

As Introduced

132nd General Assembly

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H. B. No. 191

Representative Gonzales

Cosponsors: Representatives McColley, Brinkman, Fedor, Riedel, Keller, Stein

A BILL

To amend sections 4723.01, 4723.43, 4723.432, 1
4723.44, 4729.01, 4731.27, 4731.35, and 4761.17 2
of the Revised Code regarding the practice of 3
certified registered nurse anesthetists. 4

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

Section 1. That sections 4723.01, 4723.43, 4723.432, 5
4723.44, 4729.01, 4731.27, 4731.35, 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

(1) Identifying patterns of human responses to actual or 17

potential health problems amenable to a nursing regimen;	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 authorized to practice in this state: a physician, physician	40 41 42 43 44 45

assistant, dentist, podiatrist, optometrist, or chiropractor.	46
Such nursing care includes:	47
(1) Observation, patient teaching, and care in a diversity of health care settings;	48 49
(2) Contributions to the planning, implementation, and evaluation of nursing;	50 51
(3) Administration of medications and treatments authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice on the condition that the licensed practical nurse is authorized under section 4723.17 of the Revised Code to administer medications;	52 53 54 55 56 57
(4) Administration to an adult of intravenous therapy authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice, on the condition that the licensed practical nurse is authorized under section 4723.18 or 4723.181 of the Revised Code to perform intravenous therapy and performs intravenous therapy only in accordance with those sections;	58 59 60 61 62 63 64
(5) Delegation of nursing tasks as directed by a registered nurse;	65 66
(6) Teaching nursing tasks to licensed practical nurses and individuals to whom the licensed practical nurse is authorized to delegate nursing tasks as directed by a registered nurse.	67 68 69 70
(G) "Certified registered nurse anesthetist" means an advanced practice registered nurse who holds a current, valid license issued under this chapter and is designated as a certified registered nurse anesthetist in accordance with	71 72 73 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) (N) "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) <u>(O)</u> "Practice of nursing as an advanced practice registered nurse" means providing to individuals and groups nursing care that requires knowledge and skill obtained from advanced formal education, training, and clinical experience. Such nursing care includes the care described in section 4723.43 of the Revised Code.	136 137 138 139 140 141
(Q) <u>(P)</u> "Dialysis care" means the care and procedures that a dialysis technician or dialysis technician intern is authorized to provide and perform, as specified in section 4723.72 of the Revised Code.	142 143 144 145
(R) <u>(Q)</u> "Dialysis technician" means an individual who holds a current, valid certificate to practice as a dialysis technician issued under section 4723.75 of the Revised Code.	146 147 148
(S) <u>(R)</u> "Dialysis technician intern" means an individual who holds a current, valid certificate to practice as a dialysis technician intern issued under section 4723.75 of the Revised Code.	149 150 151 152
(T) <u>(S)</u> "Certified community health worker" means an individual who holds a current, valid certificate as a community health worker issued under section 4723.85 of the Revised Code.	153 154 155
(U) <u>(T)</u> "Medication aide" means an individual who holds a current, valid certificate issued under this chapter that authorizes the individual to administer medication in accordance with section 4723.67 of the Revised Code;	156 157 158 159
(V) <u>(U)</u> "Nursing specialty" means a specialty in practice	160

as a certified registered nurse anesthetist, clinical nurse 161
specialist, certified nurse-midwife, or certified nurse 162
practitioner. 163

Sec. 4723.43. A certified registered nurse anesthetist, 164
clinical nurse specialist, certified nurse-midwife, or certified 165
nurse practitioner may provide to individuals and groups nursing 166
care that requires knowledge and skill obtained from advanced 167
formal education and clinical experience. In this capacity as an 168
advanced practice registered nurse, a certified nurse-midwife is 169
subject to division (A) of this section, a certified registered 170
nurse anesthetist is subject to division (B) of this section, a 171
certified nurse practitioner is subject to division (C) of this 172
section, and a clinical nurse specialist is subject to division 173
(D) of this section. 174

