

# AN ACT

To amend sections 4715.09, 4715.20, 4723.32, 4725.26, 4729.41, 4730.02, 4731.41, 4731.43, 4731.511, 4731.60, 4734.14, 4752.07, 4752.08, 4752.09, and 4752.17, to enact section 4725.591 of the Revised Code, and to amend Section 307.25 of Am. Sub. H.B. 49 of the 132nd General Assembly to authorize health professionals licensed in other states to provide volunteer health services during charitable events, to make changes in the laws administered by the State Board of Pharmacy regarding home medical equipment services and immunization administration by pharmacists and pharmacy interns, and to modify the kinship caregiver child care program earmark.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 4715.09, 4715.20, 4723.32, 4725.26, 4729.41, 4730.02, 4731.41, 4731.43, 4731.511, 4731.60, 4734.14, 4752.07, 4752.08, 4752.09, and 4752.17 be amended and section 4725.591 of the Revised Code be enacted to read as follows:

Sec. 4715.09. (A) No person shall practice dentistry without a current license from the state dental board. No person shall practice dentistry while the person's license is under suspension by the state dental board.

(B) No dentist shall use the services of any person not licensed to practice dentistry in this state, or the services of any partnership, corporation, or association, to construct, alter, repair, or duplicate any denture, plate, bridge, splint, or orthodontic or prosthetic appliance, without first furnishing the unlicensed person, partnership, corporation, or association with a written work authorization on forms prescribed by the state dental board.

The unlicensed person, partnership, corporation, or association shall retain the original work authorization, and the dentist shall retain a duplicate copy of the work authorization, for two years from its date. Work authorizations required by this section shall be open for inspection during the two-year period by the state dental board, its authorized agent, or the prosecuting attorney of a county or the director of law of a municipal corporation wherein the work authorizations are located.

(C) If the person, partnership, association, or corporation receiving a written authorization from a licensed dentist engages another person, firm, or corporation, referred to in this division as "subcontractor," to perform some of the services relative to the work authorization, ~~he or it~~ the person shall furnish a written sub-work authorization with respect thereto on forms prescribed by the state dental board.

The subcontractor shall retain the sub-work authorization and the issuer thereof shall retain a duplicate copy, attached to the work authorization received from the licensed dentist, for inspection by the state dental board or its duly authorized agents, for a period of two years in both cases.

(D) No unlicensed person, partnership, association, or corporation shall perform any service described in division (B) of this section without a written work authorization from a licensed dentist. Provided, that if a written work authorization is demanded from a licensed dentist who fails or refuses to furnish it for any reason, the unlicensed person, partnership, association, or corporation shall not, in such event, be subject to the enforcement provisions of section 4715.05 or the penal provisions of section 4715.99 of the Revised Code.

(E) No dentist shall employ or use conscious intravenous sedation unless the dentist possesses a valid permit issued by the state dental board authorizing ~~him~~ the dentist to do so.

(F) Division (A) of this section does not apply to a person who meets both of the following conditions:

(1) The person holds a license in good standing to practice dentistry issued by another state.

(2) The person is practicing as a volunteer without remuneration during a charitable event that lasts not more than seven days.

When a person meets the conditions of this division, the person shall be deemed to hold, for the course of the charitable event, a license to practice dentistry from the state dental board and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a license holder. Not less than seven calendar days before the first day of the charitable event, the person or the event's organizer shall notify the board of the person's intent to engage in the practice of dentistry at the event. During the course of the charitable event, the person's scope of practice is limited to the procedures that a dentist licensed under this chapter is authorized to perform unless the person's scope of practice in the other state is more restrictive than in this state. If the latter is the case, the person's scope of practice is limited to the procedures that a dentist in the other state may perform.

Sec. 4715.20. No person shall practice as a dental hygienist except ~~a~~ as follows:

(A) A licensed dentist or one;

(B) One who has obtained a license from the state dental board to practice as a dental hygienist;

(C) One who holds in good standing a license from another state to practice as a dental hygienist and is practicing as a volunteer without remuneration during a charitable event that lasts not more than seven days.

In the case of a person described in division (C) of this section, the person shall be deemed to hold, for the course of the charitable event, a license to practice as a dental hygienist from the state dental board and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a license holder. Not less than seven calendar days before the first day of the charitable event, the person or the event's organizer shall notify the board of the person's intent to engage in the practice of dental hygiene at the event. During the course of the charitable event, the person's scope of practice is limited to the procedures that a dental hygienist licensed under this chapter is authorized to perform unless the person's scope of practice in the other state is more restrictive than in this state. If the latter is the case, the person's scope of practice is limited to the procedures that a dental hygienist in the other state may perform.

Sec. 4723.32. This chapter does not prohibit any of the following:

(A) The practice of nursing by a student currently enrolled in and actively pursuing

completion of a prelicensure nursing education program, if all of the following are the case:

(1) The student is participating in a program located in this state and approved by the board of nursing or participating in this state in a component of a program located in another jurisdiction and approved by a board that is a member of the national council of state boards of nursing;

(2) The student's practice is under the auspices of the program;

(3) The student acts under the supervision of a registered nurse serving for the program as a faculty member or teaching assistant.

