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134th General Assembly
Regular Session
2021-2022

Sub. H. B. No. 318

A BILL

To amend sections 4723.01, 4729.01, 4760.01, 1
4760.08, 4760.09, 4760.10, 4760.16, and 4761.17 2
of the Revised Code to revise the law governing 3
the practice of anesthesiologist assistants. 4

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

Section 1. That sections 4723.01, 4729.01, 4760.01, 5
4760.08, 4760.09, 4760.10, 4760.16, and 4761.17 of the Revised 6
Code be amended to read as follows: 7

Sec. 4723.01. As used in this chapter: 8

(A) "Registered nurse" means an individual who holds a 9
current, valid license issued under this chapter that authorizes 10
the practice of nursing as a registered nurse. 11

(B) "Practice of nursing as a registered nurse" means 12
providing to individuals and groups nursing care requiring 13
specialized knowledge, judgment, and skill derived from the 14
principles of biological, physical, behavioral, social, and 15
nursing sciences. Such nursing care includes: 16



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(1) Identifying patterns of human responses to actual or potential health problems amenable to a nursing regimen;	17 18
(2) Executing a nursing regimen through the selection, performance, management, and evaluation of nursing actions;	19 20
(3) Assessing health status for the purpose of providing nursing care;	21 22
(4) Providing health counseling and health teaching;	23
(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;	24 25 26 27
(6) Teaching, administering, supervising, delegating, and evaluating nursing practice.	28 29
(C) "Nursing regimen" may include preventative, restorative, and health-promotion activities.	30 31
(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.	32 33 34 35
(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.	36 37 38 39
(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	40 41 42 43 44

authorized to practice in this state: a physician, physician 45
assistant, anesthesiologist assistant, dentist, podiatrist, 46
optometrist, or chiropractor. Such nursing care includes: 47

(1) Observation, patient teaching, and care in a diversity 48
of health care settings; 49

(2) Contributions to the planning, implementation, and 50
evaluation of nursing; 51

(3) Administration of medications and treatments 52
authorized by an individual who is authorized to practice in 53
this state and is acting within the course of the individual's 54
professional practice on the condition that the licensed 55
practical nurse is authorized under section 4723.17 of the 56
Revised Code to administer medications; 57

(4) Administration to an adult of intravenous therapy 58
authorized by an individual who is authorized to practice in 59
this state and is acting within the course of the individual's 60
professional practice, on the condition that the licensed 61
practical nurse is authorized under section 4723.18 or 4723.181 62
of the Revised Code to perform intravenous therapy and performs 63
intravenous therapy only in accordance with those sections; 64

(5) Delegation of nursing tasks as directed by a 65
registered nurse; 66

(6) Teaching nursing tasks to licensed practical nurses 67
and individuals to whom the licensed practical nurse is 68
authorized to delegate nursing tasks as directed by a registered 69
nurse. 70

(G) "Certified registered nurse anesthetist" means an 71
advanced practice registered nurse who holds a current, valid 72
license issued under this chapter and is designated as a 73

certified registered nurse anesthetist in accordance with 74
section 4723.42 of the Revised Code and rules adopted by the 75
board of nursing. 76

(H) "Clinical nurse specialist" means an advanced practice 77
registered nurse who holds a current, valid license issued under 78
this chapter and is designated as a clinical nurse specialist in 79
accordance with section 4723.42 of the Revised Code and rules 80
adopted by the board of nursing. 81

(I) "Certified nurse-midwife" means an advanced practice 82
registered nurse who holds a current, valid license issued under 83
this chapter and is designated as a certified nurse-midwife in 84
accordance with section 4723.42 of the Revised Code and rules 85
adopted by the board of nursing. 86

(J) "Certified nurse practitioner" means an advanced 87
practice registered nurse who holds a current, valid license 88
issued under this chapter and is designated as a certified nurse 89
practitioner in accordance with section 4723.42 of the Revised 90
Code and rules adopted by the board of nursing. 91

(K) "Physician" means an individual authorized under 92
Chapter 4731. of the Revised Code to practice medicine and 93
surgery or osteopathic medicine and surgery. 94

(L) "Collaboration" or "collaborating" means the 95
following: 96

(1) In the case of a clinical nurse specialist or a 97
certified nurse practitioner, that one or more podiatrists 98
acting within the scope of practice of podiatry in accordance 99
with section 4731.51 of the Revised Code and with whom the nurse 100
has entered into a standard care arrangement or one or more 101
physicians with whom the nurse has entered into a standard care 102

arrangement are continuously available to communicate with the 103
clinical nurse specialist or certified nurse practitioner either 104
in person or by electronic communication; 105

(2) In the case of a certified nurse-midwife, that one or 106
more physicians with whom the certified nurse-midwife has 107
entered into a standard care arrangement are continuously 108
available to communicate with the certified nurse-midwife either 109
in person or by electronic communication. 110

