

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 81

Senator Romanchuk

A BILL

To amend section 4723.431; to enact section 1
4723.436 of the Revised Code to authorize 2
certain clinical nurse specialists, certified 3
nurse-midwives, and certified nurse 4
practitioners to sign documents related to 5
hospital patient admission, treatment, and 6
discharge; and to amend the version of section 7
4723.431 of the Revised Code that is scheduled 8
to take effect on September 30, 2024, to 9
continue the changes to that section on and 10
after that date. 11

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

Section 1. That section 4723.431 be amended and section 12
4723.436 of the Revised Code be enacted to read as follows: 13

Sec. 4723.431. (A) (1) An advanced practice registered 14
nurse who is designated as a clinical nurse specialist, 15
certified nurse-midwife, or certified nurse practitioner may 16
practice only in accordance with a standard care arrangement 17
entered into with each physician or podiatrist with whom the 18
nurse collaborates. A copy of the standard care arrangement 19

shall be retained on file by the nurse's employer. Prior 20
approval of the standard care arrangement by the board of 21
nursing is not required, but the board may periodically review 22
it for compliance with this section. 23

A clinical nurse specialist, certified nurse-midwife, or 24
certified nurse practitioner may enter into a standard care 25
arrangement with one or more collaborating physicians or 26
podiatrists. If a collaborating physician or podiatrist enters 27
into standard care arrangements with more than five nurses, the 28
physician or podiatrist shall not collaborate at the same time 29
with more than five nurses in the prescribing component of their 30
practices. 31

Not later than thirty days after first engaging in the 32
practice of nursing as a clinical nurse specialist, certified 33
nurse-midwife, or certified nurse practitioner, the nurse shall 34
submit to the board the name and business address of each 35
collaborating physician or podiatrist. Thereafter, the nurse 36
shall notify the board of any additions or deletions to the 37
nurse's collaborating physicians or podiatrists. Except as 38
provided in division (D) of this section, the notice must be 39
provided not later than thirty days after the change takes 40
effect. 41

(2) All of the following conditions apply with respect to 42
the practice of a collaborating physician or podiatrist with 43
whom a clinical nurse specialist, certified nurse-midwife, or 44
certified nurse practitioner may enter into a standard care 45
arrangement: 46

(a) The physician or podiatrist must be authorized to 47
practice in this state. 48

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

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

- (i) Psychiatry;
- (ii) Pediatrics;
- (iii) Primary care or family practice.

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

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

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

(3) A plan for coverage in instances of emergency or planned absences of either the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner or a

collaborating physician or podiatrist that provides the means 77
whereby a physician or podiatrist is available for emergency 78
care; 79

(4) The process for resolution of disagreements regarding 80
matters of patient management between the clinical nurse 81
specialist, certified nurse-midwife, or certified nurse 82
practitioner and a collaborating physician or podiatrist; 83

(5) Any other criteria required by rule of the board 84
adopted pursuant to section 4723.07 or 4723.50 of the Revised 85
Code. 86

~~(C) (1) (C)~~ A standard care arrangement entered into 87
pursuant to this section may permit a clinical nurse specialist, 88
certified nurse-midwife, or certified nurse practitioner to 89
~~supervise~~ do any of the following: 90

(1) Supervise services provided by a home health agency as 91
defined in section 3740.01 of the Revised Code.— 92

~~(2) A standard care arrangement entered into pursuant to 93
this section may permit a clinical nurse specialist, certified 94
nurse-midwife, or certified nurse practitioner to admit; 95~~

(2) Admit a patient to a hospital in accordance with 96
section 3727.06 of the Revised Code; 97

(3) Sign any document relating to the admission, 98
treatment, or discharge of a hospital patient, but only if the 99
requirements of section 4723.436 of the Revised Code have been 100
met. 101

(D) (1) Except as provided in division (D) (2) of this 102
section, if a physician or podiatrist terminates the 103
collaboration between the physician or podiatrist and a 104

certified nurse-midwife, certified nurse practitioner, or 105
clinical nurse specialist before their standard care arrangement 106
expires, all of the following apply: 107

(a) The physician or podiatrist must give the nurse 108
written or electronic notice of the termination. 109

(b) Once the nurse receives the termination notice, the 110
nurse must notify the board of nursing of the termination as 111
soon as practicable by submitting to the board a copy of the 112
physician's or podiatrist's termination notice. 113

(c) Notwithstanding the requirement of section 4723.43 of 114
the Revised Code that the nurse practice in collaboration with a 115
physician or podiatrist, the nurse may continue to practice 116
under the existing standard care arrangement without a 117
collaborating physician or podiatrist for not more than one 118
hundred twenty days after submitting to the board a copy of the 119
termination notice. 120