(B) The rendering of medical assistance to a licensed physician, licensed dentist, or licensed podiatrist by a person under the direction, supervision, and control of such licensed physician, dentist, or podiatrist;

(C) The activities of persons employed as nursing aides, attendants, orderlies, or other auxiliary workers in patient homes, nurseries, nursing homes, hospitals, home health agencies, or other similar institutions;

(D) The provision of nursing services to family members or in emergency situations;

(E) The care of the sick when done in connection with the practice of religious tenets of any church and by or for its members;

(F) The practice of nursing as an advanced practice registered nurse by a student currently enrolled in and actively pursuing completion of a program of study leading to initial authorization by the board of nursing to practice nursing as an advanced practice registered nurse in a designated specialty, if all of the following are the case:

(1) The program qualifies the student to sit for the examination of a national certifying organization approved by the board under section 4723.46 of the Revised Code or the program prepares the student to receive a master's or doctoral degree in accordance with division (A)(2) of section 4723.41 of the Revised Code;

(2) The student's practice is under the auspices of the program;

(3) The student acts under the supervision of an advanced practice registered nurse serving for the program as a faculty member, teaching assistant, or preceptor.

(G) The activities of an individual who currently holds a license to practice nursing or equivalent authorization from another jurisdiction, but only if the individual's activities are limited to those activities that the same type of nurse may engage in pursuant to a license issued under this chapter, the individual's authority to practice has not been revoked, the individual is not currently under suspension or on probation, the individual does not represent the individual as being licensed under this chapter, and one of the following is the case:

(1) The individual is engaging in the practice of nursing by discharging official duties while employed by or under contract with the United States government or any agency thereof;

(2) The individual is engaging in the practice of nursing as an employee of an individual, agency, or corporation located in the other jurisdiction in a position with employment responsibilities that include transporting patients into, out of, or through this state, as long as each trip in this state does not exceed seventy-two hours;

(3) The individual is consulting with an individual licensed in this state to practice any health-related profession;

(4) The individual is engaging in activities associated with teaching in this state as a guest

lecturer at or for a nursing education program, continuing nursing education program, or in-service presentation;

(5) The individual is conducting evaluations of nursing care that are undertaken on behalf of an accrediting organization, including the national league for nursing accrediting committee, the joint commission (formerly known as the joint commission on accreditation of healthcare organizations), or any other nationally recognized accrediting organization;

(6) The individual is providing nursing care to an individual who is in this state on a temporary basis, not to exceed six months in any one calendar year, if the nurse is directly employed by or under contract with the individual or a guardian or other person acting on the individual's behalf;

(7) The individual is providing nursing care during any disaster, natural or otherwise, that has been officially declared to be a disaster by a public announcement issued by an appropriate federal, state, county, or municipal official;

(8) The individual is providing nursing care at a free-of-charge camp accredited by the SeriousFun children's network that specializes in providing therapeutic recreation, as defined in section 2305.231 of the Revised Code, for individuals with chronic diseases, if all of the following are the case:

(a) The individual provides documentation to the medical director of the camp that the individual holds a current, valid license to practice nursing or equivalent authorization from another jurisdiction.

(b) The individual provides nursing care only at the camp or in connection with camp events or activities that occur off the grounds of the camp.

(c) The individual is not compensated for the individual's services.

(d) The individual provides nursing care within this state for not more than thirty days per calendar year.

(e) The camp has a medical director who holds an unrestricted license to practice medicine issued in accordance with Chapter 4731. of the Revised Code.

(9) The individual is providing nursing care as a volunteer without remuneration during a charitable event that lasts not more than seven days if both of the following are the case:

(a) The individual, or the charitable event's organizer, notifies the board of nursing not less than seven calendar days before the first day of the charitable event of the individual's intent to engage in the practice of nursing as a registered nurse, advanced practice registered nurse, or licensed practical nurse at the event;

(b) If the individual's scope of practice in the other jurisdiction is more restrictive than in this state, the individual is limited to performing only those procedures that a registered nurse, advanced practice registered nurse, or licensed practical nurse in the other jurisdiction may perform.

(H) The administration of medication by an individual who holds a valid medication aide certificate issued under this chapter, if the medication is administered to a resident of a nursing home, residential care facility, or ICF/IID authorized by section 4723.64 of the Revised Code to use a certified medication aide and the medication is administered in accordance with section 4723.67 of the Revised Code.

Sec. 4725.26. Division (A) of section 4725.02 of the Revised Code does not apply to the

following:

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

(B) Persons who sell optical accessories but do not assume to adapt them to the eye, and neither practice nor profess to practice optometry;

(C) An instructor in a school of optometry that is located in this state and approved by the state vision professionals board under section 4725.10 of the Revised Code who holds a valid current license to practice optometry from a licensing body in another jurisdiction and limits the practice of optometry to the instruction of students enrolled in the school.

(D) A student enrolled in a school of optometry, located in this or another state and approved by the board under section 4725.10 of the Revised Code, while the student is participating in this state in an optometry training program provided or sponsored by the school, if the student acts under the direct, personal supervision and control of an optometrist licensed by the board or authorized to practice pursuant to division (C) of this section.

(E) An individual who is licensed or otherwise specifically authorized by the Revised Code to engage in an activity that is included in the practice of optometry.

(F) An individual who is not licensed or otherwise specifically authorized by the Revised Code to engage in an activity that is included in the practice of optometry, but is acting pursuant to the rules for delegation of optometric tasks adopted under section 4725.09 of the Revised Code.

(G) An individual who holds in good standing a valid license to practice optometry from a licensing body in another jurisdiction and is practicing as a volunteer without remuneration during a charitable event that lasts not more than seven days.

