

As Introduced

132nd General Assembly

Regular Session

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S. B. No. 275

Senator Burke

Cosponsors: Senators Beagle, Hackett, Lehner, Tavares, Yuko

A BILL

To amend sections 4723.07, 4723.28, 4723.43, 1
4723.44, 4723.50, and 4729.01 and to enact 2
section 4723.484 of the Revised Code regarding 3
the authority of certified registered nurse 4
anesthetists to administer drugs in addition to 5
anesthesia and to select and order certain other 6
drugs. 7

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

Section 1. That sections 4723.07, 4723.28, 4723.43, 8
4723.44, 4723.50, and 4729.01 be amended and section 4723.484 of 9
the Revised Code be enacted to read as follows: 10

Sec. 4723.07. In accordance with Chapter 119. of the 11
Revised Code, the board of nursing shall adopt and may amend and 12
rescind rules that establish all of the following: 13

(A) Provisions for the board's government and control of 14
its actions and business affairs; 15

(B) Minimum standards for nursing education programs that 16
prepare graduates to be licensed under this chapter and 17
procedures for granting, renewing, and withdrawing approval of 18

those programs;	19
(C) Criteria that applicants for licensure must meet to be eligible to take examinations for licensure;	20 21
(D) Standards and procedures for renewal of the licenses and certificates issued by the board;	22 23
(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.	24 25 26 27 28 29 30 31 32
(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;	33 34 35 36
(G) Requirements, including continuing education requirements, for reactivating inactive licenses or certificates, and for reinstating licenses or certificates that have lapsed;	37 38 39 40
(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;	41 42 43 44
(I) Requirements for board approval of courses in medication administration by licensed practical nurses;	45 46

(J) 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;

(K) Universal and standard precautions that shall be used by each licensee or certificate holder. The rules shall define and establish requirements for universal and standard precautions that include the following:

- (1) Appropriate use of hand washing;
- (2) Disinfection and sterilization of equipment;
- (3) Handling and disposal of needles and other sharp instruments;
- (4) Wearing and disposal of gloves and other protective garments and devices.

(L) Quality assurance standards for advanced practice registered nurses;

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

(N) For purposes of division (B) ~~(31)~~ (32) of section 4723.28 of the Revised Code, the actions, omissions, or other circumstances that constitute failure to establish and maintain professional boundaries with a patient;

(O) Standards and procedures for delegation under section 75
4723.48 of the Revised Code of the authority to administer 76
drugs. 77

The board may adopt other rules necessary to carry out the 78
provisions of this chapter. The rules shall be adopted in 79
accordance with Chapter 119. of the Revised Code. 80

Sec. 4723.28. (A) The board of nursing, by a vote of a 81
quorum, may impose one or more of the following sanctions if it 82
finds that a person committed fraud in passing an examination 83
required to obtain a license or dialysis technician certificate 84
issued by the board or to have committed fraud, 85
misrepresentation, or deception in applying for or securing any 86
nursing license or dialysis technician certificate issued by the 87
board: deny, revoke, suspend, or place restrictions on any 88
nursing license or dialysis technician certificate issued by the 89
board; reprimand or otherwise discipline a holder of a nursing 90
license or dialysis technician certificate; or impose a fine of 91
not more than five hundred dollars per violation. 92

(B) The board of nursing, by a vote of a quorum, may 93
impose one or more of the following sanctions: deny, revoke, 94
suspend, or place restrictions on any nursing license or 95
dialysis technician certificate issued by the board; reprimand 96
or otherwise discipline a holder of a nursing license or 97
dialysis technician certificate; or impose a fine of not more 98
than five hundred dollars per violation. The sanctions may be 99
imposed for any of the following: 100

(1) Denial, revocation, suspension, or restriction of 101
authority to engage in a licensed profession or practice a 102
health care occupation, including nursing or practice as a 103
dialysis technician, for any reason other than a failure to 104

renew, in Ohio or another state or jurisdiction;	105
(2) Engaging in the practice of nursing or engaging in	106
practice as a dialysis technician, having failed to renew a	107
nursing license or dialysis technician certificate issued under	108
this chapter, or while a nursing license or dialysis technician	109
certificate is under suspension;	110
(3) Conviction of, a plea of guilty to, a judicial finding	111
of guilt of, a judicial finding of guilt resulting from a plea	112
of no contest to, or a judicial finding of eligibility for a	113
pretrial diversion or similar program or for intervention in	114
lieu of conviction for, a misdemeanor committed in the course of	115
practice;	116
(4) Conviction of, a plea of guilty to, a judicial finding	117
of guilt of, a judicial finding of guilt resulting from a plea	118
of no contest to, or a judicial finding of eligibility for a	119
pretrial diversion or similar program or for intervention in	120
lieu of conviction for, any felony or of any crime involving	121
gross immorality or moral turpitude;	122
(5) Selling, giving away, or administering drugs or	123
therapeutic devices for other than legal and legitimate	124
therapeutic purposes; or conviction of, a plea of guilty to, a	125
judicial finding of guilt of, a judicial finding of guilt	126
resulting from a plea of no contest to, or a judicial finding of	127
eligibility for a pretrial diversion or similar program or for	128
intervention in lieu of conviction for, violating any municipal,	129
state, county, or federal drug law;	130
(6) Conviction of, a plea of guilty to, a judicial finding	131
of guilt of, a judicial finding of guilt resulting from a plea	132
of no contest to, or a judicial finding of eligibility for a	133

pretrial diversion or similar program or for intervention in 134
lieu of conviction for, an act in another jurisdiction that 135
would constitute a felony or a crime of moral turpitude in Ohio; 136

