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Senator Manning, Huffman

Cosponsors: Representatives Maag, Rezabek, Gonzales, Amstutz, Anielski, Antonio, Baker, Blessing, Boyce, Boyd, Buchy, Burkley, Conditt, Craig, Derickson, Dever, Dovilla, Gerberry, Ginter, Green, Hackett, Hall, Hambley, Hayes, Howse, Kraus, Kuhns, Leland, McClain, O'Brien, M., Patterson, Pelanda, Perales, Ramos, Reece, Retherford, Rogers, Ryan, Schaffer, Scherer, Sears, Sheehy, Slaby, Smith, R., Stinziano, Strahorn, Terhar, Young, Speaker Rosenberger

Senators Manning, Brown, Tavares, Beagle, Burke, Coley, Eklund, Faber, Gardner, Hite, Hughes, Jones, Jordan, LaRose, Lehner, Patton, Seitz, Uecker

A BILL

To amend sections 4723.06, 4723.063, 4723.08, 1
4723.091, 4723.24, 4723.42, 4723.47, 4729.01, 2
4729.281, and 4729.39 and to enact section 3
4731.74 of the Revised Code regarding the 4
practice of pharmacy under consult agreements, 5
the authority of pharmacists to dispense or sell 6
drugs without a prescription, the authority of 7
physicians to prescribe drugs based on remote 8
examination of patients, and the procedures for 9
renewal of nursing licenses. 10

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

Section 1. That sections 4723.06, 4723.063, 4723.08, 11
4723.091, 4723.24, 4723.42, 4723.47, 4729.01, 4729.281, and 12
4729.39 be amended and section 4731.74 of the Revised Code be 13

enacted to read as follows: 14

Sec. 4723.06. (A) The board of nursing shall: 15

(1) Administer and enforce the provisions of this chapter, 16
including the taking of disciplinary action for violations of 17
section 4723.28 of the Revised Code, any other provisions of 18
this chapter, or rules adopted under this chapter; 19

(2) Develop criteria that an applicant must meet to be 20
eligible to sit for the examination for licensure to practice as 21
a registered nurse or as a licensed practical nurse; 22

(3) Issue and renew nursing licenses, dialysis technician 23
certificates, and community health worker certificates, as 24
provided in this chapter; 25

(4) Define the minimum standards for educational programs 26
of the schools of registered nursing and schools of practical 27
nursing in this state; 28

(5) Survey, inspect, and grant full approval to 29
prelicensure nursing education programs in this state that meet 30
the standards established by rules adopted under section 4723.07 31
of the Revised Code. Prelicensure nursing education programs 32
include, but are not limited to, diploma, associate degree, 33
baccalaureate degree, master's degree, and doctor of nursing 34
programs leading to initial licensure to practice nursing as a 35
registered nurse and practical nurse programs leading to initial 36
licensure to practice nursing as a licensed practical nurse. 37

(6) Grant conditional approval, by a vote of a quorum of 38
the board, to a new prelicensure nursing education program or a 39
program that is being reestablished after having ceased to 40
operate, if the program meets and maintains the minimum 41
standards of the board established by rules adopted under 42

section 4723.07 of the Revised Code. If the board does not grant 43
conditional approval, it shall hold an adjudication under 44
Chapter 119. of the Revised Code to consider conditional 45
approval of the program. If the board grants conditional 46
approval, at the first meeting following completion of the 47
survey process required by division (A) (5) of this section, the 48
board shall determine whether to grant full approval to the 49
program. If the board does not grant full approval or if it 50
appears that the program has failed to meet and maintain 51
standards established by rules adopted under section 4723.07 of 52
the Revised Code, the board shall hold an adjudication under 53
Chapter 119. of the Revised Code to consider the program. Based 54
on results of the adjudication, the board may continue or 55
withdraw conditional approval, or grant full approval. 56

(7) Place on provisional approval, for a period of time 57
specified by the board, a program that has ceased to meet and 58
maintain the minimum standards of the board established by rules 59
adopted under section 4723.07 of the Revised Code. Prior to or 60
at the end of the period, the board shall reconsider whether the 61
program meets the standards and shall grant full approval if it 62
does. If it does not, the board may withdraw approval, pursuant 63
to an adjudication under Chapter 119. of the Revised Code. 64

(8) Approve continuing education programs and courses 65
under standards established in rules adopted under sections 66
4723.07, 4723.69, 4723.79, and 4723.88 of the Revised Code; 67

(9) Establish a program for monitoring chemical dependency 68
in accordance with section 4723.35 of the Revised Code; 69

(10) Establish the practice intervention and improvement 70
program in accordance with section 4723.282 of the Revised Code; 71

(11) Issue and renew certificates of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;	72 73 74 75
(12) Approve under section 4723.46 of the Revised Code national certifying organizations for examination and certification of certified registered nurse anesthetists, clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners;	76 77 78 79 80
(13) Issue and renew certificates to prescribe in accordance with sections 4723.48 and 4723.486 of the Revised Code;	81 82 83
(14) Grant approval to the course of study in advanced pharmacology and related topics required by section 4723.482 of the Revised Code to be eligible for a certificate to prescribe;	84 85 86
(15) Make an annual edition of the formulary established in rules adopted under section 4723.50 of the Revised Code available to the public either in printed form or by electronic means and, as soon as possible after any revision of the formulary becomes effective, make the revision available to the public in printed form or by electronic means;	87 88 89 90 91 92
(16) 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;	93 94 95 96
(17) Make an annual report to the governor, which shall be open for public inspection;	97 98
(18) Maintain and have open for public inspection the following records:	99 100

(a) A record of all its meetings and proceedings;	101
(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 record shall be maintained in a format determined by the board.	102 103 104 105
(c) A list of education and training programs approved by the board.	106 107
(19) Deny approval to a person who submits or causes to be submitted false, misleading, or deceptive statements, information, or documentation to the board in the process of applying for approval of a new education or training program. If the board proposes to deny approval of a new education or training program, it shall do so pursuant to an adjudication conducted under Chapter 119. of the Revised Code.	108 109 110 111 112 113 114
(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.	115 116 117 118 119 120 121 122
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.	123 124 125 126 127 128 129

In addition to approving continuing education programs 130
under division (A) (8) of this section, the board may sponsor 131
continuing education activities that are directly related to the 132
statutes and rules the board enforces. 133

Sec. 4723.063. (A) As used in this section: 134

(1) "Health care facility" means: 135

(a) A hospital registered under section 3701.07 of the 136
Revised Code; 137

(b) A nursing home licensed under section 3721.02 of the 138
Revised Code, or by a political subdivision certified under 139
section 3721.09 of the Revised Code; 140

(c) A county home or a county nursing home as defined in 141
section 5155.31 of the Revised Code that is certified under 142
Title XVIII or XIX of the "Social Security Act," 49 Stat. 620 143
(1935), 42 U.S.C. 301, as amended; 144