When an individual meets the conditions of this division, the individual shall be deemed to hold, during the course of the charitable event, a license to practice optometry from the state vision professionals board and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a license holder. Not less than seven calendar days before the first day of the charitable event, the individual or the event's organizer shall notify the board of the individual's intent to engage in the practice of optometry at the event. During the course of the charitable event, the individual's scope of practice is limited to the procedures that an optometrist licensed under this chapter is authorized to perform unless the individual's scope of practice in the other jurisdiction is more restrictive than in this state. If the latter is the case, the individual's scope of practice is limited to the procedures that an optometrist in the other jurisdiction may perform.

Sec. 4725.591. Section 4725.41 of the Revised Code does not apply to a person who holds in good standing a valid license from another state to engage in optical dispensing and is engaging in optical dispensing as a volunteer without remuneration during a charitable event that lasts not more than seven days.

When a person meets the conditions of this section, the person shall be deemed to hold, during the course of the charitable event, a license to engage in optical dispensing from the state vision professionals board and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a license holder. Not less than seven calendar days before the first day of the charitable event, the person or the event's organizer shall notify the board of the person's intent to engage in optical dispensing at the event. During the course of the charitable event, the

person's scope of practice is limited to the procedures that a dispensing optician licensed under this chapter is authorized to perform unless the person's scope of practice in the other state is more restrictive than in this state. If the latter is the case, the person's scope of practice is limited to the procedures that a dispensing optician in the other state may perform.

Sec. 4729.41. (A)(1) A pharmacist licensed under this chapter who meets the requirements of division (B) of this section, and a pharmacy intern licensed under this chapter who meets the requirements of division (B) of this section and is working under the direct supervision of a pharmacist who meets the requirements of that division, may do any of the following:

(a) Administer immunizations for influenza to individuals who are seven years of age or older;

(b) Only pursuant to a prescription, administer to individuals who are seven years of age or older but not more than thirteen years of age any of the immunizations included in division (A)(2) of this section;

(c) Administer to individuals who are thirteen years of age or older any of the immunizations included in division (A)(2) of this section.

(2) A pharmacist or pharmacy intern may administer in accordance with divisions (A)(1)(b) and (c) of this section either of the following:

(a) Any immunization that on ~~the effective date of this amendment~~ March 19, 2015, is included in either of the following immunization schedules recommended by the advisory committee on immunization practices of the centers for disease control and prevention in the United States department of health and human services:

(i) The recommended immunization schedule for persons aged zero through eighteen years;

(ii) The recommended adult immunization schedule.

(b) Any other immunization specified in rules adopted under division (E)(1)(d) of this section.

(3) As part of engaging in the administration of immunizations or supervising a pharmacy intern's administration of immunizations, a pharmacist may administer epinephrine or diphenhydramine, or both, to individuals in emergency situations resulting from adverse reactions to the immunizations administered by the pharmacist or pharmacy intern.

(B) For a pharmacist or pharmacy intern to be authorized to engage in the administration of immunizations pursuant to division (A) of this section, the pharmacist or pharmacy intern shall do all of the following:

(1) Successfully complete a course in the administration of immunizations that ~~has been approved by the state board of pharmacy as meeting the standards established~~ meets the requirements established in rules adopted under this section for such courses ~~by the centers for disease control and prevention~~;

(2) Receive and maintain certification to perform basic life-support procedures by successfully completing a basic life-support training course that is certified by the American red cross or American heart association or approved by the state board of pharmacy;

(3) Practice in accordance with ~~a definitive set of treatment guidelines specified in a protocol established by a physician and approved by the state board of pharmacy~~ that meets the requirements of division (C) of this section.

(C) ~~The~~ All of the following apply with respect to the protocol required by division (B)(3) of this section:

(1) The protocol shall be established by a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(2) The protocol shall specify a definitive set of treatment guidelines and the locations at which a pharmacist or pharmacy intern may engage in the administration of immunizations.

(3) The protocol shall satisfy the requirements established in rules adopted under this section for protocols.

(4) The protocol shall include provisions for implementation of the following requirements:

~~(1)-(a)~~ The pharmacist or pharmacy intern who administers an immunization shall observe the individual who receives the immunization to determine whether the individual has an adverse reaction to the immunization. The length of time and location of the observation shall comply with the standards specified in rules adopted by the state board of pharmacy under division (E) of this section for the approval of under this section establishing requirements for protocols. The protocol shall specify procedures to be followed by a pharmacist when administering epinephrine, diphenhydramine, or both, to an individual who has an adverse reaction to an immunization administered by the pharmacist or a pharmacy intern.

~~(2)-(b)~~ For each immunization administered to an individual by a pharmacist or pharmacy intern, other than an immunization for influenza administered to an individual eighteen years of age or older, the pharmacist or pharmacy intern shall notify the individual's family physician or, if the individual has no family physician, the board of health of the health district in which the individual resides or the authority having the duties of a board of health for that district under section 3709.05 of the Revised Code. The notice shall be given not later than thirty days after the immunization is administered.

~~(3)-(c)~~ For each immunization administered by a pharmacist or pharmacy intern to an individual younger than eighteen years of age pursuant to division (A)(1) of this section, the pharmacist or a pharmacy intern shall obtain permission from the individual's parent or legal guardian in accordance with the procedures specified in rules adopted under ~~division (E) of this section.~~

(D)(1) No pharmacist shall do either of the following:

(a) Engage in the administration of immunizations unless the requirements of division (B) of this section have been met;

(b) Delegate to any person the pharmacist's authority to engage in or supervise the administration of immunizations.

