

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 285

Representatives Ghanbari, Rogers

**Cosponsors: Representatives Cross, Troy, Hillyer, Liston, Miller, J., Carruthers,
Brewer, Sweeney**

A BILL

To amend sections 3333.28, 3722.01, 4723.489, and 1
4730.203; to enact sections 3333.27, 3722.21, 2
3722.22, 3722.23, 3722.24, 3722.25, 3722.26, 3
3722.27, 3722.28, 3722.29, 3722.30, 3722.31, 4
3722.32, 3722.33, 3722.34, 3722.35, 3722.36, 5
3722.37, and 3722.38; and to repeal sections 6
3727.50, 3727.51, 3727.52, 3727.53, 3727.54, 7
3727.55, 3727.56, and 3727.57 of the Revised 8
Code to require hospitals to establish 9
registered nurse staffing plans that protect 10
patient safety, to create the Nursing Student 11
Loan-to-Grant Program, and to make an 12
appropriation. 13

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

Section 1. That sections 3333.28, 3722.01, 4723.489, and 14
4730.203 be amended and sections 3333.27, 3722.21, 3722.22, 15
3722.23, 3722.24, 3722.25, 3722.26, 3722.27, 3722.28, 3722.29, 16
3722.30, 3722.31, 3722.32, 3722.33, 3722.34, 3722.35, 3722.36, 17
3722.37, and 3722.38 of the Revised Code be enacted to read as 18

follows:

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Sec. 3333.27. (A) The nursing student loan-to-grant program is created in the department of higher education. The chancellor of higher education shall administer the program in accordance with this section.

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Under the program, a nursing student enrolled in a prelicensure nursing education program for registered nurses, approved under section 4723.06 of the Revised Code, may apply to be awarded an amount that is conditioned on the student's agreement to fulfill a five-year service obligation. Until an award recipient completes the service obligation, the total amount received shall be considered a loan subject to repayment. Once the service obligation is completed, the amount shall be considered a grant and is no longer subject to repayment.

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(B) The service obligation required by the program may be fulfilled by doing any of the following:

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(1) Practicing as a direct-care registered nurse in a hospital that, on or after September 30, 2024, is licensed under Chapter 3722. of the Revised Code;

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(2) Practicing as a direct-care registered nurse in a nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;

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(3) Serving in this state as a faculty member in a prelicensure nursing education program for registered nurses, approved under section 4723.06 of the Revised Code.

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(C) The chancellor shall establish an application form to be used and procedures to be followed by a nursing student seeking financial assistance through the program. An applicant shall certify that the applicant will make a good faith effort

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to obtain the license and to secure the employment necessary to 48
begin fulfilling the program's service obligation as soon as 49
practicable following completion of the highest level of 50
education being sought. 51

The chancellor shall review each application received. If 52
the chancellor determines that an applicant is eligible and 53
there are sufficient funds, the chancellor shall award to the 54
applicant the amount authorized by division (D) of this section. 55

(D) All of the following apply with respect to an 56
applicant's eligibility and the amount that may be received 57
under the program: 58

(1) An applicant may submit only one application each 59
year. 60

(2) If an application is approved, the amount awarded 61
shall not exceed three thousand dollars. 62

(3) An award recipient may apply for additional awards in 63
subsequent years, with each additional award not to exceed three 64
thousand dollars. 65

(4) The maximum number of awards an individual may receive 66
is four. 67

(E) The chancellor shall establish procedures for 68
determining whether the recipient of an award under the program 69
is making a good faith effort to begin fulfilling the 70
recipient's service obligation as soon as practicable following 71
completion of the highest level of education being sought. If 72
the chancellor determines that a good faith effort is not being 73
made, the chancellor shall seek repayment under the procedures 74
described in division (F) of this section. 75

The chancellor shall establish procedures for monitoring 76
the progress of a recipient who has commenced the employment 77
necessary to fulfill the recipient's service obligation. If the 78
chancellor determines that the recipient has failed to fulfill 79
the service obligation, the chancellor shall seek repayment 80
under the procedures described in division (E) of this section. 81

(F) The chancellor shall seek repayment of any amount 82
awarded under this section that remains a loan because the 83
chancellor has determined that the recipient failed to fulfill 84
the recipient's service obligation. On request of the 85
chancellor, the attorney general shall bring and prosecute to 86
judgment a civil action to collect any amount that is subject to 87
repayment and remains unpaid. 88

(G) The nursing student loan-to-grant fund is created in 89
the state treasury. The fund shall consist of all money 90
appropriated to the fund by the general assembly. The chancellor 91
shall use the money in the fund only for purposes of awarding 92
amounts under the nursing student loan-to-grant program. 93

