

**As Passed by the Senate**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. S. B. No. 81**

**Senator Romanchuk**

**Cosponsors: Senators Roegner, Hackett, Ingram, Antonio, Cirino, DeMora, Gavarone, Huffman, S., Lang, Manning, Reineke, Reynolds, Rulli, Schaffer**

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**A BILL**

To amend sections 4723.431 and 4730.01 and to enact 1  
sections 4723.436 and 4730.204 of the Revised 2  
Code to authorize certain advanced practice 3  
registered nurses to sign documents related to 4  
psychiatric inpatients; to authorize physician 5  
assistants to sign documents related to hospital 6  
patients; and to amend the version of section 7  
4723.431 of the Revised Code that is scheduled 8  
to take effect on September 30, 2024, to 9  
continue the changes to that section on and 10  
after that date. 11

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

**Section 1.** That sections 4723.431 and 4730.01 be amended 12  
and sections 4723.436 and 4730.204 of the Revised Code be 13  
enacted to read as follows: 14

**Sec. 4723.431.** (A) (1) An advanced practice registered 15  
nurse who is designated as a clinical nurse specialist, 16  
certified nurse-midwife, or certified nurse practitioner may 17  
practice only in accordance with a standard care arrangement 18

entered into with each physician or podiatrist with whom the 19  
nurse collaborates. A copy of the standard care arrangement 20  
shall be retained on file by the nurse's employer. Prior 21  
approval of the standard care arrangement by the board of 22  
nursing is not required, but the board may periodically review 23  
it for compliance with this section. 24

A clinical nurse specialist, certified nurse-midwife, or 25  
certified nurse practitioner may enter into a standard care 26  
arrangement with one or more collaborating physicians or 27  
podiatrists. If a collaborating physician or podiatrist enters 28  
into standard care arrangements with more than five nurses, the 29  
physician or podiatrist shall not collaborate at the same time 30  
with more than five nurses in the prescribing component of their 31  
practices. 32

Not later than thirty days after first engaging in the 33  
practice of nursing as a clinical nurse specialist, certified 34  
nurse-midwife, or certified nurse practitioner, the nurse shall 35  
submit to the board the name and business address of each 36  
collaborating physician or podiatrist. Thereafter, the nurse 37  
shall notify the board of any additions or deletions to the 38  
nurse's collaborating physicians or podiatrists. Except as 39  
provided in division (D) of this section, the notice must be 40  
provided not later than thirty days after the change takes 41  
effect. 42

(2) All of the following conditions apply with respect to 43  
the practice of a collaborating physician or podiatrist with 44  
whom a clinical nurse specialist, certified nurse-midwife, or 45  
certified nurse practitioner may enter into a standard care 46  
arrangement: 47

(a) The physician or podiatrist must be authorized to 48

practice in this state. 49

(b) Except as provided in division (A) (2) (c) of this 50  
section, the physician or podiatrist must be practicing in a 51  
specialty that is the same as or similar to the nurse's nursing 52  
specialty. 53

(c) If the nurse is a clinical nurse specialist who is 54  
certified as a psychiatric-mental health CNS by the American 55  
nurses credentialing center or a certified nurse practitioner 56  
who is certified as a psychiatric-mental health NP by the 57  
American nurses credentialing center, the nurse may enter into a 58  
standard care arrangement with a physician but not a podiatrist 59  
and the collaborating physician must be practicing in one of the 60  
following specialties: 61

(i) Psychiatry; 62

(ii) Pediatrics; 63

(iii) Primary care or family practice. 64

(B) A standard care arrangement shall be in writing and 65  
shall contain all of the following: 66

(1) Criteria for referral of a patient by the clinical 67  
nurse specialist, certified nurse-midwife, or certified nurse 68  
practitioner to a collaborating physician or podiatrist or 69  
another physician or podiatrist; 70

(2) A process for the clinical nurse specialist, certified 71  
nurse-midwife, or certified nurse practitioner to obtain a 72  
consultation with a collaborating physician or podiatrist or 73  
another physician or podiatrist; 74

(3) A plan for coverage in instances of emergency or 75  
planned absences of either the clinical nurse specialist, 76

certified nurse-midwife, or certified nurse practitioner or a 77  
collaborating physician or podiatrist that provides the means 78  
whereby a physician or podiatrist is available for emergency 79  
care; 80

(4) The process for resolution of disagreements regarding 81  
matters of patient management between the clinical nurse 82  
specialist, certified nurse-midwife, or certified nurse 83  
practitioner and a collaborating physician or podiatrist; 84

