

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

S. B. No. 301

Senator Jordan

A BILL

To amend sections 4723.01, 4723.06, 4723.24, 1
4723.43, 4723.432, 4723.44, 4723.482, 4723.50, 2
4729.01, 4731.27, 4731.35, and 4761.17 and to 3
enact section 4723.484 of the Revised Code 4
regarding the practice of certified registered 5
nurse anesthetists. 6

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

Section 1. That sections 4723.01, 4723.06, 4723.24, 7
4723.43, 4723.432, 4723.44, 4723.482, 4723.50, 4729.01, 4731.27, 8
4731.35, and 4761.17 be amended and section 4723.484 of the 9
Revised Code be enacted to read as follows: 10

Sec. 4723.01. As used in this chapter: 11

(A) "Registered nurse" means an individual who holds a 12
current, valid license issued under this chapter that authorizes 13
the practice of nursing as a registered nurse. 14

(B) "Practice of nursing as a registered nurse" means 15
providing to individuals and groups nursing care requiring 16
specialized knowledge, judgment, and skill derived from the 17
principles of biological, physical, behavioral, social, and 18
nursing sciences. Such nursing care includes: 19

(1) Identifying patterns of human responses to actual or potential health problems amenable to a nursing regimen;	20 21
(2) Executing a nursing regimen through the selection, performance, management, and evaluation of nursing actions;	22 23
(3) Assessing health status for the purpose of providing nursing care;	24 25
(4) Providing health counseling and health teaching;	26
(5) Administering medications, treatments, and executing regimens authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice;	27 28 29 30
(6) Teaching, administering, supervising, delegating, and evaluating nursing practice.	31 32
(C) "Nursing regimen" may include preventative, restorative, and health-promotion activities.	33 34
(D) "Assessing health status" means the collection of data through nursing assessment techniques, which may include interviews, observation, and physical evaluations for the purpose of providing nursing care.	35 36 37 38
(E) "Licensed practical nurse" means an individual who holds a current, valid license issued under this chapter that authorizes the practice of nursing as a licensed practical nurse.	39 40 41 42
(F) "The practice of nursing as a licensed practical nurse" means providing to individuals and groups nursing care requiring the application of basic knowledge of the biological, physical, behavioral, social, and nursing sciences at the direction of a registered nurse or any of the following who is	43 44 45 46 47

authorized to practice in this state: a physician, physician	48
assistant, dentist, podiatrist, optometrist, or chiropractor.	49
Such nursing care includes:	50
(1) Observation, patient teaching, and care in a diversity	51
of health care settings;	52
(2) Contributions to the planning, implementation, and	53
evaluation of nursing;	54
(3) Administration of medications and treatments	55
authorized by an individual who is authorized to practice in	56
this state and is acting within the course of the individual's	57
professional practice on the condition that the licensed	58
practical nurse is authorized under section 4723.17 of the	59
Revised Code to administer medications;	60
(4) Administration to an adult of intravenous therapy	61
authorized by an individual who is authorized to practice in	62
this state and is acting within the course of the individual's	63
professional practice, on the condition that the licensed	64
practical nurse is authorized under section 4723.18 or 4723.181	65
of the Revised Code to perform intravenous therapy and performs	66
intravenous therapy only in accordance with those sections;	67
(5) Delegation of nursing tasks as directed by a	68
registered nurse;	69
(6) Teaching nursing tasks to licensed practical nurses	70
and individuals to whom the licensed practical nurse is	71
authorized to delegate nursing tasks as directed by a registered	72
nurse.	73
(G) "Certified registered nurse anesthetist" means an	74
advanced practice registered nurse who holds a current, valid	75
license issued under this chapter and is designated as a	76

certified registered nurse anesthetist in accordance with 77
section 4723.42 of the Revised Code and rules adopted by the 78
board of nursing. 79

(H) "Clinical nurse specialist" means an advanced practice 80
registered nurse who holds a current, valid license issued under 81
this chapter and is designated as a clinical nurse specialist in 82
accordance with section 4723.42 of the Revised Code and rules 83
adopted by the board of nursing. 84

(I) "Certified nurse-midwife" means an advanced practice 85
registered nurse who holds a current, valid license issued under 86
this chapter and is designated as a certified nurse-midwife in 87
accordance with section 4723.42 of the Revised Code and rules 88
adopted by the board of nursing. 89

(J) "Certified nurse practitioner" means an advanced 90
practice registered nurse who holds a current, valid license 91
issued under this chapter and is designated as a certified nurse 92
practitioner in accordance with section 4723.42 of the Revised 93
Code and rules adopted by the board of nursing. 94

(K) "Physician" means an individual authorized under 95
Chapter 4731. of the Revised Code to practice medicine and 96
surgery or osteopathic medicine and surgery. 97

(L) "Collaboration" or "collaborating" means the 98
following: 99

(1) In the case of a clinical nurse specialist or a 100
certified nurse practitioner, that one or more podiatrists 101
acting within the scope of practice of podiatry in accordance 102
with section 4731.51 of the Revised Code and with whom the nurse 103
has entered into a standard care arrangement or one or more 104
physicians with whom the nurse has entered into a standard care 105

arrangement are continuously available to communicate with the 106
clinical nurse specialist or certified nurse practitioner either 107
in person or by electronic communication; 108

(2) In the case of a certified nurse-midwife, that one or 109
more physicians with whom the certified nurse-midwife has 110
entered into a standard care arrangement are continuously 111
available to communicate with the certified nurse-midwife either 112
in person or by electronic communication. 113

~~(M) "Supervision," as it pertains to a certified- 114
registered nurse anesthetist, means that the certified- 115
registered nurse anesthetist is under the direction of a- 116
podiatrist acting within the podiatrist's scope of practice in- 117
accordance with section 4731.51 of the Revised Code, a dentist- 118
acting within the dentist's scope of practice in accordance with 119
Chapter 4715. of the Revised Code, or a physician, and, when- 120
administering anesthesia, the certified registered nurse- 121
anesthetist is in the immediate presence of the podiatrist,- 122
dentist, or physician.- 123~~

~~(N)~~ "Standard care arrangement" means a written, formal 124
guide for planning and evaluating a patient's health care that 125
is developed by one or more collaborating physicians or 126
podiatrists and a clinical nurse specialist, certified nurse- 127
midwife, or certified nurse practitioner and meets the 128
requirements of section 4723.431 of the Revised Code. 129

~~(O)~~ (N) "Advanced practice registered nurse" means an 130
individual who holds a current, valid license issued under this 131
chapter that authorizes the practice of nursing as an advanced 132
practice registered nurse and is designated as any of the 133
following: 134

(1) A certified registered nurse anesthetist;	135
(2) A clinical nurse specialist;	136
(3) A certified nurse-midwife;	137
(4) A certified nurse practitioner.	138
(P) <u>(O)</u> "Practice of nursing as an advanced practice	139
registered nurse" means providing to individuals and groups	140
nursing care that requires knowledge and skill obtained from	141
advanced formal education, training, and clinical experience.	142
Such nursing care includes the care described in section 4723.43	143
of the Revised Code.	144
(Q) <u>(P)</u> "Dialysis care" means the care and procedures that	145
a dialysis technician or dialysis technician intern is	146
authorized to provide and perform, as specified in section	147
4723.72 of the Revised Code.	148
(R) <u>(Q)</u> "Dialysis technician" means an individual who	149
holds a current, valid certificate to practice as a dialysis	150
technician issued under section 4723.75 of the Revised Code.	151
(S) <u>(R)</u> "Dialysis technician intern" means an individual	152
who holds a current, valid certificate to practice as a dialysis	153
technician intern issued under section 4723.75 of the Revised	154
Code.	155
(T) <u>(S)</u> "Certified community health worker" means an	156
individual who holds a current, valid certificate as a community	157
health worker issued under section 4723.85 of the Revised Code.	158
(U) <u>(T)</u> "Medication aide" means an individual who holds a	159
current, valid certificate issued under this chapter that	160
authorizes the individual to administer medication in accordance	161
with section 4723.67 of the Revised Code;	162

