

**As Reported by the Senate Health, Human Services and Medicaid
Committee**

132nd General Assembly

**Regular Session
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Sub. H. B. No. 541

Representatives Patterson, LaTourette

**Cosponsors: Representatives Becker, Brown, Riedel, O'Brien, Seitz, Huffman,
Johnson, Lepore-Hagan, Anielski, Antonio, Arndt, Boggs, Boyd, Celebrezze,
Clyde, Craig, Dean, Faber, Gavarone, Ginter, Green, Greenspan, Hambley, Hood,
Koehler, Lang, Leland, Manning, Miller, Patton, Perales, Ramos, Rezabek,
Roegner, Rogers, Ryan, Sheehy, Slaby, Smith, K., Stein, Sweeney, Thompson,
West, Wiggam, Young, Speaker Smith**

Senators Gardner, Hottinger, Hackett, Beagle, Tavares

A BILL

To amend sections 4715.09, 4715.20, 4723.32, 1
4725.26, 4729.41, 4730.02, 4731.41, 4731.43, 2
4731.511, 4731.60, 4734.14, 4752.07, 4752.08, 3
4752.09, and 4752.17, to enact section 4725.591 4
of the Revised Code, and to amend Section 307.25 5
of Am. Sub. H.B. 49 of the 132nd General 6
Assembly to authorize health professionals 7
licensed in other states to provide volunteer 8
health services during charitable events, to 9
make changes in the laws administered by the 10
State Board of Pharmacy regarding home medical 11
equipment services and immunization 12
administration by pharmacists and pharmacy 13
interns, and to modify the kinship caregiver 14
child care program earmark. 15

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

Section 1. That sections 4715.09, 4715.20, 4723.32, 16
4725.26, 4729.41, 4730.02, 4731.41, 4731.43, 4731.511, 4731.60, 17
4734.14, 4752.07, 4752.08, 4752.09, and 4752.17 be amended and 18
section 4725.591 of the Revised Code be enacted to read as 19
follows: 20

Sec. 4715.09. (A) No person shall practice dentistry 21
without a current license from the state dental board. No person 22
shall practice dentistry while the person's license is under 23
suspension by the state dental board. 24

(B) No dentist shall use the services of any person not 25
licensed to practice dentistry in this state, or the services of 26
any partnership, corporation, or association, to construct, 27
alter, repair, or duplicate any denture, plate, bridge, splint, 28
or orthodontic or prosthetic appliance, without first furnishing 29
the unlicensed person, partnership, corporation, or association 30
with a written work authorization on forms prescribed by the 31
state dental board. 32

The unlicensed person, partnership, corporation, or 33
association shall retain the original work authorization, and 34
the dentist shall retain a duplicate copy of the work 35
authorization, for two years from its date. Work authorizations 36
required by this section shall be open for inspection during the 37
two-year period by the state dental board, its authorized agent, 38
or the prosecuting attorney of a county or the director of law 39
of a municipal corporation wherein the work authorizations are 40
located. 41

(C) If the person, partnership, association, or 42
corporation receiving a written authorization from a licensed 43
dentist engages another person, firm, or corporation, referred 44
to in this division as "subcontractor," to perform some of the 45

services relative to the work authorization, ~~he or it~~ the person 46
shall furnish a written sub-work authorization with respect 47
thereto on forms prescribed by the state dental board. 48

The subcontractor shall retain the sub-work authorization 49
and the issuer thereof shall retain a duplicate copy, attached 50
to the work authorization received from the licensed dentist, 51
for inspection by the state dental board or its duly authorized 52
agents, for a period of two years in both cases. 53

(D) No unlicensed person, partnership, association, or 54
corporation shall perform any service described in division (B) 55
of this section without a written work authorization from a 56
licensed dentist. Provided, that if a written work authorization 57
is demanded from a licensed dentist who fails or refuses to 58
furnish it for any reason, the unlicensed person, partnership, 59
association, or corporation shall not, in such event, be subject 60
to the enforcement provisions of section 4715.05 or the penal 61
provisions of section 4715.99 of the Revised Code. 62

(E) No dentist shall employ or use conscious intravenous 63
sedation unless the dentist possesses a valid permit issued by 64
the state dental board authorizing ~~him~~ the dentist to do so. 65

(F) Division (A) of this section does not apply to a 66
person who meets both of the following conditions: 67

(1) The person holds a license in good standing to 68
practice dentistry issued by another state. 69

(2) The person is practicing as a volunteer without 70
remuneration during a charitable event that lasts not more than 71
seven days. 72

When a person meets the conditions of this division, the 73
person shall be deemed to hold, for the course of the charitable 74

event, a license to practice dentistry from the state dental 75
board and shall be subject to the provisions of this chapter 76
authorizing the board to take disciplinary action against a 77
license holder. Not less than seven calendar days before the 78
first day of the charitable event, the person or the event's 79
organizer shall notify the board of the person's intent to 80
engage in the practice of dentistry at the event. During the 81
course of the charitable event, the person's scope of practice 82
is limited to the procedures that a dentist licensed under this 83
chapter is authorized to perform unless the person's scope of 84
practice in the other state is more restrictive than in this 85
state. If the latter is the case, the person's scope of practice 86
is limited to the procedures that a dentist in the other state 87
may perform. 88

Sec. 4715.20. No person shall practice as a dental 89
hygienist except ~~a~~as follows: 90

(A) A licensed dentist ~~or one~~; 91

(B) One who has obtained a license from the state dental 92
board to practice as a dental hygienist; 93

(C) One who holds in good standing a license from another 94
state to practice as a dental hygienist and is practicing as a 95
volunteer without remuneration during a charitable event that 96
lasts not more than seven days. 97

In the case of a person described in division (C) of this 98
section, the person shall be deemed to hold, for the course of 99
the charitable event, a license to practice as a dental 100
hygienist from the state dental board and shall be subject to 101
the provisions of this chapter authorizing the board to take 102
disciplinary action against a license holder. Not less than 103

seven calendar days before the first day of the charitable 104
event, the person or the event's organizer shall notify the 105
board of the person's intent to engage in the practice of dental 106
hygiene at the event. During the course of the charitable event, 107
the person's scope of practice is limited to the procedures that 108
a dental hygienist licensed under this chapter is authorized to 109
perform unless the person's scope of practice in the other state 110
is more restrictive than in this state. If the latter is the 111
case, the person's scope of practice is limited to the 112
procedures that a dental hygienist in the other state may 113
perform. 114

