

**As Passed by the Senate**

**132nd General Assembly**

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**2017-2018**

**Sub. H. B. No. 119**

**Representatives Henne, McColley**

**Cosponsors: Representatives Retherford, Becker, Hambley, Roegner, Dean, Goodman, Seitz, Young, Schaffer, Vitale, Koehler, Thompson, Huffman, Ginter, Brenner, Greenspan, Brinkman, Johnson, Keller, Lang, Merrin, Perales, Reineke, Rezabek, Riedel, Romanchuk, Stein, Speaker Rosenberger**

**Senators Burke, Coley, Eklund, Hackett, Hoagland, Huffman, Terhar, Wilson**

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**A BILL**

To amend sections 4723.06, 4723.28, 4723.35, 1  
5101.47, 5101.54, and 5160.47 and to enact 2  
sections 5160.29, 5160.291, 5160.292, and 3  
5160.293 of the Revised Code regarding 4  
eligibility and benefits under the Supplemental 5  
Nutrition Assistance program and the Medicaid 6  
program and the use of the term substance abuse 7  
disorder in statutes regarding the Board of 8  
Nursing. 9

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

**Section 1.** That sections 4723.06, 4723.28, 4723.35, 10  
5101.47, 5101.54, and 5160.47 be amended and sections 5160.29, 11  
5160.291, 5160.292, and 5160.293 of the Revised Code be enacted 12  
to read as follows: 13

**Sec. 4723.06.** (A) The board of nursing shall: 14

(1) Administer and enforce the provisions of this chapter, 15

including the taking of disciplinary action for violations of 16  
section 4723.28 of the Revised Code, any other provisions of 17  
this chapter, or rules adopted under this chapter; 18

(2) Develop criteria that an applicant must meet to be 19  
eligible to sit for the examination for licensure to practice as 20  
a registered nurse or as a licensed practical nurse; 21

(3) Issue and renew nursing licenses, dialysis technician 22  
certificates, and community health worker certificates, as 23  
provided in this chapter; 24

(4) Define the minimum educational standards for the 25  
schools and programs of registered nursing and practical nursing 26  
in this state; 27

(5) Survey, inspect, and grant full approval to 28  
prelicensure nursing education programs in this state that meet 29  
the standards established by rules adopted under section 4723.07 30  
of the Revised Code. Prelicensure nursing education programs 31  
include, but are not limited to, diploma, associate degree, 32  
baccalaureate degree, master's degree, and doctor of nursing 33  
programs leading to initial licensure to practice nursing as a 34  
registered nurse and practical nurse programs leading to initial 35  
licensure to practice nursing as a licensed practical nurse. 36

(6) Grant conditional approval, by a vote of a quorum of 37  
the board, to a new prelicensure nursing education program or a 38  
program that is being reestablished after having ceased to 39  
operate, if the program meets and maintains the minimum 40  
standards of the board established by rules adopted under 41  
section 4723.07 of the Revised Code. If the board does not grant 42  
conditional approval, it shall hold an adjudication under 43  
Chapter 119. of the Revised Code to consider conditional 44

approval of the program. If the board grants conditional 45  
approval, at the first meeting following completion of the 46  
survey process required by division (A) (5) of this section, the 47  
board shall determine whether to grant full approval to the 48  
program. If the board does not grant full approval or if it 49  
appears that the program has failed to meet and maintain 50  
standards established by rules adopted under section 4723.07 of 51  
the Revised Code, the board shall hold an adjudication under 52  
Chapter 119. of the Revised Code to consider the program. Based 53  
on results of the adjudication, the board may continue or 54  
withdraw conditional approval, or grant full approval. 55

(7) Place on provisional approval, for a period of time 56  
specified by the board, a prelicensure nursing education program 57  
that has ceased to meet and maintain the minimum standards of 58  
the board established by rules adopted under section 4723.07 of 59  
the Revised Code. Prior to or at the end of the period, the 60  
board shall reconsider whether the program meets the standards 61  
and shall grant full approval if it does. If it does not, the 62  
board may withdraw approval, pursuant to an adjudication under 63  
Chapter 119. of the Revised Code. 64

(8) Approve continuing education programs and courses 65  
under standards established in rules adopted under sections 66  
4723.07, 4723.69, 4723.79, and 4723.88 of the Revised Code; 67

(9) Establish a substance abuse disorder monitoring 68  
~~program for monitoring chemical dependency~~ in accordance with 69  
section 4723.35 of the Revised Code; 70

(10) Establish the practice intervention and improvement 71  
program in accordance with section 4723.282 of the Revised Code; 72

(11) Grant approval to the course of study in advanced 73

pharmacology and related topics described in section 4723.482 of	74
the Revised Code;	75
(12) Make an annual edition of the exclusionary formulary	76
established in rules adopted under section 4723.50 of the	77
Revised Code available to the public by electronic means and, as	78
soon as possible after any revision of the formulary becomes	79
effective, make the revision available to the public by	80
electronic means;	81
(13) Approve under section 4723.46 of the Revised Code	82
national certifying organizations for examination and licensure	83
of advanced practice registered nurses, which may include	84
separate organizations for each nursing specialty;	85
(14) Provide guidance and make recommendations to the	86
general assembly, the governor, state agencies, and the federal	87
government with respect to the regulation of the practice of	88
nursing and the enforcement of this chapter;	89
(15) Make an annual report to the governor, which shall be	90
open for public inspection;	91
(16) Maintain and have open for public inspection the	92
following records:	93
(a) A record of all its meetings and proceedings;	94
(b) A record of all applicants for, and holders of,	95
licenses and certificates issued by the board under this chapter	96
or in accordance with rules adopted under this chapter. The	97
record shall be maintained in a format determined by the board.	98
(c) A list of education and training programs approved by	99
the board.	100
(17) Deny conditional approval to a new prelicensure	101

nursing education program or a program that is being 102  
reestablished after having ceased to operate if the program or a 103  
person acting on behalf of the program submits or causes to be 104  
submitted to the board false, misleading, or deceptive 105  
statements, information, or documentation in the process of 106  
applying for approval of the program. If the board proposes to 107  
deny approval of the program, it shall do so pursuant to an 108  
adjudication conducted under Chapter 119. of the Revised Code. 109