(7) Conviction of, a plea of guilty to, a judicial finding 137
of guilt of, a judicial finding of guilt resulting from a plea 138
of no contest to, or a judicial finding of eligibility for a 139
pretrial diversion or similar program or for intervention in 140
lieu of conviction for, an act in the course of practice in 141
another jurisdiction that would constitute a misdemeanor in 142
Ohio; 143

(8) Self-administering or otherwise taking into the body 144
any dangerous drug, as defined in section 4729.01 of the Revised 145
Code, in any way that is not in accordance with a legal, valid 146
prescription issued for that individual, or self-administering 147
or otherwise taking into the body any drug that is a schedule I 148
controlled substance; 149

(9) Habitual or excessive use of controlled substances, 150
other habit-forming drugs, or alcohol or other chemical 151
substances to an extent that impairs the individual's ability to 152
provide safe nursing care or safe dialysis care; 153

(10) Impairment of the ability to practice according to 154
acceptable and prevailing standards of safe nursing care or safe 155
dialysis care because of the use of drugs, alcohol, or other 156
chemical substances; 157

(11) Impairment of the ability to practice according to 158
acceptable and prevailing standards of safe nursing care or safe 159
dialysis care because of a physical or mental disability; 160

(12) Assaulting or causing harm to a patient or depriving 161
a patient of the means to summon assistance; 162

(13) Misappropriation or attempted misappropriation of money or anything of value in the course of practice;	163 164
(14) Adjudication by a probate court of being mentally ill or mentally incompetent. The board may reinstate the person's nursing license or dialysis technician certificate upon adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency.	165 166 167 168 169 170
(15) The suspension or termination of employment by the United States department of defense or department of veterans affairs for any act that violates or would violate this chapter;	171 172 173
(16) Violation of this chapter or any rules adopted under it;	174 175
(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;	176 177
(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	178 179 180
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	181 182
(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	183 184 185
(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	186 187 188
(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of	189 190

the Revised Code;	191
(23) Aiding and abetting a person in that person's	192
practice of nursing without a license or practice as a dialysis	193
technician without a certificate issued under this chapter;	194
(24) In the case of an advanced practice registered nurse,	195
except as provided in division (M) of this section, either of	196
the following:	197
(a) Waiving the payment of all or any part of a deductible	198
or copayment that a patient, pursuant to a health insurance or	199
health care policy, contract, or plan that covers such nursing	200
services, would otherwise be required to pay if the waiver is	201
used as an enticement to a patient or group of patients to	202
receive health care services from that provider;	203
(b) Advertising that the nurse will waive the payment of	204
all or any part of a deductible or copayment that a patient,	205
pursuant to a health insurance or health care policy, contract,	206
or plan that covers such nursing services, would otherwise be	207
required to pay.	208
(25) Failure to comply with the terms and conditions of	209
participation in the chemical dependency monitoring program	210
established under section 4723.35 of the Revised Code;	211
(26) Failure to comply with the terms and conditions	212
required under the practice intervention and improvement program	213
established under section 4723.282 of the Revised Code;	214
(27) In the case of an advanced practice registered nurse:	215
(a) Engaging in activities that exceed those permitted for	216
the nurse's nursing specialty under section 4723.43 of the	217
Revised Code;	218

(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code.	219 220
(28) In the case of an advanced practice registered nurse other than a certified registered nurse anesthetist, failure to maintain a standard care arrangement in accordance with section 4723.431 of the Revised Code or to practice in accordance with the standard care arrangement;	221 222 223 224 225
(29) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code;	226 227 228 229 230
(30) <u>In the case of an advanced practice registered nurse designated as a certified registered nurse anesthetist, failure to select, order, or administer drugs other than anesthesia in accordance with section 4723.484 of the Revised Code;</u>	231 232 233 234
<u>(31)</u> Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;	235 236
(31) <u>(32)</u> Failure to establish and maintain professional boundaries with a patient, as specified in rules adopted under section 4723.07 of the Revised Code;	237 238 239
(32) <u>(33)</u> Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other than the spouse of the registered nurse, licensed practical nurse, or dialysis technician in any of the following:	240 241 242 243
(a) Sexual contact, as defined in section 2907.01 of the Revised Code;	244 245
(b) Verbal behavior that is sexually demeaning to the	246