(M) "Supervision," as it pertains to a certified 111
registered nurse anesthetist, means that the certified 112
registered nurse anesthetist is under the direction of a 113
podiatrist acting within the podiatrist's scope of practice in 114
accordance with section 4731.51 of the Revised Code, a dentist 115
acting within the dentist's scope of practice in accordance with 116
Chapter 4715. of the Revised Code, or a physician, and, when 117
administering anesthesia, the certified registered nurse 118
anesthetist is in the immediate presence of the podiatrist, 119
dentist, or physician. 120

(N) "Standard care arrangement" means a written, formal 121
guide for planning and evaluating a patient's health care that 122
is developed by one or more collaborating physicians or 123
podiatrists and a clinical nurse specialist, certified nurse- 124
midwife, or certified nurse practitioner and meets the 125
requirements of section 4723.431 of the Revised Code. 126

(O) "Advanced practice registered nurse" means an 127
individual who holds a current, valid license issued under this 128
chapter that authorizes the practice of nursing as an advanced 129
practice registered nurse and is designated as any of the 130
following: 131

(1) A certified registered nurse anesthetist;	132
(2) A clinical nurse specialist;	133
(3) A certified nurse-midwife;	134
(4) A certified nurse practitioner.	135
(P) "Practice of nursing as an advanced practice	136
registered nurse" means providing to individuals and groups	137
nursing care that requires knowledge and skill obtained from	138
advanced formal education, training, and clinical experience.	139
Such nursing care includes <u>the care described in</u> section 4723.43	140
of the Revised Code.	141
(Q) "Dialysis care" means the care and procedures that a	142
dialysis technician or dialysis technician intern is authorized	143
to provide and perform, as specified in section 4723.72 of the	144
Revised Code.	145
(R) "Dialysis technician" means an individual who holds a	146
current, valid certificate to practice as a dialysis technician	147
issued under section 4723.75 of the Revised Code.	148
(S) "Dialysis technician intern" means an individual who	149
holds a current, valid certificate to practice as a dialysis	150
technician intern issued under section 4723.75 of the Revised	151
Code.	152
(T) "Certified community health worker" means an	153
individual who holds a current, valid certificate as a community	154
health worker issued under section 4723.85 of the Revised Code.	155
(U) "Medication aide" means an individual who holds a	156
current, valid certificate issued under this chapter that	157
authorizes the individual to administer medication in accordance	158
with section 4723.67 of the Revised Code;	159

(V) "Nursing specialty" means a specialty in practice as a 160
certified registered nurse anesthetist, clinical nurse 161
specialist, certified nurse-midwife, or certified nurse 162
practitioner. 163

Sec. 4729.01. As used in this chapter: 164

(A) "Pharmacy," except when used in a context that refers 165
to the practice of pharmacy, means any area, room, rooms, place 166
of business, department, or portion of any of the foregoing 167
where the practice of pharmacy is conducted. 168

(B) "Practice of pharmacy" means providing pharmacist care 169
requiring specialized knowledge, judgment, and skill derived 170
from the principles of biological, chemical, behavioral, social, 171
pharmaceutical, and clinical sciences. As used in this division, 172
"pharmacist care" includes the following: 173

(1) Interpreting prescriptions; 174

(2) Dispensing drugs and drug therapy related devices; 175

(3) Compounding drugs; 176

(4) Counseling individuals with regard to their drug 177
therapy, recommending drug therapy related devices, and 178
assisting in the selection of drugs and appliances for treatment 179
of common diseases and injuries and providing instruction in the 180
proper use of the drugs and appliances; 181

(5) Performing drug regimen reviews with individuals by 182
discussing all of the drugs that the individual is taking and 183
explaining the interactions of the drugs; 184

(6) Performing drug utilization reviews with licensed 185
health professionals authorized to prescribe drugs when the 186
pharmacist determines that an individual with a prescription has 187

a drug regimen that warrants additional discussion with the prescriber;	188 189
(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	190 191 192
(8) Acting pursuant to a consult agreement, if an agreement has been established;	193 194
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	195 196
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	197 198
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	199 200 201
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	202 203
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	204 205
(3) As an incident to research, teaching activities, or chemical analysis;	206 207
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	208 209 210
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's	211 212 213 214

practice, if all of the following apply:	215
(a) At the time the request is made, the drug is not	216
commercially available regardless of the reason that the drug is	217
not available, including the absence of a manufacturer for the	218
drug or the lack of a readily available supply of the drug from	219
a manufacturer.	220
(b) A limited quantity of the drug is compounded and	221
provided to the professional.	222
(c) The drug is compounded and provided to the	223
professional as an occasional exception to the normal practice	224
of dispensing drugs pursuant to patient-specific prescriptions.	225
(D) "Consult agreement" means an agreement that has been	226
entered into under section 4729.39 of the Revised Code.	227
(E) "Drug" means:	228
(1) Any article recognized in the United States	229
pharmacopoeia and national formulary, or any supplement to them,	230
intended for use in the diagnosis, cure, mitigation, treatment,	231
or prevention of disease in humans or animals;	232
(2) Any other article intended for use in the diagnosis,	233
cure, mitigation, treatment, or prevention of disease in humans	234
or animals;	235
(3) Any article, other than food, intended to affect the	236
structure or any function of the body of humans or animals;	237
(4) Any article intended for use as a component of any	238
article specified in division (E) (1), (2), or (3) of this	239
section; but does not include devices or their components,	240
parts, or accessories.	241

