

**As Reported by the House Health Committee**

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**Sub. S. B. No. 236**

**Senator Huffman, S.**

**Cosponsors: Senators Schaffer, Hackett, Antonio, Blessing, Burke, Craig, Dolan, Fedor, Gavarone, Hoagland, Hottinger, Huffman, M., Johnson, Kunze, Lehner, Maharath, Manning, Peterson, Roegner, Sykes, Wilson, Yuko Representative Clites**

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**A BILL**

To amend sections 339.10, 3748.04, 4729.01, 1  
4760.08, 4760.09, 4761.17, 4773.01, and 4773.061 2  
and to enact section 4773.10 of the Revised Code 3  
to revise the laws governing the Ohio Department 4  
of Health's Radiation Control Program, the 5  
regulation of radiation technology 6  
professionals, and the practice of 7  
anesthesiologist assistants and to specify that 8  
a nonprofit formed or acquired by a county 9  
hospital is a separate entity from the hospital. 10

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

**Section 1.** That sections 339.10, 3748.04, 4729.01, 11  
4760.08, 4760.09, 4761.17, 4773.01, and 4773.061 be amended and 12  
section 4773.10 of the Revised Code be enacted to read as 13  
follows: 14

**Sec. 339.10.** (A) The board of county hospital trustees of 15  
a county hospital may do either of the following: 16

(1) Form, or acquire control of, a domestic nonprofit corporation or a domestic nonprofit limited liability company;	17 18
(2) Be a partner, member, owner, associate, or participant in a nonprofit enterprise or nonprofit venture.	19 20
(B) A board of county hospital trustees of a county hospital forming, acquiring, or becoming involved with a nonprofit corporation, limited liability company, enterprise, or venture under division (A) of this section shall do so in furtherance of any of the following:	21 22 23 24 25
(1) To support the county hospital's mission;	26
(2) To provide for any or all health care or medical services, whether inpatient or outpatient services, diagnostic, treatment, care, or rehabilitation services, wellness services, services involving the prevention, detection, and control of disease, home health services or services provided at or through various facilities, education, training, and other necessary and related services for the health professions;	27 28 29 30 31 32 33
(3) The management or operation of any hospital facility as defined in division (E) of section 140.01 of the Revised Code;	34 35 36
(4) The management, operation, or participation in programs, projects, activities, and services useful to, connected with, supporting, or otherwise related to the health, wellness, and medical services and wellness programs provided in divisions (B) (2) and (3) of this section;	37 38 39 40 41
(5) Any other activities that are in furtherance of the county hospital or the persons served by the county hospital or are necessary to perform the county hospital's mission and functions and respond to change in the health care industry as	42 43 44 45

determined by the board of trustees. 46

(C) A nonprofit corporation, limited liability company, 47  
enterprise, or venture that a board of county hospital trustees 48  
of a county hospital forms, acquires, or becomes involved with 49  
under this section shall be considered an entity separate for 50  
all purposes from the county hospital, a county, a township, or 51  
other public entity and shall not be considered to be an agency, 52  
division, or department of a county, a township, or other public 53  
entity. 54

**Sec. 3748.04.** The director of health, in accordance with 55  
Chapter 119. of the Revised Code, shall adopt and may amend or 56  
rescind rules doing all of the following: 57

(A) Listing types of radioactive material for which 58  
licensure by its handler is required and types of radiation- 59  
generating equipment for which registration by its handler is 60  
required, and establishing requirements governing them. Rules 61  
adopted under division (A) of this section shall be compatible 62  
with applicable federal regulations and shall establish all of 63  
the following, without limitation: 64

(1) Requirements governing both of the following: 65

(a) The licensing and inspection of handlers of 66  
radioactive material. Standards established in rules adopted 67  
under division (A) (1) (a) of this section regarding byproduct 68  
material or any activity that results in the production of that 69  
material, to the extent practicable, shall be equivalent to or 70  
more stringent than applicable standards established by the 71  
United States nuclear regulatory commission. 72

(b) The registration and inspection of handlers of 73  
radiation-generating equipment. Standards established in rules 74

adopted under division (A) (1) (b) of this section, to the extent	75
practicable, shall be equivalent to applicable standards	76
established by the food and drug administration in the United	77
States department of health and human services.	78
(2) Identification of and requirements governing	79
possession and use of specifically licensed and generally	80
licensed quantities of radioactive material as either sealed	81
sources or unsealed sources;	82
(3) A procedure for the issuance of and the frequency of	83
renewal of the licenses of handlers of radioactive material,	84
other than a license for a facility for the disposal of low-	85
level radioactive waste, and of the certificates of registration	86
of handlers of radiation-generating equipment;	87
(4) Procedures for suspending and revoking the licenses of	88
handlers of radioactive material and the certificates of	89
registration of handlers of radiation-generating equipment;	90
(5) Criteria to be used by the director of health in	91
amending the license of a handler of radioactive material or the	92
certificate of registration of a handler of radiation-generating	93
equipment subsequent to its issuance;	94
(6) Criteria for achieving and maintaining compliance with	95
this chapter and rules adopted under it by licensees and	96
registrants;	97
(7) Criteria governing environmental monitoring of	98
licensed and registered activities to assess compliance with	99
this chapter and rules adopted under it;	100
(8) Fees for both of the following:	101
(a) The licensing of handlers, other than facilities for	102