(d) A freestanding dialysis center; 145

(e) A freestanding inpatient rehabilitation facility; 146

(f) An ambulatory surgical facility; 147

(g) A freestanding cardiac catheterization facility; 148

(h) A freestanding birthing center; 149

(i) A freestanding or mobile diagnostic imaging center; 150

(j) A freestanding radiation therapy center. 151

(2) "Nurse education program" means a prelicensure nurse 152
education program approved by the board of nursing under section 153
4723.06 of the Revised Code or a postlicensure nurse education 154
program approved by the board of regents under section 3333.04 155

of the Revised Code. 156

(B) The state board of nursing shall establish and 157
administer the nurse education grant program. Under the program, 158
the board shall award grants to nurse education programs that 159
have partnerships with other education programs, community 160
health agencies, health care facilities, or patient centered 161
medical homes. Grant recipients shall use the money to fund 162
partnerships to increase the nurse education program's 163
enrollment capacity. Methods of increasing a program's 164
enrollment capacity may include hiring faculty and preceptors, 165
purchasing educational equipment and materials, and other 166
actions acceptable to the board. Grant money shall not be used 167
to construct or renovate buildings. Partnerships may be 168
developed between one or more nurse education programs and one 169
or more health care facilities. 170

In awarding grants, the board shall give preference to 171
partnerships between nurse education programs and hospitals, 172
nursing homes, and county homes or county nursing homes, but may 173
also award grants to fund partnerships between nurse education 174
programs and other health care facilities and between nurse 175
education programs and patient centered medical homes. 176

(C) The board shall adopt rules in accordance with Chapter 177
119. of the Revised Code establishing the following: 178

(1) Eligibility requirements for receipt of a grant; 179

(2) Grant application forms and procedures; 180

(3) The amounts in which grants may be made and the total 181
amount that may be awarded to a nurse education program that has 182
a partnership with other education programs, a community health 183
agency, a health care facility, or a patient centered medical 184

home;	185
(4) A method whereby the board may evaluate the effectiveness of a partnership between joint recipients in increasing the nurse education program's enrollment capacity;	186 187 188
(5) The percentage of the money in the fund that must remain in the fund at all times to maintain a fiscally responsible fund balance;	189 190 191
(6) The percentage of available grants to be awarded to licensed practical nurse education programs, registered nurse education programs, and graduate programs;	192 193 194
(7) Any other matters incidental to the operation of the program.	195 196
(D) Until December 31, 2023, ten dollars of each biennial nursing license renewal fee collected under section 4723.08 of the Revised Code shall be dedicated to the nurse education grant program fund, which is hereby created in the state treasury. The board shall use money in the fund for grants awarded under division (A) of this section and for expenses of administering the grant program. The amount used for administrative expenses in any year shall not exceed ten per cent of the amount transferred to the fund in that year.	197 198 199 200 201 202 203 204 205
(E) Each quarter, for the purposes of transferring funds to the nurse education grant program, the board of nursing shall certify to the director of budget and management the number of biennial licenses renewed under this chapter during the preceding quarter and the amount equal to that number times ten dollars.	206 207 208 209 210 211
(F) Notwithstanding the requirements of section 4743.05 of the Revised Code, from January 1, 2004, until December 31, 2023,	212 213

at the end of each quarter, the director of budget and 214
management shall transfer from the occupational licensing and 215
regulatory fund to the nurse education grant program fund the 216
amount certified under division (E) of this section. 217

Sec. 4723.08. (A) The board of nursing may impose fees not 218
to exceed the following limits: 219

(1) For application for licensure by examination to 220
practice nursing as a registered nurse or as a licensed 221
practical nurse, seventy-five dollars; 222

(2) For application for licensure by endorsement to 223
practice nursing as a registered nurse or as a licensed 224
practical nurse, seventy-five dollars; 225

(3) For application for a certificate of authority to 226
practice nursing as a certified registered nurse anesthetist, 227
clinical nurse specialist, certified nurse-midwife, or certified 228
nurse practitioner, one hundred dollars; 229

(4) For application for a temporary dialysis technician 230
certificate, the amount specified in rules adopted under section 231
4723.79 of the Revised Code; 232

(5) For application for a dialysis technician certificate, 233
the amount specified in rules adopted under section 4723.79 of 234
the Revised Code; 235

(6) For application for a certificate to prescribe, fifty 236
dollars; 237

(7) For providing, pursuant to division (B) of section 238
4723.271 of the Revised Code, written verification of a nursing 239
license, certificate of authority, certificate to prescribe, 240
dialysis technician certificate, medication aide certificate, or 241

community health worker certificate to another jurisdiction,	242
fifteen dollars;	243
(8) For providing, pursuant to division (A) of section	244
4723.271 of the Revised Code, a replacement copy of a wall	245
certificate suitable for framing as described in that division,	246
twenty-five dollars;	247
(9) For biennial -renewal of a nursing license, sixty-five	248
dollars;	249
(10) For biennial -renewal of a certificate of authority to	250
practice nursing as a certified registered nurse anesthetist,	251
clinical nurse specialist, certified nurse-midwife, or certified	252
nurse practitioner, eighty-five dollars;	253
(11) For renewal of a certificate to prescribe, fifty	254
dollars;	255
(12) For biennial -renewal of a dialysis technician	256
certificate, the amount specified in rules adopted under section	257
4723.79 of the Revised Code;	258
(13) For processing a late application for renewal of a	259
nursing license, certificate of authority, or dialysis	260
technician certificate, fifty dollars;	261
(14) For application for authorization to approve	262
continuing education programs and courses from an applicant	263
accredited by a national accreditation system for nursing, five	264
hundred dollars;	265
(15) For application for authorization to approve	266
continuing education programs and courses from an applicant not	267
accredited by a national accreditation system for nursing, one	268
thousand dollars;	269

(16) For each year for which authorization to approve continuing education programs and courses is renewed, one hundred fifty dollars;	270 271 272
(17) For application for approval to operate a dialysis training program, the amount specified in rules adopted under section 4723.79 of the Revised Code;	273 274 275
(18) For reinstatement of a lapsed license or certificate issued under this chapter, one hundred dollars except as provided in section 5903.10 of the Revised Code;	276 277 278
(19) For processing a check returned to the board by a financial institution, twenty-five dollars;	279 280
(20) The amounts specified in rules adopted under section 4723.88 of the Revised Code pertaining to the issuance of certificates to community health workers, including fees for application for a certificate, biennial -renewal of a certificate, processing a late application for renewal of a certificate, reinstatement of a lapsed certificate, application for approval of a community health worker training program for community health workers, and biennial -renewal of the approval of a training program for community health workers.	281 282 283 284 285 286 287 288 289
(B) Each quarter, for purposes of transferring funds under section 4743.05 of the Revised Code to the nurse education assistance fund created in section 3333.28 of the Revised Code, the board of nursing shall certify to the director of budget and management the number of biennial -licenses renewed under this chapter during the preceding quarter and the amount equal to that number times five dollars.	290 291 292 293 294 295 296
(C) The board may charge a participant in a board-sponsored continuing education activity an amount not exceeding	297 298

fifteen dollars for each activity. 299

(D) The board may contract for services pertaining to the 300
process of providing written verification of a license or 301
certificate when the verification is performed for purposes 302
other than providing verification to another jurisdiction. The 303
contract may include provisions pertaining to the collection of 304
the fee charged for providing the written verification. As part 305
of these provisions, the board may permit the contractor to 306
retain a portion of the fees as compensation, before any amounts 307
are deposited into the state treasury. 308

