

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 545**

**Representatives McClain, Miller, M.**

**Cosponsors: Representatives Creech, Gross, Fowler Arthur, Klopfenstein**

---

**A BILL**

To amend sections 3701.351, 4723.01, 4723.02, 1  
4723.03, 4723.06, 4723.07, 4723.08, 4723.271, 2  
4723.28, 4723.282, 4723.33, 4723.34, 4723.341, 3  
4723.35, 4723.41, 4723.43, 4723.431, 4723.432, 4  
4723.481, 4723.483, 4723.487, 4723.488, 5  
4723.4810, 4723.4811, 4723.50, 4723.91, 4723.99, 6  
4731.22, and 4731.27 and to enact sections 7  
4723.53, 4723.54, 4723.55, 4723.551, 4723.56, 8  
4723.57, 4723.58, 4723.581, 4723.582, 4723.583, 9  
4723.584, 4723.59, 4723.60, 4724.01, 4724.02, 10  
4724.03, 4724.04, 4724.05, 4724.06, 4724.07, 11  
4724.08, 4724.09, 4724.10, 4724.11, 4724.12, 12  
4724.13, and 4724.99 of the Revised Code to 13  
regulate the practice of certified nurse- 14  
midwives, certified midwives, and licensed 15  
midwives. 16

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

**Section 1.** That sections 3701.351, 4723.01, 4723.02, 17  
4723.03, 4723.06, 4723.07, 4723.08, 4723.271, 4723.28, 4723.282, 18  
4723.33, 4723.34, 4723.341, 4723.35, 4723.41, 4723.43, 4723.431, 19

4723.432, 4723.481, 4723.483, 4723.487, 4723.488, 4723.4810, 20  
4723.4811, 4723.50, 4723.91, 4723.99, 4731.22, and 4731.27 be 21  
amended and sections 4723.53, 4723.54, 4723.55, 4723.551, 22  
4723.56, 4723.57, 4723.58, 4723.581, 4723.582, 4723.583, 23  
4723.584, 4723.59, 4723.60, 4724.01, 4724.02, 4724.03, 4724.04, 24  
4724.05, 4724.06, 4724.07, 4724.08, 4724.09, 4724.10, 4724.11, 25  
4724.12, 4724.13, and 4724.99 of the Revised Code be enacted to 26  
read as follows: 27

**Sec. 3701.351.** (A) The governing body of every hospital 28  
shall set standards and procedures to be applied by the hospital 29  
and its medical staff in considering and acting upon 30  
applications for staff membership or professional privileges. 31  
These standards and procedures shall be available for public 32  
inspection. 33

(B) The governing body of any hospital, in considering and 34  
acting upon applications for staff membership or professional 35  
privileges within the scope of the applicants' respective 36  
licensures, shall not discriminate against a qualified person 37  
solely on the basis of whether that person is licensed to 38  
practice medicine, osteopathic medicine, or podiatry, is 39  
licensed to practice dentistry or psychology, ~~or~~ is licensed to 40  
practice nursing as an advanced practice registered nurse, or is 41  
licensed to practice as a certified midwife or licensed midwife. 42  
Staff membership or professional privileges shall be considered 43  
and acted on in accordance with standards and procedures 44  
established under division (A) of this section. This section 45  
does not permit a psychologist to admit a patient to a hospital 46  
in violation of section 3727.06 of the Revised Code. 47

(C) The governing body of any hospital that provides 48  
maternity services, in considering and acting upon applications 49

for clinical privileges, shall not discriminate against a 50  
qualified person solely on the basis that the person is 51  
authorized to practice nurse-midwifery or midwifery. An 52  
application from a certified nurse-midwife or certified midwife 53  
who is not employed by the hospital shall contain the name of a 54  
physician member of the hospital's medical staff who holds 55  
clinical privileges in obstetrics at that hospital and who has 56  
agreed to be the collaborating physician for the applicant in 57  
accordance with section ~~4723.43~~ 4723.431 of the Revised Code. 58

(D) Any person may apply to the court of common pleas for 59  
temporary or permanent injunctions restraining a violation of 60  
division (A), (B), or (C) of this section. This action is an 61  
additional remedy not dependent on the adequacy of the remedy at 62  
law. 63

(E) (1) If a hospital does not provide or permit the 64  
provision of any diagnostic or treatment service for mental or 65  
emotional disorders or any other service that may be legally 66  
performed by a psychologist licensed under Chapter 4732. of the 67  
Revised Code, this section does not require the hospital to 68  
provide or permit the provision of any such service and the 69  
hospital shall be exempt from requirements of this section 70  
pertaining to psychologists. 71

(2) This section does not impair the right of a hospital 72  
to enter into an employment, personal service, or any other kind 73  
of contract with a licensed psychologist, upon any such terms as 74  
the parties may mutually agree, for the provision of any service 75  
that may be legally performed by a licensed psychologist. 76

**Sec. 4723.01.** As used in this chapter: 77

(A) "Registered nurse" means an individual who holds a 78

current, valid license issued under this chapter that authorizes 79  
the practice of nursing as a registered nurse. 80

(B) "Practice of nursing as a registered nurse" means 81  
providing to individuals and groups nursing care requiring 82  
specialized knowledge, judgment, and skill derived from the 83  
principles of biological, physical, behavioral, social, and 84  
nursing sciences. Such nursing care includes: 85

(1) Identifying patterns of human responses to actual or 86  
potential health problems amenable to a nursing regimen; 87

(2) Executing a nursing regimen through the selection, 88  
performance, management, and evaluation of nursing actions; 89

(3) Assessing health status for the purpose of providing 90  
nursing care; 91

(4) Providing health counseling and health teaching; 92

(5) Administering medications, treatments, and executing 93  
regimens authorized by an individual who is authorized to 94  
practice in this state and is acting within the course of the 95  
individual's professional practice; 96

(6) Teaching, administering, supervising, delegating, and 97  
evaluating nursing practice. 98

(C) "Nursing regimen" may include preventative, 99  
restorative, and health-promotion activities. 100

(D) "Assessing health status" means the collection of data 101  
through nursing assessment techniques, which may include 102  
interviews, observation, and physical evaluations for the 103  
purpose of providing nursing care. 104

(E) "Licensed practical nurse" means an individual who 105

holds a current, valid license issued under this chapter that 106  
authorizes the practice of nursing as a licensed practical 107  
nurse. 108

(F) "The practice of nursing as a licensed practical 109  
nurse" means providing to individuals and groups nursing care 110  
requiring the application of basic knowledge of the biological, 111  
physical, behavioral, social, and nursing sciences at the 112  
direction of a registered nurse or any of the following who is 113  
authorized to practice in this state: a physician, physician 114  
assistant, dentist, podiatrist, optometrist, or chiropractor. 115  
Such nursing care includes: 116

(1) Observation, patient teaching, and care in a diversity 117  
of health care settings; 118

(2) Contributions to the planning, implementation, and 119  
evaluation of nursing; 120

(3) Administration of medications and treatments 121  
authorized by an individual who is authorized to practice in 122  
this state and is acting within the course of the individual's 123  
professional practice; 124

(4) Administration to an adult of intravenous therapy 125  
authorized by an individual who is authorized to practice in 126  
this state and is acting within the course of the individual's 127  
professional practice, on the condition that the licensed 128  
practical nurse is authorized under section 4723.18 or 4723.181 129  
of the Revised Code to perform intravenous therapy and performs 130  
intravenous therapy only in accordance with those sections; 131

(5) Delegation of nursing tasks as directed by a 132  
registered nurse; 133

(6) Teaching nursing tasks to licensed practical nurses 134

and individuals to whom the licensed practical nurse is 135  
authorized to delegate nursing tasks as directed by a registered 136  
nurse. 137

(G) "Certified registered nurse anesthetist" means an 138  
advanced practice registered nurse who holds a current, valid 139  
license issued under this chapter and is designated as a 140  
certified registered nurse anesthetist in accordance with 141  
section 4723.42 of the Revised Code and rules adopted by the 142  
board of nursing. 143

(H) "Clinical nurse specialist" means an advanced practice 144  
registered nurse who holds a current, valid license issued under 145  
this chapter and is designated as a clinical nurse specialist in 146  
accordance with section 4723.42 of the Revised Code and rules 147  
adopted by the board of nursing. 148

(I) "Certified nurse-midwife" means an advanced practice 149  
registered nurse who holds a current, valid license issued under 150  
this chapter and is designated as a certified nurse-midwife in 151  
accordance with section 4723.42 of the Revised Code and rules 152  
adopted by the board of nursing. A certified nurse-midwife does 153  
not include a certified midwife, licensed midwife, or 154  
traditional midwife. 155

(J) "Certified nurse practitioner" means an advanced 156  
practice registered nurse who holds a current, valid license 157  
issued under this chapter and is designated as a certified nurse 158  
practitioner in accordance with section 4723.42 of the Revised 159  
Code and rules adopted by the board of nursing. 160

(K) "Physician" means an individual authorized under 161  
Chapter 4731. of the Revised Code to practice medicine and 162  
surgery or osteopathic medicine and surgery. 163

(L) "Collaboration" or "collaborating" means the 164  
following: 165

(1) In the case of a clinical nurse specialist or a 166  
certified nurse practitioner, that one or more podiatrists 167  
acting within the scope of practice of podiatry in accordance 168  
with section 4731.51 of the Revised Code and with whom the nurse 169  
has entered into a standard care arrangement or one or more 170  
physicians with whom the nurse has entered into a standard care 171  
arrangement are continuously available to communicate with the 172  
clinical nurse specialist or certified nurse practitioner either 173  
in person or by electronic communication; 174

(2) In the case of a certified nurse-midwife or certified 175  
midwife, that one or more physicians with whom the certified 176  
nurse-midwife or certified midwife has entered into a standard 177  
care arrangement are continuously available to communicate with 178  
the certified nurse-midwife or certified midwife either in 179  
person or by electronic communication. 180

(M) "Supervision," as it pertains to a certified 181  
registered nurse anesthetist, means that the certified 182  
registered nurse anesthetist is under the direction of a 183  
podiatrist acting within the podiatrist's scope of practice in 184  
accordance with section 4731.51 of the Revised Code, a dentist 185  
acting within the dentist's scope of practice in accordance with 186  
Chapter 4715. of the Revised Code, or a physician, and, when 187  
administering anesthesia, the certified registered nurse 188  
anesthetist is in the immediate presence of the podiatrist, 189  
dentist, or physician. 190

(N) "Standard care arrangement" means a written, formal 191  
guide for planning and evaluating a patient's health care that 192  
is developed by one or more collaborating physicians or 193

podiatrists and a clinical nurse specialist, certified nurse- 194  
midwife, certified midwife, or certified nurse practitioner and 195  
meets the requirements of section 4723.431 of the Revised Code. 196

(O) "Advanced practice registered nurse" means an 197  
individual who holds a current, valid license issued under this 198  
chapter that authorizes the practice of nursing as an advanced 199  
practice registered nurse and is designated as any of the 200  
following: 201

(1) A certified registered nurse anesthetist; 202

(2) A clinical nurse specialist; 203

(3) A certified nurse-midwife; 204

(4) A certified nurse practitioner. 205

(P) "Practice of nursing as an advanced practice 206  
registered nurse" means providing to individuals and groups 207  
nursing care that requires knowledge and skill obtained from 208  
advanced formal education, training, and clinical experience. 209  
Such nursing care includes the care described in section 4723.43 210  
of the Revised Code. 211

(Q) "Dialysis care" means the care and procedures that a 212  
dialysis technician or dialysis technician intern is authorized 213  
to provide and perform, as specified in section 4723.72 of the 214  
Revised Code. 215

(R) "Dialysis technician" means an individual who holds a 216  
current, valid certificate to practice as a dialysis technician 217  
issued under section 4723.75 of the Revised Code. 218

(S) "Dialysis technician intern" means an individual who 219  
has not passed the dialysis technician certification examination 220  
required by section 4723.751 of the Revised Code, but who has 221



successfully completed a dialysis training program approved by 222  
the board of nursing under section 4723.74 of the Revised Code 223  
within the previous eighteen months. 224

(T) "Certified community health worker" means an 225  
individual who holds a current, valid certificate as a community 226  
health worker issued under section 4723.85 of the Revised Code. 227

(U) "Medication aide" means an individual who holds a 228  
current, valid certificate issued under this chapter that 229  
authorizes the individual to administer medication in accordance 230  
with section 4723.67 of the Revised Code; 231

(V) "Nursing specialty" means a specialty in practice as a 232  
certified registered nurse anesthetist, clinical nurse 233  
specialist, certified nurse-midwife, or certified nurse 234  
practitioner. 235

(W) "Physician assistant" means an individual who is 236  
licensed to practice as a physician assistant under Chapter 237  
4730. of the Revised Code. 238

(X) "Certified midwife" means an individual who is 239  
licensed under section 4723.56 of the Revised Code and engages 240  
in one or more of the activities described in that section. A 241  
certified midwife does not include a certified nurse-midwife, 242  
licensed midwife, or traditional midwife. 243

(Y) "Licensed midwife" has the same meaning as in section 244  
4724.01 of the Revised Code. A licensed midwife does not include 245  
a certified nurse-midwife, certified midwife, or traditional 246  
midwife. 247

(Z) "Traditional midwife" has the same meaning as in 248  
section 4724.01 of the Revised Code. 249

**Sec. 4723.02.** The board of nursing shall assume and 250  
exercise all the powers and perform all the duties conferred and 251  
imposed on it by this chapter. 252

The board shall consist of ~~thirteen~~fifteen members who 253  
shall be citizens of the United States and residents of Ohio. 254  
Eight members shall be registered nurses, each of whom shall be 255  
a graduate of an approved program of nursing education that 256  
prepares persons for licensure as a registered nurse, shall hold 257  
a currently active license issued under this chapter to practice 258  
nursing as a registered nurse, and shall have been actively 259  
engaged in the practice of nursing as a registered nurse for the 260  
five years immediately preceding the member's initial 261  
appointment to the board. Of the eight members who are 262  
registered nurses, at least two shall hold a current, valid 263  
license issued under this chapter that authorizes the practice 264  
of nursing as an advanced practice registered nurse. Four 265  
members shall be licensed practical nurses, each of whom shall 266  
be a graduate of an approved program of nursing education that 267  
prepares persons for licensure as a practical nurse, shall hold 268  
a currently active license issued under this chapter to practice 269  
nursing as a licensed practical nurse, and shall have been 270  
actively engaged in the practice of nursing as a licensed 271  
practical nurse for the five years immediately preceding the 272  
member's initial appointment to the board. Two members shall be 273  
a certified nurse-midwife and a certified midwife, with one 274  
practicing in an urban setting and the other practicing in a 275  
rural setting. One member shall represent the interests of 276  
consumers of health care. Neither this member nor any person in 277  
the member's immediate family shall be a member of or associated 278  
with a health care provider or profession or shall have a 279  
financial interest in the delivery or financing of health care. 280

Representation of nursing service and nursing education and of 281  
the various geographical areas of the state shall be considered 282  
in making appointments. 283

As the term of any member of the board expires, a 284  
successor shall be appointed who has the qualifications the 285  
vacancy requires. Terms of office shall be for four years, 286  
commencing on the first day of January and ending on the thirty- 287  
first day of December. 288

A current or former board member who has served not more 289  
than one full term or one full term and not more than thirty 290  
months of another term may be reappointed for one additional 291  
term. 292

Each member shall hold office from the date of appointment 293  
until the end of the term for which the member was appointed. 294  
The term of a member shall expire if the member ceases to meet 295  
any requirement of this section for the member's position on the 296  
board. Any member appointed to fill a vacancy occurring prior to 297  
the expiration of the term for which the member's predecessor 298  
was appointed shall hold office for the remainder of such term. 299  
Any member shall continue in office subsequent to the expiration 300  
date of the member's term until the member's successor takes 301  
office, or until a period of sixty days has elapsed, whichever 302  
occurs first. 303

Nursing organizations of this state may each submit to the 304  
governor the names of not more than five nominees for each 305  
position to be filled on the board. From the names so submitted 306  
or from others, at the governor's discretion, the governor with 307  
the advice and consent of the senate shall make such 308  
appointments. 309

Any member of the board may be removed by the governor for 310  
neglect of any duty required by law or for incompetency or 311  
unprofessional or dishonorable conduct, after a hearing as 312  
provided in Chapter 119. of the Revised Code. 313

~~Seven~~Eight members of the board, including at least four 314  
registered nurses and at least one licensed practical nurse, 315  
shall at all times constitute a quorum. 316

Each member of the board shall receive an amount fixed 317  
pursuant to division (J) of section 124.15 of the Revised Code 318  
for each day in attendance at board meetings and in discharge of 319  
official duties, and in addition thereto, necessary expense 320  
incurred in the performance of such duties. 321

The board shall elect one of its nurse members as 322  
president and one as vice-president. The board shall elect one 323  
of its registered nurse members to serve as the supervising 324  
member for disciplinary matters. 325

The board may establish advisory groups to serve in 326  
consultation with the board or the executive director. Each 327  
advisory group shall be given a specific charge in writing and 328  
shall report to the board. Members of advisory groups shall 329  
serve without compensation but shall receive their actual and 330  
necessary expenses incurred in the performance of their official 331  
duties. 332

**Sec. 4723.03.** (A) No person shall engage in the practice 333  
of nursing as a registered nurse, represent the person as being 334  
a registered nurse, or use the title "registered nurse," the 335  
initials "R.N.," or any other title implying that the person is 336  
a registered nurse, for a fee, salary, or other consideration, 337  
or as a volunteer, without holding a current, valid license as a 338

registered nurse under this chapter. 339

(B) No person shall knowingly do any of the following 340  
without holding a current, valid license to practice nursing as 341  
an advanced practice registered nurse issued under this chapter: 342

(1) Engage in the practice of nursing as an advanced 343  
practice registered nurse; 344

(2) Represent the person as being an advanced practice 345  
registered nurse; 346

(3) Use the title "advanced practice registered nurse," 347  
the initials "A.P.R.N.," or any other title implying that the 348  
person is an advanced practice registered nurse, for a fee, 349  
salary, or other consideration, or as a volunteer. 350

(C) No person who is not otherwise authorized to do so 351  
shall knowingly prescribe or personally furnish drugs or 352  
therapeutic devices without holding a current, valid license to 353  
practice nursing as an advanced practice registered nurse issued 354  
under this chapter and being designated as a clinical nurse 355  
specialist, certified nurse-midwife, or certified nurse 356  
practitioner under section 4723.42 of the Revised Code; 357

(D) No person shall engage in the practice of nursing as a 358  
licensed practical nurse, represent the person as being a 359  
licensed practical nurse, or use the title "licensed practical 360  
nurse," the initials "L.P.N.," or any other title implying that 361  
the person is a licensed practical nurse, for a fee, salary, or 362  
other consideration, or as a volunteer, without holding a 363  
current, valid license as a practical nurse under this chapter. 364

(E) No person shall use the titles or initials "graduate 365  
nurse," "G.N.," "professional nurse," "P.N.," "graduate 366  
practical nurse," "G.P.N.," "practical nurse," "P.N.," "trained 367

nurse," "T.N.," or any other statement, title, or initials that 368  
would imply or represent to the public that the person is 369  
authorized to practice nursing in this state, except as follows: 370

(1) A person licensed under this chapter to practice 371  
nursing as a registered nurse may use that title and the 372  
initials "R.N."; 373

(2) A person licensed under this chapter to practice 374  
nursing as a licensed practical nurse may use that title and the 375  
initials "L.P.N."; 376

(3) A person licensed under this chapter to practice 377  
nursing as an advanced practice registered nurse and designated 378  
as a certified registered nurse anesthetist may use that title 379  
or the initials "A.P.R.N.-C.R.N.A."; 380

(4) A person licensed under this chapter to practice 381  
nursing as an advanced practice registered nurse and designated 382  
as a clinical nurse specialist may use that title or the 383  
initials "A.P.R.N.-C.N.S."; 384

(5) A person licensed under this chapter to practice 385  
nursing as an advanced practice registered nurse and designated 386  
as a certified nurse-midwife may use that title or the initials 387  
"A.P.R.N.-C.N.M."; 388

(6) A person licensed under this chapter to practice 389  
nursing as an advanced practice registered nurse and designated 390  
as a certified nurse practitioner may use that title or the 391  
initials "A.P.R.N.-C.N.P."; 392

(7) A person licensed under this chapter to practice 393  
nursing as an advanced practice registered nurse may use the 394  
title "advanced practice registered nurse" or the initials 395  
"A.P.R.N." 396

(F) No person shall employ a person not licensed as a 397  
registered nurse under this chapter to engage in the practice of 398  
nursing as a registered nurse. 399

No person shall knowingly employ a person not licensed as 400  
an advanced practice registered nurse under this chapter to 401  
engage in the practice of nursing as an advanced practice 402  
registered nurse. 403

No person shall employ a person not licensed as a 404  
practical nurse under this chapter to engage in the practice of 405  
nursing as a licensed practical nurse. 406

(G) No person shall sell or fraudulently obtain or furnish 407  
any nursing diploma, license, certificate, renewal, or record, 408  
or aid or abet such acts. 409

(H) (1) No person shall knowingly use the title "certified 410  
nurse-midwife" or any other title implying that the person is a 411  
certified nurse-midwife without holding a current, valid license 412  
as a certified nurse-midwife under this chapter. 413

(2) No person shall knowingly use the title "certified 414  
midwife" or any other title implying that the person is a 415  
certified midwife without holding a current, valid license as a 416  
certified midwife under this chapter. 417

**Sec. 4723.06.** (A) The board of nursing shall: 418

(1) Administer and enforce the provisions of this chapter, 419  
including the taking of disciplinary action for violations of 420  
section 4723.28 of the Revised Code, any other provisions of 421  
this chapter, or rules adopted under this chapter; 422

(2) Develop criteria that an applicant must meet to be 423  
eligible to sit for the examination for licensure to practice as 424

a registered nurse or as a licensed practical nurse; 425

(3) Issue and renew nursing licenses, certified midwife 426  
licenses, dialysis technician certificates, medication aide 427  
certificates, and community health worker certificates, as 428  
provided in this chapter; 429

(4) Define the minimum educational standards for the 430  
schools and programs of registered nursing and practical nursing 431  
in this state; 432

(5) Survey, inspect, and grant full approval to 433  
prelicensure nursing education programs in this state that meet 434  
the standards established by rules adopted under section 4723.07 435  
of the Revised Code. Prelicensure nursing education programs 436  
include, but are not limited to, diploma, associate degree, 437  
baccalaureate degree, master's degree, and doctor of nursing 438  
programs leading to initial licensure to practice nursing as a 439  
registered nurse and practical nurse programs leading to initial 440  
licensure to practice nursing as a licensed practical nurse. 441

(6) Grant conditional approval, by a vote of a quorum of 442  
the board, to a new prelicensure nursing education program or a 443  
program that is being reestablished after having ceased to 444  
operate, if the program meets and maintains the minimum 445  
standards of the board established by rules adopted under 446  
section 4723.07 of the Revised Code. If the board does not grant 447  
conditional approval, it shall hold an adjudication under 448  
Chapter 119. of the Revised Code to consider conditional 449  
approval of the program. If the board grants conditional 450  
approval, at the first meeting following completion of the 451  
survey process required by division (A) (5) of this section, the 452  
board shall determine whether to grant full approval to the 453  
program. If the board does not grant full approval or if it 454



appears that the program has failed to meet and maintain 455  
standards established by rules adopted under section 4723.07 of 456  
the Revised Code, the board shall hold an adjudication under 457  
Chapter 119. of the Revised Code to consider the program. Based 458  
on results of the adjudication, the board may continue or 459  
withdraw conditional approval, or grant full approval. 460

(7) Place on provisional approval, for a period of time 461  
specified by the board, a prelicensure nursing education program 462  
that has ceased to meet and maintain the minimum standards of 463  
the board established by rules adopted under section 4723.07 of 464  
the Revised Code. Prior to or at the end of the period, the 465  
board shall reconsider whether the program meets the standards 466  
and shall grant full approval if it does. If it does not, the 467  
board may withdraw approval, pursuant to an adjudication under 468  
Chapter 119. of the Revised Code. 469

(8) Approve continuing education programs and courses 470  
under standards established in rules adopted under sections 471  
4723.07, 4723.69, 4723.79, and 4723.88 of the Revised Code; 472

(9) Establish a substance use disorder monitoring program 473  
in accordance with section 4723.35 of the Revised Code; 474

(10) Establish the practice intervention and improvement 475  
program in accordance with section 4723.282 of the Revised Code; 476

(11) Grant approval to the course of study in advanced 477  
pharmacology and related topics described in section 4723.482 or 478  
4723.551 of the Revised Code; 479