patient or may be reasonably interpreted by the patient as	247
sexually demeaning.	248
(33) <u>(34)</u> Assisting suicide, as defined in section 3795.01	249
of the Revised Code;	250
(34) <u>(35)</u> Failure to comply with the requirements in	251
section 3719.061 of the Revised Code before issuing for a minor	252
a prescription for an opioid analgesic, as defined in section	253
3719.01 of the Revised Code;	254
(35) <u>(36)</u> Failure to comply with section 4723.487 of the	255
Revised Code, unless the state board of pharmacy no longer	256
maintains a drug database pursuant to section 4729.75 of the	257
Revised Code;	258
(36) <u>(37)</u> The revocation, suspension, restriction,	259
reduction, or termination of clinical privileges by the United	260
States department of defense or department of veterans affairs	261
or the termination or suspension of a certificate of	262
registration to prescribe drugs by the drug enforcement	263
administration of the United States department of justice.	264
(C) Disciplinary actions taken by the board under	265
divisions (A) and (B) of this section shall be taken pursuant to	266
an adjudication conducted under Chapter 119. of the Revised	267
Code, except that in lieu of a hearing, the board may enter into	268
a consent agreement with an individual to resolve an allegation	269
of a violation of this chapter or any rule adopted under it. A	270
consent agreement, when ratified by a vote of a quorum, shall	271
constitute the findings and order of the board with respect to	272
the matter addressed in the agreement. If the board refuses to	273
ratify a consent agreement, the admissions and findings	274
contained in the agreement shall be of no effect.	275

(D) The hearings of the board shall be conducted in 276
accordance with Chapter 119. of the Revised Code, the board may 277
appoint a hearing examiner, as provided in section 119.09 of the 278
Revised Code, to conduct any hearing the board is authorized to 279
hold under Chapter 119. of the Revised Code. 280

In any instance in which the board is required under 281
Chapter 119. of the Revised Code to give notice of an 282
opportunity for a hearing and the applicant, licensee, or 283
certificate holder does not make a timely request for a hearing 284
in accordance with section 119.07 of the Revised Code, the board 285
is not required to hold a hearing, but may adopt, by a vote of a 286
quorum, a final order that contains the board's findings. In the 287
final order, the board may order any of the sanctions listed in 288
division (A) or (B) of this section. 289

(E) If a criminal action is brought against a registered 290
nurse, licensed practical nurse, or dialysis technician for an 291
act or crime described in divisions (B) (3) to (7) of this 292
section and the action is dismissed by the trial court other 293
than on the merits, the board shall conduct an adjudication to 294
determine whether the registered nurse, licensed practical 295
nurse, or dialysis technician committed the act on which the 296
action was based. If the board determines on the basis of the 297
adjudication that the registered nurse, licensed practical 298
nurse, or dialysis technician committed the act, or if the 299
registered nurse, licensed practical nurse, or dialysis 300
technician fails to participate in the adjudication, the board 301
may take action as though the registered nurse, licensed 302
practical nurse, or dialysis technician had been convicted of 303
the act. 304

If the board takes action on the basis of a conviction, 305

plea, or a judicial finding as described in divisions (B) (3) to 306
(7) of this section that is overturned on appeal, the registered 307
nurse, licensed practical nurse, or dialysis technician may, on 308
exhaustion of the appeal process, petition the board for 309
reconsideration of its action. On receipt of the petition and 310
supporting court documents, the board shall temporarily rescind 311
its action. If the board determines that the decision on appeal 312
was a decision on the merits, it shall permanently rescind its 313
action. If the board determines that the decision on appeal was 314
not a decision on the merits, it shall conduct an adjudication 315
to determine whether the registered nurse, licensed practical 316
nurse, or dialysis technician committed the act on which the 317
original conviction, plea, or judicial finding was based. If the 318
board determines on the basis of the adjudication that the 319
registered nurse, licensed practical nurse, or dialysis 320
technician committed such act, or if the registered nurse, 321
licensed practical nurse, or dialysis technician does not 322
request an adjudication, the board shall reinstate its action; 323
otherwise, the board shall permanently rescind its action. 324

Notwithstanding the provision of division (C) (2) of 325
section 2953.32 of the Revised Code specifying that if records 326
pertaining to a criminal case are sealed under that section the 327
proceedings in the case shall be deemed not to have occurred, 328
sealing of the following records on which the board has based an 329
action under this section shall have no effect on the board's 330
action or any sanction imposed by the board under this section: 331
records of any conviction, guilty plea, judicial finding of 332
guilt resulting from a plea of no contest, or a judicial finding 333
of eligibility for a pretrial diversion program or intervention 334
in lieu of conviction. 335

The board shall not be required to seal, destroy, redact, 336

or otherwise modify its records to reflect the court's sealing 337
of conviction records. 338

(F) The board may investigate an individual's criminal 339
background in performing its duties under this section. As part 340
of such investigation, the board may order the individual to 341
submit, at the individual's expense, a request to the bureau of 342
criminal identification and investigation for a criminal records 343
check and check of federal bureau of investigation records in 344
accordance with the procedure described in section 4723.091 of 345
the Revised Code. 346

(G) During the course of an investigation conducted under 347
this section, the board may compel any registered nurse, 348
licensed practical nurse, or dialysis technician or applicant 349
under this chapter to submit to a mental or physical 350
examination, or both, as required by the board and at the 351
expense of the individual, if the board finds reason to believe 352
that the individual under investigation may have a physical or 353
mental impairment that may affect the individual's ability to 354
provide safe nursing care. Failure of any individual to submit 355
to a mental or physical examination when directed constitutes an 356
admission of the allegations, unless the failure is due to 357
circumstances beyond the individual's control, and a default and 358
final order may be entered without the taking of testimony or 359
presentation of evidence. 360