~~(V)~~(U) "Nursing specialty" means a specialty in practice 163
as a certified registered nurse anesthetist, clinical nurse 164
specialist, certified nurse-midwife, or certified nurse 165
practitioner. 166

Sec. 4723.06. (A) The board of nursing shall: 167

(1) Administer and enforce the provisions of this chapter, 168
including the taking of disciplinary action for violations of 169
section 4723.28 of the Revised Code, any other provisions of 170
this chapter, or rules adopted under this chapter; 171

(2) Develop criteria that an applicant must meet to be 172
eligible to sit for the examination for licensure to practice as 173
a registered nurse or as a licensed practical nurse; 174

(3) Issue and renew nursing licenses, dialysis technician 175
certificates, and community health worker certificates, as 176
provided in this chapter; 177

(4) Define the minimum educational standards for the 178
schools and programs of registered nursing and practical nursing 179
in this state; 180

(5) Survey, inspect, and grant full approval to 181
prelicensure nursing education programs in this state that meet 182
the standards established by rules adopted under section 4723.07 183
of the Revised Code. Prelicensure nursing education programs 184
include, but are not limited to, diploma, associate degree, 185
baccalaureate degree, master's degree, and doctor of nursing 186
programs leading to initial licensure to practice nursing as a 187
registered nurse and practical nurse programs leading to initial 188
licensure to practice nursing as a licensed practical nurse. 189

(6) Grant conditional approval, by a vote of a quorum of 190
the board, to a new prelicensure nursing education program or a 191

program that is being reestablished after having ceased to 192
operate, if the program meets and maintains the minimum 193
standards of the board established by rules adopted under 194
section 4723.07 of the Revised Code. If the board does not grant 195
conditional approval, it shall hold an adjudication under 196
Chapter 119. of the Revised Code to consider conditional 197
approval of the program. If the board grants conditional 198
approval, at the first meeting following completion of the 199
survey process required by division (A) (5) of this section, the 200
board shall determine whether to grant full approval to the 201
program. If the board does not grant full approval or if it 202
appears that the program has failed to meet and maintain 203
standards established by rules adopted under section 4723.07 of 204
the Revised Code, the board shall hold an adjudication under 205
Chapter 119. of the Revised Code to consider the program. Based 206
on results of the adjudication, the board may continue or 207
withdraw conditional approval, or grant full approval. 208

(7) Place on provisional approval, for a period of time 209
specified by the board, a prelicensure nursing education program 210
that has ceased to meet and maintain the minimum standards of 211
the board established by rules adopted under section 4723.07 of 212
the Revised Code. Prior to or at the end of the period, the 213
board shall reconsider whether the program meets the standards 214
and shall grant full approval if it does. If it does not, the 215
board may withdraw approval, pursuant to an adjudication under 216
Chapter 119. of the Revised Code. 217

(8) Approve continuing education programs and courses 218
under standards established in rules adopted under sections 219
4723.07, 4723.69, 4723.79, and 4723.88 of the Revised Code; 220

(9) Establish a program for monitoring chemical dependency 221

in accordance with section 4723.35 of the Revised Code;	222
(10) Establish the practice intervention and improvement program in accordance with section 4723.282 of the Revised Code;	223 224
(11) Grant approval to the <u>a</u> course of study in advanced pharmacology and related topics described in section 4723.482 <u>and section 4723.484</u> of the Revised Code;	225 226 227
(12) Make an annual edition of the exclusionary formulary established in rules adopted under section 4723.50 of the Revised Code available to the public by electronic means and, as soon as possible after any revision of the formulary becomes effective, make the revision available to the public by electronic means;	228 229 230 231 232 233
(13) Approve under section 4723.46 of the Revised Code national certifying organizations for examination and licensure of advanced practice registered nurses, which may include separate organizations for each nursing specialty;	234 235 236 237
(14) Provide guidance and make recommendations to the general assembly, the governor, state agencies, and the federal government with respect to the regulation of the practice of nursing and the enforcement of this chapter;	238 239 240 241
(15) Make an annual report to the governor, which shall be open for public inspection;	242 243
(16) Maintain and have open for public inspection the following records:	244 245
(a) A record of all its meetings and proceedings;	246
(b) A record of all applicants for, and holders of, licenses and certificates issued by the board under this chapter or in accordance with rules adopted under this chapter. The	247 248 249

record shall be maintained in a format determined by the board.	250
(c) A list of education and training programs approved by the board.	251 252
(17) Deny conditional approval to a new prelicensure nursing education program or a program that is being reestablished after having ceased to operate if the program or a person acting on behalf of the program submits or causes to be submitted to the board false, misleading, or deceptive statements, information, or documentation in the process of applying for approval of the program. If the board proposes to deny approval of the program, it shall do so pursuant to an adjudication conducted under Chapter 119. of the Revised Code.	253 254 255 256 257 258 259 260 261
(B) The board may fulfill the requirement of division (A) (8) of this section by authorizing persons who meet the standards established in rules adopted under section 4723.07 of the Revised Code to approve continuing education programs and courses. Persons so authorized shall approve continuing education programs and courses in accordance with standards established in rules adopted under section 4723.07 of the Revised Code.	262 263 264 265 266 267 268 269
Persons seeking authorization to approve continuing education programs and courses shall apply to the board and pay the appropriate fee established under section 4723.08 of the Revised Code. Authorizations to approve continuing education programs and courses shall expire and may be renewed according to the schedule established in rules adopted under section 4723.07 of the Revised Code.	270 271 272 273 274 275 276
In addition to approving continuing education programs under division (A) (8) of this section, the board may sponsor	277 278

continuing education activities that are directly related to the	279
statutes and rules the board enforces.	280
(C) (1) The board may deny conditional approval to a new	281
prelicensure nursing education program or program that is being	282
reestablished after having ceased to operate if the program is	283
controlled by a person who controls or has controlled a program	284
that had its approval withdrawn, revoked, suspended, or	285
restricted by the board or a board of another jurisdiction that	286
is a member of the national council of state boards of nursing.	287
If the board proposes to deny approval, it shall do so pursuant	288
to an adjudication conducted under Chapter 119. of the Revised	289
Code.	290
(2) As used in this division, "control" means any of the	291
following:	292
(a) Holding fifty per cent or more of the outstanding	293
voting securities or membership interest of a prelicensure	294
nursing education program;	295
(b) In the case of an unincorporated prelicensure nursing	296
education program, having the right to fifty per cent or more of	297
the program's profits or in the event of a dissolution, fifty	298
per cent or more of the program's assets;	299
(c) In the case of a prelicensure nursing education	300
program that is a for-profit or not-for-profit corporation,	301
having the contractual authority presently to designate fifty	302
per cent or more of its directors;	303
(d) In the case of a prelicensure nursing education	304
program that is a trust, having the contractual authority	305
presently to designate fifty per cent or more of its trustees;	306
(e) Having the authority to direct the management,	307

policies, or investments of a prelicensure nursing education 308
program. 309

(D) (1) When an action taken by the board under division 310
(A) (6), (7), or (17) or (C) (1) of this section is required to be 311
taken pursuant to an adjudication conducted under Chapter 119. 312
of the Revised Code, the board may, in lieu of an adjudication 313
hearing, enter into a consent agreement to resolve the matter. A 314
consent agreement, when ratified by a vote of a quorum of the 315
board, constitutes the findings and order of the board with 316
respect to the matter addressed in the agreement. If the board 317
refuses to ratify a consent agreement, the admissions and 318
findings contained in the agreement are of no effect. 319

(2) In any instance in which the board is required under 320
Chapter 119. of the Revised Code to give notice to a person 321
seeking approval of a prelicensure nursing education program of 322
an opportunity for a hearing and the person does not make a 323
timely request for a hearing in accordance with section 119.07 324
of the Revised Code, the board is not required to hold a 325
hearing, but may adopt, by a vote of a quorum, a final order 326
that contains the board's findings. 327

(3) When the board denies or withdraws approval of a 328
prelicensure nursing education program, the board may specify 329
that its action is permanent. A program subject to a permanent 330
action taken by the board is forever ineligible for approval and 331
the board shall not accept an application for the program's 332
reinstatement or approval. 333

Sec. 4723.24. (A) (1) Except as otherwise provided in this 334
chapter, all of the following apply with respect to the 335
schedules for renewal of licenses and certificates issued by the 336
board of nursing: 337

(a) An active license to practice nursing as a registered nurse is subject to renewal in odd-numbered years. An application for renewal of the license is due on the fifteenth day of September of the renewal year. A late application may be submitted before the license lapses. If a license is not renewed or classified as inactive, the license lapses on the first day of November of the renewal year.

