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**Am. H. B. No. 203**

**Representative Lipps**

**Cosponsors: Representatives Carfagna, Smith, R., Seitz, Smith, K., LaTourette, Dean, Rogers, Becker, Clites, Grendell, Lepore-Hagan, Plummer, Russo, West, Brown, Carruthers, Crossman, Cupp, Denson, Galonski, Ginter, Green, Greenspan, Hambley, Ingram, Jones, Lanese, Lang, Leland, Liston, Manning, G., Miller, J., O'Brien, Oelslager, Patterson, Patton, Roemer, Sheehy, Sobecki, Stein, Swearingen, Upchurch, Wiggam**

**Senators Maharath, Blessing, Brenner, Burke, Craig, Eklund, Fedor, Gavarone, Hackett, Hoagland, Huffman, S., Johnson, Kunze, Manning, Obhof, Peterson, Rulli, Schuring, Sykes, Thomas, Williams, Wilson**

**A BILL**

To amend sections 1751.91, 3923.89, 4715.14, 1  
4715.30, 4715.36, 4723.28, 4729.01, 4729.39, 2  
4730.25, and 5164.14 and to enact sections 3  
4715.70, 4715.71, and 4715.72 of the Revised 4  
Code to specify requirements for the operation 5  
of mobile dental facilities and to authorize 6  
pharmacists to enter consult agreements with 7  
certain physician assistants and advanced 8  
practice registered nurses. 9

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 1751.91, 3923.89, 4715.14, 10  
4715.30, 4715.36, 4723.28, 4729.01, 4729.39, 4730.25, and 11  
5164.14 be amended and sections 4715.70, 4715.71, and 4715.72 of 12  
the Revised Code be enacted to read as follows: 13

**Sec. 1751.91.** A health insuring corporation may provide 14  
payment or reimbursement to a pharmacist for providing a health 15  
care service to a patient if both of the following are the case: 16

(A) The pharmacist provided the health care service to the 17  
patient in accordance with Chapter 4729. of the Revised Code, 18  
including any of the following services: 19

(1) Managing drug therapy under a consult agreement ~~with a~~ 20  
~~physician~~ pursuant to section 4729.39 of the Revised Code; 21

(2) Administering immunizations in accordance with section 22  
4729.41 of the Revised Code; 23

(3) Administering drugs in accordance with section 4729.45 24  
of the Revised Code. 25

(B) The patient's individual or group health insuring 26  
corporation policy, contract, or agreement provides for payment 27  
or reimbursement of the service. 28

**Sec. 3923.89.** A sickness and accident insurer or public 29  
employee benefit plan may provide payment or reimbursement to a 30  
pharmacist for providing a health care service to a patient if 31  
both of the following are the case: 32

(A) The pharmacist provided the health care service to the 33  
patient in accordance with Chapter 4729. of the Revised Code, 34  
including any of the following services: 35

(1) Managing drug therapy under a consult agreement ~~with a~~ 36  
~~physician~~ pursuant to section 4729.39 of the Revised Code; 37

(2) Administering immunizations in accordance with section 38  
4729.41 of the Revised Code; 39

(3) Administering drugs in accordance with section 4729.45 40

of the Revised Code. 41

(B) The patient's individual or group policy of sickness 42  
and accident insurance or public employee benefit plan provides 43  
for payment or reimbursement of the service. 44

**Sec. 4715.14.** (A) (1) Each person who is licensed to 45  
practice dentistry in Ohio shall, on or before the first day of 46  
January of each even-numbered year, register with the state 47  
dental board. The registration shall be made on a form 48  
prescribed by the board and furnished by the secretary, shall 49  
include the licensee's name, address, license number, and such 50  
other reasonable information as the board may consider 51  
necessary, and shall include payment of a biennial registration 52  
fee of three hundred twelve dollars. If the licensee is a mobile 53  
dental facility operator as defined in section 4715.70 of the 54  
Revised Code, the licensee shall so specify on the form and 55  
include any other information the board considers necessary to 56  
monitor compliance with sections 4715.71 and 4715.72 of the 57  
Revised Code. Subject to division (C) of this section, a 58  
registration shall be in effect for the two-year period 59  
beginning on the first day of January of the even-numbered year 60  
and ending on the last day of December of the following odd- 61  
numbered year, and shall be renewed in accordance with the 62  
standard renewal procedure of sections 4745.01 to 4745.03 of the 63  
Revised Code. 64

(2) (a) Except as provided in division (A) (2) (b) of this 65  
section, in the case of a licensee seeking registration who 66  
prescribes or personally furnishes opioid analgesics or 67  
benzodiazepines, as defined in section 3719.01 of the Revised 68  
Code, the licensee shall certify to the board whether the 69  
licensee has been granted access to the drug database 70

established and maintained by the state board of pharmacy 71  
pursuant to section 4729.75 of the Revised Code. 72

(b) The requirement in division (A) (2) (a) of this section 73  
does not apply if any of the following is the case: 74

(i) The state board of pharmacy notifies the state dental 75  
board pursuant to section 4729.861 of the Revised Code that the 76  
licensee has been restricted from obtaining further information 77  
from the drug database. 78

(ii) The state board of pharmacy no longer maintains the 79  
drug database. 80

(iii) The licensee does not practice dentistry in this 81  
state. 82

(3) If a licensee certifies to the state dental board that 83  
the licensee has been granted access to the drug database and 84  
the board finds through an audit or other means that the 85  
licensee has not been granted access, the board may take action 86  
under section 4715.30 of the Revised Code. 87

(B) A licensed dentist who desires to temporarily retire 88  
from practice and who has given the board notice in writing to 89  
that effect shall be granted such a retirement, provided only 90  
that at that time all previous registration fees and additional 91  
costs of reinstatement have been paid. 92

(C) Not later than the thirty-first day of January of an 93  
even-numbered year, the board shall send a notice by certified 94  
mail to a dentist who fails to renew a license in accordance 95  
with division (A) of this section. The notice shall state all of 96  
the following: 97

(1) That the board has not received the registration form 98

and fee described in that division; 99

(2) That the license shall remain valid and in good 100  
standing until the first day of April following the last day of 101  
December of the odd-numbered year in which the dentist was 102  
scheduled to renew if the dentist remains in compliance with all 103  
other applicable provisions of this chapter and any rule adopted 104  
under it; 105

(3) That the license may be renewed until the first day of 106  
April following the last day of December of the odd-numbered 107  
year in which the dentist was scheduled to renew by the payment 108  
of the biennial registration fee and an additional fee of one 109  
hundred twenty-seven dollars to cover the cost of late renewal; 110

(4) That unless the board receives the registration form 111  
and fee before the first day of April following the last day of 112  
December of the odd-numbered year in which the dentist was 113  
scheduled to renew, the board may, on or after the relevant 114  
first day of April, initiate disciplinary action against the 115  
dentist pursuant to Chapter 119. of the Revised Code; 116

(5) That a dentist whose license has been suspended as a 117  
result of disciplinary action initiated pursuant to division (C) 118  
(4) of this section may be reinstated by the payment of the 119  
biennial registration fee and an additional fee of three hundred 120  
eighty-one dollars to cover the cost of reinstatement. 121

(D) Each dentist licensed to practice, whether a resident 122  
or not, shall notify the secretary in writing or electronically 123  
of any change in the dentist's office address or employment 124  
within ten days after such change has taken place. On the first 125  
day of July of every even-numbered year, the secretary shall 126  
issue a printed roster of the names and addresses so registered. 127

(E) Forty dollars of each biennial registration fee shall 128  
be paid to the dentist loan repayment fund created under section 129  
3702.95 of the Revised Code. 130

**Sec. 4715.30.** (A) An applicant for or holder of a 131  
certificate or license issued under this chapter is subject to 132  
disciplinary action by the state dental board for any of the 133  
following reasons: 134

(1) Employing or cooperating in fraud or material 135  
deception in applying for or obtaining a license or certificate; 136

(2) Obtaining or attempting to obtain money or anything of 137  
value by intentional misrepresentation or material deception in 138  
the course of practice; 139

(3) Advertising services in a false or misleading manner 140  
or violating the board's rules governing time, place, and manner 141  
of advertising; 142

(4) Commission of an act that constitutes a felony in this 143  
state, regardless of the jurisdiction in which the act was 144  
committed; 145

(5) Commission of an act in the course of practice that 146  
constitutes a misdemeanor in this state, regardless of the 147  
jurisdiction in which the act was committed; 148

(6) Conviction of, a plea of guilty to, a judicial finding 149  
of guilt of, a judicial finding of guilt resulting from a plea 150  
of no contest to, or a judicial finding of eligibility for 151  
intervention in lieu of conviction for, any felony or of a 152  
misdemeanor committed in the course of practice; 153

(7) Engaging in lewd or immoral conduct in connection with 154  
the provision of dental services; 155

(8) Selling, prescribing, giving away, or administering	156
drugs for other than legal and legitimate therapeutic purposes,	157
or conviction of, a plea of guilty to, a judicial finding of	158
guilt of, a judicial finding of guilt resulting from a plea of	159
no contest to, or a judicial finding of eligibility for	160
intervention in lieu of conviction for, a violation of any	161
federal or state law regulating the possession, distribution, or	162
use of any drug;	163
(9) Providing or allowing dental hygienists, expanded	164
function dental auxiliaries, or other practitioners of auxiliary	165
dental occupations working under the certificate or license	166
holder's supervision, or a dentist holding a temporary limited	167
continuing education license under division (C) of section	168
4715.16 of the Revised Code working under the certificate or	169
license holder's direct supervision, to provide dental care that	170
departs from or fails to conform to accepted standards for the	171
profession, whether or not injury to a patient results;	172
(10) Inability to practice under accepted standards of the	173
profession because of physical or mental disability, dependence	174
on alcohol or other drugs, or excessive use of alcohol or other	175
drugs;	176
(11) Violation of any provision of this chapter or any	177
rule adopted thereunder;	178
(12) Failure to use universal blood and body fluid	179
precautions established by rules adopted under section 4715.03	180
of the Revised Code;	181
(13) Except as provided in division (H) of this section,	182
either of the following:	183
(a) Waiving the payment of all or any part of a deductible	184

or copayment that a patient, pursuant to a health insurance or 185  
health care policy, contract, or plan that covers dental 186  
services, would otherwise be required to pay if the waiver is 187  
used as an enticement to a patient or group of patients to 188  
receive health care services from that certificate or license 189  
holder; 190

