

**As Referred by the House Rules and Reference Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 216**

**Representative Pelanda**

**Cosponsors: Representatives Brinkman, Becker, Roegner, Buchy, Brenner,  
Scherer, Schaffer, Burkley, Ryan, Maag, Schuring, Slaby, Ruhl, Reece, Hill,  
Thompson, Celebrezze, Hood**

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**A BILL**

To amend sections 1.64, 1751.67, 2133.211, 1  
2305.113, 2305.234, 2317.02, 2919.171, 2921.22, 2  
2925.61, 3701.351, 3701.926, 3705.16, 3719.06, 3  
3719.121, 3727.06, 3923.233, 3923.301, 3923.63, 4  
3923.64, 4713.02, 4723.01, 4723.02, 4723.03, 5  
4723.05, 4723.06, 4723.07, 4723.08, 4723.09, 6  
4723.10, 4723.151, 4723.16, 4723.24, 4723.25, 7  
4723.271, 4723.28, 4723.32, 4723.341, 4723.36, 8  
4723.41, 4723.42, 4723.432, 4723.44, 4723.46, 9  
4723.481, 4723.482, 4723.486, 4723.487, 10  
4723.488, 4723.49, 4723.491, 4723.71, 4723.88, 11  
4723.99, 4729.01, 4729.39, 4731.22, 4731.281, 12  
4731.35, 4755.48, 4755.481, 4761.17, 5120.55, 13  
and 5164.07, to enact section 4723.011, and to 14  
repeal sections 4723.43, 4723.431, 4723.47, 15  
4723.48, 4723.484, 4723.485, 4723.492, 4723.50, 16  
and 4731.27 of the Revised Code to revise the 17  
law governing advanced practice registered 18  
nurses. 19

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

**Section 1.** That sections 1.64, 1751.67, 2133.211, 20  
2305.113, 2305.234, 2317.02, 2919.171, 2921.22, 2925.61, 21  
3701.351, 3701.926, 3705.16, 3719.06, 3719.121, 3727.06, 22  
3923.233, 3923.301, 3923.63, 3923.64, 4713.02, 4723.01, 4723.02, 23  
4723.03, 4723.05, 4723.06, 4723.07, 4723.08, 4723.09, 4723.10, 24  
4723.151, 4723.16, 4723.24, 4723.25, 4723.271, 4723.28, 4723.32, 25  
4723.341, 4723.36, 4723.41, 4723.42, 4723.432, 4723.44, 4723.46, 26  
4723.481, 4723.482, 4723.486, 4723.487, 4723.488, 4723.49, 27  
4723.491, 4723.71, 4723.88, 4723.99, 4729.01, 4729.39, 4731.22, 28  
4731.281, 4731.35, 4755.48, 4755.481, 4761.17, 5120.55, and 29  
5164.07 be amended and section 4723.011 of the Revised Code be 30  
enacted to read as follows: 31

**Sec. 1.64.** As used in the Revised Code: 32

(A) "Certified nurse-midwife" means an advanced practice 33  
registered nurse who holds a current, valid ~~certificate of~~ 34  
~~authority license~~ issued under Chapter 4723. of the Revised Code 35  
~~that authorizes the practice of nursing and is designated~~ as a 36  
certified nurse-midwife in accordance with section ~~4723.43~~ 37  
4723.42 of the Revised Code and rules adopted by the board of 38  
nursing. 39

(B) "Certified nurse practitioner" means an advanced 40  
registered nurse who holds a current, valid ~~certificate of~~ 41  
~~authority license~~ issued under Chapter 4723. of the Revised Code 42  
~~that authorizes the practice of nursing and is designated~~ as a 43  
certified nurse practitioner in accordance with section ~~4723.43~~ 44  
4723.42 of the Revised Code and rules adopted by the board of 45  
nursing. 46

(C) "Clinical nurse specialist" means an advanced 47  
practice registered nurse who holds a current, valid ~~certificate~~ 48  
~~of authority license~~ issued under Chapter 4723. of the Revised 49

~~Code that authorizes the practice of nursing and is designated~~ 50  
as a clinical nurse specialist in accordance with section 51  
~~4723.43~~ 4723.42 of the Revised Code and rules adopted by the 52  
board of nursing. 53

(D) "Physician assistant" means an individual who holds a 54  
valid certificate to practice issued under Chapter 4730. of the 55  
Revised Code authorizing the individual to provide services as a 56  
physician assistant to patients under the supervision, control, 57  
and direction of one or more physicians. 58

**Sec. 1751.67.** (A) Each individual or group health insuring 59  
corporation policy, contract, or agreement delivered, issued for 60  
delivery, or renewed in this state that provides maternity 61  
benefits shall provide coverage of inpatient care and follow-up 62  
care for a mother and her newborn as follows: 63

(1) The policy, contract, or agreement shall cover a 64  
minimum of forty-eight hours of inpatient care following a 65  
normal vaginal delivery and a minimum of ninety-six hours of 66  
inpatient care following a cesarean delivery. Services covered 67  
as inpatient care shall include medical, educational, and any 68  
other services that are consistent with the inpatient care 69  
recommended in the protocols and guidelines developed by 70  
national organizations that represent pediatric, obstetric, and 71  
nursing professionals. 72

(2) The policy, contract, or agreement shall cover a 73  
physician-directed source of follow-up care or a source of 74  
follow-up care directed by an advanced practice registered 75  
nurse. Services covered as follow-up care shall include physical 76  
assessment of the mother and newborn, parent education, 77  
assistance and training in breast or bottle feeding, assessment 78  
of the home support system, performance of any medically 79

necessary and appropriate clinical tests, and any other services 80  
that are consistent with the follow-up care recommended in the 81  
protocols and guidelines developed by national organizations 82  
that represent pediatric, obstetric, and nursing professionals. 83  
The coverage shall apply to services provided in a medical 84  
setting or through home health care visits. The coverage shall 85  
apply to a home health care visit only if the provider who 86  
conducts the visit is knowledgeable and experienced in maternity 87  
and newborn care. 88

When a decision is made in accordance with division (B) of 89  
this section to discharge a mother or newborn prior to the 90  
expiration of the applicable number of hours of inpatient care 91  
required to be covered, the coverage of follow-up care shall 92  
apply to all follow-up care that is provided within seventy-two 93  
hours after discharge. When a mother or newborn receives at 94  
least the number of hours of inpatient care required to be 95  
covered, the coverage of follow-up care shall apply to follow-up 96  
care that is determined to be medically necessary by the 97  
provider responsible for discharging the mother or newborn. 98

(B) Any decision to shorten the length of inpatient stay 99  
to less than that specified under division (A)(1) of this 100  
section shall be made by the physician attending the mother or 101  
newborn, except that if a certified nurse-midwife is attending 102  
the mother ~~in collaboration with a physician~~, the decision may 103  
be made by the nurse-midwife. Decisions regarding early 104  
discharge shall be made only after conferring with the mother or 105  
a person responsible for the mother or newborn. For purposes of 106  
this division, a person responsible for the mother or newborn 107  
may include a parent, guardian, or any other person with 108  
authority to make medical decisions for the mother or newborn. 109

(C) (1) No health insuring corporation may do either of the following: 110  
111

(a) Terminate the participation of a provider or health care facility in an individual or group health care plan solely for making recommendations for inpatient or follow-up care for a particular mother or newborn that are consistent with the care required to be covered by this section; 112  
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(b) Establish or offer monetary or other financial incentives for the purpose of encouraging a person to decline the inpatient or follow-up care required to be covered by this section. 117  
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(2) Whoever violates division (C) (1) (a) or (b) of this section has engaged in an unfair and deceptive act or practice in the business of insurance under sections 3901.19 to 3901.26 of the Revised Code. 121  
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(D) This section does not do any of the following: 125

(1) Require a policy, contract, or agreement to cover inpatient or follow-up care that is not received in accordance with the policy's, contract's, or agreement's terms pertaining to the providers and facilities from which an individual is authorized to receive health care services; 126  
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(2) Require a mother or newborn to stay in a hospital or other inpatient setting for a fixed period of time following delivery; 131  
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(3) Require a child to be delivered in a hospital or other inpatient setting; 134  
135

(4) Authorize a certified nurse-midwife to practice beyond the authority to practice nurse-midwifery in accordance with 136  
137

Chapter 4723. of the Revised Code; 138

(5) Establish minimum standards of medical diagnosis, 139  
care, or treatment for inpatient or follow-up care for a mother 140  
or newborn. A deviation from the care required to be covered 141  
under this section shall not, solely on the basis of this 142  
section, give rise to a medical claim or to derivative claims 143  
for relief, as those terms are defined in section 2305.113 of 144  
the Revised Code. 145

**Sec. 2133.211.** A person who holds a ~~certificate of~~ 146  
~~authority current, valid license issued under Chapter 4723. of~~ 147  
~~the Revised Code to practice as a certified nurse practitioner-~~ 148  
~~or clinical nurse specialist issued under section 4723.42 of the~~ 149  
~~Revised Code as an advanced practice registered nurse~~ may take 150  
any action that may be taken by an attending physician under 151  
sections 2133.21 to 2133.26 of the Revised Code ~~and has the~~ 152  
~~immunity provided by section 2133.22 of the Revised Code if the~~ 153  
~~action is taken pursuant to a standard care arrangement with a~~ 154  
~~collaborating physician.~~ 155

A person who holds a certificate to practice as a 156  
physician assistant issued under Chapter 4730. of the Revised 157  
Code may take any action that may be taken by an attending 158  
physician under sections 2133.21 to 2133.26 of the Revised Code 159  
and has the immunity provided by section 2133.22 of the Revised 160  
Code if the action is taken pursuant to a physician supervisory 161  
plan approved pursuant to section 4730.17 of the Revised Code or 162  
the policies of a health care facility in which the physician 163  
assistant is practicing. 164

**Sec. 2305.113.** (A) Except as otherwise provided in this 165  
section, an action upon a medical, dental, optometric, or 166  
chiropractic claim shall be commenced within one year after the 167

cause of action accrued. 168

(B) (1) If prior to the expiration of the one-year period 169  
specified in division (A) of this section, a claimant who 170  
allegedly possesses a medical, dental, optometric, or 171  
chiropractic claim gives to the person who is the subject of 172  
that claim written notice that the claimant is considering 173  
bringing an action upon that claim, that action may be commenced 174  
against the person notified at any time within one hundred 175  
eighty days after the notice is so given. 176

(2) An insurance company shall not consider the existence 177  
or nonexistence of a written notice described in division (B) (1) 178  
of this section in setting the liability insurance premium rates 179  
that the company may charge the company's insured person who is 180  
notified by that written notice. 181

(C) Except as to persons within the age of minority or of 182  
unsound mind as provided by section 2305.16 of the Revised Code, 183  
and except as provided in division (D) of this section, both of 184  
the following apply: 185

(1) No action upon a medical, dental, optometric, or 186  
chiropractic claim shall be commenced more than four years after 187  
the occurrence of the act or omission constituting the alleged 188  
basis of the medical, dental, optometric, or chiropractic claim. 189

(2) If an action upon a medical, dental, optometric, or 190  
chiropractic claim is not commenced within four years after the 191  
occurrence of the act or omission constituting the alleged basis 192  
of the medical, dental, optometric, or chiropractic claim, then, 193  
any action upon that claim is barred. 194

(D) (1) If a person making a medical claim, dental claim, 195  
optometric claim, or chiropractic claim, in the exercise of 196

reasonable care and diligence, could not have discovered the 197  
injury resulting from the act or omission constituting the 198  
alleged basis of the claim within three years after the 199  
occurrence of the act or omission, but, in the exercise of 200  
reasonable care and diligence, discovers the injury resulting 201  
from that act or omission before the expiration of the four-year 202  
period specified in division (C) (1) of this section, the person 203  
may commence an action upon the claim not later than one year 204  
after the person discovers the injury resulting from that act or 205  
omission. 206

(2) If the alleged basis of a medical claim, dental claim, 207  
optometric claim, or chiropractic claim is the occurrence of an 208  
act or omission that involves a foreign object that is left in 209  
the body of the person making the claim, the person may commence 210  
an action upon the claim not later than one year after the 211  
person discovered the foreign object or not later than one year 212  
after the person, with reasonable care and diligence, should 213  
have discovered the foreign object. 214

(3) A person who commences an action upon a medical claim, 215  
dental claim, optometric claim, or chiropractic claim under the 216  
circumstances described in division (D) (1) or (2) of this 217  
section has the affirmative burden of proving, by clear and 218  
convincing evidence, that the person, with reasonable care and 219  
diligence, could not have discovered the injury resulting from 220  
the act or omission constituting the alleged basis of the claim 221  
within the three-year period described in division (D) (1) of 222  
this section or within the one-year period described in division 223  
(D) (2) of this section, whichever is applicable. 224

(E) As used in this section: 225

(1) "Hospital" includes any person, corporation, 226



association, board, or authority that is responsible for the 227  
operation of any hospital licensed or registered in the state, 228  
including, but not limited to, those that are owned or operated 229  
by the state, political subdivisions, any person, any 230  
corporation, or any combination of the state, political 231  
subdivisions, persons, and corporations. "Hospital" also 232  
includes any person, corporation, association, board, entity, or 233  
authority that is responsible for the operation of any clinic 234  
that employs a full-time staff of physicians practicing in more 235  
than one recognized medical specialty and rendering advice, 236  
diagnosis, care, and treatment to individuals. "Hospital" does 237  
not include any hospital operated by the government of the 238  
United States or any of its branches. 239

(2) "Physician" means a person who is licensed to practice 240  
medicine and surgery or osteopathic medicine and surgery by the 241  
state medical board or a person who otherwise is authorized to 242  
practice medicine and surgery or osteopathic medicine and 243  
surgery in this state. 244

(3) "Medical claim" means any claim that is asserted in 245  
any civil action against a physician, podiatrist, hospital, 246  
home, or residential facility, against any employee or agent of 247  
a physician, podiatrist, hospital, home, or residential 248  
facility, or against a licensed practical nurse, registered 249  
nurse, advanced practice registered nurse, physical therapist, 250  
physician assistant, emergency medical technician-basic, 251  
emergency medical technician-intermediate, or emergency medical 252  
technician-paramedic, and that arises out of the medical 253  
diagnosis, care, or treatment of any person. "Medical claim" 254  
includes the following: 255

(a) Derivative claims for relief that arise from the 256

medical diagnosis, care, or treatment of a person;	257
(b) Claims that arise out of the medical diagnosis, care, or treatment of any person and to which either of the following applies:	258 259 260
(i) The claim results from acts or omissions in providing medical care.	261 262
(ii) The claim results from the hiring, training, supervision, retention, or termination of caregivers providing medical diagnosis, care, or treatment.	263 264 265
(c) Claims that arise out of the medical diagnosis, care, or treatment of any person and that are brought under section 3721.17 of the Revised Code.	266 267 268
(4) "Podiatrist" means any person who is licensed to practice podiatric medicine and surgery by the state medical board.	269 270 271
(5) "Dentist" means any person who is licensed to practice dentistry by the state dental board.	272 273
(6) "Dental claim" means any claim that is asserted in any civil action against a dentist, or against any employee or agent of a dentist, and that arises out of a dental operation or the dental diagnosis, care, or treatment of any person. "Dental claim" includes derivative claims for relief that arise from a dental operation or the dental diagnosis, care, or treatment of a person.	274 275 276 277 278 279 280
(7) "Derivative claims for relief" include, but are not limited to, claims of a parent, guardian, custodian, or spouse of an individual who was the subject of any medical diagnosis, care, or treatment, dental diagnosis, care, or treatment, dental	281 282 283 284

operation, optometric diagnosis, care, or treatment, or 285  
chiropractic diagnosis, care, or treatment, that arise from that 286  
diagnosis, care, treatment, or operation, and that seek the 287  
recovery of damages for any of the following: 288

(a) Loss of society, consortium, companionship, care, 289  
assistance, attention, protection, advice, guidance, counsel, 290  
instruction, training, or education, or any other intangible 291  
loss that was sustained by the parent, guardian, custodian, or 292  
spouse; 293

(b) Expenditures of the parent, guardian, custodian, or 294  
spouse for medical, dental, optometric, or chiropractic care or 295  
treatment, for rehabilitation services, or for other care, 296  
treatment, services, products, or accommodations provided to the 297  
individual who was the subject of the medical diagnosis, care, 298  
or treatment, the dental diagnosis, care, or treatment, the 299  
dental operation, the optometric diagnosis, care, or treatment, 300  
or the chiropractic diagnosis, care, or treatment. 301

(8) "Registered nurse" means any person who is licensed to 302  
practice nursing as a registered nurse by the board of nursing. 303

(9) "Chiropractic claim" means any claim that is asserted 304  
in any civil action against a chiropractor, or against any 305  
employee or agent of a chiropractor, and that arises out of the 306  
chiropractic diagnosis, care, or treatment of any person. 307  
"Chiropractic claim" includes derivative claims for relief that 308  
arise from the chiropractic diagnosis, care, or treatment of a 309  
person. 310

(10) "Chiropractor" means any person who is licensed to 311  
practice chiropractic by the state chiropractic board. 312

(11) "Optometric claim" means any claim that is asserted 313

in any civil action against an optometrist, or against any 314  
employee or agent of an optometrist, and that arises out of the 315  
optometric diagnosis, care, or treatment of any person. 316

"Optometric claim" includes derivative claims for relief that 317  
arise from the optometric diagnosis, care, or treatment of a 318  
person. 319

(12) "Optometrist" means any person licensed to practice 320  
optometry by the state board of optometry. 321

(13) "Physical therapist" means any person who is licensed 322  
to practice physical therapy under Chapter 4755. of the Revised 323  
Code. 324

(14) "Home" has the same meaning as in section 3721.10 of 325  
the Revised Code. 326

(15) "Residential facility" means a facility licensed 327  
under section 5123.19 of the Revised Code. 328

(16) "Advanced practice registered nurse" ~~means any~~ 329  
~~certified nurse practitioner, clinical nurse specialist,~~ 330  
~~certified registered nurse anesthetist, or certified nurse~~ 331  
~~midwife who holds a certificate of authority issued by the board~~ 332  
~~of nursing under Chapter 4723. has the same meaning as in~~ 333  
section 4723.01 of the Revised Code. 334

(17) "Licensed practical nurse" means any person who is 335  
licensed to practice nursing as a licensed practical nurse by 336  
the board of nursing pursuant to Chapter 4723. of the Revised 337  
Code. 338

(18) "Physician assistant" means any person who holds a 339  
valid certificate to practice issued pursuant to Chapter 4730. 340  
of the Revised Code. 341

(19) "Emergency medical technician-basic," "emergency medical technician-intermediate," and "emergency medical technician-paramedic" means any person who is certified under Chapter 4765. of the Revised Code as an emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic, whichever is applicable.

**Sec. 2305.234.** (A) As used in this section:

(1) "Chiropractic claim," "medical claim," and "optometric claim" have the same meanings as in section 2305.113 of the Revised Code.

(2) "Dental claim" has the same meaning as in section 2305.113 of the Revised Code, except that it does not include any claim arising out of a dental operation or any derivative claim for relief that arises out of a dental operation.

(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.

(4) "Health care facility or location" means a hospital, clinic, ambulatory surgical facility, office of a health care professional or associated group of health care professionals, training institution for health care professionals, a free clinic or other nonprofit shelter or health care facility as those terms are defined in section 3701.071 of the Revised Code, or any other place where medical, dental, or other health-related diagnosis, care, or treatment is provided to a person.

(5) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:

(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic

medicine and surgery;	371
(b) <del>Registered</del> <u>Advanced practice registered nurses,</u> <u>registered nurses,</u> and licensed practical nurses licensed under Chapter 4723. of the Revised Code <del>and individuals who hold a</del> <del>certificate of authority issued under that chapter that</del> <del>authorizes the practice of nursing as a certified registered</del> <del>nurse anesthetist, clinical nurse specialist, certified nurse</del> <del>midwife, or certified nurse practitioner;</del>	372 373 374 375 376 377 378
(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	379 380
(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	381 382
(e) Physical therapists, physical therapist assistants, occupational therapists, occupational therapy assistants, and athletic trainers licensed under Chapter 4755. of the Revised Code;	383 384 385 386
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	387 388
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	389 390
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	391 392
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	393 394
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	395 396
(k) Emergency medical technicians-basic, emergency medical	397

technicians-intermediate, and emergency medical technicians-	398
paramedic, certified under Chapter 4765. of the Revised Code;	399
(1) Respiratory care professionals licensed under Chapter	400
4761. of the Revised Code;	401
(m) Speech-language pathologists and audiologists licensed	402
under Chapter 4753. of the Revised Code;	403
(n) Licensed professional clinical counselors, licensed	404
professional counselors, independent social workers, social	405
workers, independent marriage and family therapists, and	406
marriage and family therapists, licensed under Chapter 4757. of	407
the Revised Code;	408
(o) Psychologists licensed under Chapter 4732. of the	409
Revised Code;	410
(p) Individuals licensed or certified under Chapter 4758.	411
of the Revised Code who are acting within the scope of their	412
license or certificate as members of the profession of chemical	413
dependency counseling or alcohol and other drug prevention	414
services.	415
(6) "Health care worker" means a person other than a	416
health care professional who provides medical, dental, or other	417
health-related care or treatment under the direction of a health	418
care professional with the authority to direct that individual's	419
activities, including medical technicians, medical assistants,	420
dental assistants, orderlies, aides, and individuals acting in	421
similar capacities.	422
(7) "Indigent and uninsured person" means a person who	423
meets both of the following requirements:	424
(a) Relative to being indigent, the person's income is not	425

greater than two hundred per cent of the federal poverty line, 426  
as defined by the United States office of management and budget 427  
and revised in accordance with section 673(2) of the "Omnibus 428  
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 429  
9902, as amended, except in any case in which division (A) (7) (b) 430  
(iii) of this section includes a person whose income is greater 431  
than two hundred per cent of the federal poverty line. 432

(b) Relative to being uninsured, one of the following 433  
applies: 434

(i) The person is not a policyholder, certificate holder, 435  
insured, contract holder, subscriber, enrollee, member, 436  
beneficiary, or other covered individual under a health 437  
insurance or health care policy, contract, or plan. 438

(ii) The person is a policyholder, certificate holder, 439  
insured, contract holder, subscriber, enrollee, member, 440  
beneficiary, or other covered individual under a health 441  
insurance or health care policy, contract, or plan, but the 442  
insurer, policy, contract, or plan denies coverage or is the 443  
subject of insolvency or bankruptcy proceedings in any 444  
jurisdiction. 445

(iii) Until June 30, 2019, the person is eligible for the 446  
medicaid program or is a medicaid recipient. 447

(iv) Except as provided in division (A) (7) (b) (iii) of 448  
this section, the person is not eligible for or a recipient, 449  
enrollee, or beneficiary of any governmental health care 450  
program. 451

(8) "Nonprofit health care referral organization" means an 452  
entity that is not operated for profit and refers patients to, 453  
or arranges for the provision of, health-related diagnosis, 454



care, or treatment by a health care professional or health care worker. 455  
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(9) "Operation" means any procedure that involves cutting 457  
or otherwise infiltrating human tissue by mechanical means, 458  
including surgery, laser surgery, ionizing radiation, 459  
therapeutic ultrasound, or the removal of intraocular foreign 460  
bodies. "Operation" does not include the administration of 461  
medication by injection, unless the injection is administered in 462  
conjunction with a procedure infiltrating human tissue by 463  
mechanical means other than the administration of medicine by 464  
injection. "Operation" does not include routine dental 465  
restorative procedures, the scaling of teeth, or extractions of 466  
teeth that are not impacted. 467

(10) "Tort action" means a civil action for damages for 468  
injury, death, or loss to person or property other than a civil 469  
action for damages for a breach of contract or another agreement 470  
between persons or government entities. 471

(11) "Volunteer" means an individual who provides any 472  
medical, dental, or other health-care related diagnosis, care, 473  
or treatment without the expectation of receiving and without 474  
receipt of any compensation or other form of remuneration from 475  
an indigent and uninsured person, another person on behalf of an 476  
indigent and uninsured person, any health care facility or 477  
location, any nonprofit health care referral organization, or 478  
any other person or government entity. 479

(12) "Community control sanction" has the same meaning as 480  
in section 2929.01 of the Revised Code. 481

(13) "Deep sedation" means a drug-induced depression of 482  
consciousness during which a patient cannot be easily aroused 483

but responds purposefully following repeated or painful 484  
stimulation, a patient's ability to independently maintain 485  
ventilatory function may be impaired, a patient may require 486  
assistance in maintaining a patent airway and spontaneous 487  
ventilation may be inadequate, and cardiovascular function is 488  
usually maintained. 489

(14) "General anesthesia" means a drug-induced loss of 490  
consciousness during which a patient is not arousable, even by 491  
painful stimulation, the ability to independently maintain 492  
ventilatory function is often impaired, a patient often requires 493  
assistance in maintaining a patent airway, positive pressure 494  
ventilation may be required because of depressed spontaneous 495  
ventilation or drug-induced depression of neuromuscular 496  
function, and cardiovascular function may be impaired. 497

(B) (1) Subject to divisions (F) and (G) (3) of this 498  
section, a health care professional who is a volunteer and 499  
complies with division (B) (2) of this section is not liable in 500  
damages to any person or government entity in a tort or other 501  
civil action, including an action on a medical, dental, 502  
chiropractic, optometric, or other health-related claim, for 503  
injury, death, or loss to person or property that allegedly 504  
arises from an action or omission of the volunteer in the 505  
provision to an indigent and uninsured person of medical, 506  
dental, or other health-related diagnosis, care, or treatment, 507  
including the provision of samples of medicine and other medical 508  
products, unless the action or omission constitutes willful or 509  
wanton misconduct. 510

(2) To qualify for the immunity described in division (B) 511  
(1) of this section, a health care professional shall do all of 512  
the following prior to providing diagnosis, care, or treatment: 513

(a) Determine, in good faith, that the indigent and 514  
uninsured person is mentally capable of giving informed consent 515  
to the provision of the diagnosis, care, or treatment and is not 516  
subject to duress or under undue influence; 517

(b) Inform the person of the provisions of this section, 518  
including notifying the person that, by giving informed consent 519  
to the provision of the diagnosis, care, or treatment, the 520  
person cannot hold the health care professional liable for 521  
damages in a tort or other civil action, including an action on 522  
a medical, dental, chiropractic, optometric, or other health- 523  
related claim, unless the action or omission of the health care 524  
professional constitutes willful or wanton misconduct; 525

(c) Obtain the informed consent of the person and a 526  
written waiver, signed by the person or by another individual on 527  
behalf of and in the presence of the person, that states that 528  
the person is mentally competent to give informed consent and, 529  
without being subject to duress or under undue influence, gives 530  
informed consent to the provision of the diagnosis, care, or 531  
treatment subject to the provisions of this section. A written 532  
waiver under division (B) (2) (c) of this section shall state 533  
clearly and in conspicuous type that the person or other 534  
individual who signs the waiver is signing it with full 535  
knowledge that, by giving informed consent to the provision of 536  
the diagnosis, care, or treatment, the person cannot bring a 537  
tort or other civil action, including an action on a medical, 538  
dental, chiropractic, optometric, or other health-related claim, 539  
against the health care professional unless the action or 540  
omission of the health care professional constitutes willful or 541  
wanton misconduct. 542

(3) A physician or podiatrist who is not covered by 543

medical malpractice insurance, but complies with division (B) (2) 544  
of this section, is not required to comply with division (A) of 545  
section 4731.143 of the Revised Code. 546

(C) Subject to divisions (F) and (G) (3) of this section, 547  
health care workers who are volunteers are not liable in damages 548  
to any person or government entity in a tort or other civil 549  
action, including an action upon a medical, dental, 550  
chiropractic, optometric, or other health-related claim, for 551  
injury, death, or loss to person or property that allegedly 552  
arises from an action or omission of the health care worker in 553  
the provision to an indigent and uninsured person of medical, 554  
dental, or other health-related diagnosis, care, or treatment, 555  
unless the action or omission constitutes willful or wanton 556  
misconduct. 557

(D) Subject to divisions (F) and (G) (3) of this section, a 558  
nonprofit health care referral organization is not liable in 559  
damages to any person or government entity in a tort or other 560  
civil action, including an action on a medical, dental, 561  
chiropractic, optometric, or other health-related claim, for 562  
injury, death, or loss to person or property that allegedly 563  
arises from an action or omission of the nonprofit health care 564  
referral organization in referring indigent and uninsured 565  
persons to, or arranging for the provision of, medical, dental, 566  
or other health-related diagnosis, care, or treatment by a 567  
health care professional described in division (B) (1) of this 568  
section or a health care worker described in division (C) of 569  
this section, unless the action or omission constitutes willful 570  
or wanton misconduct. 571

(E) Subject to divisions (F) and (G) (3) of this section 572  
and to the extent that the registration requirements of section 573

3701.071 of the Revised Code apply, a health care facility or 574  
location associated with a health care professional described in 575  
division (B) (1) of this section, a health care worker described 576  
in division (C) of this section, or a nonprofit health care 577  
referral organization described in division (D) of this section 578  
is not liable in damages to any person or government entity in a 579  
tort or other civil action, including an action on a medical, 580  
dental, chiropractic, optometric, or other health-related claim, 581  
for injury, death, or loss to person or property that allegedly 582  
arises from an action or omission of the health care 583  
professional or worker or nonprofit health care referral 584  
organization relative to the medical, dental, or other health- 585  
related diagnosis, care, or treatment provided to an indigent 586  
and uninsured person on behalf of or at the health care facility 587  
or location, unless the action or omission constitutes willful 588  
or wanton misconduct. 589

(F) (1) Except as provided in division (F) (2) of this 590  
section, the immunities provided by divisions (B), (C), (D), and 591  
(E) of this section are not available to a health care 592  
professional, health care worker, nonprofit health care referral 593  
organization, or health care facility or location if, at the 594  
time of an alleged injury, death, or loss to person or property, 595  
the health care professionals or health care workers involved 596  
are providing one of the following: 597

(a) Any medical, dental, or other health-related 598  
diagnosis, care, or treatment pursuant to a community service 599  
work order entered by a court under division (B) of section 600  
2951.02 of the Revised Code or imposed by a court as a community 601  
control sanction; 602

(b) Performance of an operation to which any one of the 603

following applies: 604

(i) The operation requires the administration of deep 605  
sedation or general anesthesia. 606

(ii) The operation is a procedure that is not typically 607  
performed in an office. 608

(iii) The individual involved is a health care 609  
professional, and the operation is beyond the scope of practice 610  
or the education, training, and competence, as applicable, of 611  
the health care professional. 612

(c) Delivery of a baby or any other purposeful termination 613  
of a human pregnancy. 614

(2) Division (F)(1) of this section does not apply when a 615  
health care professional or health care worker provides medical, 616  
dental, or other health-related diagnosis, care, or treatment 617  
that is necessary to preserve the life of a person in a medical 618  
emergency. 619

(G)(1) This section does not create a new cause of action 620  
or substantive legal right against a health care professional, 621  
health care worker, nonprofit health care referral organization, 622  
or health care facility or location. 623

(2) This section does not affect any immunities from civil 624  
liability or defenses established by another section of the 625  
Revised Code or available at common law to which a health care 626  
professional, health care worker, nonprofit health care referral 627  
organization, or health care facility or location may be 628  
entitled in connection with the provision of emergency or other 629  
medical, dental, or other health-related diagnosis, care, or 630  
treatment. 631

(3) This section does not grant an immunity from tort or 632  
other civil liability to a health care professional, health care 633  
worker, nonprofit health care referral organization, or health 634  
care facility or location for actions that are outside the scope 635  
of authority of health care professionals or health care 636  
workers. 637

In the case of the diagnosis, care, or treatment of an 638  
indigent and uninsured person who is eligible for the medicaid 639  
program or is a medicaid recipient, this section grants an 640  
immunity from tort or other civil liability only if the person's 641  
diagnosis, care, or treatment is provided in a free clinic, as 642  
defined in section 3701.071 of the Revised Code. 643

(4) This section does not affect any legal responsibility 644  
of a health care professional, health care worker, or nonprofit 645  
health care referral organization to comply with any applicable 646  
law of this state or rule of an agency of this state. 647

(5) This section does not affect any legal responsibility 648  
of a health care facility or location to comply with any 649  
applicable law of this state, rule of an agency of this state, 650  
or local code, ordinance, or regulation that pertains to or 651  
regulates building, housing, air pollution, water pollution, 652  
sanitation, health, fire, zoning, or safety. 653

**Sec. 2317.02.** The following persons shall not testify in 654  
certain respects: 655

(A) (1) An attorney, concerning a communication made to the 656  
attorney by a client in that relation or concerning the 657  
attorney's advice to a client, except that the attorney may 658  
testify by express consent of the client or, if the client is 659  
deceased, by the express consent of the surviving spouse or the 660

executor or administrator of the estate of the deceased client. 661  
However, if the client voluntarily reveals the substance of 662  
attorney-client communications in a nonprivileged context or is 663  
deemed by section 2151.421 of the Revised Code to have waived 664  
any testimonial privilege under this division, the attorney may 665  
be compelled to testify on the same subject. 666

The testimonial privilege established under this division 667  
does not apply concerning a communication between a client who 668  
has since died and the deceased client's attorney if the 669  
communication is relevant to a dispute between parties who claim 670  
through that deceased client, regardless of whether the claims 671  
are by testate or intestate succession or by inter vivos 672  
transaction, and the dispute addresses the competency of the 673  
deceased client when the deceased client executed a document 674  
that is the basis of the dispute or whether the deceased client 675  
was a victim of fraud, undue influence, or duress when the 676  
deceased client executed a document that is the basis of the 677  
dispute. 678

(2) An attorney, concerning a communication made to the 679  
attorney by a client in that relationship or the attorney's 680  
advice to a client, except that if the client is an insurance 681  
company, the attorney may be compelled to testify, subject to an 682  
in camera inspection by a court, about communications made by 683  
the client to the attorney or by the attorney to the client that 684  
are related to the attorney's aiding or furthering an ongoing or 685  
future commission of bad faith by the client, if the party 686  
seeking disclosure of the communications has made a prima-facie 687  
showing of bad faith, fraud, or criminal misconduct by the 688  
client. 689

(B) (1) A physician, advanced practice registered nurse, or 690



~~a~~-dentist concerning a communication made to the physician, advanced practice registered nurse, or dentist by a patient in that relation or the ~~physician's or dentist's~~ advice of a physician, advanced practice registered nurse, or dentist given to a patient, except as otherwise provided in this division, division (B) (2), and division (B) (3) of this section, and except that, if the patient is deemed by section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the physician or advanced practice registered nurse may be compelled to testify on the same subject.

