

**As Reported by the House Health Committee**

**136th General Assembly**

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**Sub. H. B. No. 52**

**Representative Deeter**

**Cosponsors: Representatives Baker, Thomas, D., Lorenz, Mathews, T., Fischer, Gross, Williams, McClain, Manning, Robb Blasdel, Pizzulli, Holmes, Hiner, Hoops, Peterson, Jones, Mathews, A., Santucci, Klopfenstein, Mullins, Barhorst, Brownlee, Craig, King, Miller, M.**

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To amend sections 4723.01, 4723.43, 4723.432, 1  
4729.01, 4731.27, 4731.35, and 4761.17; to enact 2  
new sections 4723.433 and 4723.434 and section 3  
4731.513; and to repeal sections 4723.433, 4  
4723.434, and 4723.435 of the Revised Code to 5  
revise the law governing the practice of 6  
certified registered nurse anesthetists. 7

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

**Section 1.** That sections 4723.01, 4723.43, 4723.432, 8  
4729.01, 4731.27, 4731.35, and 4761.17 be amended and new 9  
sections 4723.433 and 4723.434 and section 4731.513 of the 10  
Revised Code be enacted to read as follows: 11

**Sec. 4723.01.** As used in this chapter: 12

(A) "Registered nurse" means an individual who holds a 13  
current, valid license issued under this chapter that authorizes 14  
the practice of nursing as a registered nurse. 15

(B) "Practice of nursing as a registered nurse" means 16  
providing to individuals and groups nursing care requiring 17

specialized knowledge, judgment, and skill derived from the 18  
principles of biological, physical, behavioral, social, and 19  
nursing sciences. Such nursing care includes: 20

(1) Identifying patterns of human responses to actual or 21  
potential health problems amenable to a nursing regimen; 22

(2) Executing a nursing regimen through the selection, 23  
performance, management, and evaluation of nursing actions; 24

(3) Assessing health status for the purpose of providing 25  
nursing care; 26

(4) Providing health counseling and health teaching; 27

(5) Administering medications, treatments, and executing 28  
regimens authorized by an individual who is authorized to 29  
practice in this state and is acting within the course of the 30  
individual's professional practice; 31

(6) Teaching, administering, supervising, delegating, and 32  
evaluating nursing practice. 33

(C) "Nursing regimen" may include preventative, 34  
restorative, and health-promotion activities. 35

(D) "Assessing health status" means the collection of data 36  
through nursing assessment techniques, which may include 37  
interviews, observation, and physical evaluations for the 38  
purpose of providing nursing care. 39

(E) "Licensed practical nurse" means an individual who 40  
holds a current, valid license issued under this chapter that 41  
authorizes the practice of nursing as a licensed practical 42  
nurse. 43

(F) "The practice of nursing as a licensed practical 44

nurse" means providing to individuals and groups nursing care 45  
requiring the application of basic knowledge of the biological, 46  
physical, behavioral, social, and nursing sciences at the 47  
direction of a registered nurse or any of the following who is 48  
authorized to practice in this state: a physician, physician 49  
assistant, dentist, podiatrist, optometrist, or chiropractor. 50  
Such nursing care includes: 51

(1) Observation, patient teaching, and care in a diversity 52  
of health care settings; 53

(2) Contributions to the planning, implementation, and 54  
evaluation of nursing; 55

(3) Administration of medications and treatments 56  
authorized by an individual who is authorized to practice in 57  
this state and is acting within the course of the individual's 58  
professional practice; 59

(4) Administration to an adult of intravenous therapy 60  
authorized by an individual who is authorized to practice in 61  
this state and is acting within the course of the individual's 62  
professional practice, on the condition that the licensed 63  
practical nurse is authorized under section 4723.18 or 4723.181 64  
of the Revised Code to perform intravenous therapy and performs 65  
intravenous therapy only in accordance with those sections; 66

(5) Delegation of nursing tasks as directed by a 67  
registered nurse; 68

(6) Teaching nursing tasks to licensed practical nurses 69  
and individuals to whom the licensed practical nurse is 70  
authorized to delegate nursing tasks as directed by a registered 71  
nurse. 72

(G) "Certified registered nurse anesthetist" means an 73

advanced practice registered nurse who holds a current, valid 74  
license issued under this chapter and is designated as a 75  
certified registered nurse anesthetist in accordance with 76  
section 4723.42 of the Revised Code and rules adopted by the 77  
board of nursing. 78

(H) "Clinical nurse specialist" means an advanced practice 79  
registered nurse who holds a current, valid license issued under 80  
this chapter and is designated as a clinical nurse specialist in 81  
accordance with section 4723.42 of the Revised Code and rules 82  
adopted by the board of nursing. 83

(I) "Certified nurse-midwife" means an advanced practice 84  
registered nurse who holds a current, valid license issued under 85  
this chapter and is designated as a certified nurse-midwife in 86  
accordance with section 4723.42 of the Revised Code and rules 87  
adopted by the board of nursing. 88

(J) "Certified nurse practitioner" means an advanced 89  
practice registered nurse who holds a current, valid license 90  
issued under this chapter and is designated as a certified nurse 91  
practitioner in accordance with section 4723.42 of the Revised 92  
Code and rules adopted by the board of nursing. 93