Sec. 3333.28. (A) The chancellor of higher education shall 94
establish the nurse education assistance program, the purpose of 95
which shall be to make loans to students enrolled in 96
prelicensure ~~nurse-nursing~~ education programs ~~at institutions~~ 97
approved by the board of nursing under section 4723.06 of the 98
Revised Code and postlicensure ~~nurse-nursing~~ education programs 99
approved by the chancellor under section 3333.04 of the Revised 100
Code or offered by an institution holding a certificate of 101
authorization issued under Chapter 1713. of the Revised Code. 102
The board of nursing shall assist the chancellor in 103
administering the program. 104

(B) There is hereby created in the state treasury the 105

nurse education assistance fund, which shall consist of all 106
money transferred to it pursuant to ~~section~~ sections 3722.35 and 107
4743.05 of the Revised Code. The money in the fund shall be used 108
by the chancellor ~~for~~ in accordance with both of the following: 109

(1) For loans made under division (A) of this section ~~and~~ 110
~~for;~~ 111

(2) For expenses of administering the loan program, 112
subject to both of the following: 113

(a) Of the money transferred pursuant to section 3722.35 114
of the Revised Code, no part shall be used for administrative 115
expenses. 116

(b) Of the money transferred pursuant to section 4743.05 117
of the Revised Code, the amount used for administrative expenses 118
shall not exceed the amount that would have been used if no 119
money had been transferred pursuant to section 3722.35 of the 120
Revised Code. 121

(C) Between July 1, 2005, and January 1, 2012, the 122
chancellor shall distribute money in the nurse education 123
assistance fund in the following manner: 124

(1) (a) Fifty per cent of available funds shall be awarded 125
as loans to registered nurses enrolled in postlicensure ~~nurse-~~ 126
nursing education programs described in division (A) of this 127
section. To be eligible for a loan, the applicant shall provide 128
the chancellor with a letter of intent to practice as a faculty 129
member at a prelicensure or postlicensure program for nursing in 130
this state upon completion of the applicant's academic program. 131

(b) If the borrower of a loan under division (C) (1) (a) of 132
this section secures employment as a faculty member of an 133
approved nursing education program in this state within six 134

months following graduation from an approved ~~nurse-nursing~~ 135
education program, the chancellor may forgive the principal and 136
interest of the student's loans received under division (C) (1) 137
(a) of this section at a rate of twenty-five per cent per year, 138
for a maximum of four years, for each year in which the borrower 139
is so employed. A deferment of the service obligation, and other 140
conditions regarding the forgiveness of loans may be granted as 141
provided by the rules adopted under division (D) (7) of this 142
section. 143

(c) Loans awarded under division (C) (1) (a) of this section 144
shall be awarded on the basis of the student's expected family 145
contribution, with preference given to those applicants with the 146
lowest expected family contribution. However, the chancellor may 147
consider other factors the chancellor determines relevant in 148
ranking the applications. 149

(d) Each loan awarded to a student under division (C) (1) 150
(a) of this section shall be not less than five thousand dollars 151
per year. 152

(2) Twenty-five per cent of available funds shall be 153
awarded to students enrolled in prelicensure ~~nurse-nursing~~ 154
education programs for registered nurses, as defined in section 155
4723.01 of the Revised Code. 156

(3) Twenty-five per cent of available funds shall be 157
awarded to students enrolled in ~~nurse-nursing~~ education programs 158
as determined by the chancellor, with preference given to 159
programs aimed at increasing enrollment in an area of need. 160

After January 1, 2012, the chancellor shall determine the 161
manner in which to distribute loans under this section. 162

(D) Subject to the requirements specified in division (C) 163

of this section, the chancellor shall adopt rules in accordance	164
with Chapter 119. of the Revised Code establishing:	165
(1) Eligibility criteria for receipt of a loan;	166
(2) Loan application procedures;	167
(3) The amounts in which loans may be made and the total	168
amount that may be loaned to an individual;	169
(4) The total amount of loans that can be made each year;	170
(5) The percentage of the money in the fund that must	171
remain in the fund at all times as a fund balance;	172
(6) Interest and principal repayment schedules;	173
(7) Conditions under which a portion of principal and	174
interest obligations incurred by an individual under the program	175
will be forgiven;	176
(8) Conditions under which all or a portion of the	177
principal and interest obligations incurred by an individual who	178
is deployed on active duty outside of the state or who is the	179
spouse of a person deployed on active duty outside of the state	180
may be deferred or forgiven.	181
(9) Ways that the program may be used to encourage	182
individuals who are members of minority groups to enter the	183
nursing profession;	184
(10) Any other matters incidental to the operation of the	185
program.	186
(E) The obligation to repay a portion of the principal and	187
interest on a loan made under this section shall be forgiven if	188
the recipient of the loan meets the criteria for forgiveness	189
established by division (C) (1) (b) of this section, in the case	190

of loans awarded under division (C) (1) (a) of this section, or by 191
the chancellor under the rule adopted under division (D) (7) of 192
this section, in the case of other loans awarded under this 193
section. 194

(F) The obligation to repay all or a portion of the 195
principal and interest on a loan made under this section may be 196
deferred or forgiven if the recipient of the loan meets the 197
criteria for deferment or forgiveness established by the 198
chancellor under the rule adopted under division (D) (8) of this 199
section. 200