(B) The board may fulfill the requirement of division (A) 110  
(8) of this section by authorizing persons who meet the 111  
standards established in rules adopted under section 4723.07 of 112  
the Revised Code to approve continuing education programs and 113  
courses. Persons so authorized shall approve continuing 114  
education programs and courses in accordance with standards 115  
established in rules adopted under section 4723.07 of the 116  
Revised Code. 117

Persons seeking authorization to approve continuing 118  
education programs and courses shall apply to the board and pay 119  
the appropriate fee established under section 4723.08 of the 120  
Revised Code. Authorizations to approve continuing education 121  
programs and courses shall expire and may be renewed according 122  
to the schedule established in rules adopted under section 123  
4723.07 of the Revised Code. 124

In addition to approving continuing education programs 125  
under division (A) (8) of this section, the board may sponsor 126  
continuing education activities that are directly related to the 127  
statutes and rules the board enforces. 128

(C) (1) The board may deny conditional approval to a new 129  
prelicensure nursing education program or program that is being 130  
reestablished after having ceased to operate if the program is 131

controlled by a person who controls or has controlled a program 132  
that had its approval withdrawn, revoked, suspended, or 133  
restricted by the board or a board of another jurisdiction that 134  
is a member of the national council of state boards of nursing. 135  
If the board proposes to deny approval, it shall do so pursuant 136  
to an adjudication conducted under Chapter 119. of the Revised 137  
Code. 138

(2) As used in this division, "control" means any of the 139  
following: 140

(a) Holding fifty per cent or more of the outstanding 141  
voting securities or membership interest of a prelicensure 142  
nursing education program; 143

(b) In the case of an unincorporated prelicensure nursing 144  
education program, having the right to fifty per cent or more of 145  
the program's profits or in the event of a dissolution, fifty 146  
per cent or more of the program's assets; 147

(c) In the case of a prelicensure nursing education 148  
program that is a for-profit or not-for-profit corporation, 149  
having the contractual authority presently to designate fifty 150  
per cent or more of its directors; 151

(d) In the case of a prelicensure nursing education 152  
program that is a trust, having the contractual authority 153  
presently to designate fifty per cent or more of its trustees; 154

(e) Having the authority to direct the management, 155  
policies, or investments of a prelicensure nursing education 156  
program. 157

(D) (1) When an action taken by the board under division 158  
(A) (6), (7), or (17) or (C) (1) of this section is required to be 159  
taken pursuant to an adjudication conducted under Chapter 119. 160

of the Revised Code, the board may, in lieu of an adjudication 161  
hearing, enter into a consent agreement to resolve the matter. A 162  
consent agreement, when ratified by a vote of a quorum of the 163  
board, constitutes the findings and order of the board with 164  
respect to the matter addressed in the agreement. If the board 165  
refuses to ratify a consent agreement, the admissions and 166  
findings contained in the agreement are of no effect. 167

(2) In any instance in which the board is required under 168  
Chapter 119. of the Revised Code to give notice to a person 169  
seeking approval of a prelicensure nursing education program of 170  
an opportunity for a hearing and the person does not make a 171  
timely request for a hearing in accordance with section 119.07 172  
of the Revised Code, the board is not required to hold a 173  
hearing, but may adopt, by a vote of a quorum, a final order 174  
that contains the board's findings. 175

(3) When the board denies or withdraws approval of a 176  
prelicensure nursing education program, the board may specify 177  
that its action is permanent. A program subject to a permanent 178  
action taken by the board is forever ineligible for approval and 179  
the board shall not accept an application for the program's 180  
reinstatement or approval. 181

**Sec. 4723.28.** (A) The board of nursing, by a vote of a 182  
quorum, may impose one or more of the following sanctions if it 183  
finds that a person committed fraud in passing an examination 184  
required to obtain a license or dialysis technician certificate 185  
issued by the board or to have committed fraud, 186  
misrepresentation, or deception in applying for or securing any 187  
nursing license or dialysis technician certificate issued by the 188  
board: deny, revoke, suspend, or place restrictions on any 189  
nursing license or dialysis technician certificate issued by the 190

board; reprimand or otherwise discipline a holder of a nursing 191  
license or dialysis technician certificate; or impose a fine of 192  
not more than five hundred dollars per violation. 193

(B) The board of nursing, by a vote of a quorum, may 194  
impose one or more of the following sanctions: deny, revoke, 195  
suspend, or place restrictions on any nursing license or 196  
dialysis technician certificate issued by the board; reprimand 197  
or otherwise discipline a holder of a nursing license or 198  
dialysis technician certificate; or impose a fine of not more 199  
than five hundred dollars per violation. The sanctions may be 200  
imposed for any of the following: 201

(1) Denial, revocation, suspension, or restriction of 202  
authority to engage in a licensed profession or practice a 203  
health care occupation, including nursing or practice as a 204  
dialysis technician, for any reason other than a failure to 205  
renew, in Ohio or another state or jurisdiction; 206

(2) Engaging in the practice of nursing or engaging in 207  
practice as a dialysis technician, having failed to renew a 208  
nursing license or dialysis technician certificate issued under 209  
this chapter, or while a nursing license or dialysis technician 210  
certificate is under suspension; 211

(3) Conviction of, a plea of guilty to, a judicial finding 212  
of guilt of, a judicial finding of guilt resulting from a plea 213  
of no contest to, or a judicial finding of eligibility for a 214  
pretrial diversion or similar program or for intervention in 215  
lieu of conviction for, a misdemeanor committed in the course of 216  
practice; 217

