

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 191**

**Representative Gonzales**

**Cosponsors: Representatives McColley, Brinkman, Fedor, Riedel, Keller, Stein**

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**A BILL**

To amend sections 4723.01, 4723.43, 4723.432, 1  
4723.44, 4729.01, 4731.27, 4731.35, and 4761.17 2  
of the Revised Code regarding the practice of 3  
certified registered nurse anesthetists. 4

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

**Section 1.** That sections 4723.01, 4723.43, 4723.432, 5  
4723.44, 4729.01, 4731.27, 4731.35, and 4761.17 of the Revised 6  
Code be amended to read as follows: 7

**Sec. 4723.01.** As used in this chapter: 8

(A) "Registered nurse" means an individual who holds a 9  
current, valid license issued under this chapter that authorizes 10  
the practice of nursing as a registered nurse. 11

(B) "Practice of nursing as a registered nurse" means 12  
providing to individuals and groups nursing care requiring 13  
specialized knowledge, judgment, and skill derived from the 14  
principles of biological, physical, behavioral, social, and 15  
nursing sciences. Such nursing care includes: 16

(1) Identifying patterns of human responses to actual or 17

potential health problems amenable to a nursing regimen;	18
(2) Executing a nursing regimen through the selection, performance, management, and evaluation of nursing actions;	19 20
(3) Assessing health status for the purpose of providing nursing care;	21 22
(4) Providing health counseling and health teaching;	23
(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;	24 25 26 27
(6) Teaching, administering, supervising, delegating, and evaluating nursing practice.	28 29
(C) "Nursing regimen" may include preventative, restorative, and health-promotion activities.	30 31
(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.	32 33 34 35
(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.	36 37 38 39
(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 authorized to practice in this state: a physician, physician	40 41 42 43 44 45

assistant, dentist, podiatrist, optometrist, or chiropractor.	46
Such nursing care includes:	47
(1) Observation, patient teaching, and care in a diversity of health care settings;	48 49
(2) Contributions to the planning, implementation, and evaluation of nursing;	50 51
(3) Administration of medications and treatments authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice on the condition that the licensed practical nurse is authorized under section 4723.17 of the Revised Code to administer medications;	52 53 54 55 56 57
(4) Administration to an adult of intravenous therapy authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice, on the condition that the licensed practical nurse is authorized under section 4723.18 or 4723.181 of the Revised Code to perform intravenous therapy and performs intravenous therapy only in accordance with those sections;	58 59 60 61 62 63 64
(5) Delegation of nursing tasks as directed by a registered nurse;	65 66
(6) Teaching nursing tasks to licensed practical nurses and individuals to whom the licensed practical nurse is authorized to delegate nursing tasks as directed by a registered nurse.	67 68 69 70
(G) "Certified registered nurse anesthetist" means an advanced practice registered nurse who holds a current, valid license issued under this chapter and is designated as a certified registered nurse anesthetist in accordance with	71 72 73 74

section 4723.42 of the Revised Code and rules adopted by the 75  
board of nursing. 76

(H) "Clinical nurse specialist" means an advanced practice 77  
registered nurse who holds a current, valid license issued under 78  
this chapter and is designated as a clinical nurse specialist in 79  
accordance with section 4723.42 of the Revised Code and rules 80  
adopted by the board of nursing. 81

(I) "Certified nurse-midwife" means an advanced practice 82  
registered nurse who holds a current, valid license issued under 83  
this chapter and is designated as a certified nurse-midwife in 84  
accordance with section 4723.42 of the Revised Code and rules 85  
adopted by the board of nursing. 86

(J) "Certified nurse practitioner" means an advanced 87  
practice registered nurse who holds a current, valid license 88  
issued under this chapter and is designated as a certified nurse 89  
practitioner in accordance with section 4723.42 of the Revised 90  
Code and rules adopted by the board of nursing. 91

(K) "Physician" means an individual authorized under 92  
Chapter 4731. of the Revised Code to practice medicine and 93  
surgery or osteopathic medicine and surgery. 94

(L) "Collaboration" or "collaborating" means the 95  
following: 96

(1) In the case of a clinical nurse specialist or a 97  
certified nurse practitioner, that one or more podiatrists 98  
acting within the scope of practice of podiatry in accordance 99  
with section 4731.51 of the Revised Code and with whom the nurse 100  
has entered into a standard care arrangement or one or more 101  
physicians with whom the nurse has entered into a standard care 102  
arrangement are continuously available to communicate with the 103

clinical nurse specialist or certified nurse practitioner either 104  
in person or by electronic communication; 105