Sec. 4723.32. This chapter does not prohibit any of the 115
following: 116

(A) The practice of nursing by a student currently 117
enrolled in and actively pursuing completion of a prelicensure 118
nursing education program, if all of the following are the case: 119

(1) The student is participating in a program located in 120
this state and approved by the board of nursing or participating 121
in this state in a component of a program located in another 122
jurisdiction and approved by a board that is a member of the 123
national council of state boards of nursing; 124

(2) The student's practice is under the auspices of the 125
program; 126

(3) The student acts under the supervision of a registered 127
nurse serving for the program as a faculty member or teaching 128
assistant. 129

(B) The rendering of medical assistance to a licensed 130
physician, licensed dentist, or licensed podiatrist by a person 131
under the direction, supervision, and control of such licensed 132

physician, dentist, or podiatrist;	133
(C) The activities of persons employed as nursing aides,	134
attendants, orderlies, or other auxiliary workers in patient	135
homes, nurseries, nursing homes, hospitals, home health	136
agencies, or other similar institutions;	137
(D) The provision of nursing services to family members or	138
in emergency situations;	139
(E) The care of the sick when done in connection with the	140
practice of religious tenets of any church and by or for its	141
members;	142
(F) The practice of nursing as an advanced practice	143
registered nurse by a student currently enrolled in and actively	144
pursuing completion of a program of study leading to initial	145
authorization by the board of nursing to practice nursing as an	146
advanced practice registered nurse in a designated specialty, if	147
all of the following are the case:	148
(1) The program qualifies the student to sit for the	149
examination of a national certifying organization approved by	150
the board under section 4723.46 of the Revised Code or the	151
program prepares the student to receive a master's or doctoral	152
degree in accordance with division (A) (2) of section 4723.41 of	153
the Revised Code;	154
(2) The student's practice is under the auspices of the	155
program;	156
(3) The student acts under the supervision of an advanced	157
practice registered nurse serving for the program as a faculty	158
member, teaching assistant, or preceptor.	159
(G) The activities of an individual who currently holds a	160

license to practice nursing or equivalent authorization from 161
another jurisdiction, but only if the individual's activities 162
are limited to those activities that the same type of nurse may 163
engage in pursuant to a license issued under this chapter, the 164
individual's authority to practice has not been revoked, the 165
individual is not currently under suspension or on probation, 166
the individual does not represent the individual as being 167
licensed under this chapter, and one of the following is the 168
case: 169

(1) The individual is engaging in the practice of nursing 170
by discharging official duties while employed by or under 171
contract with the United States government or any agency 172
thereof; 173

(2) The individual is engaging in the practice of nursing 174
as an employee of an individual, agency, or corporation located 175
in the other jurisdiction in a position with employment 176
responsibilities that include transporting patients into, out 177
of, or through this state, as long as each trip in this state 178
does not exceed seventy-two hours; 179

(3) The individual is consulting with an individual 180
licensed in this state to practice any health-related 181
profession; 182

(4) The individual is engaging in activities associated 183
with teaching in this state as a guest lecturer at or for a 184
nursing education program, continuing nursing education program, 185
or in-service presentation; 186

(5) The individual is conducting evaluations of nursing 187
care that are undertaken on behalf of an accrediting 188
organization, including the national league for nursing 189

accrediting committee, the joint commission (formerly known as 190
the joint commission on accreditation of healthcare 191
organizations), or any other nationally recognized accrediting 192
organization; 193

(6) The individual is providing nursing care to an 194
individual who is in this state on a temporary basis, not to 195
exceed six months in any one calendar year, if the nurse is 196
directly employed by or under contract with the individual or a 197
guardian or other person acting on the individual's behalf; 198

(7) The individual is providing nursing care during any 199
disaster, natural or otherwise, that has been officially 200
declared to be a disaster by a public announcement issued by an 201
appropriate federal, state, county, or municipal official; 202

(8) The individual is providing nursing care at a free-of- 203
charge camp accredited by the SeriousFun children's network that 204
specializes in providing therapeutic recreation, as defined in 205
section 2305.231 of the Revised Code, for individuals with 206
chronic diseases, if all of the following are the case: 207

(a) The individual provides documentation to the medical 208
director of the camp that the individual holds a current, valid 209
license to practice nursing or equivalent authorization from 210
another jurisdiction. 211

(b) The individual provides nursing care only at the camp 212
or in connection with camp events or activities that occur off 213
the grounds of the camp. 214

(c) The individual is not compensated for the individual's 215
services. 216

(d) The individual provides nursing care within this state 217
for not more than thirty days per calendar year. 218

(e) The camp has a medical director who holds an 219
unrestricted license to practice medicine issued in accordance 220
with Chapter 4731. of the Revised Code. 221

(9) The individual is providing nursing care as a 222
volunteer without remuneration during a charitable event that 223
lasts not more than seven days if both of the following are the 224
case: 225

(a) The individual, or the charitable event's organizer, 226
notifies the board of nursing not less than seven calendar days 227
before the first day of the charitable event of the individual's 228
intent to engage in the practice of nursing as a registered 229
nurse, advanced practice registered nurse, or licensed practical 230
nurse at the event; 231

(b) If the individual's scope of practice in the other 232
jurisdiction is more restrictive than in this state, the 233
individual is limited to performing only those procedures that a 234
registered nurse, advanced practice registered nurse, or 235
licensed practical nurse in the other jurisdiction may perform. 236

(H) The administration of medication by an individual who 237
holds a valid medication aide certificate issued under this 238
chapter, if the medication is administered to a resident of a 239
nursing home, residential care facility, or ICF/IID authorized 240
by section 4723.64 of the Revised Code to use a certified 241
medication aide and the medication is administered in accordance 242
with section 4723.67 of the Revised Code. 243

Sec. 4725.26. Division (A) of section 4725.02 of the 244
Revised Code does not apply to the following: 245

(A) Physicians authorized to practice medicine and surgery 246
or osteopathic medicine and surgery under Chapter 4731. of the 247

Revised Code;	248
(B) Persons who sell optical accessories but do not assume to adapt them to the eye, and neither practice nor profess to practice optometry;	249 250 251
(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.	252 253 254 255 256 257
(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.	258 259 260 261 262 263 264 265
(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.	266 267 268
(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.	269 270 271 272 273
<u>(G) An individual who holds in good standing a valid</u> <u>license to practice optometry from a licensing body in another</u> <u>jurisdiction and is practicing as a volunteer without</u>	274 275 276

remuneration during a charitable event that lasts not more than 277
seven days. 278