If the board finds that an individual is impaired, the 361
board shall require the individual to submit to care, 362
counseling, or treatment approved or designated by the board, as 363
a condition for initial, continued, reinstated, or renewed 364
authority to practice. The individual shall be afforded an 365
opportunity to demonstrate to the board that the individual can 366

begin or resume the individual's occupation in compliance with 367
acceptable and prevailing standards of care under the provisions 368
of the individual's authority to practice. 369

For purposes of this division, any registered nurse, 370
licensed practical nurse, or dialysis technician or applicant 371
under this chapter shall be deemed to have given consent to 372
submit to a mental or physical examination when directed to do 373
so in writing by the board, and to have waived all objections to 374
the admissibility of testimony or examination reports that 375
constitute a privileged communication. 376

(H) The board shall investigate evidence that appears to 377
show that any person has violated any provision of this chapter 378
or any rule of the board. Any person may report to the board any 379
information the person may have that appears to show a violation 380
of any provision of this chapter or rule of the board. In the 381
absence of bad faith, any person who reports such information or 382
who testifies before the board in any adjudication conducted 383
under Chapter 119. of the Revised Code shall not be liable for 384
civil damages as a result of the report or testimony. 385

(I) All of the following apply under this chapter with 386
respect to the confidentiality of information: 387

(1) Information received by the board pursuant to a 388
complaint or an investigation is confidential and not subject to 389
discovery in any civil action, except that the board may 390
disclose information to law enforcement officers and government 391
entities for purposes of an investigation of either a licensed 392
health care professional, including a registered nurse, licensed 393
practical nurse, or dialysis technician, or a person who may 394
have engaged in the unauthorized practice of nursing or dialysis 395
care. No law enforcement officer or government entity with 396

knowledge of any information disclosed by the board pursuant to 397
this division shall divulge the information to any other person 398
or government entity except for the purpose of a government 399
investigation, a prosecution, or an adjudication by a court or 400
government entity. 401

(2) If an investigation requires a review of patient 402
records, the investigation and proceeding shall be conducted in 403
such a manner as to protect patient confidentiality. 404

(3) All adjudications and investigations of the board 405
shall be considered civil actions for the purposes of section 406
2305.252 of the Revised Code. 407

(4) Any board activity that involves continued monitoring 408
of an individual as part of or following any disciplinary action 409
taken under this section shall be conducted in a manner that 410
maintains the individual's confidentiality. Information received 411
or maintained by the board with respect to the board's 412
monitoring activities is not subject to discovery in any civil 413
action and is confidential, except that the board may disclose 414
information to law enforcement officers and government entities 415
for purposes of an investigation of a licensee or certificate 416
holder. 417

(J) Any action taken by the board under this section 418
resulting in a suspension from practice shall be accompanied by 419
a written statement of the conditions under which the person may 420
be reinstated to practice. 421

(K) When the board refuses to grant a license or 422
certificate to an applicant, revokes a license or certificate, 423
or refuses to reinstate a license or certificate, the board may 424
specify that its action is permanent. An individual subject to 425

permanent action taken by the board is forever ineligible to 426
hold a license or certificate of the type that was refused or 427
revoked and the board shall not accept from the individual an 428
application for reinstatement of the license or certificate or 429
for a new license or certificate. 430

(L) No unilateral surrender of a nursing license, 431
certificate of authority, or dialysis technician certificate 432
issued under this chapter shall be effective unless accepted by 433
majority vote of the board. No application for a nursing 434
license, certificate of authority, or dialysis technician 435
certificate issued under this chapter may be withdrawn without a 436
majority vote of the board. The board's jurisdiction to take 437
disciplinary action under this section is not removed or limited 438
when an individual has a license or certificate classified as 439
inactive or fails to renew a license or certificate. 440

(M) Sanctions shall not be imposed under division (B) (24) 441
of this section against any licensee who waives deductibles and 442
copayments as follows: 443

(1) In compliance with the health benefit plan that 444
expressly allows such a practice. Waiver of the deductibles or 445
copayments shall be made only with the full knowledge and 446
consent of the plan purchaser, payer, and third-party 447
administrator. Documentation of the consent shall be made 448
available to the board upon request. 449

(2) For professional services rendered to any other person 450
licensed pursuant to this chapter to the extent allowed by this 451
chapter and the rules of the board. 452

Sec. 4723.43. A certified registered nurse anesthetist, 453
clinical nurse specialist, certified nurse-midwife, or certified 454

nurse practitioner may provide to individuals and groups nursing 455
care that requires knowledge and skill obtained from advanced 456
formal education and clinical experience. In this capacity as an 457
advanced practice registered nurse, a certified nurse-midwife is 458
subject to division (A) of this section, a certified registered 459
nurse anesthetist is subject to division (B) of this section, a 460
certified nurse practitioner is subject to division (C) of this 461
section, and a clinical nurse specialist is subject to division 462
(D) of this section. 463

(A) A nurse authorized to practice as a certified nurse- 464
midwife, in collaboration with one or more physicians, may 465
provide the management of preventive services and those primary 466
care services necessary to provide health care to women 467
antepartally, intrapartally, postpartally, and gynecologically, 468
consistent with the nurse's education and certification, and in 469
accordance with rules adopted by the board of nursing. 470