(A) A nurse authorized to practice as a certified nurse- 175
midwife, in collaboration with one or more physicians, may 176
provide the management of preventive services and those primary 177
care services necessary to provide health care to women 178
antepartally, intrapartally, postpartally, and gynecologically, 179
consistent with the nurse's education and certification, and in 180
accordance with rules adopted by the board of nursing. 181

No certified nurse-midwife may perform version, deliver 182
breech or face presentation, use forceps, do any obstetric 183
operation, or treat any other abnormal condition, except in 184
emergencies. Division (A) of this section does not prohibit a 185
certified nurse-midwife from performing episiotomies or normal 186
vaginal deliveries, or repairing vaginal tears. A certified 187
nurse-midwife may, in collaboration with one or more physicians, 188
prescribe drugs and therapeutic devices in accordance with 189
section 4723.481 of the Revised Code. 190

(B) A nurse authorized to practice as a certified 191
registered nurse anesthetist, ~~with the supervision and in the~~ 192
~~immediate presence of a physician, podiatrist, or dentist,~~ may 193
~~administer anesthesia and perform anesthesia induction,~~ 194
~~maintenance, and emergence, and may perform with supervision~~ 195
~~preanesthetic preparation and evaluation, postanesthesia care,~~ 196
~~and clinical support functions,~~ do the following consistent with 197
the nurse's education and certification, and in accordance with 198
rules adopted by the board. 199

~~The physician, podiatrist, or dentist supervising a~~ 200
~~certified registered nurse anesthetist must be actively engaged~~ 201
~~in practice in this state. When a certified registered nurse~~ 202
~~anesthetist is supervised by a podiatrist, the nurse's scope of~~ 203
~~practice is limited to the anesthesia procedures that the~~ 204
~~podiatrist has the authority under section 4731.51 of the~~ 205
~~Revised Code to perform. A certified registered nurse~~ 206
~~anesthetist may not administer general anesthesia under the~~ 207
~~supervision of a podiatrist in a podiatrist's office. When a~~ 208
~~certified registered nurse anesthetist is supervised by a~~ 209
~~dentist, the nurse's scope of practice is limited to the~~ 210
~~anesthesia procedures that the dentist has the authority under~~ 211
~~Chapter 4715. of the Revised Code to perform:~~ 212

(1) Perform and document preanesthetic preparation and 213
evaluation, which may include ordering and evaluating one or 214
more diagnostic tests and consulting with one or more other 215
health professionals; 216

(2) Establish anesthesia care plans, which may address the 217
administration of general, local, and regional anesthesia; 218

(3) Determine whether planned anesthesia is appropriate; 219

<u>(4) Obtain informed consent for anesthesia care;</u>	220
<u>(5) Select, order, and administer anesthesia;</u>	221
<u>(6) Before, during, and after administration of anesthesia</u>	222
<u>and as necessary for patient management and care in the period</u>	223
<u>before, during, and after a surgery or procedure, select, order,</u>	224
<u>and administer fluids, treatments, and drugs for conditions</u>	225
<u>related to administration of anesthesia;</u>	226
<u>(7) Perform assessments before administering anesthesia;</u>	227
<u>(8) Direct registered or licensed practical nurses,</u>	228
<u>respiratory therapists, and other persons to do any of the</u>	229
<u>following that they are authorized by law to do for patient</u>	230
<u>management and care in the period before, during, and after a</u>	231
<u>surgery or procedure:</u>	232
<u>(a) Perform clinical support functions;</u>	233
<u>(b) Before, during, and after administration of</u>	234
<u>anesthesia, administer fluids, treatments, and drugs to treat</u>	235
<u>conditions related to administration of anesthesia.</u>	236
<u>(9) Perform and document postanesthesia care preparation</u>	237
<u>and evaluation;</u>	238
<u>(10) Perform postanesthesia care assessments, including on</u>	239
<u>admission to or release or discharge from postanesthesia</u>	240
<u>recovery areas;</u>	241
<u>(11) Select, order, and administer pain relief therapies</u>	242
<u>during the period after a surgery or procedure;</u>	243
<u>(12) Respond to emergencies relating to airway management.</u>	244
<u>This division does not authorize a certified registered</u>	245
<u>nurse anesthetist to prescribe a drug for use outside the</u>	246