(G) The receipt of a loan under this section shall not 201
affect a student's eligibility for assistance, or the amount of 202
that assistance, granted under section 3333.12, 3333.122, 203
3333.22, 3333.26, 5910.03, 5910.032, or 5919.34 of the Revised 204
Code, but the rules of the chancellor may provide for taking 205
assistance received under those sections into consideration when 206
determining a student's eligibility for a loan under this 207
section. 208

(H) As used in this section, "active duty" means active 209
duty pursuant to an executive order of the president of the 210
United States, an act of the congress of the United States, or 211
section 5919.29 or 5923.21 of the Revised Code. 212

Sec. 3722.01. As used in this chapter: 213

(A) "Children's hospital" means either of the following: 214

(1) A hospital that provides general pediatric medical and 215
surgical care in which at least seventy-five per cent of annual 216
inpatient discharges for the preceding two calendar years were 217
individuals less than eighteen years of age; 218

(2) A distinct portion of a hospital that provides general 219

pediatric medical and surgical care, has a total of at least one 220
hundred fifty pediatric special care and pediatric acute care 221
beds, and in which at least seventy-five per cent of annual 222
inpatient discharges for the preceding two calendar years were 223
individuals less than eighteen years of age. 224

(B) "Health care service" means any of the following: 225

(1) Pediatric intensive care; 226

(2) Solid organ and bone marrow transplantation; 227

(3) Stem cell harvesting and reinfusion; 228

(4) Cardiac catheterization; 229

(5) Open heart surgery; 230

(6) Operation of linear accelerators; 231

(7) Operation of cobalt radiation therapy units; 232

(8) Operation of gamma knives. 233

(C) "Hospital" means an institution or facility that 234
provides inpatient medical or surgical services for a continuous 235
period longer than twenty-four hours. "Hospital" includes a 236
children's hospital. 237

(D) "Political subdivision" means a county, township, 238
municipal corporation, or other body corporate and politic 239
responsible for governmental activities in a geographic area 240
smaller than that of the state. 241

(E) "Registered nurse" has the same meaning as in section 242
4723.01 of the Revised Code. 243

(F) "State university" has the same meaning as in section 244
3345.12 of the Revised Code. 245

<u>Sec. 3722.21. (A) Notwithstanding any conflicting</u>	246
<u>provision of this chapter or any other provision of the Revised</u>	247
<u>Code, but subject to division (B) of this section, sections</u>	248
<u>3722.22 to 3722.38 of the Revised Code apply to all hospitals</u>	249
<u>and portions of hospitals that use registered nurses to provide</u>	250
<u>the type of patient care described in those sections, including</u>	251
<u>all of the following:</u>	252
<u>(1) Maternity units and newborn care nurseries licensed by</u>	253
<u>the department of health until September 30, 2024, under Chapter</u>	254
<u>3711. of the Revised Code;</u>	255
<u>(2) Inpatient units licensed by the department of mental</u>	256
<u>health and addiction services under section 5119.33 of the</u>	257
<u>Revised Code;</u>	258
<u>(3) Hospitals registered under section 3701.07 of the</u>	259
<u>Revised Code as long-term acute care hospitals.</u>	260
<u>(B) Sections 3722.22 to 3722.38 of the Revised Code do not</u>	261
<u>apply to any of the following:</u>	262
<u>(1) Hospitals licensed by the department of mental health</u>	263
<u>and addiction services under section 5119.33 of the Revised Code</u>	264
<u>and any institution, hospital, or other place established,</u>	265
<u>controlled, or supervised by that department under Chapter 5119.</u>	266
<u>of the Revised Code;</u>	267
<u>(2) Freestanding inpatient rehabilitation facilities</u>	268
<u>licensed by the department of health under section 3702.30 of</u>	269
<u>the Revised Code;</u>	270
<u>(3) Freestanding birthing centers licensed by the</u>	271
<u>department of health under section 3702.30 of the Revised Code.</u>	272
<u>Sec. 3722.22. (A) A hospital shall develop and implement a</u>	273

nurse staffing plan that provides adequate, appropriate, and 274
quality delivery of health care services and protects patient 275
safety. The plan shall document the methodology that is used to 276
determine the hospital's needs for nursing staff. 277

A hospital's plan shall be based on the recommendations 278
the hospital receives from its nurse staffing committee created 279
under section 3722.23 of the Revised Code. The plan shall ensure 280
that the hospital is in compliance with the nurse-to-patient 281
staffing ratios established under section 3722.24 of the Revised 282
Code and any ratios established under section 3722.25 of the 283
Revised Code, once the ratios are applicable to the hospital as 284
provided under those sections. The plan shall comply with all 285
other provisions of sections 3722.21 to 3722.38 of the Revised 286
Code. 287

A hospital shall evaluate its plan on an annual basis. 288
Based on the annual evaluation, the hospital shall update its 289
plan accordingly. 290

