

**As Reported by the House Health Committee**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. H. B. No. 318**

**Representatives Swearingen, Plummer**

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**A BILL**

To amend sections 4723.01, 4729.01, 4760.01, 1  
4760.08, 4760.09, 4760.16, and 4761.17 of the 2  
Revised Code to revise the law governing the 3  
practice of anesthesiologist assistants. 4

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

**Section 1.** That sections 4723.01, 4729.01, 4760.01, 5  
4760.08, 4760.09, 4760.16, and 4761.17 of the Revised Code be 6  
amended to read as follows: 7

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

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

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

(1) Identifying patterns of human responses to actual or 17  
potential health problems amenable to a nursing regimen; 18

(2) Executing a nursing regimen through the selection,	19
performance, management, and evaluation of nursing actions;	20
(3) Assessing health status for the purpose of providing	21
nursing care;	22
(4) Providing health counseling and health teaching;	23
(5) Administering medications, treatments, and executing	24
regimens authorized by an individual who is authorized to	25
practice in this state and is acting within the course of the	26
individual's professional practice;	27
(6) Teaching, administering, supervising, delegating, and	28
evaluating nursing practice.	29
(C) "Nursing regimen" may include preventative,	30
restorative, and health-promotion activities.	31
(D) "Assessing health status" means the collection of data	32
through nursing assessment techniques, which may include	33
interviews, observation, and physical evaluations for the	34
purpose of providing nursing care.	35
(E) "Licensed practical nurse" means an individual who	36
holds a current, valid license issued under this chapter that	37
authorizes the practice of nursing as a licensed practical	38
nurse.	39
(F) "The practice of nursing as a licensed practical	40
nurse" means providing to individuals and groups nursing care	41
requiring the application of basic knowledge of the biological,	42
physical, behavioral, social, and nursing sciences at the	43
direction of a registered nurse or any of the following who is	44
authorized to practice in this state: a physician, physician	45
assistant, <u>anesthesiologist assistant</u> , dentist, podiatrist,	46

optometrist, or chiropractor. Such nursing care includes:	47
(1) Observation, patient teaching, and care in a diversity of health care settings;	48 49
(2) Contributions to the planning, implementation, and evaluation of nursing;	50 51
(3) Administration of medications and treatments authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice on the condition that the licensed practical nurse is authorized under section 4723.17 of the Revised Code to administer medications;	52 53 54 55 56 57
(4) Administration to an adult of intravenous therapy authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice, on the condition that the licensed practical nurse is authorized under section 4723.18 or 4723.181 of the Revised Code to perform intravenous therapy and performs intravenous therapy only in accordance with those sections;	58 59 60 61 62 63 64
(5) Delegation of nursing tasks as directed by a registered nurse;	65 66
(6) Teaching nursing tasks to licensed practical nurses and individuals to whom the licensed practical nurse is authorized to delegate nursing tasks as directed by a registered nurse.	67 68 69 70
(G) "Certified registered nurse anesthetist" means an advanced practice registered nurse who holds a current, valid license issued under this chapter and is designated as a certified registered nurse anesthetist in accordance with section 4723.42 of the Revised Code and rules adopted by the	71 72 73 74 75

board of nursing. 76

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

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

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

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

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

(1) In the case of a clinical nurse specialist or a 97  
certified nurse practitioner, that one or more podiatrists 98  
acting within the scope of practice of podiatry in accordance 99  
with section 4731.51 of the Revised Code and with whom the nurse 100  
has entered into a standard care arrangement or one or more 101  
physicians with whom the nurse has entered into a standard care 102  
arrangement are continuously available to communicate with the 103  
clinical nurse specialist or certified nurse practitioner either 104

in person or by electronic communication; 105

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

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

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

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

(1) A certified registered nurse anesthetist; 132

(2) A clinical nurse specialist; 133

(3) A certified nurse-midwife;	134
(4) A certified nurse practitioner.	135
(P) "Practice of nursing as an advanced practice	136
registered nurse" means providing to individuals and groups	137
nursing care that requires knowledge and skill obtained from	138
advanced formal education, training, and clinical experience.	139
Such nursing care includes <u>the care described in section 4723.43</u>	140
of the Revised Code.	141
(Q) "Dialysis care" means the care and procedures that a	142
dialysis technician or dialysis technician intern is authorized	143
to provide and perform, as specified in section 4723.72 of the	144
Revised Code.	145
(R) "Dialysis technician" means an individual who holds a	146
current, valid certificate to practice as a dialysis technician	147
issued under section 4723.75 of the Revised Code.	148
(S) "Dialysis technician intern" means an individual who	149
holds a current, valid certificate to practice as a dialysis	150
technician intern issued under section 4723.75 of the Revised	151
Code.	152
(T) "Certified community health worker" means an	153
individual who holds a current, valid certificate as a community	154
health worker issued under section 4723.85 of the Revised Code.	155
(U) "Medication aide" means an individual who holds a	156
current, valid certificate issued under this chapter that	157
authorizes the individual to administer medication in accordance	158
with section 4723.67 of the Revised Code;	159
(V) "Nursing specialty" means a specialty in practice as a	160
certified registered nurse anesthetist, clinical nurse	161

