

# AN ACT

To amend sections 3319.221, 4729.41, 4729.92, 4729.921, 4731.512, and 4928.66 and to enact sections 3792.03, 4729.42, and 4928.661 of the Revised Code and to amend Section 30 of H.B. 197 of the 133rd General Assembly to modify the laws governing certain health professionals and educator preparation programs due to COVID-19 and other circumstances and to modify the electric utility laws regarding energy efficiency programs; to amend the version of section 4729.92 of the Revised Code that is scheduled to take effect on October 9, 2021, to continue the changes to that section on and after that date; and to declare an emergency.

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

SECTION 1. That sections 3319.221, 4729.41, 4729.92, 4729.921, 4731.512, and 4928.66 be amended and sections 3792.03, 4729.42, and 4928.661 of the Revised Code be enacted to read as follows:

Sec. 3319.221. (A) The state board of education, the department of education, any city, local, exempted village, and joint vocational school district board of education, and any other public school, as defined in section 3301.0711 of the Revised Code, shall not require a separate pupil services license issued by the state board as a credential for working in a public school, on either a permanent basis or a substitute or other temporary basis, for the following licensed professionals:

(1) A speech-language pathologist who holds a currently valid license issued under Chapter 4753. of the Revised Code;

(2) An audiologist who holds a currently valid license issued under Chapter 4753. of the Revised Code;

(3) A registered nurse who holds a bachelor's degree ~~in nursing~~ and a currently valid license issued under Chapter 4723. of the Revised Code;

(4) A physical therapist who holds a currently valid license issued under Chapter 4755. of the Revised Code;

(5) An occupational therapist who holds a currently valid license issued under Chapter 4755. of the Revised Code;

(6) A physical therapy assistant who holds a currently valid license issued under Chapter 4755. of the Revised Code;

(7) An occupational therapy assistant who holds a currently valid license issued under Chapter 4755. of the Revised Code;

(8) A social worker who holds a currently valid license issued under Chapter 4757. of the Revised Code.

(B) A person employed by a school district or school for any of the occupations listed in

divisions (A)(1) to (8) of this section shall be required to apply for and receive a registration from the department of education. The registration shall be valid for five years. As a condition of registration under this section, an individual shall be subject to a criminal records check as prescribed by section 3319.391 of the Revised Code. In the manner prescribed by the department, the individual shall submit the criminal records check to the department. The department shall use the information submitted to enroll the individual in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under sections 3319.22 to 3319.31 of the Revised Code.

If the department receives notification of the arrest or conviction of an individual registered under division (B) of this section, the department shall promptly notify the employing district and may take any action authorized under sections 3319.31 and 3319.311 of the Revised Code that it considers appropriate. No district shall employ any individual under division (A) of this section if the district learns that the individual has plead guilty to, has been found guilty by a jury or court of, or has been convicted of any of the offenses listed in division (C) of section 3319.31 of the Revised Code.

(C) The department shall charge a registration fee of one hundred fifty dollars each for the initial registration and one hundred fifty dollars for renewal of the registration.

Sec. 3792.03. No individual authorized to administer a vaccine shall administer to a minor a COVID-19 vaccine without first obtaining written permission from the minor's parent or legal guardian.

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

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

~~(b) Only pursuant to a prescription, administer to individuals~~ In the case of an individual who are is seven years of age or older but not more than thirteen years of age any of the immunizations included in division (A)(2) of this section, administer to the individual an immunization for any of the following:

(i) Influenza;

(ii) COVID-19;

(iii) Any other disease, but only pursuant to a prescription.

~~(e) Administer to individuals~~ (b) In the case of an individual who are is thirteen years of age or older any of the immunizations included in division (A)(2) of this section, administer to the individual an immunization for any disease, including an immunization for influenza or COVID-19.

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

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

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

~~(ii) The recommended adult immunization schedule.~~

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

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

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

(1) Successfully complete a course in the administration of immunizations that meets the requirements established in rules adopted under this section for such courses;

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

(3) Practice in accordance with a protocol that meets the requirements of division (C) of this section.