(b) An active license to practice nursing as a licensed practical nurse is subject to renewal in even-numbered years. An application for renewal of the license is due on the fifteenth day of September of the renewal year. A late application may be submitted before the license lapses. If a license is not renewed or classified as inactive, the license lapses on the first day of November of the renewal year.

(c) An active license to practice nursing as an advanced practice registered nurse is subject to renewal in odd-numbered years. An application for renewal of the license is due on the fifteenth day of September of the renewal year. A late application may be submitted before the license lapses. If a license is not renewed or classified as inactive, the license lapses on the first day of November of the renewal year.

(d) All other active licenses and certificates issued under this chapter are subject to renewal according to a schedule established by the board in rules adopted under section 4723.07 of the Revised Code.

(2) The board shall provide an application for renewal to every holder of an active license or certificate, except when the board is aware that an individual is ineligible for license or certificate renewal for any reason, including pending criminal charges in this state or another jurisdiction, failure

to comply with a disciplinary order from the board or the terms 368
of a consent agreement entered into with the board, failure to 369
pay fines or fees owed to the board, or failure to provide on 370
the board's request documentation of having completed the 371
continuing nursing education requirements specified in division 372
(C) of this section. 373

If the board provides a renewal application by mail, the 374
application shall be addressed to the last known post-office 375
address of the license or certificate holder and mailed before 376
the date the application is due. Failure of the license or 377
certificate holder to receive an application for renewal from 378
the board shall not excuse the holder from the requirements 379
contained in this section, except as provided in section 5903.10 380
of the Revised Code. 381

(3) A license or certificate holder seeking renewal of the 382
license or certificate shall complete the renewal application 383
and submit it to the board with the renewal fee established 384
under section 4723.08 of the Revised Code. If a renewal 385
application is submitted after the date the application is due, 386
but before the date the license or certificate lapses, the 387
applicant shall include with the application the fee established 388
under section 4723.08 of the Revised Code for processing a late 389
application for renewal. 390

With the renewal application, the applicant shall report 391
any conviction, plea, or judicial finding regarding a criminal 392
offense that constitutes grounds for the board to impose 393
sanctions under section 4723.28 of the Revised Code since the 394
applicant last submitted an application to the board. 395

(4) On receipt of the renewal application, the board shall 396
verify whether the applicant meets the renewal requirements. If 397

the applicant meets the requirements, the board shall renew the 398
license or certificate. 399

(B) Every license or certificate holder shall give written 400
notice to the board of any change of name or address within 401
thirty days of the change. The board shall require the holder to 402
document a change of name in a manner acceptable to the board. 403

(C) (1) Except in the case of a first renewal after 404
licensure by examination, to be eligible for renewal of an 405
active license to practice nursing as a registered nurse or 406
licensed practical nurse, each individual who holds an active 407
license shall, in each two-year period specified by the board, 408
complete continuing nursing education as follows: 409

(a) For renewal of a license that was issued for a two- 410
year renewal period, twenty-four hours of continuing nursing 411
education; 412

(b) For renewal of a license that was issued for less than 413
a two-year renewal period, the number of hours of continuing 414
nursing education specified by the board in rules adopted in 415
accordance with Chapter 119. of the Revised Code; 416

(c) Of the hours of continuing nursing education completed 417
in any renewal period, at least one hour of the education must 418
be directly related to the statutes and rules pertaining to the 419
practice of nursing in this state. 420

(2) To be eligible for renewal of an active license to 421
practice nursing as an advanced practice registered nurse, each 422
individual who holds an active license shall, in each two-year 423
period specified by the board, complete continuing education as 424
follows: 425

(a) For renewal of a license that was issued for a two- 426

year renewal period, twenty-four hours of continuing nursing education; 427
428

(b) For renewal of a license that was issued for less than 429
a two-year renewal period, the number of hours of continuing 430
nursing education specified by the board in rules adopted in 431
accordance with Chapter 119. of the Revised Code, including the 432
number of hours of continuing education in advanced 433
pharmacology; 434

~~(c) In the case of an advanced practice registered nurse~~ 435
~~who is designated as a clinical nurse specialist, certified~~ 436
~~nurse-midwife, or certified nurse practitioner, of~~ Of the hours 437
of continuing nursing education completed in any renewal period, 438
at least twelve hours of the education must be in advanced 439
pharmacology and be received from an accredited institution 440
recognized by the board. 441

(d) The continuing education required by division (C) (2) 442
(a) or (b) of this section is in addition to the continuing 443
education required by division (C) (1) (a) or (b) of this section. 444

(3) The board shall adopt rules establishing the procedure 445
for a license holder to certify to the board completion of the 446
required continuing nursing education. The board may conduct a 447
random sample of license holders and require that the license 448
holders included in the sample submit satisfactory documentation 449
of having completed the requirements for continuing nursing 450
education. On the board's request, a license holder included in 451
the sample shall submit the required documentation. 452

(4) An educational activity may be applied toward meeting 453
the continuing nursing education requirement only if it is 454
obtained through a program or course approved by the board or a 455

person the board has authorized to approve continuing nursing 456
education programs and courses. 457

(5) The continuing education required of a certified 458
registered nurse anesthetist, clinical nurse specialist, 459
certified nurse-midwife, or certified nurse practitioner to 460
maintain certification by a national certifying organization 461
shall be applied toward the continuing education requirements 462
for renewal of the following if the continuing education is 463
obtained through a program or course approved by the board or a 464
person the board has authorized to approve continuing nursing 465
education programs and courses: 466

(a) A license to practice nursing as a registered nurse; 467

(b) A license to practice nursing as an advanced practice 468
registered nurse. 469

(D) Except as otherwise provided in section 4723.28 of the 470
Revised Code, an individual who holds an active license to 471
practice nursing as a registered nurse or licensed practical 472
nurse and who does not intend to practice in Ohio may send to 473
the board written notice to that effect on or before the date 474
the license lapses, and the board shall classify the license as 475
inactive. During the period that the license is classified as 476
inactive, the holder may not engage in the practice of nursing 477
as a registered nurse or licensed practical nurse in Ohio and is 478
not required to pay the renewal fee. 479

The holder of an inactive license to practice nursing as a 480
registered nurse or licensed practical nurse or an individual 481
who has failed to renew the individual's license to practice 482
nursing as a registered nurse or licensed practical nurse may 483
have the license reactivated or reinstated upon doing the 484

following, as applicable to the holder or individual: 485

(1) Applying to the board for license reactivation or 486
reinstatement on forms provided by the board; 487

(2) Meeting the requirements for reactivating or 488
reinstating licenses established in rules adopted under section 489
4723.07 of the Revised Code or, if the individual did not renew 490
because of service in the armed forces of the United States or a 491
reserve component of the armed forces of the United States, 492
including the Ohio national guard or the national guard of any 493
other state, as provided in section 5903.10 of the Revised Code; 494

(3) If the license has been inactive for at least five 495
years from the date of application for reactivation or has 496
lapsed for at least five years from the date of application for 497
reinstatement, submitting a request to the bureau of criminal 498
identification and investigation for a criminal records check 499
and check of federal bureau of investigation records pursuant to 500
section 4723.091 of the Revised Code. 501

