March 5, 2008, regarding the authority of Optometrists (OD) in Ohio to obtain a Drug Enforcement Administration (DEA) registration to prescribe controlled substances in Schedule III. Subject to the limitations and specifics set forth below, we conclude that the Ohio laws and regulations authorize Ohio optometrists the authority to prescribe controlled substances in Schedule III with significant restrictions. DEA will issue a restricted registration to Ohio optometrists in Schedule III controlled substances only under the following conditions.

Ohio law allows a licensed optometrist to apply, administer, or prescribe a schedule III controlled substance included in Section 3719.41 of the Revised Code within the Schedule III narcotics-narcotic preparations category. 47 Ohio Revised Code 4725.091. Ohio law, however, has further restrictions on optometrists' authority to handle Schedule III controlled substances. Under Section 4725.091(A), an Ohio licensed optometrist must possess a therapeutic pharmaceutical agent's certificate before he/she is allowed to handle a Schedule III controlled substance.

By regulation, Ohio law further restricts an optometrist's handling of Schedule III controlled substances. Rule 4725-16-03. This regulation restricts a licensed Ohio optometrist to the following: (1) The optometrist may prescribe (but not administer or directly dispense) Schedule III controlled substances; (2) The optometrist is limited to prescribing just two Schedule III controlled substances (drugs containing not more than 60 mg. of codeine per dosage unit in combination with other non-narcotic active ingredients in a recognized therapeutic amount, and drugs containing not more than 7.5 mg. of hydrocodone per dosage unit in combination with other non-narcotic active ingredients in a recognized therapeutic amount); (3) The optometrist's prescriptions are limited to treatment for pain and only if the product's FDA approved labeling contains an indication for pain; and (4) The prescriptions are limited to a quantity that shall not exceed a single four-day supply of the Schedule III controlled substances for a single episode of illness, injury or treatment.

If we can be of further assistance, please feel free to contact this office at 1 (800) 882-9539.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Boyd", written over a white background.

Richard A. Boyd, Chief
Registration and Program Support Section
Office of Diversion Control