

As Reported by the House Health Committee

136th General Assembly

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Sub. H. B. No. 567

Representative Deeter

Cosponsor: Representative Schmidt

To amend sections 109.71, 3129.01, 3313.5310, 1
3333.28, 3701.69, 3701.92, 3701.921, 3705.01, 2
3705.30, 3707.58, 3721.011, 3728.01, 4503.44, 3
4723.01, 4723.063, 4723.18, 4723.181, 4723.28, 4
4723.34, 4723.35, 4723.36, 4723.43, 4723.431, 5
4723.47, 4723.481, 4723.482, 4723.483, 4723.493, 6
4723.52, 4723.66, 4723.67, 4723.69, 4731.297, 7
and 5122.10 and to repeal sections 3701.923, 8
3701.924, 3701.925, 3701.926, 3701.927, and 9
3701.929 of the Revised Code to modify the laws 10
governing a Board of Nursing advisory body for 11
advanced practice registered nurses and to make 12
various corrections in other laws pertaining to 13
the Board and the professionals it regulates. 14

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

Section 1. That sections 109.71, 3129.01, 3313.5310, 15
3333.28, 3701.69, 3701.92, 3701.921, 3705.01, 3705.30, 3707.58, 16
3721.011, 3728.01, 4503.44, 4723.01, 4723.063, 4723.18, 17
4723.181, 4723.28, 4723.34, 4723.35, 4723.36, 4723.43, 4723.431, 18
4723.47, 4723.481, 4723.482, 4723.483, 4723.493, 4723.52, 19
4723.66, 4723.67, 4723.69, 4731.297, and 5122.10 of the Revised 20

Code be amended to read as follows: 21

Sec. 109.71. There is hereby created in the office of the 22
attorney general the Ohio peace officer training commission. The 23
commission shall consist of ten members appointed by the 24
governor with the advice and consent of the senate and selected 25
as follows: one member representing the public; one member who 26
represents a fraternal organization representing law enforcement 27
officers; two members who are incumbent sheriffs; two members 28
who are incumbent chiefs of police; one member from the bureau 29
of criminal identification and investigation; one member from 30
the state highway patrol; one member who is the special agent in 31
charge of a field office of the federal bureau of investigation 32
in this state; and one member from the department of education 33
and workforce, trade and industrial education services, law 34
enforcement training. 35

This section does not confer any arrest authority or any 36
ability or authority to detain a person, write or issue any 37
citation, or provide any disposition alternative, as granted 38
under Chapter 2935. of the Revised Code. 39

The commission is exempt from the requirements of sections 40
101.82 to 101.87 of the Revised Code. 41

As used in sections 109.71 to 109.801 of the Revised Code: 42

(A) "Peace officer" means: 43

(1) A deputy sheriff, marshal, deputy marshal, member of 44
the organized police department of a township or municipal 45
corporation, member of a township police district or joint 46
police district police force, member of a police force employed 47
by a metropolitan housing authority under division (D) of 48
section 3735.31 of the Revised Code, or township constable, who 49

is commissioned and employed as a peace officer by a political 50
subdivision of this state or by a metropolitan housing 51
authority, and whose primary duties are to preserve the peace, 52
to protect life and property, and to enforce the laws of this 53
state, ordinances of a municipal corporation, resolutions of a 54
township, or regulations of a board of county commissioners or 55
board of township trustees, or any of those laws, ordinances, 56
resolutions, or regulations; 57

(2) A police officer who is employed by a railroad company 58
and appointed and commissioned by the secretary of state 59
pursuant to sections 4973.17 to 4973.22 of the Revised Code; 60

(3) Employees of the department of taxation engaged in the 61
enforcement of Chapter 5743. of the Revised Code and designated 62
by the tax commissioner for peace officer training for purposes 63
of the delegation of investigation powers under section 5743.45 64
of the Revised Code; 65

(4) An undercover drug agent; 66

(5) Enforcement agents of the department of public safety 67
whom the director of public safety designates under section 68
5502.14 of the Revised Code; 69

(6) An employee of the department of natural resources who 70
is a natural resources law enforcement staff officer designated 71
pursuant to section 1501.013, a natural resources officer 72
appointed pursuant to section 1501.24, a forest-fire 73
investigator appointed pursuant to section 1503.09, or a 74
wildlife officer designated pursuant to section 1531.13 of the 75
Revised Code; 76

(7) An employee of a park district who is designated 77
pursuant to section 511.232 or 1545.13 of the Revised Code; 78

(8) An employee of a conservancy district who is	79
designated pursuant to section 6101.75 of the Revised Code;	80
(9) A police officer who is employed by a hospital that	81
employs and maintains its own proprietary police department or	82
security department, and who is appointed and commissioned by	83
the secretary of state pursuant to sections 4973.17 to 4973.22	84
of the Revised Code;	85
(10) Veterans' homes police officers designated under	86
section 5907.02 of the Revised Code;	87
(11) A police officer who is employed by a qualified	88
nonprofit corporation police department pursuant to section	89
1702.80 of the Revised Code;	90
(12) A state university law enforcement officer appointed	91
under section 3345.04 of the Revised Code or a person serving as	92
a state university law enforcement officer on a permanent basis	93
on June 19, 1978, who has been awarded a certificate by the	94
executive director of the Ohio peace officer training commission	95
attesting to the person's satisfactory completion of an approved	96
state, county, municipal, or department of natural resources	97
peace officer basic training program;	98
(13) A special police officer employed by the department	99
of mental behavioral health and addiction services pursuant to	100
section 5119.08 of the Revised Code or the department of	101
developmental disabilities pursuant to section 5123.13 of the	102
Revised Code;	103
(14) A member of a campus police department appointed	104
under section 1713.50 of the Revised Code;	105
(15) A member of a police force employed by a regional	106
transit authority under division (Y) of section 306.35 of the	107

Revised Code;	108
(16) Investigators appointed by the auditor of state	109
pursuant to section 117.091 of the Revised Code and engaged in	110
the enforcement of Chapter 117. of the Revised Code;	111
(17) A special police officer designated by the	112
superintendent of the state highway patrol pursuant to section	113
5503.09 of the Revised Code or a person who was serving as a	114
special police officer pursuant to that section on a permanent	115
basis on October 21, 1997, and who has been awarded a	116
certificate by the executive director of the Ohio peace officer	117
training commission attesting to the person's satisfactory	118
completion of an approved state, county, municipal, or	119
department of natural resources peace officer basic training	120
program;	121
(18) A special police officer employed by a port authority	122
under section 4582.04 or 4582.28 of the Revised Code or a person	123
serving as a special police officer employed by a port authority	124
on a permanent basis on May 17, 2000, who has been awarded a	125
certificate by the executive director of the Ohio peace officer	126
training commission attesting to the person's satisfactory	127
completion of an approved state, county, municipal, or	128
department of natural resources peace officer basic training	129
program;	130
(19) A special police officer employed by a municipal	131
corporation who has been awarded a certificate by the executive	132
director of the Ohio peace officer training commission for	133
satisfactory completion of an approved peace officer basic	134
training program and who is employed on a permanent basis on or	135
after March 19, 2003, at a municipal airport, or other municipal	136
air navigation facility, that has scheduled operations, as	137

defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended;

(20) A police officer who is employed by an owner or operator of an amusement park that has an average yearly attendance in excess of six hundred thousand guests and that employs and maintains its own proprietary police department or security department, and who is appointed and commissioned by a judge of the appropriate municipal court or county court pursuant to section 4973.17 of the Revised Code;

(21) A police officer who is employed by a bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions, who has been appointed and commissioned by the secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code, and who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of a state, county, municipal, or department of natural resources peace officer basic training program;

(22) An investigator, as defined in section 109.541 of the Revised Code, of the bureau of criminal identification and investigation who is commissioned by the superintendent of the bureau as a special agent for the purpose of assisting law enforcement officers or providing emergency assistance to peace officers pursuant to authority granted under that section;

(23) A state fire marshal law enforcement officer	168
appointed under section 3737.22 of the Revised Code or a person	169
serving as a state fire marshal law enforcement officer on a	170
permanent basis on or after July 1, 1982, who has been awarded a	171
certificate by the executive director of the Ohio peace officer	172
training commission attesting to the person's satisfactory	173
completion of an approved state, county, municipal, or	174
department of natural resources peace officer basic training	175
program;	176
(24) A gaming agent employed under section 3772.03 of the	177
Revised Code;	178
(25) An employee of the state board of pharmacy designated	179
by the executive director of the board pursuant to section	180
4729.04 of the Revised Code to investigate violations of	181
Chapters 2925., 3715., 3719., 3796., 4729., and 4752. of the	182
Revised Code and rules adopted thereunder.	183
(B) "Undercover drug agent" has the same meaning as in	184
division (B) (2) of section 109.79 of the Revised Code.	185
(C) "Crisis intervention training" means training in the	186
use of interpersonal and communication skills to most	187
effectively and sensitively interview victims of rape.	188
(D) "Missing children" has the same meaning as in section	189
2901.30 of the Revised Code.	190
(E) "Tactical medical professional" means an EMT, EMT-	191
basic, AEMT, EMT-I, paramedic, nurse, or physician who is	192
trained and certified in a nationally recognized tactical	193
medical training program that is equivalent to "tactical combat	194
casualty care" (TCCC) and "tactical emergency medical support"	195
(TEMS) and who functions in the tactical or austere environment	196

while attached to a law enforcement agency of either this state 197
or a political subdivision of this state. 198

(F) ~~"EMT-basic," "EMT-I," and "paramedic" have the same~~ 199
~~meanings as in section 4765.01 of the Revised Code and "EMT" and~~ 200
~~"AEMT" have the same meanings, respectively, as "EMT-basic" and~~ 201
~~"EMT-I" in section 4765.01 and as recognized in section 4765.011~~ 202
~~of the Revised Code, and "paramedic" has the same meaning as in~~ 203
~~section 4765.01 of the Revised Code.~~ 204

(G) "Nurse" means any of the following: 205

(1) Any person who is licensed to practice nursing as a 206
registered nurse by the board of nursing pursuant to Chapter 207
4723. of the Revised Code; 208

(2) Any certified nurse practitioner, clinical nurse 209
specialist, certified registered nurse anesthetist, or certified 210
nurse-midwife ~~who holds a certificate of authority issued by the~~ 211
~~board of nursing under Chapter 4723.,~~ as defined in section 212
4723.01 of the Revised Code; 213

(3) Any person who is licensed to practice nursing as a 214
licensed practical nurse by the board of nursing pursuant to 215
Chapter 4723. of the Revised Code. 216

(H) "Physician" means a person who is licensed pursuant to 217
Chapter 4731. of the Revised Code to practice medicine and 218
surgery or osteopathic medicine and surgery. 219

(I) "County correctional officer" has the same meaning as 220
in section 341.41 of the Revised Code. 221

(J) (1) "Fire investigator" means an employee of a fire 222
department charged with investigating fires and explosions who 223
has been authorized, in accordance with sections 737.27 and 224

3737.24 of the Revised Code, to perform the duties of 225
investigating the origin and cause of fires and explosions using 226
the scientific method to investigate elements of the event 227
including the circumstances, actions, persons, means, and 228
motives that resulted in the fire or explosion or the report of 229
a fire or explosion within this state. 230

(2) "Fire investigator" does not include a person who is 231
acting as a fire investigator on behalf of an insurance company 232
or any other privately owned or operated enterprise. 233

(K) "Fire department" means a fire department of the state 234
or an instrumentality of the state or of a municipal 235
corporation, township, joint fire district, or other political 236
subdivision. 237

(L) "At-risk youth" means an individual who is all of the 238
following: 239

(1) Under twenty-one years of age; 240

(2) One of the following: 241

(a) At risk of becoming an abused, neglected, or dependent 242
child, delinquent or unruly child, or juvenile traffic offender; 243

(b) An abused, neglected, or dependent child, delinquent 244
or unruly child, or juvenile traffic offender. 245

(3) Residing in a state correctional institution, a 246
department of youth services institution, or a residential 247
facility. 248

(M) "Residential facility" has the same meaning as in 249
section 2151.46 of the Revised Code. 250

Sec. 3129.01. As used in this chapter: 251

(A) "Biological sex," "birth sex," and "sex" mean the	252
biological indication of male and female, including sex	253
chromosomes, naturally occurring sex hormones, gonads, and	254
nonambiguous internal and external genitalia present at birth,	255
without regard to an individual's psychological, chosen, or	256
subjective experience of gender.	257
(B) "Cross-sex hormone" means testosterone, estrogen, or	258
progesterone given to a minor individual in an amount greater	259
than would normally be produced endogenously in a healthy	260
individual of the minor individual's age and sex.	261
(C) "Gender reassignment surgery" means any surgery	262
performed for the purpose of assisting an individual with gender	263
transition that seeks to surgically alter or remove healthy	264
physical or anatomical characteristics or features that are	265
typical for the individual's biological sex, in order to instill	266
or create physiological or anatomical characteristics that	267
resemble a sex different from the individual's birth sex,	268
including genital or non-genital gender reassignment surgery.	269
(D) "Gender-related condition" means any condition where	270
an individual feels an incongruence between the individual's	271
gender identity and biological sex. "Gender-related condition"	272
includes gender dysphoria.	273
(E) "Gender transition" means the process in which an	274
individual goes from identifying with and living as a gender	275
that corresponds to his or her biological sex to identifying	276
with and living as a gender different from his or her biological	277
sex, including social, legal, or physical changes.	278
(F) "Gender transition services" means any medical or	279
surgical service (including physician services, inpatient and	280

outpatient hospital services, or prescription drugs or hormones) 281
provided for the purpose of assisting an individual with gender 282
transition that seeks to alter or remove physical or anatomical 283
characteristics or features that are typical for the 284
individual's biological sex, or to instill or create 285
physiological or anatomical characteristics that resemble a sex 286
different from the individual's birth sex, including medical 287
services that provide puberty blocking drugs, cross-sex 288
hormones, or other mechanisms to promote the development of 289
feminizing or masculinizing features in the opposite sex, or 290
genital or non-genital gender reassignment surgery. 291

(G) "Genital gender reassignment surgery" means surgery 292
performed for the purpose of assisting an individual with gender 293
transition and includes both of the following: 294

(1) Surgeries that sterilize, such as castration, 295
vasectomy, hysterectomy, oophorectomy, orchiectomy, and 296
penectomy; 297

(2) Surgeries that artificially construct tissue with the 298
appearance of genitalia that differs from the individual's 299
biological sex, such as metoidioplasty, phalloplasty, and 300
vaginoplasty. 301

(H) "Mental health professional" means all of the 302
following: 303

(1) Either of the following advanced practice registered 304
nurses who holds a current, valid license issued under Chapter 305
4723. of the Revised Code that authorizes the practice of 306
nursing as an advanced practice registered nurse: 307

(a) A clinical nurse specialist who is certified as a 308
psychiatric-mental health CNS, or the equivalent of such title, 309

by the American nurses credentialing center;	310
(b) A certified nurse practitioner who is certified as a	311
psychiatric-mental health NP, <u>or the equivalent of such title,</u>	312
by the American nurses credentialing center <u>or American academy</u>	313
<u>of nurse practitioners certification board.</u>	314
(2) A physician specializing in psychiatry;	315
(3) A psychologist, school psychologist, or independent	316
school psychologist licensed under Chapter 4732. of the Revised	317
Code or under rules adopted in accordance with sections 3301.07	318
and 3319.22 of the Revised Code;	319
(4) An independent social worker, social worker, licensed	320
professional clinical counselor, licensed professional	321
counselor, independent marriage and family therapist, or	322
marriage and family therapist licensed under Chapter 4757. of	323
the Revised Code.	324
(I) "Minor individual" means an individual under eighteen	325
years of age.	326
(J) "Non-genital gender reassignment surgery" means	327
surgery performed for the purpose of assisting an individual	328
with gender transition such as augmentation mammoplasty, facial	329
feminization surgery, liposuction, lipofilling, voice surgery,	330
thyroid cartilage reduction, gluteal augmentation, pectoral	331
implants, or other aesthetic procedures.	332
(K) "Physician" means an individual authorized under	333
Chapter 4731. of the Revised Code to practice medicine and	334
surgery or osteopathic medicine and surgery.	335
(L) "Puberty-blocking drugs" means Gonadotropin-releasing	336
hormone analogs or other synthetic drugs used to stop	337

luteinizing hormone and follicle stimulating hormone secretion, 338
synthetic antiandrogen drugs used to block the androgen 339
receptor, or any drug to delay or suppress normal puberty. 340

Sec. 3313.5310. (A) (1) This section applies to both of the 341
following: 342

(a) Any school operated by a school district board of 343
education; 344

(b) Any chartered or nonchartered nonpublic school that is 345
subject to the rules of an interscholastic conference or an 346
organization that regulates interscholastic conferences or 347
events. 348

(2) As used in this section, "athletic activity" means all 349
of the following: 350

(a) Interscholastic athletics; 351

(b) An athletic contest or competition that is sponsored 352
by or associated with a school that is subject to this section, 353
including cheerleading, club-sponsored sports activities, and 354
sports activities sponsored by school-affiliated organizations; 355

(c) Noncompetitive cheerleading that is sponsored by 356
school-affiliated organizations; 357

(d) Practices, interschool practices, and scrimmages for 358
all of the activities described in divisions (A) (2) (a), (b), and 359
(c) of this section. 360

(B) Prior to the start of each athletic season, a school 361
that is subject to this section shall hold an informational 362
meeting for students, parents, guardians, other persons having 363
care or charge of a student, physicians, pediatric 364
cardiologists, athletic trainers, and any other persons 365

regarding the symptoms and warning signs of sudden cardiac 366
arrest for all ages of students. 367

(C) No student shall participate in an athletic activity 368
until the student has submitted to a designated school official 369
a form signed by the student and the parent, guardian, or other 370
person having care or charge of the student stating that the 371
student and the parent, guardian, or other person having care or 372
charge of the student have received and reviewed a copy of the 373
information jointly developed by the department of health and 374
the department of education and workforce and posted on their 375
respective web sites as required by section 3707.59 of the 376
Revised Code. A completed form shall be submitted each school 377
year, as defined in section 3313.62 of the Revised Code, in 378
which the student participates in an athletic activity. 379

(D) No individual, including coaches and assistant 380
coaches, shall coach an athletic activity unless the individual 381
has completed the sudden cardiac arrest training course approved 382
by the department of health under division (C) of section 383
3707.59 of the Revised Code in accordance with section 3319.303 384
of the Revised Code. 385

(E) (1) A student shall not be allowed to participate in an 386
athletic activity if either of the following is the case: 387

(a) The student's biological parent, biological sibling, 388
or biological child has previously experienced sudden cardiac 389
arrest, and the student has not been evaluated and cleared for 390
participation in an athletic activity by a physician authorized 391
under Chapter 4731. of the Revised Code to practice medicine and 392
surgery or osteopathic medicine and surgery. 393

(b) The student is known to have exhibited syncope or 394

fainting at any time prior to or following an athletic activity 395
and has not been evaluated and cleared for return under division 396
(E) (3) of this section after exhibiting syncope or fainting. 397