Sec. 4723.091. (A) An individual who applies for licensure 309
under section 4723.09 of the Revised Code; issuance of a 310
certificate under section 4723.651, 4723.75, 4723.76, or 4723.85 311
of the Revised Code; reactivation of a license, under division 312
(D) of section 4723.24 of the Revised Code, that has been 313
inactive for at least five years; or reinstatement of a license, 314
under division (D) of section 4723.24 of the Revised Code, that 315
has ~~been expired~~ lapsed for at least five years shall submit a 316
request to the bureau of criminal identification and 317
investigation for a criminal records check of the applicant. The 318
request shall be made in accordance with section 109.572 of the 319
Revised Code. 320

(B) An applicant requesting a criminal records check under 321
division (A) of this section shall also ask the superintendent 322
of the bureau of criminal identification and investigation to 323
request that the federal bureau of investigation send to the 324
superintendent any information the federal bureau of 325
investigation has with respect to the applicant. 326

(C) On receipt of all items required for the commencement 327
of a criminal records check pursuant to division (A) of this 328

section, the bureau of criminal identification and investigation 329
shall conduct a criminal records check of the applicant. On the 330
completion of the criminal records check, the bureau shall send 331
the results to the board of nursing. 332

(D) The results of a criminal records check conducted 333
pursuant to a request made under division (A) of this section, 334
and any report containing those results, are not public records 335
for purposes of section 149.43 of the Revised Code and shall not 336
be made available to any person or for any purpose other than 337
the following: 338

(1) The results may be made available to any person for 339
use in determining under section 4723.09, 4723.651, 4723.75, 340
4723.76, or 4723.85 of the Revised Code whether the individual 341
who is the subject of the check should be granted a license or 342
certificate under this chapter or whether any temporary permit 343
granted to the individual under either of the following has 344
terminated automatically: 345

(a) Section 4723.09 of the Revised Code; 346

(b) Section 4723.76 of the Revised Code as that section 347
existed at any time before ~~the effective date of this section~~ 348
March 20, 2013. 349

(2) The results may be made available to any person for 350
use in determining under division (D) of section 4723.24 of the 351
Revised Code whether the individual who is the subject of the 352
check should have the individual's license or certificate 353
reactivated or reinstated. 354

(3) The results may be made available to any person for 355
use in determining under section 4723.28 of the Revised Code 356
whether the individual who is the subject of the check should be 357

subject to disciplinary action in accordance with that section. 358

(4) The results may be made available to the individual 359
who is the subject of the check or that individual's 360
representative. 361

Sec. 4723.24. (A) (1) Except as otherwise specified- 362
provided in this chapter, all of the following apply with 363
respect to the schedules for renewal of licenses and 364
certificates issued by the board of nursing: 365

(a) An active license to practice nursing as a registered 366
nurse is subject to renewal in odd-numbered years. An 367
application for renewal of the license is due on the fifteenth 368
day of September of the renewal year. A late application may be 369
submitted before the license lapses. If a license is not renewed 370
or classified as inactive, the license lapses on the first day 371
of November of the renewal year. 372

(b) An active license to practice nursing as a licensed 373
practical nurse is subject to renewal in even-numbered years. An 374
application for renewal of the license is due on the fifteenth 375
day of September of the renewal year. A late application may be 376
submitted before the license lapses. If a license is not renewed 377
or classified as inactive, the license lapses on the first day 378
of November of the renewal year. 379

(c) All other active licenses and certificates issued 380
under this chapter shall be renewed biennially are subject to 381
renewal according to a schedule established by the board of 382
nursing. The in rules adopted under section 4723.07 of the 383
Revised Code. 384

(2) The board shall provide an application for renewal to 385
every holder of an active license or certificate, except when 386

the board is aware that an individual is ineligible for license 387
or certificate renewal for any reason, including pending 388
criminal charges in this state or another jurisdiction, failure 389
to comply with a disciplinary order from the board or the terms 390
of a consent agreement entered into with the board, failure to 391
pay fines or fees owed to the board, or failure to provide on 392
the board's request documentation of having completed the 393
continuing nursing education requirements specified in division 394
(C) of this section. 395

If the board provides a renewal application by mail, the 396
application shall be addressed to the last known post-office 397
address of the license or certificate holder and mailed before 398
the date ~~specified in the board's schedule~~ the application is 399
due. Failure of the license or certificate holder to receive an 400
application for renewal from the board shall not excuse the 401
holder from the requirements contained in this section, except 402
as provided in section 5903.10 of the Revised Code. 403

~~The~~ (3) A license or certificate holder seeking renewal of 404
the license or certificate shall complete the renewal form 405
application and return-submit it to the board with the renewal 406
fee required by established under section 4723.08 of the Revised 407
Code on or before the date specified by the board. The license- 408
or certificate holder-If a renewal application is submitted 409
after the date the application is due, but before the date the 410
license or certificate lapses, the applicant shall include with 411
the application the fee established under section 4723.08 of the 412
Revised Code for processing a late application for renewal. 413

With the renewal application, the applicant shall report 414
any conviction, plea, or judicial finding regarding a criminal 415
offense that constitutes grounds for the board to impose 416

sanctions under section 4723.28 of the Revised Code since the 417
~~holder~~ applicant last submitted an application to the board. 418

(4) On receipt of the renewal application, the board shall 419
verify whether the applicant meets the renewal requirements. If 420
the applicant meets the requirements, the board shall renew the 421
license or certificate ~~for the following two-year period.~~ 422

~~If a renewal application that meets the renewal 423
requirements is submitted after the date specified in the 424
board's schedule, but before expiration of the license or 425
certificate, the board shall grant a renewal upon payment of the 426
late renewal fee authorized under section 4723.08 of the Revised 427
Code.~~ 428

(B) Every license or certificate holder shall give written 429
notice to the board of any change of name or address within 430
thirty days of the change. The board shall require the holder to 431
document a change of name in a manner acceptable to the board. 432

(C) (1) Except in the case of a first renewal after 433
licensure by examination, to be eligible for renewal of an 434
active license to practice nursing as a registered nurse or 435
licensed practical nurse, each individual who holds an active 436
license shall, in each two-year period specified by the board, 437
complete continuing nursing education as follows: 438

(a) For renewal of a license that was issued for a two- 439
year renewal period, twenty-four hours of continuing nursing 440
education; 441