(12) Make an annual edition of the exclusionary formulary 480  
established in rules adopted under section 4723.50 of the 481  
Revised Code available to the public by electronic means and, as 482  
soon as possible after any revision of the formulary becomes 483

effective, make the revision available to the public by 484  
electronic means; 485

(13) Approve under section 4723.46 of the Revised Code 486  
national certifying organizations for examination and licensure 487  
of advanced practice registered nurses, which may include 488  
separate organizations for each nursing specialty; 489

(14) Provide guidance and make recommendations to the 490  
general assembly, the governor, state agencies, and the federal 491  
government with respect to the regulation of the practice of 492  
nursing and the enforcement of this chapter; 493

(15) Make an annual report to the governor, which shall be 494  
open for public inspection; 495

(16) Maintain and have open for public inspection the 496  
following records: 497

(a) A record of all its meetings and proceedings; 498

(b) A record of all applicants for, and holders of, 499  
licenses and certificates issued by the board under this chapter 500  
or in accordance with rules adopted under this chapter. The 501  
record shall be maintained in a format determined by the board. 502

(c) A list of education and training programs approved by 503  
the board. 504

(17) Deny conditional approval to a new prelicensure 505  
nursing education program or a program that is being 506  
reestablished after having ceased to operate if the program or a 507  
person acting on behalf of the program submits or causes to be 508  
submitted to the board false, misleading, or deceptive 509  
statements, information, or documentation in the process of 510  
applying for approval of the program. If the board proposes to 511

deny approval of the program, it shall do so pursuant to an 512  
adjudication conducted under Chapter 119. of the Revised Code. 513

(B) The board may fulfill the requirement of division (A) 514  
(8) of this section by authorizing persons who meet the 515  
standards established in rules adopted under section 4723.07 of 516  
the Revised Code to approve continuing education programs and 517  
courses. Persons so authorized shall approve continuing 518  
education programs and courses in accordance with standards 519  
established in rules adopted under section 4723.07 of the 520  
Revised Code. 521

Persons seeking authorization to approve continuing 522  
education programs and courses shall apply to the board and pay 523  
the appropriate fee established under section 4723.08 of the 524  
Revised Code. Authorizations to approve continuing education 525  
programs and courses shall expire and may be renewed according 526  
to the schedule established in rules adopted under section 527  
4723.07 of the Revised Code. 528

In addition to approving continuing education programs 529  
under division (A) (8) of this section, the board may sponsor 530  
continuing education activities that are directly related to the 531  
statutes and rules the board enforces. 532

(C) (1) The board may deny conditional approval to a new 533  
prelicensure nursing education program or program that is being 534  
reestablished after having ceased to operate if the program is 535  
controlled by a person who controls or has controlled a program 536  
that had its approval withdrawn, revoked, suspended, or 537  
restricted by the board or a board of another jurisdiction that 538  
is a member of the national council of state boards of nursing. 539  
If the board proposes to deny approval, it shall do so pursuant 540  
to an adjudication conducted under Chapter 119. of the Revised 541

Code.	542
(2) As used in this division, "control" means any of the following:	543 544
(a) Holding fifty per cent or more of the outstanding voting securities or membership interest of a prelicensure nursing education program;	545 546 547
(b) In the case of an unincorporated prelicensure nursing education program, having the right to fifty per cent or more of the program's profits or in the event of a dissolution, fifty per cent or more of the program's assets;	548 549 550 551
(c) In the case of a prelicensure nursing education program that is a for-profit or not-for-profit corporation, having the contractual authority presently to designate fifty per cent or more of its directors;	552 553 554 555
(d) In the case of a prelicensure nursing education program that is a trust, having the contractual authority presently to designate fifty per cent or more of its trustees;	556 557 558
(e) Having the authority to direct the management, policies, or investments of a prelicensure nursing education program.	559 560 561
(D) (1) When an action taken by the board under division (A) (6), (7), or (17) or (C) (1) of this section is required to be taken pursuant to an adjudication conducted under Chapter 119. of the Revised Code, the board may, in lieu of an adjudication hearing, enter into a consent agreement to resolve the matter. A consent agreement, when ratified by a vote of a quorum of the board, constitutes 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	562 563 564 565 566 567 568 569 570

findings contained in the agreement are of no effect. 571

(2) In any instance in which the board is required under 572  
Chapter 119. of the Revised Code to give notice to a person 573  
seeking approval of a prelicensure nursing education program of 574  
an opportunity for a hearing and the person does not make a 575  
timely request for a hearing in accordance with section 119.07 576  
of the Revised Code, the board is not required to hold a 577  
hearing, but may adopt, by a vote of a quorum, a final order 578  
that contains the board's findings. 579

(3) When the board denies or withdraws approval of a 580  
prelicensure nursing education program, the board may specify 581  
that its action is permanent. A program subject to a permanent 582  
action taken by the board is forever ineligible for approval and 583  
the board shall not accept an application for the program's 584  
reinstatement or approval. 585

**Sec. 4723.07.** In accordance with Chapter 119. of the 586  
Revised Code, the board of nursing shall adopt and may amend and 587  
rescind rules that establish all of the following: 588

(A) Provisions for the board's government and control of 589  
its actions and business affairs; 590

(B) Subject to section 4723.072 of the Revised Code, 591  
minimum standards for nursing education programs that prepare 592  
graduates to be licensed under this chapter and procedures for 593  
granting, renewing, and withdrawing approval of those programs; 594

(C) Criteria that applicants for licensure must meet to be 595  
eligible to take examinations for licensure; 596

(D) Standards and procedures for renewal of the licenses 597  
and certificates issued by the board; 598

(E) Standards for approval of continuing nursing education programs and courses for registered nurses, advanced practice registered nurses, and licensed practical nurses. The standards may provide for approval of continuing nursing education programs and courses that have been approved by other state boards of nursing or by national accreditation systems for nursing, including, but not limited to, the American nurses' credentialing center and the national association for practical nurse education and service.	599 600 601 602 603 604 605 606 607
(F) Standards that persons must meet to be authorized by the board to approve continuing education programs and courses and a schedule by which that authorization expires and may be renewed;	608 609 610 611
(G) Requirements, including continuing education requirements, for reactivating inactive licenses or certificates, and for reinstating licenses or certificates that have lapsed;	612 613 614 615
(H) Conditions that may be imposed for reinstatement of a license or certificate following action taken under section 3123.47, 4723.28, 4723.281, 4723.652, or 4723.86 of the Revised Code resulting in a license or certificate suspension;	616 617 618 619
(I) Criteria for evaluating the qualifications of an applicant for a license to practice nursing as a registered nurse, a license to practice nursing as an advanced practice registered nurse, or a license to practice nursing as a licensed practical nurse for the purpose of issuing the license by the board's endorsement of the applicant's authority to practice issued by the licensing agency of another state;	620 621 622 623 624 625 626
(J) Universal and standard precautions that shall be used	627

by each licensee or certificate holder. The rules shall define 628  
and establish requirements for universal and standard 629  
precautions that include the following: 630

(1) Appropriate use of hand washing; 631

(2) Disinfection and sterilization of equipment; 632

(3) Handling and disposal of needles and other sharp 633  
instruments; 634

(4) Wearing and disposal of gloves and other protective 635  
garments and devices. 636

(K) Quality assurance standards for advanced practice 637  
registered nurses; 638

(L) Additional criteria for the standard care arrangement 639  
required by section 4723.431 of the Revised Code entered into by 640  
a certified midwife, clinical nurse specialist, certified nurse- 641  
midwife, or certified nurse practitioner and the nurse's 642  
collaborating physician or podiatrist; 643

(M) For purposes of division (B) (31) of section 4723.28 of 644  
the Revised Code, the actions, omissions, or other circumstances 645  
that constitute failure to establish and maintain professional 646  
boundaries with a patient; 647

(N) Standards and procedures for delegation under section 648  
4723.48 of the Revised Code of the authority to administer 649  
drugs. 650

The board may adopt other rules necessary to carry out the 651  
provisions of this chapter. The rules shall be adopted in 652  
accordance with Chapter 119. of the Revised Code. 653

**Sec. 4723.08.** (A) The board of nursing may impose fees not 654

to exceed the following limits: 655

(1) For application for licensure by examination or 656  
endorsement to practice nursing as a registered nurse or as a 657  
licensed practical nurse submitted under division (A) or (B) of 658  
section 4723.09 of the Revised Code, seventy-five dollars; 659

(2) For application for licensure to practice nursing as 660  
an advanced practice registered nurse submitted under division 661  
(A) or (B) (2) of section 4723.41 of the Revised Code, one 662  
hundred fifty dollars; 663

(3) For application for a dialysis technician certificate, 664  
the amount specified in rules adopted under section 4723.79 of 665  
the Revised Code; 666

(4) For providing, pursuant to division (B) of section 667  
4723.271 of the Revised Code, written verification of a nursing 668  
license, dialysis technician certificate, medication aide 669  
certificate, or community health worker certificate to another 670  
jurisdiction, fifteen dollars; 671

(5) For providing, pursuant to division (A) of section 672  
4723.271 of the Revised Code, a replacement copy of a wall 673  
certificate suitable for framing as described in that division, 674  
twenty-five dollars; 675

(6) For renewal of a license to practice as a registered 676  
nurse or licensed practical nurse, sixty-five dollars; 677

(7) For renewal of a license to practice as an advanced 678  
practice registered nurse, one hundred thirty-five dollars; 679

(8) For renewal of a dialysis technician certificate, the 680  
amount specified in rules adopted under section 4723.79 of the 681  
Revised Code; 682



(9) For processing a late application for renewal of a nursing license or dialysis technician certificate, fifty dollars;	683 684 685
(10) 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;	686 687 688 689
(11) For application for authorization to approve continuing education programs and courses from an applicant not accredited by a national accreditation system for nursing, one thousand dollars;	690 691 692 693
(12) For each year for which authorization to approve continuing education programs and courses is renewed, one hundred fifty dollars;	694 695 696
(13) For application for approval to operate a dialysis training program, the amount specified in rules adopted under section 4723.79 of the Revised Code;	697 698 699
(14) 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;	700 701 702
(15) For processing a check returned to the board by a financial institution, twenty-five dollars;	703 704
(16) 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, 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	705 706 707 708 709 710 711

health workers, and renewal of the approval of a training 712  
program for community health workers; 713

(17) For application for licensure to practice as a 714  
certified midwife, forty-five dollars; 715

(18) For renewal of a license to practice as a certified 716  
midwife, twenty dollars. 717

(B) Each quarter, for purposes of transferring funds under 718  
section 4743.05 of the Revised Code to the nurse education 719  
assistance fund created in section 3333.28 of the Revised Code, 720  
the board of nursing shall certify to the director of budget and 721  
management the number of licenses renewed under this chapter 722  
during the preceding quarter and the amount equal to that number 723  
times five dollars. 724

(C) The board may charge a participant in a board- 725  
sponsored continuing education activity an amount not exceeding 726  
fifteen dollars for each activity. 727

(D) The board may contract for services pertaining to the 728  
process of providing written verification of a license or 729  
certificate when the verification is performed for purposes 730  
other than providing verification to another jurisdiction. The 731  
contract may include provisions pertaining to the collection of 732  
the fee charged for providing the written verification. As part 733  
of these provisions, the board may permit the contractor to 734  
retain a portion of the fees as compensation, before any amounts 735  
are deposited into the state treasury. 736

**Sec. 4723.271.** (A) Upon request of the holder of a nursing 737  
license, certified midwife license, dialysis technician 738  
certificate, medication aide certificate, or community health 739  
worker certificate issued under this chapter, the presentment of 740

proper identification as prescribed in rules adopted by the 741  
board of nursing, and payment of the fee authorized under 742  
section 4723.08 of the Revised Code, the board of nursing shall 743  
provide to the requestor a replacement copy of a wall 744  
certificate suitable for framing. 745

(B) Upon request of the holder of a nursing license, 746  
certified midwife license, volunteer's certificate, dialysis 747  
technician certificate, medication aide certificate, or 748  
community health worker certificate issued under this chapter 749  
and payment of the fee authorized under section 4723.08 of the 750  
Revised Code, the board shall verify to an agency of another 751  
jurisdiction or foreign country the fact that the person holds 752  
such nursing license, certified midwife license, volunteer's 753  
certificate, dialysis technician certificate, medication aide 754  
certificate, or community health worker certificate. 755

**Sec. 4723.28.** (A) The board of nursing, by a vote of a 756  
quorum, may impose one or more of the following sanctions if it 757  
finds that a person committed fraud in passing an examination 758  
required to obtain a license or dialysis technician certificate 759  
issued by the board or to have committed fraud, 760  
misrepresentation, or deception in applying for or securing any 761  
nursing license, certified midwife license, or dialysis 762  
technician certificate issued by the board: deny, revoke, 763  
suspend, or place restrictions on any nursing license, certified 764  
midwife license, or dialysis technician certificate issued by 765  
the board; reprimand or otherwise discipline a holder of a 766  
nursing license, certified midwife license, or dialysis 767  
technician certificate; or impose a fine of not more than five 768  
hundred dollars per violation. 769

(B) Except as provided in section 4723.092 of the Revised 770

Code, the board of nursing, by a vote of a quorum, may impose 771  
one or more of the following sanctions: deny, revoke, suspend, 772  
or place restrictions on any nursing license, certified midwife 773  
license, or dialysis technician certificate issued by the board; 774  
reprimand or otherwise discipline a holder of a nursing license,  775  
certified midwife license, or dialysis technician certificate; 776  
or impose a fine of not more than five hundred dollars per 777  
violation. The sanctions may be imposed for any of the 778  
following: 779

(1) Denial, revocation, suspension, or restriction of 780  
authority to engage in a licensed profession or practice a 781  
health care occupation, including nursing, or practice as a 782  
certified midwife or dialysis technician, for any reason other 783  
than a failure to renew, in Ohio or another state or 784  
jurisdiction; 785

(2) Engaging in the practice of nursing or engaging in 786  
practice as a certified midwife or dialysis technician, having 787  
failed to renew a nursing license, certified midwife license, or 788  
dialysis technician certificate issued under this chapter, or 789  
while a nursing license, certified midwife license, or dialysis 790  
technician certificate is under suspension; 791

(3) Conviction of, a plea of guilty to, a judicial finding 792  
of guilt of, a judicial finding of guilt resulting from a plea 793  
of no contest to, or a judicial finding of eligibility for a 794  
pretrial diversion or similar program or for intervention in 795  
lieu of conviction for, a misdemeanor committed in the course of 796  
practice; 797

(4) Conviction of, a plea of guilty to, a judicial finding 798  
of guilt of, a judicial finding of guilt resulting from a plea 799  
of no contest to, or a judicial finding of eligibility for a 800

pretrial diversion or similar program or for intervention in 801  
lieu of conviction for, any felony or of any crime involving 802  
gross immorality or moral turpitude; 803

(5) Selling, giving away, or administering drugs or 804  
therapeutic devices for other than legal and legitimate 805  
therapeutic purposes; or conviction of, a plea of guilty to, a 806  
judicial finding of guilt of, a judicial finding of guilt 807  
resulting from a plea of no contest to, or a judicial finding of 808  
eligibility for a pretrial diversion or similar program or for 809  
intervention in lieu of conviction for, violating any municipal, 810  
state, county, or federal drug law; 811

(6) Conviction of, a plea of guilty to, a judicial finding 812  
of guilt of, a judicial finding of guilt resulting from a plea 813  
of no contest to, or a judicial finding of eligibility for a 814  
pretrial diversion or similar program or for intervention in 815  
lieu of conviction for, an act in another jurisdiction that 816  
would constitute a felony or a crime of moral turpitude in Ohio; 817

(7) Conviction of, a plea of guilty to, a judicial finding 818  
of guilt of, a judicial finding of guilt resulting from a plea 819  
of no contest to, or a judicial finding of eligibility for a 820  
pretrial diversion or similar program or for intervention in 821  
lieu of conviction for, an act in the course of practice in 822  
another jurisdiction that would constitute a misdemeanor in 823  
Ohio; 824

(8) Self-administering or otherwise taking into the body 825  
any dangerous drug, as defined in section 4729.01 of the Revised 826  
Code, in any way that is not in accordance with a legal, valid 827  
prescription issued for that individual, or self-administering 828  
or otherwise taking into the body any drug that is a schedule I 829  
controlled substance; 830

- (9) Habitual or excessive use of controlled substances, 831  
other habit-forming drugs, or alcohol or other chemical 832  
substances to an extent that impairs the individual's ability to 833  
provide safe nursing care, safe care as a certified midwife, or 834  
safe dialysis care; 835
- (10) Impairment of the ability to practice according to 836  
acceptable and prevailing standards of safe nursing care, safe 837  
care as a certified midwife, or safe dialysis care because of 838  
the use of drugs, alcohol, or other chemical substances; 839
- (11) Impairment of the ability to practice according to 840  
acceptable and prevailing standards of safe nursing care, safe 841  
care as a certified midwife, or safe dialysis care because of a 842  
physical or mental disability; 843
- (12) Assaulting or causing harm to a patient or depriving 844  
a patient of the means to summon assistance; 845
- (13) Misappropriation or attempted misappropriation of 846  
money or anything of value in the course of practice; 847
- (14) Adjudication by a probate court of being mentally ill 848  
or mentally incompetent. The board may reinstate the person's 849  
nursing license, certified midwife license, or dialysis 850  
technician certificate upon adjudication by a probate court of 851  
the person's restoration to competency or upon submission to the 852  
board of other proof of competency. 853
- (15) The suspension or termination of employment by the 854  
United States department of defense or department of veterans 855  
affairs for any act that violates or would violate this chapter; 856
- (16) Violation of this chapter or any rules adopted under 857  
it; 858

- (17) Violation of any restrictions placed by the board on a nursing license, certified midwife license, or dialysis technician certificate; 859  
860  
861
- (18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code; 862  
863  
864
- (19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care, safe care as a certified midwife, or safe dialysis care; 865  
866  
867
- (20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse; 868  
869  
870
- (21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse; 871  
872  
873
- (22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code; 874  
875  
876
- (23) Aiding and abetting a person in that person's practice of nursing or as a certified midwife without a license or practice as a dialysis technician without a certificate issued under this chapter; 877  
878  
879  
880
- (24) In the case of an advanced practice registered nurse, except as provided in division (M) of this section, either of the following: 881  
882  
883
- (a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing 884  
885  
886

services, would otherwise be required to pay if the waiver is 887  
used as an enticement to a patient or group of patients to 888  
receive health care services from that provider; 889

(b) Advertising that the nurse will waive the payment of 890  
all or any part of a deductible or copayment that a patient, 891  
pursuant to a health insurance or health care policy, contract, 892  
or plan that covers such nursing services, would otherwise be 893  
required to pay. 894

(25) Failure to comply with the terms and conditions of 895  
participation in the substance use disorder monitoring program 896  
established under section 4723.35 of the Revised Code; 897

(26) Failure to comply with the terms and conditions 898  
required under the practice intervention and improvement program 899  
established under section 4723.282 of the Revised Code; 900

(27) In the case of an advanced practice registered nurse: 901

(a) Engaging in activities that exceed those permitted for 902  
the nurse's nursing specialty under section 4723.43 of the 903  
Revised Code; 904

(b) Failure to meet the quality assurance standards 905  
established under section 4723.07 of the Revised Code. 906

(28) In the case of an advanced practice registered nurse 907  
other than a certified registered nurse anesthetist, failure to 908  
maintain a standard care arrangement in accordance with section 909  
4723.431 of the Revised Code or to practice in accordance with 910  
the standard care arrangement; 911

(29) In the case of an advanced practice registered nurse 912  
who is designated as a clinical nurse specialist, certified 913  
nurse-midwife, or certified nurse practitioner, failure to 914



prescribe drugs and therapeutic devices in accordance with 915  
section 4723.481 of the Revised Code; 916

(30) Prescribing any drug or device to perform or induce 917  
an abortion, or otherwise performing or inducing an abortion; 918

(31) Failure to establish and maintain professional 919  
boundaries with a patient, as specified in rules adopted under 920  
section 4723.07 of the Revised Code; 921

(32) Regardless of whether the contact or verbal behavior 922  
is consensual, engaging with a patient other than the spouse of 923  
the registered nurse, licensed practical nurse, certified 924  
midwife, or dialysis technician in any of the following: 925

(a) Sexual contact, as defined in section 2907.01 of the 926  
Revised Code; 927

(b) Verbal behavior that is sexually demeaning to the 928  
patient or may be reasonably interpreted by the patient as 929  
sexually demeaning. 930

(33) Assisting suicide, as defined in section 3795.01 of 931  
the Revised Code; 932

(34) Failure to comply with the requirements in section 933  
3719.061 of the Revised Code before issuing for a minor a 934  
prescription for an opioid analgesic, as defined in section 935  
3719.01 of the Revised Code; 936

(35) Failure to comply with section 4723.487 of the 937  
Revised Code, unless the state board of pharmacy no longer 938  
maintains a drug database pursuant to section 4729.75 of the 939  
Revised Code; 940

(36) The revocation, suspension, restriction, reduction, 941  
or termination of clinical privileges by the United States 942

department of defense or department of veterans affairs or the 943  
termination or suspension of a certificate of registration to 944  
prescribe drugs by the drug enforcement administration of the 945  
United States department of justice; 946

(37) In the case of an advanced practice registered nurse 947  
who is designated as a clinical nurse specialist, certified 948  
nurse-midwife, or certified nurse practitioner, failure to 949  
comply with the terms of a consult agreement entered into with a 950  
pharmacist pursuant to section 4729.39 of the Revised Code; 951

(38) In the case of a certified midwife: 952

(a) Engaging in activities that exceed those permitted 953  
under section 4723.57 of the Revised Code; 954

(b) Failure to prescribe drugs and therapeutic devices in 955  
accordance with section 4723.481 of the Revised Code; 956

(c) Failure to maintain a standard care arrangement in 957  
accordance with section 4723.431 of the Revised Code or to 958  
practice in accordance with the standard care arrangement. 959

(C) Disciplinary actions taken by the board under 960  
divisions (A) and (B) of this section shall be taken pursuant to 961  
an adjudication conducted under Chapter 119. of the Revised 962  
Code, except that in lieu of a hearing, the board may enter into 963  
a consent agreement with an individual to resolve an allegation 964  
of a violation of this chapter or any rule adopted under it. A 965  
consent agreement, when ratified by a vote of a quorum, shall 966  
constitute the findings and order of the board with respect to 967  
the matter addressed in the agreement. If the board refuses to 968  
ratify a consent agreement, the admissions and findings 969  
contained in the agreement shall be of no effect. 970

(D) The hearings of the board shall be conducted in 971

accordance with Chapter 119. of the Revised Code, the board may 972  
appoint a hearing examiner, as provided in section 119.09 of the 973  
Revised Code, to conduct any hearing the board is authorized to 974  
hold under Chapter 119. of the Revised Code. 975

In any instance in which the board is required under 976  
Chapter 119. of the Revised Code to give notice of an 977  
opportunity for a hearing and the applicant, licensee, or 978  
certificate holder does not make a timely request for a hearing 979  
in accordance with section 119.07 of the Revised Code, the board 980  
is not required to hold a hearing, but may adopt, by a vote of a 981  
quorum, a final order that contains the board's findings. In the 982  
final order, the board may order any of the sanctions listed in 983  
division (A) or (B) of this section. 984

(E) If a criminal action is brought against a registered 985  
nurse, licensed practical nurse, certified midwife, or dialysis 986  
technician for an act or crime described in divisions (B) (3) to 987  
(7) of this section and the action is dismissed by the trial 988  
court other than on the merits, the board shall conduct an 989  
adjudication to determine whether the registered nurse, licensed 990  
practical nurse, certified midwife, or dialysis technician 991  
committed the act on which the action was based. If the board 992  
determines on the basis of the adjudication that the registered 993  
nurse, licensed practical nurse, certified midwife, or dialysis 994  
technician committed the act, or if the registered nurse, 995  
licensed practical nurse, certified midwife, or dialysis 996  
technician fails to participate in the adjudication, the board 997  
may take action as though the registered nurse, licensed 998  
practical nurse, certified midwife, or dialysis technician had 999  
been convicted of the act. 1000

If the board takes action on the basis of a conviction, 1001

plea, or a judicial finding as described in divisions (B) (3) to 1002  
(7) of this section that is overturned on appeal, the registered 1003  
nurse, licensed practical nurse, certified midwife, or dialysis 1004  
technician may, on exhaustion of the appeal process, petition 1005  
the board for reconsideration of its action. On receipt of the 1006  
petition and supporting court documents, the board shall 1007  
temporarily rescind its action. If the board determines that the 1008  
decision on appeal was a decision on the merits, it shall 1009  
permanently rescind its action. If the board determines that the 1010  
decision on appeal was not a decision on the merits, it shall 1011  
conduct an adjudication to determine whether the registered 1012  
nurse, licensed practical nurse, certified midwife, or dialysis 1013  
technician committed the act on which the original conviction, 1014  
plea, or judicial finding was based. If the board determines on 1015  
the basis of the adjudication that the registered nurse, 1016  
licensed practical nurse, certified midwife, or dialysis 1017  
technician committed such act, or if the registered nurse, 1018  
licensed practical nurse, certified midwife, or dialysis 1019  
technician does not request an adjudication, the board shall 1020  
reinstate its action; otherwise, the board shall permanently 1021  
rescind its action. 1022