"Drug" does not include "hemp" or a "hemp product" as those terms are defined in section 928.01 of the Revised Code.	242 243
(F) "Dangerous drug" means any of the following:	244
(1) Any drug to which either of the following applies:	245
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;	246 247 248 249 250 251 252
(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	253 254
(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;	255 256 257
(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body;	258 259 260
(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.	261 262
(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.	263 264
(H) "Prescription" means all of the following:	265
(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a	266 267 268

licensed health professional authorized to prescribe drugs;	269
(2) For purposes of sections 2925.61, 4723.484, 4730.434,	270
and 4731.94 of the Revised Code, a written, electronic, or oral	271
order for naloxone issued to and in the name of a family member,	272
friend, or other individual in a position to assist an	273
individual who there is reason to believe is at risk of	274
experiencing an opioid-related overdose.	275
(3) For purposes of section 4729.44 of the Revised Code, a	276
written, electronic, or oral order for naloxone issued to and in	277
the name of either of the following:	278
(a) An individual who there is reason to believe is at	279
risk of experiencing an opioid-related overdose;	280
(b) A family member, friend, or other individual in a	281
position to assist an individual who there is reason to believe	282
is at risk of experiencing an opioid-related overdose.	283
(4) For purposes of sections 4723.4810, 4729.282,	284
4730.432, and 4731.93 of the Revised Code, a written,	285
electronic, or oral order for a drug to treat chlamydia,	286
gonorrhea, or trichomoniasis issued to and in the name of a	287
patient who is not the intended user of the drug but is the	288
sexual partner of the intended user;	289
(5) For purposes of sections 3313.7110, 3313.7111,	290
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433,	291
4731.96, and 5101.76 of the Revised Code, a written, electronic,	292
or oral order for an epinephrine autoinjector issued to and in	293
the name of a school, school district, or camp;	294
(6) For purposes of Chapter 3728. and sections 4723.483,	295
4729.88, 4730.433, and 4731.96 of the Revised Code, a written,	296
electronic, or oral order for an epinephrine autoinjector issued	297

to and in the name of a qualified entity, as defined in section	298
3728.01 of the Revised Code;	299
(7) For purposes of sections 3313.7115, 3313.7116,	300
3314.147, 3326.60, 3328.38, 4723.484, 4730.434, 4731.92, and	301
5101.78 of the Revised Code, a written, electronic, or oral	302
order for injectable or nasally administered glucagon in the	303
name of a school, school district, or camp.	304
(I) "Licensed health professional authorized to prescribe	305
drugs" or "prescriber" means an individual who is authorized by	306
law to prescribe drugs or dangerous drugs or drug therapy	307
related devices in the course of the individual's professional	308
practice, including only the following:	309
(1) A dentist licensed under Chapter 4715. of the Revised	310
Code;	311
(2) A clinical nurse specialist, certified nurse-midwife,	312
or certified nurse practitioner who holds a current, valid	313
license issued under Chapter 4723. of the Revised Code to	314
practice nursing as an advanced practice registered nurse;	315
(3) A certified registered nurse anesthetist who holds a	316
current, valid license issued under Chapter 4723. of the Revised	317
Code to practice nursing as an advanced practice registered	318
nurse, but only to the extent of the nurse's authority under	319
sections 4723.43 and 4723.434 of the Revised Code;	320
(4) An optometrist licensed under Chapter 4725. of the	321
Revised Code to practice optometry under a therapeutic	322
pharmaceutical agents certificate;	323
(5) A physician authorized under Chapter 4731. of the	324
Revised Code to practice medicine and surgery, osteopathic	325
medicine and surgery, or podiatric medicine and surgery;	326

(6) A physician assistant who holds a license to practice 327
as a physician assistant issued under Chapter 4730. of the 328
Revised Code, holds a valid prescriber number issued by the 329
state medical board, and has been granted physician-delegated 330
prescriptive authority; 331

(7) A veterinarian licensed under Chapter 4741. of the 332
Revised Code; 333

(8) An anesthesiologist assistant who holds a current, 334
valid license issued under Chapter 4760. of the Revised Code, 335
but only to the extent of the anesthesiologist assistant's 336
authority under sections 4760.08 and 4760.09 of the Revised 337
Code. 338