(b) For renewal of a license that was issued for less than 442
a two-year renewal period, the number of hours of continuing 443
nursing education specified by the board in rules adopted in 444
accordance with Chapter 119. of the Revised Code; 445

(c) Of the hours of continuing nursing education completed 446
in any renewal period, at least one hour of the education must 447
be directly related to the statutes and rules pertaining to the 448
practice of nursing in this state. 449

(2) The board shall adopt rules establishing the procedure 450
for a license holder to certify to the board completion of the 451
required continuing nursing education. The board may conduct a 452
random sample of license holders and require that the license 453
holders included in the sample submit satisfactory documentation 454
of having completed the requirements for continuing nursing 455
education. On the board's request, a license holder included in 456
the sample shall submit the required documentation. 457

(3) An educational activity may be applied toward meeting 458
the continuing nursing education requirement only if it is 459
obtained through a program or course approved by the board or a 460
person the board has authorized to approve continuing nursing 461
education programs and courses. 462

(4) The continuing education required of a certified 463
registered nurse anesthetist, clinical nurse specialist, 464
certified nurse-midwife, or certified nurse practitioner to 465
maintain certification by a national certifying organization 466
shall be applied toward the continuing education requirements 467
for renewal of a license to practice nursing as a registered 468
nurse only if it is obtained through a program or course 469
approved by the board or a person the board has authorized to 470
approve continuing nursing education programs and courses. 471

(D) Except as otherwise provided in section 4723.28 of the 472
Revised Code, an individual who holds an active license to 473
practice nursing as a registered nurse or licensed practical 474
nurse and who does not intend to practice in Ohio may send to 475

the board written notice to that effect on or before the ~~renewal~~ 476
date the license lapses, and the board shall classify the 477
license as inactive. During the period that the license is 478
classified as inactive, the holder may not engage in the 479
practice of nursing in Ohio and is not required to pay the 480
renewal fee. 481

The holder of an inactive license or an individual who has 482
failed to renew the individual's license may have the license 483
reactivated or reinstated upon doing the following, as 484
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

Sec. 4723.42. (A) If the applicant for authorization to 502
practice nursing as a certified registered nurse anesthetist, 503
clinical nurse specialist, certified nurse-midwife, or certified 504

nurse practitioner has met all the requirements of section 505
4723.41 of the Revised Code and has paid the fee required by 506
section 4723.08 of the Revised Code, the board of nursing shall 507
issue its certificate of authority to practice nursing as a 508
certified registered nurse anesthetist, clinical nurse 509
specialist, certified nurse-midwife, or certified nurse 510
practitioner, which shall designate the nursing specialty the 511
nurse is authorized to practice. The certificate entitles its 512
holder to practice nursing in the specialty designated on the 513
certificate. 514

The board shall issue or deny its certificate not later 515
than sixty days after receiving all of the documents required by 516
section 4723.41 of the Revised Code. 517

If an applicant is under investigation for a violation of 518
this chapter, the board shall conclude the investigation not 519
later than ninety days after receipt of all required documents, 520
unless this ninety-day period is extended by written consent of 521
the applicant, or unless the board determines that a substantial 522
question of such a violation exists and the board has notified 523
the applicant in writing of the reasons for the continuation of 524
the investigation. If the board determines that the applicant 525
has not violated this chapter, it shall issue a certificate not 526
later than forty-five days after making that determination. 527

(B) ~~Authorization~~ A certificate of authority to practice 528
nursing as a certified registered nurse anesthetist, clinical 529
nurse specialist, certified nurse-midwife, or certified nurse 530
practitioner ~~shall be renewed biennially according~~ is subject to 531
~~rules and a the same schedule adopted by the board for renewal~~ 532
that applies under section 4723.24 of the Revised Code with 533
respect to a license to practice nursing as a registered nurse. 534

In providing renewal applications to certificate holders, the 535
board shall follow the procedures ~~it follows under that apply~~ 536
under section 4723.24 of the Revised Code ~~in for~~ providing 537
renewal applications to license holders. Failure of the 538
certificate holder to receive an application for renewal from 539
the board does not excuse the holder from the requirements of 540
section 4723.44 of the Revised Code. 541

~~Not later than the date specified by the board, the A~~ 542
certificate holder seeking renewal of the certificate shall 543
complete the renewal ~~form application and return submit~~ it to 544
the board with all of the following: 545

(1) The renewal fee ~~required by established under~~ section 546
4723.08 of the Revised Code and, if the application is submitted 547
after it is due but before the certificate lapses, the fee 548
established under that section for processing a late application 549
for renewal; 550

(2) Documentation satisfactory to the board that the 551
holder has maintained certification in the nursing specialty 552
with a national certifying organization approved by the board 553
under section 4723.46 of the Revised Code; 554

(3) A list of the names and business addresses of the 555
holder's current collaborating physicians and podiatrists, if 556
the holder is a clinical nurse specialist, certified nurse- 557
midwife, or certified nurse practitioner; 558

(4) If the holder's certificate was issued under division 559
(C) of section 4723.41 of the Revised Code, as that division 560
existed at any time before ~~the effective date of this amendment~~ 561
March 20, 2013, documentation satisfactory to the board that the 562
holder has completed continuing education for a clinical nurse 563

specialist as required by rule of the board. 564

On receipt of the renewal application, fees, and 565
documents, the board shall verify that the applicant holds a 566
current license to practice nursing as a registered nurse in 567
this state, and, if it so verifies, shall renew the certificate. 568
~~If an applicant submits the completed renewal application after~~ 569
~~the date specified in the board's schedule, but before the~~ 570
~~expiration of the certificate, the board shall grant a renewal~~ 571
~~when the late renewal fee required by section 4723.08 of the~~ 572
~~Revised Code is paid.~~ 573

(C) An applicant for reinstatement of an expired a 574
certificate that has lapsed shall submit the reinstatement fee, 575
renewal fee, and late renewal fee required by for processing a 576
late application for renewal established under section 4723.08 577
of the Revised Code. ~~Any holder of a~~ 578

(D) An individual who holds an active certificate who 579
desires inactive status shall give and does not intend to 580
practice in this state may send to the board written notice to 581
that effect on or before the date the certificate lapses, and 582
the board shall classify the certificate as inactive. 583

Sec. 4723.47. (A) If a certified registered nurse 584
anesthetist's, clinical nurse specialist's, certified nurse- 585
midwife's, or certified nurse practitioner's license to practice 586
nursing as a registered nurse ~~expires~~ lapses for failure to 587
renew under section 4723.24 of the Revised Code, the nurse's 588
certificate of authority to practice nursing as a certified 589
registered nurse anesthetist, clinical nurse specialist, 590
certified nurse-midwife, or certified nurse practitioner is 591
lapsed until the license is reinstated. If the license is 592
revoked under section 4723.28 or 4723.281 of the Revised Code, 593

the nurse's certificate of authority is automatically revoked. 594
If the license is suspended under either section, the nurse's 595
certificate of authority is automatically suspended while the 596
license remains suspended. If the license is classified as 597
inactive under section 4723.24 of the Revised Code, the nurse's 598
certificate of authority is automatically classified as inactive 599
while the license remains inactive. 600