(2) In the case of a certified nurse-midwife, that one or 106  
more physicians with whom the certified nurse-midwife has 107  
entered into a standard care arrangement are continuously 108  
available to communicate with the certified nurse-midwife either 109  
in person or by electronic communication. 110

~~(M) "Supervision," as it pertains to a certified 111  
registered nurse anesthetist, means that the certified 112  
registered nurse anesthetist is under the direction of a 113  
podiatrist acting within the podiatrist's scope of practice in 114  
accordance with section 4731.51 of the Revised Code, a dentist 115  
acting within the dentist's scope of practice in accordance with 116  
Chapter 4715. of the Revised Code, or a physician, and, when 117  
administering anesthesia, the certified registered nurse 118  
anesthetist is in the immediate presence of the podiatrist, 119  
dentist, or physician. 120~~

~~(N) "Standard care arrangement" means a written, formal 121  
guide for planning and evaluating a patient's health care that 122  
is developed by one or more collaborating physicians or 123  
podiatrists and a clinical nurse specialist, certified nurse- 124  
midwife, or certified nurse practitioner and meets the 125  
requirements of section 4723.431 of the Revised Code. 126~~

~~(O) (N) "Advanced practice registered nurse" means an 127  
individual who holds a current, valid license issued under this 128  
chapter that authorizes the practice of nursing as an advanced 129  
practice registered nurse and is designated as any of the 130  
following: 131~~

(1) A certified registered nurse anesthetist; 132

(2) A clinical nurse specialist;	133
(3) A certified nurse-midwife;	134
(4) A certified nurse practitioner.	135
<del>(P)</del> <u>(O)</u> "Practice of nursing as an advanced practice registered nurse" means providing to individuals and groups nursing care that requires knowledge and skill obtained from advanced formal education, training, and clinical experience. Such nursing care includes the care described in section 4723.43 of the Revised Code.	136 137 138 139 140 141
<del>(Q)</del> <u>(P)</u> "Dialysis care" means the care and procedures that a dialysis technician or dialysis technician intern is authorized to provide and perform, as specified in section 4723.72 of the Revised Code.	142 143 144 145
<del>(R)</del> <u>(Q)</u> "Dialysis technician" means an individual who holds a current, valid certificate to practice as a dialysis technician issued under section 4723.75 of the Revised Code.	146 147 148
<del>(S)</del> <u>(R)</u> "Dialysis technician intern" means an individual who holds a current, valid certificate to practice as a dialysis technician intern issued under section 4723.75 of the Revised Code.	149 150 151 152
<del>(T)</del> <u>(S)</u> "Certified community health worker" means an individual who holds a current, valid certificate as a community health worker issued under section 4723.85 of the Revised Code.	153 154 155
<del>(U)</del> <u>(T)</u> "Medication aide" means an individual who holds a current, valid certificate issued under this chapter that authorizes the individual to administer medication in accordance with section 4723.67 of the Revised Code;	156 157 158 159
<del>(V)</del> <u>(U)</u> "Nursing specialty" means a specialty in practice	160

as a certified registered nurse anesthetist, clinical nurse 161  
specialist, certified nurse-midwife, or certified nurse 162  
practitioner. 163

**Sec. 4723.43.** A certified registered nurse anesthetist, 164  
clinical nurse specialist, certified nurse-midwife, or certified 165  
nurse practitioner may provide to individuals and groups nursing 166  
care that requires knowledge and skill obtained from advanced 167  
formal education and clinical experience. In this capacity as an 168  
advanced practice registered nurse, a certified nurse-midwife is 169  
subject to division (A) of this section, a certified registered 170  
nurse anesthetist is subject to division (B) of this section, a 171  
certified nurse practitioner is subject to division (C) of this 172  
section, and a clinical nurse specialist is subject to division 173  
(D) of this section. 174

(A) A nurse authorized to practice as a certified nurse- 175  
midwife, in collaboration with one or more physicians, may 176  
provide the management of preventive services and those primary 177  
care services necessary to provide health care to women 178  
antepartally, intrapartally, postpartally, and gynecologically, 179  
consistent with the nurse's education and certification, and in 180  
accordance with rules adopted by the board of nursing. 181