Notwithstanding the provision of division (D) (2) of 1023  
section 2953.32 or division (F) (1) of section 2953.39 of the 1024  
Revised Code specifying that if records pertaining to a criminal 1025  
case are sealed or expunged under that section the proceedings 1026  
in the case shall be deemed not to have occurred, sealing or 1027  
expungement of the following records on which the board has 1028  
based an action under this section shall have no effect on the 1029  
board's action or any sanction imposed by the board under this 1030  
section: records of any conviction, guilty plea, judicial 1031  
finding of guilt resulting from a plea of no contest, or a 1032

judicial finding of eligibility for a pretrial diversion program 1033  
or intervention in lieu of conviction. 1034

The board shall not be required to seal, destroy, redact, 1035  
or otherwise modify its records to reflect the court's sealing 1036  
or expungement of conviction records. 1037

(F) The board may investigate an individual's criminal 1038  
background in performing its duties under this section. As part 1039  
of such investigation, the board may order the individual to 1040  
submit, at the individual's expense, a request to the bureau of 1041  
criminal identification and investigation for a criminal records 1042  
check and check of federal bureau of investigation records in 1043  
accordance with the procedure described in section 4723.091 of 1044  
the Revised Code. 1045

(G) During the course of an investigation conducted under 1046  
this section, the board may compel any registered nurse, 1047  
licensed practical nurse, certified midwife, or dialysis 1048  
technician or applicant under this chapter to submit to a mental 1049  
or physical examination, or both, as required by the board and 1050  
at the expense of the individual, if the board finds reason to 1051  
believe that the individual under investigation may have a 1052  
physical or mental impairment that may affect the individual's 1053  
ability to provide safe nursing care. Failure of any individual 1054  
to submit to a mental or physical examination when directed 1055  
constitutes an admission of the allegations, unless the failure 1056  
is due to circumstances beyond the individual's control, and a 1057  
default and final order may be entered without the taking of 1058  
testimony or presentation of evidence. 1059

If the board finds that an individual is impaired, the 1060  
board shall require the individual to submit to care, 1061  
counseling, or treatment approved or designated by the board, as 1062

a condition for initial, continued, reinstated, or renewed 1063  
authority to practice. The individual shall be afforded an 1064  
opportunity to demonstrate to the board that the individual can 1065  
begin or resume the individual's occupation in compliance with 1066  
acceptable and prevailing standards of care under the provisions 1067  
of the individual's authority to practice. 1068

For purposes of this division, any registered nurse, 1069  
licensed practical nurse, certified midwife, or dialysis 1070  
technician or applicant under this chapter shall be deemed to 1071  
have given consent to submit to a mental or physical examination 1072  
when directed to do so in writing by the board, and to have 1073  
waived all objections to the admissibility of testimony or 1074  
examination reports that constitute a privileged communication. 1075

(H) The board shall investigate evidence that appears to 1076  
show that any person has violated any provision of this chapter 1077  
or any rule of the board. Any person may report to the board any 1078  
information the person may have that appears to show a violation 1079  
of any provision of this chapter or rule of the board. In the 1080  
absence of bad faith, any person who reports such information or 1081  
who testifies before the board in any adjudication conducted 1082  
under Chapter 119. of the Revised Code shall not be liable for 1083  
civil damages as a result of the report or testimony. 1084

(I) All of the following apply under this chapter with 1085  
respect to the confidentiality of information: 1086

(1) Information received by the board pursuant to a 1087  
complaint or an investigation is confidential and not subject to 1088  
discovery in any civil action, except that the board may 1089  
disclose information to law enforcement officers and government 1090  
entities for purposes of an investigation of either a licensed 1091  
health care professional, including a registered nurse, licensed 1092

practical nurse, certified midwife, or dialysis technician, or a 1093  
person who may have engaged in the unauthorized practice of 1094  
nursing, certified midwifery, or dialysis care. No law 1095  
enforcement officer or government entity with knowledge of any 1096  
information disclosed by the board pursuant to this division 1097  
shall divulge the information to any other person or government 1098  
entity except for the purpose of a government investigation, a 1099  
prosecution, or an adjudication by a court or government entity. 1100

(2) If an investigation requires a review of patient 1101  
records, the investigation and proceeding shall be conducted in 1102  
such a manner as to protect patient confidentiality. 1103

(3) All adjudications and investigations of the board 1104  
shall be considered civil actions for the purposes of section 1105  
2305.252 of the Revised Code. 1106

(4) Any board activity that involves continued monitoring 1107  
of an individual as part of or following any disciplinary action 1108  
taken under this section shall be conducted in a manner that 1109  
maintains the individual's confidentiality. Information received 1110  
or maintained by the board with respect to the board's 1111  
monitoring activities is not subject to discovery in any civil 1112  
action and is confidential, except that the board may disclose 1113  
information to law enforcement officers and government entities 1114  
for purposes of an investigation of a licensee or certificate 1115  
holder. 1116

(J) Any action taken by the board under this section 1117  
resulting in a suspension from practice shall be accompanied by 1118  
a written statement of the conditions under which the person may 1119  
be reinstated to practice. 1120

(K) When the board refuses to grant a license or 1121

certificate to an applicant, revokes a license or certificate, 1122  
or refuses to reinstate a license or certificate, the board may 1123  
specify that its action is permanent. An individual subject to 1124  
permanent action taken by the board is forever ineligible to 1125  
hold a license or certificate of the type that was refused or 1126  
revoked and the board shall not accept from the individual an 1127  
application for reinstatement of the license or certificate or 1128  
for a new license or certificate. 1129

(L) No unilateral surrender of a nursing license, 1130  
certified midwife license, or dialysis technician certificate 1131  
issued under this chapter shall be effective unless accepted by 1132  
majority vote of the board. No application for a nursing 1133  
license, certified midwife license, or dialysis technician 1134  
certificate issued under this chapter may be withdrawn without a 1135  
majority vote of the board. The board's jurisdiction to take 1136  
disciplinary action under this section is not removed or limited 1137  
when an individual has a license or certificate classified as 1138  
inactive or fails to renew a license or certificate. 1139

(M) Sanctions shall not be imposed under division (B) (24) 1140  
of this section against any licensee who waives deductibles and 1141  
copayments as follows: 1142

(1) In compliance with the health benefit plan that 1143  
expressly allows such a practice. Waiver of the deductibles or 1144  
copayments shall be made only with the full knowledge and 1145  
consent of the plan purchaser, payer, and third-party 1146  
administrator. Documentation of the consent shall be made 1147  
available to the board upon request. 1148

(2) For professional services rendered to any other person 1149  
licensed pursuant to this chapter to the extent allowed by this 1150  
chapter and the rules of the board. 1151



**Sec. 4723.282.** (A) As used in this section, "practice 1152  
deficiency" means any activity that does not meet acceptable and 1153  
prevailing standards of safe and effective nursing care or 1154  
dialysis care or safe and effective care as a certified midwife. 1155

(B) The board of nursing may abstain from taking 1156  
disciplinary action under section 4723.28 of the Revised Code 1157  
against the holder of a license or certificate issued under this 1158  
chapter who has a practice deficiency that has been identified 1159  
by the board through an investigation conducted under section 1160  
4723.28 of the Revised Code. The board may abstain from taking 1161  
action only if the board has reason to believe that the 1162  
individual's practice deficiency can be corrected through 1163  
remediation, and if the individual enters into an agreement with 1164  
the board to seek remediation as prescribed by the board, 1165  
complies with the terms and conditions of the remediation, and 1166  
successfully completes the remediation. If an individual fails 1167  
to complete the remediation or the board determines that 1168  
remediation cannot correct the individual's practice deficiency, 1169  
the board shall proceed with disciplinary action in accordance 1170  
with section 4723.28 of the Revised Code. 1171

(C) To implement its authority under this section to 1172  
abstain from taking disciplinary action, the board shall 1173  
establish a practice intervention and improvement program. The 1174  
board shall designate an administrator to operate the program 1175  
and, in accordance with Chapter 119. of the Revised Code, adopt 1176  
rules for the program that establish the following: 1177

(1) Criteria for use in identifying an individual's 1178  
practice deficiency; 1179

(2) Requirements that an individual must meet to be 1180  
eligible for remediation and the board's abstention from 1181

disciplinary action;	1182
(3) Standards and procedures for prescribing remediation	1183
that is appropriate for an individual's identified practice	1184
deficiency;	1185
(4) Terms and conditions that an individual must meet to	1186
be successful in completing the remediation prescribed;	1187
(5) Procedures for the board's monitoring of the	1188
individual's remediation;	1189
(6) Procedures for maintaining confidential records	1190
regarding individuals who participate in remediation;	1191
(7) Any other requirements or procedures necessary to	1192
develop and administer the program.	1193
(D) All records held by the board for purposes of the	1194
program shall be confidential, are not public records for	1195
purposes of section 149.43 of the Revised Code, and are not	1196
subject to discovery by subpoena or admissible as evidence in	1197
any judicial proceeding. The administrator of the program shall	1198
maintain all records in the board's office in accordance with	1199
the board's record retention schedule.	1200
(E) When an individual begins the remediation prescribed	1201
by the board, the individual shall sign a waiver permitting any	1202
entity that provides services related to the remediation to	1203
release to the board information regarding the individual's	1204
progress. An entity that provides services related to	1205
remediation shall report to the board if the individual fails to	1206
complete the remediation or does not make satisfactory progress	1207
in remediation.	1208
In the absence of fraud or bad faith, an entity that	1209

reports to the board regarding an individual's practice 1210  
deficiency, or progress or lack of progress in remediation, is 1211  
not liable in damages to any person as a result of making the 1212  
report. 1213

(F) An individual participating in remediation prescribed 1214  
under this section is responsible for all financial obligations 1215  
that may arise from obtaining or completing the remediation. 1216

**Sec. 4723.33.** A registered nurse, licensed practical 1217  
nurse, certified midwife, dialysis technician, community health 1218  
worker, or medication aide who in good faith makes a report 1219  
under this chapter or any other provision of the Revised Code 1220  
regarding a violation of this chapter or any other provision of 1221  
the Revised Code, or participates in any investigation, 1222  
administrative proceeding, or judicial proceeding resulting from 1223  
the report, has the full protection against retaliatory action 1224  
provided by sections 4113.51 to 4113.53 of the Revised Code. 1225

**Sec. 4723.34.** (A) A person or governmental entity that 1226  
employs, or contracts directly or through another person or 1227  
governmental entity for the provision of services by, registered 1228  
nurses, licensed practical nurses, nurses holding multistate 1229  
licenses to practice registered or licensed practical nursing 1230  
issued pursuant to section 4723.11 of the Revised Code, 1231  
certified midwives, dialysis technicians, medication aides, or 1232  
certified community health workers and that knows or has reason 1233  
to believe that a current or former employee or person providing 1234  
services under a contract who holds a license or certificate 1235  
issued under this chapter engaged in conduct that would be 1236  
grounds for disciplinary action by the board of nursing under 1237  
this chapter or rules adopted under it shall report to the board 1238  
of nursing the name of such current or former employee or person 1239

providing services under a contract. The report shall be made on 1240  
the person's or governmental entity's behalf by an individual 1241  
licensed by the board who the person or governmental entity has 1242  
designated to make such reports. 1243

A prosecutor in a case described in divisions (B) (3) to 1244  
(5) of section 4723.28 of the Revised Code, or in a case where 1245  
the trial court issued an order of dismissal upon technical or 1246  
procedural grounds of a charge of a misdemeanor committed in the 1247  
course of practice, a felony charge, or a charge of gross 1248  
immorality or moral turpitude, who knows or has reason to 1249  
believe that the person charged is licensed under this chapter 1250  
to practice nursing as a registered nurse or as a licensed 1251  
practical nurse, is licensed under this chapter to practice as a 1252  
certified midwife, or holds a certificate issued under this 1253  
chapter to practice as a dialysis technician shall notify the 1254  
board of nursing of the charge. With regard to certified 1255  
community health workers and medication aides, the prosecutor in 1256  
a case involving a charge of a misdemeanor committed in the 1257  
course of employment, a felony charge, or a charge of gross 1258  
immorality or moral turpitude, including a case dismissed on 1259  
technical or procedural grounds, who knows or has reason to 1260  
believe that the person charged holds a community health worker 1261  
or medication aide certificate issued under this chapter shall 1262  
notify the board of the charge. 1263

Each notification from a prosecutor shall be made on forms 1264  
prescribed and provided by the board. The report shall include 1265  
the name and address of the license or certificate holder, the 1266  
charge, and the certified court documents recording the action. 1267

(B) If any person or governmental entity fails to provide 1268  
a report required by this section, the board may seek an order 1269

from a court of competent jurisdiction compelling submission of 1270  
the report. 1271

**Sec. 4723.341.** (A) As used in this section, "person" has 1272  
the same meaning as in section 1.59 of the Revised Code and also 1273  
includes the board of nursing and its members and employees; 1274  
health care facilities, associations, and societies; insurers; 1275  
and individuals. 1276

(B) In the absence of fraud or bad faith, no person 1277  
reporting to the board of nursing or testifying in an 1278  
adjudication conducted under Chapter 119. of the Revised Code 1279  
with regard to alleged incidents of negligence or malpractice or 1280  
matters subject to this chapter or sections 3123.41 to 3123.50 1281  
of the Revised Code and any applicable rules adopted under 1282  
section 3123.63 of the Revised Code shall be subject to either 1283  
of the following based on making the report or testifying: 1284

(1) Liability in damages in a civil action for injury, 1285  
death, or loss to person or property; 1286

(2) Discipline or dismissal by an employer. 1287

(C) An individual who is disciplined or dismissed in 1288  
violation of division (B) (2) of this section has the same rights 1289  
and duties accorded an employee under sections 4113.52 and 1290  
4113.53 of the Revised Code. 1291

(D) In the absence of fraud or bad faith, no professional 1292  
association of registered nurses, advanced practice registered 1293  
nurses, licensed practical nurses, certified midwives, dialysis 1294  
technicians, community health workers, or medication aides that 1295  
sponsors a committee or program to provide peer assistance to 1296  
individuals with substance abuse problems, no representative or 1297  
agent of such a committee or program, and no member of the board 1298

of nursing shall be liable to any person for damages in a civil 1299  
action by reason of actions taken to refer a nurse, certified 1300  
midwife, dialysis technician, community health worker, or 1301  
medication aide to a treatment provider or actions or omissions 1302  
of the provider in treating a nurse, certified midwife, dialysis 1303  
technician, community health worker, or medication aide. 1304

**Sec. 4723.35.** (A) As used in this section, "substance use 1305  
disorder" means either of the following: 1306

(1) The chronic and habitual use of alcoholic beverages to 1307  
the extent that the user no longer can control the use of 1308  
alcohol or endangers the user's health, safety, or welfare or 1309  
that of others; 1310

(2) The use of a controlled substance as defined in 1311  
section 3719.01 of the Revised Code, a harmful intoxicant as 1312  
defined in section 2925.01 of the Revised Code, or a dangerous 1313  
drug as defined in section 4729.01 of the Revised Code, to the 1314  
extent that the user becomes physically or psychologically 1315  
dependent on the substance, intoxicant, or drug or endangers the 1316  
user's health, safety, or welfare or that of others. 1317

(B) The board of nursing may abstain from taking 1318  
disciplinary action under section 4723.28 or 4723.86 of the 1319  
Revised Code against an individual with a substance use disorder 1320  
if it finds that the individual can be treated effectively and 1321  
there is no impairment of the individual's ability to practice 1322  
according to acceptable and prevailing standards of safe care. 1323  
The board shall establish a substance use disorder monitoring 1324  
program to monitor the registered nurses, licensed practical 1325  
nurses, certified midwives, dialysis technicians, and certified 1326  
community health workers against whom the board has abstained 1327  
from taking action. The board shall either develop the program, 1328

select the program's name, and designate a coordinator to 1329  
administer the program or, in the alternative, the board may 1330  
contract with a third-party vendor to administer the program. 1331

(C) Determinations regarding an individual's eligibility 1332  
for admission to, continued participation in, and successful 1333  
completion of the monitoring program shall be made by the 1334  
board's supervising member for disciplinary matters in 1335  
accordance with rules adopted under division (D) of this 1336  
section. 1337

(D) The board shall adopt rules in accordance with Chapter 1338  
119. of the Revised Code that establish the following: 1339

(1) Eligibility requirements for admission to and 1340  
continued participation in the monitoring program; 1341

(2) Terms and conditions that must be met to participate 1342  
in and successfully complete the program; 1343

(3) Procedures for keeping confidential records regarding 1344  
participants; 1345

(4) Any other requirements or procedures necessary to 1346  
establish and administer the program. 1347

(E) (1) As a condition of being admitted to the monitoring 1348  
program, an individual shall surrender to the program 1349  
coordinator the license or certificate that the individual 1350  
holds. While the surrender is in effect, the individual is 1351  
prohibited from engaging in the practice of nursing, engaging in 1352  
practice as a certified midwife, engaging in the provision of 1353  
dialysis care, or engaging in the provision of services that 1354  
were being provided as a certified community health worker. 1355

If the board's supervising member for disciplinary matters 1356

determines that a participant is capable of resuming practice 1357  
according to acceptable and prevailing standards of safe care, 1358  
the program coordinator shall return the participant's license 1359  
or certificate. If the participant violates the terms and 1360  
conditions of resumed practice, the coordinator shall require 1361  
the participant to surrender the license or certificate as a 1362  
condition of continued participation in the program. The 1363  
coordinator may require the surrender only on the approval of 1364  
the board's supervising member for disciplinary matters. 1365

The surrender of a license or certificate on admission to 1366  
the monitoring program or while participating in the program 1367  
does not constitute an action by the board under section 4723.28 1368  
or 4723.86 of the Revised Code. The participant may rescind the 1369  
surrender at any time and the board may proceed by taking action 1370  
under section 4723.28 or 4723.86 of the Revised Code. 1371

(2) If the program coordinator or third-party vendor 1372  
determines that a participant is significantly out of compliance 1373  
with the terms and conditions for participation, the coordinator 1374  
or other staff designated by the board shall notify the board's 1375  
supervising member for disciplinary matters and the supervising 1376  
member shall determine whether to temporarily suspend the 1377  
participant's license or certificate. The board shall notify the 1378  
participant of the suspension by certified mail sent to the 1379  
participant's last known address and shall refer the matter to 1380  
the board for formal action under section 4723.28 or 4723.86 of 1381  
the Revised Code. 1382

(F) All of the following apply with respect to the 1383  
receipt, release, and maintenance of records and information by 1384  
the monitoring program: 1385

(1) The program coordinator or third-party vendor shall 1386



maintain all program records in a manner that protects the 1387  
confidentiality of the record, and for each participant, shall 1388  
retain the records for a period of two years following the 1389  
participant's date of successful completion of the program. 1390

(2) When applying to participate in the monitoring 1391  
program, the applicant shall sign a waiver permitting the board 1392  
to receive and release information necessary to determine 1393  
whether the individual is eligible for admission. After being 1394  
admitted, the participant shall sign a waiver permitting the 1395  
board to receive and release information necessary to determine 1396  
whether the individual is eligible for continued participation 1397  
in the program. Information that may be necessary for the 1398  
board's supervising member for disciplinary matters to determine 1399  
eligibility for admission or continued participation in the 1400  
monitoring program includes, but is not limited to, information 1401  
provided to and by employers, probation officers, law 1402  
enforcement agencies, peer assistance programs, health 1403  
professionals, and treatment providers. No entity with knowledge 1404  
that the information has been provided to the monitoring program 1405  
shall divulge that knowledge to any other person. 1406

(3) Except as provided in division (F)(4) of this section, 1407  
all records pertaining to an individual's application for or 1408  
participation in the monitoring program, including medical 1409  
records, treatment records, and mental health records, shall be 1410  
confidential. The records are not public records for the 1411  
purposes of section 149.43 of the Revised Code and are not 1412  
subject to discovery by subpoena or admissible as evidence in 1413  
any judicial proceeding. 1414

(4) The board may disclose information regarding a 1415  
participant's progress in the program to any person or 1416

government entity that the participant authorizes in writing to 1417  
be given the information. In disclosing information under this 1418  
division, the board shall not include any information that is 1419  
protected under section 5119.27 of the Revised Code or any 1420  
federal statute or regulation that provides for the 1421  
confidentiality of medical, mental health, or substance abuse 1422  
records. 1423

(G) In the absence of fraud or bad faith, the board as a 1424  
whole, its individual members, and its employees and 1425  
representatives are not liable for damages in any civil action 1426  
as a result of disclosing information in accordance with 1427  
division (F) (4) of this section. In the absence of fraud or bad 1428  
faith, any person reporting to the program with regard to an 1429  
individual's substance use disorder, or the progress or lack of 1430  
progress of that individual with regard to treatment, is not 1431  
liable for damages in any civil action as a result of the 1432  
report. 1433

**Sec. 4723.41.** (A) Each person who desires to practice 1434  
nursing as a certified nurse-midwife and has not been authorized 1435  
to practice ~~midwifery-nurse-midwifery~~ prior to December 1, 1967, 1436  
and each person who desires to practice nursing as a certified 1437  
registered nurse anesthetist, clinical nurse specialist, or 1438  
certified nurse practitioner shall file with the board of 1439  
nursing a written application for a license to practice nursing 1440  
as an advanced practice registered nurse and designation in the 1441  
desired specialty. The application must be filed, under oath, on 1442  
a form prescribed by the board accompanied by the application 1443  
fee required by section 4723.08 of the Revised Code. 1444

Except as provided in division (B), (C), or (D) of this 1445  
section, at the time of making application, the applicant shall 1446

meet all of the following requirements: 1447

(1) Be a registered nurse; 1448

(2) Submit documentation satisfactory to the board that 1449  
the applicant has earned a master's or doctoral degree with a 1450  
major in a nursing specialty or in a related field that 1451  
qualifies the applicant to sit for the certification examination 1452  
of a national certifying organization approved by the board 1453  
under section 4723.46 of the Revised Code; 1454

(3) Submit documentation satisfactory to the board of 1455  
having passed the certification examination of a national 1456  
certifying organization approved by the board under section 1457  
4723.46 of the Revised Code to examine and certify, as 1458  
applicable, nurse-midwives, registered nurse anesthetists, 1459  
clinical nurse specialists, or nurse practitioners; 1460

(4) Submit an affidavit with the application that states 1461  
all of the following: 1462

(a) That the applicant is the person named in the 1463  
documents submitted under this section and is the lawful 1464  
possessor thereof; 1465

(b) The applicant's age, residence, the school at which 1466  
the applicant obtained education in the applicant's nursing 1467  
specialty, and any other facts that the board requires; 1468

(c) The specialty in which the applicant seeks 1469  
designation. 1470

(B) (1) A certified registered nurse anesthetist, clinical 1471  
nurse specialist, certified nurse-midwife, or certified nurse 1472  
practitioner who is practicing or has practiced as such in 1473  
another jurisdiction other than another state may apply for a 1474

license by endorsement to practice nursing as an advanced 1475  
practice registered nurse and designation as a certified 1476  
registered nurse anesthetist, clinical nurse specialist, 1477  
certified nurse-midwife, or certified nurse practitioner in this 1478  
state if the nurse meets the requirements set forth in division 1479  
(A) of this section or division (B) (2) of this section. 1480

(2) If an applicant who is practicing or has practiced in 1481  
another jurisdiction other than another state applies for 1482  
designation under division (B) (2) of this section, the 1483  
application shall be submitted to the board in the form 1484  
prescribed by rules of the board and be accompanied by the 1485  
application fee required by section 4723.08 of the Revised Code. 1486  
The application shall include evidence that the applicant meets 1487  
the requirements of division (B) (2) of this section, holds 1488  
authority to practice nursing and is in good standing in another 1489  
jurisdiction other than another state granted after meeting 1490  
requirements approved by the entity of that jurisdiction that 1491  
regulates nurses, and other information required by rules of the 1492  
board of nursing. 1493

With respect to the educational requirements and national 1494  
certification requirements that an applicant under division (B) 1495  
(2) of this section must meet, both of the following apply: 1496