When an individual meets the conditions of this division, 279
the individual shall be deemed to hold, during the course of the 280
charitable event, a license to practice optometry from the state 281
vision professionals board and shall be subject to the 282
provisions of this chapter authorizing the board to take 283
disciplinary action against a license holder. Not less than 284
seven calendar days before the first day of the charitable 285
event, the individual or the event's organizer shall notify the 286
board of the individual's intent to engage in the practice of 287
optometry at the event. During the course of the charitable 288
event, the individual's scope of practice is limited to the 289
procedures that an optometrist licensed under this chapter is 290
authorized to perform unless the individual's scope of practice 291
in the other jurisdiction is more restrictive than in this 292
state. If the latter is the case, the individual's scope of 293
practice is limited to the procedures that an optometrist in the 294
other jurisdiction may perform. 295

Sec. 4725.591. Section 4725.41 of the Revised Code does 296
not apply to a person who holds in good standing a valid license 297
from another state to engage in optical dispensing and is 298
engaging in optical dispensing as a volunteer without 299
remuneration during a charitable event that lasts not more than 300
seven days. 301

When a person meets the conditions of this section, the 302
person shall be deemed to hold, during the course of the 303
charitable event, a license to engage in optical dispensing from 304
the state vision professionals board and shall be subject to the 305
provisions of this chapter authorizing the board to take 306

disciplinary action against a license holder. Not less than 307
seven calendar days before the first day of the charitable 308
event, the person or the event's organizer shall notify the 309
board of the person's intent to engage in optical dispensing at 310
the event. During the course of the charitable event, the 311
person's scope of practice is limited to the procedures that a 312
dispensing optician licensed under this chapter is authorized to 313
perform unless the person's scope of practice in the other state 314
is more restrictive than in this state. If the latter is the 315
case, the person's scope of practice is limited to the 316
procedures that a dispensing optician in the other state may 317
perform. 318

Sec. 4729.41. (A) (1) A pharmacist licensed under this 319
chapter who meets the requirements of division (B) of this 320
section, and a pharmacy intern licensed under this chapter who 321
meets the requirements of division (B) of this section and is 322
working under the direct supervision of a pharmacist who meets 323
the requirements of that division, may do any of the following: 324

(a) Administer immunizations for influenza to individuals 325
who are seven years of age or older; 326

(b) Only pursuant to a prescription, administer to 327
individuals who are seven years of age or older but not more 328
than thirteen years of age any of the immunizations included in 329
division (A) (2) of this section; 330

(c) Administer to individuals who are thirteen years of 331
age or older any of the immunizations included in division (A) 332
(2) of this section. 333

(2) A pharmacist or pharmacy intern may administer in 334
accordance with divisions (A) (1) (b) and (c) of this section 335

either of the following: 336

(a) Any immunization that on ~~the effective date of this~~ 337
~~amendment March 19, 2015,~~ is included in either of the following 338
immunization schedules recommended by the advisory committee on 339
immunization practices of the centers for disease control and 340
prevention in the United States department of health and human 341
services: 342

(i) The recommended immunization schedule for persons aged 343
zero through eighteen years; 344

(ii) The recommended adult immunization schedule. 345

(b) Any other immunization specified in rules adopted 346
under division (E) (1) (d) of this section. 347

(3) As part of engaging in the administration of 348
immunizations or supervising a pharmacy intern's administration 349
of immunizations, a pharmacist may administer epinephrine or 350
diphenhydramine, or both, to individuals in emergency situations 351
resulting from adverse reactions to the immunizations 352
administered by the pharmacist or pharmacy intern. 353

(B) For a pharmacist or pharmacy intern to be authorized 354
to engage in the administration of immunizations pursuant to 355
division (A) of this section, the pharmacist or pharmacy intern 356
shall do all of the following: 357

(1) Successfully complete a course in the administration 358
of immunizations that ~~has been approved by the state board of~~ 359
~~pharmacy as meeting the standards established~~ meets the 360
requirements established in rules adopted under this section for 361
such courses ~~by the centers for disease control and prevention;~~ 362

(2) Receive and maintain certification to perform basic 363

life-support procedures by successfully completing a basic life- 364
support training course that is certified by the American red 365
cross or American heart association or approved by the state 366
board of pharmacy; 367

(3) Practice in accordance with ~~a definitive set of~~ 368
~~treatment guidelines specified in a protocol established by a~~ 369
~~physician and approved by the state board of pharmacy that meets~~ 370
the requirements of division (C) of this section. 371

(C) ~~The~~ All of the following apply with respect to the 372
protocol required by division (B) (3) of this section: 373

(1) The protocol shall be established by a physician 374
authorized under Chapter 4731. of the Revised Code to practice 375
medicine and surgery or osteopathic medicine and surgery. 376

(2) The protocol shall specify a definitive set of 377
treatment guidelines and the locations at which a pharmacist or 378
pharmacy intern may engage in the administration of 379
immunizations. 380

(3) The protocol shall satisfy the requirements 381
established in rules adopted under this section for protocols. 382

(4) The protocol shall include provisions for 383
implementation of the following requirements: 384

~~(1)~~ (a) The pharmacist or pharmacy intern who administers 385
an immunization shall observe the individual who receives the 386
immunization to determine whether the individual has an adverse 387
reaction to the immunization. The length of time and location of 388
the observation shall comply with the ~~standards specified in~~ 389
rules adopted by the state board of pharmacy under ~~division (E)~~ 390
~~of this section for the approval of~~ under this section 391
establishing requirements for protocols. The protocol shall 392

specify procedures to be followed by a pharmacist when 393
administering epinephrine, diphenhydramine, or both, to an 394
individual who has an adverse reaction to an immunization 395
administered by the pharmacist or a pharmacy intern. 396

~~(2)~~ (b) For each immunization administered to an 397
individual by a pharmacist or pharmacy intern, other than an 398
immunization for influenza administered to an individual 399
eighteen years of age or older, the pharmacist or pharmacy 400
intern shall notify the individual's family physician or, if the 401
individual has no family physician, the board of health of the 402
health district in which the individual resides or the authority 403
having the duties of a board of health for that district under 404
section 3709.05 of the Revised Code. The notice shall be given 405
not later than thirty days after the immunization is 406
administered. 407

~~(3)~~ (c) For each immunization administered by a pharmacist 408
or pharmacy intern to an individual younger than eighteen years 409
of age pursuant to division (A)(1) of this section, the 410
pharmacist or a pharmacy intern shall obtain permission from the 411
individual's parent or legal guardian in accordance with the 412
procedures specified in rules adopted under ~~division (E) of this~~ 413
section. 414