specialist, certified nurse-midwife, or certified nurse 162  
practitioner. 163

**Sec. 4729.01.** As used in this chapter: 164

(A) "Pharmacy," except when used in a context that refers 165  
to the practice of pharmacy, means any area, room, rooms, place 166  
of business, department, or portion of any of the foregoing 167  
where the practice of pharmacy is conducted. 168

(B) "Practice of pharmacy" means providing pharmacist care 169  
requiring specialized knowledge, judgment, and skill derived 170  
from the principles of biological, chemical, behavioral, social, 171  
pharmaceutical, and clinical sciences. As used in this division, 172  
"pharmacist care" includes the following: 173

(1) Interpreting prescriptions; 174

(2) Dispensing drugs and drug therapy related devices; 175

(3) Compounding drugs; 176

(4) Counseling individuals with regard to their drug 177  
therapy, recommending drug therapy related devices, and 178  
assisting in the selection of drugs and appliances for treatment 179  
of common diseases and injuries and providing instruction in the 180  
proper use of the drugs and appliances; 181

(5) Performing drug regimen reviews with individuals by 182  
discussing all of the drugs that the individual is taking and 183  
explaining the interactions of the drugs; 184

(6) Performing drug utilization reviews with licensed 185  
health professionals authorized to prescribe drugs when the 186  
pharmacist determines that an individual with a prescription has 187  
a drug regimen that warrants additional discussion with the 188  
prescriber; 189

(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	190 191 192
(8) Acting pursuant to a consult agreement, if an agreement has been established;	193 194
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	195 196
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	197 198
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	199 200 201
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	202 203
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	204 205
(3) As an incident to research, teaching activities, or chemical analysis;	206 207
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	208 209 210
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:	211 212 213 214 215
(a) At the time the request is made, the drug is not	216



commercially available regardless of the reason that the drug is 217  
not available, including the absence of a manufacturer for the 218  
drug or the lack of a readily available supply of the drug from 219  
a manufacturer. 220

(b) A limited quantity of the drug is compounded and 221  
provided to the professional. 222

(c) The drug is compounded and provided to the 223  
professional as an occasional exception to the normal practice 224  
of dispensing drugs pursuant to patient-specific prescriptions. 225

(D) "Consult agreement" means an agreement that has been 226  
entered into under section 4729.39 of the Revised Code. 227

(E) "Drug" means: 228

(1) Any article recognized in the United States 229  
pharmacopoeia and national formulary, or any supplement to them, 230  
intended for use in the diagnosis, cure, mitigation, treatment, 231  
or prevention of disease in humans or animals; 232

(2) Any other article intended for use in the diagnosis, 233  
cure, mitigation, treatment, or prevention of disease in humans 234  
or animals; 235

(3) Any article, other than food, intended to affect the 236  
structure or any function of the body of humans or animals; 237

(4) Any article intended for use as a component of any 238  
article specified in division (E) (1), (2), or (3) of this 239  
section; but does not include devices or their components, 240  
parts, or accessories. 241

"Drug" does not include "hemp" or a "hemp product" as 242  
those terms are defined in section 928.01 of the Revised Code. 243

(F) "Dangerous drug" means any of the following:	244
(1) Any drug to which either of the following applies:	245
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52	246
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is	247
required to bear a label containing the legend "Caution: Federal	248
law prohibits dispensing without prescription" or "Caution:	249
Federal law restricts this drug to use by or on the order of a	250
licensed veterinarian" or any similar restrictive statement, or	251
the drug may be dispensed only upon a prescription;	252
(b) Under Chapter 3715. or 3719. of the Revised Code, the	253
drug may be dispensed only upon a prescription.	254
(2) Any drug that contains a schedule V controlled	255
substance and that is exempt from Chapter 3719. of the Revised	256
Code or to which that chapter does not apply;	257
(3) Any drug intended for administration by injection into	258
the human body other than through a natural orifice of the human	259
body;	260
(4) Any drug that is a biological product, as defined in	261
section 3715.01 of the Revised Code.	262
(G) "Federal drug abuse control laws" has the same meaning	263
as in section 3719.01 of the Revised Code.	264
(H) "Prescription" means all of the following:	265
(1) A written, electronic, or oral order for drugs or	266
combinations or mixtures of drugs to be used by a particular	267
individual or for treating a particular animal, issued by a	268
licensed health professional authorized to prescribe drugs;	269
(2) For purposes of sections 2925.61, 4723.484, 4730.434,	270

and 4731.94 of the Revised Code, a written, electronic, or oral 271  
order for naloxone issued to and in the name of a family member, 272  
friend, or other individual in a position to assist an 273  
individual who there is reason to believe is at risk of 274  
experiencing an opioid-related overdose. 275