<u>facility or other setting where the nurse provides anesthesia</u>	247
<u>care.</u>	248
<u>As used in this division, "anesthesia" includes sedation.</u>	249
(C) A nurse authorized to practice as a certified nurse practitioner, in collaboration with one or more physicians or podiatrists, may provide preventive and primary care services, provide services for acute illnesses, and evaluate and promote patient wellness within the nurse's nursing specialty, consistent with the nurse's education and certification, and in accordance with rules adopted by the board. A certified nurse practitioner may, in collaboration with one or more physicians or podiatrists, prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code.	250 251 252 253 254 255 256 257 258 259
When a certified nurse practitioner is collaborating with a podiatrist, the nurse's scope of practice is limited to the procedures that the podiatrist has the authority under section 4731.51 of the Revised Code to perform.	260 261 262 263
(D) A nurse authorized to practice as a clinical nurse specialist, in collaboration with one or more physicians or podiatrists, may provide and manage the care of individuals and groups with complex health problems and provide health care services that promote, improve, and manage health care within the nurse's nursing specialty, consistent with the nurse's education and in accordance with rules adopted by the board. A clinical nurse specialist may, in collaboration with one or more physicians or podiatrists, prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code.	264 265 266 267 268 269 270 271 272 273
When a clinical nurse specialist is collaborating with a podiatrist, the nurse's scope of practice is limited to the	274 275

procedures that the podiatrist has the authority under section 276
4731.51 of the Revised Code to perform. 277

Sec. 4723.432. (A) An advanced practice registered nurse 278
who is designated as a clinical nurse specialist, certified 279
nurse-midwife, or certified nurse practitioner shall cooperate 280
with the state medical board in any investigation the board 281
conducts with respect to a physician or podiatrist who 282
collaborates with the nurse. The nurse shall cooperate with the 283
board in any investigation the board conducts with respect to 284
the unauthorized practice of medicine by the nurse. 285

(B) An advanced practice registered nurse who is 286
designated as a certified registered nurse anesthetist shall 287
cooperate with the state medical board or state dental board in 288
any investigation either board conducts with respect to a 289
~~physician, podiatrist, or dentist who permits the nurse to~~ 290
~~practice with the supervision of that physician, podiatrist, or~~ 291
~~dentist. The nurse shall cooperate with either board in any~~ 292
~~investigation it conducts with respect to the unauthorized~~ 293
practice of medicine or dentistry by the nurse. 294

Sec. 4723.44. (A) No person shall knowingly do any of the 295
following unless the person holds a current, valid license 296
issued by the board of nursing under this chapter to practice 297
nursing as an advanced practice registered nurse in the 298
specialty indicated by the designation: 299

(1) Engage in the practice of nursing as an advanced 300
practice registered nurse for a fee, salary, or other 301
consideration, or as a volunteer; 302

(2) Represent the person as being an advanced practice 303
registered nurse, including representing the person as being a 304

certified registered nurse anesthetist, clinical nurse 305
specialist, certified nurse-midwife, or certified nurse 306
practitioner; 307

(3) Use any title or initials implying that the person is 308
an advanced practice registered nurse, including using any title 309
or initials implying the person is a certified registered nurse 310
anesthetist, clinical nurse specialist, certified nurse-midwife, 311
or certified nurse practitioner. 312

(B) No advanced practice registered nurse shall knowingly 313
do any of the following: 314

