

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 6**

**Representative Roemer**

**Cosponsors: Representatives Cross, Riedel, Seitz, Young, T.**

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**A BILL**

To amend sections 3319.221, 4729.41, 4729.92, 1  
4729.921, and 4731.512 and to enact section 2  
4729.42 of the Revised Code and to amend Section 3  
30 of H.B. 197 of the 133rd General Assembly to 4  
modify the laws governing certain health 5  
professionals and educator preparation programs 6  
due to COVID-19 and other circumstances; to 7  
amend the version of section 4729.92 of the 8  
Revised Code that is scheduled to take effect on 9  
October 9, 2021, to continue the changes to that 10  
section on and after that date; and to declare 11  
an emergency. 12

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

**Section 1.** That sections 3319.221, 4729.41, 4729.92, 13  
4729.921, and 4731.512 be amended and section 4729.42 of the 14  
Revised Code be enacted to read as follows: 15

**Sec. 3319.221.** (A) The state board of education, the 16  
department of education, any city, local, exempted village, and 17  
joint vocational school district board of education, and any 18

other public school, as defined in section 3301.0711 of the Revised Code, shall not require a separate pupil services license issued by the state board as a credential for working in a public school, on either a permanent basis or a substitute or other temporary basis, for the following licensed professionals:

(1) A speech-language pathologist who holds a currently valid license issued under Chapter 4753. of the Revised Code;

(2) An audiologist who holds a currently valid license issued under Chapter 4753. of the Revised Code;

(3) A registered nurse who holds a bachelor's degree ~~in nursing~~ and a currently valid license issued under Chapter 4723. of the Revised Code;

(4) A physical therapist who holds a currently valid license issued under Chapter 4755. of the Revised Code;

(5) An occupational therapist who holds a currently valid license issued under Chapter 4755. of the Revised Code;

(6) A physical therapy assistant who holds a currently valid license issued under Chapter 4755. of the Revised Code;

(7) An occupational therapy assistant who holds a currently valid license issued under Chapter 4755. of the Revised Code;

(8) A social worker who holds a currently valid license issued under Chapter 4757. of the Revised Code.

(B) A person employed by a school district or school for any of the occupations listed in divisions (A)(1) to (8) of this section shall be required to apply for and receive a registration from the department of education. The registration shall be valid for five years. As a condition of registration

under this section, an individual shall be subject to a criminal records check as prescribed by section 3319.391 of the Revised Code. In the manner prescribed by the department, the individual shall submit the criminal records check to the department. The department shall use the information submitted to enroll the individual in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under sections 3319.22 to 3319.31 of the Revised Code.

If the department receives notification of the arrest or conviction of an individual registered under division (B) of this section, the department shall promptly notify the employing district and may take any action authorized under sections 3319.31 and 3319.311 of the Revised Code that it considers appropriate. No district shall employ any individual under division (A) of this section if the district learns that the individual has plead guilty to, has been found guilty by a jury or court of, or has been convicted of any of the offenses listed in division (C) of section 3319.31 of the Revised Code.

(C) The department shall charge a registration fee of one hundred fifty dollars each for the initial registration and one hundred fifty dollars for renewal of the registration.

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

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

~~(b) Only pursuant to a prescription, administer to~~ 77  
~~individuals. In the case of an individual who are is seven years~~ 78  
~~of age or older but not more than thirteen years of age any of~~ 79  
~~the immunizations included in division (A) (2) of this section,~~ 80  
administer to the individual an immunization for any of the 81  
following: 82

(i) Influenza; 83

(ii) COVID-19; 84

(iii) Any other disease, but only pursuant to a 85  
prescription. 86

~~(c) Administer to individuals (b) In the case of an~~ 87  
~~individual who are is thirteen years of age or older any of the~~ 88  
~~immunizations included in division (A) (2) of this section,~~ 89  
administer to the individual an immunization for any disease, 90  
including an immunization for influenza or COVID-19. 91

~~(2) A pharmacist or pharmacy intern may administer in~~ 92  
~~accordance with divisions (A) (1) (b) and (c) of this section~~ 93  
~~either of the following:~~ 94

~~(a) Any immunization that on March 19, 2015, is included~~ 95  
~~in either of the following immunization schedules recommended by~~ 96  
~~the advisory committee on immunization practices of the centers~~ 97  
~~for disease control and prevention in the United States~~ 98  
~~department of health and human services:~~ 99

~~(i) The recommended immunization schedule for persons aged~~ 100  
~~zero through eighteen years;~~ 101

~~(ii) The recommended adult immunization schedule.~~ 102

~~(b) Any other immunization specified in rules adopted~~ 103  
~~under division (E) (1) (d) of this section.~~ 104