the disposal of low-level radioactive waste, of radioactive	103
material;	104
(b) The registration of handlers, other than facilities	105
that are, or are operated by, medical practitioners or medical-	106
practitioner groups, of radiation-generating equipment.	107
(9) A fee schedule for both of the following that includes	108
fees for reviews, conducted during an inspection, of shielding	109
plans or the adequacy of shielding:	110
(a) The inspection of handlers of radioactive material;	111
(b) The inspection of handlers, other than facilities that	112
are, or are operated by, medical practitioners or medical-	113
practitioner groups, of radiation-generating equipment.	114
(B) (1) Identifying sources of radiation, circumstances of	115
possession, use, or disposal of sources of radiation, and levels	116
of radiation that constitute an unreasonable or unnecessary risk	117
to human health or the environment;	118
(2) Establishing requirements for the achievement and	119
maintenance of compliance with standards for the receipt,	120
possession, use, storage, installation, transfer, servicing, and	121
disposal of sources of radiation to prevent levels of radiation	122
that constitute an unreasonable or unnecessary risk to human	123
health or the environment;	124
(3) Requiring the maintenance of records on the receipt,	125
use, storage, transfer, and disposal of radioactive material,	126
including technologically enhanced naturally occurring	127
radioactive material, and on the radiological safety aspects of	128
the use and maintenance of radiation-generating equipment. The	129
rules adopted under division (B) (3) of this section shall not	130
require maintenance of records regarding naturally occurring	131

radioactive material. 132

In adopting rules under divisions (A) and (B) of this 133  
section, the director shall do the following: use standards no 134  
less stringent than the ~~"suggested state regulations for control-~~ 135  
~~of radiation"~~ prepared by the conference of radiation control- 136  
~~program directors, inc.,~~ and regulations adopted by the United 137  
States nuclear regulatory commission, the United States 138  
environmental protection agency, and the United States 139  
department of health and human services ~~and shall consider;~~ 140  
consider reports of the national council on radiation protection 141  
and ~~measurement~~ measurements and the relevant standards of the 142  
American national standards institute; and use the "Suggested 143  
State Regulations for Control of Radiation" prepared by the 144  
conference of radiation control program directors, inc., except 145  
that the director may deviate from those regulations if the 146  
director determines that doing so is warranted and does not pose 147  
a health, environmental, or safety risk. 148

(C) Establishing fees, procedures, and requirements for 149  
certification as a radiation expert, including all of the 150  
following, without limitation: 151

(1) Minimum training and experience requirements; 152

(2) Procedures for applying for certification; 153

(3) Procedures for review of applications and issuance of 154  
certificates; 155

(4) Procedures for suspending and revoking certification. 156

(D) Establishing a schedule for inspection of sources of 157  
radiation and their shielding and surroundings; 158

(E) Establishing the responsibilities of a radiation 159

expert;	160
(F) Establishing criteria for quality assurance programs	161
for licensees of radioactive material and registrants of	162
radiation-generating equipment;	163
(G) Establishing fees to be paid by any facility that, on	164
September 8, 1995, holds a license from the United States	165
nuclear regulatory commission in order to provide moneys	166
necessary for the transfer of licensing and other regulatory	167
authority from the commission to the state pursuant to section	168
3748.03 of the Revised Code. Rules adopted under this division	169
shall stipulate that fees so established do not apply to any	170
functions dealing specifically with a facility for the disposal	171
of low-level radioactive waste. Fees collected under this	172
division shall be deposited into the state treasury to the	173
credit of the general operations fund created in section 3701.83	174
of the Revised Code. The fees shall be used solely to administer	175
and enforce this chapter and rules adopted under it.	176
(H) Establishing fees to be collected annually from	177
generators of low-level radioactive waste, which shall be based	178
upon the volume and radioactivity of the waste generated and the	179
costs of administering low-level radioactive waste management	180
activities under this chapter and rules adopted under it. All	181
fees collected under this division shall be deposited into the	182
state treasury to the credit of the general operations fund	183
created in section 3701.83 of the Revised Code. The fees shall	184
be used solely to administer and enforce this chapter and rules	185
adopted under it. Any fee required under this division that	186
remains unpaid on the ninety-first day after the original	187
invoice date shall be assessed an additional amount equal to ten	188
per cent of the original fee.	189