No certified nurse-midwife may perform version, deliver 471
breech or face presentation, use forceps, do any obstetric 472
operation, or treat any other abnormal condition, except in 473
emergencies. Division (A) of this section does not prohibit a 474
certified nurse-midwife from performing episiotomies or normal 475
vaginal deliveries, or repairing vaginal tears. A certified 476
nurse-midwife may, in collaboration with one or more physicians, 477
prescribe drugs and therapeutic devices in accordance with 478
section 4723.481 of the Revised Code. 479

(B) A nurse authorized to practice as a certified 480
registered nurse anesthetist, with the supervision and in the 481
immediate presence of a physician, podiatrist, or dentist, may 482
administer anesthesia and perform anesthesia induction, 483
maintenance, and emergence, and may perform with supervision 484

preanesthetic preparation and evaluation, postanesthesia care, 485
and clinical support functions, consistent with the nurse's 486
education and certification, and in accordance with rules 487
adopted by the board. 488

A certified registered nurse anesthetist who meets the 489
conditions of section 4723.484 of the Revised Code may also do 490
both of the following: 491

(1) Select, order, and administer drugs other than 492
anesthesia in accordance with section 4723.484 of the Revised 493
Code; 494

(2) Direct another person to administer a drug other than 495
anesthesia that the nurse has selected and ordered in accordance 496
with section 4723.484 of the Revised Code, but only if the nurse 497
is in the operating room when directing the person to administer 498
the drug and the person being directed is authorized by law to 499
administer drugs. 500

The physician, podiatrist, or dentist supervising a 501
certified registered nurse anesthetist must be actively engaged 502
in practice in this state. When a certified registered nurse 503
anesthetist is supervised by a podiatrist, the nurse's scope of 504
practice is limited to the anesthesia procedures that the 505
podiatrist has the authority under section 4731.51 of the 506
Revised Code to perform. A certified registered nurse 507
anesthetist may not administer general anesthesia under the 508
supervision of a podiatrist in a podiatrist's office. When a 509
certified registered nurse anesthetist is supervised by a 510
dentist, the nurse's scope of practice is limited to the 511
anesthesia procedures that the dentist has the authority under 512
Chapter 4715. of the Revised Code to perform. 513

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

When a certified nurse practitioner is collaborating with a podiatrist, the nurse's scope of practice is limited to the procedures that the podiatrist has the authority under section 4731.51 of the Revised Code to perform.

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

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

Sec. 4723.44. (A) No person shall knowingly do any of the following unless the person holds a current, valid license

issued by the board of nursing under this chapter to practice 544
nursing as an advanced practice registered nurse in the 545
specialty indicated by the designation: 546

(1) Engage in the practice of nursing as an advanced 547
practice registered nurse for a fee, salary, or other 548
consideration, or as a volunteer; 549

(2) Represent the person as being an advanced practice 550
registered nurse, including representing the person as being a 551
certified registered nurse anesthetist, clinical nurse 552
specialist, certified nurse-midwife, or certified nurse 553
practitioner; 554

(3) Use any title or initials implying that the person is 555
an advanced practice registered nurse, including using any title 556
or initials implying the person is a certified registered nurse 557
anesthetist, clinical nurse specialist, certified nurse-midwife, 558
or certified nurse practitioner. 559

(B) No advanced practice registered nurse shall knowingly 560
do any of the following: 561

(1) Engage, for a fee, salary, or other consideration, or 562
as a volunteer, in the practice of a nursing specialty other 563
than the specialty designated on the nurse's current, valid 564
license issued by the board under this chapter to practice 565
nursing as an advanced practice registered nurse; 566

(2) Represent the person as being authorized to practice 567
any nursing specialty other than the specialty designated on the 568
current, valid license to practice nursing as an advanced 569
practice registered nurse; 570

(3) Use the title "certified registered nurse anesthetist" 571
or the initials "N.A." or "C.R.N.A.," the title "clinical nurse 572

specialist" or the initials "C.N.S.," the title "certified 573
nurse-midwife" or the initials "C.N.M.," the title "certified 574
nurse practitioner" or the initials "C.N.P.," the title 575
"advanced practice registered nurse" or the initials "A.P.R.N.," 576
or any other title or initials implying that the nurse is 577
authorized to practice any nursing specialty other than the 578
specialty designated on the nurse's current, valid license to 579
practice nursing as an advanced practice registered nurse; 580

(4) Except as provided in division (D) of section 4723.431 581
of the Revised Code, enter into a standard care arrangement with 582
a physician or podiatrist whose practice is not the same as or 583
similar to the nurse's nursing specialty; 584

(5) Prescribe drugs or therapeutic devices in a manner 585
that does not comply with section 4723.481 of the Revised Code; 586

(6) In the case of a certified registered nurse 587
anesthetist, select, order, or administer drugs other than 588
anesthesia in a manner that does not comply with section 589
4723.484 of the Revised Code; 590

(7) Prescribe any drug or device to perform or induce an 591
abortion, or otherwise perform or induce an abortion. 592

(C) No person shall knowingly employ a person to engage in 593
the practice of nursing as an advanced practice registered nurse 594
unless the person so employed holds a current, valid license and 595
designation issued by the board under this chapter to practice 596
as an advanced practice registered nurse in the specialty 597
indicated by the designation. 598