(3) For purposes of section 4729.44 of the Revised Code, a 276  
written, electronic, or oral order for naloxone issued to and in 277  
the name of either of the following: 278

(a) An individual who there is reason to believe is at 279  
risk of experiencing an opioid-related overdose; 280

(b) A family member, friend, or other individual in a 281  
position to assist an individual who there is reason to believe 282  
is at risk of experiencing an opioid-related overdose. 283

(4) For purposes of sections 4723.4810, 4729.282, 284  
4730.432, and 4731.93 of the Revised Code, a written, 285  
electronic, or oral order for a drug to treat chlamydia, 286  
gonorrhoea, or trichomoniasis issued to and in the name of a 287  
patient who is not the intended user of the drug but is the 288  
sexual partner of the intended user; 289

(5) For purposes of sections 3313.7110, 3313.7111, 290  
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 291  
4731.96, and 5101.76 of the Revised Code, a written, electronic, 292  
or oral order for an epinephrine autoinjector issued to and in 293  
the name of a school, school district, or camp; 294

(6) For purposes of Chapter 3728. and sections 4723.483, 295  
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 296  
electronic, or oral order for an epinephrine autoinjector issued 297  
to and in the name of a qualified entity, as defined in section 298  
3728.01 of the Revised Code; 299

(7) For purposes of sections 3313.7115, 3313.7116, 300  
3314.147, 3326.60, 3328.38, 4723.484, 4730.434, 4731.92, and 301  
5101.78 of the Revised Code, a written, electronic, or oral 302  
order for injectable or nasally administered glucagon in the 303  
name of a school, school district, or camp. 304

(I) "Licensed health professional authorized to prescribe 305  
drugs" or "prescriber" means an individual who is authorized by 306  
law to prescribe drugs or dangerous drugs or drug therapy 307  
related devices in the course of the individual's professional 308  
practice, including only the following: 309

(1) A dentist licensed under Chapter 4715. of the Revised 310  
Code; 311

(2) A clinical nurse specialist, certified nurse-midwife, 312  
or certified nurse practitioner who holds a current, valid 313  
license issued under Chapter 4723. of the Revised Code to 314  
practice nursing as an advanced practice registered nurse; 315

(3) A certified registered nurse anesthetist who holds a 316  
current, valid license issued under Chapter 4723. of the Revised 317  
Code to practice nursing as an advanced practice registered 318  
nurse, but only to the extent of the nurse's authority under 319  
sections 4723.43 and 4723.434 of the Revised Code; 320

(4) An optometrist licensed under Chapter 4725. of the 321  
Revised Code to practice optometry under a therapeutic 322  
pharmaceutical agents certificate; 323

(5) A physician authorized under Chapter 4731. of the 324  
Revised Code to practice medicine and surgery, osteopathic 325  
medicine and surgery, or podiatric medicine and surgery; 326

(6) A physician assistant who holds a license to practice 327  
as a physician assistant issued under Chapter 4730. of the 328

Revised Code, holds a valid prescriber number issued by the 329  
state medical board, and has been granted physician-delegated 330  
prescriptive authority; 331

(7) A veterinarian licensed under Chapter 4741. of the 332  
Revised Code; 333

(8) An anesthesiologist assistant who holds a current, 334  
valid license issued under Chapter 4760. of the Revised Code, 335  
but only to the extent of the anesthesiologist assistant's 336  
authority under sections 4760.08 and 4760.09 of the Revised 337  
Code. 338

(J) "Sale" or "sell" includes any transaction made by any 339  
person, whether as principal proprietor, agent, or employee, to 340  
do or offer to do any of the following: deliver, distribute, 341  
broker, exchange, gift or otherwise give away, or transfer, 342  
whether the transfer is by passage of title, physical movement, 343  
or both. 344

(K) "Wholesale sale" and "sale at wholesale" mean any sale 345  
in which the purpose of the purchaser is to resell the article 346  
purchased or received by the purchaser. 347

(L) "Retail sale" and "sale at retail" mean any sale other 348  
than a wholesale sale or sale at wholesale. 349