The testimonial privilege established under this division does not apply, and a physician, advanced practice registered nurse, or dentist may testify or may be compelled to testify, in any of the following circumstances:

(a) In any civil action, in accordance with the discovery provisions of the Rules of Civil Procedure in connection with a civil action, or in connection with a claim under Chapter 4123. of the Revised Code, under any of the following circumstances:

(i) If the patient or the guardian or other legal representative of the patient gives express consent;

(ii) If the patient is deceased, the spouse of the patient or the executor or administrator of the patient's estate gives express consent;

(iii) If a medical claim, dental claim, chiropractic claim, or optometric claim, as defined in section 2305.113 of the Revised Code, an action for wrongful death, any other type of civil action, or a claim under Chapter 4123. of the Revised Code is filed by the patient, the personal representative of the estate of the patient if deceased, or the patient's guardian or

other legal representative. 720

(b) In any civil action concerning court-ordered treatment 721  
or services received by a patient, if the court-ordered 722  
treatment or services were ordered as part of a case plan 723  
journalized under section 2151.412 of the Revised Code or the 724  
court-ordered treatment or services are necessary or relevant to 725  
dependency, neglect, or abuse or temporary or permanent custody 726  
proceedings under Chapter 2151. of the Revised Code. 727

(c) In any criminal action concerning any test or the 728  
results of any test that determines the presence or 729  
concentration of alcohol, a drug of abuse, a combination of 730  
them, a controlled substance, or a metabolite of a controlled 731  
substance in the patient's whole blood, blood serum or plasma, 732  
breath, urine, or other bodily substance at any time relevant to 733  
the criminal offense in question. 734

(d) In any criminal action against a physician, advanced 735  
practice registered nurse, or dentist. In such an action, the 736  
testimonial privilege established under this division does not 737  
prohibit the admission into evidence, in accordance with the 738  
Rules of Evidence, of a patient's medical or dental records or 739  
other communications between a patient and the physician,  740  
advanced practice registered nurse, or dentist that are related 741  
to the action and obtained by subpoena, search warrant, or other 742  
lawful means. A court that permits or compels a physician,  743  
advanced practice registered nurse, or dentist to testify in 744  
such an action or permits the introduction into evidence of 745  
patient records or other communications in such an action shall 746  
require that appropriate measures be taken to ensure that the 747  
confidentiality of any patient named or otherwise identified in 748  
the records is maintained. Measures to ensure confidentiality 749

that may be taken by the court include sealing its records or 750  
deleting specific information from its records. 751

(e) (i) If the communication was between a patient who has 752  
since died and the deceased patient's physician, advanced 753  
practice registered nurse, or dentist, the communication is 754  
relevant to a dispute between parties who claim through that 755  
deceased patient, regardless of whether the claims are by 756  
testate or intestate succession or by inter vivos transaction, 757  
and the dispute addresses the competency of the deceased patient 758  
when the deceased patient executed a document that is the basis 759  
of the dispute or whether the deceased patient was a victim of 760  
fraud, undue influence, or duress when the deceased patient 761  
executed a document that is the basis of the dispute. 762

(ii) If neither the spouse of a patient nor the executor 763  
or administrator of that patient's estate gives consent under 764  
division (B) (1) (a) (ii) of this section, testimony or the 765  
disclosure of the patient's medical records by a physician, 766  
advanced practice registered nurse, dentist, or other health 767  
care provider under division (B) (1) (e) (i) of this section is a 768  
permitted use or disclosure of protected health information, as 769  
defined in 45 C.F.R. 160.103, and an authorization or 770  
opportunity to be heard shall not be required. 771

(iii) Division (B) (1) (e) (i) of this section does not 772  
require a mental health professional to disclose psychotherapy 773  
notes, as defined in 45 C.F.R. 164.501. 774

(iv) An interested person who objects to testimony or 775  
disclosure under division (B) (1) (e) (i) of this section may seek 776  
a protective order pursuant to Civil Rule 26. 777

(v) A person to whom protected health information is 778

disclosed under division (B) (1) (e) (i) of this section shall not 779  
use or disclose the protected health information for any purpose 780  
other than the litigation or proceeding for which the 781  
information was requested and shall return the protected health 782  
information to the covered entity or destroy the protected 783  
health information, including all copies made, at the conclusion 784  
of the litigation or proceeding. 785

(2) (a) If any law enforcement officer submits a written 786  
statement to a health care provider that states that an official 787  
criminal investigation has begun regarding a specified person or 788  
that a criminal action or proceeding has been commenced against 789  
a specified person, that requests the provider to supply to the 790  
officer copies of any records the provider possesses that 791  
pertain to any test or the results of any test administered to 792  
the specified person to determine the presence or concentration 793  
of alcohol, a drug of abuse, a combination of them, a controlled 794  
substance, or a metabolite of a controlled substance in the 795  
person's whole blood, blood serum or plasma, breath, or urine at 796  
any time relevant to the criminal offense in question, and that 797  
conforms to section 2317.022 of the Revised Code, the provider, 798  
except to the extent specifically prohibited by any law of this 799  
state or of the United States, shall supply to the officer a 800  
copy of any of the requested records the provider possesses. If 801  
the health care provider does not possess any of the requested 802  
records, the provider shall give the officer a written statement 803  
that indicates that the provider does not possess any of the 804  
requested records. 805

(b) If a health care provider possesses any records of the 806  
type described in division (B) (2) (a) of this section regarding 807  
the person in question at any time relevant to the criminal 808  
offense in question, in lieu of personally testifying as to the 809

results of the test in question, the custodian of the records 810  
may submit a certified copy of the records, and, upon its 811  
submission, the certified copy is qualified as authentic 812  
evidence and may be admitted as evidence in accordance with the 813  
Rules of Evidence. Division (A) of section 2317.422 of the 814  
Revised Code does not apply to any certified copy of records 815  
submitted in accordance with this division. Nothing in this 816  
division shall be construed to limit the right of any party to 817  
call as a witness the person who administered the test to which 818  
the records pertain, the person under whose supervision the test 819  
was administered, the custodian of the records, the person who 820  
made the records, or the person under whose supervision the 821  
records were made. 822

(3) (a) If the testimonial privilege described in division 823  
(B) (1) of this section does not apply as provided in division 824  
(B) (1) (a) (iii) of this section, a physician, advanced practice 825  
registered nurse, or dentist may be compelled to testify or to 826  
submit to discovery under the Rules of Civil Procedure only as 827  
to a communication made to the physician, advanced practice 828  
registered nurse, or dentist by the patient in question in that 829  
relation, or the ~~physician's or dentist's~~ advice of the 830  
physician, advanced practice registered nurse, or dentist given 831  
to the patient in question, that related causally or 832  
historically to physical or mental injuries that are relevant to 833  
issues in the medical claim, dental claim, chiropractic claim, 834  
or optometric claim, action for wrongful death, other civil 835  
action, or claim under Chapter 4123. of the Revised Code. 836

(b) If the testimonial privilege described in division (B) 837  
(1) of this section does not apply to a physician, advanced 838  
practice registered nurse, or dentist as provided in division 839  
(B) (1) (c) of this section, the physician, advanced practice 840

registered nurse, or dentist, in lieu of personally testifying 841  
as to the results of the test in question, may submit a 842  
certified copy of those results, and, upon its submission, the 843  
certified copy is qualified as authentic evidence and may be 844  
admitted as evidence in accordance with the Rules of Evidence. 845  
Division (A) of section 2317.422 of the Revised Code does not 846  
apply to any certified copy of results submitted in accordance 847  
with this division. Nothing in this division shall be construed 848  
to limit the right of any party to call as a witness the person 849  
who administered the test in question, the person under whose 850  
supervision the test was administered, the custodian of the 851  
results of the test, the person who compiled the results, or the 852  
person under whose supervision the results were compiled. 853

(4) The testimonial privilege described in division (B) (1) 854  
of this section is not waived when a communication is made by a 855  
physician or advanced practice registered nurse to a pharmacist 856  
or when there is communication between a patient and a 857  
pharmacist in furtherance of the physician-patient or advanced 858  
practice registered-nurse patient relation. 859

(5) (a) As used in divisions (B) (1) to (4) of this section, 860  
"communication" means acquiring, recording, or transmitting any 861  
information, in any manner, concerning any facts, opinions, or 862  
statements necessary to enable a physician, advanced practice 863  
registered nurse, or dentist to diagnose, treat, prescribe, or 864  
act for a patient. A "communication" may include, but is not 865  
limited to, any medical or dental, office, or hospital 866  
communication such as a record, chart, letter, memorandum, 867  
laboratory test and results, x-ray, photograph, financial 868  
statement, diagnosis, or prognosis. 869

(b) As used in division (B) (2) of this section, "health 870

care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner. 871  
872  
873

(c) As used in division (B) (5) (b) of this section: 874

(i) "Ambulatory care facility" means a facility that 875  
provides medical, diagnostic, or surgical treatment to patients 876  
who do not require hospitalization, including a dialysis center, 877  
ambulatory surgical facility, cardiac catheterization facility, 878  
diagnostic imaging center, extracorporeal shock wave lithotripsy 879  
center, home health agency, inpatient hospice, birthing center, 880  
radiation therapy center, emergency facility, and an urgent care 881  
center. "Ambulatory health care facility" does not include the 882  
private office of a physician, advanced practice registered 883  
nurse, or dentist, whether the office is for an individual or 884  
group practice. 885

(ii) "Emergency facility" means a hospital emergency 886  
department or any other facility that provides emergency medical 887  
services. 888

(iii) "Health care practitioner" has the same meaning as 889  
in section 4769.01 of the Revised Code. 890

(iv) "Hospital" has the same meaning as in section 3727.01 891  
of the Revised Code. 892

(v) "Long-term care facility" means a nursing home, 893  
residential care facility, or home for the aging, as those terms 894  
are defined in section 3721.01 of the Revised Code; a 895  
residential facility licensed under section 5119.34 of the 896  
Revised Code that provides accommodations, supervision, and 897  
personal care services for three to sixteen unrelated adults; a 898  
nursing facility, as defined in section 5165.01 of the Revised 899

Code; a skilled nursing facility, as defined in section 5165.01 900  
of the Revised Code; and an intermediate care facility for 901  
individuals with intellectual disabilities, as defined in 902  
section 5124.01 of the Revised Code. 903

(vi) "Pharmacy" has the same meaning as in section 4729.01 904  
of the Revised Code. 905

(d) As used in divisions (B) (1) and (2) of this section, 906  
"drug of abuse" has the same meaning as in section 4506.01 of 907  
the Revised Code. 908

(6) Divisions (B) (1), (2), (3), (4), and (5) of this 909  
section apply to doctors of medicine, doctors of osteopathic 910  
medicine, doctors of podiatry, advanced practice registered 911  
nurses, and dentists. 912

(7) Nothing in divisions (B) (1) to (6) of this section 913  
affects, or shall be construed as affecting, the immunity from 914  
civil liability conferred by section 307.628 of the Revised Code 915  
or the immunity from civil liability conferred by section 916  
2305.33 of the Revised Code upon physicians or advanced practice 917  
registered nurses who report an employee's use of a drug of 918  
abuse, or a condition of an employee other than one involving 919  
the use of a drug of abuse, to the employer of the employee in 920  
accordance with division (B) of that section. As used in 921  
division (B) (7) of this section, "employee," "employer," and 922  
"physician" have the same meanings as in section 2305.33 of the 923  
Revised Code and "advanced practice registered nurse" has the 924  
same meaning as in section 4723.01 of the Revised Code. 925

(C) (1) A cleric, when the cleric remains accountable to 926  
the authority of that cleric's church, denomination, or sect, 927  
concerning a confession made, or any information confidentially 928



communicated, to the cleric for a religious counseling purpose 929  
in the cleric's professional character. The cleric may testify 930  
by express consent of the person making the communication, 931  
except when the disclosure of the information is in violation of 932  
a sacred trust and except that, if the person voluntarily 933  
testifies or is deemed by division (A) (4) (c) of section 2151.421 934  
of the Revised Code to have waived any testimonial privilege 935  
under this division, the cleric may be compelled to testify on 936  
the same subject except when disclosure of the information is in 937  
violation of a sacred trust. 938

(2) As used in division (C) of this section: 939

(a) "Cleric" means a member of the clergy, rabbi, priest, 940  
Christian Science practitioner, or regularly ordained, 941  
accredited, or licensed minister of an established and legally 942  
cognizable church, denomination, or sect. 943

(b) "Sacred trust" means a confession or confidential 944  
communication made to a cleric in the cleric's ecclesiastical 945  
capacity in the course of discipline enjoined by the church to 946  
which the cleric belongs, including, but not limited to, the 947  
Catholic Church, if both of the following apply: 948

(i) The confession or confidential communication was made 949  
directly to the cleric. 950

(ii) The confession or confidential communication was made 951  
in the manner and context that places the cleric specifically 952  
and strictly under a level of confidentiality that is considered 953  
inviolable by canon law or church doctrine. 954

(D) Husband or wife, concerning any communication made by 955  
one to the other, or an act done by either in the presence of 956  
the other, during coverture, unless the communication was made, 957

or act done, in the known presence or hearing of a third person 958  
competent to be a witness; and such rule is the same if the 959  
marital relation has ceased to exist; 960

(E) A person who assigns a claim or interest, concerning 961  
any matter in respect to which the person would not, if a party, 962  
be permitted to testify; 963

(F) A person who, if a party, would be restricted under 964  
section 2317.03 of the Revised Code, when the property or thing 965  
is sold or transferred by an executor, administrator, guardian, 966  
trustee, heir, devisee, or legatee, shall be restricted in the 967  
same manner in any action or proceeding concerning the property 968  
or thing. 969

(G) (1) A school guidance counselor who holds a valid 970  
educator license from the state board of education as provided 971  
for in section 3319.22 of the Revised Code, a person licensed 972  
under Chapter 4757. of the Revised Code as a licensed 973  
professional clinical counselor, licensed professional 974  
counselor, social worker, independent social worker, marriage 975  
and family therapist or independent marriage and family 976  
therapist, or registered under Chapter 4757. of the Revised Code 977  
as a social work assistant concerning a confidential 978  
communication received from a client in that relation or the 979  
person's advice to a client unless any of the following applies: 980

(a) The communication or advice indicates clear and 981  
present danger to the client or other persons. For the purposes 982  
of this division, cases in which there are indications of 983  
present or past child abuse or neglect of the client constitute 984  
a clear and present danger. 985

(b) The client gives express consent to the testimony. 986

(c) If the client is deceased, the surviving spouse or the executor or administrator of the estate of the deceased client gives express consent.

(d) The client voluntarily testifies, in which case the school guidance counselor or person licensed or registered under Chapter 4757. of the Revised Code may be compelled to testify on the same subject.

(e) The court in camera determines that the information communicated by the client is not germane to the counselor-client, marriage and family therapist-client, or social worker-client relationship.

(f) A court, in an action brought against a school, its administration, or any of its personnel by the client, rules after an in-camera inspection that the testimony of the school guidance counselor is relevant to that action.

(g) The testimony is sought in a civil action and concerns court-ordered treatment or services received by a patient as part of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under Chapter 2151. of the Revised Code.

(2) Nothing in division (G) (1) of this section shall relieve a school guidance counselor or a person licensed or registered under Chapter 4757. of the Revised Code from the requirement to report information concerning child abuse or neglect under section 2151.421 of the Revised Code.

(H) A mediator acting under a mediation order issued under division (A) of section 3109.052 of the Revised Code or

otherwise issued in any proceeding for divorce, dissolution, 1016  
legal separation, annulment, or the allocation of parental 1017  
rights and responsibilities for the care of children, in any 1018  
action or proceeding, other than a criminal, delinquency, child 1019  
abuse, child neglect, or dependent child action or proceeding, 1020  
that is brought by or against either parent who takes part in 1021  
mediation in accordance with the order and that pertains to the 1022  
mediation process, to any information discussed or presented in 1023  
the mediation process, to the allocation of parental rights and 1024  
responsibilities for the care of the parents' children, or to 1025  
the awarding of parenting time rights in relation to their 1026  
children; 1027

(I) A communications assistant, acting within the scope of 1028  
the communication assistant's authority, when providing 1029  
telecommunications relay service pursuant to section 4931.06 of 1030  
the Revised Code or Title II of the "Communications Act of 1031  
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 1032  
communication made through a telecommunications relay service. 1033  
Nothing in this section shall limit the obligation of a 1034  
communications assistant to divulge information or testify when 1035  
mandated by federal law or regulation or pursuant to subpoena in 1036  
a criminal proceeding. 1037

Nothing in this section shall limit any immunity or 1038  
privilege granted under federal law or regulation. 1039

(J) (1) A chiropractor in a civil proceeding concerning a 1040  
communication made to the chiropractor by a patient in that 1041  
relation or the chiropractor's advice to a patient, except as 1042  
otherwise provided in this division. The testimonial privilege 1043  
established under this division does not apply, and a 1044  
chiropractor may testify or may be compelled to testify, in any 1045

civil action, in accordance with the discovery provisions of the 1046  
Rules of Civil Procedure in connection with a civil action, or 1047  
in connection with a claim under Chapter 4123. of the Revised 1048  
Code, under any of the following circumstances: 1049

(a) If the patient or the guardian or other legal 1050  
representative of the patient gives express consent. 1051

(b) If the patient is deceased, the spouse of the patient 1052  
or the executor or administrator of the patient's estate gives 1053  
express consent. 1054

(c) If a medical claim, dental claim, chiropractic claim, 1055  
or optometric claim, as defined in section 2305.113 of the 1056  
Revised Code, an action for wrongful death, any other type of 1057  
civil action, or a claim under Chapter 4123. of the Revised Code 1058  
is filed by the patient, the personal representative of the 1059  
estate of the patient if deceased, or the patient's guardian or 1060  
other legal representative. 1061

(2) If the testimonial privilege described in division (J) 1062  
(1) of this section does not apply as provided in division (J) 1063  
(1)(c) of this section, a chiropractor may be compelled to 1064  
testify or to submit to discovery under the Rules of Civil 1065  
Procedure only as to a communication made to the chiropractor by 1066  
the patient in question in that relation, or the chiropractor's 1067  
advice to the patient in question, that related causally or 1068  
historically to physical or mental injuries that are relevant to 1069  
issues in the medical claim, dental claim, chiropractic claim, 1070  
or optometric claim, action for wrongful death, other civil 1071  
action, or claim under Chapter 4123. of the Revised Code. 1072

(3) The testimonial privilege established under this 1073  
division does not apply, and a chiropractor may testify or be 1074

compelled to testify, in any criminal action or administrative proceeding. 1075  
1076

(4) As used in this division, "communication" means 1077  
acquiring, recording, or transmitting any information, in any 1078  
manner, concerning any facts, opinions, or statements necessary 1079  
to enable a chiropractor to diagnose, treat, or act for a 1080  
patient. A communication may include, but is not limited to, any 1081  
chiropractic, office, or hospital communication such as a 1082  
record, chart, letter, memorandum, laboratory test and results, 1083  
x-ray, photograph, financial statement, diagnosis, or prognosis. 1084

(K) (1) Except as provided under division (K) (2) of this 1085  
section, a critical incident stress management team member 1086  
concerning a communication received from an individual who 1087  
receives crisis response services from the team member, or the 1088  
team member's advice to the individual, during a debriefing 1089  
session. 1090

(2) The testimonial privilege established under division 1091  
(K) (1) of this section does not apply if any of the following 1092  
are true: 1093

(a) The communication or advice indicates clear and 1094  
present danger to the individual who receives crisis response 1095  
services or to other persons. For purposes of this division, 1096  
cases in which there are indications of present or past child 1097  
abuse or neglect of the individual constitute a clear and 1098  
present danger. 1099

(b) The individual who received crisis response services 1100  
gives express consent to the testimony. 1101

(c) If the individual who received crisis response 1102  
services is deceased, the surviving spouse or the executor or 1103

administrator of the estate of the deceased individual gives 1104  
express consent. 1105

(d) The individual who received crisis response services 1106  
voluntarily testifies, in which case the team member may be 1107  
compelled to testify on the same subject. 1108

(e) The court in camera determines that the information 1109  
communicated by the individual who received crisis response 1110  
services is not germane to the relationship between the 1111  
individual and the team member. 1112

(f) The communication or advice pertains or is related to 1113  
any criminal act. 1114

(3) As used in division (K) of this section: 1115

(a) "Crisis response services" means consultation, risk 1116  
assessment, referral, and on-site crisis intervention services 1117  
provided by a critical incident stress management team to 1118  
individuals affected by crisis or disaster. 1119

(b) "Critical incident stress management team member" or 1120  
"team member" means an individual specially trained to provide 1121  
crisis response services as a member of an organized community 1122  
or local crisis response team that holds membership in the Ohio 1123  
critical incident stress management network. 1124

(c) "Debriefing session" means a session at which crisis 1125  
response services are rendered by a critical incident stress 1126  
management team member during or after a crisis or disaster. 1127

(L) (1) Subject to division (L) (2) of this section and 1128  
except as provided in division (L) (3) of this section, an 1129  
employee assistance professional, concerning a communication 1130  
made to the employee assistance professional by a client in the 1131

employee assistance professional's official capacity as an	1132
employee assistance professional.	1133
(2) Division (L)(1) of this section applies to an employee	1134
assistance professional who meets either or both of the	1135
following requirements:	1136
(a) Is certified by the employee assistance certification	1137
commission to engage in the employee assistance profession;	1138
(b) Has education, training, and experience in all of the	1139
following:	1140
(i) Providing workplace-based services designed to address	1141
employer and employee productivity issues;	1142
(ii) Providing assistance to employees and employees'	1143
dependents in identifying and finding the means to resolve	1144
personal problems that affect the employees or the employees'	1145
performance;	1146
(iii) Identifying and resolving productivity problems	1147
associated with an employee's concerns about any of the	1148
following matters: health, marriage, family, finances, substance	1149
abuse or other addiction, workplace, law, and emotional issues;	1150
(iv) Selecting and evaluating available community	1151
resources;	1152
(v) Making appropriate referrals;	1153
(vi) Local and national employee assistance agreements;	1154
(vii) Client confidentiality.	1155
(3) Division (L)(1) of this section does not apply to any	1156
of the following:	1157
(a) A criminal action or proceeding involving an offense	1158



under sections 2903.01 to 2903.06 of the Revised Code if the 1159  
employee assistance professional's disclosure or testimony 1160  
relates directly to the facts or immediate circumstances of the 1161  
offense; 1162

(b) A communication made by a client to an employee 1163  
assistance professional that reveals the contemplation or 1164  
commission of a crime or serious, harmful act; 1165

(c) A communication that is made by a client who is an 1166  
unemancipated minor or an adult adjudicated to be incompetent 1167  
and indicates that the client was the victim of a crime or 1168  
abuse; 1169

(d) A civil proceeding to determine an individual's mental 1170  
competency or a criminal action in which a plea of not guilty by 1171  
reason of insanity is entered; 1172

(e) A civil or criminal malpractice action brought against 1173  
the employee assistance professional; 1174

(f) When the employee assistance professional has the 1175  
express consent of the client or, if the client is deceased or 1176  
disabled, the client's legal representative; 1177

(g) When the testimonial privilege otherwise provided by 1178  
division (L) (1) of this section is abrogated under law. 1179

**Sec. 2919.171.** (A) A physician who performs or induces or 1180  
attempts to perform or induce an abortion on a pregnant woman 1181  
shall submit a report to the department of health in accordance 1182  
with the forms, rules, and regulations adopted by the department 1183  
that includes all of the information the physician is required 1184  
to certify in writing or determine under sections 2919.17 and 1185  
2919.18 of the Revised Code: 1186

(B) By September 30 of each year, the department of health shall issue a public report that provides statistics for the previous calendar year compiled from all of the reports covering that calendar year submitted to the department in accordance with this section for each of the items listed in division (A) of this section. The report shall also provide the statistics for each previous calendar year in which a report was filed with the department pursuant to this section, adjusted to reflect any additional information that a physician provides to the department in a late or corrected report. The department shall ensure that none of the information included in the report could reasonably lead to the identification of any pregnant woman upon whom an abortion is performed.

(C) (1) The physician shall submit the report described in division (A) of this section to the department of health within fifteen days after the woman is discharged. If the physician fails to submit the report more than thirty days after that fifteen-day deadline, the physician shall be subject to a late fee of five hundred dollars for each additional thirty-day period or portion of a thirty-day period the report is overdue. A physician who is required to submit to the department of health a report under division (A) of this section and who has not submitted a report or has submitted an incomplete report more than one year following the fifteen-day deadline may, in an action brought by the department of health, be directed by a court of competent jurisdiction to submit a complete report to the department of health within a period of time stated in a court order or be subject to contempt of court.

(2) If a physician fails to comply with the requirements of this section, other than filing a late report with the department of health, or fails to submit a complete report to

the department of health in accordance with a court order, the 1218  
physician is subject to division (B) ~~(41)~~ (43) of section 4731.22 1219  
of the Revised Code. 1220

(3) No person shall falsify any report required under this 1221  
section. Whoever violates this division is guilty of abortion 1222  
report falsification, a misdemeanor of the first degree. 1223

(D) Within ninety days of ~~the effective date of this~~ 1224  
~~section~~ October 20, 2011, the department of health shall adopt 1225  
rules pursuant to section 111.15 of the Revised Code to assist 1226  
in compliance with this section. 1227

**Sec. 2921.22.** (A) (1) Except as provided in division (A) (2) 1228  
of this section, no person, knowing that a felony has been or is 1229  
being committed, shall knowingly fail to report such information 1230  
to law enforcement authorities. 1231

(2) No person, knowing that a violation of division (B) of 1232  
section 2913.04 of the Revised Code has been, or is being 1233  
committed or that the person has received information derived 1234  
from such a violation, shall knowingly fail to report the 1235  
violation to law enforcement authorities. 1236

(B) Except for conditions that are within the scope of 1237  
division (E) of this section, no ~~physician, limited~~ 1238  
~~practitioner, nurse, or other~~ person giving aid to a sick or 1239  
injured person shall negligently fail to report to law 1240  
enforcement authorities any gunshot or stab wound treated or 1241  
observed by the ~~physician, limited practitioner, nurse, or~~ 1242  
person, or any serious physical harm to persons that the 1243  
~~physician, limited practitioner, nurse, or~~ person knows or has 1244  
reasonable cause to believe resulted from an offense of 1245  
violence. 1246

(C) No person who discovers the body or acquires the first 1247  
knowledge of the death of a person shall fail to report the 1248  
death immediately to a physician or advanced practice registered 1249  
nurse whom the person knows to be treating the deceased for a 1250  
condition from which death at such time would not be unexpected, 1251  
or to a law enforcement officer, an ambulance service, an 1252  
emergency squad, or the coroner in a political subdivision in 1253  
which the body is discovered, the death is believed to have 1254  
occurred, or knowledge concerning the death is obtained. 1255

(D) No person shall fail to provide upon request of the 1256  
person to whom a report required by division (C) of this section 1257  
was made, or to any law enforcement officer who has reasonable 1258  
cause to assert the authority to investigate the circumstances 1259  
surrounding the death, any facts within the person's knowledge 1260  
that may have a bearing on the investigation of the death. 1261

(E) (1) As used in this division, "burn injury" means any 1262  
of the following: 1263

(a) Second or third degree burns; 1264

(b) Any burns to the upper respiratory tract or laryngeal 1265  
edema due to the inhalation of superheated air; 1266

(c) Any burn injury or wound that may result in death; 1267

(d) Any physical harm to persons caused by or as the 1268  
result of the use of fireworks, novelties and trick noisemakers, 1269  
and wire sparklers, as each is defined by section 3743.01 of the 1270  
Revised Code. 1271

(2) No physician, nurse, physician assistant, or limited 1272  
practitioner who, outside a hospital, sanitarium, or other 1273  
medical facility, attends or treats a person who has sustained a 1274  
burn injury that is inflicted by an explosion or other 1275

incendiary device or that shows evidence of having been 1276  
inflicted in a violent, malicious, or criminal manner shall fail 1277  
to report the burn injury immediately to the local arson, or 1278  
fire and explosion investigation, bureau, if there is a bureau 1279  
of this type in the jurisdiction in which the person is attended 1280  
or treated, or otherwise to local law enforcement authorities. 1281

(3) No manager, superintendent, or other person in charge 1282  
of a hospital, sanitarium, or other medical facility in which a 1283  
person is attended or treated for any burn injury that is 1284  
inflicted by an explosion or other incendiary device or that 1285  
shows evidence of having been inflicted in a violent, malicious, 1286  
or criminal manner shall fail to report the burn injury 1287  
immediately to the local arson, or fire and explosion 1288  
investigation, bureau, if there is a bureau of this type in the 1289  
jurisdiction in which the person is attended or treated, or 1290  
otherwise to local law enforcement authorities. 1291

(4) No person who is required to report any burn injury 1292  
under division (E) (2) or (3) of this section shall fail to file, 1293  
within three working days after attending or treating the 1294  
victim, a written report of the burn injury with the office of 1295  
the state fire marshal. The report shall comply with the uniform 1296  
standard developed by the state fire marshal pursuant to 1297  
division (A) (15) of section 3737.22 of the Revised Code. 1298

(5) Anyone participating in the making of reports under 1299  
division (E) of this section or anyone participating in a 1300  
judicial proceeding resulting from the reports is immune from 1301  
any civil or criminal liability that otherwise might be incurred 1302  
or imposed as a result of such actions. Notwithstanding section 1303  
4731.22 of the Revised Code, the physician-patient relationship 1304  
or advanced practice registered nurse-patient relationship is 1305

not a ground for excluding evidence regarding a person's burn 1306  
injury or the cause of the burn injury in any judicial 1307  
proceeding resulting from a report submitted under division (E) 1308  
of this section. 1309

(F) (1) Any doctor of medicine or osteopathic medicine, 1310  
hospital intern or resident, ~~registered or licensed practical~~ 1311  
nurse, psychologist, social worker, independent social worker, 1312  
social work assistant, licensed professional clinical counselor, 1313  
licensed professional counselor, independent marriage and family 1314  
therapist, or marriage and family therapist who knows or has 1315  
reasonable cause to believe that a patient or client has been 1316  
the victim of domestic violence, as defined in section 3113.31 1317  
of the Revised Code, shall note that knowledge or belief and the 1318  
basis for it in the patient's or client's records. 1319

(2) Notwithstanding section 4731.22 of the Revised Code, 1320  
the doctor-patient privilege or advanced practice registered 1321  
nurse-patient privilege shall not be a ground for excluding any 1322  
information regarding the report containing the knowledge or 1323  
belief noted under division (F) (1) of this section, and the 1324  
information may be admitted as evidence in accordance with the 1325  
Rules of Evidence. 1326

(G) Divisions (A) and (D) of this section do not require 1327  
disclosure of information, when any of the following applies: 1328

(1) The information is privileged by reason of the 1329  
relationship between attorney and client; doctor and patient; 1330  
advanced practice registered nurse and patient; licensed 1331  
psychologist or licensed school psychologist and client; 1332  
licensed professional clinical counselor, licensed professional 1333  
counselor, independent social worker, social worker, independent 1334  
marriage and family therapist, or marriage and family therapist 1335

and client; member of the clergy, rabbi, minister, or priest and 1336  
any person communicating information confidentially to the 1337  
member of the clergy, rabbi, minister, or priest for a religious 1338  
counseling purpose of a professional character; husband and 1339  
wife; or a communications assistant and those who are a party to 1340  
a telecommunications relay service call. 1341

(2) The information would tend to incriminate a member of 1342  
the actor's immediate family. 1343

(3) Disclosure of the information would amount to 1344  
revealing a news source, privileged under section 2739.04 or 1345  
2739.12 of the Revised Code. 1346

(4) Disclosure of the information would amount to 1347  
disclosure by a member of the ordained clergy of an organized 1348  
religious body of a confidential communication made to that 1349  
member of the clergy in that member's capacity as a member of 1350  
the clergy by a person seeking the aid or counsel of that member 1351  
of the clergy. 1352

(5) Disclosure would amount to revealing information 1353  
acquired by the actor in the course of the actor's duties in 1354  
connection with a bona fide program of treatment or services for 1355  
drug dependent persons or persons in danger of drug dependence, 1356  
which program is maintained or conducted by a hospital, clinic, 1357  
person, agency, or services provider certified pursuant to 1358  
section 5119.36 of the Revised Code. 1359

(6) Disclosure would amount to revealing information 1360  
acquired by the actor in the course of the actor's duties in 1361  
connection with a bona fide program for providing counseling 1362  
services to victims of crimes that are violations of section 1363  
2907.02 or 2907.05 of the Revised Code or to victims of 1364

felonious sexual penetration in violation of former section 1365  
2907.12 of the Revised Code. As used in this division, 1366  
"counseling services" include services provided in an informal 1367  
setting by a person who, by education or experience, is 1368  
competent to provide those services. 1369

(H) No disclosure of information pursuant to this section 1370  
gives rise to any liability or recrimination for a breach of 1371  
privilege or confidence. 1372

(I) Whoever violates division (A) or (B) of this section 1373  
is guilty of failure to report a crime. Violation of division 1374  
(A) (1) of this section is a misdemeanor of the fourth degree. 1375  
Violation of division (A) (2) or (B) of this section is a 1376  
misdemeanor of the second degree. 1377

(J) Whoever violates division (C) or (D) of this section 1378  
is guilty of failure to report knowledge of a death, a 1379  
misdemeanor of the fourth degree. 1380

(K) (1) Whoever negligently violates division (E) of this 1381  
section is guilty of a minor misdemeanor. 1382

(2) Whoever knowingly violates division (E) of this 1383  
section is guilty of a misdemeanor of the second degree. 1384

(L) As used in this section, "nurse" includes an advanced 1385  
practice registered nurse, registered nurse, and licensed 1386  
practical nurse. 1387

**Sec. 2925.61.** (A) As used in this section: 1388

(1) "Administer naloxone" means to give naloxone to a 1389  
person by either of the following routes: 1390

(a) Using a device manufactured for the intranasal 1391  
administration of liquid drugs; 1392



(b) Using an autoinjector in a manufactured dosage form.	1393
(2) "Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties.	1394 1395
(3) "Licensed health professional" means all of the following:	1396 1397
(a) A physician who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	1398 1399 1400
(b) A physician assistant who holds a certificate to prescribe issued under Chapter 4730. of the Revised Code;	1401 1402
(c) <del>A clinical nurse specialist, certified nurse midwife, or certified nurse practitioner who holds a certificate to prescribe</del> <u>An advanced practice registered nurse who holds a current, valid license issued under section 4723.48 Chapter 4723.</u> of the Revised Code.	1403 1404 1405 1406 1407
(4) "Peace officer" has the same meaning as in section 2921.51 of the Revised Code.	1408 1409
(B) A family member, friend, or other individual who is in a position to assist an individual who is apparently experiencing or at risk of experiencing an opioid-related overdose, is not subject to criminal prosecution for a violation of section 4731.41 of the Revised Code or criminal prosecution under this chapter if the individual, acting in good faith, does all of the following:	1410 1411 1412 1413 1414 1415 1416
(1) Obtains naloxone from a licensed health professional or a prescription for naloxone from a licensed health professional;	1417 1418 1419
(2) Administers that naloxone to an individual who is	1420

apparently experiencing an opioid-related overdose; 1421

(3) Attempts to summon emergency services either 1422  
immediately before or immediately after administering the 1423  
naloxone. 1424

(C) Division (B) of this section does not apply to a peace 1425  
officer or to an emergency medical technician-basic, emergency 1426  
medical technician-intermediate, or emergency medical 1427  
technician-paramedic, as defined in section 4765.01 of the 1428  
Revised Code. 1429

(D) A peace officer employed by a law enforcement agency 1430  
is not subject to administrative action, criminal prosecution 1431  
for a violation of section 4731.41 of the Revised Code, or 1432  
criminal prosecution under this chapter if the peace officer, 1433  
acting in good faith, obtains naloxone from the peace officer's 1434  
law enforcement agency and administers the naloxone to an 1435  
individual who is apparently experiencing an opioid-related 1436  
overdose. 1437

**Sec. 3701.351.** (A) The governing body of every hospital 1438  
shall set standards and procedures to be applied by the hospital 1439  
and its medical staff in considering and acting upon 1440  
applications for staff membership or professional privileges. 1441  
These standards and procedures shall be available for public 1442  
inspection. 1443

(B) The governing body of any hospital, in considering and 1444  
acting upon applications for staff membership or professional 1445  
privileges within the scope of the applicants' respective 1446  
licensures, shall not discriminate against a qualified person 1447  
solely on the basis of whether that person is certified to 1448  
practice medicine, osteopathic medicine, or podiatry, ~~or is~~ 1449

licensed to practice dentistry or psychology, or is licensed to 1450  
practice nursing as an advanced practice registered nurse. Staff 1451  
membership or professional privileges shall be considered and 1452  
acted on in accordance with standards and procedures established 1453  
under division (A) of this section. This section does not permit 1454  
a psychologist to admit a patient to a hospital in violation of 1455  
section 3727.06 of the Revised Code. 1456

(C) The governing body of any hospital that is licensed to 1457  
provide maternity services, in considering and acting upon 1458  
applications for clinical privileges, shall not discriminate 1459  
against a qualified person solely on the basis that the person 1460  
is authorized to practice nurse-midwifery. ~~An application from a~~ 1461  
~~certified nurse midwife who is not employed by the hospital~~ 1462  
~~shall contain the name of a physician member of the hospital's~~ 1463  
~~medical staff who holds clinical privileges in obstetrics at~~ 1464  
~~that hospital and who has agreed to be the collaborating~~ 1465  
~~physician for the applicant in accordance with section 4723.43~~ 1466  
~~of the Revised Code.~~ 1467

(D) Any person may apply to the court of common pleas for 1468  
temporary or permanent injunctions restraining a violation of 1469  
division (A), (B), or (C) of this section. This action is an 1470  
additional remedy not dependent on the adequacy of the remedy at 1471  
law. 1472

(E) (1) If a hospital does not provide or permit the 1473  
provision of any diagnostic or treatment service for mental or 1474  
emotional disorders or any other service that may be legally 1475  
performed by a psychologist licensed under Chapter 4732. of the 1476  
Revised Code, this section does not require the hospital to 1477  
provide or permit the provision of any such service and the 1478  
hospital shall be exempt from requirements of this section 1479

pertaining to psychologists. 1480

(2) This section does not impair the right of a hospital 1481  
to enter into an employment, personal service, or any other kind 1482  
of contract with a licensed psychologist, upon any such terms as 1483  
the parties may mutually agree, for the provision of any service 1484  
that may be legally performed by a licensed psychologist. 1485

**Sec. 3701.926.** (A) To be eligible for inclusion in the 1486  
patient centered medical home education pilot project, a primary 1487  
care practice led by physicians shall meet all of the following 1488  
requirements: 1489

(1) Consist of physicians who are board-certified in 1490  
family medicine, general pediatrics, or internal medicine, as 1491  
those designations are issued by a medical specialty certifying 1492  
board recognized by the American board of medical specialties or 1493  
American osteopathic association; 1494

(2) Be capable of adapting the practice during the period 1495  
in which the practice participates in the patient centered 1496  
medical home education pilot project in such a manner that the 1497  
practice is fully compliant with the minimum standards for 1498  
operation of a patient centered medical home, as those standards 1499  
are established by the director of health; 1500

(3) Have submitted an application to participate in the 1501  
project established under former section 185.05 of the Revised 1502  
Code not later than April 15, 2011. 1503

(4) Meet any other criteria established by the director as 1504  
part of the selection process. 1505

(B) To be eligible for inclusion in the pilot project, a 1506  
primary care practice led by advanced practice registered nurses 1507  
shall meet all of the following requirements: 1508

(1) Consist of advanced practice registered nurses, each	1509
of whom <del>meets all of the following requirements:</del>	1510
<del>(a) Holds a certificate to prescribe issued under section</del>	1511
<del>4723.48 of the Revised Code;</del>	1512
<del>(b) Is</del> <u>is board-certified by a national certifying</u>	1513
<u>organization approved by the board of nursing pursuant to</u>	1514
<u>section 4723.46 of the Revised Code</u> as a family nurse	1515
practitioner <del>or, adult nurse practitioner by the American</del>	1516
<del>academy of nurse practitioners or American nurses credentialing</del>	1517
<del>center, board-certified as a geriatric adult-gerontology nurse</del>	1518
practitioner <del>or, women's health nurse practitioner by the</del>	1519
<del>American nurses credentialing center, or is board-certified as a</del>	1520
pediatric nurse practitioner <del>by the American nurses</del>	1521
<del>credentialing center or pediatric nursing certification board;</del>	1522
<del>(c) Collaborates under a standard care arrangement with a</del>	1523
<del>physician with board certification as specified in division (A)</del>	1524
<del>(1) of this section and who is an active participant on the</del>	1525
<del>health care team.</del>	1526
(2) Be capable of adapting the practice during the period	1527
in which the practice participates in the project in such a	1528
manner that the practice is fully compliant with the minimum	1529
standards for operation of a patient centered medical home, as	1530
those standards are established by the director;	1531
(3) Have submitted an application to participate in the	1532
project established under former section 185.05 of the Revised	1533
Code not later than April 15, 2011.	1534
(4) Meet any other criteria established by the director as	1535
part of the selection process.	1536
<b>Sec. 3705.16.</b> (A) For purposes of this section	1537

notwithstanding section 3705.01 of the Revised Code, "fetal 1538  
death" does not include death of the product of human conception 1539  
prior to twenty weeks of gestation. 1540

(B) Each death or fetal death that occurs in this state 1541  
shall be registered with the local registrar of vital statistics 1542  
of the district in which the death or fetal death occurred, by 1543  
the funeral director or other person in charge of the final 1544  
disposition of the remains. The personal and statistical 1545  
information in the death or fetal death certificate shall be 1546  
obtained from the best qualified persons or sources available, 1547  
by the funeral director or other person in charge of the final 1548  
disposition of the remains. The statement of facts relating to 1549  
the disposition of the body and information relative to the 1550  
armed services referred to in section 3705.19 of the Revised 1551  
Code shall be signed by the funeral director or other person in 1552  
charge of the final disposition of the remains. 1553

(C) The funeral director or other person in charge of the 1554  
final disposition of the remains shall present the death or 1555  
fetal death certificate to the ~~attending~~ physician or advanced 1556  
practice registered nurse of the decedent, the coroner, or the 1557  
medical examiner, as appropriate for certification of the cause 1558  
of death. If a death or fetal death occurs under any 1559  
circumstances mentioned in section 313.12 of the Revised Code, 1560  
the coroner in the county in which the death occurs, or a deputy 1561  
coroner, medical examiner, or deputy medical examiner serving in 1562  
an equivalent capacity, shall certify the cause of death unless 1563  
that death was reported to the coroner, deputy coroner, medical 1564  
examiner, or deputy medical examiner and that person, after a 1565  
preliminary examination, declined to assert jurisdiction with 1566  
respect to the death or fetal death. ~~A~~ An advanced practice 1567  
registered nurse, a physician other than the coroner in the 1568

county in which a death or fetal death occurs, or a deputy 1569  
coroner, medical examiner, or deputy medical examiner serving in 1570  
an equivalent capacity, may certify only those deaths that occur 1571  
under natural circumstances. 1572

The medical certificate of death shall be completed and 1573  
signed by the physician or advanced practice registered nurse 1574  
who attended the decedent or by the coroner or medical examiner, 1575  
as appropriate, within forty-eight hours after the death or 1576  
fetal death. A coroner or medical examiner may satisfy the 1577  
requirement of signing a medical certificate showing the cause 1578  
of death or fetal death as pending either by stamping it with a 1579  
stamp of the coroner's or medical examiner's signature or by 1580  
signing it in the coroner's or medical examiner's own hand, but 1581  
the coroner or medical examiner shall sign any other medical 1582  
certificate of death or supplementary medical certification in 1583  
the coroner's or medical examiner's own hand. 1584

(D) Any death certificate registered pursuant to this 1585  
section shall contain the social security number of the 1586  
decedent, if available. A social security number obtained under 1587  
this section is a public record under section 149.43 of the 1588  
Revised Code. 1589

**Sec. 3719.06.** (A) (1) A licensed health professional 1590  
authorized to prescribe drugs, if acting in the course of 1591  
professional practice, in accordance with the laws regulating 1592  
the professional's practice, and in accordance with rules 1593  
adopted by the state board of pharmacy, may, except as provided 1594  
in division (A) (2) or (3) of this section, do the following: 1595