~~(3)~~ As part of engaging in the administration of 105  
immunizations or supervising a pharmacy intern's administration 106  
of immunizations, a pharmacist may administer epinephrine or 107  
diphenhydramine, or both, to individuals in emergency situations 108  
resulting from adverse reactions to the immunizations 109  
administered by the pharmacist or pharmacy intern. 110

(B) For a pharmacist or pharmacy intern to be authorized 111  
to engage in the administration of immunizations ~~pursuant to~~ 112  
~~division (A) of this section~~, the pharmacist or pharmacy intern 113  
shall do all of the following: 114

(1) Successfully complete a course in the administration 115  
of immunizations that meets the requirements established in 116  
rules adopted under this section for such courses; 117

(2) Receive and maintain certification to perform basic 118  
life-support procedures by successfully completing a basic life- 119  
support training course that is certified by the American red 120  
cross or American heart association or approved by the state 121  
board of pharmacy; 122

(3) Practice in accordance with a protocol that meets the 123  
requirements of division (C) of this section. 124

(C) All of the following apply with respect to the 125  
protocol required by division (B) (3) of this section: 126

(1) The protocol shall be established by a physician 127  
authorized under Chapter 4731. of the Revised Code to practice 128  
medicine and surgery or osteopathic medicine and surgery. 129

(2) The protocol shall specify a definitive set of 130  
treatment guidelines and the locations at which a pharmacist or 131  
pharmacy intern may engage in the administration of 132  
immunizations. 133

(3) The protocol shall satisfy the requirements 134  
established in rules adopted under this section for protocols. 135

(4) The protocol shall include provisions for 136  
implementation of the following requirements: 137

(a) The pharmacist or pharmacy intern who administers an 138  
immunization shall observe the individual who receives the 139  
immunization to determine whether the individual has an adverse 140  
reaction to the immunization. The length of time and location of 141  
the observation shall comply with the rules adopted under this 142  
section establishing requirements for protocols. The protocol 143  
shall specify procedures to be followed by a pharmacist when 144  
administering epinephrine, diphenhydramine, or both, to an 145  
individual who has an adverse reaction to an immunization 146  
administered by the pharmacist or a pharmacy intern. 147

(b) For each immunization administered to an individual by 148  
a pharmacist or pharmacy intern, other than an immunization for 149  
influenza administered to an individual eighteen years of age or 150  
older, the pharmacist or pharmacy intern shall notify the 151  
individual's ~~family physician~~ primary care provider or, if the 152  
individual has no ~~family physician~~ primary care provider, the 153  
board of health of the health district in which the individual 154  
resides or the authority having the duties of a board of health 155  
for that district under section 3709.05 of the Revised Code. The 156  
notice shall be given not later than thirty days after the 157  
immunization is administered. 158

(c) For each immunization administered by a pharmacist or 159  
pharmacy intern to an individual younger than eighteen years of 160  
age ~~pursuant to division (A)(1) of this section~~, the pharmacist 161  
or a pharmacy intern shall obtain permission from the 162  
individual's parent or legal guardian in accordance with the 163

procedures specified in rules adopted under this section.	164
(D) (1) No pharmacist shall do either of the following:	165
(a) Engage in the administration of immunizations unless	166
the requirements of division (B) of this section have been met;	167
(b) Delegate to any person the pharmacist's authority to	168
engage in or supervise the administration of immunizations.	169
(2) No pharmacy intern shall engage in the administration	170
of immunizations unless the requirements of division (B) of this	171
section have been met.	172
(E) (1) The state board of pharmacy shall adopt rules to	173
implement this section. The rules shall be adopted in accordance	174
with Chapter 119. of the Revised Code and shall include the	175
following:	176
(a) Requirements for courses in administration of	177
immunizations, including requirements that are consistent with	178
any standards established for such courses by the centers for	179
disease control and prevention;	180
(b) Requirements for protocols to be followed by	181
pharmacists and pharmacy interns in engaging in the	182
administration of immunizations;	183
(c) Procedures to be followed by pharmacists and pharmacy	184
interns in obtaining from the individual's parent or legal	185
guardian permission to administer immunizations to an individual	186
younger than eighteen years of age <del>pursuant to division (A) (1)</del>	187
<del>of this section;</del>	188
<del>(d) Provisions specifying any immunizations that may be</del>	189
<del>administered under division (A) (2) (b) of this section.</del>	190

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

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

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

**Sec. 4729.42.** (A) A pharmacist may order and administer diagnostic tests for COVID-19 and tests for COVID-19 antibodies.