(2) A student shall be removed by the student's coach from 398
participation in an athletic activity if the student exhibits 399
syncope or fainting. 400

(3) If a student is not allowed to participate in or is 401
removed from participation in an athletic activity under 402
division (E) (1) or (2) of this section, the student shall not be 403
allowed to return to participation until the student is 404
evaluated and cleared for return in writing by any of the 405
following: 406

(a) A physician authorized under Chapter 4731. of the 407
Revised Code to practice medicine and surgery or osteopathic 408
medicine and surgery, including a physician who specializes in 409
cardiology; 410

(b) A certified nurse practitioner, clinical nurse 411
specialist, or certified nurse-midwife ~~who holds a certificate~~ 412
~~of authority issued under Chapter 4723.,~~ as defined in section 413
4723.01 of the Revised Code; 414

(c) A physician assistant licensed under Chapter 4730. of 415
the Revised Code; 416

(d) An athletic trainer licensed under Chapter 4755. of 417
the Revised Code. 418

The licensed health care providers specified in divisions 419
(E) (3) (a) to (d) of this section may consult with any other 420
licensed or certified health care providers in order to 421
determine whether a student is ready to return to participation. 422

(F) A school that is subject to this section shall 423
establish penalties for a coach who violates the provisions of 424
division (E) of this section. 425

(G) Nothing in this section shall be construed to abridge 426
or limit any rights provided under a collective bargaining 427
agreement entered into under Chapter 4117. of the Revised Code 428
prior to March 14, 2017. 429

(H) (1) A school district, member of a school district 430
board of education, or school district employee or volunteer, 431
including a coach, is not liable in damages in a civil action 432
for injury, death, or loss to person or property allegedly 433
arising from providing services or performing duties under this 434
section, unless the act or omission constitutes willful or 435
wanton misconduct. 436

This section does not eliminate, limit, or reduce any 437
other immunity or defense that a school district, member of a 438
school district board of education, or school district employee 439
or volunteer, including a coach, may be entitled to under 440
Chapter 2744. or any other provision of the Revised Code or 441
under the common law of this state. 442

(2) A chartered or nonchartered nonpublic school or any 443
officer, director, employee, or volunteer of the school, 444
including a coach, is not liable in damages in a civil action 445
for injury, death, or loss to person or property allegedly 446
arising from providing services or performing duties under this 447
section, unless the act or omission constitutes willful or 448
wanton misconduct. 449

Sec. 3333.28. (A) The chancellor of higher education shall 450
establish the nurse education assistance program, the purpose of 451

which shall be to make loans to students enrolled in 452
prelicensure ~~nurse-nursing~~ education programs ~~at institutions-~~ 453
approved by the board of nursing under section 4723.06 of the 454
Revised Code and postlicensure ~~nurse-nursing~~ education programs 455
approved by the chancellor under section 3333.04 of the Revised 456
Code or offered by an institution holding a certificate of 457
authorization issued under Chapter 1713. of the Revised Code. 458
~~The-~~ 459

The chancellor shall determine the manner in which to 460
distribute loans under the program. The board of nursing shall 461
assist the chancellor in administering the program. 462

(B) There is hereby created in the state treasury the 463
nurse education assistance fund, which shall consist of all 464
money transferred to it pursuant to section 4743.05 of the 465
Revised Code. The fund shall be used by the chancellor for loans 466
made under division (A) of this section and for expenses of 467
administering the loan program. 468

(C) ~~Between July 1, 2005, and January 1, 2012, the~~ 469
~~chancellor shall distribute money in the nurse education-~~ 470
~~assistance fund in the following manner:-~~ 471

~~(1)(a) Fifty per cent of available funds shall be awarded-~~ 472
~~as loans to registered nurses enrolled in postlicensure nurse-~~ 473
~~education programs described in division (A) of this section. To~~ 474
~~be eligible for a loan, the applicant shall provide the-~~ 475
~~chancellor with a letter of intent to practice as a faculty-~~ 476
~~member at a prelicensure or postlicensure program for nursing in~~ 477
~~this state upon completion of the applicant's academic program.-~~ 478

~~(b) If the borrower of a loan under division (C) (1) (a) of-~~ 479
~~this section secures employment as a faculty member of an-~~ 480

~~approved nursing education program in this state within six~~ 481
~~months following graduation from an approved nurse education~~ 482
~~program, the chancellor may forgive the principal and interest~~ 483
~~of the student's loans received under division (C) (1) (a) of this~~ 484
~~section at a rate of twenty-five per cent per year, for a~~ 485
~~maximum of four years, for each year in which the borrower is so~~ 486
~~employed. A deferment of the service obligation, and other~~ 487
~~conditions regarding the forgiveness of loans may be granted as~~ 488
~~provided by the rules adopted under division (D) (7) of this~~ 489
~~section.~~ 490

~~(c) Loans awarded under division (C) (1) (a) of this section~~ 491
~~shall be awarded on the basis of the student's expected family~~ 492
~~contribution, with preference given to those applicants with the~~ 493
~~lowest expected family contribution. However, the chancellor may~~ 494
~~consider other factors the chancellor determines relevant in~~ 495
~~ranking the applications.~~ 496

~~(d) Each loan awarded to a student under division (C) (1)~~ 497
~~(a) of this section shall be not less than five thousand dollars~~ 498
~~per year.~~ 499

~~(2) Twenty-five per cent of available funds shall be~~ 500
~~awarded to students enrolled in prelicensure nurse education~~ 501
~~programs for registered nurses, as defined in section 4723.01 of~~ 502
~~the Revised Code.~~ 503

~~(3) Twenty-five per cent of available funds shall be~~ 504
~~awarded to students enrolled in nurse education programs as~~ 505
~~determined by the chancellor, with preference given to programs~~ 506
~~aimed at increasing enrollment in an area of need.~~ 507

~~After January 1, 2012, the chancellor shall determine the~~ 508
~~manner in which to distribute loans under this section.~~ 509

(D) Subject to the requirements specified in division (C)	510
of this section, the <u>The</u> chancellor shall adopt rules in	511
accordance with Chapter 119. of the Revised Code establishing:	512
(1) Eligibility criteria for receipt of a loan;	513
(2) Loan application procedures;	514
(3) The amounts in which loans may be made and the total	515
amount that may be loaned to an individual;	516
(4) The total amount of loans that can be made each year;	517
(5) The percentage of the money in the fund that must	518
remain in the fund at all times as a fund balance;	519
(6) Interest and principal repayment schedules;	520
(7) Conditions under which a portion of principal and	521
interest obligations incurred by an individual under the program	522
will be forgiven;	523
(8) Conditions under which all or a portion of the	524
principal and interest obligations incurred by an individual who	525
is deployed on active duty outside of the state or who is the	526
spouse of a person deployed on active duty outside of the state	527
may be deferred or forgiven.;	528
(9) Ways that the program may be used to encourage	529
individuals who are members of minority groups to enter the	530
nursing profession;	531
(10) Any other matters incidental to the operation of the	532
program.	533
(E) <u>(D)</u> (1) The obligation to repay a portion of the	534
principal and interest on a loan made under this section shall	535
be forgiven if the recipient of the loan meets the criteria	536

~~conditions~~ for forgiveness established ~~by division (C) (1) (b) of~~ 537
~~this section, in the case of loans awarded under division (C) (1)~~ 538
~~(a) of this section, or by the chancellor under the rule adopted~~ 539
under division ~~(D) (7)~~ (C) (7) of this section, ~~in the case of~~ 540
~~other loans awarded under this section.~~ 541

~~(F) (2)~~ The obligation to repay all or a portion of the 542
principal and interest on a loan made under this section may be 543
deferred or forgiven if the recipient of the loan meets the 544
~~criteria~~ conditions for deferment or forgiveness established by 545
the chancellor under the rule adopted under division ~~(D) (8)~~ (C) 546
(8) of this section. 547

~~(G) (E)~~ The receipt of a loan under this section shall not 548
affect a student's eligibility for assistance, or the amount of 549
that assistance, granted under section 3333.122, 3333.22, 550
3333.26, 5910.03, 5910.032, or 5919.34 of the Revised Code, but 551
the rules of the chancellor may provide for taking assistance 552
received under those sections into consideration when 553
determining a student's eligibility for a loan under this 554
section. 555

~~(H) (F)~~ As used in this section, "active duty" means active 556
duty pursuant to an executive order of the president of the 557
United States, an act of the congress of the United States, or 558
section 5919.29 or 5923.21 of the Revised Code. 559

Sec. 3701.69. (A) (1) The department of health shall create 560
a Down syndrome information sheet that includes all of the 561
following: 562

(a) A description of Down syndrome, including its causes, 563
effects on development, and potential complications; 564

(b) Diagnostic tests; 565

(c) Options for treatment and therapy;	566
(d) Contact information for local, state, and national organizations that provide Down syndrome educational and support services and programs.	567 568 569
(2) With respect to the medical information included in the information sheet, the department shall include only information that is current and based on medical evidence.	570 571 572
(3) The department shall periodically review and update the information sheet and shall make it available on the department's internet web site.	573 574 575
(B) If a patient under the care of any of the following health care professionals or facilities receives either a test result indicating Down syndrome or a prenatal or postnatal diagnosis of Down syndrome, the health care professional or facility shall provide to the patient or the patient's representative a copy of the information sheet created under division (A) of this section:	576 577 578 579 580 581 582
(1) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	583 584 585
(2) A certified nurse-midwife who holds a certificate of authority issued under Chapter 4723. , <u>as defined in section 4723.01</u> of the Revised Code;	586 587 588
(3) A genetic counselor licensed under Chapter 4778. of the Revised Code;	589 590
(4) A hospital licensed under Chapter 3722. of the Revised Code that operates a maternity unit or newborn care nursery;	591 592
(5) A maternity home licensed under Chapter 3711. of the	593

Revised Code;	594
(6) A freestanding birthing center licensed under section 3702.30 of the Revised Code.	595 596
Sec. 3701.92. As used in sections 3701.921 to 3701.929 <u>3701.928</u> of the Revised Code:	597 598
(A) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code.	599 600
(B) "Patient centered medical home education advisory group" means the entity established under section 3701.924 of the Revised Code.	601 602 603
(C) "Patient centered medical home education program" means the program established under section 3701.921 of the Revised Code and any pilot projects operated pursuant to that section.	604 605 606 607
(D) "Patient centered medical home education pilot project" means the pilot project established under section 3701.923 of the Revised Code.	608 609 610
(E) (C) "Physician assistant" means a person who is licensed as a physician assistant under Chapter 4730. of the Revised Code.	611 612 613
Sec. 3701.921. There is hereby established the patient centered medical home education program in the department of health. For the purpose of advancing education in the patient centered medical home model of care, the director of health may implement and administer the program pursuant to sections 3701.922 to 3701.929 <u>3701.928</u> of the Revised Code. The patient centered medical home model of care is an enhanced model of primary care in which care teams attend to the multifaceted	614 615 616 617 618 619 620 621

needs of patients, providing whole person comprehensive and 622
coordinate patient centered care. 623

To the extent that funds are available, the program ~~shall~~ 624
~~include the patient centered medical home education pilot~~ 625
~~project and may include any other projects~~ the director 626
establishes pursuant to division (A) (3) of section 3701.922 of 627
the Revised Code. 628

Sec. 3705.01. As used in this chapter: 629

(A) "Live birth" means the complete expulsion or 630
extraction from its mother of a product of human conception that 631
after such expulsion or extraction breathes or shows any other 632
evidence of life such as beating of the heart, pulsation of the 633
umbilical cord, or definite movement of voluntary muscles, 634
whether or not the umbilical cord has been cut or the placenta 635
is attached. 636

(B) (1) "Fetal death" means death prior to the complete 637
expulsion or extraction from its mother of a product of human 638
conception, irrespective of the duration of pregnancy, which 639
after such expulsion or extraction does not breathe or show any 640
other evidence of life such as beating of the heart, pulsation 641
of the umbilical cord, or definite movement of voluntary 642
muscles. 643

(2) "Stillborn" means that an infant of at least twenty 644
weeks of gestation suffered a fetal death. 645

(C) "Dead body" means a human body or part of a human body 646
from the condition of which it reasonably may be concluded that 647
death recently occurred. 648

(D) "Physician" means a person licensed pursuant to 649
Chapter 4731. of the Revised Code to practice medicine or 650

surgery or osteopathic medicine and surgery. 651

(E) "Attending physician," when used in the context of the 652
death of a patient, means the physician in charge of the 653
patient's care for the illness or condition that resulted in 654
death. 655

(F) "Institution" means any establishment, public or 656
private, that provides medical, surgical, or diagnostic care or 657
treatment, or domiciliary care, to two or more unrelated 658
individuals, or to persons committed by law. 659

(G) "Funeral director" has the meaning given in section 660
4717.01 of the Revised Code. 661

(H) "State registrar" means the head of the office of 662
vital statistics in the department of health. 663

(I) "Medical certification" means completion of the 664
medical certification portion of the certificate of death or 665
fetal death as to the cause of death or fetal death. 666

(J) "Final disposition" means the interment, cremation, 667
removal from the state, donation, or other authorized 668
disposition of a dead body or a fetal death. 669

(K) "Interment" means the final disposition of the remains 670
of a dead body by burial or entombment. 671

(L) "Cremation" means the reduction to ashes of a dead 672
body. 673

(M) "Donation" means gift of a dead body to a research 674
institution or medical school. 675

(N) "System of vital statistics" means the registration, 676
collection, preservation, amendment, and certification of vital 677

records, the collection of other reports required by this 678
chapter, and activities related thereto. 679

(O) "Vital records" means certificates or reports of 680
birth, death, fetal death, marriage, divorce, dissolution of 681
marriage, annulment, and data related thereto and other 682
documents maintained as required by statute. 683

(P) "File" means the presentation of vital records for 684
registration by the office of vital statistics. 685

(Q) "Registration" means the acceptance by the office of 686
vital statistics and the incorporation of vital records into its 687
official records. 688

(R) "Birth record" means a birth certificate that has been 689
registered with the office of vital statistics; or, if 690
registered prior to March 16, 1989, with the division of vital 691
statistics; or, if registered prior to the establishment of the 692
division of vital statistics, with the department of health or a 693
local registrar. 694

(S) "Certification of birth" means a document issued by 695
the director of health or state registrar or a local registrar 696
under division (B) of section 3705.23 of the Revised Code. 697

(T) "Certified nurse-midwife," ~~has~~ "clinical nurse 698
specialist," and "certified nurse practitioner" have the same 699
~~meaning~~ meanings as in section 4723.01 of the Revised Code. 700

Sec. 3705.30. (A) As used in this section: 701

(1) ~~"Certified nurse-midwife," "clinical nurse-~~ 702
~~specialist," and "certified nurse practitioner" have the same~~ 703
~~meanings as in section 4723.01 of the Revised Code.~~ 704

~~(2)~~ "Freestanding birthing center" has the same meaning as 705

in section 3701.503 of the Revised Code. 706

~~(3)(2) "Hospital" has the same meaning as in section 3722.01 means an institution or facility licensed under Chapter 3722. of the Revised Code.~~ 707
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~~(4) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.~~ 710
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(B) The director of health shall establish and, if funds for this purpose are available, implement a statewide birth defects information system for the collection of information concerning congenital anomalies, stillbirths, and abnormal conditions of newborns. 713
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(C) If the system is implemented under division (B) of this section, all of the following apply: 718
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(1) The director may require each physician, certified nurse-midwife, clinical nurse specialist, certified nurse practitioner, hospital, and freestanding birthing center to report to the system information concerning all patients under five years of age with a primary diagnosis of a congenital anomaly or abnormal condition. The director shall not require a hospital, freestanding birthing center, physician, certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner to report to the system any information that is reported to the director or department of health under another provision of the Revised Code or Administrative Code. 720
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(2) On request, each physician, certified nurse-midwife, clinical nurse specialist, certified nurse practitioner, hospital, and freestanding birthing center shall give the director or authorized employees of the department of health 731
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access to the medical records of any patient described in 735
division (C)(1) of this section. The department shall pay the 736
costs of copying any medical records pursuant to this division. 737

(3) The director may review vital statistics records and 738
shall consider expanding the list of congenital anomalies and 739
abnormal conditions of newborns reported on birth certificates 740
pursuant to section 3705.08 of the Revised Code. 741

(D) A physician, certified nurse-midwife, clinical nurse 742
specialist, certified nurse practitioner, hospital, or 743
freestanding birthing center that provides information to the 744
system under division (C) of this section shall not be subject 745
to criminal or civil liability for providing the information. 746

Sec. 3707.58. (A) As used in this section: 747

(1) "Youth athlete" means an individual who wishes to 748
practice for or compete in athletic activities organized by a 749
youth sports organization; 750

(2) "Youth sports organization" has the same meaning as in 751
section 3707.51 of the Revised Code. 752

(B) Prior to the start of each athletic season, a youth 753
sports organization that is subject to this section shall hold 754
an informational meeting for youth athletes, parents, guardians, 755
other persons having care or charge of a youth athlete, 756
physicians, pediatric cardiologists, athletic trainers, and any 757
other persons regarding the symptoms and warning signs of sudden 758
cardiac arrest for all ages of youth athletes. 759

(C) No youth athlete shall participate in an athletic 760
activity organized by a youth sports organization until the 761
youth athlete has submitted to a designated official of the 762
youth sports organization a form signed by the youth athlete and 763

the parent, guardian, or other person having care or charge of 764
the youth athlete stating that the youth athlete and the parent, 765
guardian, or other person having care or charge of the youth 766
athlete have received and reviewed a copy of the information 767
developed by the department of health and the department of 768
education and workforce and posted on their respective internet 769
web sites as required by section 3707.59 of the Revised Code. A 770
completed form shall be submitted each calendar year to each 771
youth sports organization that organizes an athletic activity in 772
which the youth athlete participates. 773

(D) No individual shall coach an athletic activity 774
organized by a youth sports organization unless the individual 775
has completed, on an annual basis, the sudden cardiac arrest 776
training course approved by the department of health under 777
division (C) of section 3707.59 of the Revised Code. 778

(E) (1) A youth athlete shall not be allowed to participate 779
in an athletic activity organized by a youth sports organization 780
if either of the following is the case: 781

(a) The youth athlete's biological parent, biological 782
sibling, or biological child has previously experienced sudden 783
cardiac arrest, and the youth athlete has not been evaluated and 784
cleared for participation in an athletic activity organized by a 785
youth sports organization by a physician authorized under 786
Chapter 4731. of the Revised Code to practice medicine and 787
surgery or osteopathic medicine and surgery. 788

(b) The youth athlete is known to have exhibited syncope 789
or fainting at any time prior to or following an athletic 790
activity and has not been evaluated and cleared for return under 791
division (E) (3) of this section after exhibiting syncope or 792
fainting. 793

(2) A youth athlete shall be removed by the youth athlete's coach from participation in an athletic activity organized by a youth sports organization if the youth athlete exhibits syncope or fainting.