(K) "Physician" means an individual authorized under 94  
Chapter 4731. of the Revised Code to practice medicine and 95  
surgery or osteopathic medicine and surgery. 96

(L) "Collaboration" or "collaborating" means the 97  
following: 98

(1) In the case of a clinical nurse specialist or a 99  
certified nurse practitioner, that one or more podiatrists 100  
acting within the scope of practice of podiatry in accordance 101  
with section 4731.51 of the Revised Code and with whom the nurse 102

has entered into a standard care arrangement or one or more 103  
physicians with whom the nurse has entered into a standard care 104  
arrangement are continuously available to communicate with the 105  
clinical nurse specialist or certified nurse practitioner either 106  
in person or by electronic communication; 107

(2) In the case of a certified nurse-midwife, that one or 108  
more physicians with whom the certified nurse-midwife has 109  
entered into a standard care arrangement are continuously 110  
available to communicate with the certified nurse-midwife either 111  
in person or by electronic communication; 112

(3) In the case of a certified registered nurse 113  
anesthetist, that a dentist who holds a conscious sedation or 114  
general anesthesia permit issued under Chapter 4715. of the 115  
Revised Code, physician, or podiatrist requests, either verbally 116  
or in writing, the nurse to perform patient care activities 117  
authorized by division (D) of section 4723.43 of the Revised 118  
Code and the request is made in accordance with policies 119  
established by the health care facility where the nurse and the 120  
dentist, physician, or podiatrist practice. 121

For purposes of this division, division (D) of section 122  
4723.43 of the Revised Code, and sections 4723.433 and 4723.434 123  
of the Revised Code, "health care facility" means an ambulatory 124  
surgical facility, cardiovascular or vascular center, 125  
freestanding birthing center, hospital, or office of a dentist, 126  
physician, or podiatrist. 127

~~(M) "Supervision," as it pertains to a certified 128~~  
~~registered nurse anesthetist, means that the certified 129~~  
~~registered nurse anesthetist is under the direction of a 130~~  
~~podiatrist acting within the podiatrist's scope of practice in 131~~  
~~accordance with section 4731.51 of the Revised Code, a dentist 132~~

~~acting within the dentist's scope of practice in accordance with~~ 133  
~~Chapter 4715. of the Revised Code, or a physician, and, when~~ 134  
~~administering anesthesia, the certified registered nurse~~ 135  
~~anesthetist is in the immediate presence of the podiatrist,~~ 136  
~~dentist, or physician.~~ 137

~~(N)~~ "Standard care arrangement" means a written, formal 138  
guide for planning and evaluating a patient's health care that 139  
is developed by one or more collaborating physicians or 140  
podiatrists and a clinical nurse specialist, certified nurse- 141  
midwife, or certified nurse practitioner and meets the 142  
requirements of section 4723.431 of the Revised Code. 143

~~(O)~~ (N) "Advanced practice registered nurse" means an 144  
individual who holds a current, valid license issued under this 145  
chapter that authorizes the practice of nursing as an advanced 146  
practice registered nurse and is designated as any of the 147  
following: 148

- (1) A certified registered nurse anesthetist; 149
- (2) A clinical nurse specialist; 150
- (3) A certified nurse-midwife; 151
- (4) A certified nurse practitioner. 152

~~(P)~~ (O) "Practice of nursing as an advanced practice 153  
registered nurse" means providing to individuals and groups 154  
nursing care that requires knowledge and skill obtained from 155  
advanced formal education, training, and clinical experience. 156  
Such nursing care includes the care described in section 4723.43 157  
of the Revised Code. 158

~~(Q)~~ (P) "Dialysis care" means the care and procedures that 159  
a dialysis technician or dialysis technician intern is 160

authorized to provide and perform, as specified in section 161  
4723.72 of the Revised Code. 162

~~(R)~~(Q) "Dialysis technician" means an individual who holds 163  
a current, valid certificate to practice as a dialysis 164  
technician issued under section 4723.75 of the Revised Code. 165

~~(S)~~(R) "Dialysis technician intern" means an individual 166  
who has not passed the dialysis technician certification 167  
examination required by section 4723.751 of the Revised Code, 168  
but who has successfully completed a dialysis training program 169  
approved by the board of nursing under section 4723.74 of the 170  
Revised Code within the previous eighteen months. 171

~~(T)~~(S) "Certified community health worker" means an 172  
individual who holds a current, valid certificate as a community 173  
health worker issued under section 4723.85 of the Revised Code. 174

~~(U)~~(T) "Medication aide" means an individual who holds a 175  
current, valid certificate issued under this chapter that 176  
authorizes the individual to administer medication in accordance 177  
with section 4723.67 of the Revised Code~~+~~. 178

~~(V)~~(U) "Nursing specialty" means a specialty in practice 179  
as a certified registered nurse anesthetist, clinical nurse 180  
specialist, certified nurse-midwife, or certified nurse 181  
practitioner. 182

~~(W)~~(V) "Physician assistant" means an individual who is 183  
licensed to practice as a physician assistant under Chapter 184  
4730. of the Revised Code. 185