(D) A document certified by the executive director of the 599
board, under the official seal of the board, to the effect that 600
it appears from the records of the board that no license to 601

practice nursing as an advanced practice registered nurse has 602
been issued to the person specified in the document, or that a 603
license to practice nursing as an advanced practice registered 604
nurse, if issued, has been revoked or suspended, shall be 605
received as prima-facie evidence of the record of the board in 606
any court or before any officer of the state. 607

Sec. 4723.484. (A) Except as provided in division (C) of 608
this section, a certified registered nurse anesthetist may 609
select, order, and administer drugs other than anesthesia under 610
division (B) of section 4723.43 of the Revised Code if all of 611
the following conditions are met: 612

(1) The nurse selects, orders, and administers each drug 613
at a facility that is one of the following: 614

(a) A hospital registered under section 3701.07 of the 615
Revised Code; 616

(b) An entity owned or controlled, in whole or in part, by 617
a hospital or by an entity that owns or controls, in whole or in 618
part, one or more hospitals; 619

(c) An ambulatory surgical facility, as defined in section 620
3702.30 of the Revised Code. 621

(2) The medical staff of the facility described in 622
division (A)(1) of this section has granted the nurse 623
appropriate credentials or clinical privileges, as evidenced by 624
written documents, authorizing the nurse to select, order, and 625
administer drugs. 626

(3) The nurse selects, orders, and administers each drug 627
in the immediate post-operative period, which does not include 628
the period of time in which a patient is in the process of being 629
moved or has moved from a post-anesthesia care unit to another 630

part of the facility. 631

(4) The nurse selects, orders, and administers each drug 632
in accordance with a protocol that meets the requirements of 633
division (B) of this section. 634

(B) (1) The protocol required by division (A) (4) of this 635
section shall be established only by all of the following: 636

(a) The facility's medical director; 637

(b) The facility's nursing director; 638

(c) The facility's pharmacy director or, if the facility 639
does not have a pharmacy director, an individual designated by 640
the facility as its consulting pharmacist. 641

(2) Each protocol shall do all of the following; 642

(a) Specify the one or more drugs other than anesthesia 643
that the nurse may select, order, and administer to treat 644
nausea, pain, or respiratory conditions related to the 645
administration of anesthesia; 646

(b) Prohibit the nurse from selecting and ordering a 647
controlled substance; 648

(c) Specify procedures to be followed by the nurse when 649
selecting, ordering, and administering a drug under the 650
protocol. 651

(3) In establishing a protocol, the medical director, 652
nursing director, and pharmacy director or consulting pharmacist 653
shall not authorize a certified registered nurse anesthetist to 654
select, order, or administer any drug that a supervising 655
physician, podiatrist, or dentist is not authorized to 656
prescribe. 657

(C) A certified registered nurse anesthetist shall not 658
select, order, and administer drugs other than anesthesia 659
pursuant to a protocol established under this section if a 660
physician, podiatrist, or dentist who supervises the nurse has 661
determined that it is not in the best interest of the 662
physician's, podiatrist's, or dentist's patient for the nurse to 663
do so. When a physician, podiatrist, or dentist makes this 664
determination, the physician, podiatrist, or dentist shall 665
indicate in the patient's medical record that the nurse is 666
prohibited from selecting, ordering, and administering drugs for 667
the patient pursuant to the protocol. 668

(D) The board of nursing may adopt rules as necessary to 669
implement this section. The rules shall be adopted in accordance 670
with Chapter 119. of the Revised Code. 671

Sec. 4723.50. (A) As used in this section: 672

(1) "Controlled substance" has the same meaning as in 673
section 3719.01 of the Revised Code. 674

(2) "Medication-assisted treatment" has the same meaning 675
as in section 340.01 of the Revised Code. 676

(B) In accordance with Chapter 119. of the Revised Code, 677
the board of nursing shall adopt rules as necessary to implement 678
the provisions of this chapter pertaining to the authority of 679
advanced practice registered nurses who are designated as 680
clinical nurse specialists, certified nurse-midwives, and 681
certified nurse practitioners to prescribe and furnish drugs and 682
therapeutic devices. 683

The board shall adopt rules that are consistent with a 684
recommended exclusionary formulary the board receives from the 685
committee on prescriptive governance pursuant to section 686

4723.492 of the Revised Code. After reviewing a formulary 687
submitted by the committee, the board may either adopt the 688
formulary as a rule or ask the committee to reconsider and 689
resubmit the formulary. The board shall not adopt any rule that 690
does not conform to a formulary developed by the committee. 691

The exclusionary formulary shall permit, in a manner 692
consistent with section 4723.481 of the Revised Code, the 693
prescribing of controlled substances, including drugs that 694
contain buprenorphine used in medication-assisted treatment and 695
both oral and long-acting opioid antagonists. The formulary 696
shall not permit the prescribing or furnishing of any of the 697
following: 698

(1) A drug or device to perform or induce an abortion; 699

(2) A drug or device prohibited by federal or state law. 700

(C) In addition to the rules described in division (B) of 701
this section, the board shall adopt rules under this section 702
that do the following: 703

(1) Establish standards for board approval of the course 704
of study in advanced pharmacology and related topics required by 705
section 4723.482 of the Revised Code; 706

