As Introduced

133rd General Assembly
Regular Session
2019-2020

Representative Roemer

A B I L L

To amend section 4729.41 and to enact sections 4713.351 and 4729.42 of the Revised Code and to amend Section 30 of H.B. 197 of the 133rd General Assembly regarding the operation of businesses, practice of certain professions, and completion of education as it relates to COVID-19 and to declare an emergency.

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

Section 1. That section 4729.41 be amended and sections 4713.351 and 4729.42 of the Revised Code be enacted to read as follows:

Sec. 4713.351. Notwithstanding any provision of this chapter or Chapter 4709. of the Revised Code to the contrary, the state cosmetology and barber board shall not require an individual who holds a license to provide hair-related services under Chapter 4709. or 4713. of the Revised Code to obtain an additional license or permit to provide those services on premises other than a fixed location.

Sec. 4729.41. (A)(1) A pharmacist licensed under this chapter who meets the requirements of division (B) of this
section, and a pharmacy intern licensed under this chapter who meets the requirements of division (B) of this section and is working under the direct supervision of a pharmacist who meets the requirements of that division, may do any of the following:

(a) Administer immunizations for influenza to individuals who are seven years of age or older;

(b) Only pursuant to a prescription, administer to individuals who are seven years of age or older but not more than thirteen years of age any of the immunizations included in division (A)(2) of this section;

(c) Administer to individuals who are thirteen years of age or older any of the immunizations included in division (A)(2) of this section;

(d) Administer immunizations for COVID-19, if any, to individuals who are seven years of age or older.

(2) A pharmacist or pharmacy intern may administer in accordance with divisions (A)(1)(b) and (c) of this section either of the following:

(a) Any immunization that on March 19, 2015, is included in either of the following immunization schedules recommended by the advisory committee on immunization practices of the centers for disease control and prevention in the United States department of health and human services:

(i) The recommended immunization schedule for persons aged zero through eighteen years;

(ii) The recommended adult immunization schedule.

(b) Any other immunization specified in rules adopted under division (E)(1)(d) of this section.
(3) As part of engaging in the administration of immunizations or supervising a pharmacy intern's administration of immunizations, a pharmacist may administer epinephrine or diphenhydramine, or both, to individuals in emergency situations resulting from adverse reactions to the immunizations administered by the pharmacist or pharmacy intern.

(B) For a pharmacist or pharmacy intern to be authorized to engage in the administration of immunizations pursuant to division (A) of this section, the pharmacist or pharmacy intern shall do all of the following:

(1) Successfully complete a course in the administration of immunizations that meets the requirements established in rules adopted under this section for such courses;

(2) Receive and maintain certification to perform basic life-support procedures by successfully completing a basic life-support training course that is certified by the American red cross or American heart association or approved by the state board of pharmacy;

(3) Practice in accordance with a protocol that meets the requirements of division (C) of this section.

(C) All of the following apply with respect to the protocol required by division (B)(3) of this section:

(1) The protocol shall be established by a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(2) The protocol shall specify a definitive set of treatment guidelines and the locations at which a pharmacist or pharmacy intern may engage in the administration of immunizations.
(3) The protocol shall satisfy the requirements established in rules adopted under this section for protocols.

(4) The protocol shall include provisions for implementation of the following requirements:

(a) The pharmacist or pharmacy intern who administers an immunization shall observe the individual who receives the immunization to determine whether the individual has an adverse reaction to the immunization. The length of time and location of the observation shall comply with the rules adopted under this section establishing requirements for protocols. The protocol shall specify procedures to be followed by a pharmacist when administering epinephrine, diphenhydramine, or both, to an individual who has an adverse reaction to an immunization administered by the pharmacist or a pharmacy intern.

(b) For each immunization administered to an individual by a pharmacist or pharmacy intern, other than an immunization for influenza administered to an individual eighteen years of age or older, the pharmacist or pharmacy intern shall notify the individual's family physician or, if the individual has no family physician, the board of health of the health district in which the individual resides or the authority having the duties of a board of health for that district under section 3709.05 of the Revised Code. The notice shall be given not later than thirty days after the immunization is administered.

(c) For each immunization administered by a pharmacist or pharmacy intern to an individual younger than eighteen years of age pursuant to division (A)(1) of this section, the pharmacist or a pharmacy intern shall obtain permission from the individual's parent or legal guardian in accordance with the procedures specified in rules adopted under this section.
(D)(1) No pharmacist shall do either of the following:

(a) Engage in the administration of immunizations unless the requirements of division (B) of this section have been met;

(b) Delegate to any person the pharmacist's authority to engage in or supervise the administration of immunizations.

(2) No pharmacy intern shall engage in the administration of immunizations unless the requirements of division (B) of this section have been met.

(E)(1) The state board of pharmacy shall adopt rules to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and shall include the following:

(a) Requirements for courses in administration of immunizations, including requirements that are consistent with any standards established for such courses by the centers for disease control and prevention;

(b) Requirements for protocols to be followed by pharmacists and pharmacy interns in engaging in the administration of immunizations;

(c) Procedures to be followed by pharmacists and pharmacy interns in obtaining from the individual's parent or legal guardian permission to administer immunizations to an individual younger than eighteen years of age pursuant to division (A)(1) of this section;

(d) Provisions specifying any immunizations that may be administered under division (A)(2)(b) of this section.