(b) Advertising that the certificate or license holder 191  
will waive the payment of all or any part of a deductible or 192  
copayment that a patient, pursuant to a health insurance or 193  
health care policy, contract, or plan that covers dental 194  
services, would otherwise be required to pay. 195

(14) Failure to comply with section 4715.302 or 4729.79 of 196  
the Revised Code, unless the state board of pharmacy no longer 197  
maintains a drug database pursuant to section 4729.75 of the 198  
Revised Code; 199

(15) Any of the following actions taken by an agency 200  
responsible for authorizing, certifying, or regulating an 201  
individual to practice a health care occupation or provide 202  
health care services in this state or another jurisdiction, for 203  
any reason other than the nonpayment of fees: the limitation, 204  
revocation, or suspension of an individual's license to 205  
practice; acceptance of an individual's license surrender; 206  
denial of a license; refusal to renew or reinstate a license; 207  
imposition of probation; or issuance of an order of censure or 208  
other reprimand; 209

(16) Failure to cooperate in an investigation conducted by 210  
the board under division (D) of section 4715.03 of the Revised 211  
Code, including failure to comply with a subpoena or order 212  
issued by the board or failure to answer truthfully a question 213  
presented by the board at a deposition or in written 214

interrogatories, except that failure to cooperate with an 215  
investigation shall not constitute grounds for discipline under 216  
this section if a court of competent jurisdiction has issued an 217  
order that either quashes a subpoena or permits the individual 218  
to withhold the testimony or evidence in issue; 219

(17) Failure to comply with the requirements in section 220  
3719.061 of the Revised Code before issuing for a minor a 221  
prescription for an opioid analgesic, as defined in section 222  
3719.01 of the Revised Code ; 223

(18) Failure to comply with the requirements of sections 224  
4715.71 and 4715.72 of the Revised Code regarding the operation 225  
of a mobile dental facility. 226

(B) A manager, proprietor, operator, or conductor of a 227  
dental facility shall be subject to disciplinary action if any 228  
dentist, dental hygienist, expanded function dental auxiliary, 229  
or qualified personnel providing services in the facility is 230  
found to have committed a violation listed in division (A) of 231  
this section and the manager, proprietor, operator, or conductor 232  
knew of the violation and permitted it to occur on a recurring 233  
basis. 234

(C) Subject to Chapter 119. of the Revised Code, the board 235  
may take one or more of the following disciplinary actions if 236  
one or more of the grounds for discipline listed in divisions 237  
(A) and (B) of this section exist: 238

(1) Censure the license or certificate holder; 239

(2) Place the license or certificate on probationary 240  
status for such period of time the board determines necessary 241  
and require the holder to: 242

(a) Report regularly to the board upon the matters which 243

are the basis of probation;	244
(b) Limit practice to those areas specified by the board;	245
(c) Continue or renew professional education until a	246
satisfactory degree of knowledge or clinical competency has been	247
attained in specified areas.	248
(3) Suspend the certificate or license;	249
(4) Revoke the certificate or license.	250
Where the board places a holder of a license or	251
certificate on probationary status pursuant to division (C) (2)	252
of this section, the board may subsequently suspend or revoke	253
the license or certificate if it determines that the holder has	254
not met the requirements of the probation or continues to engage	255
in activities that constitute grounds for discipline pursuant to	256
division (A) or (B) of this section.	257
Any order suspending a license or certificate shall state	258
the conditions under which the license or certificate will be	259
restored, which may include a conditional restoration during	260
which time the holder is in a probationary status pursuant to	261
division (C) (2) of this section. The board shall restore the	262
license or certificate unconditionally when such conditions are	263
met.	264
(D) If the physical or mental condition of an applicant or	265
a license or certificate holder is at issue in a disciplinary	266
proceeding, the board may order the license or certificate	267
holder to submit to reasonable examinations by an individual	268
designated or approved by the board and at the board's expense.	269
The physical examination may be conducted by any individual	270
authorized by the Revised Code to do so, including a physician	271
assistant, a clinical nurse specialist, a certified nurse	272

practitioner, or a certified nurse-midwife. Any written 273  
documentation of the physical examination shall be completed by 274  
the individual who conducted the examination. 275

Failure to comply with an order for an examination shall 276  
be grounds for refusal of a license or certificate or summary 277  
suspension of a license or certificate under division (E) of 278  
this section. 279

(E) If a license or certificate holder has failed to 280  
comply with an order under division (D) of this section, the 281  
board may apply to the court of common pleas of the county in 282  
which the holder resides for an order temporarily suspending the 283  
holder's license or certificate, without a prior hearing being 284  
afforded by the board, until the board conducts an adjudication 285  
hearing pursuant to Chapter 119. of the Revised Code. If the 286  
court temporarily suspends a holder's license or certificate, 287  
the board shall give written notice of the suspension personally 288  
or by certified mail to the license or certificate holder. Such 289  
notice shall inform the license or certificate holder of the 290  
right to a hearing pursuant to Chapter 119. of the Revised Code. 291

(F) Any holder of a certificate or license issued under 292  
this chapter who has pleaded guilty to, has been convicted of, 293  
or has had a judicial finding of eligibility for intervention in 294  
lieu of conviction entered against the holder in this state for 295  
aggravated murder, murder, voluntary manslaughter, felonious 296  
assault, kidnapping, rape, sexual battery, gross sexual 297  
imposition, aggravated arson, aggravated robbery, or aggravated 298  
burglary, or who has pleaded guilty to, has been convicted of, 299  
or has had a judicial finding of eligibility for treatment or 300  
intervention in lieu of conviction entered against the holder in 301  
another jurisdiction for any substantially equivalent criminal 302

offense, is automatically suspended from practice under this 303  
chapter in this state and any certificate or license issued to 304  
the holder under this chapter is automatically suspended, as of 305  
the date of the guilty plea, conviction, or judicial finding, 306  
whether the proceedings are brought in this state or another 307  
jurisdiction. Continued practice by an individual after the 308  
suspension of the individual's certificate or license under this 309  
division shall be considered practicing without a certificate or 310  
license. The board shall notify the suspended individual of the 311  
suspension of the individual's certificate or license under this 312  
division by certified mail or in person in accordance with 313  
section 119.07 of the Revised Code. If an individual whose 314  
certificate or license is suspended under this division fails to 315  
make a timely request for an adjudicatory hearing, the board 316  
shall enter a final order revoking the individual's certificate 317  
or license. 318

(G) If the supervisory investigative panel determines both 319  
of the following, the panel may recommend that the board suspend 320  
an individual's certificate or license without a prior hearing: 321

(1) That there is clear and convincing evidence that an 322  
individual has violated division (A) of this section; 323

(2) That the individual's continued practice presents a 324  
danger of immediate and serious harm to the public. 325

Written allegations shall be prepared for consideration by 326  
the board. The board, upon review of those allegations and by an 327  
affirmative vote of not fewer than four dentist members of the 328  
board and seven of its members in total, excluding any member on 329  
the supervisory investigative panel, may suspend a certificate 330  
or license without a prior hearing. A telephone conference call 331  
may be utilized for reviewing the allegations and taking the 332

vote on the summary suspension. 333

The board shall issue a written order of suspension by 334  
certified mail or in person in accordance with section 119.07 of 335  
the Revised Code. The order shall not be subject to suspension 336  
by the court during pendency or any appeal filed under section 337  
119.12 of the Revised Code. If the individual subject to the 338  
summary suspension requests an adjudicatory hearing by the 339  
board, the date set for the hearing shall be within fifteen 340  
days, but not earlier than seven days, after the individual 341  
requests the hearing, unless otherwise agreed to by both the 342  
board and the individual. 343

Any summary suspension imposed under this division shall 344  
remain in effect, unless reversed on appeal, until a final 345  
adjudicative order issued by the board pursuant to this section 346  
and Chapter 119. of the Revised Code becomes effective. The 347  
board shall issue its final adjudicative order within seventy- 348  
five days after completion of its hearing. A failure to issue 349  
the order within seventy-five days shall result in dissolution 350  
of the summary suspension order but shall not invalidate any 351  
subsequent, final adjudicative order. 352

(H) Sanctions shall not be imposed under division (A) (13) 353  
of this section against any certificate or license holder who 354  
waives deductibles and copayments as follows: 355

(1) In compliance with the health benefit plan that 356  
expressly allows such a practice. Waiver of the deductibles or 357  
copayments shall be made only with the full knowledge and 358  
consent of the plan purchaser, payer, and third-party 359  
administrator. Documentation of the consent shall be made 360  
available to the board upon request. 361

(2) For professional services rendered to any other person 362  
who holds a certificate or license issued pursuant to this 363  
chapter to the extent allowed by this chapter and the rules of 364  
the board. 365

(I) In no event shall the board consider or raise during a 366  
hearing required by Chapter 119. of the Revised Code the 367  
circumstances of, or the fact that the board has received, one 368  
or more complaints about a person unless the one or more 369  
complaints are the subject of the hearing or resulted in the 370  
board taking an action authorized by this section against the 371  
person on a prior occasion. 372

(J) The board may share any information it receives 373  
pursuant to an investigation under division (D) of section 374  
4715.03 of the Revised Code, including patient records and 375  
patient record information, with law enforcement agencies, other 376  
licensing boards, and other governmental agencies that are 377  
prosecuting, adjudicating, or investigating alleged violations 378  
of statutes or administrative rules. An agency or board that 379  
receives the information shall comply with the same requirements 380  
regarding confidentiality as those with which the state dental 381  
board must comply, notwithstanding any conflicting provision of 382  
the Revised Code or procedure of the agency or board that 383  
applies when it is dealing with other information in its 384  
possession. In a judicial proceeding, the information may be 385  
admitted into evidence only in accordance with the Rules of 386  
Evidence, but the court shall require that appropriate measures 387  
are taken to ensure that confidentiality is maintained with 388  
respect to any part of the information that contains names or 389  
other identifying information about patients or complainants 390  
whose confidentiality was protected by the state dental board 391  
when the information was in the board's possession. Measures to 392

ensure confidentiality that may be taken by the court include 393  
sealing its records or deleting specific information from its 394  
records. 395