(E) Except as otherwise provided in section 4723.28 of the 502
Revised Code, an individual who holds an active license to 503
practice nursing as an advanced practice registered nurse and 504
does not intend to practice in Ohio as an advanced practice 505
registered nurse may send to the board written notice to that 506
effect on or before the renewal date, and the board shall 507
classify the license as inactive. During the period that the 508
license is classified as inactive, the holder may not engage in 509
the practice of nursing as an advanced practice registered nurse 510
in Ohio and is not required to pay the renewal fee. 511

The holder of an inactive license to practice nursing as 512
an advanced practice registered nurse or an individual who has 513

failed to renew the individual's license to practice nursing as 514
an advanced practice registered nurse may have the license 515
reactivated or reinstated upon doing the following, as 516
applicable to the holder or individual: 517

(1) Applying to the board for license reactivation or 518
reinstatement on forms provided by the board; 519

(2) Meeting the requirements for reactivating or 520
reinstating licenses established in rules adopted under section 521
4723.07 of the Revised Code or, if the individual did not renew 522
because of service in the armed forces of the United States or a 523
reserve component of the armed forces of the United States, 524
including the Ohio national guard or the national guard of any 525
other state, as provided in section 5903.10 of the Revised Code. 526

Sec. 4723.43. A certified registered nurse anesthetist, 527
clinical nurse specialist, certified nurse-midwife, or certified 528
nurse practitioner may provide to individuals and groups nursing 529
care that requires knowledge and skill obtained from advanced 530
formal education and clinical experience. In this capacity as an 531
advanced practice registered nurse, a certified nurse-midwife is 532
subject to division (A) of this section, a certified registered 533
nurse anesthetist is subject to division (B) of this section, a 534
certified nurse practitioner is subject to division (C) of this 535
section, and a clinical nurse specialist is subject to division 536
(D) of this section. 537

(A) A nurse authorized to practice as a certified nurse- 538
midwife, in collaboration with one or more physicians, may 539
provide the management of preventive services and those primary 540
care services necessary to provide health care to women 541
antepartally, intrapartally, postpartally, and gynecologically, 542
consistent with the nurse's education and certification, and in 543

accordance with rules adopted by the board of nursing. 544

No certified nurse-midwife may perform version, deliver 545
breech or face presentation, use forceps, do any obstetric 546
operation, or treat any other abnormal condition, except in 547
emergencies. Division (A) of this section does not prohibit a 548
certified nurse-midwife from performing episiotomies or normal 549
vaginal deliveries, or repairing vaginal tears. A certified 550
nurse-midwife may, in collaboration with one or more physicians, 551
prescribe drugs and therapeutic devices in accordance with 552
section 4723.481 of the Revised Code. 553

(B) A nurse authorized to practice as a certified 554
registered nurse anesthetist, ~~with the supervision and in the~~ 555
~~immediate presence of a physician, podiatrist, or dentist,~~ may 556
~~administer anesthesia and perform anesthesia induction,~~ 557
~~maintenance, and emergence, and may perform with supervision~~ 558
~~preanesthetic preparation and evaluation, postanesthesia care,~~ 559
~~and clinical support functions,~~ do the following consistent with 560
the nurse's education and certification, and in accordance with 561
rules adopted by the board. 562

~~The physician, podiatrist, or dentist supervising a~~ 563
~~certified registered nurse anesthetist must be actively engaged~~ 564
~~in practice in this state. When a certified registered nurse~~ 565
~~anesthetist is supervised by a podiatrist, the nurse's scope of~~ 566
~~practice is limited to the anesthesia procedures that the~~ 567
~~podiatrist has the authority under section 4731.51 of the~~ 568
~~Revised Code to perform. A certified registered nurse~~ 569
~~anesthetist may not administer general anesthesia under the~~ 570
~~supervision of a podiatrist in a podiatrist's office. When a~~ 571
~~certified registered nurse anesthetist is supervised by a~~ 572
~~dentist, the nurse's scope of practice is limited to the~~ 573

anesthesia procedures that the dentist has the authority under	574
Chapter 4715. of the Revised Code to perform:	575
<u>(1) Perform and document evaluations and assessments</u>	576
<u>during the perianesthesia period, which may include ordering and</u>	577
<u>evaluating one or more diagnostic tests and consulting with one</u>	578
<u>or more other health professionals;</u>	579
<u>(2) Establish anesthesia care plans;</u>	580
<u>(3) Determine whether planned anesthesia is appropriate;</u>	581
<u>(4) Obtain informed consent for anesthesia care;</u>	582
<u>(5) Select and order anesthesia;</u>	583
<u>(6) Administer anesthesia and perform anesthesia</u>	584
<u>induction, maintenance, and emergence;</u>	585
<u>(7) Perform clinical functions that are either of the</u>	586
<u>following:</u>	587
<u>(a) Specified in the clinical experience standards</u>	588
<u>established for nurse anesthetist education programs by a</u>	589
<u>national accreditation organization selected by the board of</u>	590
<u>nursing;</u>	591
<u>(b) Completed pursuant to a physician consultation.</u>	592
<u>(8) When performing clinical functions as provided in this</u>	593
<u>section, order fluids, treatments, drugs, and one or more</u>	594
<u>diagnostic tests and evaluate the results of such tests;</u>	595
<u>(9) As necessary for patient management and care in the</u>	596
<u>perianesthesia period, select, order, and administer fluids,</u>	597
<u>treatments, and drugs for conditions related to administration</u>	598
<u>of anesthesia;</u>	599
<u>(10) Direct registered nurses, licensed practical nurses,</u>	600

and respiratory therapists to do any of the following that they 601
are authorized by law to do for patient management and care in 602
either the perianesthesia period or when the certified 603
registered nurse anesthetist performs clinical functions: 604

(a) Provide supportive care as necessary for patient 605
management and care, including monitoring vital signs, 606
conducting electrocardiograms, and performing intravenous 607
therapy; 608

(b) Administer fluids, treatments, and drugs to treat 609
conditions related to administration of anesthesia. 610

(11) Perform and document postanesthesia care preparation 611
and evaluation; 612

(12) Perform postanesthesia care assessments, including on 613
admission to or release or discharge from postanesthesia 614
recovery areas; 615

(13) Select, order, and administer pain relief therapies 616
during the perianesthesia period. 617

Division (B) of this section does not authorize a 618
certified registered nurse anesthetist to prescribe a drug for 619
use outside the facility or other setting where the nurse 620
provides care. 621

(C) A nurse authorized to practice as a certified nurse 622
practitioner, in collaboration with one or more physicians or 623
podiatrists, may provide preventive and primary care services, 624
provide services for acute illnesses, and evaluate and promote 625
patient wellness within the nurse's nursing specialty, 626
consistent with the nurse's education and certification, and in 627
accordance with rules adopted by the board. A certified nurse 628
practitioner may, in collaboration with one or more physicians 629

or podiatrists, prescribe drugs and therapeutic devices in 630
accordance with section 4723.481 of the Revised Code. 631

When a certified nurse practitioner is collaborating with 632
a podiatrist, the nurse's scope of practice is limited to the 633
procedures that the podiatrist has the authority under section 634
4731.51 of the Revised Code to perform. 635

(D) A nurse authorized to practice as a clinical nurse 636
specialist, in collaboration with one or more physicians or 637
podiatrists, may provide and manage the care of individuals and 638
groups with complex health problems and provide health care 639
services that promote, improve, and manage health care within 640
the nurse's nursing specialty, consistent with the nurse's 641
education and in accordance with rules adopted by the board. A 642
clinical nurse specialist may, in collaboration with one or more 643
physicians or podiatrists, prescribe drugs and therapeutic 644
devices in accordance with section 4723.481 of the Revised Code. 645