(M) "Retail seller" means any person that sells any 350  
dangerous drug to consumers without assuming control over and 351  
responsibility for its administration. Mere advice or 352  
instructions regarding administration do not constitute control 353  
or establish responsibility. 354

(N) "Price information" means the price charged for a 355  
prescription for a particular drug product and, in an easily 356  
understandable manner, all of the following: 357

(1) The proprietary name of the drug product;	358
(2) The established (generic) name of the drug product;	359
(3) The strength of the drug product if the product contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient. The established name and quantity of each active ingredient are required if such a relevant strength cannot be so associated with a drug product containing more than one ingredient.	360 361 362 363 364 365 366 367
(4) The dosage form;	368
(5) The price charged for a specific quantity of the drug product. The stated price shall include all charges to the consumer, including, but not limited to, the cost of the drug product, professional fees, handling fees, if any, and a statement identifying professional services routinely furnished by the pharmacy. Any mailing fees and delivery fees may be stated separately without repetition. The information shall not be false or misleading.	369 370 371 372 373 374 375 376
(O) "Wholesale distributor of dangerous drugs" or "wholesale distributor" means a person engaged in the sale of dangerous drugs at wholesale and includes any agent or employee of such a person authorized by the person to engage in the sale of dangerous drugs at wholesale.	377 378 379 380 381
(P) "Manufacturer of dangerous drugs" or "manufacturer" means a person, other than a pharmacist or prescriber, who manufactures dangerous drugs and who is engaged in the sale of those dangerous drugs.	382 383 384 385
(Q) "Terminal distributor of dangerous drugs" or "terminal	386

distributor" means a person who is engaged in the sale of 387  
dangerous drugs at retail, or any person, other than a 388  
manufacturer, repackager, outsourcing facility, third-party 389  
logistics provider, wholesale distributor, or pharmacist, who 390  
has possession, custody, or control of dangerous drugs for any 391  
purpose other than for that person's own use and consumption. 392  
"Terminal distributor" includes pharmacies, hospitals, nursing 393  
homes, and laboratories and all other persons who procure 394  
dangerous drugs for sale or other distribution by or under the 395  
supervision of a pharmacist, licensed health professional 396  
authorized to prescribe drugs, or other person authorized by the 397  
state board of pharmacy. 398

(R) "Promote to the public" means disseminating a 399  
representation to the public in any manner or by any means, 400  
other than by labeling, for the purpose of inducing, or that is 401  
likely to induce, directly or indirectly, the purchase of a 402  
dangerous drug at retail. 403

(S) "Person" includes any individual, partnership, 404  
association, limited liability company, or corporation, the 405  
state, any political subdivision of the state, and any district, 406  
department, or agency of the state or its political 407  
subdivisions. 408

(T) (1) "Animal shelter" means a facility operated by a 409  
humane society or any society organized under Chapter 1717. of 410  
the Revised Code or a dog pound operated pursuant to Chapter 411  
955. of the Revised Code. 412

(2) "County dog warden" means a dog warden or deputy dog 413  
warden appointed or employed under section 955.12 of the Revised 414  
Code. 415

(U) "Food" has the same meaning as in section 3715.01 of 416  
the Revised Code. 417

(V) "Pain management clinic" has the same meaning as in 418  
section 4731.054 of the Revised Code. 419

(W) "Investigational drug or product" means a drug or 420  
product that has successfully completed phase one of the United 421  
States food and drug administration clinical trials and remains 422  
under clinical trial, but has not been approved for general use 423  
by the United States food and drug administration. 424  
"Investigational drug or product" does not include controlled 425  
substances in schedule I, as defined in section 3719.01 of the 426  
Revised Code. 427

(X) "Product," when used in reference to an 428  
investigational drug or product, means a biological product, 429  
other than a drug, that is made from a natural human, animal, or 430  
microorganism source and is intended to treat a disease or 431  
medical condition. 432

(Y) "Third-party logistics provider" means a person that 433  
provides or coordinates warehousing or other logistics services 434  
pertaining to dangerous drugs including distribution, on behalf 435  
of a manufacturer, wholesale distributor, or terminal 436  
distributor of dangerous drugs, but does not take ownership of 437  
the drugs or have responsibility to direct the sale or 438  
disposition of the drugs. 439

(Z) "Repackager of dangerous drugs" or "repackager" means 440  
a person that repacks and relabels dangerous drugs for sale or 441  
distribution. 442

(AA) "Outsourcing facility" means a facility that is 443  
engaged in the compounding and sale of sterile drugs and is 444



registered as an outsourcing facility with the United States 445  
food and drug administration. 446

