

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 541

Representatives Patterson, LaTourette

Cosponsors: Representatives Becker, Brown, Riedel, O'Brien, Seitz

A BILL

To amend sections 4715.09, 4715.20, 4723.32, 1
4725.26, 4725.59, 4730.02, 4731.41, 4731.43, and 2
4731.60 of the Revised Code to authorize health 3
professionals licensed in other states to 4
provide volunteer health services during 5
charitable events. 6

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

Section 1. That sections 4715.09, 4715.20, 4723.32, 7
4725.26, 4725.59, 4730.02, 4731.41, 4731.43, and 4731.60 of the 8
Revised Code be amended to read as follows: 9

Sec. 4715.09. (A) No person shall practice dentistry 10
without a current license from the state dental board. No person 11
shall practice dentistry while the person's license is under 12
suspension by the state dental board. 13

(B) No dentist shall use the services of any person not 14
licensed to practice dentistry in this state, or the services of 15
any partnership, corporation, or association, to construct, 16
alter, repair, or duplicate any denture, plate, bridge, splint, 17
or orthodontic or prosthetic appliance, without first furnishing 18

the unlicensed person, partnership, corporation, or association 19
with a written work authorization on forms prescribed by the 20
state dental board. 21

The unlicensed person, partnership, corporation, or 22
association shall retain the original work authorization, and 23
the dentist shall retain a duplicate copy of the work 24
authorization, for two years from its date. Work authorizations 25
required by this section shall be open for inspection during the 26
two-year period by the state dental board, its authorized agent, 27
or the prosecuting attorney of a county or the director of law 28
of a municipal corporation wherein the work authorizations are 29
located. 30

(C) If the person, partnership, association, or 31
corporation receiving a written authorization from a licensed 32
dentist engages another person, firm, or corporation, referred 33
to in this division as "subcontractor," to perform some of the 34
services relative to the work authorization, ~~he or it~~ the person 35
shall furnish a written sub-work authorization with respect 36
thereto on forms prescribed by the state dental board. 37

The subcontractor shall retain the sub-work authorization 38
and the issuer thereof shall retain a duplicate copy, attached 39
to the work authorization received from the licensed dentist, 40
for inspection by the state dental board or its duly authorized 41
agents, for a period of two years in both cases. 42

(D) No unlicensed person, partnership, association, or 43
corporation shall perform any service described in division (B) 44
of this section without a written work authorization from a 45
licensed dentist. Provided, that if a written work authorization 46
is demanded from a licensed dentist who fails or refuses to 47
furnish it for any reason, the unlicensed person, partnership, 48

association, or corporation shall not, in such event, be subject 49
to the enforcement provisions of section 4715.05 or the penal 50
provisions of section 4715.99 of the Revised Code. 51

(E) No dentist shall employ or use conscious intravenous 52
sedation unless the dentist possesses a valid permit issued by 53
the state dental board authorizing ~~him~~ the dentist to do so. 54

(F) This section does not apply to a person who meets both 55
of the following: 56

(1) The person has a license in good standing to practice 57
dentistry issued by another state. 58

(2) The person is practicing as a volunteer without 59
remuneration during a charitable event that lasts not more than 60
seven days. 61

When a person meets the requirements of this division, the 62
person's scope of practice is limited to the procedures that a 63
dentist licensed under this chapter is authorized to perform. 64

Sec. 4715.20. No person shall practice as a dental 65
hygienist except ~~a~~ as follows: 66

(A) A licensed dentist ~~or one~~; 67

(B) One who has obtained a license from the state dental 68
board to practice as a dental hygienist; 69

(C) One who has obtained a license from another state to 70
practice as a dental hygienist and is practicing as a volunteer 71
without remuneration during a charitable event that lasts not 72
more than seven days. 73

In the case of a person described in division (C) of this 74
section, the person's scope of practice is limited to the 75

procedures that a dental hygienist licensed under this chapter 76
is authorized to perform. 77

Sec. 4723.32. This chapter does not prohibit any of the 78
following: 79

(A) The practice of nursing by a student currently 80
enrolled in and actively pursuing completion of a prelicensure 81
nursing education program, if all of the following are the case: 82

(1) The student is participating in a program located in 83
this state and approved by the board of nursing or participating 84
in this state in a component of a program located in another 85
jurisdiction and approved by a board that is a member of the 86
national council of state boards of nursing; 87

(2) The student's practice is under the auspices of the 88
program; 89

(3) The student acts under the supervision of a registered 90
nurse serving for the program as a faculty member or teaching 91
assistant. 92