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

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

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

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

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

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

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

(c) For each immunization administered by a pharmacist or pharmacy intern to an individual

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

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

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

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

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

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

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

(b) Requirements for protocols to be followed by pharmacists and pharmacy interns in engaging in the administration of immunizations;

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

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

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

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

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

Sec. 4729.42. (A) A pharmacist may order and administer diagnostic tests for COVID-19 and tests for COVID-19 antibodies.

(B) Both of the following may, under the direct supervision of a pharmacist, administer diagnostic tests for COVID-19 and tests for COVID-19 antibodies:

(1) A pharmacy intern;

(2) A certified pharmacy technician.

Sec. 4729.92. (A) An applicant for registration as a pharmacy technician trainee shall:

(1) Comply Except as provided in section 4729.921 of the Revised Code, comply with divisions (B)(1)(a) to (c) of section 4729.90 of the Revised Code;

(2) Be enrolled in or plan to enroll in education and training that will allow the applicant to meet the requirements established by the state board of pharmacy in rules adopted under section 4729.94 of the Revised Code;

(3) Comply with sections 4776.01 to 4776.04 of the Revised Code.

(B) A pharmacist or pharmacy intern whose license has been denied, revoked, suspended, or otherwise restricted by the board shall not be registered as a pharmacy technician trainee.

Sec. 4729.921. An applicant for registration as a pharmacy technician trainee shall file with the state board of pharmacy an application in the form and manner prescribed in rules adopted under section 4729.94 of the Revised Code. The application shall be accompanied by an application fee of twenty-five dollars, which shall not be returned if the applicant fails to qualify for registration.

If the board is satisfied that an applicant meets the requirements of section 4729.92 of the Revised Code and any additional requirements established by the board and determines that the results of a criminal records check do not make the applicant ineligible, the board shall register the applicant as a pharmacy technician trainee.

The board may register as a pharmacy technician trainee an applicant who is seventeen years of age and does not possess a high school diploma or certificate of high school equivalence if the applicant is enrolled in a career-technical school program that is approved by the board and conducted by a city, exempted village, local, or joint vocational school district.

The board shall register as a pharmacy technician trainee in accordance with section 9.79 of the Revised Code an applicant who either holds a license or is registered in another state or has satisfactory work experience, a government certification, or a private certification as described in that section as a pharmacy technician trainee in a state that does not issue that license or registration.

Registration is valid for one year from the date of registration, except that the board may extend the time period for which registration is valid. Registration is not renewable, but an individual may reapply for registration if the individual's previous registration has lapsed for more than five years or the board grants its approval.

Sec. 4731.512. A podiatrist may administer ~~influenza vaccinations~~ to individuals who are seven years of age or older vaccinations against both of the following:

(A) Influenza;

(B) COVID-19.

Sec. 4928.66. (A)(1)(a) Beginning in 2009, an electric distribution utility shall implement energy efficiency programs that achieve energy savings equivalent to at least three-tenths of one per cent of the total, annual average, and normalized kilowatt-hour sales of the electric distribution utility during the preceding three calendar years to customers in this state. An energy efficiency program may include a combined heat and power system placed into service or retrofitted on or after the effective date of the amendment of this section by S.B. 315 of the 129th general assembly, September 10, 2012, or a waste energy recovery system placed into service or retrofitted on or after September 10, 2012, except that a waste energy recovery system described in division (A)(38)(b) of section 4928.01 of the Revised Code may be included only if it was placed into service between January 1, 2002, and December 31, 2004. For a waste energy recovery or combined heat and power system, the savings shall be as estimated by the public utilities commission. The savings requirement, using such a three-year average, shall increase to an additional five-tenths of one per cent in 2010, seven-tenths

of one per cent in 2011, eight-tenths of one per cent in 2012, nine-tenths of one per cent in 2013, and one per cent in 2014. In 2015 and 2016, an electric distribution utility shall achieve energy savings equal to the result of subtracting the cumulative energy savings achieved since 2009 from the product of multiplying the baseline for energy savings, described in division (A)(2)(a) of this section, by four and two-tenths of one per cent. If the result is zero or less for the year for which the calculation is being made, the utility shall not be required to achieve additional energy savings for that year, but may achieve additional energy savings for that year. The annual savings requirements shall be, for years 2017, 2018, 2019, and 2020, an additional one per cent of the baseline. For purposes of a waste energy recovery or combined heat and power system, an electric distribution utility shall not apply more than the total annual percentage of the electric distribution utility's industrial-customer load, relative to the electric distribution utility's total load, to the annual energy savings requirement.