(BB) "Laboratory" means a laboratory licensed under this 447  
chapter as a terminal distributor of dangerous drugs and 448  
entrusted to have custody of any of the following drugs and to 449  
use the drugs for scientific and clinical purposes and for 450  
purposes of instruction: dangerous drugs that are not controlled 451  
substances, as defined in section 3719.01 of the Revised Code; 452  
dangerous drugs that are controlled substances, as defined in 453  
that section; and controlled substances in schedule I, as 454  
defined in that section. 455

**Sec. 4760.01.** As used in this chapter: 456

(A) ~~"Ambulatory surgical facility" has the same meaning as~~ 457  
~~in section 3702.30 of the Revised Code.~~ 458

~~(B)~~ "Anesthesiologist assistant" means an individual who 459  
assists an anesthesiologist ~~in developing and implementing~~ 460  
~~anesthesia care plans for patients by engaging in any of the~~ 461  
activities authorized under sections 4760.08 to 4760.10 of the 462  
Revised Code. 463

~~(C)~~ (B) "Anesthesiologist" means a physician who has 464  
successfully completed an approved anesthesiology training 465  
program, as specified in the accreditation requirements that 466  
must be met to qualify as graduate medical education, as defined 467  
in section 4731.04 of the Revised Code. 468

~~(D)~~ "Hospital" ~~has the same meaning as in section 3727.01~~ 469  
~~of the Revised Code.~~ 470

~~(E)~~ (C) "Physician" means an individual authorized under 471  
Chapter 4731. of the Revised Code to practice medicine and 472  
surgery or osteopathic medicine and surgery. 473

Sec. 4760.08. (A) An anesthesiologist assistant shall 474  
practice ~~only~~ under the direct supervision and in the immediate 475  
presence of a physician who is actively and directly engaged in 476  
the clinical practice of medicine as an anesthesiologist and in 477  
a manner consistent with a written practice protocol described 478  
in division (B) of this section and the anesthesiologist 479  
assistant's education, training, and licensure as an 480  
anesthesiologist assistant. An anesthesiologist assistant shall 481  
not practice in any location other than a hospital or ambulatory 482  
surgical facility. At all times when an anesthesiologist 483  
assistant is providing direct patient care, the anesthesiologist 484  
assistant shall display in an appropriate manner the title 485  
"anesthesiologist assistant" as a means of identifying the 486  
individual's authority to practice under this chapter. 487

(B) Each anesthesiologist who agrees to act as the 488  
supervising anesthesiologist of an anesthesiologist assistant 489  
shall adopt a written practice protocol that ~~is consistent with~~ 490  
~~section 4760.09 of the Revised Code and delineates the services~~ 491  
activities in which that the anesthesiologist assistant is 492  
authorized to ~~provide~~engage, consistent with section 4760.09 of 493  
the Revised Code, and that describes the manner in which the 494  
anesthesiologist will supervise the anesthesiologist assistant. 495  
The supervising anesthesiologist shall base the provisions of 496  
the protocol on consideration of relevant quality assurance 497  
standards, including regular review by the anesthesiologist of 498  
the medical records of the patients of the anesthesiologist 499  
assistant. 500

The supervising anesthesiologist shall supervise the 501  
anesthesiologist assistant in accordance with the terms of the 502  
protocol under which the assistant practices and the rules for 503  
supervision of anesthesiologist assistants adopted by the state 504

medical board under this chapter and Chapter 4731. of the 505  
Revised Code. ~~The board's rules shall include requirements for~~ 506  
~~enhanced supervision of an anesthesiologist assistant during the~~ 507  
~~first four years of practice.~~ 508

(C) At all times when an anesthesiologist assistant is 509  
providing direct patient care, the anesthesiologist assistant 510  
shall display in an appropriate manner the title 511  
"anesthesiologist assistant" as a means of identifying the 512  
individual's authority to practice under this chapter. 513

**Sec. 4760.09.** ~~If the practice and supervision requirements~~ 514  
~~of section 4760.08 of the Revised Code are being met, an~~ (A) An 515  
anesthesiologist assistant may assist ~~the~~ a supervising 516  
anesthesiologist ~~in developing and implementing an anesthesia~~ 517  
~~care plan for a patient. In providing assistance to the~~ 518  
~~supervising anesthesiologist, an anesthesiologist assistant may~~ 519  
~~do any of the following:~~ 520

~~(A) Obtain by engaging in any of the activities described~~ 521  
~~in division (B) of this section if all of the following~~ 522  
~~conditions are satisfied:~~ 523

(1) The supervising anesthesiologist requests that the 524  
anesthesiologist assistant engage in the activity. 525

(2) The requested activity is consistent with the 526  
anesthesiologist assistant's education, training, and licensure 527  
as an anesthesiologist assistant. 528