(3) If a youth athlete is not allowed to participate in or is removed from participation in an athletic activity organized by a youth sports organization under division (E) (1) or (2) of this section, the youth athlete shall not be allowed to return to participation until the youth athlete is evaluated and cleared for return in writing by any of the following:

(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, including a physician who specializes in cardiology;

(b) A certified nurse practitioner, clinical nurse specialist, or certified nurse-midwife ~~who holds a certificate of authority issued under Chapter 4723., as defined in section 4723.01~~ of the Revised Code.

The licensed health care providers specified in divisions (E) (3) (a) and (b) of this section may consult with any other licensed or certified health care providers in order to determine whether a youth athlete is ready to return to participation.

(F) A youth sports organization that is subject to this section shall establish penalties for a coach who violates the provisions of division (E) of this section.

(G) (1) A youth sports organization or official, employee, or volunteer of a youth sports organization, including a coach, is not liable in damages in a civil action for injury, death, or

loss to person or property allegedly arising from providing 823
services or performing duties under this section, unless the act 824
or omission constitutes willful or wanton misconduct. 825

(2) This section does not eliminate, limit, or reduce any 826
other immunity or defense that a public entity, public official, 827
or public employee may be entitled to under Chapter 2744. or any 828
other provision of the Revised Code or under the common law of 829
this state. 830

Sec. 3721.011. (A) In addition to providing 831
accommodations, supervision, and personal care services to its 832
residents, a residential care facility may do the following: 833

(1) Provide the following skilled nursing care to its 834
residents: 835

(a) Supervision of special diets; 836

(b) Application of dressings, in accordance with rules 837
adopted under section 3721.04 of the Revised Code; 838

(c) Subject to division (B)(1) of this section, 839
administration of medication. 840

(2) Subject to division (C) of this section, provide other 841
skilled nursing care on a part-time, intermittent basis for not 842
more than a total of one hundred twenty days in a twelve-month 843
period; 844

(3) Provide skilled nursing care for more than one hundred 845
twenty days in a twelve-month period to a resident when the 846
requirements of division (D) of this section are met. 847

A residential care facility may not admit or retain an 848
individual requiring skilled nursing care that is not authorized 849
by this section. A residential care facility may not provide 850

skilled nursing care beyond the limits established by this 851
section. 852

(B) (1) A residential care facility may admit or retain an 853
individual requiring medication, including biologicals, only if 854
the individual's personal physician, certified nurse-midwife if 855
authorized as described in section 4723.438 of the Revised Code, 856
clinical nurse specialist, or certified nurse practitioner has 857
determined in writing that the individual is capable of self- 858
administering the medication or the facility provides for the 859
medication to be administered to the individual by a home health 860
agency certified under Title XVIII of the "Social Security Act," 861
79 Stat. 620 (1965), 42 U.S.C. 1395, as amended; a hospice care 862
program licensed under Chapter 3712. of the Revised Code; or a 863
member of the staff of the residential care facility who is 864
qualified to perform medication administration. Medication may 865
be administered in a residential care facility only by the 866
following persons authorized by law to administer medication: 867

(a) A registered nurse licensed under Chapter 4723. of the 868
Revised Code, including a certified nurse-midwife, clinical 869
nurse specialist, or certified nurse practitioner; 870

(b) A licensed practical nurse licensed under Chapter 871
4723. of the Revised Code ~~who holds proof of successful~~ 872
~~completion of a course in medication administration approved by~~ 873
~~the board of nursing and who~~ administers the medication only at 874
the direction of a registered nurse or a physician authorized 875
under Chapter 4731. of the Revised Code to practice medicine and 876
surgery or osteopathic medicine and surgery; 877

(c) A medication aide certified under Chapter 4723. of the 878
Revised Code; 879

(d) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(2) In assisting a resident with self-administration of medication, any member of the staff of a residential care facility may do the following:

(a) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container;

(b) Assist a resident by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to section 3721.04 of the Revised Code, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident.

(c) Assist a resident who is physically impaired but mentally alert, such as a resident with arthritis, cerebral palsy, or Parkinson's disease, in removing oral or topical medication from containers and in consuming or applying the medication, upon request by or with the consent of the resident. If a resident is physically unable to place a dose of medicine to the resident's mouth without spilling it, a staff member may place the dose in a container and place the container to the mouth of the resident.

(C) Except as provided in division (D) of this section, a residential care facility may admit or retain individuals who require skilled nursing care beyond the supervision of special diets, application of dressings, or administration of medication, only if the care will be provided on a part-time,

intermittent basis for not more than a total of one hundred 909
twenty days in any twelve-month period. In accordance with 910
Chapter 119. of the Revised Code, the director of health shall 911
adopt rules specifying what constitutes the need for skilled 912
nursing care on a part-time, intermittent basis. The director 913
shall adopt rules that are consistent with rules pertaining to 914
home health care adopted by the medicaid director for the 915
medicaid program. Skilled nursing care provided pursuant to this 916
division may be provided by a home health agency certified for 917
participation in the medicare program, a hospice care program 918
licensed under Chapter 3712. of the Revised Code, or a member of 919
the staff of a residential care facility who is qualified to 920
perform skilled nursing care. 921

A residential care facility that provides skilled nursing 922
care pursuant to this division shall do both of the following: 923

(1) Evaluate each resident receiving the skilled nursing 924
care at least once every seven days to determine whether the 925
resident should be transferred to a nursing home; 926

(2) Meet the skilled nursing care needs of each resident 927
receiving the care. 928

(D) (1) A residential care facility may admit or retain an 929
individual who requires skilled nursing care for more than one 930
hundred twenty days in any twelve-month period only if the 931
facility has entered into a written agreement with each of the 932
following: 933

(a) The individual or individual's sponsor; 934

(b) The individual's personal physician, certified nurse- 935
midwife if authorized as described in section 4723.438 of the 936
Revised Code, clinical nurse specialist, or certified nurse 937

practitioner;	938
(c) Unless the individual's personal physician, certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner oversees the skilled nursing care, the provider of the skilled nursing care;	939 940 941 942
(d) If the individual is a hospice patient as defined in section 3712.01 of the Revised Code, a hospice care program licensed under Chapter 3712. of the Revised Code.	943 944 945
(2) The agreement required by division (D)(1) of this section shall include all of the following provisions:	946 947
(a) That the individual will be provided skilled nursing care in the facility only if a determination has been made that the individual's needs can be met at the facility;	948 949 950
(b) That the individual will be retained in the facility only if periodic redeterminations are made that the individual's needs are being met at the facility;	951 952 953
(c) That the redeterminations will be made according to a schedule specified in the agreement;	954 955
(d) If the individual is a hospice patient, that the individual has been given an opportunity to choose the hospice care program that best meets the individual's needs;	956 957 958
(e) Unless the individual is a hospice patient, that the individual's personal physician, certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner has determined that the skilled nursing care the individual needs is routine.	959 960 961 962 963
(E) Notwithstanding any other provision of this chapter, a residential care facility in which residents receive skilled	964 965

nursing care pursuant to this section is not a nursing home.	966
Sec. 3728.01. As used in this chapter:	967
(A) "Administer epinephrine" means to inject an individual with epinephrine using an autoinjector in a manufactured dosage form.	968 969 970
(B) "Peace officer" has the same meaning as in section 109.71 of the Revised Code and also includes a sheriff.	971 972
(C) "Prescriber" means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice, including only the following:	973 974 975 976
(1) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code;	977 978 979
(2) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	980 981 982
(3) A physician assistant who is licensed under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority.	983 984 985 986
(D) "Qualified entity" means either of the following:	987
(1) Any public or private entity that is associated with a location where allergens capable of causing anaphylaxis may be present, including child care centers, colleges and universities, places of employment, restaurants, amusement parks, recreation camps, sports playing fields and arenas, and other similar locations, except that "qualified entity" does not	988 989 990 991 992 993

include either of the following:	994
(a) A chartered or nonchartered nonpublic school;	995
community school; science, technology, engineering, and	996
mathematics school; college-preparatory boarding school; or a	997
school operated by the board of education of a city, local,	998
exempted village, or joint vocational school district, as those	999
entities are otherwise authorized to procure epinephrine	1000
autoinjectors pursuant to sections 3313.7110, 3313.7111,	1001
3314.143, 3326.28, or 3328.29 of the Revised Code;	1002
(b) A camp described in section 5180.26 of the Revised	1003
Code that is authorized to procure epinephrine autoinjectors	1004
pursuant to that section;	1005
(2) Either of the following served by a peace officer: a	1006
law enforcement agency or other entity described in division (A)	1007
of section 109.71 of the Revised Code.	1008
Sec. 4503.44. (A) As used in this section and in section	1009
4511.69 of the Revised Code:	1010
(1) "Person with a disability that limits or impairs the	1011
ability to walk" means any person who, as determined by a health	1012
care provider, meets any of the following criteria:	1013
(a) Cannot walk two hundred feet without stopping to rest;	1014
(b) Cannot walk without the use of, or assistance from, a	1015
brace, cane, crutch, another person, prosthetic device,	1016
wheelchair, or other assistive device;	1017
(c) Is restricted by a lung disease to such an extent that	1018
the person's forced (respiratory) expiratory volume for one	1019
second, when measured by spirometry, is less than one liter, or	1020
the arterial oxygen tension is less than sixty millimeters of	1021

mercury on room air at rest;	1022
(d) Uses portable oxygen;	1023
(e) Has a cardiac condition to the extent that the	1024
person's functional limitations are classified in severity as	1025
class III or class IV according to standards set by the American	1026
heart association;	1027
(f) Is severely limited in the ability to walk due to an	1028
arthritic, neurological, or orthopedic condition;	1029
(g) Is blind, legally blind, or severely visually	1030
impaired.	1031
(2) "Organization" means any private organization or	1032
corporation, or any governmental board, agency, department,	1033
division, or office, that, as part of its business or program,	1034
transports persons with disabilities that limit or impair the	1035
ability to walk on a regular basis in a motor vehicle that has	1036
not been altered for the purpose of providing it with accessible	1037
equipment for use by persons with disabilities. This definition	1038
does not apply to division (I) of this section.	1039
(3) "Health care provider" means a physician, physician	1040
assistant, advanced practice registered nurse, optometrist, or	1041
chiropractor as defined in this section except that an	1042
optometrist shall only make determinations as to division (A) (1)	1043
(g) of this section.	1044
(4) "Physician" means a person licensed to practice	1045
medicine or surgery or osteopathic medicine and surgery under	1046
Chapter 4731. of the Revised Code.	1047
(5) "Chiropractor" means a person licensed to practice	1048
chiropractic under Chapter 4734. of the Revised Code.	1049

(6) "Advanced practice registered nurse" ~~means a certified nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, or certified nurse-midwife who holds a certificate of authority issued by the board of nursing under Chapter 4723.~~ has the same meaning as in section 4723.01 of the Revised Code.

(7) "Physician assistant" means a person who is licensed as a physician assistant under Chapter 4730. of the Revised Code.

(8) "Optometrist" means a person licensed to engage in the practice of optometry under Chapter 4725. of the Revised Code.

(9) "Removable windshield placard" includes a standard removable windshield placard, a temporary removable windshield placard, or a permanent removable windshield placard, unless otherwise specified.

(B) (1) An organization, or a person with a disability that limits or impairs the ability to walk, may apply for the registration of any motor vehicle the organization or person owns or leases. When an adaptive mobility vehicle is owned or leased by someone other than a person with a disability that limits or impairs the ability to walk, the owner or lessee may apply to the registrar of motor vehicles or a deputy registrar for registration under this section. The application for registration of a motor vehicle owned or leased by a person with a disability that limits or impairs the ability to walk shall be accompanied by a signed statement from the applicant's health care provider certifying that the applicant meets at least one of the criteria contained in division (A) (1) of this section and that the disability is expected to continue for more than six consecutive months. The application for registration of an

adaptive mobility vehicle that is owned by someone other than a 1080
person with a disability that limits or impairs the ability to 1081
walk shall be accompanied by such documentary evidence of 1082
vehicle specifications or alterations as the registrar may 1083
require by rule. 1084

(2) When an organization, a person with a disability that 1085
limits or impairs the ability to walk, or a person who does not 1086
have a disability that limits or impairs the ability to walk but 1087
owns a motor vehicle that has been altered for the purpose of 1088
providing it with accessible equipment for a person with a 1089
disability that limits or impairs the ability to walk first 1090
submits an application for registration of a motor vehicle under 1091
this section and every fifth year thereafter, the organization 1092
or person shall submit a signed statement from the applicant's 1093
health care provider, a completed application, and any required 1094
documentary evidence of vehicle specifications or alterations as 1095
provided in division (B)(1) of this section, and also a power of 1096
attorney from the owner of the motor vehicle if the applicant 1097
leases the vehicle. Upon submission of these items, the 1098
registrar or deputy registrar shall issue to the applicant 1099
appropriate vehicle registration and a set of license plates and 1100
validation stickers, or validation stickers alone when required 1101
by section 4503.191 of the Revised Code. In addition to the 1102
letters and numbers ordinarily inscribed thereon, the license 1103
plates shall be imprinted with the international symbol of 1104
access. The license plates and validation stickers shall be 1105
issued upon payment of the regular license fee as prescribed 1106
under section 4503.04 of the Revised Code and any motor vehicle 1107
tax levied under Chapter 4504. of the Revised Code, and the 1108
payment of a service fee equal to the amount established under 1109
section 4503.038 of the Revised Code. 1110

(C) (1) A person with a disability that limits or impairs the ability to walk may apply to the registrar for a removable windshield placard by completing and signing an application provided by the registrar.

(2) The person shall include with the application a prescription from the person's health care provider prescribing such a placard for the person based upon a determination that the person meets at least one of the criteria contained in division (A) (1) of this section. The health care provider shall state on the prescription the length of time the health care provider expects the applicant to have the disability that limits or impairs the person's ability to walk. If the length of time the applicant is expected to have the disability is six consecutive months or less, the applicant shall submit an application for a temporary removable windshield placard. If the length of time the applicant is expected to have the disability is permanent, the applicant shall submit an application for a permanent removable windshield placard. All other applicants shall submit an application for a standard removable windshield placard.

(3) In addition to one placard or one or more sets of license plates, a person with a disability that limits or impairs the ability to walk is entitled to one additional placard, but only if the person applies separately for the additional placard, states the reasons why the additional placard is needed, and the registrar, in the registrar's discretion determines that good and justifiable cause exists to approve the request for the additional placard.

(4) An organization may apply to the registrar of motor vehicles for a standard removable windshield placard by

completing and signing an application provided by the registrar. 1141
The organization shall comply with any procedures the registrar 1142
establishes by rule. The organization shall include with the 1143
application documentary evidence that the registrar requires by 1144
rule showing that the organization regularly transports persons 1145
with disabilities that limit or impair the ability to walk. 1146

(5) The registrar or deputy registrar shall issue to an 1147
applicant a standard removable windshield placard, a temporary 1148
removable windshield placard, or a permanent removable 1149
windshield placard, as applicable, upon receipt of all of the 1150
following: 1151

(a) A completed and signed application for a removable 1152
windshield placard; 1153

(b) The accompanying documents required under division (C) 1154
(2) or (4) of this section; 1155

(c) Payment of a service fee equal to the amount 1156
established under section 4503.038 of the Revised Code for a 1157
standard removable windshield placard or a temporary removable 1158
windshield placard, or payment of fifteen dollars for a 1159
permanent removable windshield placard. 1160

(6) The removable windshield placard shall display the 1161
date of expiration on both sides of the placard, or the word 1162
"permanent" if the placard is a permanent removable windshield 1163
placard, and shall be valid until expired, revoked, or 1164
surrendered. Except for a permanent removable windshield 1165
placard, which has no expiration, a removable windshield placard 1166
expires on the earliest of the following two dates: 1167

(a) The date that the person issued the placard is 1168
expected to no longer have the disability that limits or impairs 1169

the ability to walk, as indicated on the prescription submitted 1170
with the application for the placard; 1171

(b) Ten years after the date of issuance on the placard. 1172

In no case shall a removable windshield placard be valid 1173
for a period of less than sixty days. 1174

(7) Standard removable windshield placards shall be 1175
renewable upon application and upon payment of a service fee 1176
equal to the amount established under section 4503.038 of the 1177
Revised Code. The registrar shall provide the application form 1178
and shall determine the information to be included thereon. 1179

(8) The registrar shall determine the form and size of 1180
each type of the removable windshield placard, the material of 1181
which it is to be made, any differences in color between each 1182
type of placard to make them readily identifiable, and any other 1183
information to be included thereon, and shall adopt rules 1184
relating to the issuance, expiration, revocation, surrender, and 1185
proper display of such placards. A temporary removable 1186
windshield placard shall display the word "temporary" in letters 1187
of such size as the registrar shall prescribe. Any placard 1188
issued after October 14, 1999, shall be manufactured in a manner 1189
that allows the expiration date of the placard to be indicated 1190
on it through the punching, drilling, boring, or creation by any 1191
other means of holes in the placard. 1192

(9) At the time a removable windshield placard is issued 1193
to a person with a disability that limits or impairs the ability 1194
to walk, the registrar or deputy registrar shall enter into the 1195
records of the bureau of motor vehicles the last date on which 1196
the person will have that disability, as indicated on the 1197
accompanying prescription. For a standard removable windshield 1198

placard, not less than thirty days prior to that date and any 1199
renewal dates, the bureau shall send a renewal notice to that 1200
person at the person's last known address as shown in the 1201
records of the bureau, informing the person that the person's 1202
removable windshield placard will expire on the indicated date, 1203
and that the person is required to renew the placard by 1204
submitting to the registrar or a deputy registrar another 1205
prescription, and by complying with the renewal provisions. If 1206
such a prescription is not received by the registrar or a deputy 1207
registrar by that date, the placard issued to that person 1208
expires and no longer is valid, and this fact shall be recorded 1209
in the records of the bureau. 1210

(10) At least once every year, on a date determined by the 1211
registrar, the bureau shall examine the records of the office of 1212
vital statistics, located within the department of health, that 1213
pertain to deceased persons, and also the bureau's records of 1214
all persons who have been issued removable windshield placards. 1215
If the records of the office of vital statistics indicate that a 1216
person to whom a removable windshield placard has been issued is 1217
deceased, the bureau shall cancel that placard, and note the 1218
cancellation in its records. 1219

The office of vital statistics shall make available to the 1220
bureau all information necessary to enable the bureau to comply 1221
with division (C) (10) of this section. 1222

(11) Nothing in this section shall be construed to require 1223
a person or organization to apply for a removable windshield 1224
placard or accessible license plates if the accessible license 1225
plates issued to the person or organization under prior law have 1226
not expired or been surrendered or revoked. 1227

(D) Any active-duty member of the armed forces of the 1228

United States, including the reserve components of the armed 1229
forces and the national guard, who has an illness or injury that 1230
limits or impairs the ability to walk may apply to the registrar 1231
or a deputy registrar for a temporary removable windshield 1232
placard. With the application, the person shall present evidence 1233
of the person's active-duty status and the illness or injury. 1234
Evidence of the illness or injury may include a current 1235
department of defense convalescent leave statement, any 1236
department of defense document indicating that the person 1237
currently has an ill or injured casualty status or has limited 1238
duties, or a prescription from any health care provider 1239
prescribing the placard for the applicant. Upon receipt of the 1240
application and the necessary evidence, the registrar or deputy 1241
registrar shall issue the applicant the temporary removable 1242
windshield placard without the payment of any service fee. 1243