A hospital shall submit to the director of health a copy 291
of its initial plan and each of its annual updates to the plan. 292
The director shall establish procedures whereby the plans and 293
their updates are made available for inspection by the public. 294

(B) If a hospital is in operation on the effective date of 295
this section, the hospital's initial plan shall be developed and 296
implemented not later than one year after the effective date of 297
this section. If a hospital begins operation after the effective 298
date of this section, the hospital's initial plan shall be 299
developed and implemented as soon as practicable, as determined 300
by the director of health. 301

Sec. 3722.23. (A) Each hospital shall establish a nurse 302

staffing committee. The hospital shall select the number of 303
members to serve on the committee, subject to both of the 304
following: 305

(1) At least fifty per cent of the membership shall 306
consist of direct care registered nurses, with at least one 307
registered nurse serving as a member from each of the hospital's 308
patient care units. The member who represents a unit shall be 309
selected by the other direct care registered nurses from that 310
unit. 311

(2) All or part of the remainder of the membership shall 312
consist of a meaningful representation of direct care staff who 313
serve in positions that are not considered management positions. 314
These members shall be selected by other direct care staff who 315
serve in non-management positions. 316

(B) Attending a meeting of the committee as a member or 317
otherwise fulfilling the duties of membership shall be 318
considered by the hospital as part of a member's regularly 319
scheduled hours of work for any pay period. 320

(C) The committee shall prepare and submit recommendations 321
to the hospital regarding the nurse staffing plan required by 322
section 3722.22 of the Revised Code. The committee may prepare 323
and submit recommendations on any other matter it considers 324
relevant to the staffing, patient safety, and other provisions 325
of sections 3722.21 to 3722.38 of the Revised Code. The 326
committee shall meet at intervals it considers necessary to 327
fulfill its responsibilities. 328

Sec. 3722.24. (A) Except as provided in sections 3722.25 329
and 3722.26 of the Revised Code, at all times during each 330
working shift within a particular patient care unit of a 331

<u>hospital, the hospital shall assign a direct care registered</u>	332
<u>nurse to not more than the following number of patients:</u>	333
<u>(1) One patient in either of the following:</u>	334
<u>(a) A trauma emergency unit;</u>	335
<u>(b) An operating room unit, as long as there is at least</u>	336
<u>one other person assigned to serve at the same time as an</u>	337
<u>operating room assistant.</u>	338
<u>(2) Two patients in a critical care unit, including a unit</u>	339
<u>with any of the following designations: neonatal intensive care,</u>	340
<u>emergency critical care, intensive care, labor and delivery,</u>	341
<u>coronary care, acute respiratory care, postanesthesia care, or</u>	342
<u>burn care;</u>	343
<u>(3) Three patients in either of the following:</u>	344
<u>(a) A unit with any of the following designations:</u>	345
<u>emergency department care, pediatric care, step-down care,</u>	346
<u>telemetry care, or antepartum care;</u>	347
<u>(b) A combined unit for labor, delivery, and postpartum</u>	348
<u>care.</u>	349
<u>(4) Four patients in either of the following:</u>	350
<u>(a) A unit with any of the following designations:</u>	351
<u>medical-surgical care, intermediate care, or acute psychiatric</u>	352
<u>care;</u>	353
<u>(b) Any other specialty care unit not specified in</u>	354
<u>division (A) (4) (a) of this section.</u>	355
<u>(5) Five patients in either of the following:</u>	356
<u>(a) A rehabilitation unit;</u>	357

(b) A skilled nursing unit, including a unit that has beds 358
registered under section 3701.07 of the Revised Code as skilled 359
nursing beds, long-term care beds, or special skilled nursing 360
beds. 361

(6) Six patients in either of the following: 362

(a) A postpartum care unit, with each mother and infant 363
being counted as a separate patient; 364

(b) A unit designated as a well-baby nursery. 365

(7) In the case of a hospital unit that is not identified 366
in divisions (A) (1) to (6) of this section, the number of 367
patients designated by the director of health. 368

(B) The direct care registered nurse-to-patient staffing 369
ratios that result from the requirements of division (A) of this 370
section shall be implemented by a hospital as soon as 371
practicable, as determined by the director of health, subject to 372
both of the following time frames in the case of a hospital that 373
is in operation on the effective date of this section: 374

(1) Except as provided in division (B) (2) of this section, 375
the staffing ratios apply beginning on the date that is two 376
years after the effective date of this section. 377

(2) If the hospital is located in a rural area, as 378
identified by the director, the staffing ratios apply beginning 379
on the date that is four years after the effective date of this 380
section. 381