No certified nurse-midwife may perform version, deliver 182  
breech or face presentation, use forceps, do any obstetric 183  
operation, or treat any other abnormal condition, except in 184  
emergencies. Division (A) of this section does not prohibit a 185  
certified nurse-midwife from performing episiotomies or normal 186  
vaginal deliveries, or repairing vaginal tears. A certified 187  
nurse-midwife may, in collaboration with one or more physicians, 188  
prescribe drugs and therapeutic devices in accordance with 189  
section 4723.481 of the Revised Code. 190

(B) A nurse authorized to practice as a certified 191  
registered nurse anesthetist, ~~with the supervision and in the~~ 192  
~~immediate presence of a physician, podiatrist, or dentist,~~ may 193  
~~administer anesthesia and perform anesthesia induction,~~ 194  
~~maintenance, and emergence, and may perform with supervision~~ 195  
~~preanesthetic preparation and evaluation, postanesthesia care,~~ 196  
~~and clinical support functions,~~ do the following consistent with 197  
the nurse's education and certification, and in accordance with 198  
rules adopted by the board. 199

~~The physician, podiatrist, or dentist supervising a~~ 200  
~~certified registered nurse anesthetist must be actively engaged~~ 201  
~~in practice in this state. When a certified registered nurse~~ 202  
~~anesthetist is supervised by a podiatrist, the nurse's scope of~~ 203  
~~practice is limited to the anesthesia procedures that the~~ 204  
~~podiatrist has the authority under section 4731.51 of the~~ 205  
~~Revised Code to perform. A certified registered nurse~~ 206  
~~anesthetist may not administer general anesthesia under the~~ 207  
~~supervision of a podiatrist in a podiatrist's office. When a~~ 208  
~~certified registered nurse anesthetist is supervised by a~~ 209  
~~dentist, the nurse's scope of practice is limited to the~~ 210  
~~anesthesia procedures that the dentist has the authority under~~ 211  
~~Chapter 4715. of the Revised Code to perform:~~ 212

(1) Perform and document preanesthetic preparation and 213  
evaluation, which may include ordering and evaluating one or 214  
more diagnostic tests and consulting with one or more other 215  
health professionals; 216

(2) Establish anesthesia care plans, which may address the 217  
administration of general, local, and regional anesthesia; 218

(3) Determine whether planned anesthesia is appropriate; 219



<u>(4) Obtain informed consent for anesthesia care;</u>	220
<u>(5) Select, order, and administer anesthesia;</u>	221
<u>(6) Before, during, and after administration of anesthesia</u>	222
<u>and as necessary for patient management and care in the period</u>	223
<u>before, during, and after a surgery or procedure, select, order,</u>	224
<u>and administer fluids, treatments, and drugs for conditions</u>	225
<u>related to administration of anesthesia;</u>	226
<u>(7) Perform assessments before administering anesthesia;</u>	227
<u>(8) Direct registered or licensed practical nurses,</u>	228
<u>respiratory therapists, and other persons to do any of the</u>	229
<u>following that they are authorized by law to do for patient</u>	230
<u>management and care in the period before, during, and after a</u>	231
<u>surgery or procedure:</u>	232
<u>(a) Perform clinical support functions;</u>	233
<u>(b) Before, during, and after administration of</u>	234
<u>anesthesia, administer fluids, treatments, and drugs to treat</u>	235
<u>conditions related to administration of anesthesia.</u>	236
<u>(9) Perform and document postanesthesia care preparation</u>	237
<u>and evaluation;</u>	238
<u>(10) Perform postanesthesia care assessments, including on</u>	239
<u>admission to or release or discharge from postanesthesia</u>	240
<u>recovery areas;</u>	241
<u>(11) Select, order, and administer pain relief therapies</u>	242
<u>during the period after a surgery or procedure;</u>	243
<u>(12) Respond to emergencies relating to airway management.</u>	244
<u>This division does not authorize a certified registered</u>	245
<u>nurse anesthetist to prescribe a drug for use outside the</u>	246

<u>facility or other setting where the nurse provides anesthesia</u>	247
<u>care.</u>	248
<u>As used in this division, "anesthesia" includes sedation.</u>	249
(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.	250 251 252 253 254 255 256 257 258 259
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.	260 261 262 263
(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.	264 265 266 267 268 269 270 271 272 273
When a clinical nurse specialist is collaborating with a podiatrist, the nurse's scope of practice is limited to the	274 275

procedures that the podiatrist has the authority under section 276  
4731.51 of the Revised Code to perform. 277