(B) The rendering of medical assistance to a licensed 93
physician, licensed dentist, or licensed podiatrist by a person 94
under the direction, supervision, and control of such licensed 95
physician, dentist, or podiatrist; 96

(C) The activities of persons employed as nursing aides, 97
attendants, orderlies, or other auxiliary workers in patient 98
homes, nurseries, nursing homes, hospitals, home health 99
agencies, or other similar institutions; 100

(D) The provision of nursing services to family members or 101
in emergency situations; 102

(E) The care of the sick when done in connection with the 103

practice of religious tenets of any church and by or for its	104
members;	105
(F) The practice of nursing as an advanced practice	106
registered nurse by a student currently enrolled in and actively	107
pursuing completion of a program of study leading to initial	108
authorization by the board of nursing to practice nursing as an	109
advanced practice registered nurse in a designated specialty, if	110
all of the following are the case:	111
(1) The program qualifies the student to sit for the	112
examination of a national certifying organization approved by	113
the board under section 4723.46 of the Revised Code or the	114
program prepares the student to receive a master's or doctoral	115
degree in accordance with division (A) (2) of section 4723.41 of	116
the Revised Code;	117
(2) The student's practice is under the auspices of the	118
program;	119
(3) The student acts under the supervision of an advanced	120
practice registered nurse serving for the program as a faculty	121
member, teaching assistant, or preceptor.	122
(G) The activities of an individual who currently holds a	123
license to practice nursing or equivalent authorization from	124
another jurisdiction, if the individual's authority to practice	125
has not been revoked, the individual is not currently under	126
suspension or on probation, the individual does not represent	127
the individual as being licensed under this chapter, and one of	128
the following is the case:	129
(1) The individual is engaging in the practice of nursing	130
by discharging official duties while employed by or under	131
contract with the United States government or any agency	132

thereof;	133
(2) The individual is engaging in the practice of nursing	134
as an employee of an individual, agency, or corporation located	135
in the other jurisdiction in a position with employment	136
responsibilities that include transporting patients into, out	137
of, or through this state, as long as each trip in this state	138
does not exceed seventy-two hours;	139
(3) The individual is consulting with an individual	140
licensed in this state to practice any health-related	141
profession;	142
(4) The individual is engaging in activities associated	143
with teaching in this state as a guest lecturer at or for a	144
nursing education program, continuing nursing education program,	145
or in-service presentation;	146
(5) The individual is conducting evaluations of nursing	147
care that are undertaken on behalf of an accrediting	148
organization, including the national league for nursing	149
accrediting committee, the joint commission on accreditation of	150
healthcare organizations, or any other nationally recognized	151
accrediting organization;	152
(6) The individual is providing nursing care to an	153
individual who is in this state on a temporary basis, not to	154
exceed six months in any one calendar year, if the nurse is	155
directly employed by or under contract with the individual or a	156
guardian or other person acting on the individual's behalf;	157
(7) The individual is providing nursing care during any	158
disaster, natural or otherwise, that has been officially	159
declared to be a disaster by a public announcement issued by an	160
appropriate federal, state, county, or municipal official;	161

(8) The individual is providing nursing care at a free-of-charge camp accredited by the SeriousFun children's network that specializes in providing therapeutic recreation, as defined in section 2305.231 of the Revised Code, for individuals with chronic diseases, if all of the following are the case:

(a) The individual provides documentation to the medical director of the camp that the individual holds a current, valid license to practice nursing or equivalent authorization from another jurisdiction.

(b) The individual provides nursing care only at the camp or in connection with camp events or activities that occur off the grounds of the camp.

(c) The individual is not compensated for the individual's services.

(d) The individual provides nursing care within this state for not more than thirty days per calendar year.

(e) The camp has a medical director who holds an unrestricted license to practice medicine issued in accordance with Chapter 4731. of the Revised Code.

(9) The individual is engaging in the practice of nursing as a volunteer without remuneration during a charitable event that lasts not more than seven days, if the individual's scope of practice is limited to the procedures that a nurse licensed under this chapter is authorized to perform.