(b) Beginning in 2009, an electric distribution utility shall implement peak demand reduction programs designed to achieve a one per cent reduction in peak demand in 2009 and an additional seventy-five hundredths of one per cent reduction each year through 2014. In 2015 and 2016, an electric distribution utility shall achieve a reduction in peak demand equal to the result of subtracting the cumulative peak demand reductions achieved since 2009 from the product of multiplying the baseline for peak demand reduction, described in division (A)(2)(a) of this section, by four and seventy-five hundredths of one per cent. If the result is zero or less for the year for which the calculation is being made, the utility shall not be required to achieve an additional reduction in peak demand for that year, but may achieve an additional reduction in peak demand for that year. In 2017 and each year thereafter through 2020, the utility shall achieve an additional seventy-five hundredths of one per cent reduction in peak demand.

(2) For the purposes of divisions (A)(1)(a) and (b) of this section:

(a) The baseline for energy savings under division (A)(1)(a) of this section shall be the average of the total kilowatt hours the electric distribution utility sold in the preceding three calendar years. The baseline for a peak demand reduction under division (A)(1)(b) of this section shall be the average peak demand on the utility in the preceding three calendar years, except that the commission may reduce either baseline to adjust for new economic growth in the utility's certified territory. Neither baseline shall include the load and usage of any of the following customers:

(i) Beginning January 1, 2017, a customer for which a reasonable arrangement has been approved under section 4905.31 of the Revised Code;

(ii) A customer that has opted out of the utility's portfolio plan under section 4928.6611 of the Revised Code;

(iii) A customer that has opted out of the utility's portfolio plan under Section 8 of S.B. 310 of the 130th general assembly.

(b) The commission may amend the benchmarks set forth in division (A)(1)(a) or (b) of this section if, after application by the electric distribution utility, the commission determines that the amendment is necessary because the utility cannot reasonably achieve the benchmarks due to regulatory, economic, or technological reasons beyond its reasonable control.

(c) Compliance with divisions (A)(1)(a) and (b) of this section shall be measured by including the effects of all demand-response programs for mercantile customers of the subject electric distribution utility, all waste energy recovery systems and all combined heat and power

systems, and all such mercantile customer-sited energy efficiency, including waste energy recovery and combined heat and power, and peak demand reduction programs, adjusted upward by the appropriate loss factors. Any mechanism designed to recover the cost of energy efficiency, including waste energy recovery and combined heat and power, and peak demand reduction programs under divisions (A)(1)(a) and (b) of this section may exempt mercantile customers that commit their demand-response or other customer-sited capabilities, whether existing or new, for integration into the electric distribution utility's demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction programs, if the commission determines that that exemption reasonably encourages such customers to commit those capabilities to those programs. If a mercantile customer makes such existing or new demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction capability available to an electric distribution utility pursuant to division (A)(2)(c) of this section, the electric utility's baseline under division (A)(2)(a) of this section shall be adjusted to exclude the effects of all such demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction programs that may have existed during the period used to establish the baseline. The baseline also shall be normalized for changes in numbers of customers, sales, weather, peak demand, and other appropriate factors so that the compliance measurement is not unduly influenced by factors outside the control of the electric distribution utility.

(d)(i) Programs implemented by a utility may include the following:

- (I) Demand-response programs;
- (II) Smart grid investment programs, provided that such programs are demonstrated to be cost-beneficial;
- (III) Customer-sited programs, including waste energy recovery and combined heat and power systems;
- (IV) Transmission and distribution infrastructure improvements that reduce line losses;
- (V) Energy efficiency savings and peak demand reduction that are achieved, in whole or in part, as a result of funding provided from the universal service fund established by section 4928.51 of the Revised Code to benefit low-income customers through programs that include, but are not limited to, energy audits, the installation of energy efficiency insulation, appliances, and windows, and other weatherization measures.