(W) "Podiatrist" means an individual authorized under 186  
Chapter 4731. of the Revised Code to practice podiatric medicine 187  
and surgery. 188

(X) "Dentist" means an individual who is licensed to 189  
practice dentistry under Chapter 4715. of the Revised Code. 190

**Sec. 4723.43.** ~~A certified registered nurse anesthetist,~~ 191  
~~clinical nurse specialist, certified nurse-midwife, or certified~~ 192  
~~nurse practitioner, clinical nurse specialist, or certified~~ 193  
registered nurse anesthetist may provide to individuals and 194  
groups nursing care that requires knowledge and skill obtained 195  
from advanced formal education and clinical experience. In this 196  
capacity as an advanced practice registered nurse, a certified 197  
nurse-midwife is subject to division (A) of this section, ~~a~~ 198  
~~certified registered nurse anesthetist is subject to division~~ 199  
~~(B) of this section,~~ a certified nurse practitioner is subject 200  
to division ~~(C)~~ (B) of this section, ~~and~~ a clinical nurse 201  
specialist is subject to division ~~(D)~~ (C) of this section, and a 202  
certified registered nurse anesthetist is subject to division 203  
(D) of this section and section 4723.433 of the Revised Code. 204

(A) ~~A nurse authorized to practice as a~~ certified nurse- 205  
midwife, in collaboration with one or more physicians, may 206  
provide the management of preventive services and those primary 207  
care services necessary to provide health care to women 208  
antepartally, intrapartally, postpartally, and gynecologically, 209  
consistent with the nurse's education and certification, and in 210  
accordance with rules adopted by the board of nursing. 211

No certified nurse-midwife may perform version, deliver 212  
breech or face presentation, use forceps, do any obstetric 213  
operation, or treat any other abnormal condition, except in 214  
emergencies. Division (A) of this section does not prohibit a 215  
certified nurse-midwife from performing episiotomies or normal 216  
vaginal deliveries, or repairing vaginal tears. A certified 217  
nurse-midwife may, in collaboration with one or more physicians, 218

prescribe drugs and therapeutic devices in accordance with 219  
section 4723.481 of the Revised Code. 220

~~(B) A nurse authorized to practice as a certified 221  
registered nurse anesthetist, consistent with the nurse's 222  
education and certification and in accordance with rules adopted 223  
by the board, may do the following: 224~~

~~(1) With supervision and in the immediate presence of a 225  
physician, podiatrist, or dentist, administer anesthesia and 226  
perform anesthesia induction, maintenance, and emergence; 227~~

~~(2) With supervision, obtain informed consent for 228  
anesthesia care and perform preanesthetic preparation and 229  
evaluation, postanesthetic preparation and evaluation, 230  
postanesthesia care, and, subject to section 4723.433 of the 231  
Revised Code, clinical support functions; 232~~

~~(3) With supervision and in accordance with section 233  
4723.434 of the Revised Code, engage in the activities described 234  
in division (A) of that section. 235~~

~~The physician, podiatrist, or dentist supervising a 236  
certified registered nurse anesthetist must be actively engaged 237  
in practice in this state. When a certified registered nurse 238  
anesthetist is supervised by a podiatrist, the nurse's scope of 239  
practice is limited to the anesthesia procedures that the 240  
podiatrist has the authority under section 4731.51 of the 241  
Revised Code to perform. A certified registered nurse 242  
anesthetist may not administer general anesthesia under the 243  
supervision of a podiatrist in a podiatrist's office. When a 244  
certified registered nurse anesthetist is supervised by a 245  
dentist, the nurse's scope of practice is limited to the 246  
anesthesia procedures that the dentist has the authority under 247~~

~~Chapter 4715. of the Revised Code to perform.~~ 248

~~(C) A nurse authorized to practice as a~~ 249  
practitioner, in collaboration with one or more physicians or 250  
podiatrists, may provide preventive and primary care services, 251  
provide services for acute illnesses, and evaluate and promote 252  
patient wellness within the nurse's nursing specialty, 253  
consistent with the nurse's education and certification, and in 254  
accordance with rules adopted by the board of nursing. A 255  
certified nurse practitioner may, in collaboration with one or 256  
more physicians or podiatrists, prescribe drugs and therapeutic 257  
devices in accordance with section 4723.481 of the Revised Code. 258

When a certified nurse practitioner is collaborating with 259  
a podiatrist, the nurse's scope of practice is limited to the 260  
procedures that the podiatrist has the authority under section 261  
4731.51 of the Revised Code to perform. 262

~~(D) (C) A nurse authorized to practice as a~~ 263  
specialist, in collaboration with one or more physicians or 264  
podiatrists, may provide and manage the care of individuals and 265  
groups with complex health problems and provide health care 266  
services that promote, improve, and manage health care within 267  
the nurse's nursing specialty, consistent with the nurse's 268  
education and in accordance with rules adopted by the board of 269  
nursing. A clinical nurse specialist may, in collaboration with 270  
one or more physicians or podiatrists, prescribe drugs and 271  
therapeutic devices in accordance with section 4723.481 of the 272  
Revised Code. 273

When a clinical nurse specialist is collaborating with a 274  
podiatrist, the nurse's scope of practice is limited to the 275  
procedures that the podiatrist has the authority under section 276  
4731.51 of the Revised Code to perform. 277