(a) If the applicant is a certified registered nurse 1497  
anesthetist, certified nurse-midwife, or certified nurse 1498  
practitioner who, on or before December 31, 2000, obtained 1499  
certification in the applicant's nursing specialty with a 1500  
national certifying organization listed in division (A) (3) of 1501  
section 4723.41 of the Revised Code as that division existed 1502  
prior to March 20, 2013, or that was at that time approved by 1503  
the board under section 4723.46 of the Revised Code, the 1504

applicant must have maintained the certification. The applicant 1505  
is not required to have earned a master's or doctoral degree 1506  
with a major in a nursing specialty or in a related field that 1507  
qualifies the applicant to sit for the certification 1508  
examination. 1509

(b) If the applicant is a clinical nurse specialist, one 1510  
of the following must apply to the applicant: 1511

(i) On or before December 31, 2000, the applicant obtained 1512  
a master's or doctoral degree with a major in a clinical area of 1513  
nursing from an educational institution accredited by a national 1514  
or regional accrediting organization. The applicant is not 1515  
required to have passed a certification examination. 1516

(ii) On or before December 31, 2000, the applicant 1517  
obtained a master's or doctoral degree in nursing or a related 1518  
field and was certified as a clinical nurse specialist by the 1519  
American nurses credentialing center or another national 1520  
certifying organization that was at that time approved by the 1521  
board under section 4723.46 of the Revised Code. 1522

(3) The board shall grant a license to practice nursing as 1523  
an advanced practice registered nurse in accordance with Chapter 1524  
4796. of the Revised Code to an applicant if either of the 1525  
following applies: 1526

(a) The applicant holds a license in another state. 1527

(b) The applicant has satisfactory work experience, a 1528  
government certification, or a private certification as 1529  
described in that chapter as an advanced practice registered 1530  
nurse in a state that does not issue that license. 1531

(4) The board may grant a nonrenewable temporary permit to 1532  
practice nursing as an advanced practice registered nurse to an 1533

applicant for licensure under division (B) (2) or (3) of this 1534  
section if the board is satisfied by the evidence that the 1535  
applicant holds a valid, unrestricted license in or equivalent 1536  
authorization from another jurisdiction. Chapter 4796. of the 1537  
Revised Code does not apply to a temporary permit issued under 1538  
this division. The temporary permit shall expire at the earlier 1539  
of one hundred eighty days after issuance or upon the issuance 1540  
of a license under division (B) (2) or (3) of this section. 1541

(C) An applicant who desires to practice nursing as a 1542  
certified registered nurse anesthetist, certified nurse-midwife, 1543  
or certified nurse practitioner is exempt from the educational 1544  
requirements in division (A) (2) of this section if all of the 1545  
following are the case: 1546

(1) Before January 1, 2001, the board issued to the 1547  
applicant a certificate of authority to practice as a certified 1548  
registered nurse anesthetist, certified nurse-midwife, or 1549  
certified nurse practitioner; 1550

(2) The applicant submits documentation satisfactory to 1551  
the board that the applicant obtained certification in the 1552  
applicant's nursing specialty with a national certifying 1553  
organization listed in division (A) (3) of section 4723.41 of the 1554  
Revised Code as that division existed prior to March 20, 2013, 1555  
or that was at that time approved by the board under section 1556  
4723.46 of the Revised Code; 1557

(3) The applicant submits documentation satisfactory to 1558  
the board that the applicant has maintained the certification 1559  
described in division (C) (2) of this section. 1560

(D) An applicant who desires to practice as a clinical 1561  
nurse specialist is exempt from the examination requirement in 1562

division (A) (3) of this section if both of the following are the 1563  
case: 1564

(1) Before January 1, 2001, the board issued to the 1565  
applicant a certificate of authority to practice as a clinical 1566  
nurse specialist; 1567

(2) The applicant submits documentation satisfactory to 1568  
the board that the applicant earned either of the following: 1569

(a) A master's or doctoral degree with a major in a 1570  
clinical area of nursing from an educational institution 1571  
accredited by a national or regional accrediting organization; 1572

(b) A master's or doctoral degree in nursing or a related 1573  
field and was certified as a clinical nurse specialist by the 1574  
American nurses credentialing center or another national 1575  
certifying organization that was at that time approved by the 1576  
board under section 4723.46 of the Revised Code. 1577

**Sec. 4723.43.** A certified registered nurse anesthetist, 1578  
clinical nurse specialist, certified nurse-midwife, or certified 1579  
nurse practitioner may provide to individuals and groups nursing 1580  
care that requires knowledge and skill obtained from advanced 1581  
formal education and clinical experience. In this capacity as an 1582  
advanced practice registered nurse, a certified nurse-midwife is 1583  
subject to division (A) of this section, a certified registered 1584  
nurse anesthetist is subject to division (B) of this section, a 1585  
certified nurse practitioner is subject to division (C) of this 1586  
section, and a clinical nurse specialist is subject to division 1587  
(D) of this section. 1588

(A) A-Subject to sections 4723.58 to 4723.584 of the 1589  
Revised Code, a nurse authorized to practice as a certified 1590  
nurse-midwife, in collaboration with one or more physicians, may 1591

provide the management of preventive services and those primary 1592  
care services necessary to provide health care to women 1593  
anteperatally, intrapartally, postpartally, and gynecologically, 1594  
consistent with the nurse's education and certification, and in 1595  
accordance with rules adopted by the board of nursing. 1596

No certified nurse-midwife may perform version, ~~deliver~~ 1597  
~~breech or face presentation,~~ use forceps, do any obstetric 1598  
operation, or treat any other abnormal condition, except in 1599  
emergencies. No certified nurse-midwife may deliver breech or 1600  
face presentation except in an emergency or as provided in 1601  
section 4723.581 of the Revised Code. Division (A) of this 1602  
section does not prohibit a certified nurse-midwife from 1603  
performing episiotomies or normal vaginal deliveries, or 1604  
repairing vaginal tears. A certified nurse-midwife may, in 1605  
collaboration with one or more physicians, prescribe drugs and 1606  
therapeutic devices in accordance with section 4723.481 of the 1607  
Revised Code. A certified nurse-midwife may, in collaboration 1608  
with one or more physicians, attend births in hospitals, homes, 1609  
medical offices, and freestanding birthing centers and provide 1610  
care for normal newborns during the first twenty-eight days of 1611  
life. 1612

(B) A nurse authorized to practice as a certified 1613  
registered nurse anesthetist, consistent with the nurse's 1614  
education and certification and in accordance with rules adopted 1615  
by the board, may do the following: 1616

(1) With supervision and in the immediate presence of a 1617  
physician, podiatrist, or dentist, administer anesthesia and 1618  
perform anesthesia induction, maintenance, and emergence; 1619

(2) With supervision, obtain informed consent for 1620  
anesthesia care and perform preanesthetic preparation and 1621



evaluation, postanesthetic preparation and evaluation, 1622  
postanesthesia care, and, subject to section 4723.433 of the 1623  
Revised Code, clinical support functions; 1624

(3) With supervision and in accordance with section 1625  
4723.434 of the Revised Code, engage in the activities described 1626  
in division (A) of that section. 1627

The physician, podiatrist, or dentist supervising a 1628  
certified registered nurse anesthetist must be actively engaged 1629  
in practice in this state. When a certified registered nurse 1630  
anesthetist is supervised by a podiatrist, the nurse's scope of 1631  
practice is limited to the anesthesia procedures that the 1632  
podiatrist has the authority under section 4731.51 of the 1633  
Revised Code to perform. A certified registered nurse 1634  
anesthetist may not administer general anesthesia under the 1635  
supervision of a podiatrist in a podiatrist's office. When a 1636  
certified registered nurse anesthetist is supervised by a 1637  
dentist, the nurse's scope of practice is limited to the 1638  
anesthesia procedures that the dentist has the authority under 1639  
Chapter 4715. of the Revised Code to perform. 1640

(C) A nurse authorized to practice as a certified nurse 1641  
practitioner, in collaboration with one or more physicians or 1642  
podiatrists, may provide preventive and primary care services, 1643  
provide services for acute illnesses, and evaluate and promote 1644  
patient wellness within the nurse's nursing specialty, 1645  
consistent with the nurse's education and certification, and in 1646  
accordance with rules adopted by the board. A certified nurse 1647  
practitioner may, in collaboration with one or more physicians 1648  
or podiatrists, prescribe drugs and therapeutic devices in 1649  
accordance with section 4723.481 of the Revised Code. 1650

When a certified nurse practitioner is collaborating with 1651

a podiatrist, the nurse's scope of practice is limited to the 1652  
procedures that the podiatrist has the authority under section 1653  
4731.51 of the Revised Code to perform. 1654

(D) A nurse authorized to practice as a clinical nurse 1655  
specialist, in collaboration with one or more physicians or 1656  
podiatrists, may provide and manage the care of individuals and 1657  
groups with complex health problems and provide health care 1658  
services that promote, improve, and manage health care within 1659  
the nurse's nursing specialty, consistent with the nurse's 1660  
education and in accordance with rules adopted by the board. A 1661  
clinical nurse specialist may, in collaboration with one or more 1662  
physicians or podiatrists, prescribe drugs and therapeutic 1663  
devices in accordance with section 4723.481 of the Revised Code. 1664

When a clinical nurse specialist is collaborating with a 1665  
podiatrist, the nurse's scope of practice is limited to the 1666  
procedures that the podiatrist has the authority under section 1667  
4731.51 of the Revised Code to perform. 1668

**Sec. 4723.431.** (A) (1) ~~An~~ A certified midwife or an 1669  
advanced practice registered nurse who is designated as a 1670  
clinical nurse specialist, certified nurse-midwife, or certified 1671  
nurse practitioner may practice only in accordance with a 1672  
standard care arrangement entered into with each physician or 1673  
podiatrist with whom the certified midwife or nurse 1674  
collaborates. A copy of the standard care arrangement shall be 1675  
retained on file by the certified midwife's or nurse's employer. 1676  
Prior approval of the standard care arrangement by the board of 1677  
nursing is not required, but the board may periodically review 1678  
it for compliance with this section. 1679

A certified midwife, clinical nurse specialist, certified 1680  
nurse-midwife, or certified nurse practitioner may enter into a 1681

standard care arrangement with one or more collaborating 1682  
physicians or podiatrists. If a collaborating physician or 1683  
podiatrist enters into standard care arrangements with more than 1684  
five certified midwives or nurses, the physician or podiatrist 1685  
shall not collaborate at the same time with more than five 1686  
certified midwives or nurses in the prescribing component of 1687  
their practices. 1688

Not later than thirty days after first engaging in the 1689  
practice of midwifery as a certified midwife or the practice of 1690  
nursing as a clinical nurse specialist, certified nurse-midwife, 1691  
or certified nurse practitioner, the certified midwife or nurse 1692  
shall submit to the board the name and business address of each 1693  
collaborating physician or podiatrist. Thereafter, the certified 1694  
midwife or nurse shall notify the board of any additions or 1695  
deletions to the certified midwife's or nurse's collaborating 1696  
physicians or podiatrists. Except as provided in division (D) of 1697  
this section, the notice must be provided not later than thirty 1698  
days after the change takes effect. 1699

(2) All of the following conditions apply with respect to 1700  
the practice of a collaborating physician or podiatrist with 1701  
whom a certified midwife, clinical nurse specialist, certified 1702  
nurse-midwife, or certified nurse practitioner may enter into a 1703  
standard care arrangement: 1704

(a) The physician or podiatrist must be authorized to 1705  
practice in this state. 1706

(b) Except as provided in division (A) (2) (c) of this 1707  
section, the physician or podiatrist must be practicing in a 1708  
specialty that is the same as or similar to the certified 1709  
midwife's specialty or nurse's nursing specialty. 1710

(c) If the nurse is a clinical nurse specialist who is 1711  
certified as a psychiatric-mental health CNS by the American 1712  
nurses credentialing center or a certified nurse practitioner 1713  
who is certified as a psychiatric-mental health NP by the 1714  
American nurses credentialing center, the nurse may enter into a 1715  
standard care arrangement with a physician but not a podiatrist 1716  
and the collaborating physician must be practicing in one of the 1717  
following specialties: 1718

(i) Psychiatry; 1719

(ii) Pediatrics; 1720

(iii) Primary care or family practice. 1721

(B) A standard care arrangement shall be in writing and 1722  
shall contain all of the following: 1723

(1) Criteria for referral of a patient by the certified 1724  
midwife, clinical nurse specialist, certified nurse-midwife, or 1725  
certified nurse practitioner to a collaborating physician or 1726  
podiatrist or another physician or podiatrist; 1727

(2) A process for the certified midwife, clinical nurse 1728  
specialist, certified nurse-midwife, or certified nurse 1729  
practitioner to obtain a consultation with a collaborating 1730  
physician or podiatrist or another physician or podiatrist; 1731

(3) A plan for coverage in instances of emergency or 1732  
planned absences of either the certified midwife, clinical nurse 1733  
specialist, certified nurse-midwife, or certified nurse 1734  
practitioner or a collaborating physician or podiatrist that 1735  
provides the means whereby a physician or podiatrist is 1736  
available for emergency care; 1737

(4) The process for resolution of disagreements regarding 1738

matters of patient management between the certified midwife, 1739  
clinical nurse specialist, certified nurse-midwife, or certified 1740  
nurse practitioner and a collaborating physician or podiatrist; 1741

(5) Any other criteria required by rule of the board 1742  
adopted pursuant to section 4723.07 or 4723.50 of the Revised 1743  
Code. 1744

(C) (1) A standard care arrangement entered into pursuant 1745  
to this section may permit a clinical nurse specialist, 1746  
certified nurse-midwife, or certified nurse practitioner to 1747  
supervise services provided by a home health agency as defined 1748  
in section 3740.01 of the Revised Code. 1749

(2) A standard care arrangement entered into pursuant to 1750  
this section may permit a clinical nurse specialist, certified 1751  
nurse-midwife, or certified nurse practitioner to admit a 1752  
patient to a hospital in accordance with section 3727.06 of the 1753  
Revised Code. 1754

(D) (1) Except as provided in division (D) (2) of this 1755  
section, if a physician or podiatrist terminates the 1756  
collaboration between the physician or podiatrist and a 1757  
certified midwife, certified nurse-midwife, certified nurse 1758  
practitioner, or clinical nurse specialist before their standard 1759  
care arrangement expires, all of the following apply: 1760

(a) The physician or podiatrist must give the certified 1761  
midwife or nurse written or electronic notice of the 1762  
termination. 1763

(b) Once the certified midwife or nurse receives the 1764  
termination notice, the certified midwife or nurse must notify 1765  
the board of nursing of the termination as soon as practicable 1766  
by submitting to the board a copy of the physician's or 1767

podiatrist's termination notice. 1768

(c) Notwithstanding the ~~requirement~~ requirements of 1769  
section 4723.43 and 4723.57 of the Revised Code that the 1770  
certified midwife or nurse practice in collaboration with a 1771  
physician or podiatrist, the certified midwife or nurse may 1772  
continue to practice under the existing standard care 1773  
arrangement without a collaborating physician or podiatrist for 1774  
not more than one hundred twenty days after submitting to the 1775  
board a copy of the termination notice. 1776

(2) In the event that the collaboration between a 1777  
physician or podiatrist and a certified midwife, certified 1778  
nurse-midwife, certified nurse practitioner, or clinical nurse 1779  
specialist terminates because of the physician's or podiatrist's 1780  
death, the certified midwife or nurse must notify the board of 1781  
the death as soon as practicable. The certified midwife or nurse 1782  
may continue to practice under the existing standard care 1783  
arrangement without a collaborating physician or podiatrist for 1784  
not more than one hundred twenty days after notifying the board 1785  
of the physician's or podiatrist's death. 1786

(E) Nothing in this section prohibits a hospital from 1787  
hiring a certified midwife, clinical nurse specialist, certified 1788  
nurse-midwife, or certified nurse practitioner as an employee 1789  
and negotiating standard care arrangements on behalf of the 1790  
employee as necessary to meet the requirements of this section. 1791  
A standard care arrangement between the hospital's employee and 1792  
the employee's collaborating physician is subject to approval by 1793  
the medical staff and governing body of the hospital prior to 1794  
implementation of the arrangement at the hospital. 1795

**Sec. 4723.432.** (A) ~~An~~ A certified midwife or an advanced 1796  
practice registered nurse who is designated as a clinical nurse 1797

specialist, certified nurse-midwife, or certified nurse 1798  
practitioner shall cooperate with the state medical board in any 1799  
investigation the board conducts with respect to a physician or 1800  
podiatrist who collaborates with the certified midwife or nurse. 1801  
The certified midwife or nurse shall cooperate with the board in 1802  
any investigation the board conducts with respect to the 1803  
unauthorized practice of medicine by the certified midwife or 1804  
nurse. 1805

(B) An advanced practice registered nurse who is 1806  
designated as a certified registered nurse anesthetist shall 1807  
cooperate with the state medical board or state dental board in 1808  
any investigation either board conducts with respect to a 1809  
physician, podiatrist, or dentist who permits the nurse to 1810  
practice with the supervision of that physician, podiatrist, or 1811  
dentist. The nurse shall cooperate with either board in any 1812  
investigation it conducts with respect to the unauthorized 1813  
practice of medicine or dentistry by the nurse. 1814

**Sec. 4723.481.** This section establishes standards and 1815  
conditions regarding the authority of an advanced practice 1816  
registered nurse who is designated as a clinical nurse 1817  
specialist, certified nurse-midwife, or certified nurse 1818  
practitioner to prescribe and personally furnish drugs and 1819  
therapeutic devices under a license issued under section 4723.42 1820  
of the Revised Code. 1821

This section also establishes standards and conditions 1822  
regarding the authority of a certified midwife to prescribe and 1823  
personally furnish drugs and therapeutic devices under a license 1824  
issued under section 4723.56 of the Revised Code. 1825

(A) A clinical nurse specialist, certified nurse-midwife, 1826  
~~or~~ certified nurse practitioner, or certified midwife shall not 1827

prescribe or furnish any drug or therapeutic device that is 1828  
listed on the exclusionary formulary established in rules 1829  
adopted under section 4723.50 of the Revised Code. 1830

(B) The prescriptive authority of a clinical nurse 1831  
specialist, certified nurse-midwife, ~~or~~ certified nurse 1832  
practitioner, or certified midwife shall not exceed the 1833  
prescriptive authority of the collaborating physician or 1834  
podiatrist, including the collaborating physician's authority to 1835  
treat chronic pain with controlled substances and products 1836  
containing tramadol as described in section 4731.052 of the 1837  
Revised Code. 1838

(C) (1) Except as provided in division (C) (2) or (3) of 1839  
this section, a clinical nurse specialist, certified nurse- 1840  
midwife, ~~or~~ certified nurse practitioner, or certified midwife 1841  
may prescribe to a patient a schedule II controlled substance 1842  
only if all of the following are the case: 1843

(a) The patient has a terminal condition, as defined in 1844  
section 2133.01 of the Revised Code. 1845

(b) A physician initially prescribed the substance for the 1846  
patient. 1847

(c) The prescription is for an amount that does not exceed 1848  
the amount necessary for the patient's use in a single, seventy- 1849  
two-hour period. 1850

(2) The restrictions on prescriptive authority in division 1851  
(C) (1) of this section do not apply if a clinical nurse 1852  
specialist, certified nurse-midwife, ~~or~~ certified nurse 1853  
practitioner, or certified midwife issues the prescription to 1854  
the patient from any of the following entities: 1855

(a) A hospital as defined in section 3722.01 of the 1856



Revised Code;	1857
(b) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals;	1858 1859 1860
(c) A health care facility operated by the department of mental health and addiction services or the department of developmental disabilities;	1861 1862 1863
(d) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;	1864 1865 1866
(e) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;	1867 1868 1869
(f) A hospice care program, as defined in section 3712.01 of the Revised Code;	1870 1871
(g) A community mental health services provider, as defined in section 5122.01 of the Revised Code;	1872 1873
(h) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;	1874 1875
(i) A freestanding birthing center, as defined in section 3701.503 of the Revised Code;	1876 1877
(j) A federally qualified health center, as defined in section 3701.047 of the Revised Code;	1878 1879
(k) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	1880 1881
(l) A health care office or facility operated by the board of health of a city or general health district or the authority	1882 1883

having the duties of a board of health under section 3709.05 of 1884  
the Revised Code; 1885

(m) A site where a medical practice is operated, but only 1886  
if the practice is comprised of one or more physicians who also 1887  
are owners of the practice; the practice is organized to provide 1888  
direct patient care; and the clinical nurse specialist, 1889  
certified nurse-midwife, ~~or~~ certified nurse practitioner, or 1890  
certified midwife providing services at the site has a standard 1891  
care arrangement and collaborates with at least one of the 1892  
physician owners who practices primarily at that site; 1893

(n) A site where a behavioral health practice is operated 1894  
that does not qualify as a location otherwise described in 1895  
division (C)(2) of this section, but only if the practice is 1896  
organized to provide outpatient services for the treatment of 1897  
mental health conditions, substance use disorders, or both, and 1898  
the clinical nurse specialist, certified nurse-midwife, ~~or~~ 1899  
certified nurse practitioner, or certified midwife providing 1900  
services at the site of the practice has a standard care 1901  
arrangement and collaborates with at least one physician who is 1902  
employed by that practice; 1903

(o) A residential care facility, as defined in section 1904  
3721.01 of the Revised Code. 1905

(3) A clinical nurse specialist, certified nurse-midwife, 1906  
~~or~~ certified nurse practitioner, or certified midwife shall not 1907  
issue to a patient a prescription for a schedule II controlled 1908  
substance from a convenience care clinic even if the clinic is 1909  
owned or operated by an entity specified in division (C)(2) of 1910  
this section. 1911

(D) A pharmacist who acts in good faith reliance on a 1912

prescription issued by a clinical nurse specialist, certified 1913  
nurse-midwife, ~~or~~ certified nurse practitioner, or certified 1914  
midwife under division (C) (2) of this section is not liable for 1915  
or subject to any of the following for relying on the 1916  
prescription: damages in any civil action, prosecution in any 1917  
criminal proceeding, or professional disciplinary action by the 1918  
state board of pharmacy under Chapter 4729. of the Revised Code. 1919

(E) A clinical nurse specialist, certified nurse-midwife, 1920  
~~or~~ certified nurse practitioner, or certified midwife shall 1921  
comply with section 3719.061 of the Revised Code if the nurse 1922  
prescribes for a minor, as defined in that section, an opioid 1923  
analgesic, as defined in section 3719.01 of the Revised Code. 1924

**Sec. 4723.483.** (A) (1) Subject to division (A) (2) of this 1925  
section, and notwithstanding any provision of this chapter or 1926  
rule adopted by the board of nursing, a clinical nurse 1927  
specialist, certified nurse-midwife, ~~or~~ certified nurse 1928  
practitioner ~~who holds a certificate to prescribe issued under~~ 1929  
~~section 4723.48 of the Revised Code,~~ or certified midwife may do 1930  
either of the following without having examined an individual to 1931  
whom epinephrine may be administered: 1932

(a) Personally furnish a supply of epinephrine 1933  
autoinjectors for use in accordance with sections 3313.7110, 1934  
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 1935  
5101.76 of the Revised Code; 1936

(b) Issue a prescription for epinephrine autoinjectors for 1937  
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 1938  
3326.28, 3328.29, 3728.03 to 3728.05, and 5101.76 of the Revised 1939  
Code. 1940

(2) An epinephrine autoinjector personally furnished or 1941

prescribed under division (A) (1) of this section must be 1942  
furnished or prescribed in such a manner that it may be 1943  
administered only in a manufactured dosage form. 1944

(B) A nurse or certified midwife who acts in good faith in 1945  
accordance with this section is not liable for or subject to any 1946  
of the following for any action or omission of an entity to 1947  
which an epinephrine autoinjector is furnished or a prescription 1948  
is issued: damages in any civil action, prosecution in any 1949  
criminal proceeding, or professional disciplinary action. 1950

**Sec. 4723.487.** (A) As used in this section: 1951

(1) "Drug database" means the database established and 1952  
maintained by the state board of pharmacy pursuant to section 1953  
4729.75 of the Revised Code. 1954

(2) "Opioid analgesic" and "benzodiazepine" have the same 1955  
meanings as in section 3719.01 of the Revised Code. 1956

(B) Except as provided in divisions (C) and (E) of this 1957  
section, an advanced practice registered nurse who is designated 1958  
as a clinical nurse specialist, certified nurse-midwife, or 1959  
certified nurse practitioner or a certified midwife shall comply 1960  
with all of the following as conditions of prescribing a drug 1961  
that is either an opioid analgesic or a benzodiazepine as part 1962  
of a patient's course of treatment for a particular condition: 1963

(1) Before initially prescribing the drug, the advanced 1964  
practice registered nurse or certified midwife or the advanced 1965  
practice registered nurse's or certified midwife's delegate 1966  
shall request from the drug database a report of information 1967  
related to the patient that covers at least the twelve months 1968  
immediately preceding the date of the request. If the advanced 1969  
practice registered nurse or certified midwife practices 1970

primarily in a county of this state that adjoins another state, 1971  
the advanced practice registered nurse or certified midwife or 1972  
delegate also shall request a report of any information 1973  
available in the drug database that pertains to prescriptions 1974  
issued or drugs furnished to the patient in the state adjoining 1975  
that county. 1976

