

As Introduced

135th General Assembly

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H. B. No. 362

Representatives Baker, Robb Blasdel

**Cosponsors: Representatives Brewer, Gross, Lorenz, Brennan, Stein, Manning,
Weinstein, Brown, Pizzulli, Forhan, Klopfenstein, Hoops, Dell'Aquila, Cross,
Denson, Abdullahi, Grim, Troy**

A BILL

To amend sections 4715.03, 4723.01, 4723.43, 1
4723.432, 4729.01, 4731.27, 4731.35, and 2
4761.17; to enact new section 4723.433 and 3
section 4731.513; and to repeal sections 4
4723.433, 4723.434, and 4723.435 of the Revised 5
Code to revise the law governing the practice of 6
certified registered nurse anesthetists. 7

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

Section 1. That sections 4715.03, 4723.01, 4723.43, 8
4723.432, 4729.01, 4731.27, 4731.35, and 4761.17 be amended and 9
new section 4723.433 and section 4731.513 of the Revised Code be 10
enacted to read as follows: 11

Sec. 4715.03. (A) The state dental board shall organize by 12
electing from its members a president, secretary, and vice- 13
secretary. The secretary and vice-secretary shall be elected 14
from the members of the board who are dentists. It shall hold 15
meetings monthly at least eight months a year at such times and 16
places as the board designates. A majority of the members of the 17

board shall constitute a quorum. The board shall make such 18
reasonable rules as it determines necessary pursuant to Chapter 19
119. of the Revised Code. 20

(B) A concurrence of a majority of the members of the 21
board shall be required to do any of the following: 22

(1) Grant, refuse, suspend, place on probationary status, 23
revoke, refuse to renew, or refuse to reinstate a license or 24
censure a license holder or take any other action authorized 25
under section 4715.30 of the Revised Code; 26

(2) Seek an injunction under section 4715.05 of the 27
Revised Code; 28

(3) Enter into a consent agreement with a license holder; 29

(4) If the board develops and implements the quality 30
intervention program under section 4715.031 of the Revised Code, 31
refer a license holder to the program; 32

(5) Terminate an investigation conducted under division 33
(D) of this section; 34

(6) Dismiss any complaint filed with the board. 35

(C) (1) The board shall adopt rules in accordance with 36
Chapter 119. of the Revised Code to do both of the following: 37

(a) Establish standards for the safe practice of dentistry 38
and dental hygiene by qualified practitioners and shall, through 39
its policies and activities, promote such practice; 40

(b) Establish universal blood and body fluid precautions 41
that shall be used by each person licensed under this chapter 42
who performs exposure prone invasive procedures. 43

(2) The rules adopted under division (C) (1) (b) of this 44

section shall define and establish requirements for universal	45
blood and body fluid precautions that include the following:	46
(a) Appropriate use of hand washing;	47
(b) Disinfection and sterilization of equipment;	48
(c) Handling and disposal of needles and other sharp instruments;	49 50
(d) Wearing and disposal of gloves and other protective garments and devices.	51 52
(D) The board shall administer and enforce the provisions of this chapter. The board shall, in accordance with sections 4715.032 to 4715.035 of the Revised Code, investigate evidence which appears to show that any person has violated any provision of this chapter. Any person may report to the board under oath any information such person may have appearing to show a violation of any provision of this chapter. In the absence of bad faith, any person who reports such information or who testifies before the board in any disciplinary proceeding conducted pursuant to Chapter 119. of the Revised Code is not liable for civil damages as a result of making the report or providing testimony. If after investigation and reviewing the recommendation of the supervisory investigative panel issued pursuant to section 4715.034 of the Revised Code the board determines that there are reasonable grounds to believe that a violation of this chapter has occurred, the board shall, except as provided in this chapter, conduct disciplinary proceedings pursuant to Chapter 119. of the Revised Code, seek an injunction under section 4715.05 of the Revised Code, enter into a consent agreement with a license holder, or provide for a license holder to participate in the quality intervention program established	53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73

under section 4715.031 of the Revised Code if the board develops 74
and implements that program. 75

For the purpose of any disciplinary proceeding or any 76
investigation conducted under this division, the board may 77
administer oaths, order the taking of depositions, issue 78
subpoenas in accordance with section 4715.033 of the Revised 79
Code, compel the attendance and testimony of persons at 80
depositions, and compel the production of books, accounts, 81
papers, documents, or other tangible things. The hearings and 82
investigations of the board shall be considered civil actions 83
for the purposes of section 2305.252 of the Revised Code. 84
Notwithstanding section 121.22 of the Revised Code and except as 85
provided in section 4715.036 of the Revised Code, proceedings of 86
the board relative to the investigation of a complaint or the 87
determination whether there are reasonable grounds to believe 88
that a violation of this chapter has occurred are confidential 89
and are not subject to discovery in any civil action. 90