Sec. 3722.25. (A) The director of health may establish 382
direct care registered nurse-to-patient staffing ratios that are 383
more stringent than the nurse-to-patient staffing ratios 384
established by section 3722.24 of the Revised Code, if both of 385

the following are the case: 386

(1) The director has determined that the more stringent staffing ratios are necessary to protect patient safety. 387
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(2) The director has consulted with both the hospital and the registered nurses affected by the more stringent staffing ratios. 389
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(B) If staffing ratios are established under this section, the affected hospital shall comply with the staffing ratios in accordance with the same time frames that apply to the hospital under division (B) of section 3722.24 of the Revised Code. 392
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Sec. 3722.26. A hospital is not required to comply with the direct care registered nurse-to-patient staffing ratios established under section 3722.24 or any more stringent ratios established under section 3722.25 of the Revised Code in any of the following circumstances: 396
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(A) A state of emergency. For purposes of this division, the director of health shall establish criteria for determining what constitutes a state of emergency and how long it exists. Even during a state of emergency, a hospital shall make prompt and diligent efforts to comply with the established staffing ratios to the greatest extent possible. 401
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(B) Emergency department patient diversions. Any patient who arrives at a hospital's emergency department but is diverted to another hospital for treatment shall not be included in calculating the staffing ratio that applies to a patient care unit within the department. 407
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(C) Inability to obtain staffing coverage. This division applies only if a hospital, after consulting with the hospital's nurse staffing committee created under section 3722.23 of the 412
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Revised Code, is able to document that it made reasonable 415
efforts to obtain and retain the staff necessary to meet the 416
established staffing ratios. Such efforts shall include all of 417
the following: 418

(1) Seeking, from all available qualified staff who are 419
working, individuals who will consent to work additional time; 420

(2) Contacting other qualified staff who have made 421
themselves available to work additional time; 422

(3) Seeking the use of staff who work on a per diem basis; 423

(4) When practical, seeking personnel from a staffing 424
agency that is regularly used by the hospital. 425

(D) Unforeseeable clinical care needs. This division 426
applies only if a registered nurse is willing to accept the 427
assignment of one or more additional patients because of events 428
that could not have been anticipated by the hospital but could 429
lead to patients suffering life-threatening adverse effects 430
unless a nursing staff assignment is made. 431

(E) Deviations for brief periods. On an occasional basis, 432
a hospital may deviate from the staffing ratios that apply to a 433
particular patient care unit, subject to all of the following 434
conditions: 435

(1) Each deviation occurs for not more than twelve hours; 436

(2) Not more than six deviations occur in any thirty-day 437
period; 438

(3) A registered nurse is not denied a meal break or rest 439
break as a result of the deviation; 440

(4) Not later than ten days after a deviation occurs, the 441

manager of the patient care unit notifies the hospital's nurse 442
staffing committee of the occurrence. 443

(F) Use of innovative care models. A hospital may deviate 444
from the staffing ratios that apply to a particular patient care 445
unit if the unit is evaluating an innovative model of care that 446
uses clinical care staff who are not registered nurses, subject 447
to all of the following conditions: 448

(1) The model uses other clinical care staff in place of 449
not more than fifty per cent of the required number of 450
registered nurses who otherwise would have to be assigned to 451
patients in the unit. 452

(2) The model has been reviewed and approved by a majority 453
of the members of the hospital's nurse staffing committee. 454

(3) The model is implemented for a period of not more than 455
two years, but may be reapproved by the committee for subsequent 456
two-year periods. 457

(G) Provision of patient-specific critical care. This 458
division applies only if a hospital is able to document that a 459
particular patient was admitted to a unit after being 460
transferred from another hospital and required critical care to 461
sustain the patient's life or prevent disability. 462

(H) Provision of care to other patients who meet 463
designated criteria. The following types of patients are not 464
included in any calculation of the staffing ratios that apply to 465
a hospital: 466

(1) A patient being discharged from the hospital, while 467
waiting for the discharge to be completed; 468

(2) Patients, including those in an emergency department, 469

who are being transferred to other units, but only if the 470
patients are in rooms located near one another while waiting for 471
the transfer to be completed; 472

(3) A patient who is receiving care in any of the 473
hospital's outpatient units. 474

(4) Any other type of patient designated by the hospital's 475
nurse staffing committee as a type of patient to be excluded 476
from the calculation. 477

Sec. 3722.27. In assigning registered nurses to a 478
particular hospital unit as part of implementing the direct care 479
registered nurse-to-patient staffing ratios established under 480
sections 3722.24 and 3722.25 of the Revised Code, a hospital is 481
subject to all of the following: 482

(A) The hospital shall not assign a registered nurse to a 483
patient care unit unless the nurse has received an orientation 484
that is sufficient to provide competent care in that unit and 485
has demonstrated competence in providing care for that unit. 486
This division applies to all registered nurses who may be 487
assigned to a unit, including nurses provided to the hospital by 488
temporary staffing agencies and nurses who relieve other nurses 489
during breaks, meals, and other routine or expected absences 490
from the unit. 491

(B) The hospital shall not include, as part of meeting the 492
staffing requirements, any registered nurse who is serving in an 493
administrative or supervisory position. 494