**Sec. 4723.432.** (A) An advanced practice registered nurse 278  
who is designated as a clinical nurse specialist, certified 279  
nurse-midwife, or certified nurse practitioner shall cooperate 280  
with the state medical board in any investigation the board 281  
conducts with respect to a physician or podiatrist who 282  
collaborates with the nurse. The nurse shall cooperate with the 283  
board in any investigation the board conducts with respect to 284  
the unauthorized practice of medicine by the nurse. 285

(B) An advanced practice registered nurse who is 286  
designated as a certified registered nurse anesthetist shall 287  
cooperate with the state medical board or state dental board in 288  
any investigation either board conducts with respect to a 289  
~~physician, podiatrist, or dentist who permits the nurse to~~ 290  
~~practice with the supervision of that physician, podiatrist, or~~ 291  
~~dentist. The nurse shall cooperate with either board in any~~ 292  
~~investigation it conducts with respect to the unauthorized~~ 293  
practice of medicine or dentistry by the nurse. 294

**Sec. 4723.44.** (A) No person shall knowingly do any of the 295  
following unless the person holds a current, valid license 296  
issued by the board of nursing under this chapter to practice 297  
nursing as an advanced practice registered nurse in the 298  
specialty indicated by the designation: 299

(1) Engage in the practice of nursing as an advanced 300  
practice registered nurse for a fee, salary, or other 301  
consideration, or as a volunteer; 302

(2) Represent the person as being an advanced practice 303  
registered nurse, including representing the person as being a 304

certified registered nurse anesthetist, clinical nurse 305  
specialist, certified nurse-midwife, or certified nurse 306  
practitioner; 307

(3) Use any title or initials implying that the person is 308  
an advanced practice registered nurse, including using any title 309  
or initials implying the person is a certified registered nurse 310  
anesthetist, clinical nurse specialist, certified nurse-midwife, 311  
or certified nurse practitioner. 312

(B) No advanced practice registered nurse shall knowingly 313  
do any of the following: 314

(1) Engage, for a fee, salary, or other consideration, or 315  
as a volunteer, in the practice of a nursing specialty other 316  
than the specialty designated on the nurse's current, valid 317  
license issued by the board under this chapter to practice 318  
nursing as an advanced practice registered nurse; 319

(2) Represent the person as being authorized to practice 320  
any nursing specialty other than the specialty designated on the 321  
current, valid license to practice nursing as an advanced 322  
practice registered nurse; 323

(3) Use the title "certified registered nurse anesthetist" 324  
or the initials "N.A." or "C.R.N.A.," the title "clinical nurse 325  
specialist" or the initials "C.N.S.," the title "certified 326  
nurse-midwife" or the initials "C.N.M.," the title "certified 327  
nurse practitioner" or the initials "C.N.P.," the title 328  
"advanced practice registered nurse" or the initials "A.P.R.N.," 329  
or any other title or initials implying that the nurse is 330  
authorized to practice any nursing specialty other than the 331  
specialty designated on the nurse's current, valid license to 332  
practice nursing as an advanced practice registered nurse; 333

(4) Except as provided in division (D) of section 4723.431 334  
of the Revised Code, enter into a standard care arrangement with 335  
a physician or podiatrist whose practice is not the same as or 336  
similar to the nurse's nursing specialty; 337

(5) Prescribe drugs or therapeutic devices in a manner 338  
that does not comply with section 4723.481 of the Revised Code; 339

(6) In the case of a certified registered nurse 340  
anesthetist, issue orders for drugs or direct other persons to 341  
administer drugs in a manner that does not comply with division 342  
(B) of section 4723.43 of the Revised Code; 343

(7) Prescribe any drug or device to perform or induce an 344  
abortion, or otherwise perform or induce an abortion. 345

(C) No person shall knowingly employ a person to engage in 346  
the practice of nursing as an advanced practice registered nurse 347  
unless the person so employed holds a current, valid license and 348  
designation issued by the board under this chapter to practice 349  
as an advanced practice registered nurse in the specialty 350  
indicated by the designation. 351

(D) A document certified by the executive director of the 352  
board, under the official seal of the board, to the effect that 353  
it appears from the records of the board that no license to 354  
practice nursing as an advanced practice registered nurse has 355  
been issued to the person specified in the document, or that a 356  
license to practice nursing as an advanced practice registered 357  
nurse, if issued, has been revoked or suspended, shall be 358  
received as prima-facie evidence of the record of the board in 359  
any court or before any officer of the state. 360