(1) Engage, for a fee, salary, or other consideration, or 315
as a volunteer, in the practice of a nursing specialty other 316
than the specialty designated on the nurse's current, valid 317
license issued by the board under this chapter to practice 318
nursing as an advanced practice registered nurse; 319

(2) Represent the person as being authorized to practice 320
any nursing specialty other than the specialty designated on the 321
current, valid license to practice nursing as an advanced 322
practice registered nurse; 323

(3) Use the title "certified registered nurse anesthetist" 324
or the initials "N.A." or "C.R.N.A.," the title "clinical nurse 325
specialist" or the initials "C.N.S.," the title "certified 326
nurse-midwife" or the initials "C.N.M.," the title "certified 327
nurse practitioner" or the initials "C.N.P.," the title 328
"advanced practice registered nurse" or the initials "A.P.R.N.," 329
or any other title or initials implying that the nurse is 330
authorized to practice any nursing specialty other than the 331
specialty designated on the nurse's current, valid license to 332
practice nursing as an advanced practice registered nurse; 333

(4) Except as provided in division (D) of section 4723.431 334
of the Revised Code, enter into a standard care arrangement with 335
a physician or podiatrist whose practice is not the same as or 336
similar to the nurse's nursing specialty; 337

(5) Prescribe drugs or therapeutic devices in a manner 338
that does not comply with section 4723.481 of the Revised Code; 339

(6) In the case of a certified registered nurse 340
anesthetist, issue orders for drugs or direct other persons to 341
administer drugs in a manner that does not comply with division 342
(B) of section 4723.43 of the Revised Code; 343

(7) Prescribe any drug or device to perform or induce an 344
abortion, or otherwise perform or induce an abortion. 345

(C) No person shall knowingly employ a person to engage in 346
the practice of nursing as an advanced practice registered nurse 347
unless the person so employed holds a current, valid license and 348
designation issued by the board under this chapter to practice 349
as an advanced practice registered nurse in the specialty 350
indicated by the designation. 351

(D) A document certified by the executive director of the 352
board, under the official seal of the board, to the effect that 353
it appears from the records of the board that no license to 354
practice nursing as an advanced practice registered nurse has 355
been issued to the person specified in the document, or that a 356
license to practice nursing as an advanced practice registered 357
nurse, if issued, has been revoked or suspended, shall be 358
received as prima-facie evidence of the record of the board in 359
any court or before any officer of the state. 360

Sec. 4729.01. As used in this chapter: 361

(A) "Pharmacy," except when used in a context that refers 362

to the practice of pharmacy, means any area, room, rooms, place 363
of business, department, or portion of any of the foregoing 364
where the practice of pharmacy is conducted. 365

(B) "Practice of pharmacy" means providing pharmacist care 366
requiring specialized knowledge, judgment, and skill derived 367
from the principles of biological, chemical, behavioral, social, 368
pharmaceutical, and clinical sciences. As used in this division, 369
"pharmacist care" includes the following: 370

(1) Interpreting prescriptions; 371

(2) Dispensing drugs and drug therapy related devices; 372

(3) Compounding drugs; 373

(4) Counseling individuals with regard to their drug 374
therapy, recommending drug therapy related devices, and 375
assisting in the selection of drugs and appliances for treatment 376
of common diseases and injuries and providing instruction in the 377
proper use of the drugs and appliances; 378

(5) Performing drug regimen reviews with individuals by 379
discussing all of the drugs that the individual is taking and 380
explaining the interactions of the drugs; 381

(6) Performing drug utilization reviews with licensed 382
health professionals authorized to prescribe drugs when the 383
pharmacist determines that an individual with a prescription has 384
a drug regimen that warrants additional discussion with the 385
prescriber; 386

(7) Advising an individual and the health care 387
professionals treating an individual with regard to the 388
individual's drug therapy; 389