(H) The administration of medication by an individual who holds a valid medication aide certificate issued under this chapter, if the medication is administered to a resident of a nursing home, residential care facility, or ICF/IID authorized by section 4723.64 of the Revised Code to use a certified

medication aide and the medication is administered in accordance	191
with section 4723.67 of the Revised Code.	192
Sec. 4725.26. Division (A) of section 4725.02 of the	193
Revised Code does not apply to the following:	194
(A) Physicians authorized to practice medicine and surgery	195
or osteopathic medicine and surgery under Chapter 4731. of the	196
Revised Code;	197
(B) Persons who sell optical accessories but do not assume	198
to adapt them to the eye, and neither practice nor profess to	199
practice optometry;	200
(C) An instructor in a school of optometry that is located	201
in this state and approved by the state vision professionals	202
board under section 4725.10 of the Revised Code who holds a	203
valid current license to practice optometry from a licensing	204
body in another jurisdiction and limits the practice of	205
optometry to the instruction of students enrolled in the school.	206
(D) A student enrolled in a school of optometry, located	207
in this or another state and approved by the board under section	208
4725.10 of the Revised Code, while the student is participating	209
in this state in an optometry training program provided or	210
sponsored by the school, if the student acts under the direct,	211
personal supervision and control of an optometrist licensed by	212
the board or authorized to practice pursuant to division (C) of	213
this section.	214
(E) An individual who is licensed or otherwise	215
specifically authorized by the Revised Code to engage in an	216
activity that is included in the practice of optometry.	217
(F) An individual who is not licensed or otherwise	218
specifically authorized by the Revised Code to engage in an	219

activity that is included in the practice of optometry, but is 220
acting pursuant to the rules for delegation of optometric tasks 221
adopted under section 4725.09 of the Revised Code. 222

(G) An individual who holds a valid license to practice 223
optometry from a licensing body in another jurisdiction and is 224
practicing as a volunteer without remuneration during a 225
charitable event that lasts not more than seven days. When an 226
individual meets the requirements of this division, the 227
individual's scope of practice is limited to the procedures an 228
optometrist licensed under this chapter is authorized to 229
perform. 230

Sec. 4725.59. (A) Sections 4725.40 to 4725.59 of the 231
Revised Code do not apply to: 232

(1) A physician authorized under Chapter 4731. of the 233
Revised Code to practice medicine and surgery or osteopathic 234
medicine and surgery, or to persons while in the employment and 235
under the supervision of a physician at the physician's office; 236

(2) An optometrist licensed under sections 4725.01 to 237
4725.34 of the Revised Code, or to persons while in the 238
employment and under the supervision of an optometrist at the 239
optometrist's office; 240

(3) A person who holds a valid license from another state 241
to engage in optical dispensing and is engaging in optical 242
dispensing as a volunteer without remuneration during a 243
charitable event that lasts not more than seven days. 244

When a person meets the requirements of division (A) (3) of 245
this section, the person's scope of practice is limited to the 246
procedures that a dispensing optician licensed under this 247
chapter is authorized to perform. 248

(B) Nothing in sections 4725.40 to 4725.59 of the Revised Code shall prevent or restrict any individual, firm, or corporation from employing or from engaging in optical dispensing through persons licensed or registered under such sections.

Sec. 4730.02. (A) No person shall hold that person out as being able to function as a physician assistant, or use any words or letters indicating or implying that the person is a physician assistant, without a current, valid license to practice as a physician assistant issued pursuant to this chapter.

(B) No person shall practice as a physician assistant without the supervision, control, and direction of a physician.

(C) No person shall practice as a physician assistant without having entered into a supervision agreement with a supervising physician under section 4730.19 of the Revised Code.

(D) No person acting as the supervising physician of a physician assistant shall authorize the physician assistant to perform services if either of the following is the case:

(1) The services are not within the physician's normal course of practice and expertise;

(2) The services are inconsistent with the supervision agreement under which the physician assistant is being supervised, including, if applicable, the policies of the health care facility in which the physician and physician assistant are practicing.

(E) No person practicing as a physician assistant shall prescribe any drug or device to perform or induce an abortion, or otherwise perform or induce an abortion.

(F) No person shall advertise to provide services as a physician assistant, except for the purpose of seeking employment.

(G) No person practicing as a physician assistant shall fail to wear at all times when on duty a placard, plate, or other device identifying that person as a "physician assistant."

(H) This section does not apply to a person who meets both of the following:

(1) The person holds a valid license or other form of authority to practice as a physician assistant issued by another state.

(2) The person is practicing as a volunteer without remuneration during a charitable event that lasts not more than seven days.

When a person meets the requirements of this division, the person's scope of practice is limited to the procedures that a physician assistant licensed under this chapter is authorized to perform.