**Sec. 4715.36.** As used in this section and sections 396  
4715.361 to 4715.374 of the Revised Code: 397

(A) "Accredited dental hygiene school" means a dental 398  
hygiene school accredited by the American dental association 399  
commission on dental accreditation or a dental hygiene school 400  
whose educational standards are recognized by the American 401  
dental association commission on dental accreditation and 402  
approved by the state dental board. 403

(B) "Authorizing dentist" means a dentist who authorizes a 404  
dental hygienist to perform dental hygiene services under 405  
section 4715.365 of the Revised Code. 406

(C) "Clinical evaluation" means a diagnosis and treatment 407  
plan formulated for an individual patient by a dentist. 408

(D) "Dentist" means an individual licensed under this 409  
chapter to practice dentistry. 410

(E) "Dental hygienist" means an individual licensed under 411  
this chapter to practice as a dental hygienist. 412

(F) "Dental hygiene services" means the prophylactic, 413  
preventive, and other procedures that dentists are authorized by 414  
this chapter and rules of the state dental board to assign to 415  
dental hygienists, except for procedures while a patient is 416  
anesthetized, definitive root planing, definitive subgingival 417  
curettage, the administration of local anesthesia, and the 418  
procedures specified in rules adopted by the board as described 419  
in division (C) (3) of section 4715.22 of the Revised Code. 420

(G) "Facility" means any of the following:	421
(1) A health care facility, as defined in section 4715.22 of the Revised Code;	422 423
(2) A state correctional institution, as defined in section 2967.01 of the Revised Code;	424 425
(3) A comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C. 9831, as amended, and is licensed as a child day-care center;	426 427 428 429
(4) A residential facility licensed under section 5123.19 of the Revised Code;	430 431
(5) A public school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;	432 433 434 435
(6) A nonpublic school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;	436 437 438 439
(7) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	440 441 442
(8) A shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code;	443 444
(9) A facility operated by the department of youth services under Chapter 5139. of the Revised Code;	445 446
(10) A foster home, as defined in section 5103.02 of the	447

Revised Code;	448
(11) A nonprofit clinic, as defined in section 3715.87 of the Revised Code;	449 450
(12) The residence of one or more individuals receiving services provided by a home health agency, as defined in section 3701.881 of the Revised Code;	451 452 453
(13) A dispensary;	454
(14) A health care facility, such as a clinic or hospital, of the United States department of veterans affairs;	455 456
(15) The residence of one or more individuals enrolled in a home and community-based services medicaid waiver component, as defined in section 5166.01 of the Revised Code;	457 458 459
(16) A facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	460 461 462
(17) A women, infants, and children clinic;	463
(18) A mobile dental <del>unit</del> facility, as defined in section 4715.70 of the Revised Code, located at any location listed in divisions (G) (1) to (17) of this section;	464 465 466
(19) Any other location, as specified by the state dental board in rules adopted under section 4715.372 of the Revised Code, that is in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code and provides health care services to individuals who are medicaid recipients and to indigent and uninsured persons, as defined in section 2305.234 of the Revised Code.	467 468 469 470 471 472 473
<u>Sec. 4715.70. As used in this section and sections 4715.71</u>	474

and 4715.72 of the Revised Code: 475

(A) "Dental hygiene services" means the prophylactic, 476  
preventive, and other procedures that dentists are authorized by 477  
this chapter and rules of the state dental board to assign to 478  
dental hygienists, except for procedures while a patient is 479  
anesthetized, definitive root planing, definitive subgingival 480  
curettage, the administration of local anesthesia, and the 481  
procedures specified in rules adopted by the board as described 482  
in division (C) (4) of section 4715.22 of the Revised Code. 483

(B) (1) "Minor" means an individual under eighteen years of 484  
age who is not emancipated. 485

(2) For purposes of this division, an individual under 486  
eighteen years of age is emancipated only if the individual has 487  
married, has entered the armed services of the United States, 488  
has become employed and self-sustaining, or otherwise has become 489  
independent from the care and control of the individual's 490  
parent, guardian, or custodian. 491

(C) "Mobile dental facility" means either of the 492  
following: 493

(1) A self-contained, intact facility in which dentistry 494  
or dental hygiene is practiced that may be transported from one 495  
location to another; 496

(2) A site used on a temporary basis to provide dental or 497  
dental hygiene services using portable equipment. 498

(D) "Mobile dental facility operator" means a dentist 499  
licensed under this chapter who operates a mobile dental 500  
facility. 501

(E) "Patient's representative" means a person who has 502

authority to make health care decisions on behalf of an adult or 503  
emancipated minor, or the parent, legal guardian, or other 504  
person acting in loco parentis who is authorized by law to make 505  
health care decisions on behalf of a minor. 506

**Sec. 4715.71.** A mobile dental facility operator or the 507  
operator's representative shall provide each patient receiving 508  
dental or dental hygiene services at a mobile dental facility, 509  
or the patient's representative, with all of the following: 510

(A) The name of each individual who arranged for or 511  
provided dental or dental hygiene services to the patient; 512

(B) The telephone number to reach the mobile dental 513  
facility operator or operator's representative in case of an 514  
emergency; 515

(C) A list of dental or dental hygiene services provided 516  
to the patient; 517

(D) Any recommendations regarding further dental or dental 518  
hygiene services that are advisable; 519

(E) A notice to the patient that the facility must provide 520  
access to the patient's complete dental records in accordance 521  
with Chapter 3798. of the Revised Code and applicable federal 522  
laws; 523

(F) Instructions for requesting a copy or transfer of the 524  
patient's records. 525

**Sec. 4715.72.** A mobile dental facility operator or the 526  
operator's representative shall notify the state dental board 527  
and all treatment venues not later than fourteen days after 528  
either of the following occurs: 529

(A) There is a change in the address or telephone number 530

<u>of the operator.</u>	531
<u>(B) The mobile dental facility ceases to operate.</u>	532
<u>The notice must be provided in writing.</u>	533
<b>Sec. 4723.28.</b> (A) The board of nursing, by a vote of a quorum, may impose one or more of the following sanctions if it finds that a person committed fraud in passing an examination required to obtain a license or dialysis technician certificate issued by the board or to have committed fraud, misrepresentation, or deception in applying for or securing any nursing license or dialysis technician certificate issued by the board: deny, revoke, suspend, or place restrictions on any nursing license or dialysis technician certificate issued by the board; reprimand or otherwise discipline a holder of a nursing license or dialysis technician certificate; or impose a fine of not more than five hundred dollars per violation.	534 535 536 537 538 539 540 541 542 543 544 545
(B) The board of nursing, by a vote of a quorum, may impose one or more of the following sanctions: deny, revoke, suspend, or place restrictions on any nursing license or dialysis technician certificate issued by the board; reprimand or otherwise discipline a holder of a nursing license or dialysis technician certificate; or impose a fine of not more than five hundred dollars per violation. The sanctions may be imposed for any of the following:	546 547 548 549 550 551 552 553
(1) Denial, revocation, suspension, or restriction of authority to engage in a licensed profession or practice a health care occupation, including nursing or practice as a dialysis technician, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;	554 555 556 557 558
(2) Engaging in the practice of nursing or engaging in	559

practice as a dialysis technician, having failed to renew a 560  
nursing license or dialysis technician certificate issued under 561  
this chapter, or while a nursing license or dialysis technician 562  
certificate is under suspension; 563

(3) Conviction of, a plea of guilty to, a judicial finding 564  
of guilt of, a judicial finding of guilt resulting from a plea 565  
of no contest to, or a judicial finding of eligibility for a 566  
pretrial diversion or similar program or for intervention in 567  
lieu of conviction for, a misdemeanor committed in the course of 568  
practice; 569

(4) Conviction of, a plea of guilty to, a judicial finding 570  
of guilt of, a judicial finding of guilt resulting from a plea 571  
of no contest to, or a judicial finding of eligibility for a 572  
pretrial diversion or similar program or for intervention in 573  
lieu of conviction for, any felony or of any crime involving 574  
gross immorality or moral turpitude; 575

(5) Selling, giving away, or administering drugs or 576  
therapeutic devices for other than legal and legitimate 577  
therapeutic purposes; or conviction of, a plea of guilty to, a 578  
judicial finding of guilt of, a judicial finding of guilt 579  
resulting from a plea of no contest to, or a judicial finding of 580  
eligibility for a pretrial diversion or similar program or for 581  
intervention in lieu of conviction for, violating any municipal, 582  
state, county, or federal drug law; 583

(6) Conviction of, a plea of guilty to, a judicial finding 584  
of guilt of, a judicial finding of guilt resulting from a plea 585  
of no contest to, or a judicial finding of eligibility for a 586  
pretrial diversion or similar program or for intervention in 587  
lieu of conviction for, an act in another jurisdiction that 588  
would constitute a felony or a crime of moral turpitude in Ohio; 589

(7) Conviction of, a plea of guilty to, a judicial finding 590  
of guilt of, a judicial finding of guilt resulting from a plea 591  
of no contest to, or a judicial finding of eligibility for a 592  
pretrial diversion or similar program or for intervention in 593  
lieu of conviction for, an act in the course of practice in 594  
another jurisdiction that would constitute a misdemeanor in 595  
Ohio; 596

(8) Self-administering or otherwise taking into the body 597  
any dangerous drug, as defined in section 4729.01 of the Revised 598  
Code, in any way that is not in accordance with a legal, valid 599  
prescription issued for that individual, or self-administering 600  
or otherwise taking into the body any drug that is a schedule I 601  
controlled substance; 602

(9) Habitual or excessive use of controlled substances, 603  
other habit-forming drugs, or alcohol or other chemical 604  
substances to an extent that impairs the individual's ability to 605  
provide safe nursing care or safe dialysis care; 606

(10) Impairment of the ability to practice according to 607  
acceptable and prevailing standards of safe nursing care or safe 608  
dialysis care because of the use of drugs, alcohol, or other 609  
chemical substances; 610

(11) Impairment of the ability to practice according to 611  
acceptable and prevailing standards of safe nursing care or safe 612  
dialysis care because of a physical or mental disability; 613

(12) Assaulting or causing harm to a patient or depriving 614  
a patient of the means to summon assistance; 615

(13) Misappropriation or attempted misappropriation of 616  
money or anything of value in the course of practice; 617