(ii) No energy efficiency or peak demand reduction achieved under divisions (A)(2)(d)(i)(IV) and (V) of this section shall qualify for shared savings.

(iii) Division (A)(2)(c) of this section shall be applied to include facilitating efforts by a mercantile customer or group of those customers to offer customer-sited demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction capabilities to the electric distribution utility as part of a reasonable arrangement submitted to the commission pursuant to section 4905.31 of the Revised Code.

(e) No programs or improvements described in division (A)(2)(d) of this section shall conflict with any statewide building code adopted by the board of building standards.

(B) In accordance with rules it shall adopt, the public utilities commission shall produce and docket at the commission an annual report containing the results of its verification of the annual levels of energy efficiency and of peak demand reductions achieved by each electric distribution

utility pursuant to division (A) of this section. A copy of the report shall be provided to the consumers' counsel.

(C) If the commission determines, after notice and opportunity for hearing and based upon its report under division (B) of this section, that an electric distribution utility has failed to comply with an energy efficiency or peak demand reduction requirement of division (A) of this section, the commission shall assess a forfeiture on the utility as provided under sections 4905.55 to 4905.60 and 4905.64 of the Revised Code, either in the amount, per day per undercompliance or noncompliance, relative to the period of the report, equal to that prescribed for noncompliances under section 4905.54 of the Revised Code, or in an amount equal to the then existing market value of one renewable energy credit per megawatt hour of undercompliance or noncompliance. Revenue from any forfeiture assessed under this division shall be deposited to the credit of the advanced energy fund created under section 4928.61 of the Revised Code.

(D) The commission may establish rules regarding the content of an application by an electric distribution utility for commission approval of a revenue decoupling mechanism under this division. Such an application shall not be considered an application to increase rates and may be included as part of a proposal to establish, continue, or expand energy efficiency or conservation programs. The commission by order may approve an application under this division if it determines both that the revenue decoupling mechanism provides for the recovery of revenue that otherwise may be forgone by the utility as a result of or in connection with the implementation by the electric distribution utility of any energy efficiency or energy conservation programs and reasonably aligns the interests of the utility and of its customers in favor of those programs.

(E) The commission additionally shall adopt rules that require an electric distribution utility to provide a customer upon request with two years' consumption data in an accessible form.

(F)(1) As used in divisions (F)(2), (3), and (4) of this section, "portfolio plan" has the same meaning as in division (C)(1) of section 4928.6610 of the Revised Code.

(2) If an electric distribution utility has a portfolio plan in effect as of ~~the effective date of the amendments to this section by H.B. 6 of the 133rd general assembly~~ October 22, 2019, and that plan expires before December 31, 2020, the commission shall extend the plan through that date. All portfolio plans shall terminate on that date.

(3) If a portfolio plan is extended beyond its commission approved term by division (F)(2) of this section, the existing plan's budget shall be increased for the extended term to include an amount equal to the annual average of the approved budget for all years of the portfolio plan in effect as of ~~the effective date of the amendments to this section by H.B. 6 of the 133rd general assembly~~ October 22, 2019.

(4) All other terms and conditions of a portfolio plan extended beyond its commission-approved term by division (F)(2) of this section shall remain the same unless changes are authorized by the commission.

(G)(1) Not later than February 1, 2021, the commission shall determine the cumulative energy savings collectively achieved, since 2009, by all electric distribution utilities in this state as of December 31, 2020. In determining that cumulative total, the commission shall do both of the following:

(a) Include energy savings that were estimated by the commission to be achieved as of

December 31, 2020, and banked under division (G) of section 4928.662 of the Revised Code;

(b) Use an energy savings baseline that is the average of the total kilowatt hours sold by all electric distribution utilities in this state in the calendar years 2018, 2019, and 2020. The baseline shall exclude the load and usage described in division (A)(2)(a)(i), (ii), and (iii) of this section. That baseline may also be reduced for new economic growth in the utility's certified territory as provided in division (A)(2)(a) of this section and adjusted and normalized as provided in division (A)(2)(c) of this section.