(5) Any other criteria required by rule of the board 85  
adopted pursuant to section 4723.07 or 4723.50 of the Revised 86  
Code. 87

~~(C) (1) (C)~~ A standard care arrangement entered into 88  
pursuant to this section may permit a clinical nurse specialist, 89  
certified nurse-midwife, or certified nurse practitioner to 90  
~~supervise~~ do any of the following: 91

(1) Supervise services provided by a home health agency as 92  
defined in section 3740.01 of the Revised Code.— 93

~~(2) A standard care arrangement entered into pursuant to 94  
this section may permit a clinical nurse specialist, certified 95  
nurse-midwife, or certified nurse practitioner to admit; 96~~

(2) Admit a patient to a hospital in accordance with 97  
section 3727.06 of the Revised Code; 98

(3) Sign any document relating to the admission, 99  
treatment, or discharge of an inpatient receiving psychiatric or 100  
other behavioral health care services, but only if the 101  
conditions of section 4723.436 of the Revised Code have been 102  
met. 103

(D) (1) Except as provided in division (D) (2) of this 104

section, if a physician or podiatrist terminates the 105  
collaboration between the physician or podiatrist and a 106  
certified nurse-midwife, certified nurse practitioner, or 107  
clinical nurse specialist before their standard care arrangement 108  
expires, all of the following apply: 109

(a) The physician or podiatrist must give the nurse 110  
written or electronic notice of the termination. 111

(b) Once the nurse receives the termination notice, the 112  
nurse must notify the board of nursing of the termination as 113  
soon as practicable by submitting to the board a copy of the 114  
physician's or podiatrist's termination notice. 115

(c) Notwithstanding the requirement of section 4723.43 of 116  
the Revised Code that the nurse practice in collaboration with a 117  
physician or podiatrist, the nurse may continue to practice 118  
under the existing standard care arrangement without a 119  
collaborating physician or podiatrist for not more than one 120  
hundred twenty days after submitting to the board a copy of the 121  
termination notice. 122

(2) In the event that the collaboration between a 123  
physician or podiatrist and a certified nurse-midwife, certified 124  
nurse practitioner, or clinical nurse specialist terminates 125  
because of the physician's or podiatrist's death, the nurse must 126  
notify the board of the death as soon as practicable. The nurse 127  
may continue to practice under the existing standard care 128  
arrangement without a collaborating physician or podiatrist for 129  
not more than one hundred twenty days after notifying the board 130  
of the physician's or podiatrist's death. 131

(E) Nothing in this section prohibits a hospital from 132  
hiring a clinical nurse specialist, certified nurse-midwife, or 133

certified nurse practitioner as an employee and negotiating 134  
standard care arrangements on behalf of the employee as 135  
necessary to meet the requirements of this section. A standard 136  
care arrangement between the hospital's employee and the 137  
employee's collaborating physician is subject to approval by the 138  
medical staff and governing body of the hospital prior to 139  
implementation of the arrangement at the hospital. 140

Sec. 4723.436. (A) Subject to division (B) of this 141  
section, a certified nurse-midwife, clinical nurse specialist, 142  
or certified nurse practitioner may sign one or more documents 143  
relating to any of the following: 144

(1) The admission of a patient to a facility for the 145  
purpose of receiving psychiatric or other behavioral health care 146  
services on an inpatient basis; 147

(2) The discharge of a patient from a facility after 148  
receiving inpatient psychiatric or other behavioral health care 149  
services; 150

(3) The treatment a patient receives while at a facility 151  
on an inpatient basis for psychiatric or other behavioral health 152  
care services. 153

The documents may include a treatment plan or any 154  
medication order that is part of the treatment plan. 155

(B) To be eligible to sign documents described in this 156  
section, all of the following must be satisfied: 157

(1) The nurse is employed by the facility in which a 158  
patient is receiving psychiatric or other behavioral health care 159  
services on an inpatient basis or the nurse has been granted 160  
appropriate credentials by the facility; 161

(2) The nurse's collaborating physician is employed by the facility in which a patient is receiving psychiatric or other behavioral health care services on an inpatient basis or the physician is a member of the facility's medical staff. 162  
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(3) The nurse's collaborating physician has authorized the nurse to sign documents described in this section for the physician's patients. 166  
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(4) The standard care arrangement entered into pursuant to section 4723.431 of the Revised Code specifies in writing that the nurse is authorized to sign documents described in this section for the collaborating physician's patients. 169  
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(D) A collaborating physician who authorizes a nurse to sign one or more documents as described in this section is not liable for damages in a civil action for injury, death, or loss to person or property for an act or omission that arises from the nurse signing the document, and is not subject to administrative action or criminal prosecution for an act or omission that arises from the nurse signing the document. 173  
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**Sec. 4730.01.** As used in this chapter: 180