(3) The requested activity is among the activities in 529  
which the anesthesiologist assistant is authorized to engage, as 530  
delineated in the written practice protocol adopted by the 531  
supervising anesthesiologist. 532

(4) The anesthesiologist assistant is not prohibited from 533

engaging in the requested activity by this chapter, Chapter 534  
4731. of the Revised Code, or any rule adopted by the state 535  
medical board. 536

(B) If both the conditions described in division (A) of 537  
this section and the supervisory requirements of section 4760.08 538  
of the Revised Code are satisfied, an anesthesiologist assistant 539  
may engage in any of the following activities: 540

(1) Assisting in the development and implementation of 541  
anesthesia care plans; 542

(2) Performing anesthesia induction, maintenance, and 543  
emergence, including by administering anesthetic, adjuvant, and 544  
accessory drugs; 545

(3) Performing epidural or spinal anesthetic procedures; 546

(4) Obtaining and interpreting information from anesthesia 547  
delivery systems; 548

(5) Administering intermittent vasoactive drugs and 549  
starting and adjusting vasoactive infusion; 550

(6) Obtaining a comprehensive patient history and ~~present~~ 551  
presenting the history to the supervising anesthesiologist; 552

~~(B) Pretest~~ (7) Testing and ~~ealibrate~~ calibrating 553  
anesthesia delivery systems and monitor and obtain and interpret 554  
information from the systems and monitors; 555

~~(C) Assist the supervising anesthesiologist with the~~ 556  
~~implementation of medically accepted monitoring techniques;~~ 557

~~(D) Establish~~ (8) Establishing basic and advanced airway 558  
interventions, including ~~intubation of the trachea and~~ 559  
performing tracheal intubations and ventilatory support; 560

<del>(E) Administer intermittent vasoactive drugs and start and</del>	561
<del>adjust vasoactive infusions;</del>	562
<del>(F) Administer anesthetic drugs, adjuvant drugs, and</del>	563
<del>accessory drugs;</del>	564
<del>(G) Assist the supervising anesthesiologist with the</del>	565
<del>performance of epidural anesthetic procedures and spinal</del>	566
<del>anesthetic procedures;</del>	567
<del>(H) Administer</del> (9) Administering blood, blood products,	568
and supportive fluids;	569
<u>(10) Obtaining informed consent for anesthesia care;</u>	570
<u>(11) Performing preanesthetic preparation and evaluation,</u>	571
<u>postanesthetic preparation and evaluation, postanesthesia care,</u>	572
<u>clinical support functions, and any other function described in</u>	573
<u>the written practice protocol adopted under division (B) of</u>	574
<u>section 4760.08 of the Revised Code;</u>	575
<u>(12) Performing and documenting evaluations and</u>	576
<u>assessments, including ordering and evaluating one or more</u>	577
<u>diagnostic tests for conditions related to the administration of</u>	578
<u>anesthesia;</u>	579
<u>(13) As necessary for patient management and care,</u>	580
<u>selecting, ordering, and administering treatments, drugs, and</u>	581
<u>intravenous fluids for conditions related to the administration</u>	582
<u>of anesthesia;</u>	583
<u>(14) As necessary for patient management and care,</u>	584
<u>directing a registered nurse, licensed practical nurse, or</u>	585
<u>respiratory therapist to do either or both of the following if</u>	586
<u>the nurse or therapist is authorized by law to do so:</u>	587
<u>(a) Provide supportive care, including by monitoring vital</u>	588

signs, conducting electrocardiograms, and administering 589  
intravenous fluids; 590

(b) Administer treatments, drugs, and intravenous fluids 591  
to treat conditions related to the administration of anesthesia. 592

(C) This section does not authorize an anesthesiologist 593  
assistant to prescribe a drug for use outside of the health care 594  
facility where the anesthesiologist assistant practices. 595

**Sec. 4760.16.** (A) Within sixty days after the imposition 596  
of any formal disciplinary action taken by any health care 597  
facility, ~~including a hospital, health care facility operated by~~ 598  
~~a health insuring corporation, ambulatory surgical facility, or~~ 599  
~~similar facility,~~ against any individual holding a valid license 600  
to practice as an anesthesiologist assistant, the chief 601  
administrator or executive officer of the facility shall report 602  
to the state medical board the name of the individual, the 603  
action taken by the facility, and a summary of the underlying 604  
facts leading to the action taken. On request, the board shall 605  
be provided certified copies of the patient records that were 606  
the basis for the facility's action. Prior to release to the 607  
board, the summary shall be approved by the peer review 608  
committee that reviewed the case or by the governing board of 609  
the facility. 610