(4) Conviction of, a plea of guilty to, a judicial finding 218  
of guilt of, a judicial finding of guilt resulting from a plea 219

of no contest to, or a judicial finding of eligibility for a 220  
pretrial diversion or similar program or for intervention in 221  
lieu of conviction for, any felony or of any crime involving 222  
gross immorality or moral turpitude; 223

(5) Selling, giving away, or administering drugs or 224  
therapeutic devices for other than legal and legitimate 225  
therapeutic purposes; or conviction of, a plea of guilty to, a 226  
judicial finding of guilt of, a judicial finding of guilt 227  
resulting from a plea of no contest to, or a judicial finding of 228  
eligibility for a pretrial diversion or similar program or for 229  
intervention in lieu of conviction for, violating any municipal, 230  
state, county, or federal drug law; 231

(6) Conviction of, a plea of guilty to, a judicial finding 232  
of guilt of, a judicial finding of guilt resulting from a plea 233  
of no contest to, or a judicial finding of eligibility for a 234  
pretrial diversion or similar program or for intervention in 235  
lieu of conviction for, an act in another jurisdiction that 236  
would constitute a felony or a crime of moral turpitude in Ohio; 237

(7) Conviction of, a plea of guilty to, a judicial finding 238  
of guilt of, a judicial finding of guilt resulting from a plea 239  
of no contest to, or a judicial finding of eligibility for a 240  
pretrial diversion or similar program or for intervention in 241  
lieu of conviction for, an act in the course of practice in 242  
another jurisdiction that would constitute a misdemeanor in 243  
Ohio; 244

(8) Self-administering or otherwise taking into the body 245  
any dangerous drug, as defined in section 4729.01 of the Revised 246  
Code, in any way that is not in accordance with a legal, valid 247  
prescription issued for that individual, or self-administering 248  
or otherwise taking into the body any drug that is a schedule I 249

controlled substance;	250
(9) Habitual or excessive use of controlled substances,	251
other habit-forming drugs, or alcohol or other chemical	252
substances to an extent that impairs the individual's ability to	253
provide safe nursing care or safe dialysis care;	254
(10) Impairment of the ability to practice according to	255
acceptable and prevailing standards of safe nursing care or safe	256
dialysis care because of the use of drugs, alcohol, or other	257
chemical substances;	258
(11) Impairment of the ability to practice according to	259
acceptable and prevailing standards of safe nursing care or safe	260
dialysis care because of a physical or mental disability;	261
(12) Assaulting or causing harm to a patient or depriving	262
a patient of the means to summon assistance;	263
(13) Misappropriation or attempted misappropriation of	264
money or anything of value in the course of practice;	265
(14) Adjudication by a probate court of being mentally ill	266
or mentally incompetent. The board may reinstate the person's	267
nursing license or dialysis technician certificate upon	268
adjudication by a probate court of the person's restoration to	269
competency or upon submission to the board of other proof of	270
competency.	271
(15) The suspension or termination of employment by the	272
United States department of defense or department of veterans	273
affairs for any act that violates or would violate this chapter;	274
(16) Violation of this chapter or any rules adopted under	275
it;	276
(17) Violation of any restrictions placed by the board on	277

a nursing license or dialysis technician certificate;	278
(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	279 280 281
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	282 283
(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	284 285 286
(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	287 288 289
(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;	290 291 292
(23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;	293 294 295
(24) In the case of an advanced practice registered nurse, except as provided in division (M) of this section, either of the following:	296 297 298
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	299 300 301 302 303 304
(b) Advertising that the nurse will waive the payment of	305

all or any part of a deductible or copayment that a patient, 306  
pursuant to a health insurance or health care policy, contract, 307  
or plan that covers such nursing services, would otherwise be 308  
required to pay. 309

(25) Failure to comply with the terms and conditions of 310  
participation in the ~~chemical dependency~~ substance use disorder 311  
monitoring program established under section 4723.35 of the 312  
Revised Code; 313

(26) Failure to comply with the terms and conditions 314  
required under the practice intervention and improvement program 315  
established under section 4723.282 of the Revised Code; 316

(27) In the case of an advanced practice registered nurse: 317

(a) Engaging in activities that exceed those permitted for 318  
the nurse's nursing specialty under section 4723.43 of the 319  
Revised Code; 320

(b) Failure to meet the quality assurance standards 321  
established under section 4723.07 of the Revised Code. 322

(28) In the case of an advanced practice registered nurse 323  
other than a certified registered nurse anesthetist, failure to 324  
maintain a standard care arrangement in accordance with section 325  
4723.431 of the Revised Code or to practice in accordance with 326  
the standard care arrangement; 327

(29) In the case of an advanced practice registered nurse 328  
who is designated as a clinical nurse specialist, certified 329  
nurse-midwife, or certified nurse practitioner, failure to 330  
prescribe drugs and therapeutic devices in accordance with 331  
section 4723.481 of the Revised Code; 332

(30) Prescribing any drug or device to perform or induce 333

an abortion, or otherwise performing or inducing an abortion;	334
(31) Failure to establish and maintain professional	335
boundaries with a patient, as specified in rules adopted under	336
section 4723.07 of the Revised Code;	337
(32) Regardless of whether the contact or verbal behavior	338
is consensual, engaging with a patient other than the spouse of	339
the registered nurse, licensed practical nurse, or dialysis	340
technician in any of the following:	341
(a) Sexual contact, as defined in section 2907.01 of the	342
Revised Code;	343
(b) Verbal behavior that is sexually demeaning to the	344
patient or may be reasonably interpreted by the patient as	345
sexually demeaning.	346
(33) Assisting suicide, as defined in section 3795.01 of	347
the Revised Code;	348
(34) Failure to comply with the requirements in section	349
3719.061 of the Revised Code before issuing for a minor a	350
prescription for an opioid analgesic, as defined in section	351
3719.01 of the Revised Code;	352
(35) Failure to comply with section 4723.487 of the	353
Revised Code, unless the state board of pharmacy no longer	354
maintains a drug database pursuant to section 4729.75 of the	355
Revised Code;	356
(36) The revocation, suspension, restriction, reduction,	357
or termination of clinical privileges by the United States	358
department of defense or department of veterans affairs or the	359
termination or suspension of a certificate of registration to	360
prescribe drugs by the drug enforcement administration of the	361