(E) If an applicant for a removable windshield placard is 1244
a veteran of the armed forces of the United States whose 1245
disability, as defined in division (A) (1) of this section, is 1246
service-connected, the registrar or deputy registrar, upon 1247
receipt of the application, presentation of a signed statement 1248
from the applicant's health care provider certifying the 1249
applicant's disability, and presentation of such documentary 1250
evidence from the department of veterans affairs that the 1251
disability of the applicant meets at least one of the criteria 1252
identified in division (A) (1) of this section and is service- 1253
connected as the registrar may require by rule, but without the 1254
payment of any service fee, shall issue the applicant a 1255
removable windshield placard that is valid until expired, 1256
surrendered, or revoked. 1257

(F) (1) Upon a conviction of a violation of division (H) or 1258
(I) of this section, the court shall report the conviction, and 1259

send the placard, if available, to the registrar, who thereupon 1260
shall revoke the privilege of using the placard and send notice 1261
in writing to the placardholder at that holder's last known 1262
address as shown in the records of the bureau, and the 1263
placardholder shall return the placard if not previously 1264
surrendered to the court, to the registrar within ten days 1265
following mailing of the notice. 1266

(2) Whenever a person to whom a removable windshield 1267
placard has been issued moves to another state, the person shall 1268
surrender the placard to the registrar; and whenever an 1269
organization to which a placard has been issued changes its 1270
place of operation to another state, the organization shall 1271
surrender the placard to the registrar. 1272

(3) If a person no longer requires a permanent removable 1273
windshield placard, the person shall notify and surrender the 1274
placard to the registrar or deputy registrar within ten days of 1275
no longer requiring the placard. The person may still apply for 1276
a standard removable windshield placard or temporary removable 1277
windshield placard, if applicable. 1278

(G) Subject to division (F) of section 4511.69 of the 1279
Revised Code, the operator of a motor vehicle displaying a 1280
removable windshield placard or the accessible license plates 1281
authorized by this section is entitled to park the motor vehicle 1282
in any accessible parking location reserved for persons with 1283
disabilities that limit or impair the ability to walk. 1284

(H) No person or organization that is not eligible for the 1285
issuance of license plates or any placard under this section 1286
shall willfully and falsely represent that the person or 1287
organization is so eligible. 1288

No person or organization shall display license plates 1289
issued under this section unless the license plates have been 1290
issued for the vehicle on which they are displayed and are 1291
valid. 1292

(I) No person or organization to which a removable 1293
windshield placard is issued shall do either of the following: 1294

(1) Display or permit the display of the placard on any 1295
motor vehicle when having reasonable cause to believe the motor 1296
vehicle is being used in connection with an activity that does 1297
not include providing transportation for persons with 1298
disabilities that limit or impair the ability to walk; 1299

(2) Refuse to return or surrender the placard, when 1300
required. 1301

(J) If a removable windshield placard or parking card is 1302
lost, destroyed, or mutilated, the placardholder or cardholder 1303
may obtain a duplicate by doing both of the following: 1304

(1) Furnishing suitable proof of the loss, destruction, or 1305
mutilation to the registrar; 1306

(2) Paying a service fee equal to the amount paid when the 1307
placardholder obtained the original placard. 1308

Any placardholder who loses a placard and, after obtaining 1309
a duplicate, finds the original, immediately shall surrender the 1310
original placard to the registrar. 1311

(K) (1) The registrar shall pay all fees received under 1312
this section for the issuance of removable windshield placards 1313
or duplicate removable windshield placards into the state 1314
treasury to the credit of the public safety - highway purposes 1315
fund created in section 4501.06 of the Revised Code. 1316

(2) In addition to the fees collected under this section, 1317
the registrar or deputy registrar shall ask each person applying 1318
for a removable windshield placard or duplicate removable 1319
windshield placard or license plate issued under this section, 1320
whether the person wishes to make a two-dollar voluntary 1321
contribution to support rehabilitation employment services. The 1322
registrar shall transmit the contributions received under this 1323
division to the treasurer of state for deposit into the 1324
rehabilitation employment fund, which is hereby created in the 1325
state treasury. A deputy registrar shall transmit the 1326
contributions received under this division to the registrar in 1327
the time and manner prescribed by the registrar. The 1328
contributions in the fund shall be used by the opportunities for 1329
Ohioans with disabilities agency to purchase services related to 1330
vocational evaluation, work adjustment, personal adjustment, job 1331
placement, job coaching, and community-based assessment from 1332
accredited community rehabilitation program facilities. 1333

(L) For purposes of enforcing this section, every peace 1334
officer is deemed to be an agent of the registrar. Any peace 1335
officer or any authorized employee of the bureau of motor 1336
vehicles who, in the performance of duties authorized by law, 1337
becomes aware of a person whose removable windshield placard or 1338
parking card has been revoked pursuant to this section, may 1339
confiscate that placard or parking card and return it to the 1340
registrar. The registrar shall prescribe any forms used by law 1341
enforcement agencies in administering this section. 1342

No peace officer, law enforcement agency employing a peace 1343
officer, or political subdivision or governmental agency 1344
employing a peace officer, and no employee of the bureau is 1345
liable in a civil action for damages or loss to persons arising 1346
out of the performance of any duty required or authorized by 1347

this section. As used in this division, "peace officer" has the 1348
same meaning as in division (B) of section 2935.01 of the 1349
Revised Code. 1350

(M) All applications for registration of motor vehicles 1351
and removable windshield placards issued under this section, all 1352
renewal notices for such items, and all other publications 1353
issued by the bureau that relate to this section shall set forth 1354
the criminal penalties that may be imposed upon a person who 1355
violates any provision relating to accessible license plates 1356
issued under this section, the parking of vehicles displaying 1357
such license plates, and the issuance, procurement, use, and 1358
display of removable windshield placards issued under this 1359
section. 1360

(N) Whoever violates this section is guilty of a 1361
misdemeanor of the fourth degree. 1362

Sec. 4723.01. As used in this chapter: 1363

(A) "Registered nurse" means an individual who holds a 1364
current, valid license issued under this chapter that authorizes 1365
the practice of nursing as a registered nurse. 1366

(B) "Practice of nursing as a registered nurse" means 1367
providing to individuals and groups nursing care requiring 1368
specialized knowledge, judgment, and skill derived from the 1369
principles of biological, physical, behavioral, social, and 1370
nursing sciences. Such nursing care includes: 1371

(1) Identifying patterns of human responses to actual or 1372
potential health problems amenable to a nursing regimen; 1373

(2) Executing a nursing regimen through the selection, 1374
performance, management, and evaluation of nursing actions; 1375

(3) Assessing health status for the purpose of providing nursing care;	1376 1377
(4) Providing health counseling and health teaching;	1378
(5) Administering medications, treatments, and executing regimens authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice;	1379 1380 1381 1382
(6) Teaching, administering, supervising, delegating, and evaluating nursing practice.	1383 1384
(C) "Nursing regimen" may include preventative, restorative, and health-promotion activities.	1385 1386
(D) "Assessing health status" means the collection of data through nursing assessment techniques, which may include interviews, observation, and physical evaluations for the purpose of providing nursing care.	1387 1388 1389 1390
(E) "Licensed practical nurse" means an individual who holds a current, valid license issued under this chapter that authorizes the practice of nursing as a licensed practical nurse.	1391 1392 1393 1394
(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:	1395 1396 1397 1398 1399 1400 1401 1402
(1) Observation, patient teaching, and care in a diversity	1403

of health care settings;	1404
(2) Contributions to the planning, implementation, and evaluation of nursing;	1405 1406
(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;	1407 1408 1409 1410
(4) Administration to an adult <u>Performance 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 procedures, but only in accordance with those sections 4723.18 and 4723.181 of the Revised Code;</u>	1411 1412 1413 1414 1415 1416 1417 1418
(5) Delegation of nursing tasks as directed by a registered nurse;	1419 1420
(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.	1421 1422 1423 1424
(G) "Certified registered nurse anesthetist" means an advanced practice registered nurse who holds a current, valid license issued under this chapter and is designated as a certified registered nurse anesthetist in accordance with section 4723.42 of the Revised Code and rules adopted by the board of nursing.	1425 1426 1427 1428 1429 1430
(H) "Clinical nurse specialist" means an advanced practice registered nurse who holds a current, valid license issued under	1431 1432

this chapter and is designated as a clinical nurse specialist in 1433
accordance with section 4723.42 of the Revised Code and rules 1434
adopted by the board of nursing. 1435

(I) "Certified nurse-midwife" means an advanced practice 1436
registered nurse who holds a current, valid license issued under 1437
this chapter and is designated as a certified nurse-midwife in 1438
accordance with section 4723.42 of the Revised Code and rules 1439
adopted by the board of nursing. 1440

(J) "Certified nurse practitioner" means an advanced 1441
practice registered nurse who holds a current, valid license 1442
issued under this chapter and is designated as a certified nurse 1443
practitioner in accordance with section 4723.42 of the Revised 1444
Code and rules adopted by the board of nursing. 1445

(K) "Physician" means an individual authorized under 1446
Chapter 4731. of the Revised Code to practice medicine and 1447
surgery or osteopathic medicine and surgery. 1448

(L) "Collaboration" or "collaborating" means the 1449
following: 1450

(1) In the case of a clinical nurse specialist or a 1451
certified nurse practitioner, that one or more podiatrists 1452
acting within the scope of practice of podiatry in accordance 1453
with section 4731.51 of the Revised Code and with whom the nurse 1454
has entered into a standard care arrangement or one or more 1455
physicians with whom the nurse has entered into a standard care 1456
arrangement are continuously available to communicate with the 1457
clinical nurse specialist or certified nurse practitioner either 1458
in person or by electronic communication; 1459

(2) In the case of a certified nurse-midwife, that one or 1460
more physicians with whom the certified nurse-midwife has 1461

entered into a standard care arrangement are continuously 1462
available to communicate with the certified nurse-midwife either 1463
in person or by electronic communication. 1464

(M) "Supervision," as it pertains to a certified 1465
registered nurse anesthetist, means that the certified 1466
registered nurse anesthetist is under the direction of a 1467
podiatrist acting within the podiatrist's scope of practice in 1468
accordance with section 4731.51 of the Revised Code, a dentist 1469
acting within the dentist's scope of practice in accordance with 1470
Chapter 4715. of the Revised Code, or a physician, and, when 1471
administering anesthesia, the certified registered nurse 1472
anesthetist is in the immediate presence of the podiatrist, 1473
dentist, or physician. 1474

(N) "Standard care arrangement" means a written, formal 1475
guide for planning and evaluating a patient's health care that 1476
is developed by one or more collaborating physicians or 1477
podiatrists and a clinical nurse specialist, certified nurse- 1478
midwife, or certified nurse practitioner and meets the 1479
requirements of section 4723.431 of the Revised Code. 1480

(O) "Advanced practice registered nurse" means an 1481
individual who holds a current, valid license issued under this 1482
chapter that authorizes the practice of nursing as an advanced 1483
practice registered nurse and is designated as any of the 1484
following: 1485

- (1) A certified registered nurse anesthetist; 1486
- (2) A clinical nurse specialist; 1487
- (3) A certified nurse-midwife; 1488
- (4) A certified nurse practitioner. 1489

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

(Q) "Dialysis care" means the care and procedures that a dialysis technician or dialysis technician intern is authorized to provide and perform, as specified in section 4723.72 of the Revised Code.

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

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

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

(U) "Medication aide" means an individual who holds a current, valid certificate issued under this chapter that authorizes the individual to administer medication in accordance with section 4723.67 of the Revised Code;

(V) "Nursing specialty" means a specialty in practice as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse

practitioner.	1519
(W) "Physician assistant" means an individual who is	1520
licensed to practice as a physician assistant under Chapter	1521
4730. of the Revised Code.	1522
Sec. 4723.063. (A) As used in this section:	1523
(1) "Health care facility" means:	1524
(a) A hospital as defined in section <u>licensed under</u>	1525
<u>Chapter 3722.01</u> of the Revised Code;	1526
(b) A nursing home licensed under section 3721.02 of the	1527
Revised Code, or by a political subdivision certified under	1528
section 3721.09 of the Revised Code;	1529
(c) A county home or a county nursing home as defined in	1530
section 5155.31 of the Revised Code that is certified under	1531
Title XVIII or XIX of the "Social Security Act," 49 Stat. 620	1532
(1935), 42 U.S.C. 301, as amended;	1533
(d) A freestanding dialysis center;	1534
(e) A freestanding inpatient rehabilitation facility;	1535
(f) An ambulatory surgical facility;	1536
(g) A freestanding cardiac catheterization facility;	1537
(h) A freestanding birthing center;	1538
(i) A freestanding or mobile diagnostic imaging center;	1539
(j) A freestanding radiation therapy center.	1540
(2) " Nurse <u>Nursing education program</u> " means a prelicensure	1541
nurse-nursing <u>education program</u> approved by the board of nursing	1542
under section 4723.06 of the Revised Code or a postlicensure	1543
nurse-nursing <u>education program</u> approved by the chancellor of	1544

higher education under section 3333.04 of the Revised Code. 1545

(B) The ~~state~~ board of nursing shall establish and 1546
administer the nurse education grant program. Under the program, 1547
the board shall award grants to ~~nurse-nursing~~ education programs 1548
that have partnerships with other education programs, community 1549
health agencies, health care facilities, or patient centered 1550
medical homes. Grant recipients shall use the money to fund 1551
partnerships to increase the nurse education program's 1552
enrollment capacity. Methods of increasing a program's 1553
enrollment capacity may include hiring faculty and preceptors, 1554
purchasing educational equipment and materials, and other 1555
actions acceptable to the board. Grant money shall not be used 1556
to construct or renovate buildings. Partnerships may be 1557
developed between one or more ~~nurse-nursing~~ education programs 1558
and one or more health care facilities. 1559

In awarding grants, the board shall give preference to 1560
partnerships between ~~nurse-nursing~~ education programs and 1561
hospitals, nursing homes, and county homes or county nursing 1562
homes, but may also award grants to fund partnerships between 1563
~~nurse-nursing~~ education programs and other health care 1564
facilities and between ~~nurse-nursing~~ education programs and 1565
patient centered medical homes. 1566

(C) The board shall adopt rules in accordance with Chapter 1567
119. of the Revised Code establishing the following: 1568

(1) Eligibility requirements for receipt of a grant; 1569

(2) Grant application forms and procedures; 1570

(3) The amounts in which grants may be made and the total 1571
amount that may be awarded to a ~~nurse-nursing~~ education program 1572
that has a partnership with other education programs, a 1573

community health agency, a health care facility, or a patient
centered medical home; 1574
1575

(4) A method whereby the board may evaluate the 1576
effectiveness of a partnership between joint recipients in 1577
increasing the ~~nurse~~nursing education program's enrollment 1578
capacity; 1579

(5) The percentage of the money in the fund that must 1580
remain in the fund at all times to maintain a fiscally 1581
responsible fund balance; 1582

(6) The percentage of available grants to be awarded to 1583
licensed practical nurse education programs, registered nurse 1584
education programs, and graduate programs; 1585

(7) Any other matters incidental to the operation of the 1586
program. 1587

(D) Until December 31, 2033, ten dollars of each nursing 1588
license renewal fee collected under section 4723.08 of the 1589
Revised Code shall be dedicated to the nurse education grant 1590
program fund, which is hereby created in the state treasury. The 1591
board shall use money in the fund for grants awarded under 1592
division ~~(A)~~(B) of this section and for expenses of 1593
administering the grant program. The amount used for 1594
administrative expenses in any year shall not exceed ten per 1595
cent of the amount transferred to the fund in that year. 1596

(E) Each quarter, for the purposes of transferring funds 1597
to the nurse education grant program, the board of nursing shall 1598
certify to the director of budget and management the number of 1599
licenses renewed under this chapter during the preceding quarter 1600
and the amount equal to that number times ten dollars. 1601

(F) Notwithstanding the requirements of section 4743.05 of 1602

the Revised Code, from January 1, 2004, until December 31, 2033, 1603
at the end of each quarter, the director of budget and 1604
management shall transfer from the occupational licensing and 1605
regulatory fund to the nurse education grant program fund the 1606
amount certified under division (E) of this section. 1607

Sec. 4723.18. (A) Except ~~as provided in the case of an~~ 1608
intravenous therapy procedure that may be performed under 1609
section 4723.181 of the Revised Code ~~and subject to the~~ 1610
~~restrictions in division (C) of this section,~~ a licensed 1611
practical nurse may perform intravenous therapy on an adult 1612
patient, subject to the restrictions in division (C) of this 1613
section, only at the direction of one of the following: 1614

(1) A registered nurse in accordance with division (B) of 1615
this section; 1616

(2) A physician, physician assistant, dentist, 1617
optometrist, or podiatrist who is authorized to practice in this 1618
state and, except as provided in division (B) (2) of this 1619
section, is present and readily available at the facility where 1620
the intravenous therapy procedure is performed. 1621

~~(2) A registered nurse in accordance with division (B) of~~ 1622
~~this section.~~ 1623

(B) (1) Except as provided in division (B) (2) of this 1624
section ~~and section 4723.181 of the Revised Code,~~ when a 1625
licensed practical nurse performs an intravenous therapy 1626
procedure under this section at the direction of a registered 1627
nurse, the registered nurse or another registered nurse shall be 1628
readily available at the site where the intravenous therapy is 1629
performed, and before the licensed practical nurse initiates the 1630
intravenous therapy, the registered nurse shall personally 1631

perform an on-site assessment of the adult patient who is to 1632
receive the intravenous therapy. 1633

(2) When a licensed practical nurse performs an 1634
intravenous therapy procedure in a home as defined in section 1635
3721.10 of the Revised Code, or in an intermediate care facility 1636
for individuals with intellectual disabilities as defined in 1637
section 5124.01 of the Revised Code, at the direction of a 1638
registered nurse or ~~licensed~~ at the direction of a physician, 1639
physician assistant, dentist, optometrist, or podiatrist who is 1640
authorized to practice in this state, a registered nurse shall 1641
be on the premises of the home or facility or accessible by some 1642
form of telecommunication. 1643

(C) No licensed practical nurse shall perform any of the 1644
following intravenous therapy procedures: 1645

(1) Initiating or maintaining any of the following: 1646

(a) Blood or blood components; 1647

(b) Solutions for total parenteral nutrition; 1648

(c) Any cancer therapeutic medication including, but not 1649
limited to, cancer chemotherapy or an anti-neoplastic agent; 1650

(d) Solutions administered through any central venous line 1651
or arterial line or any other line that does not terminate in a 1652
peripheral vein, except that a licensed practical nurse may 1653
maintain the solutions specified in division (C) (6) (a) of this 1654
section that are being administered through a central venous 1655
line or peripherally inserted central catheter; 1656

(e) Any investigational or experimental medication. 1657

(2) Initiating intravenous therapy in any vein, except 1658
that a licensed practical nurse may initiate intravenous therapy 1659

in accordance with this section in a vein of the hand, forearm, 1660
or antecubital fossa; 1661

(3) Discontinuing a central venous, arterial, or any other 1662
line that does not terminate in a peripheral vein; 1663

(4) Initiating or discontinuing a peripherally inserted 1664
central catheter; 1665

(5) Mixing, preparing, or reconstituting any medication 1666
for intravenous therapy, except that a licensed practical nurse 1667
may prepare or reconstitute an antibiotic additive; 1668

(6) Administering medication via the intravenous route, 1669
including all of the following activities: 1670

(a) Adding medication to an intravenous solution or to an 1671
existing infusion, except that a licensed practical nurse may do 1672
any of the following: 1673

(i) Initiate an intravenous infusion containing one or 1674
more of the following elements: dextrose 5%, normal saline, 1675
lactated ringers, sodium chloride.45%, sodium chloride 0.2%, 1676
sterile water; 1677

(ii) Hang subsequent containers of the intravenous 1678
solutions specified in division (C) (6) (a) (i) of this section 1679
that contain vitamins or electrolytes, if a registered nurse 1680
initiated the infusion of that same intravenous solution; 1681

(iii) Initiate or maintain an intravenous infusion 1682
containing an antibiotic additive. 1683

(b) Injecting medication via a direct intravenous route, 1684
except that a licensed practical nurse may inject heparin or 1685
normal saline to flush an intermittent infusion device or 1686
heparin lock including, but not limited to, bolus or push. 1687

(7) Changing tubing on any line including, but not limited to, an arterial line or a central venous line, except that a licensed practical nurse may change tubing on an intravenous line that terminates in a peripheral vein;

(8) Programming or setting any function of a patient controlled infusion pump.