(E) (1) The board shall examine or cause to be examined 91
eligible applicants to practice dental hygiene. The board may 92
distinguish by rule different classes of qualified personnel 93
according to skill levels and require all or only certain of 94
these classes of qualified personnel to be examined and 95
certified by the board. 96

(2) The board shall administer a written jurisprudence 97
examination to each applicant for a license to practice 98
dentistry. The examination shall cover only the statutes and 99
administrative rules governing the practice of dentistry in this 100
state. 101

(F) (1) In accordance with Chapter 119. of the Revised 102
Code, subject to division (F) (2) of this section the board shall 103

adopt, and may amend or rescind, rules establishing the 104
eligibility criteria, the application and permit renewal 105
procedures, and safety standards applicable to a dentist 106
licensed under this chapter who applies for a permit to employ 107
or use conscious sedation. These rules shall include all of the 108
following: 109

(a) The eligibility requirements and application 110
procedures for an eligible dentist to obtain a conscious 111
sedation permit; 112

(b) The minimum educational and clinical training 113
standards required of applicants, which shall include 114
satisfactory completion of an advanced cardiac life support 115
course; 116

(c) The facility equipment and inspection requirements; 117

(d) Safety standards; 118

(e) Requirements for reporting adverse occurrences. 119

(2) The board shall issue a permit to employ or use 120
conscious sedation in accordance with Chapter 4796. of the 121
Revised Code to a dentist licensed under this chapter if either 122
of the following applies: 123

(a) The dentist holds a license or permit to employ or use 124
conscious sedation in another state. 125

(b) The dentist has satisfactory work experience, a 126
government certification, or a private certification as 127
described in Chapter 4796. of the Revised Code in employing or 128
using conscious sedation in a state that does not issue that 129
license. 130

(G) (1) In accordance with Chapter 119. of the Revised 131

Code, subject to division (G)(2) of this section the board shall 132
adopt rules establishing eligibility criteria, application and 133
permit renewal procedures, and safety standards applicable to a 134
dentist licensed under this chapter who applies for a general 135
anesthesia permit. 136

(2) The board shall issue a general anesthesia permit in 137
accordance with Chapter 4796. of the Revised Code to a dentist 138
licensed under this chapter if either of the following applies: 139

(a) The dentist holds a general anesthesia license or 140
permit in another state. 141

(b) The dentist has satisfactory work experience, a 142
government certification, or a private certification as 143
described in Chapter 4796. of the Revised Code utilizing general 144
anesthesia in a state that does not issue that license or 145
permit. 146

(H) In administering and enforcing the provisions of this 147
chapter and in adopting rules under this section, the board 148
shall not prohibit a dentist, including one who does not hold a 149
conscious sedation or general anesthesia permit, from consulting 150
with a certified registered nurse anesthetist. 151

For purposes of this division, "certified registered nurse 152
anesthetist" and "consulting" have the same meanings as in 153
section 4723.01 of the Revised Code. 154

Sec. 4723.01. As used in this chapter: 155

(A) "Registered nurse" means an individual who holds a 156
current, valid license issued under this chapter that authorizes 157
the practice of nursing as a registered nurse. 158

(B) "Practice of nursing as a registered nurse" means 159

providing to individuals and groups nursing care requiring	160
specialized knowledge, judgment, and skill derived from the	161
principles of biological, physical, behavioral, social, and	162
nursing sciences. Such nursing care includes:	163
(1) Identifying patterns of human responses to actual or	164
potential health problems amenable to a nursing regimen;	165
(2) Executing a nursing regimen through the selection,	166
performance, management, and evaluation of nursing actions;	167
(3) Assessing health status for the purpose of providing	168
nursing care;	169
(4) Providing health counseling and health teaching;	170
(5) Administering medications, treatments, and executing	171
regimens authorized by an individual who is authorized to	172
practice in this state and is acting within the course of the	173
individual's professional practice;	174
(6) Teaching, administering, supervising, delegating, and	175
evaluating nursing practice.	176
(C) "Nursing regimen" may include preventative,	177
restorative, and health-promotion activities.	178
(D) "Assessing health status" means the collection of data	179
through nursing assessment techniques, which may include	180
interviews, observation, and physical evaluations for the	181
purpose of providing nursing care.	182
(E) "Licensed practical nurse" means an individual who	183
holds a current, valid license issued under this chapter that	184
authorizes the practice of nursing as a licensed practical	185
nurse.	186

(F) "The practice of nursing as a licensed practical	187
nurse" means providing to individuals and groups nursing care	188
requiring the application of basic knowledge of the biological,	189
physical, behavioral, social, and nursing sciences at the	190
direction of a registered nurse or any of the following who is	191
authorized to practice in this state: a physician, physician	192
assistant, dentist, podiatrist, optometrist, or chiropractor.	193
Such nursing care includes:	194
(1) Observation, patient teaching, and care in a diversity	195
of health care settings;	196
(2) Contributions to the planning, implementation, and	197
evaluation of nursing;	198
(3) Administration of medications and treatments	199
authorized by an individual who is authorized to practice in	200
this state and is acting within the course of the individual's	201
professional practice;	202
(4) Administration to an adult of intravenous therapy	203
authorized by an individual who is authorized to practice in	204
this state and is acting within the course of the individual's	205
professional practice, on the condition that the licensed	206
practical nurse is authorized under section 4723.18 or 4723.181	207
of the Revised Code to perform intravenous therapy and performs	208
intravenous therapy only in accordance with those sections;	209
(5) Delegation of nursing tasks as directed by a	210
registered nurse;	211
(6) Teaching nursing tasks to licensed practical nurses	212
and individuals to whom the licensed practical nurse is	213
authorized to delegate nursing tasks as directed by a registered	214
nurse.	215