(14) Adjudication by a probate court of being mentally ill 618

or mentally incompetent. The board may reinstate the person's 619  
nursing license or dialysis technician certificate upon 620  
adjudication by a probate court of the person's restoration to 621  
competency or upon submission to the board of other proof of 622  
competency. 623

(15) The suspension or termination of employment by the 624  
United States department of defense or department of veterans 625  
affairs for any act that violates or would violate this chapter; 626

(16) Violation of this chapter or any rules adopted under 627  
it; 628

(17) Violation of any restrictions placed by the board on 629  
a nursing license or dialysis technician certificate; 630

(18) Failure to use universal and standard precautions 631  
established by rules adopted under section 4723.07 of the 632  
Revised Code; 633

(19) Failure to practice in accordance with acceptable and 634  
prevailing standards of safe nursing care or safe dialysis care; 635

(20) In the case of a registered nurse, engaging in 636  
activities that exceed the practice of nursing as a registered 637  
nurse; 638

(21) In the case of a licensed practical nurse, engaging 639  
in activities that exceed the practice of nursing as a licensed 640  
practical nurse; 641

(22) In the case of a dialysis technician, engaging in 642  
activities that exceed those permitted under section 4723.72 of 643  
the Revised Code; 644

(23) Aiding and abetting a person in that person's 645  
practice of nursing without a license or practice as a dialysis 646

technician without a certificate issued under this chapter; 647

(24) In the case of an advanced practice registered nurse, 648  
except as provided in division (M) of this section, either of 649  
the following: 650

(a) Waiving the payment of all or any part of a deductible 651  
or copayment that a patient, pursuant to a health insurance or 652  
health care policy, contract, or plan that covers such nursing 653  
services, would otherwise be required to pay if the waiver is 654  
used as an enticement to a patient or group of patients to 655  
receive health care services from that provider; 656

(b) Advertising that the nurse will waive the payment of 657  
all or any part of a deductible or copayment that a patient, 658  
pursuant to a health insurance or health care policy, contract, 659  
or plan that covers such nursing services, would otherwise be 660  
required to pay. 661

(25) Failure to comply with the terms and conditions of 662  
participation in the substance use disorder monitoring program 663  
established under section 4723.35 of the Revised Code; 664

(26) Failure to comply with the terms and conditions 665  
required under the practice intervention and improvement program 666  
established under section 4723.282 of the Revised Code; 667

(27) In the case of an advanced practice registered nurse: 668

(a) Engaging in activities that exceed those permitted for 669  
the nurse's nursing specialty under section 4723.43 of the 670  
Revised Code; 671

(b) Failure to meet the quality assurance standards 672  
established under section 4723.07 of the Revised Code. 673

(28) In the case of an advanced practice registered nurse 674

other than a certified registered nurse anesthetist, failure to 675  
maintain a standard care arrangement in accordance with section 676  
4723.431 of the Revised Code or to practice in accordance with 677  
the standard care arrangement; 678

(29) In the case of an advanced practice registered nurse 679  
who is designated as a clinical nurse specialist, certified 680  
nurse-midwife, or certified nurse practitioner, failure to 681  
prescribe drugs and therapeutic devices in accordance with 682  
section 4723.481 of the Revised Code; 683

(30) Prescribing any drug or device to perform or induce 684  
an abortion, or otherwise performing or inducing an abortion; 685

(31) Failure to establish and maintain professional 686  
boundaries with a patient, as specified in rules adopted under 687  
section 4723.07 of the Revised Code; 688

(32) Regardless of whether the contact or verbal behavior 689  
is consensual, engaging with a patient other than the spouse of 690  
the registered nurse, licensed practical nurse, or dialysis 691  
technician in any of the following: 692

(a) Sexual contact, as defined in section 2907.01 of the 693  
Revised Code; 694

(b) Verbal behavior that is sexually demeaning to the 695  
patient or may be reasonably interpreted by the patient as 696  
sexually demeaning. 697

(33) Assisting suicide, as defined in section 3795.01 of 698  
the Revised Code; 699

(34) Failure to comply with the requirements in section 700  
3719.061 of the Revised Code before issuing for a minor a 701  
prescription for an opioid analgesic, as defined in section 702

3719.01 of the Revised Code;	703
(35) Failure to comply with section 4723.487 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	704 705 706 707
(36) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice;	708 709 710 711 712 713
<u>(37) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code.</u>	714 715 716 717 718
(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication conducted under Chapter 119. of the Revised Code, except that in lieu of a hearing, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by a vote of a quorum, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the agreement shall be of no effect.	719 720 721 722 723 724 725 726 727 728 729
(D) The hearings of the board shall be conducted in accordance with Chapter 119. of the Revised Code, the board may	730 731

appoint a hearing examiner, as provided in section 119.09 of the Revised Code, to conduct any hearing the board is authorized to hold under Chapter 119. of the Revised Code.

In any instance in which the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant, licensee, or certificate holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by a vote of a quorum, a final order that contains the board's findings. In the final order, the board may order any of the sanctions listed in division (A) or (B) of this section.

(E) If a criminal action is brought against a registered nurse, licensed practical nurse, or dialysis technician for an act or crime described in divisions (B) (3) to (7) of this section and the action is dismissed by the trial court other than on the merits, the board shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the action was based. If the board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed the act, or if the registered nurse, licensed practical nurse, or dialysis technician fails to participate in the adjudication, the board may take action as though the registered nurse, licensed practical nurse, or dialysis technician had been convicted of the act.

If the board takes action on the basis of a conviction, plea, or a judicial finding as described in divisions (B) (3) to (7) of this section that is overturned on appeal, the registered

nurse, licensed practical nurse, or dialysis technician may, on 762  
exhaustion of the appeal process, petition the board for 763  
reconsideration of its action. On receipt of the petition and 764  
supporting court documents, the board shall temporarily rescind 765  
its action. If the board determines that the decision on appeal 766  
was a decision on the merits, it shall permanently rescind its 767  
action. If the board determines that the decision on appeal was 768  
not a decision on the merits, it shall conduct an adjudication 769  
to determine whether the registered nurse, licensed practical 770  
nurse, or dialysis technician committed the act on which the 771  
original conviction, plea, or judicial finding was based. If the 772  
board determines on the basis of the adjudication that the 773  
registered nurse, licensed practical nurse, or dialysis 774  
technician committed such act, or if the registered nurse, 775  
licensed practical nurse, or dialysis technician does not 776  
request an adjudication, the board shall reinstate its action; 777  
otherwise, the board shall permanently rescind its action. 778

Notwithstanding the provision of division (C) (2) of 779  
section 2953.32 of the Revised Code specifying that if records 780  
pertaining to a criminal case are sealed under that section the 781  
proceedings in the case shall be deemed not to have occurred, 782  
sealing of the following records on which the board has based an 783  
action under this section shall have no effect on the board's 784  
action or any sanction imposed by the board under this section: 785  
records of any conviction, guilty plea, judicial finding of 786  
guilt resulting from a plea of no contest, or a judicial finding 787  
of eligibility for a pretrial diversion program or intervention 788  
in lieu of conviction. 789

The board shall not be required to seal, destroy, redact, 790  
or otherwise modify its records to reflect the court's sealing 791  
of conviction records. 792

(F) The board may investigate an individual's criminal background in performing its duties under this section. As part of such investigation, the board may order the individual to submit, at the individual's expense, a request to the bureau of criminal identification and investigation for a criminal records check and check of federal bureau of investigation records in accordance with the procedure described in section 4723.091 of the Revised Code.

(G) During the course of an investigation conducted under this section, the board may compel any registered nurse, licensed practical nurse, or dialysis technician or applicant under this chapter to submit to a mental or physical examination, or both, as required by the board and at the expense of the individual, if the board finds reason to believe that the individual under investigation may have a physical or mental impairment that may affect the individual's ability to provide safe nursing care. Failure of any individual to submit to a mental or physical examination when directed constitutes an admission of the allegations, unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence.

If the board finds that an individual is impaired, the board shall require the individual to submit to care, counseling, or treatment approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. The individual shall be afforded an opportunity to demonstrate to the board that the individual can begin or resume the individual's occupation in compliance with acceptable and prevailing standards of care under the provisions of the individual's authority to practice.

For purposes of this division, any registered nurse, 824  
licensed practical nurse, or dialysis technician or applicant 825  
under this chapter shall be deemed to have given consent to 826  
submit to a mental or physical examination when directed to do 827  
so in writing by the board, and to have waived all objections to 828  
the admissibility of testimony or examination reports that 829  
constitute a privileged communication. 830

(H) The board shall investigate evidence that appears to 831  
show that any person has violated any provision of this chapter 832  
or any rule of the board. Any person may report to the board any 833  
information the person may have that appears to show a violation 834  
of any provision of this chapter or rule of the board. In the 835  
absence of bad faith, any person who reports such information or 836  
who testifies before the board in any adjudication conducted 837  
under Chapter 119. of the Revised Code shall not be liable for 838  
civil damages as a result of the report or testimony. 839

(I) All of the following apply under this chapter with 840  
respect to the confidentiality of information: 841

(1) Information received by the board pursuant to a 842  
complaint or an investigation is confidential and not subject to 843  
discovery in any civil action, except that the board may 844  
disclose information to law enforcement officers and government 845  
entities for purposes of an investigation of either a licensed 846  
health care professional, including a registered nurse, licensed 847  
practical nurse, or dialysis technician, or a person who may 848  
have engaged in the unauthorized practice of nursing or dialysis 849  
care. No law enforcement officer or government entity with 850  
knowledge of any information disclosed by the board pursuant to 851  
this division shall divulge the information to any other person 852  
or government entity except for the purpose of a government 853

investigation, a prosecution, or an adjudication by a court or 854  
government entity. 855

(2) If an investigation requires a review of patient 856  
records, the investigation and proceeding shall be conducted in 857  
such a manner as to protect patient confidentiality. 858

(3) All adjudications and investigations of the board 859  
shall be considered civil actions for the purposes of section 860  
2305.252 of the Revised Code. 861

(4) Any board activity that involves continued monitoring 862  
of an individual as part of or following any disciplinary action 863  
taken under this section shall be conducted in a manner that 864  
maintains the individual's confidentiality. Information received 865  
or maintained by the board with respect to the board's 866  
monitoring activities is not subject to discovery in any civil 867  
action and is confidential, except that the board may disclose 868  
information to law enforcement officers and government entities 869  
for purposes of an investigation of a licensee or certificate 870  
holder. 871