(B) Both of the following may, under the direct supervision of a pharmacist, administer diagnostic tests for COVID-19 and tests for COVID-19 antibodies:

(1) A pharmacy intern;

(2) A certified pharmacy technician.

**Sec. 4729.92.** (A) An applicant for registration as a pharmacy technician trainee shall:

(1) ~~Comply~~ Except as provided in section 4729.921 of the Revised Code, comply with divisions (B) (1) (a) to (c) of section 4729.90 of the Revised Code;

(2) Be enrolled in or plan to enroll in education and



training that will allow the applicant to meet the requirements 219  
established by the state board of pharmacy in rules adopted 220  
under section 4729.94 of the Revised Code; 221

(3) Comply with sections 4776.01 to 4776.04 of the Revised 222  
Code. 223

(B) A pharmacist or pharmacy intern whose license has been 224  
denied, revoked, suspended, or otherwise restricted by the board 225  
shall not be registered as a pharmacy technician trainee. 226

**Sec. 4729.921.** An applicant for registration as a pharmacy 227  
technician trainee shall file with the state board of pharmacy 228  
an application in the form and manner prescribed in rules 229  
adopted under section 4729.94 of the Revised Code. The 230  
application shall be accompanied by an application fee of 231  
twenty-five dollars, which shall not be returned if the 232  
applicant fails to qualify for registration. 233

If the board is satisfied that an applicant meets the 234  
requirements of section 4729.92 of the Revised Code and any 235  
additional requirements established by the board and determines 236  
that the results of a criminal records check do not make the 237  
applicant ineligible, the board shall register the applicant as 238  
a pharmacy technician trainee. 239

The board may register as a pharmacy technician trainee an 240  
applicant who is seventeen years of age and does not possess a 241  
high school diploma or certificate of high school equivalence if 242  
the applicant is enrolled in a career-technical school program 243  
that is approved by the board and conducted by a city, exempted 244  
village, local, or joint vocational school district. 245

The board shall register as a pharmacy technician trainee 246  
in accordance with section 9.79 of the Revised Code an applicant 247

who either holds a license or is registered in another state or 248  
has satisfactory work experience, a government certification, or 249  
a private certification as described in that section as a 250  
pharmacy technician trainee in a state that does not issue that 251  
license or registration. 252

Registration is valid for one year from the date of 253  
registration, except that the board may extend the time period 254  
for which registration is valid. Registration is not renewable, 255  
but an individual may reapply for registration if the 256  
individual's previous registration has lapsed for more than five 257  
years or the board grants its approval. 258

**Sec. 4731.512.** A podiatrist may administer ~~influenza-~~ 259  
~~vaccinations~~ to individuals who are seven years of age or older 260  
vaccinations against both of the following: 261

(A) Influenza; 262

(B) COVID-19. 263

**Section 2.** That existing sections 3319.221, 4729.41, 264  
4729.92, 4729.921, and 4731.512 of the Revised Code are hereby 265  
repealed. 266

**Section 3.** That the version of section 4729.92 of the 267  
Revised Code that is scheduled to take effect October 9, 2021, 268  
be amended to read as follows: 269

**Sec. 4729.92.** (A) An applicant for registration as a 270  
pharmacy technician trainee shall: 271

(1) ~~Comply~~ Except as provided in section 4729.921 of the 272  
Revised Code, comply with divisions (A) (1) (a) and (b) of section 273  
4729.90 of the Revised Code; 274

(2) Be enrolled in or plan to enroll in education and 275

training that will allow the applicant to meet the requirements 276  
established by the state board of pharmacy in rules adopted 277  
under section 4729.94 of the Revised Code; 278

(3) Comply with sections 4776.01 to 4776.04 of the Revised 279  
Code. 280

(B) A pharmacist or pharmacy intern whose license has been 281  
denied, revoked, suspended, or otherwise restricted by the board 282  
shall not be registered as a pharmacy technician trainee. 283

**Section 4.** That the existing version of section 4729.92 of 284  
the Revised Code that is scheduled to take effect October 9, 285  
2021, is hereby repealed. 286

**Section 5.** Sections 3 and 4 of this act take effect 287  
October 9, 2021. 288

**Section 6.** That Section 30 of H.B. 197 of the 133rd 289  
General Assembly be amended to read as follows: 290

**Sec. 30.** (A) During the period ~~of beginning on the date~~ 291  
~~that~~ the emergency declared by Executive Order 2020-01D~~7~~, was 292  
~~issued on, March 9, 2020, and ending on July 1, 2021,~~ the 293  
requirement of division (A)(2)(a) of section 4723.09 of the 294  
Revised Code is suspended. Accordingly, during such period, the 295  
Board of Nursing shall grant to an applicant described in 296  
division (A) of section 4723.09 of the Revised Code a temporary 297  
license to practice nursing as a registered nurse or as a 298  
licensed practical nurse if the conditions of divisions (A)(1) 299  
and (A)(2)(b) to (d) of section 4723.09 of the Revised Code have 300  
been met. 301