(2) No pharmacy intern shall engage in the administration of immunizations unless the requirements of division (B) of this section have been met.

(E)(1) The state board of pharmacy shall adopt rules to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and shall include the following:

(a) Provisions for approval of Requirements for courses in administration of immunizations, including requirements that are consistent with any standards established for such courses by the centers for disease control and prevention;

(b) ~~Provisions for approval of Requirements for protocols to be followed by pharmacists and pharmacy interns in engaging in the administration of immunizations, including protocols that contain provisions specifying the locations at which a pharmacist or pharmacy intern may engage in the administration of immunizations;~~

(c) Procedures to be followed by pharmacists and pharmacy interns in obtaining from the individual's parent or legal guardian permission to administer immunizations to an individual younger than eighteen years of age pursuant to division (A)(1) of this section;

(d) Provisions specifying any immunizations that may be administered under division (A)(2)(b) of this section.

(2) Prior to adopting rules regarding ~~approval of requirements for~~ protocols to be followed by pharmacists and pharmacy interns in engaging in the administration of immunizations, the state board of pharmacy shall consult with the state medical board and the board of nursing.

(3) Prior to adopting rules specifying any immunizations that may be administered under division (A)(2)(b) of this section, the state board of pharmacy shall consult with the state medical board.

(F) In addition to the rules it adopts under division (E) of this section, the state board of pharmacy may adopt rules that change the immunizations authorized by division (A)(2)(a) of this section to reflect changes in the recommendations of the advisory committee on immunization practices. The rules shall be adopted in accordance with Chapter 119<sub>2</sub> of the Revised Code.

Sec. 4730.02. (A) No person shall hold that person out as being able to function as a physician assistant, or use any words or letters indicating or implying that the person is a physician assistant, without a current, valid license to practice as a physician assistant issued pursuant to this chapter.

(B) No person shall practice as a physician assistant without the supervision, control, and direction of a physician.

(C) No person shall practice as a physician assistant without having entered into a supervision agreement with a supervising physician under section 4730.19 of the Revised Code.

(D) No person acting as the supervising physician of a physician assistant shall authorize the physician assistant to perform services if either of the following is the case:

(1) The services are not within the physician's normal course of practice and expertise;

(2) The services are inconsistent with the supervision agreement under which the physician assistant is being supervised, including, if applicable, the policies of the health care facility in which the physician and physician assistant are practicing.

(E) No person practicing as a physician assistant shall prescribe any drug or device to perform or induce an abortion, or otherwise perform or induce an abortion.

(F) No person shall advertise to provide services as a physician assistant, except for the purpose of seeking employment.

(G) No person practicing as a physician assistant shall fail to wear at all times when on duty a placard, plate, or other device identifying that person as a "physician assistant."

(H) Division (A) of this section does not apply to a person who meets both of the following conditions:

(1) The person holds in good standing a valid license or other form of authority to practice as



a physician assistant issued by another state.

(2) The person is practicing as a volunteer without remuneration during a charitable event that lasts not more than seven days.

When a person meets the conditions of this division, the person shall be deemed to hold, during the course of the charitable event, a license to practice as a physician assistant from the state medical board and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a license holder. Not less than seven calendar days before the first day of the charitable event, the person or the event's organizer shall notify the board of the person's intent to practice as a physician assistant at the event. During the course of the charitable event, the person's scope of practice is limited to the procedures that a physician assistant licensed under this chapter is authorized to perform unless the person's scope of practice in the other state is more restrictive than in this state. If the latter is the case, the person's scope of practice is limited to the procedures that a physician assistant in the other state may perform.

Sec. 4731.41. (A) No person shall practice medicine and surgery, or any of its branches, without the appropriate license or certificate from the state medical board to engage in the practice. No person shall advertise or claim to the public to be a practitioner of medicine and surgery, or any of its branches, without a license or certificate from the board. No person shall open or conduct an office or other place for such practice without a license or certificate from the board. No person shall conduct an office in the name of some person who has a license or certificate to practice medicine and surgery, or any of its branches. No person shall practice medicine and surgery, or any of its branches, after the person's license or certificate has been revoked, or, if suspended, during the time of such suspension.

A license or certificate signed by the secretary of the board to which is affixed the official seal of the board to the effect that it appears from the records of the board that no such license or certificate to practice medicine and surgery, or any of its branches, in this state has been issued to the person specified therein, or that a license or certificate to practice, if issued, has been revoked or suspended, shall be received as prima-facie evidence of the record of the board in any court or before any officer of the state.

(B) No license or certificate from the state medical board is required by a physician who comes into this state to practice medicine at a free-of-charge camp accredited by the SeriousFun children's network that specializes in providing therapeutic recreation, as defined in section 2305.231 of the Revised Code, for individuals with chronic illnesses as long as all of the following apply:

(1) The physician provides documentation to the medical director of the camp that the physician is licensed and in good standing to practice medicine in another state;

(2) The physician provides services only at the camp or in connection with camp events or camp activities that occur off the grounds of the camp;

(3) The physician receives no compensation for the services;

(4) The physician provides those services within this state for not more than thirty days per calendar year;

(5) The camp has a medical director who holds an unrestricted license to practice medicine issued in accordance with division (A) of this section.