(D)(1) No pharmacist shall do either of the following: 415

(a) Engage in the administration of immunizations unless 416
the requirements of division (B) of this section have been met; 417

(b) Delegate to any person the pharmacist's authority to 418
engage in or supervise the administration of immunizations. 419

(2) No pharmacy intern shall engage in the administration 420
of immunizations unless the requirements of division (B) of this 421

section have been met. 422

(E) (1) The state board of pharmacy shall adopt rules to 423
implement this section. The rules shall be adopted in accordance 424
with Chapter 119. of the Revised Code and shall include the 425
following: 426

(a) ~~Provisions for approval of~~ Requirements for courses in 427
administration of immunizations, including requirements that are 428
consistent with any standards established for such courses by 429
the centers for disease control and prevention; 430

(b) ~~Provisions for approval of~~ Requirements for protocols 431
to be followed by pharmacists and pharmacy interns in engaging 432
in the administration of immunizations, ~~including protocols that~~ 433
~~contain provisions specifying the locations at which a~~ 434
~~pharmacist or pharmacy intern may engage in the administration~~ 435
~~of immunizations;~~ 436

(c) Procedures to be followed by pharmacists and pharmacy 437
interns in obtaining from the individual's parent or legal 438
guardian permission to administer immunizations to an individual 439
younger than eighteen years of age pursuant to division (A) (1) 440
of this section; 441

(d) Provisions specifying any immunizations that may be 442
administered under division (A) (2) (b) of this section. 443

(2) Prior to adopting rules regarding ~~approval of~~ 444
requirements for protocols to be followed by pharmacists and 445
pharmacy interns in engaging in the administration of 446
immunizations, the state board of pharmacy shall consult with 447
the state medical board and the board of nursing. 448

(3) Prior to adopting rules specifying any immunizations 449
that may be administered under division (A) (2) (b) of this 450

section, the state board of pharmacy shall consult with the 451
state medical board. 452

(F) In addition to the rules it adopts under division (E) 453
of this section, the state board of pharmacy may adopt rules 454
that change the immunizations authorized by division (A)(2)(a) 455
of this section to reflect changes in the recommendations of the 456
advisory committee on immunization practices. The rules shall be 457
adopted in accordance with Chapter 119. of the Revised Code. 458

Sec. 4730.02. (A) No person shall hold that person out as 459
being able to function as a physician assistant, or use any 460
words or letters indicating or implying that the person is a 461
physician assistant, without a current, valid license to 462
practice as a physician assistant issued pursuant to this 463
chapter. 464

(B) No person shall practice as a physician assistant 465
without the supervision, control, and direction of a physician. 466

(C) No person shall practice as a physician assistant 467
without having entered into a supervision agreement with a 468
supervising physician under section 4730.19 of the Revised Code. 469

(D) No person acting as the supervising physician of a 470
physician assistant shall authorize the physician assistant to 471
perform services if either of the following is the case: 472

(1) The services are not within the physician's normal 473
course of practice and expertise; 474

(2) The services are inconsistent with the supervision 475
agreement under which the physician assistant is being 476
supervised, including, if applicable, the policies of the health 477
care facility in which the physician and physician assistant are 478
practicing. 479

(E) No person practicing as a physician assistant shall 480
prescribe any drug or device to perform or induce an abortion, 481
or otherwise perform or induce an abortion. 482

(F) No person shall advertise to provide services as a 483
physician assistant, except for the purpose of seeking 484
employment. 485

(G) No person practicing as a physician assistant shall 486
fail to wear at all times when on duty a placard, plate, or 487
other device identifying that person as a "physician assistant." 488

(H) Division (A) of this section does not apply to a 489
person who meets both of the following conditions: 490

(1) The person holds in good standing a valid license or 491
other form of authority to practice as a physician assistant 492
issued by another state. 493

(2) The person is practicing as a volunteer without 494
remuneration during a charitable event that lasts not more than 495
seven days. 496

When a person meets the conditions of this division, the 497
person shall be deemed to hold, during the course of the 498
charitable event, a license to practice as a physician assistant 499
from the state medical board and shall be subject to the 500
provisions of this chapter authorizing the board to take 501
disciplinary action against a license holder. Not less than 502
seven calendar days before the first day of the charitable 503
event, the person or the event's organizer shall notify the 504
board of the person's intent to practice as a physician 505
assistant at the event. During the course of the charitable 506
event, the person's scope of practice is limited to the 507
procedures that a physician assistant licensed under this 508

chapter is authorized to perform unless the person's scope of 509
practice in the other state is more restrictive than in this 510
state. If the latter is the case, the person's scope of practice 511
is limited to the procedures that a physician assistant in the 512
other state may perform. 513

Sec. 4731.41. (A) No person shall practice medicine and 514
surgery, or any of its branches, without the appropriate license 515
or certificate from the state medical board to engage in the 516
practice. No person shall advertise or claim to the public to be 517
a practitioner of medicine and surgery, or any of its branches, 518
without a license or certificate from the board. No person shall 519
open or conduct an office or other place for such practice 520
without a license or certificate from the board. No person shall 521
conduct an office in the name of some person who has a license 522
or certificate to practice medicine and surgery, or any of its 523
branches. No person shall practice medicine and surgery, or any 524
of its branches, after the person's license or certificate has 525
been revoked, or, if suspended, during the time of such 526
suspension. 527

A license or certificate signed by the secretary of the 528
board to which is affixed the official seal of the board to the 529
effect that it appears from the records of the board that no 530
such license or certificate to practice medicine and surgery, or 531
any of its branches, in this state has been issued to the person 532
specified therein, or that a license or certificate to practice, 533
if issued, has been revoked or suspended, shall be received as 534
prima-facie evidence of the record of the board in any court or 535
before any officer of the state. 536

(B) No license or certificate from the state medical board 537
is required by a physician who comes into this state to practice 538

medicine at a free-of-charge camp accredited by the SeriousFun 539
children's network that specializes in providing therapeutic 540
recreation, as defined in section 2305.231 of the Revised Code, 541
for individuals with chronic illnesses as long as all of the 542
following apply: 543

(1) The physician provides documentation to the medical 544
director of the camp that the physician is licensed and in good 545
standing to practice medicine in another state; 546

(2) The physician provides services only at the camp or in 547
connection with camp events or camp activities that occur off 548
the grounds of the camp; 549

(3) The physician receives no compensation for the 550
services; 551

(4) The physician provides those services within this 552
state for not more than thirty days per calendar year; 553