(J) "Sale" or "sell" includes any transaction made by any 339
person, whether as principal proprietor, agent, or employee, to 340
do or offer to do any of the following: deliver, distribute, 341
broker, exchange, gift or otherwise give away, or transfer, 342
whether the transfer is by passage of title, physical movement, 343
or both. 344

(K) "Wholesale sale" and "sale at wholesale" mean any sale 345
in which the purpose of the purchaser is to resell the article 346
purchased or received by the purchaser. 347

(L) "Retail sale" and "sale at retail" mean any sale other 348
than a wholesale sale or sale at wholesale. 349

(M) "Retail seller" means any person that sells any 350
dangerous drug to consumers without assuming control over and 351
responsibility for its administration. Mere advice or 352
instructions regarding administration do not constitute control 353
or establish responsibility. 354

(N) "Price information" means the price charged for a 355

prescription for a particular drug product and, in an easily 356
understandable manner, all of the following: 357

(1) The proprietary name of the drug product; 358

(2) The established (generic) name of the drug product; 359

(3) The strength of the drug product if the product 360
contains a single active ingredient or if the drug product 361
contains more than one active ingredient and a relevant strength 362
can be associated with the product without indicating each 363
active ingredient. The established name and quantity of each 364
active ingredient are required if such a relevant strength 365
cannot be so associated with a drug product containing more than 366
one ingredient. 367

(4) The dosage form; 368

(5) The price charged for a specific quantity of the drug 369
product. The stated price shall include all charges to the 370
consumer, including, but not limited to, the cost of the drug 371
product, professional fees, handling fees, if any, and a 372
statement identifying professional services routinely furnished 373
by the pharmacy. Any mailing fees and delivery fees may be 374
stated separately without repetition. The information shall not 375
be false or misleading. 376

(O) "Wholesale distributor of dangerous drugs" or 377
"wholesale distributor" means a person engaged in the sale of 378
dangerous drugs at wholesale and includes any agent or employee 379
of such a person authorized by the person to engage in the sale 380
of dangerous drugs at wholesale. 381

(P) "Manufacturer of dangerous drugs" or "manufacturer" 382
means a person, other than a pharmacist or prescriber, who 383
manufactures dangerous drugs and who is engaged in the sale of 384

those dangerous drugs. 385

(Q) "Terminal distributor of dangerous drugs" or "terminal distributor" means a person who is engaged in the sale of dangerous drugs at retail, or any person, other than a manufacturer, repackager, outsourcing facility, third-party logistics provider, wholesale distributor, or pharmacist, who has possession, custody, or control of dangerous drugs for any purpose other than for that person's own use and consumption. "Terminal distributor" includes pharmacies, hospitals, nursing homes, and laboratories and all other persons who procure dangerous drugs for sale or other distribution by or under the supervision of a pharmacist, licensed health professional authorized to prescribe drugs, or other person authorized by the state board of pharmacy. 386
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(R) "Promote to the public" means disseminating a representation to the public in any manner or by any means, other than by labeling, for the purpose of inducing, or that is likely to induce, directly or indirectly, the purchase of a dangerous drug at retail. 399
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(S) "Person" includes any individual, partnership, association, limited liability company, or corporation, the state, any political subdivision of the state, and any district, department, or agency of the state or its political subdivisions. 404
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(T) (1) "Animal shelter" means a facility operated by a humane society or any society organized under Chapter 1717. of the Revised Code or a dog pound operated pursuant to Chapter 955. of the Revised Code. 409
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(2) "County dog warden" means a dog warden or deputy dog 413

warden appointed or employed under section 955.12 of the Revised Code. 414
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(U) "Food" has the same meaning as in section 3715.01 of the Revised Code. 416
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(V) "Pain management clinic" has the same meaning as in section 4731.054 of the Revised Code. 418
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(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United States food and drug administration clinical trials and remains under clinical trial, but has not been approved for general use by the United States food and drug administration. 420
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"Investigational drug or product" does not include controlled substances in schedule I, as defined in section 3719.01 of the Revised Code. 425
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(X) "Product," when used in reference to an investigational drug or product, means a biological product, other than a drug, that is made from a natural human, animal, or microorganism source and is intended to treat a disease or medical condition. 428
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(Y) "Third-party logistics provider" means a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs including distribution, on behalf of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs. 433
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(Z) "Repackager of dangerous drugs" or "repackager" means a person that repacks and relabels dangerous drugs for sale or distribution. 440
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(AA) "Outsourcing facility" means a facility that is 443
engaged in the compounding and sale of sterile drugs and is 444
registered as an outsourcing facility with the United States 445
food and drug administration. 446