When a clinical nurse specialist is collaborating with a 646
podiatrist, the nurse's scope of practice is limited to the 647
procedures that the podiatrist has the authority under section 648
4731.51 of the Revised Code to perform. 649

Sec. 4723.432. (A) An advanced practice registered nurse 650
who is designated as a clinical nurse specialist, certified 651
nurse-midwife, or certified nurse practitioner shall cooperate 652
with the state medical board in any investigation the board 653
conducts with respect to a physician or podiatrist who 654
collaborates with the nurse. The nurse shall cooperate with the 655
board in any investigation the board conducts with respect to 656
the unauthorized practice of medicine by the nurse. 657

(B) An advanced practice registered nurse who is 658

designated as a certified registered nurse anesthetist shall 659
cooperate with the state medical board or state dental board in 660
any investigation either board conducts with respect to a 661
physician, podiatrist, or dentist who ~~permits practices with the~~ 662
~~nurse to practice with the supervision of that physician,~~ 663
~~podiatrist, or dentist.~~ The nurse shall cooperate with either 664
board in any investigation it conducts with respect to the 665
unauthorized practice of medicine or dentistry by the nurse. 666

Sec. 4723.44. (A) No person shall knowingly do any of the 667
following unless the person holds a current, valid license 668
issued by the board of nursing under this chapter to practice 669
nursing as an advanced practice registered nurse in the 670
specialty indicated by the designation: 671

(1) Engage in the practice of nursing as an advanced 672
practice registered nurse for a fee, salary, or other 673
consideration, or as a volunteer; 674

(2) Represent the person as being an advanced practice 675
registered nurse, including representing the person as being a 676
certified registered nurse anesthetist, clinical nurse 677
specialist, certified nurse-midwife, or certified nurse 678
practitioner; 679

(3) Use any title or initials implying that the person is 680
an advanced practice registered nurse, including using any title 681
or initials implying the person is a certified registered nurse 682
anesthetist, clinical nurse specialist, certified nurse-midwife, 683
or certified nurse practitioner. 684

(B) No advanced practice registered nurse shall knowingly 685
do any of the following: 686

(1) Engage, for a fee, salary, or other consideration, or 687

as a volunteer, in the practice of a nursing specialty other 688
than the specialty designated on the nurse's current, valid 689
license issued by the board under this chapter to practice 690
nursing as an advanced practice registered nurse; 691

(2) Represent the person as being authorized to practice 692
any nursing specialty other than the specialty designated on the 693
current, valid license to practice nursing as an advanced 694
practice registered nurse; 695

(3) Use the title "certified registered nurse anesthetist" 696
or the initials "N.A." or "C.R.N.A.," the title "clinical nurse 697
specialist" or the initials "C.N.S.," the title "certified 698
nurse-midwife" or the initials "C.N.M.," the title "certified 699
nurse practitioner" or the initials "C.N.P.," the title 700
"advanced practice registered nurse" or the initials "A.P.R.N.," 701
or any other title or initials implying that the nurse is 702
authorized to practice any nursing specialty other than the 703
specialty designated on the nurse's current, valid license to 704
practice nursing as an advanced practice registered nurse; 705

(4) Except as provided in division (D) of section 4723.431 706
of the Revised Code, enter into a standard care arrangement with 707
a physician or podiatrist whose practice is not the same as or 708
similar to the nurse's nursing specialty; 709

(5) Prescribe drugs or therapeutic devices in a manner 710
that does not comply with section 4723.481 of the Revised Code; 711

(6) In the case of a certified registered nurse 712
anesthetist, issue orders for drugs or direct other persons to 713
administer drugs in a manner that does not comply with division 714
(B) of section 4723.43 of the Revised Code; 715

(7) Prescribe any drug or device to perform or induce an 716

abortion, or otherwise perform or induce an abortion. 717

(C) No person shall knowingly employ a person to engage in 718
the practice of nursing as an advanced practice registered nurse 719
unless the person so employed holds a current, valid license and 720
designation issued by the board under this chapter to practice 721
as an advanced practice registered nurse in the specialty 722
indicated by the designation. 723

(D) A document certified by the executive director of the 724
board, under the official seal of the board, to the effect that 725
it appears from the records of the board that no license to 726
practice nursing as an advanced practice registered nurse has 727
been issued to the person specified in the document, or that a 728
license to practice nursing as an advanced practice registered 729
nurse, if issued, has been revoked or suspended, shall be 730
received as prima-facie evidence of the record of the board in 731
any court or before any officer of the state. 732

Sec. 4723.482. (A) An applicant for a license to practice 733
nursing as an advanced practice registered nurse who seeks 734
designation as a clinical nurse specialist, certified nurse- 735
midwife, or certified nurse practitioner shall include with the 736
application submitted under section 4723.41 of the Revised Code 737
evidence of successfully completing ~~the~~a course of study in 738
advanced pharmacology and related topics in accordance with the 739
requirements specified in division (B) of this section. 740

(B) With respect to the course of study in advanced 741
pharmacology and related topics, all of the following 742
requirements apply: 743

(1) The course of study shall be completed not longer than 744
five years before the application is filed. 745

- (2) The course of study shall be not less than forty-five contact hours. 746
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- (3) The course of study shall meet the requirements to be approved by the board of nursing in accordance with standards established in rules adopted under section 4723.50 of the Revised Code. 748
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- (4) The content of the course of study shall be specific to the applicant's nursing specialty. 752
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- (5) The instruction provided in the course of study shall include all of the following: 754
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- (a) A minimum of thirty-six contact hours of instruction in advanced pharmacology that includes pharmacokinetic principles and clinical application and the use of drugs and therapeutic devices in the prevention of illness and maintenance of health; 756
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- (b) Instruction in the fiscal and ethical implications of prescribing drugs and therapeutic devices; 761
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- (c) Instruction in the state and federal laws that apply to the authority to prescribe; 763
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- (d) Instruction that is specific to schedule II controlled substances, including instruction in all of the following: 765
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- (i) Indications for the use of schedule II controlled substances in drug therapies; 767
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- (ii) The most recent guidelines for pain management therapies, as established by state and national organizations such as the Ohio pain initiative and the American pain society; 769
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- (iii) Fiscal and ethical implications of prescribing 772

schedule II controlled substances;	773
(iv) State and federal laws that apply to the authority to prescribe schedule II controlled substances;	774
(v) Prevention of abuse and diversion of schedule II controlled substances, including identification of the risk of abuse and diversion, recognition of abuse and diversion, types of assistance available for prevention of abuse and diversion, and methods of establishing safeguards against abuse and diversion.	775
(C) An applicant who practiced or is practicing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner in another jurisdiction or as an employee of the United States government shall include with the application submitted under section 4723.41 of the Revised Code all of the following:	776
(1) Evidence of having completed a two-hour course of instruction approved by the board in the laws of this state that govern drugs and prescriptive authority;	777
(2) Either of the following:	778
(a) Evidence of having held, for a continuous period of at least one year during the three years immediately preceding the date of application, valid authority issued by another jurisdiction to prescribe therapeutic devices and drugs, including at least some controlled substances;	779
(b) Evidence of having been employed by the United States government and authorized, for a continuous period of at least one year during the three years immediately preceding the date of application, to prescribe therapeutic devices and drugs, including at least some controlled substances, in conjunction	780
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with that employment. 802

Sec. 4723.484. (A) Except as provided in division (B) of 803
this section, an applicant for a license to practice nursing as 804
an advanced practice registered nurse who seeks designation as a 805
certified registered nurse anesthetist shall include with the 806
application submitted under section 4723.41 of the Revised Code 807
evidence of successfully completing a course of study in 808
advanced pharmacology and related topics. 809

All of the following requirements apply to the course of 810
study described in this division: 811

(1) The course of study shall meet the standards 812
established for nurse anesthetist education programs by a 813
national accreditation organization selected by the board of 814
nursing. 815

(2) The course of study shall be completed not longer than 816
five years before the application is filed. 817