(I) Establishing requirements governing closure, 190  
decontamination, decommissioning, reclamation, and long-term 191  
surveillance and care of a facility licensed under this chapter 192  
and rules adopted under it. Rules adopted under division (I) of 193  
this section shall include, without limitation, all of the 194  
following: 195

(1) Standards and procedures to ensure that a licensee 196  
prepares a decommissioning funding plan that provides an 197  
adequate financial guaranty to permit the completion of all 198  
requirements governing the closure, decontamination, 199  
decommissioning, and reclamation of sites, structures, and 200  
equipment used in conjunction with a licensed activity; 201

(2) For licensed activities where radioactive material 202  
that will require surveillance or care is likely to remain at 203  
the site after the licensed activities cease, as indicated in 204  
the application for the license submitted under section 3748.07 205  
of the Revised Code, standards and procedures to ensure that the 206  
licensee prepares an additional decommissioning funding plan for 207  
long-term surveillance and care, before termination of the 208  
license, that provides an additional adequate financial guaranty 209  
as necessary to provide for that surveillance and care; 210

(3) For the purposes of the decommissioning funding plans 211  
required in rules adopted under divisions (I)(1) and (2) of this 212  
section, the types of acceptable financial guaranties, which 213  
shall include bonds issued by fidelity or surety companies 214  
authorized to do business in the state, certificates of deposit, 215  
deposits of government securities, irrevocable letters or lines 216  
of credit, trust funds, escrow accounts, or other similar types 217  
of arrangements, but shall not include any arrangement that 218  
constitutes self-insurance; 219

(4) A requirement that the decommissioning funding plans 220  
required in rules adopted under divisions (I) (1) and (2) of this 221  
section contain financial guaranties in amounts sufficient to 222  
ensure compliance with any standards established by the United 223  
States nuclear regulatory commission, or by the state if it has 224  
become an agreement state pursuant to section 3748.03 of the 225  
Revised Code, pertaining to closure, decontamination, 226  
decommissioning, reclamation, and long-term surveillance and 227  
care of licensed activities and sites of licensees. 228

Standards established in rules adopted under division (I) 229  
of this section regarding any activity that resulted in the 230  
production of byproduct material, as defined in division (A) (2) 231  
of section 3748.01 of the Revised Code, to the extent 232  
practicable, shall be equivalent to or more stringent than 233  
standards established by the United States nuclear regulatory 234  
commission for sites at which ores were processed primarily for 235  
their source material content and at which byproduct material, 236  
as defined in division (A) (2) of section 3748.01 of the Revised 237  
Code, is deposited. 238

(J) Establishing criteria governing inspections of a 239  
facility for the disposal of low-level radioactive waste, 240  
including, without limitation, the establishment of a resident 241  
inspector program at such a facility; 242

(K) Establishing requirements and procedures governing the 243  
filing of complaints under section 3748.16 of the Revised Code, 244  
including, without limitation, those governing intervention in a 245  
hearing held under division (B) (3) of that section; 246

(L) Establishing requirements governing technologically 247  
enhanced naturally occurring radioactive material. Rules adopted 248  
under this division shall not apply to naturally occurring 249

radioactive material.	250
<b>Sec. 4729.01.</b> As used in this chapter:	251
(A) "Pharmacy," except when used in a context that refers	252
to the practice of pharmacy, means any area, room, rooms, place	253
of business, department, or portion of any of the foregoing	254
where the practice of pharmacy is conducted.	255
(B) "Practice of pharmacy" means providing pharmacist care	256
requiring specialized knowledge, judgment, and skill derived	257
from the principles of biological, chemical, behavioral, social,	258
pharmaceutical, and clinical sciences. As used in this division,	259
"pharmacist care" includes the following:	260
(1) Interpreting prescriptions;	261
(2) Dispensing drugs and drug therapy related devices;	262
(3) Compounding drugs;	263
(4) Counseling individuals with regard to their drug	264
therapy, recommending drug therapy related devices, and	265
assisting in the selection of drugs and appliances for treatment	266
of common diseases and injuries and providing instruction in the	267
proper use of the drugs and appliances;	268
(5) Performing drug regimen reviews with individuals by	269
discussing all of the drugs that the individual is taking and	270
explaining the interactions of the drugs;	271
(6) Performing drug utilization reviews with licensed	272
health professionals authorized to prescribe drugs when the	273
pharmacist determines that an individual with a prescription has	274
a drug regimen that warrants additional discussion with the	275
prescriber;	276

(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	277 278 279
(8) Acting pursuant to a consult agreement, if an agreement has been established;	280 281
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	282 283
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	284 285
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	286 287 288
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	289 290
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	291 292
(3) As an incident to research, teaching activities, or chemical analysis;	293 294
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	295 296 297
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:	298 299 300 301 302
(a) At the time the request is made, the drug is not	303

commercially available regardless of the reason that the drug is 304  
not available, including the absence of a manufacturer for the 305  
drug or the lack of a readily available supply of the drug from 306  
a manufacturer. 307