(J) Any action taken by the board under this section 872  
resulting in a suspension from practice shall be accompanied by 873  
a written statement of the conditions under which the person may 874  
be reinstated to practice. 875

(K) When the board refuses to grant a license or 876  
certificate to an applicant, revokes a license or certificate, 877  
or refuses to reinstate a license or certificate, the board may 878  
specify that its action is permanent. An individual subject to 879  
permanent action taken by the board is forever ineligible to 880  
hold a license or certificate of the type that was refused or 881  
revoked and the board shall not accept from the individual an 882

application for reinstatement of the license or certificate or 883  
for a new license or certificate. 884

(L) No unilateral surrender of a nursing license or 885  
dialysis technician certificate issued under this chapter shall 886  
be effective unless accepted by majority vote of the board. No 887  
application for a nursing license or dialysis technician 888  
certificate issued under this chapter may be withdrawn without a 889  
majority vote of the board. The board's jurisdiction to take 890  
disciplinary action under this section is not removed or limited 891  
when an individual has a license or certificate classified as 892  
inactive or fails to renew a license or certificate. 893

(M) Sanctions shall not be imposed under division (B) (24) 894  
of this section against any licensee who waives deductibles and 895  
copayments as follows: 896

(1) In compliance with the health benefit plan that 897  
expressly allows such a practice. Waiver of the deductibles or 898  
copayments shall be made only with the full knowledge and 899  
consent of the plan purchaser, payer, and third-party 900  
administrator. Documentation of the consent shall be made 901  
available to the board upon request. 902

(2) For professional services rendered to any other person 903  
licensed pursuant to this chapter to the extent allowed by this 904  
chapter and the rules of the board. 905

**Sec. 4729.01.** As used in this chapter: 906

(A) "Pharmacy," except when used in a context that refers 907  
to the practice of pharmacy, means any area, room, rooms, place 908  
of business, department, or portion of any of the foregoing 909  
where the practice of pharmacy is conducted. 910

(B) "Practice of pharmacy" means providing pharmacist care 911

requiring specialized knowledge, judgment, and skill derived 912  
from the principles of biological, chemical, behavioral, social, 913  
pharmaceutical, and clinical sciences. As used in this division, 914  
"pharmacist care" includes the following: 915

(1) Interpreting prescriptions; 916

(2) Dispensing drugs and drug therapy related devices; 917

(3) Compounding drugs; 918

(4) Counseling individuals with regard to their drug 919  
therapy, recommending drug therapy related devices, and 920  
assisting in the selection of drugs and appliances for treatment 921  
of common diseases and injuries and providing instruction in the 922  
proper use of the drugs and appliances; 923

(5) Performing drug regimen reviews with individuals by 924  
discussing all of the drugs that the individual is taking and 925  
explaining the interactions of the drugs; 926

(6) Performing drug utilization reviews with licensed 927  
health professionals authorized to prescribe drugs when the 928  
pharmacist determines that an individual with a prescription has 929  
a drug regimen that warrants additional discussion with the 930  
prescriber; 931

(7) Advising an individual and the health care 932  
professionals treating an individual with regard to the 933  
individual's drug therapy; 934

(8) Acting pursuant to a consult agreement ~~with one or~~ 935  
~~more physicians authorized under Chapter 4731. of the Revised~~ 936  
~~Code to practice medicine and surgery or osteopathic medicine~~ 937  
~~and surgery, if an agreement has been established;~~ 938

(9) Engaging in the administration of immunizations to the 939

extent authorized by section 4729.41 of the Revised Code;	940
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	941 942
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	943 944 945
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	946 947
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	948 949
(3) As an incident to research, teaching activities, or chemical analysis;	950 951
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	952 953 954
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:	955 956 957 958 959
(a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer.	960 961 962 963 964
(b) A limited quantity of the drug is compounded and provided to the professional.	965 966

(c) The drug is compounded and provided to the professional as an occasional exception to the normal practice of dispensing drugs pursuant to patient-specific prescriptions.

(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.

(E) "Drug" means:

(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;

(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;

(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;

(4) Any article intended for use as a component of any article specified in division (E) (1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.

"Drug" does not include "hemp" or a "hemp product" as those terms are defined in section 928.01 of the Revised Code.

(F) "Dangerous drug" means any of the following:

(1) Any drug to which either of the following applies:

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution:

Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;

(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.

(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body;

(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.

(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.

(H) "Prescription" means all of the following:

(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs;

(2) For purposes of sections 2925.61, 4723.488, 4730.431, and 4731.94 of the Revised Code, a written, electronic, or oral order for naloxone issued to and in the name of a family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose.

(3) For purposes of section 4729.44 of the Revised Code, a written, electronic, or oral order for naloxone issued to and in

the name of either of the following: 1022

(a) An individual who there is reason to believe is at 1023  
risk of experiencing an opioid-related overdose; 1024

(b) A family member, friend, or other individual in a 1025  
position to assist an individual who there is reason to believe 1026  
is at risk of experiencing an opioid-related overdose. 1027

(4) For purposes of sections 4723.4810, 4729.282, 1028  
4730.432, and 4731.93 of the Revised Code, a written, 1029  
electronic, or oral order for a drug to treat chlamydia, 1030  
gonorrhoea, or trichomoniasis issued to and in the name of a 1031  
patient who is not the intended user of the drug but is the 1032  
sexual partner of the intended user; 1033

(5) For purposes of sections 3313.7110, 3313.7111, 1034  
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 1035  
4731.96, and 5101.76 of the Revised Code, a written, electronic, 1036  
or oral order for an epinephrine autoinjector issued to and in 1037  
the name of a school, school district, or camp; 1038

(6) For purposes of Chapter 3728. and sections 4723.483, 1039  
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 1040  
electronic, or oral order for an epinephrine autoinjector issued 1041  
to and in the name of a qualified entity, as defined in section 1042  
3728.01 of the Revised Code. 1043

(I) "Licensed health professional authorized to prescribe 1044  
drugs" or "prescriber" means an individual who is authorized by 1045  
law to prescribe drugs or dangerous drugs or drug therapy 1046  
related devices in the course of the individual's professional 1047  
practice, including only the following: 1048

(1) A dentist licensed under Chapter 4715. of the Revised 1049  
Code; 1050

(2) A clinical nurse specialist, certified nurse-midwife, 1051  
or certified nurse practitioner who holds a current, valid 1052  
license issued under Chapter 4723. of the Revised Code to 1053  
practice nursing as an advanced practice registered nurse; 1054

(3) A certified registered nurse anesthetist who holds a 1055  
current, valid license issued under Chapter 4723. of the Revised 1056  
Code to practice nursing as an advanced practice registered 1057  
nurse, but only to the extent of the nurse's authority under 1058  
sections 4723.43 and 4723.434 of the Revised Code; 1059

(4) An optometrist licensed under Chapter 4725. of the 1060  
Revised Code to practice optometry under a therapeutic 1061  
pharmaceutical agents certificate; 1062

(5) A physician authorized under Chapter 4731. of the 1063  
Revised Code to practice medicine and surgery, osteopathic 1064  
medicine and surgery, or podiatric medicine and surgery; 1065

(6) A physician assistant who holds a license to practice 1066  
as a physician assistant issued under Chapter 4730. of the 1067  
Revised Code, holds a valid prescriber number issued by the 1068  
state medical board, and has been granted physician-delegated 1069  
prescriptive authority; 1070

(7) A veterinarian licensed under Chapter 4741. of the 1071  
Revised Code. 1072

(J) "Sale" or "sell" includes any transaction made by any 1073  
person, whether as principal proprietor, agent, or employee, to 1074  
do or offer to do any of the following: deliver, distribute, 1075  
broker, exchange, gift or otherwise give away, or transfer, 1076  
whether the transfer is by passage of title, physical movement, 1077  
or both. 1078

(K) "Wholesale sale" and "sale at wholesale" mean any sale 1079

in which the purpose of the purchaser is to resell the article 1080  
purchased or received by the purchaser. 1081

(L) "Retail sale" and "sale at retail" mean any sale other 1082  
than a wholesale sale or sale at wholesale. 1083

(M) "Retail seller" means any person that sells any 1084  
dangerous drug to consumers without assuming control over and 1085  
responsibility for its administration. Mere advice or 1086  
instructions regarding administration do not constitute control 1087  
or establish responsibility. 1088

(N) "Price information" means the price charged for a 1089  
prescription for a particular drug product and, in an easily 1090  
understandable manner, all of the following: 1091

(1) The proprietary name of the drug product; 1092

(2) The established (generic) name of the drug product; 1093

(3) The strength of the drug product if the product 1094  
contains a single active ingredient or if the drug product 1095  
contains more than one active ingredient and a relevant strength 1096  
can be associated with the product without indicating each 1097  
active ingredient. The established name and quantity of each 1098  
active ingredient are required if such a relevant strength 1099  
cannot be so associated with a drug product containing more than 1100  
one ingredient. 1101

(4) The dosage form; 1102

(5) The price charged for a specific quantity of the drug 1103  
product. The stated price shall include all charges to the 1104  
consumer, including, but not limited to, the cost of the drug 1105  
product, professional fees, handling fees, if any, and a 1106  
statement identifying professional services routinely furnished 1107

by the pharmacy. Any mailing fees and delivery fees may be 1108  
stated separately without repetition. The information shall not 1109  
be false or misleading. 1110

(O) "Wholesale distributor of dangerous drugs" or 1111  
"wholesale distributor" means a person engaged in the sale of 1112  
dangerous drugs at wholesale and includes any agent or employee 1113  
of such a person authorized by the person to engage in the sale 1114  
of dangerous drugs at wholesale. 1115

(P) "Manufacturer of dangerous drugs" or "manufacturer" 1116  
means a person, other than a pharmacist or prescriber, who 1117  
manufactures dangerous drugs and who is engaged in the sale of 1118  
those dangerous drugs. 1119