(BB) "Laboratory" means a laboratory licensed under this 447
chapter as a terminal distributor of dangerous drugs and 448
entrusted to have custody of any of the following drugs and to 449
use the drugs for scientific and clinical purposes and for 450
purposes of instruction: dangerous drugs that are not controlled 451
substances, as defined in section 3719.01 of the Revised Code; 452
dangerous drugs that are controlled substances, as defined in 453
that section; and controlled substances in schedule I, as 454
defined in that section. 455

Sec. 4760.01. As used in this chapter: 456

(A) ~~"Ambulatory surgical facility" has the same meaning as~~ 457
~~in section 3702.30 of the Revised Code.~~ 458

~~(B)~~ "Anesthesiologist assistant" means an individual who 459
assists an anesthesiologist ~~in developing and implementing~~ 460
~~anesthesia care plans for patients~~ by providing any of the 461
services authorized under sections 4760.08 to 4760.10 of the 462
Revised Code. 463

~~(C)~~ (B) "Anesthesiologist" means a physician who has 464
successfully completed an approved anesthesiology training 465
program, as specified in the accreditation requirements that 466
must be met to qualify as graduate medical education, as defined 467
in section 4731.04 of the Revised Code. 468

~~(D)~~ ~~"Hospital" has the same meaning as in section 3727.01~~ 469
~~of the Revised Code.~~ 470

~~(E)~~ (C) "Direct supervision and in the immediate presence 471

of" means all of the following: 472

(1) The supervising anesthesiologist remains physically present at the health care facility where the anesthesiologist assistant is providing services. 473
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(2) The supervising anesthesiologist is available for immediate diagnosis and treatment during emergencies. 476
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(3) The supervising anesthesiologist can be reached by telephone, a paging device, or an overhead paging system, such that the anesthesiologist is immediately available to participate directly in the care of the patient with whom the anesthesiologist assistant and anesthesiologist are jointly involved. 478
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(4) The supervising anesthesiologist personally participates in induction and emergence and all other procedures that the supervising anesthesiologist considers to be the most demanding to perform. 484
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(5) The supervising anesthesiologist is not required to be present in the same room or area as the anesthesiologist assistant for the duration of the anesthetic management being provided. 488
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(6) The supervising anesthesiologist is not prohibited from addressing an emergency of short duration, administering labor analgesia, or performing, as required of a perioperative specialist, duties of short duration in another location in the health care facility. 492
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(D) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 497
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Sec. 4760.08. (A) An anesthesiologist assistant shall 500
practice ~~only~~ under the direct supervision and in the immediate 501
presence of a ~~physician who is actively and directly engaged in~~ 502
~~the clinical practice of medicine as an anesthesiologist~~ and in 503
a manner consistent with a written practice protocol described 504
in division (B) of this section and the anesthesiologist 505
assistant's education, training, and licensure as an 506
anesthesiologist assistant. ~~An anesthesiologist assistant shall~~ 507
~~not practice in any location other than a hospital or ambulatory~~ 508
~~surgical facility. At all times when an anesthesiologist~~ 509
~~assistant is providing direct patient care, the anesthesiologist~~ 510
~~assistant shall display in an appropriate manner the title~~ 511
~~"anesthesiologist assistant" as a means of identifying the~~ 512
~~individual's authority to practice under this chapter.~~ 513

(B) Each anesthesiologist who agrees to act as the 514
supervising anesthesiologist of an anesthesiologist assistant 515
shall adopt a written practice protocol that ~~is consistent with~~ 516
~~section 4760.09 of the Revised Code~~ and delineates the services 517
~~that~~ the anesthesiologist assistant is authorized to provide, 518
consistent with section 4760.09 of the Revised Code, and that 519
describes the manner in which the anesthesiologist will 520
supervise the anesthesiologist assistant. The supervising 521
anesthesiologist shall base the provisions of the protocol on 522
consideration of relevant quality assurance standards, including 523
regular review by the anesthesiologist of the medical records of 524
the patients of the anesthesiologist assistant. 525

The supervising anesthesiologist shall supervise the 526
anesthesiologist assistant in accordance with the terms of the 527
protocol under which the assistant practices and the rules for 528
supervision of anesthesiologist assistants adopted by the state 529
medical board under this chapter and Chapter 4731. of the 530

Revised Code. ~~The board's rules shall include requirements for~~ 531
~~enhanced supervision of an anesthesiologist assistant during the~~ 532
~~first four years of practice.~~ 533

(C) At all times when an anesthesiologist assistant is 534
providing direct patient care, the anesthesiologist assistant 535
shall display in an appropriate manner the title 536
"anesthesiologist assistant" as a means of identifying the 537
individual's authority to practice under this chapter. 538