(D) A certified registered nurse anesthetist, in 278  
collaboration with a physician, podiatrist, or dentist actively 279  
engaged in practice in this state, and with a verbal or written 280  
request consistent with division (L) of section 4723.01 of the 281  
Revised Code, may perform the following patient care activities, 282  
in accordance with the nurse's education and certification, 283  
rules adopted by the board of nursing, and policies established 284  
and privileges delineated by the health care facility where the 285  
nurse and collaborating physician, podiatrist, or dentist 286  
practice: 287

(1) Obtaining informed consent for anesthesia care and 288  
performing preanesthetic preparation and evaluation; 289

(2) Administering anesthesia, by performing anesthesia 290  
induction, maintenance, and emergence; 291

(3) Performing epidural or spinal anesthetic procedures; 292

(4) Performing postanesthetic preparation and evaluation 293  
and providing postanesthesia care; 294

(5) Performing clinical support functions; 295

(6) As necessary for patient management and care, 296  
selecting, ordering, and administering treatments, drugs, and 297  
intravenous fluids for conditions related to either the 298  
administration of anesthesia or the performance of clinical 299  
support functions; 300

(7) Performing and documenting evaluations and 301  
assessments, which may include ordering and evaluating one or 302  
more diagnostic tests for conditions related to the 303  
administration of anesthesia or the performance of clinical 304  
support functions; 305

(8) Directing a registered nurse, licensed practical 306  
nurse, or respiratory therapist to do the following, but only if 307  
the nurse or therapist is authorized by law to do so: 308

(a) Provide supportive care, with such care to include 309  
monitoring vital signs, conducting electrocardiograms, and 310  
administering intravenous fluids; 311

(b) Administer treatments, drugs, and intravenous fluids 312  
for conditions related to either the administration of 313  
anesthesia or the performance of clinical support functions. 314

When a certified registered nurse anesthetist collaborates 315  
with a dentist, the nurse's scope of practice is limited to the 316  
anesthesia procedures that the dentist has the authority to 317  
perform under the dentist's conscious sedation or general 318  
anesthesia permit issued under Chapter 4715. of the Revised 319  
Code. 320

A certified registered nurse anesthetist may perform the 321  
induction, maintenance, and emergence of general anesthesia only 322  
if the collaborating physician, podiatrist, or dentist is 323  
present at the health care facility during such induction, 324  
maintenance, and emergence. 325

A certified registered nurse anesthetist shall not 326  
prescribe a drug for use outside of the health care facility 327  
where the nurse practices. 328

**Sec. 4723.432.** (A) An advanced practice registered nurse 329  
who is designated as a clinical nurse specialist, certified 330  
nurse-midwife, or certified nurse practitioner shall cooperate 331  
with the state medical board in any investigation the board 332  
conducts with respect to a physician or podiatrist who 333  
collaborates with the nurse. The nurse shall cooperate with the 334

board in any investigation the board conducts with respect to 335  
the unauthorized practice of medicine by the nurse. 336

(B) An advanced practice registered nurse who is 337  
designated as a certified registered nurse anesthetist shall 338  
cooperate with the state medical board or state dental board in 339  
any investigation ~~either board conducts~~ conducted by such board 340  
with respect to a collaborating physician, podiatrist, or 341  
dentist who permits requests that the nurse to practice with the 342  
supervision of that physician, podiatrist, or dentist perform 343  
patient care activities as described in division (D) of section 344  
4723.43 of the Revised Code. ~~The~~ 345

The nurse also shall cooperate with either the state 346  
medical board or state dental board in any investigation it 347  
conducts with respect to the unauthorized practice of medicine 348  
or dentistry by the nurse. 349

**Sec. 4723.433.** (A) A certified registered nurse 350  
anesthetist shall not engage in one or more of the patient care 351  
activities described in division (D) of section 4723.43 of the 352  
Revised Code if either of the following determines that it is 353  
not in the patient's best interest for the nurse to perform such 354  
an activity or activities: 355

(1) The nurse's collaborating physician, podiatrist, or 356  
dentist; 357

(2) The health care facility where the nurse and 358  
physician, podiatrist, or dentist practice. 359

If a collaborating physician, podiatrist, or dentist or 360  
health care facility makes such a determination, the patient's 361  
medical or electronic health record shall indicate that the 362  
nurse is prohibited from performing the activity or activities. 363

(B) If a certified registered nurse anesthetist performs 364  
one or more of the activities described in division (D) of 365  
section 4723.43 of the Revised Code, the nurse shall so indicate 366  
in the patient's medical or electronic health record. 367

(C) This section does not prohibit a certified registered 368  
nurse anesthetist from implementing a verbal order issued by a 369  
collaborating physician, podiatrist, or dentist. 370

**Sec. 4723.434.** (A) Prior to administering anesthesia to a 371  
patient or performing an epidural or spinal anesthetic procedure 372  
for a patient in a health care facility, the health care 373  
facility shall notify the patient or patient's representative, 374  
both verbally and in writing, that a certified registered nurse 375  
anesthetist, physician, podiatrist, or dentist will administer 376  
the patient's anesthesia or perform the patient's epidural or 377  
spinal anesthetic procedure. 378