(3) The content of the course of study shall be specific 818
to the perianesthesia period. 819

(4) The course of study shall be not less than ninety 820
contact hours. 821

(5) The instruction provided in the course of study shall 822
include all of the following: 823

(a) Instruction in the pharmacology of anesthetic agents, 824
adjuvant drugs, and fluid therapy, including chemical, 825
biochemical, and pharmacokinetic principles, clinical 826
application, and the use of drugs and therapeutic devices in the 827
prevention of illness and maintenance of health; 828

(b) A minimum of two contact hours of instruction approved 829

by the board in both of the following: 830

(i) The fiscal and ethical implications of ordering drugs 831
and therapeutic devices; 832

(ii) State and federal laws that govern authority to order 833
drugs, including the laws of this state. 834

(c) Instruction that is specific to schedule II controlled 835
substances, including instruction in all of the following: 836

(i) Indications for the use of schedule II controlled 837
substances in drug therapies; 838

(ii) The most recent guidelines for pain management 839
therapies, as established by state and national organizations 840
such as the Ohio pain initiative and the American pain society; 841

(iii) Prevention of abuse and diversion of schedule II 842
controlled substances, including identification of the risk of 843
abuse and diversion, recognition of abuse and diversion, types 844
of assistance available for prevention of abuse and diversion, 845
and methods of establishing safeguards against abuse and 846
diversion. 847

(B) An applicant also may satisfy the requirements of 848
division (A) of this section by including with the application 849
submitted under section 4723.41 of the Revised Code evidence of 850
successfully completing either of the following not longer than 851
five years before the application is filed: 852

(1) Not less than forty-five contact hours of continuing 853
education that is approved by the board or a board of another 854
jurisdiction that is a member of the national council of state 855
boards of nursing and that satisfies the requirements of 856
divisions (A) (1), (3), and (5) of this section; 857

(2) Not less than forty-five contact hours of advanced 858
pharmacology that is offered by an accredited institution 859
recognized by the board or a board of another jurisdiction that 860
is a member of the national council of state boards of nursing 861
and that satisfies the requirements of divisions (A) (1), (3), 862
and (5) of this section. 863

Sec. 4723.50. (A) As used in this section: 864

(1) "Controlled substance" has the same meaning as in 865
section 3719.01 of the Revised Code. 866

(2) "Medication-assisted treatment" has the same meaning 867
as in section 340.01 of the Revised Code. 868

(B) In accordance with Chapter 119. of the Revised Code, 869
the board of nursing shall adopt rules as necessary to implement 870
the provisions of this chapter pertaining to the authority of 871
advanced practice registered nurses who are designated as 872
clinical nurse specialists, certified nurse-midwives, and 873
certified nurse practitioners to prescribe and furnish drugs and 874
therapeutic devices. 875

The board shall adopt rules that are consistent with a 876
recommended exclusionary formulary the board receives from the 877
committee on prescriptive governance pursuant to section 878
4723.492 of the Revised Code. After reviewing a formulary 879
submitted by the committee, the board may either adopt the 880
formulary as a rule or ask the committee to reconsider and 881
resubmit the formulary. The board shall not adopt any rule that 882
does not conform to a formulary developed by the committee. 883

The exclusionary formulary shall permit, in a manner 884
consistent with section 4723.481 of the Revised Code, the 885
prescribing of controlled substances, including drugs that 886

contain buprenorphine used in medication-assisted treatment and 887
both oral and long-acting opioid antagonists. The formulary 888
shall not permit the prescribing or furnishing of any of the 889
following: 890

(1) A drug or device to perform or induce an abortion; 891

(2) A drug or device prohibited by federal or state law. 892

(C) In addition to the rules described in division (B) of 893
this section, the board shall adopt rules under this section 894
that do the following: 895

(1) Establish standards for board approval of ~~the~~a course 896
of study in advanced pharmacology and related topics required by 897
section 4723.482 and section 4723.484 of the Revised Code; 898

(2) Establish requirements for board approval of the two 899
contact hours of instruction described in division (A) (5) (b) of 900
section 4723.484 of the Revised Code; 901

(3) Establish requirements for board approval of the two- 902
hour course of instruction in the laws of this state as required 903
under division (C) (1) of section 4723.482 of the Revised Code 904
~~and division (B) (2) of section 4723.484 of the Revised Code;~~ 905

~~(3)~~ (4) Establish criteria for the components of the 906
standard care arrangements described in section 4723.431 of the 907
Revised Code that apply to the authority to prescribe, including 908
the components that apply to the authority to prescribe schedule 909
II controlled substances. The rules shall be consistent with 910
that section and include all of the following: 911

(a) Quality assurance standards; 912

(b) Standards for periodic review by a collaborating 913
physician or podiatrist of the records of patients treated by 914

the clinical nurse specialist, certified nurse-midwife, or 915
certified nurse practitioner; 916

(c) Acceptable travel time between the location at which 917
the clinical nurse specialist, certified nurse-midwife, or 918
certified nurse practitioner is engaging in the prescribing 919
components of the nurse's practice and the location of the 920
nurse's collaborating physician or podiatrist; 921

(d) Any other criteria recommended by the committee on 922
prescriptive governance. 923

Sec. 4729.01. As used in this chapter: 924

(A) "Pharmacy," except when used in a context that refers 925
to the practice of pharmacy, means any area, room, rooms, place 926
of business, department, or portion of any of the foregoing 927
where the practice of pharmacy is conducted. 928

(B) "Practice of pharmacy" means providing pharmacist care 929
requiring specialized knowledge, judgment, and skill derived 930
from the principles of biological, chemical, behavioral, social, 931
pharmaceutical, and clinical sciences. As used in this division, 932
"pharmacist care" includes the following: 933

(1) Interpreting prescriptions; 934

(2) Dispensing drugs and drug therapy related devices; 935

(3) Compounding drugs; 936

(4) Counseling individuals with regard to their drug 937
therapy, recommending drug therapy related devices, and 938
assisting in the selection of drugs and appliances for treatment 939
of common diseases and injuries and providing instruction in the 940
proper use of the drugs and appliances; 941

(5) Performing drug regimen reviews with individuals by	942
discussing all of the drugs that the individual is taking and	943
explaining the interactions of the drugs;	944
(6) Performing drug utilization reviews with licensed	945
health professionals authorized to prescribe drugs when the	946
pharmacist determines that an individual with a prescription has	947
a drug regimen that warrants additional discussion with the	948
prescriber;	949
(7) Advising an individual and the health care	950
professionals treating an individual with regard to the	951
individual's drug therapy;	952
(8) Acting pursuant to a consult agreement with one or	953
more physicians authorized under Chapter 4731. of the Revised	954
Code to practice medicine and surgery or osteopathic medicine	955
and surgery, if an agreement has been established;	956
(9) Engaging in the administration of immunizations to the	957
extent authorized by section 4729.41 of the Revised Code;	958
(10) Engaging in the administration of drugs to the extent	959
authorized by section 4729.45 of the Revised Code.	960
(C) "Compounding" means the preparation, mixing,	961
assembling, packaging, and labeling of one or more drugs in any	962
of the following circumstances:	963
(1) Pursuant to a prescription issued by a licensed health	964
professional authorized to prescribe drugs;	965
(2) Pursuant to the modification of a prescription made in	966
accordance with a consult agreement;	967
(3) As an incident to research, teaching activities, or	968
chemical analysis;	969

(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	970 971 972
(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:	973 974 975 976 977
(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.	978 979 980 981 982
(b) A limited quantity of the drug is compounded and provided to the professional.	983 984
(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.	985 986 987
(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.	988 989
(E) "Drug" means:	990
(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;	991 992 993 994
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	995 996 997

(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	998 999
(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.	1000 1001 1002 1003
(F) "Dangerous drug" means any of the following:	1004
(1) Any drug to which either of the following applies:	1005
(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;	1006 1007 1008 1009 1010 1011 1012
(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	1013 1014
(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;	1015 1016 1017
(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body;	1018 1019 1020
(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.	1021 1022
(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.	1023 1024