The filing of a report with the board or decision not to 611  
file a report, investigation by the board, or any disciplinary 612  
action taken by the board, does not preclude a health care 613  
facility from taking disciplinary action against an 614  
anesthesiologist assistant. 615

In the absence of fraud or bad faith, no individual or 616  
entity that provides patient records to the board shall be 617

liable in damages to any person as a result of providing the 618  
records. 619

(B) (1) Except as provided in division (B) (2) of this 620  
section, an anesthesiologist assistant, professional association 621  
or society of anesthesiologist assistants, physician, or 622  
professional association or society of physicians that believes 623  
a violation of any provision of this chapter, Chapter 4731. of 624  
the Revised Code, or rule of the board has occurred shall report 625  
to the board the information on which the belief is based. 626

(2) An anesthesiologist assistant, professional 627  
association or society of anesthesiologist assistants, 628  
physician, or professional association or society of physicians 629  
that believes that a violation of division (B) (6) of section 630  
4760.13 of the Revised Code has occurred shall report the 631  
information upon which the belief is based to the monitoring 632  
organization conducting the program established by the board 633  
under section 4731.251 of the Revised Code. If any such report 634  
is made to the board, it shall be referred to the monitoring 635  
organization unless the board is aware that the individual who 636  
is the subject of the report does not meet the program 637  
eligibility requirements of section 4731.252 of the Revised 638  
Code. 639

(C) Any professional association or society composed 640  
primarily of anesthesiologist assistants that suspends or 641  
revokes an individual's membership for violations of 642  
professional ethics, or for reasons of professional incompetence 643  
or professional malpractice, within sixty days after a final 644  
decision, shall report to the board, on forms prescribed and 645  
provided by the board, the name of the individual, the action 646  
taken by the professional organization, and a summary of the 647

underlying facts leading to the action taken. 648

The filing of a report with the board or decision not to 649  
file a report, investigation by the board, or any disciplinary 650  
action taken by the board, does not preclude a professional 651  
organization from taking disciplinary action against an 652  
anesthesiologist assistant. 653

(D) Any insurer providing professional liability insurance 654  
to any person holding a valid license to practice as an 655  
anesthesiologist assistant or any other entity that seeks to 656  
indemnify the professional liability of an anesthesiologist 657  
assistant shall notify the board within thirty days after the 658  
final disposition of any written claim for damages where such 659  
disposition results in a payment exceeding twenty-five thousand 660  
dollars. The notice shall contain the following information: 661

(1) The name and address of the person submitting the 662  
notification; 663

(2) The name and address of the insured who is the subject 664  
of the claim; 665

(3) The name of the person filing the written claim; 666

(4) The date of final disposition; 667

(5) If applicable, the identity of the court in which the 668  
final disposition of the claim took place. 669

(E) The board may investigate possible violations of this 670  
chapter or the rules adopted under it that are brought to its 671  
attention as a result of the reporting requirements of this 672  
section, except that the board shall conduct an investigation if 673  
a possible violation involves repeated malpractice. As used in 674  
this division, "repeated malpractice" means three or more claims 675



for malpractice within the previous five-year period, each 676  
resulting in a judgment or settlement in excess of twenty-five 677  
thousand dollars in favor of the claimant, and each involving 678  
negligent conduct by the anesthesiologist assistant. 679

(F) All summaries, reports, and records received and 680  
maintained by the board pursuant to this section shall be held 681  
in confidence and shall not be subject to discovery or 682  
introduction in evidence in any federal or state civil action 683  
involving an anesthesiologist assistant, supervising physician, 684  
or health care facility arising out of matters that are the 685  
subject of the reporting required by this section. The board may 686  
use the information obtained only as the basis for an 687  
investigation, as evidence in a disciplinary hearing against an 688  
anesthesiologist assistant or supervising physician, or in any 689  
subsequent trial or appeal of a board action or order. 690

The board may disclose the summaries and reports it 691  
receives under this section only to health care facility 692  
committees within or outside this state that are involved in 693  
credentialing or recredentialing an anesthesiologist assistant 694  
or supervising physician or reviewing their privilege to 695  
practice within a particular facility. The board shall indicate 696  
whether or not the information has been verified. Information 697  
transmitted by the board shall be subject to the same 698  
confidentiality provisions as when maintained by the board. 699

(G) Except for reports filed by an individual pursuant to 700  
division (B) of this section, the board shall send a copy of any 701  
reports or summaries it receives pursuant to this section to the 702  
anesthesiologist assistant. The anesthesiologist assistant shall 703  
have the right to file a statement with the board concerning the 704  
correctness or relevance of the information. The statement shall 705

at all times accompany that part of the record in contention. 706

(H) An individual or entity that reports to the board, 707  
reports to the monitoring organization described in section 708  
4731.251 of the Revised Code, or refers an impaired 709  
anesthesiologist assistant to a treatment provider approved by 710  
the board under section 4731.25 of the Revised Code shall not be 711  
subject to suit for civil damages as a result of the report, 712  
referral, or provision of the information. 713