(2) Establish requirements for board approval of the two- 707
hour course of instruction in the laws of this state as required 708
under division (C) (1) of section 4723.482 of the Revised Code 709
~~and division (B) (2) of section 4723.484 of the Revised Code;~~ 710

(3) Establish criteria for the components of the standard 711
care arrangements described in section 4723.431 of the Revised 712
Code that apply to the authority to prescribe, including the 713
components that apply to the authority to prescribe schedule II 714
controlled substances. The rules shall be consistent with that 715

section and include all of the following:	716
(a) Quality assurance standards;	717
(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, or certified nurse practitioner;	718 719 720 721
(c) Acceptable travel time between the location at which the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner is engaging in the prescribing components of the nurse's practice and the location of the nurse's collaborating physician or podiatrist;	722 723 724 725 726
(d) Any other criteria recommended by the committee on prescriptive governance.	727 728
<u>(D) This section does not affect the authority of a certified registered nurse anesthetist under section 4723.43 of the Revised Code.</u>	729 730 731
Sec. 4729.01. As used in this chapter:	732
(A) "Pharmacy," except when used in a context that refers to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing where the practice of pharmacy is conducted.	733 734 735 736
(B) "Practice of pharmacy" means providing pharmacist care requiring specialized knowledge, judgment, and skill derived from the principles of biological, chemical, behavioral, social, pharmaceutical, and clinical sciences. As used in this division, "pharmacist care" includes the following:	737 738 739 740 741
(1) Interpreting prescriptions;	742

(2) Dispensing drugs and drug therapy related devices;	743
(3) Compounding drugs;	744
(4) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances;	745 746 747 748 749
(5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs;	750 751 752
(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;	753 754 755 756 757
(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	758 759 760
(8) Acting pursuant to a consult agreement with one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, if an agreement has been established;	761 762 763 764
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	765 766
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	767 768
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any	769 770

of the following circumstances: 771

(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs; 772
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(2) Pursuant to the modification of a prescription made in accordance with a consult agreement; 774
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(3) As an incident to research, teaching activities, or chemical analysis; 776
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(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns; 778
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(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply: 781
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(a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer. 786
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(b) A limited quantity of the drug is compounded and provided to the professional. 791
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(c) The drug is compounded and provided to the professional as an occasional exception to the normal practice of dispensing drugs pursuant to patient-specific prescriptions. 793
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(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code. 796
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(E) "Drug" means:	798
(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	799 800 801 802
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	803 804 805
(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	806 807
(4) Any article intended for use as a component of any article specified in division (E) (1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.	808 809 810 811
(F) "Dangerous drug" means any of the following:	812
(1) Any drug to which either of the following applies:	813
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;	814 815 816 817 818 819 820
(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	821 822
(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;	823 824 825

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body; 826
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(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code. 829
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(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code. 831
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(H) "Prescription" means all of the following: 833

(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs; 834
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(2) For purposes of sections 2925.61, 4723.488, 4729.44, 4730.431, and 4731.94 of the Revised Code, a written, electronic, or oral order for naloxone issued to and in the name of a family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose. 838
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(3) For purposes of sections 4723.4810, 4729.282, 4730.432, and 4731.93 of the Revised Code, a written, electronic, or oral order for a drug to treat chlamydia, gonorrhoea, or trichomoniasis issued to and in the name of a patient who is not the intended user of the drug but is the sexual partner of the intended user; 844
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(4) For purposes of sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4731.96, and 5101.76 of the Revised Code, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a school, school district, or camp; 850
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(5) For purposes of Chapter 3728. and sections 4723.483, 855
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 856
electronic, or oral order for an epinephrine autoinjector issued 857
to and in the name of a qualified entity, as defined in section 858
3728.01 of the Revised Code. 859

(I) "Licensed health professional authorized to prescribe 860
drugs" or "prescriber" means an individual who is authorized by 861
law to prescribe drugs or dangerous drugs or drug therapy 862
related devices in the course of the individual's professional 863
practice, including only the following: 864

(1) A dentist licensed under Chapter 4715. of the Revised 865
Code; 866

(2) A clinical nurse specialist, certified nurse-midwife, 867
or certified nurse practitioner who holds a current, valid 868
license to practice nursing as an advanced practice registered 869
nurse issued under Chapter 4723. of the Revised Code; 870

(3) A certified registered nurse anesthetist who holds a 871
current, valid license to practice nursing as an advanced 872
practice registered nurse issued under Chapter 4723. of the 873
Revised Code, but only to the extent of the nurse's authority 874
under section 4723.484 of the Revised Code to select and order 875
drugs other than anesthesia; 876

(4) An optometrist licensed under Chapter 4725. of the 877
Revised Code to practice optometry under a therapeutic 878
pharmaceutical agents certificate; 879

~~(4)~~ (5) A physician authorized under Chapter 4731. of the 880
Revised Code to practice medicine and surgery, osteopathic 881
medicine and surgery, or podiatric medicine and surgery; 882

~~(5)~~ (6) A physician assistant who holds a license to 883

practice as a physician assistant issued under Chapter 4730. of 884
the Revised Code, holds a valid prescriber number issued by the 885
state medical board, and has been granted physician-delegated 886
prescriptive authority; 887

~~(6)~~ (7) A veterinarian licensed under Chapter 4741. of the 888
Revised Code. 889