(C) Division (A) of this section does not apply to a person who meets both of the following

conditions:

(1) The person holds in good standing a valid license to practice medicine and surgery issued by another state.

(2) The person is practicing as a volunteer without remuneration during a charitable event that lasts not more than seven days.

When a person meets the conditions of this division, the person shall be deemed authorized by the state medical board, during the course of the charitable event, to practice medicine and surgery and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a physician. Not less than seven calendar days before the first day of the charitable event, the person or the event's organizer shall notify the board of the person's intent to practice medicine and surgery at the event. During the course of the charitable event, the person's scope of practice is limited to the procedures that a physician authorized under this chapter to practice medicine and surgery is authorized to perform unless the person's scope of practice in the other state is more restrictive than in this state. If the latter is the case, the person's scope of practice is limited to the procedures that a physician in the other state may perform.

Sec. 4731.43. ~~No~~ (A) No person shall announce or advertise that person as an osteopathic physician and surgeon, or shall practice as such, without a license from the state medical board or without complying with all the provisions of law relating to such practice, or shall practice after such license has been revoked, or if suspended, during the time of such suspension.

A ~~(B)~~ Division (A) of this section does not apply to a person who holds in good standing a valid license to practice as an osteopathic physician and surgeon issued by another state and is practicing as a volunteer without remuneration during a charitable event that lasts not more than seven days.

When a person meets the conditions of this division, the person shall be deemed authorized by the state medical board, during the course of the charitable event, to practice osteopathic medicine and surgery and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a physician. Not less than seven calendar days before the first day of the charitable event, the person or the event's organizer shall notify the board of the person's intent to practice osteopathic medicine and surgery at the event. During the course of the charitable event, the person's scope of practice is limited to the procedures that a physician authorized under this chapter to practice osteopathic medicine and surgery is authorized to perform unless the person's scope of practice in the other state is more restrictive than in this state. If the latter is the case, the person's scope of practice is limited to the procedures that an osteopathic physician in the other state may perform.

(C) A license certified by the secretary, under the official seal of the ~~said~~ board to the effect that it appears from the records of the board that no license to practice osteopathic medicine and surgery has been issued to any person specified therein, or that a license, if issued, has been revoked or suspended shall be received as prima-facie evidence of the record in any court or before any officer of the state.

Sec. 4731.511. (A) As used in this section:

(1) "Hyperbaric oxygen therapy" means the administration of pure oxygen in a pressurized room or chamber.

(2) "Physician" means an individual authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery.

(B) A podiatrist may supervise hyperbaric oxygen therapy if all of the following conditions are met:

(1) The podiatrist has consulted with a physician who has been authorized to perform hyperbaric oxygen therapy by the facility in which the hyperbaric oxygen room or chamber is located.

(2) The podiatrist orders hyperbaric oxygen therapy only for treatment within the scope of practice of podiatry as described in section 4731.51 of the Revised Code.

(3) The podiatrist is certified in advanced cardiovascular life support by a certifying organization recognized by the state medical board.

(4) The podiatrist has completed, at a minimum, a forty-hour introductory course in hyperbaric medicine recognized by the American board of foot and ankle surgery or by the undersea and hyperbaric medical society.

(5) The podiatrist is board-certified or board-qualified by the American board of foot and ankle surgery or the American board of podiatric medicine.

On the request of the state medical board, the podiatrist shall submit to the board evidence demonstrating that the podiatrist is certified in advanced cardiovascular life support and has completed a course in hyperbaric medicine as described in this section.

(C) When hyperbaric oxygen therapy is supervised under this section, both of the following apply:

(1) The podiatrist must be immediately available throughout the performance of the therapy.

(2) ~~A The physician who has been authorized to perform hyperbaric oxygen therapy by the facility in which the hyperbaric room or chamber is located~~ described in division (B)(1) of this section must be readily available for consultation throughout the performance of the therapy to furnish assistance and direction in the event a complication occurs that is outside the scope of practice of podiatry as described in section 4731.51 of the Revised Code.

A physician is considered to be readily available for consultation if the physician is able to communicate with the podiatrist in a timely fashion either in person or by oral, written, or electronic means. The physician is not required to be physically present at the facility in which the hyperbaric oxygen room or chamber is located.

Sec. 4731.60. (A)(1) No person shall engage in the practice of podiatric medicine and surgery without a current, valid license to practice podiatric medicine and surgery issued by the state medical board.

(2) No person shall advertise or claim to be authorized to practice podiatric medicine and surgery unless the person holds a current, valid license to practice podiatric medicine and surgery issued by the board under this chapter.

(3) No person shall practice podiatric medicine and surgery after the person's license has been revoked, or if suspended, during the time of such suspension.

(B) A document that is signed by the president and secretary of the board and has affixed the official seal of the board to the effect that it appears from the records of the board that a license to practice podiatric medicine and surgery in this state has not been issued to a particular person, or that

a license, if issued, has been revoked or suspended, shall be received as prima-facie evidence of the record of the board in any court or before any officer of this state.

(C) Division (A) of this section does not apply to a person who holds in good standing a valid license to practice podiatric medicine and surgery issued by another state and is practicing as a volunteer without remuneration during a charitable event that lasts not more than seven days.