(a) Prescribe schedule II, III, IV, and V controlled 1596  
substances; 1597

(b) Administer or personally furnish to patients schedule 1598  
II, III, IV, and V controlled substances; 1599

(c) Cause schedule II, III, IV, and V controlled 1600  
substances to be administered under the prescriber's direction 1601  
and supervision. 1602

(2) A licensed health professional authorized to prescribe 1603  
drugs who is ~~a clinical nurse specialist, certified nurse~~ 1604  
~~midwife, or certified nurse practitioner is subject to both of~~ 1605  
~~the following:~~ 1606

~~(a) A schedule II controlled substance may be prescribed~~ 1607  
~~only in accordance with division (C) of section 4723.481 of the~~ 1608  
~~Revised Code.~~ 1609

~~(b) No an advanced practice registered nurse shall not~~ 1610  
~~personally furnish a schedule II controlled substance shall be~~ 1611  
~~personally furnished to any patient.~~ 1612

(3) A licensed health professional authorized to prescribe 1613  
drugs who is a physician assistant is subject to all of the 1614  
following: 1615

(a) A controlled substance may be prescribed or personally 1616  
furnished only if it is included in the physician-delegated 1617  
prescriptive authority granted to the physician assistant in 1618  
accordance with Chapter 4730. of the Revised Code. 1619

(b) A schedule II controlled substance may be prescribed 1620  
only in accordance with division (B)(4) of section 4730.41 and 1621  
section 4730.411 of the Revised Code. 1622

(c) No schedule II controlled substance shall be 1623  
personally furnished to any patient. 1624

(B) No licensed health professional authorized to 1625



prescribe drugs shall prescribe, administer, or personally 1626  
furnish a schedule III anabolic steroid for the purpose of human 1627  
muscle building or enhancing human athletic performance and no 1628  
pharmacist shall dispense a schedule III anabolic steroid for 1629  
either purpose, unless it has been approved for that purpose 1630  
under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 1631  
(1938), 21 U.S.C.A. 301, as amended. 1632

(C) Each written prescription shall be properly executed, 1633  
dated, and signed by the prescriber on the day when issued and 1634  
shall bear the full name and address of the person for whom, or 1635  
the owner of the animal for which, the controlled substance is 1636  
prescribed and the full name, address, and registry number under 1637  
the federal drug abuse control laws of the prescriber. If the 1638  
prescription is for an animal, it shall state the species of the 1639  
animal for which the controlled substance is prescribed. 1640

**Sec. 3719.121.** (A) Except as otherwise provided in section 1641  
4723.28, 4723.35, 4730.25, 4731.22, 4734.39, or 4734.41 of the 1642  
Revised Code, the license, certificate, or registration of any 1643  
dentist, chiropractor, physician, podiatrist, registered nurse, 1644  
advanced practice registered nurse, licensed practical nurse, 1645  
physician assistant, pharmacist, pharmacy intern, optometrist, 1646  
or veterinarian who is or becomes addicted to the use of 1647  
controlled substances shall be suspended by the board that 1648  
authorized the person's license, certificate, or registration 1649  
until the person offers satisfactory proof to the board that the 1650  
person no longer is addicted to the use of controlled 1651  
substances. 1652

(B) If the board under which a person has been issued a 1653  
license, certificate, or evidence of registration determines 1654  
that there is clear and convincing evidence that continuation of 1655

the person's professional practice or method of prescribing or 1656  
personally furnishing controlled substances presents a danger of 1657  
immediate and serious harm to others, the board may suspend the 1658  
person's license, certificate, or registration without a 1659  
hearing. Except as otherwise provided in sections 4715.30, 1660  
4723.281, 4729.16, 4730.25, 4731.22, and 4734.36 of the Revised 1661  
Code, the board shall follow the procedure for suspension 1662  
without a prior hearing in section 119.07 of the Revised Code. 1663  
The suspension shall remain in effect, unless removed by the 1664  
board, until the board's final adjudication order becomes 1665  
effective, except that if the board does not issue its final 1666  
adjudication order within ninety days after the hearing, the 1667  
suspension shall be void on the ninety-first day after the 1668  
hearing. 1669

(C) On receiving notification pursuant to section 2929.42 1670  
or 3719.12 of the Revised Code, the board under which a person 1671  
has been issued a license, certificate, or evidence of 1672  
registration immediately shall suspend the license, certificate, 1673  
or registration of that person on a plea of guilty to, a finding 1674  
by a jury or court of the person's guilt of, or conviction of a 1675  
felony drug abuse offense; a finding by a court of the person's 1676  
eligibility for intervention in lieu of conviction; a plea of 1677  
guilty to, or a finding by a jury or court of the person's guilt 1678  
of, or the person's conviction of an offense in another 1679  
jurisdiction that is essentially the same as a felony drug abuse 1680  
offense; or a finding by a court of the person's eligibility for 1681  
treatment or intervention in lieu of conviction in another 1682  
jurisdiction. The board shall notify the holder of the license, 1683  
certificate, or registration of the suspension, which shall 1684  
remain in effect until the board holds an adjudicatory hearing 1685  
under Chapter 119. of the Revised Code. 1686

<b>Sec. 3727.06.</b> (A) As used in this section:	1687
(1) "Doctor" means an individual authorized to practice medicine and surgery or osteopathic medicine and surgery.	1688 1689
(2) "Podiatrist" means an individual authorized to practice podiatric medicine and surgery.	1690 1691
(B) (1) Only the following may admit a patient to a hospital:	1692 1693
(a) A doctor who is a member of the hospital's medical staff;	1694 1695
(b) A dentist who is a member of the hospital's medical staff;	1696 1697
(c) A podiatrist who is a member of the hospital's medical staff;	1698 1699
(d) <del>A clinical nurse specialist, certified nurse midwife, or certified nurse practitioner</del> <u>An advanced practice registered nurse</u> if all of the following conditions are met:	1700 1701 1702
<del>(i) The clinical nurse specialist, certified nurse midwife, or certified nurse practitioner has a standard care arrangement entered into pursuant to section 4723.431 of the Revised Code with a collaborating doctor or podiatrist who is a member of the medical staff;</del>	1703 1704 1705 1706 1707
<del>(ii) The patient will be under the medical supervision of the collaborating doctor or podiatrist;</del>	1708 1709
<del>(iii) The</del> <u>the</u> hospital has granted the <del>clinical nurse specialist, certified nurse midwife, or certified nurse practitioner</del> <u>advanced practice registered nurse</u> admitting privileges and appropriate credentials- <del>i</del>	1710 1711 1712 1713

- (e) A physician assistant if all of the following conditions are met: 1714  
1715
- (i) The physician assistant is listed on a supervision agreement approved under section 4730.19 of the Revised Code for a doctor or podiatrist who is a member of the hospital's medical staff. 1716  
1717  
1718  
1719
- (ii) The patient will be under the medical supervision of the supervising doctor or podiatrist. 1720  
1721
- (iii) The hospital has granted the physician assistant admitting privileges and appropriate credentials. 1722  
1723
- (2) Prior to admitting a patient, a ~~clinical nurse specialist, certified nurse midwife, certified nurse practitioner, or~~ physician assistant shall notify the collaborating or supervising doctor or podiatrist of the planned admission. 1724  
1725  
1726  
1727  
1728
- (C) All hospital patients shall be under the medical supervision of a doctor, except ~~that services~~ for the following: 1729  
1730
- (1) Services that may be rendered by a licensed dentist pursuant to Chapter 4715. of the Revised Code provided to patients admitted solely for the purpose of receiving such services shall be under the supervision of the admitting dentist ~~and that services.~~ 1731  
1732  
1733  
1734  
1735
- (2) Services that may be rendered by a licensed advanced practice registered nurse pursuant to Chapter 4723. of the Revised Code provided to patients admitted solely for the purpose of receiving such services shall be under the supervision of the admitting advanced practice registered nurse. 1736  
1737  
1738  
1739  
1740
- (3) Services that may be rendered by a podiatrist pursuant 1741

to section 4731.51 of the Revised Code provided to patients 1742  
admitted solely for the purpose of receiving such services shall 1743  
be under the supervision of the admitting podiatrist. 1744

If treatment not within the scope of Chapter 4715., 1745  
Chapter 4723., or section 4731.51 of the Revised Code is 1746  
required at the time of admission by a dentist, advanced 1747  
practice registered nurse, or podiatrist, or becomes necessary 1748  
during the course of hospital treatment by a dentist, advanced 1749  
practice registered nurse, or podiatrist, such treatment shall 1750  
be under the supervision of a doctor who is a member of the 1751  
medical staff. It shall be the responsibility of the admitting 1752  
dentist, advanced practice registered nurse, or podiatrist to 1753  
make arrangements with a doctor who is a member of the medical 1754  
staff to be responsible for the patient's treatment outside the 1755  
scope of Chapter 4715., Chapter 4723., or section 4731.51 of the 1756  
Revised Code when necessary during the patient's stay in the 1757  
hospital. 1758

**Sec. 3923.233.** Notwithstanding any provision of any 1759  
certificate furnished by an insurer in connection with or 1760  
pursuant to any group sickness and accident insurance policy 1761  
delivered, issued, renewed, or used, in or outside this state, 1762  
on or after January 1, 1985, and notwithstanding any provision 1763  
of any policy of insurance delivered, issued for delivery, 1764  
renewed, or used, in or outside this state, on or after January 1765  
1, 1985, whenever the policy or certificate is subject to the 1766  
jurisdiction of this state and provides for reimbursement for 1767  
any service that may be legally performed by an advanced 1768  
practice registered nurse who holds a current, valid license 1769  
issued under Chapter 4723. of the Revised Code and is designated 1770  
as a certified nurse-midwife ~~who is authorized under in~~ 1771  
accordance with section 4723.42 of the Revised Code ~~to practice~~ 1772

~~nurse-midwifery, reimbursement under the policy or certificate 1773  
shall not be denied to a certified nurse-midwife performing the 1774  
service in collaboration with a licensed physician. The 1775  
collaborating physician shall be identified on an insurance- 1776  
claim form. 1777~~

~~The cost of collaboration with a certified nurse-midwife- 1778  
by a licensed physician as required under section 4723.43 of the 1779  
Revised Code is a reimbursable expense. 1780~~

~~The division of any reimbursement payment for services- 1781  
performed by a certified nurse-midwife between the nurse-midwife 1782  
and the nurse-midwife's collaborating physician shall be- 1783  
determined and mutually agreed upon by the certified nurse- 1784  
midwife and the physician. The division of fees shall not be- 1785  
considered a violation of division (B) (17) of section 4731.22 of 1786  
the Revised Code. In no case shall the total fees charged exceed 1787  
the fee the physician would have charged had the physician- 1788  
provided the entire service. 1789~~

**Sec. 3923.301.** Every person, the state and any of its 1790  
instrumentalities, any county, township, school district, or 1791  
other political subdivision and any of its instrumentalities, 1792  
and any municipal corporation and any of its instrumentalities 1793  
that provides payment for health care benefits for any of its 1794  
employees resident in this state, which benefits are not 1795  
provided by contract with an insurer qualified to provide 1796  
sickness and accident insurance or a health insuring 1797  
corporation, and that includes reimbursement for any service 1798  
that may be legally performed by an advanced practice registered 1799  
nurse who holds a current, valid license issued under Chapter 1800  
4723. of the Revised Code and is designated as a certified 1801  
nurse-midwife who is authorized under in accordance with section 1802

4723.42 of the Revised Code ~~to practice nurse midwifery~~, shall 1803  
not deny reimbursement to a certified nurse-midwife performing 1804  
the service ~~if the service is performed in collaboration with a~~ 1805  
~~licensed physician. The collaborating physician shall be~~ 1806  
~~identified on the claim form.~~ 1807

~~The cost of collaboration with a certified nurse-midwife~~ 1808  
~~by a licensed physician as required under section 4723.43 of the~~ 1809  
~~Revised Code is a reimbursable expense.~~ 1810

~~The division of any reimbursement payment for services~~ 1811  
~~performed by a certified nurse-midwife between the nurse-midwife~~ 1812  
~~and the nurse-midwife's collaborating physician shall be~~ 1813  
~~determined and mutually agreed upon by the certified nurse-~~ 1814  
~~midwife and the physician. The division of fees shall not be~~ 1815  
~~considered a violation of division (B) (17) of section 4731.22 of~~ 1816  
~~the Revised Code. In no case shall the total fees charged exceed~~ 1817  
~~the fee the physician would have charged had the physician~~ 1818  
~~provided the entire service.~~ 1819

**Sec. 3923.63.** (A) Notwithstanding section 3901.71 of the 1820  
Revised Code, each individual or group policy of sickness and 1821  
accident insurance delivered, issued for delivery, or renewed in 1822  
this state that provides maternity benefits shall provide 1823  
coverage of inpatient care and follow-up care for a mother and 1824  
her newborn as follows: 1825

(1) The policy shall cover a minimum of forty-eight hours 1826  
of inpatient care following a normal vaginal delivery and a 1827  
minimum of ninety-six hours of inpatient care following a 1828  
cesarean delivery. Services covered as inpatient care shall 1829  
include medical, educational, and any other services that are 1830  
consistent with the inpatient care recommended in the protocols 1831  
and guidelines developed by national organizations that 1832

represent pediatric, obstetric, and nursing professionals. 1833

(2) The policy shall cover a physician-directed source of 1834  
follow-up care or a source of follow-up care directed by an 1835  
advanced practice registered nurse. Services covered as follow- 1836  
up care shall include physical assessment of the mother and 1837  
newborn, parent education, assistance and training in breast or 1838  
bottle feeding, assessment of the home support system, 1839  
performance of any medically necessary and appropriate clinical 1840  
tests, and any other services that are consistent with the 1841  
follow-up care recommended in the protocols and guidelines 1842  
developed by national organizations that represent pediatric, 1843  
obstetric, and nursing professionals. The coverage shall apply 1844  
to services provided in a medical setting or through home health 1845  
care visits. The coverage shall apply to a home health care 1846  
visit only if the health care professional who conducts the 1847  
visit is knowledgeable and experienced in maternity and newborn 1848  
care. 1849

When a decision is made in accordance with division (B) of 1850  
this section to discharge a mother or newborn prior to the 1851  
expiration of the applicable number of hours of inpatient care 1852  
required to be covered, the coverage of follow-up care shall 1853  
apply to all follow-up care that is provided within seventy-two 1854  
hours after discharge. When a mother or newborn receives at 1855  
least the number of hours of inpatient care required to be 1856  
covered, the coverage of follow-up care shall apply to follow-up 1857  
care that is determined to be medically necessary by the health 1858  
care professionals responsible for discharging the mother or 1859  
newborn. 1860

(B) Any decision to shorten the length of inpatient stay 1861  
to less than that specified under division (A)(1) of this 1862



section shall be made by the physician attending the mother or newborn, except that if a certified nurse-midwife is attending the mother ~~in collaboration with a physician~~, the decision may be made by the nurse-midwife. Decisions regarding early discharge shall be made only after conferring with the mother or a person responsible for the mother or newborn. For purposes of this division, a person responsible for the mother or newborn may include a parent, guardian, or any other person with authority to make medical decisions for the mother or newborn.

(C) (1) No sickness and accident insurer may do either of the following:

(a) Terminate the participation of a health care professional or health care facility as a provider under a sickness and accident insurance policy solely for making recommendations for inpatient or follow-up care for a particular mother or newborn that are consistent with the care required to be covered by this section;

(b) Establish or offer monetary or other financial incentives for the purpose of encouraging a person to decline the inpatient or follow-up care required to be covered by this section.

(2) Whoever violates division (C) (1) (a) or (b) of this section has engaged in an unfair and deceptive act or practice in the business of insurance under sections 3901.19 to 3901.26 of the Revised Code.

(D) This section does not do any of the following:

(1) Require a policy to cover inpatient or follow-up care that is not received in accordance with the policy's terms pertaining to the health care professionals and facilities from

which an individual is authorized to receive health care 1892  
services; 1893

(2) Require a mother or newborn to stay in a hospital or 1894  
other inpatient setting for a fixed period of time following 1895  
delivery; 1896

(3) Require a child to be delivered in a hospital or other 1897  
inpatient setting; 1898

(4) Authorize a certified nurse-midwife to practice beyond 1899  
the authority to practice nurse-midwifery in accordance with 1900  
Chapter 4723. of the Revised Code; 1901

(5) Establish minimum standards of medical diagnosis, care 1902  
or treatment for inpatient or follow-up care for a mother or 1903  
newborn. A deviation from the care required to be covered under 1904  
this section shall not, solely on the basis of this section, 1905  
give rise to a medical claim or derivative medical claim, as 1906  
those terms are defined in section 2305.113 of the Revised Code. 1907

**Sec. 3923.64.** (A) Notwithstanding section 3901.71 of the 1908  
Revised Code, each public employee benefit plan established or 1909  
modified in this state that provides maternity benefits shall 1910  
provide coverage of inpatient care and follow-up care for a 1911  
mother and her newborn as follows: 1912

(1) The plan shall cover a minimum of forty-eight hours of 1913  
inpatient care following a normal vaginal delivery and a minimum 1914  
of ninety-six hours of inpatient care following a cesarean 1915  
delivery. Services covered as inpatient care shall include 1916  
medical, educational, and any other services that are consistent 1917  
with the inpatient care recommended in the protocols and 1918  
guidelines developed by national organizations that represent 1919  
pediatric, obstetric, and nursing professionals. 1920

(2) The plan shall cover a physician-directed source of follow-up care or a source of follow-up care directed by an advanced practice registered nurse. Services covered as follow-up care shall include physical assessment of the mother and newborn, parent education, assistance and training in breast or bottle feeding, assessment of the home support system, performance of any medically necessary and appropriate clinical tests, and any other services that are consistent with the follow-up care recommended in the protocols and guidelines developed by national organizations that represent pediatric, obstetric, and nursing professionals. The coverage shall apply to services provided in a medical setting or through home health care visits. The coverage shall apply to a home health care visit only if the health care professional who conducts the visit is knowledgeable and experienced in maternity and newborn care.

When a decision is made in accordance with division (B) of this section to discharge a mother or newborn prior to the expiration of the applicable number of hours of inpatient care required to be covered, the coverage of follow-up care shall apply to all follow-up care that is provided within seventy-two hours after discharge. When a mother or newborn receives at least the number of hours of inpatient care required to be covered, the coverage of follow-up care shall apply to follow-up care that is determined to be medically necessary by the health care professionals responsible for discharging the mother or newborn.

(B) Any decision to shorten the length of inpatient stay to less than that specified under division (A) (1) of this section shall be made by the physician attending the mother or newborn, except that if a nurse-midwife is attending the mother

~~in collaboration with a physician,~~ the decision may be made by 1952  
the nurse-midwife. Decisions regarding early discharge shall be 1953  
made only after conferring with the mother or a person 1954  
responsible for the mother or newborn. For purposes of this 1955  
division, a person responsible for the mother or newborn may 1956  
include a parent, guardian, or any other person with authority 1957  
to make medical decisions for the mother or newborn. 1958

(C) (1) No public employer who offers an employee benefit 1959  
plan may do either of the following: 1960

(a) Terminate the participation of a health care 1961  
professional or health care facility as a provider under the 1962  
plan solely for making recommendations for inpatient or follow- 1963  
up care for a particular mother or newborn that are consistent 1964  
with the care required to be covered by this section; 1965

(b) Establish or offer monetary or other financial 1966  
incentives for the purpose of encouraging a person to decline 1967  
the inpatient or follow-up care required to be covered by this 1968  
section. 1969

(2) Whoever violates division (C) (1) (a) or (b) of this 1970  
section has engaged in an unfair and deceptive act or practice 1971  
in the business of insurance under sections 3901.19 to 3901.26 1972  
of the Revised Code. 1973

(D) This section does not do any of the following: 1974

(1) Require a plan to cover inpatient or follow-up care 1975  
that is not received in accordance with the plan's terms 1976  
pertaining to the health care professionals and facilities from 1977  
which an individual is authorized to receive health care 1978  
services; 1979

(2) Require a mother or newborn to stay in a hospital or 1980

other inpatient setting for a fixed period of time following delivery;	1981 1982
(3) Require a child to be delivered in a hospital or other inpatient setting;	1983 1984
(4) Authorize a <u>certified</u> nurse-midwife to practice beyond the authority to practice nurse-midwifery in accordance with Chapter 4723. of the Revised Code;	1985 1986 1987
(5) Establish minimum standards of medical diagnosis, care, or treatment for inpatient or follow-up care for a mother or newborn. A deviation from the care required to be covered under this section shall not, solely on the basis of this section, give rise to a medical claim or derivative medical claim, as those terms are defined in section 2305.113 of the Revised Code.	1988 1989 1990 1991 1992 1993 1994
<b>Sec. 4713.02.</b> (A) There is hereby created the state board of cosmetology, consisting of all of the following members appointed by the governor, with the advice and consent of the senate:	1995 1996 1997 1998
(1) One person holding a current, valid cosmetologist, managing cosmetologist, or cosmetology instructor license at the time of appointment;	1999 2000 2001
(2) Two persons holding current, valid managing cosmetologist licenses and actively engaged in managing beauty salons at the time of appointment;	2002 2003 2004
(3) One person who holds a current, valid independent contractor license at the time of appointment or the owner or manager of a licensed salon in which at least one person holding a current, valid independent contractor license practices a branch of cosmetology;	2005 2006 2007 2008 2009

(4) One person who represents individuals who teach the theory and practice of a branch of cosmetology at a vocational school;	2010 2011 2012
(5) One owner of a licensed school of cosmetology;	2013
(6) One owner of at least five licensed salons;	2014
(7) <del>One person who is either a certified nurse practitioner or clinical nurse specialist holding a certificate of authority</del> <u>An advanced practice registered nurse who holds a current, valid license</u> issued under Chapter 4723. of the Revised Code, or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	2015 2016 2017 2018 2019 2020 2021
(8) One person representing the general public.	2022
(B) The superintendent of public instruction shall nominate three persons for the governor to choose from when making an appointment under division (A) (4) of this section.	2023 2024 2025
(C) All members shall be at least twenty-five years of age, residents of the state, and citizens of the United States. No more than two members, at any time, shall be graduates of the same school of cosmetology.	2026 2027 2028 2029
Except for the initial members appointed under divisions (A) (3) and (4) of this section, terms of office are for five years. The term of the initial member appointed under division (A) (3) of this section shall be three years. The term of the initial member appointed under division (A) (4) of this section shall be four years. Terms shall commence on the first day of November and end on the thirty-first day of October. Each member shall hold office from the date of appointment until the end of the term for which appointed. In case of a vacancy occurring on	2030 2031 2032 2033 2034 2035 2036 2037 2038

the board, the governor shall, in the same manner prescribed for 2039  
the regular appointment to the board, fill the vacancy by 2040  
appointing a member. Any member appointed to fill a vacancy 2041  
occurring prior to the expiration of the term for which the 2042  
member's predecessor was appointed shall hold office for the 2043  
remainder of such term. Any member shall continue in office 2044  
subsequent to the expiration date of the member's term until the 2045  
member's successor takes office, or until a period of sixty days 2046  
has elapsed, whichever occurs first. Before entering upon the 2047  
discharge of the duties of the office of member, each member 2048  
shall take, and file with the secretary of state, the oath of 2049  
office required by Section 7 of Article XV, Ohio Constitution. 2050

The members of the board shall receive an amount fixed 2051  
pursuant to Chapter 124. of the Revised Code per diem for every 2052  
meeting of the board which they attend, together with their 2053  
necessary expenses, and mileage for each mile necessarily 2054  
traveled. 2055

The members of the board shall annually elect, from among 2056  
their number, a chairperson. 2057

The board shall prescribe the duties of its officers and 2058  
establish an office within Franklin ~~County~~ county. The board 2059  
shall keep all records and files at the office and have the 2060  
records and files at all reasonable hours open to public 2061  
inspection. The board also shall adopt a seal. 2062

**Sec. 4723.01.** As used in this chapter: 2063

(A) "Registered nurse" means an individual who holds a 2064  
current, valid license issued under this chapter that authorizes 2065  
the practice of nursing as a registered nurse. 2066

(B) "Practice of nursing as a registered nurse" means 2067

providing to individuals and groups nursing care requiring 2068  
specialized knowledge, judgment, and skill derived from the 2069  
principles of biological, physical, behavioral, social, and 2070  
nursing sciences. Such nursing care includes: 2071

(1) Identifying patterns of human responses to actual or 2072  
potential health problems amenable to a nursing regimen; 2073

(2) Executing a nursing regimen through the selection, 2074  
performance, management, and evaluation of nursing actions; 2075

(3) Assessing health status for the purpose of providing 2076  
nursing care; 2077

(4) Providing health counseling and health teaching; 2078

(5) Administering medications, treatments, and executing 2079  
regimens authorized by an individual who is authorized to 2080  
practice in this state and is acting within the course of the 2081  
individual's professional practice; 2082

(6) Teaching, administering, supervising, delegating, and 2083  
evaluating nursing practice. 2084

(C) "Nursing regimen" may include preventative, 2085  
restorative, and health-promotion activities. 2086

(D) "Assessing health status" means the collection of data 2087  
through nursing assessment techniques, which may include 2088  
interviews, observation, and physical evaluations for the 2089  
purpose of providing nursing care. 2090

(E) "Licensed practical nurse" means an individual who 2091  
holds a current, valid license issued under this chapter that 2092  
authorizes the practice of nursing as a licensed practical 2093  
nurse. 2094



(F) "The practice of nursing as a licensed practical nurse" means providing to individuals and groups nursing care requiring the application of basic knowledge of the biological, physical, behavioral, social, and nursing sciences at the direction of a licensed physician, dentist, podiatrist, optometrist, chiropractor, or registered nurse. Such nursing care includes:	2095
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(1) Observation, patient teaching, and care in a diversity of health care settings;	2102
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(2) Contributions to the planning, implementation, and evaluation of nursing;	2104
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(3) Administration of medications and treatments authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice on the condition that the licensed practical nurse is authorized under section 4723.17 of the Revised Code to administer medications;	2106
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(4) Administration to an adult of intravenous therapy authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice, on the condition that the licensed practical nurse is authorized under section 4723.18 or 4723.181 of the Revised Code to perform intravenous therapy and performs intravenous therapy only in accordance with those sections;	2112
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(5) Delegation of nursing tasks as directed by a registered nurse;	2119
	2120
(6) Teaching nursing tasks to licensed practical nurses and individuals to whom the licensed practical nurse is authorized to delegate nursing tasks as directed by a registered	2121
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nurse. 2124

(G) "Certified registered nurse anesthetist" means ~~an~~ an advanced practice registered nurse who holds a current, valid ~~certificate of authority license~~ issued under this chapter ~~that~~ authorizes the practice of nursing and is designated as a certified registered nurse anesthetist in accordance with section ~~4723.43-4723.42~~ of the Revised Code and rules adopted by the board of nursing. 2125  
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(H) "Clinical nurse specialist" means ~~an~~ an advanced practice registered nurse who holds a current, valid ~~certificate of authority license~~ issued under this chapter ~~that~~ authorizes the practice of nursing and is designated as a clinical nurse specialist in accordance with section ~~4723.43-4723.42~~ of the Revised Code and rules adopted by the board of nursing. 2132  
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(I) "Certified nurse-midwife" means ~~an~~ an advanced practice registered nurse who holds a current, valid ~~certificate of authority license~~ issued under this chapter ~~that~~ authorizes the practice of nursing and is designated as a certified nurse-midwife in accordance with section ~~4723.43-4723.42~~ of the Revised Code and rules adopted by the board of nursing. 2138  
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(J) "Certified nurse practitioner" means ~~an~~ an advanced practice registered nurse who holds a current, valid ~~certificate of authority license~~ issued under this chapter ~~that~~ authorizes the practice of nursing and is designated as a certified nurse practitioner in accordance with section ~~4723.43-4723.42~~ of the Revised Code and rules adopted by the board of nursing. 2144  
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(K) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 2150  
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~~(L) "Collaboration" or "collaborating" means the following:~~ 2153  
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~~(1) In the case of a clinical nurse specialist, except as provided in division (L)(3) of this section, or a certified nurse practitioner, that one or more podiatrists acting within the scope of practice of podiatry in accordance with section 4731.51 of the Revised Code and with whom the nurse has entered into a standard care arrangement or one or more physicians with whom the nurse has entered into a standard care arrangement are continuously available to communicate with the clinical nurse specialist or certified nurse practitioner either in person or by radio, telephone, or other form of telecommunication;~~ 2155  
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~~(2) In the case of a certified nurse midwife, that one or more physicians with whom the certified nurse midwife has entered into a standard care arrangement are continuously available to communicate with the certified nurse midwife either in person or by radio, telephone, or other form of telecommunication;~~ 2165  
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~~(3) In the case of a clinical nurse specialist who practices the nursing specialty of mental health or psychiatric mental health without being authorized to prescribe drugs and therapeutic devices, that one or more physicians are continuously available to communicate with the nurse either in person or by radio, telephone, or other form of telecommunication.~~ 2171  
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~~(M) "Supervision," as it pertains to a certified registered nurse anesthetist, means that the certified registered nurse anesthetist is under the direction of a podiatrist acting within the podiatrist's scope of practice in accordance with section 4731.51 of the Revised Code, a dentist~~ 2178  
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~~acting within the dentist's scope of practice in accordance with~~ 2183  
~~Chapter 4715. of the Revised Code, or a physician, and, when~~ 2184  
~~administering anesthesia, the certified registered nurse~~ 2185  
~~anesthetist is in the immediate presence of the podiatrist,~~ 2186  
~~dentist, or physician.~~ 2187

~~(N) "Standard care arrangement" means a written, formal~~ 2188  
~~guide for planning and evaluating a patient's health care that~~ 2189  
~~is developed by one or more collaborating physicians or~~ 2190  
~~podiatrists and a clinical nurse specialist, certified nurse~~ 2191  
~~midwife, or certified nurse practitioner and meets the~~ 2192  
~~requirements of section 4723.431 of the Revised Code.~~ 2193

~~(O) "Advanced practice registered nurse" means a certified~~ 2194  
~~registered nurse anesthetist, clinical nurse specialist,~~ 2195  
~~certified nurse midwife, or certified nurse practitioner~~ 2196  
an individual who holds a current, valid license issued under this 2197  
chapter that authorizes the practice of nursing as an advanced 2198  
practice registered nurse and is designated as any of the 2199  
following: 2200

(1) A certified registered nurse anesthetist; 2201

(2) A clinical nurse specialist; 2202

(3) A certified nurse-midwife; 2203

(4) A certified nurse practitioner. 2204

(M) "Practice of nursing as an advanced practice 2205  
registered nurse" means providing to individuals and groups 2206  
nursing care that requires knowledge and skill obtained from 2207  
advanced formal education, training, and clinical experience. 2208  
Such nursing care includes: 2209

(1) Ordering and interpreting diagnostic tests or 2210

<u>procedures;</u>	2211
<u>(2) Diagnosing medical conditions or diseases;</u>	2212
<u>(3) Planning, executing, delegating, and prescribing</u>	2213
<u>regimens, treatments, and therapies which may include nutrition,</u>	2214
<u>blood, and blood products and the use of durable medical</u>	2215
<u>equipment and medical devices;</u>	2216
<u>(4) Prescribing, ordering, administering, and furnishing</u>	2217
<u>drugs and therapeutic devices in accordance with section</u>	2218
<u>4723.481 of the Revised Code;</u>	2219
<u>(5) Consulting with and providing referrals to health</u>	2220
<u>providers or facilities.</u>	2221
<del>(P)</del> <u>(N)</u> "Dialysis care" means the care and procedures that	2222
a dialysis technician or dialysis technician intern is	2223
authorized to provide and perform, as specified in section	2224
4723.72 of the Revised Code.	2225
<del>(Q)</del> <u>(O)</u> "Dialysis technician" means an individual who	2226
holds a current, valid certificate to practice as a dialysis	2227
technician issued under section 4723.75 of the Revised Code.	2228
<del>(R)</del> <u>(P)</u> "Dialysis technician intern" means an individual	2229
who holds a current, valid certificate to practice as a dialysis	2230
technician intern issued under section 4723.75 of the Revised	2231
Code.	2232
<del>(S)</del> <u>(Q)</u> "Certified community health worker" means an	2233
individual who holds a current, valid certificate as a community	2234
health worker issued under section 4723.85 of the Revised Code.	2235
<del>(T)</del> <u>(R)</u> "Medication aide" means an individual who holds a	2236
current, valid certificate issued under this chapter that	2237
authorizes the individual to administer medication in accordance	2238

with section 4723.67 of the Revised Code. 2239

(S) "Nursing specialty" means a specialty in practice as a 2240  
certified registered nurse anesthetist, clinical nurse 2241  
specialist, certified nurse-midwife, or certified nurse 2242  
practitioner. 2243

Sec. 4723.011. As used in this chapter, unless otherwise 2244  
specified, "registered nurse" includes a registered nurse who is 2245  
also licensed under this chapter as an advanced practice 2246  
registered nurse. 2247

**Sec. 4723.02.** The board of nursing shall assume and 2248  
exercise all the powers and perform all the duties conferred and 2249  
imposed on it by this chapter. 2250

The board shall consist of thirteen members who shall be 2251  
citizens of the United States and residents of Ohio. Eight 2252  
members shall be registered nurses, each of whom shall be a 2253  
graduate of an approved program of nursing education that 2254  
prepares persons for licensure as a registered nurse, shall hold 2255  
a currently active license issued under this chapter to practice 2256  
nursing as a registered nurse, and shall have been actively 2257  
engaged in the practice of nursing as a registered nurse for the 2258  
five years immediately preceding the member's initial 2259  
appointment to the board. Of the eight members who are 2260  
registered nurses, at least ~~one~~ two shall hold a current, valid 2261  
~~certificate of authority license~~ issued under this chapter that 2262  
authorizes the practice of nursing as ~~a certified registered~~ 2263  
~~nurse anesthetist, clinical nurse specialist, certified nurse~~ 2264  
~~midwife, or certified nurse practitioner~~ an advanced practice 2265  
registered nurse. Four members shall be licensed practical 2266  
nurses, each of whom shall be a graduate of an approved program 2267  
of nursing education that prepares persons for licensure as a 2268

practical nurse, shall hold a currently active license issued 2269  
under this chapter to practice nursing as a licensed practical 2270  
nurse, and shall have been actively engaged in the practice of 2271  
nursing as a licensed practical nurse for the five years 2272  
immediately preceding the member's initial appointment to the 2273  
board. One member shall represent the interests of consumers of 2274  
health care. Neither this member nor any person in the member's 2275  
immediate family shall be a member of or associated with a 2276  
health care provider or profession or shall have a financial 2277  
interest in the delivery or financing of health care. 2278  
Representation of nursing service and nursing education and of 2279  
the various geographical areas of the state shall be considered 2280  
in making appointments. 2281

As the term of any member of the board expires, a 2282  
successor shall be appointed who has the qualifications the 2283  
vacancy requires. Terms of office shall be for four years, 2284  
commencing on the first day of January and ending on the thirty- 2285  
first day of December. 2286

A current or former board member who has served not more 2287  
than one full term or one full term and not more than thirty 2288  
months of another term may be reappointed for one additional 2289  
term. 2290

Each member shall hold office from the date of appointment 2291  
until the end of the term for which the member was appointed. 2292  
The term of a member shall expire if the member ceases to meet 2293  
any requirement of this section for the member's position on the 2294  
board. Any member appointed to fill a vacancy occurring prior to 2295  
the expiration of the term for which the member's predecessor 2296  
was appointed shall hold office for the remainder of such term. 2297  
Any member shall continue in office subsequent to the expiration 2298

date of the member's term until the member's successor takes 2299  
office, or until a period of sixty days has elapsed, whichever 2300  
occurs first. 2301

Nursing organizations of this state may each submit to the 2302  
governor the names of not more than five nominees for each 2303  
position to be filled on the board. From the names so submitted 2304  
or from others, at the governor's discretion, the governor with 2305  
the advice and consent of the senate shall make such 2306  
appointments. 2307

Any member of the board may be removed by the governor for 2308  
neglect of any duty required by law or for incompetency or 2309  
unprofessional or dishonorable conduct, after a hearing as 2310  
provided in Chapter 119. of the Revised Code. 2311

Seven members of the board including at least four 2312  
registered nurses ~~and~~, at least one of whom is an advanced 2313  
practice registered nurse, and one licensed practical nurse 2314  
shall at all times constitute a quorum. 2315

Each member of the board shall receive an amount fixed 2316  
pursuant to division (J) of section 124.15 of the Revised Code 2317  
for each day in attendance at board meetings and in discharge of 2318  
official duties, and in addition thereto, necessary expense 2319  
incurred in the performance of such duties. 2320

The board shall elect one of its registered nurse members 2321  
as president and one as vice-president. The board shall elect 2322  
one of its registered nurse members to serve as the supervising 2323  
member for disciplinary matters. 2324

The board may establish advisory groups to serve in 2325  
consultation with the board or the executive director. Each 2326  
advisory group shall be given a specific charge in writing and 2327



shall report to the board. Members of advisory groups shall 2328  
serve without compensation but shall receive their actual and 2329  
necessary expenses incurred in the performance of their official 2330  
duties. 2331

**Sec. 4723.03.** (A) No person shall engage in the practice 2332  
of nursing as a registered nurse, represent the person as being 2333  
a registered nurse, or use the title "registered nurse," the 2334  
initials "R.N.," or any other title implying that the person is 2335  
a registered nurse, for a fee, salary, or other consideration, 2336  
or as a volunteer, without holding a current, valid license as a 2337  
registered nurse under this chapter. 2338

(B) No person shall engage in the practice of nursing as 2339  
an advanced practice registered nurse, represent the person as 2340  
being an advanced practice registered nurse, or use the title 2341  
"advanced practice registered nurse," the initials "A.P.R.N.," 2342  
or any other title implying that the person is an advanced 2343  
practice registered nurse, for a fee, salary, or other 2344  
consideration, or as a volunteer, without holding a current, 2345  
valid license to practice nursing as an advanced practice 2346  
registered nurse issued under this chapter. 2347

(C) No person shall engage in the practice of nursing as a 2348  
licensed practical nurse, represent the person as being a 2349  
licensed practical nurse, or use the title "licensed practical 2350  
nurse," the initials "L.P.N.," or any other title implying that 2351  
the person is a licensed practical nurse, for a fee, salary, or 2352  
other consideration, or as a volunteer, without holding a 2353  
current, valid license as a practical nurse under this chapter. 2354

~~(C)~~ (D) No person shall use the titles or initials 2355  
"graduate nurse," "G.N.," "professional nurse," "P.N.," 2356  
"graduate practical nurse," "G.P.N.," "practical nurse," "P.N.," 2357

"trained nurse," "T.N.," or any other statement, title, or 2358  
initials that would imply or represent to the public that the 2359  
person is authorized to practice nursing in this state, except 2360  
as follows: 2361

(1) A person licensed under this chapter to practice 2362  
nursing as a registered nurse may use that title and the 2363  
initials "R.N."; 2364

(2) A person licensed under this chapter to practice 2365  
nursing as a licensed practical nurse may use that title and the 2366  
initials "L.P.N."; 2367

(3) A person ~~authorized-licensed~~ under this chapter to 2368  
practice nursing as an advanced practice registered nurse and 2369  
designated as a certified registered nurse anesthetist may use 2370  
that title, the initials "C.R.N.A." or "N.A.," and any other 2371  
title or initials approved by the board of nursing; 2372