(2) If the patient's course of treatment for the condition 1977  
continues for more than ninety days after the initial report is 1978  
requested, the advanced practice registered nurse or certified 1979  
midwife or delegate shall make periodic requests for reports of 1980  
information from the drug database until the course of treatment 1981  
has ended. The requests shall be made at intervals not exceeding 1982  
ninety days, determined according to the date the initial 1983  
request was made. The request shall be made in the same manner 1984  
provided in division (B)(1) of this section for requesting the 1985  
initial report of information from the drug database. 1986

(3) On receipt of a report under division (B)(1) or (2) of 1987  
this section, the advanced practice registered nurse or 1988  
certified midwife shall assess the information in the report. 1989  
The advanced practice registered nurse or certified midwife 1990  
shall document in the patient's record that the report was 1991  
received and the information was assessed. 1992

(C) Division (B) of this section does not apply ~~if~~ in any 1993  
of the following circumstances: 1994

(1) A drug database report regarding the patient is not 1995  
available, in which case the advanced practice registered nurse 1996  
or certified midwife shall document in the patient's record the 1997  
reason that the report is not available. 1998

(2) The drug is prescribed in an amount indicated for a 1999

period not to exceed seven days. 2000

(3) The drug is prescribed for the treatment of cancer or 2001  
another condition associated with cancer. 2002

(4) The drug is prescribed to a hospice patient in a 2003  
hospice care program, as those terms are defined in section 2004  
3712.01 of the Revised Code, or any other patient diagnosed as 2005  
terminally ill. 2006

(5) The drug is prescribed for administration in a 2007  
hospital, nursing home, or residential care facility. 2008

(D) The board of nursing may adopt rules, in accordance 2009  
with Chapter 119. of the Revised Code, that establish standards 2010  
and procedures to be followed by an advanced practice registered 2011  
nurse or certified midwife regarding the review of patient 2012  
information available through the drug database under division 2013  
(A) (5) of section 4729.80 of the Revised Code. The rules shall 2014  
be adopted in accordance with Chapter 119. of the Revised Code. 2015

(E) This section and any rules adopted under it do not 2016  
apply if the state board of pharmacy no longer maintains the 2017  
drug database. 2018

**Sec. 4723.488.** (A) Except as provided in division (B) of 2019  
this section, in the case of a license holder who is seeking 2020  
renewal of a license to practice nursing as an advanced practice 2021  
registered nurse or a license to practice as a certified midwife 2022  
and who prescribes opioid analgesics or benzodiazepines, as 2023  
defined in section 3719.01 of the Revised Code, the holder shall 2024  
certify to the board whether the holder has been granted access 2025  
to the drug database established and maintained by the state 2026  
board of pharmacy pursuant to section 4729.75 of the Revised 2027  
Code. 2028

(B) The requirement in division (A) of this section does 2029  
not apply if any of the following is the case: 2030

(1) The state board of pharmacy notifies the board of 2031  
nursing pursuant to section 4729.861 of the Revised Code that 2032  
the license holder has been restricted from obtaining further 2033  
information from the drug database. 2034

(2) The state board of pharmacy no longer maintains the 2035  
drug database. 2036

(3) The license holder does not practice ~~nursing as an~~ 2037  
advanced practice registered nurse or certified midwife in this 2038  
state. 2039

(C) If a license holder certifies to the board of nursing 2040  
that the holder has been granted access to the drug database and 2041  
the board finds through an audit or other means that the holder 2042  
has not been granted access, the board may take action under 2043  
section 4723.28 of the Revised Code. 2044

**Sec. 4723.4810.** (A) (1) Notwithstanding any conflicting 2045  
provision of this chapter or rule adopted by the board of 2046  
nursing, a clinical nurse specialist, certified nurse-midwife, 2047  
~~or certified nurse practitioner, who holds a license to practice~~ 2048  
~~nursing as an advanced practice registered nurse issued under~~ 2049  
~~section 4723.42 of the Revised Code or certified midwife~~ may 2050  
issue a prescription for or personally furnish a complete or 2051  
partial supply of a drug to treat chlamydia, gonorrhea, or 2052  
trichomoniasis, without having examined the individual for whom 2053  
the drug is intended, if all of the following conditions are 2054  
met: 2055

(a) The individual is a sexual partner of the nurse's or 2056  
certified midwife's patient. 2057

- (b) The patient has been diagnosed with chlamydia, 2058  
gonorrhea, or trichomoniasis. 2059
- (c) The patient reports to the nurse or certified midwife 2060  
that the individual is unable or unlikely to be evaluated or 2061  
treated by a health professional. 2062
- (2) A prescription issued under this section shall include 2063  
the individual's name and address, if known. If the nurse or 2064  
certified midwife is unable to obtain the individual's name and 2065  
address, the prescription shall include the patient's name and 2066  
address and the words "expedited partner therapy" or the letters 2067  
"EPT." 2068
- (3) A nurse or certified midwife may prescribe or 2069  
personally furnish a drug under this section for not more than a 2070  
total of two individuals who are sexual partners of the nurse's 2071  
or certified midwife's patient. 2072
- (B) For each drug prescribed or personally furnished under 2073  
this section, the nurse or certified midwife shall do all of the 2074  
following: 2075
- (1) Provide the patient with information concerning the 2076  
drug for the purpose of sharing the information with the 2077  
individual, including directions for use of the drug and any 2078  
side effects, adverse reactions, or known contraindications 2079  
associated with the drug; 2080
- (2) Recommend to the patient that the individual seek 2081  
treatment from a health professional; 2082
- (3) Document all of the following in the patient's record: 2083
- (a) The name of the drug prescribed or furnished and its 2084  
dosage; 2085



(b) That information concerning the drug was provided to 2086  
the patient for the purpose of sharing the information with the 2087  
individual; 2088

(c) If known, any adverse reactions the individual 2089  
experiences from treatment with the drug. 2090

(C) A nurse or certified midwife who prescribes or 2091  
personally furnishes a drug under this section may contact the 2092  
individual for whom the drug is intended. 2093

(1) If the nurse or certified midwife contacts the 2094  
individual, the nurse or certified midwife shall do all of the 2095  
following: 2096

(a) Inform the individual that the individual may have 2097  
been exposed to chlamydia, gonorrhea, or trichomoniasis; 2098

(b) Encourage the individual to seek treatment from a 2099  
health professional; 2100

(c) Explain the treatment options available to the 2101  
individual, including treatment with a prescription drug, 2102  
directions for use of the drug, and any side effects, adverse 2103  
reactions, or known contraindications associated with the drug; 2104

(d) Document in the patient's record that the nurse or 2105  
certified midwife contacted the individual. 2106

(2) If the nurse or certified midwife does not contact the 2107  
individual, the nurse or certified midwife shall document that 2108  
fact in the patient's record. 2109

(D) A nurse or certified midwife who in good faith 2110  
prescribes or personally furnishes a drug under this section is 2111  
not liable for or subject to any of the following: 2112

(1) Damages in any civil action;	2113
(2) Prosecution in any criminal proceeding;	2114
(3) Professional disciplinary action.	2115
<b>Sec. 4723.4811.</b> (A) (1) Subject to division (A) (2) of this	2116
section, and notwithstanding any provision of this chapter or	2117
rule adopted by the board of nursing, a clinical nurse	2118
specialist, certified nurse-midwife, <del>or</del> certified nurse	2119
practitioner <del>licensed as an advanced practice registered nurse</del>	2120
<del>under Chapter 4723. of the Revised Code</del> , <u>or certified midwife</u>	2121
may do either of the following without having examined an	2122
individual to whom glucagon may be administered:	2123
(a) Personally furnish a supply of injectable or nasally	2124
administered glucagon for use in accordance with sections	2125
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and 5101.78 of	2126
the Revised Code;	2127
(b) Issue a prescription for injectable or nasally	2128
administered glucagon for use in accordance with sections	2129
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and 5101.78 of	2130
the Revised Code.	2131
(2) Injectable or nasally administered glucagon personally	2132
furnished or prescribed under division (A) (1) of this section	2133
must be furnished or prescribed in such a manner that it may be	2134
administered only in a manufactured dosage form.	2135
(B) A nurse <u>or certified midwife</u> who acts in good faith in	2136
accordance with this section is not liable for or subject to any	2137
of the following for any action or omission of an entity to	2138
which injectable or nasally administered glucagon is furnished	2139
or a prescription is issued: damages in any civil action,	2140
prosecution in any criminal proceeding, or professional	2141

disciplinary action. 2142

**Sec. 4723.50.** (A) As used in this section: 2143

(1) "Controlled substance" has the same meaning as in 2144  
section 3719.01 of the Revised Code. 2145

(2) "Medication-assisted treatment" has the same meaning 2146  
as in section 340.01 of the Revised Code. 2147

(B) In accordance with Chapter 119. of the Revised Code, 2148  
the board of nursing shall adopt rules as necessary to implement 2149  
the provisions of this chapter pertaining to the authority of 2150  
~~advanced practice registered nurses who are designated as~~ 2151  
clinical nurse specialists, certified nurse-midwives, ~~and~~ 2152  
certified nurse practitioners, and certified midwives to 2153  
prescribe and furnish drugs and therapeutic devices. 2154

The board shall adopt rules establishing an exclusionary 2155  
formulary. The exclusionary formulary shall permit, in a manner 2156  
consistent with section 4723.481 of the Revised Code, the 2157  
prescribing of controlled substances, including drugs that 2158  
contain buprenorphine used in medication-assisted treatment and 2159  
both oral and long-acting opioid antagonists. The formulary 2160  
shall not permit the prescribing or furnishing of any of the 2161  
following: 2162

(1) A drug or device to perform or induce an abortion; 2163

(2) A drug or device prohibited by federal or state law. 2164

(C) In addition to the rules described in division (B) of 2165  
this section, the board shall adopt rules under this section 2166  
that do the following: 2167

(1) Establish standards for board approval of the course 2168  
of study in advanced pharmacology and related topics required by 2169

<del>section sections</del> 4723.482 and 4723.551 of the Revised Code;	2170
(2) Establish requirements for board approval of the two-hour course of instruction in the laws of this state as required under division (C) (1) of section 4723.482 of the Revised Code;	2171 2172 2173
(3) Establish criteria for the components of the standard care arrangements described in section 4723.431 of the Revised Code that apply to the authority to prescribe, including the components that apply to the authority to prescribe schedule II controlled substances. The rules shall be consistent with that section and include all of the following:	2174 2175 2176 2177 2178 2179
(a) Quality assurance standards;	2180
(b) Standards for periodic review by a collaborating physician or podiatrist of the records of patients treated by the clinical nurse specialist, certified nurse-midwife, <del>or</del> certified nurse practitioner, <u>or certified midwife</u> ;	2181 2182 2183 2184
(c) Acceptable travel time between the location at which the clinical nurse specialist, certified nurse-midwife, <del>or</del> certified nurse practitioner, <u>or certified midwife</u> is engaging in the prescribing components of the nurse's practice and the location of the nurse's <u>or certified midwife's</u> collaborating physician or podiatrist.	2185 2186 2187 2188 2189 2190
<u>Sec. 4723.53. As used in sections 4723.53 to 4723.60 of the Revised Code:</u>	2191 2192
<u>(A) "Accreditation commission for midwifery education" means the organization known by that name or its successor organization.</u>	2193 2194 2195
<u>(B) "American midwifery certification board" means the organization known by that name or its successor organization.</u>	2196 2197

Sec. 4723.54. (A) Except as provided in division (B) of 2198  
this section, no individual shall knowingly practice as a 2199  
certified midwife unless the individual holds a current, valid 2200  
license to practice as a certified midwife issued under section 2201  
4723.56 of the Revised Code. 2202

(B) Division (A) of this section does not apply to any of 2203  
the following: 2204

(1) A physician authorized under Chapter 4731. of the 2205  
Revised Code to practice medicine and surgery, osteopathic 2206  
medicine and surgery, or podiatric medicine and surgery; 2207

(2) A physician assistant authorized under Chapter 4730. 2208  
of the Revised Code to practice as a physician assistant; 2209

(3) A registered nurse, advanced practice registered 2210  
nurse, or licensed practical nurse authorized under this chapter 2211  
to practice nursing as a registered nurse, advanced practice 2212  
registered nurse, or licensed practical nurse; 2213

(4) A licensed midwife; 2214

(5) A traditional midwife; 2215

(6) A student who is participating in a midwifery 2216  
education program accredited by the accreditation commission for 2217  
midwifery education and who provides midwifery services under 2218  
the auspices of the program and under the supervision of a 2219  
certified midwife serving for the program as a faculty member, 2220  
instructor, teaching assistant, or preceptor. 2221

Sec. 4723.55. (A) An individual seeking a license to 2222  
practice as a certified midwife shall file with the board of 2223  
nursing an application in a manner prescribed by the board. The 2224  
application shall include all the information the board 2225

considers necessary to process the application, including 2226  
evidence satisfactory to the board that the applicant meets the 2227  
requirements specified in division (B) of this section. 2228

(B) To be eligible to receive a license to practice as a 2229  
certified midwife, an applicant shall demonstrate to the board 2230  
that the applicant meets all of the following requirements: 2231

(1) Is at least eighteen years of age; 2232

(2) Has attained a master's degree or higher; 2233

(3) Has graduated from a midwifery education program 2234  
accredited by the accreditation commission for midwifery 2235  
education; 2236

(4) Is certified by the American midwifery certification 2237  
board; 2238

(5) Is certified in neonatal and adult cardiopulmonary 2239  
resuscitation; 2240

(6) Has successfully completed the course of study in 2241  
advanced pharmacology required by section 4723.551 of the 2242  
Revised Code. 2243

(C) The board shall review all applications received under 2244  
this section. After receiving an application it considers 2245  
complete, the board shall determine whether the applicant meets 2246  
the requirements for a license to practice as a certified 2247  
midwife. 2248

**Sec. 4723.551.** (A) An applicant for a license to practice 2249  
as a certified midwife shall include with the application 2250  
submitted under section 4723.55 of the Revised Code evidence of 2251  
successfully completing the course of study in advanced 2252  
pharmacology and related topics in accordance with the 2253

requirements specified in division (B) of this section. 2254

(B) With respect to the course of study in advanced 2255  
pharmacology and related topics, all of the following 2256  
requirements apply: 2257

(1) The course of study shall be completed not more than 2258  
five years before the application is filed. 2259

(2) The course of study shall include at least forty-five 2260  
contact hours. 2261

(3) The course of study shall meet the requirements to be 2262  
approved by the board in accordance with standards established 2263  
in rules adopted under section 4723.50 of the Revised Code. 2264

(4) The content of the course of study shall be specific 2265  
to midwifery. 2266

(5) The instruction provided in the course of study shall 2267  
include all of the following: 2268

(a) A minimum of thirty-six contact hours of instruction 2269  
in advanced pharmacology that includes pharmacokinetic 2270  
principles and clinical application and the use of drugs and 2271  
therapeutic devices in the prevention of illness and maintenance 2272  
of health; 2273

(b) Instruction in the fiscal and ethical implications of 2274  
prescribing drugs and therapeutic devices; 2275

(c) Instruction in the state and federal laws that apply 2276  
to the authority to prescribe; 2277

(d) Instruction that is specific to schedule II controlled 2278  
substances, including instruction in all of the following: 2279

(i) Indications for the use of schedule II controlled 2280

<u>substances in drug therapies;</u>	2281
<u>(ii) The most recent guidelines for pain management</u>	2282
<u>therapies, as established by state and national organizations</u>	2283
<u>such as the Ohio pain initiative and the American pain society;</u>	2284
<u>(iii) Fiscal and ethical implications of prescribing</u>	2285
<u>schedule II controlled substances;</u>	2286
<u>(iv) State and federal laws that apply to the authority to</u>	2287
<u>prescribe schedule II controlled substances;</u>	2288
<u>(v) Prevention of abuse and diversion of schedule II</u>	2289
<u>controlled substances, including identification of the risk of</u>	2290
<u>abuse and diversion, recognition of abuse and diversion, types</u>	2291
<u>of assistance available for prevention of abuse and diversion,</u>	2292
<u>and methods of establishing safeguards against abuse and</u>	2293
<u>diversion.</u>	2294
<u>Sec. 4723.56. (A) If the board of nursing determines under</u>	2295
<u>section 4723.55 of the Revised Code that an applicant meets the</u>	2296
<u>requirements for a license to practice as a certified midwife,</u>	2297
<u>the secretary of the board shall issue the license to the</u>	2298
<u>applicant.</u>	2299
<u>(B) Each license shall be valid for a two-year period</u>	2300
<u>unless revoked or suspended, shall expire on the date that is</u>	2301
<u>two years after the date of issuance, and may be renewed for</u>	2302
<u>additional two-year periods in accordance with rules adopted</u>	2303
<u>under section 4723.59 of the Revised Code.</u>	2304
<u>(C) To renew a license to practice as a certified midwife,</u>	2305
<u>an applicant for renewal shall demonstrate both of the following</u>	2306
<u>to the board:</u>	2307
<u>(1) That the applicant has maintained certification in</u>	2308



<u>neonatal and adult cardiopulmonary resuscitation;</u>	2309
<u>(2) That the applicant has satisfied the continuing</u>	2310
<u>education requirements of the American midwifery certification</u>	2311
<u>board.</u>	2312
<u>Sec. 4723.57. (A) An individual who holds a current, valid</u>	2313
<u>license to practice as a certified midwife may, in collaboration</u>	2314
<u>with one or more physicians, engage in one or more of the</u>	2315
<u>following activities:</u>	2316
<u>(1) Providing primary health care services for women from</u>	2317
<u>adolescence and beyond menopause, including the independent</u>	2318
<u>provision of gynecologic and family planning services,</u>	2319
<u>preconception care, and care during pregnancy, childbirth, and</u>	2320
<u>the postpartum period;</u>	2321
<u>(2) Attending births in hospitals, homes, medical offices,</u>	2322
<u>and freestanding birthing centers;</u>	2323
<u>(3) Providing care for normal newborns during the first</u>	2324
<u>twenty-eight days of life;</u>	2325
<u>(4) Providing initial and ongoing comprehensive</u>	2326
<u>assessment, diagnosis, and treatment;</u>	2327
<u>(5) Conducting physical examinations;</u>	2328
<u>(6) Ordering and interpreting laboratory and diagnostic</u>	2329
<u>tests;</u>	2330
<u>(7) Providing care that includes health promotion, disease</u>	2331
<u>prevention, and individualized wellness education and</u>	2332
<u>counseling.</u>	2333
<u>(B) When engaging in any of the activities permitted under</u>	2334
<u>this section, a certified midwife shall maintain appropriate</u>	2335

medical records regarding patient history, treatment, and 2336  
outcomes. 2337

Sec. 4723.58. (A) This section establishes the process by 2338  
which a certified nurse-midwife or certified midwife obtains a 2339  
patient's consent to treatment authorized by section 4723.43 or 2340  
4723.57 of the Revised Code, but only when the certified nurse- 2341  
midwife or certified midwife seeks to provide the treatment in a 2342  
setting other than a hospital or facility. 2343

(B) The following information shall be exchanged in 2344  
writing between a certified nurse-midwife or certified midwife 2345  
and patient when obtaining consent to treatment as described in 2346  
division (A) of this section: 2347

(1) The name and license number of the certified nurse- 2348  
midwife or certified midwife; 2349

(2) The patient's name, address, telephone number, and 2350  
primary care provider, if the patient has one; 2351

(3) A description of the certified nurse-midwife's or 2352  
certified midwife's education, training, and experience in 2353  
nurse-midwifery or midwifery; 2354

(4) A description of the certified nurse-midwife's or 2355  
certified midwife's peer review process; 2356

(5) The certified nurse-midwife's or certified midwife's 2357  
practice philosophy; 2358

(6) A promise to provide the patient, upon request, with 2359  
separate documents describing the rules governing the practice 2360  
of a certified nurse-midwife or certified midwife, including a 2361  
list of conditions indicating the need for consultation, 2362  
referral, transfer, or mandatory transfer and the certified 2363

<u>nurse-midwife's or certified midwife's personal written practice</u>	2364
<u>guidelines;</u>	2365
<u>(7) A written plan for medical consultation and transfer</u>	2366
<u>of care;</u>	2367
<u>(8) A description of any hospital care and procedures that</u>	2368
<u>may be necessary in the event of an emergency transfer or care;</u>	2369
<u>(9) A description of the services provided to the patient</u>	2370
<u>by the certified nurse-midwife or certified midwife;</u>	2371
<u>(10) That the certified nurse-midwife or certified midwife</u>	2372
<u>holds a current, valid license to practice issued under this</u>	2373
<u>chapter;</u>	2374
<u>(11) The availability of a grievance process;</u>	2375
<u>(12) Whether the certified nurse-midwife or certified</u>	2376
<u>midwife is covered by professional liability insurance;</u>	2377
<u>(13) Any other information required in rules adopted by</u>	2378
<u>the board.</u>	2379
<u>(C) Once the required information has been exchanged and</u>	2380
<u>if the patient consents to treatment, the patient and certified</u>	2381
<u>nurse-midwife or certified midwife shall sign a written document</u>	2382
<u>to indicate as such. The certified nurse-midwife or certified</u>	2383
<u>midwife shall retain a copy of the document for at least four</u>	2384
<u>years from the date on which the document was signed.</u>	2385
<b><u>Sec. 4723.581. (A) The board of nursing shall adopt rules</u></b>	2386
<u>establishing the circumstances in which a certified nurse-</u>	2387
<u>midwife or certified midwife shall be prohibited from attending</u>	2388
<u>a home birth, which may include a high-risk pregnancy. In</u>	2389
<u>adopting the rules, the board shall allow a midwife to attend</u>	2390
<u>any of the following as a home birth only if the conditions</u>	2391

described in division (B) of this section are satisfied: a 2392  
vaginal birth after cesarean, birth of twins, or breech birth. 2393

(B) In the event of a home birth described in division (A) 2394  
of this section, a certified nurse-midwife or certified midwife 2395  
may attend the birth only if all of the following conditions are 2396  
satisfied: 2397

(1) In addition to the informed consent required under 2398  
section 4723.58 of the Revised Code, the certified nurse-midwife 2399  
or certified midwife obtains the patient's written informed 2400  
consent for the vaginal birth after cesarean, birth of twins, or 2401  
breech birth, including a description of risks associated with 2402  
the procedure. 2403

(2) The certified nurse-midwife or certified midwife 2404  
consults with a physician or other health care provider about 2405  
the patient and together with the physician or provider 2406  
determines whether referral is appropriate for the patient. 2407

If a referral is determined to be appropriate and the 2408  
patient consents to the referral, the certified nurse-midwife or 2409  
certified midwife shall refer the patient to the physician or 2410  
provider. If the patient refuses the referral, the certified 2411  
nurse-midwife or certified midwife shall document the refusal 2412  
and may continue to provide care to the patient, including 2413  
attending the vaginal birth after cesarean, birth of twins, or 2414  
breech birth at home. 2415

(3) The certified nurse-midwife or certified midwife 2416  
satisfies any other conditions required in rules adopted by the 2417  
board of nursing. 2418

(C) In adopting rules under this section, the board of 2419  
nursing shall do both of the following: 2420

<u>(1) Consider any relevant peer-reviewed medical</u>	2421
<u>literature;</u>	2422
<u>(2) Specify the content and format of the document to be</u>	2423
<u>used when obtaining informed consent as described in this</u>	2424
<u>section.</u>	2425
<b><u>Sec. 4723.582.</u></b> (A) <u>As used in this section and section</u>	2426
<u>4723.583 of the Revised Code, "emergency medical service,"</u>	2427
<u>"emergency medical service personnel," and "emergency medical</u>	2428
<u>service organization" have the same meanings as in section</u>	2429
<u>4765.01 of the Revised Code.</u>	2430
<u>(B) For any pregnancy or childbirth in which a certified</u>	2431
<u>nurse-midwife or certified midwife provides care and a home</u>	2432
<u>birth is planned, both of the following apply:</u>	2433
<u>(1) The certified nurse-midwife or certified midwife shall</u>	2434
<u>create an individualized transfer of care plan with each</u>	2435
<u>patient.</u>	2436
<u>(2) The certified nurse-midwife or certified midwife shall</u>	2437
<u>assess the status of the patient, fetus, and newborn throughout</u>	2438
<u>the maternity care cycle and shall determine when or if a</u>	2439
<u>transfer to a hospital or facility is necessary.</u>	2440
<u>(C) Each individualized transfer of care plan shall</u>	2441
<u>contain all of the following:</u>	2442
<u>(1) The name and location of geographically adjacent</u>	2443
<u>hospitals and other facilities that are appropriately equipped</u>	2444
<u>to provide emergency care, obstetrical care, and newborn care;</u>	2445
<u>(2) The approximate travel time to each hospital or</u>	2446
<u>facility;</u>	2447
<u>(3) A list of the modes of transport services available,</u>	2448