(J) "Sale" or "sell" includes any transaction made by any 890
person, whether as principal proprietor, agent, or employee, to 891
do or offer to do any of the following: deliver, distribute, 892
broker, exchange, gift or otherwise give away, or transfer, 893
whether the transfer is by passage of title, physical movement, 894
or both. 895

(K) "Wholesale sale" and "sale at wholesale" mean any sale 896
in which the purpose of the purchaser is to resell the article 897
purchased or received by the purchaser. 898

(L) "Retail sale" and "sale at retail" mean any sale other 899
than a wholesale sale or sale at wholesale. 900

(M) "Retail seller" means any person that sells any 901
dangerous drug to consumers without assuming control over and 902
responsibility for its administration. Mere advice or 903
instructions regarding administration do not constitute control 904
or establish responsibility. 905

(N) "Price information" means the price charged for a 906
prescription for a particular drug product and, in an easily 907
understandable manner, all of the following: 908

(1) The proprietary name of the drug product; 909

(2) The established (generic) name of the drug product; 910

(3) The strength of the drug product if the product 911

contains a single active ingredient or if the drug product 912
contains more than one active ingredient and a relevant strength 913
can be associated with the product without indicating each 914
active ingredient. The established name and quantity of each 915
active ingredient are required if such a relevant strength 916
cannot be so associated with a drug product containing more than 917
one ingredient. 918

(4) The dosage form; 919

(5) The price charged for a specific quantity of the drug 920
product. The stated price shall include all charges to the 921
consumer, including, but not limited to, the cost of the drug 922
product, professional fees, handling fees, if any, and a 923
statement identifying professional services routinely furnished 924
by the pharmacy. Any mailing fees and delivery fees may be 925
stated separately without repetition. The information shall not 926
be false or misleading. 927

(O) "Wholesale distributor of dangerous drugs" or 928
"wholesale distributor" means a person engaged in the sale of 929
dangerous drugs at wholesale and includes any agent or employee 930
of such a person authorized by the person to engage in the sale 931
of dangerous drugs at wholesale. 932

(P) "Manufacturer of dangerous drugs" or "manufacturer" 933
means a person, other than a pharmacist or prescriber, who 934
manufactures dangerous drugs and who is engaged in the sale of 935
those dangerous drugs. 936

(Q) "Terminal distributor of dangerous drugs" or "terminal 937
distributor" means a person who is engaged in the sale of 938
dangerous drugs at retail, or any person, other than a 939
manufacturer, repackager, outsourcing facility, third-party 940

logistics provider, wholesale distributor, or pharmacist, who 941
has possession, custody, or control of dangerous drugs for any 942
purpose other than for that person's own use and consumption. 943
"Terminal distributor" includes pharmacies, hospitals, nursing 944
homes, and laboratories and all other persons who procure 945
dangerous drugs for sale or other distribution by or under the 946
supervision of a pharmacist or licensed health professional 947
authorized to prescribe drugs. 948

(R) "Promote to the public" means disseminating a 949
representation to the public in any manner or by any means, 950
other than by labeling, for the purpose of inducing, or that is 951
likely to induce, directly or indirectly, the purchase of a 952
dangerous drug at retail. 953

(S) "Person" includes any individual, partnership, 954
association, limited liability company, or corporation, the 955
state, any political subdivision of the state, and any district, 956
department, or agency of the state or its political 957
subdivisions. 958

(T) "Animal shelter" means a facility operated by a humane 959
society or any society organized under Chapter 1717. of the 960
Revised Code or a dog pound operated pursuant to Chapter 955. of 961
the Revised Code. 962

(U) "Food" has the same meaning as in section 3715.01 of 963
the Revised Code. 964

(V) "Pain management clinic" has the same meaning as in 965
section 4731.054 of the Revised Code. 966

(W) "Investigational drug or product" means a drug or 967
product that has successfully completed phase one of the United 968
States food and drug administration clinical trials and remains 969

under clinical trial, but has not been approved for general use 970
by the United States food and drug administration. 971

"Investigational drug or product" does not include controlled 972
substances in schedule I, as established pursuant to section 973
3719.41 of the Revised Code, and as amended. 974

(X) "Product," when used in reference to an 975
investigational drug or product, means a biological product, 976
other than a drug, that is made from a natural human, animal, or 977
microorganism source and is intended to treat a disease or 978
medical condition. 979

(Y) "Third-party logistics provider" means a person that 980
provides or coordinates warehousing or other logistics services 981
pertaining to dangerous drugs including distribution, on behalf 982
of a manufacturer, wholesale distributor, or terminal 983
distributor of dangerous drugs, but does not take ownership of 984
the drugs or have responsibility to direct the sale or 985
disposition of the drugs. 986

(Z) "Repackager of dangerous drugs" or "repackager" means 987
a person that repacks and relabels dangerous drugs for sale or 988
distribution. 989

(AA) "Outsourcing facility" means a facility that is 990
engaged in the compounding and sale of sterile drugs and is 991
registered as an outsourcing facility with the United States 992
food and drug administration. 993

Section 2. That existing sections 4723.07, 4723.28, 994
4723.43, 4723.44, 4723.50, and 4729.01 of the Revised Code are 995
hereby repealed. 996