- (H) "Prescription" means all of the following: 1025
- (1) A written, electronic, or oral order for drugs or 1026
combinations or mixtures of drugs to be used by a particular 1027
individual or for treating a particular animal, issued by a 1028
licensed health professional authorized to prescribe drugs; 1029
- (2) For purposes of sections 2925.61, 4723.488, 4729.44, 1030
4730.431, and 4731.94 of the Revised Code, a written, 1031
electronic, or oral order for naloxone issued to and in the name 1032
of a family member, friend, or other individual in a position to 1033
assist an individual who there is reason to believe is at risk 1034
of experiencing an opioid-related overdose. 1035
- (3) For purposes of sections 4723.4810, 4729.282, 1036
4730.432, and 4731.93 of the Revised Code, a written, 1037
electronic, or oral order for a drug to treat chlamydia, 1038
gonorrhoea, or trichomoniasis issued to and in the name of a 1039
patient who is not the intended user of the drug but is the 1040
sexual partner of the intended user; 1041
- (4) For purposes of sections 3313.7110, 3313.7111, 1042
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 1043
4731.96, and 5101.76 of the Revised Code, a written, electronic, 1044
or oral order for an epinephrine autoinjector issued to and in 1045
the name of a school, school district, or camp; 1046
- (5) For purposes of Chapter 3728. and sections 4723.483, 1047
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 1048
electronic, or oral order for an epinephrine autoinjector issued 1049
to and in the name of a qualified entity, as defined in section 1050
3728.01 of the Revised Code. 1051
- (I) "Licensed health professional authorized to prescribe 1052
drugs" or "prescriber" means an individual who is authorized by 1053

law to prescribe drugs or dangerous drugs or drug therapy 1054
related devices in the course of the individual's professional 1055
practice, including only the following: 1056

(1) A dentist licensed under Chapter 4715. of the Revised 1057
Code; 1058

(2) A clinical nurse specialist, certified nurse-midwife, 1059
or certified nurse practitioner who holds a current, valid 1060
license to practice nursing as an advanced practice registered 1061
nurse issued under Chapter 4723. of the Revised Code; 1062

(3) A certified registered nurse anesthetist who holds a 1063
current, valid license to practice nursing as an advanced 1064
practice registered nurse, but only to the extent of the nurse's 1065
authority under division (B) of section 4723.43 of the Revised 1066
Code; 1067

(4) An optometrist licensed under Chapter 4725. of the 1068
Revised Code to practice optometry under a therapeutic 1069
pharmaceutical agents certificate; 1070

~~(4)~~ (5) A physician authorized under Chapter 4731. of the 1071
Revised Code to practice medicine and surgery, osteopathic 1072
medicine and surgery, or podiatric medicine and surgery; 1073

~~(5)~~ (6) A physician assistant who holds a license to 1074
practice as a physician assistant issued under Chapter 4730. of 1075
the Revised Code, holds a valid prescriber number issued by the 1076
state medical board, and has been granted physician-delegated 1077
prescriptive authority; 1078

~~(6)~~ (7) A veterinarian licensed under Chapter 4741. of the 1079
Revised Code. 1080

(J) "Sale" or "sell" includes any transaction made by any 1081

person, whether as principal proprietor, agent, or employee, to 1082
do or offer to do any of the following: deliver, distribute, 1083
broker, exchange, gift or otherwise give away, or transfer, 1084
whether the transfer is by passage of title, physical movement, 1085
or both. 1086

(K) "Wholesale sale" and "sale at wholesale" mean any sale 1087
in which the purpose of the purchaser is to resell the article 1088
purchased or received by the purchaser. 1089

(L) "Retail sale" and "sale at retail" mean any sale other 1090
than a wholesale sale or sale at wholesale. 1091

(M) "Retail seller" means any person that sells any 1092
dangerous drug to consumers without assuming control over and 1093
responsibility for its administration. Mere advice or 1094
instructions regarding administration do not constitute control 1095
or establish responsibility. 1096

(N) "Price information" means the price charged for a 1097
prescription for a particular drug product and, in an easily 1098
understandable manner, all of the following: 1099

(1) The proprietary name of the drug product; 1100

(2) The established (generic) name of the drug product; 1101

(3) The strength of the drug product if the product 1102
contains a single active ingredient or if the drug product 1103
contains more than one active ingredient and a relevant strength 1104
can be associated with the product without indicating each 1105
active ingredient. The established name and quantity of each 1106
active ingredient are required if such a relevant strength 1107
cannot be so associated with a drug product containing more than 1108
one ingredient. 1109

- (4) The dosage form; 1110
- (5) The price charged for a specific quantity of the drug 1111
product. The stated price shall include all charges to the 1112
consumer, including, but not limited to, the cost of the drug 1113
product, professional fees, handling fees, if any, and a 1114
statement identifying professional services routinely furnished 1115
by the pharmacy. Any mailing fees and delivery fees may be 1116
stated separately without repetition. The information shall not 1117
be false or misleading. 1118
- (O) "Wholesale distributor of dangerous drugs" or 1119
"wholesale distributor" means a person engaged in the sale of 1120
dangerous drugs at wholesale and includes any agent or employee 1121
of such a person authorized by the person to engage in the sale 1122
of dangerous drugs at wholesale. 1123
- (P) "Manufacturer of dangerous drugs" or "manufacturer" 1124
means a person, other than a pharmacist or prescriber, who 1125
manufactures dangerous drugs and who is engaged in the sale of 1126
those dangerous drugs. 1127
- (Q) "Terminal distributor of dangerous drugs" or "terminal 1128
distributor" means a person who is engaged in the sale of 1129
dangerous drugs at retail, or any person, other than a 1130
manufacturer, repackager, outsourcing facility, third-party 1131
logistics provider, wholesale distributor, or pharmacist, who 1132
has possession, custody, or control of dangerous drugs for any 1133
purpose other than for that person's own use and consumption. 1134
"Terminal distributor" includes pharmacies, hospitals, nursing 1135
homes, and laboratories and all other persons who procure 1136
dangerous drugs for sale or other distribution by or under the 1137
supervision of a pharmacist or licensed health professional 1138
authorized to prescribe drugs. 1139

(R) "Promote to the public" means disseminating a 1140
representation to the public in any manner or by any means, 1141
other than by labeling, for the purpose of inducing, or that is 1142
likely to induce, directly or indirectly, the purchase of a 1143
dangerous drug at retail. 1144

(S) "Person" includes any individual, partnership, 1145
association, limited liability company, or corporation, the 1146
state, any political subdivision of the state, and any district, 1147
department, or agency of the state or its political 1148
subdivisions. 1149

(T) "Animal shelter" means a facility operated by a humane 1150
society or any society organized under Chapter 1717. of the 1151
Revised Code or a dog pound operated pursuant to Chapter 955. of 1152
the Revised Code. 1153

(U) "Food" has the same meaning as in section 3715.01 of 1154
the Revised Code. 1155

(V) "Pain management clinic" has the same meaning as in 1156
section 4731.054 of the Revised Code. 1157

(W) "Investigational drug or product" means a drug or 1158
product that has successfully completed phase one of the United 1159
States food and drug administration clinical trials and remains 1160
under clinical trial, but has not been approved for general use 1161
by the United States food and drug administration. 1162
"Investigational drug or product" does not include controlled 1163
substances in schedule I, as established pursuant to section 1164
3719.41 of the Revised Code, and as amended. 1165

(X) "Product," when used in reference to an 1166
investigational drug or product, means a biological product, 1167
other than a drug, that is made from a natural human, animal, or 1168

microorganism source and is intended to treat a disease or 1169
medical condition. 1170

(Y) "Third-party logistics provider" means a person that 1171
provides or coordinates warehousing or other logistics services 1172
pertaining to dangerous drugs including distribution, on behalf 1173
of a manufacturer, wholesale distributor, or terminal 1174
distributor of dangerous drugs, but does not take ownership of 1175
the drugs or have responsibility to direct the sale or 1176
disposition of the drugs. 1177