<u>including an emergency medical service organization available by</u>	2449
<u>calling 9-1-1;</u>	2450
<u>(4) The requirements for activating each mode of</u>	2451
<u>transportation;</u>	2452
<u>(5) The mechanism by which medical records and other</u>	2453
<u>information concerning the patient may be rapidly transmitted to</u>	2454
<u>each hospital or facility;</u>	2455
<u>(6) Each hospital's or facility's preferences regarding</u>	2456
<u>the registration of a patient prior to transfer as well as the</u>	2457
<u>hospital's or facility's procedures for confirming such a</u>	2458
<u>registration;</u>	2459
<u>(7) Contact information for either a health care provider</u>	2460
<u>or practice group who has agreed in advance to accept patients</u>	2461
<u>in transfer, or a hospital's or facility's preferred method of</u>	2462
<u>accessing care by the hospital's or facility's designated</u>	2463
<u>provider on call;</u>	2464
<u>(8) Any other information required in rules adopted by the</u>	2465
<u>board of nursing.</u>	2466
<u>(D) When it becomes necessary to transfer a patient, a</u>	2467
<u>certified nurse-midwife or certified midwife shall notify the</u>	2468
<u>receiving provider, hospital, or facility of all of the</u>	2469
<u>following:</u>	2470
<u>(1) The incoming transfer;</u>	2471
<u>(2) The reason for the transfer;</u>	2472
<u>(3) A brief relevant clinical history;</u>	2473
<u>(4) The planned mode of transport;</u>	2474
<u>(5) The expected time of arrival;</u>	2475

(6) Any other information required in rules adopted by the 2476  
board. 2477

The certified nurse-midwife or certified midwife shall 2478  
continue to provide routine or urgent care en route in 2479  
coordination with any emergency medical services personnel or 2480  
emergency medical service organization and shall address the 2481  
psychosocial needs of the patient during the change of birth 2482  
setting. 2483

(E) On arrival at the hospital or facility, the certified 2484  
nurse-midwife or certified midwife shall do all of the 2485  
following: 2486

(1) Provide a verbal report that includes details on the 2487  
patient's current health status and the need for urgent care; 2488

(2) Provide a legible copy of relevant prenatal and labor 2489  
medical records; 2490

(3) Transfer clinical responsibility to the receiving 2491  
provider, hospital, or facility; 2492

(4) Satisfy any other requirement established in rules 2493  
adopted by the board of nursing. 2494

If the patient chooses, the certified nurse-midwife or 2495  
certified midwife may remain at the hospital or facility to 2496  
provide continuous support. The certified nurse-midwife or 2497  
certified midwife also may continue to provide midwifery 2498  
services, but only if the hospital or facility has granted the 2499  
nurse-midwife or midwife clinical privileges. Whenever possible, 2500  
the patient and her newborn shall be together during the 2501  
transfer and after admission to the hospital or facility. 2502

**Sec. 4723.583. Emergency medical service personnel or an** 2503

emergency medical service organization, hospital, facility, 2504  
physician, advanced practice registered nurse, or certified 2505  
midwife that provides services or care following an adverse 2506  
incident as defined in section 4723.584 of the Revised Code or 2507  
during and after a transfer of care as described in section 2508  
4723.582 of the Revised Code are not liable in damages in a tort 2509  
or other civil action for injury or loss to person or property 2510  
arising from the services or care, unless the services or care 2511  
are provided in a manner that constitutes willful or wanton 2512  
misconduct. 2513

**Sec. 4723.584.** (A) As used in this section, "adverse 2514  
incident" means an incident over which a certified nurse-midwife 2515  
or certified midwife could exercise control, that is associated 2516  
with an attempted or completed birth in a setting or facility 2517  
other than a hospital, and that results in one or more of the 2518  
following injuries or conditions: 2519

(1) A maternal death that occurs during delivery or within 2520  
forty-two days after delivery; 2521

(2) The transfer of a maternal patient to a hospital 2522  
intensive care unit; 2523

(3) A maternal patient experiencing hemorrhagic shock or 2524  
requiring a transfusion of more than four units of blood or 2525  
blood products; 2526

(4) A fetal or newborn death, including a stillbirth, 2527  
associated with an obstetrical delivery; 2528

(5) A transfer of a newborn to a neonatal intensive care 2529  
unit due to a traumatic physical or neurological birth injury, 2530  
including any degree of a brachial plexus injury; 2531

(6) A transfer of a newborn to a neonatal intensive care 2532



unit within the first seventy-two hours after birth if the 2533  
newborn remains in such unit for more than seventy-two hours; 2534

(7) Any other condition as determined by the board of 2535  
nursing in rules adopted under section 4723.07 or 4723.59 of the 2536  
Revised Code. 2537

(B) Beginning July 1, 2025, a certified nurse-midwife or 2538  
certified midwife who attends a birth planned for a facility or 2539  
setting other than a hospital must report any adverse incident, 2540  
along with a medical summary of events, to both of the following 2541  
within fifteen days after the adverse incident occurs: 2542

(1) The department of health; 2543

(2) The Ohio perinatal quality collaborative. 2544

(C) Beginning on the date that is one year after the 2545  
effective date of this section, each certified nurse-midwife or 2546  
certified midwife shall report annually to the department of 2547  
health the following information regarding cases in which the 2548  
midwife provided services when the intended place of birth at 2549  
the onset of care was in a facility or setting other than a 2550  
hospital: 2551

(1) The total number of patients provided nurse-midwifery 2552  
or certified midwifery services at the onset of care; 2553

(2) The number of live births attended; 2554

(3) The number of cases of fetal demise, newborn deaths, 2555  
and maternal deaths attended as a certified nurse-midwife or 2556  
certified midwife at the discovery of the demise or death; 2557

(4) The number, reason for, and outcome of each transport 2558  
of a patient in the antepartum, intrapartum period, or immediate 2559  
postpartum period; 2560

<u>(5) A brief description of any complications resulting in the morbidity or mortality of a maternal patient or a newborn;</u>	2561
	2562
<u>(6) The planned delivery setting and the actual setting;</u>	2563
<u>(7) Any other information required in rules adopted by the department.</u>	2564
	2565
<u>(D) The department shall adopt rules to implement this section and shall develop a form to be used for the reporting required under divisions (B) and (C) of this section.</u>	2566
	2567
	2568
<b><u>Sec. 4723.59.</u></b> <u>(A) In addition to the rules described in section 4723.07 of the Revised Code, the board of nursing shall adopt rules establishing standards and procedures for the licensure and regulation of certified midwives, including those establishing license application and renewal procedures. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.</u>	2569
	2570
	2571
	2572
	2573
	2574
	2575
<u>(B) The board also may adopt, in accordance with Chapter 119. of the Revised Code, any other rules it considers necessary to implement and administer sections 4723.53 to 4723.60 of the Revised Code. The rules may require the completion of a criminal records check and, in the case of a license to practice as a certified midwife issued by another jurisdiction, may provide for licensure by endorsement.</u>	2576
	2577
	2578
	2579
	2580
	2581
	2582
<b><u>Sec. 4723.60.</u></b> <u>Sections 4723.53 to 4723.59 of the Revised Code do not abridge, change, or limit in any way the right of a parent to deliver the parent's baby where, when, how, and with whom the parent chooses, regardless of the licensure requirements established in those sections.</u>	2583
	2584
	2585
	2586
	2587
<b><u>Sec. 4723.91.</u></b> <u>On receipt of a notice pursuant to section 3123.43 of the Revised Code, the board of nursing shall comply</u>	2588
	2589

with sections 3123.41 to 3123.50 of the Revised Code and any 2590  
applicable rules adopted under section 3123.63 of the Revised 2591  
Code with respect to a nursing license, certified midwife 2592  
license, medication aide certificate, dialysis technician 2593  
certificate, or community health worker certificate issued 2594  
pursuant to this chapter. 2595

**Sec. 4723.99.** (A) Except as provided in division (B) or 2596  
(C) of this section, whoever violates section 4723.03, 4723.44, 2597  
4723.54, 4723.653, or 4723.73 of the Revised Code is guilty of a 2598  
felony of the fifth degree on a first offense and a felony of 2599  
the fourth degree on each subsequent offense. 2600

(B) Each of the following is guilty of a minor 2601  
misdemeanor: 2602

(1) A registered nurse, advanced practice registered 2603  
nurse, or licensed practical nurse who violates division (A), 2604  
(B), (C), or (D) of section 4723.03 of the Revised Code by 2605  
reason of a license to practice nursing that has lapsed for 2606  
failure to renew or by practicing nursing after a license has 2607  
been classified as inactive; 2608

(2) A medication aide who violates section 4723.653 of the 2609  
Revised Code by reason of a medication aide certificate that has 2610  
lapsed for failure to renew or by administering medication as a 2611  
medication aide after a certificate has been classified as 2612  
inactive. 2613

(C) Whoever violates division (H) of section 4723.03 of 2614  
the Revised Code is guilty of a misdemeanor of the first degree. 2615

**Sec. 4724.01.** As used in this chapter: 2616

(A) "Certified international midwife" means an individual 2617  
who is certified by the international registry of midwives but 2618

is not a licensed midwife. 2619

(B) "Certified professional midwife" means an individual 2620  
who is certified by the north American registry of midwives but 2621  
is not a licensed midwife. 2622

(C) "International registry of midwives" means the 2623  
organization known by that name or its successor organization. 2624

(D) "Licensed midwife" means an individual holding a 2625  
license to practice issued under section 4724.04 of the Revised 2626  
Code. 2627

(E) "Midwifery education accreditation council" means the 2628  
organization known by that name or its successor organization. 2629

(F) "North American registry of midwives" means the 2630  
organization known by that name or its successor organization. 2631

(G) "Traditional midwife" means an individual who has 2632  
entered the midwifery profession through an apprenticeship 2633  
program with an experienced practicing midwife, does not hold a 2634  
license to practice midwifery issued under this chapter or 2635  
Chapter 4723. of the Revised Code, and, before providing 2636  
midwifery services, discloses to each client in writing that the 2637  
individual is not a licensed midwife. 2638

**Sec. 4724.02.** (A) Except as provided in division (B) of 2639  
this section, no individual shall knowingly practice as a 2640  
licensed midwife unless the individual holds a current, valid 2641  
license to practice issued under section 4724.04 of the Revised 2642  
Code. 2643

(B) Division (A) of this section does not apply to any of 2644  
the following: 2645

(1) A physician authorized under Chapter 4731. of the 2646

<u>Revised Code to practice medicine and surgery, osteopathic</u>	2647
<u>medicine and surgery, or podiatric medicine and surgery;</u>	2648
<u>(2) A physician assistant authorized under Chapter 4730.</u>	2649
<u>of the Revised Code to practice as a physician assistant;</u>	2650
<u>(3) A registered nurse, advanced practice registered</u>	2651
<u>nurse, or licensed practical nurse authorized under Chapter</u>	2652
<u>4723. of the Revised Code to practice nursing as a registered</u>	2653
<u>nurse, advanced practice registered nurse, or licensed practical</u>	2654
<u>nurse;</u>	2655
<u>(4) A certified midwife authorized under Chapter 4723. of</u>	2656
<u>the Revised Code to practice as a certified midwife;</u>	2657
<u>(5) A student who is participating in a professional</u>	2658
<u>midwifery education program and who provides midwifery services</u>	2659
<u>under the auspices of the program and under the supervision of a</u>	2660
<u>licensed midwife serving for the program as a faculty member,</u>	2661
<u>instructor, teaching assistant, or preceptor;</u>	2662
<u>(6) An individual who is participating in a professional</u>	2663
<u>midwifery apprenticeship and who provides midwifery services as</u>	2664
<u>part of the apprenticeship program and under the supervision of</u>	2665
<u>a licensed midwife serving for the program as an instructor,</u>	2666
<u>teaching assistant, or preceptor;</u>	2667
<u>(7) An individual who provides midwifery services without</u>	2668
<u>a license while engaging in good faith in the practice of the</u>	2669
<u>religious tenets of any church or in any religious act;</u>	2670
<u>(8) An individual who is not engaged in the practice of</u>	2671
<u>the religious tenets of any church or in any religious act but</u>	2672
<u>who provides midwifery services without a license to others</u>	2673
<u>engaging in good faith in the practice of the religious tenets</u>	2674
<u>of any church or in any religious act;</u>	2675

(9) An individual who is a member of a Native American community and provides midwifery services without a license to another member of the community; 2676  
2677  
2678

(10) A traditional midwife; 2679

(11) An individual who is participating in a midwifery apprenticeship under the supervision of a traditional midwife and who provides midwifery services as part of the apprenticeship program under the supervision of a traditional midwife; 2680  
2681  
2682  
2683  
2684

(12) A certified professional midwife or certified international midwife, but only if the certified professional midwife or certified international midwife does not, as a part of the midwife's practice, obtain or administer drugs or perform surgical suturing. 2685  
2686  
2687  
2688  
2689

(C) No individual shall knowingly use the title "licensed midwife" or any other title implying that the individual is a licensed midwife unless the individual holds a current, valid license to practice issued under section 4724.04 of the Revised Code. 2690  
2691  
2692  
2693  
2694

**Sec. 4724.03.** (A) An individual seeking a license to practice as a licensed midwife shall file with the department of commerce an application in a manner prescribed by the department. The application shall include all the information the department considers necessary to process the application, including evidence satisfactory to the department that the applicant meets the requirements specified in division (B)(1) or (2) of this section. 2695  
2696  
2697  
2698  
2699  
2700  
2701  
2702

(B) (1) To be eligible to receive a license to practice as a licensed midwife, an applicant shall demonstrate to the 2703  
2704

department that the applicant meets all of the following 2705  
requirements: 2706

(a) Is at least eighteen years of age; 2707

(b) Has attained a high school degree or equivalent; 2708

(c) Is certified by the north American registry of 2709  
midwives, international registry of midwives, or another 2710  
certifying organization approved by the department in rules 2711  
adopted under section 4724.11 of the Revised Code; 2712

(d) Is certified in neonatal and adult cardiopulmonary 2713  
resuscitation; 2714

(e) Has successfully completed a course of study in breech 2715  
births approved by the department in rules adopted under section 2716  
4724.11 of the Revised Code; 2717

(f) Has successfully completed a course of study in 2718  
pharmacology approved by the department in rules adopted under 2719  
section 4724.11 of the Revised Code. 2720

(2) In lieu of meeting the requirements described in 2721  
division (B)(1)(c) of this section, an applicant may demonstrate 2722  
either of the following: 2723

(a) That the applicant holds a current, valid license to 2724  
practice as a licensed midwife issued by another state and the 2725  
department has determined that the other state's requirements 2726  
for licensure are substantially similar to those described in 2727  
division (B)(1) of this section; 2728

(b) That the applicant is certified by the north American 2729  
registry of midwives and holds a midwifery bridge certificate. 2730

(C) The department shall review all applications received 2731

under this section. After receiving an application it considers 2732  
complete, the department shall determine whether the applicant 2733  
meets the requirements for a license to practice as a licensed 2734  
midwife. 2735

**Sec. 4724.04.** (A) If the department of commerce determines 2736  
under section 4724.03 of the Revised Code that an applicant 2737  
meets the requirements for a license to practice as a licensed 2738  
midwife, the department shall issue the license to the 2739  
applicant. 2740

(B) Each license shall be valid for a two-year period 2741  
unless revoked or suspended, shall expire on the date that is 2742  
two years after the date of issuance, and may be renewed for 2743  
additional two-year periods in accordance with rules adopted 2744  
under section 4724.11 of the Revised Code. 2745

(C) To renew a license to practice as a licensed midwife, 2746  
an applicant for renewal shall demonstrate both of the following 2747  
to the department: 2748

(1) That the applicant has maintained certification in 2749  
neonatal and adult cardiopulmonary resuscitation; 2750

(2) That the applicant has maintained certification with 2751  
the north American registry of midwives, international registry 2752  
of midwives, or another certifying organization approved by the 2753  
department in rules adopted under section 4724.11 of the Revised 2754  
Code. 2755

(D) In the event a license issued under this section is 2756  
not renewed and is therefore expired or inactive, the department 2757  
shall reinstate or restore the license if the individual seeking 2758  
reinstatement or restoration satisfies the conditions specified 2759  
in rules adopted under section 4724.11 of the Revised Code. 2760



Sec. 4724.05. (A) An individual who holds a current, valid license to practice as a licensed midwife may engage in one or more of the following activities: 2761  
2762  
2763

(1) Offering care, education, counseling, and support to women and their families during pregnancy, birth, and the postpartum period; 2764  
2765  
2766

(2) Attending births in hospitals, homes, medical offices, and freestanding birthing centers; 2767  
2768

(3) Providing ongoing care throughout pregnancy and hands on care during labor, birth, and the immediate postpartum period; 2769  
2770  
2771

(4) Providing maternal and well-baby care for the six- to eight-week period following delivery; 2772  
2773

(5) Providing initial and ongoing comprehensive assessment, diagnosis, and treatment; 2774  
2775

(6) Recognizing abnormal or dangerous conditions requiring consultations with or referrals to other licensed health care professionals; 2776  
2777  
2778

(7) Conducting physical examinations; 2779

(8) Ordering and interpreting laboratory and diagnostic tests, including without a physician's order. 2780  
2781

(B) An individual who holds a current, valid license to practice as a licensed midwife shall not engage in any of the following activities: 2782  
2783  
2784

(1) Administering cytotec or oxytocics, including pitocin and methergine, except when indicated during the postpartum period; 2785  
2786  
2787

<u>(2) Using forceps or vacuum extraction to assist with</u>	2788
<u>birth;</u>	2789
<u>(3) Performing any operative procedures or surgical</u>	2790
<u>repairs other than the following: artificial rupture of</u>	2791
<u>membranes; episiotomies; first or second degree perineal,</u>	2792
<u>vaginal, or labial repairs; clamping or cutting the umbilical</u>	2793
<u>cord; or frenotomies.</u>	2794
<u>(C) For the purpose of engaging in one or more of the</u>	2795
<u>activities permitted under division (A) of this section, a</u>	2796
<u>licensed midwife may obtain and administer the following:</u>	2797
<u>(1) Subject to division (B) of this section, an</u>	2798
<u>antihemorrhagic agent, including tranexamic acid, pitocin,</u>	2799
<u>oxytocin, misoprostol, and methergine;</u>	2800
<u>(2) Intravenous fluids to stabilize the laboring or</u>	2801
<u>postpartum patient or as necessary to administer another drug</u>	2802
<u>authorized by this division;</u>	2803
<u>(3) Neonatal injectable vitamin K;</u>	2804
<u>(4) Newborn antibiotic eye prophylaxis;</u>	2805
<u>(5) Oxygen;</u>	2806
<u>(6) Intravenous antibiotics for group B streptococcal</u>	2807
<u>prophylaxis;</u>	2808
<u>(7) Rho (D) immune globulin;</u>	2809
<u>(8) Local anesthesia;</u>	2810
<u>(9) Epinephrine, but only to address an adverse reaction</u>	2811
<u>to a medication;</u>	2812
<u>(10) A drug prescribed for the patient by a prescriber.</u>	2813

A licensed midwife also may obtain, without a physician's order, one or more supplies necessary to administer any of the drugs described in division (C) of this section. 2814  
2815  
2816

(D) This section does not authorize a licensed midwife to prescribe, personally furnish, obtain, or administer either of the following: 2817  
2818  
2819

(1) Any controlled substance as defined in section 3719.01 of the Revised Code; 2820  
2821

(2) A drug or device to perform or induce an abortion. 2822

(E) When engaging in any of the activities permitted under this section, a licensed midwife shall maintain appropriate medical records regarding patient history, treatment, and outcomes. 2823  
2824  
2825  
2826

Sec. 4724.06. The department of commerce shall limit, revoke, or suspend an individual's license to practice as a licensed midwife, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate or restore a license, or reprimand or place on probation the holder of a license for any of the reasons specified in rules adopted under section 4724.11 of the Revised Code. 2827  
2828  
2829  
2830  
2831  
2832  
2833

Sec. 4724.07. (A) This section establishes the process by which a licensed midwife obtains a patient's consent to treatment authorized by section 4724.05 of the Revised Code, including attending a home birth or providing care during a high-risk pregnancy. 2834  
2835  
2836  
2837  
2838

(B) The following information shall be exchanged in writing between a licensed midwife and patient when obtaining consent to treatment as described in division (A) of this section: 2839  
2840  
2841  
2842

- (1) The name and license number of the licensed midwife; 2843
- (2) The patient's name, address, telephone number, and primary care provider, if the patient has one; 2844  
2845
- (3) A description of the licensed midwife's education, training, and experience in midwifery; 2846  
2847
- (4) A description of the licensed midwife's peer review process; 2848  
2849
- (5) The licensed midwife's practice philosophy; 2850
- (6) A promise to provide the patient, upon request, with separate documents describing the rules governing the practice of midwifery, including a list of conditions indicating the need for consultation, referral, transfer, or mandatory transfer and the licensed midwife's personal written practice guidelines; 2851  
2852  
2853  
2854  
2855
- (7) A written plan for medical consultation and transfer of care; 2856  
2857
- (8) A description of any hospital care and procedures that may be necessary in the event of an emergency transfer or care; 2858  
2859
- (9) A description of the services provided to the patient by the licensed midwife; 2860  
2861
- (10) That the licensed midwife holds a current, valid license to practice issued under this chapter; 2862  
2863
- (11) The availability of a grievance process; 2864
- (12) Whether the licensed midwife is covered by professional liability insurance; 2865  
2866
- (13) Any other information required in rules adopted by the department. 2867  
2868

(C) Once the required information has been exchanged and 2869  
if the patient consents to treatment, the patient and licensed 2870  
midwife shall sign a written document to indicate as such. The 2871  
licensed midwife shall retain a copy of the document for at 2872  
least four years from the date on which the document was signed. 2873

**Sec. 4724.08.** (A) The department of commerce shall adopt 2874  
rules establishing the circumstances in which a licensed midwife 2875  
shall be prohibited from attending a home birth, which may 2876  
include a high-risk pregnancy. In adopting the rules, the 2877  
department shall allow a licensed midwife to attend a vaginal 2878  
birth after cesarean, birth of twins, or breech birth as a home 2879  
birth if the conditions described in division (B) of this 2880  
section are satisfied. 2881

(B) In the event of a home birth described in division (A) 2882  
of this section, a licensed midwife may attend the birth only if 2883  
all of the following conditions are satisfied: 2884

(1) In addition to the informed consent required under 2885  
section 4724.06 of the Revised Code, the licensed midwife 2886  
obtains the patient's written informed consent for the vaginal 2887  
birth after cesarean, birth of twins, or breech birth, including 2888  
a description of risks associated with the procedure. 2889

(2) The licensed midwife consults with a physician or 2890  
other health care provider about the patient and together with 2891  
the physician or provider determines whether referral is 2892  
appropriate for the patient. If a referral is determined to be 2893  
appropriate and the patient consents to the referral, the 2894  
licensed midwife shall refer the patient to the physician or 2895  
provider. If the patient refuses the referral, the licensed 2896  
midwife shall document the refusal and may continue to provide 2897  
care to the patient, including attending the vaginal birth after 2898

<u>cesarean, birth of twins, or breech birth.</u>	2899
<u>(3) The licensed midwife satisfies any other conditions</u>	2900
<u>required in rules adopted by the department.</u>	2901
<u>(C) In adopting rules under this section, the department</u>	2902
<u>shall do both of the following:</u>	2903
<u>(1) Adhere to the recommendations of the licensed</u>	2904
<u>midwifery advisory council and any relevant peer-reviewed</u>	2905
<u>medical literature;</u>	2906
<u>(2) Specify the content and format of the document to be</u>	2907
<u>used when obtaining informed consent as described in this</u>	2908
<u>section.</u>	2909
<b>Sec. 4724.09.</b> <u>(A) As used in this section and section</u>	2910
<u>4724.10 of the Revised Code, "emergency medical service,"</u>	2911
<u>"emergency medical service personnel," and "emergency medical</u>	2912
<u>service organization" have the same meanings as in section</u>	2913
<u>4765.01 of the Revised Code.</u>	2914
<u>(B) For any pregnancy or childbirth in which a licensed</u>	2915
<u>midwife provides care and a home birth is planned, both of the</u>	2916
<u>following apply:</u>	2917
<u>(1) The licensed midwife shall create an individualized</u>	2918
<u>transfer of care plan with each patient.</u>	2919
<u>(2) The licensed midwife shall assess the status of the</u>	2920
<u>patient, fetus, and newborn throughout the maternity care cycle</u>	2921
<u>and shall determine when or if a transfer to a hospital or</u>	2922
<u>facility is necessary.</u>	2923
<u>(C) Each individualized transfer of care plan shall</u>	2924
<u>contain all of the following:</u>	2925