(5) The camp has a medical director who holds an 554
unrestricted license to practice medicine issued in accordance 555
with division (A) of this section. 556

(C) Division (A) of this section does not apply to a 557
person who meets both of the following conditions: 558

(1) The person holds in good standing a valid license to 559
practice medicine and surgery issued by another state. 560

(2) The person is practicing as a volunteer without 561
remuneration during a charitable event that lasts not more than 562
seven days. 563

When a person meets the conditions of this division, the 564
person shall be deemed authorized by the state medical board, 565
during the course of the charitable event, to practice medicine 566

and surgery and shall be subject to the provisions of this 567
chapter authorizing the board to take disciplinary action 568
against a physician. Not less than seven calendar days before 569
the first day of the charitable event, the person or the event's 570
organizer shall notify the board of the person's intent to 571
practice medicine and surgery at the event. During the course of 572
the charitable event, the person's scope of practice is limited 573
to the procedures that a physician authorized under this chapter 574
to practice medicine and surgery is authorized to perform unless 575
the person's scope of practice in the other state is more 576
restrictive than in this state. If the latter is the case, the 577
person's scope of practice is limited to the procedures that a 578
physician in the other state may perform. 579

Sec. 4731.43. ~~No~~ (A) No person shall announce or advertise 580
that person as an osteopathic physician and surgeon, or shall 581
practice as such, without a license from the state medical board 582
or without complying with all the provisions of law relating to 583
such practice, or shall practice after such license has been 584
revoked, or if suspended, during the time of such suspension. 585

~~A~~ (B) Division (A) of this section does not apply to a 586
person who holds in good standing a valid license to practice as 587
an osteopathic physician and surgeon issued by another state and 588
is practicing as a volunteer without remuneration during a 589
charitable event that lasts not more than seven days. 590

When a person meets the conditions of this division, the 591
person shall be deemed authorized by the state medical board, 592
during the course of the charitable event, to practice 593
osteopathic medicine and surgery and shall be subject to the 594
provisions of this chapter authorizing the board to take 595
disciplinary action against a physician. Not less than seven 596

calendar days before the first day of the charitable event, the 597
person or the event's organizer shall notify the board of the 598
person's intent to practice osteopathic medicine and surgery at 599
the event. During the course of the charitable event, the 600
person's scope of practice is limited to the procedures that a 601
physician authorized under this chapter to practice osteopathic 602
medicine and surgery is authorized to perform unless the 603
person's scope of practice in the other state is more 604
restrictive than in this state. If the latter is the case, the 605
person's scope of practice is limited to the procedures that an 606
osteopathic physician in the other state may perform. 607

(C) A license certified by the secretary, under the 608
official seal of the ~~said~~ board to the effect that it appears 609
from the records of the board that no license to practice 610
osteopathic medicine and surgery has been issued to any person 611
specified therein, or that a license, if issued, has been 612
revoked or suspended shall be received as prima-facie evidence 613
of the record in any court or before any officer of the state. 614

Sec. 4731.511. (A) As used in this section: 615

(1) "Hyperbaric oxygen therapy" means the administration 616
of pure oxygen in a pressurized room or chamber. 617

(2) "Physician" means an individual authorized under this 618
chapter to practice medicine and surgery or osteopathic medicine 619
and surgery. 620

(B) A podiatrist may supervise hyperbaric oxygen therapy 621
if all of the following conditions are met: 622

(1) The podiatrist has consulted with a physician who has 623
been authorized to perform hyperbaric oxygen therapy by the 624
facility in which the hyperbaric oxygen room or chamber is 625

located. 626

(2) The podiatrist orders hyperbaric oxygen therapy only 627
for treatment within the scope of practice of podiatry as 628
described in section 4731.51 of the Revised Code. 629

(3) The podiatrist is certified in advanced cardiovascular 630
life support by a certifying organization recognized by the 631
state medical board. 632

(4) The podiatrist has completed, at a minimum, a forty- 633
hour introductory course in hyperbaric medicine recognized by 634
the American board of foot and ankle surgery or by the undersea 635
and hyperbaric medical society. 636

(5) The podiatrist is board-certified or board-qualified 637
by the American board of foot and ankle surgery or the American 638
board of podiatric medicine. 639

On the request of the state medical board, the podiatrist 640
shall submit to the board evidence demonstrating that the 641
podiatrist is certified in advanced cardiovascular life support 642
and has completed a course in hyperbaric medicine as described 643
in this section. 644

(C) When hyperbaric oxygen therapy is supervised under 645
this section, both of the following apply: 646

(1) The podiatrist must be immediately available 647
throughout the performance of the therapy. 648

(2) ~~A The physician who has been authorized to perform~~ 649
~~hyperbaric oxygen therapy by the facility in which the~~ 650
~~hyperbaric room or chamber is located~~ described in division (B) 651
(1) of this section must be readily available for consultation 652
throughout the performance of the therapy to furnish assistance 653

and direction in the event a complication occurs that is outside 654
the scope of practice of podiatry as described in section 655
4731.51 of the Revised Code. 656

A physician is considered to be readily available for 657
consultation if the physician is able to communicate with the 658
podiatrist in a timely fashion either in person or by oral, 659
written, or electronic means. The physician is not required to 660
be physically present at the facility in which the hyperbaric 661
oxygen room or chamber is located. 662

Sec. 4731.60. (A) (1) No person shall engage in the 663
practice of podiatric medicine and surgery without a current, 664
valid license to practice podiatric medicine and surgery issued 665
by the state medical board. 666

(2) No person shall advertise or claim to be authorized to 667
practice podiatric medicine and surgery unless the person holds 668
a current, valid license to practice podiatric medicine and 669
surgery issued by the board under this chapter. 670

(3) No person shall practice podiatric medicine and 671
surgery after the person's license has been revoked, or if 672
suspended, during the time of such suspension. 673

(B) A document that is signed by the president and 674
secretary of the board and has affixed the official seal of the 675
board to the effect that it appears from the records of the 676
board that a license to practice podiatric medicine and surgery 677
in this state has not been issued to a particular person, or 678
that a license, if issued, has been revoked or suspended, shall 679
be received as prima-facie evidence of the record of the board 680
in any court or before any officer of this state. 681

(C) Division (A) of this section does not apply to a 682

person who holds in good standing a valid license to practice 683
podiatric medicine and surgery issued by another state and is 684
practicing as a volunteer without remuneration during a 685
charitable event that lasts not more than seven days. 686