(C) The hospital shall not attempt to meet the staffing 495
requirements by calculating averages of the number of patients 496
in a unit or the number of registered nurses assigned to the 497
unit during any particular working shift or over any other 498

period of time. 499

(D) The hospital shall not use video monitors or any other 500
electronic means of observing a patient as a means of meeting 501
the staffing requirements. 502

(E) The hospital shall not impose mandatory overtime on 503
any registered nurse as a means of meeting the staffing 504
requirements. 505

Sec. 3722.28. In providing patient care as part of 506
implementing the direct care registered nurse-to-patient 507
staffing ratios established under sections 3722.24 and 3722.25 508
of the Revised Code, a hospital is subject to all of the 509
following: 510

(A) The hospital shall not use video monitors or any other 511
electronic means of observing a patient as a substitute for the 512
direct observation that is necessary for a registered nurse to 513
conduct proper patient assessments. 514

(B) The hospital shall not place a patient for care in a 515
particular unit unless the staffing ratios that apply to the 516
unit are sufficient to meet the level of intensity, type of 517
care, and individual needs of that patient. 518

(C) If the hospital provides care in a unit with 519
adjustable patient acuity levels, the hospital shall use the 520
staffing ratio that applies to the highest patient acuity level 521
that exists within the unit during a working shift. 522

(D) If an assessment of a patient's acuity level and 523
nursing care plan demonstrates that the patient's care requires 524
staffing that is above the established ratios, the hospital 525
shall provide additional direct care registered nurses, licensed 526
practical nurses, and other personnel in accordance with the 527

assessment. 528

Sec. 3722.29. (A) In each of its patient care units, a 529
hospital shall post a uniform notice that explains the 530
requirements of sections 3722.21 to 3722.38 of the Revised Code. 531
For each working shift in a unit, the hospital shall include 532
with the uniform notice a posting of both of the following: 533

(1) A description of the direct care registered nurse-to- 534
patient staffing ratio that applies to the unit; 535

(2) The actual number and titles of the direct care 536
registered nurses who are assigned during the shift. 537

(B) The uniform notice and shift-specific information 538
shall be prepared in a manner prescribed by the director of 539
health. The notice and information shall be posted in an area of 540
the unit that is visible, conspicuous, and accessible to the 541
hospital's staff, its patients, and the public. 542

Sec. 3722.30. (A) A hospital shall develop a system to 543
document the manner in which it meets the requirements of 544
sections 3722.21 to 3722.38 of the Revised Code. In accordance 545
with the system, the hospital shall maintain records of each of 546
the following for not less than three years: 547

(1) A copy of each notice posted under section 3722.29 of 548
the Revised Code; 549

(2) The actual staffing levels that occurred in each 550
patient care unit of the hospital during each working shift; 551

(3) Information certifying whether each direct care 552
registered nurse assigned to a unit received rest and meal 553
breaks during a working shift and the identities of the 554
individuals who relieved the nurses during the breaks. 555

(B) On request, the records maintained under this section 556
shall be made available to any of the following: 557

(1) The director of health; 558

(2) Any registered nurse or the nurse's exclusive 559
representative, as defined in section 4117.01 of the Revised 560
Code; 561

(3) Any member of the general public. 562

Sec. 3722.31. With respect to each patient admitted to a 563
hospital for care in an inpatient unit, the hospital shall 564
provide the patient or the patient's representative with the 565
telephone number of the toll-free patient safety telephone line 566
made available to the public by the department of health under 567
section 3701.91 of the Revised Code. The patient or the 568
patient's representative may use the telephone number to do 569
either or both of the following: 570

(A) Seek information regarding the nurse staffing 571
requirements and other provisions of sections 3722.21 to 3722.38 572
of the Revised Code; 573

(B) Make reports of inadequate staffing or care at the 574
hospital. 575

Sec. 3722.32. (A) With respect to staffing within a 576
hospital and its patient care units, a registered nurse may 577
object to or refuse to participate in any activity, policy, 578
practice, assignment, or task if the nurse reasonably believes 579
either of the following: 580

(1) That the hospital is violating sections 3722.21 to 581
3722.38 of the Revised Code; 582

(2) That the nurse is not prepared by education, training, 583

or experience to participate, and that doing so would compromise 584
patient safety or subject the nurse to disciplinary action by 585
the board of nursing. 586

(B) If a registered nurse exercises the authority granted 587
by division (A) of this section, the hospital shall not take any 588
retaliatory action against the nurse. Actions prohibited by this 589
division include filing a complaint or report against the nurse 590
with the board of nursing. 591

(C) If a violation of division (B) of this section occurs, 592
both of the following apply: 593

(1) The registered nurse has a cause of action against the 594
hospital. 595

(2) The registered nurse may submit a complaint against 596
the hospital under section 3722.34 of the Revised Code. 597

Sec. 3722.33. (A) The director of health shall conduct 598
audits of a hospital to determine both of the following: 599

(1) Whether the hospital is implementing its staffing plan 600
in accordance with sections 3722.21 to 3722.38 of the Revised 601
Code; 602

(2) Whether the hospital is maintaining records in 603
accordance with section 3722.30 of the Revised Code. 604