(1) The name and location of geographically adjacent hospitals and other facilities that are appropriately equipped to provide emergency care, obstetrical care, and newborn care; 2926  
2927  
2928

(2) The approximate travel time to each hospital or facility; 2929  
2930

(3) A list of the modes of transport services available, including an emergency medical service organization available by calling 9-1-1; 2931  
2932  
2933

(4) The requirements for activating each mode of transportation; 2934  
2935

(5) The mechanism by which medical records and other information concerning the patient may be rapidly transmitted to each hospital or facility; 2936  
2937  
2938

(6) Each hospital's or facility's preferences regarding the registration of a patient prior to transfer as well as the hospital's or facility's procedures for confirming such a registration; 2939  
2940  
2941  
2942

(7) Contact information for either a health care provider or practice group who has agreed in advance to accept patients in transfer, or a hospital's or facility's preferred method of accessing care by the hospital's or facility's designated provider on call; 2943  
2944  
2945  
2946  
2947

(8) Any other information required in rules adopted by the department of commerce. 2948  
2949

(D) When it becomes necessary to transfer a patient, a licensed midwife shall notify the receiving provider, hospital, or facility of all of the following: 2950  
2951  
2952

(1) The incoming transfer; 2953

<u>(2) The reason for the transfer;</u>	2954
<u>(3) A brief relevant clinical history;</u>	2955
<u>(4) The planned mode of transport;</u>	2956
<u>(5) The expected time of arrival;</u>	2957
<u>(6) Any other information required in rules adopted by the</u> <u>department.</u>	2958 2959
<u>The licensed midwife shall continue to provide routine or</u>	2960
<u>urgent care en route in coordination with any emergency medical</u>	2961
<u>services personnel or emergency medical service organization and</u>	2962
<u>shall address the psychosocial needs of the patient during the</u>	2963
<u>change of birth setting.</u>	2964
<u>(E) On arrival at the hospital or facility, the licensed</u>	2965
<u>midwife shall do all of the following:</u>	2966
<u>(1) Provide a verbal report that includes details on the</u>	2967
<u>patient's current health status and the need for urgent care;</u>	2968
<u>(2) Provide a legible copy of relevant prenatal and labor</u>	2969
<u>medical records;</u>	2970
<u>(3) Transfer clinical responsibility to the receiving</u>	2971
<u>provider, hospital, or facility;</u>	2972
<u>(4) Satisfy any other requirement established in rules</u>	2973
<u>adopted by the department.</u>	2974
<u>If the patient chooses, the licensed midwife may remain at</u>	2975
<u>the hospital or facility to provide continuous support. The</u>	2976
<u>licensed midwife also may continue to provide midwifery</u>	2977
<u>services, but only if the hospital or facility has granted the</u>	2978
<u>licensed midwife clinical privileges. Whenever possible, the</u>	2979
<u>patient and her newborn shall be together during the transfer</u>	2980



and after admission to the hospital or facility. 2981

Sec. 4724.10. (A) As used in this section, "adverse incident" means an incident over which a licensed midwife could exercise control, that is associated with an attempted or completed birth in a setting or facility other than a hospital, and that results in one or more of the following injuries or conditions: 2982  
2983  
2984  
2985  
2986  
2987

(1) A maternal death that occurs during delivery or within forty-two days after delivery; 2988  
2989

(2) The transfer of a maternal patient to a hospital intensive care unit; 2990  
2991

(3) A maternal patient experiencing hemorrhagic shock or requiring a transfusion of more than four units of blood or blood products; 2992  
2993  
2994

(4) A fetal or newborn death, including a stillbirth, associated with an obstetrical delivery; 2995  
2996

(5) A transfer of a newborn to a neonatal intensive care unit due to a traumatic physical or neurological birth injury, including any degree of a brachial plexus injury; 2997  
2998  
2999

(6) A transfer of a newborn to a neonatal intensive care unit within the first seventy-two hours after birth if the newborn remains in such unit for more than seventy-two hours; 3000  
3001  
3002

(7) Any other condition as determined by the department of commerce in rules adopted under section 4724.11 of the Revised Code. 3003  
3004  
3005

(B) Beginning July 1, 2025, a licensed midwife who attends a birth planned for a facility or setting other than a hospital must report any adverse incident, along with a medical summary 3006  
3007  
3008

of events, to both of the following within fifteen days after 3009  
the adverse incident occurs: 3010

(1) The licensed midwifery advisory council; 3011

(2) The Ohio perinatal quality collaborative. 3012

(C) Beginning on the date that is one year after the 3013  
effective date of this section, each licensed midwife shall 3014  
report annually to the licensed midwifery advisory council the 3015  
following information regarding cases in which the licensed 3016  
midwife provided services when the intended place of birth at 3017  
the onset of care was in a facility or setting other than a 3018  
hospital: 3019

(1) The total number of patients provided licensed 3020  
midwifery services at the onset of care; 3021

(2) The number of live births attended; 3022

(3) The number of cases of fetal demise, newborn deaths, 3023  
and maternal deaths attended as a licensed midwife at the 3024  
discovery of the demise or death; 3025

(4) The number, reason for, and outcome of each transport 3026  
of a patient in the antepartum, intrapartum period, or immediate 3027  
postpartum period; 3028

(5) A brief description of any complications resulting in 3029  
the morbidity or mortality of a maternal patient or a newborn; 3030

(6) The planned delivery setting and the actual setting; 3031

(7) Any other information required in rules adopted by the 3032  
department of commerce. 3033

(D) The department shall adopt rules to implement this 3034  
section and shall develop a form to be used for the reporting 3035

required under divisions (B) and (C) of this section. 3036

Sec. 4724.11. (A) In accordance with Chapter 119. of the 3037  
Revised Code, the department of commerce shall adopt rules that 3038  
establish all of the following: 3039

(1) Standards and procedures for applying for, renewing, 3040  
reinstating, or restoring a license to practice as a licensed 3041  
midwife; 3042

(2) Application, renewal, reinstatement, and restoration 3043  
fee amounts for a license to practice as a licensed midwife, 3044  
with the amount of the application fee not to exceed forty-five 3045  
dollars and the amount of the renewal fee not to exceed twenty 3046  
dollars; 3047

(3) Standards and procedures for approving and 3048  
successfully completing a course of study in breech births and a 3049  
course of study in pharmacology, each as described in section 3050  
4724.03 of the Revised Code; 3051

(4) Subject to division (C) of this section, standards and 3052  
procedures for approving certifying organizations as described 3053  
in section 4724.03 of the Revised Code; 3054

(5) Reasons for which the department may refuse to issue, 3055  
or renew, suspend, or revoke a license or otherwise impose 3056  
discipline on a licensed midwife; 3057

(6) Conditions to be satisfied before the department 3058  
reinstates or restores an expired or inactive license; 3059

(7) Procedures for reporting to the department license 3060  
holder misconduct; 3061

(8) Procedures by which the department conducts 3062  
disciplinary investigations. 3063

(B) In adopting rules establishing standards and 3064  
procedures for the approval of certifying organizations, the 3065  
department shall approve an organization only if its 3066  
certification requirements meet or exceed those of the north 3067  
American registry of midwives or the international registry of 3068  
midwives. 3069

(C) The department also may adopt, in accordance with 3070  
Chapter 119. of the Revised Code, any other rules it considers 3071  
necessary to implement and administer this chapter. The rules 3072  
may require the completion of a criminal records check. 3073

**Sec. 4724.12.** This chapter does not abridge, change, or 3074  
limit in any way the right of a parent to deliver the parent's 3075  
baby where, when, how, and with whom the parent chooses, 3076  
regardless of the licensure requirements established in this 3077  
chapter. 3078

**Sec. 4724.13.** (A) There is hereby created within the 3079  
department of commerce the licensed midwifery advisory council. 3080  
The council shall consist of all of the following members: 3081

(1) One certified nurse-midwife and one certified midwife 3082  
or certified nurse-midwife, including, if applicable, the 3083  
certified nurse-midwife or certified midwife appointed to the 3084  
board of nursing as described in section 4723.02 of the Revised 3085  
Code; 3086

(2) Four licensed midwives, including one practicing in an 3087  
urban setting and one serving a plain Amish or Mennonite 3088  
community; 3089

(3) One physician who is board-certified in obstetrics and 3090  
gynecology, as those designations are issued by a medical 3091  
specialty certifying board recognized by the American board of 3092

medical specialties or American osteopathic association, and 3093  
with experience consulting with midwives who provide midwifery 3094  
services in locations other than hospitals; 3095

(4) One physician who is board-certified in neonatal 3096  
medicine, as that designation is issued by a medical specialty 3097  
certifying board recognized by the American board of medical 3098  
specialties or American osteopathic association, and with 3099  
experience consulting with midwives who provide midwifery 3100  
services in locations other than hospitals; 3101

(5) One member of the public who has experience utilizing 3102  
or receiving midwifery services in locations other than 3103  
hospitals. 3104

Of the members who are certified midwives or licensed 3105  
midwives, each shall obtain licensure as a certified midwife 3106  
under Chapter 4723. of the Revised Code or as a licensed midwife 3107  
under this chapter not later than January 1, 2026. 3108

(B) The department shall appoint the members described in 3109  
division (A) of this section. The department may solicit 3110  
nominations for initial appointments and for filling any 3111  
vacancies from individuals or organizations with an interest in 3112  
midwifery services. If the department does not receive any 3113  
nominations or receives an insufficient number of nominations, 3114  
the department shall appoint members and fill vacancies on its 3115  
own advice. 3116

Of the physician members described in divisions (A)(3) and 3117  
(4) of this section, if the department does not receive any 3118  
nominations for physicians with experience consulting with 3119  
midwives who provide midwifery services in locations other than 3120  
hospitals, the department shall appoint physicians without such 3121

experience, but only if the department determines that each 3122  
physician satisfies the other requirements of division (A) (3) or 3123  
(4) of this section. 3124

Initial appointments to the council shall be made not 3125  
later than ninety days after the effective date of this section. 3126  
Of the initial appointments described in division (A) of this 3127  
section, four shall be for terms of three years and five shall 3128  
be for terms of four years. Thereafter, terms shall be for four 3129  
years, with each term ending on the same day of the same month 3130  
as did the term that it succeeds. Vacancies shall be filled in 3131  
the same manner as appointments. 3132

When the term of any member expires, a successor shall be 3133  
appointed in the same manner as the initial appointment. Any 3134  
member appointed to fill a vacancy occurring prior to the 3135  
expiration of the term for which the member's predecessor was 3136  
appointed shall hold office for the remainder of that term. A 3137  
member shall continue in office subsequent to the expiration 3138  
date of the member's term until the member's successor takes 3139  
office or until a period of sixty days has elapsed, whichever 3140  
occurs first. A member may be reappointed. 3141

(C) The council shall organize by selecting a chairperson 3142  
from among its members. The council may select a new chairperson 3143  
at any time. Four members constitute a quorum for the 3144  
transaction of official business. Members shall serve without 3145  
compensation but shall receive payment for their actual and 3146  
necessary expenses incurred in the performance of their official 3147  
duties. The expenses shall be paid by the department. 3148

(D) The council shall advise and make recommendations to 3149  
the department regarding the practice and regulation of licensed 3150  
midwives. The department shall adhere to such advice and 3151

recommendations when adopting any rules governing the practice 3152  
of licensed midwives, including rules to address the following: 3153

(1) Circumstances in which attending a home birth is 3154  
prohibited, as described in section 4724.08 of the Revised Code; 3155

(2) Limitations on providing care during a high-risk 3156  
pregnancy, including when a home birth is planned; 3157

(3) Adverse incident reporting and annual reporting, both 3158  
required under section 4724.10 of the Revised Code; 3159

(4) Obtaining a patient's informed consent, as described 3160  
in section 4724.07 of the Revised Code; 3161

(5) Creating an individualized transfer of care plan, as 3162  
described in section 4724.09 of the Revised Code. 3163

(E) The council shall review each adverse incident report 3164  
submitted to the council as described in section 4724.10 of the 3165  
Revised Code. As soon as practicable after the required review, 3166  
the council shall make a recommendation to the department 3167  
regarding whether discipline should be imposed on the licensed 3168  
midwife, and if so, the type of discipline to be imposed. 3169

The council shall develop a policy by which it addresses 3170  
and considers adverse incident reports. 3171

**Sec. 4724.99. (A) Whoever violates division (A) of section** 3172  
**4724.02 of the Revised Code is guilty of a felony of the fifth** 3173  
**degree on a first offense and a felony of the fourth degree on** 3174  
**each subsequent offense.** 3175

(B) Whoever violates division (C) of section 4724.02 of 3176  
the Revised Code is guilty of a misdemeanor of the first degree 3177  
and is subject to a fine in the amount of one thousand dollars 3178  
and a jail term of not more than one hundred eighty days. 3179

**Sec. 4731.22.** (A) The state medical board, by an 3180  
affirmative vote of not fewer than six of its members, may 3181  
limit, revoke, or suspend a license or certificate to practice 3182  
or certificate to recommend, refuse to grant a license or 3183  
certificate, refuse to renew a license or certificate, refuse to 3184  
reinstate a license or certificate, or reprimand or place on 3185  
probation the holder of a license or certificate if the 3186  
individual applying for or holding the license or certificate is 3187  
found by the board to have committed fraud during the 3188  
administration of the examination for a license or certificate 3189  
to practice or to have committed fraud, misrepresentation, or 3190  
deception in applying for, renewing, or securing any license or 3191  
certificate to practice or certificate to recommend issued by 3192  
the board. 3193

(B) Except as provided in division (P) of this section, 3194  
the board, by an affirmative vote of not fewer than six members, 3195  
shall, to the extent permitted by law, limit, revoke, or suspend 3196  
a license or certificate to practice or certificate to 3197  
recommend, refuse to issue a license or certificate, refuse to 3198  
renew a license or certificate, refuse to reinstate a license or 3199  
certificate, or reprimand or place on probation the holder of a 3200  
license or certificate for one or more of the following reasons: 3201

(1) Permitting one's name or one's license or certificate 3202  
to practice to be used by a person, group, or corporation when 3203  
the individual concerned is not actually directing the treatment 3204  
given; 3205

(2) Failure to maintain minimal standards applicable to 3206  
the selection or administration of drugs, or failure to employ 3207  
acceptable scientific methods in the selection of drugs or other 3208  
modalities for treatment of disease; 3209



(3) Except as provided in section 4731.97 of the Revised Code, selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug;

(4) Willfully betraying a professional confidence.

For purposes of this division, "willfully betraying a professional confidence" does not include providing any information, documents, or reports under sections 307.621 to 307.629 of the Revised Code to a child fatality review board; does not include providing any information, documents, or reports under sections 307.631 to 307.6410 of the Revised Code to a drug overdose fatality review committee, a suicide fatality review committee, or hybrid drug overdose fatality and suicide fatality review committee; does not include providing any information, documents, or reports under sections 307.651 to 307.659 of the Revised Code to a domestic violence fatality review board; does not include providing any information, documents, or reports to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code; does not include written notice to a mental health professional under section 4731.62 of the Revised Code; and does not include the making of a report of an employee's use of a drug of abuse, or a report of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by section 2305.33 or

4731.62 of the Revised Code upon a physician who makes a report 3241  
in accordance with section 2305.33 or notifies a mental health 3242  
professional in accordance with section 4731.62 of the Revised 3243  
Code. As used in this division, "employee," "employer," and 3244  
"physician" have the same meanings as in section 2305.33 of the 3245  
Revised Code. 3246

(5) Making a false, fraudulent, deceptive, or misleading 3247  
statement in the solicitation of or advertising for patients; in 3248  
relation to the practice of medicine and surgery, osteopathic 3249  
medicine and surgery, podiatric medicine and surgery, or a 3250  
limited branch of medicine; or in securing or attempting to 3251  
secure any license or certificate to practice issued by the 3252  
board. 3253

As used in this division, "false, fraudulent, deceptive, 3254  
or misleading statement" means a statement that includes a 3255  
misrepresentation of fact, is likely to mislead or deceive 3256  
because of a failure to disclose material facts, is intended or 3257  
is likely to create false or unjustified expectations of 3258  
favorable results, or includes representations or implications 3259  
that in reasonable probability will cause an ordinarily prudent 3260  
person to misunderstand or be deceived. 3261

(6) A departure from, or the failure to conform to, 3262  
minimal standards of care of similar practitioners under the 3263  
same or similar circumstances, whether or not actual injury to a 3264  
patient is established; 3265

(7) Representing, with the purpose of obtaining 3266  
compensation or other advantage as personal gain or for any 3267  
other person, that an incurable disease or injury, or other 3268  
incurable condition, can be permanently cured; 3269

- (8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 3270  
3271  
3272
- (9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 3273  
3274  
3275
- (10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 3276  
3277  
3278
- (11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 3279  
3280  
3281  
3282
- (12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 3283  
3284  
3285
- (13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 3286  
3287  
3288
- (14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 3289  
3290  
3291
- (15) Violation of the conditions of limitation placed by the board upon a license or certificate to practice; 3292  
3293
- (16) Failure to pay license renewal fees specified in this chapter; 3294  
3295
- (17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of 3296  
3297

patients, or the receiving of a thing of value in return for a 3298  
specific referral of a patient to utilize a particular service 3299  
or business; 3300

(18) Subject to section 4731.226 of the Revised Code, 3301  
violation of any provision of a code of ethics of the American 3302  
medical association, the American osteopathic association, the 3303  
American podiatric medical association, or any other national 3304  
professional organizations that the board specifies by rule. The 3305  
state medical board shall obtain and keep on file current copies 3306  
of the codes of ethics of the various national professional 3307  
organizations. The individual whose license or certificate is 3308  
being suspended or revoked shall not be found to have violated 3309  
any provision of a code of ethics of an organization not 3310  
appropriate to the individual's profession. 3311

For purposes of this division, a "provision of a code of 3312  
ethics of a national professional organization" does not include 3313  
any provision that would preclude the making of a report by a 3314  
physician of an employee's use of a drug of abuse, or of a 3315  
condition of an employee other than one involving the use of a 3316  
drug of abuse, to the employer of the employee as described in 3317  
division (B) of section 2305.33 of the Revised Code. Nothing in 3318  
this division affects the immunity from civil liability 3319  
conferred by that section upon a physician who makes either type 3320  
of report in accordance with division (B) of that section. As 3321  
used in this division, "employee," "employer," and "physician" 3322  
have the same meanings as in section 2305.33 of the Revised 3323  
Code. 3324

(19) Inability to practice according to acceptable and 3325  
prevailing standards of care by reason of mental illness or 3326  
physical illness, including, but not limited to, physical 3327

deterioration that adversely affects cognitive, motor, or 3328  
perceptive skills. 3329

In enforcing this division, the board, upon a showing of a 3330  
possible violation, shall refer any individual who is authorized 3331  
to practice by this chapter or who has submitted an application 3332  
pursuant to this chapter to the monitoring organization that 3333  
conducts the confidential monitoring program established under 3334  
section 4731.25 of the Revised Code. The board also may compel 3335  
the individual to submit to a mental examination, physical 3336  
examination, including an HIV test, or both a mental and a 3337  
physical examination. The expense of the examination is the 3338  
responsibility of the individual compelled to be examined. 3339  
Failure to submit to a mental or physical examination or consent 3340  
to an HIV test ordered by the board constitutes an admission of 3341  
the allegations against the individual unless the failure is due 3342  
to circumstances beyond the individual's control, and a default 3343  
and final order may be entered without the taking of testimony 3344  
or presentation of evidence. If the board finds an individual 3345  
unable to practice because of the reasons set forth in this 3346  
division, the board shall require the individual to submit to 3347  
care, counseling, or treatment by physicians approved or 3348  
designated by the board, as a condition for initial, continued, 3349  
reinstated, or renewed authority to practice. An individual 3350  
affected under this division shall be afforded an opportunity to 3351  
demonstrate to the board the ability to resume practice in 3352  
compliance with acceptable and prevailing standards under the 3353  
provisions of the individual's license or certificate. For the 3354  
purpose of this division, any individual who applies for or 3355  
receives a license or certificate to practice under this chapter 3356  
accepts the privilege of practicing in this state and, by so 3357  
doing, shall be deemed to have given consent to submit to a 3358

mental or physical examination when directed to do so in writing 3359  
by the board, and to have waived all objections to the 3360  
admissibility of testimony or examination reports that 3361  
constitute a privileged communication. 3362

(20) Except as provided in division (F)(1)(b) of section 3363  
4731.282 of the Revised Code or when civil penalties are imposed 3364  
under section 4731.225 of the Revised Code, and subject to 3365  
section 4731.226 of the Revised Code, violating or attempting to 3366  
violate, directly or indirectly, or assisting in or abetting the 3367  
violation of, or conspiring to violate, any provisions of this 3368  
chapter or any rule promulgated by the board. 3369

This division does not apply to a violation or attempted 3370  
violation of, assisting in or abetting the violation of, or a 3371  
conspiracy to violate, any provision of this chapter or any rule 3372  
adopted by the board that would preclude the making of a report 3373  
by a physician of an employee's use of a drug of abuse, or of a 3374  
condition of an employee other than one involving the use of a 3375  
drug of abuse, to the employer of the employee as described in 3376  
division (B) of section 2305.33 of the Revised Code. Nothing in 3377  
this division affects the immunity from civil liability 3378  
conferred by that section upon a physician who makes either type 3379  
of report in accordance with division (B) of that section. As 3380  
used in this division, "employee," "employer," and "physician" 3381  
have the same meanings as in section 2305.33 of the Revised 3382  
Code. 3383

(21) The violation of section 3701.79 of the Revised Code 3384  
or of any abortion rule adopted by the director of health 3385  
pursuant to section 3701.341 of the Revised Code; 3386

(22) Any of the following actions taken by an agency 3387  
responsible for authorizing, certifying, or regulating an 3388

individual to practice a health care occupation or provide 3389  
health care services in this state or another jurisdiction, for 3390  
any reason other than the nonpayment of fees: the limitation, 3391  
revocation, or suspension of an individual's license to 3392  
practice; acceptance of an individual's license surrender; 3393  
denial of a license; refusal to renew or reinstate a license; 3394  
imposition of probation; or issuance of an order of censure or 3395  
other reprimand; 3396

(23) The violation of section 2919.12 of the Revised Code 3397  
or the performance or inducement of an abortion upon a pregnant 3398  
woman with actual knowledge that the conditions specified in 3399  
division (B) of section 2317.56 of the Revised Code have not 3400  
been satisfied or with a heedless indifference as to whether 3401  
those conditions have been satisfied, unless an affirmative 3402  
defense as specified in division (H) (2) of that section would 3403  
apply in a civil action authorized by division (H) (1) of that 3404  
section; 3405

(24) The revocation, suspension, restriction, reduction, 3406  
or termination of clinical privileges by the United States 3407  
department of defense or department of veterans affairs or the 3408  
termination or suspension of a certificate of registration to 3409  
prescribe drugs by the drug enforcement administration of the 3410  
United States department of justice; 3411

(25) Termination or suspension from participation in the 3412  
medicare or medicaid programs by the department of health and 3413  
human services or other responsible agency; 3414

(26) Impairment of ability to practice according to 3415  
acceptable and prevailing standards of care because of substance 3416  
use disorder or excessive use or abuse of drugs, alcohol, or 3417  
other substances that may impair ability to practice. 3418

For the purposes of this division, any individual 3419  
authorized to practice by this chapter accepts the privilege of 3420  
practicing in this state subject to supervision by the board. By 3421  
filing an application for or holding a license or certificate to 3422  
practice under this chapter, an individual shall be deemed to 3423  
have given consent to submit to a mental or physical examination 3424  
when ordered to do so by the board in writing, and to have 3425  
waived all objections to the admissibility of testimony or 3426  
examination reports that constitute privileged communications. 3427

If it has reason to believe that any individual authorized 3428  
to practice by this chapter or any applicant for licensure or 3429  
certification to practice suffers such impairment, the board 3430  
shall refer the individual to the monitoring organization that 3431  
conducts the confidential monitoring program established under 3432  
section 4731.25 of the Revised Code. The board also may compel 3433  
the individual to submit to a mental or physical examination, or 3434  
both. The expense of the examination is the responsibility of 3435  
the individual compelled to be examined. Any mental or physical 3436  
examination required under this division shall be undertaken by 3437  
a treatment provider or physician who is qualified to conduct 3438  
the examination and who is approved under section 4731.251 of 3439  
the Revised Code. 3440