(2) In the event that the collaboration between a 121
physician or podiatrist and a certified nurse-midwife, certified 122
nurse practitioner, or clinical nurse specialist terminates 123
because of the physician's or podiatrist's death, the nurse must 124
notify the board of the death as soon as practicable. The nurse 125
may continue to practice under the existing standard care 126
arrangement without a collaborating physician or podiatrist for 127
not more than one hundred twenty days after notifying the board 128
of the physician's or podiatrist's death. 129

(E) Nothing in this section prohibits a hospital from 130
hiring a clinical nurse specialist, certified nurse-midwife, or 131
certified nurse practitioner as an employee and negotiating 132
standard care arrangements on behalf of the employee as 133

necessary to meet the requirements of this section. A standard 134
care arrangement between the hospital's employee and the 135
employee's collaborating physician is subject to approval by the 136
medical staff and governing body of the hospital prior to 137
implementation of the arrangement at the hospital. 138

Sec. 4723.436. (A) As used in this section, "hospital" has 139
the same meaning as in section 3722.01 of the Revised Code. 140

(B) Subject to division (C) of this section, a certified 141
nurse-midwife, clinical nurse specialist, or certified nurse 142
practitioner who is employed by a hospital may sign one or more 143
documents relating to any of the following: 144

(1) The admission of a patient to the hospital; 145

(2) The patient's discharge from the hospital; 146

(3) The patient's treatment while hospitalized. 147

The documents may include a treatment plan or any 148
medication order that is part of the treatment plan. 149

(C) To be eligible to sign documents described in division 150
(B) of this section, all of the following must be satisfied: 151

(1) The nurse's collaborating physician or podiatrist is 152
employed by the hospital or a member of the hospital's medical 153
staff. 154

(2) The nurse's collaborating physician or podiatrist has 155
authorized the nurse to sign documents described in division (B) 156
of this section for the physician's or podiatrist's patients. 157

(3) The standard care arrangement that the nurse has 158
entered into pursuant to section 4723.431 of the Revised Code 159
with the collaborating physician or podiatrist specifies in 160

writing that the nurse is authorized to sign documents described 161
in division (B) of this section for the physician's or 162
podiatrist's patients. 163

(D) A collaborating physician or podiatrist who authorizes 164
a nurse to sign one or more documents as described in division 165
(B) of this section is not liable for damages in a civil action 166
for injury, death, or loss to person or property for an act or 167
omission that arises from the nurse signing the document, and is 168
not subject to administrative action or criminal prosecution for 169
an act or omission that arises from the nurse signing the 170
document. 171

Section 2. That existing section 4723.431 of the Revised 172
Code is hereby repealed. 173

Section 3. That the version of section 4723.431 of the 174
Revised Code that is scheduled to take effect September 30, 175
2024, be amended to read as follows: 176

Sec. 4723.431. (A) (1) An advanced practice registered 177
nurse who is designated as a clinical nurse specialist, 178
certified nurse-midwife, or certified nurse practitioner may 179
practice only in accordance with a standard care arrangement 180
entered into with each physician or podiatrist with whom the 181
nurse collaborates. A copy of the standard care arrangement 182
shall be retained on file by the nurse's employer. Prior 183
approval of the standard care arrangement by the board of 184
nursing is not required, but the board may periodically review 185
it for compliance with this section. 186

A clinical nurse specialist, certified nurse-midwife, or 187
certified nurse practitioner may enter into a standard care 188
arrangement with one or more collaborating physicians or 189

podiatrists. If a collaborating physician or podiatrist enters 190
into standard care arrangements with more than five nurses, the 191
physician or podiatrist shall not collaborate at the same time 192
with more than five nurses in the prescribing component of their 193
practices. 194

Not later than thirty days after first engaging in the 195
practice of nursing as a clinical nurse specialist, certified 196
nurse-midwife, or certified nurse practitioner, the nurse shall 197
submit to the board the name and business address of each 198
collaborating physician or podiatrist. Thereafter, the nurse 199
shall notify the board of any additions or deletions to the 200
nurse's collaborating physicians or podiatrists. Except as 201
provided in division (D) of this section, the notice must be 202
provided not later than thirty days after the change takes 203
effect. 204

(2) All of the following conditions apply with respect to 205
the practice of a collaborating physician or podiatrist with 206
whom a clinical nurse specialist, certified nurse-midwife, or 207
certified nurse practitioner may enter into a standard care 208
arrangement: 209

(a) The physician or podiatrist must be authorized to 210
practice in this state. 211

(b) Except as provided in division (A) (2) (c) of this 212
section, the physician or podiatrist must be practicing in a 213
specialty that is the same as or similar to the nurse's nursing 214
specialty. 215