(A) "Physician" means an individual who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. 181  
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(B) "Health care facility" means any of the following: 185

(1) ~~A hospital registered with the department of health under~~, as defined in section 3701.07-3722.01 of the Revised Code; 186  
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(2) A health care facility licensed by the department of 189

health under section 3702.30 of the Revised Code;	190
(3) Any other facility designated by the state medical board in rules adopted pursuant to division (B) of section 4730.08 of the Revised Code.	191 192 193
(C) "Service" means a medical activity that requires training in the diagnosis, treatment, or prevention of disease.	194 195
<u>Sec. 4730.204. (A) Subject to division (B) of this section, a physician assistant who is employed by a health care facility that is a hospital may sign one or more documents relating to any of the following:</u>	196 197 198 199
<u>(1) The admission of a patient to the hospital;</u>	200
<u>(2) The discharge of a patient from the hospital;</u>	201
<u>(3) The treatment of a patient while hospitalized.</u>	202
<u>The documents may include a treatment plan or any medication order that is part of the treatment plan.</u>	203 204
<u>(B) To be eligible to sign documents described in division (A) of this section, all of the following must be satisfied:</u>	205 206
<u>(1) The physician assistant's supervising physician is employed by the hospital or is a member of the hospital's medical staff.</u>	207 208 209
<u>(2) The physician assistant's supervising physician has authorized the physician assistant to sign documents described in division (A) of this section for the physician's patients.</u>	210 211 212
<u>(3) The policies of the hospital authorize the physician assistant to sign documents described in division (A) of this section.</u>	213 214 215
<u>(C) Notwithstanding section 4730.22 of the Revised Code or</u>	216



any other conflicting provision of this chapter, a supervising 217  
physician who authorizes a physician assistant to sign one or 218  
more documents as described in division (B) of this section is 219  
not liable for damages in a civil action for injury, death, or 220  
loss to person or property for an act or omission that arises 221  
from the physician assistant signing the document, and is not 222  
subject to administrative action or criminal prosecution for an 223  
act or omission that arises from the physician assistant signing 224  
the document. 225

**Section 2.** That existing sections 4723.431 and 4730.01 of 226  
the Revised Code are hereby repealed. 227

**Section 3.** That the version of section 4723.431 of the 228  
Revised Code that is scheduled to take effect September 30, 229  
2024, be amended to read as follows: 230

**Sec. 4723.431.** (A) (1) An advanced practice registered 231  
nurse who is designated as a clinical nurse specialist, 232  
certified nurse-midwife, or certified nurse practitioner may 233  
practice only in accordance with a standard care arrangement 234  
entered into with each physician or podiatrist with whom the 235  
nurse collaborates. A copy of the standard care arrangement 236  
shall be retained on file by the nurse's employer. Prior 237  
approval of the standard care arrangement by the board of 238  
nursing is not required, but the board may periodically review 239  
it for compliance with this section. 240

A clinical nurse specialist, certified nurse-midwife, or 241  
certified nurse practitioner may enter into a standard care 242  
arrangement with one or more collaborating physicians or 243  
podiatrists. If a collaborating physician or podiatrist enters 244  
into standard care arrangements with more than five nurses, the 245  
physician or podiatrist shall not collaborate at the same time 246