(D) Notwithstanding divisions (B) and (C) of this section, at the direction of a registered nurse or at the direction of a physician ~~or a registered nurse~~, a licensed practical nurse may perform the following activities for the purpose of performing dialysis:

(1) The routine administration and regulation of saline solution for the purpose of maintaining an established fluid plan;

(2) The administration of a heparin dose intravenously;

(3) The administration of a heparin dose peripherally via a fistula needle;

(4) The loading and activation of a constant infusion pump;

(5) The intermittent injection of a dose of medication that is administered via the hemodialysis blood circuit and through the patient's venous access.

Sec. 4723.181. (A) A licensed practical nurse may perform on any person, whether an adult or pediatric patient, any of the intravenous therapy procedures specified in division (B) of this section if both of the following apply:

(1) The licensed practical nurse acts at the direction of a registered nurse or at the direction of a physician, physician

assistant, dentist, optometrist, or podiatrist who is authorized 1716
to practice in this state and the registered nurse, physician, 1717
physician assistant, dentist, optometrist, or podiatrist is on 1718
the premises where the procedure is to be performed or 1719
accessible by some form of telecommunication. 1720

(2) The licensed practical nurse can demonstrate the 1721
knowledge, skills, and ability to perform the procedure safely. 1722

(B) The intravenous therapy procedures that a licensed 1723
practical nurse may perform pursuant to division (A) of this 1724
section are limited to the following: 1725

(1) Verification of the type of peripheral intravenous 1726
solution being administered; 1727

(2) Examination of a peripheral infusion site and the 1728
extremity for possible infiltration; 1729

(3) Regulation of a peripheral intravenous infusion 1730
according to the prescribed flow rate; 1731

(4) Discontinuation of a peripheral intravenous device at 1732
the appropriate time; 1733

(5) Performance of routine dressing changes at the 1734
insertion site of a peripheral venous or arterial infusion, 1735
peripherally inserted central catheter infusion, or central 1736
venous pressure subclavian infusion. 1737

Sec. 4723.28. ~~(A)~~—The board of nursing, by a vote of a 1738
quorum, may impose one or more of the following sanctions 1739
pursuant to divisions (A) and (B) of this section: deny, revoke, 1740
suspend, or place restrictions on any nursing license or 1741
dialysis technician certificate issued by the board; reprimand 1742
or otherwise discipline a holder of a nursing license or 1743

dialysis technician certificate; or impose a fine of not more 1744
than five hundred dollars per violation. 1745

(A) One or more of the sanctions authorized by this 1746
section may be imposed by the board if it finds that either of 1747
the following: 1748

(1) That a person committed fraud in passing an 1749
examination required to obtain a license or dialysis technician 1750
certificate issued by the board ~~or to have;~~ 1751

(2) That a person committed fraud, misrepresentation, or 1752
deception in applying for or securing any nursing license or 1753
dialysis technician certificate issued by the board: ~~deny,~~ 1754
~~revoke, suspend, or place restrictions on any nursing license or~~ 1755
~~dialysis technician certificate issued by the board; reprimand~~ 1756
~~or otherwise discipline a holder of a nursing license or~~ 1757
~~dialysis technician certificate; or impose a fine of not more~~ 1758
~~than five hundred dollars per violation.~~ 1759

(B) Except as provided in section 4723.092 of the Revised 1760
Code, ~~the board of nursing, by a vote of a quorum, may impose~~ 1761
one or more of the ~~following sanctions: deny, revoke, suspend,~~ 1762
~~or place restrictions on any nursing license or dialysis~~ 1763
~~technician certificate issued by the board; reprimand or~~ 1764
~~otherwise discipline a holder of a nursing license or dialysis~~ 1765
~~technician certificate; or impose a fine of not more than five~~ 1766
~~hundred dollars per violation. The sanctions authorized by this~~ 1767
section may be imposed by the board for any of the following: 1768

(1) Denial, revocation, suspension, or restriction of 1769
authority to engage in a licensed profession or practice a 1770
health care occupation, including nursing or practice as a 1771
dialysis technician, for any reason other than a failure to 1772

renew, in Ohio or another state or jurisdiction;	1773
(2) Engaging in the practice of nursing or engaging in	1774
practice as a dialysis technician, having failed to renew a	1775
nursing license or dialysis technician certificate issued under	1776
this chapter, or while a nursing license or dialysis technician	1777
certificate is under suspension;	1778
(3) Conviction of, a plea of guilty to, a judicial finding	1779
of guilt of, a judicial finding of guilt resulting from a plea	1780
of no contest to, or a judicial finding of eligibility for a	1781
pretrial diversion or similar program or for intervention in	1782
lieu of conviction for, a misdemeanor committed in the course of	1783
practice;	1784
(4) Conviction of, a plea of guilty to, a judicial finding	1785
of guilt of, a judicial finding of guilt resulting from a plea	1786
of no contest to, or a judicial finding of eligibility for a	1787
pretrial diversion or similar program or for intervention in	1788
lieu of conviction for, any felony or of any crime involving	1789
gross immorality or moral turpitude;	1790
(5) Selling, giving away, or administering drugs or	1791
therapeutic devices for other than legal and legitimate	1792
therapeutic purposes; or conviction of, a plea of guilty to, a	1793
judicial finding of guilt of, a judicial finding of guilt	1794
resulting from a plea of no contest to, or a judicial finding of	1795
eligibility for a pretrial diversion or similar program or for	1796
intervention in lieu of conviction for, violating any municipal,	1797
state, county, or federal drug law;	1798
(6) Conviction of, a plea of guilty to, a judicial finding	1799
of guilt of, a judicial finding of guilt resulting from a plea	1800
of no contest to, or a judicial finding of eligibility for a	1801

pretrial diversion or similar program or for intervention in 1802
lieu of conviction for, an act in another jurisdiction that 1803
would constitute a felony or a crime of moral turpitude in Ohio; 1804

(7) Conviction of, a plea of guilty to, a judicial finding 1805
of guilt of, a judicial finding of guilt resulting from a plea 1806
of no contest to, or a judicial finding of eligibility for a 1807
pretrial diversion or similar program or for intervention in 1808
lieu of conviction for, an act in the course of practice in 1809
another jurisdiction that would constitute a misdemeanor in 1810
Ohio; 1811

(8) Self-administering or otherwise taking into the body 1812
any dangerous drug, as defined in section 4729.01 of the Revised 1813
Code, in any way that is not in accordance with a legal, valid 1814
prescription issued for that individual, or self-administering 1815
or otherwise taking into the body any drug that is a schedule I 1816
controlled substance; 1817

(9) Habitual or excessive use of controlled substances, 1818
other habit-forming drugs, or alcohol or other chemical 1819
substances to an extent that impairs the individual's ability to 1820
provide safe nursing care or safe dialysis care; 1821

(10) Impairment of the ability to practice according to 1822
acceptable and prevailing standards of safe nursing care or safe 1823
dialysis care because of the use of drugs, alcohol, or other 1824
chemical substances; 1825

(11) Impairment of the ability to practice according to 1826
acceptable and prevailing standards of safe nursing care or safe 1827
dialysis care because of a physical or mental disability; 1828

(12) Assaulting or causing harm to a patient or depriving 1829
a patient of the means to summon assistance; 1830

(13) Misappropriation or attempted misappropriation of	1831
money or anything of value in the course of practice;	1832
(14) Adjudication by a probate court of being mentally ill	1833
or mentally incompetent. The board may reinstate the person's	1834
nursing license or dialysis technician certificate upon	1835
adjudication by a probate court of the person's restoration to	1836
competency or upon submission to the board of other proof of	1837
competency.	1838
(15) The suspension or termination of employment by the	1839
United States department of defense or department of veterans	1840
affairs for any act that violates or would violate this chapter;	1841
(16) Violation of this chapter or any rules adopted under	1842
it;	1843
(17) Violation of any restrictions placed by the board on	1844
a nursing license or dialysis technician certificate;	1845
(18) Failure to use universal and standard precautions	1846
established by rules adopted under section 4723.07 of the	1847
Revised Code;	1848
(19) Failure to practice in accordance with acceptable and	1849
prevailing standards of safe nursing care or safe dialysis care;	1850
(20) In the case of a registered nurse, engaging in	1851
activities that exceed the practice of nursing as a registered	1852
nurse;	1853
(21) In the case of a licensed practical nurse, engaging	1854
in activities that exceed the practice of nursing as a licensed	1855
practical nurse;	1856
(22) In the case of a dialysis technician, engaging in	1857
activities that exceed those permitted under section 4723.72 of	1858

the Revised Code;	1859
(23) Aiding and abetting a person in that person's	1860
practice of nursing without a license or practice as a dialysis	1861
technician without a certificate issued under this chapter;	1862
(24) In the case of an advanced practice registered nurse,	1863
except as provided in division (M) of this section, either of	1864
the following:	1865
(a) Waiving the payment of all or any part of a deductible	1866
or copayment that a patient, pursuant to a health insurance or	1867
health care policy, contract, or plan that covers such nursing	1868
services, would otherwise be required to pay if the waiver is	1869
used as an enticement to a patient or group of patients to	1870
receive health care services from that provider;	1871
(b) Advertising that the nurse will waive the payment of	1872
all or any part of a deductible or copayment that a patient,	1873
pursuant to a health insurance or health care policy, contract,	1874
or plan that covers such nursing services, would otherwise be	1875
required to pay.	1876
(25) Failure to comply with the terms and conditions of	1877
participation in the safe haven program conducted under sections	1878
4723.35 and 4723.351 of the Revised Code;	1879
(26) Failure to comply with the terms and conditions	1880
required under the practice intervention and improvement program	1881
established under section 4723.282 of the Revised Code;	1882
(27) In the case of an advanced practice registered nurse:	1883
(a) Engaging in activities that exceed those permitted for	1884
the nurse's nursing specialty under section 4723.43 of the	1885
Revised Code;	1886

(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code.	1887 1888
(28) In the case of an advanced practice registered nurse other than a certified registered nurse anesthetist, failure to maintain a standard care arrangement in accordance with section 4723.431 of the Revised Code or to practice in accordance with the standard care arrangement;	1889 1890 1891 1892 1893
(29) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code;	1894 1895 1896 1897 1898
(30) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;	1899 1900
(31) Failure to establish and maintain professional boundaries with a patient, as specified in rules adopted under section 4723.07 of the Revised Code;	1901 1902 1903
(32) Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other than the spouse of the registered nurse, licensed practical nurse, or dialysis technician in any of the following:	1904 1905 1906 1907
(a) Sexual contact, as defined in section 2907.01 of the Revised Code;	1908 1909
(b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.	1910 1911 1912
(33) Assisting suicide, as defined in section 3795.01 of the Revised Code;	1913 1914

(34) Failure to comply with the requirements in section	1915
3719.061 of the Revised Code before issuing for a minor a	1916
prescription for an opioid analgesic, as defined in section	1917
3719.01 of the Revised Code;	1918
(35) Failure to comply with section 4723.487 of the	1919
Revised Code, unless the state board of pharmacy no longer	1920
maintains a drug database pursuant to section 4729.75 of the	1921
Revised Code;	1922
(36) The revocation, suspension, restriction, reduction,	1923
or termination of clinical privileges by the United States	1924
department of defense or department of veterans affairs or the	1925
termination or suspension of a certificate of registration to	1926
prescribe drugs by the drug enforcement administration of the	1927
United States department of justice;	1928
(37) In the case of an advanced practice registered nurse	1929
who is designated as a clinical nurse specialist, certified	1930
nurse-midwife, or certified nurse practitioner, failure to	1931
comply with the terms of a consult agreement entered into with a	1932
pharmacist pursuant to section 4729.39 of the Revised Code;	1933
(38) Violation of section 4723.93 of the Revised Code;	1934
(39) Failure to cooperate with an investigation conducted	1935
by the board under this chapter, including failure to comply	1936
with a subpoena or order issued by the board or failure to	1937
answer truthfully a question presented by the board in an	1938
investigative interview, in an investigative office conference,	1939
at a deposition, or in written interrogatories, except that	1940
failure to cooperate with an investigation does not constitute	1941
grounds for discipline if a court of competent jurisdiction has	1942
issued an order that either quashes a subpoena or permits the	1943

individual to withhold testimony or evidence at issue. 1944

(C) Disciplinary actions taken by the board under 1945
divisions (A) and (B) of this section shall be taken pursuant to 1946
an adjudication conducted under Chapter 119. of the Revised 1947
Code, except that in lieu of a hearing, the board may enter into 1948
a consent agreement with an individual to resolve an allegation 1949
of a violation of this chapter or any rule adopted under it. A 1950
consent agreement, when ratified by a vote of a quorum, shall 1951
constitute the findings and order of the board with respect to 1952
the matter addressed in the agreement. If the board refuses to 1953
ratify a consent agreement, the admissions and findings 1954
contained in the agreement shall be of no effect. 1955

(D) The hearings of the board shall be conducted in 1956
accordance with Chapter 119. of the Revised Code, the board may 1957
appoint a hearing examiner, as provided in section 119.09 of the 1958
Revised Code, to conduct any hearing the board is authorized to 1959
hold under Chapter 119. of the Revised Code. 1960

In any instance in which the board is required under 1961
Chapter 119. of the Revised Code to give notice of an 1962
opportunity for a hearing and the applicant, licensee, or 1963
certificate holder does not make a timely request for a hearing 1964
in accordance with section 119.07 of the Revised Code, the board 1965
is not required to hold a hearing, but may adopt, by a vote of a 1966
quorum, a final order that contains the board's findings. In the 1967
final order, the board may order any of the sanctions ~~listed in~~ 1968
~~division (A) or (B) of~~ authorized by this section. 1969

(E) If a criminal action is brought against a registered 1970
nurse, licensed practical nurse, or dialysis technician for an 1971
act or crime described in divisions (B) (3) to (7) of this 1972
section and the action is dismissed by the trial court other 1973

than on the merits, the board shall conduct an adjudication to 1974
determine whether the registered nurse, licensed practical 1975
nurse, or dialysis technician committed the act on which the 1976
action was based. If the board determines on the basis of the 1977
adjudication that the registered nurse, licensed practical 1978
nurse, or dialysis technician committed the act, or if the 1979
registered nurse, licensed practical nurse, or dialysis 1980
technician fails to participate in the adjudication, the board 1981
may take action as though the registered nurse, licensed 1982
practical nurse, or dialysis technician had been convicted of 1983
the act. 1984

If the board takes action on the basis of a conviction, 1985
plea, or a judicial finding as described in divisions (B) (3) to 1986
(7) of this section that is overturned on appeal, the registered 1987
nurse, licensed practical nurse, or dialysis technician may, on 1988
exhaustion of the appeal process, petition the board for 1989
reconsideration of its action. On receipt of the petition and 1990
supporting court documents, the board shall temporarily rescind 1991
its action. If the board determines that the decision on appeal 1992
was a decision on the merits, it shall permanently rescind its 1993
action. If the board determines that the decision on appeal was 1994
not a decision on the merits, it shall conduct an adjudication 1995
to determine whether the registered nurse, licensed practical 1996
nurse, or dialysis technician committed the act on which the 1997
original conviction, plea, or judicial finding was based. If the 1998
board determines on the basis of the adjudication that the 1999
registered nurse, licensed practical nurse, or dialysis 2000
technician committed such act, or if the registered nurse, 2001
licensed practical nurse, or dialysis technician does not 2002
request an adjudication, the board shall reinstate its action; 2003
otherwise, the board shall permanently rescind its action. 2004

Notwithstanding the provision of division (D) (2) of 2005
section 2953.32 or division (F) (1) of section 2953.39 of the 2006
Revised Code specifying that if records pertaining to a criminal 2007
case are sealed or expunged under that section the proceedings 2008
in the case shall be deemed not to have occurred, sealing or 2009
expungement of the following records on which the board has 2010
based an action under this section shall have no effect on the 2011
board's action or any sanction imposed by the board under this 2012
section: records of any conviction, guilty plea, judicial 2013
finding of guilt resulting from a plea of no contest, or a 2014
judicial finding of eligibility for a pretrial diversion program 2015
or intervention in lieu of conviction. 2016

The board shall not be required to seal, destroy, redact, 2017
or otherwise modify its records to reflect the court's sealing 2018
or expungement of conviction records. 2019

(F) The board may investigate an individual's criminal 2020
background in performing its duties under this section. As part 2021
of such investigation, the board may order the individual to 2022
submit, at the individual's expense, a request to the bureau of 2023
criminal identification and investigation for a criminal records 2024
check and check of federal bureau of investigation records in 2025
accordance with the procedure described in section 4723.091 of 2026
the Revised Code. 2027

(G) During the course of an investigation conducted under 2028
this section, the board may compel any registered nurse, 2029
licensed practical nurse, or dialysis technician or applicant 2030
under this chapter to submit to a mental or physical 2031
examination, or both, as required by the board and at the 2032
expense of the individual, if the board finds reason to believe 2033
that the individual under investigation may have a physical or 2034

mental impairment that may affect the individual's ability to 2035
provide safe nursing or dialysis care. 2036

The board shall not compel an individual who has been 2037
referred to the safe haven program as described in sections 2038
4723.35 and 4723.351 of the Revised Code to submit to a mental 2039
or physical examination. 2040