United States department of justice. 362

(C) Disciplinary actions taken by the board under 363  
divisions (A) and (B) of this section shall be taken pursuant to 364  
an adjudication conducted under Chapter 119. of the Revised 365  
Code, except that in lieu of a hearing, the board may enter into 366  
a consent agreement with an individual to resolve an allegation 367  
of a violation of this chapter or any rule adopted under it. A 368  
consent agreement, when ratified by a vote of a quorum, shall 369  
constitute the findings and order of the board with respect to 370  
the matter addressed in the agreement. If the board refuses to 371  
ratify a consent agreement, the admissions and findings 372  
contained in the agreement shall be of no effect. 373

(D) The hearings of the board shall be conducted in 374  
accordance with Chapter 119. of the Revised Code, the board may 375  
appoint a hearing examiner, as provided in section 119.09 of the 376  
Revised Code, to conduct any hearing the board is authorized to 377  
hold under Chapter 119. of the Revised Code. 378

In any instance in which the board is required under 379  
Chapter 119. of the Revised Code to give notice of an 380  
opportunity for a hearing and the applicant, licensee, or 381  
certificate holder does not make a timely request for a hearing 382  
in accordance with section 119.07 of the Revised Code, the board 383  
is not required to hold a hearing, but may adopt, by a vote of a 384  
quorum, a final order that contains the board's findings. In the 385  
final order, the board may order any of the sanctions listed in 386  
division (A) or (B) of this section. 387

(E) If a criminal action is brought against a registered 388  
nurse, licensed practical nurse, or dialysis technician for an 389  
act or crime described in divisions (B) (3) to (7) of this 390  
section and the action is dismissed by the trial court other 391

than on the merits, the board shall conduct an adjudication to 392  
determine whether the registered nurse, licensed practical 393  
nurse, or dialysis technician committed the act on which the 394  
action was based. If the board determines on the basis of the 395  
adjudication that the registered nurse, licensed practical 396  
nurse, or dialysis technician committed the act, or if the 397  
registered nurse, licensed practical nurse, or dialysis 398  
technician fails to participate in the adjudication, the board 399  
may take action as though the registered nurse, licensed 400  
practical nurse, or dialysis technician had been convicted of 401  
the act. 402

If the board takes action on the basis of a conviction, 403  
plea, or a judicial finding as described in divisions (B) (3) to 404  
(7) of this section that is overturned on appeal, the registered 405  
nurse, licensed practical nurse, or dialysis technician may, on 406  
exhaustion of the appeal process, petition the board for 407  
reconsideration of its action. On receipt of the petition and 408  
supporting court documents, the board shall temporarily rescind 409  
its action. If the board determines that the decision on appeal 410  
was a decision on the merits, it shall permanently rescind its 411  
action. If the board determines that the decision on appeal was 412  
not a decision on the merits, it shall conduct an adjudication 413  
to determine whether the registered nurse, licensed practical 414  
nurse, or dialysis technician committed the act on which the 415  
original conviction, plea, or judicial finding was based. If the 416  
board determines on the basis of the adjudication that the 417  
registered nurse, licensed practical nurse, or dialysis 418  
technician committed such act, or if the registered nurse, 419  
licensed practical nurse, or dialysis technician does not 420  
request an adjudication, the board shall reinstate its action; 421  
otherwise, the board shall permanently rescind its action. 422

Notwithstanding the provision of division (C) (2) of 423  
section 2953.32 of the Revised Code specifying that if records 424  
pertaining to a criminal case are sealed under that section the 425  
proceedings in the case shall be deemed not to have occurred, 426  
sealing of the following records on which the board has based an 427  
action under this section shall have no effect on the board's 428  
action or any sanction imposed by the board under this section: 429  
records of any conviction, guilty plea, judicial finding of 430  
guilt resulting from a plea of no contest, or a judicial finding 431  
of eligibility for a pretrial diversion program or intervention 432  
in lieu of conviction. 433

The board shall not be required to seal, destroy, redact, 434  
or otherwise modify its records to reflect the court's sealing 435  
of conviction records. 436

(F) The board may investigate an individual's criminal 437  
background in performing its duties under this section. As part 438  
of such investigation, the board may order the individual to 439  
submit, at the individual's expense, a request to the bureau of 440  
criminal identification and investigation for a criminal records 441  
check and check of federal bureau of investigation records in 442  
accordance with the procedure described in section 4723.091 of 443  
the Revised Code. 444

(G) During the course of an investigation conducted under 445  
this section, the board may compel any registered nurse, 446  
licensed practical nurse, or dialysis technician or applicant 447  
under this chapter to submit to a mental or physical 448  
examination, or both, as required by the board and at the 449  
expense of the individual, if the board finds reason to believe 450  
that the individual under investigation may have a physical or 451  
mental impairment that may affect the individual's ability to 452

provide safe nursing care. Failure of any individual to submit 453  
to a mental or physical examination when directed constitutes an 454  
admission of the allegations, unless the failure is due to 455  
circumstances beyond the individual's control, and a default and 456  
final order may be entered without the taking of testimony or 457  
presentation of evidence. 458

If the board finds that an individual is impaired, the 459  
board shall require the individual to submit to care, 460  
counseling, or treatment approved or designated by the board, as 461  
a condition for initial, continued, reinstated, or renewed 462  
authority to practice. The individual shall be afforded an 463  
opportunity to demonstrate to the board that the individual can 464  
begin or resume the individual's occupation in compliance with 465  
acceptable and prevailing standards of care under the provisions 466  
of the individual's authority to practice. 467

For purposes of this division, any registered nurse, 468  
licensed practical nurse, or dialysis technician or applicant 469  
under this chapter shall be deemed to have given consent to 470  
submit to a mental or physical examination when directed to do 471  
so in writing by the board, and to have waived all objections to 472  
the admissibility of testimony or examination reports that 473  
constitute a privileged communication. 474