(Q) "Terminal distributor of dangerous drugs" or "terminal 1120  
distributor" means a person who is engaged in the sale of 1121  
dangerous drugs at retail, or any person, other than a 1122  
manufacturer, repackager, outsourcing facility, third-party 1123  
logistics provider, wholesale distributor, or pharmacist, who 1124  
has possession, custody, or control of dangerous drugs for any 1125  
purpose other than for that person's own use and consumption. 1126  
"Terminal distributor" includes pharmacies, hospitals, nursing 1127  
homes, and laboratories and all other persons who procure 1128  
dangerous drugs for sale or other distribution by or under the 1129  
supervision of a pharmacist, licensed health professional 1130  
authorized to prescribe drugs, or other person authorized by the 1131  
state board of pharmacy. 1132

(R) "Promote to the public" means disseminating a 1133  
representation to the public in any manner or by any means, 1134  
other than by labeling, for the purpose of inducing, or that is 1135  
likely to induce, directly or indirectly, the purchase of a 1136  
dangerous drug at retail. 1137

(S) "Person" includes any individual, partnership, 1138  
association, limited liability company, or corporation, the 1139  
state, any political subdivision of the state, and any district, 1140  
department, or agency of the state or its political 1141  
subdivisions. 1142

(T) "Animal shelter" means a facility operated by a humane 1143  
society or any society organized under Chapter 1717. of the 1144  
Revised Code or a dog pound operated pursuant to Chapter 955. of 1145  
the Revised Code. 1146

(U) "Food" has the same meaning as in section 3715.01 of 1147  
the Revised Code. 1148

(V) "Pain management clinic" has the same meaning as in 1149  
section 4731.054 of the Revised Code. 1150

(W) "Investigational drug or product" means a drug or 1151  
product that has successfully completed phase one of the United 1152  
States food and drug administration clinical trials and remains 1153  
under clinical trial, but has not been approved for general use 1154  
by the United States food and drug administration. 1155  
"Investigational drug or product" does not include controlled 1156  
substances in schedule I, as defined in section 3719.01 of the 1157  
Revised Code. 1158

(X) "Product," when used in reference to an 1159  
investigational drug or product, means a biological product, 1160  
other than a drug, that is made from a natural human, animal, or 1161  
microorganism source and is intended to treat a disease or 1162  
medical condition. 1163

(Y) "Third-party logistics provider" means a person that 1164  
provides or coordinates warehousing or other logistics services 1165  
pertaining to dangerous drugs including distribution, on behalf 1166

of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs.

(Z) "Repackager of dangerous drugs" or "repackager" means a person that repacks and relabels dangerous drugs for sale or distribution.

(AA) "Outsourcing facility" means a facility that is engaged in the compounding and sale of sterile drugs and is registered as an outsourcing facility with the United States food and drug administration.

(BB) "Laboratory" means a laboratory licensed under this chapter as a terminal distributor of dangerous drugs and entrusted to have custody of any of the following drugs and to use the drugs for scientific and clinical purposes and for purposes of instruction: dangerous drugs that are not controlled substances, as defined in section 3719.01 of the Revised Code; dangerous drugs that are controlled substances, as defined in that section; and controlled substances in schedule I, as defined in that section.

**Sec. 4729.39.** (A) ~~One~~ As used in this section:

(1) "Certified nurse practitioner," "certified nurse-midwife," "clinical nurse specialist," and "standard care arrangement" have the same meanings as in section 4723.01 of the Revised Code.

(2) "Collaborating physician" means a physician who has entered into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner.

(3) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 1196  
1197  
1198

(4) "Physician assistant" means an individual who is licensed to practice as a physician assistant under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority. 1199  
1200  
1201  
1202  
1203

(5) "Supervising physician" means a physician who has entered into a supervision agreement with a physician assistant under section 4730.19 of the Revised Code. 1204  
1205  
1206

(B) Subject to division (C) of this section, one or more pharmacists may enter into a consult agreement with one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery if of the following practitioners: 1207  
1208  
1209  
1210  
1211

(1) Physicians; 1212

(2) Physician assistants, if entering into a consult agreement is authorized by one or more supervising physicians; 1213  
1214

(3) Clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners, if entering into a consult agreement is authorized by one or more collaborating physicians. 1215  
1216  
1217

(C) Before entering into a consult agreement, all of the following conditions ~~are~~ must be met: 1218  
1219

(1) Each ~~physician has~~ practitioner must have an ongoing physician-patient ~~practitioner-patient~~ relationship with each patient whose drug therapy is ~~being~~ to be managed. 1220  
1221  
1222

(2) The diagnosis for which each patient has been 1223

prescribed drug therapy ~~is~~ must be within the scope of each 1224  
~~physician's practitioner's~~ practice. 1225

(3) Each pharmacist ~~has~~ must have training and experience 1226  
related to the particular diagnosis for which drug therapy is to 1227  
be prescribed. 1228

~~(B)~~ (D) With respect to consult agreements, all of the 1229  
following apply: 1230

(1) Under a consult agreement, a pharmacist is authorized 1231  
to do both of the following, but only to the extent specified in 1232  
the agreement, this section, and the rules adopted under this 1233  
section: 1234

(a) Manage drug therapy for treatment of specified 1235  
diagnoses or diseases for each patient who is subject to the 1236  
agreement, including all of the following: 1237

(i) Changing the duration of treatment for the current 1238  
drug therapy; 1239

(ii) Adjusting a drug's strength, dose, dosage form, 1240  
frequency of administration, or route of administration; 1241

(iii) Discontinuing the use of a drug; 1242

(iv) Administering a drug; 1243

(v) Notwithstanding the definition of "licensed health 1244  
professional authorized to prescribe drugs" in section 4729.01 1245  
of the Revised Code, adding a drug to the patient's drug 1246  
therapy. 1247

(b) (i) Order laboratory and diagnostic tests, including 1248  
blood and urine tests ~~and evaluate results, that are~~ related to 1249  
the drug therapy being managed, and evaluate the results of the 1250

tests that are ordered. 1251

(ii) A pharmacist's authority to evaluate ~~blood and urine~~ 1252  
~~tests~~ test results under division ~~(B) (1) (b) (i)~~ (D) (1) (b) (i) of 1253  
this section does not authorize the pharmacist to make a 1254  
diagnosis. 1255

(2) (a) A consult agreement, or the portion of the 1256  
agreement that applies to a particular patient, may be 1257  
terminated by any of the following: 1258

(i) A pharmacist who entered into the agreement; 1259

(ii) A ~~physician~~ practitioner who entered into the 1260  
agreement; 1261

(iii) A patient whose drug therapy is being managed; 1262

(iv) An individual who consented to the treatment on 1263  
behalf of a patient or an individual authorized to act on behalf 1264  
of a patient. 1265

(b) The pharmacist or ~~physician~~ practitioner who receives 1266  
the notice of a patient's termination of the agreement shall 1267  
provide written notice to every other pharmacist or ~~physician~~ 1268  
practitioner who is a party to the agreement. A pharmacist or 1269  
~~physician~~ practitioner who terminates a consult agreement with 1270  
regard to one or more patients shall provide written notice to 1271  
all other pharmacists and ~~physicians~~ practitioners who entered 1272  
into the agreement and to each individual who consented to 1273  
treatment under the agreement. The termination of a consult 1274  
agreement with regard to one or more patients shall be recorded 1275  
by the pharmacist and ~~physician~~ practitioner in the medical 1276  
records of each patient to whom the termination applies. 1277

(3) A consult agreement shall be made in writing and shall 1278

include all of the following: 1279

(a) The diagnoses and diseases being managed under the 1280  
agreement, including whether each disease is primary or 1281  
comorbid; 1282

(b) A description of the drugs or drug categories the 1283  
agreement involves; 1284

(c) A description of the procedures, decision criteria, 1285  
and plan the pharmacist is to follow in acting under a consult 1286  
agreement; 1287

(d) A description of how the pharmacist is to comply with 1288  
divisions ~~(B) (5)~~ (D) (5) and (6) of this section. 1289

(4) The content of a consult agreement shall be 1290  
communicated to each patient whose drug therapy is managed under 1291  
the agreement. 1292

(5) A pharmacist acting under a consult agreement shall 1293  
maintain a record of each action taken for each patient whose 1294  
drug therapy is managed under the agreement. 1295

(6) Communication between a pharmacist and ~~physician~~ 1296  
practitioner acting under a consult agreement shall take place 1297  
at regular intervals specified by the primary ~~physician~~ 1298  
practitioner acting under the agreement. The agreement may 1299  
include a requirement that a pharmacist send a consult report to 1300  
each consulting ~~physician~~practitioner. 1301

(7) A consult agreement is effective for two years and may 1302  
be renewed if the conditions specified in division ~~(A)~~ (C) of 1303  
this section ~~are~~ continue to be met. 1304

(8) A consult agreement does not permit a pharmacist to 1305  
manage drug therapy prescribed by a ~~physician~~ practitioner who 1306

has not entered into the agreement. 1307

~~(C) The state board of pharmacy, in consultation with the~~ 1308  
~~state medical board, shall adopt rules to be followed by~~ 1309  
~~pharmacists, and the state medical board, in consultation with~~ 1310  
~~the state board of pharmacy, shall adopt rules to be followed by~~ 1311  
~~physicians, that establish~~ (E) The state board of pharmacy, 1312  
state medical board, and board of nursing shall each adopt rules 1313  
as follows for its license holders establishing standards and 1314  
procedures for entering into a consult agreement and managing a 1315  
patient's drug therapy under a consult agreement: 1316

(1) The state board of pharmacy, in consultation with the 1317  
state medical board and board of nursing, shall adopt rules to 1318  
be followed by pharmacists. 1319

(2) The state medical board, in consultation with the 1320  
state board of pharmacy, shall adopt rules to be followed by 1321  
physicians and rules to be followed by physician assistants. 1322

(3) The board of nursing, in consultation with the state 1323  
board of pharmacy and state medical board, shall adopt rules to 1324  
be followed by clinical nurse specialists, certified nurse- 1325  
midwives, and certified nurse practitioners. The 1326

The boards shall specify in the rules any categories of 1327  
drugs or types of diseases for which a consult agreement may not 1328  
be established. ~~Either~~ Each board may adopt any other rules it 1329  
considers necessary for the implementation and administration of 1330  
this section. All rules adopted under this ~~division~~ section 1331  
shall be adopted in accordance with Chapter 119. of the Revised 1332  
Code. 1333