Sec. 4760.09. ~~If the practice and supervision requirements~~ 539
~~of (A) Subject to section 4760.08 of the Revised Code are being~~ 540
~~met, an anesthesiologist assistant may assist the a supervising~~ 541
~~anesthesiologist in developing and implementing an anesthesia~~ 542
~~care plan for a patient. In providing assistance to the~~ 543
~~supervising anesthesiologist, an anesthesiologist assistant may~~ 544
~~do any of the following:~~ 545

~~(A) Obtain by providing any of the services described in~~ 546
~~division (B) of this section if all of the following conditions~~ 547
~~are satisfied:~~ 548

(1) The supervising anesthesiologist requests that the 549
anesthesiologist assistant provide the service. 550

(2) The requested service is consistent with the 551
anesthesiologist assistant's education, training, and licensure 552
as an anesthesiologist assistant. 553

(3) The requested service is among the services that the 554
anesthesiologist assistant is authorized to provide, as 555
delineated in the written practice protocol adopted by the 556
supervising anesthesiologist. 557

(4) The anesthesiologist assistant is not prohibited from 558
providing the requested service by this chapter, Chapter 4731. 559

<u>of the Revised Code, or any rule adopted by the state medical</u>	560
<u>board.</u>	561
<u>(B) If the conditions described in division (A) of this</u>	562
<u>section are satisfied, an anesthesiologist assistant may provide</u>	563
<u>any of the following services:</u>	564
<u>(1) Developing and implementing anesthesia care plans;</u>	565
<u>(2) Performing anesthesia induction, maintenance, and</u>	566
<u>emergence, including by administering anesthetic, adjuvant, and</u>	567
<u>accessory drugs;</u>	568
<u>(3) Performing epidural or spinal anesthetic procedures;</u>	569
<u>(4) Obtaining and interpreting information from anesthesia</u>	570
<u>delivery systems;</u>	571
<u>(5) Administering intermittent vasoactive drugs and</u>	572
<u>starting and adjusting vasoactive infusion;</u>	573
<u>(6) Obtaining a comprehensive patient history and present-</u>	574
<u>presenting the history to the supervising anesthesiologist;</u>	575
(B) Pretest <u>(7) Testing and calibrate-calibrating</u>	576
anesthesia delivery systems and monitor and obtain and interpret	577
information from the systems and monitors;	578
(C) Assist the supervising anesthesiologist with the	579
implementation of medically accepted monitoring techniques;	580
(D) Establish <u>(8) Establishing basic and advanced airway</u>	581
interventions, including intubation of the trachea and	582
performing <u>tracheal intubations and ventilatory support;</u>	583
(E) Administer intermittent vasoactive drugs and start and	584
adjust vasoactive infusions;	585
(F) Administer anesthetic drugs, adjuvant drugs, and	586

accessory drugs;	587
(G) Assist the supervising anesthesiologist with the performance of epidural anesthetic procedures and spinal anesthetic procedures;	588 589 590
(H) Administer <u>(9) Administering blood, blood products, and supportive fluids;</u>	591 592
<u>(10) Obtaining informed consent for anesthesia care;</u>	593
<u>(11) Performing preanesthetic preparation and evaluation, postanesthetic preparation and evaluation, postanesthesia care, clinical support functions, and any other function described in the written practice protocol adopted under division (B) of section 4760.08 of the Revised Code;</u>	594 595 596 597 598
<u>(12) Performing and documenting evaluations and assessments, including ordering and evaluating one or more diagnostic tests for conditions related to the administration of anesthesia;</u>	599 600 601 602
<u>(13) As necessary for patient management and care, selecting, ordering, and administering treatments, drugs, and intravenous fluids for conditions related to the administration of anesthesia;</u>	603 604 605 606
<u>(14) As necessary for patient management and care, directing a registered nurse, licensed practical nurse, or respiratory therapist to do either or both of the following if the nurse or therapist is authorized by law to do so:</u>	607 608 609 610
<u>(a) Provide supportive care, including by monitoring vital signs, conducting electrocardiograms, and administering intravenous fluids;</u>	611 612 613
<u>(b) Administer treatments, drugs, and intravenous fluids</u>	614

to treat conditions related to the administration of anesthesia. 615

Sec. 4760.10. In addition to the ~~activities~~ services that 616
an anesthesiologist assistant may ~~engage in~~ provide pursuant to 617
section 4760.09 of the Revised Code, the supervising 618
anesthesiologist of an anesthesiologist assistant may authorize 619
an anesthesiologist assistant to do the following: 620

(A) Participate in administrative activities and clinical 621
teaching activities; 622

(B) Participate in research activities by ~~performing~~ 623
providing the same ~~procedures~~ services that may be ~~performed~~ 624
provided pursuant to section 4760.09 of the Revised Code; 625

(C) Provide assistance to a cardiopulmonary resuscitation 626
team in response to a life-threatening situation. 627