(Z) "Repackager of dangerous drugs" or "repackager" means 1178
a person that repacks and relabels dangerous drugs for sale or 1179
distribution. 1180

(AA) "Outsourcing facility" means a facility that is 1181
engaged in the compounding and sale of sterile drugs and is 1182
registered as an outsourcing facility with the United States 1183
food and drug administration. 1184

Sec. 4731.27. (A) As used in this section, 1185
"collaboration," "physician," and "standard care arrangement," 1186
~~and "supervision"~~ have the same meanings as in section 4723.01 1187
of the Revised Code. 1188

(B) A physician or podiatrist shall enter into a standard 1189
care arrangement with each clinical nurse specialist, certified 1190
nurse-midwife, or certified nurse practitioner with whom the 1191
physician or podiatrist is in collaboration. 1192

The collaborating physician or podiatrist shall fulfill 1193
the responsibilities of collaboration, as specified in the 1194
arrangement and in accordance with division (A) of section 1195
4723.431 of the Revised Code. A copy of the standard care 1196
arrangement shall be retained on file by the nurse's employer. 1197

Prior approval of the standard care arrangement by the state 1198
medical board is not required, but the board may periodically 1199
review it. 1200

A physician or podiatrist who terminates collaboration 1201
with a certified nurse-midwife, certified nurse practitioner, or 1202
clinical nurse specialist before their standard care arrangement 1203
expires shall give the nurse the written or electronic notice of 1204
termination required by division (E) (1) of section 4723.431 of 1205
the Revised Code. 1206

Nothing in this division prohibits a hospital from hiring 1207
a clinical nurse specialist, certified nurse-midwife, or 1208
certified nurse practitioner as an employee and negotiating 1209
standard care arrangements on behalf of the employee as 1210
necessary to meet the requirements of this section. A standard 1211
care arrangement between the hospital's employee and the 1212
employee's collaborating physician is subject to approval by the 1213
medical staff and governing body of the hospital prior to 1214
implementation of the arrangement at the hospital. 1215

(C) A physician or podiatrist shall cooperate with the 1216
board of nursing in any investigation the board conducts with 1217
respect to a clinical nurse specialist, certified nurse-midwife, 1218
or certified nurse practitioner who collaborates with the 1219
physician or podiatrist or with respect to a certified 1220
registered nurse anesthetist who practices with ~~the supervision~~ 1221
~~of~~ the physician or podiatrist. 1222

Sec. 4731.35. (A) This chapter does not apply to or 1223
prohibit in any way the administration of anesthesia by a 1224
certified registered nurse anesthetist ~~under the direction of~~ 1225
~~and in the immediate presence of an individual authorized by~~ 1226
~~this chapter to practice medicine and surgery, osteopathic~~ 1227

~~medicine and surgery, or podiatric medicine and surgery in~~ 1228
~~accordance with section 4723.43 of the Revised Code.~~ 1229

(B) This chapter does not prohibit an individual from 1230
practicing as an anesthesiologist assistant in accordance with 1231
Chapter 4760. of the Revised Code. 1232

Sec. 4761.17. All of the following apply to the practice 1233
of respiratory care by a person who holds a license or limited 1234
permit issued under this chapter: 1235

(A) The person shall practice only pursuant to a 1236
prescription or other order for respiratory care issued by any 1237
of the following: 1238

(1) A physician; 1239

(2) A clinical nurse specialist, certified nurse-midwife, 1240
or certified nurse practitioner who holds a current, valid 1241
license issued under Chapter 4723. of the Revised Code to 1242
practice nursing as an advanced practice registered nurse and 1243
has entered into a standard care arrangement with a physician; 1244

(3) A certified registered nurse anesthetist who holds a 1245
current, valid license issued under Chapter 4723. of the Revised 1246
Code to practice nursing as an advanced practice registered 1247
nurse and acts in compliance with division (B) of section 1248
4723.43 of the Revised Code; 1249

(4) A physician assistant who holds a valid prescriber 1250
number issued by the state medical board, has been granted 1251
physician-delegated prescriptive authority, and has entered into 1252
a supervision agreement that allows the physician assistant to 1253
prescribe or order respiratory care services. 1254

(B) The person shall practice only under the supervision 1255

of any of the following:	1256
(1) A physician;	1257
(2) A certified nurse practitioner, certified nurse- midwife, or clinical nurse specialist;	1258 1259
(3) A physician assistant who is authorized to prescribe or order respiratory care services as provided in division (A) (3) of this section.	1260 1261 1262
(C) (1) When practicing under the prescription or order of a certified nurse practitioner, certified nurse midwife, or clinical nurse specialist or under the supervision of such a nurse, the person's administration of medication that requires a prescription is limited to the drugs that the nurse is authorized to prescribe pursuant to section 4723.481 of the Revised Code.	1263 1264 1265 1266 1267 1268 1269
(2) <u>When practicing under the order of a certified registered nurse anesthetist, the person's administration of medication is limited to the drugs that the nurse is authorized to order or direct the person to administer, as provided in division (B) of section 4723.43 of the Revised Code.</u>	1270 1271 1272 1273 1274
<u>(3)</u> When practicing under the prescription or order of a physician assistant or under the supervision of a physician assistant, the person's administration of medication that requires a prescription is limited to the drugs that the physician assistant is authorized to prescribe pursuant to the physician assistant's physician-delegated prescriptive authority.	1275 1276 1277 1278 1279 1280 1281
Section 2. That existing sections 4723.01, 4723.06, 4723.24, 4723.43, 4723.432, 4723.44, 4723.482, 4723.50, 4729.01, 4731.27, 4731.35, and 4761.17 of the Revised Code are hereby	1282 1283 1284

repealed. 1285

Section 3. (A) In the case of a person who, on the 1286
effective date of this section, holds a license to practice 1287
nursing as an advanced practice registered nurse and is 1288
designated as a certified registered nurse anesthetist, the 1289
person shall submit to the Board of Nursing, on or before 1290
October 31, 2021, evidence of successfully completing one of the 1291
following not longer than five years before October 31, 2021: 1292

(1) A course of study in advanced pharmacology and related 1293
topics that meets the requirements of divisions (A) (1), (3), 1294
(4), and (5) of section 4723.484 of the Revised Code, as enacted 1295
by this act; 1296

(2) At least forty-five contact hours of continuing 1297
education that meet the requirements of division (B) (1) of 1298
section 4723.484 of the Revised Code, as enacted by this act; 1299

(3) At least forty-five contact hours of advanced 1300
pharmacology that meet the requirements of division (B) (2) of 1301
section 4723.484 of the Revised Code, as enacted by this act. 1302

If the person fails to submit to the Board the evidence 1303
required by this section, the person's license shall lapse. The 1304
Board shall not reinstate or restore the license until the 1305
person submits evidence of having successfully completed the 1306
course of study or contact hours described in this section not 1307
longer than five years before the date of submission. 1308

(B) In the case of a person who, before the effective date 1309
of this section, applied for a license to practice nursing as an 1310
advanced practice registered nurse and sought designation as a 1311
certified registered nurse anesthetist, but had not been issued 1312
a license and designation by the effective date of this section, 1313

the person may amend the application to include evidence of 1314
successfully completing a course of study in advanced 1315
pharmacology and related topics as described in division (A) of 1316
section 4723.484 of the Revised Code, as enacted by this act, or 1317
at least forty-five contact hours of continuing education or 1318
advanced pharmacology as described in division (B) of section 1319
4723.484, as enacted by this act. The Board shall issue the 1320
license and designation only if the person meets the 1321
requirements of section 4723.41 of the Revised Code, has paid 1322
the fee required by section 4723.08 of the Revised Code, and 1323
submits the amended application not later than thirty days after 1324
the effective date of this section. 1325