~~(D) (1)~~ (F) (1) Subject to division ~~(D) (2)~~ (F) (2) of this 1334  
section, both of the following apply: 1335

(a) A pharmacist acting in accordance with a consult 1336  
agreement regarding a ~~physician's-practitioner's~~ change in a 1337  
drug for a patient whose drug therapy the pharmacist is managing 1338  
under the agreement is not liable in damages in a tort or other 1339  
civil action for injury or loss to person or property allegedly 1340  
arising from the change. 1341

(b) A ~~physician-practitioner~~ acting in accordance with a 1342  
consult agreement regarding a pharmacist's change in a drug for 1343  
a patient whose drug therapy the pharmacist is managing under a 1344  
consult agreement is not liable in damages in a tort or other 1345  
civil action for injury or loss to person or property allegedly 1346  
arising from the change unless the ~~physician-practitioner~~ 1347  
authorized the specific change. 1348

(2) Division ~~(D)(1)~~ (F)(1) of this section does not limit 1349  
a ~~physician's-practitioner's~~ or pharmacist's liability in 1350  
damages in a tort or other civil action for injury or loss to 1351  
person or property allegedly arising from actions that are not 1352  
related to the ~~physician's-practitioner's~~ or pharmacist's change 1353  
in a drug for a patient whose drug therapy is being managed 1354  
under a consult agreement. 1355

**Sec. 4730.25.** (A) The state medical board, by an 1356  
affirmative vote of not fewer than six members, may revoke or 1357  
may refuse to grant a license to practice as a physician 1358  
assistant to a person found by the board to have committed 1359  
fraud, misrepresentation, or deception in applying for or 1360  
securing the license. 1361

(B) The board, by an affirmative vote of not fewer than 1362  
six members, shall, to the extent permitted by law, limit, 1363  
revoke, or suspend an individual's license to practice as a 1364  
physician assistant or prescriber number, refuse to issue a 1365

license to an applicant, refuse to renew a license, refuse to 1366  
reinstate a license, or reprimand or place on probation the 1367  
holder of a license for any of the following reasons: 1368

(1) Failure to practice in accordance with the supervising 1369  
physician's supervision agreement with the physician assistant, 1370  
including, if applicable, the policies of the health care 1371  
facility in which the supervising physician and physician 1372  
assistant are practicing; 1373

(2) Failure to comply with the requirements of this 1374  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 1375  
by the board; 1376

(3) Violating or attempting to violate, directly or 1377  
indirectly, or assisting in or abetting the violation of, or 1378  
conspiring to violate, any provision of this chapter, Chapter 1379  
4731. of the Revised Code, or the rules adopted by the board; 1380

(4) Inability to practice according to acceptable and 1381  
prevailing standards of care by reason of mental illness or 1382  
physical illness, including physical deterioration that 1383  
adversely affects cognitive, motor, or perceptive skills; 1384

(5) Impairment of ability to practice according to 1385  
acceptable and prevailing standards of care because of habitual 1386  
or excessive use or abuse of drugs, alcohol, or other substances 1387  
that impair ability to practice; 1388

(6) Administering drugs for purposes other than those 1389  
authorized under this chapter; 1390

(7) Willfully betraying a professional confidence; 1391

(8) Making a false, fraudulent, deceptive, or misleading 1392  
statement in soliciting or advertising for employment as a 1393

physician assistant; in connection with any solicitation or 1394  
advertisement for patients; in relation to the practice of 1395  
medicine as it pertains to physician assistants; or in securing 1396  
or attempting to secure a license to practice as a physician 1397  
assistant. 1398

As used in this division, "false, fraudulent, deceptive, 1399  
or misleading statement" means a statement that includes a 1400  
misrepresentation of fact, is likely to mislead or deceive 1401  
because of a failure to disclose material facts, is intended or 1402  
is likely to create false or unjustified expectations of 1403  
favorable results, or includes representations or implications 1404  
that in reasonable probability will cause an ordinarily prudent 1405  
person to misunderstand or be deceived. 1406

(9) Representing, with the purpose of obtaining 1407  
compensation or other advantage personally or for any other 1408  
person, that an incurable disease or injury, or other incurable 1409  
condition, can be permanently cured; 1410

(10) The obtaining of, or attempting to obtain, money or 1411  
anything of value by fraudulent misrepresentations in the course 1412  
of practice; 1413

(11) A plea of guilty to, a judicial finding of guilt of, 1414  
or a judicial finding of eligibility for intervention in lieu of 1415  
conviction for, a felony; 1416

(12) Commission of an act that constitutes a felony in 1417  
this state, regardless of the jurisdiction in which the act was 1418  
committed; 1419

(13) A plea of guilty to, a judicial finding of guilt of, 1420  
or a judicial finding of eligibility for intervention in lieu of 1421  
conviction for, a misdemeanor committed in the course of 1422

practice;	1423
(14) A plea of guilty to, a judicial finding of guilt of,	1424
or a judicial finding of eligibility for intervention in lieu of	1425
conviction for, a misdemeanor involving moral turpitude;	1426
(15) Commission of an act in the course of practice that	1427
constitutes a misdemeanor in this state, regardless of the	1428
jurisdiction in which the act was committed;	1429
(16) Commission of an act involving moral turpitude that	1430
constitutes a misdemeanor in this state, regardless of the	1431
jurisdiction in which the act was committed;	1432
(17) A plea of guilty to, a judicial finding of guilt of,	1433
or a judicial finding of eligibility for intervention in lieu of	1434
conviction for violating any state or federal law regulating the	1435
possession, distribution, or use of any drug, including	1436
trafficking in drugs;	1437
(18) Any of the following actions taken by the state	1438
agency responsible for regulating the practice of physician	1439
assistants in another state, for any reason other than the	1440
nonpayment of fees: the limitation, revocation, or suspension of	1441
an individual's license to practice; acceptance of an	1442
individual's license surrender; denial of a license; refusal to	1443
renew or reinstate a license; imposition of probation; or	1444
issuance of an order of censure or other reprimand;	1445
(19) A departure from, or failure to conform to, minimal	1446
standards of care of similar physician assistants under the same	1447
or similar circumstances, regardless of whether actual injury to	1448
a patient is established;	1449
(20) Violation of the conditions placed by the board on a	1450
license to practice as a physician assistant;	1451

(21) Failure to use universal blood and body fluid	1452
precautions established by rules adopted under section 4731.051	1453
of the Revised Code;	1454
(22) Failure to cooperate in an investigation conducted by	1455
the board under section 4730.26 of the Revised Code, including	1456
failure to comply with a subpoena or order issued by the board	1457
or failure to answer truthfully a question presented by the	1458
board at a deposition or in written interrogatories, except that	1459
failure to cooperate with an investigation shall not constitute	1460
grounds for discipline under this section if a court of	1461
competent jurisdiction has issued an order that either quashes a	1462
subpoena or permits the individual to withhold the testimony or	1463
evidence in issue;	1464
(23) Assisting suicide, as defined in section 3795.01 of	1465
the Revised Code;	1466
(24) Prescribing any drug or device to perform or induce	1467
an abortion, or otherwise performing or inducing an abortion;	1468
(25) Failure to comply with section 4730.53 of the Revised	1469
Code, unless the board no longer maintains a drug database	1470
pursuant to section 4729.75 of the Revised Code;	1471
(26) Failure to comply with the requirements in section	1472
3719.061 of the Revised Code before issuing for a minor a	1473
prescription for an opioid analgesic, as defined in section	1474
3719.01 of the Revised Code;	1475
(27) Having certification by the national commission on	1476
certification of physician assistants or a successor	1477
organization expire, lapse, or be suspended or revoked;	1478
(28) The revocation, suspension, restriction, reduction,	1479
or termination of clinical privileges by the United States	1480

department of defense or department of veterans affairs or the 1481  
termination or suspension of a certificate of registration to 1482  
prescribe drugs by the drug enforcement administration of the 1483  
United States department of justice; 1484

(29) Failure to comply with terms of a consult agreement 1485  
entered into with a pharmacist pursuant to section 4729.39 of 1486  
the Revised Code. 1487

(C) Disciplinary actions taken by the board under 1488  
divisions (A) and (B) of this section shall be taken pursuant to 1489  
an adjudication under Chapter 119. of the Revised Code, except 1490  
that in lieu of an adjudication, the board may enter into a 1491  
consent agreement with a physician assistant or applicant to 1492  
resolve an allegation of a violation of this chapter or any rule 1493  
adopted under it. A consent agreement, when ratified by an 1494  
affirmative vote of not fewer than six members of the board, 1495  
shall constitute the findings and order of the board with 1496  
respect to the matter addressed in the agreement. If the board 1497  
refuses to ratify a consent agreement, the admissions and 1498  
findings contained in the consent agreement shall be of no force 1499  
or effect. 1500

(D) For purposes of divisions (B) (12), (15), and (16) of 1501  
this section, the commission of the act may be established by a 1502  
finding by the board, pursuant to an adjudication under Chapter 1503  
119. of the Revised Code, that the applicant or license holder 1504  
committed the act in question. The board shall have no 1505  
jurisdiction under these divisions in cases where the trial 1506  
court renders a final judgment in the license holder's favor and 1507  
that judgment is based upon an adjudication on the merits. The 1508  
board shall have jurisdiction under these divisions in cases 1509  
where the trial court issues an order of dismissal upon 1510

technical or procedural grounds. 1511

(E) The sealing of conviction records by any court shall 1512  
have no effect upon a prior board order entered under the 1513  
provisions of this section or upon the board's jurisdiction to 1514  
take action under the provisions of this section if, based upon 1515  
a plea of guilty, a judicial finding of guilt, or a judicial 1516  
finding of eligibility for intervention in lieu of conviction, 1517  
the board issued a notice of opportunity for a hearing prior to 1518  
the court's order to seal the records. The board shall not be 1519  
required to seal, destroy, redact, or otherwise modify its 1520  
records to reflect the court's sealing of conviction records. 1521

(F) For purposes of this division, any individual who 1522  
holds a license issued under this chapter, or applies for a 1523  
license issued under this chapter, shall be deemed to have given 1524  
consent to submit to a mental or physical examination when 1525  
directed to do so in writing by the board and to have waived all 1526  
objections to the admissibility of testimony or examination 1527  
reports that constitute a privileged communication. 1528