When a person meets the conditions of this division, the person shall be deemed authorized by the state medical board, during the course of the charitable event, to practice podiatric medicine and surgery and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a podiatrist. Not less than seven calendar days before the first day of the charitable event, the person or the event's organizer shall notify the board of the person's intent to practice podiatric medicine and surgery at the event. During the course of the charitable event, the person's scope of practice is limited to the procedures that a physician authorized under this chapter to practice podiatric medicine and surgery is authorized to perform unless the person's scope of practice in the other state is more restrictive than in this state. If the latter is the case, the person's scope of practice is limited to the procedures that a podiatrist in the other state may perform.

Sec. 4734.14. (A)(1) Except as provided in division (B) of this section, no person shall engage in the practice of chiropractic without a current, valid license issued by the state chiropractic board under this chapter.

(2) Except as provided in division (C) of this section, no person shall advertise or claim to be a chiropractor, doctor of chiropractic, or chiropractic physician, or use the initials "D.C." in connection with the person's name, unless the person holds a current, valid license from the board.

(3) Subject to section 4734.17 of the Revised Code, no person shall open or conduct an office or other place for the practice of chiropractic without a license from the board.

(4) Subject to section 4734.17 of the Revised Code, no person shall conduct an office in the name of some person who has a license to practice chiropractic.

(5) No person shall practice chiropractic in violation of the person's license revocation, forfeiture, or suspension or in violation of any restriction, limitation, or condition placed on the person's license.

(6) No person shall employ fraud or deception in applying for or securing a license to practice chiropractic or in renewing a license to practice chiropractic.

(7) No person shall make, issue, or publish, or cause to be made, issued, or published, for the purpose of sale, barter, or gift, a license, certificate, diploma, degree, or other writing or document falsely representing the holder or receiver thereof to be licensed under this chapter or to be a graduate of a chiropractic school, college, or other educational institution of chiropractic, or sell or dispose of, or offer to sell or dispose of such license, certificate, diploma, degree, or other writing or document containing such false representation or use the person's name, or permit it to be used, as a subscriber to such false and fictitious license, certificate, diploma, degree, or other writing or document or engage in the practice of chiropractic under and by virtue of such fraudulent license, certificate, diploma, degree, or other writing or document.

~~(B)(1) Subject to division (B)(2) of this section, division~~ Division (A)(1) of this section does not apply to a person who holds a current, unrestricted license to practice chiropractic in another state when the person, pursuant to a written agreement with an athletic team located in the state in which

the person holds the license, provides chiropractic services to any of the following while the team is traveling to or from or participating in a sporting event in this state:

(a) A member of the athletic team;

(b) A member of the athletic team's coaching, communications, equipment, or sports medicine staff;

(c) A member of a band or cheerleading squad accompanying the athletic team;

(d) The athletic team's mascot.

~~(2)~~In providing chiropractic services pursuant to division (B)(1) of this section, the person shall not provide chiropractic services at a health care facility.

(2) Division (A)(1) of this section does not apply to a person who meets both of the following conditions:

(a) The person holds a current, unrestricted license to practice chiropractic in another state.

(b) The person is practicing as a volunteer without remuneration during a charitable event that lasts not more than seven days.

When a person meets the conditions of division (B)(2) of this section, the person shall be deemed to hold, for the course of the charitable event, a license to practice chiropractic from the state chiropractic board and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a license holder. Not less than seven calendar days before the first day of the charitable event, the person or the event's organizer shall notify the board of the person's intent to practice chiropractic at the event. During the course of the charitable event, the person's scope of practice is limited to the procedures that a chiropractor licensed under this chapter is authorized to perform unless the person's scope of practice in the other state is more restrictive than in this state. If the latter is the case, the person's scope of practice is limited to the procedures that a chiropractor in the other state may perform.

(C) A person who has retired from the practice of chiropractic in good standing and does not maintain a current, valid license from the board may continue to claim to be a chiropractor, doctor of chiropractic, or chiropractic physician, or use the initials "D.C." in connection with the person's name, if the person does not engage in the practice of chiropractic or otherwise violate this chapter or the rules adopted under it.

A person whose license has been classified as inactive pursuant to section 4734.26 of the Revised Code may continue to claim to be a chiropractor, doctor of chiropractic, or chiropractic physician, or use the initials "D.C." in connection with the person's name, if the person does not engage in the practice of chiropractic or otherwise violate this chapter or the rules adopted under it.

(D) In any proceeding for a violation of this section brought against a person who is not licensed under this chapter but is a graduate of a chiropractic college approved under section 4734.21 of the Revised Code, it shall be an affirmative defense that the person is permitted to use the term "doctor" or the initials "D.C." in connection with the person's name, but only to the extent that the person does not indicate or act in a manner implying that the person is licensed under this chapter or otherwise violate this chapter or the rules adopted under it.

(E) A document that is signed by the president or executive director of the board and that has affixed the official seal of the board to the effect that it appears from the records of the board that a license to practice chiropractic in this state has not been issued to a particular person, or that a

license, if issued, has been revoked or suspended, shall be received as prima-facie evidence of the record of the board in any court or before any officer of the state.

Sec. 4752.07. (A) The holder of a license issued under this chapter shall do all of the following:

- (1) Maintain a physical facility and a medical equipment inventory;
- (2) Establish equipment management and personnel policies;
- (3) Provide life-sustaining home medical equipment, as described in division (B)(1) of section 4752.01 of the Revised Code, and related home medical equipment services twenty-four hours per day, seven days per week;

(4) Except as provided in division (B) of this section, require persons in its employ or under its control who provide home medical equipment services to successfully complete continuing education programs in home medical equipment services that meet the standards established by rule adopted under section 4752.17 of the Revised Code and maintain records on participation in those programs;

(5) Maintain, for the period of time specified in rules adopted by the state board of pharmacy, records on all individuals to whom the home medical equipment and services it provides home medical, including records on all individuals receiving equipment and services;

(6) Maintain liability insurance, including coverage for professional and products liability;

(7) Comply with all other requirements established by rule adopted under section 4752.17 of the Revised Code that apply to persons licensed under this chapter.