(B) A temporary license issued under this section ~~shall be~~ 302  
is valid until ~~whichever of the following dates occurs first:~~ 303

<del>(1) The date that is ninety days after December 1, 2020;</del>	304
<del>(2) The date that is ninety days after the duration of the</del>	305
<del>period of the emergency described in division (A) of this</del>	306
<del>section</del> <u>July 1, 2021.</u>	307
<u>(C) (1) An individual is not eligible for a temporary</u>	308
<u>license issued under this section if any of the following is the</u>	309
<u>case:</u>	310
<u>(a) The individual has previously taken and failed the</u>	311
<u>examination for licensure to practice as a registered nurse or</u>	312
<u>as a licensed practical nurse;</u>	313
<u>(b) A criminal records check conducted in accordance with</u>	314
<u>section 4723.091 of the Revised Code indicates that the</u>	315
<u>individual has been convicted of, pleaded guilty to, or had a</u>	316
<u>judicial finding of guilt for, any felony;</u>	317
<u>(c) The individual has taken a drug test and failed that</u>	318
<u>test, as determined by the Board.</u>	319
<u>(2) If, while holding a temporary license issued under</u>	320
<u>this section, any of the following occurs, the licensee's</u>	321
<u>temporary license is void and has no effect immediately</u>	322
<u>beginning on the date of the occurrence:</u>	323
<u>(a) The licensee fails the examination for licensure to</u>	324
<u>practice as a registered nurse or as a licensed practical nurse;</u>	325
<u>(b) A criminal records check conducted in accordance with</u>	326
<u>section 4723.091 of the Revised Code indicates that the licensee</u>	327
<u>has been convicted of, pleaded guilty to, or had a judicial</u>	328
<u>finding of guilt for, any felony;</u>	329
<u>(c) The licensee fails a drug test, as determined by the</u>	330
<u>Board.</u>	331

**Section 7.** That existing Section 30 of H.B. 197 of the 133rd General Assembly is hereby repealed. 332  
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**Section 8.** Notwithstanding any provision of law to the contrary, each educator preparation program approved under section 3333.048 of the Revised Code shall develop and implement a plan to provide its students with alternative experiences, assignments, or instruction in the 2021-2022 academic year to make up any hours or weeks of clinical experiences, including field experiences, student teaching, and internship placements, that the students miss due to the Director of Health's order under section 3701.13 of the Revised Code "In re: Order the Closure of All K-12 Schools in the State of Ohio" issued on March 14, 2020, or any local board of health order, and any extension of any order, based on the implications of COVID-19 or due to any other closure of schools or implementation of limited hours based on the implications of COVID-19. The alternative experiences, assignments, or instruction shall allow students to demonstrate mastery of the expected outcomes of clinical experiences. The alternative experiences, assignments, or instruction may include virtual learning, designing lessons and units of instruction, selecting and implementing instructional strategies, teaching lessons and content, assessing learning to evaluate student progress and inform instructional decisions, creating a supportive learning environment, managing the classroom effectively, and other appropriate activities. The Department of Higher Education and the Department of Education shall consider a student who successfully completes make up hours or weeks in the 2021-2022 academic year using alternative experiences, assignments, or instruction eligible for licensure and endorsement recommendations in the same manner as a student who completes clinical experiences. This section does not apply 334  
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to a barber school licensed under Chapter 4709. of the Revised 363  
Code or a school of cosmetology licensed under Chapter 4713. of 364  
the Revised Code. 365

**Section 9.** Section 4729.41 of the Revised Code is 366  
presented in this act as a composite of the section as amended 367  
by both H.B. 101 and H.B. 541 of the 132nd General Assembly. The 368  
General Assembly, applying the principle stated in division (B) 369  
of section 1.52 of the Revised Code that amendments are to be 370  
harmonized if reasonably capable of simultaneous operation, 371  
finds that the composite is the resulting version of the section 372  
in effect prior to the effective date of the section as 373  
presented in this act. 374

**Section 10.** This act is hereby declared to be an emergency 375  
measure necessary for the immediate preservation of the public 376  
peace, health, and safety. The reason for such necessity is to 377  
take measures in response to the declared pandemic and global 378  
health emergency related to COVID-19. Therefore, this act shall 379  
go into immediate effect. 380