(8) Acting pursuant to a consult agreement with one or 390

more physicians authorized under Chapter 4731. of the Revised 391
Code to practice medicine and surgery or osteopathic medicine 392
and surgery, if an agreement has been established; 393

(9) Engaging in the administration of immunizations to the 394
extent authorized by section 4729.41 of the Revised Code; 395

(10) Engaging in the administration of drugs to the extent 396
authorized by section 4729.45 of the Revised Code. 397

(C) "Compounding" means the preparation, mixing, 398
assembling, packaging, and labeling of one or more drugs in any 399
of the following circumstances: 400

(1) Pursuant to a prescription issued by a licensed health 401
professional authorized to prescribe drugs; 402

(2) Pursuant to the modification of a prescription made in 403
accordance with a consult agreement; 404

(3) As an incident to research, teaching activities, or 405
chemical analysis; 406

(4) In anticipation of orders for drugs pursuant to 407
prescriptions, based on routine, regularly observed dispensing 408
patterns; 409

(5) Pursuant to a request made by a licensed health 410
professional authorized to prescribe drugs for a drug that is to 411
be used by the professional for the purpose of direct 412
administration to patients in the course of the professional's 413
practice, if all of the following apply: 414

(a) At the time the request is made, the drug is not 415
commercially available regardless of the reason that the drug is 416
not available, including the absence of a manufacturer for the 417
drug or the lack of a readily available supply of the drug from 418

a manufacturer.	419
(b) A limited quantity of the drug is compounded and provided to the professional.	420 421
(c) The drug is compounded and provided to the professional as an occasional exception to the normal practice of dispensing drugs pursuant to patient-specific prescriptions.	422 423 424
(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.	425 426
(E) "Drug" means:	427
(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	428 429 430 431
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	432 433 434
(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	435 436
(4) Any article intended for use as a component of any article specified in division (E) (1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.	437 438 439 440
(F) "Dangerous drug" means any of the following:	441
(1) Any drug to which either of the following applies:	442
(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	443 444 445

law prohibits dispensing without prescription" or "Caution: 446
Federal law restricts this drug to use by or on the order of a 447
licensed veterinarian" or any similar restrictive statement, or 448
the drug may be dispensed only upon a prescription; 449

(b) Under Chapter 3715. or 3719. of the Revised Code, the 450
drug may be dispensed only upon a prescription. 451

(2) Any drug that contains a schedule V controlled 452
substance and that is exempt from Chapter 3719. of the Revised 453
Code or to which that chapter does not apply; 454

(3) Any drug intended for administration by injection into 455
the human body other than through a natural orifice of the human 456
body; 457

(4) Any drug that is a biological product, as defined in 458
section 3715.01 of the Revised Code. 459

(G) "Federal drug abuse control laws" has the same meaning 460
as in section 3719.01 of the Revised Code. 461

(H) "Prescription" means all of the following: 462

(1) A written, electronic, or oral order for drugs or 463
combinations or mixtures of drugs to be used by a particular 464
individual or for treating a particular animal, issued by a 465
licensed health professional authorized to prescribe drugs; 466

(2) For purposes of sections 2925.61, 4723.488, 4729.44, 467
4730.431, and 4731.94 of the Revised Code, a written, 468
electronic, or oral order for naloxone issued to and in the name 469
of a family member, friend, or other individual in a position to 470
assist an individual who there is reason to believe is at risk 471
of experiencing an opioid-related overdose. 472

(3) For purposes of sections 4723.4810, 4729.282, 473

4730.432, and 4731.93 of the Revised Code, a written, 474
electronic, or oral order for a drug to treat chlamydia, 475
gonorrhoea, or trichomoniasis issued to and in the name of a 476
patient who is not the intended user of the drug but is the 477
sexual partner of the intended user; 478

(4) For purposes of sections 3313.7110, 3313.7111, 479
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 480
4731.96, and 5101.76 of the Revised Code, a written, electronic, 481
or oral order for an epinephrine autoinjector issued to and in 482
the name of a school, school district, or camp; 483