**Sec. 4729.01.** As used in this chapter: 361

(A) "Pharmacy," except when used in a context that refers 362

to the practice of pharmacy, means any area, room, rooms, place 363  
of business, department, or portion of any of the foregoing 364  
where the practice of pharmacy is conducted. 365

(B) "Practice of pharmacy" means providing pharmacist care 366  
requiring specialized knowledge, judgment, and skill derived 367  
from the principles of biological, chemical, behavioral, social, 368  
pharmaceutical, and clinical sciences. As used in this division, 369  
"pharmacist care" includes the following: 370

(1) Interpreting prescriptions; 371

(2) Dispensing drugs and drug therapy related devices; 372

(3) Compounding drugs; 373

(4) Counseling individuals with regard to their drug 374  
therapy, recommending drug therapy related devices, and 375  
assisting in the selection of drugs and appliances for treatment 376  
of common diseases and injuries and providing instruction in the 377  
proper use of the drugs and appliances; 378

(5) Performing drug regimen reviews with individuals by 379  
discussing all of the drugs that the individual is taking and 380  
explaining the interactions of the drugs; 381

(6) Performing drug utilization reviews with licensed 382  
health professionals authorized to prescribe drugs when the 383  
pharmacist determines that an individual with a prescription has 384  
a drug regimen that warrants additional discussion with the 385  
prescriber; 386

(7) Advising an individual and the health care 387  
professionals treating an individual with regard to the 388  
individual's drug therapy; 389

(8) Acting pursuant to a consult agreement with one or 390

more physicians authorized under Chapter 4731. of the Revised 391  
Code to practice medicine and surgery or osteopathic medicine 392  
and surgery, if an agreement has been established; 393

(9) Engaging in the administration of immunizations to the 394  
extent authorized by section 4729.41 of the Revised Code; 395

(10) Engaging in the administration of drugs to the extent 396  
authorized by section 4729.45 of the Revised Code. 397

(C) "Compounding" means the preparation, mixing, 398  
assembling, packaging, and labeling of one or more drugs in any 399  
of the following circumstances: 400

(1) Pursuant to a prescription issued by a licensed health 401  
professional authorized to prescribe drugs; 402

(2) Pursuant to the modification of a prescription made in 403  
accordance with a consult agreement; 404

(3) As an incident to research, teaching activities, or 405  
chemical analysis; 406

(4) In anticipation of orders for drugs pursuant to 407  
prescriptions, based on routine, regularly observed dispensing 408  
patterns; 409

(5) Pursuant to a request made by a licensed health 410  
professional authorized to prescribe drugs for a drug that is to 411  
be used by the professional for the purpose of direct 412  
administration to patients in the course of the professional's 413  
practice, if all of the following apply: 414

(a) At the time the request is made, the drug is not 415  
commercially available regardless of the reason that the drug is 416  
not available, including the absence of a manufacturer for the 417  
drug or the lack of a readily available supply of the drug from 418

a manufacturer.	419
(b) A limited quantity of the drug is compounded and provided to the professional.	420 421
(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.	422 423 424
(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.	425 426
(E) "Drug" means:	427
(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;	428 429 430 431
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	432 433 434
(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	435 436
(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.	437 438 439 440
(F) "Dangerous drug" means any of the following:	441
(1) Any drug to which either of the following applies:	442
(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	443 444 445



law prohibits dispensing without prescription" or "Caution: 446  
Federal law restricts this drug to use by or on the order of a 447  
licensed veterinarian" or any similar restrictive statement, or 448  
the drug may be dispensed only upon a prescription; 449

(b) Under Chapter 3715. or 3719. of the Revised Code, the 450  
drug may be dispensed only upon a prescription. 451

(2) Any drug that contains a schedule V controlled 452  
substance and that is exempt from Chapter 3719. of the Revised 453  
Code or to which that chapter does not apply; 454

(3) Any drug intended for administration by injection into 455  
the human body other than through a natural orifice of the human 456  
body; 457

(4) Any drug that is a biological product, as defined in 458  
section 3715.01 of the Revised Code. 459

(G) "Federal drug abuse control laws" has the same meaning 460  
as in section 3719.01 of the Revised Code. 461