(4) A person ~~authorized-licensed~~ under this chapter to 2373  
practice nursing as an advanced practice registered nurse and 2374  
designated as a clinical nurse specialist may use that title, 2375  
the initials "C.N.S.," and any other title or initials approved 2376  
by the board; 2377

(5) A person ~~authorized-licensed~~ under this chapter to 2378  
practice nursing as an advanced practice registered nurse and 2379  
designated as a certified nurse-midwife may use that title, the 2380  
initials "C.N.M.," and any other title or initials approved by 2381  
the board; 2382

(6) A person ~~authorized-licensed~~ under this chapter to 2383  
practice nursing as an advanced practice registered nurse and 2384  
designated as a certified nurse practitioner may use that title, 2385  
the initials "C.N.P.," and any other title or initials approved 2386

by the board; 2387

(7) A person ~~authorized~~ licensed under this chapter to 2388  
practice nursing as a ~~certified registered nurse anesthetist,~~ 2389  
~~clinical nurse specialist, certified nurse midwife, or certified~~ 2390  
~~nurse practitioner~~ an advanced practice registered nurse may use 2391  
the title "advanced practice registered nurse" or the initials 2392  
"A.P.R.N." 2393

~~(D)~~ (E) No person shall employ a person not licensed as a 2394  
registered nurse under this chapter to engage in the practice of 2395  
nursing as a registered nurse. ~~No~~ 2396

No person shall employ a person not licensed as an 2397  
advanced practice registered nurse under this chapter to engage 2398  
in the practice of nursing as an advanced practice registered 2399  
nurse. 2400

No person shall employ a person not licensed as a 2401  
practical nurse under this chapter to engage in the practice of 2402  
nursing as a licensed practical nurse. 2403

~~(E)~~ (F) No person shall sell or fraudulently obtain or 2404  
furnish any nursing diploma, license, certificate, renewal, or 2405  
record, or aid or abet such acts. 2406

**Sec. 4723.05.** The board of nursing shall appoint an 2407  
executive director, who shall be licensed under this chapter as 2408  
an advanced practice registered nurse or registered nurse ~~of~~ 2409  
~~this state~~ with at least five years experience in the practice 2410  
of nursing as an advanced practice registered nurse or 2411  
registered nurse, shall be a resident of this state during the 2412  
term of appointment, and shall not be a member of the board at 2413  
the time of appointment or during the term of appointment. The 2414  
board shall meet at such times and places as it may direct and 2415

provide in its rules. The president may call special meetings, 2416  
and the executive director shall call special meetings upon the 2417  
written request of two or more board members. The board shall 2418  
provide itself with a seal. The president and executive director 2419  
may administer oaths. The executive director is the chief 2420  
administrative officer of the board and shall serve as a full 2421  
time employee of the board and shall be entitled to attend all 2422  
meetings of the board except meetings concerning the appointment 2423  
and terms of employment of the executive director. 2424

The term of the executive director shall be one year 2425  
commencing on the first day of January. The executive director 2426  
shall receive necessary expenses in addition to salary. The 2427  
executive director shall give a surety bond to the state in such 2428  
sum as the board requires, and conditioned upon the faithful 2429  
performance of the duties of executive director. 2430

The executive director is an appointing authority as 2431  
defined in section 124.01 of the Revised Code, and may appoint 2432  
such nursing education consultants, nursing practice 2433  
consultants, investigative personnel, and any additional 2434  
employees for professional, clerical, and special work necessary 2435  
to carry out the board's functions and with the board's 2436  
approval, may establish standards for the conduct of employees. 2437

**Sec. 4723.06.** (A) The board of nursing shall: 2438

(1) Administer and enforce the provisions of this chapter, 2439  
including the taking of disciplinary action for violations of 2440  
section 4723.28 of the Revised Code, any other provisions of 2441  
this chapter, or rules adopted under this chapter; 2442

(2) Develop criteria that an applicant must meet to be 2443  
eligible to sit for the examination for licensure to practice as 2444

a registered nurse ~~or as~~, an advanced practice registered 2445  
nurse, or a licensed practical nurse; 2446

(3) Issue and renew nursing licenses, dialysis technician 2447  
certificates, and community health worker certificates, as 2448  
provided in this chapter; 2449

(4) Define the minimum educational standards for 2450  
~~educational programs of the schools~~ and programs of registered 2451  
nursing, advanced practice registered nursing, and ~~schools of~~ 2452  
practical nursing in this state; 2453

(5) Survey, inspect, and grant full approval to 2454  
prelicensure nursing education programs in this state that meet 2455  
the standards established by rules adopted under section 4723.07 2456  
of the Revised Code. Prelicensure nursing education programs 2457  
include, but are not limited to, diploma, associate degree, 2458  
baccalaureate degree, master's degree, and doctor of nursing 2459  
programs leading to initial licensure to practice nursing as a 2460  
registered nurse or advanced practice registered nurse and 2461  
practical nurse programs leading to initial licensure to 2462  
practice nursing as a licensed practical nurse. 2463

(6) Grant conditional approval, by a vote of a quorum of 2464  
the board, to a new prelicensure nursing education program or a 2465  
program that is being reestablished after having ceased to 2466  
operate, if the program meets and maintains the minimum 2467  
standards of the board established by rules adopted under 2468  
section 4723.07 of the Revised Code. If the board does not grant 2469  
conditional approval, it shall hold an adjudication under 2470  
Chapter 119. of the Revised Code to consider conditional 2471  
approval of the program. If the board grants conditional 2472  
approval, at the first meeting following completion of the 2473  
survey process required by division (A) (5) of this section, the 2474

board shall determine whether to grant full approval to the 2475  
program. If the board does not grant full approval or if it 2476  
appears that the program has failed to meet and maintain 2477  
standards established by rules adopted under section 4723.07 of 2478  
the Revised Code, the board shall hold an adjudication under 2479  
Chapter 119. of the Revised Code to consider the program. Based 2480  
on results of the adjudication, the board may continue or 2481  
withdraw conditional approval, or grant full approval. 2482

(7) Place on provisional approval, for a period of time 2483  
specified by the board, a program that has ceased to meet and 2484  
maintain the minimum standards of the board established by rules 2485  
adopted under section 4723.07 of the Revised Code. Prior to or 2486  
at the end of the period, the board shall reconsider whether the 2487  
program meets the standards and shall grant full approval if it 2488  
does. If it does not, the board may withdraw approval, pursuant 2489  
to an adjudication under Chapter 119. of the Revised Code. 2490

(8) Approve continuing education programs and courses 2491  
under standards established in rules adopted under sections 2492  
4723.07, 4723.69, 4723.79, and 4723.88 of the Revised Code; 2493

(9) Establish a program for monitoring chemical dependency 2494  
in accordance with section 4723.35 of the Revised Code; 2495

(10) Establish the practice intervention and improvement 2496  
program in accordance with section 4723.282 of the Revised Code; 2497

~~(11) Issue and renew certificates of authority to practice 2498  
nursing as a certified registered nurse anesthetist, clinical 2499  
nurse specialist, certified nurse midwife, or certified nurse 2500  
practitioner; 2501~~

~~(12) Approve under section 4723.46 of the Revised Code 2502  
national certifying organizations for examination and 2503~~

<del>certification of certified registered nurse anesthetists,</del>	2504
<del>clinical nurse specialists, certified nurse midwives, or</del>	2505
<del>certified nurse practitioners;</del>	2506
<del>(13) Issue and renew certificates to prescribe in</del>	2507
<del>accordance with sections 4723.48 and 4723.486 of the Revised</del>	2508
<del>Code;</del>	2509
<del>(14) Grant approval to the planned classroom and clinical</del>	2510
<del>study required by section 4723.482 of the Revised Code to be</del>	2511
<del>eligible for a certificate to prescribe;</del>	2512
<del>(15) Make an annual edition of the formulary established</del>	2513
<del>in rules adopted under section 4723.50 of the Revised Code</del>	2514
<del>available to the public either in printed form or by electronic</del>	2515
<del>means and, as soon as possible after any revision of the</del>	2516
<del>formulary becomes effective, make the revision available to the</del>	2517
<del>public in printed form or by electronic means</del>	2518
<u>Approve under</u>	2518
<u>section 4723.46 of the Revised Code national certifying</u>	2519
<u>organizations for examination and licensure of advanced practice</u>	2520
<u>registered nurses, which may include separate organizations for</u>	2521
<u>certified registered nurse anesthetists, clinical nurse</u>	2522
<u>specialists, certified nurse-midwives, and certified nurse</u>	2523
<u>practitioners;</u>	2524
<del>(16)</del> <u>(12)</u> Provide guidance and make recommendations to the	2525
general assembly, the governor, state agencies, and the federal	2526
government with respect to the regulation of the practice of	2527
nursing and the enforcement of this chapter;	2528
<del>(17)</del> <u>(13)</u> Make an annual report to the governor, which	2529
shall be open for public inspection;	2530
<del>(18)</del> <u>(14)</u> Maintain and have open for public inspection the	2531
following records:	2532

(a) A record of all its meetings and proceedings;	2533
(b) A record of all applicants for, and holders of, licenses and certificates issued by the board under this chapter or in accordance with rules adopted under this chapter. The record shall be maintained in a format determined by the board.	2534 2535 2536 2537
(c) A list of education and training programs approved by the board.	2538 2539
<del>(19)</del> (15) Deny approval to a person who submits or causes to be submitted false, misleading, or deceptive statements, information, or documentation to the board in the process of applying for approval of a new education or training program. If the board proposes to deny approval of a new education or training program, it shall do so pursuant to an adjudication conducted under Chapter 119. of the Revised Code.	2540 2541 2542 2543 2544 2545 2546
(B) The board may fulfill the requirement of division (A) (8) of this section by authorizing persons who meet the standards established in rules adopted under section 4723.07 of the Revised Code to approve continuing education programs and courses. Persons so authorized shall approve continuing education programs and courses in accordance with standards established in rules adopted under section 4723.07 of the Revised Code.	2547 2548 2549 2550 2551 2552 2553 2554
Persons seeking authorization to approve continuing education programs and courses shall apply to the board and pay the appropriate fee established under section 4723.08 of the Revised Code. Authorizations to approve continuing education programs and courses shall expire, and may be renewed according to the schedule established in rules adopted under section 4723.07 of the Revised Code.	2555 2556 2557 2558 2559 2560 2561



In addition to approving continuing education programs 2562  
under division (A) (8) of this section, the board may sponsor 2563  
continuing education activities that are directly related to the 2564  
statutes and rules the board enforces. 2565

**Sec. 4723.07.** In accordance with Chapter 119. of the 2566  
Revised Code, the board of nursing shall adopt and may amend and 2567  
rescind rules that establish all of the following: 2568

(A) Provisions for the board's government and control of 2569  
its actions and business affairs; 2570

(B) Minimum standards for nursing education programs that 2571  
prepare graduates to be licensed under this chapter and 2572  
procedures for granting, renewing, and withdrawing approval of 2573  
those programs; 2574

(C) Criteria that applicants for licensure must meet to be 2575  
eligible to take examinations for licensure; 2576

(D) Standards and procedures for renewal of the licenses 2577  
and certificates issued by the board; 2578

(E) Standards for approval of continuing nursing education 2579  
programs and courses for registered nurses, advanced practice 2580  
registered nurses, and licensed practical nurses, ~~certified~~ 2581  
~~registered nurse anesthetists, clinical nurse specialists,~~ 2582  
~~certified nurse midwives, and certified nurse practitioners.~~ The 2583  
standards may provide for approval of continuing nursing 2584  
education programs and courses that have been approved by other 2585  
state boards of nursing or by national accreditation systems for 2586  
nursing, including, but not limited to, the American nurses' 2587  
credentialing center and the national association for practical 2588  
nurse education and service. 2589

(F) Standards that persons must meet to be authorized by 2590

the board to approve continuing education programs and courses	2591
and a schedule by which that authorization expires and may be	2592
renewed;	2593
(G) Requirements, including continuing education	2594
requirements, for reactivating inactive licenses or	2595
certificates, and for reinstating licenses or certificates that	2596
have lapsed;	2597
(H) Conditions that may be imposed for reinstatement of a	2598
license or certificate following action taken under section	2599
3123.47, 4723.28, 4723.281, 4723.652, or 4723.86 of the Revised	2600
Code resulting in a license or certificate suspension;	2601
(I) Requirements for board approval of courses in	2602
medication administration by licensed practical nurses;	2603
(J) Criteria for evaluating the qualifications of an	2604
applicant for a license to practice nursing as a registered	2605
nurse, <u>a license to practice nursing as an advanced practice</u>	2606
<u>registered nurse, or a license to practice nursing as a licensed</u>	2607
<u>practical nurse, or a certificate of authority issued under</u>	2608
<u>division (B) of section 4723.41 of the Revised Code</u> for the	2609
purpose of issuing the license or certificate by the board's	2610
endorsement of the applicant's authority to practice issued by	2611
the licensing agency of another state;	2612
(K) Universal and standard precautions that shall be used	2613
by each licensee or certificate holder. The rules shall define	2614
and establish requirements for universal and standard	2615
precautions that include the following:	2616
(1) Appropriate use of hand washing;	2617
(2) Disinfection and sterilization of equipment;	2618

(3) Handling and disposal of needles and other sharp instruments;	2619 2620
(4) Wearing and disposal of gloves and other protective garments and devices.	2621 2622
<del>(L) Standards and procedures for approving certificates of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse midwife, or certified nurse practitioner, and for renewal of those certificates;</del>	2623 2624 2625 2626 2627
<del>(M) Quality assurance standards for certified registered nurse anesthetists, clinical nurse specialists, certified nurse midwives, or certified nurse practitioners, <u>advanced practice registered nurses</u>;</del>	2628 2629 2630 2631
<del>(N) Additional criteria for the standard care arrangement required by section 4723.431 of the Revised Code entered into by a clinical nurse specialist, certified nurse midwife, or certified nurse practitioner and the nurse's collaborating physician or podiatrist;</del>	2632 2633 2634 2635 2636
<del>(O) Continuing education standards for clinical nurse specialists who were issued a certificate of authority to practice as a clinical nurse specialist under division (C) of section 4723.41 of the Revised Code as that division existed at any time before the effective date of this amendment;</del>	2637 2638 2639 2640 2641
<del>(P)</del> <u>(M)</u> For purposes of division (B) (31) of section 4723.28 of the Revised Code, the actions, omissions, or other circumstances that constitute failure to establish and maintain professional boundaries with a patient.	2642 2643 2644 2645
The board may adopt other rules necessary to carry out the provisions of this chapter. The rules shall be adopted in	2646 2647

accordance with Chapter 119. of the Revised Code. 2648

**Sec. 4723.08.** (A) The board of nursing may impose fees not 2649  
to exceed the following limits: 2650

(1) For application for licensure by examination or 2651  
endorsement to practice nursing as a registered nurse or as a 2652  
licensed practical nurse, seventy-five dollars; 2653

(2) For application for licensure by examination or 2654  
endorsement to practice nursing as ~~a registered nurse or as a~~ 2655  
~~licensed practical nurse, seventy five~~ an advanced practice 2656  
registered nurse, one hundred fifty dollars; 2657

(3) ~~For application for a certificate of authority to~~ 2658  
~~practice nursing as a certified registered nurse anesthetist,~~ 2659  
~~clinical nurse specialist, certified nurse midwife, or certified~~ 2660  
~~nurse practitioner, one hundred dollars;~~ 2661

~~(4)~~ For application for a temporary dialysis technician 2662  
certificate, the amount specified in rules adopted under section 2663  
4723.79 of the Revised Code; 2664

~~(5)~~ (4) For application for a dialysis technician 2665  
certificate, the amount specified in rules adopted under section 2666  
4723.79 of the Revised Code; 2667

~~(6)~~ ~~For application for a certificate to prescribe, fifty~~ 2668  
~~dollars;~~ 2669

~~(7)~~ (5) For providing, pursuant to division (B) of section 2670  
4723.271 of the Revised Code, written verification of a nursing 2671  
license, ~~certificate of authority, certificate to prescribe,~~ 2672  
dialysis technician certificate, medication aide certificate, or 2673  
community health worker certificate to another jurisdiction, 2674  
fifteen dollars; 2675

<del>(8)</del> <u>(6)</u> For providing, pursuant to division (A) of section 4723.271 of the Revised Code, a replacement copy of a wall certificate suitable for framing as described in that division, twenty-five dollars;	2676 2677 2678 2679
<del>(9)</del> <u>(7)</u> For biennial renewal of a <u>nursing license to practice as a registered nurse or licensed practical nurse</u> , sixty-five dollars, <u>except that no fee shall be charged a registered nurse who is renewing a license to practice as an advanced practice registered nurse</u> ;	2680 2681 2682 2683 2684
<del>(10)</del> For biennial renewal of a <u>certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, eighty-five dollars</u> ;	2685 2686 2687 2688
<del>(11)</del> For renewal of a <u>certificate to prescribe, fifty dollars</u> <u>(8) For biennial review of a license to practice as an advanced practice registered nurse, one hundred thirty-five dollars</u> ;	2689 2690 2691 2692
<del>(12)</del> <u>(9)</u> For biennial renewal of a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	2693 2694 2695
<del>(13)</del> <u>(10)</u> For processing a late application for renewal of a nursing license, <del>certificate of authority</del> , or dialysis technician certificate, fifty dollars;	2696 2697 2698
<del>(14)</del> <u>(11)</u> For application for authorization to approve continuing education programs and courses from an applicant accredited by a national accreditation system for nursing, five hundred dollars;	2699 2700 2701 2702
<del>(15)</del> <u>(12)</u> For application for authorization to approve continuing education programs and courses from an applicant not	2703 2704

accredited by a national accreditation system for nursing, one thousand dollars;	2705 2706
<del>(16)</del> <u>(13)</u> For each year for which authorization to approve continuing education programs and courses is renewed, one hundred fifty dollars;	2707 2708 2709
<del>(17)</del> <u>(14)</u> For application for approval to operate a dialysis training program, the amount specified in rules adopted under section 4723.79 of the Revised Code;	2710 2711 2712
<del>(18)</del> <u>(15)</u> For reinstatement of a lapsed license or certificate issued under this chapter, one hundred dollars except as provided in section 5903.10 of the Revised Code;	2713 2714 2715
<del>(19)</del> <u>(16)</u> For written verification of a license or certificate when the verification is performed for purposes other than providing verification to another jurisdiction, five dollars;	2716 2717 2718 2719
<del>(20)</del> <u>(17)</u> For processing a check returned to the board by a financial institution, twenty-five dollars;	2720 2721
<del>(21)</del> <u>(18)</u> The amounts specified in rules adopted under section 4723.88 of the Revised Code pertaining to the issuance of certificates to community health workers, including fees for application for a certificate, biennial renewal of a certificate, processing a late application for renewal of a certificate, reinstatement of a lapsed certificate, application for approval of a community health worker training program for community health workers, and biennial renewal of the approval of a training program for community health workers.	2722 2723 2724 2725 2726 2727 2728 2729 2730
(B) Each quarter, for purposes of transferring funds under section 4743.05 of the Revised Code to the nurse education assistance fund created in section 3333.28 of the Revised Code,	2731 2732 2733

the board of nursing shall certify to the director of budget and 2734  
management the number of biennial licenses renewed under this 2735  
chapter during the preceding quarter and the amount equal to 2736  
that number times five dollars. 2737

(C) The board may charge a participant in a board- 2738  
sponsored continuing education activity an amount not exceeding 2739  
fifteen dollars for each activity. 2740

(D) The board may contract for services pertaining to the 2741  
process of providing written verification of a license or 2742  
certificate when the verification is performed for purposes 2743  
other than providing verification to another jurisdiction. The 2744  
contract may include provisions pertaining to the collection of 2745  
the fee charged for providing the written verification. As part 2746  
of these provisions, the board may permit the contractor to 2747  
retain a portion of the fees as compensation, before any amounts 2748  
are deposited into the state treasury. 2749

**Sec. 4723.09.** (A) (1) An application for licensure by 2750  
examination to practice as a registered nurse, advanced practice 2751  
registered nurse, or ~~as a~~ licensed practical nurse shall be 2752  
submitted to the board of nursing in the form prescribed by 2753  
rules of the board. The application shall include evidence that 2754  
the applicant has completed a nursing education program approved 2755  
by the board under division (A) of section 4723.06 of the 2756  
Revised Code or by a board of another jurisdiction that is a 2757  
member of the national council of state boards of nursing. The 2758  
application also shall include any other information required by 2759  
rules of the board. The application shall be accompanied by the 2760  
application fee required by section 4723.08 of the Revised Code. 2761

(2) The board shall grant a license to practice nursing as 2762  
a registered nurse, advanced practice registered nurse, or ~~as a~~ 2763

licensed practical nurse if ~~all of~~ the following apply: 2764

(a) For all applicants, the applicant passes the 2765  
examination accepted by the board under section 4723.10 of the 2766  
Revised Code. 2767

(b) For an applicant who entered a prelicensure nursing 2768  
education program on or after June 1, 2003, the results of a 2769  
criminal records check conducted in accordance with section 2770  
4723.091 of the Revised Code demonstrate that the applicant is 2771  
not ineligible for licensure as specified in section 4723.092 of 2772  
the Revised Code. 2773

(c) For all applicants, the board determines that the 2774  
applicant has not committed any act that is grounds for 2775  
disciplinary action under section 3123.47 or 4723.28 of the 2776  
Revised Code or determines that an applicant who has committed 2777  
any act that is grounds for disciplinary action under either 2778  
section has made restitution or has been rehabilitated, or both. 2779

(d) For all applicants, the applicant is not required to 2780  
register under Chapter 2950. of the Revised Code or a 2781  
substantially similar law of another state, the United States, 2782  
or another country. 2783

(e) For an applicant for licensure to practice as an 2784  
advanced practice registered nurse, the applicant holds a 2785  
current, valid license to practice as a registered nurse and has 2786  
met the requirements of section 4723.482 of the Revised Code. 2787

(3) The board is not required to afford an adjudication to 2788  
an individual to whom it has refused to grant a license because 2789  
of that individual's failure to pass the examination. 2790

(B) (1) An application for license by endorsement to 2791  
practice nursing as a registered nurse, advanced practice 2792



registered nurse, or ~~as a~~ licensed practical nurse shall be 2793  
submitted to the board in the form prescribed by rules of the 2794  
board. The application shall include evidence that the applicant 2795  
holds a current, valid, and unrestricted license ~~in or~~ 2796  
equivalent authorization from another jurisdiction granted after 2797  
passing an examination approved by the board of that 2798  
jurisdiction that is equivalent to the examination requirements 2799  
under this chapter for a license to practice nursing as a 2800  
registered nurse, advanced practice registered nurse, or 2801  
licensed practical nurse. The application shall include any 2802  
other information required by rules of the board. The 2803  
application shall be accompanied by the application fee required 2804  
by section 4723.08 of the Revised Code. 2805

(2) The board shall grant a license by endorsement to 2806  
practice nursing as a registered nurse, advanced practice 2807  
registered nurse, or ~~as a~~ licensed practical nurse if all of the 2808  
following apply: 2809

(a) For all applicants, the applicant provides evidence 2810  
satisfactory to the board that the applicant has successfully 2811  
completed a nursing education program approved by the board 2812  
under division (A) of section 4723.06 of the Revised Code or by 2813  
a board of another jurisdiction that is a member of the national 2814  
council of state boards of nursing. 2815

(b) For all applicants, the examination, at the time it is 2816  
successfully completed, is equivalent to the examination 2817  
requirements in effect at that time for applicants who were 2818  
licensed by examination in this state. 2819

(c) For all applicants, the board determines there is 2820  
sufficient evidence that the applicant completed two contact 2821  
hours of continuing education directly related to this chapter 2822

or the rules adopted under it. 2823

(d) For all applicants, the results of a criminal records 2824  
check conducted in accordance with section 4723.091 of the 2825  
Revised Code demonstrate that the applicant is not ineligible 2826  
for licensure as specified in section 4723.092 of the Revised 2827  
Code. 2828

(e) For all applicants, the applicant has not committed 2829  
any act that is grounds for disciplinary action under section 2830  
3123.47 or 4723.28 of the Revised Code, or the board determines 2831  
that an applicant who has committed any act that is grounds for 2832  
disciplinary action under either of those sections has made 2833  
restitution or has been rehabilitated, or both. 2834

(f) For all applicants, the applicant is not required to 2835  
register under Chapter 2950. of the Revised Code, or a 2836  
substantially similar law of another state, the United States, 2837  
or another country. 2838

(C) The board may grant a nonrenewable temporary permit to 2839  
practice nursing as a registered nurse, advanced practice 2840  
registered nurse, or ~~as a~~ licensed practical nurse to an 2841  
applicant for license by endorsement if the board is satisfied 2842  
by the evidence that the applicant holds a current, valid, and 2843  
unrestricted license ~~in or equivalent authorization from~~ another 2844  
jurisdiction. Subject to earlier automatic termination as 2845  
described in this paragraph, the temporary permit shall expire 2846  
at the earlier of one hundred eighty days after issuance or upon 2847  
the issuance of a license by endorsement. The temporary permit 2848  
shall terminate automatically if the criminal records check 2849  
completed by the bureau of criminal identification and 2850  
investigation as described in section 4723.091 of the Revised 2851  
Code regarding the applicant indicates that the applicant is 2852

ineligible for licensure as specified in section 4723.092 of the Revised Code. An applicant whose temporary permit is automatically terminated is permanently prohibited from obtaining a license to practice nursing in this state as a registered nurse, advanced practice registered nurse, or ~~as a~~ licensed practical nurse.

**Sec. 4723.10.** With respect to individuals applying for licensure by examination, the board of nursing shall accept all or any part of the licensure examination of the national council of state boards of nursing or any other national standardized nursing examination that the board considers to be an appropriate measure of whether a person is competent to commence practicing nursing as a registered nurse, advanced practice registered nurse, or ~~as a~~ licensed practical nurse. If the board incurs any cost in its acceptance of an examination under this section or in making the accepted examination available to applicants, the board may require applicants for licensure by examination to pay an amount sufficient to cover the cost incurred.

**Sec. 4723.151.** (A) Medical diagnosis, prescription of medical measures, and the practice of medicine or surgery or any of its branches by a nurse are prohibited.

(B) Division (A) of this section does not prohibit ~~a certified registered nurse anesthetist, clinical nurse specialist, certified nurse midwife, or certified nurse practitioner~~ an advanced practice registered nurse from practicing within the nurse's scope of practice ~~in accordance with section 4723.43 of the Revised Code~~. Division (A) of this section does not prohibit ~~a clinical nurse specialist, certified nurse midwife, or certified nurse practitioner who holds a~~

~~certificate to prescribe issued under section 4723.48 of the~~ 2883  
~~Revised Code an advanced practice registered nurse from~~ 2884  
~~prescribing drugs and therapeutic devices in accordance with~~ 2885  
~~section 4723.481 of the Revised Code.~~ 2886

(C) Notwithstanding division (B) of this section, nothing 2887  
in this chapter shall be construed as authorizing any nurse to 2888  
prescribe any drug or device to perform or induce an abortion, 2889  
or to otherwise perform or induce an abortion. 2890

**Sec. 4723.16.** (A) An individual whom the board of nursing 2891  
licenses, ~~certificates,~~ or otherwise legally authorizes to 2892  
engage in the practice of nursing as a registered nurse,  2893  
advanced practice registered nurse, or ~~as a~~ licensed practical 2894  
nurse may render the professional services of a registered or 2895  
licensed practical nurse within this state through a corporation 2896  
formed under division (B) of section 1701.03 of the Revised 2897  
Code, a limited liability company formed under Chapter 1705. of 2898  
the Revised Code, a partnership, or a professional association 2899  
formed under Chapter 1785. of the Revised Code. This division 2900  
does not preclude an individual of that nature from rendering 2901  
professional services as a registered, advanced practice 2902  
registered, or licensed practical nurse through another form of 2903  
business entity, including, but not limited to, a nonprofit 2904  
corporation or foundation, or in another manner that is 2905  
authorized by or in accordance with this chapter, another 2906  
chapter of the Revised Code, or rules of the board of nursing 2907  
adopted pursuant to this chapter. 2908

(B) A corporation, limited liability company, partnership, 2909  
or professional association described in division (A) of this 2910  
section may be formed for the purpose of providing a combination 2911  
of the professional services of the following individuals who 2912

are licensed, certificated, or otherwise legally authorized to	2913
practice their respective professions:	2914
(1) Optometrists who are authorized to practice optometry	2915
under Chapter 4725. of the Revised Code;	2916
(2) Chiropractors who are authorized to practice	2917
chiropractic or acupuncture under Chapter 4734. of the Revised	2918
Code;	2919
(3) Psychologists who are authorized to practice	2920
psychology under Chapter 4732. of the Revised Code;	2921
(4) Registered, <u>advanced practice registered</u> , or licensed	2922
practical nurses who are authorized to practice nursing as	2923
registered nurses, <u>advanced practice registered nurses</u> , or <del>as</del>	2924
licensed practical nurses under this chapter;	2925
(5) Pharmacists who are authorized to practice pharmacy	2926
under Chapter 4729. of the Revised Code;	2927
(6) Physical therapists who are authorized to practice	2928
physical therapy under sections 4755.40 to 4755.56 of the	2929
Revised Code;	2930
(7) Occupational therapists who are licensed to practice	2931
occupational therapy under sections 4755.04 to 4755.13 of the	2932
Revised Code;	2933
(8) Mechanotherapists who are authorized to practice	2934
mechanotherapy under section 4731.151 of the Revised Code;	2935
(9) Doctors of medicine and surgery, osteopathic medicine	2936
and surgery, or podiatric medicine and surgery who are licensed,	2937
certificated, or otherwise legally authorized for their	2938
respective practices under Chapter 4731. of the Revised Code;	2939

(10) Licensed professional clinical counselors, licensed 2940  
professional counselors, independent social workers, social 2941  
workers, independent marriage and family therapists, or marriage 2942  
and family therapists who are authorized for their respective 2943  
practices under Chapter 4757. of the Revised Code. 2944

This division shall apply notwithstanding a provision of a 2945  
code of ethics applicable to a nurse that prohibits a 2946  
registered, advanced practice registered, or licensed practical 2947  
nurse from engaging in the practice of nursing as a registered 2948  
nurse, advanced practice registered nurse, or ~~as a~~ licensed 2949  
practical nurse in combination with a person who is licensed, 2950  
certificated, or otherwise legally authorized to practice 2951  
optometry, chiropractic, acupuncture through the state 2952  
chiropractic board, psychology, pharmacy, physical therapy, 2953  
occupational therapy, mechanotherapy, medicine and surgery, 2954  
osteopathic medicine and surgery, podiatric medicine and 2955  
surgery, professional counseling, social work, or marriage and 2956  
family therapy, but who is not also licensed, certificated, or 2957  
otherwise legally authorized to engage in the practice of 2958  
nursing as a registered nurse, advanced practice registered 2959  
nurse, or ~~as a~~ licensed practical nurse. 2960

**Sec. 4723.24.** (A) Except as otherwise specified in this 2961  
chapter, all active licenses and certificates issued under this 2962  
chapter shall be renewed biennially according to a schedule 2963  
established by the board of nursing. The board shall provide an 2964  
application for renewal to every holder of an active license or 2965  
certificate, except when the board is aware that an individual 2966  
is ineligible for license or certificate renewal for any reason, 2967  
including pending criminal charges in this state or another 2968  
jurisdiction, failure to comply with a disciplinary order from 2969  
the board or the terms of a consent agreement entered into with 2970

the board, failure to pay fines or fees owed to the board, or 2971  
failure to provide on the board's request documentation of 2972  
having completed the continuing nursing education requirements 2973  
specified in division (C) of this section. 2974

If the board provides a renewal application by mail, the 2975  
application shall be addressed to the last known post-office 2976  
address of the license or certificate holder and mailed before 2977  
the date specified in the board's schedule. Failure of the 2978  
license or certificate holder to receive an application for 2979  
renewal from the board shall not excuse the holder from the 2980  
requirements contained in this section, except as provided in 2981  
section 5903.10 of the Revised Code. 2982

The license or certificate holder shall complete the 2983  
renewal form and return it to the board with the renewal fee 2984  
required by section 4723.08 of the Revised Code on or before the 2985  
date specified by the board. The license or certificate holder 2986  
shall report any conviction, plea, or judicial finding regarding 2987  
a criminal offense that constitutes grounds for the board to 2988  
impose sanctions under section 4723.28 of the Revised Code since 2989  
the holder last submitted an application to the board. 2990

On receipt of the renewal application, the board shall 2991  
verify whether the applicant meets the renewal requirements. If 2992  
the applicant meets the requirements, the board shall renew the 2993  
license or certificate for the following two-year period. 2994  
Renewal of a license to practice nursing as an advanced practice 2995  
registered nurse automatically renews the applicant's license to 2996  
practice nursing as a registered nurse. 2997

If a renewal application that meets the renewal 2998  
requirements is submitted after the date specified in the 2999  
board's schedule, but before expiration of the license or 3000

certificate, the board shall grant a renewal upon payment of the 3001  
late renewal fee authorized under section 4723.08 of the Revised 3002  
Code. 3003

(B) Every license or certificate holder shall give written 3004  
notice to the board of any change of name or address within 3005  
thirty days of the change. The board shall require the holder to 3006  
document a change of name in a manner acceptable to the board. 3007

(C) (1) Except in the case of a first renewal after 3008  
licensure by examination, to be eligible for renewal of an 3009  
active license to practice nursing as a registered nurse,  3010  
advanced practice registered nurse, or licensed practical nurse, 3011  
each individual who holds an active license shall, in each two- 3012  
year period specified by the board, complete continuing nursing 3013  
education as follows: 3014

(a) For renewal of a license that was issued for a two- 3015  
year renewal period, twenty-four hours of continuing nursing 3016  
education; 3017

(b) For renewal of a license that was issued for less than 3018  
a two-year renewal period, the number of hours of continuing 3019  
nursing education specified by the board in rules adopted in 3020  
accordance with Chapter 119. of the Revised Code; 3021

(c) Of the hours of continuing nursing education completed 3022  
in any renewal period, at least one hour of the education must 3023  
be directly related to the statutes and rules pertaining to the 3024  
practice of nursing in this state. 3025

(2) The board shall adopt rules establishing the procedure 3026  
for a license holder to certify to the board completion of the 3027  
required continuing nursing education. The board may conduct a 3028  
random sample of license holders and require that the license 3029



holders included in the sample submit satisfactory documentation 3030  
of having completed the requirements for continuing nursing 3031  
education. On the board's request, a license holder included in 3032  
the sample shall submit the required documentation. 3033

(3) An educational activity may be applied toward meeting 3034  
the continuing nursing education requirement only if it is 3035  
obtained through a program or course approved by the board or a 3036  
person the board has authorized to approve continuing nursing 3037  
education programs and courses. 3038

(4) The continuing education required of ~~a certified~~ 3039  
~~registered nurse anesthetist, clinical nurse specialist,~~ 3040  
~~certified nurse midwife, or certified nurse practitioner an~~ 3041  
advanced practice registered nurse to maintain certification by 3042  
a national certifying organization shall be applied toward the 3043  
continuing education requirements for renewal of a license to 3044  
practice nursing as a registered nurse only if it is obtained 3045  
through a program or course approved by the board or a person 3046  
the board has authorized to approve continuing nursing education 3047  
programs and courses. 3048

(D) Except as otherwise provided in section 4723.28 of the 3049  
Revised Code, an individual who holds an active license to 3050  
practice nursing as a registered nurse, advanced practice 3051  
registered nurse, or licensed practical nurse and who does not 3052  
intend to practice in Ohio may send to the board written notice 3053  
to that effect on or before the renewal date, and the board 3054  
shall classify the license as inactive. During the period that 3055  
the license is classified as inactive, the holder may not engage 3056  
in the practice of nursing in Ohio and is not required to pay 3057  
the renewal fee. 3058

The holder of an inactive license or an individual who has 3059

failed to renew the individual's license may have the license 3060  
reactivated or reinstated upon doing the following, as 3061  
applicable to the holder or individual: 3062

(1) Applying to the board for license reactivation or 3063  
reinstatement on forms provided by the board; 3064

(2) Meeting the requirements for reactivating or 3065  
reinstating licenses established in rules adopted under section 3066  
4723.07 of the Revised Code or, if the individual did not renew 3067  
because of service in the armed forces of the United States or a 3068  
reserve component of the armed forces of the United States, 3069  
including the Ohio national guard or the national guard of any 3070  
other state, as provided in section 5903.10 of the Revised Code; 3071

(3) If the license has been inactive for at least five 3072  
years from the date of application for reactivation or has 3073  
lapsed for at least five years from the date of application for 3074  
reinstatement, submitting a request to the bureau of criminal 3075  
identification and investigation for a criminal records check 3076  
and check of federal bureau of investigation records pursuant to 3077  
section 4723.091 of the Revised Code. 3078

**Sec. 4723.25.** The board of nursing shall approve one or 3079  
more continuing education courses of study that comply with 3080  
divisions (E) and (F) of section 4723.07 of the Revised Code and 3081  
that assist ~~registered nurses and licensed practical nurses~~ in 3082  
recognizing the signs of domestic violence and its relationship 3083  
to child abuse. Nurses are not required to take the courses. 3084

**Sec. 4723.271.** (A) Upon request of the holder of a nursing 3085  
license, ~~certificate of authority,~~ dialysis technician 3086  
certificate, medication aide certificate, or community health 3087  
worker certificate issued under this chapter, the presentment of 3088

proper identification as prescribed in rules adopted by the 3089  
board of nursing, and payment of the fee authorized under 3090  
section 4723.08 of the Revised Code, the board of nursing shall 3091  
provide to the requestor a replacement copy of a wall 3092  
certificate suitable for framing. 3093

(B) Upon request of the holder of a nursing license, 3094  
volunteer's certificate, ~~certificate of authority, certificate~~ 3095  
~~to prescribe,~~ dialysis technician certificate, medication aide 3096  
certificate, or community health worker certificate issued under 3097  
this chapter and payment of the fee authorized under section 3098  
4723.08 of the Revised Code, the board shall verify to an agency 3099  
of another jurisdiction or foreign country the fact that the 3100  
person holds such nursing license, volunteer's certificate, 3101  
~~certificate of authority, certificate to prescribe,~~ dialysis 3102  
technician certificate, medication aide certificate, or 3103  
community health worker certificate. 3104

**Sec. 4723.28.** (A) The board of nursing, by a vote of a 3105  
quorum, may impose one or more of the following sanctions if it 3106  
finds that a person committed fraud in passing an examination 3107  
required to obtain a license, ~~certificate of authority,~~ or 3108  
dialysis technician certificate issued by the board or to have 3109  
committed fraud, misrepresentation, or deception in applying for 3110  
or securing any nursing license, ~~certificate of authority,~~ or 3111  
dialysis technician certificate issued by the board: deny, 3112  
revoke, suspend, or place restrictions on any nursing license, 3113  
~~certificate of authority,~~ or dialysis technician certificate 3114  
issued by the board; reprimand or otherwise discipline a holder 3115  
of a nursing license, ~~certificate of authority,~~ or dialysis 3116  
technician certificate; or impose a fine of not more than five 3117  
hundred dollars per violation. 3118

(B) The board of nursing, by a vote of a quorum, may 3119  
impose one or more of the following sanctions: deny, revoke, 3120  
suspend, or place restrictions on any nursing license, 3121  
~~certificate of authority,~~ or dialysis technician certificate 3122  
issued by the board; reprimand or otherwise discipline a holder 3123  
of a nursing license, ~~certificate of authority,~~ or dialysis 3124  
technician certificate; or impose a fine of not more than five 3125  
hundred dollars per violation. The sanctions may be imposed for 3126  
any of the following: 3127