(5) For purposes of Chapter 3728. and sections 4723.483, 484
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 485
electronic, or oral order for an epinephrine autoinjector issued 486
to and in the name of a qualified entity, as defined in section 487
3728.01 of the Revised Code. 488

(I) "Licensed health professional authorized to prescribe 489
drugs" or "prescriber" means an individual who is authorized by 490
law to prescribe drugs or dangerous drugs or drug therapy 491
related devices in the course of the individual's professional 492
practice, including only the following: 493

(1) A dentist licensed under Chapter 4715. of the Revised 494
Code; 495

(2) A clinical nurse specialist, certified nurse-midwife, 496
or certified nurse practitioner who holds a current, valid 497
license to practice nursing as an advanced practice registered 498
nurse issued under Chapter 4723. of the Revised Code; 499

(3) A certified registered nurse anesthetist who holds a 500
current, valid license to practice nursing as an advanced 501
practice registered nurse, but only to the extent of the nurse's 502

<u>authority under division (B) of section 4723.43 of the Revised</u>	503
<u>Code;</u>	504
<u>(4)</u> An optometrist licensed under Chapter 4725. of the	505
Revised Code to practice optometry under a therapeutic	506
pharmaceutical agents certificate;	507
(4) <u>(5)</u> A physician authorized under Chapter 4731. of the	508
Revised Code to practice medicine and surgery, osteopathic	509
medicine and surgery, or podiatric medicine and surgery;	510
(5) <u>(6)</u> A physician assistant who holds a license to	511
practice as a physician assistant issued under Chapter 4730. of	512
the Revised Code, holds a valid prescriber number issued by the	513
state medical board, and has been granted physician-delegated	514
prescriptive authority;	515
(6) <u>(7)</u> A veterinarian licensed under Chapter 4741. of the	516
Revised Code.	517
(J) "Sale" and "sell" include delivery, transfer, barter,	518
exchange, or gift, or offer therefor, and each such transaction	519
made by any person, whether as principal proprietor, agent, or	520
employee.	521
(K) "Wholesale sale" and "sale at wholesale" mean any sale	522
in which the purpose of the purchaser is to resell the article	523
purchased or received by the purchaser.	524
(L) "Retail sale" and "sale at retail" mean any sale other	525
than a wholesale sale or sale at wholesale.	526
(M) "Retail seller" means any person that sells any	527
dangerous drug to consumers without assuming control over and	528
responsibility for its administration. Mere advice or	529
instructions regarding administration do not constitute control	530

or establish responsibility. 531

(N) "Price information" means the price charged for a 532
prescription for a particular drug product and, in an easily 533
understandable manner, all of the following: 534

(1) The proprietary name of the drug product; 535

(2) The established (generic) name of the drug product; 536

(3) The strength of the drug product if the product 537
contains a single active ingredient or if the drug product 538
contains more than one active ingredient and a relevant strength 539
can be associated with the product without indicating each 540
active ingredient. The established name and quantity of each 541
active ingredient are required if such a relevant strength 542
cannot be so associated with a drug product containing more than 543
one ingredient. 544

(4) The dosage form; 545

(5) The price charged for a specific quantity of the drug 546
product. The stated price shall include all charges to the 547
consumer, including, but not limited to, the cost of the drug 548
product, professional fees, handling fees, if any, and a 549
statement identifying professional services routinely furnished 550
by the pharmacy. Any mailing fees and delivery fees may be 551
stated separately without repetition. The information shall not 552
be false or misleading. 553

(O) "Wholesale distributor of dangerous drugs" means a 554
person engaged in the sale of dangerous drugs at wholesale and 555
includes any agent or employee of such a person authorized by 556
the person to engage in the sale of dangerous drugs at 557
wholesale. 558

