

As Reported by the Senate Health Committee

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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., Brennan, Dovilla, Fowler Arthur, Grim, Hall, D., Humphrey, Isaacsohn, Jarrells, Lawson-Rowe, Lear, Miller, J., Mohamed, Oelslager, Rogers, Russo, Sigrist, Sweeney, Thomas, C., White, E., Willis, Young

Senators Huffman, Johnson

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

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

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

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

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

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

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

(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 sections <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