(B) Division (A) of this section does not authorize either 379  
of the following: 380

(1) A dentist to administer anesthesia in a manner that 381  
exceeds the dentist's authority under a conscious sedation or 382  
general anesthesia permit issued under Chapter 4715. of the 383  
Revised Code; 384

(2) A podiatrist to administer anesthesia in a manner that 385  
exceeds the podiatrist's scope of practice as described in 386  
section 4731.51 of the Revised Code. 387

**Sec. 4729.01.** As used in this chapter: 388

(A) "Pharmacy," except when used in a context that refers 389  
to the practice of pharmacy, means any area, room, rooms, place 390  
of business, department, or portion of any of the foregoing 391  
where the practice of pharmacy is conducted. 392

(B) "Practice of pharmacy" means providing pharmacist care 393  
requiring specialized knowledge, judgment, and skill derived 394  
from the principles of biological, chemical, behavioral, social, 395  
pharmaceutical, and clinical sciences. As used in this division, 396  
"pharmacist care" includes the following: 397

(1) Interpreting prescriptions; 398

(2) Dispensing drugs and drug therapy related devices; 399

(3) Compounding drugs; 400

(4) Counseling individuals with regard to their drug 401  
therapy, recommending drug therapy related devices, and 402  
assisting in the selection of drugs and appliances for treatment 403  
of common diseases and injuries and providing instruction in the 404  
proper use of the drugs and appliances; 405

(5) Performing drug regimen reviews with individuals by 406  
discussing all of the drugs that the individual is taking and 407  
explaining the interactions of the drugs; 408

(6) Performing drug utilization reviews with licensed 409  
health professionals authorized to prescribe drugs when the 410  
pharmacist determines that an individual with a prescription has 411  
a drug regimen that warrants additional discussion with the 412  
prescriber; 413

(7) Advising an individual and the health care 414  
professionals treating an individual with regard to the 415  
individual's drug therapy; 416

(8) Acting pursuant to a consult agreement, if an 417  
agreement has been established; 418

(9) Engaging in the administration of immunizations to the 419  
extent authorized by section 4729.41 of the Revised Code; 420

(10) Engaging in the administration of drugs to the extent 421  
authorized by section 4729.45 of the Revised Code. 422

(C) "Compounding" means the preparation, mixing, 423  
assembling, packaging, and labeling of one or more drugs in any 424  
of the following circumstances: 425

(1) Pursuant to a prescription issued by a licensed health 426  
professional authorized to prescribe drugs; 427

(2) Pursuant to the modification of a prescription made in 428  
accordance with a consult agreement; 429

(3) As an incident to research, teaching activities, or 430  
chemical analysis; 431

(4) In anticipation of orders for drugs pursuant to 432  
prescriptions, based on routine, regularly observed dispensing 433  
patterns; 434

(5) Pursuant to a request made by a licensed health 435  
professional authorized to prescribe drugs for a drug that is to 436  
be used by the professional for the purpose of direct 437  
administration to patients in the course of the professional's 438  
practice, if all of the following apply: 439

(a) At the time the request is made, the drug is not 440  
commercially available regardless of the reason that the drug is 441  
not available, including the absence of a manufacturer for the 442  
drug or the lack of a readily available supply of the drug from 443  
a manufacturer. 444

(b) A limited quantity of the drug is compounded and 445  
provided to the professional. 446

(c) The drug is compounded and provided to the 447  
professional as an occasional exception to the normal practice 448

of dispensing drugs pursuant to patient-specific prescriptions. 449

(D) "Consult agreement" means an agreement that has been 450  
entered into under section 4729.39 of the Revised Code. 451

(E) "Drug" means: 452

(1) Any article recognized in the United States 453  
pharmacopoeia and national formulary, or any supplement to them, 454  
intended for use in the diagnosis, cure, mitigation, treatment, 455  
or prevention of disease in humans or animals; 456

(2) Any other article intended for use in the diagnosis, 457  
cure, mitigation, treatment, or prevention of disease in humans 458  
or animals; 459

(3) Any article, other than food, intended to affect the 460  
structure or any function of the body of humans or animals; 461

(4) Any article intended for use as a component of any 462  
article specified in division (E) (1), (2), or (3) of this 463  
section; but does not include devices or their components, 464  
parts, or accessories. 465

"Drug" does not include "hemp" or a "hemp product" as 466  
those terms are defined in section 928.01 of the Revised Code. 467

(F) "Dangerous drug" means any of the following: 468

(1) Any drug to which either of the following applies: 469

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 470  
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 471  
required to bear a label containing the legend "Caution: Federal 472  
law prohibits dispensing without prescription" or "Caution: 473  
Federal law restricts this drug to use by or on the order of a 474  
licensed veterinarian" or any similar restrictive statement, or 475

the drug may be dispensed only upon a prescription; 476

(b) Under Chapter 3715. or 3719. of the Revised Code, the 477  
drug may be dispensed only upon a prescription. 478

(2) Any drug that contains a schedule V controlled 479  
substance and that is exempt from Chapter 3719. of the Revised 480  
Code or to which that chapter does not apply; 481

(3) Any drug intended for administration by injection into 482  
the human body other than through a natural orifice of the human 483  
body; 484