(B) If a clinical nurse specialist, certified nurse- 601
midwife, or certified nurse practitioner holds a certificate to 602
prescribe issued under section 4723.48 of the Revised Code and 603
the nurse's certificate of authority to practice as a clinical 604
nurse specialist, certified nurse-midwife, or certified nurse 605
practitioner ~~expires~~ lapses for failure to renew under section 606
4723.41 of the Revised Code, the nurse's certificate to 607
prescribe is lapsed until the certificate of authority is 608
reinstated. If the certificate of authority becomes inactive in 609
accordance with section 4723.42 of the Revised Code, the nurse's 610
certificate to prescribe is lapsed until the certificate of 611
authority becomes active. If the certificate of authority is 612
revoked under section 4723.28 or 4723.281 of the Revised Code, 613
the nurse's certificate to prescribe is automatically revoked. 614
If the certificate of authority is suspended under either 615
section, the nurse's certificate to prescribe is automatically 616
suspended while the certificate of authority remains suspended. 617
If a restriction is placed on the certificate of authority under 618
section 4723.28 of the Revised Code, the same restriction is 619
placed on the nurse's certificate to prescribe while the 620
certificate of authority remains restricted. 621

Sec. 4729.01. As used in this chapter: 622

(A) "Pharmacy," except when used in a context that refers 623

to the practice of pharmacy, means any area, room, rooms, place 624
of business, department, or portion of any of the foregoing 625
where the practice of pharmacy is conducted. 626

(B) "Practice of pharmacy" means providing pharmacist care 627
requiring specialized knowledge, judgment, and skill derived 628
from the principles of biological, chemical, behavioral, social, 629
pharmaceutical, and clinical sciences. As used in this division, 630
"pharmacist care" includes the following: 631

(1) Interpreting prescriptions; 632

(2) Dispensing drugs and drug therapy related devices; 633

(3) Compounding drugs; 634

(4) Counseling individuals with regard to their drug 635
therapy, recommending drug therapy related devices, and 636
assisting in the selection of drugs and appliances for treatment 637
of common diseases and injuries and providing instruction in the 638
proper use of the drugs and appliances; 639

(5) Performing drug regimen reviews with individuals by 640
discussing all of the drugs that the individual is taking and 641
explaining the interactions of the drugs; 642

(6) Performing drug utilization reviews with licensed 643
health professionals authorized to prescribe drugs when the 644
pharmacist determines that an individual with a prescription has 645
a drug regimen that warrants additional discussion with the 646
prescriber; 647

(7) Advising an individual and the health care 648
professionals treating an individual with regard to the 649
individual's drug therapy; 650

(8) Acting pursuant to a consult agreement with a- 651

~~physician one or more physicians~~ authorized under Chapter 4731. 652
of the Revised Code to practice medicine and surgery or 653
osteopathic medicine and surgery, if an agreement has been 654
established ~~with the physician;~~ 655

(9) Engaging in the administration of immunizations to the 656
extent authorized by section 4729.41 of the Revised Code. 657

(C) "Compounding" means the preparation, mixing, 658
assembling, packaging, and labeling of one or more drugs in any 659
of the following circumstances: 660

(1) Pursuant to a prescription issued by a licensed health 661
professional authorized to prescribe drugs; 662

(2) Pursuant to the modification of a prescription made in 663
accordance with a consult agreement; 664

(3) As an incident to research, teaching activities, or 665
chemical analysis; 666

(4) In anticipation of orders for drugs pursuant to 667
prescriptions, based on routine, regularly observed dispensing 668
patterns; 669

(5) Pursuant to a request made by a licensed health 670
professional authorized to prescribe drugs for a drug that is to 671
be used by the professional for the purpose of direct 672
administration to patients in the course of the professional's 673
practice, if all of the following apply: 674

(a) At the time the request is made, the drug is not 675
commercially available regardless of the reason that the drug is 676
not available, including the absence of a manufacturer for the 677
drug or the lack of a readily available supply of the drug from 678
a manufacturer. 679

(b) A limited quantity of the drug is compounded and 680
provided to the professional. 681

(c) The drug is compounded and provided to the 682
professional as an occasional exception to the normal practice 683
of dispensing drugs pursuant to patient-specific prescriptions. 684

(D) "Consult agreement" means an agreement ~~to manage an~~ 685
~~individual's drug therapy~~ that has been entered into ~~by a~~ 686
~~pharmacist and a physician authorized under Chapter 4731. of the~~ 687
~~Revised Code to practice medicine and surgery or osteopathic~~ 688
~~medicine and surgery under section 4729.39 of the Revised Code.~~ 689

(E) "Drug" means: 690

(1) Any article recognized in the United States 691
pharmacopoeia and national formulary, or any supplement to them, 692
intended for use in the diagnosis, cure, mitigation, treatment, 693
or prevention of disease in humans or animals; 694

(2) Any other article intended for use in the diagnosis, 695
cure, mitigation, treatment, or prevention of disease in humans 696
or animals; 697

(3) Any article, other than food, intended to affect the 698
structure or any function of the body of humans or animals; 699

(4) Any article intended for use as a component of any 700
article specified in division (E) (1), (2), or (3) of this 701
section; but does not include devices or their components, 702
parts, or accessories. 703

(F) "Dangerous drug" means any of the following: 704

(1) Any drug to which either of the following applies: 705

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 706

Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 707
required to bear a label containing the legend "Caution: Federal 708
law prohibits dispensing without prescription" or "Caution: 709
Federal law restricts this drug to use by or on the order of a 710
licensed veterinarian" or any similar restrictive statement, or 711
the drug may be dispensed only upon a prescription; 712

(b) Under Chapter 3715. or 3719. of the Revised Code, the 713
drug may be dispensed only upon a prescription. 714

(2) Any drug that contains a schedule V controlled 715
substance and that is exempt from Chapter 3719. of the Revised 716
Code or to which that chapter does not apply; 717

(3) Any drug intended for administration by injection into 718
the human body other than through a natural orifice of the human 719
body. 720

(G) "Federal drug abuse control laws" has the same meaning 721
as in section 3719.01 of the Revised Code. 722

(H) "Prescription" means both of the following: 723

(1) A written, electronic, or oral order for drugs or 724
combinations or mixtures of drugs to be used by a particular 725
individual or for treating a particular animal, issued by a 726
licensed health professional authorized to prescribe drugs; 727

(2) For purposes of ~~section~~ sections 2925.61, 4723.488, 728
4729.44, 4730.431, and 4731.94 of the Revised Code, a written, 729
electronic, or oral order for naloxone issued to and in the name 730
of a family member, friend, or other individual in a position to 731
assist an individual who there is reason to believe is at risk 732
of experiencing an opioid-related overdose. 733