(b) A limited quantity of the drug is compounded and 308  
provided to the professional. 309

(c) The drug is compounded and provided to the 310  
professional as an occasional exception to the normal practice 311  
of dispensing drugs pursuant to patient-specific prescriptions. 312

(D) "Consult agreement" means an agreement that has been 313  
entered into under section 4729.39 of the Revised Code. 314

(E) "Drug" means: 315

(1) Any article recognized in the United States 316  
pharmacopoeia and national formulary, or any supplement to them, 317  
intended for use in the diagnosis, cure, mitigation, treatment, 318  
or prevention of disease in humans or animals; 319

(2) Any other article intended for use in the diagnosis, 320  
cure, mitigation, treatment, or prevention of disease in humans 321  
or animals; 322

(3) Any article, other than food, intended to affect the 323  
structure or any function of the body of humans or animals; 324

(4) Any article intended for use as a component of any 325  
article specified in division (E) (1), (2), or (3) of this 326  
section; but does not include devices or their components, 327  
parts, or accessories. 328

"Drug" does not include "hemp" or a "hemp product" as 329  
those terms are defined in section 928.01 of the Revised Code. 330

(F) "Dangerous drug" means any of the following:	331
(1) Any drug to which either of the following applies:	332
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52	333
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is	334
required to bear a label containing the legend "Caution: Federal	335
law prohibits dispensing without prescription" or "Caution:	336
Federal law restricts this drug to use by or on the order of a	337
licensed veterinarian" or any similar restrictive statement, or	338
the drug may be dispensed only upon a prescription;	339
(b) Under Chapter 3715. or 3719. of the Revised Code, the	340
drug may be dispensed only upon a prescription.	341
(2) Any drug that contains a schedule V controlled	342
substance and that is exempt from Chapter 3719. of the Revised	343
Code or to which that chapter does not apply;	344
(3) Any drug intended for administration by injection into	345
the human body other than through a natural orifice of the human	346
body;	347
(4) Any drug that is a biological product, as defined in	348
section 3715.01 of the Revised Code.	349
(G) "Federal drug abuse control laws" has the same meaning	350
as in section 3719.01 of the Revised Code.	351
(H) "Prescription" means all of the following:	352
(1) A written, electronic, or oral order for drugs or	353
combinations or mixtures of drugs to be used by a particular	354
individual or for treating a particular animal, issued by a	355
licensed health professional authorized to prescribe drugs;	356
(2) For purposes of sections 2925.61, 4723.484, 4730.434,	357

and 4731.94 of the Revised Code, a written, electronic, or oral 358  
order for naloxone issued to and in the name of a family member, 359  
friend, or other individual in a position to assist an 360  
individual who there is reason to believe is at risk of 361  
experiencing an opioid-related overdose. 362

(3) For purposes of section 4729.44 of the Revised Code, a 363  
written, electronic, or oral order for naloxone issued to and in 364  
the name of either of the following: 365

(a) An individual who there is reason to believe is at 366  
risk of experiencing an opioid-related overdose; 367

(b) A family member, friend, or other individual in a 368  
position to assist an individual who there is reason to believe 369  
is at risk of experiencing an opioid-related overdose. 370

(4) For purposes of sections 4723.4810, 4729.282, 371  
4730.432, and 4731.93 of the Revised Code, a written, 372  
electronic, or oral order for a drug to treat chlamydia, 373  
gonorrhoea, or trichomoniasis issued to and in the name of a 374  
patient who is not the intended user of the drug but is the 375  
sexual partner of the intended user; 376

(5) For purposes of sections 3313.7110, 3313.7111, 377  
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 378  
4731.96, and 5101.76 of the Revised Code, a written, electronic, 379  
or oral order for an epinephrine autoinjector issued to and in 380  
the name of a school, school district, or camp; 381

(6) For purposes of Chapter 3728. and sections 4723.483, 382  
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 383  
electronic, or oral order for an epinephrine autoinjector issued 384  
to and in the name of a qualified entity, as defined in section 385  
3728.01 of the Revised Code. 386

(I) "Licensed health professional authorized to prescribe drugs" or "prescriber" means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice, including only the following:	387 388 389 390 391
(1) A dentist licensed under Chapter 4715. of the Revised Code;	392 393
(2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a current, valid license issued under Chapter 4723. of the Revised Code to practice nursing as an advanced practice registered nurse;	394 395 396 397
(3) A certified registered nurse anesthetist who holds a current, valid license issued under Chapter 4723. of the Revised Code to practice nursing as an advanced practice registered nurse, but only to the extent of the nurse's authority under sections 4723.43 and 4723.434 of the Revised Code;	398 399 400 401 402
(4) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;	403 404 405
(5) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	406 407 408
(6) A physician assistant who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority;	409 410 411 412 413
(7) A veterinarian licensed under Chapter 4741. of the Revised Code;	414 415