(2)(a) If the cumulative energy savings collectively achieved as determined by the commission under division (G)(1) of this section is at least seventeen and one-half per cent of the baseline described in division (G)(1)(b) of this section, then full compliance with division (A)(1)(a) of this section shall be deemed to have been achieved notwithstanding any provision of this section to the contrary.

(b) If the cumulative energy savings collectively achieved as determined by the commission under division (G)(1) of this section is less than seventeen and one-half per cent of the baseline described in division (G)(1)(b) of this section, then both of the following shall apply:

(i) The commission shall determine the manner in which further implementation of energy efficiency programs shall occur as may be reasonably necessary for collective achievement of cumulative energy savings equal to seventeen and one-half ~~percent~~per cent, and not more, of the baseline described in division (G)(1)(b) of this section.

(ii) Full compliance with division (A)(1)(a) of this section shall be deemed to be achieved as of a date certain established by the commission notwithstanding any provision of this section to the contrary.

(3) Upon the date that full compliance with division (A)(1)(a) of this section is deemed achieved under division (G)(2)(a) or (b) of this section, any electric distribution utility cost recovery mechanisms authorized by the commission for compliance with this section shall terminate except as may be necessary to reconcile the difference between revenue collected and the allowable cost of compliance associated with compliance efforts occurring prior to December 31, 2021, for programs re-established under section 4928.661 of the Revised Code, and prior to the date upon which full compliance with division (A)(1)(a) of this section is deemed achieved, for all other compliance efforts. No such cost recovery mechanism shall be authorized by the commission beyond the period of time required to complete this final reconciliation.

Sec. 4928.661. (A) If an electric distribution utility had a portfolio plan that terminated on December 31, 2020, pursuant to division (F) of section 4928.66 of the Revised Code and included a program that benefited, and was limited to, low-income customers with an annual income at or below two hundred per cent of the federal poverty level, the utility shall re-establish the part of the portfolio plan that included the low-income program. The portfolio plan program re-established under this section shall include the same terms and conditions that the public utilities commission approved for the low-income program as it existed prior to the portfolio plan's termination, including the funding level originally allocated to the program.

(B) A portfolio plan program re-established under division (A) of this section shall terminate on December 31, 2021.

(C) The commission shall issue an order requiring electric distribution utilities to re-establish

the portfolio plan programs described in division (A) of this section and setting forth the process for their re-establishment. The order shall not authorize the implementation of any new cost recovery mechanisms for these programs or extensions of any cost recovery mechanisms that existed before the programs described in division (A) of this section were re-established.

SECTION 2. That existing sections 3319.221, 4729.41, 4729.92, 4729.921, 4731.512, and 4928.66 of the Revised Code are hereby repealed.

SECTION 3. That the version of section 4729.92 of the Revised Code that is scheduled to take effect October 9, 2021, be amended to read as follows:

Sec. 4729.92. (A) An applicant for registration as a pharmacy technician trainee shall:

(1) ~~Comply~~ Except as provided in section 4729.921 of the Revised Code, comply with divisions (A)(1)(a) and (b) of section 4729.90 of the Revised Code;

(2) Be enrolled in or plan to enroll in education and training that will allow the applicant to meet the requirements established by the state board of pharmacy in rules adopted under section 4729.94 of the Revised Code;

(3) Comply with sections 4776.01 to 4776.04 of the Revised Code.

(B) A pharmacist or pharmacy intern whose license has been denied, revoked, suspended, or otherwise restricted by the board shall not be registered as a pharmacy technician trainee.

SECTION 4. That the existing version of section 4729.92 of the Revised Code that is scheduled to take effect October 9, 2021, is hereby repealed.

SECTION 5. Sections 3 and 4 of this act take effect October 9, 2021.