(H) "Prescription" means all of the following: 462

(1) A written, electronic, or oral order for drugs or 463  
combinations or mixtures of drugs to be used by a particular 464  
individual or for treating a particular animal, issued by a 465  
licensed health professional authorized to prescribe drugs; 466

(2) For purposes of sections 2925.61, 4723.488, 4729.44, 467  
4730.431, and 4731.94 of the Revised Code, a written, 468  
electronic, or oral order for naloxone issued to and in the name 469  
of a family member, friend, or other individual in a position to 470  
assist an individual who there is reason to believe is at risk 471  
of experiencing an opioid-related overdose. 472

(3) For purposes of sections 4723.4810, 4729.282, 473

4730.432, and 4731.93 of the Revised Code, a written, 474  
electronic, or oral order for a drug to treat chlamydia, 475  
gonorrhoea, or trichomoniasis issued to and in the name of a 476  
patient who is not the intended user of the drug but is the 477  
sexual partner of the intended user; 478

(4) For purposes of sections 3313.7110, 3313.7111, 479  
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 480  
4731.96, and 5101.76 of the Revised Code, a written, electronic, 481  
or oral order for an epinephrine autoinjector issued to and in 482  
the name of a school, school district, or camp; 483

(5) For purposes of Chapter 3728. and sections 4723.483, 484  
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 485  
electronic, or oral order for an epinephrine autoinjector issued 486  
to and in the name of a qualified entity, as defined in section 487  
3728.01 of the Revised Code. 488

(I) "Licensed health professional authorized to prescribe 489  
drugs" or "prescriber" means an individual who is authorized by 490  
law to prescribe drugs or dangerous drugs or drug therapy 491  
related devices in the course of the individual's professional 492  
practice, including only the following: 493

(1) A dentist licensed under Chapter 4715. of the Revised 494  
Code; 495

(2) A clinical nurse specialist, certified nurse-midwife, 496  
or certified nurse practitioner who holds a current, valid 497  
license to practice nursing as an advanced practice registered 498  
nurse issued under Chapter 4723. of the Revised Code; 499

(3) A certified registered nurse anesthetist who holds a 500  
current, valid license to practice nursing as an advanced 501  
practice registered nurse, but only to the extent of the nurse's 502

<u>authority under division (B) of section 4723.43 of the Revised</u>	503
<u>Code;</u>	504
<u>(4)</u> An optometrist licensed under Chapter 4725. of the	505
Revised Code to practice optometry under a therapeutic	506
pharmaceutical agents certificate;	507
<del>(4)</del> <u>(5)</u> A physician authorized under Chapter 4731. of the	508
Revised Code to practice medicine and surgery, osteopathic	509
medicine and surgery, or podiatric medicine and surgery;	510
<del>(5)</del> <u>(6)</u> A physician assistant who holds a license to	511
practice as a physician assistant issued under Chapter 4730. of	512
the Revised Code, holds a valid prescriber number issued by the	513
state medical board, and has been granted physician-delegated	514
prescriptive authority;	515
<del>(6)</del> <u>(7)</u> A veterinarian licensed under Chapter 4741. of the	516
Revised Code.	517
(J) "Sale" and "sell" include delivery, transfer, barter,	518
exchange, or gift, or offer therefor, and each such transaction	519
made by any person, whether as principal proprietor, agent, or	520
employee.	521
(K) "Wholesale sale" and "sale at wholesale" mean any sale	522
in which the purpose of the purchaser is to resell the article	523
purchased or received by the purchaser.	524
(L) "Retail sale" and "sale at retail" mean any sale other	525
than a wholesale sale or sale at wholesale.	526
(M) "Retail seller" means any person that sells any	527
dangerous drug to consumers without assuming control over and	528
responsibility for its administration. Mere advice or	529
instructions regarding administration do not constitute control	530

or establish responsibility. 531

(N) "Price information" means the price charged for a 532  
prescription for a particular drug product and, in an easily 533  
understandable manner, all of the following: 534

(1) The proprietary name of the drug product; 535

(2) The established (generic) name of the drug product; 536

(3) The strength of the drug product if the product 537  
contains a single active ingredient or if the drug product 538  
contains more than one active ingredient and a relevant strength 539  
can be associated with the product without indicating each 540  
active ingredient. The established name and quantity of each 541  
active ingredient are required if such a relevant strength 542  
cannot be so associated with a drug product containing more than 543  
one ingredient. 544