(G) "Certified registered nurse anesthetist" means an 216
advanced practice registered nurse who holds a current, valid 217
license issued under this chapter and is designated as a 218
certified registered nurse anesthetist in accordance with 219
section 4723.42 of the Revised Code and rules adopted by the 220
board of nursing. 221

(H) "Clinical nurse specialist" means an advanced practice 222
registered nurse who holds a current, valid license issued under 223
this chapter and is designated as a clinical nurse specialist in 224
accordance with section 4723.42 of the Revised Code and rules 225
adopted by the board of nursing. 226

(I) "Certified nurse-midwife" means an advanced practice 227
registered nurse who holds a current, valid license issued under 228
this chapter and is designated as a certified nurse-midwife in 229
accordance with section 4723.42 of the Revised Code and rules 230
adopted by the board of nursing. 231

(J) "Certified nurse practitioner" means an advanced 232
practice registered nurse who holds a current, valid license 233
issued under this chapter and is designated as a certified nurse 234
practitioner in accordance with section 4723.42 of the Revised 235
Code and rules adopted by the board of nursing. 236

(K) "Physician" means an individual authorized under 237
Chapter 4731. of the Revised Code to practice medicine and 238
surgery or osteopathic medicine and surgery. 239

(L) "Collaboration" or "collaborating" means the 240
following: 241

(1) In the case of a clinical nurse specialist or a 242
certified nurse practitioner, that one or more podiatrists 243
acting within the scope of practice of podiatry in accordance 244

with section 4731.51 of the Revised Code and with whom the nurse 245
has entered into a standard care arrangement or one or more 246
physicians with whom the nurse has entered into a standard care 247
arrangement are continuously available to communicate with the 248
clinical nurse specialist or certified nurse practitioner either 249
in person or by electronic communication; 250

(2) In the case of a certified nurse-midwife, that one or 251
more physicians with whom the certified nurse-midwife has 252
entered into a standard care arrangement are continuously 253
available to communicate with the certified nurse-midwife either 254
in person or by electronic communication. 255

(M) ~~"Supervision," "Consultation" or "consulting,"~~ as it 256
pertains to a certified registered nurse anesthetist, means that 257
a provider, in accordance with policies established by the 258
setting where the provider and nurse practice, has requested, 259
either verbally or in writing, the ~~certified registered nurse~~ 260
~~anesthetist is under the direction of a podiatrist acting within~~ 261
~~the podiatrist's scope of practice in accordance with section~~ 262
~~4731.51 of the Revised Code, a dentist acting within the~~ 263
~~dentist's scope of practice in accordance with Chapter 4715. of~~ 264
~~the Revised Code, or a physician, and, when administering~~ 265
~~anesthesia, the certified registered nurse anesthetist is in the~~ 266
~~immediate presence of the podiatrist, dentist, or physicianto~~ 267
perform for a patient any of the nursing care activities 268
authorized by division (D) of section 4723.43 of the Revised 269
Code. 270

(N) "Standard care arrangement" means a written, formal 271
guide for planning and evaluating a patient's health care that 272
is developed by one or more collaborating physicians or 273
podiatrists and a clinical nurse specialist, certified nurse- 274

midwife, or certified nurse practitioner and meets the	275
requirements of section 4723.431 of the Revised Code.	276
(O) "Advanced practice registered nurse" means an	277
individual who holds a current, valid license issued under this	278
chapter that authorizes the practice of nursing as an advanced	279
practice registered nurse and is designated as any of the	280
following:	281
(1) A certified registered nurse anesthetist;	282
(2) A clinical nurse specialist;	283
(3) A certified nurse-midwife;	284
(4) A certified nurse practitioner.	285
(P) "Practice of nursing as an advanced practice	286
registered nurse" means providing to individuals and groups	287
nursing care that requires knowledge and skill obtained from	288
advanced formal education, training, and clinical experience.	289
Such nursing care includes the care described in section 4723.43	290
of the Revised Code.	291
(Q) "Dialysis care" means the care and procedures that a	292
dialysis technician or dialysis technician intern is authorized	293
to provide and perform, as specified in section 4723.72 of the	294
Revised Code.	295
(R) "Dialysis technician" means an individual who holds a	296
current, valid certificate to practice as a dialysis technician	297
issued under section 4723.75 of the Revised Code.	298
(S) "Dialysis technician intern" means an individual who	299
has not passed the dialysis technician certification examination	300
required by section 4723.751 of the Revised Code, but who has	301
successfully completed a dialysis training program approved by	302

the board of nursing under section 4723.74 of the Revised Code 303
within the previous eighteen months. 304