Sec. 4731.41. (A) No person shall practice medicine and surgery, or any of its branches, without the appropriate license or certificate from the state medical board to engage in the practice. No person shall advertise or claim to the public to be a practitioner of medicine and surgery, or any of its branches, without a license or certificate from the board. No person shall open or conduct an office or other place for such practice without a license or certificate from the board. No person shall conduct an office in the name of some person who has a license or certificate to practice medicine and surgery, or any of its branches. No person shall practice medicine and surgery, or any

of its branches, after the person's license or certificate has 307
been revoked, or, if suspended, during the time of such 308
suspension. 309

A license or certificate signed by the secretary of the 310
board to which is affixed the official seal of the board to the 311
effect that it appears from the records of the board that no 312
such license or certificate to practice medicine and surgery, or 313
any of its branches, in this state has been issued to the person 314
specified therein, or that a license or certificate to practice, 315
if issued, has been revoked or suspended, shall be received as 316
prima-facie evidence of the record of the board in any court or 317
before any officer of the state. 318

(B) No license or certificate from the state medical board 319
is required by a physician who comes into this state to practice 320
medicine at a free-of-charge camp accredited by the SeriousFun 321
children's network that specializes in providing therapeutic 322
recreation, as defined in section 2305.231 of the Revised Code, 323
for individuals with chronic illnesses as long as all of the 324
following apply: 325

(1) The physician provides documentation to the medical 326
director of the camp that the physician is licensed and in good 327
standing to practice medicine in another state; 328

(2) The physician provides services only at the camp or in 329
connection with camp events or camp activities that occur off 330
the grounds of the camp; 331

(3) The physician receives no compensation for the 332
services; 333

(4) The physician provides those services within this 334
state for not more than thirty days per calendar year; 335

(5) The camp has a medical director who holds an 336
unrestricted license to practice medicine issued in accordance 337
with division (A) of this section. 338

(C) Division (A) of this section does not apply to a 339
person who meets both of the following: 340

(1) The person holds a valid license to practice medicine 341
and surgery issued by another state. 342

(2) The person is practicing as a volunteer without 343
remuneration during a charitable event that lasts not more than 344
seven days. 345

When a person meets the requirements of this division, the 346
person's scope of practice is limited to the procedures that an 347
individual authorized under this chapter to practice medicine 348
and surgery is authorized to perform. 349

Sec. 4731.43. ~~No~~ (A) No person shall announce or advertise 350
that person as an osteopathic physician and surgeon, or shall 351
practice as such, without a license from the state medical board 352
or without complying with all the provisions of law relating to 353
such practice, or shall practice after such license has been 354
revoked, or if suspended, during the time of such suspension. 355

~~A~~ (B) Division (A) of this section does not apply to a 356
person who holds a valid license to practice as an osteopathic 357
physician and surgeon issued by another state and is practicing 358
as a volunteer without remuneration during a charitable event 359
that lasts not more than seven days. When a person meets the 360
requirements of this division, the person's scope of practice is 361
limited to the procedures that an individual authorized under 362
this chapter to practice osteopathic medicine and surgery is 363
authorized to perform. 364

(C) A license certified by the secretary, under the official seal of the ~~said~~ board to the effect that it appears from the records of the board that no license to practice osteopathic medicine and surgery has been issued to any person specified therein, or that a license, if issued, has been revoked or suspended shall be received as prima-facie evidence of the record in any court or before any officer of the state.

Sec. 4731.60. (A) (1) No person shall engage in the practice of podiatric medicine and surgery without a current, valid license to practice podiatric medicine and surgery issued by the state medical board.

(2) No person shall advertise or claim to be authorized to practice podiatric medicine and surgery unless the person holds a current, valid license to practice podiatric medicine and surgery issued by the board under this chapter.

(3) No person shall practice podiatric medicine and surgery after the person's license has been revoked, or if suspended, during the time of such suspension.

(B) A document that is signed by the president and secretary of the board and has affixed the official seal of the board to the effect that it appears from the records of the board that a license to practice podiatric medicine and surgery in this state has not been issued to a particular person, or that a license, if issued, has been revoked or suspended, shall be received as prima-facie evidence of the record of the board in any court or before any officer of this state.

(C) Division (A) of this section does not apply to a person who holds a valid license to practice podiatric medicine and surgery issued by another state and is practicing as a

volunteer without remuneration during a charitable event that 394
lasts not more than seven days. When a person meets the 395
requirements of this division, the person's scope of practice is 396
limited to the procedures that an individual authorized under 397
this chapter to practice podiatric medicine and surgery is 398
authorized to perform. 399

Section 2. That existing sections 4715.09, 4715.20, 400
4723.32, 4725.26, 4725.59, 4730.02, 4731.41, 4731.43, and 401
4731.60 of the Revised Code are hereby repealed. 402