When a person meets the conditions of this division, the 687
person shall be deemed authorized by the state medical board, 688
during the course of the charitable event, to practice podiatric 689
medicine and surgery and shall be subject to the provisions of 690
this chapter authorizing the board to take disciplinary action 691
against a podiatrist. Not less than seven calendar days before 692
the first day of the charitable event, the person or the event's 693
organizer shall notify the board of the person's intent to 694
practice podiatric medicine and surgery at the event. During the 695
course of the charitable event, the person's scope of practice 696
is limited to the procedures that a physician authorized under 697
this chapter to practice podiatric medicine and surgery is 698
authorized to perform unless the person's scope of practice in 699
the other state is more restrictive than in this state. If the 700
latter is the case, the person's scope of practice is limited to 701
the procedures that a podiatrist in the other state may perform. 702

Sec. 4734.14. (A) (1) Except as provided in division (B) of 703
this section, no person shall engage in the practice of 704
chiropractic without a current, valid license issued by the 705
state chiropractic board under this chapter. 706

(2) Except as provided in division (C) of this section, no 707
person shall advertise or claim to be a chiropractor, doctor of 708
chiropractic, or chiropractic physician, or use the initials 709
"D.C." in connection with the person's name, unless the person 710
holds a current, valid license from the board. 711

(3) Subject to section 4734.17 of the Revised Code, no 712

person shall open or conduct an office or other place for the 713
practice of chiropractic without a license from the board. 714

(4) Subject to section 4734.17 of the Revised Code, no 715
person shall conduct an office in the name of some person who 716
has a license to practice chiropractic. 717

(5) No person shall practice chiropractic in violation of 718
the person's license revocation, forfeiture, or suspension or in 719
violation of any restriction, limitation, or condition placed on 720
the person's license. 721

(6) No person shall employ fraud or deception in applying 722
for or securing a license to practice chiropractic or in 723
renewing a license to practice chiropractic. 724

(7) No person shall make, issue, or publish, or cause to 725
be made, issued, or published, for the purpose of sale, barter, 726
or gift, a license, certificate, diploma, degree, or other 727
writing or document falsely representing the holder or receiver 728
thereof to be licensed under this chapter or to be a graduate of 729
a chiropractic school, college, or other educational institution 730
of chiropractic, or sell or dispose of, or offer to sell or 731
dispose of such license, certificate, diploma, degree, or other 732
writing or document containing such false representation or use 733
the person's name, or permit it to be used, as a subscriber to 734
such false and fictitious license, certificate, diploma, degree, 735
or other writing or document or engage in the practice of 736
chiropractic under and by virtue of such fraudulent license, 737
certificate, diploma, degree, or other writing or document. 738

~~(B) (1) Subject to division (B) (2) of this section,~~ 739
~~division~~ Division (A) (1) of this section does not apply to a 740
person who holds a current, unrestricted license to practice 741

chiropractic in another state when the person, pursuant to a 742
written agreement with an athletic team located in the state in 743
which the person holds the license, provides chiropractic 744
services to any of the following while the team is traveling to 745
or from or participating in a sporting event in this state: 746

(a) A member of the athletic team; 747

(b) A member of the athletic team's coaching, 748
communications, equipment, or sports medicine staff; 749

(c) A member of a band or cheerleading squad accompanying 750
the athletic team; 751

(d) The athletic team's mascot. 752

~~(2)~~—In providing chiropractic services pursuant to 753
division (B) (1) of this section, the person shall not provide 754
chiropractic services at a health care facility. 755

(2) Division (A) (1) of this section does not apply to a 756
person who meets both of the following conditions: 757

(a) The person holds a current, unrestricted license to 758
practice chiropractic in another state. 759

(b) The person is practicing as a volunteer without 760
remuneration during a charitable event that lasts not more than 761
seven days. 762

When a person meets the conditions of division (B) (2) of 763
this section, the person shall be deemed to hold, for the course 764
of the charitable event, a license to practice chiropractic from 765
the state chiropractic board and shall be subject to the 766
provisions of this chapter authorizing the board to take 767
disciplinary action against a license holder. Not less than 768
seven calendar days before the first day of the charitable 769

event, the person or the event's organizer shall notify the 770
board of the person's intent to practice chiropractic at the 771
event. During the course of the charitable event, the person's 772
scope of practice is limited to the procedures that a 773
chiropractor licensed under this chapter is authorized to 774
perform unless the person's scope of practice in the other state 775
is more restrictive than in this state. If the latter is the 776
case, the person's scope of practice is limited to the 777
procedures that a chiropractor in the other state may perform. 778

(C) A person who has retired from the practice of 779
chiropractic in good standing and does not maintain a current, 780
valid license from the board may continue to claim to be a 781
chiropractor, doctor of chiropractic, or chiropractic physician, 782
or use the initials "D.C." in connection with the person's name, 783
if the person does not engage in the practice of chiropractic or 784
otherwise violate this chapter or the rules adopted under it. 785

A person whose license has been classified as inactive 786
pursuant to section 4734.26 of the Revised Code may continue to 787
claim to be a chiropractor, doctor of chiropractic, or 788
chiropractic physician, or use the initials "D.C." in connection 789
with the person's name, if the person does not engage in the 790
practice of chiropractic or otherwise violate this chapter or 791
the rules adopted under it. 792

(D) In any proceeding for a violation of this section 793
brought against a person who is not licensed under this chapter 794
but is a graduate of a chiropractic college approved under 795
section 4734.21 of the Revised Code, it shall be an affirmative 796
defense that the person is permitted to use the term "doctor" or 797
the initials "D.C." in connection with the person's name, but 798
only to the extent that the person does not indicate or act in a 799

manner implying that the person is licensed under this chapter 800
or otherwise violate this chapter or the rules adopted under it. 801

(E) A document that is signed by the president or 802
executive director of the board and that has affixed the 803
official seal of the board to the effect that it appears from 804
the records of the board that a license to practice chiropractic 805
in this state has not been issued to a particular person, or 806
that a license, if issued, has been revoked or suspended, shall 807
be received as prima-facie evidence of the record of the board 808
in any court or before any officer of the state. 809

Sec. 4752.07. (A) The holder of a license issued under 810
this chapter shall do all of the following: 811

(1) Maintain a physical facility and a medical equipment 812
inventory; 813

(2) Establish equipment management and personnel policies; 814

(3) Provide life-sustaining home medical equipment, as 815
described in division (B) (1) of section 4752.01 of the Revised 816
Code, and related home medical equipment services twenty-four 817
hours per day, seven days per week; 818