Failure to submit to a mental or physical examination 3441  
ordered by the board constitutes an admission of the allegations 3442  
against the individual unless the failure is due to 3443  
circumstances beyond the individual's control, and a default and 3444  
final order may be entered without the taking of testimony or 3445  
presentation of evidence. If the board determines that the 3446  
individual's ability to practice is impaired, the board shall 3447  
suspend the individual's license or certificate or deny the 3448  
individual's application and shall require the individual, as a 3449



condition for initial, continued, reinstated, or renewed 3450  
licensure or certification to practice, to submit to treatment. 3451

Before being eligible to apply for reinstatement of a 3452  
license or certificate suspended under this division, the 3453  
impaired practitioner shall demonstrate to the board the ability 3454  
to resume practice in compliance with acceptable and prevailing 3455  
standards of care under the provisions of the practitioner's 3456  
license or certificate. The demonstration shall include, but 3457  
shall not be limited to, the following: 3458

(a) Certification from a treatment provider approved under 3459  
section 4731.251 of the Revised Code that the individual has 3460  
successfully completed any required inpatient treatment; 3461

(b) Evidence of continuing full compliance with an 3462  
aftercare contract or consent agreement; 3463

(c) Two written reports indicating that the individual's 3464  
ability to practice has been assessed and that the individual 3465  
has been found capable of practicing according to acceptable and 3466  
prevailing standards of care. The reports shall be made by 3467  
individuals or providers approved by the board for making the 3468  
assessments and shall describe the basis for their 3469  
determination. 3470

The board may reinstate a license or certificate suspended 3471  
under this division after that demonstration and after the 3472  
individual has entered into a written consent agreement. 3473

When the impaired practitioner resumes practice, the board 3474  
shall require continued monitoring of the individual. The 3475  
monitoring shall include, but not be limited to, compliance with 3476  
the written consent agreement entered into before reinstatement 3477  
or with conditions imposed by board order after a hearing, and, 3478

upon termination of the consent agreement, submission to the 3479  
board for at least two years of annual written progress reports 3480  
made under penalty of perjury stating whether the individual has 3481  
maintained sobriety. 3482

(27) A second or subsequent violation of section 4731.66 3483  
or 4731.69 of the Revised Code; 3484

(28) Except as provided in division (N) of this section: 3485

(a) Waiving the payment of all or any part of a deductible 3486  
or copayment that a patient, pursuant to a health insurance or 3487  
health care policy, contract, or plan that covers the 3488  
individual's services, otherwise would be required to pay if the 3489  
waiver is used as an enticement to a patient or group of 3490  
patients to receive health care services from that individual; 3491

(b) Advertising that the individual will waive the payment 3492  
of all or any part of a deductible or copayment that a patient, 3493  
pursuant to a health insurance or health care policy, contract, 3494  
or plan that covers the individual's services, otherwise would 3495  
be required to pay. 3496

(29) Failure to use universal blood and body fluid 3497  
precautions established by rules adopted under section 4731.051 3498  
of the Revised Code; 3499

(30) Failure to provide notice to, and receive 3500  
acknowledgment of the notice from, a patient when required by 3501  
section 4731.143 of the Revised Code prior to providing 3502  
nonemergency professional services, or failure to maintain that 3503  
notice in the patient's medical record; 3504

(31) Failure of a physician supervising a physician 3505  
assistant to maintain supervision in accordance with the 3506  
requirements of Chapter 4730. of the Revised Code and the rules 3507

adopted under that chapter;	3508
(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a <u>certified midwife</u> , clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;	3509 3510 3511 3512 3513 3514 3515
(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;	3516 3517 3518
(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	3519 3520 3521 3522 3523 3524 3525 3526 3527 3528 3529
(35) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	3530 3531 3532
(36) Assisting suicide, as defined in section 3795.01 of the Revised Code;	3533 3534
(37) Failure to comply with the requirements of section 2317.561 of the Revised Code;	3535 3536

(38) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	3537 3538 3539
(39) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	3540 3541 3542 3543
(40) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	3544 3545 3546 3547
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	3548 3549 3550 3551
(42) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	3552 3553 3554 3555
(43) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;	3556 3557 3558 3559 3560
(44) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	3561 3562 3563 3564 3565

(45) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	3566 3567 3568 3569
(46) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code;	3570 3571 3572 3573 3574
(47) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	3575 3576 3577 3578
(48) Failure to comply with the requirements of section 4731.30 of the Revised Code or rules adopted under section 4731.301 of the Revised Code when recommending treatment with medical marijuana;	3579 3580 3581 3582
(49) A pattern of continuous or repeated violations of division (E) (2) or (3) of section 3963.02 of the Revised Code;	3583 3584
(50) Failure to fulfill the responsibilities of a collaboration agreement entered into with an athletic trainer as described in section 4755.621 of the Revised Code;	3585 3586 3587
(51) Failure to take the steps specified in section 4731.911 of the Revised Code following an abortion or attempted abortion in an ambulatory surgical facility or other location that is not a hospital when a child is born alive.	3588 3589 3590 3591
(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except	3592 3593 3594

that in lieu of an adjudication, the board may enter into a 3595  
consent agreement with an individual to resolve an allegation of 3596  
a violation of this chapter or any rule adopted under it. A 3597  
consent agreement, when ratified by an affirmative vote of not 3598  
fewer than six members of the board, shall constitute the 3599  
findings and order of the board with respect to the matter 3600  
addressed in the agreement. If the board refuses to ratify a 3601  
consent agreement, the admissions and findings contained in the 3602  
consent agreement shall be of no force or effect. 3603

A telephone conference call may be utilized for 3604  
ratification of a consent agreement that revokes or suspends an 3605  
individual's license or certificate to practice or certificate 3606  
to recommend. The telephone conference call shall be considered 3607  
a special meeting under division (F) of section 121.22 of the 3608  
Revised Code. 3609

If the board takes disciplinary action against an 3610  
individual under division (B) of this section for a second or 3611  
subsequent plea of guilty to, or judicial finding of guilt of, a 3612  
violation of section 2919.123 or 2919.124 of the Revised Code, 3613  
the disciplinary action shall consist of a suspension of the 3614  
individual's license or certificate to practice for a period of 3615  
at least one year or, if determined appropriate by the board, a 3616  
more serious sanction involving the individual's license or 3617  
certificate to practice. Any consent agreement entered into 3618  
under this division with an individual that pertains to a second 3619  
or subsequent plea of guilty to, or judicial finding of guilt 3620  
of, a violation of that section shall provide for a suspension 3621  
of the individual's license or certificate to practice for a 3622  
period of at least one year or, if determined appropriate by the 3623  
board, a more serious sanction involving the individual's 3624  
license or certificate to practice. 3625

(D) For purposes of divisions (B) (10), (12), and (14) of 3626  
this section, the commission of the act may be established by a 3627  
finding by the board, pursuant to an adjudication under Chapter 3628  
119. of the Revised Code, that the individual committed the act. 3629  
The board does not have jurisdiction under those divisions if 3630  
the trial court renders a final judgment in the individual's 3631  
favor and that judgment is based upon an adjudication on the 3632  
merits. The board has jurisdiction under those divisions if the 3633  
trial court issues an order of dismissal upon technical or 3634  
procedural grounds. 3635

(E) The sealing or expungement of conviction records by 3636  
any court shall have no effect upon a prior board order entered 3637  
under this section or upon the board's jurisdiction to take 3638  
action under this section if, based upon a plea of guilty, a 3639  
judicial finding of guilt, or a judicial finding of eligibility 3640  
for intervention in lieu of conviction, the board issued a 3641  
notice of opportunity for a hearing prior to the court's order 3642  
to seal or expunge the records. The board shall not be required 3643  
to seal, expunge, destroy, redact, or otherwise modify its 3644  
records to reflect the court's sealing of conviction records. 3645

(F) (1) The board shall investigate evidence that appears 3646  
to show that a person has violated any provision of this chapter 3647  
or any rule adopted under it. Any person may report to the board 3648  
in a signed writing any information that the person may have 3649  
that appears to show a violation of any provision of this 3650  
chapter or any rule adopted under it. In the absence of bad 3651  
faith, any person who reports information of that nature or who 3652  
testifies before the board in any adjudication conducted under 3653  
Chapter 119. of the Revised Code shall not be liable in damages 3654  
in a civil action as a result of the report or testimony. Each 3655  
complaint or allegation of a violation received by the board 3656

shall be assigned a case number and shall be recorded by the board. 3657  
3658

(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4731.39 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case. 3659  
3660  
3661  
3662  
3663  
3664  
3665  
3666  
3667

(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, or in conducting an inspection under division (E) of section 4731.054 of the Revised Code, the board may question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary of the board. 3668  
3669  
3670  
3671  
3672  
3673  
3674  
3675  
3676  
3677  
3678

(a) Before issuance of a subpoena for patient record information, the secretary shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation. 3679  
3680  
3681  
3682  
3683  
3684  
3685  
3686



(b) On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

(c) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee or agent designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a license or certificate issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

(d) A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under

division (E) of section 4731.054 of the Revised Code is 3717  
confidential and not subject to discovery in any civil action. 3718

The board shall conduct all investigations or inspections 3719  
and proceedings in a manner that protects the confidentiality of 3720  
patients and persons who file complaints with the board. The 3721  
board shall not make public the names or any other identifying 3722  
information about patients or complainants unless proper consent 3723  
is given or, in the case of a patient, a waiver of the patient 3724  
privilege exists under division (B) of section 2317.02 of the 3725  
Revised Code, except that consent or a waiver of that nature is 3726  
not required if the board possesses reliable and substantial 3727  
evidence that no bona fide physician-patient relationship 3728  
exists. 3729

The board may share any information it receives pursuant 3730  
to an investigation or inspection, including patient records and 3731  
patient record information, with law enforcement agencies, other 3732  
licensing boards, and other governmental agencies that are 3733  
prosecuting, adjudicating, or investigating alleged violations 3734  
of statutes or administrative rules. An agency or board that 3735  
receives the information shall comply with the same requirements 3736  
regarding confidentiality as those with which the state medical 3737  
board must comply, notwithstanding any conflicting provision of 3738  
the Revised Code or procedure of the agency or board that 3739  
applies when it is dealing with other information in its 3740  
possession. In a judicial proceeding, the information may be 3741  
admitted into evidence only in accordance with the Rules of 3742  
Evidence, but the court shall require that appropriate measures 3743  
are taken to ensure that confidentiality is maintained with 3744  
respect to any part of the information that contains names or 3745  
other identifying information about patients or complainants 3746  
whose confidentiality was protected by the state medical board 3747

when the information was in the board's possession. Measures to 3748  
ensure confidentiality that may be taken by the court include 3749  
sealing its records or deleting specific information from its 3750  
records. 3751

(6) On a quarterly basis, the board shall prepare a report 3752  
that documents the disposition of all cases during the preceding 3753  
three months. The report shall contain the following information 3754  
for each case with which the board has completed its activities: 3755

(a) The case number assigned to the complaint or alleged 3756  
violation; 3757

(b) The type of license or certificate to practice, if 3758  
any, held by the individual against whom the complaint is 3759  
directed; 3760

(c) A description of the allegations contained in the 3761  
complaint; 3762

(d) The disposition of the case. 3763

The report shall state how many cases are still pending 3764  
and shall be prepared in a manner that protects the identity of 3765  
each person involved in each case. The report shall be a public 3766  
record under section 149.43 of the Revised Code. 3767

(G) If the secretary and supervising member determine both 3768  
of the following, they may recommend that the board suspend an 3769  
individual's license or certificate to practice or certificate 3770  
to recommend without a prior hearing: 3771

(1) That there is clear and convincing evidence that an 3772  
individual has violated division (B) of this section; 3773

(2) That the individual's continued practice presents a 3774  
danger of immediate and serious harm to the public. 3775

Written allegations shall be prepared for consideration by 3776  
the board. The board, upon review of those allegations and by an 3777  
affirmative vote of not fewer than six of its members, excluding 3778  
the secretary and supervising member, may suspend a license or 3779  
certificate without a prior hearing. A telephone conference call 3780  
may be utilized for reviewing the allegations and taking the 3781  
vote on the summary suspension. 3782

The board shall serve a written order of suspension in 3783  
accordance with sections 119.05 and 119.07 of the Revised Code. 3784  
The order shall not be subject to suspension by the court during 3785  
pendency of any appeal filed under section 119.12 of the Revised 3786  
Code. If the individual subject to the summary suspension 3787  
requests an adjudicatory hearing by the board, the date set for 3788  
the hearing shall be within fifteen days, but not earlier than 3789  
seven days, after the individual requests the hearing, unless 3790  
otherwise agreed to by both the board and the individual. 3791

Any summary suspension imposed under this division shall 3792  
remain in effect, unless reversed on appeal, until a final 3793  
adjudicative order issued by the board pursuant to this section 3794  
and Chapter 119. of the Revised Code becomes effective. The 3795  
board shall issue its final adjudicative order within seventy- 3796  
five days after completion of its hearing. A failure to issue 3797  
the order within seventy-five days shall result in dissolution 3798  
of the summary suspension order but shall not invalidate any 3799  
subsequent, final adjudicative order. 3800

(H) If the board takes action under division (B) (9), (11), 3801  
or (13) of this section and the judicial finding of guilt, 3802  
guilty plea, or judicial finding of eligibility for intervention 3803  
in lieu of conviction is overturned on appeal, upon exhaustion 3804  
of the criminal appeal, a petition for reconsideration of the 3805

order may be filed with the board along with appropriate court 3806  
documents. Upon receipt of a petition of that nature and 3807  
supporting court documents, the board shall reinstate the 3808  
individual's license or certificate to practice. The board may 3809  
then hold an adjudication under Chapter 119. of the Revised Code 3810  
to determine whether the individual committed the act in 3811  
question. Notice of an opportunity for a hearing shall be given 3812  
in accordance with Chapter 119. of the Revised Code. If the 3813  
board finds, pursuant to an adjudication held under this 3814  
division, that the individual committed the act or if no hearing 3815  
is requested, the board may order any of the sanctions 3816  
identified under division (B) of this section. 3817

(I) The license or certificate to practice issued to an 3818  
individual under this chapter and the individual's practice in 3819  
this state are automatically suspended as of the date of the 3820  
individual's second or subsequent plea of guilty to, or judicial 3821  
finding of guilt of, a violation of section 2919.123 or 2919.124 3822  
of the Revised Code. In addition, the license or certificate to 3823  
practice or certificate to recommend issued to an individual 3824  
under this chapter and the individual's practice in this state 3825  
are automatically suspended as of the date the individual pleads 3826  
guilty to, is found by a judge or jury to be guilty of, or is 3827  
subject to a judicial finding of eligibility for intervention in 3828  
lieu of conviction in this state or treatment or intervention in 3829  
lieu of conviction in another jurisdiction for any of the 3830  
following criminal offenses in this state or a substantially 3831  
equivalent criminal offense in another jurisdiction: aggravated 3832  
murder, murder, voluntary manslaughter, felonious assault, 3833  
kidnapping, rape, sexual battery, gross sexual imposition, 3834  
aggravated arson, aggravated robbery, or aggravated burglary. 3835  
Continued practice after suspension shall be considered 3836

practicing without a license or certificate. 3837

The board shall notify the individual subject to the 3838  
suspension in accordance with sections 119.05 and 119.07 of the 3839  
Revised Code. If an individual whose license or certificate is 3840  
automatically suspended under this division fails to make a 3841  
timely request for an adjudication under Chapter 119. of the 3842  
Revised Code, the board shall do whichever of the following is 3843  
applicable: 3844

(1) If the automatic suspension under this division is for 3845  
a second or subsequent plea of guilty to, or judicial finding of 3846  
guilt of, a violation of section 2919.123 or 2919.124 of the 3847  
Revised Code, the board shall enter an order suspending the 3848  
individual's license or certificate to practice for a period of 3849  
at least one year or, if determined appropriate by the board, 3850  
imposing a more serious sanction involving the individual's 3851  
license or certificate to practice. 3852

(2) In all circumstances in which division (I)(1) of this 3853  
section does not apply, enter a final order permanently revoking 3854  
the individual's license or certificate to practice. 3855

(J) If the board is required by Chapter 119. of the 3856  
Revised Code to give notice of an opportunity for a hearing and 3857  
if the individual subject to the notice does not timely request 3858  
a hearing in accordance with section 119.07 of the Revised Code, 3859  
the board is not required to hold a hearing, but may adopt, by 3860  
an affirmative vote of not fewer than six of its members, a 3861  
final order that contains the board's findings. In that final 3862  
order, the board may order any of the sanctions identified under 3863  
division (A) or (B) of this section. 3864

(K) Any action taken by the board under division (B) of 3865

this section resulting in a suspension from practice shall be 3866  
accompanied by a written statement of the conditions under which 3867  
the individual's license or certificate to practice may be 3868  
reinstated. The board shall adopt rules governing conditions to 3869  
be imposed for reinstatement. Reinstatement of a license or 3870  
certificate suspended pursuant to division (B) of this section 3871  
requires an affirmative vote of not fewer than six members of 3872  
the board. 3873

(L) When the board refuses to grant or issue a license or 3874  
certificate to practice to an applicant, revokes an individual's 3875  
license or certificate to practice, refuses to renew an 3876  
individual's license or certificate to practice, or refuses to 3877  
reinstatement an individual's license or certificate to practice, 3878  
the board may specify that its action is permanent. An 3879  
individual subject to a permanent action taken by the board is 3880  
forever thereafter ineligible to hold a license or certificate 3881  
to practice and the board shall not accept an application for 3882  
reinstatement of the license or certificate or for issuance of a 3883  
new license or certificate. 3884

(M) Notwithstanding any other provision of the Revised 3885  
Code, all of the following apply: 3886

(1) The surrender of a license or certificate issued under 3887  
this chapter shall not be effective unless or until accepted by 3888  
the board. A telephone conference call may be utilized for 3889  
acceptance of the surrender of an individual's license or 3890  
certificate to practice. The telephone conference call shall be 3891  
considered a special meeting under division (F) of section 3892  
121.22 of the Revised Code. Reinstatement of a license or 3893  
certificate surrendered to the board requires an affirmative 3894  
vote of not fewer than six members of the board. 3895

(2) An application for a license or certificate made under 3896  
the provisions of this chapter may not be withdrawn without 3897  
approval of the board. 3898

(3) Failure by an individual to renew a license or 3899  
certificate to practice in accordance with this chapter or a 3900  
certificate to recommend in accordance with rules adopted under 3901  
section 4731.301 of the Revised Code does not remove or limit 3902  
the board's jurisdiction to take any disciplinary action under 3903  
this section against the individual. 3904

(4) The placement of an individual's license on retired 3905  
status, as described in section 4731.283 of the Revised Code, 3906  
does not remove or limit the board's jurisdiction to take any 3907  
disciplinary action against the individual with regard to the 3908  
license as it existed before being placed on retired status. 3909

(5) At the request of the board, a license or certificate 3910  
holder shall immediately surrender to the board a license or 3911  
certificate that the board has suspended, revoked, or 3912  
permanently revoked. 3913

(N) Sanctions shall not be imposed under division (B) (28) 3914  
of this section against any person who waives deductibles and 3915  
copayments as follows: 3916

(1) In compliance with the health benefit plan that 3917  
expressly allows such a practice. Waiver of the deductibles or 3918  
copayments shall be made only with the full knowledge and 3919  
consent of the plan purchaser, payer, and third-party 3920  
administrator. Documentation of the consent shall be made 3921  
available to the board upon request. 3922

(2) For professional services rendered to any other person 3923  
authorized to practice pursuant to this chapter, to the extent 3924



allowed by this chapter and rules adopted by the board. 3925

(0) Under the board's investigative duties described in 3926  
this section and subject to division (F) of this section, the 3927  
board shall develop and implement a quality intervention program 3928  
designed to improve through remedial education the clinical and 3929  
communication skills of individuals authorized under this 3930  
chapter to practice medicine and surgery, osteopathic medicine 3931  
and surgery, and podiatric medicine and surgery. In developing 3932  
and implementing the quality intervention program, the board may 3933  
do all of the following: 3934

(1) Offer in appropriate cases as determined by the board 3935  
an educational and assessment program pursuant to an 3936  
investigation the board conducts under this section; 3937

(2) Select providers of educational and assessment 3938  
services, including a quality intervention program panel of case 3939  
reviewers; 3940

(3) Make referrals to educational and assessment service 3941  
providers and approve individual educational programs 3942  
recommended by those providers. The board shall monitor the 3943  
progress of each individual undertaking a recommended individual 3944  
educational program. 3945

(4) Determine what constitutes successful completion of an 3946  
individual educational program and require further monitoring of 3947  
the individual who completed the program or other action that 3948  
the board determines to be appropriate; 3949

(5) Adopt rules in accordance with Chapter 119. of the 3950  
Revised Code to further implement the quality intervention 3951  
program. 3952

An individual who participates in an individual 3953

educational program pursuant to this division shall pay the 3954  
financial obligations arising from that educational program. 3955

(P) The board shall not refuse to issue a license to an 3956  
applicant because of a conviction, plea of guilty, judicial 3957  
finding of guilt, judicial finding of eligibility for 3958  
intervention in lieu of conviction, or the commission of an act 3959  
that constitutes a criminal offense, unless the refusal is in 3960  
accordance with section 9.79 of the Revised Code. 3961

**Sec. 4731.27.** (A) As used in this section, 3962  
"collaboration," "physician," "standard care arrangement," and 3963  
"supervision" have the same meanings as in section 4723.01 of 3964  
the Revised Code. 3965

(B) A physician or podiatrist shall enter into a standard 3966  
care arrangement with each certified midwife, clinical nurse 3967  
specialist, certified nurse-midwife, or certified nurse 3968  
practitioner with whom the physician or podiatrist is in 3969  
collaboration. 3970

The collaborating physician or podiatrist shall fulfill 3971  
the responsibilities of collaboration, as specified in the 3972  
arrangement and in accordance with division (A) of section 3973  
4723.431 of the Revised Code. A copy of the standard care 3974  
arrangement shall be retained on file by the midwife's or 3975  
nurse's employer. Prior approval of the standard care 3976  
arrangement by the state medical board is not required, but the 3977  
board may periodically review it. 3978

A physician or podiatrist who terminates collaboration 3979  
with a certified midwife, certified nurse-midwife, certified 3980  
nurse practitioner, or clinical nurse specialist before their 3981  
standard care arrangement expires shall give the midwife or 3982

nurse the written or electronic notice of termination required 3983  
by division (D) (1) of section 4723.431 of the Revised Code. 3984

Nothing in this division prohibits a hospital from hiring 3985  
a certified midwife, clinical nurse specialist, certified nurse- 3986  
midwife, or certified nurse practitioner as an employee and 3987  
negotiating standard care arrangements on behalf of the employee 3988  
as necessary to meet the requirements of this section. A 3989  
standard care arrangement between the hospital's employee and 3990  
the employee's collaborating physician is subject to approval by 3991  
the medical staff and governing body of the hospital prior to 3992  
implementation of the arrangement at the hospital. 3993

(C) A physician or podiatrist shall cooperate with the 3994  
board of nursing in any investigation the board conducts with 3995  
respect to a certified midwife, clinical nurse specialist, 3996  
certified nurse-midwife, or certified nurse practitioner who 3997  
collaborates with the physician or podiatrist or with respect to 3998  
a certified registered nurse anesthetist who practices with the 3999  
supervision of the physician or podiatrist. 4000

**Section 2.** That existing sections 3701.351, 4723.01, 4001  
4723.02, 4723.03, 4723.06, 4723.07, 4723.08, 4723.271, 4723.28, 4002  
4723.282, 4723.33, 4723.34, 4723.341, 4723.35, 4723.41, 4723.43, 4003  
4723.431, 4723.432, 4723.481, 4723.483, 4723.487, 4723.488, 4004  
4723.4810, 4723.4811, 4723.50, 4723.91, 4723.99, 4731.22, and 4005  
4731.27 of the Revised Code are hereby repealed. 4006

**Section 3.** Sections 4723.54 and 4724.02 of the Revised 4007  
Code, as enacted by this act, take effect January 1, 2026. 4008

**Section 4.** The General Assembly, applying the principle 4009  
stated in division (B) of section 1.52 of the Revised Code that 4010  
amendments are to be harmonized if reasonably capable of 4011

simultaneous operation, finds that the following sections, 4012  
presented in this act as composites of the sections as amended 4013  
by the acts indicated, are the resulting versions of the 4014  
sections in effect prior to the effective date of the sections 4015  
as presented in this act: 4016

Section 4723.08 of the Revised Code as amended by both 4017  
H.B. 509 and S.B. 131 of the 134th General Assembly. 4018

Section 4723.481 of the Revised Code as amended by H.B. 33 4019  
of the 135th General Assembly and by H.B. 110 and H.B. 509 of 4020  
the 134th General Assembly. 4021