(1) In enforcing division (B)(4) of this section, the 1529  
board, upon a showing of a possible violation, may compel any 1530  
individual who holds a license issued under this chapter or who 1531  
has applied for a license pursuant to this chapter to submit to 1532  
a mental examination, physical examination, including an HIV 1533  
test, or both a mental and physical examination. The expense of 1534  
the examination is the responsibility of the individual 1535  
compelled to be examined. Failure to submit to a mental or 1536  
physical examination or consent to an HIV test ordered by the 1537  
board constitutes an admission of the allegations against the 1538  
individual unless the failure is due to circumstances beyond the 1539  
individual's control, and a default and final order may be 1540

entered without the taking of testimony or presentation of 1541  
evidence. If the board finds a physician assistant unable to 1542  
practice because of the reasons set forth in division (B) (4) of 1543  
this section, the board shall require the physician assistant to 1544  
submit to care, counseling, or treatment by physicians approved 1545  
or designated by the board, as a condition for an initial, 1546  
continued, reinstated, or renewed license. An individual 1547  
affected under this division shall be afforded an opportunity to 1548  
demonstrate to the board the ability to resume practicing in 1549  
compliance with acceptable and prevailing standards of care. 1550

(2) For purposes of division (B) (5) of this section, if 1551  
the board has reason to believe that any individual who holds a 1552  
license issued under this chapter or any applicant for a license 1553  
suffers such impairment, the board may compel the individual to 1554  
submit to a mental or physical examination, or both. The expense 1555  
of the examination is the responsibility of the individual 1556  
compelled to be examined. Any mental or physical examination 1557  
required under this division shall be undertaken by a treatment 1558  
provider or physician qualified to conduct such examination and 1559  
chosen by the board. 1560

Failure to submit to a mental or physical examination 1561  
ordered by the board constitutes an admission of the allegations 1562  
against the individual unless the failure is due to 1563  
circumstances beyond the individual's control, and a default and 1564  
final order may be entered without the taking of testimony or 1565  
presentation of evidence. If the board determines that the 1566  
individual's ability to practice is impaired, the board shall 1567  
suspend the individual's license or deny the individual's 1568  
application and shall require the individual, as a condition for 1569  
initial, continued, reinstated, or renewed licensure, to submit 1570  
to treatment. 1571

Before being eligible to apply for reinstatement of a 1572  
license suspended under this division, the physician assistant 1573  
shall demonstrate to the board the ability to resume practice or 1574  
prescribing in compliance with acceptable and prevailing 1575  
standards of care. The demonstration shall include the 1576  
following: 1577

(a) Certification from a treatment provider approved under 1578  
section 4731.25 of the Revised Code that the individual has 1579  
successfully completed any required inpatient treatment; 1580

(b) Evidence of continuing full compliance with an 1581  
aftercare contract or consent agreement; 1582

(c) Two written reports indicating that the individual's 1583  
ability to practice has been assessed and that the individual 1584  
has been found capable of practicing according to acceptable and 1585  
prevailing standards of care. The reports shall be made by 1586  
individuals or providers approved by the board for making such 1587  
assessments and shall describe the basis for their 1588  
determination. 1589

The board may reinstate a license suspended under this 1590  
division after such demonstration and after the individual has 1591  
entered into a written consent agreement. 1592

When the impaired physician assistant resumes practice or 1593  
prescribing, the board shall require continued monitoring of the 1594  
physician assistant. The monitoring shall include compliance 1595  
with the written consent agreement entered into before 1596  
reinstatement or with conditions imposed by board order after a 1597  
hearing, and, upon termination of the consent agreement, 1598  
submission to the board for at least two years of annual written 1599  
progress reports made under penalty of falsification stating 1600

whether the physician assistant has maintained sobriety. 1601

(G) If the secretary and supervising member determine that 1602  
there is clear and convincing evidence that a physician 1603  
assistant has violated division (B) of this section and that the 1604  
individual's continued practice or prescribing presents a danger 1605  
of immediate and serious harm to the public, they may recommend 1606  
that the board suspend the individual's license without a prior 1607  
hearing. Written allegations shall be prepared for consideration 1608  
by the board. 1609

The board, upon review of those allegations and by an 1610  
affirmative vote of not fewer than six of its members, excluding 1611  
the secretary and supervising member, may suspend a license 1612  
without a prior hearing. A telephone conference call may be 1613  
utilized for reviewing the allegations and taking the vote on 1614  
the summary suspension. 1615

The board shall issue a written order of suspension by 1616  
certified mail or in person in accordance with section 119.07 of 1617  
the Revised Code. The order shall not be subject to suspension 1618  
by the court during pendency of any appeal filed under section 1619  
119.12 of the Revised Code. If the physician assistant requests 1620  
an adjudicatory hearing by the board, the date set for the 1621  
hearing shall be within fifteen days, but not earlier than seven 1622  
days, after the physician assistant requests the hearing, unless 1623  
otherwise agreed to by both the board and the license holder. 1624

A summary suspension imposed under this division shall 1625  
remain in effect, unless reversed on appeal, until a final 1626  
adjudicative order issued by the board pursuant to this section 1627  
and Chapter 119. of the Revised Code becomes effective. The 1628  
board shall issue its final adjudicative order within sixty days 1629  
after completion of its hearing. Failure to issue the order 1630

within sixty days shall result in dissolution of the summary 1631  
suspension order, but shall not invalidate any subsequent, final 1632  
adjudicative order. 1633

(H) If the board takes action under division (B) (11), 1634  
(13), or (14) of this section, and the judicial finding of 1635  
guilt, guilty plea, or judicial finding of eligibility for 1636  
intervention in lieu of conviction is overturned on appeal, upon 1637  
exhaustion of the criminal appeal, a petition for 1638  
reconsideration of the order may be filed with the board along 1639  
with appropriate court documents. Upon receipt of a petition and 1640  
supporting court documents, the board shall reinstate the 1641  
individual's license. The board may then hold an adjudication 1642  
under Chapter 119. of the Revised Code to determine whether the 1643  
individual committed the act in question. Notice of opportunity 1644  
for hearing shall be given in accordance with Chapter 119. of 1645  
the Revised Code. If the board finds, pursuant to an 1646  
adjudication held under this division, that the individual 1647  
committed the act, or if no hearing is requested, it may order 1648  
any of the sanctions identified under division (B) of this 1649  
section. 1650

(I) The license to practice issued to a physician 1651  
assistant and the physician assistant's practice in this state 1652  
are automatically suspended as of the date the physician 1653  
assistant pleads guilty to, is found by a judge or jury to be 1654  
guilty of, or is subject to a judicial finding of eligibility 1655  
for intervention in lieu of conviction in this state or 1656  
treatment or intervention in lieu of conviction in another state 1657  
for any of the following criminal offenses in this state or a 1658  
substantially equivalent criminal offense in another 1659  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 1660  
felonious assault, kidnapping, rape, sexual battery, gross 1661

sexual imposition, aggravated arson, aggravated robbery, or 1662  
aggravated burglary. Continued practice after the suspension 1663  
shall be considered practicing without a license. 1664

The board shall notify the individual subject to the 1665  
suspension by certified mail or in person in accordance with 1666  
section 119.07 of the Revised Code. If an individual whose 1667  
license is suspended under this division fails to make a timely 1668  
request for an adjudication under Chapter 119. of the Revised 1669  
Code, the board shall enter a final order permanently revoking 1670  
the individual's license to practice. 1671

(J) In any instance in which the board is required by 1672  
Chapter 119. of the Revised Code to give notice of opportunity 1673  
for hearing and the individual subject to the notice does not 1674  
timely request a hearing in accordance with section 119.07 of 1675  
the Revised Code, the board is not required to hold a hearing, 1676  
but may adopt, by an affirmative vote of not fewer than six of 1677  
its members, a final order that contains the board's findings. 1678  
In that final order, the board may order any of the sanctions 1679  
identified under division (A) or (B) of this section. 1680

(K) Any action taken by the board under division (B) of 1681  
this section resulting in a suspension shall be accompanied by a 1682  
written statement of the conditions under which the physician 1683  
assistant's license may be reinstated. The board shall adopt 1684  
rules in accordance with Chapter 119. of the Revised Code 1685  
governing conditions to be imposed for reinstatement. 1686  
Reinstatement of a license suspended pursuant to division (B) of 1687  
this section requires an affirmative vote of not fewer than six 1688  
members of the board. 1689

(L) When the board refuses to grant or issue to an 1690  
applicant a license to practice as a physician assistant, 1691

revokes an individual's license, refuses to renew an 1692  
individual's license, or refuses to reinstate an individual's 1693  
license, the board may specify that its action is permanent. An 1694  
individual subject to a permanent action taken by the board is 1695  
forever thereafter ineligible to hold the license and the board 1696  
shall not accept an application for reinstatement of the license 1697  
or for issuance of a new license. 1698

(M) Notwithstanding any other provision of the Revised 1699  
Code, all of the following apply: 1700

(1) The surrender of a license issued under this chapter 1701  
is not effective unless or until accepted by the board. 1702  
Reinstatement of a license surrendered to the board requires an 1703  
affirmative vote of not fewer than six members of the board. 1704

(2) An application made under this chapter for a license 1705  
may not be withdrawn without approval of the board. 1706

(3) Failure by an individual to renew a license in 1707  
accordance with section 4730.14 of the Revised Code shall not 1708  
remove or limit the board's jurisdiction to take disciplinary 1709  
action under this section against the individual. 1710

**Sec. 5164.14.** The medicaid program may cover a health care 1711  
service that a pharmacist provides to a medicaid recipient in 1712  
accordance with Chapter 4729. of the Revised Code, including any 1713  
of the following services: 1714

(A) Managing drug therapy under a consult agreement ~~with a~~ 1715  
~~physician~~ pursuant to section 4729.39 of the Revised Code; 1716

(B) Administering immunizations in accordance with section 1717  
4729.41 of the Revised Code; 1718

(C) Administering drugs in accordance with section 4729.45 1719

of the Revised Code. 1720

**Section 2.** That existing sections 1751.91, 3923.89, 1721  
4715.14, 4715.30, 4715.36, 4723.28, 4729.01, 4729.39, 4730.25, 1722  
and 5164.14 of the Revised Code are hereby repealed. 1723