(1) Denial, revocation, suspension, or restriction of 3128  
authority to engage in a licensed profession or practice a 3129  
health care occupation, including nursing or practice as a 3130  
dialysis technician, for any reason other than a failure to 3131  
renew, in Ohio or another state or jurisdiction; 3132

(2) Engaging in the practice of nursing or engaging in 3133  
practice as a dialysis technician, having failed to renew a 3134  
nursing license or dialysis technician certificate issued under 3135  
this chapter, or while a nursing license or dialysis technician 3136  
certificate is under suspension; 3137

(3) Conviction of, a plea of guilty to, a judicial finding 3138  
of guilt of, a judicial finding of guilt resulting from a plea 3139  
of no contest to, or a judicial finding of eligibility for a 3140  
pretrial diversion or similar program or for intervention in 3141  
lieu of conviction for, a misdemeanor committed in the course of 3142  
practice; 3143

(4) Conviction of, a plea of guilty to, a judicial finding 3144  
of guilt of, a judicial finding of guilt resulting from a plea 3145  
of no contest to, or a judicial finding of eligibility for a 3146  
pretrial diversion or similar program or for intervention in 3147  
lieu of conviction for, any felony or of any crime involving 3148

gross immorality or moral turpitude;	3149
(5) Selling, giving away, or administering drugs or	3150
therapeutic devices for other than legal and legitimate	3151
therapeutic purposes; or conviction of, a plea of guilty to, a	3152
judicial finding of guilt of, a judicial finding of guilt	3153
resulting from a plea of no contest to, or a judicial finding of	3154
eligibility for a pretrial diversion or similar program or for	3155
intervention in lieu of conviction for, violating any municipal,	3156
state, county, or federal drug law;	3157
(6) Conviction of, a plea of guilty to, a judicial finding	3158
of guilt of, a judicial finding of guilt resulting from a plea	3159
of no contest to, or a judicial finding of eligibility for a	3160
pretrial diversion or similar program or for intervention in	3161
lieu of conviction for, an act in another jurisdiction that	3162
would constitute a felony or a crime of moral turpitude in Ohio;	3163
(7) Conviction of, a plea of guilty to, a judicial finding	3164
of guilt of, a judicial finding of guilt resulting from a plea	3165
of no contest to, or a judicial finding of eligibility for a	3166
pretrial diversion or similar program or for intervention in	3167
lieu of conviction for, an act in the course of practice in	3168
another jurisdiction that would constitute a misdemeanor in	3169
Ohio;	3170
(8) Self-administering or otherwise taking into the body	3171
any dangerous drug, as defined in section 4729.01 of the Revised	3172
Code, in any way that is not in accordance with a legal, valid	3173
prescription issued for that individual, or self-administering	3174
or otherwise taking into the body any drug that is a schedule I	3175
controlled substance;	3176
(9) Habitual or excessive use of controlled substances,	3177

other habit-forming drugs, or alcohol or other chemical	3178
substances to an extent that impairs the individual's ability to	3179
provide safe nursing care or safe dialysis care;	3180
(10) Impairment of the ability to practice according to	3181
acceptable and prevailing standards of safe nursing care or safe	3182
dialysis care because of the use of drugs, alcohol, or other	3183
chemical substances;	3184
(11) Impairment of the ability to practice according to	3185
acceptable and prevailing standards of safe nursing care or safe	3186
dialysis care because of a physical or mental disability;	3187
(12) Assaulting or causing harm to a patient or depriving	3188
a patient of the means to summon assistance;	3189
(13) Misappropriation or attempted misappropriation of	3190
money or anything of value in the course of practice;	3191
(14) Adjudication by a probate court of being mentally ill	3192
or mentally incompetent. The board may reinstate the person's	3193
nursing license or dialysis technician certificate upon	3194
adjudication by a probate court of the person's restoration to	3195
competency or upon submission to the board of other proof of	3196
competency.	3197
(15) The suspension or termination of employment by the	3198
department of defense or the veterans administration of the	3199
United States for any act that violates or would violate this	3200
chapter;	3201
(16) Violation of this chapter or any rules adopted under	3202
it;	3203
(17) Violation of any restrictions placed by the board on	3204
a nursing license or dialysis technician certificate;	3205

(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	3206 3207 3208
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	3209 3210
(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	3211 3212 3213
(21) <u>In the case of a registered nurse who is also an advanced practice registered nurse, engaging in activities that exceed the practice of nursing as an advanced practice registered nurse;</u>	3214 3215 3216 3217
<u>(22)</u> In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	3218 3219 3220
<del>(22)</del> <u>(23)</u> In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;	3221 3222 3223
<del>(23)</del> <u>(24)</u> Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;	3224 3225 3226
<del>(24)</del> <u>(25)</u> In the case of a <del>certified registered nurse</del> <u>anesthetist, clinical nurse specialist, certified nurse midwife,</u> <del>or certified registered nurse practitioner who is also an advanced practice registered nurse, except as provided in division (M) of this section, either of the following:</del>	3227 3228 3229 3230 3231
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or	3232 3233

health care policy, contract, or plan that covers such nursing 3234  
services, would otherwise be required to pay if the waiver is 3235  
used as an enticement to a patient or group of patients to 3236  
receive health care services from that provider; 3237

(b) Advertising that the nurse will waive the payment of 3238  
all or any part of a deductible or copayment that a patient, 3239  
pursuant to a health insurance or health care policy, contract, 3240  
or plan that covers such nursing services, would otherwise be 3241  
required to pay. 3242

~~(25)~~ (26) Failure to comply with the terms and conditions 3243  
of participation in the chemical dependency monitoring program 3244  
established under section 4723.35 of the Revised Code; 3245

~~(26)~~ (27) Failure to comply with the terms and conditions 3246  
required under the practice intervention and improvement program 3247  
established under section 4723.282 of the Revised Code; 3248

~~(27)~~ (28) In the case of ~~a certified registered nurse~~ 3249  
~~anesthetist, clinical nurse specialist, certified nurse midwife,~~ 3250  
~~or certified an advanced practice registered nurse practitioner:~~ 3251

(a) Engaging in activities that exceed those permitted for 3252  
the nurse's nursing specialty ~~under section 4723.43 of the~~ 3253  
~~Revised Code;~~ 3254

(b) Failure to meet the quality assurance standards 3255  
established under section 4723.07 of the Revised Code. 3256

~~(28)~~ In the case of ~~a clinical nurse specialist, certified~~ 3257  
~~nurse midwife, or certified nurse practitioner, failure to~~ 3258  
~~maintain a standard care arrangement in accordance with section~~ 3259  
~~4723.431 of the Revised Code or to practice in accordance with~~ 3260  
~~the standard care arrangement;~~ 3261



(29) In the case of a <del>clinical nurse specialist, certified</del>	3262
<del>nurse midwife, or certified an advanced practice registered</del>	3263
<del>nurse practitioner who holds a certificate to prescribe issued</del>	3264
<del>under section 4723.48 of the Revised Code, failure to prescribe</del>	3265
drugs and therapeutic devices in accordance with section	3266
4723.481 of the Revised Code;	3267
(30) Prescribing any drug or device to perform or induce	3268
an abortion, or otherwise performing or inducing an abortion;	3269
(31) Failure to establish and maintain professional	3270
boundaries with a patient, as specified in rules adopted under	3271
section 4723.07 of the Revised Code;	3272
(32) Regardless of whether the contact or verbal behavior	3273
is consensual, engaging with a patient other than the spouse of	3274
the registered nurse, licensed practical nurse, or dialysis	3275
technician in any of the following:	3276
(a) Sexual contact, as defined in section 2907.01 of the	3277
Revised Code;	3278
(b) Verbal behavior that is sexually demeaning to the	3279
patient or may be reasonably interpreted by the patient as	3280
sexually demeaning.	3281
(33) Assisting suicide, as defined in section 3795.01 of	3282
the Revised Code;	3283
(34) Failure to comply with the requirements in section	3284
3719.061 of the Revised Code before issuing for a minor a	3285
prescription for an opioid analgesic, as defined in section	3286
3719.01 of the Revised Code;	3287
(35) Failure to comply with section 4723.487 of the	3288
Revised Code, unless the state board of pharmacy no longer	3289

maintains a drug database pursuant to section 4729.75 of the Revised Code;

(36) In the case of an advanced practice registered nurse, failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code.

(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.

(D) The hearings of the board shall be conducted in accordance with Chapter 119. of the Revised Code, the board may 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. 3320

(E) If a criminal action is brought against a registered 3321  
nurse, licensed practical nurse, or dialysis technician for an 3322  
act or crime described in divisions (B)(3) to (7) of this 3323  
section and the action is dismissed by the trial court other 3324  
than on the merits, the board shall conduct an adjudication to 3325  
determine whether the registered nurse, licensed practical 3326  
nurse, or dialysis technician committed the act on which the 3327  
action was based. If the board determines on the basis of the 3328  
adjudication that the registered nurse, licensed practical 3329  
nurse, or dialysis technician committed the act, or if the 3330  
registered nurse, licensed practical nurse, or dialysis 3331  
technician fails to participate in the adjudication, the board 3332  
may take action as though the registered nurse, licensed 3333  
practical nurse, or dialysis technician had been convicted of 3334  
the act. 3335

If the board takes action on the basis of a conviction, 3336  
plea, or a judicial finding as described in divisions (B)(3) to 3337  
(7) of this section that is overturned on appeal, the registered 3338  
nurse, licensed practical nurse, or dialysis technician may, on 3339  
exhaustion of the appeal process, petition the board for 3340  
reconsideration of its action. On receipt of the petition and 3341  
supporting court documents, the board shall temporarily rescind 3342  
its action. If the board determines that the decision on appeal 3343  
was a decision on the merits, it shall permanently rescind its 3344  
action. If the board determines that the decision on appeal was 3345  
not a decision on the merits, it shall conduct an adjudication 3346  
to determine whether the registered nurse, licensed practical 3347  
nurse, or dialysis technician committed the act on which the 3348  
original conviction, plea, or judicial finding was based. If the 3349  
board determines on the basis of the adjudication that the 3350

registered nurse, licensed practical nurse, or dialysis 3351  
technician committed such act, or if the registered nurse, 3352  
licensed practical nurse, or dialysis technician does not 3353  
request an adjudication, the board shall reinstate its action; 3354  
otherwise, the board shall permanently rescind its action. 3355

Notwithstanding the provision of division (C) (2) of 3356  
section 2953.32 of the Revised Code specifying that if records 3357  
pertaining to a criminal case are sealed under that section the 3358  
proceedings in the case shall be deemed not to have occurred, 3359  
sealing of the following records on which the board has based an 3360  
action under this section shall have no effect on the board's 3361  
action or any sanction imposed by the board under this section: 3362  
records of any conviction, guilty plea, judicial finding of 3363  
guilt resulting from a plea of no contest, or a judicial finding 3364  
of eligibility for a pretrial diversion program or intervention 3365  
in lieu of conviction. 3366

The board shall not be required to seal, destroy, redact, 3367  
or otherwise modify its records to reflect the court's sealing 3368  
of conviction records. 3369

(F) The board may investigate an individual's criminal 3370  
background in performing its duties under this section. As part 3371  
of such investigation, the board may order the individual to 3372  
submit, at the individual's expense, a request to the bureau of 3373  
criminal identification and investigation for a criminal records 3374  
check and check of federal bureau of investigation records in 3375  
accordance with the procedure described in section 4723.091 of 3376  
the Revised Code. 3377

(G) During the course of an investigation conducted under 3378  
this section, the board may compel any registered nurse, 3379  
licensed practical nurse, or dialysis technician or applicant 3380

under this chapter to submit to a mental or physical 3381  
examination, or both, as required by the board and at the 3382  
expense of the individual, if the board finds reason to believe 3383  
that the individual under investigation may have a physical or 3384  
mental impairment that may affect the individual's ability to 3385  
provide safe nursing care. Failure of any individual to submit 3386  
to a mental or physical examination when directed constitutes an 3387  
admission of the allegations, unless the failure is due to 3388  
circumstances beyond the individual's control, and a default and 3389  
final order may be entered without the taking of testimony or 3390  
presentation of evidence. 3391

If the board finds that an individual is impaired, the 3392  
board shall require the individual to submit to care, 3393  
counseling, or treatment approved or designated by the board, as 3394  
a condition for initial, continued, reinstated, or renewed 3395  
authority to practice. The individual shall be afforded an 3396  
opportunity to demonstrate to the board that the individual can 3397  
begin or resume the individual's occupation in compliance with 3398  
acceptable and prevailing standards of care under the provisions 3399  
of the individual's authority to practice. 3400

For purposes of this division, any registered nurse, 3401  
licensed practical nurse, or dialysis technician or applicant 3402  
under this chapter shall be deemed to have given consent to 3403  
submit to a mental or physical examination when directed to do 3404  
so in writing by the board, and to have waived all objections to 3405  
the admissibility of testimony or examination reports that 3406  
constitute a privileged communication. 3407

(H) The board shall investigate evidence that appears to 3408  
show that any person has violated any provision of this chapter 3409  
or any rule of the board. Any person may report to the board any 3410

information the person may have that appears to show a violation 3411  
of any provision of this chapter or rule of the board. In the 3412  
absence of bad faith, any person who reports such information or 3413  
who testifies before the board in any adjudication conducted 3414  
under Chapter 119. of the Revised Code shall not be liable for 3415  
civil damages as a result of the report or testimony. 3416

(I) All of the following apply under this chapter with 3417  
respect to the confidentiality of information: 3418

(1) Information received by the board pursuant to a 3419  
complaint or an investigation is confidential and not subject to 3420  
discovery in any civil action, except that the board may 3421  
disclose information to law enforcement officers and government 3422  
entities for purposes of an investigation of either a licensed 3423  
health care professional, including a registered nurse, licensed 3424  
practical nurse, or dialysis technician, or a person who may 3425  
have engaged in the unauthorized practice of nursing or dialysis 3426  
care. No law enforcement officer or government entity with 3427  
knowledge of any information disclosed by the board pursuant to 3428  
this division shall divulge the information to any other person 3429  
or government entity except for the purpose of a government 3430  
investigation, a prosecution, or an adjudication by a court or 3431  
government entity. 3432

(2) If an investigation requires a review of patient 3433  
records, the investigation and proceeding shall be conducted in 3434  
such a manner as to protect patient confidentiality. 3435

(3) All adjudications and investigations of the board 3436  
shall be considered civil actions for the purposes of section 3437  
2305.252 of the Revised Code. 3438

(4) Any board activity that involves continued monitoring 3439

of an individual as part of or following any disciplinary action 3440  
taken under this section shall be conducted in a manner that 3441  
maintains the individual's confidentiality. Information received 3442  
or maintained by the board with respect to the board's 3443  
monitoring activities is not subject to discovery in any civil 3444  
action and is confidential, except that the board may disclose 3445  
information to law enforcement officers and government entities 3446  
for purposes of an investigation of a licensee or certificate 3447  
holder. 3448

(J) Any action taken by the board under this section 3449  
resulting in a suspension from practice shall be accompanied by 3450  
a written statement of the conditions under which the person may 3451  
be reinstated to practice. 3452

(K) When the board refuses to grant a license or 3453  
certificate to an applicant, revokes a license or certificate, 3454  
or refuses to reinstate a license or certificate, the board may 3455  
specify that its action is permanent. An individual subject to 3456  
permanent action taken by the board is forever ineligible to 3457  
hold a license or certificate of the type that was refused or 3458  
revoked and the board shall not accept from the individual an 3459  
application for reinstatement of the license or certificate or 3460  
for a new license or certificate. 3461

(L) No unilateral surrender of a nursing license, 3462  
certificate of authority, or dialysis technician certificate 3463  
issued under this chapter shall be effective unless accepted by 3464  
majority vote of the board. No application for a nursing 3465  
license, certificate of authority, or dialysis technician 3466  
certificate issued under this chapter may be withdrawn without a 3467  
majority vote of the board. The board's jurisdiction to take 3468  
disciplinary action under this section is not removed or limited 3469

when an individual has a license or certificate classified as 3470  
inactive or fails to renew a license or certificate. 3471

(M) Sanctions shall not be imposed under division (B) (24) 3472  
of this section against any licensee who waives deductibles and 3473  
copayments as follows: 3474

(1) In compliance with the health benefit plan that 3475  
expressly allows such a practice. Waiver of the deductibles or 3476  
copayments shall be made only with the full knowledge and 3477  
consent of the plan purchaser, payer, and third-party 3478  
administrator. Documentation of the consent shall be made 3479  
available to the board upon request. 3480

(2) For professional services rendered to any other person 3481  
licensed pursuant to this chapter to the extent allowed by this 3482  
chapter and the rules of the board. 3483

**Sec. 4723.32.** This chapter does not prohibit any of the 3484  
following: 3485

(A) The practice of nursing by a student currently 3486  
enrolled in and actively pursuing completion of a prelicensure 3487  
nursing education program, if all of the following are the case: 3488

(1) The student is participating in a program located in 3489  
this state and approved by the board of nursing or participating 3490  
in this state in a component of a program located in another 3491  
jurisdiction and approved by a board that is a member of the 3492  
national council of state boards of nursing; 3493

(2) The student's practice is under the auspices of the 3494  
program; 3495

(3) The student acts under the supervision of a registered 3496  
nurse serving for the program as a faculty member or teaching 3497



assistant.	3498
(B) The rendering of medical assistance to a licensed physician, licensed dentist, or licensed podiatrist by a person under the direction, supervision, and control of such licensed physician, dentist, or podiatrist;	3499 3500 3501 3502
(C) The activities of persons employed as nursing aides, attendants, orderlies, or other auxiliary workers in patient homes, nurseries, nursing homes, hospitals, home health agencies, or other similar institutions;	3503 3504 3505 3506
(D) The provision of nursing services to family members or in emergency situations;	3507 3508
(E) The care of the sick when done in connection with the practice of religious tenets of any church and by or for its members;	3509 3510 3511
(F) The practice of nursing as <del>a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner</del> <u>an advanced practice registered nurse</u> by a student currently enrolled in and actively pursuing completion of a program of study leading to initial authorization by the board of nursing to practice nursing in the specialty, if all of the following are the case:	3512 3513 3514 3515 3516 3517 3518
(1) The program qualifies the student to sit for the examination of a national certifying organization approved by the board under section 4723.46 of the Revised Code or the program prepares the student to receive a master's <u>or doctoral</u> degree in accordance with division (A) (2) of section 4723.41 of the Revised Code;	3519 3520 3521 3522 3523 3524
(2) The student's practice is under the auspices of the program;	3525 3526

(3) The student acts under the supervision of ~~an advanced~~ practice registered nurse serving for the program as a faculty member, teaching assistant, or preceptor.

(G) The activities of an individual who currently holds a license to practice nursing ~~in or equivalent authorization from~~ another jurisdiction, if the individual's ~~license authority to practice~~ has not been revoked, the individual is not currently under suspension or on probation, the individual does not represent the individual as being licensed under this chapter, and one of the following is the case:

(1) The individual is engaging in the practice of nursing by discharging official duties while employed by or under contract with the United States government or any agency thereof;

(2) The individual is engaging in the practice of nursing as an employee of an individual, agency, or corporation located in the other jurisdiction in a position with employment responsibilities that include transporting patients into, out of, or through this state, as long as each trip in this state does not exceed seventy-two hours;

(3) The individual is consulting with an individual licensed in this state to practice any health-related profession;

(4) The individual is engaging in activities associated with teaching in this state as a guest lecturer at or for a nursing education program, continuing nursing education program, or in-service presentation;

(5) The individual is conducting evaluations of nursing care that are undertaken on behalf of an accrediting

organization, including the national league for nursing 3556  
accrediting committee, the joint commission on accreditation of 3557  
healthcare organizations, or any other nationally recognized 3558  
accrediting organization; 3559

(6) The individual is providing nursing care to an 3560  
individual who is in this state on a temporary basis, not to 3561  
exceed six months in any one calendar year, if the nurse is 3562  
directly employed by or under contract with the individual or a 3563  
guardian or other person acting on the individual's behalf; 3564

(7) The individual is providing nursing care during any 3565  
disaster, natural or otherwise, that has been officially 3566  
declared to be a disaster by a public announcement issued by an 3567  
appropriate federal, state, county, or municipal official. 3568

(H) The administration of medication by an individual who 3569  
holds a valid medication aide certificate issued under this 3570  
chapter, if the medication is administered to a resident of a 3571  
nursing home or residential care facility authorized by section 3572  
4723.64 of the Revised Code to use a certified medication aide 3573  
and the medication is administered in accordance with section 3574  
4723.67 of the Revised Code. 3575

**Sec. 4723.341.** (A) As used in this section, "person" has 3576  
the same meaning as in section 1.59 of the Revised Code and also 3577  
includes the board of nursing and its members and employees; 3578  
health care facilities, associations, and societies; insurers; 3579  
and individuals. 3580

(B) In the absence of fraud or bad faith, no person 3581  
reporting to the board of nursing or testifying in an 3582  
adjudication conducted under Chapter 119. of the Revised Code 3583  
with regard to alleged incidents of negligence or malpractice or 3584

matters subject to this chapter or sections 3123.41 to 3123.50 3585  
of the Revised Code and any applicable rules adopted under 3586  
section 3123.63 of the Revised Code shall be subject to either 3587  
of the following based on making the report or testifying: 3588

(1) Liability in damages in a civil action for injury, 3589  
death, or loss to person or property; 3590

(2) Discipline or dismissal by an employer. 3591

(C) An individual who is disciplined or dismissed in 3592  
violation of division (B) (2) of this section has the same rights 3593  
and duties accorded an employee under sections 4113.52 and 3594  
4113.53 of the Revised Code. 3595

(D) In the absence of fraud or bad faith, no professional 3596  
association of registered nurses, advanced practice registered 3597  
nurses, licensed practical nurses, dialysis technicians, 3598  
community health workers, or medication aides that sponsors a 3599  
committee or program to provide peer assistance to individuals 3600  
with substance abuse problems, no representative or agent of 3601  
such a committee or program, and no member of the board of 3602  
nursing shall be liable to any person for damages in a civil 3603  
action by reason of actions taken to refer a nurse, dialysis 3604  
technician, community health worker, or medication aide to a 3605  
treatment provider or actions or omissions of the provider in 3606  
treating a nurse, dialysis technician, community health worker, 3607  
or medication aide. 3608

**Sec. 4723.36.** (A) ~~A certified nurse practitioner or~~ 3609  
~~clinical nurse specialist may determine and pronounce an~~ 3610  
~~individual's death, but only if the individual's respiratory and~~ 3611  
~~circulatory functions are not being artificially sustained and,~~ 3612  
~~at the time the determination and pronouncement of death is~~ 3613

~~made, either or both of the following apply:~~ 3614

~~(1) The individual was receiving care in one of the following:~~ 3615

~~(a) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision under section 3721.09 of the Revised Code;~~ 3617

~~(b) A residential care facility or home for the aging licensed under Chapter 3721. of the Revised Code;~~ 3618

~~(c) A county home or district home operated pursuant to Chapter 5155. of the Revised Code;~~ 3619

~~(d) A residential facility licensed under section 5123.19 of the Revised Code.~~ 3620

~~(2) The certified nurse practitioner or clinical nurse specialist is providing or supervising the individual's care through a hospice care program licensed under Chapter 3712. of the Revised Code or any other entity that provides palliative care.~~ 3621

~~(B) A registered nurse may determine and pronounce an individual's death, but only if the individual's respiratory and circulatory functions are not being artificially sustained and, at the time the determination and pronouncement of death is made, the registered nurse is providing or supervising the individual's care through a hospice care program licensed under Chapter 3712. of the Revised Code or any other entity that provides palliative care.~~ 3622

~~(C) (B) If a certified nurse practitioner, clinical nurse specialist, or registered nurse determines and pronounces an individual's death, the nurse shall comply with both of the~~ 3623

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following: 3642

(1) The nurse shall not complete any portion of the 3643  
individual's death certificate. 3644

(2) The nurse shall notify the individual's attending 3645  
physician or advanced practice registered nurse of the 3646  
determination and pronouncement of death in order for the 3647  
physician or advanced practice registered nurse to fulfill the 3648  
physician's or advanced practice registered nurse's duties under 3649  
section 3705.16 of the Revised Code. The nurse shall provide the 3650  
notification within a period of time that is reasonable but not 3651  
later than twenty-four hours following the determination and 3652  
pronouncement of the individual's death. 3653

**Sec. 4723.41.** (A) Each person who desires to practice 3654  
nursing as a certified nurse-midwife and has not been authorized 3655  
to practice midwifery prior to December 1, 1967, and each person 3656  
who desires to practice nursing as a certified registered nurse 3657  
anesthetist, clinical nurse specialist, or certified nurse 3658  
practitioner shall file with the board of nursing a written 3659  
application for ~~authorization~~ a license to practice nursing as 3660  
an advanced practice registered nurse and designation in the 3661  
desired specialty. The application must be filed, under oath, on 3662  
a form prescribed by the board accompanied by the application 3663  
fee required by section 4723.08 of the Revised Code. 3664

Except as provided in division (B) of this section, at the 3665  
time of making application, the applicant shall meet all of the 3666  
following requirements: 3667

(1) Be a registered nurse; 3668

(2) Submit documentation satisfactory to the board that 3669  
the applicant has earned a graduate degree with a major in a 3670

nursing specialty or in a related field that qualifies the 3671  
applicant to sit for the certification examination of a national 3672  
certifying organization approved by the board under section 3673  
4723.46 of the Revised Code; 3674

(3) Submit documentation satisfactory to the board of 3675  
having passed the certification examination of a national 3676  
certifying organization approved by the board under section 3677  
4723.46 of the Revised Code to examine and certify, as 3678  
applicable, nurse-midwives, registered nurse anesthetists, 3679  
clinical nurse specialists, or nurse practitioners; 3680

(4) Submit an affidavit with the application that states 3681  
all of the following: 3682

(a) That the applicant is the person named in the 3683  
documents submitted under divisions (A) (2) and (3) of this 3684  
section and is the lawful possessor thereof; 3685

(b) The applicant's age, residence, the school at which 3686  
the applicant obtained education in the applicant's nursing 3687  
specialty, and any other facts that the board requires; 3688

(c) The specialty in which the applicant seeks 3689  
designation; 3690

(d) If the applicant is already engaged in the practice of 3691  
nursing as a certified registered nurse anesthetist, clinical 3692  
nurse specialist, certified nurse-midwife, or certified nurse 3693  
practitioner, the period during which and the place where the 3694  
applicant is engaged; 3695

~~(d) If the applicant is already engaged in the practice of~~ 3696  
~~nursing as a clinical nurse specialist, certified nurse midwife,~~ 3697  
~~or certified nurse practitioner, the names and business~~ 3698  
~~addresses of the applicant's current collaborating physicians~~ 3699

~~and podiatrists.~~ 3700

(B) (1) A certified registered nurse anesthetist, clinical 3701  
nurse specialist, certified nurse-midwife, or certified nurse 3702  
practitioner who is practicing as such in another jurisdiction 3703  
may apply for a ~~certificate of authority~~ license by endorsement 3704  
to practice nursing as an advanced practice registered nurse and 3705  
designation as a certified registered nurse anesthetist, 3706  
clinical nurse specialist, certified nurse-midwife, or certified 3707  
nurse practitioner in this state if the nurse meets the 3708  
requirements ~~for a certificate of authority~~ set forth in 3709  
division (A) of this section or division (B) (2) of this section. 3710

(2) If an applicant practicing in another jurisdiction 3711  
applies for a ~~certificate of authority~~ designation under 3712  
division (B) (2) of this section, the application shall be 3713  
submitted to the board in the form prescribed by rules of the 3714  
board and be accompanied by the application fee required by 3715  
section 4723.08 of the Revised Code. The application shall 3716  
include evidence that the applicant meets the requirements of 3717  
division (B) (2) of this section, holds a ~~license or certificate~~ 3718  
authority to practice nursing as a ~~certified registered nurse~~ 3719  
~~anesthetist, clinical nurse specialist, certified nurse-midwife,~~ 3720  
~~or certified nurse practitioner~~ and is in good standing in 3721  
another jurisdiction granted after meeting requirements approved 3722  
by the entity of that jurisdiction that ~~licenses~~ regulates 3723  
nurses, and other information required by rules of the board of 3724  
nursing. 3725

With respect to the educational requirements and national 3726  
certification requirements that an applicant under division (B) 3727  
(2) of this section must meet, both of the following apply: 3728

(a) If the applicant is a certified registered nurse 3729



anesthetist, certified nurse-midwife, or certified nurse 3730  
practitioner who, on or before December 31, 2000, obtained 3731  
certification in the applicant's nursing specialty with a 3732  
national certifying organization listed in division (A) (3) of 3733  
section 4723.41 of the Revised Code as that division existed 3734  
prior to ~~the effective date of this amendment~~ March 20, 2013, or 3735  
that was at that time approved by the board under section 3736  
4723.46 of the Revised Code, the applicant must have maintained 3737  
the certification. The applicant is not required to have earned 3738  
a graduate degree with a major in a nursing specialty or in a 3739  
related field that qualifies the applicant to sit for the 3740  
certification examination. 3741

(b) If the applicant is a clinical nurse specialist, one 3742  
of the following must apply to the applicant: 3743

(i) On or before December 31, 2000, the applicant obtained 3744  
a graduate degree with a major in a clinical area of nursing 3745  
from an educational institution accredited by a national or 3746  
regional accrediting organization. The applicant is not required 3747  
to have passed a certification examination. 3748

(ii) On or before December 31, 2000, the applicant 3749  
obtained a graduate degree in nursing or a related field and was 3750  
certified as a clinical nurse specialist by the American nurses 3751  
credentialing center or another national certifying organization 3752  
that was at that time approved by the board under section 3753  
4723.46 of the Revised Code. 3754

**Sec. 4723.42.** (A) If the applicant for ~~authorization a~~ 3755  
license to practice nursing as a certified registered nurse 3756  
~~anesthetist, clinical nurse specialist, certified nurse-midwife,~~ 3757  
or certified nurse practitioner an advanced practice registered 3758  
nurse has met all the requirements of section 4723.41 of the 3759

Revised Code and has paid the fee required by section 4723.08 of 3760  
the Revised Code, the board of nursing shall issue ~~its~~ 3761  
~~certificate of authority to practice nursing the license and~~ 3762  
designate the license holder as a certified registered nurse 3763  
anesthetist, clinical nurse specialist, certified nurse-midwife, 3764  
or certified nurse practitioner, ~~which shall designate the~~ 3765  
~~nursing specialty the nurse is authorized to practice. The~~ 3766  
~~certificate entitles its~~ license and designation authorize the 3767  
holder to practice ~~nursing in the specialty designated on the~~ 3768  
~~certificate as an advanced practice registered nurse in the~~ 3769  
specialty indicated by the designation. 3770

The board shall issue or deny ~~its certificate~~ the license 3771  
not later than ~~sixty~~ thirty days after receiving all of the 3772  
documents required by section 4723.41 of the Revised Code. 3773

If an applicant is under investigation for a violation of 3774  
this chapter, the board shall conclude the investigation not 3775  
later than ninety days after receipt of all required documents, 3776  
unless this ninety-day period is extended by written consent of 3777  
the applicant, or unless the board determines that a substantial 3778  
question of such a violation exists and the board has notified 3779  
the applicant in writing of the reasons for the continuation of 3780  
the investigation. If the board determines that the applicant 3781  
has not violated this chapter, it shall issue a certificate not 3782  
later than forty-five days after making that determination. 3783

(B) ~~Authorization~~ A license to practice nursing as a 3784  
~~certified registered nurse anesthetist, clinical nurse~~ 3785  
~~specialist, certified nurse-midwife, or certified nurse~~ 3786  
~~practitioner~~ an advanced practice registered nurse shall be 3787  
renewed biennially according to rules and a schedule adopted by 3788  
the board. In providing renewal applications ~~to certificate~~ 3789

~~holders~~, the board shall follow the procedures ~~it follows~~ 3790  
specified under section 4723.24 of the Revised Code ~~in for~~ 3791  
providing renewal applications to license holders. Failure of 3792  
the ~~certificate~~-license holder to receive an application for 3793  
renewal from the board does not excuse the license holder from 3794  
the requirements of section 4723.44 of the Revised Code. 3795

Not later than the date specified by the board, the 3796  
license holder shall complete the renewal form and return it to 3797  
the board with all of the following: 3798

(1) The renewal fee required by section 4723.08 of the 3799  
Revised Code; 3800

(2) Documentation satisfactory to the board that the 3801  
holder has maintained certification in the nursing specialty 3802  
with a national certifying organization approved by the board 3803  
under section 4723.46 of the Revised Code; 3804

(3) ~~A list of the names and business addresses of the~~ 3805  
~~holder's current collaborating physicians and podiatrists, if~~ 3806  
~~the holder is a clinical nurse specialist, certified nurse~~ 3807  
~~midwife, or certified nurse practitioner;~~ 3808

~~(4) If the holder's certificate was issued under division~~ 3809  
~~(C) of section 4723.41 of the Revised Code, as that division~~ 3810  
~~existed at any time before the effective date of this~~ 3811  
~~amendment~~license holder is a clinical nurse specialist, 3812  
documentation satisfactory to the board that the holder has 3813  
completed continuing education for ~~a clinical nurse specialist~~ 3814  
that specialty as required by rule of the board. 3815

On receipt of the renewal application, fees, and 3816  
documents, the board shall verify that the applicant holds a 3817  
current license to practice nursing as a registered nurse in 3818

this state, and, if it so verifies, shall renew the certificate. 3819  
If an applicant submits the completed renewal application after 3820  
the date specified in the board's schedule, but before the 3821  
expiration of the certificate, the board shall grant a renewal 3822  
when the late renewal fee required by section 4723.08 of the 3823  
Revised Code is paid. 3824

An applicant for reinstatement of an expired certificate 3825  
shall submit the reinstatement fee, renewal fee, and late 3826  
renewal fee required by section 4723.08 of the Revised Code. Any 3827  
holder of a certificate who desires inactive status shall give 3828  
the board written notice to that effect. 3829

**Sec. 4723.432.** (A) ~~A clinical nurse specialist, certified~~ 3830  
~~nurse midwife, or certified nurse practitioner~~ An advanced 3831  
practice registered nurse shall cooperate with the state medical 3832  
board in any investigation the board conducts with respect to a 3833  
physician or podiatrist ~~who collaborates with the nurse~~. The 3834  
nurse shall cooperate with the board in any investigation the 3835  
board conducts with respect to the unauthorized practice of 3836  
medicine by the nurse. 3837

(B) ~~An advanced practice registered nurse who is~~ 3838  
designated as a certified registered nurse anesthetist shall 3839  
cooperate with the ~~state medical board or state dental board~~ in 3840  
any investigation ~~either the~~ board conducts with respect to a 3841  
physician, podiatrist, or dentist ~~who permits the nurse to~~ 3842  
~~practice with the supervision of that physician, podiatrist, or~~ 3843  
~~dentist~~. The nurse shall cooperate with ~~either the~~ board in any 3844  
investigation it conducts with respect to the unauthorized 3845  
practice of ~~medicine or dentistry~~ by the nurse. 3846

**Sec. 4723.44.** (A) No person shall do any of the following 3847  
unless the person holds a current, valid ~~certificate of~~ 3848

~~authority to practice nursing as a certified registered nurse—~~ 3849  
~~anesthetist, clinical nurse specialist, certified nurse-midwife,—~~ 3850  
~~or certified nurse practitioner license issued by the board of~~ 3851  
~~nursing under this chapter~~ to practice nursing as an advanced 3852  
practice registered nurse in the specialty indicated by the 3853  
designation: 3854

(1) Engage in the practice of nursing as ~~a certified—~~ 3855  
~~registered nurse anesthetist, clinical nurse specialist,—~~ 3856  
~~certified nurse-midwife, or certified nurse practitioner—~~ an 3857  
advanced practice registered nurse for a fee, salary, or other 3858  
consideration, or as a volunteer; 3859

(2) Represent the person as being an advanced practice 3860  
registered nurse, including as a certified registered nurse 3861  
anesthetist, clinical nurse specialist, certified nurse-midwife, 3862  
or certified nurse practitioner; 3863

(3) Use any title or initials implying that the person is 3864  
an advanced practice registered nurse, including a certified 3865  
registered nurse anesthetist, clinical nurse specialist, 3866  
certified nurse-midwife, or certified nurse practitioner; 3867

~~(4) Represent the person as being an advanced practice—~~ 3868  
~~registered nurse;~~ 3869

~~(5) Use any title or initials implying that the person is—~~ 3870  
~~an advanced practice registered nurse.~~ 3871

(B) ~~No person who is not certified by the national council—~~ 3872  
~~on certification of nurse anesthetists of the American—~~ 3873  
~~association of nurse anesthetists, the national council on—~~ 3874  
~~recertification of nurse anesthetists of the American—~~ 3875  
~~association of nurse anesthetists, or another national—~~ 3876  
~~certifying organization approved by the board under section—~~ 3877

~~4723.46 of the Revised Code shall use the title "certified-  
registered nurse anesthetist" or the initials "C.R.N.A.," or any  
other title or initial implying that the person has been  
certified by the council or organization.~~

~~(C) No certified registered nurse anesthetist, clinical  
nurse specialist, certified nurse midwife, or certified nurse-  
practitioner advanced practice registered nurse shall do any of  
the following:~~

(1) Engage, for a fee, salary, or other consideration, or  
as a volunteer, in the practice of a nursing specialty other  
than the specialty designated on the nurse's current, valid  
~~certificate of authority~~ license issued by the board under this  
chapter;

(2) Represent the person as being authorized to practice  
any nursing specialty other than the specialty designated on the  
current, valid ~~certificate of authority~~ license;

(3) Use the title "certified registered nurse anesthetist"  
or the initials "N.A." or "C.R.N.A.," the title "clinical nurse  
specialist" or the initials "C.N.S.," the title "certified  
nurse-midwife" or the initials "C.N.M.," the title "certified  
nurse practitioner" or the initials "C.N.P.," the title  
"advanced practice registered nurse" or the initials "A.P.R.N.,"  
or any other title or initials implying that the nurse is  
authorized to practice any nursing specialty other than the  
specialty designated on the nurse's current, valid ~~certificate-  
of authority~~ license;

~~(4) Enter into a standard care arrangement with a  
physician or podiatrist whose practice is not the same as or  
similar to the nurse's nursing specialty;~~

~~(5) Prescribe drugs or therapeutic devices unless the nurse holds a current, valid certificate to prescribe issued under section 4723.48 of the Revised Code;~~ 3907  
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~~(6) Prescribe drugs or therapeutic devices under a certificate to prescribe in a manner that does not comply with section 4723.481 of the Revised Code;~~ 3910  
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~~(7)~~ (5) Prescribe any drug or device to perform or induce an abortion, or otherwise perform or induce an abortion. 3913  
3914

~~(D)~~ (C) No person shall knowingly employ a person to engage in the practice of nursing as ~~a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner~~ an advanced practice registered nurse unless the person so employed holds a current, valid certificate of authority to engage in that nursing ~~specialty license and designation~~ issued by the board under this chapter to practice as an advanced practice registered nurse in the specialty indicated by the designation. 3915  
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~~(E)~~ (D) A certificate certified by the executive director of the board, under the official seal of the board, to the effect that it appears from the records that no ~~certificate of authority designation~~ to practice ~~nursing~~ as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner has been issued to any person specified therein, or that a ~~certificate~~ designation, if issued, has been revoked or suspended, shall be received as prima-facie evidence of the record in any court or before any officer of the state. 3924  
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**Sec. 4723.46.** (A) The board of nursing shall establish a list of national certifying organizations approved by the board 3934  
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to examine and certify advanced practice registered nurses to 3936  
practice nursing specialties. To be approved by the board, a 3937  
national certifying organization must meet all of the following 3938  
requirements: 3939