SECTION 6. That Section 30 of H.B. 197 of the 133rd General Assembly be amended to read as follows:

Sec. 30. (A) ~~During the period of beginning on the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, and ending on July 1, 2021,~~ the requirement of division (A)(2) (a) of section 4723.09 of the Revised Code is suspended. Accordingly, during such period, the Board of Nursing shall grant to an applicant described in division (A) of section 4723.09 of the Revised Code a temporary license to practice nursing as a registered nurse or as a licensed practical nurse if the conditions of divisions (A)(1) and (A)(2)(b) to (d) of section 4723.09 of the Revised Code have been met and the applicant is not ineligible as described in division (C) of this section.

(B) A temporary license issued under this section ~~shall be is valid until whichever of the following dates occurs first:~~

(1) ~~The date that is ninety days after December 1, 2020;~~

(2) ~~The date that is ninety days after the duration of the period of the emergency described in division (A) of this section July 1, 2021.~~

(C) An individual is not eligible for a temporary license issued under this section if any of the

following is the case:

(1) The individual has previously taken and failed the examination for licensure to practice as a registered nurse or as a licensed practical nurse.

(2) A criminal records check conducted in accordance with section 4723.091 of the Revised Code indicates that the individual has been convicted of, pleaded guilty to, or had a judicial finding of guilt for, any felony.

(3) The individual has taken a drug test and failed that test, as determined by the Board.

(4) The individual successfully completed an education program or course described in division (C) of section 4723.09 of the Revised Code more than two years before submitting an application subject to this section.

(D) If, while holding a temporary license issued under this section, any of the following occurs, the licensee's temporary license is void and has no effect immediately beginning on the date of the occurrence:

(1) The licensee does not take the examination for licensure to practice as a registered nurse or as a licensed practical nurse on or before the date that occurs sixty days after the date the licensee received authorization to test.

(2) The licensee fails the examination for licensure to practice as a registered nurse or as a licensed practical nurse.

(3) A criminal records check conducted in accordance with section 4723.091 of the Revised Code indicates that the licensee has been convicted of, pleaded guilty to, or had a judicial finding of guilt for, any felony.

(4) The licensee fails a drug test, as determined by the Board.

(E) Section 11 of H.B. 197 of the 133rd General Assembly, as amended by H.B. 404 and H.B. 614 of the 133rd General Assembly, does not apply to a license issued under this section.

SECTION 7. That existing Section 30 of H.B. 197 of the 133rd General Assembly is hereby repealed.

SECTION 8. Notwithstanding any provision of law to the contrary, each educator preparation program approved under section 3333.048 of the Revised Code shall develop and implement a plan to provide its students with alternative experiences, assignments, or instruction in the 2021-2022 academic year to make up any hours or weeks of clinical experiences, including field experiences, student teaching, and internship placements, that the students miss due to any closure of schools or implementation of limited hours because of COVID-19. The alternative experiences, assignments, or instruction shall allow students to demonstrate mastery of the expected outcomes of clinical experiences. The alternative experiences, assignments, or instruction may include virtual learning, designing lessons and units of instruction, selecting and implementing instructional strategies, teaching lessons and content, assessing learning to evaluate student progress and inform instructional decisions, creating a supportive learning environment, managing the classroom effectively, and other appropriate activities. The Department of Higher Education and the Department of Education shall consider a student who successfully completes make up hours or weeks in the 2021-2022 academic

year using alternative experiences, assignments, or instruction eligible for licensure and endorsement recommendations in the same manner as a student who completes clinical experiences. This section does not apply to a barber school licensed under Chapter 4709. of the Revised Code or a school of cosmetology licensed under Chapter 4713. of the Revised Code.

SECTION 9. Section 4729.41 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 101 and H.B. 541 of the 132nd 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.

SECTION 10. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to take measures in response to the declared pandemic and global health emergency related to COVID-19 and to re-establish recently terminated energy efficiency programs in order to allow low-income customers to benefit from energy efficiency savings and to permit electric distribution utilities to reconcile costs related to such programs. Therefore, this act shall go into immediate effect.

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

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

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

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

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*Governor.*

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

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*Director, Legislative Service Commission.*

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

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*Secretary of State.*

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