Failure of any individual to submit to a mental or 2041
physical examination when directed constitutes an admission of 2042
the allegations, unless the failure is due to circumstances 2043
beyond the individual's control, and a default and final order 2044
may be entered without the taking of testimony or presentation 2045
of evidence. 2046

If the board finds that an individual is impaired, the 2047
board shall require the individual to submit to care, 2048
counseling, or treatment approved or designated by the board, as 2049
a condition for initial, continued, reinstated, or renewed 2050
authority to practice. The individual shall be afforded an 2051
opportunity to demonstrate to the board that the individual can 2052
begin or resume the individual's occupation in compliance with 2053
acceptable and prevailing standards of care under the provisions 2054
of the individual's authority to practice. 2055

For purposes of this division, any registered nurse, 2056
licensed practical nurse, or dialysis technician or applicant 2057
under this chapter shall be deemed to have given consent to 2058
submit to a mental or physical examination when directed to do 2059
so in writing by the board, and to have waived all objections to 2060
the admissibility of testimony or examination reports that 2061
constitute a privileged communication. 2062

(H) The board shall investigate evidence that appears to 2063

show that any person has violated any provision of this chapter 2064
or any rule of the board. Any person may report to the board any 2065
information the person may have that appears to show a violation 2066
of any provision of this chapter or rule of the board. In the 2067
absence of bad faith, any person who reports such information or 2068
who testifies before the board in any adjudication conducted 2069
under Chapter 119. of the Revised Code shall not be liable for 2070
civil damages as a result of the report or testimony. 2071

(I) All of the following apply under this chapter with 2072
respect to the confidentiality of information: 2073

(1) Information received by the board pursuant to a 2074
complaint or an investigation is confidential and not subject to 2075
discovery in any civil action, except that the board may 2076
disclose information to law enforcement officers and government 2077
entities for purposes of an investigation of either a licensed 2078
health care professional, including a registered nurse, licensed 2079
practical nurse, or dialysis technician, or a person who may 2080
have engaged in the unauthorized practice of nursing or dialysis 2081
care. No law enforcement officer or government entity with 2082
knowledge of any information disclosed by the board pursuant to 2083
this division shall divulge the information to any other person 2084
or government entity except for the purpose of a government 2085
investigation, a prosecution, or an adjudication by a court or 2086
government entity. 2087

(2) If an investigation requires a review of patient 2088
records, the investigation and proceeding shall be conducted in 2089
such a manner as to protect patient confidentiality. 2090

(3) All adjudications and investigations of the board 2091
shall be considered civil actions for the purposes of section 2092
2305.252 of the Revised Code. 2093

(4) Any board activity that involves continued monitoring 2094
of an individual as part of or following any disciplinary action 2095
taken under this section shall be conducted in a manner that 2096
maintains the individual's confidentiality. Information received 2097
or maintained by the board with respect to the board's 2098
monitoring activities is not subject to discovery in any civil 2099
action and is confidential, except that the board may disclose 2100
information to law enforcement officers and government entities 2101
for purposes of an investigation of a licensee or certificate 2102
holder. 2103

(J) Any action taken by the board under this section 2104
resulting in a suspension from practice shall be accompanied by 2105
a written statement of the conditions under which the person may 2106
be reinstated to practice. 2107

(K) When the board refuses to grant a license or 2108
certificate to an applicant, revokes a license or certificate, 2109
or refuses to reinstate a license or certificate, the board may 2110
specify that its action is permanent. An individual subject to 2111
permanent action taken by the board is forever ineligible to 2112
hold a license or certificate of the type that was refused or 2113
revoked and the board shall not accept from the individual an 2114
application for reinstatement of the license or certificate or 2115
for a new license or certificate. 2116

(L) No unilateral surrender of a nursing license or 2117
dialysis technician certificate issued under this chapter shall 2118
be effective unless accepted by majority vote of the board. No 2119
application for a nursing license or dialysis technician 2120
certificate issued under this chapter may be withdrawn without a 2121
majority vote of the board. The board's jurisdiction to take 2122
disciplinary action under this section is not removed or limited 2123

when an individual has a license or certificate classified as 2124
inactive or fails to renew a license or certificate. 2125

(M) Sanctions shall not be imposed under division (B) (24) 2126
of this section against any licensee who waives deductibles and 2127
copayments as follows: 2128

(1) In compliance with the health benefit plan that 2129
expressly allows such a practice. Waiver of the deductibles or 2130
copayments shall be made only with the full knowledge and 2131
consent of the plan purchaser, payer, and third-party 2132
administrator. Documentation of the consent shall be made 2133
available to the board upon request. 2134

(2) For professional services rendered to any other person 2135
licensed pursuant to this chapter to the extent allowed by this 2136
chapter and the rules of the board. 2137

Sec. 4723.34. (A) A person or governmental entity that 2138
employs, or contracts directly or through another person or 2139
governmental entity for the provision of services by, registered 2140
nurses, licensed practical nurses, nurses holding multistate 2141
licenses to practice registered or licensed practical nursing 2142
issued pursuant to section 4723.11 of the Revised Code, dialysis 2143
technicians, medication aides, or certified community health 2144
workers and that knows or has reason to believe that a current 2145
or former employee or person providing services under a contract 2146
who holds a license or certificate issued under this chapter 2147
engaged in conduct that would be grounds for disciplinary action 2148
by the board of nursing under this chapter or rules adopted 2149
under it shall report to the board of nursing the name of such 2150
current or former employee or person providing services under a 2151
contract. The report shall be made on the person's or 2152
governmental entity's behalf by an individual licensed or 2153

certified by the board who the person or governmental entity has 2154
designated to make such reports. 2155

A prosecutor in a case described in divisions (B) (3) to 2156
(5) of section 4723.28 of the Revised Code, or in a case where 2157
the trial court issued an order of dismissal upon technical or 2158
procedural grounds of a charge of a misdemeanor committed in the 2159
course of practice, a felony charge, or a charge of gross 2160
immorality or moral turpitude, who knows or has reason to 2161
believe that the person charged is licensed under this chapter 2162
to practice nursing as a registered nurse or as a licensed 2163
practical nurse or holds a certificate issued under this chapter 2164
to practice as a dialysis technician shall notify the board of 2165
nursing of the charge. With regard to certified community health 2166
workers and medication aides, the prosecutor in a case involving 2167
a charge of a misdemeanor committed in the course of employment, 2168
a felony charge, or a charge of gross immorality or moral 2169
turpitude, including a case dismissed on technical or procedural 2170
grounds, who knows or has reason to believe that the person 2171
charged holds a community health worker or medication aide 2172
certificate issued under this chapter shall notify the board of 2173
the charge. 2174

Each notification from a prosecutor shall be made on forms 2175
prescribed and provided by the board. The report shall include 2176
the name and address of the license or certificate holder, the 2177
charge, and the certified court documents recording the action. 2178

(B) If any person or governmental entity fails to provide 2179
a report required by this section, the board may seek an order 2180
from a court of competent jurisdiction compelling submission of 2181
the report. 2182

Sec. 4723.35. (A) As used in this section and section 2183

4723.351 of the Revised Code:	2184
(1) "Applicant" means an individual who has applied for a license or certificate to practice issued under this chapter.	2185
"Applicant" may include an individual who has been granted authority by the board of nursing <u>a license or certificate under this chapter</u> to practice as one type of practitioner, but has applied <u>under this chapter</u> for authority <u>a license or certificate</u> to practice as another type of practitioner.	2186
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	2188
	2189
	2190
	2191
(2) "Impaired" or "impairment" means either or both of the following:	2192
	2193
(a) Impairment of the ability to practice as described in division (B) (10) of section 4723.28 of the Revised Code;	2194
	2195
(b) Impairment of the ability to practice as described in division (B) (11) of section 4723.28 of the Revised Code.	2196
	2197
(3) "Practitioner" means an individual authorized who <u>holds a license or certificate issued under this chapter</u> to practice as a registered nurse, including as an advanced practice registered nurse, licensed practical nurse, dialysis technician, community health worker, or medication aide.	2198
	2199
	2200
	2201
	2202
(B) The board of nursing shall establish the safe haven program to monitor applicants and practitioners who are or may be impaired, but against whom the board has abstained from taking disciplinary action. The program is to be conducted by the monitoring organization under contract with the board as described in section 4723.351 of the Revised Code.	2203
	2204
	2205
	2206
	2207
	2208
(C) (1) On the establishment of the program, the board may transfer to the monitoring organization, in whole or in part, either or both of the following responsibilities:	2209
	2210
	2211

(a) The monitoring and oversight of ~~licensees~~ 2212
practitioners as part of the substance use disorder program as 2213
that program existed on or before ~~the effective date of this~~ 2214
~~section~~ September 20, 2024; 2215

(b) The monitoring and oversight of ~~licensees~~ 2216
practitioners under terms specified in a board adjudication 2217
order or consent agreement. 2218

(2) If the board transfers the responsibilities described 2219
in division (C) (1) of this section, both of the following apply: 2220

(a) The monitoring organization shall provide to the board 2221
quarterly reports regarding the compliance of transferred 2222
~~licensees~~practitioners. 2223

(b) The monitoring organization shall immediately report 2224
to the board any ~~licensee~~practitioner who is not in compliance 2225
with the terms and conditions of monitoring. 2226

(D) The board shall refer to the monitoring organization 2227
any applicant or practitioner whose health and effectiveness 2228
show signs of impairment or potential impairment, but only if 2229
the applicant or practitioner meets the eligibility conditions 2230
of division (G) of this section. 2231

(E) Determinations regarding an applicant's or 2232
practitioner's eligibility for admission to, continued 2233
participation in, and successful completion of the safe haven 2234
program shall be made by the monitoring organization in 2235
accordance with rules adopted under section 4723.351 of the 2236
Revised Code. 2237

(F) The board shall abstain from taking disciplinary 2238
action under section 4723.28, 4723.652, or 4723.86 of the 2239
Revised Code against an individual whose health and 2240

effectiveness show signs of impairment or potential impairment, 2241
but who is not currently under the terms of a consent agreement 2242
with the board for impairment or an order issued by the board 2243
for impairment if the individual is participating in the safe 2244
haven program. 2245

An applicant's or practitioner's impairment neither 2246
excuses an applicant or practitioner who has committed other 2247
violations of this chapter nor precludes the board from 2248
investigating or taking disciplinary action against an applicant 2249
or practitioner for other violations of this chapter. 2250

(G) An applicant or practitioner is eligible to 2251
participate in the safe haven program if both of the following 2252
conditions are met: 2253

(1) The applicant or practitioner needs assistance with 2254
impairment or potential impairment. 2255

(2) The applicant or practitioner has an unencumbered 2256
license or certificate to practice and is not currently under 2257
the terms of a consent agreement with the board for impairment 2258
or an order issued by the board for impairment. 2259

Sec. 4723.36. (A) A certified nurse-midwife, certified 2260
nurse practitioner, or clinical nurse specialist may determine 2261
and pronounce an individual's death. 2262

~~(B)(1)~~(B) A registered nurse who is not described in 2263
division (A) of this section may determine and pronounce an 2264
individual's death, but only if the individual's respiratory and 2265
circulatory functions are not being artificially sustained and, 2266
at the time the determination and pronouncement of death is 2267
made, the registered nurse is providing or supervising the 2268
individual's care through a hospice care program licensed under 2269

Chapter 3712. of the Revised Code or any other entity that 2270
provides palliative care. 2271

~~(2)~~ (C) A ~~registered~~ nurse who determines and pronounces an 2272
individual's death under division ~~(B)~~ ~~(1)~~ (A) or (B) of this 2273
section shall comply with both of the following: 2274

(a) The nurse shall not complete any portion of the 2275
individual's death certificate. 2276

(b) The nurse shall notify the individual's attending 2277
physician, ~~certified nurse-midwife, certified nurse-~~ 2278
~~practitioner, or clinical nurse specialist~~ of the determination 2279
and pronouncement of death in order for the physician, ~~certified~~ 2280
~~nurse-midwife, certified nurse practitioner, or clinical nurse-~~ 2281
~~specialist~~ to fulfill the physician's, ~~certified nurse-~~ 2282
~~midwife's, certified nurse practitioner's, or clinical nurse-~~ 2283
~~specialist's~~ duties under section 3705.16 of the Revised Code. 2284
The nurse shall provide the notification within a period of time 2285
that is reasonable but not later than twenty-four hours 2286
following the determination and pronouncement of the 2287
individual's death. 2288

Sec. 4723.43. A certified registered nurse anesthetist, 2289
clinical nurse specialist, certified nurse-midwife, or certified 2290
nurse practitioner may provide to individuals and groups nursing 2291
care that requires knowledge and skill obtained from advanced 2292
formal education and clinical experience. In providing this 2293
~~capacity nursing care~~ as an advanced practice registered nurse, 2294
a certified nurse-midwife is subject to division (A) of this 2295
section, a certified registered nurse anesthetist is subject to 2296
division (B) of this section, a certified nurse practitioner is 2297
subject to division (C) of this section, and a clinical nurse 2298
specialist is subject to division (D) of this section. 2299

(A) A nurse authorized to practice as a certified nurse- 2300
midwife, in collaboration with one or more physicians, may 2301
provide the management of preventive services and those primary 2302
care services necessary to provide health care to women 2303
antepartally, intrapartally, postpartally, and gynecologically, 2304
consistent with the nurse's education and certification, and in 2305
accordance with rules adopted by the board of nursing. 2306

No certified nurse-midwife may perform version, deliver 2307
breech or face presentation, use forceps, do any obstetric 2308
operation, or treat any other abnormal condition, except in 2309
emergencies. ~~Division (A) of this section~~ This division does not 2310
prohibit a certified nurse-midwife from performing episiotomies 2311
or normal vaginal deliveries, or repairing vaginal tears. A 2312
certified nurse-midwife may, in collaboration with one or more 2313
physicians, prescribe drugs and therapeutic devices in 2314
accordance with section 4723.481 of the Revised Code. 2315

(B) A nurse authorized to practice as a certified 2316
registered nurse anesthetist, consistent with the nurse's 2317
education and certification and in accordance with rules adopted 2318
by the board, may do the following: 2319

(1) With supervision and in the immediate presence of a 2320
physician, podiatrist, or dentist, administer anesthesia and 2321
perform anesthesia induction, maintenance, and emergence; 2322

(2) With supervision, obtain informed consent for 2323
anesthesia care and perform preanesthetic preparation and 2324
evaluation, postanesthetic preparation and evaluation, 2325
postanesthesia care, and, subject to section 4723.433 of the 2326
Revised Code, clinical support functions; 2327

(3) With supervision and in accordance with section 2328

4723.434 of the Revised Code, engage in the activities described 2329
in division (A) of that section. 2330

The physician, podiatrist, or dentist supervising a 2331
certified registered nurse anesthetist must be actively engaged 2332
in practice in this state. When a certified registered nurse 2333
anesthetist is supervised by a podiatrist, the nurse's scope of 2334
practice is limited to the anesthesia procedures that the 2335
podiatrist has the authority under section 4731.51 of the 2336
Revised Code to perform. A certified registered nurse 2337
anesthetist may not administer general anesthesia under the 2338
supervision of a podiatrist in a podiatrist's office. When a 2339
certified registered nurse anesthetist is supervised by a 2340
dentist, the nurse's scope of practice is limited to the 2341
anesthesia procedures that the dentist has the authority under 2342
Chapter 4715. of the Revised Code to perform. 2343

(C) A nurse authorized to practice as a certified nurse 2344
practitioner, in collaboration with one or more physicians or 2345
podiatrists, may provide preventive and primary care services, 2346
provide services for acute illnesses, and evaluate and promote 2347
patient wellness within the nurse's nursing specialty, 2348
consistent with the nurse's education and certification, and in 2349
accordance with rules adopted by the board. A certified nurse 2350
practitioner may, in collaboration with one or more physicians 2351
or podiatrists, prescribe drugs and therapeutic devices in 2352
accordance with section 4723.481 of the Revised Code. 2353

When a certified nurse practitioner is collaborating with 2354
a podiatrist, the nurse's scope of practice is limited to the 2355
procedures that the podiatrist has the authority under section 2356
4731.51 of the Revised Code to perform. 2357

(D) A nurse authorized to practice as a clinical nurse 2358

specialist, in collaboration with one or more physicians or 2359
podiatrists, may provide and manage the care of individuals and 2360
groups with complex health problems and provide health care 2361
services that promote, improve, and manage health care within 2362
the nurse's nursing specialty, consistent with the nurse's 2363
education and in accordance with rules adopted by the board. A 2364
clinical nurse specialist may, in collaboration with one or more 2365
physicians or podiatrists, prescribe drugs and therapeutic 2366
devices in accordance with section 4723.481 of the Revised Code. 2367

When a clinical nurse specialist is collaborating with a 2368
podiatrist, the nurse's scope of practice is limited to the 2369
procedures that the podiatrist has the authority under section 2370
4731.51 of the Revised Code to perform. 2371

Sec. 4723.431. (A) (1) An advanced practice registered 2372
nurse who is designated as a clinical nurse specialist, 2373
certified nurse-midwife, or certified nurse practitioner may 2374
practice only in accordance with a standard care arrangement 2375
entered into with each physician or podiatrist with whom the 2376
nurse collaborates. A copy of the standard care arrangement 2377
shall be retained on file by the nurse's employer. Prior 2378
approval of the standard care arrangement by the board of 2379
nursing is not required, but the board may periodically review 2380
it for compliance with this section. 2381

A clinical nurse specialist, certified nurse-midwife, or 2382
certified nurse practitioner may enter into a standard care 2383
arrangement with one or more collaborating physicians or 2384
podiatrists. If a collaborating physician or podiatrist enters 2385
into standard care arrangements with more than five nurses, the 2386
physician or podiatrist shall not collaborate at the same time 2387
with more than five nurses in the prescribing component of their 2388

practices. 2389

Not later than thirty days after first engaging in the 2390
practice of nursing as a clinical nurse specialist, certified 2391
nurse-midwife, or certified nurse practitioner, the nurse shall 2392
submit to the board the name and business address of each 2393
collaborating physician or podiatrist. Thereafter, the nurse 2394
shall notify the board of any additions or deletions to the 2395
nurse's collaborating physicians or podiatrists. Except as 2396
provided in division (D) of this section, the notice must be 2397
provided not later than thirty days after the change takes 2398
effect. 2399

(2) All of the following conditions apply with respect to 2400
the practice of a collaborating physician or podiatrist with 2401
whom a clinical nurse specialist, certified nurse-midwife, or 2402
certified nurse practitioner may enter into a standard care 2403
arrangement: 2404

(a) The physician or podiatrist must be authorized to 2405
practice in this state. 2406

(b) Except as provided in division (A) (2) (c) of this 2407
section, the physician or podiatrist must be practicing in a 2408
specialty that is the same as or similar to the nurse's nursing 2409
specialty. 2410