(1) Be national in the scope of its credentialing; 3940

(2) Have an educational requirement beyond that required 3941  
for registered nurse licensure; 3942

(3) Have practice requirements beyond those required for 3943  
registered nurse licensure; 3944

(4) Have testing requirements beyond those required for 3945  
registered nurse licensure that measure the theoretical and 3946  
clinical content of a nursing specialty, are developed in 3947  
accordance with accepted standards of validity and reliability, 3948  
and are open to registered nurses who have successfully 3949  
completed the educational program required by the organization; 3950

(5) Issue certificates to advanced practice registered 3951  
nurses, including certified registered nurse anesthetists, 3952  
clinical nurse specialists, certified nurse-midwives, or 3953  
certified nurse practitioners; 3954

(6) Periodically review the qualifications of advanced 3955  
practice registered nurses, including certified registered nurse 3956  
anesthetists, clinical nurse specialists, certified nurse- 3957  
midwives, or certified nurse practitioners. 3958

(B) Not later than the thirtieth day of January of each 3959  
year, the board shall publish the list of national certifying 3960  
organizations that have met the requirements of division (A) of 3961  
this section within the previous year and remove from the list 3962  
organizations that no longer meet the requirements. 3963



~~Sec. 4723.481. This section establishes standards and conditions regarding the authority of a clinical nurse specialist, certified nurse midwife, or certified nurse practitioner to prescribe drugs and therapeutic devices under a certificate to prescribe issued under section 4723.48 of the Revised Code.~~ 3964-3969

~~(A) A clinical nurse specialist, certified nurse midwife, or certified nurse practitioner shall not prescribe any drug or therapeutic device that is not included in the types of drugs and devices listed on the formulary established in rules adopted under section 4723.50 of the Revised Code.~~ 3970-3974

~~(B) The prescriptive authority of a clinical nurse specialist, certified nurse midwife, or certified nurse practitioner shall not exceed the prescriptive authority of the collaborating physician or podiatrist, including the collaborating physician's authority to treat chronic pain with controlled substances and products containing tramadol as described in section 4731.052 of the Revised Code.~~ 3975-3981

~~(C) (1) Except as provided in division (C) (2) or (3) of this section, a clinical nurse specialist, certified nurse midwife, or certified nurse practitioner may prescribe to a patient a schedule II controlled substance only if all of the following are the case:~~ 3982-3986

~~(a) The patient has a terminal condition, as defined in section 2133.01 of the Revised Code.~~ 3987-3988

~~(b) The collaborating physician of the clinical nurse specialist, certified nurse midwife, or certified nurse practitioner initially prescribed the substance for the patient.~~ 3989-3991

~~(c) The prescription is for an amount that does not exceed~~ 3992

~~the amount necessary for the patient's use in a single, twenty-~~ 3993  
~~four-hour period.~~ 3994

~~(2) The restrictions on prescriptive authority in division-~~ 3995  
~~(C)(1) of this section do not apply if a clinical nurse-~~ 3996  
~~specialist, certified nurse-midwife, or certified nurse-~~ 3997  
~~practitioner issues the prescription to the patient from any of-~~ 3998  
~~the following locations:-~~ 3999

~~(a) A hospital registered under section 3701.07 of the-~~ 4000  
~~Revised Code;-~~ 4001

~~(b) An entity owned or controlled, in whole or in part, by-~~ 4002  
~~a hospital or by an entity that owns or controls, in whole or in-~~ 4003  
~~part, one or more hospitals;-~~ 4004

~~(c) A health care facility operated by the department of-~~ 4005  
~~mental health and addiction services or the department of-~~ 4006  
~~developmental disabilities;-~~ 4007

~~(d) A nursing home licensed under section 3721.02 of the-~~ 4008  
~~Revised Code or by a political subdivision certified under-~~ 4009  
~~section 3721.09 of the Revised Code;-~~ 4010

~~(e) A county home or district home operated under Chapter-~~ 4011  
~~5155. of the Revised Code that is certified under the medicare-~~ 4012  
~~or medicaid program;-~~ 4013

~~(f) A hospice care program, as defined in section 3712.01-~~ 4014  
~~of the Revised Code;-~~ 4015

~~(g) A community mental health services provider, as-~~ 4016  
~~defined in section 5122.01 of the Revised Code;-~~ 4017

~~(h) An ambulatory surgical facility, as defined in section-~~ 4018  
~~3702.30 of the Revised Code;-~~ 4019

~~(i) A freestanding birthing center, as defined in section 3702.141 of the Revised Code;~~ 4020  
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~~(j) A federally qualified health center, as defined in section 3701.047 of the Revised Code;~~ 4022  
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~~(k) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;~~ 4024  
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~~(l) A health care office or 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;~~ 4026  
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~~(m) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the clinical nurse specialist, certified nurse midwife, or certified nurse practitioner providing services at the site has a standard care arrangement and collaborates with at least one of the physician owners who practices primarily at that site.~~ 4030  
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~~(3) A clinical nurse specialist, certified nurse midwife, or certified nurse practitioner~~ 4038  
Except as provided in division (B) of this section, a current, valid license to practice nursing as an advanced practice registered nurse issued under this chapter authorizes an advanced practice registered nurse to prescribe and personally furnish drugs and therapeutic devices. 4039  
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(B) An advanced practice registered nurse shall not issue to a patient a prescription for a schedule II controlled substance from a convenience care clinic 4044  
~~even if the clinic is owned or operated by an entity specified in division (C) (2) of this section.~~ 4045  
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~~(D)~~ (C) A pharmacist who acts in good faith reliance on a prescription issued by a ~~clinical nurse specialist, certified nurse midwife, or certified nurse practitioner under division (C) (2) of this section~~ an advanced practice registered nurse is not liable for or subject to any of the following for relying on the prescription: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action by the state board of pharmacy under Chapter 4729. of the Revised Code.

~~(E) A clinical nurse specialist, certified nurse midwife, or certified nurse practitioner may personally furnish to a patient a sample of any drug or therapeutic device included in the types of drugs and devices listed on the formulary, except that all of the following conditions apply:~~

~~(1) The amount of the sample furnished shall not exceed a seventy two hour supply, except when the minimum available quantity of the sample is packaged in an amount that is greater than a seventy two hour supply, in which case the packaged amount may be furnished.~~

~~(2) No charge may be imposed for the sample or for furnishing it.~~

~~(3) Samples of controlled substances may not be personally furnished.~~

~~(F) A clinical nurse specialist, certified nurse midwife, or certified nurse practitioner may personally furnish to a patient a complete or partial supply of a drug or therapeutic device included in the types of drugs and devices listed on the formulary, except that all of the following conditions apply:~~

~~(1) The clinical nurse specialist, certified nurse~~

~~midwife, or certified nurse practitioner shall personally~~ 4078  
~~furnish only antibiotics, antifungals, scabicides,~~ 4079  
~~contraceptives, prenatal vitamins, antihypertensives, drugs and~~ 4080  
~~devices used in the treatment of diabetes, drugs and devices~~ 4081  
~~used in the treatment of asthma, and drugs used in the treatment~~ 4082  
~~of dyslipidemia.~~ 4083

~~(2) The clinical nurse specialist, certified nurse~~ 4084  
~~midwife, or certified nurse practitioner shall not furnish the~~ 4085  
~~drugs and devices in locations other than a health department~~ 4086  
~~operated by the board of health of a city or general health~~ 4087  
~~district or the authority having the duties of a board of health~~ 4088  
~~under section 3709.05 of the Revised Code, a federally funded~~ 4089  
~~comprehensive primary care clinic, or a nonprofit health care~~ 4090  
~~clinic or program.~~ 4091

~~(3) The clinical nurse specialist, certified nurse~~ 4092  
~~midwife, or certified nurse practitioner shall comply with all~~ 4093  
~~safety standards for personally furnishing supplies of drugs and~~ 4094  
~~devices, as established in rules adopted under section 4723.50~~ 4095  
~~of the Revised Code.~~ 4096

~~(C) A clinical nurse specialist, certified nurse midwife,~~ 4097  
~~or certified nurse practitioner~~ (D) An advanced practice 4098  
registered nurse shall comply with section 3719.061 of the 4099  
Revised Code if the nurse prescribes for a minor, as defined in 4100  
that section, an opioid analgesic, as defined in section 3719.01 4101  
of the Revised Code. 4102

**Sec. 4723.482.** ~~(A) Except as provided in divisions (C) and~~ 4103  
~~(D) of this section, an~~ An applicant for a license to practice 4104  
as an advanced practice registered nurse shall include with the 4105  
application submitted under section ~~4723.48~~ 4723.09 of the 4106  
Revised Code all of the following: 4107

~~(1) Evidence of holding a current, valid certificate of authority to practice as a clinical nurse specialist, certified nurse midwife, or certified nurse practitioner that was issued by meeting the requirements of division (A) of section 4723.41 of the Revised Code;~~ 4108  
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~~(2) Evidence evidence of successfully completing the course of study in advanced pharmacology and related topics in accordance with the requirements specified in division (B) of this section;~~ 4113  
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~~(3) The fee required by section 4723.08 of the Revised Code for a certificate to prescribe;~~ 4117  
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~~(4) Any additional information the board of nursing requires pursuant to rules adopted under section 4723.50 of the Revised Code.~~ 4119  
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(B) With respect to the course of study in advanced pharmacology and related topics ~~that must be successfully completed to obtain a certificate to prescribe~~, all of the following requirements apply: 4122  
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(1) The course of study shall be completed not longer than ~~three~~ five years before the application for the certificate to prescribe is filed. 4126  
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(2) Except as provided in division (E) of this section, the course of study shall consist of ~~planned classroom~~ academic and clinical instruction. The total length of the course of study shall be not less than forty-five contact hours. 4129  
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~~(3) The course of study shall meet the requirements to be approved by the board in accordance with standards established in rules adopted under section 4723.50 of the Revised Code.~~ 4133  
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<del>(4)</del> The content of the course of study shall be specific	4136
to the applicant's nursing specialty.	4137
<del>(5)</del> <u>(4)</u> The instruction provided in the course of study	4138
shall include all of the following:	4139
(a) A minimum of thirty-six contact hours of instruction	4140
in advanced pharmacology that includes pharmacokinetic	4141
principles and clinical application and the use of drugs and	4142
therapeutic devices in the prevention of illness and maintenance	4143
of health;	4144
(b) Instruction in the fiscal and ethical implications of	4145
prescribing drugs and therapeutic devices;	4146
(c) Instruction in the state and federal laws that apply	4147
to the authority to prescribe;	4148
(d) Instruction that is specific to schedule II controlled	4149
substances, including instruction in all of the following:	4150
(i) Indications for the use of schedule II controlled	4151
substances in drug therapies;	4152
(ii) The most recent guidelines for pain management	4153
therapies, as established by state and national organizations	4154
such as the Ohio pain initiative and the American pain society;	4155
(iii) Fiscal and ethical implications of prescribing	4156
schedule II controlled substances;	4157
(iv) State and federal laws that apply to the authority to	4158
prescribe schedule II controlled substances;	4159
(v) Prevention of abuse and diversion of schedule II	4160
controlled substances, including identification of the risk of	4161
abuse and diversion, recognition of abuse and diversion, types	4162

of assistance available for prevention of abuse and diversion, 4163  
and methods of establishing safeguards against abuse and 4164  
diversion. 4165

~~(e) Any additional instruction required pursuant to rules 4166  
adopted under section 4723.50 of the Revised Code. 4167~~

(C) An applicant who practiced or is practicing as a 4168  
~~clinical nurse specialist, certified nurse midwife, or certified 4169  
nurse practitioner~~ an advanced practice registered nurse in 4170  
another jurisdiction or as an employee of the United States 4171  
government, and is not seeking authority to prescribe drugs and 4172  
therapeutic devices by meeting the requirements of division (A) 4173  
or (D) of this section, shall include with the application 4174  
submitted under section ~~4723.48~~ 4723.09 of the Revised Code all 4175  
of the following: 4176

(1) Evidence of ~~holding a current, valid certificate of 4177  
authority issued under this chapter to practice as a clinical 4178  
nurse specialist, certified nurse midwife, or certified nurse 4179  
practitioner~~ having completed a two-hour course of instruction 4180  
approved by the board in the laws of this state that govern 4181  
drugs and prescriptive authority; 4182

(2) ~~The fee required by section 4723.08 of the Revised 4183  
Code for a certificate to prescribe;~~ 4184

~~(3) Either of the following: 4185~~

(a) Evidence of having held, for a continuous period of at 4186  
least one year during the three years immediately preceding the 4187  
date of application, valid authority issued by another 4188  
jurisdiction to prescribe therapeutic devices and drugs, 4189  
including at least some controlled substances; 4190

(b) Evidence of having been employed by the United States 4191



government and authorized, for a continuous period of at least 4192  
one year during the three years immediately preceding the date 4193  
of application, to prescribe therapeutic devices and drugs, 4194  
including at least some controlled substances, in conjunction 4195  
with that employment. 4196

~~(4) Evidence of having completed a two-hour course of 4197  
instruction approved by the board in the laws of this state that 4198  
govern drugs and prescriptive authority; 4199~~

~~(5) Any additional information the board requires pursuant to 4200  
rules adopted under section 4723.50 of the Revised Code. 4201~~

~~(D) An applicant who practiced or is practicing as a 4202  
clinical nurse specialist, certified nurse-midwife, or certified 4203  
nurse practitioner in another jurisdiction or as an employee of 4204  
the United States government, and is not seeking authority to 4205  
prescribe drugs and therapeutic devices by meeting the 4206  
requirements of division (A) or (C) of this section, shall 4207  
include with the application submitted under section 4723.48 of 4208  
the Revised Code all of the following: 4209~~

~~(1) Evidence of holding a current, valid certificate of 4210  
authority issued under this chapter to practice as a clinical 4211  
nurse specialist, certified nurse-midwife, or certified nurse 4212  
practitioner; 4213~~

~~(2) The fee required by section 4723.08 of the Revised 4214  
Code for a certificate to prescribe; 4215~~

~~(3) Either of the following: 4216~~

~~(a) Evidence of having held, for a continuous period of at 4217  
least one year during the three years immediately preceding the 4218  
date of application, valid authority issued by another 4219  
jurisdiction to prescribe therapeutic devices and drugs, 4220~~

~~excluding controlled substances;~~ 4221

~~(b) Evidence of having been employed by the United States government and authorized, for a continuous period of at least one year during the three years immediately preceding the date of application, to prescribe therapeutic devices and drugs, excluding controlled substances, in conjunction with that employment.~~ 4222  
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~~(4) Any additional information the board requires pursuant to rules adopted under section 4723.50 of the Revised Code.~~ 4228  
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~~(E) In the case of an applicant who meets the requirements of division (C) or (D) of this section other than the requirements of division (C) (3) or (D) (3) of this section and is seeking authority to prescribe drugs and therapeutic devices by meeting the requirements of division (A) of this section, the~~ 4230  
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(D) An applicant may complete the instruction that is specific to schedule II controlled substances, as required by division 4235  
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~~(B) (5) (d) (B) (4) (d) of this section, through an internet-based course of study in lieu of completing the instruction through a course of study consisting of planned classroom academic and clinical instruction or a course of study delivered through electronic means.~~ 4237  
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**Sec. 4723.486.** (A) ~~A certificate to prescribe issued under section 4723.48 of the Revised Code that is not issued as an externship certificate is valid for two years, unless otherwise provided in rules adopted under section 4723.50 of the Revised Code or earlier suspended or revoked by the board. The board of nursing shall renew certificates to prescribe according to procedures and a renewal schedule established in rules adopted under section 4723.50 of the Revised Code.~~ 4242  
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~~(B) Except as provided in division (C) of this section,~~ 4250  
~~the board may renew a certificate to prescribe if the holder~~ 4251  
~~submits to the board all of the following:~~ 4252

(1) Evidence An applicant for renewal of a license to 4253  
practice as an advanced practice registered nurse shall include 4254  
with the application submitted under section 4723.24 of the 4255  
Revised Code evidence of having completed during the previous 4256  
two years at least twelve hours of continuing education in 4257  
advanced pharmacology, or, if the ~~certificate~~ license has been 4258  
held for less than a full renewal period, the number of hours 4259  
required by the board in rules adopted ~~under section 4723.50 in~~ 4260  
accordance with Chapter 119. of the Revised Code; 4261

~~(2) The fee required under section 4723.08 of the Revised~~ 4262  
~~Code for renewal of a certificate to prescribe;~~ 4263

~~(3) Any additional information the board requires pursuant~~ 4264  
~~to rules adopted under section 4723.50 of the Revised Code.~~ 4265

~~(C)(B)~~(1) Except as provided in division ~~(C)(B)~~(2) of this 4266  
section, in the case of a ~~certificate~~ license holder seeking 4267  
renewal who prescribes opioid analgesics or benzodiazepines, as 4268  
defined in section 3719.01 of the Revised Code, the holder shall 4269  
certify to the board whether the holder has been granted access 4270  
to the drug database established and maintained by the state 4271  
board of pharmacy pursuant to section 4729.75 of the Revised 4272  
Code. 4273

(2) The requirement in division ~~(C)(B)~~(1) of this section 4274  
does not apply if any of the following is the case: 4275

(a) The state board of pharmacy notifies the board of 4276  
nursing pursuant to section 4729.861 of the Revised Code that 4277  
the ~~certificate~~ license holder has been restricted from 4278

obtaining further information from the drug database. 4279

(b) The state board of pharmacy no longer maintains the 4280  
drug database. 4281

(c) The ~~certificate~~license holder does not practice 4282  
nursing in this state. 4283

(3) If a ~~certificate~~license holder certifies to the board 4284  
of nursing that the holder has been granted access to the drug 4285  
database and the board finds through an audit or other means 4286  
that the holder has not been granted access, the board may take 4287  
action under section 4723.28 of the Revised Code. 4288

~~(D)~~(C) The continuing education in pharmacology required 4289  
~~under division (B)(1) of by~~ this section must be received from 4290  
an accredited institution recognized by the board. The hours of 4291  
continuing education required are in addition to any other 4292  
continuing education requirement that must be completed pursuant 4293  
to this chapter. 4294

**Sec. 4723.487.** (A) As used in this section: 4295

(1) "Drug database" means the database established and 4296  
maintained by the state board of pharmacy pursuant to section 4297  
4729.75 of the Revised Code. 4298

(2) "Opioid analgesic" and "benzodiazepine" have the same 4299  
meanings as in section 3719.01 of the Revised Code. 4300

(B) Except as provided in divisions (C) and (E) of this 4301  
section, an advanced practice registered nurse ~~holding a~~ 4302  
~~certificate to prescribe issued under this chapter~~ shall comply 4303  
with all of the following as conditions of prescribing a drug 4304  
that is either an opioid analgesic or a benzodiazepine as part 4305  
of a patient's course of treatment for a particular condition: 4306

(1) Before initially prescribing the drug, the advanced practice registered nurse or the advanced practice registered nurse's delegate shall request from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the request. If the advanced practice registered nurse practices primarily in a county of this state that adjoins another state, the advanced practice registered nurse or delegate also shall request a report of any information available in the drug database that pertains to prescriptions issued or drugs furnished to the patient in the state adjoining that county.

(2) If the patient's course of treatment for the condition continues for more than ninety days after the initial report is requested, the advanced practice registered nurse or delegate shall make periodic requests for reports of information from the drug database until the course of treatment has ended. The requests shall be made at intervals not exceeding ninety days, determined according to the date the initial request was made. The request shall be made in the same manner provided in division (B)(1) of this section for requesting the initial report of information from the drug database.

(3) On receipt of a report under division (B)(1) or (2) of this section, the advanced practice registered nurse shall assess the information in the report. The advanced practice registered nurse shall document in the patient's record that the report was received and the information was assessed.

(C) Division (B) of this section does not apply if in any of the following circumstances:

(1) A drug database report regarding the patient is not available, in which case the advanced practice registered nurse

shall document in the patient's record the reason that the report is not available. 4337  
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(2) The drug is prescribed in an amount indicated for a period not to exceed seven days. 4339  
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(3) The drug is prescribed for the treatment of cancer or another condition associated with cancer. 4341  
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(4) The drug is prescribed to a hospice patient in a hospice care program, as those terms are defined in section 3712.01 of the Revised Code, or any other patient diagnosed as terminally ill. 4343  
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(5) The drug is prescribed for administration in a hospital, nursing home, or residential care facility. 4347  
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(D) The board of nursing may adopt rules, in accordance with Chapter 119. of the Revised Code, that establish standards and procedures to be followed by an advanced practice registered nurse ~~with a certificate to prescribe issued under section 4723.48 of the Revised Code~~ regarding the review of patient information available through the drug database under division (A) (5) of section 4729.80 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 4349  
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(E) This section and any rules adopted under it do not apply if the state board of pharmacy no longer maintains the drug database. 4357  
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**Sec. 4723.488.** (A) Notwithstanding any provision of this chapter or rule adopted by the board of nursing, ~~a clinical nurse specialist, certified nurse midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code~~ an advanced practice registered nurse may personally furnish a supply of naloxone, or 4360  
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issue a prescription for naloxone, without having examined the 4366  
individual to whom it may be administered if all of the 4367  
following conditions are met: 4368

(1) The naloxone supply is furnished to, or the 4369  
prescription is issued to and in the name of, a family member, 4370  
friend, or other individual in a position to assist an 4371  
individual who there is reason to believe is at risk of 4372  
experiencing an opioid-related overdose. 4373

(2) The advanced practice registered nurse instructs the 4374  
individual receiving the naloxone supply or prescription to 4375  
summon emergency services either immediately before or 4376  
immediately after administering naloxone to an individual 4377  
apparently experiencing an opioid-related overdose. 4378

(3) The naloxone is personally furnished or prescribed in 4379  
such a manner that it may be administered by only either of the 4380  
following routes: 4381

(a) Using a device manufactured for the intranasal 4382  
administration of liquid drugs; 4383

(b) Using an autoinjector in a manufactured dosage form. 4384

(B) ~~A~~An advanced practice registered nurse who under 4385  
division (A) of this section in good faith furnishes a supply of 4386  
naloxone or issues a prescription for naloxone is not liable for 4387  
or subject to any of the following for any action or omission of 4388  
the individual to whom the naloxone is furnished or the 4389  
prescription is issued: damages in any civil action, prosecution 4390  
in any criminal proceeding, or professional disciplinary action. 4391

**Sec. 4723.49.** (A) There is hereby created within the board 4392  
of nursing the advisory committee on prescriptive- 4393  
governance advanced practice registered nursing. The committee 4394

shall consist of the following members: 4395

(1) ~~A clinical nurse specialist~~Four advanced practice 4396  
registered nurses who are actively practicing in this state in 4397  
clinical settings, at least two of whom are actively engaged in 4398  
providing primary care; 4399

(2) ~~A certified nurse midwife~~Four advanced practice 4400  
registered nurses who each serve as faculty members of approved 4401  
programs of nursing education that prepare students for 4402  
licensure as advanced practice registered nurses; 4403

(3) ~~A certified nurse practitioner;~~ 4404

~~(4) A member of the board of nursing who at a minimum as a~~ 4405  
is an advanced practice registered nurse; 4406

~~(5) Four physicians who meet the qualifications for~~ 4407  
appointment specified in division (B) of this section; 4408

~~(6) A pharmacist member of the state board of pharmacy;~~ 4409

~~(7) A pharmacist actively engaged in practice in this~~ 4410  
state as a clinical pharmacist(4) A representative of an entity 4411  
that employs ten or more advanced practice registered nurses who 4412  
are actively practicing in this state. 4413

(B) ~~Except as provided in division (D) of this section,~~ 4414  
~~the~~The board of nursing shall appoint the members who are 4415  
~~nurses, the state medical board shall appoint the members who~~ 4416  
~~are physicians, and the state board of pharmacy shall appoint~~ 4417  
~~the members who are pharmacists. The physician members shall be~~ 4418  
~~appointed in such a manner that the committee at all times~~ 4419  
~~includes at least two physicians who collaborate with clinical~~ 4420  
~~nurse specialists, certified nurse midwives, or certified nurse~~ 4421  
~~practitioners; one physician certified in family practice by a~~ 4422



~~medical specialty board of the American medical association or 4423  
American osteopathic association; and one physician member of 4424  
the state medical board. If the physician member who is a family 4425  
practice physician or member of the state medical board is also 4426  
a collaborating physician, the member may be counted both as a 4427  
collaborating member and as a family practice physician or state 4428  
medical board member for purposes of this division. 4429~~

~~(C) described in division (A) of this section. Initial 4430  
appointments to the committee shall be made not later than sixty 4431  
days after the effective date of this section. ~~Of the initial 4432  
appointments the board of nursing must make, two shall be for 4433  
terms of three years and two shall be for terms of two years. Of 4434  
the initial appointments the state medical board must make, two 4435  
shall be for terms of three years and two shall be for terms of 4436  
two years. Of the initial appointments the state board of 4437  
pharmacy must make, one shall be for a term of three years and 4438  
one shall be for a term of two years. Thereafter, terms shall be 4439  
for three years, with each term ending on the same day of the 4440  
same month as did the term that it succeeds. 4441~~~~

~~When the term of any member expires, a successor shall be 4442  
appointed who has the qualifications the vacancy requires. Any 4443  
member appointed to fill a vacancy occurring prior to the 4444  
expiration of the term for which the member's predecessor was 4445  
appointed shall hold office for the remainder of that term. A 4446  
member shall continue in office subsequent to the expiration 4447  
date of the member's term until the member's successor takes 4448  
office, or until a period of sixty days has elapsed, whichever 4449  
occurs first. A member may be reappointed. Members shall serve at 4450  
the discretion of the board. 4451~~

Recommendations for making initial appointments and 4452

filling vacancies may be submitted to the board of nursing by 4453  
professional nursing associations and individuals, to the state 4454  
medical board by professional medical associations and 4455  
individuals, and to the board of pharmacy by professional 4456  
pharmacy associations and individuals. Each The board shall 4457  
appoint initial members and fill vacancies according to the 4458  
recommendations it receives. If no recommendations or an 4459  
insufficient number of recommendations are submitted to a board, 4460  
the board shall proceed on its own advice. 4461

~~(D) If the state medical board or state board of pharmacy 4462  
fails to appoint an initial member prior to sixty days after the 4463  
effective date of this section or fails to appoint a successor 4464  
prior to sixty days after the expiration of the term for which 4465  
the appointment is to be made, the board of nursing shall 4466  
appoint the successor. If the board of nursing fails to appoint 4467  
an initial member prior to sixty days after the effective date 4468  
of this section or fails to appoint a successor prior to sixty 4469  
days after the expiration of the term for which the appointment 4470  
is to be made, the state medical board shall appoint the member 4471  
after consulting with the state board of pharmacy. The board may 4472  
appoint to the committee additional members not described in 4473  
division (A) of this section on the recommendation of the 4474  
committee. The committee may recommend to the board a person 4475  
considered an expert in an advanced practice nursing specialty. 4476~~

(C) The committee shall advise the board regarding the 4477  
practice and regulation of advanced practice registered nurses. 4478

**Sec. 4723.491.** (A) The advisory committee on prescriptive 4479  
governance advanced practice nursing shall organize by selecting 4480  
a chairperson from among its members ~~who are nurses or 4481  
collaborating physicians.~~ The committee may select a new 4482

chairperson at any time. 4483

(B) ~~Five~~ Six members constitute a quorum for the 4484  
transaction of official business. ~~The clinical pharmacist member~~ 4485  
~~may participate in any meeting of the committee, but shall be~~ 4486  
~~included as a voting member only when the committee is~~ 4487  
~~considering one of the following:~~ 4488

~~(1) The composition of the formulary of drugs and~~ 4489  
~~therapeutic devices that may be prescribed by a clinical nurse~~ 4490  
~~specialist, certified nurse midwife, or certified nurse~~ 4491  
~~practitioner who holds a certificate to prescribe issued under~~ 4492  
~~section 4723.48 of the Revised Code;~~ 4493

~~(2) The manner in which a nurse may personally furnish to~~ 4494  
~~patients drugs and therapeutic devices packaged as samples and~~ 4495  
~~may personally furnish partial or complete supplies of other~~ 4496  
~~drugs and therapeutic devices;~~ 4497

~~(3) Recommendations to be given to the board of nursing~~ 4498  
~~for use in adopting rules under section 4723.50 of the Revised~~ 4499  
~~Code pertaining to the matters specified in divisions (B) (1) and~~ 4500  
~~(2) of this section.~~ 4501

~~(C)~~ Members shall serve without compensation but shall 4502  
receive payment for their actual and necessary expenses incurred 4503  
in the performance of their official duties. The expenses shall 4504  
be paid by the board of nursing. 4505

**Sec. 4723.71.** (A) There is hereby established, under the 4506  
board of nursing, the advisory group on dialysis. The advisory 4507  
group shall advise the board of nursing regarding the 4508  
qualifications, standards for training, and competence of 4509  
dialysis technicians and dialysis technician interns and all 4510  
other related matters. The advisory group shall consist of the 4511

members appointed under divisions (B) and (C) of this section. A 4512  
member of the board of nursing or a representative appointed by 4513  
the board shall serve as chairperson of all meetings of the 4514  
advisory group. 4515

(B) The board of nursing shall appoint the following as 4516  
members of the advisory group: 4517

(1) Four dialysis technicians; 4518

(2) A registered nurse who regularly performs dialysis and 4519  
cares for patients who receive dialysis; 4520

(3) A physician, recommended by the state medical board, 4521  
who specializes in nephrology or an advanced practice registered 4522  
nurse recommended by the board of nursing who specializes in 4523  
nephrology; 4524

(4) An administrator of a dialysis center; 4525

(5) A dialysis patient; 4526

(6) A representative of the Ohio hospital association; 4527

(7) A representative from the end-stage renal disease 4528  
network, as defined in 42 C.F.R. 405.2102. 4529

(C) The members of the advisory group appointed under 4530  
division (B) of this section may recommend additional persons to 4531  
serve as members of the advisory group. The board of nursing may 4532  
appoint, as appropriate, any of the additional persons 4533  
recommended. 4534

(D) The board of nursing shall specify the terms for the 4535  
advisory group members. Members shall serve at the discretion of 4536  
the board of nursing. Members shall receive their actual and 4537  
necessary expenses incurred in the performance of their official 4538

duties. 4539

(E) Sections 101.82 to 101.87 of the Revised Code do not 4540  
apply to the advisory group. 4541

**Sec. 4723.88.** The board of nursing, in accordance with 4542  
Chapter 119. of the Revised Code, shall adopt rules to 4543  
administer and enforce sections 4723.81 to 4723.87 of the 4544  
Revised Code. The rules shall establish all of the following: 4545

(A) Standards and procedures for issuance of community 4546  
health worker certificates; 4547

(B) Standards for evaluating the competency of an 4548  
individual who applies to receive a certificate on the basis of 4549  
having been employed in a capacity substantially the same as a 4550  
community health worker before the board implemented the 4551  
certification program; 4552

(C) Standards and procedures for renewal of community 4553  
health worker certificates, including the continuing education 4554  
requirements that must be met for renewal; 4555

(D) Standards governing the performance of activities 4556  
related to nursing care that are delegated by a registered nurse 4557  
to certified community health workers. In establishing the 4558  
standards, the board shall specify limits on the number of 4559  
certified community health workers a registered nurse may 4560  
supervise at any one time. 4561

(E) Standards and procedures for assessing the quality of 4562  
the services that are provided by certified community health 4563  
workers; 4564

(F) Standards and procedures for denying, suspending, and 4565  
revoking a community health worker certificate, including 4566

reasons for imposing the sanctions that are substantially 4567  
similar to the reasons that sanctions are imposed under section 4568  
4723.28 of the Revised Code; 4569

(G) Standards and procedures for approving and renewing 4570  
the board's approval of training programs that prepare 4571  
individuals to become certified community health workers. In 4572  
establishing the standards, the board shall specify the minimum 4573  
components that must be included in a training program, shall 4574  
require that all approved training programs offer the 4575  
standardized curriculum, and shall ensure that the curriculum 4576  
enables individuals to use the training as a basis for entering 4577  
programs leading to other careers, including nursing education 4578  
programs. 4579

(H) Standards for approval of continuing education 4580  
programs and courses for certified community health workers; 4581

(I) Standards and procedures for withdrawing the board's 4582  
approval of a training program, refusing to renew the approval 4583  
of a training program, and placing a training program on 4584  
provisional approval; 4585

(J) Amounts for each fee that may be imposed under 4586  
division (A) ~~(21)~~ (20) of section 4723.08 of the Revised Code; 4587

(K) Any other standards or procedures the board considers 4588  
necessary and appropriate for the administration and enforcement 4589  
of sections 4723.81 to 4723.87 of the Revised Code. 4590

**Sec. 4723.99.** (A) Except as provided in division (B) of 4591  
this section, whoever violates section 4723.03, 4723.44, 4592  
4723.653, or 4723.73 of the Revised Code is guilty of a felony 4593  
of the fifth degree on a first offense and a felony of the 4594  
fourth degree on each subsequent offense. 4595

(B) Each of the following is guilty of a minor 4596  
misdemeanor: 4597

(1) A registered nurse, advanced practice registered 4598  
nurse, or licensed practical nurse who violates division (A) ~~or~~ 4599  
, (B), or (C) of section 4723.03 of the Revised Code by reason 4600  
of a license to practice nursing that has lapsed for failure to 4601  
renew or by practicing nursing after a license has been 4602  
classified as inactive; 4603

(2) A medication aide who violates section 4723.653 of the 4604  
Revised Code by reason of a medication aide certificate that has 4605  
lapsed for failure to renew or by administering medication as a 4606  
medication aide after a certificate has been classified as 4607  
inactive. 4608

**Sec. 4729.01.** As used in this chapter: 4609

(A) "Pharmacy," except when used in a context that refers 4610  
to the practice of pharmacy, means any area, room, rooms, place 4611  
of business, department, or portion of any of the foregoing 4612  
where the practice of pharmacy is conducted. 4613

(B) "Practice of pharmacy" means providing pharmacist care 4614  
requiring specialized knowledge, judgment, and skill derived 4615  
from the principles of biological, chemical, behavioral, social, 4616  
pharmaceutical, and clinical sciences. As used in this division, 4617  
"pharmacist care" includes the following: 4618

(1) Interpreting prescriptions; 4619

(2) Dispensing drugs and drug therapy related devices; 4620

(3) Compounding drugs; 4621

(4) Counseling individuals with regard to their drug 4622  
therapy, recommending drug therapy related devices, and 4623

assisting in the selection of drugs and appliances for treatment 4624  
of common diseases and injuries and providing instruction in the 4625  
proper use of the drugs and appliances; 4626

(5) Performing drug regimen reviews with individuals by 4627  
discussing all of the drugs that the individual is taking and 4628  
explaining the interactions of the drugs; 4629

(6) Performing drug utilization reviews with licensed 4630  
health professionals authorized to prescribe drugs when the 4631  
pharmacist determines that an individual with a prescription has 4632  
a drug regimen that warrants additional discussion with the 4633  
prescriber; 4634

(7) Advising an individual and the health care 4635  
professionals treating an individual with regard to the 4636  
individual's drug therapy; 4637

(8) Acting pursuant to a consult agreement with a 4638  
physician authorized under Chapter 4731. of the Revised Code to 4639  
practice medicine and surgery or osteopathic medicine and 4640  
surgery, if an agreement has been established with the 4641  
physician; 4642

(9) Engaging in the administration of immunizations to the 4643  
extent authorized by section 4729.41 of the Revised Code. 4644

(C) "Compounding" means the preparation, mixing, 4645  
assembling, packaging, and labeling of one or more drugs in any 4646  
of the following circumstances: 4647

(1) Pursuant to a prescription issued by a licensed health 4648  
professional authorized to prescribe drugs; 4649

(2) Pursuant to the modification of a prescription made in 4650  
accordance with a consult agreement; 4651



(3) As an incident to research, teaching activities, or 4652  
chemical analysis; 4653

(4) In anticipation of orders for drugs pursuant to 4654  
prescriptions, based on routine, regularly observed dispensing 4655  
patterns; 4656

(5) Pursuant to a request made by a licensed health 4657  
professional authorized to prescribe drugs for a drug that is to 4658  
be used by the professional for the purpose of direct 4659  
administration to patients in the course of the professional's 4660  
practice, if all of the following apply: 4661

(a) At the time the request is made, the drug is not 4662  
commercially available regardless of the reason that the drug is 4663  
not available, including the absence of a manufacturer for the 4664  
drug or the lack of a readily available supply of the drug from 4665  
a manufacturer. 4666

(b) A limited quantity of the drug is compounded and 4667  
provided to the professional. 4668

(c) The drug is compounded and provided to the 4669  
professional as an occasional exception to the normal practice 4670  
of dispensing drugs pursuant to patient-specific prescriptions. 4671

(D) "Consult agreement" means an agreement to manage an 4672  
individual's drug therapy that has been entered into by a 4673  
pharmacist and either a physician authorized under Chapter 4731. 4674  
of the Revised Code to practice medicine and surgery or 4675  
osteopathic medicine and surgery or an advanced practice 4676  
registered nurse who holds a current, valid license issued under 4677  
Chapter 4723. of the Revised Code. 4678

(E) "Drug" means: 4679

(1) Any article recognized in the United States 4680  
pharmacopoeia and national formulary, or any supplement to them, 4681  
intended for use in the diagnosis, cure, mitigation, treatment, 4682  
or prevention of disease in humans or animals; 4683

(2) Any other article intended for use in the diagnosis, 4684  
cure, mitigation, treatment, or prevention of disease in humans 4685  
or animals; 4686

(3) Any article, other than food, intended to affect the 4687  
structure or any function of the body of humans or animals; 4688

(4) Any article intended for use as a component of any 4689  
article specified in division (E) (1), (2), or (3) of this 4690  
section; but does not include devices or their components, 4691  
parts, or accessories. 4692

(F) "Dangerous drug" means any of the following: 4693

(1) Any drug to which either of the following applies: 4694

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 4695  
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 4696  
required to bear a label containing the legend "Caution: Federal 4697  
law prohibits dispensing without prescription" or "Caution: 4698  
Federal law restricts this drug to use by or on the order of a 4699  
licensed veterinarian" or any similar restrictive statement, or 4700  
the drug may be dispensed only upon a prescription; 4701

(b) Under Chapter 3715. or 3719. of the Revised Code, the 4702  
drug may be dispensed only upon a prescription. 4703

(2) Any drug that contains a schedule V controlled 4704  
substance and that is exempt from Chapter 3719. of the Revised 4705  
Code or to which that chapter does not apply; 4706

(3) Any drug intended for administration by injection into 4707

the human body other than through a natural orifice of the human body. 4708  
4709

(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code. 4710  
4711

(H) "Prescription" means 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. 4712  
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(I) "Licensed health professional authorized to prescribe drugs" or "prescriber" means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice, including only the following: 4717  
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4719  
4720  
4721

(1) A dentist licensed under Chapter 4715. of the Revised Code; 4722  
4723

(2) ~~A clinical nurse specialist, certified nurse midwife, or certified nurse practitioner~~ An advanced practice registered nurse who holds a certificate to prescribe current, valid license issued under section 4723.48 Chapter 4723. of the Revised Code; 4724  
4725  
4726  
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(3) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate; 4729  
4730  
4731