(B) The director shall conduct at least one audit of a 605
hospital every two years. The director may conduct other audits 606
at any time the director considers necessary for proper 607
enforcement of sections 3722.21 to 3722.38 of the Revised Code. 608

Sec. 3722.34. (A) No hospital shall knowingly do any of 609
the following: 610

(1) Fail to develop and implement a staffing plan in accordance with section 3722.22 of the Revised Code; 611
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(2) Fail to comply with the staffing plan once it has been implemented; 613
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(3) Fail to comply in any other manner with sections 3722.21 to 3722.38 of the Revised Code. 615
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(B) A hospital is not in violation of division (A) of this section in the case of a state of emergency or any of the other circumstances described in section 3722.26 of the Revised Code. 617
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Sec. 3722.35. (A) If the director of health determines that a hospital is in violation of section 3722.34 of the Revised Code, the director shall require the hospital to establish a corrective action plan and submit the plan to the director. The plan is subject to approval by the director. On the director's request, the plan shall be revised accordingly. 620
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(B) (1) If a violation of section 3722.34 of the Revised Code is not resolved by the hospital's corrective action plan established under division (A) of this section, the director may impose a fine pursuant to an adjudication under Chapter 119. of the Revised Code. The following fines may be imposed: 626
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(a) In the case of a fine that is imposed on the hospital as a business entity, the amount of the fine for a first offense shall be not more than twenty-five thousand dollars; for each subsequent offense, the amount of the fine shall be not more than fifty thousand dollars. 631
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(b) In the case of a fine that is imposed on an individual who is employed by the hospital, the amount of the fine shall be not more than twenty thousand dollars for each offense. 636
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(2) On the director's request, the attorney general shall 639
bring and prosecute to judgment a civil action to collect any 640
fine imposed under division (B)(1) of this section that remains 641
unpaid. 642

(C) All fines collected under division (B) of this section 643
shall be deposited into the state treasury to the credit of the 644
nurse education assistance fund created under section 3333.28 of 645
the Revised Code and used only as described in division (B)(1) 646
of that section. 647

Sec. 3722.36. The director of health shall establish 648
procedures under which a registered nurse, a hospital patient, 649
or any other person may file a complaint with the director 650
alleging that a hospital has violated section 3722.34 of the 651
Revised Code. On receipt of a complaint, the director shall 652
conduct an investigation. If the director determines from the 653
investigation that a violation has occurred, the director shall 654
take action under section 3722.35 of the Revised Code. 655

Sec. 3722.37. With respect to the requirements, rights, 656
and remedies established under sections 3722.21 to 3722.38 of 657
the Revised Code, all of the following apply: 658

(A) A hospital shall not discriminate or retaliate in any 659
manner against a registered nurse, hospital patient, or any 660
other person who, in good faith, files a complaint under section 661
3722.36 of the Revised Code, presents a grievance to the 662
hospital regarding the staffing within the hospital's patient 663
care units, or otherwise demonstrates opposition to any hospital 664
policy, practice, or action that is in violation of sections 665
3722.21 to 3722.38 of the Revised Code. 666

(B) A hospital shall not interfere with, restrain, or 667

prohibit a person's exercise of, or attempt to exercise, any of 668
the rights conferred by sections 3722.21 to 3722.28 of the 669
Revised Code. 670

(C) A hospital shall not establish policies that, directly 671
or indirectly, discourage a registered nurse or any other person 672
from disclosing information as authorized by sections 3722.21 to 673
3722.38 of the Revised Code. 674

(D) A hospital shall not intimidate a registered nurse or 675
any other person who makes public statements regarding hospital 676
staffing. 677

Sec. 3722.38. (A) With respect to the practice of 678
registered nursing and its relationship to sections 3722.21 to 679
3722.38 of the Revised Code, the general assembly recognizes all 680
of the following: 681

(1) All registered nurses have a duty and right to act 682
based on their professional judgment and in accordance with the 683
statutes and rules that apply to their practice. 684

(2) All registered nurses have the duty and right to 685
provide care in the exclusive interests of their patients. 686

(3) All registered nurses have the duty and right to act 687
as advocates for their patients. 688

(B) In recognizing the matters described in division (A) 689
of this section, the general assembly finds that a registered 690
nurse, before the nurse may accept a patient assignment, is 691
responsible for determining all of the following: 692

(1) Whether the nurse has the necessary professional 693
knowledge, judgment, skills, and ability to care for the 694
patient; 695

- (2) Whether the nurse is competent to provide the required 696
care; 697
- (3) Whether accepting the assignment would create harm for 698
either the patient or the nurse. 699

Sec. 4723.489. A person not otherwise authorized to 700
administer drugs may administer a drug to a specified patient if 701
all of the following conditions are met: 702

(A) The authority to administer the drug is delegated to 703
the person by an advanced practice registered nurse who is a 704
clinical nurse specialist, certified nurse-midwife, or certified 705
nurse practitioner and holds a license issued under section 706
4723.42 of the Revised Code. 707