(8) An anesthesiologist assistant who holds a current, 416  
valid license issued under Chapter 4760. of the Revised Code, 417  
but only to the extent of the anesthesiologist assistant's 418  
authority under sections 4760.08 and 4760.09 of the Revised 419  
Code. 420

(J) "Sale" or "sell" includes any transaction made by any 421  
person, whether as principal proprietor, agent, or employee, to 422  
do or offer to do any of the following: deliver, distribute, 423  
broker, exchange, gift or otherwise give away, or transfer, 424  
whether the transfer is by passage of title, physical movement, 425  
or both. 426

(K) "Wholesale sale" and "sale at wholesale" mean any sale 427  
in which the purpose of the purchaser is to resell the article 428  
purchased or received by the purchaser. 429

(L) "Retail sale" and "sale at retail" mean any sale other 430  
than a wholesale sale or sale at wholesale. 431

(M) "Retail seller" means any person that sells any 432  
dangerous drug to consumers without assuming control over and 433  
responsibility for its administration. Mere advice or 434  
instructions regarding administration do not constitute control 435  
or establish responsibility. 436

(N) "Price information" means the price charged for a 437  
prescription for a particular drug product and, in an easily 438  
understandable manner, all of the following: 439

(1) The proprietary name of the drug product; 440

(2) The established (generic) name of the drug product; 441

(3) The strength of the drug product if the product 442  
contains a single active ingredient or if the drug product 443

contains more than one active ingredient and a relevant strength 444  
can be associated with the product without indicating each 445  
active ingredient. The established name and quantity of each 446  
active ingredient are required if such a relevant strength 447  
cannot be so associated with a drug product containing more than 448  
one ingredient. 449

(4) The dosage form; 450

(5) The price charged for a specific quantity of the drug 451  
product. The stated price shall include all charges to the 452  
consumer, including, but not limited to, the cost of the drug 453  
product, professional fees, handling fees, if any, and a 454  
statement identifying professional services routinely furnished 455  
by the pharmacy. Any mailing fees and delivery fees may be 456  
stated separately without repetition. The information shall not 457  
be false or misleading. 458

(O) "Wholesale distributor of dangerous drugs" or 459  
"wholesale distributor" means a person engaged in the sale of 460  
dangerous drugs at wholesale and includes any agent or employee 461  
of such a person authorized by the person to engage in the sale 462  
of dangerous drugs at wholesale. 463

(P) "Manufacturer of dangerous drugs" or "manufacturer" 464  
means a person, other than a pharmacist or prescriber, who 465  
manufactures dangerous drugs and who is engaged in the sale of 466  
those dangerous drugs. 467

(Q) "Terminal distributor of dangerous drugs" or "terminal 468  
distributor" means a person who is engaged in the sale of 469  
dangerous drugs at retail, or any person, other than a 470  
manufacturer, repackager, outsourcing facility, third-party 471  
logistics provider, wholesale distributor, or pharmacist, who 472

has possession, custody, or control of dangerous drugs for any 473  
purpose other than for that person's own use and consumption. 474  
"Terminal distributor" includes pharmacies, hospitals, nursing 475  
homes, and laboratories and all other persons who procure 476  
dangerous drugs for sale or other distribution by or under the 477  
supervision of a pharmacist, licensed health professional 478  
authorized to prescribe drugs, or other person authorized by the 479  
state board of pharmacy. 480

(R) "Promote to the public" means disseminating a 481  
representation to the public in any manner or by any means, 482  
other than by labeling, for the purpose of inducing, or that is 483  
likely to induce, directly or indirectly, the purchase of a 484  
dangerous drug at retail. 485

(S) "Person" includes any individual, partnership, 486  
association, limited liability company, or corporation, the 487  
state, any political subdivision of the state, and any district, 488  
department, or agency of the state or its political 489  
subdivisions. 490

(T) "Animal shelter" means a facility operated by a humane 491  
society or any society organized under Chapter 1717. of the 492  
Revised Code or a dog pound operated pursuant to Chapter 955. of 493  
the Revised Code. 494

(U) "Food" has the same meaning as in section 3715.01 of 495  
the Revised Code. 496

(V) "Pain management clinic" has the same meaning as in 497  
section 4731.054 of the Revised Code. 498

(W) "Investigational drug or product" means a drug or 499  
product that has successfully completed phase one of the United 500  
States food and drug administration clinical trials and remains 501

under clinical trial, but has not been approved for general use 502  
by the United States food and drug administration. 503

"Investigational drug or product" does not include controlled 504  
substances in schedule I, as defined in section 3719.01 of the 505  
Revised Code. 506