Sec. 4760.16. (A) Within sixty days after the imposition 628
of any formal disciplinary action taken by any health care 629
facility, ~~including a hospital, health care facility operated by~~ 630
~~a health insuring corporation, ambulatory surgical facility, or~~ 631
~~similar facility,~~ against any individual holding a valid license 632
to practice as an anesthesiologist assistant, the chief 633
administrator or executive officer of the facility shall report 634
to the state medical board the name of the individual, the 635
action taken by the facility, and a summary of the underlying 636
facts leading to the action taken. On request, the board shall 637
be provided certified copies of the patient records that were 638
the basis for the facility's action. Prior to release to the 639
board, the summary shall be approved by the peer review 640
committee that reviewed the case or by the governing board of 641
the facility. 642

The filing of a report with the board or decision not to 643

file a report, investigation by the board, or any disciplinary 644
action taken by the board, does not preclude a health care 645
facility from taking disciplinary action against an 646
anesthesiologist assistant. 647

In the absence of fraud or bad faith, no individual or 648
entity that provides patient records to the board shall be 649
liable in damages to any person as a result of providing the 650
records. 651

(B) (1) Except as provided in division (B) (2) of this 652
section, an anesthesiologist assistant, professional association 653
or society of anesthesiologist assistants, physician, or 654
professional association or society of physicians that believes 655
a violation of any provision of this chapter, Chapter 4731. of 656
the Revised Code, or rule of the board has occurred shall report 657
to the board the information on which the belief is based. 658

(2) An anesthesiologist assistant, professional 659
association or society of anesthesiologist assistants, 660
physician, or professional association or society of physicians 661
that believes that a violation of division (B) (6) of section 662
4760.13 of the Revised Code has occurred shall report the 663
information upon which the belief is based to the monitoring 664
organization conducting the program established by the board 665
under section 4731.251 of the Revised Code. If any such report 666
is made to the board, it shall be referred to the monitoring 667
organization unless the board is aware that the individual who 668
is the subject of the report does not meet the program 669
eligibility requirements of section 4731.252 of the Revised 670
Code. 671

(C) Any professional association or society composed 672
primarily of anesthesiologist assistants that suspends or 673

revokes an individual's membership for violations of 674
professional ethics, or for reasons of professional incompetence 675
or professional malpractice, within sixty days after a final 676
decision, shall report to the board, on forms prescribed and 677
provided by the board, the name of the individual, the action 678
taken by the professional organization, and a summary of the 679
underlying facts leading to the action taken. 680

The filing of a report with the board or decision not to 681
file a report, investigation by the board, or any disciplinary 682
action taken by the board, does not preclude a professional 683
organization from taking disciplinary action against an 684
anesthesiologist assistant. 685

(D) Any insurer providing professional liability insurance 686
to any person holding a valid license to practice as an 687
anesthesiologist assistant or any other entity that seeks to 688
indemnify the professional liability of an anesthesiologist 689
assistant shall notify the board within thirty days after the 690
final disposition of any written claim for damages where such 691
disposition results in a payment exceeding twenty-five thousand 692
dollars. The notice shall contain the following information: 693

(1) The name and address of the person submitting the 694
notification; 695

(2) The name and address of the insured who is the subject 696
of the claim; 697

(3) The name of the person filing the written claim; 698

(4) The date of final disposition; 699

(5) If applicable, the identity of the court in which the 700
final disposition of the claim took place. 701

(E) The board may investigate possible violations of this 702
chapter or the rules adopted under it that are brought to its 703
attention as a result of the reporting requirements of this 704
section, except that the board shall conduct an investigation if 705
a possible violation involves repeated malpractice. As used in 706
this division, "repeated malpractice" means three or more claims 707
for malpractice within the previous five-year period, each 708
resulting in a judgment or settlement in excess of twenty-five 709
thousand dollars in favor of the claimant, and each involving 710
negligent conduct by the anesthesiologist assistant. 711

(F) All summaries, reports, and records received and 712
maintained by the board pursuant to this section shall be held 713
in confidence and shall not be subject to discovery or 714
introduction in evidence in any federal or state civil action 715
involving an anesthesiologist assistant, supervising physician, 716
or health care facility arising out of matters that are the 717
subject of the reporting required by this section. The board may 718
use the information obtained only as the basis for an 719
investigation, as evidence in a disciplinary hearing against an 720
anesthesiologist assistant or supervising physician, or in any 721
subsequent trial or appeal of a board action or order. 722

The board may disclose the summaries and reports it 723
receives under this section only to health care facility 724
committees within or outside this state that are involved in 725
credentialing or recredentialing an anesthesiologist assistant 726
or supervising physician or reviewing their privilege to 727
practice within a particular facility. The board shall indicate 728
whether or not the information has been verified. Information 729
transmitted by the board shall be subject to the same 730
confidentiality provisions as when maintained by the board. 731