(P) "Manufacturer of dangerous drugs" means a person, 559
other than a pharmacist, who manufactures dangerous drugs and 560
who is engaged in the sale of those dangerous drugs within this 561
state. 562

(Q) "Terminal distributor of dangerous drugs" means a 563
person who is engaged in the sale of dangerous drugs at retail, 564
or any person, other than a wholesale distributor or a 565
pharmacist, who has possession, custody, or control of dangerous 566
drugs for any purpose other than for that person's own use and 567
consumption, and includes pharmacies, hospitals, nursing homes, 568
and laboratories and all other persons who procure dangerous 569
drugs for sale or other distribution by or under the supervision 570
of a pharmacist or licensed health professional authorized to 571
prescribe drugs. 572

(R) "Promote to the public" means disseminating a 573
representation to the public in any manner or by any means, 574
other than by labeling, for the purpose of inducing, or that is 575
likely to induce, directly or indirectly, the purchase of a 576
dangerous drug at retail. 577

(S) "Person" includes any individual, partnership, 578
association, limited liability company, or corporation, the 579
state, any political subdivision of the state, and any district, 580
department, or agency of the state or its political 581
subdivisions. 582

(T) "Animal shelter" means a facility operated by a humane 583
society or any society organized under Chapter 1717. of the 584
Revised Code or a dog pound operated pursuant to Chapter 955. of 585
the Revised Code. 586

(U) "Food" has the same meaning as in section 3715.01 of 587

the Revised Code. 588

(V) "Pain management clinic" has the same meaning as in 589
section 4731.054 of the Revised Code. 590

(W) "Investigational drug or product" means a drug or 591
product that has successfully completed phase one of the United 592
States food and drug administration clinical trials and remains 593
under clinical trial, but has not been approved for general use 594
by the United States food and drug administration. 595
"Investigational drug or product" does not include controlled 596
substances in schedule I, as established pursuant to section 597
3719.41 of the Revised Code, and as amended. 598

(X) "Product," when used in reference to an 599
investigational drug or product, means a biological product, 600
other than a drug, that is made from a natural human, animal, or 601
microorganism source and is intended to treat a disease or 602
medical condition. 603

Sec. 4731.27. (A) As used in this section, 604
"collaboration," "physician," and "standard care arrangement," 605
~~and "supervision"~~ have the same meanings as in section 4723.01 606
of the Revised Code. 607

(B) A physician or podiatrist shall enter into a standard 608
care arrangement with each clinical nurse specialist, certified 609
nurse-midwife, or certified nurse practitioner with whom the 610
physician or podiatrist is in collaboration. 611

The collaborating physician or podiatrist shall fulfill 612
the responsibilities of collaboration, as specified in the 613
arrangement and in accordance with division (A) of section 614
4723.431 of the Revised Code. A copy of the standard care 615
arrangement shall be retained on file by the nurse's employer. 616

Prior approval of the standard care arrangement by the state 617
medical board is not required, but the board may periodically 618
review it. 619

A physician or podiatrist who terminates collaboration 620
with a certified nurse-midwife, certified nurse practitioner, or 621
clinical nurse specialist before their standard care arrangement 622
expires shall give the nurse the written or electronic notice of 623
termination required by division (E) (1) of section 4723.431 of 624
the Revised Code. 625

Nothing in this division prohibits a hospital from hiring 626
a clinical nurse specialist, certified nurse-midwife, or 627
certified nurse practitioner as an employee and negotiating 628
standard care arrangements on behalf of the employee as 629
necessary to meet the requirements of this section. A standard 630
care arrangement between the hospital's employee and the 631
employee's collaborating physician is subject to approval by the 632
medical staff and governing body of the hospital prior to 633
implementation of the arrangement at the hospital. 634