(4) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; 4732  
4733  
4734

(5) A physician assistant who holds a certificate to 4735

prescribe issued under Chapter 4730. of the Revised Code;	4736
(6) A veterinarian licensed under Chapter 4741. of the Revised Code.	4737 4738
(J) "Sale" and "sell" include delivery, transfer, barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal proprietor, agent, or employee.	4739 4740 4741 4742
(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.	4743 4744 4745
(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.	4746 4747
(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility.	4748 4749 4750 4751 4752
(N) "Price information" means the price charged for a prescription for a particular drug product and, in an easily understandable manner, all of the following:	4753 4754 4755
(1) The proprietary name of the drug product;	4756
(2) The established (generic) name of the drug product;	4757
(3) The strength of the drug product if the product contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient. The established name and quantity of each active ingredient are required if such a relevant strength	4758 4759 4760 4761 4762 4763

cannot be so associated with a drug product containing more than 4764  
one ingredient. 4765

(4) The dosage form; 4766

(5) The price charged for a specific quantity of the drug 4767  
product. The stated price shall include all charges to the 4768  
consumer, including, but not limited to, the cost of the drug 4769  
product, professional fees, handling fees, if any, and a 4770  
statement identifying professional services routinely furnished 4771  
by the pharmacy. Any mailing fees and delivery fees may be 4772  
stated separately without repetition. The information shall not 4773  
be false or misleading. 4774

(O) "Wholesale distributor of dangerous drugs" means a 4775  
person engaged in the sale of dangerous drugs at wholesale and 4776  
includes any agent or employee of such a person authorized by 4777  
the person to engage in the sale of dangerous drugs at 4778  
wholesale. 4779

(P) "Manufacturer of dangerous drugs" means a person, 4780  
other than a pharmacist, who manufactures dangerous drugs and 4781  
who is engaged in the sale of those dangerous drugs within this 4782  
state. 4783

(Q) "Terminal distributor of dangerous drugs" means a 4784  
person who is engaged in the sale of dangerous drugs at retail, 4785  
or any person, other than a wholesale distributor or a 4786  
pharmacist, who has possession, custody, or control of dangerous 4787  
drugs for any purpose other than for that person's own use and 4788  
consumption, and includes pharmacies, hospitals, nursing homes, 4789  
and laboratories and all other persons who procure dangerous 4790  
drugs for sale or other distribution by or under the supervision 4791  
of a pharmacist or licensed health professional authorized to 4792

prescribe drugs. 4793

(R) "Promote to the public" means disseminating a 4794  
representation to the public in any manner or by any means, 4795  
other than by labeling, for the purpose of inducing, or that is 4796  
likely to induce, directly or indirectly, the purchase of a 4797  
dangerous drug at retail. 4798

(S) "Person" includes any individual, partnership, 4799  
association, limited liability company, or corporation, the 4800  
state, any political subdivision of the state, and any district, 4801  
department, or agency of the state or its political 4802  
subdivisions. 4803

(T) "Finished dosage form" has the same meaning as in 4804  
section 3715.01 of the Revised Code. 4805

(U) "Generically equivalent drug" has the same meaning as 4806  
in section 3715.01 of the Revised Code. 4807

(V) "Animal shelter" means a facility operated by a humane 4808  
society or any society organized under Chapter 1717. of the 4809  
Revised Code or a dog pound operated pursuant to Chapter 955. of 4810  
the Revised Code. 4811

(W) "Food" has the same meaning as in section 3715.01 of 4812  
the Revised Code. 4813

(X) "Pain management clinic" has the same meaning as in 4814  
section 4731.054 of the Revised Code. 4815

**Sec. 4729.39.** (A) A pharmacist may enter into a consult 4816  
agreement with a physician authorized under Chapter 4731. of the 4817  
Revised Code to practice medicine and surgery or osteopathic 4818  
medicine and surgery or an advanced practice registered nurse 4819  
who holds a current, valid license issued under Chapter 4723. of 4820

the Revised Code. Under a consult agreement, a pharmacist is 4821  
authorized to manage an individual's drug therapy, but only to 4822  
the extent specified in the agreement, this section, and the 4823  
rules adopted under this section. 4824

(B) All of the following apply to a consult agreement that 4825  
authorizes a pharmacist to manage the drug therapy of an 4826  
individual who is not a patient of a hospital, as defined in 4827  
section 3727.01 of the Revised Code, or a resident in a long- 4828  
term care facility, as defined in section 3729.01 of the Revised 4829  
Code: 4830

(1) A separate consult agreement must be entered into for 4831  
each individual whose drug therapy is to be managed by a 4832  
pharmacist. A consult agreement applies only to the particular 4833  
diagnosis for which a physician or advanced practice registered 4834  
nurse prescribed an individual's drug therapy. If a different 4835  
diagnosis is made for the individual, the pharmacist and 4836  
physician or advanced practice registered nurse must enter into 4837  
a new or additional consult agreement. 4838

(2) Management of an individual's drug therapy by a 4839  
pharmacist under a consult agreement may include monitoring and 4840  
modifying a prescription that has been issued for the 4841  
individual. Except as provided in section 4729.38 of the Revised 4842  
Code for the selection of generically equivalent drugs, 4843  
management of an individual's drug therapy by a pharmacist under 4844  
a consult agreement shall not include dispensing a drug that has 4845  
not been prescribed by the physician. 4846

(3) Each consult agreement shall be in writing, except 4847  
that a consult agreement may be entered into verbally if it is 4848  
immediately reduced to writing. 4849

(4) A physician or advanced practice registered nurse 4850  
entering into a consult agreement shall specify in the agreement 4851  
the extent to which the pharmacist is authorized to manage the 4852  
drug therapy of the individual specified in the agreement. 4853

(5) A physician entering into a consult agreement may 4854  
specify one other physician who has agreed to serve as an 4855  
alternate physician in the event that the primary physician is 4856  
unavailable to consult directly with the pharmacist. An advanced 4857  
practice registered nurse entering into a consult agreement may 4858  
specify one other advanced practice registered nurse who has 4859  
agreed to serve as an alternate advanced practice registered 4860  
nurse in the event that the primary advanced practice registered 4861  
nurse is unavailable to consult directly with the pharmacist. 4862  
The pharmacist may specify one other pharmacist who has agreed 4863  
to serve as an alternate pharmacist in the event that the 4864  
primary pharmacist is unavailable to consult directly with the 4865  
physician. 4866

(6) A consult agreement may not be implemented until it 4867  
has been signed by the primary pharmacist, the primary physician 4868  
or advanced practice registered nurse, and the individual whose 4869  
drug therapy will be managed or another person who has the 4870  
authority to provide consent to treatment on behalf of the 4871  
individual. Once the agreement is signed by all required 4872  
parties, the physician or advanced practice registered nurse 4873  
shall include in the individual's medical record the fact that a 4874  
consult agreement has been entered into with a pharmacist. 4875

(7) Prior to commencing any action to manage an 4876  
individual's drug therapy under a consult agreement, the 4877  
pharmacist shall make reasonable attempts to contact and confer 4878  
with the physician or advanced practice registered nurse who 4879



entered into the consult agreement with the pharmacist. A 4880  
pharmacist may commence an action to manage an individual's drug 4881  
therapy prior to conferring with the physician or ~~the~~ 4882  
physician's alternate or the advanced practice registered nurse 4883  
or nurse's delegate, but shall immediately cease the action that 4884  
was commenced if the pharmacist has not conferred with either 4885  
physician or either advanced practice registered nurse within 4886  
forty-eight hours. 4887

A pharmacist acting under a consult agreement shall 4888  
maintain a record of each action taken to manage an individual's 4889  
drug therapy. The pharmacist shall send to the individual's 4890  
physician or advanced practice registered nurse a written report 4891  
of all actions taken to manage the individual's drug therapy at 4892  
intervals the physician or advanced practice registered nurse 4893  
shall specify when entering into the agreement. The physician or 4894  
advanced practice registered nurse shall include the 4895  
pharmacist's report in the medical records the physician or 4896  
advanced practice registered nurse maintains for the individual. 4897

(8) A consult agreement may be terminated by either the 4898  
pharmacist ~~or~~, physician, or advanced practice registered nurse 4899  
who entered into the agreement. By withdrawing consent, the 4900  
individual whose drug therapy is being managed or the individual 4901  
who consented to the treatment on behalf of the individual may 4902  
terminate a consult agreement. The pharmacist ~~or~~, physician, or 4903  
advanced practice registered nurse who receives the individual's 4904  
withdrawal of consent shall provide written notice to the 4905  
opposite party. A pharmacist ~~or~~, physician, or advanced 4906  
practice registered nurse who terminates a consult agreement 4907  
shall provide written notice to the opposite party and to the 4908  
individual who consented to treatment under the agreement. The 4909  
termination of a consult agreement shall be recorded by the 4910

pharmacist and physician or advanced practice registered nurse 4911  
in the records they maintain on the individual being treated. 4912

(9) Except as described in division (B)(5) of this 4913  
section, the authority of a pharmacist to manage an individual's 4914  
drug therapy under a consult agreement does not permit the 4915  
pharmacist to manage drug therapy prescribed by any other 4916  
physician or advanced practice registered nurse. 4917

(C) All of the following apply to a consult agreement that 4918  
authorizes a pharmacist to manage the drug therapy of an 4919  
individual who is a patient of a hospital, as defined in section 4920  
3727.01 of the Revised Code, or a resident in a long-term care 4921  
facility, as defined in section 3729.01 of the Revised Code: 4922

(1) Before a consult agreement may be entered into and 4923  
implemented, a hospital or long-term care facility shall adopt a 4924  
policy for consult agreements. For any period of time during 4925  
which a pharmacist ~~or,~~ physician, or advanced practice 4926  
registered nurse acting under a consult agreement is not 4927  
physically present and available at the hospital or facility, 4928  
the policy shall require that another pharmacist ~~and,~~ 4929  
physician, or advanced practice registered nurse be available at 4930  
the hospital or facility. 4931

(2) The consult agreement shall be made in writing and 4932  
shall comply with the hospital's or facility's policy on consult 4933  
agreements. 4934

(3) The content of the consult agreement shall be 4935  
communicated to the individual whose drug therapy will be 4936  
managed in a manner consistent with the hospital's or facility's 4937  
policy on consult agreements. 4938

(4) A pharmacist acting under a consult agreement shall 4939

maintain in the individual's medical record a record of each 4940  
action taken under the agreement. 4941

(5) Communication between a pharmacist and physician or 4942  
advanced practice registered nurse acting under the consult 4943  
agreement shall take place at regular intervals specified by the 4944  
primary physician or advanced practice registered nurse acting 4945  
under the agreement. 4946

(6) A consult agreement may be terminated by the 4947  
individual, a person authorized to act on behalf of the 4948  
individual, the primary physician or advanced practice 4949  
registered nurse acting under the agreement, or the primary 4950  
pharmacist acting under the agreement. When a consult agreement 4951  
is terminated, all parties to the agreement shall be notified 4952  
and the termination shall be recorded in the individual's 4953  
medical record. 4954

(7) The authority of a pharmacist acting under a consult 4955  
agreement does not permit the pharmacist to act under the 4956  
agreement in a hospital long-term care facility at which the 4957  
pharmacist is not authorized to practice. 4958

(D) The state board of pharmacy, in consultation with the 4959  
state medical board and the state board of nursing, shall adopt 4960  
rules to be followed by pharmacists, ~~and the~~. 4961

The state medical board, in consultation with the state 4962  
board of pharmacy, shall adopt rules to be followed by 4963  
physicians, ~~that~~ and the state board of nursing, in consultation 4964  
with the state board of pharmacy, shall adopt rules to be 4965  
followed by advanced practice registered nurses. The rules shall 4966  
establish standards and procedures for entering into a consult 4967  
agreement and managing an individual's drug therapy under a 4968

consult agreement. The boards shall specify in the rules any 4969  
categories of drugs or types of diseases for which a consult 4970  
agreement may not be established. Either board may adopt any 4971  
other rules it considers necessary for the implementation and 4972  
administration of this section. All rules adopted under this 4973  
division shall be adopted in accordance with Chapter 119. of the 4974  
Revised Code. 4975

**Sec. 4731.22.** (A) The state medical board, by an 4976  
affirmative vote of not fewer than six of its members, may 4977  
limit, revoke, or suspend an individual's certificate to 4978  
practice, refuse to grant a certificate to an individual, refuse 4979  
to register an individual, refuse to reinstate a certificate, or 4980  
reprimand or place on probation the holder of a certificate if 4981  
the individual or certificate holder is found by the board to 4982  
have committed fraud during the administration of the 4983  
examination for a certificate to practice or to have committed 4984  
fraud, misrepresentation, or deception in applying for or 4985  
securing any certificate to practice or certificate of 4986  
registration issued by the board. 4987

(B) The board, by an affirmative vote of not fewer than 4988  
six members, shall, to the extent permitted by law, limit, 4989  
revoke, or suspend an individual's certificate to practice, 4990  
refuse to register an individual, refuse to reinstate a 4991  
certificate, or reprimand or place on probation the holder of a 4992  
certificate for one or more of the following reasons: 4993

(1) Permitting one's name or one's certificate to practice 4994  
or certificate of registration to be used by a person, group, or 4995  
corporation when the individual concerned is not actually 4996  
directing the treatment given; 4997

(2) Failure to maintain minimal standards applicable to 4998

the selection or administration of drugs, or failure to employ 4999  
acceptable scientific methods in the selection of drugs or other 5000  
modalities for treatment of disease; 5001

(3) Selling, giving away, personally furnishing, 5002  
prescribing, or administering drugs for other than legal and 5003  
legitimate therapeutic purposes or a plea of guilty to, a 5004  
judicial finding of guilt of, or a judicial finding of 5005  
eligibility for intervention in lieu of conviction of, a 5006  
violation of any federal or state law regulating the possession, 5007  
distribution, or use of any drug; 5008

(4) Willfully betraying a professional confidence. 5009

For purposes of this division, "willfully betraying a 5010  
professional confidence" does not include providing any 5011  
information, documents, or reports to a child fatality review 5012  
board under sections 307.621 to 307.629 of the Revised Code and 5013  
does not include the making of a report of an employee's use of 5014  
a drug of abuse, or a report of a condition of an employee other 5015  
than one involving the use of a drug of abuse, to the employer 5016  
of the employee as described in division (B) of section 2305.33 5017  
of the Revised Code. Nothing in this division affects the 5018  
immunity from civil liability conferred by that section upon a 5019  
physician who makes either type of report in accordance with 5020  
division (B) of that section. As used in this division, 5021  
"employee," "employer," and "physician" have the same meanings 5022  
as in section 2305.33 of the Revised Code. 5023

(5) Making a false, fraudulent, deceptive, or misleading 5024  
statement in the solicitation of or advertising for patients; in 5025  
relation to the practice of medicine and surgery, osteopathic 5026  
medicine and surgery, podiatric medicine and surgery, or a 5027  
limited branch of medicine; or in securing or attempting to 5028

secure any certificate to practice or certificate of 5029  
registration issued by the board. 5030

As used in this division, "false, fraudulent, deceptive, 5031  
or misleading statement" means a statement that includes a 5032  
misrepresentation of fact, is likely to mislead or deceive 5033  
because of a failure to disclose material facts, is intended or 5034  
is likely to create false or unjustified expectations of 5035  
favorable results, or includes representations or implications 5036  
that in reasonable probability will cause an ordinarily prudent 5037  
person to misunderstand or be deceived. 5038

(6) A departure from, or the failure to conform to, 5039  
minimal standards of care of similar practitioners under the 5040  
same or similar circumstances, whether or not actual injury to a 5041  
patient is established; 5042

(7) Representing, with the purpose of obtaining 5043  
compensation or other advantage as personal gain or for any 5044  
other person, that an incurable disease or injury, or other 5045  
incurable condition, can be permanently cured; 5046

(8) The obtaining of, or attempting to obtain, money or 5047  
anything of value by fraudulent misrepresentations in the course 5048  
of practice; 5049

(9) A plea of guilty to, a judicial finding of guilt of, 5050  
or a judicial finding of eligibility for intervention in lieu of 5051  
conviction for, a felony; 5052

(10) Commission of an act that constitutes a felony in 5053  
this state, regardless of the jurisdiction in which the act was 5054  
committed; 5055

(11) A plea of guilty to, a judicial finding of guilt of, 5056  
or a judicial finding of eligibility for intervention in lieu of 5057

conviction for, a misdemeanor committed in the course of 5058  
practice; 5059

(12) Commission of an act in the course of practice that 5060  
constitutes a misdemeanor in this state, regardless of the 5061  
jurisdiction in which the act was committed; 5062

(13) A plea of guilty to, a judicial finding of guilt of, 5063  
or a judicial finding of eligibility for intervention in lieu of 5064  
conviction for, a misdemeanor involving moral turpitude; 5065

(14) Commission of an act involving moral turpitude that 5066  
constitutes a misdemeanor in this state, regardless of the 5067  
jurisdiction in which the act was committed; 5068

(15) Violation of the conditions of limitation placed by 5069  
the board upon a certificate to practice; 5070

(16) Failure to pay license renewal fees specified in this 5071  
chapter; 5072

(17) Except as authorized in section 4731.31 of the 5073  
Revised Code, engaging in the division of fees for referral of 5074  
patients, or the receiving of a thing of value in return for a 5075  
specific referral of a patient to utilize a particular service 5076  
or business; 5077

(18) Subject to section 4731.226 of the Revised Code, 5078  
violation of any provision of a code of ethics of the American 5079  
medical association, the American osteopathic association, the 5080  
American podiatric medical association, or any other national 5081  
professional organizations that the board specifies by rule. The 5082  
state medical board shall obtain and keep on file current copies 5083  
of the codes of ethics of the various national professional 5084  
organizations. The individual whose certificate is being 5085  
suspended or revoked shall not be found to have violated any 5086

provision of a code of ethics of an organization not appropriate 5087  
to the individual's profession. 5088

For purposes of this division, a "provision of a code of 5089  
ethics of a national professional organization" does not include 5090  
any provision that would preclude the making of a report by a 5091  
physician of an employee's use of a drug of abuse, or of a 5092  
condition of an employee other than one involving the use of a 5093  
drug of abuse, to the employer of the employee as described in 5094  
division (B) of section 2305.33 of the Revised Code. Nothing in 5095  
this division affects the immunity from civil liability 5096  
conferred by that section upon a physician who makes either type 5097  
of report in accordance with division (B) of that section. As 5098  
used in this division, "employee," "employer," and "physician" 5099  
have the same meanings as in section 2305.33 of the Revised 5100  
Code. 5101

(19) Inability to practice according to acceptable and 5102  
prevailing standards of care by reason of mental illness or 5103  
physical illness, including, but not limited to, physical 5104  
deterioration that adversely affects cognitive, motor, or 5105  
perceptive skills. 5106

In enforcing this division, the board, upon a showing of a 5107  
possible violation, may compel any individual authorized to 5108  
practice by this chapter or who has submitted an application 5109  
pursuant to this chapter to submit to a mental examination, 5110  
physical examination, including an HIV test, or both a mental 5111  
and a physical examination. The expense of the examination is 5112  
the responsibility of the individual compelled to be examined. 5113  
Failure to submit to a mental or physical examination or consent 5114  
to an HIV test ordered by the board constitutes an admission of 5115  
the allegations against the individual unless the failure is due 5116



to circumstances beyond the individual's control, and a default 5117  
and final order may be entered without the taking of testimony 5118  
or presentation of evidence. If the board finds an individual 5119  
unable to practice because of the reasons set forth in this 5120  
division, the board shall require the individual to submit to 5121  
care, counseling, or treatment by physicians approved or 5122  
designated by the board, as a condition for initial, continued, 5123  
reinstated, or renewed authority to practice. An individual 5124  
affected under this division shall be afforded an opportunity to 5125  
demonstrate to the board the ability to resume practice in 5126  
compliance with acceptable and prevailing standards under the 5127  
provisions of the individual's certificate. For the purpose of 5128  
this division, any individual who applies for or receives a 5129  
certificate to practice under this chapter accepts the privilege 5130  
of practicing in this state and, by so doing, shall be deemed to 5131  
have given consent to submit to a mental or physical examination 5132  
when directed to do so in writing by the board, and to have 5133  
waived all objections to the admissibility of testimony or 5134  
examination reports that constitute a privileged communication. 5135

(20) Except when civil penalties are imposed under section 5136  
4731.225 or 4731.281 of the Revised Code, and subject to section 5137  
4731.226 of the Revised Code, violating or attempting to 5138  
violate, directly or indirectly, or assisting in or abetting the 5139  
violation of, or conspiring to violate, any provisions of this 5140  
chapter or any rule promulgated by the board. 5141

This division does not apply to a violation or attempted 5142  
violation of, assisting in or abetting the violation of, or a 5143  
conspiracy to violate, any provision of this chapter or any rule 5144  
adopted by the board that would preclude the making of a report 5145  
by a physician of an employee's use of a drug of abuse, or of a 5146  
condition of an employee other than one involving the use of a 5147

drug of abuse, to the employer of the employee as described in 5148  
division (B) of section 2305.33 of the Revised Code. Nothing in 5149  
this division affects the immunity from civil liability 5150  
conferred by that section upon a physician who makes either type 5151  
of report in accordance with division (B) of that section. As 5152  
used in this division, "employee," "employer," and "physician" 5153  
have the same meanings as in section 2305.33 of the Revised 5154  
Code. 5155

(21) The violation of section 3701.79 of the Revised Code 5156  
or of any abortion rule adopted by the ~~public health council~~ 5157  
director of health pursuant to section 3701.341 of the Revised 5158  
Code; 5159

(22) Any of the following actions taken by an agency 5160  
responsible for authorizing, certifying, or regulating an 5161  
individual to practice a health care occupation or provide 5162  
health care services in this state or another jurisdiction, for 5163  
any reason other than the nonpayment of fees: the limitation, 5164  
revocation, or suspension of an individual's license to 5165  
practice; acceptance of an individual's license surrender; 5166  
denial of a license; refusal to renew or reinstate a license; 5167  
imposition of probation; or issuance of an order of censure or 5168  
other reprimand; 5169

(23) The violation of section 2919.12 of the Revised Code 5170  
or the performance or inducement of an abortion upon a pregnant 5171  
woman with actual knowledge that the conditions specified in 5172  
division (B) of section 2317.56 of the Revised Code have not 5173  
been satisfied or with a heedless indifference as to whether 5174  
those conditions have been satisfied, unless an affirmative 5175  
defense as specified in division (H) (2) of that section would 5176  
apply in a civil action authorized by division (H) (1) of that 5177

section; 5178

(24) The revocation, suspension, restriction, reduction, 5179  
or termination of clinical privileges by the United States 5180  
department of defense or department of veterans affairs or the 5181  
termination or suspension of a certificate of registration to 5182  
prescribe drugs by the drug enforcement administration of the 5183  
United States department of justice; 5184

(25) Termination or suspension from participation in the 5185  
medicare or medicaid programs by the department of health and 5186  
human services or other responsible agency for any act or acts 5187  
that also would constitute a violation of division (B) (2), (3), 5188  
(6), (8), or (19) of this section; 5189

(26) Impairment of ability to practice according to 5190  
acceptable and prevailing standards of care because of habitual 5191  
or excessive use or abuse of drugs, alcohol, or other substances 5192  
that impair ability to practice. 5193

For the purposes of this division, any individual 5194  
authorized to practice by this chapter accepts the privilege of 5195  
practicing in this state subject to supervision by the board. By 5196  
filing an application for or holding a certificate to practice 5197  
under this chapter, an individual shall be deemed to have given 5198  
consent to submit to a mental or physical examination when 5199  
ordered to do so by the board in writing, and to have waived all 5200  
objections to the admissibility of testimony or examination 5201  
reports that constitute privileged communications. 5202

If it has reason to believe that any individual authorized 5203  
to practice by this chapter or any applicant for certification 5204  
to practice suffers such impairment, the board may compel the 5205  
individual to submit to a mental or physical examination, or 5206

both. The expense of the examination is the responsibility of 5207  
the individual compelled to be examined. Any mental or physical 5208  
examination required under this division shall be undertaken by 5209  
a treatment provider or physician who is qualified to conduct 5210  
the examination and who is chosen by the board. 5211

Failure to submit to a mental or physical examination 5212  
ordered by the board constitutes an admission of the allegations 5213  
against the individual unless the failure is due to 5214  
circumstances beyond the individual's control, and a default and 5215  
final order may be entered without the taking of testimony or 5216  
presentation of evidence. If the board determines that the 5217  
individual's ability to practice is impaired, the board shall 5218  
suspend the individual's certificate or deny the individual's 5219  
application and shall require the individual, as a condition for 5220  
initial, continued, reinstated, or renewed certification to 5221  
practice, to submit to treatment. 5222

Before being eligible to apply for reinstatement of a 5223  
certificate suspended under this division, the impaired 5224  
practitioner shall demonstrate to the board the ability to 5225  
resume practice in compliance with acceptable and prevailing 5226  
standards of care under the provisions of the practitioner's 5227  
certificate. The demonstration shall include, but shall not be 5228  
limited to, the following: 5229

(a) Certification from a treatment provider approved under 5230  
section 4731.25 of the Revised Code that the individual has 5231  
successfully completed any required inpatient treatment; 5232

(b) Evidence of continuing full compliance with an 5233  
aftercare contract or consent agreement; 5234

(c) Two written reports indicating that the individual's 5235

ability to practice has been assessed and that the individual 5236  
has been found capable of practicing according to acceptable and 5237  
prevailing standards of care. The reports shall be made by 5238  
individuals or providers approved by the board for making the 5239  
assessments and shall describe the basis for their 5240  
determination. 5241

The board may reinstate a certificate suspended under this 5242  
division after that demonstration and after the individual has 5243  
entered into a written consent agreement. 5244

When the impaired practitioner resumes practice, the board 5245  
shall require continued monitoring of the individual. The 5246  
monitoring shall include, but not be limited to, compliance with 5247  
the written consent agreement entered into before reinstatement 5248  
or with conditions imposed by board order after a hearing, and, 5249  
upon termination of the consent agreement, submission to the 5250  
board for at least two years of annual written progress reports 5251  
made under penalty of perjury stating whether the individual has 5252  
maintained sobriety. 5253

(27) A second or subsequent violation of section 4731.66 5254  
or 4731.69 of the Revised Code; 5255

(28) Except as provided in division (N) of this section: 5256

(a) Waiving the payment of all or any part of a deductible 5257  
or copayment that a patient, pursuant to a health insurance or 5258  
health care policy, contract, or plan that covers the 5259  
individual's services, otherwise would be required to pay if the 5260  
waiver is used as an enticement to a patient or group of 5261  
patients to receive health care services from that individual; 5262

(b) Advertising that the individual will waive the payment 5263  
of all or any part of a deductible or copayment that a patient, 5264

pursuant to a health insurance or health care policy, contract, 5265  
or plan that covers the individual's services, otherwise would 5266  
be required to pay. 5267

(29) Failure to use universal blood and body fluid 5268  
precautions established by rules adopted under section 4731.051 5269  
of the Revised Code; 5270

(30) Failure to provide notice to, and receive 5271  
acknowledgment of the notice from, a patient when required by 5272  
section 4731.143 of the Revised Code prior to providing 5273  
nonemergency professional services, or failure to maintain that 5274  
notice in the patient's file; 5275

(31) Failure of a physician supervising a physician 5276  
assistant to maintain supervision in accordance with the 5277  
requirements of Chapter 4730. of the Revised Code and the rules 5278  
adopted under that chapter; 5279

~~(32) Failure of a physician or podiatrist to enter into a 5280  
standard care arrangement with a clinical nurse specialist, 5281  
certified nurse midwife, or certified nurse practitioner with 5282  
whom the physician or podiatrist is in collaboration pursuant to 5283  
section 4731.27 of the Revised Code or failure to fulfill the 5284  
responsibilities of collaboration after entering into a standard 5285  
care arrangement;~~ 5286

~~(33)~~ Failure to comply with the terms of a consult 5287  
agreement entered into with a pharmacist pursuant to section 5288  
4729.39 of the Revised Code; 5289

~~(34)~~ (33) Failure to cooperate in an investigation 5290  
conducted by the board under division (F) of this section, 5291  
including failure to comply with a subpoena or order issued by 5292  
the board or failure to answer truthfully a question presented 5293

by the board in an investigative interview, an investigative 5294  
office conference, at a deposition, or in written 5295  
interrogatories, except that failure to cooperate with an 5296  
investigation shall not constitute grounds for discipline under 5297  
this section if a court of competent jurisdiction has issued an 5298  
order that either quashes a subpoena or permits the individual 5299  
to withhold the testimony or evidence in issue; 5300

~~(35)~~ (34) Failure to supervise an oriental medicine 5301  
practitioner or acupuncturist in accordance with Chapter 4762. 5302  
of the Revised Code and the board's rules for providing that 5303  
supervision; 5304

~~(36)~~ (35) Failure to supervise an anesthesiologist 5305  
assistant in accordance with Chapter 4760. of the Revised Code 5306  
and the board's rules for supervision of an anesthesiologist 5307  
assistant; 5308

~~(37)~~ (36) Assisting suicide, as defined in section 3795.01 5309  
of the Revised Code; 5310

~~(38)~~ (37) Failure to comply with the requirements of 5311  
section 2317.561 of the Revised Code; 5312

~~(39)~~ (38) Failure to supervise a radiologist assistant in 5313  
accordance with Chapter 4774. of the Revised Code and the 5314  
board's rules for supervision of radiologist assistants; 5315

~~(40)~~ (39) Performing or inducing an abortion at an office 5316  
or facility with knowledge that the office or facility fails to 5317  
post the notice required under section 3701.791 of the Revised 5318  
Code; 5319

~~(41)~~ (40) Failure to comply with the standards and 5320  
procedures established in rules under section 4731.054 of the 5321  
Revised Code for the operation of or the provision of care at a 5322

pain management clinic;	5323
<del>(42)</del> <u>(41)</u> Failure to comply with the standards and	5324
procedures established in rules under section 4731.054 of the	5325
Revised Code for providing supervision, direction, and control	5326
of individuals at a pain management clinic;	5327
<del>(43)</del> <u>(42)</u> Failure to comply with the requirements of	5328
section 4729.79 of the Revised Code, unless the state board of	5329
pharmacy no longer maintains a drug database pursuant to section	5330
4729.75 of the Revised Code;	5331
<del>(44)</del> <u>(43)</u> Failure to comply with the requirements of	5332
section 2919.171 of the Revised Code or failure to submit to the	5333
department of health in accordance with a court order a complete	5334
report as described in section 2919.171 of the Revised Code;	5335
<del>(45)</del> <u>(44)</u> Practicing at a facility that is subject to	5336
licensure as a category III terminal distributor of dangerous	5337
drugs with a pain management clinic classification unless the	5338
person operating the facility has obtained and maintains the	5339
license with the classification;	5340
<del>(46)</del> <u>(45)</u> Owning a facility that is subject to licensure	5341
as a category III terminal distributor of dangerous drugs with a	5342
pain management clinic classification unless the facility is	5343
licensed with the classification;	5344
<del>(47)</del> <u>(46)</u> Failure to comply with the requirement regarding	5345
maintaining notes described in division (B) of section 2919.191	5346
of the Revised Code or failure to satisfy the requirements of	5347
section 2919.191 of the Revised Code prior to performing or	5348
inducing an abortion upon a pregnant woman;	5349
<del>(48)</del> <u>(47)</u> Failure to comply with the requirements in	5350
section 3719.061 of the Revised Code before issuing for a minor	5351



a prescription for an opioid analgesic, as defined in section 5352  
3719.01 of the Revised Code. 5353

(C) Disciplinary actions taken by the board under 5354  
divisions (A) and (B) of this section shall be taken pursuant to 5355  
an adjudication under Chapter 119. of the Revised Code, except 5356  
that in lieu of an adjudication, the board may enter into a 5357  
consent agreement with an individual to resolve an allegation of 5358  
a violation of this chapter or any rule adopted under it. A 5359  
consent agreement, when ratified by an affirmative vote of not 5360  
fewer than six members of the board, shall constitute the 5361  
findings and order of the board with respect to the matter 5362  
addressed in the agreement. If the board refuses to ratify a 5363  
consent agreement, the admissions and findings contained in the 5364  
consent agreement shall be of no force or effect. 5365

A telephone conference call may be utilized for 5366  
ratification of a consent agreement that revokes or suspends an 5367  
individual's certificate to practice. The telephone conference 5368  
call shall be considered a special meeting under division (F) of 5369  
section 121.22 of the Revised Code. 5370

If the board takes disciplinary action against an 5371  
individual under division (B) of this section for a second or 5372  
subsequent plea of guilty to, or judicial finding of guilt of, a 5373  
violation of section 2919.123 of the Revised Code, the 5374  
disciplinary action shall consist of a suspension of the 5375  
individual's certificate to practice for a period of at least 5376  
one year or, if determined appropriate by the board, a more 5377  
serious sanction involving the individual's certificate to 5378  
practice. Any consent agreement entered into under this division 5379  
with an individual that pertains to a second or subsequent plea 5380  
of guilty to, or judicial finding of guilt of, a violation of 5381

that section shall provide for a suspension of the individual's 5382  
certificate to practice for a period of at least one year or, if 5383  
determined appropriate by the board, a more serious sanction 5384  
involving the individual's certificate to practice. 5385

(D) For purposes of divisions (B) (10), (12), and (14) of 5386  
this section, the commission of the act may be established by a 5387  
finding by the board, pursuant to an adjudication under Chapter 5388  
119. of the Revised Code, that the individual committed the act. 5389  
The board does not have jurisdiction under those divisions if 5390  
the trial court renders a final judgment in the individual's 5391  
favor and that judgment is based upon an adjudication on the 5392  
merits. The board has jurisdiction under those divisions if the 5393  
trial court issues an order of dismissal upon technical or 5394  
procedural grounds. 5395

(E) The sealing of conviction records by any court shall 5396  
have no effect upon a prior board order entered under this 5397  
section or upon the board's jurisdiction to take action under 5398  
this section if, based upon a plea of guilty, a judicial finding 5399  
of guilt, or a judicial finding of eligibility for intervention 5400  
in lieu of conviction, the board issued a notice of opportunity 5401  
for a hearing prior to the court's order to seal the records. 5402  
The board shall not be required to seal, destroy, redact, or 5403  
otherwise modify its records to reflect the court's sealing of 5404  
conviction records. 5405

(F) (1) The board shall investigate evidence that appears 5406  
to show that a person has violated any provision of this chapter 5407  
or any rule adopted under it. Any person may report to the board 5408  
in a signed writing any information that the person may have 5409  
that appears to show a violation of any provision of this 5410  
chapter or any rule adopted under it. In the absence of bad 5411

faith, any person who reports information of that nature or who 5412  
testifies before the board in any adjudication conducted under 5413  
Chapter 119. of the Revised Code shall not be liable in damages 5414  
in a civil action as a result of the report or testimony. Each 5415  
complaint or allegation of a violation received by the board 5416  
shall be assigned a case number and shall be recorded by the 5417  
board. 5418

(2) Investigations of alleged violations of this chapter 5419  
or any rule adopted under it shall be supervised by the 5420  
supervising member elected by the board in accordance with 5421  
section 4731.02 of the Revised Code and by the secretary as 5422  
provided in section 4731.39 of the Revised Code. The president 5423  
may designate another member of the board to supervise the 5424  
investigation in place of the supervising member. No member of 5425  
the board who supervises the investigation of a case shall 5426  
participate in further adjudication of the case. 5427

(3) In investigating a possible violation of this chapter 5428  
or any rule adopted under this chapter, or in conducting an 5429  
inspection under division (E) of section 4731.054 of the Revised 5430  
Code, the board may question witnesses, conduct interviews, 5431  
administer oaths, order the taking of depositions, inspect and 5432  
copy any books, accounts, papers, records, or documents, issue 5433  
subpoenas, and compel the attendance of witnesses and production 5434  
of books, accounts, papers, records, documents, and testimony, 5435  
except that a subpoena for patient record information shall not 5436  
be issued without consultation with the attorney general's 5437  
office and approval of the secretary and supervising member of 5438  
the board. 5439

(a) Before issuance of a subpoena for patient record 5440  
information, the secretary and supervising member shall 5441

determine whether there is probable cause to believe that the 5442  
complaint filed alleges a violation of this chapter or any rule 5443  
adopted under it and that the records sought are relevant to the 5444  
alleged violation and material to the investigation. The 5445  
subpoena may apply only to records that cover a reasonable 5446  
period of time surrounding the alleged violation. 5447

(b) On failure to comply with any subpoena issued by the 5448  
board and after reasonable notice to the person being 5449  
subpoenaed, the board may move for an order compelling the 5450  
production of persons or records pursuant to the Rules of Civil 5451  
Procedure. 5452

(c) A subpoena issued by the board may be served by a 5453  
sheriff, the sheriff's deputy, or a board employee designated by 5454  
the board. Service of a subpoena issued by the board may be made 5455  
by delivering a copy of the subpoena to the person named 5456  
therein, reading it to the person, or leaving it at the person's 5457  
usual place of residence, usual place of business, or address on 5458  
file with the board. When serving a subpoena to an applicant for 5459  
or the holder of a certificate issued under this chapter, 5460  
service of the subpoena may be made by certified mail, return 5461  
receipt requested, and the subpoena shall be deemed served on 5462  
the date delivery is made or the date the person refuses to 5463  
accept delivery. If the person being served refuses to accept 5464  
the subpoena or is not located, service may be made to an 5465  
attorney who notifies the board that the attorney is 5466  
representing the person. 5467

(d) A sheriff's deputy who serves a subpoena shall receive 5468  
the same fees as a sheriff. Each witness who appears before the 5469  
board in obedience to a subpoena shall receive the fees and 5470  
mileage provided for under section 119.094 of the Revised Code. 5471

(4) All hearings, investigations, and inspections of the 5472  
board shall be considered civil actions for the purposes of 5473  
section 2305.252 of the Revised Code. 5474

(5) A report required to be submitted to the board under 5475  
this chapter, a complaint, or information received by the board 5476  
pursuant to an investigation or pursuant to an inspection under 5477  
division (E) of section 4731.054 of the Revised Code is 5478  
confidential and not subject to discovery in any civil action. 5479

The board shall conduct all investigations or inspections 5480  
and proceedings in a manner that protects the confidentiality of 5481  
patients and persons who file complaints with the board. The 5482  
board shall not make public the names or any other identifying 5483  
information about patients or complainants unless proper consent 5484  
is given or, in the case of a patient, a waiver of the patient 5485  
privilege exists under division (B) of section 2317.02 of the 5486  
Revised Code, except that consent or a waiver of that nature is 5487  
not required if the board possesses reliable and substantial 5488  
evidence that no bona fide physician-patient relationship 5489  
exists. 5490

The board may share any information it receives pursuant 5491  
to an investigation or inspection, including patient records and 5492  
patient record information, with law enforcement agencies, other 5493  
licensing boards, and other governmental agencies that are 5494  
prosecuting, adjudicating, or investigating alleged violations 5495  
of statutes or administrative rules. An agency or board that 5496  
receives the information shall comply with the same requirements 5497  
regarding confidentiality as those with which the state medical 5498  
board must comply, notwithstanding any conflicting provision of 5499  
the Revised Code or procedure of the agency or board that 5500  
applies when it is dealing with other information in its 5501

possession. In a judicial proceeding, the information may be 5502  
admitted into evidence only in accordance with the Rules of 5503  
Evidence, but the court shall require that appropriate measures 5504  
are taken to ensure that confidentiality is maintained with 5505  
respect to any part of the information that contains names or 5506  
other identifying information about patients or complainants 5507  
whose confidentiality was protected by the state medical board 5508  
when the information was in the board's possession. Measures to 5509  
ensure confidentiality that may be taken by the court include 5510  
sealing its records or deleting specific information from its 5511  
records. 5512