(T) "Certified community health worker" means an 305
individual who holds a current, valid certificate as a community 306
health worker issued under section 4723.85 of the Revised Code. 307

(U) "Medication aide" means an individual who holds a 308
current, valid certificate issued under this chapter that 309
authorizes the individual to administer medication in accordance 310
with section 4723.67 of the Revised Code; 311

(V) "Nursing specialty" means a specialty in practice as a 312
certified registered nurse anesthetist, clinical nurse 313
specialist, certified nurse-midwife, or certified nurse 314
practitioner. 315

(W) "Physician assistant" means an individual who is 316
licensed to practice as a physician assistant under Chapter 317
4730. of the Revised Code. 318

Sec. 4723.43. A ~~certified registered nurse anesthetist,~~ 319
~~clinical nurse specialist, certified nurse-midwife, or certified~~ 320
~~nurse practitioner, clinical nurse specialist, or certified~~ 321
registered nurse anesthetist may provide to individuals and 322
groups nursing care that requires knowledge and skill obtained 323
from advanced formal education and clinical experience. In this 324
capacity as an advanced practice registered nurse, a certified 325
nurse-midwife is subject to division (A) of this section, a 326
~~certified registered nurse anesthetist is subject to division~~ 327
~~(B) of this section,~~ a certified nurse practitioner is subject 328
to division ~~(C)~~ (B) of this section, and a clinical nurse 329
specialist is subject to division ~~(D)~~ (C) of this section, and a 330
certified registered nurse anesthetist is subject to division 331

(D) of this section and section 4723.433 of the Revised Code. 332

(A) A nurse authorized to practice as a certified nurse- 333
midwife, in collaboration with one or more physicians, may 334
provide the management of preventive services and those primary 335
care services necessary to provide health care to women 336
antepartally, intrapartally, postpartally, and gynecologically, 337
consistent with the nurse's education and certification, and in 338
accordance with rules adopted by the board of nursing. 339

No certified nurse-midwife may perform version, deliver 340
breech or face presentation, use forceps, do any obstetric 341
operation, or treat any other abnormal condition, except in 342
emergencies. Division (A) of this section does not prohibit a 343
certified nurse-midwife from performing episiotomies or normal 344
vaginal deliveries, or repairing vaginal tears. A certified 345
nurse-midwife may, in collaboration with one or more physicians, 346
prescribe drugs and therapeutic devices in accordance with 347
section 4723.481 of the Revised Code. 348

~~(B) A nurse authorized to practice as a certified-~~ 349
~~registered nurse anesthetist, consistent with the nurse's-~~ 350
~~education and certification and in accordance with rules adopted-~~ 351
~~by the board, may do the following:~~ 352

~~(1) With supervision and in the immediate presence of a~~ 353
~~physician, podiatrist, or dentist, administer anesthesia and~~ 354
~~perform anesthesia induction, maintenance, and emergence;~~ 355

~~(2) With supervision, obtain informed consent for~~ 356
~~anesthesia care and perform preanesthetic preparation and~~ 357
~~evaluation, postanesthetic preparation and evaluation,~~ 358
~~postanesthesia care, and, subject to section 4723.433 of the~~ 359
~~Revised Code, clinical support functions;~~ 360

~~(3) With supervision and in accordance with section 4723.434 of the Revised Code, engage in the activities described in division (A) of that section.~~ 361
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~~The physician, podiatrist, or dentist supervising a certified registered nurse anesthetist must be actively engaged in practice in this state. When a certified registered nurse anesthetist is supervised by a podiatrist, the nurse's scope of practice is limited to the anesthesia procedures that the podiatrist has the authority under section 4731.51 of the Revised Code to perform. A certified registered nurse anesthetist may not administer general anesthesia under the supervision of a podiatrist in a podiatrist's office. When a certified registered nurse anesthetist is supervised by a dentist, the nurse's scope of practice is limited to the anesthesia procedures that the dentist has the authority under Chapter 4715. of the Revised Code to perform.~~ 364
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~~(C)~~ A nurse authorized to practice as a certified nurse practitioner, in collaboration with one or more physicians or podiatrists, may provide preventive and primary care services, provide services for acute illnesses, and evaluate and promote patient wellness within the nurse's nursing specialty, consistent with the nurse's education and certification, and in accordance with rules adopted by the board. A certified nurse practitioner may, in collaboration with one or more physicians or podiatrists, prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code. 377
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When a certified nurse practitioner is collaborating with a podiatrist, the nurse's scope of practice is limited to the procedures that the podiatrist has the authority under section 4731.51 of the Revised Code to perform. 387
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~~(D)~~-(C) A nurse authorized to practice as a clinical nurse 391
specialist, in collaboration with one or more physicians or 392
podiatrists, may provide and manage the care of individuals and 393
groups with complex health problems and provide health care 394
services that promote, improve, and manage health care within 395
the nurse's nursing specialty, consistent with the nurse's 396
education and in accordance with rules adopted by the board. A 397
clinical nurse specialist may, in collaboration with one or more 398
physicians or podiatrists, prescribe drugs and therapeutic 399
devices in accordance with section 4723.481 of the Revised Code. 400