(c) If the nurse is a clinical nurse specialist who is 216
certified as a psychiatric-mental health CNS by the American 217
nurses credentialing center or a certified nurse practitioner 218

who is certified as a psychiatric-mental health NP by the	219
American nurses credentialing center, the nurse may enter into a	220
standard care arrangement with a physician but not a podiatrist	221
and the collaborating physician must be practicing in one of the	222
following specialties:	223
(i) Psychiatry;	224
(ii) Pediatrics;	225
(iii) Primary care or family practice.	226
(B) A standard care arrangement shall be in writing and	227
shall contain all of the following:	228
(1) Criteria for referral of a patient by the clinical	229
nurse specialist, certified nurse-midwife, or certified nurse	230
practitioner to a collaborating physician or podiatrist or	231
another physician or podiatrist;	232
(2) A process for the clinical nurse specialist, certified	233
nurse-midwife, or certified nurse practitioner to obtain a	234
consultation with a collaborating physician or podiatrist or	235
another physician or podiatrist;	236
(3) A plan for coverage in instances of emergency or	237
planned absences of either the clinical nurse specialist,	238
certified nurse-midwife, or certified nurse practitioner or a	239
collaborating physician or podiatrist that provides the means	240
whereby a physician or podiatrist is available for emergency	241
care;	242
(4) The process for resolution of disagreements regarding	243
matters of patient management between the clinical nurse	244
specialist, certified nurse-midwife, or certified nurse	245
practitioner and a collaborating physician or podiatrist;	246

(5) Any other criteria required by rule of the board 247
adopted pursuant to section 4723.07 or 4723.50 of the Revised 248
Code. 249

~~(C)(1)(C)~~ A standard care arrangement entered into 250
pursuant to this section may permit a clinical nurse specialist, 251
certified nurse-midwife, or certified nurse practitioner to 252
~~supervise~~ do any of the following: 253

(1) Supervise services provided by a home health agency as 254
defined in section 3740.01 of the Revised Code.— 255

~~(2) A standard care arrangement entered into pursuant to~~ 256
~~this section may permit a clinical nurse specialist, certified~~ 257
~~nurse-midwife, or certified nurse practitioner to admit;~~ 258

(2) Admit a patient to a hospital; 259

(3) Sign any document relating to the admission, 260
treatment, or discharge of a hospital patient, but only if the 261
requirements of section 4723.436 of the Revised Code have been 262
met. 263

(D) (1) Except as provided in division (D) (2) of this 264
section, if a physician or podiatrist terminates the 265
collaboration between the physician or podiatrist and a 266
certified nurse-midwife, certified nurse practitioner, or 267
clinical nurse specialist before their standard care arrangement 268
expires, all of the following apply: 269

(a) The physician or podiatrist must give the nurse 270
written or electronic notice of the termination. 271

(b) Once the nurse receives the termination notice, the 272
nurse must notify the board of nursing of the termination as 273
soon as practicable by submitting to the board a copy of the 274

physician's or podiatrist's termination notice. 275

(c) Notwithstanding the requirement of section 4723.43 of 276
the Revised Code that the nurse practice in collaboration with a 277
physician or podiatrist, the nurse may continue to practice 278
under the existing standard care arrangement without a 279
collaborating physician or podiatrist for not more than one 280
hundred twenty days after submitting to the board a copy of the 281
termination notice. 282

(2) In the event that the collaboration between a 283
physician or podiatrist and a certified nurse-midwife, certified 284
nurse practitioner, or clinical nurse specialist terminates 285
because of the physician's or podiatrist's death, the nurse must 286
notify the board of the death as soon as practicable. The nurse 287
may continue to practice under the existing standard care 288
arrangement without a collaborating physician or podiatrist for 289
not more than one hundred twenty days after notifying the board 290
of the physician's or podiatrist's death. 291

(E) Nothing in this section prohibits a hospital from 292
hiring a clinical nurse specialist, certified nurse-midwife, or 293
certified nurse practitioner as an employee and negotiating 294
standard care arrangements on behalf of the employee as 295
necessary to meet the requirements of this section. A standard 296
care arrangement between the hospital's employee and the 297
employee's collaborating physician is subject to approval by the 298
medical staff and governing body of the hospital prior to 299
implementation of the arrangement at the hospital. 300

Section 4. That the existing version of section 4723.431 301
of the Revised Code that is scheduled to take effect September 302
30, 2024, is hereby repealed. 303

Section 5. Sections 3 and 4 of this act take effect	304
September 30, 2024.	305
Section 6. The version of section 4723.431 of the Revised	306
Code that is scheduled to take effect September 30, 2024, is	307
presented in this act as a composite of the section as amended	308
by both Section 101.01 and Section 130.10 of H.B. 110 of the	309
134th General Assembly. The General Assembly, applying the	310
principle stated in division (B) of section 1.52 of the Revised	311
Code that amendments are to be harmonized if reasonably capable	312
of simultaneous operation, finds that the composite is the	313
resulting version of the section in effect prior to the	314
effective date of the section as presented in this act.	315