(4) Any drug that is a biological product, as defined in 485  
section 3715.01 of the Revised Code. 486

(G) "Federal drug abuse control laws" has the same meaning 487  
as in section 3719.01 of the Revised Code. 488

(H) "Prescription" means all of the following: 489

(1) A written, electronic, or oral order for drugs or 490  
combinations or mixtures of drugs to be used by a particular 491  
individual or for treating a particular animal, issued by a 492  
licensed health professional authorized to prescribe drugs; 493

(2) For purposes of sections 4723.4810, 4729.282, 494  
4730.432, and 4731.93 of the Revised Code, a written, 495  
electronic, or oral order for a drug to treat chlamydia, 496  
gonorrhea, or trichomoniasis issued to and in the name of a 497  
patient who is not the intended user of the drug but is the 498  
sexual partner of the intended user; 499

(3) For purposes of sections 3313.7110, 3313.7111, 500  
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 501  
4731.96, and 5101.76 of the Revised Code, a written, electronic, 502  
or oral order for an epinephrine autoinjector issued to and in 503

the name of a school, school district, or camp; 504

(4) For purposes of Chapter 3728. and sections 4723.483, 505  
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 506  
electronic, or oral order for an epinephrine autoinjector issued 507  
to and in the name of a qualified entity, as defined in section 508  
3728.01 of the Revised Code; 509

(5) For purposes of sections 3313.7115, 3313.7116, 510  
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 511  
5101.78 of the Revised Code, a written, electronic, or oral 512  
order for injectable or nasally administered glucagon in the 513  
name of a school, school district, or camp. 514

(I) "Licensed health professional authorized to prescribe 515  
drugs" or "prescriber" means an individual who is authorized by 516  
law to prescribe drugs or dangerous drugs or drug therapy 517  
related devices in the course of the individual's professional 518  
practice, including only the following: 519

(1) A dentist licensed under Chapter 4715. of the Revised 520  
Code; 521

(2) A clinical nurse specialist, certified nurse-midwife, 522  
or certified nurse practitioner who holds a current, valid 523  
license issued under Chapter 4723. of the Revised Code to 524  
practice nursing as an advanced practice registered nurse; 525

(3) A certified registered nurse anesthetist who holds a 526  
current, valid license issued under Chapter 4723. of the Revised 527  
Code to practice nursing as an advanced practice registered 528  
nurse, but only to the extent of the nurse's authority under 529  
~~sections~~ section 4723.43 ~~and 4723.434~~ of the Revised Code; 530

(4) An optometrist licensed under Chapter 4725. of the 531  
Revised Code to practice optometry; 532

(5) A physician authorized under Chapter 4731. of the 533  
Revised Code to practice medicine and surgery, osteopathic 534  
medicine and surgery, or podiatric medicine and surgery; 535

(6) A physician assistant who holds a license to practice 536  
as a physician assistant issued under Chapter 4730. of the 537  
Revised Code, holds a valid prescriber number issued by the 538  
state medical board, and has been granted physician-delegated 539  
prescriptive authority; 540

(7) A veterinarian licensed under Chapter 4741. of the 541  
Revised Code; 542

(8) A certified mental health assistant licensed under 543  
Chapter 4772. of the Revised Code who has been granted 544  
physician-delegated prescriptive authority by the physician 545  
supervising the certified mental health assistant. 546

(J) "Sale" or "sell" includes any transaction made by any 547  
person, whether as principal proprietor, agent, or employee, to 548  
do or offer to do any of the following: deliver, distribute, 549  
broker, exchange, gift or otherwise give away, or transfer, 550  
whether the transfer is by passage of title, physical movement, 551  
or both. 552

(K) "Wholesale sale" and "sale at wholesale" mean any sale 553  
in which the purpose of the purchaser is to resell the article 554  
purchased or received by the purchaser. 555

(L) "Retail sale" and "sale at retail" mean any sale other 556  
than a wholesale sale or sale at wholesale. 557

(M) "Retail seller" means any person that sells any 558  
dangerous drug to consumers without assuming control over and 559  
responsibility for its administration. Mere advice or 560  
instructions regarding administration do not constitute control 561

or establish responsibility. 562

(N) "Price information" means the price charged for a 563  
prescription for a particular drug product and, in an easily 564  
understandable manner, all of the following: 565

(1) The proprietary name of the drug product; 566

(2) The established (generic) name of the drug product; 567

(3) The strength of the drug product if the product 568  
contains a single active ingredient or if the drug product 569  
contains more than one active ingredient and a relevant strength 570  
can be associated with the product without indicating each 571  
active ingredient. The established name and quantity of each 572  
active ingredient are required if such a relevant strength 573  
cannot be so associated with a drug product containing more than 574  
one ingredient. 575

(4) The dosage form; 576

(5) The price charged for a specific quantity of the drug 577  
product. The stated price shall include all charges to the 578  
consumer, including, but not limited to, the cost of the drug 579  
product, professional fees, handling fees, if any, and a 580  
statement identifying professional services routinely furnished 581  
by the pharmacy. Any mailing fees and delivery fees may be 582  
stated separately without repetition. The information shall not 583  
be false or misleading. 584