When a clinical nurse specialist is collaborating with a 401
podiatrist, the nurse's scope of practice is limited to the 402
procedures that the podiatrist has the authority under section 403
4731.51 of the Revised Code to perform. 404

(D) A nurse authorized to practice as a certified 405
registered nurse anesthetist, in consultation with a provider 406
actively engaged in practice in this state, may perform for a 407
patient any of the following nursing care activities, consistent 408
with the nurse's education and certification, and in accordance 409
with rules adopted by the board and policies established by the 410
setting where the provider and nurse practice: 411

(1) Obtaining informed consent for anesthesia care and 412
performing preanesthetic preparation and evaluation; 413

(2) Administering anesthesia, by performing anesthesia 414
induction, maintenance, and emergence; 415

(3) Performing epidural or spinal anesthetic procedures; 416

(4) Performing postanesthetic preparation and evaluation 417
and providing postanesthesia care; 418

(5) As necessary for patient management and care, 419

selecting, ordering, and administering treatments, drugs, and 420
intravenous fluids for conditions related to the administration 421
of anesthesia; 422

(6) Performing clinical support functions, including 423
selecting, ordering, and administering treatments, drugs, and 424
intravenous fluids; 425

(7) Directing a registered nurse, licensed practical 426
nurse, or respiratory therapist to do the following, but only if 427
the nurse or therapist is authorized by law to do so: 428

(a) Provide supportive care, with such care to include 429
monitoring vital signs, conducting electrocardiograms, and 430
administering intravenous fluids; 431

(b) Administer treatments, drugs, and intravenous fluids 432
for conditions related to the administration of anesthesia or 433
the performance of clinical support functions. 434

Division (D) of this section does not authorize a 435
certified registered nurse anesthetist to prescribe a drug for 436
use outside of the setting where the nurse practices. 437

Sec. 4723.432. (A) An advanced practice registered nurse 438
who is designated as a clinical nurse specialist, certified 439
nurse-midwife, or certified nurse practitioner shall cooperate 440
with the state medical board in any investigation the board 441
conducts with respect to a physician or podiatrist who 442
collaborates with the nurse. The nurse shall cooperate with the 443
board in any investigation the board conducts with respect to 444
the unauthorized practice of medicine by the nurse. 445

(B) An advanced practice registered nurse who is 446
designated as a certified registered nurse anesthetist shall 447
cooperate with the board of nursing, state medical board, or 448

state dental board in any investigation ~~either board conducts~~ 449
conducted by such board with respect to a ~~physician, podiatrist,~~ 450
~~or dentist consulting provider who permits requests that the~~ 451
~~nurse to practice with the supervision of that physician,~~ 452
~~podiatrist, or dentist perform nursing care activities as~~ 453
described in division (D) of section 4723.43 of the Revised 454
Code. ~~The~~ 455

The nurse also shall cooperate with either the state 456
medical board or state dental board in any investigation it 457
conducts with respect to the unauthorized practice of medicine 458
or dentistry by the nurse. 459

Sec. 4723.433. (A) A certified registered nurse 460
anesthetist shall not engage in one or more of the nursing care 461
activities described in division (D) of section 4723.43 of the 462
Revised Code if either of the following determines that it is 463
not in the patient's best interest for the nurse to perform such 464
an activity or activities: 465

(1) The nurse's consulting provider; 466

(2) The setting where the provider and nurse practice. 467

If a consulting provider or setting makes such a 468
determination, the patient's medical or electronic health record 469
shall indicate that the nurse is prohibited from performing the 470
activity or activities. 471

(B) If a certified registered nurse anesthetist performs 472
one or more of the activities described in division (D) of 473
section 4723.43 of the Revised Code, the nurse shall so indicate 474
in the patient's medical or electronic health record. 475

(C) This section does not prohibit a certified registered 476
nurse anesthetist from implementing a consulting provider's 477

<u>verbal order.</u>	478
Sec. 4729.01. As used in this chapter:	479
(A) "Pharmacy," except when used in a context that refers to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing where the practice of pharmacy is conducted.	480 481 482 483
(B) "Practice of pharmacy" means providing pharmacist care requiring specialized knowledge, judgment, and skill derived from the principles of biological, chemical, behavioral, social, pharmaceutical, and clinical sciences. As used in this division, "pharmacist care" includes the following:	484 485 486 487 488
(1) Interpreting prescriptions;	489
(2) Dispensing drugs and drug therapy related devices;	490
(3) Compounding drugs;	491
(4) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances;	492 493 494 495 496
(5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs;	497 498 499
(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;	500 501 502 503 504