(H) The board shall investigate evidence that appears to 475  
show that any person has violated any provision of this chapter 476  
or any rule of the board. Any person may report to the board any 477  
information the person may have that appears to show a violation 478  
of any provision of this chapter or rule of the board. In the 479  
absence of bad faith, any person who reports such information or 480  
who testifies before the board in any adjudication conducted 481  
under Chapter 119. of the Revised Code shall not be liable for 482



action and is confidential, except that the board may disclose 512  
information to law enforcement officers and government entities 513  
for purposes of an investigation of a licensee or certificate 514  
holder. 515

(J) Any action taken by the board under this section 516  
resulting in a suspension from practice shall be accompanied by 517  
a written statement of the conditions under which the person may 518  
be reinstated to practice. 519

(K) When the board refuses to grant a license or 520  
certificate to an applicant, revokes a license or certificate, 521  
or refuses to reinstate a license or certificate, the board may 522  
specify that its action is permanent. An individual subject to 523  
permanent action taken by the board is forever ineligible to 524  
hold a license or certificate of the type that was refused or 525  
revoked and the board shall not accept from the individual an 526  
application for reinstatement of the license or certificate or 527  
for a new license or certificate. 528

(L) No unilateral surrender of a nursing license, 529  
certificate of authority, or dialysis technician certificate 530  
issued under this chapter shall be effective unless accepted by 531  
majority vote of the board. No application for a nursing 532  
license, certificate of authority, or dialysis technician 533  
certificate issued under this chapter may be withdrawn without a 534  
majority vote of the board. The board's jurisdiction to take 535  
disciplinary action under this section is not removed or limited 536  
when an individual has a license or certificate classified as 537  
inactive or fails to renew a license or certificate. 538

(M) Sanctions shall not be imposed under division (B) (24) 539  
of this section against any licensee who waives deductibles and 540  
copayments as follows: 541

(1) In compliance with the health benefit plan that 542  
expressly allows such a practice. Waiver of the deductibles or 543  
copayments shall be made only with the full knowledge and 544  
consent of the plan purchaser, payer, and third-party 545  
administrator. Documentation of the consent shall be made 546  
available to the board upon request. 547

(2) For professional services rendered to any other person 548  
licensed pursuant to this chapter to the extent allowed by this 549  
chapter and the rules of the board. 550

**Sec. 4723.35.** (A) As used in this section, "~~chemical~~ 551  
~~dependency~~" "substance use disorder" means either of the 552  
following: 553

(1) The chronic and habitual use of alcoholic beverages to 554  
the extent that the user no longer can control the use of 555  
alcohol or endangers the user's health, safety, or welfare or 556  
that of others; 557

(2) The use of a controlled substance as defined in 558  
section 3719.01 of the Revised Code, a harmful intoxicant as 559  
defined in section 2925.01 of the Revised Code, or a dangerous 560  
drug as defined in section 4729.01 of the Revised Code, to the 561  
extent that the user becomes physically or psychologically 562  
dependent on the substance, intoxicant, or drug or endangers the 563  
user's health, safety, or welfare or that of others. 564

(B) The board of nursing may abstain from taking 565  
disciplinary action under section 4723.28 or 4723.86 of the 566  
Revised Code against an individual with a ~~chemical dependency~~ 567  
substance use disorder if it finds that the individual can be 568  
treated effectively and there is no impairment of the 569  
individual's ability to practice according to acceptable and 570

prevailing standards of safe care. The board shall establish a 571  
~~chemical dependency-substance use disorder~~ monitoring program to 572  
monitor the registered nurses, licensed practical nurses, 573  
dialysis technicians, and certified community health workers 574  
against whom the board has abstained from taking action. The 575  
board shall develop the program, select the program's name, and 576  
designate a coordinator to administer the program. 577

(C) Determinations regarding an individual's eligibility 578  
for admission to, continued participation in, and successful 579  
completion of the monitoring program shall be made by the 580  
board's supervising member for disciplinary matters in 581  
accordance with rules adopted under division (D) of this 582  
section. 583

(D) The board shall adopt rules in accordance with Chapter 584  
119. of the Revised Code that establish the following: 585

(1) Eligibility requirements for admission to and 586  
continued participation in the monitoring program; 587

(2) Terms and conditions that must be met to participate 588  
in and successfully complete the program; 589

(3) Procedures for keeping confidential records regarding 590  
participants; 591

(4) Any other requirements or procedures necessary to 592  
establish and administer the program. 593

(E) (1) As a condition of being admitted to the monitoring 594  
program, an individual shall surrender to the program 595  
coordinator the license or certificate that the individual 596  
holds. While the surrender is in effect, the individual is 597  
prohibited from engaging in the practice of nursing, engaging in 598  
the provision of dialysis care, or engaging in the provision of 599

services that were being provided as a certified community 600  
health worker. 601

If the board's supervising member for disciplinary matters 602  
determines that a participant is capable of resuming practice 603  
according to acceptable and prevailing standards of safe care, 604  
the program coordinator shall return the participant's license 605  
or certificate. If the participant violates the terms and 606  
conditions of resumed practice, the coordinator shall require 607  
the participant to surrender the license or certificate as a 608  
condition of continued participation in the program. The 609  
coordinator may require the surrender only on the approval of 610  
the board's supervising member for disciplinary matters. 611

The surrender of a license or certificate on admission to 612  
the monitoring program or while participating in the program 613  
does not constitute an action by the board under section 4723.28 614  
or 4723.86 of the Revised Code. The participant may rescind the 615  
surrender at any time and the board may proceed by taking action 616  
under section 4723.28 or 4723.86 of the Revised Code. 617