(X) "Product," when used in reference to an 507  
investigational drug or product, means a biological product, 508  
other than a drug, that is made from a natural human, animal, or 509  
microorganism source and is intended to treat a disease or 510  
medical condition. 511

(Y) "Third-party logistics provider" means a person that 512  
provides or coordinates warehousing or other logistics services 513  
pertaining to dangerous drugs including distribution, on behalf 514  
of a manufacturer, wholesale distributor, or terminal 515  
distributor of dangerous drugs, but does not take ownership of 516  
the drugs or have responsibility to direct the sale or 517  
disposition of the drugs. 518

(Z) "Repackager of dangerous drugs" or "repackager" means 519  
a person that repacks and relabels dangerous drugs for sale or 520  
distribution. 521

(AA) "Outsourcing facility" means a facility that is 522  
engaged in the compounding and sale of sterile drugs and is 523  
registered as an outsourcing facility with the United States 524  
food and drug administration. 525

(BB) "Laboratory" means a laboratory licensed under this 526  
chapter as a terminal distributor of dangerous drugs and 527  
entrusted to have custody of any of the following drugs and to 528  
use the drugs for scientific and clinical purposes and for 529  
purposes of instruction: dangerous drugs that are not controlled 530

substances, as defined in section 3719.01 of the Revised Code; 531  
dangerous drugs that are controlled substances, as defined in 532  
that section; and controlled substances in schedule I, as 533  
defined in that section. 534

**Sec. 4760.08.** (A) An anesthesiologist assistant shall 535  
~~practice only under the direct supervision and in the immediate~~ 536  
~~presence of a physician who is actively and directly engaged in~~ 537  
~~the clinical practice of medicine as of an anesthesiologist and~~ 538  
in a manner consistent with a written practice protocol 539  
described in division (B) of this section and the 540  
anesthesiologist assistant's education, training, and licensure. 541  
~~An anesthesiologist assistant shall not practice in any location~~ 542  
~~other than a hospital or ambulatory surgical facility. At all~~ 543  
~~times when an anesthesiologist assistant is providing direct~~ 544  
~~patient care, the anesthesiologist assistant shall display in an~~ 545  
~~appropriate manner the title "anesthesiologist assistant" as a~~ 546  
~~means of identifying the individual's authority to practice~~ 547  
~~under this chapter.~~ 548

(B) Each anesthesiologist who agrees to act as the 549  
supervising anesthesiologist of an anesthesiologist assistant 550  
shall adopt a written practice protocol that is consistent with 551  
section 4760.09 of the Revised Code and delineates the services 552  
that the anesthesiologist assistant is authorized to provide and 553  
the manner in which the anesthesiologist will supervise the 554  
anesthesiologist assistant. The supervising anesthesiologist 555  
shall base the provisions of the protocol on consideration of 556  
relevant quality assurance standards, including regular review 557  
by the anesthesiologist of the medical records of the patients 558  
of the anesthesiologist assistant. 559

The supervising anesthesiologist shall supervise the 560

anesthesiologist assistant in accordance with the terms of the 561  
protocol under which the assistant practices and the rules for 562  
supervision of anesthesiologist assistants adopted by the state 563  
medical board under this chapter and Chapter 4731. of the 564  
Revised Code. ~~The board's rules shall include requirements for~~ 565  
~~enhanced supervision of an anesthesiologist assistant during the~~ 566  
~~first four years of practice.~~ 567

(C) At all times when an anesthesiologist assistant is 568  
providing direct patient care, the anesthesiologist assistant 569  
shall display in an appropriate manner the title 570  
"anesthesiologist assistant" as a means of identifying the 571  
individual's authority to practice under this chapter. 572

**Sec. 4760.09.** ~~If (A) Subject to division (B) of this~~ 573  
~~section, if the practice and supervision requirements of section~~ 574  
4760.08 of the Revised Code are being met, an anesthesiologist 575  
assistant may ~~assist the supervising anesthesiologist in~~ 576  
~~developing and implementing an anesthesia care plan for a~~ 577  
~~patient. In providing assistance to the supervising~~ 578  
~~anesthesiologist, an anesthesiologist assistant may do any of~~ 579  
~~the following:~~ 580

~~(A) Obtain~~ engage in any of the following activities: 581

(1) Developing and implementing anesthesia care plans; 582

(2) Performing anesthesia induction, maintenance, and 583  
emergence, including by administering anesthetic, adjuvant, and 584  
accessory drugs; 585

(3) Performing epidural or spinal anesthetic procedures; 586

(4) Obtaining and interpreting information from anesthesia 587  
delivery systems; 588