(B) For the first renewal of a license that was issued in the last six months of the biennial licensing period established under section 4752.05 of the Revised Code, the board may waive all or part of the continuing education requirements that otherwise would have to be met to renew the license under section 4752.06 of the Revised Code.

Sec. 4752.08. (A) The state board of pharmacy may inspect the operations and facility; and subpoena the records; and compel testimony of employees of any home medical equipment services provider licensed or registered under this chapter. Inspections shall be conducted as provided in rules adopted by the board under section 4752.17 of the Revised Code.

~~(B) The board shall employ investigators who shall, under the direction of the executive director of the board, investigate complaints and conduct inspections. Pursuant to an investigation or inspection, investigators may review and audit records during normal business hours at the place of business of the person being investigated. The board and its employees shall not disclose confidential information obtained during an investigation, except pursuant to a court order.~~

~~(C) The board shall send the provider a report of the results of an inspection. If the board determines that the provider is not in compliance with any requirement of this chapter applicable to providers licensed or registered under this chapter, the board may direct the provider to attain compliance. Failure of the provider to comply with the directive is grounds for action by the board under division (A)(B)(1) of section 4752.09 of the Revised Code.~~

~~(D) A provider that disputes the results of an inspection may file an appeal with the board not later than ninety days after receiving the inspection report. The board shall review the inspection report and, at the request of the provider, conduct a new inspection.~~

(B) The board shall enforce, or cause to be enforced, this chapter. If it has information that

any provision of this chapter has been violated, it shall investigate the matter and take such action as it considers appropriate.

On request, records maintained under division (A)(5) of section 4752.07 of the Revised Code shall be promptly produced for inspection and copying by a board officer, agent, or inspector.

Information received by the board pursuant to an investigation is subject to section 4729.23 of the Revised Code.

Nothing in this chapter shall be construed to require the board to enforce minor violations of this chapter if the board determines that the public interest is adequately served by the notice or warning to the alleged offender.

Sec. 4752.09. (A) ~~The state board of pharmacy may, in accordance with Chapter 119. of the Revised Code, suspend or revoke a license issued under this chapter or discipline impose any one or more of the following sanctions on an applicant for a license or certificate of registration issued under this chapter or a license or certificate holder by imposing a fine of not more than five thousand dollars or taking other disciplinary action on any of the following grounds for any of the causes set forth in division (B) of this section:~~

(1) Suspend, revoke, restrict, limit, or refuse to grant or renew a license or certificate of registration;

(2) Reprimand or place the license or certificate holder on probation;

(3) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or not more than five thousand dollars if the acts committed are not classified as an offense by the Revised Code.

(B) The board may impose the sanctions listed in division (A) of this section for any of the following:

(1) Violation of any provision of this chapter or an order or rule of the board, as those provisions, orders, or rules are applicable to persons licensed under this chapter;

(2) A plea of guilty to or a judicial finding of guilt of a felony or a misdemeanor that involves dishonesty or is directly related to the provision of home medical equipment services;

(3) Making a material misstatement in furnishing information to the board;

(4) Professional incompetence;

(5) Being guilty of negligence or gross misconduct in providing home medical equipment services;

(6) Aiding, assisting, or willfully permitting another person to violate any provision of this chapter or an order or rule of the board, as those provisions, orders, or rules are applicable to persons licensed under this chapter;

(7) Failing, ~~within sixty days,~~ to provide information in response to a written request by the board;

(8) Engaging in conduct likely to deceive, defraud, or harm the public;

(9) Denial, revocation, suspension, or restriction of a license to provide home medical equipment services, for any reason other than failure to renew, in another state or jurisdiction;

(10) Directly or indirectly giving to or receiving from any person a fee, commission, rebate, or other form of compensation for services not rendered;

(11) Knowingly making or filing false records, reports, or billings in the course of providing

home medical equipment services, including false records, reports, or billings prepared for or submitted to state and federal agencies or departments;

(12) Failing to comply with federal rules issued pursuant to the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as amended, relating to operations, financial transactions, and general business practices of home medical services providers;

(13) Any other cause for which the board may impose sanctions as set forth in rules adopted under section 4752.17 of the Revised Code.

~~(B)(C)~~ The state board of pharmacy immediately may suspend a license without a hearing if it determines that there is evidence that the license holder is subject to actions under this section and that there is clear and convincing evidence that continued operation by the license holder presents an immediate and serious harm to the public. ~~The president and executive director of the board shall make a preliminary determination and describe, by telephone conference or any other method of communication, the evidence on which they made their determination to the other members of the board. The board may by resolution designate another board member to act in place of the president of the board or another employee to act in the place of the executive director, in the event that the board president or executive director is unavailable or unable to act. On review of the evidence, the board may by a vote of not less than seven of its members, suspend a license without a prior hearing. The board shall follow the procedure for suspension without a prior hearing in section 119.07 of the Revised Code.~~ The board may vote on the suspension by way of a telephone conference call.