(c) If the nurse is a clinical nurse specialist who is 2411
certified as a psychiatric-mental health CNS or the equivalent 2412
of such title by the American nurses credentialing center or a 2413
certified nurse practitioner who is certified as a psychiatric- 2414
mental health NP or the equivalent of such title by the American 2415
nurses credentialing center or American academy of nurse 2416
practitioners certification board, the nurse may enter into a 2417

standard care arrangement with a physician but not a podiatrist	2418
and the collaborating physician must be practicing in one of the	2419
following specialties:	2420
(i) Psychiatry;	2421
(ii) Pediatrics;	2422
(iii) Primary care or family practice.	2423
(B) A standard care arrangement shall be in writing and	2424
shall contain all of the following:	2425
(1) Criteria for referral of a patient by the clinical	2426
nurse specialist, certified nurse-midwife, or certified nurse	2427
practitioner to a collaborating physician or podiatrist or	2428
another physician or podiatrist;	2429
(2) A process for the clinical nurse specialist, certified	2430
nurse-midwife, or certified nurse practitioner to obtain a	2431
consultation with a collaborating physician or podiatrist or	2432
another physician or podiatrist;	2433
(3) A plan for coverage in instances of emergency or	2434
planned absences of either the clinical nurse specialist,	2435
certified nurse-midwife, or certified nurse practitioner or a	2436
collaborating physician or podiatrist that provides the means	2437
whereby a physician or podiatrist is available for emergency	2438
care;	2439
(4) The process for resolution of disagreements regarding	2440
matters of patient management between the clinical nurse	2441
specialist, certified nurse-midwife, or certified nurse	2442
practitioner and a collaborating physician or podiatrist;	2443
(5) An agreement that, <u>if the nurse determines and</u>	2444
<u>pronounces death as provided in section 4723.36 of the Revised</u>	2445

Code, the collaborating physician shall complete and sign the 2446
medical certificate of death pursuant to section 3705.16 of the 2447
Revised Code; 2448

(6) Any other criteria required by rule of the board 2449
adopted pursuant to section 4723.07 or 4723.50 of the Revised 2450
Code. 2451

(C) A standard care arrangement entered into pursuant to 2452
this section may permit a clinical nurse specialist, certified 2453
nurse-midwife, or certified nurse practitioner to do any of the 2454
following: 2455

(1) Supervise services provided by a home health agency as 2456
defined in section 3740.01 of the Revised Code; 2457

(2) Admit a patient to a hospital in accordance with 2458
section 3727.06 of the Revised Code; 2459

(3) Sign any document relating to the admission, 2460
treatment, or discharge of an inpatient receiving psychiatric or 2461
other behavioral health care services, but only if the 2462
conditions of section 4723.436 of the Revised Code have been 2463
met. 2464

(D) (1) Except as provided in division (D) (2) of this 2465
section, if a physician or podiatrist terminates the 2466
collaboration between the physician or podiatrist and a 2467
certified nurse-midwife, certified nurse practitioner, or 2468
clinical nurse specialist before their standard care arrangement 2469
expires, all of the following apply: 2470

(a) The physician or podiatrist must give the nurse 2471
written or electronic notice of the termination. 2472

(b) Once the nurse receives the termination notice, the 2473

nurse must notify the board of nursing of the termination as 2474
soon as practicable by submitting to the board a copy of the 2475
physician's or podiatrist's termination notice. 2476

(c) Notwithstanding the requirement of section 4723.43 of 2477
the Revised Code that the nurse practice in collaboration with a 2478
physician or podiatrist, the nurse may continue to practice 2479
under the existing standard care arrangement without a 2480
collaborating physician or podiatrist for not more than one 2481
hundred twenty days after submitting to the board a copy of the 2482
termination notice. 2483

(2) In the event that the collaboration between a 2484
physician or podiatrist and a certified nurse-midwife, certified 2485
nurse practitioner, or clinical nurse specialist terminates 2486
because of the physician's or podiatrist's death, the nurse must 2487
notify the board of the death as soon as practicable. The nurse 2488
may continue to practice under the existing standard care 2489
arrangement without a collaborating physician or podiatrist for 2490
not more than one hundred twenty days after notifying the board 2491
of the physician's or podiatrist's death. 2492

(E) (1) Nothing in this section prohibits a hospital from 2493
hiring a clinical nurse specialist, certified nurse-midwife, or 2494
certified nurse practitioner as an employee and negotiating 2495
standard care arrangements on behalf of the employee as 2496
necessary to meet the requirements of this section. A standard 2497
care arrangement between the hospital's employee and the 2498
employee's collaborating physician is subject to approval by the 2499
medical staff and governing body of the hospital prior to 2500
implementation of the arrangement at the hospital. 2501

(2) Nothing in this section prohibits a standard care 2502
arrangement from specifying actions that a clinical nurse 2503

specialist, certified nurse-midwife, or certified nurse 2504
practitioner is authorized to take, or is prohibited from 2505
taking, as part of the nurse's practice in collaboration with a 2506
physician or podiatrist. In specifying such actions, the 2507
standard care arrangement shall not authorize the nurse to take 2508
any action that is otherwise prohibited by the Revised Code or 2509
rule of the board. 2510

Sec. 4723.47. If an advanced practice registered nurse's 2511
license to practice nursing as a registered nurse lapses for 2512
failure to renew under section 4723.24 of the Revised Code, the 2513
nurse's license to practice nursing as an advanced practice 2514
registered nurse is lapsed until the license to practice nursing 2515
as a registered nurse is reinstated. If an advanced practice 2516
registered nurse's license to practice nursing as a registered 2517
nurse is classified as inactive under section 4723.24 of the 2518
Revised Code, the nurse's license to practice nursing as an 2519
advanced practice registered nurse is automatically classified 2520
as inactive while the license to practice nursing as a 2521
registered nurse remains inactive. If either license held by an 2522
advanced practice registered nurse is revoked under section 2523
4723.28 or 4723.281 of the Revised Code, the other license is 2524
automatically revoked. If either license is suspended under 2525
section 4723.28 or 4728.281 of the Revised Code, the other 2526
license is automatically suspended while the suspension remains 2527
in effect. 2528

Sec. 4723.481. This section establishes standards and 2529
conditions regarding the authority of an advanced practice 2530
registered nurse who is designated as a clinical nurse 2531
specialist, certified nurse-midwife, or certified nurse 2532
practitioner to prescribe and personally furnish drugs and 2533
therapeutic devices under a license issued under section 4723.42 2534

of the Revised Code. 2535

(A) A clinical nurse specialist, certified nurse-midwife, 2536
or certified nurse practitioner shall not prescribe or furnish 2537
any drug or therapeutic device that is listed on the 2538
exclusionary formulary established in rules adopted under 2539
section 4723.50 of the Revised Code. 2540

(B) The prescriptive authority of a clinical nurse 2541
specialist, certified nurse-midwife, or certified nurse 2542
practitioner shall not exceed the prescriptive authority of the 2543
collaborating physician or podiatrist, including the 2544
collaborating physician's authority to treat chronic pain with 2545
controlled substances~~and~~, including products containing 2546
tramadol, as that authority is described in section 4731.052 of 2547
the Revised Code. 2548

(C) (1) Except as provided in division (C) (2) or (3) of 2549
this section, a clinical nurse specialist, certified nurse- 2550
midwife, or certified nurse practitioner may prescribe to a 2551
patient a schedule II controlled substance only if all of the 2552
following are the case: 2553

(a) The patient has a terminal condition, as defined in 2554
section 2133.01 of the Revised Code. 2555

(b) A physician initially prescribed the substance for the 2556
patient. 2557

(c) The prescription is for an amount that does not exceed 2558
the amount necessary for the patient's use in a single, seventy- 2559
two-hour period. 2560

(2) The restrictions on prescriptive authority in division 2561
(C) (1) of this section do not apply if a clinical nurse 2562
specialist, certified nurse-midwife, or certified nurse 2563

practitioner issues the prescription to the patient from any of	2564
the following entities:	2565
(a) A hospital as defined in section 3722.01 <u>licensed</u>	2566
<u>under Chapter 3722.</u> of the Revised Code;	2567
(b) An entity owned or controlled, in whole or in part, by	2568
a hospital or by an entity that owns or controls, in whole or in	2569
part, one or more hospitals;	2570
(c) A health care facility operated by the department of	2571
mental-behavioral health and addiction services or the	2572
department of developmental disabilities;	2573
(d) A nursing home licensed under section 3721.02 of the	2574
Revised Code or by a political subdivision certified under	2575
section 3721.09 of the Revised Code;	2576
(e) A county home or district home operated under Chapter	2577
5155. of the Revised Code that is certified under the medicare	2578
or medicaid program;	2579
(f) A hospice care program, as defined in section 3712.01	2580
<u>licensed under Chapter 3712.</u> of the Revised Code;	2581
(g) A community mental health services provider, as	2582
defined in section 5122.01 <u>5119.01</u> of the Revised Code;	2583
(h) An ambulatory surgical facility, as defined in	2584
<u>licensed under</u> section 3702.30 of the Revised Code;	2585
(i) A freestanding birthing center, as defined in section	2586
3701.503 of the Revised Code;	2587
(j) A federally qualified health center, as defined in	2588
section 3701.047 of the Revised Code;	2589
(k) A federally qualified health center look-alike, as	2590

defined in section 3701.047 of the Revised Code; 2591

(l) A health care office or facility operated by the board 2592
of health of a city or general health district or the authority 2593
having the duties of a board of health under section 3709.05 of 2594
the Revised Code; 2595

(m) A site where a medical practice is operated, but only 2596
if the practice is comprised of one or more physicians who also 2597
are owners of the practice; the practice is organized to provide 2598
direct patient care; and the clinical nurse specialist, 2599
certified nurse-midwife, or certified nurse practitioner 2600
providing services at the site has a standard care arrangement 2601
and collaborates with at least one of the physician owners who 2602
practices primarily at that site; 2603

(n) A site where a behavioral health practice is operated 2604
that does not qualify as a location otherwise described in 2605
division (C) (2) of this section, but only if the practice is 2606
organized to provide outpatient services for the treatment of 2607
mental health conditions, substance use disorders, or both, and 2608
the clinical nurse specialist, certified nurse-midwife, or 2609
certified nurse practitioner providing services at the site of 2610
the practice has a standard care arrangement and collaborates 2611
with at least one physician who is employed by that practice; 2612

(o) A residential care facility, ~~as defined in section~~ 2613
~~3721.01~~ licensed under Chapter 3721. of the Revised Code. 2614

(3) A clinical nurse specialist, certified nurse-midwife, 2615
or certified nurse practitioner shall not issue to a patient a 2616
prescription for a schedule II controlled substance from a 2617
convenience care clinic even if the clinic is owned or operated 2618
by an entity specified in division (C) (2) of this section. 2619

(D) A pharmacist who acts in good faith reliance on a prescription issued by a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner under division (C) (2) of this section is not liable for or subject to any of the following for relying on the prescription: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action by the state board of pharmacy under Chapter 4729. of the Revised Code.

(E) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall comply with section 3719.061 of the Revised Code if the nurse prescribes for a minor, as defined in that section, an opioid analgesic, as defined in section 3719.01 of the Revised Code.

Sec. 4723.482. (A) Except as provided in divisions (C) and (D) of this section, an applicant for a license to practice nursing as an advanced practice registered nurse who seeks designation as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall include with the application submitted under section 4723.41 of the Revised Code evidence of successfully completing the course of study in advanced pharmacology and related topics in accordance with the requirements specified in division (B) of this section.

(B) With respect to the course of study in advanced pharmacology and related topics, all of the following requirements apply:

(1) The course of study shall be completed not longer than five years before the application is filed.

(2) The course of study shall be not less than forty-five contact hours.

(3) The course of study shall meet the requirements to be 2649
approved by the board of nursing in accordance with standards 2650
established in rules adopted under section 4723.50 of the 2651
Revised Code. 2652

(4) The content of the course of study shall be specific 2653
to the applicant's nursing specialty. 2654

(5) The instruction provided in the course of study shall 2655
include all of the following: 2656

(a) A minimum of thirty-six contact hours of instruction 2657
in advanced pharmacology that includes pharmacokinetic 2658
principles and clinical application and the use of drugs and 2659
therapeutic devices in the prevention of illness and maintenance 2660
of health; 2661

(b) Instruction in the fiscal and ethical implications of 2662
prescribing drugs and therapeutic devices; 2663

(c) Instruction in the state and federal laws that apply 2664
to the authority to prescribe; 2665

(d) Instruction that is specific to schedule II controlled 2666
substances, including instruction in all of the following: 2667

(i) Indications for the use of schedule II controlled 2668
substances in drug therapies; 2669

(ii) The most recent guidelines for pain management 2670
therapies, as established by state and national organizations 2671
such as the Ohio pain initiative and the American pain society; 2672

(iii) Fiscal and ethical implications of prescribing 2673
schedule II controlled substances; 2674

(iv) State and federal laws that apply to the authority to 2675

prescribe schedule II controlled substances;	2676
(v) Prevention of abuse and diversion of schedule II controlled substances, including identification of the risk of abuse and diversion, recognition of abuse and diversion, types of assistance available for prevention of abuse and diversion, and methods of establishing safeguards against abuse and diversion.	2677 2678 2679 2680 2681 2682
(C) An applicant who practiced or is practicing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner in another jurisdiction or as an employee of the United States government shall include with the application submitted under section 4723.41 of the Revised Code all of the following:	2683 2684 2685 2686 2687 2688
(1) Evidence of having completed a two-hour course of instruction approved by the board in the laws of this state that govern drugs and prescriptive authority;	2689 2690 2691
(2) Either of the following:	2692
(a) Evidence of having held, for a continuous period of at least one year during the three years immediately preceding the date of application, valid authority issued by another jurisdiction to prescribe therapeutic devices and drugs, including at least some controlled substances;	2693 2694 2695 2696 2697
(b) Evidence of having been employed by the United States government and authorized, for a continuous period of at least one year during the three years immediately preceding the date of application, to prescribe therapeutic devices and drugs, including at least some controlled substances, in conjunction with that employment.	2698 2699 2700 2701 2702 2703
(D) In lieu of including with an application submitted	2704

under section 4723.41 of the Revised Code the evidence described 2705
in division (A) of this section, an applicant described in 2706
division (C) or (D) of section 4723.41 of the Revised Code may 2707
include evidence of all of the following: 2708

(1) Successfully completing the course of study in 2709
advanced pharmacology and related topics more than five years 2710
before the date the application is filed; 2711

(2) Holding, for a continuous period of at least one year 2712
during the three years immediately preceding the date of 2713
application, valid authority in any jurisdiction to prescribe 2714
therapeutic devices and drugs, including at least some 2715
controlled substances; 2716

(3) Exercising the prescriptive authority described in 2717
division (D) (2) of this section for the minimum one-year period. 2718

Sec. 4723.483. (A) (1) Subject to division (A) (2) of this 2719
section, and notwithstanding any provision of this chapter or 2720
rule adopted by the board of nursing, a clinical nurse 2721
specialist, certified nurse-midwife, or certified nurse 2722
practitioner ~~who holds a certificate to prescribe issued under~~ 2723
~~section 4723.48 of the Revised Code~~ may do either of the 2724
following without having examined an individual to whom 2725
epinephrine may be administered: 2726

(a) Personally furnish a supply of epinephrine 2727
autoinjectors for use in accordance with sections 3313.7110, 2728
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 2729
5180.26 of the Revised Code; 2730

(b) Issue a prescription for epinephrine autoinjectors for 2731
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 2732
3326.28, 3328.29, 3728.03 to 3728.05, and 5180.26 of the Revised 2733

Code. 2734

(2) An epinephrine autoinjector personally furnished or 2735
prescribed under division (A)(1) of this section must be 2736
furnished or prescribed in such a manner that it may be 2737
administered only in a manufactured dosage form. 2738

(B) A nurse who acts in good faith in accordance with this 2739
section is not liable for or subject to any of the following for 2740
any action or omission of an entity to which an epinephrine 2741
autoinjector is furnished or a prescription is issued: damages 2742
in any civil action, prosecution in any criminal proceeding, or 2743
professional disciplinary action. 2744

Sec. 4723.493. (A) There is ~~hereby created~~ within the 2745
board of nursing the advisory ~~committee group~~ on advanced 2746
practice registered nursing. ~~The committee shall consist of~~ The 2747
advisory group shall advise the board regarding the practice and 2748
regulation of advanced practice registered nurses. 2749

(B) The board shall appoint the following as members ~~and~~ 2750
~~any other members the board appoints under division (B) of this~~ 2751
~~section~~ of the advisory group: 2752

(1) Four advanced practice registered nurses, each 2753
actively engaged in the practice of advanced practice registered 2754
nursing in a clinical setting in this state, at least one of 2755
whom is actively engaged in providing primary care, at least one 2756
of whom is actively engaged in practice as a certified 2757
registered nurse anesthetist, and at least one of whom is 2758
actively engaged in practice as a certified nurse-midwife; 2759

(2) Two advanced practice registered nurses, each serving 2760
as a faculty member of an approved program of nursing education 2761
that prepares students for licensure as advanced practice 2762

registered nurses; 2763

(3) A member of the board of nursing who is an advanced 2764
practice registered nurse; 2765

(4) A representative of an entity employing ten or more 2766
advanced practice registered nurses actively engaged in practice 2767
in this state. 2768

~~(B) The board of nursing shall appoint the members~~ 2769
~~described in division (A) of this section.~~ (C) Recommendations 2770
~~for initial appointments and for filling any vacancies regarding~~ 2771
individuals to serve as members under division (B) of this 2772
section may be submitted to the board by organizations 2773
representing advanced practice registered nurses practicing in 2774
this state and by schools of advanced practice registered 2775
nursing. The board shall appoint ~~initial~~ members and fill 2776
vacancies according to the recommendations it receives. If it 2777
does not receive any recommendations or receives an insufficient 2778
number of recommendations, the board shall appoint members and 2779
fill vacancies on its own advice. 2780

(D) The members who serve under division (B) of this 2781
section may recommend to the board that an individual with 2782
expertise in a specialized area of advanced practice registered 2783
nursing be appointed as an additional member of the advisory 2784
group. If the board receives such a recommendation, the board 2785
may appoint the additional member. 2786

~~Initial appointments to the committee shall be made not~~ 2787
~~later than sixty days after April 6, 2017. Of the initial~~ 2788
~~appointments described in division (A)(1) of this section, two~~ 2789
~~shall be for terms of one year and two shall be for terms of two~~ 2790
~~years. Of the initial appointments described in division (A)(2)~~ 2791

~~of this section, one shall be for a term of one year and one~~ 2792
~~shall be for a term of two years. Of the initial appointments~~ 2793
~~described in divisions (A) (3) and (4) of this section, each~~ 2794
~~shall be for a term of two years. Thereafter, terms~~ 2795

(E) Terms for all members shall be for two years, with 2796
each term ending on the same day of the same month as did the 2797
term that it succeeds. Vacancies shall be filled in the same 2798
manner as appointments. 2799

When the term of any member expires, a successor shall be 2800
appointed in the same manner as the initial original 2801
appointment. Any member appointed to fill a vacancy occurring 2802
prior to the expiration of the term for which the member's 2803
predecessor was appointed shall hold office for the remainder of 2804
that term. A member shall continue in office subsequent to the 2805
expiration date of the member's term until the member's 2806
successor takes office or until a period of sixty days has 2807
elapsed, whichever occurs first. A member may be reappointed for 2808
one additional term only. 2809

~~(C) The committee shall organize by selecting a~~ 2810
~~chairperson from among its members. The committee may select a~~ 2811
~~new chairperson at any time~~ (F) The member of the board appointed 2812
under division (B) (3) of this section shall serve as the 2813
advisory group's chairperson. Five members constitute a quorum 2814
for the transaction of official business. ~~Members~~ 2815

Members shall serve without compensation but receive 2816
payment for their actual and necessary expenses incurred in the 2817
performance of their official duties. The expenses shall be paid 2818
by the board ~~of nursing.~~ 2819

~~(D) The committee shall advise the board regarding the~~ 2820

~~practice and regulation of advanced practice registered nurses. 2821~~
~~The committee may also recommend to the board that an individual 2822~~
~~with expertise in an advanced practice registered nursing 2823~~
~~specialty be appointed under division (B) of this section as an 2824~~
~~additional member of the committee. 2825~~

Sec. 4723.52. (A) As used in this section:— 2826

~~(1) "Community addiction services provider" has the same 2827~~
~~meaning as in section 5119.01 of the Revised Code. 2828~~

~~(2) "~~Medication-assisted~~, "medication-assisted treatment" 2829~~
has the same meaning as in section 340.01 of the Revised Code. 2830

(B) An advanced practice registered nurse shall comply 2831
with section 3719.064 of the Revised Code and rules adopted 2832
under section 4723.51 of the Revised Code when treating a 2833
patient for addiction with medication-assisted treatment or 2834
proposing to initiate such treatment. 2835

Sec. 4723.66. (A) A person or government entity seeking 2836
approval to provide a medication aide training program shall 2837
apply to the board of nursing on a form prescribed and provided 2838
by the board. The application shall be accompanied by a fee of 2839
fifty dollars. 2840

(B) Except as provided in division ~~(C)~~(D) of this section, 2841
the board shall approve the applicant to provide a medication 2842
aide training program if the content of the course of 2843
instruction to be provided by the program includes all of the 2844
following: 2845

(1) Thirty clock-hours of instruction in medication 2846
administration, including both classroom instruction and at 2847
least sixteen clock-hours of supervised clinical practice; 2848

(2) A mechanism for evaluating whether an individual's reading, writing, and mathematical skills are sufficient for the individual to be able to administer prescription medications safely;

(3) An examination that tests the ability to administer prescription medications safely. The examination may be administered by the program that provides the instruction required by division (B) (1) of this section.