(O) "Wholesale distributor of dangerous drugs" or 585  
"wholesale distributor" means a person engaged in the sale of 586  
dangerous drugs at wholesale and includes any agent or employee 587  
of such a person authorized by the person to engage in the sale 588  
of dangerous drugs at wholesale. 589

(P) "Manufacturer of dangerous drugs" or "manufacturer" 590  
means a person, other than a pharmacist or prescriber, who 591  
manufactures dangerous drugs and who is engaged in the sale of 592  
those dangerous drugs. 593

(Q) "Terminal distributor of dangerous drugs" or "terminal 594  
distributor" means a person who is engaged in the sale of 595  
dangerous drugs at retail, or any person, other than a 596  
manufacturer, repackager, outsourcing facility, third-party 597  
logistics provider, wholesale distributor, or pharmacist, who 598  
has possession, custody, or control of dangerous drugs for any 599  
purpose other than for that person's own use and consumption. 600  
"Terminal distributor" includes pharmacies, hospitals, nursing 601  
homes, and laboratories and all other persons who procure 602  
dangerous drugs for sale or other distribution by or under the 603  
supervision of a pharmacist, licensed health professional 604  
authorized to prescribe drugs, or other person authorized by the 605  
state board of pharmacy. 606

(R) "Promote to the public" means disseminating a 607  
representation to the public in any manner or by any means, 608  
other than by labeling, for the purpose of inducing, or that is 609  
likely to induce, directly or indirectly, the purchase of a 610  
dangerous drug at retail. 611

(S) "Person" includes any individual, partnership, 612  
association, limited liability company, or corporation, the 613  
state, any political subdivision of the state, and any district, 614  
department, or agency of the state or its political 615  
subdivisions. 616

(T) (1) "Animal shelter" means a facility operated by a 617  
humane society or any society organized under Chapter 1717. of 618  
the Revised Code or a dog pound operated pursuant to Chapter 619

955. of the Revised Code. 620

(2) "County dog warden" means a dog warden or deputy dog 621  
warden appointed or employed under section 955.12 of the Revised 622  
Code. 623

(U) "Food" has the same meaning as in section 3715.01 of 624  
the Revised Code. 625

(V) "Pain management clinic" has the same meaning as in 626  
section 4731.054 of the Revised Code. 627

(W) "Investigational drug or product" means a drug or 628  
product that has successfully completed phase one of the United 629  
States food and drug administration clinical trials and remains 630  
under clinical trial, but has not been approved for general use 631  
by the United States food and drug administration. 632  
"Investigational drug or product" does not include controlled 633  
substances in schedule I, as defined in section 3719.01 of the 634  
Revised Code. 635

(X) "Product," when used in reference to an 636  
investigational drug or product, means a biological product, 637  
other than a drug, that is made from a natural human, animal, or 638  
microorganism source and is intended to treat a disease or 639  
medical condition. 640

(Y) "Third-party logistics provider" means a person that 641  
provides or coordinates warehousing or other logistics services 642  
pertaining to dangerous drugs including distribution, on behalf 643  
of a manufacturer, wholesale distributor, or terminal 644  
distributor of dangerous drugs, but does not take ownership of 645  
the drugs or have responsibility to direct the sale or 646  
disposition of the drugs. 647

(Z) "Repackager of dangerous drugs" or "repackager" means 648

a person that repacks and relabels dangerous drugs for sale or distribution. 649  
650

(AA) "Outsourcing facility" means a facility that is 651  
engaged in the compounding and sale of sterile drugs and is 652  
registered as an outsourcing facility with the United States 653  
food and drug administration. 654

(BB) "Laboratory" means a laboratory licensed under this 655  
chapter as a terminal distributor of dangerous drugs and 656  
entrusted to have custody of any of the following drugs and to 657  
use the drugs for scientific and clinical purposes and for 658  
purposes of instruction: dangerous drugs that are not controlled 659  
substances, as defined in section 3719.01 of the Revised Code; 660  
dangerous drugs that are controlled substances, as defined in 661  
that section; and controlled substances in schedule I, as 662  
defined in that section. 663

(CC) "Overdose reversal drug" means both of the following: 664

(1) Naloxone; 665

(2) Any other drug that the state board of pharmacy, 666  
through rules adopted in accordance with Chapter 119. of the 667  
Revised Code, designates as a drug that is approved by the 668  
federal food and drug administration for the reversal of a known 669  
or suspected opioid-related overdose. 670

**Sec. 4731.27.** (A) As used in this section, 671  
"collaboration," "physician," and "standard care arrangement," 672  
~~and "supervision"~~ have the same meanings as in section 4723.01 673  
of the Revised Code. 674

(B) A physician or podiatrist shall enter into a standard 675  
care arrangement with each clinical nurse specialist, certified 676  
nurse-midwife, or certified nurse practitioner with whom the 677

physician or podiatrist is in collaboration. 678

The collaborating physician or podiatrist shall fulfill 679  
the responsibilities of collaboration, as specified in the 680  
arrangement and in accordance with division (A) of section 681  
4723.431 of the Revised Code. A copy of the standard care 682  
arrangement shall be retained on file by the nurse's employer. 683  
Prior approval of the standard care arrangement by the state 684  
medical board is not required, but the board may periodically 685  
review it. 686