(2) If the program coordinator determines that a 618  
participant is significantly out of compliance with the terms 619  
and conditions for participation, the coordinator shall notify 620  
the board's supervising member for disciplinary matters and the 621  
supervising member shall determine whether to temporarily 622  
suspend the participant's license or certificate. The board 623  
shall notify the participant of the suspension by certified mail 624  
sent to the participant's last known address and shall refer the 625  
matter to the board for formal action under section 4723.28 or 626  
4723.86 of the Revised Code. 627

(F) All of the following apply with respect to the 628  
receipt, release, and maintenance of records and information by 629

the monitoring program: 630

(1) The program coordinator shall maintain all program 631  
records in the board's office, and for each participant, shall 632  
retain the records for a period of two years following the 633  
participant's date of successful completion of the program. 634

(2) When applying to participate in the monitoring 635  
program, the applicant shall sign a waiver permitting the board 636  
to receive and release information necessary to determine 637  
whether the individual is eligible for admission. After being 638  
admitted, the participant shall sign a waiver permitting the 639  
board to receive and release information necessary to determine 640  
whether the individual is eligible for continued participation 641  
in the program. Information that may be necessary for the 642  
board's supervising member for disciplinary matters to determine 643  
eligibility for admission or continued participation in the 644  
monitoring program includes, but is not limited to, information 645  
provided to and by employers, probation officers, law 646  
enforcement agencies, peer assistance programs, health 647  
professionals, and treatment providers. No entity with knowledge 648  
that the information has been provided to the monitoring program 649  
shall divulge that knowledge to any other person. 650

(3) Except as provided in division (F)(4) of this section, 651  
all records pertaining to an individual's application for or 652  
participation in the monitoring program, including medical 653  
records, treatment records, and mental health records, shall be 654  
confidential. The records are not public records for the 655  
purposes of section 149.43 of the Revised Code and are not 656  
subject to discovery by subpoena or admissible as evidence in 657  
any judicial proceeding. 658

(4) The board may disclose information regarding a 659

participant's progress in the program to any person or 660  
government entity that the participant authorizes in writing to 661  
be given the information. In disclosing information under this 662  
division, the board shall not include any information that is 663  
protected under section 5119.27 of the Revised Code or any 664  
federal statute or regulation that provides for the 665  
confidentiality of medical, mental health, or substance abuse 666  
records. 667

(G) In the absence of fraud or bad faith, the board as a 668  
whole, its individual members, and its employees and 669  
representatives are not liable for damages in any civil action 670  
as a result of disclosing information in accordance with 671  
division (F)(4) of this section. In the absence of fraud or bad 672  
faith, any person reporting to the program with regard to an 673  
individual's ~~chemical dependence~~ substance use disorder, or the 674  
progress or lack of progress of that individual with regard to 675  
treatment, is not liable for damages in any civil action as a 676  
result of the report. 677

**Sec. 5101.47.** (A) Except as provided in divisions (B) and 678  
(C) of this section, both of the following apply to the 679  
department of job and family services: 680

(1) The department shall accept applications, determine 681  
eligibility, redetermine eligibility, and perform related 682  
administrative activities for the supplemental nutrition 683  
assistance program administered by the department pursuant to 684  
section 5101.54 of the Revised Code. 685

The department may assign the duties described in division 686  
(A)(1) of this section to any county department of job and 687  
family services. 688

(2) The department may accept applications, determine 689  
eligibility, redetermine eligibility, and perform related 690  
administrative activities for one or more of the following: 691

~~(1)(a)~~ Publicly funded child care provided under Chapter 692  
5104. of the Revised Code; 693

~~(2) The supplemental nutrition assistance program~~ 694  
~~administered by the department pursuant to section 5101.54 of~~ 695  
~~the Revised Code;~~ 696

~~(3)(b)~~ Other programs administered by the department that 697  
the director of job and family services determines are 698  
supportive of children, adults, or families; 699

~~(4)(c)~~ Other programs administered by the department 700  
regarding which the director determines administrative cost 701  
savings and efficiency may be achieved through the department 702  
accepting applications, determining eligibility, redetermining 703  
eligibility, or performing related administrative activities. 704

(B) If federal law requires a face-to-face interview to 705  
complete an eligibility determination for a program specified in 706  
or pursuant to division (A) of this section, the face-to-face 707  
interview shall not be conducted by the department of job and 708  
family services. 709

(C) Subject to division (B) of this section, if the 710  
department is required or elects to accept applications, 711  
determine eligibility, redetermine eligibility, and perform 712  
related administrative activities for a program specified in or 713  
pursuant to division (A) of this section, both of the following 714  
apply: 715

(1) An individual seeking services under the program may 716  
apply for the program to the department or to the entity that 717

state law governing the program authorizes to accept 718  
applications for the program. 719

(2) The department is subject to federal statutes and 720  
regulations and state statutes and rules that require, permit, 721  
or prohibit an action regarding accepting applications, 722  
determining or redetermining eligibility, and performing related 723  
administrative activities for the program. 724

(D) The director may adopt rules as necessary to implement 725  
this section. 726

**Sec. 5101.54.** (A) The director of job and family services 727  
shall administer the supplemental nutrition assistance program 728  
in accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 729  
2011 et seq.). The department of job and family services may: 730

(1) Prepare and submit to the secretary of the United 731  
States department of agriculture a plan for the administration 732  
of the supplemental nutrition assistance program; 733

(2) Prescribe forms for applications, certificates, 734  
reports, records, and accounts of county departments of job and 735  
family services, and other matters; 736

(3) Require such reports and information from each county 737  
department of job and family services as may be necessary and 738  
advisable; 739

(4) Administer and expend any sums appropriated by the 740  
general assembly for the purposes of the supplemental nutrition 741  
assistance program and all sums paid to the state by the United 742  
States as authorized by the Food and Nutrition Act of 2008; 743

(5) Conduct such investigations as are necessary; 744

(6) Enter into interagency agreements and cooperate with 745

investigations conducted by the department of public safety, 746  
including providing information for investigative purposes, 747  
exchanging property and records, passing through federal 748  
financial participation, modifying any agreements with the 749  
United States department of agriculture, providing for the 750  
supply, security, and accounting of supplemental nutrition 751  
assistance program benefits for investigative purposes, and 752  
meeting any other requirements necessary for the detection and 753  
deterrence of illegal activities in the supplemental nutrition 754  
assistance program; 755