(B) The drug is not listed in the formulary established in 708
rules adopted under section 4723.50 of the Revised Code, is not 709
a controlled substance, and is not to be administered 710
intravenously. 711

(C) The drug is to be administered at a location other 712
than ~~a~~ any of the following: 713

~~(1) A hospital inpatient care unit, as defined in section~~ 714
~~3727.50 of the Revised Code; a~~ 715

~~(2) A hospital emergency department or a freestanding~~ 716
~~emergency department; or an~~ 717

~~(3) An ambulatory surgical facility, as defined in~~ 718
licensed under section 3702.30 of the Revised Code. 719

(D) The person has successfully completed education based 720
on a recognized body of knowledge concerning drug administration 721
and demonstrates to the person's employer the knowledge, skills, 722
and ability to administer the drug safely. 723

(E) The person's employer has given the advanced practice registered nurse access to documentation, in written or electronic form, showing that the person has met the conditions specified in division (D) of this section.

(F) The advanced practice registered nurse is physically present at the location where the drug is administered.

Sec. 4730.203. (A) Acting pursuant to a supervision agreement, a physician assistant may delegate performance of a task to implement a patient's plan of care or, if the conditions in division (C) of this section are met, may delegate administration of a drug. Subject to division (D) of section 4730.03 of the Revised Code, delegation may be to any person. The physician assistant must be physically present at the location where the task is performed or the drug administered.

(B) Prior to delegating a task or administration of a drug, a physician assistant shall determine that the task or drug is appropriate for the patient and the person to whom the delegation is to be made may safely perform the task or administer the drug.

(C) A physician assistant may delegate administration of a drug only if all of the following conditions are met:

(1) The physician assistant has been granted physician-delegated prescriptive authority and is authorized to prescribe the drug.

(2) The drug is not a controlled substance.

(3) The drug will not be administered intravenously.

(4) The drug will not be administered in ~~a~~any of the following locations:

~~(a) A hospital inpatient care unit, as defined in section 3727.50 of the Revised Code; a~~ 752
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~~(b) A hospital emergency department, or a freestanding emergency department; or an~~ 754
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~~(c) An ambulatory surgical facility licensed under section 3702.30 of the Revised Code.~~ 756
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(D) A person not otherwise authorized to administer a drug 758
or perform a specific task may do so in accordance with a 759
physician assistant's delegation under this section. 760

Section 2. That existing sections 3333.28, 3722.01, 761
4723.489, and 4730.203 of the Revised Code are hereby repealed. 762

Section 3. That sections 3727.50, 3727.51, 3727.52, 763
3727.53, 3727.54, 3727.55, 3727.56, and 3727.57 of the Revised 764
Code are hereby repealed. 765

Section 4. Not later than one year after the effective 766
date of this section, the Director of Health, in consultation 767
with the Board of Nursing and the Department of Higher 768
Education, shall prepare a report containing recommendations for 769
ensuring that sufficient numbers of nurses are available in this 770
state to meet the staffing requirements established under 771
sections 3722.21 to 3722.38 of the Revised Code. On completion 772
of the report, the Director shall submit copies to the General 773
Assembly in accordance with section 101.68 of the Revised Code. 774

Section 5. All items in this act are hereby appropriated 775
as designated out of any moneys in the state treasury to the 776
credit of the designated fund. For all operating appropriations 777
made in this act, those in the first column are for fiscal year 778
2024 and those in the second column are for fiscal year 2025. 779
The operating appropriations made in this act are in addition to 780

any other operating appropriations made for these fiscal years. 781

Section 6. 782

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A	BOR DEPARTMENT OF HIGHER EDUCATION			
B	Dedicated Purpose Fund Group			
C	5BA1 235683	Nursing Student Loan-to-Grant Program	\$10,000,000	\$10,000,000
D	TOTAL DPF Dedicated Purpose Fund Group		\$10,000,000	\$10,000,000
E	TOTAL ALL BUDGET FUND GROUPS		\$10,000,000	\$10,000,000

NURSING STUDENT LOAN-TO-GRANT PROGRAM 784

The foregoing appropriation item 235683, Nursing Student Loan-to-Grant Program, shall be used by the Chancellor of Higher Education to support the Nursing Student Loan-to-Grant Program pursuant to section 3333.27 of the Revised Code. 785
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An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 235683, Nursing Student Loan-to-Grant Program, at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025. 789
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Section 7. Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the manner in which appropriation accounts shall be maintained. Expenditures from 793
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operating appropriations contained in this act shall be 798
accounted for as though made in, and are subject to all 799
applicable provisions of, the main operating appropriations act 800
of the 135th General Assembly. 801

Section 8. On the effective date of this section, or as 802
soon as possible thereafter, the Director of Budget and 803
Management shall transfer \$20,000,000 cash from the General 804
Revenue Fund to the Nursing Student Loan-to-Grant Fund (Fund 805
5BA1). 806