(I) In the absence of fraud or bad faith, a professional 714  
association or society of anesthesiologist assistants that 715  
sponsors a committee or program to provide peer assistance to an 716  
anesthesiologist assistant with substance abuse problems, a 717  
representative or agent of such a committee or program, a 718  
representative or agent of the monitoring organization described 719  
in section 4731.251 of the Revised Code, and a member of the 720  
state medical board shall not be held liable in damages to any 721  
person by reason of actions taken to refer an anesthesiologist 722  
assistant to a treatment provider approved under section 4731.25 723  
of the Revised Code for examination or treatment. 724

**Sec. 4761.17.** All of the following apply to the practice 725  
of respiratory care by a person who holds a license or limited 726  
permit issued under this chapter: 727

(A) The person shall practice only pursuant to a 728  
prescription or other order for respiratory care issued by any 729  
of the following: 730

(1) A physician; 731

(2) A clinical nurse specialist, certified nurse-midwife, 732  
or certified nurse practitioner who holds a current, valid 733  
license issued under Chapter 4723. of the Revised Code to 734

practice nursing as an advanced practice registered nurse and 735  
has entered into a standard care arrangement with a physician; 736

(3) A certified registered nurse anesthetist who holds a 737  
current, valid license issued under Chapter 4723. of the Revised 738  
Code to practice nursing as an advanced practice registered 739  
nurse and acts in compliance with sections 4723.43, 4723.433, 740  
and 4723.434 of the Revised Code; 741

(4) An anesthesiologist assistant who holds a current, 742  
valid license issued under Chapter 4760. of the Revised Code and 743  
acts in compliance with sections 4760.08 and 4760.09 of the 744  
Revised Code; 745

(5) A physician assistant who holds a valid prescriber 746  
number issued by the state medical board, has been granted 747  
physician-delegated prescriptive authority, and has entered into 748  
a supervision agreement that allows the physician assistant to 749  
prescribe or order respiratory care services. 750

(B) The person shall practice only under the supervision 751  
of any of the following: 752

(1) A physician; 753

(2) A certified nurse practitioner, certified nurse- 754  
midwife, or clinical nurse specialist; 755

(3) A physician assistant who is authorized to prescribe 756  
or order respiratory care services as provided in division ~~(A)~~ 757  
~~(4)~~ (A) (5) of this section. 758

(C) (1) When practicing under the prescription or order of 759  
a certified nurse practitioner, certified nurse midwife, or 760  
clinical nurse specialist or under the supervision of such a 761  
nurse, the person's administration of medication that requires a 762

prescription is limited to the drugs that the nurse is 763  
authorized to prescribe pursuant to section 4723.481 of the 764  
Revised Code. 765

(2) When practicing under the order of a certified 766  
registered nurse anesthetist, the person's administration of 767  
medication is limited to the drugs that the nurse is authorized 768  
to order or direct the person to administer, as provided in 769  
sections 4723.43, 4723.433, and 4723.434 of the Revised Code. 770

(3) When practicing under the order of an anesthesiologist 771  
assistant, the person's administration of medication is limited 772  
to the drugs that the anesthesiologist assistant is authorized 773  
to order or direct the person to administer, as provided in 774  
sections 4760.08 and 4760.09 of the Revised Code. 775

(4) When practicing under the prescription or order of a 776  
physician assistant or under the supervision of a physician 777  
assistant, the person's administration of medication that 778  
requires a prescription is limited to the drugs that the 779  
physician assistant is authorized to prescribe pursuant to the 780  
physician assistant's physician-delegated prescriptive 781  
authority. 782

**Section 2.** That existing sections 4723.01, 4729.01, 783  
4760.01, 4760.08, 4760.09, 4760.16, and 4761.17 of the Revised 784  
Code are hereby repealed. 785

**Section 3.** Section 4729.01 of the Revised Code is 786  
presented in this act as a composite of the section as amended 787  
by H.B. 24, H.B. 197, H.B. 203, H.B. 231, H.B. 341, and S.B. 57, 788  
all of the 133rd General Assembly. The General Assembly, 789  
applying the principle stated in division (B) of section 1.52 of 790  
the Revised Code that amendments are to be harmonized if 791

reasonably capable of simultaneous operation, finds that the	792
composite is the resulting version of the section in effect	793
prior to the effective date of the section as presented in this	794
act.	795