(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	505 506 507
(8) Acting pursuant to a consult agreement, if an agreement has been established;	508 509
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	510 511
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	512 513
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	514 515 516
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	517 518
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	519 520
(3) As an incident to research, teaching activities, or chemical analysis;	521 522
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	523 524 525
(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:	526 527 528 529 530
(a) At the time the request is made, the drug is not	531

commercially available regardless of the reason that the drug is 532
not available, including the absence of a manufacturer for the 533
drug or the lack of a readily available supply of the drug from 534
a manufacturer. 535

(b) A limited quantity of the drug is compounded and 536
provided to the professional. 537

(c) The drug is compounded and provided to the 538
professional as an occasional exception to the normal practice 539
of dispensing drugs pursuant to patient-specific prescriptions. 540

(D) "Consult agreement" means an agreement that has been 541
entered into under section 4729.39 of the Revised Code. 542

(E) "Drug" means: 543

(1) Any article recognized in the United States 544
pharmacopoeia and national formulary, or any supplement to them, 545
intended for use in the diagnosis, cure, mitigation, treatment, 546
or prevention of disease in humans or animals; 547

(2) Any other article intended for use in the diagnosis, 548
cure, mitigation, treatment, or prevention of disease in humans 549
or animals; 550

(3) Any article, other than food, intended to affect the 551
structure or any function of the body of humans or animals; 552

(4) Any article intended for use as a component of any 553
article specified in division (E) (1), (2), or (3) of this 554
section; but does not include devices or their components, 555
parts, or accessories. 556

"Drug" does not include "hemp" or a "hemp product" as 557
those terms are defined in section 928.01 of the Revised Code. 558

(F) "Dangerous drug" means any of the following:	559
(1) Any drug to which either of the following applies:	560
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;	561 562 563 564 565 566 567
(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	568 569
(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;	570 571 572
(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body;	573 574 575
(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.	576 577
(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.	578 579
(H) "Prescription" means all of the following:	580
(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs;	581 582 583 584
(2) For purposes of sections 4723.4810, 4729.282,	585

4730.432, and 4731.93 of the Revised Code, a written, 586
electronic, or oral order for a drug to treat chlamydia, 587
gonorrhoea, or trichomoniasis issued to and in the name of a 588
patient who is not the intended user of the drug but is the 589
sexual partner of the intended user; 590

(3) For purposes of sections 3313.7110, 3313.7111, 591
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 592
4731.96, and 5101.76 of the Revised Code, a written, electronic, 593
or oral order for an epinephrine autoinjector issued to and in 594
the name of a school, school district, or camp; 595

(4) For purposes of Chapter 3728. and sections 4723.483, 596
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 597
electronic, or oral order for an epinephrine autoinjector issued 598
to and in the name of a qualified entity, as defined in section 599
3728.01 of the Revised Code; 600

(5) For purposes of sections 3313.7115, 3313.7116, 601
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 602
5101.78 of the Revised Code, a written, electronic, or oral 603
order for injectable or nasally administered glucagon in the 604
name of a school, school district, or camp. 605

(I) "Licensed health professional authorized to prescribe 606
drugs" or "prescriber" means an individual who is authorized by 607
law to prescribe drugs or dangerous drugs or drug therapy 608
related devices in the course of the individual's professional 609
practice, including only the following: 610

(1) A dentist licensed under Chapter 4715. of the Revised 611
Code; 612

(2) A clinical nurse specialist, certified nurse-midwife, 613
or certified nurse practitioner who holds a current, valid 614

license issued under Chapter 4723. of the Revised Code to 615
practice nursing as an advanced practice registered nurse; 616

(3) A certified registered nurse anesthetist who holds a 617
current, valid license issued under Chapter 4723. of the Revised 618
Code to practice nursing as an advanced practice registered 619
nurse, but only to the extent of the nurse's authority under 620
~~sections~~ section 4723.43 and ~~4723.434~~ of the Revised Code; 621

(4) An optometrist licensed under Chapter 4725. of the 622
Revised Code to practice optometry; 623

(5) A physician authorized under Chapter 4731. of the 624
Revised Code to practice medicine and surgery, osteopathic 625
medicine and surgery, or podiatric medicine and surgery; 626

(6) A physician assistant who holds a license to practice 627
as a physician assistant issued under Chapter 4730. of the 628
Revised Code, holds a valid prescriber number issued by the 629
state medical board, and has been granted physician-delegated 630
prescriptive authority; 631

(7) A veterinarian licensed under Chapter 4741. of the 632
Revised Code. 633

(J) "Sale" or "sell" includes any transaction made by any 634
person, whether as principal proprietor, agent, or employee, to 635
do or offer to do any of the following: deliver, distribute, 636
broker, exchange, gift or otherwise give away, or transfer, 637
whether the transfer is by passage of title, physical movement, 638
or both. 639

(K) "Wholesale sale" and "sale at wholesale" mean any sale 640
in which the purpose of the purchaser is to resell the article 641
purchased or received by the purchaser. 642

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

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

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

(1) The proprietary name of the drug product;

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

(3) The strength of the drug product if the product contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient. The established name and quantity of each active ingredient are required if such a relevant strength cannot be so associated with a drug product containing more than one ingredient.