(C) A physician or podiatrist shall cooperate with the 635
board of nursing in any investigation the board conducts with 636
respect to a clinical nurse specialist, certified nurse-midwife, 637
or certified nurse practitioner who collaborates with the 638
physician or podiatrist ~~or with respect to a certified~~ 639
~~registered nurse anesthetist who practices with the supervision~~ 640
~~of the physician or podiatrist.~~ 641

Sec. 4731.35. (A) This chapter does not apply to or 642
prohibit in any way the administration of anesthesia by a 643
certified registered nurse anesthetist ~~under the direction of~~ 644
~~and in the immediate presence of an individual authorized by~~ 645
~~this chapter to practice medicine and surgery, osteopathic~~ 646

~~medicine and surgery, or podiatric medicine and surgery in~~ 647
~~accordance with section 4723.43 of the Revised Code.~~ 648

(B) This chapter does not prohibit an individual from 649
practicing as an anesthesiologist assistant in accordance with 650
Chapter 4760. of the Revised Code. 651

Sec. 4761.17. All of the following apply to the practice 652
of respiratory care by a person who holds a license or limited 653
permit issued under this chapter: 654

(A) The person shall practice only pursuant to a 655
prescription or other order for respiratory care issued by any 656
of the following: 657

(1) A physician; 658

(2) A clinical nurse specialist, certified nurse-midwife, 659
or certified nurse practitioner who holds a current, valid 660
license issued under Chapter 4723. of the Revised Code to 661
practice nursing as an advanced practice registered nurse and 662
has entered into a standard care arrangement with a physician; 663

(3) A certified registered nurse anesthetist who holds a 664
current, valid license issued under Chapter 4723. of the Revised 665
Code to practice nursing as an advanced practice registered 666
nurse and acts in compliance with division (B) of section 667
4723.43 of the Revised Code; 668

(4) A physician assistant who holds a valid prescriber 669
number issued by the state medical board, has been granted 670
physician-delegated prescriptive authority, and has entered into 671
a supervision agreement that allows the physician assistant to 672
prescribe or order respiratory care services. 673

(B) The person shall practice only under the supervision 674

of any of the following: 675

(1) A physician; 676

(2) A certified nurse practitioner, certified nurse- 677
midwife, or clinical nurse specialist; 678

(3) A physician assistant who is authorized to prescribe 679
or order respiratory care services as provided in division (A) 680
(3) of this section. 681

(C) (1) When practicing under the prescription or order of 682
a certified nurse practitioner, certified nurse midwife, or 683
clinical nurse specialist or under the supervision of such a 684
nurse, the person's administration of medication that requires a 685
prescription is limited to the drugs that the nurse is 686
authorized to prescribe pursuant to section 4723.481 of the 687
Revised Code. 688

(2) When practicing under the order of a certified 689
registered nurse anesthetist, the person's administration of 690
medication is limited to the drugs that the nurse is authorized 691
to order or direct the person to administer, as provided in 692
division (B) of section 4723.43 of the Revised Code. 693

(3) When practicing under the prescription or order of a 694
physician assistant or under the supervision of a physician 695
assistant, the person's administration of medication that 696
requires a prescription is limited to the drugs that the 697
physician assistant is authorized to prescribe pursuant to the 698
physician assistant's physician-delegated prescriptive 699
authority. 700

Section 2. That existing sections 4723.01, 4723.43, 701
4723.432, 4723.44, 4729.01, 4731.27, 4731.35, and 4761.17 of the 702
Revised Code are hereby repealed. 703

Section 3. Section 4729.01 of the Revised Code is 704
presented in this act as a composite of the section as amended 705
by Sub. H.B. 216, Sub. H.B. 290, Sub. H.B. 505, and Sub. S.B. 706
332, all of the 131st General Assembly. The General Assembly, 707
applying the principle stated in division (B) of section 1.52 of 708
the Revised Code that amendments are to be harmonized if 709
reasonably capable of simultaneous operation, finds that the 710
composite is the resulting version of the section in effect 711
prior to the effective date of the section as presented in this 712
act. 713