(I) "Licensed health professional authorized to prescribe 734

drugs" or "prescriber" means an individual who is authorized by 735
law to prescribe drugs or dangerous drugs or drug therapy 736
related devices in the course of the individual's professional 737
practice, including only the following: 738

(1) A dentist licensed under Chapter 4715. of the Revised 739
Code; 740

(2) A clinical nurse specialist, certified nurse-midwife, 741
or certified nurse practitioner who holds a certificate to 742
prescribe issued under section 4723.48 of the Revised Code; 743

(3) An optometrist licensed under Chapter 4725. of the 744
Revised Code to practice optometry under a therapeutic 745
pharmaceutical agents certificate; 746

(4) A physician authorized under Chapter 4731. of the 747
Revised Code to practice medicine and surgery, osteopathic 748
medicine and surgery, or podiatric medicine and surgery; 749

(5) A physician assistant who holds a license to practice 750
as a physician assistant issued under Chapter 4730. of the 751
Revised Code, holds a valid prescriber number issued by the 752
state medical board, and has been granted physician-delegated 753
prescriptive authority; 754

(6) A veterinarian licensed under Chapter 4741. of the 755
Revised Code. 756

(J) "Sale" and "sell" include delivery, transfer, barter, 757
exchange, or gift, or offer therefor, and each such transaction 758
made by any person, whether as principal proprietor, agent, or 759
employee. 760

(K) "Wholesale sale" and "sale at wholesale" mean any sale 761
in which the purpose of the purchaser is to resell the article 762

purchased or received by the purchaser. 763

(L) "Retail sale" and "sale at retail" mean any sale other 764
than a wholesale sale or sale at wholesale. 765

(M) "Retail seller" means any person that sells any 766
dangerous drug to consumers without assuming control over and 767
responsibility for its administration. Mere advice or 768
instructions regarding administration do not constitute control 769
or establish responsibility. 770

(N) "Price information" means the price charged for a 771
prescription for a particular drug product and, in an easily 772
understandable manner, all of the following: 773

(1) The proprietary name of the drug product; 774

(2) The established (generic) name of the drug product; 775

(3) The strength of the drug product if the product 776
contains a single active ingredient or if the drug product 777
contains more than one active ingredient and a relevant strength 778
can be associated with the product without indicating each 779
active ingredient. The established name and quantity of each 780
active ingredient are required if such a relevant strength 781
cannot be so associated with a drug product containing more than 782
one ingredient. 783

(4) The dosage form; 784

(5) The price charged for a specific quantity of the drug 785
product. The stated price shall include all charges to the 786
consumer, including, but not limited to, the cost of the drug 787
product, professional fees, handling fees, if any, and a 788
statement identifying professional services routinely furnished 789
by the pharmacy. Any mailing fees and delivery fees may be 790

stated separately without repetition. The information shall not 791
be false or misleading. 792

(O) "Wholesale distributor of dangerous drugs" means a 793
person engaged in the sale of dangerous drugs at wholesale and 794
includes any agent or employee of such a person authorized by 795
the person to engage in the sale of dangerous drugs at 796
wholesale. 797

(P) "Manufacturer of dangerous drugs" means a person, 798
other than a pharmacist, who manufactures dangerous drugs and 799
who is engaged in the sale of those dangerous drugs within this 800
state. 801

(Q) "Terminal distributor of dangerous drugs" means a 802
person who is engaged in the sale of dangerous drugs at retail, 803
or any person, other than a wholesale distributor or a 804
pharmacist, who has possession, custody, or control of dangerous 805
drugs for any purpose other than for that person's own use and 806
consumption, and includes pharmacies, hospitals, nursing homes, 807
and laboratories and all other persons who procure dangerous 808
drugs for sale or other distribution by or under the supervision 809
of a pharmacist or licensed health professional authorized to 810
prescribe drugs. 811

(R) "Promote to the public" means disseminating a 812
representation to the public in any manner or by any means, 813
other than by labeling, for the purpose of inducing, or that is 814
likely to induce, directly or indirectly, the purchase of a 815
dangerous drug at retail. 816

(S) "Person" includes any individual, partnership, 817
association, limited liability company, or corporation, the 818
state, any political subdivision of the state, and any district, 819

department, or agency of the state or its political 820
subdivisions. 821

(T) "Finished dosage form" has the same meaning as in 822
section 3715.01 of the Revised Code. 823

(U) "Generically equivalent drug" has the same meaning as 824
in section 3715.01 of the Revised Code. 825

(V) "Animal shelter" means a facility operated by a humane 826
society or any society organized under Chapter 1717. of the 827
Revised Code or a dog pound operated pursuant to Chapter 955. of 828
the Revised Code. 829

(W) "Food" has the same meaning as in section 3715.01 of 830
the Revised Code. 831

(X) "Pain management clinic" has the same meaning as in 832
section 4731.054 of the Revised Code. 833

Sec. 4729.281. (A) A pharmacist may dispense or sell a 834
dangerous drug, other than a schedule II controlled substance as 835
defined in section 3719.01 of the Revised Code, without a 836
written or oral prescription from a licensed health professional 837
authorized to prescribe drugs if all of the following conditions 838
are met: 839

(1) The pharmacy at which the pharmacist works has a 840
record of a prescription for the drug in the name of the patient 841
who is requesting it, but the prescription does not provide for 842
a refill or the time permitted by rules adopted by the state 843
board of pharmacy for providing refills has elapsed. 844

(2) The pharmacist is unable to obtain authorization to 845
refill the prescription from the health care professional who 846
issued the prescription or another health professional 847

responsible for the patient's care. 848

(3) In the exercise of the pharmacist's professional 849
judgment: 850

(a) The drug is essential to sustain the life of the 851
patient or continue therapy for a chronic condition of the 852
patient. 853

(b) Failure to dispense or sell the drug to the patient 854
could result in harm to the health of the patient. 855

(4) ~~The (a)~~ Except as provided in division (A) (4) (b) of 856
this section, the amount of the drug that is dispensed or sold 857
under this section does not exceed a seventy-two-hour supply as 858
provided in the prescription. 859

(b) (i) Subject to division (A) (4) (b) (ii) of this section, 860
if the drug sold or dispensed under this section is not a 861
controlled substance and the patient has been on a consistent 862
drug therapy as demonstrated by records maintained by a 863
pharmacy, the amount of the drug dispensed or sold does not 864
exceed a thirty-day supply as provided in the prescription or, 865
if the standard unit of dispensing for the drug exceeds a 866
thirty-day supply, the amount of the drug dispensed or sold does 867
not exceed the standard unit of dispensing. 868

(ii) A pharmacist shall not dispense or sell a particular 869
drug to the same patient in an amount described in division (A) 870
(4) (b) (i) of this section more than once in any twelve-month 871
period. 872

(B) A pharmacist who dispenses or sells a drug under this 873
section shall do all of the following: 874