(4) Except as provided in division (B) of this section, 819
require persons in its employ or under its control who provide 820
home medical equipment services to successfully complete 821
continuing education programs in home medical equipment services 822
that meet the standards established by rule adopted under 823
section 4752.17 of the Revised Code and maintain records on 824
participation in those programs; 825

(5) Maintain, for the period of time specified in rules 826
adopted by the state board of pharmacy, records on ~~all~~ 827
~~individuals to whom~~ the home medical equipment and services it 828

~~provides home medical, including records on all individuals~~ 829
~~receiving equipment and services;~~ 830

(6) Maintain liability insurance, including coverage for 831
professional and products liability; 832

(7) Comply with all other requirements established by rule 833
adopted under section 4752.17 of the Revised Code that apply to 834
persons licensed under this chapter. 835

(B) For the first renewal of a license that was issued in 836
the last six months of the biennial licensing period established 837
under section 4752.05 of the Revised Code, the board may waive 838
all or part of the continuing education requirements that 839
otherwise would have to be met to renew the license under 840
section 4752.06 of the Revised Code. 841

Sec. 4752.08. (A) The state board of pharmacy may inspect 842
the operations and facility, and subpoena the records, ~~and~~ 843
~~compel testimony of employees~~ of any home medical equipment 844
services provider licensed or registered under this chapter. 845
Inspections shall be conducted as provided in rules adopted by 846
the board under section 4752.17 of the Revised Code. 847

~~(B) The board shall employ investigators who shall, under~~ 848
~~the direction of the executive director of the board,~~ 849
~~investigate complaints and conduct inspections. Pursuant to an~~ 850
~~investigation or inspection, investigators may review and audit~~ 851
~~records during normal business hours at the place of business of~~ 852
~~the person being investigated. The board and its employees shall~~ 853
~~not disclose confidential information obtained during an~~ 854
~~investigation, except pursuant to a court order.~~ 855

~~(C) The board shall send the provider a report of the~~ 856
results of an inspection. If the board determines that the 857

provider is not in compliance with any requirement of this 858
chapter applicable to providers licensed or registered under 859
this chapter, the board may direct the provider to attain 860
compliance. Failure of the provider to comply with the directive 861
is grounds for action by the board under division ~~(A)~~(B)(1) of 862
section 4752.09 of the Revised Code. 863

~~(D) A provider that disputes the results of an inspection 864
may file an appeal with the board not later than ninety days 865
after receiving the inspection report. The board shall review 866
the inspection report and, at the request of the provider, 867
conduct a new inspection. 868~~

(B) The board shall enforce, or cause to be enforced, this 869
chapter. If it has information that any provision of this 870
chapter has been violated, it shall investigate the matter and 871
take such action as it considers appropriate. 872

On request, records maintained under division (A)(5) of 873
section 4752.07 of the Revised Code shall be promptly produced 874
for inspection and copying by a board officer, agent, or 875
inspector. 876

Information received by the board pursuant to an 877
investigation is subject to section 4729.23 of the Revised Code. 878

Nothing in this chapter shall be construed to require the 879
board to enforce minor violations of this chapter if the board 880
determines that the public interest is adequately served by the 881
notice or warning to the alleged offender. 882

Sec. 4752.09. (A) The state board of pharmacy may, in 883
accordance with Chapter 119. of the Revised Code, ~~suspend or 884
revoke a license issued under this chapter or discipline impose 885
any one or more of the following sanctions on an applicant for a 886~~

license or certificate of registration issued under this chapter 887
or a license or certificate holder by imposing a fine of not 888
more than five thousand dollars or taking other disciplinary 889
action on any of the following grounds for any of the causes set 890
forth in division (B) of this section: 891

(1) Suspend, revoke, restrict, limit, or refuse to grant 892
or renew a license or certificate of registration; 893

(2) Reprimand or place the license or certificate holder 894
on probation; 895

(3) Impose a monetary penalty or forfeiture not to exceed 896
in severity any fine designated under the Revised Code for a 897
similar offense or not more than five thousand dollars if the 898
acts committed are not classified as an offense by the Revised 899
Code. 900

(B) The board may impose the sanctions listed in division 901
(A) of this section for any of the following: 902

(1) Violation of any provision of this chapter or an order 903
or rule of the board, as those provisions, orders, or rules are 904
applicable to persons licensed under this chapter; 905

(2) A plea of guilty to or a judicial finding of guilt of 906
a felony or a misdemeanor that involves dishonesty or is 907
directly related to the provision of home medical equipment 908
services; 909

(3) Making a material misstatement in furnishing 910
information to the board; 911

(4) Professional incompetence; 912

(5) Being guilty of negligence or gross misconduct in 913
providing home medical equipment services; 914

- (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; 915
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- (7) Failing, ~~within sixty days,~~ to provide information in response to a written request by the board; 919
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- (8) Engaging in conduct likely to deceive, defraud, or harm the public; 921
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- (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; 923
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- (10) Directly or indirectly giving to or receiving from any person a fee, commission, rebate, or other form of compensation for services not rendered; 927
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- (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; 930
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- (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; 934
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- (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. 939
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- ~~(B)~~ (C) The state board of pharmacy immediately may 942

suspend a license without a hearing if it determines that there 943
is evidence that the license holder is subject to actions under 944
this section and that there is clear and convincing evidence 945
that continued operation by the license holder presents an 946
immediate and serious harm to the public. ~~The president and~~ 947
~~executive director of the board shall make a preliminary~~ 948
~~determination and describe, by telephone conference or any other~~ 949
~~method of communication, the evidence on which they made their~~ 950
~~determination to the other members of the board. The board may~~ 951
~~by resolution designate another board member to act in place of~~ 952
~~the president of the board or another employee to act in the~~ 953
~~place of the executive director, in the event that the board~~ 954
~~president or executive director is unavailable or unable to act.~~ 955
On review of the evidence, the board may by a vote of not less 956
than seven of its members, suspend a license without a prior 957
hearing. The board shall follow the procedure for suspension 958
without a prior hearing in section 119.07 of the Revised Code. 959
The board may vote on the suspension by way of a telephone 960
conference call. 961