<u>(5) Administering intermittent vasoactive drugs and</u>	589
<u>starting and adjusting vasoactive infusion;</u>	590
<u>(6) Obtaining a comprehensive patient history and present-</u>	591
<u>presenting the history to the supervising anesthesiologist;</u>	592
<del>(B) Pretest</del> <u>(7) Testing and calibrate-calibrating</u>	593
<del>anesthesia delivery systems and monitor and obtain and interpret-</del>	594
<del>information from the systems and monitors;</del>	595
<del>(C) Assist the supervising anesthesiologist with the</del>	596
<del>implementation of medically accepted monitoring techniques;</del>	597
<del>(D) Establish</del> <u>(8) Establishing basic and advanced airway</u>	598
<del>interventions, including intubation of the trachea and-</del>	599
<del>performing tracheal intubations and ventilatory support;</del>	600
<del>(E) Administer intermittent vasoactive drugs and start and-</del>	601
<del>adjust vasoactive infusions;</del>	602
<del>(F) Administer anesthetic drugs, adjuvant drugs, and</del>	603
<del>accessory drugs;</del>	604
<del>(G) Assist the supervising anesthesiologist with the</del>	605
<del>performance of epidural anesthetic procedures and spinal-</del>	606
<del>anesthetic procedures;</del>	607
<del>(H) Administer</del> <u>(9) Administering blood, blood products,</u>	608
<del>and supportive fluids;</del>	609
<u>(10) Obtaining informed consent for anesthesia care;</u>	610
<u>(11) Performing preanesthetic preparation and evaluation,</u>	611
<u>postanesthetic preparation and evaluation, postanesthesia care,</u>	612
<u>clinical support functions, and any other function described in</u>	613
<u>the written practice protocol adopted under division (B) of</u>	614
<u>section 4760.08 of the Revised Code;</u>	615

(12) Performing and documenting evaluations and 616  
assessments, including ordering and evaluating one or more 617  
diagnostic tests for conditions related to the administration of 618  
anesthesia; 619

(13) As necessary for patient management and care, 620  
selecting, ordering, and administering treatments, drugs, and 621  
intravenous fluids for conditions related to the administration 622  
of anesthesia; 623

(14) As necessary for patient management and care, 624  
directing registered nurses, licensed practical nurses, and 625  
respiratory therapists to do either or both of the following if 626  
authorized by law to do so: 627

(a) Provide supportive care, including by monitoring vital 628  
signs, conducting electrocardiograms, and administering 629  
intravenous fluids; 630

(b) Administer treatments, drugs, and intravenous fluids 631  
to treat conditions related to the administration of anesthesia. 632

(B) An anesthesiologist assistant may engage in the 633  
activities described in divisions (A)(1) to (5) of this section 634  
only if the anesthesiologist assistant is in the immediate 635  
presence of an anesthesiologist. 636

**Sec. 4761.17.** All of the following apply to the practice 637  
of respiratory care by a person who holds a license or limited 638  
permit issued under this chapter: 639

(A) The person shall practice only pursuant to a 640  
prescription or other order for respiratory care issued by any 641  
of the following: 642

(1) A physician; 643

(2) A clinical nurse specialist, certified nurse-midwife, 644  
or certified nurse practitioner who holds a current, valid 645  
license issued under Chapter 4723. of the Revised Code to 646  
practice nursing as an advanced practice registered nurse and 647  
has entered into a standard care arrangement with a physician; 648

(3) A certified registered nurse anesthetist who holds a 649  
current, valid license issued under Chapter 4723. of the Revised 650  
Code to practice nursing as an advanced practice registered 651  
nurse and acts in compliance with sections 4723.43, 4723.433, 652  
and 4723.434 of the Revised Code; 653

(4) An anesthesiologist assistant who holds a current, 654  
valid license issued under Chapter 4760. of the Revised Code and 655  
acts in compliance with sections 4760.08 and 4760.09 of the 656  
Revised Code; 657

(5) A physician assistant who holds a valid prescriber 658  
number issued by the state medical board, has been granted 659  
physician-delegated prescriptive authority, and has entered into 660  
a supervision agreement that allows the physician assistant to 661  
prescribe or order respiratory care services. 662

(B) The person shall practice only under the supervision 663  
of any of the following: 664

(1) A physician; 665

(2) A certified nurse practitioner, certified nurse- 666  
midwife, or clinical nurse specialist; 667

(3) A physician assistant who is authorized to prescribe 668  
or order respiratory care services as provided in division ~~(A)~~ 669  
~~(4)~~ (5) of this section. 670

(C) (1) When practicing under the prescription or order of 671

a certified nurse practitioner, certified nurse midwife, or 672  
clinical nurse specialist or under the supervision of such a 673  
nurse, the person's administration of medication that requires a 674  
prescription is limited to the drugs that the nurse is 675  
authorized to prescribe pursuant to section 4723.481 of the 676  
Revised Code. 677