(G) Except for reports filed by an individual pursuant to 732
division (B) of this section, the board shall send a copy of any 733
reports or summaries it receives pursuant to this section to the 734
anesthesiologist assistant. The anesthesiologist assistant shall 735
have the right to file a statement with the board concerning the 736
correctness or relevance of the information. The statement shall 737
at all times accompany that part of the record in contention. 738

(H) An individual or entity that reports to the board, 739
reports to the monitoring organization described in section 740
4731.251 of the Revised Code, or refers an impaired 741
anesthesiologist assistant to a treatment provider approved by 742
the board under section 4731.25 of the Revised Code shall not be 743
subject to suit for civil damages as a result of the report, 744
referral, or provision of the information. 745

(I) In the absence of fraud or bad faith, a professional 746
association or society of anesthesiologist assistants that 747
sponsors a committee or program to provide peer assistance to an 748
anesthesiologist assistant with substance abuse problems, a 749
representative or agent of such a committee or program, a 750
representative or agent of the monitoring organization described 751
in section 4731.251 of the Revised Code, and a member of the 752
state medical board shall not be held liable in damages to any 753
person by reason of actions taken to refer an anesthesiologist 754
assistant to a treatment provider approved under section 4731.25 755
of the Revised Code for examination or treatment. 756

Sec. 4761.17. All of the following apply to the practice 757
of respiratory care by a person who holds a license or limited 758
permit issued under this chapter: 759

(A) The person shall practice only pursuant to a 760
prescription or other order for respiratory care issued by any 761

of the following: 762

(1) A physician; 763

(2) A clinical nurse specialist, certified nurse-midwife, 764
or certified nurse practitioner who holds a current, valid 765
license issued under Chapter 4723. of the Revised Code to 766
practice nursing as an advanced practice registered nurse and 767
has entered into a standard care arrangement with a physician; 768

(3) A certified registered nurse anesthetist who holds a 769
current, valid license issued under Chapter 4723. of the Revised 770
Code to practice nursing as an advanced practice registered 771
nurse and acts in compliance with sections 4723.43, 4723.433, 772
and 4723.434 of the Revised Code; 773

(4) An anesthesiologist assistant who holds a current, 774
valid license issued under Chapter 4760. of the Revised Code and 775
acts in compliance with sections 4760.08 and 4760.09 of the 776
Revised Code; 777

(5) A physician assistant who holds a valid prescriber 778
number issued by the state medical board, has been granted 779
physician-delegated prescriptive authority, and has entered into 780
a supervision agreement that allows the physician assistant to 781
prescribe or order respiratory care services. 782

(B) The person shall practice only under the supervision 783
of any of the following: 784

(1) A physician; 785

(2) A certified nurse practitioner, certified nurse- 786
midwife, or clinical nurse specialist; 787

(3) A physician assistant who is authorized to prescribe 788
or order respiratory care services as provided in division ~~(A)~~ 789

~~(4)~~ (A) (5) of this section. 790

(C) (1) When practicing under the prescription or order of 791
a certified nurse practitioner, certified nurse midwife, or 792
clinical nurse specialist or under the supervision of such a 793
nurse, the person's administration of medication that requires a 794
prescription is limited to the drugs that the nurse is 795
authorized to prescribe pursuant to section 4723.481 of the 796
Revised Code. 797

(2) When practicing under the order of a certified 798
registered nurse anesthetist, the person's administration of 799
medication is limited to the drugs that the nurse is authorized 800
to order or direct the person to administer, as provided in 801
sections 4723.43, 4723.433, and 4723.434 of the Revised Code. 802

(3) When practicing under the order of an anesthesiologist 803
assistant, the person's administration of medication is limited 804
to the drugs that the anesthesiologist assistant is authorized 805
to order or direct the person to administer, as provided in 806
sections 4760.08 and 4760.09 of the Revised Code. 807

(4) When practicing under the prescription or order of a 808
physician assistant or under the supervision of a physician 809
assistant, the person's administration of medication that 810
requires a prescription is limited to the drugs that the 811
physician assistant is authorized to prescribe pursuant to the 812
physician assistant's physician-delegated prescriptive 813
authority. 814

Section 2. That existing sections 4723.01, 4729.01, 815
4760.01, 4760.08, 4760.09, 4760.10, 4760.16, and 4761.17 of the 816
Revised Code are hereby repealed. 817

Section 3. Section 4729.01 of the Revised Code is 818

presented in this act as a composite of the section as amended 819
by H.B. 24, H.B. 197, H.B. 203, H.B. 231, H.B. 341, and S.B. 57, 820
all of the 133rd General Assembly. The General Assembly, 821
applying the principle stated in division (B) of section 1.52 of 822
the Revised Code that amendments are to be harmonized if 823
reasonably capable of simultaneous operation, finds that the 824
composite is the resulting version of the section in effect 825
prior to the effective date of the section as presented in this 826
act. 827