~~Immediately following the decision to suspend a license~~ 962
~~under this division, the board shall issue a written order of~~ 963
~~suspension and cause it to be delivered in accordance with~~ 964
~~section 119.07 of the Revised Code. The order shall not be~~ 965
~~subject to suspension by the court during the pendency of any~~ 966
~~appeal filed under section 119.12 of the Revised Code. If the~~ 967
~~license holder requests an adjudication hearing, the date set~~ 968
~~for the hearing shall be within fifteen days but not earlier~~ 969
~~than seven days after the license holder requests the hearing,~~ 970
~~unless another date is agreed to by the license holder and the~~ 971
~~board. A suspension under this division shall remain in~~ 972
effect, unless reversed by the board, until a final adjudication 973

order issued by the board pursuant to this section and Chapter 974
119. of the Revised Code becomes effective. The board shall 975
issue its final adjudication order not later than ninety days 976
after completion of the hearing. The board's failure to issue 977
the order by that day shall cause the summary suspension to end, 978
but shall not affect the validity of any subsequent final 979
adjudication order. 980

(D) If the board is required under Chapter 119. of the 981
Revised Code to give notice of an opportunity for a hearing and 982
the applicant or license or certificate holder does not make a 983
timely request for a hearing in accordance with section 119.07 984
of the Revised Code, the board is not required to hold a 985
hearing, but may adopt a final order that contains the board's 986
findings. In the final order, the board may impose any of the 987
sanctions listed in division (A) of this section. 988

(E) Notwithstanding the provision of division (C) (2) of 989
section 2953.32 of the Revised Code specifying that if records 990
pertaining to a criminal case are sealed under that section the 991
proceedings in the case must be deemed not to have occurred, 992
sealing of the following records on which the board has based an 993
action under this section shall have no effect on the board's 994
action or any sanction imposed by the board under this section: 995
records of any conviction, guilty plea, judicial finding of 996
guilt resulting from a plea of no contest, or a judicial finding 997
of eligibility for a pretrial diversion program or intervention 998
in lieu of conviction. The board shall not be required to seal, 999
destroy, redact, or otherwise modify its records to reflect the 1000
court's sealing of conviction records. 1001

Sec. 4752.17. (A) The state board of pharmacy shall adopt 1002
rules to implement and administer this chapter. The rules shall 1003

do all of the following:	1004
(1) Specify items considered to be home medical equipment	1005
for purposes of divisions (B) (1) and (2) of section 4752.01 of	1006
the Revised Code;	1007
(2) Establish procedures for issuance and renewal of	1008
licenses and certificates of registration under this chapter,	1009
including the duties that may be fulfilled by the board's	1010
executive director and other board employees;	1011
(3) Specify the national accrediting bodies the board	1012
recognizes for purposes of issuing certificates of registration	1013
under this chapter;	1014
(4) Establish standards an applicant must meet to be	1015
eligible to be granted a license under section 4752.05 of the	1016
Revised Code;	1017
(5) Establish standards for personnel policies, equipment	1018
storage, equipment maintenance, and record keeping to be	1019
followed by home medical equipment services providers licensed	1020
under this chapter;	1021
(6) Establish standards for continuing education programs	1022
in home medical equipment services for individuals who provide	1023
home medical equipment services while employed by or under the	1024
control of a home medical equipment services provider licensed	1025
under this chapter;	1026
(7) Establish standards and procedures for inspection of	1027
home medical equipment providers licensed under this chapter and	1028
the facilities from which their home medical equipment services	1029
are provided and for appeal of inspection results;	1030
(8) Establish fees for issuing and renewing licenses under	1031

this chapter, in an amount sufficient to meet the expenses the board incurs in administering the licensing program; 1032
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~~(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;~~ 1034
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~~(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; 1038
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~~(11)~~ (10) Establish any other standards, requirements, or procedures the board considers necessary for the implementation or administration of this chapter. 1042
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(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. 1045
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(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. 1048
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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. 1053
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Section 3. That Section 307.25 of Am. Sub. H.B. 49 of the 132nd General Assembly be amended to read as follows: 1057
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Sec. 307.25. KINSHIP CAREGIVER ~~CHILD CARE~~ PROGRAM 1059

Of the foregoing appropriation item 600689, TANF Block 1060
Grant, \$15,000,000 in ~~each~~ fiscal year 2018 shall be used to 1061
support a kinship caregiver child care program to provide child 1062
care to kinship caregivers, as defined in section 5101.85 of the 1063
Revised Code. 1064

Of the foregoing appropriation item 600689, TANF Block 1065
Grant, \$15,000,000 in fiscal year 2019 shall be used to support 1066
kinship care. Beginning on the effective date of this amendment, 1067
except as otherwise provided in this section, the Director of 1068
Job and Family Services shall use the unexpended, unencumbered 1069
portion of this earmark to allocate funds to county departments 1070
of job and family services. The funds shall be allocated by 1071
providing twelve per cent divided equally among all counties, 1072
forty-eight per cent in the ratio that the number of residents 1073
of the county under the age of eighteen bears to the total 1074
number of such persons residing in this state, and forty per 1075
cent in the ratio that the number of residents of the county 1076
with incomes under the federal poverty guideline bears to the 1077
total number of such persons in this state. Each public children 1078
services agency shall use these funds to provide reasonable and 1079
necessary relief of child caring functions so that kinship 1080
caregivers, as defined in section 5101.85 of the Revised Code, 1081
can provide and maintain a home for a child in place of a 1082
child's parents. When the public children services agency is 1083
designated under division (A) of section 5153.02 of the Revised 1084
Code, the county department of job and family services shall 1085
enter into a memorandum of understanding with the public 1086
children services agency authorizing the public children 1087
services agency to expend funds for this purpose up to the 1088
amount of the allocation. For a person who enrolled in the 1089
program before the effective date of this amendment, the person 1090

shall remain enrolled in the program pursuant to this section as 1091
it existed immediately prior to the effective date of this 1092
amendment. 1093

Beginning on the effective date of this amendment, each 1094
county department of job and family services shall incorporate 1095
the kinship caregiver support program into its prevention, 1096
retention, and contingency plan. For the purpose of this 1097
service, each child living with a kinship caregiver shall 1098
constitute a prevention, retention, and contingency plan 1099
assistance group of one. To qualify, the child must be eighteen 1100
years of age or younger. 1101

The Department of Job and Family Services may adopt rules 1102
in accordance with Chapter 119. of the Revised Code as necessary 1103
to carry out the purposes of this section. ~~Any rules shall at~~ 1104
~~least include eligibility criteria, benefit amounts, and~~ 1105
~~attendance tracking requirements.~~ 1106

If funding is no longer available, the kinship caregiver 1107
support program in this section shall end and any county 1108
department of job and family services or public children 1109
services agency shall not be held responsible for payment of 1110
services. 1111

Section 4. That existing Section 307.25 of Am. Sub. H.B. 1112
49 of the 132nd General Assembly is hereby repealed. 1113