(2) When practicing under the order of a certified 678  
registered nurse anesthetist, the person's administration of 679  
medication is limited to the drugs that the nurse is authorized 680  
to order or direct the person to administer, as provided in 681  
sections 4723.43, 4723.433, and 4723.434 of the Revised Code. 682

(3) When practicing under the order of an anesthesiologist 683  
assistant, the person's administration of medication is limited 684  
to the drugs that the anesthesiologist assistant is authorized 685  
to order or direct the person to administer, as provided in 686  
sections 4760.08 and 4760.09 of the Revised Code. 687

(4) When practicing under the prescription or order of a 688  
physician assistant or under the supervision of a physician 689  
assistant, the person's administration of medication that 690  
requires a prescription is limited to the drugs that the 691  
physician assistant is authorized to prescribe pursuant to the 692  
physician assistant's physician-delegated prescriptive 693  
authority. 694

**Sec. 4773.01.** As used in this chapter: 695

(A) "General x-ray machine operator" means an individual 696  
who operates ionizing radiation-generating equipment in order to 697  
perform standard radiology procedures; whose performance of such 698  
procedures is limited to specific body sites; and who does not, 699  
to any significant degree, determine procedure positioning or 700

the dosage of radiation to which a patient is exposed. 701

(B) "Chiropractor" means an individual licensed under 702  
Chapter 4734. of the Revised Code to practice chiropractic. 703

(C) "Ionizing radiation" means any electromagnetic or 704  
particulate radiation that interacts with atoms to produce 705  
ionization in matter, including x-rays, gamma rays, alpha and 706  
beta particles, high speed electrons, neutrons, and other 707  
nuclear particles. 708

(D) "Physician" means an individual authorized under 709  
Chapter 4731. of the Revised Code to practice medicine and 710  
surgery or osteopathic medicine and surgery. 711

(E) "Podiatrist" means an individual authorized under 712  
Chapter 4731. of the Revised Code to practice podiatric medicine 713  
and surgery. 714

(F) "Nuclear medicine technologist" means an individual 715  
who ~~prepares~~ does all of the following: 716

(1) Prepares and administers radio-pharmaceuticals to 717  
human beings ~~and conducts;~~ 718

(2) Conducts in vivo or in vitro detection and measurement 719  
of ~~radioactivity~~ radioactivity for medical purposes; 720

(3) Documents orders for radio-pharmaceuticals in patient 721  
medical records. 722

(G) "Radiation therapy technologist" means an individual 723  
who utilizes ionizing radiation-generating equipment, including 724  
therapy simulator radiation-generating equipment, for 725  
therapeutic purposes on human beings. 726

"Radiation therapy technologist" is the same as a 727

radiation therapist. 728

(H) "Radiographer" means an individual who ~~operates~~ 729  
~~ionizing radiation-generating equipment, administers contrast,~~ 730  
~~and determines procedure positioning and the dosage of ionizing~~ 731  
~~radiation~~ does all of the following in order to perform a 732  
comprehensive scope of radiology procedures on human beings; 733

(1) Operates ionizing radiation-generating equipment; 734

(2) Administers contrast; 735

(3) Documents orders for contrast in patient medical 736  
records; 737

(4) Determines procedure positioning; 738

(5) Determines the dosage of ionizing radiation. 739

(I) "Mechanotherapist" means an individual who holds a 740  
certificate issued under section 4731.15 of the Revised Code 741  
authorizing the individual to practice mechanotherapy. 742

**Sec. 4773.061.** Subject to section 4773.06 of the Revised 743  
Code, a radiation therapy technologist or nuclear medicine 744  
technologist may perform computed tomography procedures if the 745  
technologist is certified in computed tomography by a national 746  
certifying organization approved by the director of health under 747  
section 4773.08 of the Revised Code. 748

When performing computed tomography procedures, the 749  
~~radiation therapy technologist or nuclear medicine technologist~~ 750  
shall act in accordance with rules adopted under section 4773.08 751  
of the Revised Code. In the case of a nuclear medicine 752  
technologist, the technologist also shall act in a manner that 753  
is consistent with a definitive set of treatment guidelines, as 754  
described in section 4773.10 of the Revised Code. 755

Sec. 4773.10. As used in this section, "clinical leadership" includes an institution's medical director and director of radiology. 756  
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When engaging in an activity pursuant to a license issued under this chapter to practice as a radiographer or nuclear medicine technologist, the radiographer or nuclear medicine technologist shall do so in a manner that is consistent with a definitive set of treatment guidelines approved by the clinical leadership of the institution at which the radiographer or technologist practices. 759  
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**Section 2.** That existing sections 339.10, 3748.04, 4729.01, 4760.08, 4760.09, 4761.17, 4773.01, and 4773.061 of the Revised Code are hereby repealed. 766  
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**Section 3.** Section 4729.01 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 203 and H.B. 101 of the 133rd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act. 769  
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