(1) For one year after the date of dispensing or sale, 875

maintain a record in accordance with this chapter of the drug 876
dispensed or sold, including the name and address of the patient 877
and the individual receiving the drug, if the individual 878
receiving the drug is not the patient, the amount dispensed or 879
sold, and the original prescription number; 880

(2) Notify the health professional who issued the 881
prescription described in division (A) (1) of this section or 882
another health professional responsible for the patient's care 883
not later than seventy-two hours after the drug is sold or 884
dispensed; 885

(3) If applicable, obtain authorization for additional 886
dispensing from one of the health professionals described in 887
division (B) (2) of this section. 888

(C) A pharmacist who dispenses or sells a drug under this 889
section may do so once for each prescription described in 890
division (A) (1) of this section. 891

Sec. 4729.39. (A) ~~A pharmacist~~ One or more pharmacists may 892
enter into a consult agreement with ~~a physician~~ one or more 893
physicians authorized under Chapter 4731. of the Revised Code to 894
practice medicine and surgery or osteopathic medicine and 895
surgery if all of the following conditions are met: 896

(1) Each physician has an ongoing physician-patient 897
relationship with each patient whose drug therapy is being 898
managed. 899

(2) The diagnosis for which each patient has been 900
prescribed drug therapy is within the scope of each physician's 901
practice. 902

(3) Each pharmacist has training and experience related to 903
the particular diagnosis for which drug therapy is prescribed. 904

Under (B) With respect to consult agreements, all of the 905
following apply: 906

(1) Under a consult agreement, a pharmacist is authorized 907
to manage an individual's drug therapy do both of the following, 908
but only to the extent specified in the agreement, this section, 909
and the rules adopted under this section: 910

(a) Manage drug therapy for treatment of specified 911
diagnoses or diseases for each patient who is subject to the 912
agreement, including all of the following: 913

(i) Changing the duration of treatment for the current 914
drug therapy; 915

(ii) Adjusting a drug's strength, dose, dosage form, 916
frequency, administration, or route of administration; 917

(iii) Discontinuing the use of a drug; 918

(iv) Administering a drug; 919

(v) Notwithstanding the definition of "licensed health 920
professional authorized to prescribe drugs" in section 4729.01 921
of the Revised Code, adding a drug to the patient's drug 922
therapy. 923

(b) (i) Order blood and urine tests and, in accordance with 924
practice protocols that are part of the consult agreement, 925
evaluate results related to the drug therapy being managed. 926

(ii) A pharmacist's authority to evaluate blood and urine 927
tests under division (B) (1) (b) (i) of this section does not 928
authorize the pharmacist to make a diagnosis. 929

~~(B) All of the following apply to a consult agreement that~~ 930
~~authorizes a pharmacist to manage the drug therapy of an~~ 931

~~individual who is not a patient of a hospital, as defined in~~ 932
~~section 3727.01 of the Revised Code, or a resident in a long-~~ 933
~~term care facility, as defined in section 3729.01 of the Revised~~ 934
~~Code:~~ 935

~~(1) A separate consult agreement must be entered into for~~ 936
~~each individual whose drug therapy is to be managed by a~~ 937
~~pharmacist. A consult agreement applies only to the particular~~ 938
~~diagnosis for which a physician prescribed an individual's drug~~ 939
~~therapy. If a different diagnosis is made for the individual,~~ 940
~~the pharmacist and physician must enter into a new or additional~~ 941
~~consult agreement.~~ 942

~~(2) Management of an individual's drug therapy by a~~ 943
~~pharmacist under a consult agreement may include monitoring and~~ 944
~~modifying a prescription that has been issued for the~~ 945
~~individual. Except as provided in section 4729.38 of the Revised~~ 946
~~Code for the selection of generically equivalent drugs,~~ 947
~~management of an individual's drug therapy by a pharmacist under~~ 948
~~a consult agreement shall not include dispensing a drug that has~~ 949
~~not been prescribed by the physician.~~ 950

~~(3) Each consult agreement shall be in writing, except~~ 951
~~that a consult agreement may be entered into verbally if it is~~ 952
~~immediately reduced to writing.~~ 953

~~(4) A physician entering into a consult agreement shall~~ 954
~~specify in the agreement the extent to which the pharmacist is~~ 955
~~authorized to manage the drug therapy of the individual~~ 956
~~specified in the agreement.~~ 957

~~(5) A physician entering into a consult agreement may~~ 958
~~specify one other physician who has agreed to serve as an~~ 959
~~alternate physician in the event that the primary physician is~~ 960

~~unavailable to consult directly with the pharmacist. The 961
pharmacist may specify one other pharmacist who has agreed to 962
serve as an alternate pharmacist in the event that the primary 963
pharmacist is unavailable to consult directly with the 964
physician. 965~~

~~(6) A consult agreement may not be implemented until it 966
has been signed by the primary pharmacist, the primary 967
physician, and the individual whose drug therapy will be managed 968
or another person who has the authority to provide consent to 969
treatment on behalf of the individual. Once the agreement is 970
signed by all required parties, the physician shall include in 971
the individual's medical record the fact that a consult 972
agreement has been entered into with a pharmacist. 973~~

~~(7) Prior to commencing any action to manage an 974
individual's drug therapy under a consult agreement, the 975
pharmacist shall make reasonable attempts to contact and confer 976
with the physician who entered into the consult agreement with 977
the pharmacist. A pharmacist may commence an action to manage an 978
individual's drug therapy prior to conferring with the physician 979
or the physician's alternate, but shall immediately cease the 980
action that was commenced if the pharmacist has not conferred 981
with either physician within forty-eight hours. 982~~

~~A pharmacist acting under a consult agreement shall 983
maintain a record of each action taken to manage an individual's 984
drug therapy. The pharmacist shall send to the individual's 985
physician a written report of all actions taken to manage the 986
individual's drug therapy at intervals the physician shall 987
specify when entering into the agreement. The physician shall 988
include the pharmacist's report in the medical records the 989
physician maintains for the individual. 990~~

~~(8)~~(2) (a) A consult agreement, or the portion of the 991
agreement that applies to a particular patient, may be 992
terminated by ~~either the~~ any of the following: 993

(i) A pharmacist ~~or~~ who entered into the agreement; 994

(ii) A physician who entered into the agreement. ~~By~~ 995
~~withdrawing consent, the individual;~~ 996

(iii) A patient whose drug therapy is being managed ~~or~~ 997
~~the;~~ 998

(iv) An individual who consented to the treatment on 999
behalf of ~~the individual may terminate a consult agreement a~~ 1000
patient or an individual authorized to act on behalf of a 1001
patient. 1002

~~The~~ (b) The pharmacist or physician who receives the 1003
individual's withdrawal of consent notice of a patient's 1004
termination of the agreement shall provide written notice to the 1005
~~opposite party~~ every other pharmacist or physician who is a 1006
party to the agreement. A pharmacist or physician who terminates 1007
a consult agreement with regard to one or more patients shall 1008
provide written notice to ~~the opposite party~~ all other 1009
pharmacists and physicians who entered into the agreement and to 1010
~~the~~ each individual who consented to treatment under the 1011
agreement. The termination of a consult agreement with regard to 1012
one or more patients shall be recorded by the pharmacist and 1013
physician in the medical records ~~they maintain on the individual~~ 1014
~~being treated~~ of each patient to whom the termination applies. 1015