(4) The dosage form;

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

(O) "Wholesale distributor of dangerous drugs" or 672
"wholesale distributor" means a person engaged in the sale of 673
dangerous drugs at wholesale and includes any agent or employee 674
of such a person authorized by the person to engage in the sale 675
of dangerous drugs at wholesale. 676

(P) "Manufacturer of dangerous drugs" or "manufacturer" 677
means a person, other than a pharmacist or prescriber, who 678
manufactures dangerous drugs and who is engaged in the sale of 679
those dangerous drugs. 680

(Q) "Terminal distributor of dangerous drugs" or "terminal 681
distributor" means a person who is engaged in the sale of 682
dangerous drugs at retail, or any person, other than a 683
manufacturer, repackager, outsourcing facility, third-party 684
logistics provider, wholesale distributor, or pharmacist, who 685
has possession, custody, or control of dangerous drugs for any 686
purpose other than for that person's own use and consumption. 687
"Terminal distributor" includes pharmacies, hospitals, nursing 688
homes, and laboratories and all other persons who procure 689
dangerous drugs for sale or other distribution by or under the 690
supervision of a pharmacist, licensed health professional 691
authorized to prescribe drugs, or other person authorized by the 692
state board of pharmacy. 693

(R) "Promote to the public" means disseminating a 694
representation to the public in any manner or by any means, 695
other than by labeling, for the purpose of inducing, or that is 696
likely to induce, directly or indirectly, the purchase of a 697
dangerous drug at retail. 698

(S) "Person" includes any individual, partnership, 699
association, limited liability company, or corporation, the 700
state, any political subdivision of the state, and any district, 701

department, or agency of the state or its political 702
subdivisions. 703

(T) (1) "Animal shelter" means a facility operated by a 704
humane society or any society organized under Chapter 1717. of 705
the Revised Code or a dog pound operated pursuant to Chapter 706
955. of the Revised Code. 707

(2) "County dog warden" means a dog warden or deputy dog 708
warden appointed or employed under section 955.12 of the Revised 709
Code. 710

(U) "Food" has the same meaning as in section 3715.01 of 711
the Revised Code. 712

(V) "Pain management clinic" has the same meaning as in 713
section 4731.054 of the Revised Code. 714

(W) "Investigational drug or product" means a drug or 715
product that has successfully completed phase one of the United 716
States food and drug administration clinical trials and remains 717
under clinical trial, but has not been approved for general use 718
by the United States food and drug administration. 719
"Investigational drug or product" does not include controlled 720
substances in schedule I, as defined in section 3719.01 of the 721
Revised Code. 722

(X) "Product," when used in reference to an 723
investigational drug or product, means a biological product, 724
other than a drug, that is made from a natural human, animal, or 725
microorganism source and is intended to treat a disease or 726
medical condition. 727

(Y) "Third-party logistics provider" means a person that 728
provides or coordinates warehousing or other logistics services 729
pertaining to dangerous drugs including distribution, on behalf 730

of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs.

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

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

(BB) "Laboratory" means a laboratory licensed under this chapter as a terminal distributor of dangerous drugs and entrusted to have custody of any of the following drugs and to use the drugs for scientific and clinical purposes and for purposes of instruction: dangerous drugs that are not controlled substances, as defined in section 3719.01 of the Revised Code; dangerous drugs that are controlled substances, as defined in that section; and controlled substances in schedule I, as defined in that section.

(CC) "Overdose reversal drug" means both of the following:

(1) Naloxone;

(2) Any other drug that the state board of pharmacy, through rules adopted in accordance with Chapter 119. of the Revised Code, designates as a drug that is approved by the federal food and drug administration for the reversal of a known or suspected opioid-related overdose.

Sec. 4731.27. (A) As used in this section, "collaboration," "consultation," "physician," and "standard care

arrangement," and "~~supervision~~" have the same meanings as in 760
section 4723.01 of the Revised Code. 761

(B) A physician or podiatrist shall enter into a standard 762
care arrangement with each clinical nurse specialist, certified 763
nurse-midwife, or certified nurse practitioner with whom the 764
physician or podiatrist is in collaboration. 765

The collaborating physician or podiatrist shall fulfill 766
the responsibilities of collaboration, as specified in the 767
arrangement and in accordance with division (A) of section 768
4723.431 of the Revised Code. A copy of the standard care 769
arrangement shall be retained on file by the nurse's employer. 770
Prior approval of the standard care arrangement by the state 771
medical board is not required, but the board may periodically 772
review it. 773