(2) Prior to adopting rules regarding requirements for protocols to be followed by pharmacists and pharmacy interns in
engaging in the administration of immunizations, the state board
of pharmacy shall consult with the state medical board and the
board of nursing.

(3) Prior to adopting rules specifying any immunizations
that may be administered under division (A)(2)(b) of this
section, the state board of pharmacy shall consult with the
state medical board.

(F) In addition to the rules it adopts under division (E)
of this section, the state board of pharmacy may adopt rules
that change the immunizations authorized by division (A)(2)(a)
of this section to reflect changes in the recommendations of the
advisory committee on immunization practices. The rules shall be
adopted in accordance with Chapter 119. of the Revised Code.

Sec. 4729.42. A pharmacist may administer diagnostic tests
for COVID-19 and tests for COVID-19 antibodies.

Section 2. That existing section 4729.41 of the Revised
Code is hereby repealed.

Section 3. That Section 30 of H.B. 197 of the 133rd
General Assembly be amended to read as follows:

Sec. 30. (A) During the period of the date
that the emergency declared by Executive Order 2020-01D was
issued on March 9, 2020, and ending on July 1, 2021, the
requirement of division (A)(2)(a) of section 4723.09 of the
Revised Code is suspended. Accordingly, during such period, the
Board of Nursing shall grant to an applicant described in
division (A) of section 4723.09 of the Revised Code a temporary
license to practice nursing as a registered nurse or as a
licensed practical nurse if the conditions of divisions (A)(1)
and (A)(2)(b) to (d) of section 4723.09 of the Revised Code have
been met.

For each nurse practicing under a temporary license as authorized by this division, the State Board of Nursing shall recognize any hours the nurse works under the temporary license and count those hours towards any outstanding clinical experience that must be completed before the nurse is eligible to take the examination that is required when division (A)(2)(a) of section 4723.09 of the Revised Code is no longer suspended.

(B) A temporary license issued under this section shall be valid until whichever of the following dates occurs first:

(1) The date that is ninety days after December 1, 2020;

(2) The date that is ninety days after the duration of the period of the emergency described in division (A) of this section July 1, 2021.

Section 4. That existing Section 30 of H.B. 197 of the 133rd General Assembly is hereby repealed.

Section 5. (A) As used in this section, "eligible institution" means either of the following:

(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code;

(2) A nonprofit institution of higher education that holds a certificate of authorization pursuant to Chapter 1713. of the Revised Code.

(B) The Chancellor of Higher Education shall establish a program to provide grants to eligible institutions in Ohio to expedite and increase the offering of coursework that leads to healthcare-related credentialing, including for nurses, social workers, technicians, or other appropriate professions. The
Chancellor shall develop guidelines and procedures for the program, including an application process and criteria for awards.

Section 6. Notwithstanding any provision of law to the contrary, each educator preparation program approved under section 3333.048 of the Revised Code shall develop and implement a plan to provide its students with alternative experiences, assignments, or instruction in the 2020-2021 academic year to make up any hours or weeks of clinical experiences, including field experiences, student teaching, and internship placements, that the students miss due to the Director of Health's order under section 3701.13 of the Revised Code "In re: Order the Closure of All K-12 Schools in the State of Ohio" issued on March 14, 2020, or any local board of health order, and any extension of any order, based on the implications of COVID-19 or due to any other closure of schools or implementation of limited hours based on the implications of COVID-19. The alternative experiences, assignments, or instruction shall allow students to demonstrate mastery of the expected outcomes of clinical experiences. The alternative experiences, assignments, or instruction may include virtual learning, designing lessons and units of instruction, selecting and implementing instructional strategies, teaching lessons and content, assessing learning to evaluate student progress and inform instructional decisions, creating a supportive learning environment, managing the classroom effectively, and other appropriate activities. The Department of Higher Education and the Department of Education shall consider a student who successfully completes make up hours or weeks using alternative experiences, assignments, or instruction eligible for licensure and endorsement recommendations in the same manner as a student who completes...
Section 7. (A) As used in this section:

(1)(a) "Occupational license" means any license, certificate, permit, or other authorization issued by a state agency that allows the holder to practice a job or profession.

(b) "Occupational license" does not include a license issued pursuant to rules prescribed under Section 5 of Article IV, Ohio Constitution.

(2) "State agency" has the same meaning as in section 1.60 of the Revised Code.

(3) "Distance education" means continuing education courses in which instruction is accomplished through the use of interactive, electronic media and where the teacher and student are separated by distance or time, or both.

(B)(1) Except as provided in division (B)(2) of this section and notwithstanding any provision of law to the contrary, beginning on the effective date of this section and ending on December 1, 2020, any requirement that a person must complete continuing education to maintain or renew an occupational license is suspended.

(2) Division (B)(1) of this section does not apply if the laws governing the applicable occupational license allow a person to complete continuing education through distance education.

Section 8. Section 4729.41 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 101 and H.B. 541 of the 132nd General Assembly. The General Assembly, applying the principle stated in division (B)
of section 1.52 of the Revised Code that amendments are to be
harmonized if reasonably capable of simultaneous operation,
finds that the composite is the resulting version of the section
in effect prior to the effective date of the section as
presented in this act.

Section 9. This act is hereby declared to be an emergency
measure necessary for the immediate preservation of the public
peace, health, and safety. The reason for such necessity is that
immediate action is crucial to protecting the public health
during an outbreak of COVID-19. Therefore, this act shall go
into immediate effect.