~~(9) Except as described in division (B) (5) of this~~ 1016
~~section, the authority of a pharmacist to manage an individual's~~ 1017
~~drug therapy under a consult agreement does not permit the~~ 1018
~~pharmacist to manage drug therapy prescribed by any other~~ 1019

~~physician.~~ 1020

~~(C) All of the following apply to a consult agreement that authorizes a pharmacist to manage the drug therapy of an individual who is a patient of a hospital, as defined in section 3727.01 of the Revised Code, or a resident in a long term care facility, as defined in section 3729.01 of the Revised Code:~~ 1021
1022
1023
1024
1025

~~(1) Before a consult agreement may be entered into and implemented, a hospital or long term care facility shall adopt a policy for consult agreements. For any period of time during which a pharmacist or physician acting under a consult agreement is not physically present and available at the hospital or facility, the policy shall require that another pharmacist and physician be available at the hospital or facility.~~ 1026
1027
1028
1029
1030
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1032

~~(2) The~~ (3) A consult agreement shall be made in writing and shall ~~comply with the hospital's or facility's policy on~~ consult agreements include all of the following: 1033
1034
1035

(a) The diagnoses and diseases being managed under the agreement, including whether each disease is primary or comorbid; 1036
1037
1038

(b) Practice protocols; 1039

(c) A description of the drug therapy management protocols. 1040
1041

~~(3)~~ (4) The content of ~~the~~ a consult agreement shall be communicated to ~~the individual~~ each patient whose drug therapy will be is managed ~~in a manner consistent with the hospital's or facility's policy on consult agreements~~ under the agreement. 1042
1043
1044
1045

~~(4)~~ (5) A pharmacist acting under a consult agreement shall maintain ~~in the individual's medical record~~ a record of 1046
1047

each action taken for each patient whose drug therapy is managed 1048
under the agreement. 1049

~~(5)~~ (6) Communication between a pharmacist and physician 1050
acting under ~~the~~ a consult agreement shall take place at regular 1051
intervals specified by the primary physician acting under the 1052
agreement. The agreement may include a requirement that a 1053
pharmacist send a consult report to each consulting physician. 1054

~~(6)~~ A consult agreement may be terminated by the 1055
individual, a person authorized to act on behalf of the 1056
individual, the primary physician acting under the agreement, or 1057
the primary pharmacist acting under the agreement. When a 1058
consult agreement is terminated, all parties to the agreement 1059
shall be notified and the termination shall be recorded in the 1060
individual's medical record. 1061

~~(7)~~ The authority of a pharmacist acting under a A consult 1062
agreement is effective for two years and may be renewed if the 1063
conditions specified in division (A) of this section are met. 1064

(8) A consult agreement does not permit ~~the~~ a pharmacist 1065
to act under the agreement in a hospital long-term care facility 1066
at which the pharmacist is not authorized to practice manage drug 1067
therapy prescribed by a physician who has not entered into the 1068
agreement. 1069

~~(D)~~ (C) The state board of pharmacy, in consultation with 1070
the state medical board, shall adopt rules to be followed by 1071
pharmacists, and the state medical board, in consultation with 1072
the state board of pharmacy, shall adopt rules to be followed by 1073
physicians, that establish standards and procedures for entering 1074
into a consult agreement and managing ~~an individual's~~ a 1075
patient's drug therapy under a consult agreement. The boards 1076

shall specify in the rules any categories of drugs or types of 1077
diseases for which a consult agreement may not be established. 1078
Either board may adopt any other rules it considers necessary 1079
for the implementation and administration of this section. All 1080
rules adopted under this division shall be adopted in accordance 1081
with Chapter 119. of the Revised Code. 1082

(D) (1) Subject to division (D) (2) of this section, both of 1083
the following apply: 1084

(a) A pharmacist is not liable in damages in a tort or 1085
other civil action for injury or loss to person or property 1086
allegedly arising from a physician's change in a drug for a 1087
patient whose drug therapy the pharmacist is managing under a 1088
consult agreement. 1089

(b) A physician is not liable in damages in a tort or 1090
other civil action for injury or loss to person or property 1091
allegedly arising from a pharmacist's change in a drug for a 1092
patient whose drug therapy the pharmacist is managing under a 1093
consult agreement unless the physician authorized the specific 1094
change in the drug. 1095

(2) Division (D) (1) of this section does not limit a 1096
physician's or pharmacist's liability in damages in a tort or 1097
other civil action for injury or loss to person or property 1098
allegedly arising from actions that are not related to the 1099
physician's or pharmacist's change in a drug for a patient whose 1100
drug therapy is being managed under a consult agreement. 1101

Sec. 4731.74. (A) As used in this section: 1102

(1) "Controlled substance" has the same meaning as in 1103
section 3719.01 of the Revised Code. 1104

(2) "Drug" and "prescription" have the same meanings as in 1105

section 4729.01 of the Revised Code. 1106

(3) "Physician" means an individual authorized under this 1107
chapter to practice medicine and surgery, osteopathic medicine 1108
and surgery, or podiatric medicine and surgery. 1109

(B) The state medical board shall adopt rules governing 1110
the requirements for a physician to prescribe, personally 1111
furnish, otherwise provide, or cause to be provided a 1112
prescription drug to a person on whom the physician has never 1113
conducted a physical examination and who is at a location remote 1114
from the physician. 1115

(1) Regarding prescription drugs that are not controlled 1116
substances, the rules shall authorize a physician to establish a 1117
physician-patient relationship by the use of appropriate 1118
technology that permits, in a manner that is consistent with the 1119
minimal standard of care for in-person care by a physician, a 1120
medical evaluation and the collection of relevant clinical 1121
history as needed to establish a diagnosis, identify any 1122
underlying conditions, and identify any contraindications to the 1123
treatment that is recommended or provided. 1124

(2) Regarding prescription drugs that are controlled 1125
substances, the rules shall establish standards that are 1126
consistent with federal law. 1127

(C) The board shall adopt initial rules for purposes of 1128
this section not later than one year after the effective date of 1129
this section. All rules adopted under this section shall be 1130
adopted in accordance with Chapter 119. of the Revised Code. 1131

Section 2. That existing sections 4723.06, 4723.063, 1132
4723.08, 4723.091, 4723.24, 4723.42, 4723.47, 4729.01, 4729.281, 1133
and 4729.39 of the Revised Code are hereby repealed. 1134

Section 3. The amendment of section 4723.063 of the Revised Code by this act is not intended to supersede the earlier repeal, with delayed effective date, of that section by Sub. H.B. 303 of the 129th General Assembly.

Section 4. Section 4729.01 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 4 and Sub. S.B. 110 of the 131st 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.