A physician or podiatrist who terminates collaboration 687  
with a certified nurse-midwife, certified nurse practitioner, or 688  
clinical nurse specialist before their standard care arrangement 689  
expires shall give the nurse the written or electronic notice of 690  
termination required by division (D)(1) of section 4723.431 of 691  
the Revised Code. 692

Nothing in this division prohibits a hospital from hiring 693  
a clinical nurse specialist, certified nurse-midwife, or 694  
certified nurse practitioner as an employee and negotiating 695  
standard care arrangements on behalf of the employee as 696  
necessary to meet the requirements of this section. A standard 697  
care arrangement between the hospital's employee and the 698  
employee's collaborating physician is subject to approval by the 699  
medical staff and governing body of the hospital prior to 700  
implementation of the arrangement at the hospital. 701

(C) A physician or podiatrist shall cooperate with the 702  
board of nursing in any investigation the board conducts with 703  
respect to a clinical nurse specialist, certified nurse-midwife, 704  
or certified nurse practitioner who collaborates with the 705  
physician or podiatrist or with respect to a certified 706  
registered nurse anesthetist who practices in collaboration with 707

the ~~supervision of the~~ physician or podiatrist.

**Sec. 4731.35.** (A) This chapter does not apply to or prohibit in any way ~~the administration of anesthesia by a certified registered nurse anesthetist under the direction of and in the immediate presence of an individual authorized by this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery~~ an individual from practicing as a certified registered nurse anesthetist in accordance with Chapter 4723. of the Revised Code.

(B) This chapter does not prohibit an individual from practicing as an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code.

**Sec. 4731.513.** In administering and enforcing sections 4731.51 to 4731.61 of the Revised Code and in adopting rules under section 4731.05 of the Revised Code, the state medical board shall not prohibit a podiatrist who practices other than in a hospital or college of podiatric medicine and surgery as described in section 4731.51 of the Revised Code from collaborating with a certified registered nurse anesthetist.

For purposes of this section, "certified registered nurse anesthetist" and "collaborating" have the same meanings as in section 4723.01 of the Revised Code.

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

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

|                                                                                 |     |
|---------------------------------------------------------------------------------|-----|
| (1) A physician;                                                                | 737 |
| (2) A clinical nurse specialist, certified nurse-midwife,                       | 738 |
| or certified nurse practitioner who holds a current, valid                      | 739 |
| license issued under Chapter 4723. of the Revised Code to                       | 740 |
| practice nursing as an advanced practice registered nurse and                   | 741 |
| has entered into a standard care arrangement with a physician;                  | 742 |
| (3) A certified registered nurse anesthetist who holds a                        | 743 |
| current, valid license issued under Chapter 4723. of the Revised                | 744 |
| Code to practice nursing as an advanced practice registered                     | 745 |
| nurse and acts in compliance with <del>sections</del> <u>section</u> 4723.43, — | 746 |
| 4723.433, and 4723.434 of the Revised Code;                                     | 747 |
| (4) A physician assistant who holds a valid prescriber                          | 748 |
| number issued by the state medical board, has been granted                      | 749 |
| physician-delegated prescriptive authority, and has entered into                | 750 |
| a supervision agreement that allows the physician assistant to                  | 751 |
| prescribe or order respiratory care services.                                   | 752 |
| (B) The person shall practice only under the supervision                        | 753 |
| of any of the following:                                                        | 754 |
| (1) A physician;                                                                | 755 |
| (2) A certified nurse practitioner, certified nurse-                            | 756 |
| midwife, or clinical nurse specialist;                                          | 757 |
| (3) A physician assistant who is authorized to prescribe                        | 758 |
| or order respiratory care services as provided in division (A)                  | 759 |
| (4) of this section.                                                            | 760 |
| (C) (1) When practicing under the prescription or order of                      | 761 |
| a certified nurse practitioner, certified nurse midwife, or                     | 762 |
| clinical nurse specialist or under the supervision of such a                    | 763 |
| nurse, the person's administration of medication that requires a                | 764 |

prescription is limited to the drugs that the nurse is 765  
authorized to prescribe pursuant to section 4723.481 of the 766  
Revised Code. 767

(2) When practicing under the order of a certified 768  
registered nurse anesthetist, the person's administration of 769  
medication is limited to the drugs that the nurse is authorized 770  
to order or direct the person to administer, as provided in 771  
~~sections~~ section 4723.43, ~~4723.433, and 4723.434~~ of the Revised 772  
Code. 773

(3) When practicing under the prescription or order of a 774  
physician assistant or under the supervision of a physician 775  
assistant, the person's administration of medication that 776  
requires a prescription is limited to the drugs that the 777  
physician assistant is authorized to prescribe pursuant to the 778  
physician assistant's physician-delegated prescriptive 779  
authority. 780

**Section 2.** That existing sections 4723.01, 4723.43, 781  
4723.432, 4729.01, 4731.27, 4731.35, and 4761.17 of the Revised 782  
Code are hereby repealed. 783

**Section 3.** That sections 4723.433, 4723.434, and 4723.435 784  
of the Revised Code are hereby repealed. 785