with more than five nurses in the prescribing component of their practices. 247  
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Not later than thirty days after first engaging in the practice of nursing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, the nurse shall submit to the board the name and business address of each collaborating physician or podiatrist. Thereafter, the nurse shall notify the board of any additions or deletions to the nurse's collaborating physicians or podiatrists. Except as provided in division (D) of this section, the notice must be provided not later than thirty days after the change takes effect. 249  
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(2) All of the following conditions apply with respect to the practice of a collaborating physician or podiatrist with whom a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may enter into a standard care arrangement: 259  
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(a) The physician or podiatrist must be authorized to practice in this state. 264  
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(b) Except as provided in division (A) (2) (c) of this section, the physician or podiatrist must be practicing in a specialty that is the same as or similar to the nurse's nursing specialty. 266  
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(c) If the nurse is a clinical nurse specialist who is certified as a psychiatric-mental health CNS by the American nurses credentialing center or a certified nurse practitioner who is certified as a psychiatric-mental health NP by the American nurses credentialing center, the nurse may enter into a standard care arrangement with a physician but not a podiatrist 270  
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and the collaborating physician must be practicing in one of the	276
following specialties:	277
(i) Psychiatry;	278
(ii) Pediatrics;	279
(iii) Primary care or family practice.	280
(B) A standard care arrangement shall be in writing and	281
shall contain all of the following:	282
(1) Criteria for referral of a patient by the clinical	283
nurse specialist, certified nurse-midwife, or certified nurse	284
practitioner to a collaborating physician or podiatrist or	285
another physician or podiatrist;	286
(2) A process for the clinical nurse specialist, certified	287
nurse-midwife, or certified nurse practitioner to obtain a	288
consultation with a collaborating physician or podiatrist or	289
another physician or podiatrist;	290
(3) A plan for coverage in instances of emergency or	291
planned absences of either the clinical nurse specialist,	292
certified nurse-midwife, or certified nurse practitioner or a	293
collaborating physician or podiatrist that provides the means	294
whereby a physician or podiatrist is available for emergency	295
care;	296
(4) The process for resolution of disagreements regarding	297
matters of patient management between the clinical nurse	298
specialist, certified nurse-midwife, or certified nurse	299
practitioner and a collaborating physician or podiatrist;	300
(5) Any other criteria required by rule of the board	301
adopted pursuant to section 4723.07 or 4723.50 of the Revised	302
Code.	303

~~(C) (1) (C)~~ A standard care arrangement entered into 304  
pursuant to this section may permit a clinical nurse specialist, 305  
certified nurse-midwife, or certified nurse practitioner to 306  
~~supervise~~ do any of the following: 307

(1) Supervise services provided by a home health agency as 308  
defined in section 3740.01 of the Revised Code.— 309

~~(2) A standard care arrangement entered into pursuant to~~ 310  
~~this section may permit a clinical nurse specialist, certified~~ 311  
~~nurse midwife, or certified nurse practitioner to admit;~~ 312

(2) Admit a patient to a hospital; 313

(3) Sign any document relating to the admission, 314  
treatment, or discharge of an inpatient receiving psychiatric or 315  
other behavioral health care services, but only if the 316  
conditions of section 4723.436 of the Revised Code have been 317  
met. 318

(D) (1) Except as provided in division (D) (2) of this 319  
section, if a physician or podiatrist terminates the 320  
collaboration between the physician or podiatrist and a 321  
certified nurse-midwife, certified nurse practitioner, or 322  
clinical nurse specialist before their standard care arrangement 323  
expires, all of the following apply: 324

(a) The physician or podiatrist must give the nurse 325  
written or electronic notice of the termination. 326

(b) Once the nurse receives the termination notice, the 327  
nurse must notify the board of nursing of the termination as 328  
soon as practicable by submitting to the board a copy of the 329  
physician's or podiatrist's termination notice. 330

(c) Notwithstanding the requirement of section 4723.43 of 331

the Revised Code that the nurse practice in collaboration with a 332  
physician or podiatrist, the nurse may continue to practice 333  
under the existing standard care arrangement without a 334  
collaborating physician or podiatrist for not more than one 335  
hundred twenty days after submitting to the board a copy of the 336  
termination notice. 337

(2) In the event that the collaboration between a 338  
physician or podiatrist and a certified nurse-midwife, certified 339  
nurse practitioner, or clinical nurse specialist terminates 340  
because of the physician's or podiatrist's death, the nurse must 341  
notify the board of the death as soon as practicable. The nurse 342  
may continue to practice under the existing standard care 343  
arrangement without a collaborating physician or podiatrist for 344  
not more than one hundred twenty days after notifying the board 345  
of the physician's or podiatrist's death. 346

(E) Nothing in this section prohibits a hospital from 347  
hiring a clinical nurse specialist, certified nurse-midwife, or 348  
certified nurse practitioner as an employee and negotiating 349  
standard care arrangements on behalf of the employee as 350  
necessary to meet the requirements of this section. A standard 351  
care arrangement between the hospital's employee and the 352  
employee's collaborating physician is subject to approval by the 353  
medical staff and governing body of the hospital prior to 354  
implementation of the arrangement at the hospital. 355

**Section 4.** That the existing version of section 4723.431 356  
of the Revised Code that is scheduled to take effect September 357  
30, 2024, is hereby repealed. 358

**Section 5.** Sections 3 and 4 of this act take effect 359  
September 30, 2024. 360

**Section 6.** The version of section 4723.431 of the Revised Code that is scheduled to take effect September 30, 2024, is presented in this act as a composite of the section as amended by both Section 101.01 and Section 130.10 of H.B. 110 of the 134th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.