(4) The dosage form; 545

(5) The price charged for a specific quantity of the drug 546  
product. The stated price shall include all charges to the 547  
consumer, including, but not limited to, the cost of the drug 548  
product, professional fees, handling fees, if any, and a 549  
statement identifying professional services routinely furnished 550  
by the pharmacy. Any mailing fees and delivery fees may be 551  
stated separately without repetition. The information shall not 552  
be false or misleading. 553

(O) "Wholesale distributor of dangerous drugs" means a 554  
person engaged in the sale of dangerous drugs at wholesale and 555  
includes any agent or employee of such a person authorized by 556  
the person to engage in the sale of dangerous drugs at 557  
wholesale. 558

(P) "Manufacturer of dangerous drugs" means a person, 559  
other than a pharmacist, who manufactures dangerous drugs and 560  
who is engaged in the sale of those dangerous drugs within this 561  
state. 562

(Q) "Terminal distributor of dangerous drugs" means a 563  
person who is engaged in the sale of dangerous drugs at retail, 564  
or any person, other than a wholesale distributor or a 565  
pharmacist, who has possession, custody, or control of dangerous 566  
drugs for any purpose other than for that person's own use and 567  
consumption, and includes pharmacies, hospitals, nursing homes, 568  
and laboratories and all other persons who procure dangerous 569  
drugs for sale or other distribution by or under the supervision 570  
of a pharmacist or licensed health professional authorized to 571  
prescribe drugs. 572

(R) "Promote to the public" means disseminating a 573  
representation to the public in any manner or by any means, 574  
other than by labeling, for the purpose of inducing, or that is 575  
likely to induce, directly or indirectly, the purchase of a 576  
dangerous drug at retail. 577

(S) "Person" includes any individual, partnership, 578  
association, limited liability company, or corporation, the 579  
state, any political subdivision of the state, and any district, 580  
department, or agency of the state or its political 581  
subdivisions. 582

(T) "Animal shelter" means a facility operated by a humane 583  
society or any society organized under Chapter 1717. of the 584  
Revised Code or a dog pound operated pursuant to Chapter 955. of 585  
the Revised Code. 586

(U) "Food" has the same meaning as in section 3715.01 of 587

the Revised Code. 588

(V) "Pain management clinic" has the same meaning as in 589  
section 4731.054 of the Revised Code. 590

(W) "Investigational drug or product" means a drug or 591  
product that has successfully completed phase one of the United 592  
States food and drug administration clinical trials and remains 593  
under clinical trial, but has not been approved for general use 594  
by the United States food and drug administration. 595  
"Investigational drug or product" does not include controlled 596  
substances in schedule I, as established pursuant to section 597  
3719.41 of the Revised Code, and as amended. 598

(X) "Product," when used in reference to an 599  
investigational drug or product, means a biological product, 600  
other than a drug, that is made from a natural human, animal, or 601  
microorganism source and is intended to treat a disease or 602  
medical condition. 603

**Sec. 4731.27.** (A) As used in this section, 604  
"collaboration," "physician," and "standard care arrangement," 605  
~~and "supervision"~~ have the same meanings as in section 4723.01 606  
of the Revised Code. 607

(B) A physician or podiatrist shall enter into a standard 608  
care arrangement with each clinical nurse specialist, certified 609  
nurse-midwife, or certified nurse practitioner with whom the 610  
physician or podiatrist is in collaboration. 611

The collaborating physician or podiatrist shall fulfill 612  
the responsibilities of collaboration, as specified in the 613  
arrangement and in accordance with division (A) of section 614  
4723.431 of the Revised Code. A copy of the standard care 615  
arrangement shall be retained on file by the nurse's employer. 616

Prior approval of the standard care arrangement by the state 617  
medical board is not required, but the board may periodically 618  
review it. 619

A physician or podiatrist who terminates collaboration 620  
with a certified nurse-midwife, certified nurse practitioner, or 621  
clinical nurse specialist before their standard care arrangement 622  
expires shall give the nurse the written or electronic notice of 623  
termination required by division (E) (1) of section 4723.431 of 624  
the Revised Code. 625

Nothing in this division prohibits a hospital from hiring 626  
a clinical nurse specialist, certified nurse-midwife, or 627  
certified nurse practitioner as an employee and negotiating 628  
standard care arrangements on behalf of the employee as 629  
necessary to meet the requirements of this section. A standard 630  
care arrangement between the hospital's employee and the 631  
employee's collaborating physician is subject to approval by the 632  
medical staff and governing body of the hospital prior to 633  
implementation of the arrangement at the hospital. 634