(7) Adopt rules in accordance with Chapter 119. of the 756  
Revised Code governing employment and training requirements of 757  
recipients of supplemental nutrition assistance program 758  
benefits, including rules specifying which recipients are 759  
subject to the requirements and establishing sanctions for 760  
failure to satisfy the requirements. The rules shall be 761  
consistent with 7 U.S.C. 2015, including its work and employment 762  
and training requirements, and, to the extent practicable, shall 763  
provide for the recipients to participate in work activities, 764  
developmental activities, and alternative work activities 765  
described in sections 5107.40 to 5107.69 of the Revised Code 766  
that are comparable to programs authorized by 7 U.S.C. 2015(d) 767  
(4). The rules may reference rules adopted under section 5107.05 768  
of the Revised Code governing work activities, developmental 769  
activities, and alternative work activities described in 770  
sections 5107.40 to 5107.69 of the Revised Code. 771

(8) Adopt rules in accordance with section 111.15 of the 772  
Revised Code that are consistent with the Food and Nutrition Act 773  
of 2008, ~~as amended, and the~~ regulations adopted thereunder, and 774  
this section governing the following: 775

(a) Eligibility requirements for the supplemental nutrition assistance program;	776 777
(b) Sanctions for failure to comply with eligibility requirements;	778 779
(c) Allotment of supplemental nutrition assistance program benefits;	780 781
(d) To the extent permitted under federal statutes and regulations, a system under which some or all recipients of supplemental nutrition assistance program benefits subject to employment and training requirements established by rules adopted under division (A) (7) of this section receive the benefits after satisfying the requirements;	782 783 784 785 786 787
(e) Administration of the program by county departments of job and family services;	788 789
(f) Other requirements necessary for the efficient administration of the program.	790 791
(9) Submit a plan to the United States secretary of agriculture for the department of job and family services to operate a simplified supplemental nutrition assistance program pursuant to 7 U.S.C. 2035 under which requirements governing the Ohio works first program established under Chapter 5107. of the Revised Code also govern the supplemental nutrition assistance program in the case of households receiving supplemental nutrition assistance program benefits and participating in Ohio works first.	792 793 794 795 796 797 798 799 800
(B) A household that is entitled to receive supplemental nutrition assistance program benefits and that is determined to be in immediate need of nutrition assistance, shall receive certification of eligibility for program benefits, pending	801 802 803 804

verification, within twenty-four hours, or, if mitigating 805  
circumstances occur, within seventy-two hours, after 806  
application, if: 807

(1) The results of the application interview indicate that 808  
the household will be eligible upon full verification; 809

(2) Information sufficient to confirm the statements in 810  
the application has been obtained from at least one additional 811  
source, not a member of the applicant's household. Such 812  
information shall be recorded in the case file, and shall 813  
include: 814

(a) The name of the person who provided the name of the 815  
information source; 816

(b) The name and address of the information source; 817

(c) A summary of the information obtained. 818

The period of temporary eligibility shall not exceed one 819  
month from the date of certification of temporary eligibility. 820  
If eligibility is established by full verification, benefits 821  
shall continue without interruption as long as eligibility 822  
continues. 823

There is no limit on the number of times a household may 824  
receive expedited certification of eligibility under this 825  
division as long as before each expedited certification all of 826  
the information identified in division (F)(1) of this section 827  
was verified for the household at the last expedited 828  
certification or the household's eligibility was certified under 829  
normal processing standards since the last expedited 830  
certification. 831

At the time of application, the county department of job 832

and family services shall provide to a household described in 833  
this division a list of community assistance programs that 834  
provide emergency food. 835

(C) Before certifying supplemental nutrition assistance 836  
program benefits, the department shall verify the eligibility of 837  
each household in accordance with division (F) of this section. 838  
All applications shall be approved or denied through full 839  
verification within thirty days from receipt of the application 840  
by the county department of job and family services. 841

(D) Nothing in this section shall be construed to prohibit 842  
the certification of households that qualify under federal 843  
regulations to receive supplemental nutrition assistance program 844  
benefits without charge under the Food and Nutrition Act of 845  
2008. 846

(E) Any person who applies for the supplemental nutrition 847  
assistance program shall receive a voter registration 848  
application under section 3503.10 of the Revised Code. 849

(F) (1) In order to verify household eligibility as 850  
required by federal regulations and this section, the department 851  
shall, except as provided in division (F) (2) of this section, 852  
verify at least the following information before certifying 853  
supplemental nutrition assistance program benefits: 854

(a) Household composition; 855

(b) Identity; 856

(c) Citizenship and alien eligibility status; 857

(d) Social security numbers; 858

(e) State residency status; 859

<u>(f) Disability status;</u>	860
<u>(g) Gross nonexempt income;</u>	861
<u>(h) Utility expenses;</u>	862
<u>(i) Medical expenses;</u>	863
<u>(j) Enrollment status in other state-administered public assistance programs within and outside this state;</u>	864 865
<u>(k) Any available information related to potential identity fraud or identity theft.</u>	866 867
<u>(2) A household's eligibility for supplemental nutrition assistance program benefits may be certified before all of the information identified in division (F) (1) of this section is verified if the household's certification is being expedited under division (B) of this section.</u>	868 869 870 871 872
<u>(3) On at least a quarterly basis and consistent with federal regulations, as information is received by a county department of job and family services, the county department shall review and act on information identified in division (F) (1) of this section that indicates a change in circumstances that may affect eligibility, to the extent such information is available to the department.</u>	873 874 875 876 877 878 879
<u>(4) Consistent with federal regulations, as part of the application for public assistance and before certifying benefits under the supplemental nutrition assistance program, the department shall require an applicant, or a person acting on the applicant's behalf, to verify the identity of the members of the applicant household.</u>	880 881 882 883 884 885
<u>(5) (a) The department shall sign a memorandum of understanding with any department, agency, or division as needed</u>	886 887

to obtain the information identified in division (F)(1) of this 888  
section. 889