(6) On a quarterly basis, the board shall prepare a report 5513  
that documents the disposition of all cases during the preceding 5514  
three months. The report shall contain the following information 5515  
for each case with which the board has completed its activities: 5516

(a) The case number assigned to the complaint or alleged 5517  
violation; 5518

(b) The type of certificate to practice, if any, held by 5519  
the individual against whom the complaint is directed; 5520

(c) A description of the allegations contained in the 5521  
complaint; 5522

(d) The disposition of the case. 5523

The report shall state how many cases are still pending 5524  
and shall be prepared in a manner that protects the identity of 5525  
each person involved in each case. The report shall be a public 5526  
record under section 149.43 of the Revised Code. 5527

(G) If the secretary and supervising member determine both 5528  
of the following, they may recommend that the board suspend an 5529  
individual's certificate to practice without a prior hearing: 5530

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

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

Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

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

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

(H) If the board takes action under division (B) (9), (11), 5561  
or (13) of this section and the judicial finding of guilt, 5562  
guilty plea, or judicial finding of eligibility for intervention 5563  
in lieu of conviction is overturned on appeal, upon exhaustion 5564  
of the criminal appeal, a petition for reconsideration of the 5565  
order may be filed with the board along with appropriate court 5566  
documents. Upon receipt of a petition of that nature and 5567  
supporting court documents, the board shall reinstate the 5568  
individual's certificate to practice. The board may then hold an 5569  
adjudication under Chapter 119. of the Revised Code to determine 5570  
whether the individual committed the act in question. Notice of 5571  
an opportunity for a hearing shall be given in accordance with 5572  
Chapter 119. of the Revised Code. If the board finds, pursuant 5573  
to an adjudication held under this division, that the individual 5574  
committed the act or if no hearing is requested, the board may 5575  
order any of the sanctions identified under division (B) of this 5576  
section. 5577

(I) The certificate to practice issued to an individual 5578  
under this chapter and the individual's practice in this state 5579  
are automatically suspended as of the date of the individual's 5580  
second or subsequent plea of guilty to, or judicial finding of 5581  
guilt of, a violation of section 2919.123 of the Revised Code, 5582  
or the date the individual pleads guilty to, is found by a judge 5583  
or jury to be guilty of, or is subject to a judicial finding of 5584  
eligibility for intervention in lieu of conviction in this state 5585  
or treatment or intervention in lieu of conviction in another 5586  
jurisdiction for any of the following criminal offenses in this 5587  
state or a substantially equivalent criminal offense in another 5588  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 5589  
felonious assault, kidnapping, rape, sexual battery, gross 5590  
sexual imposition, aggravated arson, aggravated robbery, or 5591



aggravated burglary. Continued practice after suspension shall 5592  
be considered practicing without a certificate. 5593

The board shall notify the individual subject to the 5594  
suspension by certified mail or in person in accordance with 5595  
section 119.07 of the Revised Code. If an individual whose 5596  
certificate is automatically suspended under this division fails 5597  
to make a timely request for an adjudication under Chapter 119. 5598  
of the Revised Code, the board shall do whichever of the 5599  
following is applicable: 5600

(1) If the automatic suspension under this division is for 5601  
a second or subsequent plea of guilty to, or judicial finding of 5602  
guilt of, a violation of section 2919.123 of the Revised Code, 5603  
the board shall enter an order suspending the individual's 5604  
certificate to practice for a period of at least one year or, if 5605  
determined appropriate by the board, imposing a more serious 5606  
sanction involving the individual's certificate to practice. 5607

(2) In all circumstances in which division (I)(1) of this 5608  
section does not apply, enter a final order permanently revoking 5609  
the individual's certificate to practice. 5610

(J) If the board is required by Chapter 119. of the 5611  
Revised Code to give notice of an opportunity for a hearing and 5612  
if the individual subject to the notice does not timely request 5613  
a hearing in accordance with section 119.07 of the Revised Code, 5614  
the board is not required to hold a hearing, but may adopt, by 5615  
an affirmative vote of not fewer than six of its members, a 5616  
final order that contains the board's findings. In that final 5617  
order, the board may order any of the sanctions identified under 5618  
division (A) or (B) of this section. 5619

(K) Any action taken by the board under division (B) of 5620

this section resulting in a suspension from practice shall be 5621  
accompanied by a written statement of the conditions under which 5622  
the individual's certificate to practice may be reinstated. The 5623  
board shall adopt rules governing conditions to be imposed for 5624  
reinstatement. Reinstatement of a certificate suspended pursuant 5625  
to division (B) of this section requires an affirmative vote of 5626  
not fewer than six members of the board. 5627

(L) When the board refuses to grant a certificate to an 5628  
applicant, revokes an individual's certificate to practice, 5629  
refuses to register an applicant, or refuses to reinstate an 5630  
individual's certificate to practice, the board may specify that 5631  
its action is permanent. An individual subject to a permanent 5632  
action taken by the board is forever thereafter ineligible to 5633  
hold a certificate to practice and the board shall not accept an 5634  
application for reinstatement of the certificate or for issuance 5635  
of a new certificate. 5636

(M) Notwithstanding any other provision of the Revised 5637  
Code, all of the following apply: 5638

(1) The surrender of a certificate issued under this 5639  
chapter shall not be effective unless or until accepted by the 5640  
board. A telephone conference call may be utilized for 5641  
acceptance of the surrender of an individual's certificate to 5642  
practice. The telephone conference call shall be considered a 5643  
special meeting under division (F) of section 121.22 of the 5644  
Revised Code. Reinstatement of a certificate surrendered to the 5645  
board requires an affirmative vote of not fewer than six members 5646  
of the board. 5647

(2) An application for a certificate made under the 5648  
provisions of this chapter may not be withdrawn without approval 5649  
of the board. 5650

(3) Failure by an individual to renew a certificate of registration in accordance with this chapter shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) At the request of the board, a certificate holder shall immediately surrender to the board a certificate that the board has suspended, revoked, or permanently revoked.

(N) Sanctions shall not be imposed under division (B)(28) of this section against any person who waives deductibles and copayments as follows:

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

(2) For professional services rendered to any other person authorized to practice pursuant to this chapter, to the extent allowed by this chapter and rules adopted by the board.

(O) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may do all of the following:

(1) Offer in appropriate cases as determined by the board

an educational and assessment program pursuant to an 5680  
investigation the board conducts under this section; 5681

(2) Select providers of educational and assessment 5682  
services, including a quality intervention program panel of case 5683  
reviewers; 5684

(3) Make referrals to educational and assessment service 5685  
providers and approve individual educational programs 5686  
recommended by those providers. The board shall monitor the 5687  
progress of each individual undertaking a recommended individual 5688  
educational program. 5689

(4) Determine what constitutes successful completion of an 5690  
individual educational program and require further monitoring of 5691  
the individual who completed the program or other action that 5692  
the board determines to be appropriate; 5693

(5) Adopt rules in accordance with Chapter 119. of the 5694  
Revised Code to further implement the quality intervention 5695  
program. 5696

An individual who participates in an individual 5697  
educational program pursuant to this division shall pay the 5698  
financial obligations arising from that educational program. 5699

**Sec. 4731.281.** (A) On or before the deadline established 5700  
under division (B) of this section for applying for renewal of a 5701  
certificate of registration, each person holding a certificate 5702  
under this chapter to practice medicine and surgery, osteopathic 5703  
medicine and surgery, or podiatric medicine and surgery shall 5704  
certify to the state medical board that in the preceding two 5705  
years the person has completed one hundred hours of continuing 5706  
medical education. The certification shall be made upon the 5707  
application for biennial registration submitted pursuant to 5708

division (B) of this section. The board shall adopt rules 5709  
providing for pro rata reductions by month of the number of 5710  
hours of continuing education required for persons who are in 5711  
their first registration period, who have been disabled due to 5712  
illness or accident, or who have been absent from the country. 5713

In determining whether a course, program, or activity 5714  
qualifies for credit as continuing medical education, the board 5715  
shall approve all continuing medical education taken by persons 5716  
holding a certificate to practice medicine and surgery that is 5717  
certified by the Ohio state medical association, all continuing 5718  
medical education taken by persons holding a certificate to 5719  
practice osteopathic medicine and surgery that is certified by 5720  
the Ohio osteopathic association, and all continuing medical 5721  
education taken by persons holding a certificate to practice 5722  
podiatric medicine and surgery that is certified by the Ohio 5723  
podiatric medical association. Each person holding a certificate 5724  
to practice under this chapter shall be given sufficient choice 5725  
of continuing education programs to ensure that the person has 5726  
had a reasonable opportunity to participate in continuing 5727  
education programs that are relevant to the person's medical 5728  
practice in terms of subject matter and level. 5729

The board may require a random sample of persons holding a 5730  
certificate to practice under this chapter to submit materials 5731  
documenting completion of the continuing medical education 5732  
requirement during the preceding registration period, but this 5733  
provision shall not limit the board's authority to investigate 5734  
pursuant to section 4731.22 of the Revised Code. 5735

(B) (1) Every person holding a certificate under this 5736  
chapter to practice medicine and surgery, osteopathic medicine 5737  
and surgery, or podiatric medicine and surgery wishing to renew 5738

that certificate shall apply to the board for a certificate of registration upon an application furnished by the board, and pay to the board at the time of application a fee of three hundred five dollars, according to the following schedule:

(a) Persons whose last name begins with the letters "A" through "B," on or before April 1, 2001, and the first day of April of every odd-numbered year thereafter;

(b) Persons whose last name begins with the letters "C" through "D," on or before January 1, 2001, and the first day of January of every odd-numbered year thereafter;

(c) Persons whose last name begins with the letters "E" through "G," on or before October 1, 2000, and the first day of October of every even-numbered year thereafter;

(d) Persons whose last name begins with the letters "H" through "K," on or before July 1, 2000, and the first day of July of every even-numbered year thereafter;

(e) Persons whose last name begins with the letters "L" through "M," on or before April 1, 2000, and the first day of April of every even-numbered year thereafter;

(f) Persons whose lastname begins with the letters "N" through "R," on or before January 1, 2000, and the first day of January of every even-numbered year thereafter;

(g) Persons whose last name begins with the letter "S," on or before October 1, 1999, and the first day of October of every odd-numbered year thereafter;

(h) Persons whose last name begins with the letters "T" through "Z," on or before July 1, 1999, and the first day of July of every odd-numbered year thereafter.

The board shall deposit the fee in accordance with section 5767  
4731.24 of the Revised Code, except that the board shall deposit 5768  
twenty dollars of the fee into the state treasury to the credit 5769  
of the physician loan repayment fund created by section 3702.78 5770  
of the Revised Code. 5771

(2) The board shall mail or cause to be mailed to every 5772  
person registered to practice medicine and surgery, osteopathic 5773  
medicine and surgery, or podiatric medicine and surgery, a 5774  
notice of registration renewal addressed to the person's last 5775  
known address or may cause the notice to be sent to the person 5776  
through the secretary of any recognized medical, osteopathic, or 5777  
podiatric society, according to the following schedule: 5778

(a) To persons whose last name begins with the letters "A" 5779  
through "B," on or before January 1, 2001, and the first day of 5780  
January of every odd-numbered year thereafter; 5781

(b) To persons whose last name begins with the letters "C" 5782  
through "D," on or before October 1, 2000, and the first day of 5783  
October of every even-numbered year thereafter; 5784

(c) To persons whose last name begins with the letters "E" 5785  
through "G," on or before July 1, 2000, and the first day of 5786  
July of every even-numbered year thereafter; 5787

(d) To persons whose last name begins with the letters "H" 5788  
through "K," on or before April 1, 2000, and the first day of 5789  
April of every even-numbered year thereafter; 5790

(e) To persons whose last name begins with the letters "L" 5791  
through "M," on or before January 1, 2000, and the first day of 5792  
January of every even-numbered year thereafter; 5793

(f) To persons whose last name begins with the letters "N" 5794  
through "R," on or before October 1, 1999, and the first day of 5795

October of every odd-numbered year thereafter;	5796
(g) To persons whose last name begins with the letter "S,"	5797
on or before July 1, 1999, and the first day of July of every	5798
odd-numbered year thereafter;	5799
(h) To persons whose last name begins with the letters "T"	5800
through "Z," on or before April 1, 1999, and the first day of	5801
April of every odd-numbered year thereafter.	5802
(3) Failure of any person to receive a notice of renewal	5803
from the board shall not excuse the person from the requirements	5804
contained in this section.	5805
(4) The board's notice shall inform the applicant of the	5806
renewal procedure. The board shall provide the application for	5807
registration renewal in a form determined by the board.	5808
(5) The applicant shall provide in the application the	5809
applicant's full name, principal practice address and residence	5810
address, the number of the applicant's certificate to practice,	5811
and any other information required by the board.	5812
(6) (a) Except as provided in division (B) (6) (b) of this	5813
section, in the case of an applicant who prescribes or	5814
personally furnishes opioid analgesics or benzodiazepines, as	5815
defined in section 3719.01 of the Revised Code, the applicant	5816
shall certify to the board whether the applicant has been	5817
granted access to the drug database established and maintained	5818
by the state board of pharmacy pursuant to section 4729.75 of	5819
the Revised Code.	5820
(b) The requirement in division (B) (6) (a) of this section	5821
does not apply if any of the following is the case:	5822
(i) The state board of pharmacy notifies the state medical	5823



board pursuant to section 4729.861 of the Revised Code that the 5824  
applicant has been restricted from obtaining further information 5825  
from the drug database. 5826

(ii) The state board of pharmacy no longer maintains the 5827  
drug database. 5828

(iii) The applicant does not practice medicine and 5829  
surgery, osteopathic medicine and surgery, or podiatric medicine 5830  
and surgery in this state. 5831

(c) If an applicant certifies to the state medical board 5832  
that the applicant has been granted access to the drug database 5833  
and the board finds through an audit or other means that the 5834  
applicant has not been granted access, the board may take action 5835  
under section 4731.22 of the Revised Code. 5836

~~(7) The applicant shall include with the application a 5837  
list of the names and addresses of any clinical nurse 5838  
specialists, certified nurse midwives, or certified nurse 5839  
practitioners with whom the applicant is currently 5840  
collaborating, as defined in section 4723.01 of the Revised 5841  
Code. Every person registered under this section shall give 5842  
written notice to the state medical board of any change of 5843  
principal practice address or residence address or in the list 5844  
within thirty days of the change. 5845~~

~~(8)~~ The applicant shall report any criminal offense to 5846  
which the applicant has pleaded guilty, of which the applicant 5847  
has been found guilty, or for which the applicant has been found 5848  
eligible for intervention in lieu of conviction, since last 5849  
filing an application for a certificate of registration. 5850

~~(9)~~ (8) The applicant shall execute and deliver the 5851  
application to the board in a manner prescribed by the board. 5852

(C) The board shall issue to any person holding a 5853  
certificate under this chapter to practice medicine and surgery, 5854  
osteopathic medicine and surgery, or podiatric medicine and 5855  
surgery, upon application and qualification therefor in 5856  
accordance with this section, a certificate of registration 5857  
under the seal of the board. A certificate of registration shall 5858  
be valid for a two-year period. 5859

(D) Failure of any certificate holder to register and 5860  
comply with this section shall operate automatically to suspend 5861  
the holder's certificate to practice. Continued practice after 5862  
the suspension of the certificate to practice shall be 5863  
considered as practicing in violation of section 4731.41, 5864  
4731.43, or 4731.60 of the Revised Code. If the certificate has 5865  
been suspended pursuant to this division for two years or less, 5866  
it may be reinstated. The board shall reinstate a certificate to 5867  
practice suspended for failure to register upon an applicant's 5868  
submission of a renewal application, the biennial registration 5869  
fee, and the applicable monetary penalty. The penalty for 5870  
reinstatement shall be fifty dollars. If the certificate has 5871  
been suspended pursuant to this division for more than two 5872  
years, it may be restored. Subject to section 4731.222 of the 5873  
Revised Code, the board may restore a certificate to practice 5874  
suspended for failure to register upon an applicant's submission 5875  
of a restoration application, the biennial registration fee, and 5876  
the applicable monetary penalty and compliance with sections 5877  
4776.01 to 4776.04 of the Revised Code. The board shall not 5878  
restore to an applicant a certificate to practice unless the 5879  
board, in its discretion, decides that the results of the 5880  
criminal records check do not make the applicant ineligible for 5881  
a certificate issued pursuant to section 4731.14, 4731.56, or 5882  
4731.57 of the Revised Code. The penalty for restoration shall 5883

be one hundred dollars. The board shall deposit the penalties in 5884  
accordance with section 4731.24 of the Revised Code. 5885

(E) If an individual certifies completion of the number of 5886  
hours and type of continuing medical education required to 5887  
receive a certificate of registration or reinstatement of a 5888  
certificate to practice, and the board finds through the random 5889  
samples it conducts under this section or through any other 5890  
means that the individual did not complete the requisite 5891  
continuing medical education, the board may impose a civil 5892  
penalty of not more than five thousand dollars. The board's 5893  
finding shall be made pursuant to an adjudication under Chapter 5894  
119. of the Revised Code and by an affirmative vote of not fewer 5895  
than six members. 5896

A civil penalty imposed under this division may be in 5897  
addition to or in lieu of any other action the board may take 5898  
under section 4731.22 of the Revised Code. The board shall 5899  
deposit civil penalties in accordance with section 4731.24 of 5900  
the Revised Code. 5901

(F) The state medical board may obtain information not 5902  
protected by statutory or common law privilege from courts and 5903  
other sources concerning malpractice claims against any person 5904  
holding a certificate to practice under this chapter or 5905  
practicing as provided in section 4731.36 of the Revised Code. 5906

(G) Each mailing sent by the board under division (B) (2) 5907  
of this section to a person registered to practice medicine and 5908  
surgery or osteopathic medicine and surgery shall inform the 5909  
applicant of the reporting requirement established by division 5910  
(H) of section 3701.79 of the Revised Code. At the discretion of 5911  
the board, the information may be included on the application 5912  
for registration or on an accompanying page. 5913

**Sec. 4731.35.** (A) This chapter does not apply to or 5914  
prohibit in any way the administration of anesthesia by a 5915  
certified registered nurse anesthetist ~~under the direction of~~ 5916  
~~and in the immediate presence of an individual authorized by~~ 5917  
~~this chapter to practice medicine and surgery, osteopathic~~ 5918  
~~medicine and surgery, or podiatric medicine and surgery.~~ 5919

(B) This chapter does not prohibit an individual from 5920  
practicing as an anesthesiologist assistant in accordance with 5921  
Chapter 4760. of the Revised Code. 5922

**Sec. 4755.48.** (A) No person shall employ fraud or 5923  
deception in applying for or securing a license to practice 5924  
physical therapy or to be a physical therapist assistant. 5925

(B) No person shall practice or in any way imply or claim 5926  
to the public by words, actions, or the use of letters as 5927  
described in division (C) of this section to be able to practice 5928  
physical therapy or to provide physical therapy services, 5929  
including practice as a physical therapist assistant, unless the 5930  
person holds a valid license under sections 4755.40 to 4755.56 5931  
of the Revised Code or except for submission of claims as 5932  
provided in section 4755.56 of the Revised Code. 5933

(C) No person shall use the words or letters, physical 5934  
therapist, physical therapy, physical therapy services, 5935  
physiotherapist, physiotherapy, physiotherapy services, licensed 5936  
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 5937  
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 5938  
therapist assistant, physical therapy technician, licensed 5939  
physical therapist assistant, L.P.T.A., R.P.T.A., or any other 5940  
letters, words, abbreviations, or insignia, indicating or 5941  
implying that the person is a physical therapist or physical 5942  
therapist assistant without a valid license under sections 5943

4755.40 to 4755.56 of the Revised Code. 5944

(D) No person who practices physical therapy or assists in 5945  
the provision of physical therapy treatments under the 5946  
supervision of a physical therapist shall fail to display the 5947  
person's current license granted under sections 4755.40 to 5948  
4755.56 of the Revised Code in a conspicuous location in the 5949  
place where the person spends the major part of the person's 5950  
time so engaged. 5951

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 5952  
Code shall affect or interfere with the performance of the 5953  
duties of any physical therapist or physical therapist assistant 5954  
in active service in the army, navy, coast guard, marine corps, 5955  
air force, public health service, or marine hospital service of 5956  
the United States, while so serving. 5957

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 5958  
Code shall prevent or restrict the activities or services of a 5959  
person pursuing a course of study leading to a degree in 5960  
physical therapy in an accredited or approved educational 5961  
program if the activities or services constitute a part of a 5962  
supervised course of study and the person is designated by a 5963  
title that clearly indicates the person's status as a student. 5964

(G) (1) Subject to division (G) (2) of this section, nothing 5965  
in sections 4755.40 to 4755.56 of the Revised Code shall prevent 5966  
or restrict the activities or services of any person who holds a 5967  
current, unrestricted license to practice physical therapy in 5968  
another state when that person, pursuant to contract or 5969  
employment with an athletic team located in the state in which 5970  
the person holds the license, provides physical therapy to any 5971  
of the following while the team is traveling to or from or 5972  
participating in a sporting event in this state: 5973

(a) A member of the athletic team;	5974
(b) A member of the athletic team's coaching, communications, equipment, or sports medicine staff;	5975 5976
(c) A member of a band or cheerleading squad accompanying the athletic team;	5977 5978
(d) The athletic team's mascot.	5979
(2) In providing physical therapy pursuant to division (G) (1) of this section, the person shall not do either of the following:	5980 5981 5982
(a) Provide physical therapy at a health care facility;	5983
(b) Provide physical therapy for more than sixty days in a calendar year.	5984 5985
(H) (1) Except as provided in division (H) (2) of this section and subject to division (I) of this section, no person shall practice physical therapy other than on the prescription of, or the referral of a patient by, a person who is licensed in this or another state to do at least one of the following:	5986 5987 5988 5989 5990
(a) Practice medicine and surgery, chiropractic, dentistry, osteopathic medicine and surgery, podiatric medicine and surgery;	5991 5992 5993
(b) Practice as a physician assistant;	5994
(c) Practice nursing as <del>a certified registered nurse</del> <del>anesthetist, clinical nurse specialist, certified nurse midwife,</del> <del>or certified an advanced practice registered nurse practitioner.</del>	5995 5996 5997
(2) The prohibition in division (H) (1) of this section on practicing physical therapy other than on the prescription of, or the referral of a patient by, any of the persons described in	5998 5999 6000

that division does not apply if either of the following applies 6001  
to the person: 6002

(a) The person holds a master's or doctorate degree from a 6003  
professional physical therapy program that is accredited by a 6004  
national physical therapy accreditation agency recognized by the 6005  
United States department of education. 6006

(b) On or before December 31, 2004, the person has 6007  
completed at least two years of practical experience as a 6008  
licensed physical therapist. 6009

(I) To be authorized to prescribe physical therapy or 6010  
refer a patient to a physical therapist for physical therapy, a 6011  
person described in division (H) (1) of this section must be in 6012  
good standing with the relevant licensing board in this state or 6013  
the state in which the person is licensed and must act only 6014  
within the person's scope of practice. 6015

(J) In the prosecution of any person for violation of 6016  
division (B) or (C) of this section, it is not necessary to 6017  
allege or prove want of a valid license to practice physical 6018  
therapy or to practice as a physical therapist assistant, but 6019  
such matters shall be a matter of defense to be established by 6020  
the accused. 6021

**Sec. 4755.481.** (A) If a physical therapist evaluates and 6022  
treats a patient without the prescription of, or the referral of 6023  
the patient by, a person described in division (G) (1) of section 6024  
4755.48 of the Revised Code, all of the following apply: 6025

(1) The physical therapist shall, upon consent of the 6026  
patient, inform the relevant person described in division (G) (1) 6027  
of section 4755.48 of the Revised Code of the evaluation not 6028  
later than five business days after the evaluation is made. 6029

(2) If the physical therapist determines, based on 6030  
reasonable evidence, that no substantial progress has been made 6031  
with respect to that patient during the thirty-day period 6032  
immediately following the date of the patient's initial visit 6033  
with the physical therapist, the physical therapist shall 6034  
consult with or refer the patient to a person described in 6035  
division ~~(G)~~(H)(1) of section 4755.48 of the Revised Code, 6036  
unless either of the following applies: 6037

(a) The evaluation, treatment, or services are being 6038  
provided for fitness, wellness, or prevention purposes. 6039

(b) The patient previously was diagnosed with chronic, 6040  
neuromuscular, or developmental conditions and the evaluation, 6041  
treatment, or services are being provided for problems or 6042  
symptoms associated with one or more of those previously 6043  
diagnosed conditions. 6044

(3) If the physical therapist determines that orthotic 6045  
devices are necessary to treat the patient, the physical 6046  
therapist shall be limited to the application of the following 6047  
orthotic devices: 6048

(a) Upper extremity adaptive equipment used to facilitate 6049  
the activities of daily living; 6050

(b) Finger splints; 6051

(c) Wrist splints; 6052

(d) Prefabricated elastic or fabric abdominal supports 6053  
with or without metal or plastic reinforcing stays and other 6054  
prefabricated soft goods requiring minimal fitting; 6055

(e) Nontherapeutic accommodative inlays; 6056

(f) Shoes that are not manufactured or modified for a 6057



particular individual; 6058

(g) Prefabricated foot care products; 6059

(h) Custom foot orthotics; 6060

(i) Durable medical equipment. 6061

(4) If, at any time, the physical therapist has reason to 6062  
believe that the patient has symptoms or conditions that require 6063  
treatment or services beyond the scope of practice of a physical 6064  
therapist, the physical therapist shall refer the patient to a 6065  
licensed health care practitioner acting within the 6066  
practitioner's scope of practice. 6067

(B) Nothing in sections 4755.40 to 4755.56 of the Revised 6068  
Code shall be construed to require reimbursement under any 6069  
health insuring corporation policy, contract, or agreement, any 6070  
sickness and accident insurance policy, the medicaid program, or 6071  
the health partnership program or qualified health plans 6072  
established pursuant to sections 4121.44 to 4121.442 of the 6073  
Revised Code, for any physical therapy service rendered without 6074  
the prescription of, or the referral of the patient by, a person 6075  
described in division (G)(1) of section 4755.48 of the Revised 6076  
Code. 6077

(C) For purposes of this section, "business day" means any 6078  
calendar day that is not a Saturday, Sunday, or legal holiday. 6079  
"Legal holiday" has the same meaning as in section 1.14 of the 6080  
Revised Code. 6081

**Sec. 4761.17.** All of the following apply to the practice 6082  
of respiratory care by a person who holds a license or limited 6083  
permit issued under this chapter: 6084

(A) The person shall practice only pursuant to a 6085

prescription or other order for respiratory care issued by a 6086  
physician or by ~~an advanced practice~~ registered nurse who holds 6087  
a ~~certificate of authority current, valid license~~ issued under 6088  
Chapter 4723. of the Revised Code ~~to practice as a certified-~~ 6089  
~~nurse practitioner or clinical nurse specialist and has entered-~~ 6090  
~~into a standard care arrangement with a physician that allows-~~ 6091  
~~the nurse to prescribe or order respiratory care services.~~ 6092

(B) The person shall practice only under the supervision 6093  
of a physician or ~~under the supervision of a certified nurse-~~ 6094  
~~practitioner or clinical nurse specialist who is authorized to-~~ 6095  
~~prescribe or order respiratory care services as provided in-~~ 6096  
~~division (A) of this section~~an advanced practice registered 6097  
nurse. 6098

~~(C) When practicing under the prescription or order of a-~~ 6099  
~~certified nurse practitioner or clinical nurse specialist or-~~ 6100  
~~under the supervision of such a nurse, the person's-~~ 6101  
~~administration of medication that requires a prescription is-~~ 6102  
~~limited to the drugs that the nurse is authorized to prescribe-~~ 6103  
~~pursuant to the nurse's certificate to prescribe issued under-~~ 6104  
~~section 4723.48 of the Revised Code.~~ 6105

**Sec. 5120.55.** (A) As used in this section, "licensed 6106  
health professional" means any or all of the following: 6107

(1) A dentist who holds a current, valid license issued 6108  
under Chapter 4715. of the Revised Code to practice dentistry; 6109

(2) A licensed practical nurse who holds a current, valid 6110  
license issued under Chapter 4723. of the Revised Code that 6111  
authorizes the practice of nursing as a licensed practical 6112  
nurse; 6113

(3) An optometrist who holds a current, valid certificate 6114

of licensure issued under Chapter 4725. of the Revised Code that 6115  
authorizes the holder to engage in the practice of optometry; 6116

(4) A physician who is authorized under Chapter 4731. of 6117  
the Revised Code to practice medicine and surgery, osteopathic 6118  
medicine and surgery, or podiatric medicine and surgery; 6119

(5) A psychologist who holds a current, valid license 6120  
issued under Chapter 4732. of the Revised Code that authorizes 6121  
the practice of psychology as a licensed psychologist; 6122

(6) A registered nurse who holds a current, valid license 6123  
issued under Chapter 4723. of the Revised Code that authorizes 6124  
the practice of nursing as a registered nurse, including such a 6125  
nurse who is also ~~authorized~~ licensed to practice as an advanced 6126  
practice registered nurse as defined in section 4723.01 of the 6127  
Revised Code. 6128

(B) (1) The department of rehabilitation and correction may 6129  
establish a recruitment program under which the department, by 6130  
means of a contract entered into under division (C) of this 6131  
section, agrees to repay all or part of the principal and 6132  
interest of a government or other educational loan incurred by a 6133  
licensed health professional who agrees to provide services to 6134  
inmates of correctional institutions under the department's 6135  
administration. 6136

(2) (a) For a physician to be eligible to participate in 6137  
the program, the physician must have attended a school that was, 6138  
during the time of attendance, a medical school or osteopathic 6139  
medical school in this country accredited by the liaison 6140  
committee on medical education or the American osteopathic 6141  
association, a college of podiatry in this country recognized as 6142  
being in good standing under section 4731.53 of the Revised 6143

Code, or a medical school, osteopathic medical school, or 6144  
college of podiatry located outside this country that was 6145  
acknowledged by the world health organization and verified by a 6146  
member state of that organization as operating within that 6147  
state's jurisdiction. 6148

(b) For a nurse to be eligible to participate in the 6149  
program, the nurse must have attended a school that was, during 6150  
the time of attendance, a nursing school in this country 6151  
accredited by the commission on collegiate nursing education or 6152  
the national league for nursing accrediting commission or a 6153  
nursing school located outside this country that was 6154  
acknowledged by the world health organization and verified by a 6155  
member state of that organization as operating within that 6156  
state's jurisdiction. 6157

(c) For a dentist to be eligible to participate in the 6158  
program, the dentist must have attended a school that was, 6159  
during the time of attendance, a dental college that enabled the 6160  
dentist to meet the requirements specified in section 4715.10 of 6161  
the Revised Code to be granted a license to practice dentistry. 6162

(d) For an optometrist to be eligible to participate in 6163  
the program, the optometrist must have attended a school of 6164  
optometry that was, during the time of attendance, approved by 6165  
the state board of optometry. 6166

(e) For a psychologist to be eligible to participate in 6167  
the program, the psychologist must have attended an educational 6168  
institution that, during the time of attendance, maintained a 6169  
specific degree program recognized by the state board of 6170  
psychology as acceptable for fulfilling the requirement of 6171  
division (B) (3) of section 4732.10 of the Revised Code. 6172

(C) The department shall enter into a contract with each licensed health professional it recruits under this section. Each contract shall include at least the following terms:

(1) The licensed health professional agrees to provide a specified scope of medical, osteopathic medical, podiatric, optometric, psychological, nursing, or dental services to inmates of one or more specified state correctional institutions for a specified number of hours per week for a specified number of years.

(2) The department agrees to repay all or a specified portion of the principal and interest of a government or other educational loan taken by the licensed health professional for the following expenses to attend, for up to a maximum of four years, a school that qualifies the licensed health professional to participate in the program:

(a) Tuition;

(b) Other educational expenses for specific purposes, including fees, books, and laboratory expenses, in amounts determined to be reasonable in accordance with rules adopted under division (D) of this section;

(c) Room and board, in an amount determined to be reasonable in accordance with rules adopted under division (D) of this section.

(3) The licensed health professional agrees to pay the department a specified amount, which shall be no less than the amount already paid by the department pursuant to its agreement, as damages if the licensed health professional fails to complete the service obligation agreed to or fails to comply with other specified terms of the contract. The contract may vary the

amount of damages based on the portion of the service obligation 6202  
that remains uncompleted. 6203

(4) Other terms agreed upon by the parties. 6204

The licensed health professional's lending institution or 6205  
the Ohio board of regents, may be a party to the contract. The 6206  
contract may include an assignment to the department of the 6207  
licensed health professional's duty to repay the principal and 6208  
interest of the loan. 6209

(D) If the department elects to implement the recruitment 6210  
program, it shall adopt rules in accordance with Chapter 119. of 6211  
the Revised Code that establish all of the following: 6212

(1) Criteria for designating institutions for which 6213  
licensed health professionals will be recruited; 6214

(2) Criteria for selecting licensed health professionals 6215  
for participation in the program; 6216

(3) Criteria for determining the portion of a loan which 6217  
the department will agree to repay; 6218

(4) Criteria for determining reasonable amounts of the 6219  
expenses described in divisions (C) (2) (b) and (c) of this 6220  
section; 6221

(5) Procedures for monitoring compliance by a licensed 6222  
health professional with the terms of the contract the licensed 6223  
health professional enters into under this section; 6224

(6) Any other criteria or procedures necessary to 6225  
implement the program. 6226

**Sec. 5164.07.** (A) The medicaid program shall include 6227  
coverage of inpatient care and follow-up care for a mother and 6228

her newborn as follows: 6229

(1) The medicaid program shall cover a minimum of forty- 6230  
eight hours of inpatient care following a normal vaginal 6231  
delivery and a minimum of ninety-six hours of inpatient care 6232  
following a cesarean delivery. Services covered as inpatient 6233  
care shall include medical, educational, and any other services 6234  
that are consistent with the inpatient care recommended in the 6235  
protocols and guidelines developed by national organizations 6236  
that represent pediatric, obstetric, and nursing professionals. 6237

(2) The medicaid program shall cover a physician-directed 6238  
source of follow-up care or a source of follow-up care directed 6239  
by an advanced practice registered nurse. Services covered as 6240  
follow-up care shall include physical assessment of the mother 6241  
and newborn, parent education, assistance and training in breast 6242  
or bottle feeding, assessment of the home support system, 6243  
performance of any medically necessary and appropriate clinical 6244  
tests, and any other services that are consistent with the 6245  
follow-up care recommended in the protocols and guidelines 6246  
developed by national organizations that represent pediatric, 6247  
obstetric, and nursing professionals. The coverage shall apply 6248  
to services provided in a medical setting or through home health 6249  
care visits. The coverage shall apply to a home health care 6250  
visit only if the health care professional who conducts the 6251  
visit is knowledgeable and experienced in maternity and newborn 6252  
care. 6253

When a decision is made in accordance with division (B) of 6254  
this section to discharge a mother or newborn prior to the 6255  
expiration of the applicable number of hours of inpatient care 6256  
required to be covered, the coverage of follow-up care shall 6257  
apply to all follow-up care that is provided within forty-eight 6258

hours after discharge. When a mother or newborn receives at 6259  
least the number of hours of inpatient care required to be 6260  
covered, the coverage of follow-up care shall apply to follow-up 6261  
care that is determined to be medically necessary by the health 6262  
care professionals responsible for discharging the mother or 6263  
newborn. 6264

(B) Any decision to shorten the length of inpatient stay 6265  
to less than that specified under division (A)(1) of this 6266  
section shall be made by the physician attending the mother or 6267  
newborn, except that if a nurse-midwife is attending the mother 6268  
~~in collaboration with a physician~~, the decision may be made by 6269  
the nurse-midwife. Decisions regarding early discharge shall be 6270  
made only after conferring with the mother or a person 6271  
responsible for the mother or newborn. For purposes of this 6272  
division, a person responsible for the mother or newborn may 6273  
include a parent, guardian, or any other person with authority 6274  
to make medical decisions for the mother or newborn. 6275

(C) The department of medicaid, in administering the 6276  
medicaid program, may not do either of the following: 6277

(1) Terminate the provider agreement of a health care 6278  
professional or health care facility solely for making 6279  
recommendations for inpatient or follow-up care for a particular 6280  
mother or newborn that are consistent with the care required to 6281  
be covered by this section; 6282

(2) Establish or offer monetary or other financial 6283  
incentives for the purpose of encouraging a person to decline 6284  
the inpatient or follow-up care required to be covered by this 6285  
section. 6286

(D) This section does not do any of the following: 6287



(1) Require the medicaid program to cover inpatient or 6288  
follow-up care that is not received in accordance with the 6289  
program's terms pertaining to the health care professionals and 6290  
facilities from which a medicaid recipient is authorized to 6291  
receive health care services. 6292

(2) Require a mother or newborn to stay in a hospital or 6293  
other inpatient setting for a fixed period of time following 6294  
delivery; 6295

(3) Require a child to be delivered in a hospital or other 6296  
inpatient setting; 6297

(4) Authorize a certified nurse-midwife to practice beyond 6298  
the authority to practice nurse-midwifery in accordance with 6299  
Chapter 4723. of the Revised Code; 6300

(5) Establish minimum standards of medical diagnosis, 6301  
care, or treatment for inpatient or follow-up care for a mother 6302  
or newborn. A deviation from the care required to be covered 6303  
under this section shall not, on the basis of this section, give 6304  
rise to a medical claim or derivative medical claim, as those 6305  
terms are defined in section 2305.113 of the Revised Code. 6306

**Section 2.** That existing sections 1.64, 1751.67, 2133.211, 6307  
2305.113, 2305.234, 2317.02, 2919.171, 2921.22, 2925.61, 6308  
3701.351, 3701.926, 3705.16, 3719.06, 3719.121, 3727.06, 6309  
3923.233, 3923.301, 3923.63, 3923.64, 4713.02, 4723.01, 4723.02, 6310  
4723.03, 4723.05, 4723.06, 4723.07, 4723.08, 4723.09, 4723.10, 6311  
4723.151, 4723.16, 4723.24, 4723.25, 4723.271, 4723.28, 4723.32, 6312  
4723.341, 4723.36, 4723.41, 4723.42, 4723.432, 4723.44, 4723.46, 6313  
4723.481, 4723.482, 4723.486, 4723.487, 4723.488, 4723.49, 6314  
4723.491, 4723.71, 4723.88, 4723.99, 4729.01, 4729.39, 4731.22, 6315  
4731.281, 4731.35, 4755.48, 4755.481, 4761.17, 5120.55, and 6316

5164.07 and sections 4723.43, 4723.431, 4723.47, 4723.48,  
4723.484, 4723.485, 4723.492, 4723.50, and 4731.27 of the  
Revised Code are hereby repealed.

**Section 3.** Section 4755.48 of the Revised Code is  
presented in this act as a composite of the section as amended  
by both Am. Sub. H.B. 284 and Sub. S.B. 141 of the 129th General  
Assembly. The General Assembly, applying the principle stated in  
division (B) of section 1.52 of the Revised Code that amendments  
are to be harmonized if reasonably capable of simultaneous  
operation, finds that the composite is the resulting version of  
the section in effect prior to the effective date of the section  
as presented in this act.