(C) A physician or podiatrist shall cooperate with the 635  
board of nursing in any investigation the board conducts with 636  
respect to a clinical nurse specialist, certified nurse-midwife, 637  
or certified nurse practitioner who collaborates with the 638  
physician or podiatrist ~~or with respect to a certified~~ 639  
~~registered nurse anesthetist who practices with the supervision~~ 640  
~~of the physician or podiatrist.~~ 641

**Sec. 4731.35.** (A) This chapter does not apply to or 642  
prohibit in any way the administration of anesthesia by a 643  
certified registered nurse anesthetist ~~under the direction of~~ 644  
~~and in the immediate presence of an individual authorized by~~ 645  
~~this chapter to practice medicine and surgery, osteopathic~~ 646

~~medicine and surgery, or podiatric medicine and surgery in~~ 647  
~~accordance with section 4723.43 of the Revised Code.~~ 648

(B) This chapter does not prohibit an individual from 649  
practicing as an anesthesiologist assistant in accordance with 650  
Chapter 4760. of the Revised Code. 651

**Sec. 4761.17.** All of the following apply to the practice 652  
of respiratory care by a person who holds a license or limited 653  
permit issued under this chapter: 654

(A) The person shall practice only pursuant to a 655  
prescription or other order for respiratory care issued by any 656  
of the following: 657

(1) A physician; 658

(2) A clinical nurse specialist, certified nurse-midwife, 659  
or certified nurse practitioner who holds a current, valid 660  
license issued under Chapter 4723. of the Revised Code to 661  
practice nursing as an advanced practice registered nurse and 662  
has entered into a standard care arrangement with a physician; 663

(3) A certified registered nurse anesthetist who holds a 664  
current, valid license issued under Chapter 4723. of the Revised 665  
Code to practice nursing as an advanced practice registered 666  
nurse and acts in compliance with division (B) of section 667  
4723.43 of the Revised Code; 668

(4) A physician assistant who holds a valid prescriber 669  
number issued by the state medical board, has been granted 670  
physician-delegated prescriptive authority, and has entered into 671  
a supervision agreement that allows the physician assistant to 672  
prescribe or order respiratory care services. 673

(B) The person shall practice only under the supervision 674



of any of the following: 675

(1) A physician; 676

(2) A certified nurse practitioner, certified nurse- 677  
midwife, or clinical nurse specialist; 678

(3) A physician assistant who is authorized to prescribe 679  
or order respiratory care services as provided in division (A) 680  
(3) of this section. 681

(C) (1) When practicing under the prescription or order of 682  
a certified nurse practitioner, certified nurse midwife, or 683  
clinical nurse specialist or under the supervision of such a 684  
nurse, the person's administration of medication that requires a 685  
prescription is limited to the drugs that the nurse is 686  
authorized to prescribe pursuant to section 4723.481 of the 687  
Revised Code. 688

(2) When practicing under the order of a certified 689  
registered nurse anesthetist, the person's administration of 690  
medication is limited to the drugs that the nurse is authorized 691  
to order or direct the person to administer, as provided in 692  
division (B) of section 4723.43 of the Revised Code. 693

(3) When practicing under the prescription or order of a 694  
physician assistant or under the supervision of a physician 695  
assistant, the person's administration of medication that 696  
requires a prescription is limited to the drugs that the 697  
physician assistant is authorized to prescribe pursuant to the 698  
physician assistant's physician-delegated prescriptive 699  
authority. 700

**Section 2.** That existing sections 4723.01, 4723.43, 701  
4723.432, 4723.44, 4729.01, 4731.27, 4731.35, and 4761.17 of the 702  
Revised Code are hereby repealed. 703

**Section 3.** Section 4729.01 of the Revised Code is 704  
presented in this act as a composite of the section as amended 705  
by Sub. H.B. 216, Sub. H.B. 290, Sub. H.B. 505, and Sub. S.B. 706  
332, all of the 131st General Assembly. The General Assembly, 707  
applying the principle stated in division (B) of section 1.52 of 708  
the Revised Code that amendments are to be harmonized if 709  
reasonably capable of simultaneous operation, finds that the 710  
composite is the resulting version of the section in effect 711  
prior to the effective date of the section as presented in this 712  
act. 713