(b) The department may contract with one or more 890  
independent vendors to provide the information identified in 891  
division (F)(1) of this section. 892

(c) Nothing in this section prevents the department or a 893  
county department of job and family services from receiving or 894  
reviewing additional information related to eligibility not 895  
identified in this section or from contracting with one or more 896  
independent vendors to provide additional information not 897  
identified in this section. 898

(6) The department shall explore joining a multistate 899  
cooperative, such as the national accuracy clearinghouse, to 900  
identify individuals enrolled in public assistance programs 901  
outside of this state. 902

(G) If the department receives information concerning a 903  
household certified to receive supplemental nutrition assistance 904  
program benefits that indicates a change in circumstances that 905  
may affect eligibility, the department shall take action in 906  
accordance with federal regulations, including verifying unclear 907  
information, providing prior written notice of a change or 908  
adverse action, and notifying the household of the right to a 909  
fair hearing. 910

(H) In the case of suspected fraud, the department shall 911  
refer the case for an administrative disqualification hearing or 912  
to the county prosecutor of the county in which the applicant or 913  
recipient resides for investigation, or both. 914

(I) The department shall adopt rules in accordance with 915  
Chapter 119. of the Revised Code to implement divisions (F) to 916

<u>(H) of this section.</u>	917
<u>(J) Except as prohibited by federal law, the department</u>	918
<u>may assign any of the duties described in this section to any</u>	919
<u>county department of job and family services.</u>	920
<u>Sec. 5160.29. (A) As part of the process of determining an</u>	921
<u>individual's eligibility for a medical assistance program, at</u>	922
<u>least all of the following information about the individual</u>	923
<u>shall be verified:</u>	924
<u>(1) Identity;</u>	925
<u>(2) Citizenship and alien eligibility;</u>	926
<u>(3) Social security number;</u>	927
<u>(4) State residency status;</u>	928
<u>(5) Disability status;</u>	929
<u>(6) Gross nonexempt income;</u>	930
<u>(7) Household status;</u>	931
<u>(8) Medical expenses;</u>	932
<u>(9) Enrollment status in other state-administered public</u>	933
<u>assistance programs within and outside the state.</u>	934
<u>(B) As part of the process of determining an individual's</u>	935
<u>eligibility for a medical assistance program, each applicant, or</u>	936
<u>a person acting on the applicant's behalf, shall verify the</u>	937
<u>applicant's identity.</u>	938
<u>(C) (1) The department of medicaid shall sign a memorandum</u>	939
<u>of understanding with any department, agency, or division as</u>	940
<u>needed to obtain the information specified in division (A) of</u>	941
<u>this section.</u>	942

(2) The department may contract with one or more independent vendors to provide the information identified in division (A) of this section. 943  
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**Sec. 5160.291.** (A)(1) As information described in division (A) of section 5160.29 of the Revised Code is received by the department of medicaid or an entity with which the department has entered into an agreement under section 5160.30 of the Revised Code, the department or entity shall do both of the following on at least a quarterly basis and in accordance with federal regulations: 946  
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(a) Review the information to determine whether it indicates a change in circumstances that may affect eligibility for a medical assistance program; 953  
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(b) Take appropriate action. 956

(2) Division (A)(1) of this section applies only to the extent information described in division (A) of section 5160.29 of the Revised Code is available to the department or entity. 957  
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(B) If the department of medicaid or an entity with which the department has entered into an agreement under section 5160.30 of the Revised Code receives information concerning a medical assistance recipient that indicates a change in circumstances that may affect the recipient's continued eligibility for the medical assistance program in which the recipient is enrolled, the department or entity shall take appropriate action, including verifying unclear information, providing prior written notice of a change or adverse action, and notifying the recipient of the right to appeal under section 5160.31 of the Revised Code. 960  
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**Sec. 5160.292.** If a violation of section 2913.401 of the 971

Revised Code or a similar offense is suspected in the process of 972  
determining or redetermining a medical assistance recipient's 973  
eligibility, the case shall be referred for investigation to the 974  
county prosecutor of the county in which the medical assistance 975  
recipient resides, referred for an administrative 976  
disqualification hearing, or both. 977

**Sec. 5160.293.** Nothing in sections 5160.29 to 5160.292 of 978  
the Revised Code prevents the department of medicaid or any 979  
entity with which the department has entered into an agreement 980  
under section 5160.30 of the Revised Code from doing either of 981  
the following: 982

(A) Receiving or reviewing information related to 983  
individuals' eligibility for a medical assistance program beyond 984  
the information specified in division (A) of section 5160.29 of 985  
the Revised Code; 986

(B) Contracting with one or more independent vendors to 987  
provide such additional information for such purpose. 988

**Sec. 5160.47.** (A) The department of medicaid shall ~~enter~~ 989  
do both of the following: 990

(1) Enter into any necessary agreements with the United 991  
States department of health and human services and neighboring 992  
states to join and participate as an active member in the public 993  
assistance reporting information system; 994

(2) Explore joining other multistate cooperatives, such as 995  
the national accuracy clearinghouse, to identify individuals 996  
enrolled in public assistance programs outside of this state. 997  
~~The~~ 998

(B) The department may disclose information regarding a 999  
medical assistance recipient to the extent necessary to 1000

participate as an active member in the public assistance 1001  
reporting information system or other multistate cooperative. 1002

**Section 2.** That existing sections 4723.06, 4723.28, 1003  
4723.35, 5101.47, 5101.54, and 5160.47 of the Revised Code are 1004  
hereby repealed. 1005

**Section 3.** Sections 5101.47, 5101.54, 5160.29, 5160.291, 1006  
5160.292, 5160.293, and 5160.47 of the Revised Code, as amended 1007  
or enacted by this act, shall take effect on July 1, 2019. 1008