(C) Approval of a training program is valid for two years, unless earlier suspended or revoked. The approval of a training program may be renewed.

(D) The board shall deny the an application for initial approval or renewal of approval if an the applicant submits or causes to be submitted to the board false, misleading, or deceptive statements, information, or documentation in the process of applying for approval of the program.

~~(D)~~ The board may deny an application for initial approval or renewal of approval, or suspend, or revoke the approval granted to a medication aide training program, for failure to meet any of the standards specified in division (B) of this section.

~~(E)~~ All actions taken by the board to deny, suspend, or revoke the approval of a training program shall be taken in accordance with Chapter 119. of the Revised Code.

Sec. 4723.67. (A) In accordance with this section, a medication aide who holds a current, valid medication aide certificate issued under this chapter may administer prescription medications to the residents of nursing homes and residential care facilities, but only pursuant to the

supervision of a registered nurse or a licensed practical nurse	2878
acting at the direction of a registered nurse.	2879
(B) In exercising the authority to administer prescription	2880
medications pursuant to nursing supervision, all of the	2881
following apply to a medication aide:	2882
(1) Subject to division (B) (4) of this section, a	2883
medication aide may administer prescription medications by any	2884
of the following methods:	2885
(a) Giving medications to be taken orally;	2886
(b) Topical application;	2887
(c) Application as drops to the eye, ear, or nose;	2888
(d) Rectal insertion and vaginal insertion.	2889
(2) A medication aide may administer medications	2890
prescribed with a designation authorizing or requiring	2891
administration on an as-needed basis, regardless of whether the	2892
supervising nurse is present at the home or facility.	2893
(3) A medication aide may administer initial doses of	2894
prescription medications.	2895
(4) A medication aide may administer medications	2896
containing a schedule II controlled substance, as defined in	2897
section 3719.01 of the Revised Code, but only by the methods	2898
described in divisions (B) (1) (a) and (b) of this section.	2899
(C) All of the following limitations apply to the	2900
authority of a medication aide to administer prescription	2901
medication:	2902
(1) A medication aide shall not administer prescription	2903
medications requiring dosage calculations.	2904

(2) A medication aide shall not administer prescription medications by any <u>either</u> of the following methods:	2905 2906
(a) Injection, except for insulin as provided in division (D) of this section;	2907 2908
(b) Intravenous therapy procedures + <u>.</u>	2909
(3) A medication aide shall not split pills for purposes of changing the dose being given.	2910 2911
(D) A medication aide may administer insulin to a resident by injection, but only if both of the following are satisfied:	2912 2913
(1) The medication aide satisfies training and competency requirements established by the aide's employer.	2914 2915
(2) The insulin is injected using an insulin pen device that contains a dosage indicator.	2916 2917
Sec. 4723.69. (A) The board of nursing may adopt rules to implement sections 4723.63 to 4723.68 of the Revised Code. All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.	2918 2919 2920 2921
(B) If the board adopts rules under this section establishing standards governing approval of and participation in medication aide training programs, both of the following apply:	2922 2923 2924 2925
(1) With respect to supervised clinical practice components of training programs, when such training is provided in a nursing home or residential care facility and the home or facility has been notified by the department of health of real and present danger related to its administration of medications or provision of <u>any other type of</u> skilled nursing care, the board shall prohibit the home or facility from commencing any	2926 2927 2928 2929 2930 2931 2932

further supervised clinical practice components until either of	2933
the following occurs:	2934
(a) A plan of correction is approved.	2935
(b) The home or facility resolves the danger.	2936
The board shall allow a training program to continue any	2937
supervised clinical practice components that commenced prior to	2938
the department of health notifying the home or facility.	2939
(2) If the rules establish a minimum or maximum number of	2940
days for participating in or completing a training program, the	2941
board shall base that number on calendar days rather than	2942
business days.	2943
Sec. 4731.297. (A) As used in this section:	2944
(1) "Academic medical center" means a medical school and	2945
its affiliated teaching hospitals and clinics partnering to do	2946
all of the following:	2947
(a) Provide the highest quality of patient care from	2948
expert physicians;	2949
(b) Conduct groundbreaking research leading to medical	2950
advancements for current and future patients;	2951
(c) Provide medical education and graduate medical	2952
education to educate and train physicians.	2953
(2) "Affiliated physician group practice" means a medical	2954
practice that consists of one or more physicians authorized	2955
under this chapter to practice medicine and surgery or	2956
osteopathic medicine and surgery and that is affiliated with an	2957
academic medical center to further the objectives described in	2958
divisions (A) (1) (a) to (c) of this section.	2959

(B) The state medical board shall issue, without 2960
examination, to an applicant who meets the requirements of this 2961
section a certificate of conceded eminence authorizing the 2962
practice of medicine and surgery or osteopathic medicine and 2963
surgery as part of the applicant's employment with an academic 2964
medical center in this state or affiliated physician group 2965
practice in this state. 2966

(C) To be eligible for a certificate of conceded eminence, 2967
an applicant shall provide to the board all of the following: 2968

(1) Evidence satisfactory to the board of all of the 2969
following: 2970

(a) That the applicant is an international medical 2971
graduate who holds a medical degree from an educational 2972
institution listed in the international medical education 2973
directory; 2974

(b) That the applicant has been appointed to serve in this 2975
state as a full-time faculty member of a medical school 2976
accredited by the liaison committee on medical education or an 2977
osteopathic medical school accredited by the American 2978
osteopathic association; 2979

(c) That the applicant has accepted an offer of employment 2980
with an academic medical center in this state or affiliated 2981
physician group practice in this state; 2982

(d) That the applicant holds a license in good standing in 2983
another state or country authorizing the practice of medicine 2984
and surgery or osteopathic medicine and surgery; 2985

(e) That the applicant has unique talents and 2986
extraordinary abilities not generally found within the 2987
applicant's specialty, as demonstrated by satisfying at least 2988

four of the following:	2989
(i) The applicant has achieved educational qualifications beyond those that are required for entry into the applicant's specialty, including advanced degrees, special certifications, or other academic credentials.	2990 2991 2992 2993
(ii) The applicant has written multiple articles in journals listed in the index medicus or an equivalent scholarly publication acceptable to the board.	2994 2995 2996
(iii) The applicant has a sustained record of excellence in original research, at least some of which involves serving as the principal investigator or co-principal investigator for a research project.	2997 2998 2999 3000
(iv) The applicant has received nationally or internationally recognized prizes or awards for excellence.	3001 3002
(v) The applicant has participated in peer review in a field of specialization that is the same as or similar to the applicant's specialty.	3003 3004 3005
(vi) The applicant has developed new procedures or treatments for complex medical problems that are recognized by peers as a significant advancement in the applicable field of medicine.	3006 3007 3008 3009
(vii) The applicant has held previous academic appointments with or been employed by a health care organization that has a distinguished national or international reputation.	3010 3011 3012
(viii) The applicant has been the recipient of a national institutes of health or other competitive grant award.	3013 3014
(f) That the applicant has received staff membership or professional privileges from the academic medical center	3015 3016

pursuant to standards adopted under section 3701.351 of the Revised Code on a basis that requires the applicant's medical education and graduate medical education to be at least equivalent to that of a physician educated and trained in the United States;

(g) That the applicant has sufficient written and oral English skills to communicate effectively and reliably with patients, their families, and other medical professionals;

(h) That the applicant will have professional liability insurance through the applicant's employment with the academic medical center or affiliated physician group practice.

(2) An attestation that the applicant agrees to practice only within the clinical setting of the academic medical center or for the affiliated physician group practice;

(3) Three letters of reference from distinguished experts in the applicant's specialty attesting to the unique capabilities of the applicant, at least one of which must be from outside the academic medical center or affiliated physician group practice;

(4) An affidavit from the dean of the medical school where the applicant has been appointed to serve as a faculty member stating that the applicant meets all of the requirements of division (C)(1) of this section and that the letters of reference submitted under division (C)(3) of this section are from distinguished experts in the applicant's specialty, and documentation to support the affidavit;

(5) A fee of one thousand dollars for the certificate.

(D)(1) The holder of a certificate of conceded eminence may practice medicine and surgery or osteopathic medicine and

surgery only within the clinical setting of the academic medical center with which the certificate holder is employed or for the affiliated physician group practice with which the certificate holder is employed.

(2) A certificate holder may supervise medical students, physicians participating in graduate medical education, advanced practice registered nurses, and physician assistants when performing clinical services in the certificate holder's area of specialty.

(E) The board may revoke a certificate issued under this section on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under section 4731.22 of the Revised Code.

(F) A certificate of conceded eminence is valid for the shorter of two years or the duration of the certificate holder's employment with the academic medical center or affiliated physician group practice. The certificate ceases to be valid if the holder resigns or is otherwise terminated from the academic medical center or affiliated physician group practice.

(G) A certificate of conceded eminence may be renewed for an additional two-year period. There is no limit on the number of times a certificate may be renewed. A person seeking renewal of a certificate shall apply to the board and is eligible for renewal if the applicant does all of the following:

(1) Pays the renewal fee of one thousand dollars;

(2) Provides to the board an affidavit and supporting documentation from the academic medical center or affiliated

physician group practice of all of the following:	3075
(a) That the applicant's initial appointment to the	3076
medical faculty is still valid or has been renewed;	3077
(b) That the applicant's clinical practice is consistent	3078
with the established standards in the field;	3079
(c) That the applicant has demonstrated continued	3080
scholarly achievement;	3081
(d) That the applicant has demonstrated continued	3082
professional achievement consistent with the academic medical	3083
center's requirements, established pursuant to standards adopted	3084
under section 3701.351 of the Revised Code, for physicians with	3085
staff membership or professional privileges with the academic	3086
medical center.	3087
(3) Satisfies the same continuing medical education	3088
requirements set forth in section 4731.282 of the Revised Code	3089
that apply to a person who holds a certificate to practice	3090
medicine and surgery or osteopathic medicine and surgery issued	3091
under this chapter.	3092
(4) Complies with any other requirements established by	3093
the board.	3094
(H) The board shall not require a person to obtain a	3095
certificate under Chapter 4796. of the Revised Code to practice	3096
medicine and surgery or osteopathic medicine and surgery if the	3097
person holds a certificate of conceded eminence issued under	3098
this section.	3099
(I) The board may adopt any rules it considers necessary	3100
to implement this section. The rules shall be adopted in	3101
accordance with Chapter 119. of the Revised Code.	3102

Sec. 5122.10. (A) (1) Any of the following who has reason 3103
to believe that a person is a person with a mental illness 3104
subject to court order and represents a substantial risk of 3105
physical harm to self or others if allowed to remain at liberty 3106
pending examination may take the person into custody and may 3107
immediately transport the person to a hospital or, 3108
notwithstanding section 5119.33 of the Revised Code, to a 3109
general hospital not licensed by the department of behavioral 3110
health where the person may be held for the period prescribed in 3111
this section: 3112

(a) A psychiatrist; 3113

(b) A licensed physician; 3114

(c) A licensed clinical psychologist; 3115

(d) A clinical nurse specialist who is certified as a 3116
psychiatric-mental health CNS, or the equivalent of such title, 3117
by the American nurses credentialing center; 3118

(e) A certified nurse practitioner who is certified as a 3119
psychiatric-mental health NP, or the equivalent of such title, 3120
by the American nurses credentialing center or American academy 3121
of nurse practitioners certification board; 3122

(f) A health officer; 3123

(g) A parole officer; 3124

(h) A police officer; 3125

(i) A sheriff. 3126

(2) If the chief of the adult parole authority or a parole 3127
or probation officer with the approval of the chief of the 3128
authority has reason to believe that a parolee, an offender 3129

under a community control sanction or post-release control 3130
sanction, or an offender under transitional control is a person 3131
with a mental illness subject to court order and represents a 3132
substantial risk of physical harm to self or others if allowed 3133
to remain at liberty pending examination, the chief or officer 3134
may take the parolee or offender into custody and may 3135
immediately transport the parolee or offender to a hospital or, 3136
notwithstanding section 5119.33 of the Revised Code, to a 3137
general hospital not licensed by the department of behavioral 3138
health where the parolee or offender may be held for the period 3139
prescribed in this section. 3140

(B) A written statement shall be given to the hospital by 3141
the individual authorized under division (A) (1) or (2) of this 3142
section to transport the person. The statement shall specify the 3143
circumstances under which such person was taken into custody and 3144
the reasons for the belief that the person is a person with a 3145
mental illness subject to court order and represents a 3146
substantial risk of physical harm to self or others if allowed 3147
to remain at liberty pending examination. This statement shall 3148
be made available to the respondent or the respondent's attorney 3149
upon request of either. 3150

(C) Every reasonable and appropriate effort shall be made 3151
to take persons into custody in the least conspicuous manner 3152
possible. A person taking the respondent into custody pursuant 3153
to this section shall explain to the respondent: the name and 3154
professional designation and affiliation of the person taking 3155
the respondent into custody; that the custody-taking is not a 3156
criminal arrest; and that the person is being taken for 3157
examination by mental health professionals at a specified mental 3158
health facility identified by name. 3159

(D) If a person taken into custody under this section is 3160
transported to a general hospital, the general hospital may 3161
admit the person, or provide care and treatment for the person, 3162
or both, notwithstanding section 5119.33 of the Revised Code, 3163
but by the end of twenty-four hours after arrival at the general 3164
hospital, the person shall be transferred to a hospital as 3165
defined in section 5122.01 of the Revised Code. 3166

(E) A person transported or transferred to a hospital or 3167
community mental health services provider under this section 3168
shall be examined by the staff of the hospital or services 3169
provider within twenty-four hours after arrival at the hospital 3170
or services provider. If to conduct the examination requires 3171
that the person remain overnight, the hospital or services 3172
provider shall admit the person in an unclassified status until 3173
making a disposition under this section. After the examination, 3174
if the chief clinical officer of the hospital or services 3175
provider believes that the person is not a person with a mental 3176
illness subject to court order, the chief clinical officer shall 3177
release or discharge the person immediately unless a court has 3178
issued a temporary order of detention applicable to the person 3179
under section 5122.11 of the Revised Code. After the 3180
examination, if the chief clinical officer believes that the 3181
person is a person with a mental illness subject to court order, 3182
the chief clinical officer may detain the person for not more 3183
than three court days following the day of the examination and 3184
during such period admit the person as a voluntary patient under 3185
section 5122.02 of the Revised Code or file an affidavit under 3186
section 5122.11 of the Revised Code. If neither action is taken 3187
and a court has not otherwise issued a temporary order of 3188
detention applicable to the person under section 5122.11 of the 3189
Revised Code, the chief clinical officer shall discharge the 3190

person at the end of the three-day period unless the person has 3191
been sentenced to the department of rehabilitation and 3192
correction and has not been released from the person's sentence, 3193
in which case the person shall be returned to that department. 3194

Section 2. That existing sections 109.71, 3129.01, 3195
3313.5310, 3333.28, 3701.69, 3701.92, 3701.921, 3705.01, 3196
3705.30, 3707.58, 3721.011, 3728.01, 4503.44, 4723.01, 4723.063, 3197
4723.18, 4723.181, 4723.28, 4723.34, 4723.35, 4723.36, 4723.43, 3198
4723.431, 4723.47, 4723.481, 4723.482, 4723.483, 4723.493, 3199
4723.52, 4723.66, 4723.67, 4723.69, 4731.297, and 5122.10 of the 3200
Revised Code are hereby repealed. 3201

Section 3. That sections 3701.923, 3701.924, 3701.925, 3202
3701.926, 3701.927, and 3701.929 of the Revised Code are hereby 3203
repealed. 3204

Section 4. The amendment by this act of section 4723.063 3205
of the Revised Code does not supersede the repeal of that 3206
section on December 31, 2033, as prescribed by Section 610.110 3207
of H.B. 33 of the 135th General Assembly. 3208

Section 5. The General Assembly, applying the principle 3209
stated in division (B) of section 1.52 of the Revised Code that 3210
amendments are to be harmonized if reasonably capable of 3211
simultaneous operation, finds that the following sections, 3212
presented in this act as composites of the sections as amended 3213
by the acts indicated, are the resulting versions of the 3214
sections in effect prior to the effective date of the sections 3215
as presented in this act: 3216

Section 4503.44 of the Revised Code as amended by both 3217
H.B. 33 and H.B. 195 of the 135th General Assembly. 3218

Section 4723.431 of the Revised Code as amended by both 3219

H.B. 497 and S.B. 196 of the 135th General Assembly.	3220
Section 4723.481 of the Revised Code as amended by H.B. 33	3221
of the 135th General Assembly and by H.B. 110 and H.B. 509 of	3222
the 134th General Assembly.	3223