A physician or podiatrist who terminates collaboration 774
with a certified nurse-midwife, certified nurse practitioner, or 775
clinical nurse specialist before their standard care arrangement 776
expires shall give the nurse the written or electronic notice of 777
termination required by division (D)(1) of section 4723.431 of 778
the Revised Code. 779

Nothing in this division prohibits a hospital from hiring 780
a clinical nurse specialist, certified nurse-midwife, or 781
certified nurse practitioner as an employee and negotiating 782
standard care arrangements on behalf of the employee as 783
necessary to meet the requirements of this section. A standard 784
care arrangement between the hospital's employee and the 785
employee's collaborating physician is subject to approval by the 786
medical staff and governing body of the hospital prior to 787
implementation of the arrangement at the hospital. 788

(C) A physician or podiatrist shall cooperate with the board of nursing in any investigation the board conducts with respect to a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who collaborates with the physician or podiatrist or with respect to a certified registered nurse anesthetist who practices in consultation with the ~~supervision of the~~ physician or podiatrist.

Sec. 4731.35. (A) This chapter does not apply to or prohibit in any way ~~the administration of anesthesia by a certified registered nurse anesthetist under the direction of and in the immediate presence of an individual authorized by this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery~~ an individual from practicing as a certified registered nurse anesthetist in accordance with Chapter 4723. of the Revised Code.

(B) This chapter does not prohibit an individual from practicing as an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code.

Sec. 4731.513. In administering and enforcing sections 4731.51 to 4731.61 of the Revised Code and in adopting rules under section 4731.05 of the Revised Code, the state medical board shall not prohibit a podiatrist, including one who practices in a setting other than as described in section 4731.51 of the Revised Code, from consulting with a certified registered nurse anesthetist.

For purposes of this section, "certified registered nurse anesthetist" and "consulting" have the same meanings as in section 4723.01 of the Revised Code.

Sec. 4761.17. All of the following apply to the practice 818
of respiratory care by a person who holds a license or limited 819
permit issued under this chapter: 820

(A) The person shall practice only pursuant to a 821
prescription or other order for respiratory care issued by any 822
of the following: 823

(1) A physician; 824

(2) A clinical nurse specialist, certified nurse-midwife, 825
or certified nurse practitioner who holds a current, valid 826
license issued under Chapter 4723. of the Revised Code to 827
practice nursing as an advanced practice registered nurse and 828
has entered into a standard care arrangement with a physician; 829

(3) A certified registered nurse anesthetist who holds a 830
current, valid license issued under Chapter 4723. of the Revised 831
Code to practice nursing as an advanced practice registered 832
nurse and acts in compliance with ~~sections~~ section 4723.43, 833
~~4723.433, and 4723.434~~ of the Revised Code; 834

(4) A physician assistant who holds a valid prescriber 835
number issued by the state medical board, has been granted 836
physician-delegated prescriptive authority, and has entered into 837
a supervision agreement that allows the physician assistant to 838
prescribe or order respiratory care services. 839

(B) The person shall practice only under the supervision 840
of any of the following: 841

(1) A physician; 842

(2) A certified nurse practitioner, certified nurse- 843
midwife, or clinical nurse specialist; 844

(3) A physician assistant who is authorized to prescribe 845

or order respiratory care services as provided in division (A) 846
(4) of this section. 847

(C) (1) When practicing under the prescription or order of 848
a certified nurse practitioner, certified nurse midwife, or 849
clinical nurse specialist or under the supervision of such a 850
nurse, the person's administration of medication that requires a 851
prescription is limited to the drugs that the nurse is 852
authorized to prescribe pursuant to section 4723.481 of the 853
Revised Code. 854

(2) When practicing under the order of a certified 855
registered nurse anesthetist, the person's administration of 856
medication is limited to the drugs that the nurse is authorized 857
to order or direct the person to administer, as provided in 858
~~sections section~~ 4723.43, ~~4723.433,~~ and ~~4723.434~~ of the Revised 859
Code. 860

(3) When practicing under the prescription or order of a 861
physician assistant or under the supervision of a physician 862
assistant, the person's administration of medication that 863
requires a prescription is limited to the drugs that the 864
physician assistant is authorized to prescribe pursuant to the 865
physician assistant's physician-delegated prescriptive 866
authority. 867

Section 2. That existing sections 4715.03, 4723.01, 868
4723.43, 4723.432, 4729.01, 4731.27, 4731.35, and 4761.17 of the 869
Revised Code are hereby repealed. 870

Section 3. That sections 4723.433, 4723.434, and 4723.435 871
of the Revised Code are hereby repealed. 872

Section 4. Section 4729.01 of the Revised Code is 873
presented in this act as a composite of the section as amended 874

by both H.B. 509 and H.B. 558 of the 134th General Assembly. The	875
General Assembly, applying the principle stated in division (B)	876
of section 1.52 of the Revised Code that amendments are to be	877
harmonized if reasonably capable of simultaneous operation,	878
finds that the composite is the resulting version of the section	879
in effect prior to the effective date of the section as	880
presented in this act.	881