~~Immediately following the decision to suspend a license under this division, the board shall issue a written order of suspension and cause it to be delivered in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during the pendency of any appeal filed under section 119.12 of the Revised Code. If the license holder requests an adjudication hearing, the date set for the hearing shall be within fifteen days but not earlier than seven days after the license holder requests the hearing, unless another date is agreed to by the license holder and the board. The~~ A suspension under this division shall remain in effect, unless reversed by the board, until a final adjudication order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudication order not later than ninety days after completion of the hearing. The board's failure to issue the order by that day shall cause the summary suspension to end, but shall not affect the validity of any subsequent final adjudication order.

(D) If the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant or license or certificate holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division (A) of this section.

(E) Notwithstanding the provision of division (C)(2) of section 2953.32 of the Revised Code specifying that if records pertaining to a criminal case are sealed under that section the proceedings in the case must be deemed not to have occurred, sealing of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of



guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

Sec. 4752.17. (A) The state board of pharmacy shall adopt rules to implement and administer this chapter. The rules shall do all of the following:

(1) Specify items considered to be home medical equipment for purposes of divisions (B)(1) and (2) of section 4752.01 of the Revised Code;

(2) Establish procedures for issuance and renewal of licenses and certificates of registration under this chapter, including the duties that may be fulfilled by the board's executive director and other board employees;

(3) Specify the national accrediting bodies the board recognizes for purposes of issuing certificates of registration under this chapter;

(4) Establish standards an applicant must meet to be eligible to be granted a license under section 4752.05 of the Revised Code;

(5) Establish standards for personnel policies, equipment storage, equipment maintenance, and record keeping to be followed by home medical equipment services providers licensed under this chapter;

(6) Establish standards for continuing education programs in home medical equipment services for individuals who provide home medical equipment services while employed by or under the control of a home medical equipment services provider licensed under this chapter;

(7) Establish standards and procedures for inspection of home medical equipment providers licensed under this chapter and the facilities from which their home medical equipment services are provided ~~and for appeal of inspection results;~~

(8) Establish fees for issuing and renewing licenses under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the licensing program;

~~(9) Establish fees for conducting inspections of home medical equipment services providers licensed under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the inspection program;~~

~~(10)~~ Establish fees for issuing and renewing certificates of registration under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the registration program;

~~(11)~~ (10) Establish any other standards, requirements, or procedures the board considers necessary for the implementation or administration of this chapter.

(B) The board may adopt rules specifying items that are considered home medical equipment for purposes of division (B)(3) of section 4752.01 of the Revised Code.

(C) Rules shall be adopted under this chapter in accordance with Chapter 119. of the Revised Code. Prior to adopting any rule, the board shall consult with representatives of any association of home medical equipment services providers that do business in this state.

SECTION 2. That existing sections 4715.09, 4715.20, 4723.32, 4725.26, 4729.41, 4730.02, 4731.41, 4731.43, 4731.511, 4731.60, 4734.14, 4752.07, 4752.08, 4752.09, and 4752.17 of the Revised Code are hereby repealed.

SECTION 3. That Section 307.25 of Am. Sub. H.B. 49 of the 132nd General Assembly be amended to read as follows:

Sec. 307.25. KINSHIP CAREGIVER ~~CHILD CARE PROGRAM~~

Of the foregoing appropriation item 600689, TANF Block Grant, \$15,000,000 in ~~each~~ fiscal year 2018 shall be used to support a kinship caregiver child care program to provide child care to kinship caregivers, as defined in section 5101.85 of the Revised Code.

Of the foregoing appropriation item 600689, TANF Block Grant, \$15,000,000 in fiscal year 2019 shall be used to support kinship care. Beginning on the effective date of this amendment, except as otherwise provided in this section, the Director of Job and Family Services shall use the unexpended, unencumbered portion of this earmark to allocate funds to county departments of job and family services. The funds shall be allocated by providing twelve per cent divided equally among all counties, forty-eight per cent in the ratio that the number of residents of the county under the age of eighteen bears to the total number of such persons residing in this state, and forty per cent in the ratio that the number of residents of the county with incomes under the federal poverty guideline bears to the total number of such persons in this state. Each public children services agency shall use these funds to provide reasonable and necessary relief of child caring functions so that kinship caregivers, as defined in section 5101.85 of the Revised Code, can provide and maintain a home for a child in place of a child's parents. When the public children services agency is designated under division (A) of section 5153.02 of the Revised Code, the county department of job and family services shall enter into a memorandum of understanding with the public children services agency authorizing the public children services agency to expend funds for this purpose up to the amount of the allocation. For a person who enrolled in the program before the effective date of this amendment, the person shall remain enrolled in the program pursuant to this section as it existed immediately prior to the effective date of this amendment.

Beginning on the effective date of this amendment, each county department of job and family services shall incorporate the kinship caregiver support program into its prevention, retention, and contingency plan. For the purpose of this service, each child living with a kinship caregiver shall constitute a prevention, retention, and contingency plan assistance group of one. To qualify, the child must be eighteen years of age or younger.

The Department of Job and Family Services may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry out the purposes of this section. ~~Any rules shall at least include eligibility criteria, benefit amounts, and attendance tracking requirements.~~

If funding is no longer available, the kinship caregiver support program in this section shall end and any county department of job and family services or public children services agency shall not be held responsible for payment of services.

SECTION 4. That existing Section 307.25 of Am. Sub. H.B. 49 of the 132nd General Assembly is hereby repealed.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20 \_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_